



CONFIRMED MINUTES

SPECIAL COUNCIL MEETING

20 AUGUST 2019

I certify that the minutes of the Special Council meeting held on Tuesday, 20 August 2019 were confirmed on Tuesday, 10 September 2019.



Presiding Person



**CONFIRMED MINUTES
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20 AUGUST 2019**

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 an Elected 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 an Elected 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, SHIRE OF MUNDARING ADMINISTRATION BUILDING, 7000
GREAT EASTERN HIGHWAY, MUNDARING**

1.0 OPENING PROCEDURES

The Presiding Person declared the meeting open at 5.00pm.

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

Nil

1.2 Attendance/Apologies/Approved Leave of Absence

Elected Members	Cr John Daw (President) (Presiding Person)	East Ward
	Cr Kate Driver	East Ward
	Cr Stephen Fox	East Ward
	Cr Toni Burbidge	Central Ward
	Cr Lynn Fisher (Deputy President)	Central Ward
	Cr Doug Jeans	Central Ward
	Cr Darrell Jones	South Ward
	Cr David Lavell	South Ward
	Cr James Martin	South Ward
	Cr Ian Green	West Ward
	Cr Jason Russell	West Ward
Staff	Jonathan Throssell	Chief Executive Officer
	Megan Griffiths	Director Strategic & Community Services
	Stan Kocian	Acting Director Corporate Services
	Anna Italiano	Minute Secretary
Apologies	Cr Tony Brennan	West Ward
Absent	Nil	
Leave of Absence	Nil	
Guests	Nil	
Members of the Public	4	

Members of the Press Nil

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected 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*).

Nil

3.2 Declaration of Interest Affecting Impartiality

An Elected 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*).

Nil

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.

Summary of Question		Summary of Response
Paige McNeil – Save Perth Hills		
1.	Save Perth Hills seeks Council approval at the new venue to video record Save Perth Hills' presentation only. We intend to post the presentation on our Facebook page post meeting so that ratepayers who cannot attend the meeting due to work, family or mobility commitments can see Save Perth Hills presentation?	The CEO advised that currently the Shire's Policy and <i>Meetings Procedure Local Law</i> preclude recording of the public presentations and questions and deputations. Consideration of this request will be taken on notice.
2.	Stated on page 6 of tonight's agenda the Special Council meeting called for 27 August, the purpose is described as being to consider Structure Plan 34 – North Stoneville. The emailed notice of meeting	The Shire President advised that Council will be considering Structure Plan 34 although what was proposed by Satterley was a modification to Structure Plan 34.

	dated 7 August described the purpose as considering “modifications to”. While this can look like semantics, there is implications to the word “modifications” so we’re questioning is the purpose of the meeting to consider Structure Plan 34 or modifications to Structure Plan 34?	The CEO advised that Structure Plan 34 is currently enshrined within the Shire’s Local Planning Scheme 4. Therefore what is proposed for consideration at the Special Council meeting on 27 August is a modification.
Debra Bishop – Stoneville		
1.	In the agenda for the meeting dated 20 August tonight it refers to two projectors being required at the Arena. Is this an error or should it have stated two screens?	The CEO advised that it’s a combination of projectors and screens.
2.	Does the venue have adequate toilets for 600 – 1000 people over a 2 hour period?	Yes
3.	Has Satterley, the applicant, been approached for a developer contribution towards the cost of the meeting at the new venue?	No
4.	Will they?	No

5.0 PRESENTATIONS

5.1 Deputations

Nil

5.2 Petitions

Nil

5.3 Presentations

Nil

6.0 REPORTS OF EMPLOYEES

6.1 Selection of Venue for Special Council Meeting 27 August 2019

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 called for 27 August 2019, the purpose of which is to consider Structure Plan 34 – North Stoneville (SP-34) .

A special meeting of electors was held on Monday 12 August 2019 to discuss SP-34. The meeting was held in the Civic Area rather than in Council Chambers, in order to cater for the expected number of members of the public to attend, given the level of public interest in this matter. However, there was insufficient room for the number of people who did attend, resulting in an overcrowded meeting venue. In addition, a resolution passed at the special meeting of electors was to request the Shire hold the special meeting of Council in a larger venue to accommodate a higher number of ratepayers that were anticipated to attend.

'Save Perth Hills', a group which has adopted a lead lobbying role in opposition to the proposed SP 34, has advised they expect 500-600 people will attend the special meeting of Council on 27 August. Accordingly they have also requested Council hold the meeting in a larger venue.

This report presents options for Council to consider in regards to various venues at which it could hold the 27 August 2019 special meeting of Council.

BACKGROUND

Structure Plan 34 – North Stoneville (SP34) has attracted considerable community interest. 947 submissions were received; many questions have been asked at ordinary meetings of Council; a special meeting of electors was held on 12 August 2019 with 203 recorded attendees (with an unknown number of attendees whose attendance was not recorded); and there is a high likelihood that there will be more attendees at the upcoming special meeting of Council than can be safely accommodated in the Council Chambers or Civic Area.

