

CITY OF JOONDALUP

MINUTES OF SPECIAL ELECTORS MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON MONDAY, 2 MAY 2005

ATTENDANCES

CMR J PATERSON – Chairman
CMR P CLOUGH - Deputy Chairman *Absent from 1958 hrs to 2000 hrs*
CMR M ANDERSON
CMR S SMITH
CMR A FOX

Officers:

Chief Executive Officer:	G HUNT
Director, Planning and Community Development:	C HIGHAM
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations:	D DJULBIC
Manager, Marketing Communications & Council Support:	M SMITH
Manager, Approvals Planning & Environmental Services:	C TERELINCK
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

APOLOGIES

The following people tendered their apologies and wished to record their objection to the decision of Council to rezone the site from 'Parks and Recreation' to 'Urban Land Use' and request the Council to rescind its decision to approve the zoning:

Mr J and Mrs S Hollock, 14 Troy Avenue, Marmion
Mr P and Mrs D McKenzie, 12b Troy Avenue, Marmion
W Hamilton, 69 High Street, Sorrento
Mrs M F Darch, 57 Marine Terrace, Sorrento
Mr M and Mrs L Hyde, 5/74 Cliff Street, Marmion
Mrs C Woodward, 77 High Street, Sorrento
M C McCuish, 40 Marine Terrace, Marmion
R Lea, 23 Stawell Way, Padbury
M Matthews, 27/17 Syree Court, Sorrento
Mr M Carbone, 73 High Street, Sorrento
Mrs N Hyam, 29/17 Syree Court, Marmion
Mr D Rood, 30/17 Syree Court, Marmion
Mrs W J Allan, 15/17 Syree Court, Marmion
Ms V White, 73 High Street, Sorrento

Mrs D O Payne, 16/17 Syree Court, Marmion
Mr G Payne, 16/17 Syree Court, Marmion
Mrs J Mirabella, 17/17 Syree Court, Marmion
M Ardic, 18/17 Syree Court, Marmion
Mrs F Sheppard, 8/74 Cliff Street, Marmion
L A Lynch, 19/17 Syree Court, Marmion
Mrs F L Parker, 14/74 Cliff Street, Marmion
T Kitson, 13/74 Syree Court, Marmion
Mr Brian Murray, 11a Ozone Road, Marmion
Mrs Margaret Went, 7 Leach Street, Marmion
Mr Brian and Mrs Nola Kirby, 27 Braden Way, Marmion
Mr Joe Otway, 15 Beach Road, Marmion
Mr Henry and Mrs Jean Hall, 40 West Coast Drive, Marmion
Mrs Christine Ghersinich, 17 Leach Street, Marmion
Ms Mary O'Neill, 37 Beach Road, Marmion
Ms Maria John, 11 Olive Grove, Mullaloo
Ms Anita Harrop, 3 Angelina Court, Kingsley
Mr Neil Judge, 3 Urbahns Way, Hillarys
Ms Christine Jensen, 2 Shoran Court, Ocean Reef
Ms Dot Saunders, 9 Ozone Road, Marmion
Ms Rita Wilkinson, 9A Ozone Road, Marmion
Mr Jack and Mrs Daphne Harvey, 54 West Coast Drive, Marmion
Ms Sheila Burnett, 3b Ozone Road, Marmion
Mr Allan and Mrs Jill True, 119 High Street, Marmion
Mr Denis and Mr Paddy Brown

There were 86 members of the public and 1 member of the press in attendance.

For Attendance lists, click here: [attendance smoe 020505.pdf](#)

The Chairman opened the meeting at 1900 hrs and welcomed members of the public.

PURPOSE OF MEETING

This meeting was called in accordance with the provisions of Section 5.28 of the Local Government Act 1995. The details of the matters to be discussed at the special meeting are:

- 1 Lot 61 Leach Street, Marmion – The CSIRO Site – Zoning Application:
 - The inadequacy of public open space (POS) in the suburb of Marmion and the City's inconsistency in its understanding of the 10% POS allocation for Marmion.
 - How the best interests of the Marmion community are served by the City approving the CSIRO site for a commercial benefit.
 - Why the City and the applicant have not sought dialogue with the Marmion community on the future of the CSIRO site.
 - Approval of zoning will result in the destruction of the last remnant coastal vegetation in Marmion contrary to the City's policy on biodiversity protection.

- The precedent set by the community in protecting the POS in two previously failed rezoning attempts.
- The use of the CSIRO site and its facilities for an Indian Ocean Tsunami warning centre.

