

agenda

Special Meeting of Council

NOTICE IS HEREBY GIVEN THAT A
SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP WILL BE HELD IN

THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

ON **MONDAY 9 NOVEMBER 2015**
COMMENCING AT **8.15pm**

PURPOSE OF MEETING

The purpose of the meeting is to:

Consider submissions received following public advertising of the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* and to make the local law.

GARRY HUNT
Chief Executive Officer

www.joondalup.wa.gov.au

6 November 2015

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on

Monday 9 November 2015

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council Meeting.

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 19 November 2013:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting “Council” with “Committee” to provide proper context.

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final
 - nominate a member of the Council and/or City employee to respond to the question
or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.

- 9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City
 - or
 - making a statement during public question time,
- they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only)

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.

- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 19 November 2013:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the statement verbally if he or she so wishes.

10 Statements will be summarised and included in the minutes of the Council meeting.

CODE OF CONDUCT

Elected Members, Committee Members and City of Joondalup employees are to observe the City of Joondalup Code of Conduct including the principles and standards of behaviour that are established in the Code.

The following principles guide the behaviours of Elected Members, Committee Members and City of Joondalup employees while performing their role at the City:

- Act with reasonable care and diligence.
- Act with honesty and integrity.
- Act lawfully.
- Avoid damage to the reputation of the City.
- Be open and accountable to the public.
- Base decisions on relevant and factually correct information.
- Treat others with respect and fairness.
- Not be impaired by mind affecting substances.

Elected Members, Committee Members and employees must:

- (a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code of Conduct
- (b) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour
- (c) act in good faith in the interests of the City and the community
- (d) make no allegations which are improper or derogatory and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment
- (e) always act in accordance with their obligations to the City and in line with any relevant policies, protocols and procedures.

* *Any queries on the agenda, please contact Governance Support on 9400 4369.*

TABLE OF CONTENTS

ITEM NO.	TITLE	WARD	PAGE NO.
1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS		vi
2	DECLARATIONS OF INTEREST		vi
3	PUBLIC QUESTION TIME		vi
4	PUBLIC STATEMENT TIME		vi
5	APOLOGIES AND LEAVE OF ABSENCE		vi
6	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC		vi
7	REPORT		1
JSC04-11/15	LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2015 – ADOPTION – [22513]	All	1
8	CLOSURE		6

CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Monday 9 November 2015** commencing at **8.15pm**.

Garry Hunt
Chief Executive Officer
6 November 2015

Joondalup
Western Australia

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 DECLARATIONS OF INTEREST

3 PUBLIC QUESTION TIME

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

4 PUBLIC STATEMENT TIME

Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr John Chester 30 October to 8 November 2015 inclusive;
Cr Liam Gobbert 22 November to 23 November 2015 inclusive;
Cr John Chester 30 November to 8 December 2015 inclusive;
Cr Mike Norman 7 December to 11 December 2015 inclusive;
Cr Liam Gobbert 10 December to 15 December 2015 inclusive.

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

7 REPORT**JSC04-11/15 LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2015 - ADOPTION**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	22513, 101515
ATTACHMENTS	Attachment 1 <i>City of Joondalup Local Government and Public Property Amendment Local Law 2015</i> Attachment 2 Summary of submissions
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* and to make the local law.

EXECUTIVE SUMMARY

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council adopted the *City of Joondalup Local Government and Public Property Local Law 2014* (the local law) and this has been in operation since 28 January 2015. The local law provides for the regulation, control and management of activities and facilities on local government and public property within the district.

The City has been dealing with the issue of the management of charity clothing collection bins on City of Joondalup land and public property that have included the dumping of rubbish, vandalism and graffiti issues. In response Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued for charity clothing bins under Part 3 of the local law. While the resolution sets out the position of Council it does not prevent an application under the local law for a permit to place a charity clothing collection bin on City or public property.

At its meeting held on 15 September 2015 (C58-09/15 refers) Council resolved to make the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* which seeks to ensure the local law reflects the position of Council by allowing the Council to determine that the placement of charity clothing collection bins on City and public property be not permitted.

In accordance with section 3.13(3) of the *Local Government Act 1995* the City publicly advertised the proposed local law for a period of six weeks and forwarded a copy to the Minister for Local Government.

At the close of the public consultation period the City had received three submissions, being from the Department of Local Government and Communities (DLGC), Spine and Limb Foundation and Good Samaritan Industries.

