

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY, 29 JUNE 2010**

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CITY OF JOONDALUP

MINUTES OF SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 29 JUNE 2010

DECLARATION OF OPENING

The Mayor declared the meeting open at 1834 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors

Cr KERRY HOLLYWOOD	North Ward – <i>Deputy Mayor</i>	
Cr TOM MCLEAN	North Ward	
Cr PHILIPPA TAYLOR	North-Central Ward	
Cr TRONA YOUNG	North-Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr CHRISTINE HAMILTON-PRIME	South-West Ward	<i>Absent from 1943 hrs to 1944 hrs</i>
Cr MIKE NORMAN	South-West Ward	
Cr JOHN CHESTER	South-East Ward	<i>Absent from 1947 hrs to 1950 hrs</i>
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer
MR JAMIE PARRY	Director Governance and Strategy
MR MIKE TIDY	Director Corporate Services
MR TIM HALLS	Acting Director Infrastructure Services
MR MICHAEL EYRE	Acting Manager Governance and Marketing <i>to 1839 hrs</i>
MR SEAN MCLAUGHLIN	Principal Legal Officer
MR TIM HEGNEY	Governance Coordinator
MRS LESLEY TAYLOR	Administrative Secretary <i>to 1839 hrs</i>

In Attendance

Mr Michael Ferguson – Minter Ellison, Solicitors

There were no members of the Public and no member of the Press in attendance.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Liam Gobbert	19 June 2010 – 10 July 2010 inclusive
Cr Fiona Diaz	5 – 15 July 2010 inclusive
Cr Geoff Amphlett	12 – 16 July 2010 inclusive
Cr Russ Fishwick	19 – 24 July 2010 inclusive
Cr Kerry Hollywood	19 – 26 July 2010 inclusive

Apology - Cr Fiona Diaz

DECLARATIONS OF INTEREST**Disclosure of interest affecting impartiality**

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required 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.

Name/Position	Cr Mike Norman
Item No/Subject	JSC03-06/10 – Legal Matter – Confidential – City of Joondalup versus Turfmaster Pty Ltd – Supreme Court Action CIV 1101/2009
Nature of interest	Interest that may affect impartiality
Extent of Interest	Chairman of the Joondalup Community Coastcare Forum which has a particular interest in this matter, asked questions and made comment

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

JSC03-06/10	LEGAL MATTER - CONFIDENTIAL - CITY OF JOONDALUP VERSUS TURFMASTER PTY LTD - SUPREME COURT ACTION CIV 1101/2009
JSC04-06/10	LEGAL MATTER - CONFIDENTIAL - CITY OF STIRLING VERSUS MINDARIE REGIONAL COUNCIL AND OTHERS SUPREME COURT ACTION CIV 1620/2010

C30-06/10 MOTION TO GO BEHIND CLOSED DOORS - [02154]

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 in accordance with Section 5.23(2)(d) of the Local Government Act 1995 and Clause 67 of the City's Standing Orders Local Law 2005, RESOLVES to close the meeting to members of the public to consider Items JSC03-06/10 and JSC04-06/10 as these items contain legal advice obtained, by the City of Joondalup and which relates to a matter to be discussed at the meeting;**
- 2 PERMITS the following employees and advisors to remain in the Chamber while the meeting is sitting behind closed doors as detailed in part 1 above:-**
 - **Chief Executive Officer, Mr Garry Hunt;**
 - **Director Governance and Strategy, Mr Jamie Parry;**
 - **Director Corporate Services, Mr Mike Tidy;**
 - **Acting Director Infrastructure Services, Mr Tim Halls;**
 - **Principal Legal Officer, Mr Sean McLaughlin;**
 - **Governance Coordinator, Mr Tim Hegney;**
 - **Minter Ellison Solicitors, Mr Michael Ferguson;**
- 3 in accordance with Clause 54(5) of the City's Standing Orders Local Law 2005, SUSPENDS Clause 54 - Limitation on Members Speaking to allow debate on Items JSC03-06/10 and JSC04-06/10.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Members of staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Corporate Services, Acting Director Infrastructure Services, Principal Legal Officer, Governance Coordinator and Mr Michael Ferguson, Minter Ellison Solicitors Representative), left the Chamber at this point, the time being 1839hrs.