2 Community Facilities in Marmion

- The lack of community facilities in Marmion.
- The future provision of community facilities in Marmion.
- The degradation of the coastal foreshore reserve by fishermen during the abalone season.

3 Any other business arising from the floor

The meeting was advertised on Thursday 14 April 2005, Thursday 21 April 2005 and Thursday 28 April 2005 in The Joondalup Community Newspaper.

Comr Paterson requested each elector who addressed the meeting to state their name and address and whether they are an elector of the City of Joondalup. Any decisions made at the Special Meeting of Electors will, where practicable, be submitted to the next ordinary meeting of Council.

PUBLIC QUESTION TIME/MOTIONS

The following questions were submitted to the Council Meeting held on 26 April 2005 and responses tabled at this evening's meeting:

Ms S Hart, Greenwood:

Re: CSIRO Site, Marmion: In relation to questions submitted to Briefing Session held on 30 March 2005 and responses given as follows:

"Q1 During an earlier deputation this evening, Mr Glenn McLeod stated he had spoken to the City's lawyers. Is it correct that the City has lawyers looking at this issue?"

A1 Following the deferral of this Item at the Council meeting held on 15 March 2005, the City sought further advice on this issue and engaged McLeod and Co, who have been involved in discussions with the Satterley Group.

Q2 Have Commissioners seen the Terms of Reference and the legal advice given to the City regarding this issue?"

A2 Yes, we have received legal advice."

Q1 Regarding Question 1. In the answer to Question 1, which McLeod represented the City? Mr D McLeod or Mr G McLeod.

A1 Mr D McLeod

Q2 *What did the lawyers discuss?*

A2 The lawyers discussed the issues in relation to Council's request for an investigation of any known encumbrances on the title.

Q3 *Has the City a true copy of the discussions between McLeods and Satterley/Group lawyers?*

A3 A record of the research conducted by each lawyer has been provided to the Council and is held in its records management system.

Q4 *Have the Commissioners received a copy of all the terms of reference/questions/brief to lawyers and legal advice received by the City, or discussions between lawyers?*

A4 The question has been previously answered by the Chairman of Commissioners.

Q5 *Who set the terms of reference/questions/brief for this legal advice?*

A5 The nature of the advice sought was developed by staff

Q6 *Is it usual practice for the City's lawyers to discuss issues with applicants and or applicant's lawyers?*

A6 Yes, this is typically the case with most issues.

Q7 *Who paid the account for McLeods?*

A7 The Council.

Q8 *What was the cost?*

A8 \$281.60

Q9 *At the briefing session 19/04/05, I asked if Commissioners had seen a copy of the legal advice obtained re CSIRO site Marmion. The answer from the Chairman was that the City had received the legal advice.*

When I stressed the word seen, Commissioner Anderson indicated that he had not. Commissioner Clough declined to answer and the Chairman gave an answer not associated with the question.

Why was this not recorded in the minutes?

A9 It is believed that Ms Hart is referring to the Briefing Session held on 30 March 2005. The notes from the Briefing session provide a summary of questions raised and a summary of the responses given. Questions are not to be directed at individual Commissioners.

Q10 *At public question time Ordinary Council Meeting 26/04/05, I asked two questions and only one is recorded. Why?*

- A10 It is believed that Ms Hart is referring to the Council meeting held on 5 April 2005. The minutes of the Council meeting provide a summary of questions raised and a summary of the responses given to Ms Hart.
- Q11 *The unrecorded question, asked to each Commissioner, was related to the CSIRO site Marmion and legal advice received. All Commissioners present refused to answer and the Chairman stated Commissioners did not have to answer.*
- Q12 *Is this open and accountable government?*
- Q13 *Why is a response not warranted from Commissioners, on such an important decision affecting ratepayer's amenity, reassuring ratepayers that Commissioners, who are representing ratepayers, are making informed decisions with all the facts?*
- A11-13 Questions are not to be directed at individual Commissioners. All questions asked of the Council are responded to as accurately as to the degree of information available and done so in a very timely manner in accordance with the guidelines agreed to by the Council.
- Q14 *Were any Commissioners present at the legal discussions between the City's lawyers and the Satterley group?*
- A14 No.
- Q15 *Were any staff present, to minute the meeting between the City's lawyers and the Satterley group?*
- A15 No.

