

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY 24 OCTOBER 2017**

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CITY OF JOONDALUP

**MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY
24 OCTOBER 2017.**

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.02pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

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 CHRISTOPHER MAY	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 JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development
MR NICO CLAASSEN	Director Infrastructure Services
MR MIKE SMITH	Acting Director Corporate Services
MR BRAD SILLENCE	Manager Governance
MR MARK McCRORY	Manager Marketing and Communications
MR DANIEL DAVINI	Media Advisor
MR JOHN BYRNE	Governance Coordinator
MRS LESLEY TAYLOR	Governance Officer
MRS DEBORAH GOUGES	Governance Officer

There were 52 members of the public and no member of the press in attendance.

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

Cr Nige Jones nominated Cr Russell Poliwka. Cr Russell Poliwka accepted the nomination.

Cr Philippa Taylor nominated Cr Kerry Hollywood. Cr Kerry Hollywood accepted the nomination.

Mayor Jacob 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 Jacob declared Cr Russell Poliwka as Deputy Mayor.

DECLARATION OF ELECTED MEMBER

Cr Russell Poliwka then made a Declaration of Elected Member for the position of Deputy Mayor before Mayor Hon. Albert Jacob, JP.

ADDRESS BY DEPUTY MAYOR

Cr Poliwka thanked the Elected Members for the opportunity to be Deputy Mayor, noting that he looked forward to working with the Elected Members to take the City of Joondalup forward with integrity, honesty and accountability.

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

Nil.

ITEM OF BUSINESS**JSC02-10/17 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 21 October 2017, 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 (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 (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 MRC is a regional local government established for the purpose of delivering effective, efficient and environmentally sound waste treatment and disposal and leading its community in sustainable waste management philosophy.

The MRC was formed in 1981 when the Cities of Perth, Stirling and Wanneroo purchased land in Perth's northern corridor that included a parcel of land deemed suitable for a landfill site. Formal incorporation and registration of the MRC occurred on 22 December 1987 when the Governor in Executive Council gave approval.

The MRC is now one of Western Australia's largest waste management authorities and manages waste disposal for each of its member Councils being the Cities of Joondalup; Perth; Stirling; Vincent and Wanneroo and the Towns of Cambridge and Victoria Park.

It recognises that waste does have a value as a resource and is committed to managing waste in line with the waste hierarchy and in a way that is sensitive to the environment and future generations. Its vision of "Winning Back Waste" is achieved by the following objectives:

- Encouraging a Culture of Waste Minimisation.
- Maximising Resource Recovery.
- Minimising Waste to Landfill.

Its operations are structured into two streams, being recycling and refuse, with operations including a transfer station and landfill operations at Tamala Park, a resource recovery facility at Neerabup and advanced investigation into the development of an Energy-to-Waste facility.

The MRC comprises delegates from each of the member local governments on a basis of the acknowledged equity held within the landfill enterprise. This currently constitutes the following representation:

- City of Joondalup Two delegates.
- City of Perth One delegate.
- City of Stirling Four delegates.
- City of Vincent One delegate.
- City of Wanneroo Two delegates.
- Town of Cambridge One delegate.
- Town of Victoria Park One delegate.

No deputies are appointed to the MRC. Legal advice has confirmed that the appointment of deputies to serve on the MRC 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 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.”*

Tamala Park Regional Council

The TPRC is a regional local government established for the purpose of undertaking the rezoning, subdivision, development, marketing and sale of the Tamala Park Land, now known as the Catalina Estate.

The TPRC was established by proclamation in the *Government Gazette* on 3 February 2006 for the specific purpose of creating an urban development on a 180 hectare portion of Lot 9504 (432 hectare site, comprising the aforementioned urban development and the Mindarie Regional Council's landfill operations).

The objectives of the TPRC are to:

- develop and improve the value of the land
- maximise, within prudent risk parameters, the financial return to the participants
- balance economic, social and environmental issues
- produce a quality development demonstrating the best urban design and development practice.

Significant progress has been made on the Catalina Project since the first phase of works commenced in 2011, with 713 homes completed and another 122 currently under construction. A range of lot types and sizes have been produced supporting a diverse mix of housing, from large 4 x 2 family homes on lots in the order of 450m² to terraced cottage style housing on lots of 225m².

