

**MINUTES
OF THE
SPECIAL MEETING OF ELECTORS
HELD AT THE
MOUNT PLEASANT BAPTIST COMMUNITY COLLEGE
AT 7.00PM ON
WEDNESDAY
17 JANUARY 2018**



MINUTES OF THE SPECIAL MEETING OF ELECTORS HELD AT THE MOUNT PLEASANT BAPTIST COMMUNITY COLLEGE, COMMENCING AT 7:00PM ON WEDNESDAY, 17 JANUARY 2018.

1. OFFICIAL OPENING

His Worship the Mayor, R Aubrey, welcomed Ratepayers and Electors of the City of Melville and opened the meeting at 7.00pm.

His Worship the Mayor advised the meeting had been called to discuss:

“A motion for the Council:

- to stop incurring expenses on the Wave Park ground lease and Tompkins Park redevelopment;*
- to review its decision to move Melville Bowling Club; until the Local Government Enquiry (sic) is completed”.*

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Deputy Mayor M Woodall
Cr D Macphail,
Cr N Pazolli, Cr S Kepert
Cr J Barton, Cr G Wieland
Cr C Robartson
Cr P Phelan, Cr K Wheatland
Cr T Barling

WARD

Bull Creek - Leeming
Central
Applecross - Mount Pleasant
Bicton – Attadale - Alfred Cove
Bull Creek - Leeming
Palmyra – Melville - Willagee
Bateman - Kardinya - Murdoch

STAFF IN ATTENDANCE

Dr S Silcox
Mr M Tieleman
Ms C Young
Mr M McCarthy
Mr G Ponton
Mr L Hitchcock
Mr J Clark
Mr J Rae
Mr M Murphy
Mr P de Lang
Ms J Arbel
Mr W Thornton
Mr N Fimmano
Ms C Newman
Ms J Abelha
Ms K Thornton
Ms A Blaylock
Ms K Elliss

Chief Executive Officer
Director Corporate Services
Director Community Development
Director Technical Services
A/Director Urban Planning
Executive Manager Governance & Legal Services
Governance and Compliance Advisor
Strategic Land & Property Executive
Manager City Buildings
Health Melville Coordinator/ Leisure Planning
Strategic Communications Advisor
Civic Facilities Coordinator
Property Coordinator
Governance Coordinator
A/Governance Officer
A/Administration Coordinator
Administration Officer
Administration Officer

PUBLIC IN ATTENDANCE

At the commencement of the meeting there were 749 electors of the City, 11 non-electors and two representatives from the press in attendance.

3. APOLOGIES

Cr K Mair
Cr N Robins

Central
Bateman - Kardinya - Murdoch

4. LEAVE OF ABSENCE

Nil.

5. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS

His Worship the Mayor, R Aubrey, introduced Elected Members and Senior Staff to the meeting and acknowledged the presence of Ms L O'Malley, MLA – Member for Bicton.

6. DECLARATIONS OF INTEREST

Nil.

6.1 FINANCIAL INTERESTS

Nil.

6.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

7. BUSINESS

7.1 NOTICE OF SPECIAL MEETING OF ELECTORS

The following Notice of Meeting was advertised in the West Australian Newspaper on Saturday, 30 December 2017 and the Melville Times Community Newspaper on Tuesday, 9 January 2018, in addition to being displayed on public notice boards at all the City of Melville libraries and the Civic Centre. The notice read:

“Special Meeting of Electors

Wednesday, 17 January 2018

A Special Meeting of Electors of the City of Melville will be held at the Mount Pleasant Baptist Community College, 497 Marmion Street, Booragoon commencing at 7.00pm on Wednesday 17 January 2018 to consider a request signed by 231 electors to discuss the following -

A motion for the Council:

- **to stop incurring expenses on the Wave Park ground lease and Tompkins Park redevelopment;**
 - **to review its decision to move Melville Bowling Club;**
- until the Local Government Enquiry (sic) is completed”.**

Electors and Ratepayers of the City are welcome to attend. Registration will be available from 5.45pm. The Council Meeting Schedule, Agendas and Minutes of all meetings are available at www.melvillecity.com.au.

