

# CITY OF JOONDALUP

## MINUTES OF THE OCEAN REEF MARINA COMMITTEE MEETING HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 4 FEBRUARY 2008

### ATTENDANCE

#### Committee Members:

Mayor Troy Pickard	-	Presiding Person
Cr Albert Jacob	-	Deputy Presiding Person
Cr Geoff Amphlett		
Cr Brian Corr		
Cr Russ Fishwick		
Cr Kerry Hollywood		
Cr Trona Young		

#### Officers:

Mr Garry Hunt	Chief Executive Officer
Mr Ian Cowie	Director, Governance & Strategy
Ms Christine Robinson	Executive Officer
Ms Lesley Taylor	Administrative Secretary

#### Observers

Cr M Macdonald	<i>to 1821 hrs</i>
Cr M Norman	

### DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1805 hrs.

### APOLOGIES/LEAVE OF ABSENCE

Apology - Cr M John

### CONFIRMATION OF MINUTES

MINUTES OF THE OCEAN REEF MARINA COMMITTEE MEETING HELD ON 12  
DECEMBER 2007

**MOVED** Cr Young, **SECONDED** Cr Jacob that the minutes of the meeting of the Ocean Reef Marina Committee held on 12 December 2007 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Mayor Pickard advised that members of the committee would be afforded the opportunity to speak first. Should Crs Macdonald and Norman who were in attendance as Observers, wish to make any comment, the opportunity would then revert to them.

**DECLARATIONS OF INTEREST****Disclosure of Financial Interests**

Nil.

**Disclosure of interest affecting impartiality**

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	Item 1 – Ocean Reef Marina Development Site – Community Reference Group
<b>Nature of Interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	A number of the applicants are known to Cr Young. Cr Young resides in Ocean Reef and is a member of the Ocean Reef Progress Association

<b>Name/Position</b>	<b>Cr M Norman</b>
<b>Item No/Subject</b>	Item 1 – Ocean Reef Marina Development Site – Community Reference Group
<b>Nature of Interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is Chairman of the Joondalup Community Coast Care Forum, who applied to be on the Reference Group in Category C

**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

Nil.

**PETITIONS AND DEPUTATIONS**

Nil.

**REPORTS****ITEM 1                    OCEAN REEF MARINA DEVELOPMENT SITE –  
COMMUNITY REFERENCE GROUP - [07303]  
[04171] [12950]**

**WARD:**                    North Central

**RESPONSIBLE  
DIRECTOR:**            Mr Ian Cowie  
                                 Governance and Strategy

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**PURPOSE/ EXECUTIVE SUMMARY**

For the Committee to give further consideration to the composition of the Community Reference Group (CRG) following Council's deferral of this matter.

**BACKGROUND**

At its meeting held on 18 December 2007, Council resolved:

*"that in accordance with clause 58(a) of the Standing Orders Local Law 2005 Council DEFERS the appointment of the Community Reference Group for the Ocean Reef Marina and REFERS the matter back to the Ocean Reef Marina Committee for further consideration."*

Prior to the deferral of this matter at that Council meeting, the following motions and amendments were moved and seconded but not voted on:

*MOVED Mayor Pickard, SECONDED Cr Jacob that Council:*

- 1        NOTES the unconfirmed minutes of the Ocean Reef Marina Committee held on 12 December 2007, forming Attachment 1 to Report C88-12/07;*
- 2        ENDORSES the appointment of the following members to the Community Reference Group:*
  - Ms E Bamforth*
  - Ms N Campion*
  - Mr K Eastwood*
  - Mr G Foord*
  - Mr R Green*
  - Mr P Young*
  - Mr T Stuart*
  - Mr R Cameron*
  - Ms L Dailey*
  - Ms K Nichols*
  - Mr A Cass*
  - Ms C Lyttleton*
  - Mr C Wanless*
  - Mr J Holenstein*

- *Mr S Bray*
- *Mr C Wright*
- *Mr M Hay*
- *Mr N Caldwell*
- *Mr O Kay*
- *Mr D Jolly*
- *Ocean Reef Surf Sports Club (Mr R Lindsay)*
- *Sunset Coast Tourism Association (Mr A Slomp)*
- *Whitfords Volunteer Sea Rescue Group (Mr K Blackie)*
- *Ocean Reef Progress Association (Mr P Brooker)*
- *Recfishwest (Mr J Weston)*
- *Mr R Repke*
- *Ocean Reef Sea Sports Club (Ms A Angel)*
- *Whitfords Volunteer Sea Rescue Group (Mr M Carruthers)*
- *Joondalup Community Coast Care Forum (Mr M Norman)*
- *Boating WA (Mr B Barnett)*

