

Minutes **Special Meeting of Council**

SPECIAL MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP HELD
IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE,
JOONDALUP

ON **TUESDAY, 13 JANUARY 2009**

CITY OF JOONDALUP

MINUTES OF SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
13 JANUARY 2009

DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

T PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward
Cr TOM McLEAN	North Ward - <i>Deputy Mayor</i>
Cr ALBERT JACOB, JP	North-Central Ward
Cr TRONA YOUNG	North-Central Ward
Cr MARIE MACDONALD	Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr MICHELE JOHN	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr SUE HART	South-East Ward
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward
Cr FIONA DIAZ	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer
MR CLAYTON HIGHAM	Director, Planning & Community Development
MR IAN COWIE	Director, Governance & Strategy
MR MARTYN GLOVER	Director, Infrastructure Services
MR MIKE SMITH	Manager, Governance & Strategy
MR GAVIN TAYLOR	Manager, Leisure & Cultural Services
MRS LESLEY TAYLOR	Administrative Secretary

There were 75 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were submitted in writing prior to the Special Council meeting:

Mrs Alana Kay, Greenwood:

Q1 *Will all of the payments received from the Department of Education and Training (DET) for the use of the Penistone Oval be used exclusively on Penistone Reserve/Oval?*

A1 The funds received from DET will be expended as part of the maintenance program for Penistone Reserve.

Q2 *Will all of the payments received from DET for the use of Penistone Oval be added to/topping up the existing City of Joondalup budget allocation for maintenance and improvements on Penistone Reserve/Oval (eg Penistone budget allocation = \$20,000 pa after \$10,000 DET payment, Penistone allocation = \$30,000)?*

A2 The Council at its meeting held on 25 November 2008 adopted a model for shared use agreements whereby DET will pay the City 25% of the annual maintenance cost of the park being used. This model recognises any additional maintenance requirements as a result of shared use and ensures that the budget will meet those requirements.

The following questions were submitted verbally at the Special Council meeting held on 13 January 2009:

Ms M Moon, Greenwood:

Q1 *What is the current population (not the last census) and trend of the Greenwood area considering expected population growth and current 'baby boomers' in the area?*

A1 *Response by Mayor Pickard:* The City does not have that information.

Q2 *What are the future, not current, anticipated demands on Penistone Oval?*

A2 There are currently eight sporting groups that use Penistone Oval regularly. The City is not aware of any other group that wishes to use Penistone Oval.

Ms D Kelly, Greenwood:

Q1 *If the meeting tonight is about time, why does the resolution not reflect the need to address the second report tonight?*

A1 *Response by Mayor Pickard:* Tonight's meeting is to consider revoking a decision made by Council on 16 December 2008. If the revocation motion is successful, then the Council will reconsider the report which was presented to the Council Meeting held on 16 December 2008.

Q2 *Is this Council meeting being held this evening to revoke an earlier decision of the Council, thereby enabling reconsideration of the shared use of Penistone Oval?*

A2 *Response by Mayor Pickard:* If the Council does not revoke its previous decision made on 16 December 2008, then Report JSC2-01/09 cannot be considered until the February 2009 Council meeting.

Dr B Hutchison, Greenwood:

Q1 *What benefits will the residents of Greenwood receive as a result of the shared use of Penistone Reserve?*

A1 *Response by Mayor Pickard:* The relevant information was contained within the report presented to Council on 16 December 2008, as well as the report presented to Council on 5 August 2008. If the issue of shared use is debated this evening, that information will be forthcoming during debate.

Q2 *What will happen in the future in relation to requests from the Department of Education and Training (DET) for shared use facilities?*

A2 *Response by Mayor Pickard:* Any future requests from the DET for shared use facilities will be dealt with on a case by case basis, which will include consultation with local residents and affected stakeholders.

Mr Peter Billington, Greenwood:

Q1 *When did the DET first approach the City of Joondalup seeking shared use of Penistone Oval?*

A1 The City received a letter from the DET dated 17 December 2007.

Q2 *25% of the annual cost equates to \$5,000. Is the only benefit to residents a financial benefit of \$16,000 per annum?*

A2 *Response by Mayor Pickard:* That is for Council to determine.

Mr B Coombes, Greenwood:

Q1 *Is the City aware of any problems such as children being stalked, kidnapped or paedophilia activity occurring at Penistone Oval?*

A1 *Response by Mayor Pickard:* I am not aware.

The City has approached the DET who have advised it has no record of any instances.