Mrs M Macdonald, Mullaloo:

- Q1(a) *When officers spent two hours discussing the sale of the reserve with the CSIRO why did they not propose that before the land was sold, CSIRO should apply for a rezoning to residential?*
- A1(a) The sale of the land is a separate issue from the zoning of the land. The CSIRO were at liberty to sell the land with its current zoning in place.
- Q1(b) *Was not this the appropriate process as no prospective purchaser according to answers to questions was given a tacit approval that the rezoning fitted the Strategic Plan of the City?*
- A1(b) The appropriate process is for an applicant to request Council consider a rezoning of the site if they sought to develop the site for residential purpose.
- Q2 *Does the City have meeting notes of the two hour meeting with the CSIRO and if not, why not?*
- A2 The CSIRO invited Councillors and staff to the site to be appraised of their intention to dispose of the land. No decisions or follow up actions were required and no records were kept of that visit.

Q3 *If these notes exist can these meeting notes be made available to Commissioners and others?*

A3 See A2

Q4 *Now that the City has agreed to change an area zoned for Parks and Recreation to Urban Development in an area of which has POS of 7.2% can Commissioners suggest what ratepayers can do to ensure that this process is not continued throughout the City in accordance with State Government Policy of infill or Precinct Planning which will reduce the amount of remnant bushland in our suburbs whilst increasing residential density?*

A4 Any application will be assessed on its planning merits, the results of which will be provided to the Council of the day for determination as considered appropriate.

Q5 *Which part of the City's Strategic Plan relates to the Government's Infill Policy and what other areas in the City can expect infill and loss of Reserves and amenity?*

A5 The Strategic Plan outlines the strategic direction of the organisation. The document does not address any government policy that relates to infill development.

Q6 *What are the City's Policies on infill, as currently the Centre Strategy needs review, we have no Housing Policy, and no height policy for the majority of the City and ratepayers could naturally assume that this is haphazard development?*

A6 There are no Policies on infill development, however there is a height policy, which applies to a large proportion of the City.

Q7 *Does the City intend to be up front with its ratepayers with respect to these plans the City has which will affect ratepayers amenity?*

A7 The City is very conscious of the need to consult with all sectors of the community where plans are likely to impact on their amenity.

Q8 *Have developers more information on infill than is available to ratepayers?*

A8 No.

Mr T Thorp, Sorrento:

Re: Rezoning of the CSIRO Site in Marmion

Q1 *Please list six main objectives of the developer that the Commissioners were most influenced by to rezone the site to urban development and what list of six main objectives of the developer that Administration shows that influence them to support the rezoning from parks and recreation to urban development.*

A1 The Commissioners had access to all the relevant information on the matter. This information, together with the report to Council, provided the basis for their decision-making.

Q2 *Were all the relevant questions asked by the Joondalup electors about rezoning of the CSIRO site answered in full before the Commissioners made their decision at the last Council meeting, if not, why not?*

A2 All questions that were submitted within the appropriate timeframes were responded to prior to Council making their decision.

PUBLIC QUESTION TIME/MOTIONS

The key points raised by electors are outlined below.

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Allyn Bryant, 6B Stocker Court, Craigie that the persons listed on the List of Speakers come forward as and when required during the meeting to ask their questions and to speak.

The Motion was Put and

CARRIED

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED William Cohen, 12A Troy Avenue, Marmion that the relevant sections of Local Law S5 – Standing Orders be suspended to allow open debate, discussion and participation in the meeting.

The Motion was Put and

CARRIED

Mr M Caiacob, 7 Rowan Place Mullaloo:

- The meeting had been called by the public in regard to the unreserving and zoning of the local reserve known as the CSIRO site to highlight and express their concerns and fears, to understand how this has occurred and the processes involved, and to make representation to the City and the Commissioners to rescind the approval decision.
- The meeting will be cordial and is not an attack on the City nor the Commissioners, but will seek to have the organisation recognise and support the key stakeholders' overwhelming opposition to the unreserving and zoning of a local reserve, and to raise points of public concern and perception.

Mr Stephen Kobelke, 1 Hawkins Avenue, Sorrento (President, Marmion, Sorrento, Duncraig Progress Association Inc):

- The evidence against the rezoning was strong and compelling. This evening's meeting gives the community the chance to review how this point has been arrived at, and why the overwhelming community feeling against the proposal was not heard by the staff and Commissioners.
- Mr Kobelke provided a recent history of the site.
- Mr Kobelke advised he would put aside this evening that the City of Joondalup's Planning Department should have moved in the community's interests as soon as it knew that the CSIRO was going to market the property and put an arguable case that the City buy back the property at the original price the CSIRO paid to the State Government.

- From the beginning the community has sensed a strong bias towards the applicant from the City of Joondalup.
- In the biggest community response to a rezoning application in the time the Commissioners have been in place, it is found that not only have the Commissioners not read all the submissions, they are prepared to go with the flawed and questionable advice of the officers and vote against the overwhelming “no vote” of the community.