- 3     *the Mayor be appointed as Chairperson on the Community Reference Group and that all Elected Members be entitled to attend meetings of the Community Reference Group as observers.*

*AMENDMENT MOVED Cr Macdonald, SECONDED Cr Fishwick that an additional Point 4 be added to the Motion as follows:*

- “4     *SEEKS confirmation from those groups in Category C that they are representative of those entities and increase membership of the Community Reference Group to 34 and that the following persons be incorporated into the Committee as additional representatives of Category D, being:*

*Mr B Buzzard  
Mr R Tilbrook  
Ms D Ironmonger  
Ms M Noble”*

#### **Background information provided to the ORM Committee**

The following background information to the CRG was submitted to the Ocean Reef Marina Committee at its meeting held on 12 December 2007:

- The City commissioned a consultancy firm called Gryphon to prepare a Community Participation Plan (CPP).
- Gryphon prepared this plan which recommended the establishment of a Community Reference Group (CRG) containing 30 people with membership broken down as follows:
  - Category A     10 individuals representing residents of Ocean Reef.
  - Category B     10 individuals representing surrounding suburbs including Iluka, Mullaloo, Heathridge, Connolly and Currambine.
  - Category C     Five individuals representing community groups/agencies.

- Category D      Five individuals representing the northwest corridor communities.
- The Plan noted that “in the event that there are more individuals willing to serve on the CRG than there are places available, the final make up of the group will be decided by randomised selection”.
- The CPP was developed having regard to the City’s Public Participation Strategy which was adopted by Council.
- This Strategy includes a section headed ‘How all sectors and groups can have the opportunity to participate’. Under this heading, it is stated:

*“Participation targets may be achieved through:*

- *Random selection of residents from the City’s databases with a personalised invitation to participate.*
- *Identifying and contacting individuals and groups with a special interest in the issue and inviting their participation.*
- *Advertising through public notices for expressions of interest in community newspapers to the wider community.*
- *Design, delivery and targeting of community education programs which are effective in empowering stakeholders to participate.*

*However representation on an issue is determined, the decision should be made public in the interests of good governance”.*

- The Strategy also includes a section on the public participation process where it is stated that “activities in this phase include ... identification of process for achievement of participation targets for the project, eg random selection, direct mail, displays at local venues”.
- The CPP was presented to Council on 24 April 2007. Rather than endorsing the CPP, Council resolved to:
  - “1      *Note the Gryphon report and the proposed CPP.*
  - 2      *Establish a CRG to a maximum of 30 people.*
  - 3      *Support the proposed role for the CRG as outlined on page 9 of the Gryphon report.”*

Council also resolved to establish the ORM at this meeting. Here it is important to note that the CPP was noted but not endorsed by Council. The only relevant decision for the purposes of this report is that the CRG would have a maximum of 30 people.

- A meeting of the ORM was held on 17 July. At this meeting a report was presented entitled ‘Commencing the Ocean Reef Consultation Process’. This report stated:

*“The Ocean Reef Marina Committee’s first task will be to identify those people who should be appointed to the Community Reference Group. This consideration will be based on the expressions of interest received. The actual appointment of members to the Community Reference Group will be made by Council as the Committee has no delegated authority”.*

- Here it is important to note that the report mentions the Group's composition being based on the expressions of interest received. City Officers took this to mean that only people who expressed an interest would be considered.
- Because the report 'Commencing the Ocean Reef Consultation Process' was not highly detailed and specific, the Officer's recommendation was that the Committee note the report. However, the Committee resolved to:

- "1 Endorse the community participation approach outlined in this report (i.e the paragraph quoted above), and;  
2 Note that Council will determine and endorse the final composition of the Community Reference Group."*

- The ORM met again on 12 December to consider a report in relation to the public feedback received.
- This report presented the expressions of interest in accordance with the four categories identified in the CPP (which had only been noted by Council). It is for this reason that the report to the Committee on 12 December stated "The original report on the consultation process proposed a CRG of 30 people drawn from the four categories in the following manner .... Further, in the event that more individuals were willing to serve on the CRG than there were places available, the final make up of the group was to be decided by randomised selection".

