

**MINUTES**

**OF THE**

**SPECIAL MEETING OF THE COUNCIL**

**HELD ON**

**WEDNESDAY, 3 FEBRUARY 2016**

**AT 6.30PM IN THE COUNCIL CHAMBERS**

**MELVILLE CIVIC CENTRE**

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**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON WEDNESDAY, 3 FEBRUARY 2016.**

**1. OFFICIAL OPENING**

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30pm. Mr J Clark Governance and Compliance Program Manager read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

**Affirmation of Civic Duty and Responsibility**

**I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.**

**2. PRESENT**

His Worship the Mayor R Aubrey

**COUNCILLORS**

Cr N Pazolli  
Cr J Barton, Cr G Wieland  
Cr C Robartson, Cr M Woodall  
Cr R Aubrey, Cr D Macphail  
Cr P Phelan, Cr L O'Malley  
Cr N Foxtan, Cr T Barling

**WARD**

Applecross/Mount Pleasant  
Bicton/Attadale  
Bull Creek/Leeming  
City  
Palmyra/Melville/Willagee  
University

**3. IN ATTENDANCE**

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms C Young	Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr J Rae	Strategic Land and Property Executive
Mr J Clark	Governance and Compliance Program Manager
Mr N Fimmano	Governance and Property Officer
Ms R Davis	Minute Secretary

At the commencement of the meeting there were no members of the public and no members from the Media in the Public Gallery.

**4. APOLOGIES AND APPROVED LEAVE OF ABSENCE****4.1 APOLOGIES**

Cr C Schuster                      Applecross/Mount Pleasant

**4.2 APPROVED LEAVE OF ABSENCE**

Nil

**5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Nil

**5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.**

Nil

**6. PUBLIC QUESTION TIME**

Nil

**7. DECLARATIONS OF INTEREST****7.1 FINANCIAL INTERESTS**

Nil

**7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Nil

**8 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

- **P16/3689 – Purchase of Applecross Strategic Properties**

*The matter is confidential in accordance with section 5.23 (2) (c) of the Local Government Act 1995, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and (e) a matter that if disclosed would reveal – information that has commercial value to a person; ...where the trade secret or information is held by, or is about, a person other than the local government;...*

- **P16/3690 – Deep Water Point Café Ground Lease Proposal by Dome Group PER RFP (01/14)**

*The matter is confidential in accordance with section 5.23 (2) (c) of the Local Government Act 1995, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and (e) a matter that if disclosed would reveal – information that has commercial value to a person; ...where the trade secret or information is held by, or is about, a person other than the local government;...*

At 6.36pm Cr Woodall moved, seconded Cr Aubrey –

**That the meeting be closed to the public to permit discussion on confidential matters (Item P16/3689 – Purchase of Applecross Strategic Properties and Item P16/3690 – Deep Water Point Café – Ground Lease Proposal by Dome Group PER RFP (01/14) covered under section 5.23 (2) (c) of the Local Government Act 1995.**

At 6.36pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

At 8.08pm, Cr R Aubrey left the meeting and returned at 8.11pm.  
At 8.12pm, Mr J Rae left the meeting and returned at 8.17pm.

**9. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

**CONFIDENTIAL ITEM P16/3689 – PURCHASE OF APPECROSS STRATEGIC PROPERTIES (REC) (CONFIDENTIAL ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3689) (APPROVAL)**

At 7.12pm, Cr Macphail moved, Seconded Cr Phelan -

**That the Council approve the confidential recommendation in Confidential Attachment “A”.**

**PERMISSION FOR EXTENSION OF TIME TO SPEAK**

At 7.28pm Cr Pazolli requested an extension of five minutes additional time to speak.

**That in accordance with Standing Order Clause 9.6 (Limitation of duration of speeches) Cr Pazolli be permitted a five minute extension of time to speak.**

At 7.28pm the Mayor advised that agreement had been provided by a simple majority of the Members present.

**PROCEDURAL MOTION 1**

At 7.47pm, Cr Pazolli moved, Seconded Cr Barton -

**That the Item be deferred to the February Council Meeting in order that further legal advice and a valuation can be obtained.**

At 8.04pm the Mayor submitted the motion, which was declared

**LOST (4/8)**

<b>Vote Result Summary</b>	
Yes	4
No	8

<b>Vote Result Detailed</b>	
Cr Barton	Yes
Cr O'Malley	Yes
Cr Pazolli	Yes
Cr Woodall	Yes
Cr Aubrey	No
Cr Barling	No
Cr Foxtton	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Mayor Aubrey	No

**CONFIDENTIAL ITEM P16/3689 – PURCHASE OF APPLECROSS STRATEGIC PROPERTIES (REC) (CONFIDENTIAL ATTACHMENT)**

**PROCEDURAL MOTION 2**

At 8.06pm, Cr Barling moved, Seconded Cr Woodall -

**That the Item be deferred to the February Council Meeting in order that further legal advice can be obtained.**

At 8.07pm the Mayor submitted the motion, which was declared

**LOST (5/7)**

Vote Result Summary	
Yes	5
No	7

Vote Result Detailed	
Cr Barling	Yes
Cr Barton	Yes
Cr O'Malley	Yes
Cr Pazolli	Yes
Cr Woodall	Yes
Cr Aubrey	No
Cr Foxtton	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Wieland	No
Mayor Aubrey	No

**COUNCIL RESOLUTION**

**That the Council approve the confidential recommendation in Confidential Attachment "A".**

At 8.26pm the Mayor submitted the motion, which was declared

**CARRIED (8/4)**

Vote Result Summary	
Yes	8
No	4

Vote Result Detailed	
Cr Aubrey	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wieland	Yes
Mayor Aubrey	Yes
Cr Barling	No
Cr Barton	No
Cr Pazolli	No
Cr Woodall	No

At 8.27pm, Mr M Tieleman left the meeting.

**CONFIDENTIAL ITEM P16/3690 – DEEP WATER POINT CAFÉ GROUND LEASE PROPOSAL BY DOME GROUP PER RFP (01/14) (REC) (CONFIDENTIAL ATTACHMENT)**

**OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3690) APPROVAL**

At 8.27pm Cr Macphail moved, seconded Cr R Aubrey –

**That the Council approves the confidential resolution contained in Confidential Attachment A.**

At 8.38pm the Mayor submitted the motion, which was declared

**CARRIED (11/1)**

<b>Vote Result Summary</b>	
Yes	11
No	1

<b>Vote Result Detailed</b>	
Cr Aubrey	Yes
Cr Barling	Yes
Cr Barton	Yes
Cr Foxtton	Yes
Cr Macphail	Yes
Cr O'Malley	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Woodall	Yes
Mayor Aubrey	Yes
Cr Woodall	Yes
Cr Pazolli	No

At 8.40pm Cr Barling moved, seconded Cr Aubrey –

**That the meeting come out from behind closed doors and the public be invited back into the meeting.**

At 8.40pm the Mayor submitted the motion, which was declared

**CARRIED UNANIMOUSLY (12/0)**

No members of the public entered the meeting.

## **10. CLOSURE**

There being no further business to discuss, the Mayor declared the meeting closed at 8.40pm.