Mrs K Schenk, Greenwood:

A question asked by Mrs Schenk was ruled out of order by Mayor Pickard as it was contrary to the procedures for Public Question Time.

Q1 *DET is proposing 10-12 demountables. What would the City do about this?*

A1 *Response by Mayor Pickard:* New school facilities will have a condition that future extensions are to be in accordance with the existing built form and not to occur through use of demountables.

Mrs P Kourtesis, Greenwood:

Q1 *Why is the shared use of Penistone Oval being debated when advice has been given that the northern end of the current site at Allenswood Primary School will not be subdivided and sold off for housing? The land is for school use only. It would be more economically viable to put the new school on the existing footprint and use the school oval that currently exists.*

A1 *Response by Mayor Pickard:* That is a question for DET. Council has to consider the request from DET as to whether or not to approve shared use with DET for the proposed primary school.

C01-01/09**EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]**

MOVED Cr Hart, SECONDED Cr Corr that Public Question Time be extended for a period of 15 minutes.

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Young, Jacob, John, Macdonald, McLean and Norman

Mrs S Rutter, Greenwood:

A question asked by Mrs Rutter was ruled out of order by Mayor Pickard as it was contrary to the procedures for Public Question Time.

Dr K Lyon, Greenwood:

Q1 *Has the City of Joondalup experienced any additional wear or unforeseen damage at any of the ten existing shared used sites?*

A1 There would be additional expenses in relation to wear and tear. This would be covered by the maintenance and contribution from DET.

Q2 *With regard to the area east of Allenswood Drive to Wanneroo Road, is the ratio of open space to housing and other building facilities greater than, less than or approximately equal to the ratio suggested by the WA Planning Commission and other State Government Agencies?*

A2 The City believes it would be in excess of 10%.

Ms D McFetridge, Greenwood:

Q1 *What is the total area of Penistone Reserve and the volume of area which is required in the application by DET?*

A1 The total area of Penistone Oval is 11.4 hectares. DET has indicated it requires a minimum of one hectare.

Mr R Welsh, Karrinyup:

Q1 *Has Council taken the principles of the State Government guidelines into account when considering the issues on the agenda tonight?*

A1 *Response by Mayor Pickard:* The City of Joondalup has its own public participation policy which it utilises as a guideline for engaging with its residents. The City adopts best practice in engaging with its residents.

Ms L Miles, Greenwood:

Q1 *In relation to how the resident target population was identified in the public consultation process, how did Council ensure that the residents targeted were a fair representation of interested parties of the Greenwood and wider neighbouring community?*

A1 *Response by Mayor Pickard:* A 500 metre catchment area was used to determine who would receive one of the surveys which were distributed to local residents. In addition to this, 200 surveys were submitted to Greenwood Primary School. Surveys were also submitted to stakeholder groups/sporting groups which utilise Penistone Oval. An opportunity was also given to members of the broader public to submit comments via the City's website during the formal consultation period.

Q2 *In regard to determining the statistically valid basis for the sample size and composition, in what way has the City addressed the diversity of interested parties?*

A2 *Response by Mayor Pickard:* The City's public participation policy clearly outlines the objectives it wishes to achieve when consulting with the local community.

Ms N Stephenson, Greenwood:

Q1 *If Penistone Reserve is shared with DET, will residents be able to recreate on the portion of the reserve not used for DET purposes?*

A1 *Response by Mayor Pickard:* Yes.

Mrs R Delavale, Greenwood:

Q1 *How many hours a day and days per week will the school use Penistone Reserve if it is shared with DET?*

A1 In the letter from DET dated 17 December 2007, DET envisaged use of the area would be five hours per week with three sporting carnivals per year. DET also indicated that the proposed 2,760 sq metres of grassed play area within the school site would be used by Years 2-4. The one hectare area would be used by Years 5-7.

C02-01/09**EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]**

MOVED Cr Hollywood, SECONDED Cr Young that Public Question Time be extended for a further period of 15 minutes.

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Young, Jacob, John, Macdonald, McLean and Norman

Ms P Rasdien, Greenwood:

Q1 Is Council aware of any scheduling conflicts between the proposed use of the oval by the school students during school hours and existing sporting clubs?

A1 No.

Q2 How much did the public consultation cost, including officers' hours?

A2 The cost was closer to \$1,000 than \$10,000.

Mr P Mann, Greenwood:

Q1 Will Council be seeking legal advice with regard to public liability issues for shared use?

