



23 March 2023

NOTICE OF SPECIAL MEETING

Dear Council Member,

The Shire President has called a Special Meeting of Council to be held in the Council Chamber at 6.00pm on Tuesday, 28 March 2023.

The purpose of the meeting is to consider:

1. Selection of a venue for the 19 April 2023 Special Electors' meeting; and
2. Selection of a venue for the 2 May 2023 Special Council meeting.

The attached agenda is presented for your consideration.

Yours sincerely

Jonathan Throssell
CHIEF EXECUTIVE OFFICER

Please Note

If a Council Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.



AGENDA
SPECIAL COUNCIL MEETING
28 MARCH 2023

ATTENTION/DISCLAIMER

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Council Member or employee, or on the content of any discussion occurring during the course of the Meeting. Persons should be aware that regulation 10 of the *Local Government (Administration) Regulations 1996* establishes procedures to revoke or change a Council decision. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Council Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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**SPECIAL COUNCIL MEETING
COUNCIL CHAMBER – 6.00PM**

1.0 OPENING PROCEDURES

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We wish to acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be audio-recorded.

1.1 Announcement of Visitors

1.2 Attendance/Apologies/Approved Leave of Absence

Staff

Apologies

**Leave of
Absence** Nil

Guests

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

3.2 Declaration of Interest Affecting Impartiality

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

4.0 PUBLIC QUESTION TIME

15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

Public Question Time is to be conducted in accordance with Shire of Mundaring Meeting Procedures Local Law 2015.

5.0 PRESENTATIONS

5.1 Deputations

- (1) Members of the public may, during the deputations segment of the order of business and with the consent of the Presiding Member, make a public statement on any matter that appears on the agenda for that meeting provided that –
 - a) the deputation is limited to a maximum of 3 minutes, unless otherwise determined by the Presiding member;
 - b) the deputation is not offensive or defamatory in nature, providing that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement in a manner that is not offensive or defamatory; and
 - c) no discussion or questions relating to the deputation are permitted, unless otherwise determined by the Presiding Member.
- (2) Fifteen minutes is to be allocated for deputations.
- (3) Once all statements have been made, nothing prevents the unused part of the deputation time period from being used for other matters.
- (4) If the 15 minute period set aside for deputations is reached, Council may resolve by resolution that statement time be extended for no more than two 15 minute extensions.

6.0 REPORTS OF EMPLOYEES

6.1 Selection of Venue for Special Council Meeting to be held on 2 May 2023

File Code	GV.MTG 1
Author	Jonathan Throssell, Chief Executive Officer
Senior Employee	Jonathan Throssell, Chief Executive Officer
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

A special meeting of Council has been arranged for 2 May 2022, the purpose of which is to consider the Shire's referral response to the WA Planning Commission's (WAPC) reconsideration of Structure Plan 34 – North Stoneville (SP34).

When SP34 was previously considered by Council in August 2019, approximately 1000 people attended the special council meeting, noting that at that time the ability to livestream the meeting was not available. The meeting was held at Mundaring Arena due to it being the most suitable venue to accommodate a large number of attendees, at a cost of \$8,804 plus GST. It is unknown whether a similar number will choose to attend the meeting on 2 May 2023.

This report presents options in regards to which venue Council might choose to hold the 2 May 2023 special meeting of Council: in Chambers or at the Mundaring Arena. Should Council choose to hold the meeting at the Mundaring Arena there will be a number of implications, including costs incurred which require a budget adjustment to be made by absolute majority and provision of early advice to users who have already booked the venue.

BACKGROUND

On 27 August 2019, a special council meeting was convened to consider Council's recommendation to WAPC in regards to SP34. The meeting was held at Mundaring Arena due to the large number of attendees that had been expected to attend – which was subsequently recorded in the confirmed meeting minutes as 'approximately 1000' people.

Notwithstanding that the Shire now has the capacity to livestream its meetings from the Council Chambers, should more than 180 members of the public wish to attend the special council meeting on 2 May 2023 in person, there will be insufficient room to safely accommodate more than this number within the Council Chambers and Civic Area.

STATUTORY / LEGAL IMPLICATIONS

Section 6.8 of the *Local Government Act 1995* details how to incur expenditure from the municipal fund when not included in an annual budget, as follows:

- (1) *"A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*

(c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.”

Accordingly, should Council resolve to hold the special council meeting at the Mundaring Arena section 6.8 (1) (b) would apply as costs would be incurred which have not been budgeted in the 2022/23 annual budget.