**Dr Shayne Silcox
Chief Executive Officer”**

7.2 MANNER OF CONDUCT OF THE MEETING

1. It is a requirement to advise that in the event of an emergency, everyone should take direction from officers who will guide you to the exit points of the building.
2. The toilets location will be advised.
3. All present are required to sign the attendance register at the entry to the Meeting Room.
4. Each person who participates in a vote or speaks must be an Elector of the City of Melville.
5. The proceedings are being taped for the purpose of production of the minutes and speakers are requested to use the microphones each time they speak.

The Minutes will include a summary of any questions asked and a summary of the response provided.

6. No other audio or visual recording is to be undertaken without the permission of the Presiding Member.
7. Speakers are asked to clearly give their name and address each time they speak.
8. Upon a motion being proposed, each speaker is to address the Chair.
9. Only Electors of the City of Melville may move or second a motion.
10. All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of Electors present (*Local Government (Administration) Regulations 1996 Regulation 17*).
11. No persons are to use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (8.3 of Standing Orders).
12. All Elected Members and Directors attend this meeting to observe the proceedings and hear comments from Electors. All questions and comments should be directed to the Mayor who may invite a response from the Chief Executive Officer, Presiding Members of Committees, Directors or Elected Members.

8. PRESENTATIONS

8.1 City of Melville Presentation

A presentation by the Executive Manager Governance and Legal Services. The presentation covered the following:

- Tompkins Park Sporting Hub Redevelopment Project
- The Wave Park Sport and Recreation Leisure Facility Project
- Status of Project – Assessed by State Government Departments
- Legal Challenge

[Presentation SME Wave Park Project Update 17 Jan 2018](#)

8.2 Community Presentations

8.2.1 Mrs M Sanford, Applecross

At 7.15pm, before commencing her presentation, Mrs Sanford requested an extension of time and be permitted to speak for up to 10 minutes.

At 7.15pm after obtaining no opposition from the meeting, the Mayor granted the extension.

Mrs Sanford expressed concern that the Local Government Inquiry may take up to a year and the implications of this on decisions associated with the Wave Park Lease, the relocation of the Melville and Mount Pleasant Bowling Clubs, the Tompkins Park Sporting Hub Redevelopment and the reduction of open space and playing field and requested support for the motion being presented by Mr Clive Ross later in the meeting.

8.2.2 Mr C Ross, Applecross

At 7.23pm, before commencing his presentation, Mr Ross requested an extension of time and be permitted to speak for up to 10 minutes.

At 7.23pm after obtaining no opposition from the meeting, the Mayor granted the extension

Mr Ross advised those present of a meeting held Monday 15 January 2018 with the Mayor, CEO and Manager Governance and Legal Services and that this meeting was requested at short notice and acknowledged the City in accommodating this request.

Mr Ross acknowledged the representatives of the many groups that attending the meeting.

Mr Ross advised his reason for requesting the meeting was because of his concerns on how the City would respond to the Supreme Court action against the City and the associated costs.

Community Presentations, Mr C Ross, Applecross continued

The Court action is based on the process undertaken to grant the ground lease associated with the Wave Park and that the name of proposed Lessee was not correctly advertised in the process to award the Lease and the costs associated with defending this non-compliance.

Mr Ross requested that the CEO and the Elected Members not spend further community funds on contesting and defending this court action.

The Swan Foreshore Protection Association Incorporated will seek access to all the documentation held by the City of Melville, Urban Surf and the Wave Park Group relating to the process that has been followed and further detailed the proposed actions to be taken should the court action.

Mr Ross requested support for the motion he would be putting forward later in the meeting.

8.2.3 The Honourable George Gear, Alfred Cove

Mr Gear advised that he supported the proposed motion and had written to the Minister with copies to Chair of the Inquiry reiterating the proposed motion.

Mr Gear advised that his concerns related to the proposal to move the Melville Bowling Club and the decisions had been made based only the recommendations of Pennant Bowlers and not all of the activities associated with the Melville Bowling Club.