Here it is important to note the use of the word 'was' in the final sentence above. Random selection was proposed in the CPP. However, this was not endorsed by Council and no replacement system was identified.

- As a result of the fact that Council had made no decision in relation to the selection of members, the final paragraph of the comment section gave two options for selection: either "to assess each applicant's submission while the other is through random selection".
- The final sentence under the comment section noted "Here it should be noted that the City's Community Consultation Plan suggests random selection as an appropriate method to use in certain cases".
- This sentence was kept deliberately vague as the Public Participation Strategy does not deal with this situation directly. However it does mention random selection in a range of places while there is no mention of selection on merit.

## DETAILS

A total of 132 Expressions of Interest were received for membership of the CRG. Of the four categories of membership identified, the following lists the number of applications in each category.

Category A	Ocean Reef residents	68
Category B	Residents of Iluka, Mullaloo, Heathridge, Connolly and Currambine	30
Category C	Representatives of community interest groups/occupiers	23
Category D	North West Corridor communities	11

A summary of the EOIs received is provided in Attachment 1 to this report. The actual applications are provided in the Councillor's Reading Room and copies have been made for members of the ORM Committee.

At the ORM Committee meeting of 12 December 2007, seven submissions were discovered at the last moment which were presented on the night. Having considered these in more detail subsequent to the meeting, each had been excluded deliberately for the following reasons.

Category	Applicant	Comments
Category A	J Burgess	He provided no reason for inclusion. City Officers tried to make contact with all people who provided no reason in an effort to establish a reason for their interest. Mr Burgess was unable to be contacted and so was excluded.
	S Bray *	While Mr Bray nominated, he provided a further comment which stated "I am unable to participate". Consequently, he was excluded.
	S Richard	Application received after the closing date and consequently excluded.
Category B	B McKie	She provided no reason for inclusion. City Officers tried to make contact with all people who provided no reason in an effort to establish a reason for their interest. Ms McKie was unable to be contacted and so was excluded.
	D Isaacson	This person was included in the ORM Committee's report which summarised the applicants however, the actual application was missing. This was presented in the folder on the night.
Category C	L Brandsch	Application received after the closing date and consequently excluded.
	M Scundrett	He indicated he was representing both himself and a company 'Aquasports Boat Hire'. He indicated an address of Glen Forest, outside of the North West Corridor and was subsequently excluded.
Category D	J Chadwick	Application received after the closing date and, consequently excluded.

\* It should be noted that the Committee selected Mr S Bray as a representative of Category B. It should also be noted that Mr Bray's application indicated that he was a resident of both Ocean Reef and Iluka, together with the fact that he indicated "I regret that due to travel commitments and other work commitments I am unable to participate as much as I would like, ie. I am unable to attend meetings in Perth at this time."

An application was also received on 4 October 2007, six days after the closing date, from a Mr George Shaw. Mr Shaw indicated he sought membership under Category A as he is a resident of Ocean Reef.

**Link to Strategic Plan:**

Key Focus Area: Organisational Development

Objective: To ensure the City responds to and communicates with the community

**Regional Significance:**

Certain CRG members are likely to represent the broader region.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

This report addresses the nominations submitted through the consultative process.

**COMMENT**

In reconsidering the CRG's composition the Committee needs to make a number of decisions.

- 1 Should applicants be selected randomly or on merit?

As indicated in the background section to this report, no definitive position can be gauged from past decisions of Council on which approach to use. It is noted that at its 12 December 2007 meeting, the Committee chose the merit option.

- 2 Should the CRG's composition be expanded beyond 30?

Here it should be noted that Council previously made the decision (24 April 2007) that the group contain a maximum of 30 people. Any extension would require this decision to be amended.

- 3 Should five people be chosen from the broader North West corridor community?

The CPP recommended five people be drawn from the broader North West corridor although this position was never endorsed by Council.

- 4 Should more than five positions be allocated to community groups/agencies?

The CPP recommended that five people be drawn from this category although this was never endorsed by Council.

- 5 How should late applications, applications which provided no reason for membership and applications from outside of the North West corridor be dealt with?