POLICY IMPLICATIONS

On 14 April 2020, Council adopted a policy (OR27) on livestreaming and recording of ordinary and special council meetings. The technical equipment required to undertake livestreaming and recording of such meetings is located within the Council Chamber and cannot be relocated to an alternative venue.

As such, should Council determine to hold the special council meeting at a venue other than the Council Chamber without a livestreaming option it would also need to resolve to acknowledge that policy OR27 would not apply to that meeting.

FINANCIAL IMPLICATIONS

Costs associated with holding the special council meeting at the Mundaring Arena are listed in the ‘Comment’ section below.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.3 – Risks are well managed

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Safety and Compliance – should meeting venue capacity be exceeded:

1. Failure to provide a safe work environment for workers (includes contracted staff such as crowd control/security) is a contravention of the *Workplace Health and Safety Act*.
2. Breach of the *Health (Public Buildings) Regulations 1992*.

Likelihood	Consequence	Rating
Possible	Moderate	Low

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers and limits the number of people attending the meeting in person, noting:

1. Effective communication would be required to alert members of the public to the availability of livestreaming and the limited capacity of the venue to accommodate more than 180 members of the public.
2. Crowd control may be required to ensure the safety of those present.

Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting:

1. Crowd control and St Johns' Ambulance will be required to ensure the safety of those present.

Risk: Reputation – if the venue for the special council meeting is insufficient in size/capacity the Shire might be accused of failing to adequately plan for the attendance of more than 180 members of the public.

Likelihood	Consequence	Rating
Likely	Moderate	Moderate

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers, noting :

1. Effective communication would be required to advise members of the public about the maximum capacity of the venue, in advance of the meeting; and to reiterate the availability of livestreaming and recording of the meeting.

Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting:

1. Effective communication would be required to clearly communicate reasons for the decision to those displaced (egg Arena users);
2. A livestream option could be provided; if this option isn't selected, communication to advise that a livestream option is not available will be required.

Risk: Reputation – relocating the special meeting to an alternative venue of sufficient size will displace the booked users of that facility (egg Mundaring Arena) on 2 May 2023. This number is estimated at 350 to 400 junior and senior basketball players along with 200 officials and spectators.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers; or

Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting the issue at hand is of considerable public interest; and clearly explain the rationale of either option.

Risk: Reputation – the additional cost to hold the special meeting of Council is unbudgeted, which may be viewed as a poor use of ratepayer funds.

Likelihood	Consequence	Rating
Possible	Moderate	Low

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers, thus not requiring any significant unbudgeted or additional expenditure; or

Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting the issue at hand is of considerable public interest; and clearly explain the rationale of either option.

EXTERNAL CONSULTATION

Chair of Save Perth Hills was contacted to discuss the likely numbers of attendees at the meeting given Save Perth Hill's strong advocacy about SP34. His comments are reflected in the 'Comment' section below.

COMMENT

There are a number of factors Council might wish to consider in regards to determining an appropriate location to hold the special council meeting on 2 May 2023:

- Since the meetings were held in 2019 regarding SP34, the ability to livestream and record council meetings has been implemented and is required in accordance with Council policy OR27. The equipment to undertake livestreaming is located in the Shire's Administration building and cannot be easily relocated meaning a temporary solution will be required.
- The purpose of the special meeting of council to be held on 2 May 2023 is to consider the Shire's referral response to the WAPC's reconsideration of SP34. Council is not a decision maker and is not assessing public submissions: that is the responsibility of the WAPC. Accordingly, Council's role in the process is different to what was previously considered, and more limited. This may result in fewer attendees.
- The Council Chambers, in combination with the Civic Area, can accommodate up to 180 members of the public.
- Preparations for these larger than usual numbers may require the engagement of crowd control officers.
- At the special meeting of council held on 27 August 2019, while approximately 1000 people were in attendance, 19 people asked questions during public question time, and 18 people made a deputation (including the applicant). As such, Council might form the view that there is sufficient capacity in the Council Chambers (plus the Civic Area) to accommodate a similar number of people asking questions and/or making deputations given the availability of livestreaming the meeting.