MOVED Stephen Kobelke, 1 Hawkins Avenue, Sorrento SECONDED Terry Thorp, 75 High Street, Sorrento that Commissioners hold an urgent special full Council meeting and RESCIND the motion to rezone Lot 61 Leach Street, Marmion (the CSIRO site) and following that meeting instruct the Chief Executive Officer of the City of Joondalup to contact the Minister for Local Government advising the rezoning decision has been reversed and request the Minister to appoint an eminent person to investigate all matters relating the sale and rezoning process of Lot 61 Leach Street, Marmion (the CSIRO site).

The following persons spoke to the Motion:

- Mr Michael Caiacob, 7 Rowan Place, Mullaloo:
- Mr Jim McNamara, 39 Seacrest Drive, Sorrento:

MOVED Michael Caiacob, 7 Rowan place, Mullaloo SECONDED Terry Thorp, 75 High Street, Sorrento that the Motion be Put.

The Procedural Motion was Put and

CARRIED

The Motion as Moved by Stephen Kobelke, Seconded Terry Thorp was Put and

CARRIED

MOVED Noal Gannon, 79 Clontarf Street, Sorrento SECONDED Jim McNamara, 39 Seacrest Drive, Sorrento that Commissioners should be aware that the present City policy is allowing the creation of residential in-fill blocks in Marmion, which will put extra pressure on the current inadequate public open space. Rezoning of Lot 61 Leach Street, Marmion will only aggravate this problem and should not proceed.

The following persons spoke to the Motion:

- Mr Noal Gannon, 79 Clontarf Street, Sorrento
- Mrs Eve Cohen, 12A Troy Avenue, Marmion

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Allyn Bryant, 6B Stocker Court, Craigie that the Motion be Put.

The Procedural Motion was Put and

CARRIED

The Motion as Moved by Noal Gannon, Seconded Jim McNamara was Put and

CARRIED

MOVED Eve Cohen, 12A Troy Avenue, Marmion **SECONDED** Veronica McKinnon, 2 Mulloway Court, Sorrento that the decision to rezone Lot 61 Leach Street, Marmion be **RESCINDED** in favour of Mr K A Adam's very definite disapproval of rezoning.

Mrs Cohen spoke to the Motion.

The Motion was Put and

CARRIED

MOVED William Cohen, 12A Troy Avenue, Marmion **SECONDED** Jim McNamara, 39 Seacrest Drive, Sorrento that the Commissioners **RESCIND** their decision and **DEFER** the consideration of Lot 61 Leach Street, Marmion until an elected Council can deal with it.

Mr Cohen spoke to the Motion.

The Motion was Put and

CARRIED

MOVED Terry Thorp, 75 High Street, Sorrento **SECONDED** Noal Gannon, 79 Clontarf Street, Sorrento that we, the electors **REQUEST** the Commissioners to note that the community perception is that the submissions were not read by the decision-makers. The report advises that it only deals with the planning issues, but the submissions contained other relevant factors. Therefore we, the electors of the City of Joondalup request the Commissioners to **RESCIND** their decision of the rezoning of Lot 61 Leach Street, Marmion until such time as all submissions and issues raised have been taken into account as expressed at this evening's meeting.

The following persons spoke to the Motion:

- Mr Noal Gannon, 79 Clontarf Street, Sorrento – Mr Gannon raised a query in relation to the recording of this special meeting of electors.
- Mr Michael Caiacob, 7 Rowan Place, Mullaloo

The Motion was Put and

CARRIED

Ms Sue Hart, 32 Pullan Place, Greenwood:

Q1 *In response to my questions submitted in writing, in particular the response given for Question 2, which reads "the lawyers discussed the issues in relation to Council's request for an investigation of any known encumbrances on the title". Could I have an explanation of this please?*

A1 The issue raised was in relation to whether there was documentation identified on the title in relation to past ownerships. The suggestion was that there was information that the Council was not aware of and advice was sought from the lawyers in relation to the title issue.

The letter to McLeod, Solicitors seeking advice in relation to CSIRO site, Lot 61 Leach Street, Marmion was read to the meeting:

"I refer to the above in relation to proposed Amendment to the District Planning Scheme to rezone the land from Local Reserve Parks and Recreation to Urban Development that was considered by the Council at its Briefing session on 8 March 2005 – See Attachment 4, Location Plan.

