

CITY OF JOONDALUP

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 28 MAY 2002.

OPEN AND WELCOME

The Mayor declared the meeting open at 1802 hrs.

Mayor

J BOMBAK, JP *to 1838 hrs.*

Elected Members:

Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	
Cr A NIXON	North Coastal Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	<i>absent from 1859 to 1901 hrs</i>
Cr J HURST	Whitfords Ward	<i>Assumed the Chair at 1838 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Acting Director, Corporate Services & Resource Management:	A SCOTT
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Planning, Approvals & Environmental Services:	C TERELINCK
Manager Project, Policy & Planning:	R HARDY
Acting Coordinator, Urban Design & Policy:	S VELJANOSKA
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN

Apologies:

Apology for Absence: Cr P Rowlands

Leave of absence: Cr P Kadak

There were 30 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

(Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked).

The following questions were submitted by Mr S Magyar, Heathridge:

- Q1 Will there be a second public question time at the end of this meeting, so that residents can seek clarification of the resolutions of Council made at this meeting tonight?*
- A1 Clause 2.2 of the City's Standing Orders Local law details that the order of business at any special meeting of the Council shall be the order in which such business stands in the notice given. The notice of meeting for this Special Council Meeting did not include a second period of public question time; therefore Standing Orders would not permit a second period of public question time.
- Q2 Have any Councillors lodged a rescission motion with the CEO regarding the establishment of this Committee, and if so have they provided any reasons for their actions?*
- A2 A request to have a rescission motion has been received regarding the establishment of a working party as per the resolution of the Council at its meeting held on 21 May 2002. Reasons have not been included with the rescission motion to date, however Standing Orders stipulates that a notice of motion must be received seven clear days prior to the date at which the Council meeting is scheduled to consider that motion. Those notices of motion that are requested to be considered at the 11 June 2002 meeting must be submitted in total by Monday 3 June 2002.
- Q3 If so, can the name of those Councillors be provided to this meeting now?*
- A2 Crs Baker, Kenworthy, Mackintosh, Kimber and Rowlands.
- Q4 Has this Council made a promise at large to the general community, through its Strategic Plan 2000-2005 to:*
- “Actively promote effective communication with the community, with opportunities for the community to participate in Council planning and decision-making, and to develop partnerships with the community and other stakeholders – creating advantage by working in unison to achieve the visions for the City”*
- A4 The City is committed to communicating with the community, taking into consideration certain limitations.

Q5 If so, does the formation of this working group fit in well with the City's Strategic Plan?

A5 The formation of a committee/working group that comprises members of the public is only one of many ways the City may communicate with its community.

Q6 Will the agendas and minutes for this working group be made available to the public through the Council web site as other Council committee agendas and minutes are made available on the Internet?

A6 Yes.

Q7 If so, will the availability of these minutes and agendas be done in accordance with Local Government Administration Regulation 13, which states:

"A local government is to ensure that unconfirmed minutes of each Council and committee meeting are available for inspection by members of the public:

(a) in the case of a Council meeting, within 10 business days after the meeting; and

(b) in the case of a committee meeting, within 5 business days after the meeting"

A7 The Council will comply with its legislative requirements.

Q8 Will this working group hold its meetings with the doors open to the public?

A8 There is no legislative requirement to do so. This is a decision for the Council to make.

Q9 In late February 2002, I submitted to Council a petition in relation to preparation of precinct Plan for suburb of Heathridge. As there is interest in Heathridge for Precinct Planning to occur in that suburb, will the Council consider appointing a resident of Heathridge to the working group so that at least one suburb can call upon the Council staff to improve their area?

A9 This is a decision for the Council to make when deciding the make up of the working group.

Mr S Magyar, Heathridge:

Q1 If this committee is formed and representatives are nominated accordingly, will this committee be furthering the intent of the Local Government Act to provide greater community participation?

A1 Committees that involve members of the public is only one way of consulting with the community.

Q2 If this committee was established, would it be assisting Councillors to perform their roles as defined in the Local Government Act?

A2 Elected members represent the community. Through any appoint or representation on a committee, members of the Council would be required to consult with members of the community.

Mr S Grech, Ocean Reef:

Q1 Why is it that Ocean Reef, Heathridge and Connolly residents are not able to have an as-of-right representation on the proposed Committee?

Q2 When was the broader public asked to provide nominations for the various posts as committee representatives on this committee?

A1-2 Cr O'Brien stated that the recommendation was submitted to facilitate an analysis and submit recommendations to Council as a result of the Special Electors' meetings that were held in relation to the precinct action planning for the Warwick precinct of Woodvale, Kingsley, Greenwood and Warwick, and also the Mullaloo meeting was concerned about planning proposals at Mullaloo. Cr O'Brien assumed that was the basis of the agenda for getting people to assist and talk to the Councillors. He advised this committee could only make a recommendation to Council, and could not make decisions for the long term.