Alternatively Council might determine that the meeting should be held at a venue capable of accommodating more than 200 people, which in effect means the Mundaring Arena given its location and ability to accommodate such numbers. Considerations for this option include:

- Based on the attendance at a meeting to discuss SP34 in August 2019 approximately 1000 people attended the meeting in person.
- Given the high interest in the meeting in 2019 it would be reasonable to assume a similar level of interest might apply to the 2 May 2023 meeting; the availability of a livestreaming option notwithstanding.
- While it is noted that a livestreaming option can also be provided at Mundaring Arena for a 'one-off' use, this may or may not result in a reduction of members of the public attending in person. [Indeed it is open to question why a livestream option would be offered in addition to a larger venue if the reason for providing the larger venue is to enable as many people who are interested to observe the meeting's proceedings.]

- A petition has been received from the Chair of ‘Save Perth Hills’ (a community advocacy group) calling for a special meeting of electors to discuss SP34, to be held on 19 April 2023.
 - The CEO contacted the Chair of Save Perth Hills who advised that he did not anticipate a ‘huge’ audience (he estimated approximately 20) and in his opinion it would be ‘safe’ to host the special electors’ meeting in the usual venue.
 - Should this be the case, there is a reasonable assumption that members of the public might also choose to watch the livestream of the special council meeting on 2 May 2023 as well. However, it is understood that this assumption depends upon the recommendation presented in the referral response report to the meeting of 2 May 2023, i.e. if the recommendation is not considered favourable to those opposed to SP34 or it is felt that the report does not sufficiently address concerns raised by members of the community it is likely there will be a desire for more people to attend the meeting in person.
 - For the avoidance of doubt it is noted that a recommendation on the referral response report for 2 May 2023 has not yet been finalised as at the date of this report. The referral response report is anticipated to be released on 24 April 2023.
- The estimated costs and other implications in regards to holding the meeting at the Mundaring Arena are detailed in the following table:

Option		Costs	Other Implications
1.	Bendigo Room (Mundaring Arena)	<p>Audio \$600 (additional speakers to cater for those outside of the room)</p> <p>Crowd control \$900 (4 people x \$75 x 3 hours)</p> <p>St John Ambulance \$285</p> <p>Total (no option) \$1785 (plus GST where applicable)</p> <p>Option</p> <p>Livestream \$3500</p> <p>Total (with option) \$5285 (plus GST where applicable)</p>	<p>Maximum capacity of the Bendigo Room is 180 people.</p> <p>A further 80 people are able to be accommodated in the lobby area adjacent to the Bendigo Room.</p> <p>In addition the viewing balcony area located next to the Bendigo Room has a maximum capacity of 85 people – although there is no ability to view into the Bendigo Room from this location.</p> <p>Accordingly a total of 345 people could be accommodated in the Bendigo Room (maximum 180 in Bendigo Room itself inclusive of council</p>

			<p>members and staff, with overflow of 165 outside the room).</p> <p>There is a risk that people not able to enter the Bendigo Room will attempt to force entry, thus breaching the <i>Health (Public Buildings) Regulations 1992</i> and potentially creating a hazard which would contravene the <i>Workplace Health and Safety Act</i>.</p> <p>Crowd control officers and first aid officers will be required to manage this risk.</p> <p>Existing bookings (winter basketball) using the Mundaring Arena would be advised about expected numbers, noting there are no bookings for the Bendigo Room as at the date of this report.</p> <p>While the Bendigo Room itself is not booked, there will be other users of the facility at the same time (i.e. basketball players and spectators). The noise from these activities will impact on meeting attendees' capacity to hear the meeting discussion clearly. In addition there will be significantly more traffic and parking issues should large numbers of meeting attendees wish to attend at the same</p>
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			time. A Council decision will be required to approve unbudgeted expenditure.
2.	Sports Hall (Mundaring Arena)	<p>Audio \$1075 (includes microphones and speaker)</p> <p>Crowd control \$1350 (6 people x \$75 x 3 hours)</p> <p>Set up Floor covering, chairs, staging \$1920</p> <p>St John Ambulance \$285</p> <p>Total (no options) \$4630 (plus GST where applicable)</p> <p>Options</p> <p>Visual \$4500 (includes livestream, two projectors/screens)</p> <p>Total (with options) \$9130 (plus GST where applicable)</p>	<p>Maximum capacity within the Mundaring Arena sports hall is 1200 people (700 seated, 500 standing). Any numbers exceeding 1200 would be in breach of <i>the Health (Public Buildings) Regulations 1992</i> and potentially create a hazard which would contravene the <i>Workplace Health and Safety Act</i>.</p> <p>Requires floor covering of courts to protect floor surface from foot traffic and chairs. This means costs will be incurred plus displacement of users while setting up and taking down of coverings.</p> <p>An option for provision of two screens / projectors and livestreaming is available.</p> <p>Existing bookings using the Mundaring Arena will be impacted. While morning bookings (social netball) could be accommodated during the venue set up, the basketball winter competition that plays in the late afternoon/evening with 50 teams (35 junior and 15 senior, which is 350 to 400 players</p>