Mr Gear advised that he believed that the Melville Bowling Club is sustainable and was not financially supported by the City.

At 7.40pm, the Mayor sought the consent of the meeting to grant Mr Gear an extension of time and that he be permitted to speak for a further five minutes. After obtaining no opposition from the meeting, the Mayor granted the extension.

Mr Gear expressed his concern that the outcome of the decision to move the Melville Bowling Club was predetermined.

Mr Gear requested that the City allow the Wave Park Lease to lapse and that the decision to relocate the Melville Bowling Club should be reconsidered and that the City not incur the associated costs of \$9.4million.

8.2.4 Mr M McLerie, Bicton

At 7.46pm, before commencing his presentation, Mr McLerie requested an extension of time.

At 7.46pm moved Mr Maynier of Attadale, seconded Mr C Ross of Applecross

That Mr McLerie be granted an extension of time and permitted to speak for up to 10 minutes.

At 7.47pm the Mayor declared the motion

CARRIED

Community Presentations Mr M McLerie, Bicton continued

Mr McLerie expressed his support for the motion presented by Mr Ross this evening and his concern at the loss of public open space and the recreational facilities at Tompkins Park, given that other key recreation facilities in the City are at capacity. Tompkins Park should be an option for accommodating affected sporting clubs.

At 7.58pm Mr McLerie was issued a first warning for targeting individuals.

At 7.59pm Mr McLerie was requested to address the purpose of the meeting.

At 7.59pm the Mayor issued a second warning to Mr McLerie.

At 7.59pm Mr McLerie was asked to cease speaking as he failed to address the purpose of the meeting and requested to sit down.

At 8.00pm a member of the meeting for moved a motion of dissent with the Mayor decision, which the Mayor did not accept.

Note – the Meeting is being conducted in accordance with *Local Government Act 1995* (s5.31) and the *Local Government (Administration) Regulations 1995* (Regulation 18) which gives the presiding member (the Mayor) the ability to determine the procedure of the meeting.

9. QUESTIONS

9.1 Questions Received Prior to the Meeting

9.1.1 Mr E Nielsen, Booragoon

Mr Nielsen expressed concern at:

- The report named “Total Estimated Project Cost”.
- A perceived lack of design details.
- The content of a letter sent to Mr Nielsen concerning prior questions on the proposed development estimates for the Tompkins Park sporting hub.
- Acknowledgement that an architect specification and design and structural design drawings need to be completed before final construction costs are known.

Question 1

*Considering these facts and other associated details provided previously I ask, will our Elected Members please revisit this **Item CD17/8098 – Tompkins Park Concept Plan** (OMC 20 June 2017) and **revoke** the Council’s approval of \$9,420,500 and then only return to the matter when appropriate and sufficient details and costings are available that can justify the project, **YES or NO?***

Response

The final costings are subject to a rigorous, open, tender procurement process with further referral to the Council as required.

9.1.2 Mr C Schuster, Mount PleasantQuestion 1

Apart from any staff time expended on responding to the referral to the EPA under Part IV of the EP Act in respect to the Wave Park proposal, dealing with public questions on the issue, or dealing with any legal administrative requirements the City needs to do to meet its contractual obligations to Urbn Surf, what if anything is the City spending money on in relation to the Wave Park ground lease, and is this situation expected to change over the next few months?

Response

The City is not spending any money on the Wave Park proposal and this situation is not expected to change in next few months.

Question 2

What activities is the City currently expending funds on in relation to the Tompkins Park bowls redevelopment, how much is likely to be spent over the next few months, and is the expenditure tied to legal contracts, purchase orders or similar agreements entered into by the City? If there are legal purchase arrangements in place for these services what would the potential impact on the City if it stopped incurring expenses on the project?

Response

The City has a contract in place with Holton Connor Architects and Planners for the architectural and engineering design of the Tompkins Park Redevelopment. The contract commenced in October 2017 and runs to the completion of the construction works and defects liability period. The total value of the contract amounts to \$372,500 with approximately \$46,500 committed to date.

