

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY 20 OCTOBER 2015**

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CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 20 OCTOBER 2015.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.05pm.

ANNOUNCEMENT OF VISITORS

Mayor Pickard welcomed Mr Nick Trandos and Mr William (Bill) Marwick, Freemen of the City of Joondalup and acknowledged and paid respects to the traditional owners of this land and their elders both past and present, the Nyoongar people.

Mayor:

TROY PICKARD

Councillors:

CR KERRY HOLLYWOOD	North Ward
CR TOM McLEAN, JP	North Ward
CR PHILIPPA TAYLOR	North-Central Ward
CR NIGE JONES	North-Central Ward
CR LIAM GOBBERT	Central Ward
CR RUSSELL POLIWKA	Central Ward
CR CHRISTINE HAMILTON-PRIME	South-West Ward
CR MIKE NORMAN	South-West Ward
CR JOHN CHESTER	South-East Ward
CR JOHN LOGAN	South-East Ward
CR RUSS FISHWICK, JP	South Ward
CR SOPHIE DWYER	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCÉ	Manager Governance
MR DANIEL DAVINI	Media Advisor
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS ROSE GARLICK	Governance Officer

There were 27 members of the public and no member of the press in attendance.

DECLARATIONS OF INTEREST

Nil.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

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

Cr Liam Gobbert 22 November to 23 November 2015 inclusive.
 10 December to 15 December 2015 inclusive.

**C65-10/15 REQUESTS FOR LEAVE OF ABSENCE – CRS JOHN CHESTER
AND MIKE NORMAN - [104767]**

Cr John Chester requested Leave of Absence from Council duties covering the period 30 October to 8 November 2015 inclusive.

Cr Mike Norman requested Leave of Absence from Council duties covering the period 7 December to 11 December 2015 inclusive.

MOVED Cr Hollywood, SECONDED Cr Hamilton-Prime that Council APPROVES the Requests for Leave of Absence from Council Duties covering the following dates:

- 1 Cr John Chester 30 October to 8 November 2015 inclusive;**
- 2 Cr Mike Norman 7 December to 11 December 2015 inclusive.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

ELECTION OF DEPUTY MAYOR

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the Office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The Office of Deputy Mayor is to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that Office.

Mayor Pickard called for nominations for the position of Deputy Mayor as follows:

Mayor Troy Pickard nominated Cr Tom McLean, JP. Cr McLean accepted the nomination.

Cr Nige Jones self nominated.

Mayor Pickard declared nominations closed and advised that as two nominations for the position of Deputy Mayor were made, a secret ballot was required to be conducted.

Once ballot papers had been placed into the ballot box by the 13 Elected Members, the counting of votes was undertaken by the Chief Executive Officer.

At the conclusion of the counting of the votes, Mayor Troy Pickard declared Cr Tom McLean, JP as Deputy Mayor.

DECLARATION OF ELECTED MEMBER

Cr McLean then made a Declaration of Elected Member for the position of Deputy Mayor before the Hon. Michael Mischin MLC, Member for North Metropolitan Region, Attorney General Western Australia and Minister for Commerce.

ADDRESS BY DEPUTY MAYOR

Cr McLean stated he was honoured to be the next Deputy Mayor of the City of Joondalup and would do his utmost to live up to not only his own expectations, but also those of his fellow Elected Members.

Cr McLean congratulated Cr Taylor for the manner in which she fulfilled the role of Deputy Mayor during the past 12 months.

Cr McLean further congratulated Cr Norman on his successful re-election to Council and welcomed newly sworn in Elected Members Crs Sophie Dwyer, Nige Jones, John Logan and Russell Poliwka.

Cr McLean advised Elected Members of his support, together with the support of a first class administration in performing their respective roles on Council and encouraged Elected Members to confidently express their point of view.

ADDRESS BY RETIRING DEPUTY MAYOR

Cr Taylor thanked her fellow Elected Members for their support in her role as Deputy Mayor during the past 12 months.

Cr Taylor commented she particularly enjoyed performing the Citizenship ceremonies and believed the ceremonies were an important occasion in the lives of those persons taking citizenship.

Cr Taylor expressed thanks to the City's Marketing and Communications Business Unit for its professionalism and for the manner in which the Citizenship ceremonies were conducted; as well as the ongoing training and support provided to her during her tenure as Deputy Mayor.

Cr Taylor acknowledged outgoing North Central ward Elected Member Cr Sam Thomas, and welcomed Cr Nige Jones, who would be working alongside Cr Taylor representing the residents of the North Central ward.

Cr Taylor also offered her congratulations to newly sworn in Elected Members Crs Sophie Dwyer, John Logan and Russell Poliwka.

