



**MINUTES
OF THE
SPECIAL MEETING OF THE COUNCIL
HELD ON
TUESDAY 13 FEBRUARY 2018
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 6.32PM ON TUESDAY 13 FEBRUARY 2017.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:32pm. Mr J Clark, Governance and Compliance Advisor, 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 Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

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

WARD

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

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Mr S Cope	Director Urban Planning
Mr M McCarthy	Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr J Rae	Strategic Land and Property Executive
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator

His Worship the Mayor acknowledged the attendance of Mr Neil Douglas, Partner, McLeods Barristers and Solicitors.

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

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

Nil.

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. DEPUTATIONS

Mr N Douglas, McLeods Barristers and Solicitors.

8. DECLARATIONS OF INTEREST**8.1 FINANCIAL INTERESTS**

Nil.

8.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

9. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

10. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**Confidential Item M18/5604 - Judicial Review of Wave Park Lease**

The matter is confidential in accordance with Section 5.23 (2)(d) of the *Local Government Act 1995*, legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER**CONFIDENTIAL ITEM M18/5604 - JUDICIAL REVIEW OF WAVE PARK LEASE
(REC) (CONFIDENTIAL ATTACHMENT)**

See Item 14 - Identification of Matters for Which Meeting May Be Closed

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

14. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

At 6:38pm Cr Phelan moved, seconded Cr Wheatland -

That the meeting be closed to the public to permit discussion on a confidential matter (Item M18/5604 – Judicial Review of Wave Park Lease) covered under section 5.23 (2)(d) of the *Local Government Act 1995*.

At 6:38pm the Mayor declared the motion

CARRIED UNANIMOUSLY (13/0)

From 6:38pm to 7:04pm Mr L Hitchcock, Executive Manager Governance and Legal Services, Mr J Rae, Strategic Land and Property Executive and Mr N Douglas, McLeods, provided a presentation to the Council.

**CONFIDENTIAL ITEM M18/5604 - JUDICIAL REVIEW OF WAVE PARK LEASE
(REC) (CONFIDENTIAL ATTACHMENT)**

OFFICER RECOMMENDATION (5604)

At 7:04pm Cr Macphail moved, seconded Cr Woodall –

That the Council approves the Officer Recommendation contained within the Confidential Attachment.

Amendment

At 7:05pm Cr Barton moved

That additional words be added to the recommendation

“and will refrain from expending further funds on the Tompkins Park Redevelopment until the legal issues have been resolved.”

The Mayor advised that the proposed amendment did not relate to the item under consideration and would not be accepted.

Motion of Dissent

At 7:06pm Cr Pazolli moved, seconded Cr Kepert -

Move a motion of dissent against the Presiding Member's decision not to accept Cr Barton amendment.

At 7:09pm the Mayor declared the motion

LOST (5/8)

Vote Result Summary	
Yes	5
No	8

Vote Result Detailed	
Cr Barton	Yes
Cr Kepert	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Wheatland	Yes
Cr Barling	No
Cr Macphail	No
Cr Phelan	No
Cr Robartson	No
Cr Robins	No
Cr Wieland	No
Cr Woodall	No
Mayor	No

At 7:15pm Cr Wheatland left the meeting and returned at 7:16pm.

Procedural Motion

At 7:23pm Cr Robartson moved, seconded Cr Phelan -

That the motion now be put.

At 7:24pm the Mayor submitted the motion, which was declared

CARRIED (11/2)

Vote Result Summary	
Yes	11
No	2

Vote Result Detailed	
Cr Barling	Yes
Cr Kepert	Yes
Cr Macphail	Yes
Cr Mair	Yes
Cr Pazolli	Yes
Cr Phelan	Yes
Cr Robartson	Yes
Cr Wheatland	Yes
Cr Wieland	Yes
Cr Woodall	Yes
Mayor	Yes
Cr Barton	No
Cr Robins	No

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5604)

At 7:04pm Cr Macphail moved, seconded Cr Woodall –

That the Council supports the proposal that, in relation to the Supreme Court Proceedings brought by Swan Foreshore Protection Association Incorporated against the City and Urbnsurf, the City will inform the Court and the other parties that it will abide by the decision of the Court and not participate further in the proceedings.

At 7:25pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:26pm Cr Robins moved, seconded Cr Barling -

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

At 7:26pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:26pm the Mayor advised the meeting that the officer recommendation as contained within the confidential attachment was carried unanimously by the Council and advised the public of the Council's Resolution:

“That the Council supports the proposal that, in relation to the Supreme Court Proceedings brought by Swan Foreshore Protection Association Incorporated against the City and Urbnsurf, the City will inform the Court and the other parties that it will abide by the decision of the Court and not participate further in the proceedings.”

15. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 7:27pm.