The intention for the site is to sub-divide the land into 39 residential lots. The site was formerly owned in freehold title by the Commonwealth Scientific and the Industrial Research Organisation (CSIRO), who disposed of the land to Marmion Estate Pty Ltd in 2003 as surplus to its requirements. In view of the land originally being reserved for public purpose, clarification is sought regarding the legality of transferring the land for any other purpose and any possible encumbrances on the title of land to this effect. In this regard a copy of the Certificate of Title is attached.

Furthermore, at the Briefing session the Council was advised in a deputation that there may be some legal consequences of being party to allowing the use of the land for residential development.

Your urgent comments are therefore sought in this regard should the Council support the proposed amendment. As the Council wishes to consider these issues at its meeting on 15 March 2005, your urgent attention would be greatly appreciated. Please do not hesitate the abovementioned officer should you wish to discuss this matter."

Q2 *Is this the only legal advice the City sought on the CSIRO site?*

A2 It is believed this is the only legal advice sought, however this question will be taken on notice.

Mr Michael Caiacob, 7 Rowan Place, Mullaloo:

Q1 *In reference to the questions raised by Ms Hart, were the City's lawyers advised that the marine facility on Lot 61 Leach Street, Marmion was in fact a non-conforming use?*

A1 It is not believed that the lawyers were advised, and it is unsure that it is was a non-conforming use.

Mr Caiacob tabled minutes of the Special Meeting of Electors held on 16 June 1992 – Appendix 1 refers. *To access this attachment on electronic document, click here: [Attach1smoe020505.pdf](#)*

Mr Ken Zakrevsky, 49 Korella Street, Mullaloo:

- This has always been a requirement for this Council and the former City of Wanneroo to erect signs on site to inform the public to any change of use.
- Mr Zakrevsky, in his position as Councillor, moved that requirement 31 years ago, together with the requirement for a specific size of sign.
- Over the years the size of signs has been considerably diminished.

- It is understood from the community who live within the vicinity that any signs that were erected were done so after the sale.
- Why were there no signs placed by either the past owner, CSIRO or the current proponent of the development. When and what was put on the site, namely were the signs put up and were they in a significant place?

Q1 Were signs put in a conspicuous spot, such as Cliff Street, West Coast Highway or Beach Road, which would be the absolute requirements for something as great a change as this?

A1 It is believed that two signs were placed on site and following comments put to the City by community members these were moved on two occasions to place them in better locations.

Q2 How conspicuous were these signs making the community well aware of the situation?

A2 Signs would have been in accordance with the regulations, however this question will be taken on notice.

Mr William Cohen, 12A Troy Avenue, Marmion:

- When the Wanneroo Shire held it, the community knew exactly that the land was to be rezoned and signs were in place advising this. This time the land was sold before the community knew anything about it.

Mr Terry Thorp, 75 High Street, Sorrento:

Q1 When did the Administration first become aware that the CSIRO site was likely to be sold, or up for sale? I believe it was May 2000. Is this correct, approximately six months before the sale went through?

A1 An exact date cannot be given at this point, however it was approximately six months before the sale went through. Officers and a number of Councillors were invited to visit the site. It is believed the City was informed by consultants for CSIRO just prior to the site visit of their intentions.

Q2 Did the CSIRO advise the City by mail indicating they intended to sell the site?

A2 As with any landowner, the CSIRO did not need to advise the Council that they intended to sell the land.

Q3 When did the Council become aware of the intention to sell the land?

A3 It was certainly before the sale, however no exact date can be given at this point.

Q4 How did CSIRO advise the City, did they provide this advice in writing?

A4 Comment by Mr D Carlos, 45 Swanson Way, Ocean Reef:

- During May 2003 Mr Carlos was invited to the site and he attended with a number of officers and Councillors.
- Mr Carlos also raised at that time that this land should have been kept as public open space as Marmion had insufficient public open space, and was informed by the CSIRO that they owned the land and they were going to sell it as it was owned by the Commonwealth.
- Mr Carlos said he knew nothing about the 21-year clause in the contract that should have been the trigger for the Council to take over the land.

Mr Michael Caiacob, 7 Rowan Place, Mullaloo:

- Mr Caiacob attended the above-mentioned site meeting and was aware that prior to such meeting, the City had been advised that there was a pending sale.
- Advice was provided to Cheryl Shaffer, Planning Consultants in approximately December 2002 and Ms Shaffer prepared her report to facilitate the sale of the CSIRO in March 2003.

Mr Terry Thorp, 75 High Street, Sorrento:

Q1 *Why did the Council not erect a sign on the site prior to the sale advising ratepayers of the area of the intention to sell the land?*

A1 The CSIRO was the listed owner of the site and was entitled to sell the land. It has been mentioned that this matter goes back to 1992 and if the Council had so wished it could have taken action in relation to the site.