Mayor Pickard echoed the sentiments expressed by Cr McLean and thanked Cr Taylor for her services as Deputy Mayor during the past 12 months. He commented that Cr Taylor had continued what has been a rich history in the City of Joondalup for Elected Members to undertake the role of Deputy Mayor with good judgment and hard work, representing him when he was unavailable, but more importantly representing the interests of the City and its community.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

ITEM OF BUSINESS**JSC01-10/15 APPOINTMENT OF REPRESENTATIVES TO REGIONAL COUNCILS AND THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NORTH METROPOLITAN ZONE**

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	03149, 49116, 60514, 00033
ATTACHMENTS:	Nil.
AUTHORITY/DISCRETION:	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to give consideration to the appointment of representatives to the Mindarie Regional Council (MRC), Tamala Park Regional Council (TPRC) and the Western Australian Local Government Association (WALGA) North Metropolitan Zone.

EXECUTIVE SUMMARY

Following the local government elections held on 17 October 2015, consideration is required to be given to the appointment of representatives to various Council-created and external committees/boards.

The City of Joondalup has representation on the MRC, TPRC and the WALGA North Metropolitan Zone. The appointment of representatives is required, as there may be matters requiring resolution in the first two weeks following the election, as well as appointment to WALGA State Council, by the WALGA zones.

It is therefore considered imperative that should either of the Regional Councils or the WALGA North Metropolitan Zone call an early meeting, the City has representatives to attend and participate in decision making that may affect the City.

Council is required to appoint two Elected Members to the MRC. A previous decision of Council suggested that the City of Joondalup nominated representative on the TPRC not be a member of the MRC (Item CJ050-04/05 refers). At its meeting held on 20 September 2005, Council also recommended that consideration be given to the MRC and TPRC being represented by either the Mayor or the Deputy Mayor, in order that a senior level of representation be maintained (Item CJ202-09/05 refers).

It is therefore appropriate that representatives to both Regional Councils be considered and appointed simultaneously.

Council is also required to appoint four Elected Members to the WALGA North Metropolitan Zone, as well as first, second, third and fourth alternate members.

BACKGROUND

Mindarie Regional Council

The purpose of the MRC is to perform designated functions in connection with waste treatment and disposal.

The MRC manages the disposal of about 380,000 tonnes of waste generated each year by people living in its seven government localities, being the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The MRC's vision is to 'set and achieve the standard for minimising the impact of waste on the environment, for the benefit of the regional community.'

Tamala Park Regional Council

The TPRC was established for the development of approximately 165 hectares of Lot 118, Mindarie, and represents the interests of seven local governments in the urban development of land south of Somerley, in Perth's northern suburbs. The seven local governments represented by the TPRC are the Cities of Joondalup, Perth, Stirling, Wanneroo and Vincent, and the Towns of Cambridge and Victoria Park.

The regional purpose for which the TPRC is established is:

- (a) to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the Land; and
- (b) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

The objectives of the TPRC are:

- (a) to develop and improve the value of the Land;
- (b) to maximise, with prudent risk parameters, the financial return to the participants;
- (c) to balance economic, social and environmental issues; and
- (d) to produce a quality development demonstrating the best urban design and development practice.

Western Australian Local Government Association North Metropolitan Zone

The Western Australia Local Government Association (WALGA) lobbies and negotiates on behalf of the 140 local governments in Western Australia.

WALGA's structure includes a State Council and geographically aligned groups of local governments called zones, which advise the WALGA State Council. The City of Joondalup belongs to WALGA's North Metropolitan Zone, which consists of four elected member representatives from each of the Cities of Joondalup, Stirling and Wanneroo.

The North Metropolitan Zone is entitled to three members on WALGA State Council and as the North Metropolitan Zone consists of three local governments, it is normal practice that a representative from each of the three local governments, is nominated to serve on WALGA State Council.

DETAILS

Issues and options considered

At its meeting held on 5 April 2005 (Item CJ050-04/05 refers), Council resolved in part that:

"in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council."

At the Council meeting held on 20 September 2005, during discussion on the appointment of representatives to the Tamala Park Regional Council (Item CJ202-09/05 refers), it was recommended that when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor, in order that a senior level of representation be maintained.

For this reason it is considered appropriate that representatives to both Regional Councils be appointed simultaneously. However, it should be noted that this is a recommendation of Council, and not a formal resolution (CJ202-09/05 refers).

The most recent Council-appointed representatives to the MRC, TPRC and the WALGA North Metropolitan Zone are as follows:

- Mindarie Regional Council
Cr Russ Fishwick and Cr Kerry Hollywood.
- Tamala Park Regional Council
Cr Tom McLean and Cr John Chester.

At its meeting held on 22 October 2013 (JSC04-10/13 refers) Council appointed Cr Geoff Amphlett as the City's representative to the Tamala Park Regional Council. Cr Amphlett resigned from this role as at 21 October 2014 (CJ181-10/14 refers), with Cr John Chester being appointed as the City's new representative to the Tamala Park Regional Council.

- Western Australian Local Government Association North Metropolitan Zone

Cr Geoff Amphlett
 Cr Russ Fishwick
 Cr Philippa Taylor
 Cr Sam Thomas

Four alternate deputies were appointed to the WALGA North Metropolitan Zone to represent one of the four members should they be unable to attend a meeting as follows:

Deputies

First Alternate Member	Cr Kerry Hollywood
Second Alternate Member	Cr John Chester
Third Alternate Member	Cr Christine Hamilton-Prime
Fourth Alternate Member	Cr Mike Norman

Legislation / Strategic Community Plan / policy implications

Legislation Section 3.61 of the *Local Government Act 1995*.
 Section 51 of the *Interpretation Act 1984*.