STATUTORY / LEGAL IMPLICATIONS

Maximum capacity of meeting rooms within public buildings is to be in accordance with the *Health (Public Buildings) Regulations 1992*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costs associated with the various options to hold the special Council meeting are listed in the comment section below. Should Council resolve, by absolute majority, to approve expenditure not included in the annual budget any adjustment would be listed for consideration in the mid year budget process. Additional expenditure would be drawn from the Council Meetings budget.

STRATEGIC IMPLICATIONS

Mundaring 2026 Strategic Community Plan

Priority 1 - Governance

Objective 1.1 – A fiscally responsible Shire that prioritises spending appropriately

Strategy 1.1.3 – Provide increased transparency and opportunities for community feedback on proposed spending

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Reputation – if the venue is insufficiently large to accommodate the expected numbers of attendees the Shire will be accused of being unresponsive to community demand/expectations.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	Moderate
Action / Strategy		
Council determines to select a venue capable of accommodating the expected number of attendees – either in full or of a size able to accommodate more people than Council Chambers or Civic Area – OR Council explains reasons for limitations to venue size (see below for expected costs).		
Risk: Reputation – the additional cost to hold the special meeting of Council is unbudgetted and (depending on the venue selected) could be considerable, which may be viewed as an inappropriate use of ratepayer funds.		
Likelihood	Consequence	Rating
Possible	Moderate	Low
Action / Strategy		
Council determines to select a venue which requires no unbudgetted or additional expenditure and explains rationale to those seeking a larger venue.		
Risk: Compliance – Shire would be in breach of the <i>Health (Public Buildings) Regulations 1992</i> if the venue is insufficiently large to accommodate expected numbers of attendees and the numbers of people in the room exceeds the capacity.		

Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
Council determines to select a venue capable of accommodating the expected number of attendees.		
Risk: Safety – if the venue is insufficiently large to accommodate expected numbers of attendees and the numbers of people in the room exceeds the capacity, there might be people who attempt to force entry into meeting room, raising the potential for physical and psychological harm.		
Likelihood	Consequence	Rating
Likely	Moderate	Moderate
Action / Strategy		
Council determines to select a venue capable of accommodating the expected number of attendees; or acknowledges an increased number of security staff would be required to prevent unauthorised entry.		

EXTERNAL CONSULTATION

Nil

COMMENT

There are four venues presented for Council consideration:

Option		Costs	Other Implications
1.	Bendigo Room (Mundaring Arena)	Audio/visual \$600 Security \$1560 (6 x \$260) Casual Staff \$202 St John Ambulance \$247 Total - \$2,608 (plus GST)	Maximum capacity of the Bendigo Room is 180 people, with a further 80 people able to be accommodated in the lobby area adjacent to the Bendigo Room. The viewing balcony area has a maximum capacity of 85 people. Accordingly a total of 345 people could be accommodated in the Bendigo Room (maximum 180 in Bendigo Room itself, with overflow of 165 outside room with audio only). There is a risk that people not able to enter the Bendigo

			<p>Room will attempt to force entry, as occurred during the special electors' meeting Any numbers exceeding 345 would be in breach of the <i>Health (Public Buildings) Regulations 1992</i>.</p> <p>Existing bookings using the Mundaring Arena will be advised about expected numbers.</p> <p>Council decision required to approve additional expenditure.</p> <p>Live streaming not available in the Bendigo Room at the Mundaring Arena due to poor connectivity.</p>
2.	Sports Hall (Mundaring Arena)	<p>Audio \$1075 plus GST (includes microphones and speaker)</p> <p>Security \$1560 (6 x \$260)</p> <p>Floor covering \$3600 (plus GST). Delivery \$300 Installation \$400</p> <p>Casual Staff \$202</p> <p>St John Ambulance \$247</p> <p>Total - \$7384 (plus GST)</p> <p>Optional</p> <p>Stage Platform \$1000</p> <p>Visual \$2095 plus GST (includes microphones, speaker and 2 projectors)</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>.</p> <p>Requires floor covering of courts to protect floor surface from foot traffic and chairs.</p> <p>Option for two projectors is included as presentations from Satterley and Save Perth Hills were invited. Should there be no projectors, only oral presentations could be accommodated.</p>