A1 No. There has been no incident to warrant obtaining legal advice.

Q2 Can Council assure ratepayers both now and in the future that both the City and DET insurance liability policies adequately cover paedophile issues?

A2 *Response by Mayor Pickard:* The City cannot answer the question. That is a matter for the Police Department.

Ms H Watkinson, Kingsley:

Q1 Can the City clarify the area of grassed land within the school?

A1 *Response by Mayor Pickard:* 2,700 sq metres.

Ms R Speed, Greenwood:

Q1 Has the City sought advice from the Police of any incidents which have occurred on Penistone Oval?

A1 No.

Q2 Is it a requirement by law for the Police to advise the City of any incident?

A2 *Response by Mayor Pickard:* No.

PUBLIC STATEMENT TIME**Mrs H Chester, Kingsley:**

Mrs Chester urged Elected Members to refuse any potential shared use of Penistone Oval and to support construction of the school on the original footprint at Allenswood Primary School.

Mr J Young, Greenwood:

Mr Young spoke against the potential shared use of Penistone Oval and supported the retention of an oval within the school grounds.

Mrs R Speed, Greenwood:

Mrs Speed raised concerns in relation to the safety of school children with respect to the proposed shared use of Penistone Oval.

Mrs R Bertolini, Greenwood:

Mrs Bertolini spoke in regard to the proposed school being constructed on the existing Allenswood Primary School site.

Mrs S Malu, Greenwood:

Mrs Malu spoke in relation to the duty of care required by teachers with respect to the safety of school children as a result of any potential shared use of the oval.

Mrs D Kelly, Greenwood:

Mrs Kelly spoke in relation to the contents of the survey conducted by the City of Joondalup, including the survey conducted by the residents in parallel with that of the City.

Dr B Hutchinson, Greenwood:

Dr Hutchinson urged Elected Members to consider the contents of the petition presented to Council on behalf of the residents.

Ms M Moon, Greenwood:

Ms Moon spoke in relation to the consultation process regarding the potential shared use of Penistone Reserve and the petition presented on behalf of the residents.

C03-01/09**EXTENSION OF PUBLIC STATEMENT TIME - [02154]**

MOVED Cr Young, SECONDED Cr Amphlett that Public Statement Time be extended for a period of 15 minutes.

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Mrs K Schenk, Greenwood:

Mrs Schenk spoke in relation to the safety of children with respect to any potential shared use of Penistone Reserve and urged Elected Members not to support the proposal.

Mr P Billington, Greenwood:

Mr Billington spoke in relation to the potential shared use of Penistone Reserve.

Mrs T Kortesis, Greenwood:

Mrs Kortesis spoke against the proposed shared use of Penistone Reserve and raised her concerns with respect to possible future development of a portion of the land for residential housing.

Mrs C McCauley, Greenwood:

Mrs McCauley spoke in relation to the consultation process with the community regarding the potential shared use of Penistone Reserve.

Mrs S Makoare, Greenwood:

Mrs Makoare believed the proposed school should be constructed on the original footprint at Allenswood Primary School with an oval situated in the school grounds and urged Elected Members to vote against potential shared use of Penistone Reserve.

Ms D McFetridge, Greenwood:

Ms McFetridge spoke in relation to Elected Members supporting the potential shared use of Penistone Reserve.

C04-01/09**EXTENSION OF PUBLIC STATEMENT TIME - [02154]**

MOVED Cr Corr, SECONDED Cr Norman that Public Statement Time be extended for a further period of 15 minutes.

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Dr K Lyon, Greenwood:

Dr Lyon spoke in relation to the proposed shared use of Penistone Reserve.

Mr C Dixon, Greenwood:

Mr Dixon spoke in relation to the inclusion of an oval within the grounds of the current school.

Ms N Stephenson, Greenwood:

Ms Stephenson spoke in relation to the proposed shared use of Penistone Reserve.

Mrs S Pugh, Greenwood:

Mrs Pugh spoke in relation to the proposed shared use of Penistone Reserve and raised her concerns regarding the safety of children.

Mrs P Rasdien, Greenwood:

Mrs Rasdien spoke in relation to the proposed shared use of Penistone Reserve and the income that would be generated for the City of Joondalup as a result of any shared use arrangement.

Mr P Mann, Greenwood:

Mr Mann spoke against the proposed shared use of Penistone Reserve.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF INTEREST

Nil.

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

Nil.