It is therefore recommended that Council:

- 1 *NOTES the submissions received from the Department of Local Government and Communities, Spine and Limb Foundation and Good Samaritan Industries at the close of the public consultation period for the proposed City of Joondalup Local Government and Public Property Amendment Local Law 2015, as detailed in Attachment 2 to Report JSC04-11/15;*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the City of Joondalup Local Government and Public Property Amendment Local Law 2015 as detailed in Attachment 1 to Report JSC04-11/15 and AUTHORIZES the Common Seal to be affixed;*
- 3 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995.*

BACKGROUND

At its meeting held on 9 December 2014 (CJ233-12/14 refers), Council adopted the *City of Joondalup Local Government and Public Property Local Law 2014* (the local law) and this has been in operation since 28 January 2015. The local law provides for the regulation, control and management of activities and facilities on local government and public property within the district.

The City has been dealing with the issue of the management of charity clothing collection bins placed on City of Joondalup land and public property under the local law. The issues have included the dumping of rubbish, vandalism and graffiti. In response to these issues Council resolved at its meeting held on 23 June 2015 (CJ104-06/15 refers) that permits will no longer be issued for charity clothing bins under Part 3 of the local law.

While the resolution sets out the position of Council it does not prevent an application for a permit under the local law to place a charity clothing collection bin on City or public property. The City is required to consider any permit application and if declined the applicant has a right of objection and review. To prohibit this activity completely requires an amendment to the *City of Joondalup Local Government and Public Property Local Law 2014*. The proposed amendment will result in collection bins being included in clause 2.8 of the local law which then establishes this activity as one that the Council may then determine is prohibited.

At its meeting on 15 September 2015 (C58-09/15 refers) Council resolved to commence the local law making process for the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015*, to give effect to Council's position, for the purposes of public advertising.

The **purpose** of the *Joondalup Local Government and Public Property Amendment Local Law 2015* is to amend certain provisions within the *City of Joondalup Local Government and Public Property Local Law 2014*.

The **effect** of the *Joondalup Local Government and Public Property Amendment Local Law 2015* is to enable the local government to make a determination prohibiting the placing of collection bins on local government property throughout the district.

DETAILS

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* (Attachment 1 refers) was advertised statewide in *The West Australian* on 19 September 2015 and in *The Joondalup Weekender* on 24 September 2015, seeking public comments. Local public notices were also displayed on the City's website and at each of the City's public libraries and customer service centres for six weeks during the period 16 September 2015 to 2 November 2015.

At the close of the public consultation period the City had received three submissions, being from the Department of Local Government and Communities (DLGC), Spine and Limb Foundation and Good Samaritan Industries. A summary of the submissions and the City's response is provided as Attachment 2. Where changes have been supported they have been included in the local law submitted to Council for adoption (Attachment 1 refers).

Issues and options considered

Council can either:

- adopt the proposed local law
- adopt the proposed local law with modifications, subject to the modifications not being significantly different to what was advertised
or
- not adopt the proposed local law.

It is recommended the proposed local law be adopted with modifications, in response to the submission from the DLGC and as outlined in Attachment 2.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
Local Government (Functions and General) Regulations 1996.
Local Government and Public Property Local Law 2014.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be recommended for disallowance by the Joint Standing Committee on Delegated Legislation (JSCDL).

Financial / budget implications

The cost associated with the local law making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2015-16 Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The development of local laws requires statutory advertising of the proposal and consultation with the public throughout the local law-making process. This has been undertaken and included:

- giving statewide public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in *The West Australian* newspaper
 - advertising in the Joondalup Weekender newspaper
 - displaying public notices at the City of Joondalup Administration Centre, public libraries and customer service centres
 - advertising on the City's website
- providing a copy of the notice and a copy of the proposed local law to the Minister for Local Government.

COMMENT

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* was developed in response to issues with the management of charity clothing collection bins on City of Joondalup land and public property that have included the dumping of rubbish, vandalism and graffiti issues.

The *City of Joondalup Local Government and Public Property Amendment Local Law 2015* will ensure the local law reflects the position of Council by allowing the Council to determine that the placement of charity clothing collection bins on City land and public property is an activity that is prohibited.

The proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015* was subsequently advertised and minor amendments made, taking into account comments submitted by the DLGC.

The *City of Joondalup Local Government and Public Property Amendment Local Law 2015* awaits adoption by Council.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1** NOTES the submission received from the Department of Local Government and Communities, Spine and Limb Foundation and Good Samaritan Industries at the close of the public consultation period for the proposed *City of Joondalup Local Government and Public Property Amendment Local Law 2015*, as detailed in Attachment 2 to Report JSC04-11/15;
- 2** BY AN ABSOLUTE MAJORITY MAKES the *City of Joondalup Local Government and Public Property Amendment Local Law 2015* as detailed in Attachment 1 to Report JSC04-11/15 and AUTHORISES the Common Seal to be affixed;
- 3** NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn091115.pdf](#)