From a contractual point of view the Council cannot rescind the motion as it has been actioned, however should the Council determine to terminate its contractual obligations there would be associated consequences and damages, if applicable, that would need to be taken in to consideration.

The redevelopment of Tompkins Park comprises more than the bowling greens and shade structures for two of the greens and includes but is not limited to the following:

- Reconfiguration of the rugby, soccer, cricket and touch football pitches.
- Addition of a new cricket field, turf and irrigation.
- Reconfiguration of floodlighting to latest practice standards.
- Upgrade of the existing facilities including refurbishment and complete replacement of the existing A/C system.
- Expansion of the current gym space to include opportunities for allied health services.
- Expansion of existing car park and construction of new car park.
- Existing building modifications e.g. Alfresco areas, new change rooms, office for Bowling Club.
- Relocation of children's playground.

The City has also contracted Clubs Western Australia to work with the City and both Melville and Mt Pleasant Bowls Clubs to establish a new Bowls Club entity with the appropriate constitution and to assist these Clubs with their dissolution at the appropriate time. This group will also provide support for the development of a new Sporting Association and constitution to include the new member clubs at Tompkins Park. The cost of this contract is \$6,500 excluding GST.

Questions Received Prior to the Meeting Mr C Schuster, Mount Pleasant continued.

Question 3

In regard to the ground lease/contract entered into by the City with Urbn Surf in relation to the proposed Wave Park, and assuming both parties maintain their activities towards meeting the Conditions Precedent contained in the contract, what is the first opportunity the City has within the contract to either vary the terms or cancel it and what grounds would allow either of those actions to occur?

Response

Other than a variation of the agreement by consent of the parties at any stage, there is no anticipated opportunity as suggested.

Question 4

In regard to the proposed relocation of the Melville Bowls Club has the Hon Minister for Local Government, or any other regulatory body suggested or found any impropriety in respect to the Council decisions underpinning the project, other than there are people opposed to the project?

Response

No.

9.1.3 V Bleus, Bicton

From information put out by the City, I understand that these Special Electors Meetings from these special interest groups opposed to the proposed wave park have cost ratepayers approximately \$178,000 (not including the cost of tonight's meeting). This is obviously not the only source of expenditure these Special Interest groups are costing the City and ratepayers.

Question 1

Has the City been provided with any indicative costs for the inquiry currently being undertaken by the Department of Local Government? If so, who will bear these costs?

Response

The City has not been provided with indicative costs for the Inquiry. The Department of Local Government, Sport and Cultural Industries will make a decision whether to pass any or all costs to the City, depending on the findings.

Question 2

I understand that one of these special interest groups have now commenced a judicial review in the Supreme Court looking into the advertising of the wave park ground lease. Has the City been able to estimate what the cost of this process may be?

Response

The cost of a judicial review and any subsequent actions is not known and it is premature to provide an estimate of total costs.

At 8.11pm the Mayor called for questions from the meeting.

9.2 Questions Received From the Meeting

9.2.1 Mr Crawford, Attadale

Question

What is the return from the Wave Park Ground Lease? How long will it take to allay the \$9.4million?

Response

The Director Corporate Services advised the meeting that the costs associated with the \$9.4million is not associated with \$700,000 commencing lease of the Wave Park.

The costs for this project can be apportioned as follows:

- \$700,000 State Government Grant funding;
 - \$197,000 debt forgiveness for Mount Pleasant Bowling Club;
 - Melville Bowling Club – \$3.8million deferral of building renewal liabilities;
 - Mount Pleasant Bowling Club – \$2.8million deferral of renewal liabilities;
 - Net additional amount over and above what would otherwise be required then financed by the City for this project is \$1.8million;
 - Annual principal interest costs at WA Treasury Corporation rates \$116,000;
 - Savings from the two bowling club, saving of building maintenance cost borne by the City of \$131,000 per annum;
 - Net saving to the City of \$15,000 per annum;
- In addition the:-
- Redevelopment of Mount Pleasant Bowling Club site would yield rate revenue of \$45,000 per annum (net saving of \$60,000 per annum) and
 - Sale of the former Mount Pleasant Bowling Club site expected to return about \$5.35million.