Q3 Why do Mullaloo residents get a say in issues relating to Kingsley, Warwick and Greenwood, and vice versa, but not other residents of other suburbs of the City of Joondalup?

A3 Cr O'Brien stated that the main theme of the matters raised at the two Special Electors' meetings concerned those areas. The putting together of the working group to enable community participation is modelled on that which occurred after an earlier Special Electors' meeting. At that time a working group was formed and it came up with some resolutions for Council; Council adopted some and rejected some others. There are Councillors who have been placed on that committee and there is no area which would be neglected by the Committee.

Mr R Krakowski, Joondalup:

Q1 Has the Council recently received a complaint about Cr Hollywood's conflict of interest as a Councillor and a businessman and if so, can you confirm or deny that these issues have been referred to the Anti-Corruption Commission for investigation? Can you please report to ratepayers on this issue.

A1 This question does not relate to the business of this Special Meeting of Council and was taken on notice to be raised at the ordinary Council meeting of 11 June 2002.

Mr S Magyar, Heathridge:

Q1 If the motion is successful this evening, will the implementation of this committee be delayed until the question of the rescission motion is decided?

A1 Legal advice has been received and no action will be taken until the rescission motion is determined by Council at its next meeting.

DECLARATION OF FINANCIAL INTEREST/INTEREST WHICH MAY AFFECT IMPARTIALITY

Nil

REQUEST FOR A SECOND PUBLIC QUESTION TIME

MOVED Cr Carlos SECONDED Cr Hollywood that the City's Standing Orders Local Law be suspended to allow a second public question time to the close of this evening's meeting in order that members of the public may ask questions in relation to decisions made at this meeting.

The Manager, Marketing Communications and Council Support outlined the City's Standing Orders Local Law Clause 2.2 in relation to the holding of a second public question time at a Special meeting of Council. Accordingly, Mayor Bombak ruled that he could not accept this motion.

The Manager, Marketing Communications and Council Support then outlined the City's Standing Orders Local Law Clause 8.1 and advised that Council would need to determine whether the matter was of urgent necessity. Mayor Bombak again ruled that he could not accept this motion.

Cr Carlos, Cr Hollywood and Cr Nixon dissented from the ruling of the Mayor.

ITEM OF BUSINESS**JSC1-05/02 NOTICE OF MOTION – CR M O'BRIEN**

The purpose of the meeting is to discuss the following motion only:

“That :

- 1 Council APPOINTS the following representatives, to fill, on or before 5pm Thursday 6th June 2002, the 10 peoples places on the Working Group of Residents and Councillors appointed on Tuesday 21st May 2002 and charged with the responsibility of reporting back and making recommendations to Council, regarding the issues raised at the Mullaloo, Kingsley and Greenwood Special Meetings of Electors;
 - 1. Person, resident in Mullaloo, nominated by Cr Mackintosh and/or Cr Hurst;
 - 1. Person, resident within the City, nominated by the Coast Care Forum;
 - 2. People, resident in Mullaloo, nominated by the Mullaloo Progress Association;
 - 1. Person, resident in Woodvale, nominated by Cr Kadak and/or Cr Kimber;
 - 2. People, resident in Kingsley, nominated by the Kingsley Action Group;
 - 2. People, resident in Greenwood, nominated by the Greenwood Preservation Group;
 - 1. Person, resident in Warwick, nominated by the South Ward Ratepayers and Electors Association; and

- 2 the first meeting of the Working Group be held, commencing at 9am, on the second Saturday Morning, after all, and/or enough to constitute a quorum of the Working Group, have, as the nominated peoples contact names and addresses, been delivered to the CEO of the City of Joondalup and further that the terms of reference shall be those determined by the CEO.”

This Special Meeting of Council has been advertised in The West Australian on Tuesday 28 May 2002.