8 CLOSURE



**APPENDICES FOR AGENDA FOR
SPECIAL MEETING OF COUNCIL**

9 NOVEMBER 2015

ITEM NO.	SUBJECT	APPENDIX NO.	STAMPED PAGE NO.
JSC04-11/15	Local Government and Public Property Amendment Local Law 2015 - Adoption	1	
	Attachment 1 <i>City of Joondalup Local Government and Public Property Amendment Local Law 2015</i>		1
	Attachment 2 Summary of submissions		5



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

NAME

ADDRESS

QUESTIONS

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

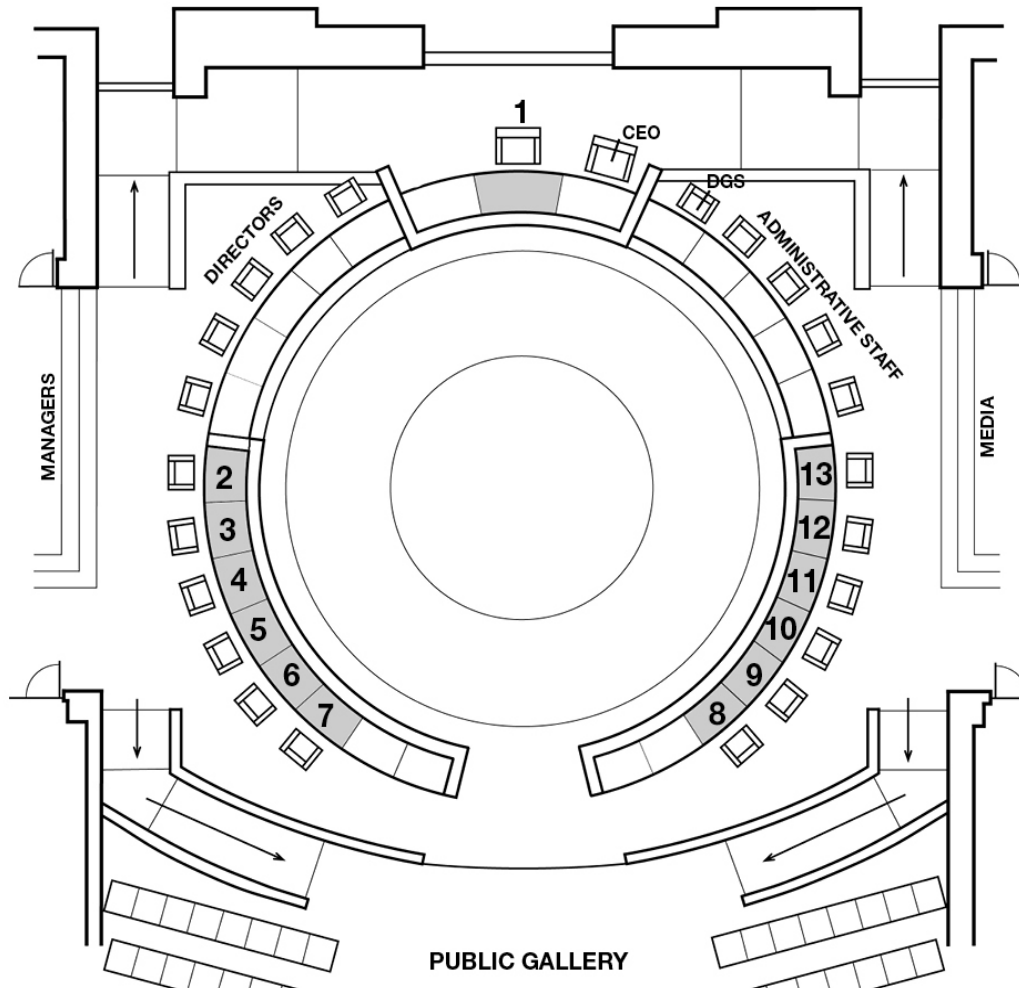
Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

Council Chambers – Seating Diagram



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/17)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/17)
- 3 Cr Tom McLean, JP (Term expires 10/19)

North-Central Ward

- 4 Cr Philippa Taylor (Term expires 10/17)
- 5 Cr Nige Jones (Term expires 10/19)

Central Ward

- 6 Cr Liam Gobbert (Term expires 10/17)
- 7 Cr Russell Poliwka (Term expires 10/19)

South-West Ward

- 8 Cr Christine Hamilton-Prime (Term expires 10/17)
- 9 Cr Mike Norman (Term expires 10/19)

South-East Ward

- 10 Cr John Chester (Term expires 10/17)
- 11 Cr John Logan (Term expires 10/19)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/17)
- 13 Cr Sophie Dwyer (Term expires 10/19)