			<p>Existing bookings using the Mundaring Arena will be advised about expected numbers.</p> <p>Council decision required to approve additional expenditure.</p> <p>Live streaming not available in the Sports Hall at the Mundaring Arena due to poor connectivity.</p>
3.	Civic Area/Council Chamber	<p>Audio/visual \$100</p> <p>Security \$1560 (6 x \$260)</p> <p>Casual Staff \$0</p> <p>St John Ambulance \$247</p> <p>Total - \$1,906 (inc GST)</p> <p>Optional</p> <p>Live streaming \$3176</p>	<p>Maximum capacity within the public gallery of the Council Chamber is 60 people (in addition to councillors and staff), with an additional 60 in the Civic foyer area and a further 134 in the Civic reception area: a total of 254 people. Those in the Civic Area and foyer would receive audio but not see the meeting.</p> <p>There is a risk that people not able to enter the Council Chamber will attempt to force entry, as occurred during the special electors' meeting. Any numbers exceeding 254 would be in breach of the <i>Health (Public Buildings) Regulations 1992</i>.</p> <p>Council decision required to approve additional expenditure.</p> <p>Live streaming option at an additional cost.</p>

4.	Perth Convention Centre	Venue hire	\$9900	<p>Costs were obtained as a basis of comparison. Venue allows for up to 2500 people.</p> <p>Distance to venue viewed as a significant impediment to meeting participants and public gallery, as it is not local.</p> <p>Council decision required to approve additional expenditure.</p>
		Audio/visual	\$3853	
		AV Technician	\$748	
		Ushers	\$988	
		Security	\$1560	
		Total - \$17,049 inc GST		

Other options researched included other Shire facilities and potential venues in the City of Swan. No other Shire facilities were available or of sufficient size to accommodate the anticipated numbers of attendees. City of Swan did not have any suitable venues available. In addition, where a venue is not a Shire owned facility, there is less ability to control the meeting and ask people to leave (if that is required for the orderly management of the meeting).

In making an assessment of the various options presented, Council is required to consider various risks and implications. The Strategic Community Plan seeks an objective of a fiscally responsible Shire that prioritises resources appropriately. One of the ways it seeks to do this is to provide increased transparency and opportunities for community feedback on proposed spending; yet the limited time available to be able to widely disseminate the information about the potential costs of holding the special council meeting on 27 August does not enable Council to do this effectively. Accordingly Council might be at potential reputational risk should it choose to approve expenditure to enable the special council meeting to proceed at a large venue such as the Sports Hall.

On the other hand, Council is also at potential reputational risk should it decide to be prudent in regards to expending funds and approve a venue such as the Bendigo Room or the Council Chambers/Civic Area for the meeting, as this could mean the venue is too small for the potential number of attendees - despite having an increased capacity compared to the usual numbers available in Council Chambers. Not only would those not able to attend the meeting likely be upset at the decision, but there could potentially be attempts to force entry, thus raising an occupational health and safety risk for councillors, staff, contractors and members of the public in attendance, and a compliance risk should the requirements of the *Health (Public Buildings) Regulations 1992* be breached.

Assuming that the number of attendees to the special meeting of council on 27 August 2019 is more than can be accommodated in any other venue listed in the options above, and based on an assessment of the relevant risk factors, the options available appear limited to the Mundaring Arena Sports Hall at an expected cost of \$6,684 plus GST. This amount does not include the option of a stage to provide increased visibility of the council meeting, nor does it include the cost of providing projectors for visual presentations. As this amount is not budgeted, an absolute majority would be required.

VOTING REQUIREMENT

Absolute Majority - *Local Government Act 1995* section 6.8.

RECOMMENDATION

That Council, by absolute majority, resolves to hold the Special Council Meeting on 27 August 2019 at the Mundaring Arena Sports Hall at a cost of \$6684 plus GST.

Correction

The CEO advised that the correct figure for use of the Sports Hall at Mundaring Arena (excluding the optional stage platform and visual screens) was \$7384, not \$6684 as stated in the recommendation.

5.22pm Meeting Adjourned

COUNCIL DECISION MOTION			SC1.08.19
Moved by	Cr Burbidge	Seconded by	Cr Russell

That the meeting be adjourned.

CARRIED 11/0

For: Cr Daw, Cr Driver, Cr Fox, Cr Burbidge, Cr Fisher, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Green and Cr Russell

Against: Nil

5.24pm Meeting Resumed

The meeting resumed with all elected members present.

COUNCIL DECISION MOTION			SC2.08.19
Moved by	Cr Jones	Seconded by	Cr Russell

That Council, by absolute majority, resolves to hold the Special Council Meeting on 27 August 2019 at the Mundaring Arena Sports Hall, including visual screens, at a cost of \$8404 plus GST.

CARRIED 11/0

For: Cr Daw, Cr Driver, Cr Fox, Cr Burbidge, Cr Fisher, Cr Jeans, Cr Jones, Cr Lavell, Cr Martin, Cr Green and Cr Russell

Against: Nil

7.0 CLOSING PROCEDURES

7.1 Date, Time and Place of the Next Meeting

The next Ordinary Council meeting will be held on Tuesday, 10 September 2019 at 6.30pm in the Council Chamber, Shire of Mundaring Administration Building, 7000 Great Eastern Highway, Mundaring.

7.2 Closure of the Meeting

The Presiding Person declared the meeting closed at 5.26pm.