Applicants in these categories were originally excluded because they were either submitted outside of the timeline, provided no rationale for involvement or were outside the participation area envisaged in the CPP.

6 How should the application from Mr S Bray be dealt with?

Mr Bray nominated under Category B but then stated “I regret that due to travel commitments and other work commitments I am unable to participate as much as I would like, i.e. I am unable to attend meetings in Perth at this time”. Mr Bray was not included in the original list of applicants because of this statement. His application was identified in the last minute cross-check of applications and presented to the Committee on the night. The Committee selected Mr Bray as a Category B member.

### ATTACHMENTS

- |              |   |
|--------------|---|
| Attachment 1 | Expressions of Interest submissions for the Community Reference Group     |
| Attachment 2 | Copy of letter from Ocean Reef Progress Association dated 10 January 2008 |
| Attachment 3 | Copy of Email to Clark Family dated 9 January 2008                        |

### VOTING REQUIREMENTS

Simple Majority

**OFFICER’S RECOMMENDATION:** That the Ocean Reef Marina Committee RECOMMENDS to Council which applicants should be appointed to the Community Reference Group.

Chief Executive Officer advised the attachments pertaining to Categories A, C and D had been omitted from the agenda and these are appended hereto – Attachment 1 refers.

*Cr Macdonald left the Room at 1821 hrs.*

**MOVED Cr Jacob, SECONDED Cr Amphlett that the Ocean Reef Marina Committee DETERMINES that it will select members of the Community Reference Group based on each applicant’s submission.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**MOVED Cr Young, SECONDED Cr Amphlett that the Ocean Reef Marina Committee RECOMMENDS to Council that the following persons be appointed as members of the Community Reference Group, under the following categories:**

**Category A**

- Ms E Bamforth
- Ms N Campion
- Mr K Eastwood
- Mr G Foord
- Mr R Green
- Mr P Young
- Mr T Stuart
- Mr R Cameron
- Ms L Dailey
- Ms K Nichols

**Category B**

- Mr A Cass
- Ms C Lyttleton
- Mr C Wanless
- Mr J Holenstein
- Mr S Bray
- Mr C Wright
- Mr M Hay
- Mr N Caldwell
- Mr O Kay
- Mr D Jolly

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**MOVED Cr Jacob, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the following industry group representatives be appointed as Category C members of the Community Reference Group:**

- |                |  |
|----------------|--|
| • Mr R Lindsay | (Ocean Reef Surf Sports Club)          |
| • Mr A Slomp   | (Sunset Coast Tourism Association)     |
| • Mr K Blackie | (Whitfords Volunteer Sea Rescue Group) |
| • Mr P Brooker | (Ocean Reef Progress Association)      |
| • Mr J Weston  | (Recfishwest)                          |

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**MOVED Cr Fishwick, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the following persons be appointed as Category D members of the Community Reference Group:**

- Mr R Repke
- Mr B Buzzard
- Mr R Tilbrook
- Ms D Ironmonger
- Ms M Noble

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**MOVED Cr Amphlett, SECONDED Cr Hollywood that following analysis of the submissions, it was the view of the Committee that the community consultation process would be enhanced by increasing Category C by four (4) persons; the following individuals and their associated groups being endorsed:**

- Ms A Angel (Ocean Reef Sea Sports Club)
- Mr M Carruthers (Whitfords Volunteer Sea Rescue Group)
- Mr M Norman (Joondalup Community Coast Care Forum)
- Mr B Barnett (Boating WA)

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**MOVED Mayor Pickard, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS that Council SEEKS confirmation from those groups in Category C that the persons selected are representative of those entities.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

**MOVED Cr Jacob, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the Mayor be appointed as Chairperson on the Community Reference Group and that all Elected Members be entitled to attend meetings of the Community Reference Group as observers.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

*Attachment 1 refers*

## ITEM 2                    OCEAN REEF MARINA STEERING COMMITTEE - [04171] [07303]

**WARD:**                    North Central

**RESPONSIBLE**        Mr Garry Hunt  
**DIRECTOR:**            Office of CEO

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### **PURPOSE / EXECUTIVE SUMMARY**