The focus for the 2017-18 financial year is on consolidating Tamala Park Project as a significant urban project in Perth's Northern Coast. This will be achieved through the construction and sale of lots within Catalina Central and at Catalina Beach and progression of planning for Catalina Grove.

The TPRC comprises delegates from each of the member local governments on the basis of the acknowledged equity held in the land. This currently constitutes the following representation:

- City of Joondalup Two delegates.
- City of Perth One delegate.
- City of Stirling Four delegates.
- City of Vincent One delegate.
- City of Wanneroo Two delegates.

- Town of Cambridge One delegate.
- Town of Victoria Park One delegate.

The Establishment Agreement for the TPRC allows for the appointment of deputies in the event that either of the City's two representatives on the TPRC are unable or unwilling to attend a meeting for any reason.

It is therefore recommended that two Elected Members be nominated as deputy members to the TPRC.

Western Australian Local Government Association North Metropolitan Zone

The Western Australia Local Government Association (WALGA) is a peak industry body which advocates on behalf of the 138 local governments in Western Australia and which negotiates service agreements for the sector. WALGA is not a government department or agency.

The Association was formed on 6 December 2001 to provide a truly representative and united voice for local government in WA. Prior to this, a number of membership-based representative structures existed to represent local government in WA.

WALGA's *Strategic Plan (2015-2020)* provides that it is committed to advancing the vision for local government in Western Australia where:

- local governments will be built on good governance, autonomy, local leadership, democracy, community engagement and diversity
- local governments will have the capacity to provide economically, socially and environmentally sustainable services and infrastructure that meets the needs of their communities.

The key strategies that it focuses on are as follows:

- Engagement with Members.
- Sustainable local government.
- Enhanced reputation and relationships.

WALGA's *Strategic Plan* is available at http://walga.asn.au/getattachment/About-WALGA/WAL2743_Strat-Plan_LR-FINAL.pdf.aspx?lang=en-AU

WALGA's structure includes a State Council and geographically aligned groups of local governments called Zones, which advise the WALGA State Council. The WALGA State Council is the decision-making representative body of all Member Councils, who are responsible for sector-wide policy making and strategic planning on behalf of local government.

Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters. There are 12 Country and five Metropolitan Zones.

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

Following the elections held on 15 October 2011, consideration is required to be given to the appointment of representatives to various Council-created and external committees.

Issues and options considered

At its meeting held on 5 April 2005 (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 (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, JP and Cr Mike Norman.
- Tamala Park Regional Council
Cr John Chester and Cr Kerry Hollywood.
- Western Australian Local Government Association North Metropolitan Zone
Cr Philippa Taylor.
Cr Russ Fishwick, JP.
Cr Christine-Hamilton Prime.
Cr John Logan.

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 Sophie Dwyer.
Second Alternate Member	Cr Nige Jones.
Third Alternate Member	Cr Russell Poliwka.
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 and TPRC are significant organisations within the northern metropolitan corridor, dealing with waste treatment / 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	15,682	19,864
Deputy Chairperson	10,455	4,965
Councillor	10,455	
Deputy Councillor	\$236 per meeting	

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.

MOVED Cr Hollywood, **SECONDED** Cr Poliwka that Council **NOMINATES** the following persons to represent the City of Joondalup on the:

1 Mindarie Regional Council:

Members

Cr Russ Fishwick, JP;
Cr Mike Norman;

2 Tamala Park Regional Council:

Members

Cr John Chester;
Cr Nige Jones;

Deputy Members

First alternate member - Cr Sophie Dwyer;
Second alternate member - Cr Christine Hamilton-Prime;

3 Western Australian Local Government Association – North Metropolitan Zone:**Members**

Cr Russ Fishwick, JP;
Cr Nige Jones;
Cr Christopher May;
Cr Mike Norman;

Deputy Members

First alternate member - Cr Christine Hamilton-Prime;
Second alternate member - Cr Sophie Dwyer.

The Motion was Put and**CARRIED (13/0)**

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

CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.29pm; the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR KERRY HOLLYWOOD
CR TOM McLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SOPHIE DWYER