



**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
TUESDAY 27 JUNE 2017
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 TUESDAY, 27 JUNE 2017.

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

Deputy Mayor Cr R Aubrey
Cr D Macphail
Cr N Pazolli, Cr C Schuster
Cr M Woodall
Cr P Phelan
Cr T Barling

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms K Johnson	A/Director Community Development
Mr J Christie	Director Technical Services
Mr S Cope	Director Urban Planning
Mr L Hitchcock	Executive Manager Legal Services
Mr J Clark	Governance and Compliance Program Manager
Ms C Newman	Executive Support and Governance Officer

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

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

Cr J Barton – Bicton/Attadale Ward
Cr N Foxton – University Ward
Cr C Robartson – Bull Creek/Leeming Ward
Cr G Wieland – Bicton/Attadale Ward

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. QUESTION TIME

Nil.

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

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10. REPORTS OF THE CHIEF EXECUTIVE OFFICER

T17/3759 – DEMOLITION OF EXISTING DEEP WATER POINT KIOSK (REC)

Ward	: Applecross/Mt Pleasant
Category	: Strategic
Subject Index	: Not Applicable
Customer Index	: Not Applicable
Disclosure of any Interest	: No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	: Confidential Item P16/3690-Deep Water Point Ground Lease Proposal by DOME Group per RFP (01/14); M16/5502 – Deep Water Point Café Ground Lease Proposal Per Request for Proposal (01/14)
Works Programme	: Not Applicable
Funding	: Not Applicable
Responsible Officer	: Ian Davis Project Coordinator

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

T17/3759 – DEMOLITION OF EXISTING DEEP WATER POINT KIOSK (REC)**KEY ISSUES / SUMMARY**

- The Dome Group have now signed off on the ground lease for the Deep Water Point café development.
- As a requirement for the Dome Group to be able to proceed with the development, the existing kiosk building needs to be demolished.
- Before demolition proceeds, it requires approval from the Council in accordance with Delegated Authority 'DA-090 Grant of Demolition Permit'.
- This report recommends that the Council approve the demolition of the existing kiosk at Deep Water Point to allow the development to proceed.

BACKGROUND

At the Special Meeting of the Council 3 February 2016, the Council endorsed the Dome Group's proposed ground lease terms for the Deep Water Point Reserve Café and requested the provision of the Business Case prior to approval to advertise the proposal in accordance with Section 3.58 of the *Local Government Act 1995*.

At the 16 August 2016 Ordinary Meeting of Council it was resolved to authorise the Chief Executive Officer to proceed with the drafting of a Ground Lease Agreement and implementation.

DETAIL

The lease has now been signed and the Dome Group are preparing to proceed with the development of the new café at Deep Water Point.

In order for this to occur the existing building will need to be demolished.

The Grant of Demolition Permit Delegated Authority (DA-090) requires Council approval for buildings owned by the City of Melville.

STAKEHOLDER ENGAGEMENT**I. COMMUNITY**

An advertisement inviting submissions on a proposed ground lease arrangement was placed in the West Australian on Wednesday, 6 July 2016 with submissions closing on Wednesday, 27 July 2016. Notices were also placed in the Melville Times, the City's Website, the City's Public Notice Board and in all libraries. Submissions received were previously presented to Council.

II. OTHER AGENCIES / CONSULTANTS

Department of Parks and Wildlife (DPaW) are the statutory authority responsible for planning approval for development within the Swan/Canning River Park. The proposal was referred to DPaW in October 2016 and was approved with conditions.

T17/3759 – DEMOLITION OF EXISTING DEEP WATER POINT KIOSK (REC)

STATUTORY AND LEGAL IMPLICATIONS

Delegated Authority 'DA-090 Grant of Demolition Permit' requires any property (Buildings) owned by the City of Melville and recommended for demolition, be referred to the Council for approval, prior to demolition.

FINANCIAL IMPLICATIONS

The City has agreed to fund the cost of demolition. Dome's builder will engage and oversee the preferred contractor during demolition.

As per the policy CP-023 Procurement of Products or Services, the cost of demolition is anticipated to be less than \$50,000, therefore three written quotes will be obtained and the quote that represents the best value for money will be selected.

The cost of the demolition will be funded from the Land and Property Reserve.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risk Statement	Level of Risk	Risk Mitigation Strategy
If the existing building is not demolished then the new development cannot proceed. This may result in legal penalties, reputational damage, ongoing maintenance costs, loss of income opportunities etc.	Moderate consequences which are almost certain, resulting in an Extreme level of risk.	Ensure that approval is given to proceed with demolition.

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of injury to public during/following demolition activities.	Major consequences which are possible, resulting in a High level of risk.	The Contractor undertaking works will be required to provide safe work practices and management plan that will include activities such as; security fencing, Job Safety Analyses, all required tickets etc. Once demolition is complete the site will be under the control of Dome's builder and a requirement is for the site to be security fenced for the duration of the construction.

T17/3759 – DEMOLITION OF EXISTING DEEP WATER POINT KIOSK (REC)**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

The Council could choose not to approve the demolition of the kiosk at Deep Water Point. The implications of not proceeding with the demolition would include additional maintenance costs of the existing kiosk and lost development opportunities for the City.

CONCLUSION

The City has agreed to and signed off on a lease with the Dome Group that includes the demolition of the existing building at Deep Water Point to make way for the construction of a new purpose built structure.

The Dome Group are ready to proceed with the development and in accordance with the lease provision, the existing kiosk needs to be demolished to allow the development to proceed.

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (3759) APPROVAL

At 6.32pm Cr Schuster moved, Cr Macphail seconded –

That the Council approves the demolition of the existing Deep Water Point kiosk building.

At 6.43pm the Mayor submitted the motion, which was declared
CARRIED UNANIMOUSLY (8/0)

11. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

12. CLOSURE

There being no further business to be discussed, the Mayor declared the meeting closed at 6.43pm.