JSC1-01/09

NOTICE OF MOTION – MAYOR TROY PICKARD – PENISTONE OVAL – SHARED USE AGREEMENT - [02184] [29610]

In accordance with clauses 26 and 57 of the City of Joondalup Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following motion at the Special Meeting of Council to be held on 13 January 2009:

“That Council, BY AN ABSOLUTE MAJORITY, REVOKES its decision of 16 December 2008 relating to Penistone Oval Shared Use Agreement (C85-12/08 refers), the decision being as follows:

‘That Council DEFERS the matter relating to Penistone Oval Shared Use Agreement to the ordinary meeting of Council to be held on 17 February 2009 in order to allow further consideration of the petition presented to the Council at its ordinary meeting held on 16 December 2008.’”

Reason for Revocation Motion

- 1 That the City of Joondalup has conducted a comprehensive and timely community consultative process on this matter. It is unprecedented that consideration of such consultation be delayed as a result of additional community comment submitted outside the agreed consultation time periods and approach.

- 2 That there is a need for the Council to make an urgent decision on this matter for the benefit of the Greenwood community as any delay in the decision making process will hinder the construction of the primary school.

Officer's Comment

The Council at its meeting held on 16 December 2008 was presented with a report relating to the matter of Shared Use of Penistone Oval, Greenwood. The Council at that meeting agreed to defer the matter until its meeting scheduled for 17 February 2009. The Local Government Act 1995, and the City of Joondalup Standing Orders Local Law 2005 details the procedures to be followed when considering a revocation motion.

Call for One-Third Support

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the Notice of Motion, Elected Members are required to demonstrate support by one-third of their members, and such support is to be recorded in the Minutes of this meeting.

Call for Support of one-third of members of the Council

The Mayor called for support from one-third of the members of Council. Support for this Notice of Motion was given by Mayor Pickard, Crs Amphlett, Hollywood, McLean, and Young.

MOVED Mayor Pickard, SECONDED Cr Amphlett that Council REVOKES its decision of 16 December 2008 relating to Penistone Oval Shared Use Agreement (C85-12/08 refers), the decision being as follows:

“That Council DEFERS the matter relating to Penistone Oval Shared Use Agreement to the ordinary meeting of Council to be held on 17 February 2009 in order to allow further consideration of the petition presented to the Council at its ordinary meeting held on 16 December 2008.”

Mayor Pickard spoke to the Motion.

Extension of Time to Speak

MOVED Cr Young, SECONDED Cr Jacob that Mayor Pickard be permitted an extension of time to speak for a further five (5) minutes.

The Motion to Extend was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Discussion continued.

**The Motion as Moved by Mayor Pickard, and Seconded by Cr Amphlett was Put and
CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

**JSC2-01/09 CONSULTATION RESULTS: PENISTONE OVAL
SHARED USE AGREEMENT - [02184]**

WARD: South-East

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

PURPOSE/EXECUTIVE SUMMARY

To provide Council with the results of the community consultation recently undertaken in relation to a potential shared use agreement at Penistone Reserve between the City of Joondalup and Greenwood Primary School.

The results of the consultation indicate that a majority of the respondents agree to a shared-use arrangement at the Penistone site, with 54.8% saying yes to an agreement and 45.2% saying no.

It is recommended that Council agrees to enter into a shared use agreement with the Department of Education and Training at the Penistone Reserve site.

BACKGROUND

At the Meeting held on 16 December 2008, (C85-12/08 refers), Council resolved as follows:

“That Council DEFERS the matter relating to Penistone Oval Shared Use Agreement to the ordinary meeting of Council to be held on 17 February 2009 in order to allow further consideration of the petition presented to the Council at its ordinary meeting held on 16 December 2008.”

A petition was presented to the Council meeting on 16 December 2008 containing 485-signatures requesting the City of Joondalup to act on the objections of the petitioners to a request from the Department of Education and Training to share Penistone Reserve for the new Greenwood Primary school proposed to be constructed at 12 Merivale Way, Greenwood. An analysis of this petition is provided as Attachment 1 for the consideration of Council.

At the Meeting of 25 November 2008, Council resolved the following (*CJ256-11/08 refers*):

That Council in regard to the proposed shared use of Penistone Reserve:

- 1 *UNDERTAKES public consultation with both the local and school communities to seek their opinion regarding the shared use of Penistone Reserve with Greenwood Primary School with a report back to Council for a decision;*
- 2 *ADVISES the Department of Education and Training, and the Department of Planning and Infrastructure of its determination.*
- 3 *REQUESTS from the Department of Education and Training a long term proposed use for the vacant portion of the site of the development approval currently being considered by the Western Australian Planning Commission.*

The public consultation referred to in the first resolution has since been undertaken and this report outlines the results of this process.