Q2 *The Council is supposed to be representing the ratepayers, carrying out our wishes and why isn't the Council looking after them. This sale would have been known about.*

A2 Unless the Council of the day had indicated that there was a particular course of action, then no action would have been taken.

Q3 *As I understand it, I believe there was a Council policy (formulated 31 years ago) to erect a sign. Why was this policy not followed?*

A3 Over a period of 31 years, the changeover of elected members and others would have been significant.

Council is required every year to review its policies and it is suggested that a policy of 31 years ago could have been changed since then.

MOVED Terry Thorp, 75 High Street, Sorrento SECONDED William Cohen, 12A Troy Avenue, Marmion that We the electors of the City of Joondalup REQUEST that future developments/rezoning that affect the well-being of the local community be advertised in the local newspapers and signage at the said site to allow 30 days' community input before any prior decision by Council to proceed with the request by the applicant for consideration of their proposal.

Mr Thorp spoke to the Motion.

AMENDMENT MOVED Sue Hart, 32 Pullan Place, Greenwood SECONDED Marilyn Zakrevsky, 49 Korella Street, Mullaloo that a Point 2 be added to the Motion as follows:

“2 an explanation of the rezoning/recoding proposed to be provided in plain English that ratepayers can understand, not only in planning terms;”

The following persons spoke to the Amendment:

- Ms Sue Hart, 32 Pullan Place, Greenwood
- Mrs Marilyn Zakrevsky, 49 Korella Street, Mullaloo

Cmr Clough left the Chamber at 1958 and returned at 2000 hrs.

The Amendment was Put and

CARRIED

The Original Motion as amended, being:

That we, the electors of the City of Joondalup, REQUEST that:

- 1 future developments/rezoning that affect the well-being of the local community be advertised in the local newspapers and signage at the said site to allow 30 days' community input before any prior decision by Council to proceed with the request by the applicant for consideration of their proposal;**
- 2 an explanation of the rezoning/recoding proposed be provided in plain English that ratepayers can understand, not only in planning terms.**

was Put and

CARRIED

Mr Ken Zakrevsky, 49 Korella Street, Mullaloo:

Q1 Did the CSIRO advise the purchaser that a rezoning would be required and that the owners would be buying this at their own risk? This information should have been available and the purchaser then has no doubt and has no right of redress. If the purchaser was not aware, then his argument is with the CSIRO and the Council does not have to make any apologies to the purchaser.

A1 It is understood that CSIRO issued extensive background documentation to prospective purchasers of the site, so that people should have been under no misapprehension about what was being offered. Even if this had not been provided, prospective purchasers have an obligation to inform themselves.

Mr Noal Gannon, 79 Clontarf Street, Sorrento:

- At the Briefing session held on 8 March 2005 the Council was informed, on page 45 of the draft agenda, that the West Australian Planning Commission had granted an extension until 11 May 2005 for Council to consider submissions on Lot 61 Leach Street, Marmion and a decision taken must be forwarded to the Minister for Planning and Infrastructure within 28 days of that decision. This allowed 91 days for a decision to be made.

- The Council took the decision on 5 April 2005 to rezone the site, being 63 days before the expiry of the extension which had been requested by the Council. What happened to cause the urgency of this decision, particularly after Council had requested the extension which expired on 7 June 2005 and full public consultation had not taken place?

MOVED Noal Gannon, 79 Clontarf Street, Sorrento SECONDED Michelle John 36 West Coast Drive, Sorrento that the above information be included in the minutes of this meeting and an answer be forthcoming at the next ordinary Council meeting.

The Motion was Put and

CARRIED

Ms Michelle John, 36 West Coast Drive, Sorrento – Member Marmion Sorrento, Duncraig Ratepayers Association Inc:

- Lot 61 Cliff Street, Marmion (the former CSIRO site) was initially chosen as a nature reserve given its high place on the coastal landscape and the variety of local vegetation on the site. The Department of Conservation and Land Management (CALM) has also noted the local environmental and ecological significance of this site.
- Local Marmion residents and ratepayers have fought successfully to maintain the public open space and remnant vegetation amenity of this site on two previous occasions. Nothing has changed in the past 30 years since the site was degazetted from Local Nature Reserve to Parks and Recreation to allow CSIRO to build a marine research facility on it. Even modern town planning regulations like Network City herald the importance of public open space and bushland vegetation in suburban areas undergoing in-fill development. A rezoning application by a private developer is no different to the two previous rezoning applications by public research organisation.
- What has changed since the earlier successful efforts by the local community is that Marmion residents are no longer represented by a local elected member and the opinions and desires of the local community are not being considered. Nearly 70% of the local community were opposed to the rezoning application.