			<p>along with 200 officials and spectators throughout the session), would need to be cancelled. They could not be relocated to courts 3 & 4 as the building's maximum capacity with the Council meeting would likely be reached and the foyer and car park would be too busy.</p> <p>A Council decision will be required to approve unbudgeted expenditure.</p>
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Based on an evaluation of the above, it is recommended that Council resolves to hold the special council meeting on 2 May 2023 in the Council Chambers.

This recommendation is in consideration of

- the significant disruption that would impact the many users of the Mundaring Arena who have already booked the venue;
- the availability of livestreaming the meeting from the Council Chambers;
- the capacity for 180 members of the public to attend in person if they so choose; and
- the additional unbudgeted expenditure to relocate the meeting to Mundaring Arena.

However if Council forms the view that the meeting should be held at Mundaring Arena, the resolution:

- must include the requirement for an Absolute Majority per *Local Government Act 1995* section 6.8 due to the requirement to expend funds not provided for in the Annual Budget;
- should determine whether livestreaming is to be provided or not, noting that if livestreaming is not provided the resolution the resolution should acknowledge that policy OR27 would not apply to the meeting; and
- should include the reasons for the decision so that they are able to be clearly communicated to members of the public.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council resolves to hold the Special Council Meeting on 2 May 2023 in the Council Chambers.

6.2 Selection of Venue for Special Electors' Meeting to be held on 19 April 2023

File Code	GV.MTG 1
Author	Jonathan Throssell, Chief Executive Officer
Senior Employee	Jonathan Throssell, Chief Executive Officer
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

A special meeting of electors has been arranged for 19 May 2023 following receipt of a valid petition made in accordance with s5.28 of the *Local Government Act 1995*.

This report presents options in regards to which venue Council might choose to hold the special meeting of electors: in Chambers or at the Mundaring Arena. Should Council choose to hold the meeting at the Mundaring Arena there will be a number of implications, including costs incurred which require a budget adjustment to be made by absolute majority.

BACKGROUND

On 20 March 2023, a petition was received requesting a special meeting of electors be held. The signatories to the petition were reviewed and 103 were determined as eligible electors on the Shire's current electoral roll.

The purpose of the meeting is to consider the following motion:

"This special meeting of Electors moves that:

- 1. The Shire of Mundaring submission to DPLH RE: amended 34 – North Stoneville Plan critically evaluate the following:*
 - 1. Limitations of bushfire simulation modelling*
 - 2. Inclusion of non-existent East Link as fundamentally supporting the Structure Plan*
 - 3. Limitations of traffic modelling utilised (North Parkerville not included)*
 - 4. Limitations of the Wastewater Treatment design and disposal*
 - 5. Significant impact/loss of endangered Black Cockatoo Habitat*
 - 6. Omitted events and inconsistencies in factual information/data across reports*
 - 7. Destruction of Heritage Sites and implications of Aboriginal Cultural Heritage Bill 2023 (July 1st)*
 - 8. Limitations of the bushfire evacuation plan"*

On 12 August 2019, a special meeting of electors was held to discuss Structure Plan 34 – North Stoneville (SP34). 203 members of the public were registered as attending the meeting, which was held in the Civic Area; however there were more attendees present who were not registered meaning a more accurate estimate was not able to be recorded.

In addition to the motions adopted by the electors in respect of SP34, a motion requesting the Shire hold its special council meeting on 27 August 2019 in a larger venue was also adopted. Council subsequently resolved (per decision SC2.08.19) to hold the special council meeting at Mundaring Area, where approximately 1000 people were recorded as being in attendance.

Since the meeting in 2019, the Shire has implemented the ability to livestream its meetings from the Council Chambers (which can be projected into the Civic Area as well).

STATUTORY / LEGAL IMPLICATIONS

Section 5.28 of the *Local Government Act 1995* refers to Electors' special meetings.

“(1) A special meeting of the electors of a district is to be held on the request of not less than —

- (a) 100 electors or 5% of the number of electors — whichever is the lesser number; or*
- (b) 1/3 of the number of council members.*

(2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.

(3) The request is to be sent to the mayor or president.

(4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.”