Strategic Community Plan

Key theme Leadership and Governance.

Objective Strong leadership.

Strategic initiative Seek out City representation on key external and strategic bodies.

Policy Not applicable.

Risk management considerations

If the Council does not appoint representatives to the MRC, TPRC and the WALGA North Metropolitan Zone, this may hinder the overall decision-making process.

Financial / Budget implications

Not applicable.

Regional significance

The MRC, TPRC are significant organisations within the northern metropolitan corridor, dealing with waste treatment and disposal and land development, respectively.

The WALGA North Metropolitan Zone deals with issues that affect the Zone members both regionally and operationally as local governments.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The timely appointment of the City of Joondalup's representatives to the MRC, TPRC and the WALGA North Metropolitan Zone will ensure the City is represented on these organisations, enabling them to participate in decision-making that may impact the City.

The following meeting fees and allowances apply to representatives of the MRC, TPRC and the WALGA North Metropolitan Zone:

Mindarie Regional Council

	Meeting Fee per annum (\$)	Allowance per annum (\$)	Technology Expenses per annum (\$)
Chairperson	15,450	19,570	1,000
Deputy Chairperson	10,300	4,893	1,000
Councillor	10,300		1,000
Deputy Councillor	\$140 per meeting		
Other Expenses	Child care and travel costs will be reimbursed in accordance with the <i>Local Government (Administration) Regulations 1996</i>		

Tamala Park Regional Council

	Meeting Fee per annum (\$)	Allowance per annum (\$)
Chairperson	15,450	19,570
Deputy Chairperson	10,300	4,893
Councillor	10,300	
Deputy Councillor	\$140 per meeting	

No deputies are appointed to the TPRC or MRC. Legal advice has confirmed that the appointment of deputies to serve on a Regional Council can only be made under specific circumstances and not on an ongoing basis.

It is important to note therefore that should any of the Council's appointed representatives not be available to attend a meeting of the TPRC or MRC in the near future a special resolution of Council is required to appoint an alternate member for the specific period that the member is not available, in accordance with sections 52(b) and (c) of the *Interpretation Act 1984*, which provides:

“52(b) Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

52(c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.”

WALGA North Metropolitan Zone

There are no sitting fees for being on the WALGA North Metropolitan Zone however representatives from each of the zones are elected to serve on the WALGA State Council.

WALGA State Councillors do receive sitting fees for their appointment.

VOTING REQUIREMENTS

Simple Majority.

OFFICER’S RECOMMENDATION

That Council NOMINATES the following persons to represent the City of Joondalup on the:

1 Mindarie Regional Council:

Two (2) Elected Members;

2 Tamala Park Regional Council:

Two (2) Elected Members;

3 Western Australian Local Government Association – North Metropolitan Zone:

Members

Four (4) Elected Members;

Deputy Members

First alternate member	- One (1) Elected Member;
Second alternate member	- One (1) Elected Member;
Third alternate member	- One (1) Elected Member;
Fourth alternate member	- One (1) Elected Member.

Nominations for Representatives to Regional Councils and the Western Australian Local Government Association – North Metropolitan Zone

Mayor Pickard made the following nominations, with nominees accepting the nomination:

Mindarie Regional Council

Cr Russ Fishwick, JP.
Cr Mike Norman.

Tamala Park Regional Council

Cr John Chester.
Cr Kerry Hollywood.

Western Australian Local Government Association – North Metropolitan Zone

Members

Cr Philippa Taylor.
Cr Russ Fishwick, JP.
Cr Christine Hamilton-Prime.
Cr John Logan.

Deputy Members

First alternate member	- Cr Sophie Dwyer.
Second alternate member	- Cr Nige Jones.
Third alternate member	- Cr Russell Poliwka.
Fourth alternate member	- Cr Mike Norman.

Mayor Pickard called for further nominations from Elected Members, with none being received.

MOVED Mayor Pickard, SECONDED Cr Gobbert that Council NOMINATES the following persons to represent the City of Joondalup on the:

1 Mindarie Regional Council:

Cr Russ Fishwick, JP;

Cr Mike Norman;

2 Tamala Park Regional Council:

Cr John Chester;

Cr Kerry Hollywood;

3 Western Australian Local Government Association – North Metropolitan Zone:

Members

Cr Philippa Taylor;

Cr Russ Fishwick, JP;

Cr Christine Hamilton-Prime;

Cr John Logan;

Deputy Members

First alternate member - Cr Sophie Dwyer;

Second alternate member - Cr Nige Jones;

Third alternate member - Cr Russell Poliwka;

Fourth alternate member - Cr Mike Norman.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Chester, Dwyer, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 7.30pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR KERRY HOLLYWOOD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR LIAM GOBBERT
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SOPHIE DWYER