RULING OF THE MAYOR

In accordance with Clause 81 of the City's Standing Orders Local Law 2005, Mayor Pickard determined that Mr Michael Ferguson of Minter Ellison be permitted to provide a presentation and comments to the meeting in relation to Item JSC03-06/10.

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	JSC03-06/10 – Legal Matter – Confidential – City of Joondalup versus Turfmaster Pty Ltd – Supreme Court Action CIV 1101/2009
Nature of interest	Interest that may affect impartiality
Extent of Interest	Chairman of the Joondalup Community Coastcare Forum which has a particular interest in this matter, asked questions and made comment

JSC03-06/10 LEGAL MATTER - CONFIDENTIAL - CITY OF JOONDALUP VERSUS TURFMASTER PTY LTD - SUPREME COURT ACTION CIV 1101/2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the Chief Executive Officer

FILE NUMBER: 86601

ATTACHMENTS: Nil.

Cr Hamilton-Prime left the Chamber at 1943 hrs and returned at 1944 hrs.

Cr Chester left the Chamber at 1947 hrs and returned at 1950 hrs.

MOVED Cr Fishwick, SECONDED Cr Young that Council, having considered the advice provided by Minter Ellison, the City's legal representatives, AUTHORISES the Chief Executive Officer to instruct Minter Ellison to settle the proceedings by accepting the offer by Turfmaster Pty Ltd in the Supreme Court mediation session on 23 June 2010.

The Motion was Put and

CARRIED (9/2)

In favour of the Motion: Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Taylor and Young **Against the Motion:** Mayor Pickard and Cr Norman

JSC04-06/10 LEGAL MATTER - CONFIDENTIAL - CITY OF STIRLING VERSUS MINDARIE REGIONAL COUNCIL AND OTHERS SUPREME COURT ACTION CIV 1620/2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the Chief Executive Officer

FILE NUMBER: 03149

ATTACHMENTS: Nil.

MOVED Cr Fishwick, SECONDED Cr Hollywood that Council, subject to the City of Stirling continuing the Supreme Court Action CIV 1620/2010, AUTHORISES the Chief Executive Officer to continue to provide instructions to the City's legal representatives through the course of the Supreme Court proceedings on the basis of:

- 1 all legal costs incurred up to and including 22 June 2010 being shared by those second defendant local governments named in the report on a one sixth basis each;**
- 2 all legal costs incurred after 22 June 2010 be allocated on the basis of the proportion of the individual local government defendants estimated 2010/11 refuse tonnages delivered to the Mindarie Regional Council against the total tonnages that all (six) local government defendants will deliver to the Mindarie Regional Council during 2010/11.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

C31-06/10 MOTION TO GO TO OPEN DOORS - [02154] [08122]

MOVED Cr Young, SECONDED Cr Amphlett that the Council re-opens the meeting to members of the public and in accordance with Clause 67 (5) of the Standing Orders Local Law 2005 the presiding member is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

No members of staff entered the Chamber at 2024 hrs. No members of the public or press were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion and the record of voting in relation to Item JSC03-06/10 – Legal Matter – Confidential – City of Joondalup versus Turfmaster Pty Ltd – Supreme Court Action CIV1101/2009 and JSC04-06/10 – Legal Matter – Confidential – City of Stirling versus Mindarie Regional Council and Others – Supreme Court Action CIV1620/2010.

There being no further business, the Mayor declared the Meeting closed at 2028 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr P TAYLOR
Cr T YOUNG
Cr G AMPHLETT
Cr J CHESTER
Cr B CORR
Cr C HAMILTON-PRIME
Cr M NORMAN
Cr R FISHWICK