The petition received on 20 March 2023 complies with s5.28. The Shire President has agreed to the requested meeting date of 19 April 2023.

Section 6.8 of the *Local Government Act 1995* details how to incur expenditure from the municipal fund when not included in an annual budget, as follows:

(1) “A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.”*

Accordingly, should Council resolve to hold the special electors' meeting at the Mundaring Arena section 6.8 (1) (b) would apply as costs would be incurred which have not been budgeted in the 2022/23 annual budget.

POLICY IMPLICATIONS

Council policy (OR27) refers to the livestreaming and recording of ordinary and special council meetings “and any other meetings in Council Chambers authorised by the Chief Executive Officer”.

Accordingly the option to livestream the special electors' meeting is available.

FINANCIAL IMPLICATIONS

Costs associated with the holding the special electors' meeting at the Mundaring Arena are listed in the 'Comment' section below.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.3 – Risks are well managed

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Safety and Compliance – should meeting venue capacity be exceeded:

1. Failure to provide a safe work environment for workers (includes contracted staff such as crowd control/security) is a contravention of the *Workplace Health and Safety Act*.
2. Breach of the *Health (Public Buildings) Regulations 1992*.

Likelihood	Consequence	Rating
Unlikely	Moderate	Low

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers and limits the number of people attending the meeting in person, noting:

1. Effective communication would be required to alert members of the public to the availability of livestreaming and the limited capacity of the venue to accommodate more than 180 members of the public.
2. Crowd control may be required to ensure the safety of those present.

Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting:

1. Crowd control and St Johns' Ambulance will be required to ensure the safety of those present.

Risk: Reputation – if the venue for the special electors' meeting is insufficient in size/capacity the Shire might be accused of failing to adequately plan for the attendance of more than 180 members of the public.

Likelihood	Consequence	Rating
Unlikely	Moderate	Low

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers, noting :

1. Effective communication would be required to advise members of the public about the maximum capacity of the venue, in advance of the meeting; and to reiterate the availability of livestreaming and recording of the meeting.

Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting:

1. Effective communication would be required to clearly communicate reasons for the decision to those displaced (egg Arena users);
2. A livestream option could be provided; if this option isn't selected, communication to advise that a livestream option is not available will be required.

Risk: Reputation – relocating the special electors' meeting to an alternative venue of sufficient size will displace the booked users of that facility.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers; or
 Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting the issue at hand is of considerable public interest; and clearly explains the rationale of either option.

Risk: Reputation – the additional cost to hold the special electors' meeting is unbudgeted, which may be viewed as a poor use of ratepayer funds.

Likelihood	Consequence	Rating
Possible	Moderate	Low

Action / Strategy

Option 1 - Council resolves to hold the meeting in the Council Chambers, thus not requiring any significant unbudgeted or additional expenditure; or
 Option 2 - Council resolves to hold the meeting at Mundaring Arena, noting the issue at hand is of considerable public interest; and clearly explains the rationale of either option.

EXTERNAL CONSULTATION

Chair of Save Perth Hills was contacted to discuss the likely numbers of attendees at the meeting given Save Perth Hill's strong advocacy about SP34.

In respect of the special meeting of electors the Chair's comments are particularly pertinent. The Chair advised that he did not anticipate a 'huge' audience (he estimated approximately 20) and in his opinion it would be 'safe' to host the special electors' meeting in the usual venue i.e. Council Chambers.

COMMENT

There are a number of factors Council might wish to consider in regards to determining an appropriate location to hold the special electors' meeting on 19 April 2023.

In regards to holding the meeting in the Council Chambers:

- Since the meetings were held in 2019 regarding SP34, the ability to livestream and record council meetings has been implemented. The equipment to undertake livestreaming is located in the Shire's Administration building and cannot be easily relocated.

- The Council Chambers, in combination with the Civic Area, can accommodate up to 180 members of the public. However, as noted in the 'External Consultation' section, it is considered unlikely that the capacity will be exceeded.