MOVED Cr O’Brien SECONDED Cr Carlos that:

- 1 **Council APPOINTS the following representatives, to fill, on or before 5pm Thursday 6th June 2002, the 10 peoples places on the Working Group of Residents and Councillors appointed on Tuesday 21st May 2002 and charged with the responsibility of reporting back and making recommendations to Council, regarding the issues raised at the Mullaloo, Kingsley and Greenwood Special Meetings of Electors;**
- **1. Person, resident in Mullaloo, nominated by Cr Mackintosh and/or Cr Hurst;**
 - **1. Person, resident within the City, nominated by the Coast Care Forum;**
 - **2. People, resident in Mullaloo, nominated by the Mullaloo Progress Association;**
 - **1. Person, resident in Woodvale, nominated by Cr Kadak and/or Cr Kimber;**
 - **2. People, resident in Kingsley, nominated by the Kingsley Action Group;**
 - **2. People, resident in Greenwood, nominated by the Greenwood Preservation Group;**
 - **1. Person, resident in Warwick, nominated by the South Ward Ratepayers and Electors Association; and**
- 2 the first meeting of the Working Group be held, commencing at 9am, on the second Saturday Morning, after all, and/or enough to constitute a quorum of the Working Group, have, as the nominated peoples contact names and addresses, been delivered to the CEO of the City of Joondalup and further that the terms of reference shall be those determined by the CEO.

Discussion ensued.

Preservation of order

Mayor Bombak requested Cr Carlos to make an apology to the Chamber. Cr Carlos refused to make an apology. In accordance with the City’s Standing Orders Local Law, Mayor Bombak directed that Cr Carlos would not be acknowledged by the Chair and called for the next speaker to the motion.

AMENDMENT MOVED Cr Patterson, SECONDED Cr Walker that the following points be added to the Motion:

- “3 all positions relating to the residents’ positions on the working group be advertised for a period of four weeks in the local press to enable any ratepayer in the City of Joondalup that has an interest in the area to apply;

- 4 all applications for these positions are to meet the customary criteria for community positions on working groups in the City of Joondalup;
- 5 the final list of proposed candidates to be presented to the next Council meeting following the closure of applications for ratification by Council.”

Discussion ensued.

MOVED Cr Kimber SECONDED Cr Baker that the Amendment be WITHDRAWN.

The Motion to Withdraw was Put and

CARRIED

AMENDMENT MOVED Cr Patterson SECONDED Cr Kenworthy that:

- 1 **Point 1 of the Motion be DELETED;**
- 2 **Point 2 of the Motion be renumbered to Point 1;**
- 3 **the following points be added to the Motion:**
 - “2 **all positions relating to the residents’ positions on the working group be advertised for a period of four weeks in the local press to enable any ratepayer in the City of Joondalup that has an interest in the area to apply;**
 - 3 **all applications for these positions are to meet the customary criteria for community positions on working groups in the City of Joondalup;**
 - 4 **the final list of proposed candidates to be presented to the next Council meeting following the closure of applications for ratification by Council.”**

Mayor Bombak left the Chamber at this point, the time being 1838 hrs. Cr Hurst assumed the Chair.

Discussion ensued.

MOVED Cr Baker SECONDED Cr Kimber that the Motion BE NOW PUT.

The Procedural motion was Put.

There being an equal number of votes, the Deputy Mayor exercised her casting vote and declared the Motion **LOST**

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 1859 hrs and returned at 1901 hrs.

The Amendment was Put.

There being an equal number of votes, the Deputy Mayor exercised her casting vote and declared the Amendment **CARRIED**

It was requested that the votes of all members present be recorded:

In favour of the Amendment: Crs Mackintosh, Kenworthy, Kimber, Baker, Patterson and Hurst.

Against the Amendment: Crs Carlos, Nixon, Hollywood, Walker, O'Brien and Barnett.

The Original Motion, as Amended, being:**That:**

- 1 the first meeting of the Working Group be held, commencing at 9am, on the second Saturday Morning, after all, and/or enough to constitute a quorum of the Working Group, have, as the nominated peoples contact names and addresses, been delivered to the CEO of the City of Joondalup and further that the terms of reference shall be those determined by the CEO;**
- 2 all positions relating to the residents' positions on the working group be advertised for a period of four weeks in the local press to enable any ratepayer in the City of Joondalup that has an interest in the area to apply;**
- 3 all applications for these positions are to meet the customary criteria for community positions on working groups in the City of Joondalup;**
- 4 the final list of proposed candidates to be presented to the next Council meeting following the closure of applications for ratification by Council.**

Was Put.

There being an equal number of votes, the Deputy Mayor exercised her casting vote and declared the Motion. **CARRIED**

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Mackintosh, Kenworthy, Kimber, Baker, Patterson and Hurst.

Against the Motion: Crs Carlos, Nixon, Hollywood, Walker, O'Brien and Barnett.

CLOSURE

There being no further business, the Deputy Mayor declared the Meeting closed at 1917 hrs; the following elected members being present at that time:

P KIMBER
D CARLOS
C BAKER
A NIXON
J F HOLLYWOOD, JP
A WALKER
T BARNETT
M O'BRIEN, JP
A PATTERSON
G KENWORTHY
J HURST
C MACKINTOSH