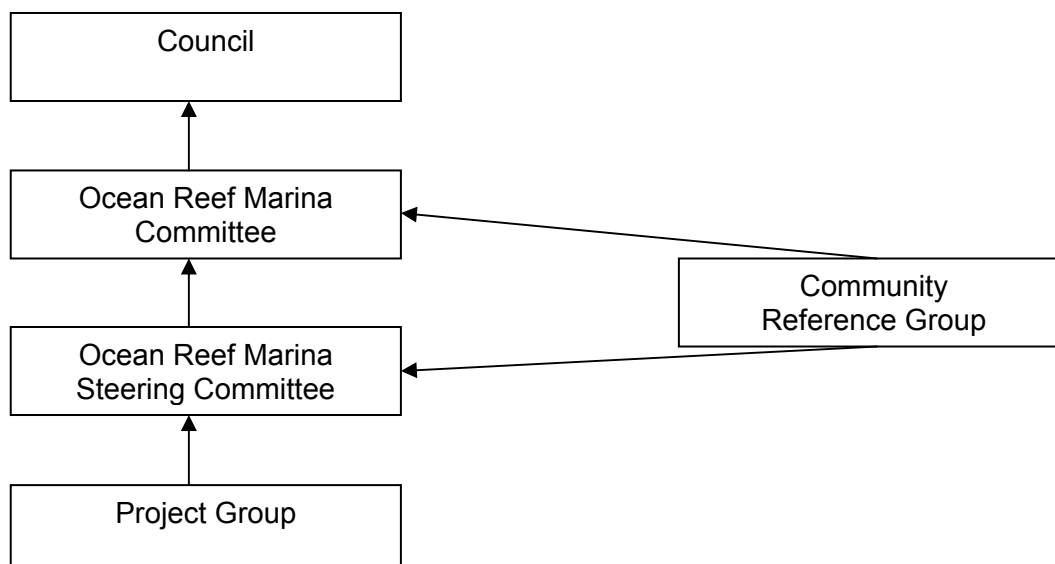
To provide the Committee with the meetings notes of the Ocean Reef Marina Steering Committee.

### **BACKGROUND**

At the meeting of 24 April 2007, Council agreed to the establishment of a Steering Committee, comprising the Chief Executive Officer, representatives of the Western Australian Planning Commission, Department of Planning and Infrastructure, LandCorp and the Water Corporation, to oversee the day-to-day activities of the Project Group.

The Project Group was established to manage the project, and consists of City officers, State Government Departmental representatives and relevant consultants. The Coffey Group (formerly Clifton Coney Group) has been appointed as the external Project Manager for this project, in accordance with their contract with the City.

The reporting structure of the project is:



On 17 December 2007 background documentation was circulated to Elected Members, particularly in relation to past decisions of the Ocean Reef Marina Committee and the Council, as well as clarification of the Terms of Reference of the Committee, the public participation process and recent past decisions of the Council in relation to the project.

## **DETAILS**

The Ocean Reef Marina Steering Committee has met on four occasions, with the last meeting held at the Marina site to allow attendees to see the layout and contours of the site.

## **ATTACHMENTS**

Attachment 1	Notes of meeting held on 9 August 2007
Attachment 2	Notes of meeting held on 20 September 2007
Attachment 3	Notes of meeting held on 25 October 2007
Attachment 4	Notes of meeting held on 22 November 2007

## **VOTING REQUIREMENTS**

Simple Majority

Chief Executive Officer advised that a more detailed report would be presented to the next Committee meeting with respect to the consultants and the way in which this matter is to be progressed.

**MOVED Cr Fishwick, SECONDED Cr Hollywood that the Ocean Reef Marina Committee NOTES the meeting notes of the Ocean Reef Marina Steering Committee held on:**

- **9 August 2007, forming Attachment 1 to this Report;**
- **20 September 2007, forming Attachment 2 to this Report;**
- **25 October 2007, forming Attachment 3 to this Report;**
- **22 November 2007, forming Attachment 4 to this Report.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (7/0)**

**In favour of the motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob and Young

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

## **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

## **CLOSURE**

There being no further business, the Presiding Person declared the Meeting closed at 1950 hrs; the following committee members being present at that time:

Mayor Troy Pickard  
Cr Albert Jacob  
Cr Geoff Amphlett  
Cr Brian Corr  
Cr Russ Fishwick  
Cr Kerry Hollywood  
Cr Trona Young