Alternatively Council might determine that the meeting should be held at a venue capable of accommodating more than 180 people, which in effect means the Mundaring Arena given its location and ability to accommodate such numbers. Considerations include:

- Based on the attendance at a special electors' meeting to discuss SP34 in August 2019 more than 200 people attended the meeting in person. Council might decide, out of an abundance of caution, to prepare for similar numbers to attend the meeting of 19 April 2023.
- While it is noted that a livestreaming option can also be provided at Mundaring Arena for a 'one-off' use, this may or may not result in a reduction of members of the public attending in person.
- The estimated costs and other implications in regards to holding the meeting at the Mundaring Arena are detailed in the following table:

	Option	Costs	Other Implications
1.	Bendigo Room (Mundaring Arena)	<p>Audio \$600 (additional speakers to cater for those outside of the room)</p> <p>Crowd control \$900 (4 people x \$75 x 3 hours)</p> <p>St John Ambulance \$285</p> <p>Total \$1785 plus GST where applicable</p> <p>Option</p> <p>Livestream \$3500</p> <p>Total (with option) \$5285 (plus GST where applicable)</p>	<p>Maximum capacity of the Bendigo Room is 180 people.</p> <p>A further 80 people are able to be accommodated in the lobby area adjacent to the Bendigo Room.</p> <p>In addition the viewing balcony area located next to the Bendigo Room has a maximum capacity of 85 people – although there is no ability to view into the Bendigo Room from this location.</p> <p>Accordingly a total of 345 people could be accommodated in the Bendigo Room (maximum 180 in Bendigo Room itself inclusive of council members and staff, with overflow of 165 outside the room).</p> <p>There is a risk that people not able to enter the Bendigo Room will attempt to</p>

			<p>force entry, thus breaching the <i>Health (Public Buildings) Regulations 1992</i> and potentially creating a hazard which would contravene the <i>Workplace Health and Safety Act</i>.</p> <p>Crowd control officers and first aid officers will be required to manage this risk.</p> <p>Existing bookings (Netball Club) using the Mundaring Arena Committee Room would be advised about expected numbers, noting there are no bookings for the Bendigo Room as at the date of this report.</p> <p>A Council decision will be required to approve unbudgeted expenditure.</p>
2.	Sports Hall (Mundaring Arena)	<p>Audio \$1075 (includes microphones and speaker)</p> <p>Crowd control \$1350 (6 people x \$75 x 3 hours)</p> <p>Set up Floor covering, chairs, staging \$1920</p> <p>St John Ambulance \$285</p> <p>Total \$4630 (plus GST where applicable)</p> <p>Options</p> <p>Visual \$4500 (includes livestream, two projectors/screens)</p> <p>Total (with options) \$9130 (plus GST</p>	<p>Maximum capacity within the Mundaring Arena sports hall is 1200 people (700 seated, 500 standing). Any numbers exceeding 1200 would be in breach of <i>the Health (Public Buildings) Regulations 1992</i> and potentially create a hazard which would contravene the <i>Workplace Health and Safety Act</i>.</p> <p>Requires floor covering of courts to protect floor surface from foot traffic and chairs. This means costs will be incurred plus displacement of</p>

		<p>where applicable)</p>	<p>users while setting up and taking down of coverings.</p> <p>An option for provision of two screens / projectors and livestreaming is available.</p> <p>Existing bookings using the Mundaring Arena will be impacted. The 19 April 2023 evening booking (netball committee in the Committee Room) could still be accommodated however the Prime Movers regular booking on 20 April (50-60 attendees) would need to be cancelled as the meeting equipment and flooring could not be packed away in time for their 9am booking. They could not be relocated to courts 3 & 4 as these are already booked.</p> <p>A Council decision will be required to approve unbudgeted expenditure.</p>
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Based on an evaluation of the above, it is recommended that Council resolves to hold the special electors' meeting on 19 April 2023 in the Council Chambers.

This recommendation is in consideration of

- the disruption that would impact the users of the Mundaring Arena who have already booked the venue;
- the availability of livestreaming the meeting from the Council Chambers;
- the capacity for 180 members of the public to attend in person if they so choose;
- the additional unbudgeted expenditure to relocate the meeting to Mundaring Arena; and
- the unlikelihood of the numbers of attendees exceeding the capacity of the Chambers and Civic Area.

However if Council forms the view that the meeting should be held at Mundaring Arena, the resolution:

- must include the requirement for an Absolute Majority per *Local Government Act 1995* section 6.8 due to the requirement to expend funds not provided for in the Annual Budget; and
- should include the reasons for the decision so that they are able to be clearly communicated to members of the public.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council resolves to hold the Special Electors' Meeting on 19 April 2023 in the Council Chambers.

7.0 CLOSING PROCEDURES

7.1 Date, Time and Place of the Next Meeting

The next Ordinary Council meeting will be held on Tuesday, 11 April 2023 at 6.00pm in the Council Chamber.

7.2 Closure of the Meeting