MOVED Michelle John, 36 West Coast Drive, Sorrento SECONDED Terry Thorp, 75 High Street, Sorrento that:

- 1 Commissioners REVOKE their earlier decision to allow the rezoning of the site, Lot 61 Leach Street, Marmion from Parks and Recreation to Urban Development;**
- 2 the records of this meeting are forwarded to the Planning Authorities advising them of the outcomes of this meeting.**

The Motion was Put and

CARRIED

MOVED Michelle John, 36 West Coast Drive, Sorrento SECONDED Veronica McKinnon, 2 Mulloway Court, Sorrento that given the bias by the City's Planning officers in the Briefing reports to the Commissioners regarding the rezoning of Lot 61 Leach Street, Marmion a vote of no confidence be put in the Planning officers involved with this rezoning application and REQUEST that an investigation be made through the current McIntyre Inquiry or alternatively through the office of the Minister for Local Government in regard to all matters relating to the rezoning application of Lot 61 Leach Street, Marmion.

The following persons spoke to the Motion:

- Mr William Cohen, 12A Troy Avenue, Marmion
- Mrs Eve Cohen, 12A Troy Avenue, Marmion
- Mr Paul Gurd, 56 High Street, Sorrento
- Mr Michael Walters, 38 Cliff Street, Marmion: (lives opposite the site)
- Mr Stephen Kobelke, 1 Hawkins Avenue, Sorrento

The Motion was Put and

CARRIED

MOVED Michelle John, 36 West Coast Drive, Sorrento SECONDED Reg Went, 7 Leach Street, Marmion, that Council significantly overhauls its Public Participation Policy, particularly in regard to contentious rezoning applications and includes more formal and rigorous assessment of the local community and ratepayers' interests, which includes more than an advertisement in the local newspaper or an erected sign on the site.

Mr Caiacob spoke to the Motion.

The Motion was Put and

CARRIED

MOVED Veronica McKinnon, 2 Malloway Court, Marmion SECONDED William Cohen, 12A Troy Avenue, Marmion REQUEST that Commissioners provide a report outlining their planning justification for approving the rezoning of Lot 61 Leach Street, Marmion known as the CSIRO site.

The following persons spoke to the Motion:

- Mrs Veronica McKinnon, 2 Malloway Court, Sorrento (representing Mrs Christine Gherinich)
- Mr John Hollywood, 9 Third Avenue, Burns Beach
- Mrs Philomena Jurgens, 61 Granadilla Street, Duncraig

Mrs Jurgens requested that the following interim response from McLeod and Co, Lawyers, be read to the meeting, and that the final response be provided in due course:

"Dear Sir

We refer to your facsimile dated 9 March 2005. We have perused the Certificate of Title in respect of the above land and note that there are no encumbrances on that title which might impact on the ability of the land to be rezoned from Local Reserve Parks and Recreation to Urban Development.

We have been contacted by Mr Glen McLeod of Minter Ellison, who is acting for the registered proprietor of the land, Marmion Estate Pty Ltd. We have advised Mr Glen McLeod that we are acting for the City and are providing the City with

advice in relation to any possible restrictions on the title to the land which may impact on the ability of the land to be zoned from Local Reserve Parks and Recreation to Urban Development. Furthermore, we have requested that Minter Ellison advise us of any matter known to its client which could conceivably impact on the suitability of the land for residential and other urban zonings and land uses.

Please let us know whether you require any further clarification in connection with this matter."

Response: Where possible, legal advice will be made available.

- Mr Ken Zakrevsky, 49 Korella Street, Mullaloo
- Mr Trevor Prestage, Lot 32 Northshore Drive, Mullaloo
- Mr William Cohen, 12A Troy Avenue, Marmion
- Mr Ralph Prestage, Lot 34 Northshore Drive, Mullaloo

The Motion was Put and

CARRIED

MOVED Ralph Prestage, Lot 34 Northshore Drive, Mullaloo SECONDED Terry Thorp, 75 High Street, Sorrento that Commissioners act solely on the directions and motions agreed to at this meeting.