The Wave Park will not be funded the Tompkins Park redevelopment.

9.2.2 Mr Maynier, Attadale

Question 1

Request to clarify the detailed funding arrangements just outlined are the same or different to the funding arranging tabled at the 20 June 2017 Ordinary Meeting of Council where the Council voted on and approved by Council at that meeting? Were these arrangements the same that were voted on at that meeting?

Response

The Director Corporate Services advised that the report to the Council did contain those figures and the key point is that the Wave Park is not funding the redevelopment of Tompkins Park.

Question 2

Is the source of funding as described at this meeting the same as the source of funding detailed at the 20 June 2017 Ordinary Meeting of Council?

Response

The Director Corporate Services advised that the figures on page 47 of minutes of the Ordinary Meeting of Council held 20 June 2017 are correct and the same as those detailed in response to the previous question.

9.2.3 Ms A Nicholson, BooragoonQuestion 1

When Murdoch University refused the development of the Wave Park on their grounds (prior to the Wave Park's application to the City of Melville) was that due to the high expenses the University would have incurred due to the preparation of the ground lease approval or because it did not comply with the environmental criteria, or both?

Response

The Mayor advised that this question would need to be directed to Murdoch University.

Question 2

If the City was not aware of the Wave Park's application to Murdoch University's and the refusal, why didn't the Wave Park Group, in the interest of full disclosure, make the City aware of it so that it could make an informed decision?

Response

The Mayor advised that the Wave Park Group considered over 100 sites.

Question 3

Is it not relevant that the Murdoch University disapproved of the Wave Park proposal on environmental grounds, but the City of Melville finds no similarity with an A class reserve that is the Swan River Foreshore.

Response

The Mayor advised that this question would need to be directed to Murdoch University.

Question 4

So you didn't know about it?

Sorry, now the rest of the meeting here knows about it, that Murdoch University rejected the wave park's proposal outright and I think that is fairly significant.

Response

The Mayor advised that the City is unaware of an application to Murdoch University.

9.2.4 Mr M Kalkoven, ApplecrossQuestion

What is tolerance is for the cost figures associated the redevelopment of Tompkins Park (\$9.4million)? Is there an estimate or expectation on how accurate the quote is?

Response

The Director Corporate Services advised that is it a cost estimate based on a concept plan and there is a 10% contingency by a quantity surveyor. Tender has been let for the architect and these and figures will be firmed up through that process.

9.2.5 Mr Crawford, AttadaleQuestion

Is the funding of the redevelopment of Tompkins Park dependant on the return of \$5.35million from the sale of Mount Pleasant Bowling Club? What happens to the funding if the Mount Pleasant Bowling Club site doesn't get approved for rezoning for residential development?

Response

The Director Corporate Services advised that the \$5.35million will not be used to fund the Tompkins park redevelopment.

9.2.6 Mr J Marciano, Alfred CoveQuestion

Why is the Melville Bowling Club not viable as it has \$300,000 in the bank?

Response

The Chief Executive Officer advised that the Mount Pleasant Bowling Club is close to closing and the amalgamation of the clubs will ensure the sustainability of both clubs in the longer term and the changes are cost positive in the longer term, meaning less burden on rates in the future.

9.2.7 Mr Barton, ApplecrossQuestion

Is it the role of the CEO to advocate the case or to answer questions when put to him?

Response

The Mayor advised that the CEO was providing a broad perspective in responding to the question.

10. MOTIONS**MOTION 1 MR C ROSS, APPLECROSS**

At 8.33pm – moved Mr C Ross of Applecross, seconded Mr G Allen of Applecross

Motion

This Motion is to the City of Melville Council and Administration:

- **To stop incurring expenses on the Wave Park ground lease and Tompkins Park re-development until the Local Government Inquiry into the City of Melville and the Supreme Court action and all other related matters are resolved; and**
- **To review its decision to move the Melville Bowling Club.**

At 8.48pm the Mayor submitted the motion, which was declared

CARRIED

11. CLOSURE

There being no further business, His Worship the Mayor, R Aubrey, declared the meeting closed at 8.48pm.