The Motion was Put and

CARRIED

MOVED Michelle John, 36 West Coast Drive, Marmion SECONDED William Cohen, 12A Troy Avenue, Marmion that Commissioners:

- 1 inform the community when and where the Council intends to provide community facilities in the Marmion area, given the expected population explosion that is likely to occur as a result of the current housing sewerage in-fill programme, bring approximately 200 extra families, with no bush and little public open space;**
- 2 ADVISE what is provided in the forthcoming budget.**

The following persons spoke to the Motion:

- Ms Michelle John, 36 West Coast Drive, Marmion
- Mr Michael Caiacob, 7 Rowan Place, Mullaloo

The Motion was Put and

CARRIED

Mr Noal Gannon, 79 Clontarf Street, Sorrento:

- Mr Gannon commented on the high standard of conduct of this Special meeting of electors.
- Mr Gannon requested Commissioners to act according to the wishes of the people.

MOVED Michael Walters, 38 Cliff Street, Marmion SECONDED Michael Caiacob, 7 Rowan Place, Mullaloo that Council obtains a report either through a consultant or the resources of the City, looking at alternative uses for the site, specifically as a site for an aged persons' home.

The following persons spoke to the Motion:

- Mr Michael Walters, 38 Cliff Street, Marmion
- Mrs Veronica McKinnon, 2 Mulloway Court, Sorrento
- Mr Stephen Kobelke, 1 Hawkins Avenue, Sorrento

AMENDMENT MOVED Tim Highfield, 16 Troy Avenue, Marmion SECONDED Veronica McKinnon, 2 Mulloway Court, Sorrento that the words "and in particular an aged persons' home be DELETED.

The following persons spoke to the Amendment:

Mr Tim Highfield, 16 Troy Avenue, Marmion
Mrs Veronica McKinnon, 2 Mulloway Court, Sorrento,
Mr Terry Thorp, 75 High Street, Sorrento

The Amendment was Put and

CARRIED

The Original Motion as amended, being that:

Council obtains a report either through a consultant or the resources of the City, looking at alternative uses for the site.

- Ms Michelle John spoke to the Motion.

was Put and

CARRIED

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Terry Thorp, 75 High Street, Sorrento that the City:

- 1 makes representation and deputation to the relevant authorities with a view to permanently protecting the Marmion marine park and the coastal foreshore reserves by abolishing public abalone season within the City of Joondalup or restricting it to definitive zones;**
- 2 advises that this abolition of the public abalone fishing or restriction to limited zones does not extend to the current controlled commercial abalone fishermen operating within the area.**

Mr Caiacob spoke to the Motion.

The Motion was Put and

CARRIED

MOVED Trevor Prestage, Lot 32 Northshore Drive, Mullaloo SECONDED Michael Walters, 38 Cliff Street, Marmion that the Council approaches the Heritage Council with a view to the buildings being classified as heritage listed in their present condition.

The following persons spoke to the Motion:

- Mr Trevor Prestage, Lot 32 Northshore Drive, Mullaloo
- Mr Michael Walters, 38 Cliff Street, Marmion

The Motion was Put and

CARRIED

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED William Cohen, 12A Troy Avenue, Marmion that Standing Orders be RESUMED.

The Motion was Put and

CARRIED

Mr Terry Thorp, 75 High Street, Sorrento:

Q1 Since the Commissioners have been governing the City of Joondalup has any other planning issue had more objections, submissions etc than the CSIRO site?

Q2 The Commissioners at the last Council meeting rejected the application at Lot 407 Glenelg Place, Connolly which was an approval from medical centre to residential because of the objections of the local community. What is the difference between this situation and the CSIRO site? Why aren't our objections being taken on board?

A1-2 These questions will be taken on notice.

MOVED Terry Thorp, 75 High Street, Sorrento SECONDED Michelle John, 36 West Coast Drive, Sorrento that we the electors of the City of Joondalup want the opportunity to instigate an elector-initiated referendum and make it a policy of the City. If there is 100 signatures from each of the wards of electors on a particular issue, the electors can then vote by referendum on the matter and the result is binding on our elected Council.

The Motion was Put and

CARRIED

MOVED Ken Zakrevsky, 49 Korella Street, Mullaloo SECONDED Bill Harris, 20 Roundtree Way, Marmion that a vote of thanks be extended to Chief Executive Officer, Mr Garry Hunt.

The following persons spoke to the Motion.

- Mr Ken Zakrevsky, 49 Korella Street, Mullaloo
- Mr Bill Harris, 20 Roundtree Way, Marmion

The Motion was Put and

CARRIED

Chairman Paterson advised that where practicable the minutes and resolutions carried this evening will be referred to the Council meeting to be held on 17 May 2005. Should this not be possible, a report will be presented for consideration at the Council meeting to be held on 7 June 2005.

CLOSE OF BUSINESS

There being no further business, the Chairman declared the meeting closed at 2115 hrs.