DETAILS

Public Consultation Process

Immediately following Council's decision on the 25 November 2008, the following documents were drafted for distribution throughout the public consultation process:

- Letters to targeted residents; all sporting clubs who use the reserve; resident and ratepayer groups; and East Greenwood Primary School (for distribution to teachers and parents), inviting them to participate in the public consultation process (approximately 2000).
- FAQs providing questions and answers in relation to shared-use agreements.
- A map indicating the area in which the shared use agreement would apply.
- Hardcopy surveys for participants to fill out and submit to the City with their vote and comments.
- An online survey on the City's website for electronic submissions to be made.

The consultation commenced on 1 December and closed on 15 December.

Consultation Results

The City received 468 submissions. Of these, 14 were omitted as they represented a second or third submission from the same individual. From the 14 omitted, 12 were no votes and 2 were yes votes.

The results of the 454 accepted submissions were as follows:

54.8% said yes to a shared use agreement

45.2% said no to a shared use agreement

As outlined in the table below, the greatest response came from residents in the Greenwood and Warwick areas.

STAKEHOLDER GROUP	% SUBMISSIONS
Residents	68.2%
School (teachers and parents)	15.6%
Sporting Groups	4.9%
Resident and Ratepayer Groups	0.6%
Unknown/Outside of targeted residential area	8.3%

The majority of residents (54.8%) voted yes, as shown in the table below. The school stakeholder group submitted a strong yes vote, while sporting groups submitted a convincing majority of no votes. Participants in the consultation process who did not identify themselves with a particular stakeholder group produced an overwhelming no vote. These results are expressed in the table below.

STAKEHOLDER GROUP	% YES VOTES	% NO VOTES
Residents	57.4%	42.6%
School (teachers and parents)	72.6%	27.4%
Sporting Groups	39.1%	60.9%
Resident and Ratepayer Groups	100%	0%
Unknown/Unspecified	10.3%	89.7%

From the 454 results received and accepted by the City, 29 were submitted anonymously. Of these 29 submissions, 13 were no votes and 16 were yes votes. Should Council choose not to accept anonymous submissions, the affect on the overall results of the consultation will be so insignificant that the yes and no vote percentages will remain the same.

Post Consultation Submissions

Since the close of the consultation period, 34 additional surveys have been received by the City with 21 in favour of a shared use agreement and 13 against. If added to the results stated above, the final results would become 488 submissions:

55.3% said yes to a shared use agreement

44.7% said no to a shared use agreement

Reasons for voting no

The table below lists the major reasons why people chose to vote no (where such reasons were identified):

REASON	% NO SUBMISSIONS
Safety and security of children from predators	61%
There is enough room on the current school site for an oval	19%
Increased wear and tear of the oval which will require greater maintenance	19%
Against DET selling unused land for residential housing	17%
Schools should have their own ovals – based on principle	16%
People walking dogs will conflict with children on oval	15%

The public will be restricted from using the park during the day	15%
It will conflict with and impact upon sporting clubs currently using the location	10%
It will see a reduction in public open space	8%
Teachers will not be able to provide adequate supervision for children using the park during school hours	5%
School children should be provided with more open space to encourage physical activity and reduce the risk of childhood obesity	5%

The greatest reason cited for voting no was the perception that children will be exposed to predators if they are required to use Penistone Reserve for participating in physical activity. Another strong sentiment cited was the potential for increased wear and tear of the park which will reduce the quality of the area and impact negatively on sporting clubs that currently utilise the location.

Residents also voiced concerns about the impact a shared use agreement would have on dog walkers during the day which are exercised off-lead in the area. Many believe that reducing this capacity would reduce the amenity of Penistone Reserve.

A misconception that came through quite strongly in the consultation process was the belief that the school could fence the area to restrict public access. This right would not form part of any shared use agreement pursued by the City. Access would still be provided around the perimeter of the site for the public to use as a thoroughfare during school hours.

Many participants in the consultation process also voiced strong opposition to the thought that the Department of Education and Training (DET) may sell any unused land on the school site for the development of residential housing. This opposition was based both on principle and the future inability for the school to be expanded should this land no longer be available.

Issues and options considered:

Based on the results of the consultation, the following options are provided for Council to consider:

Option 1: *Agree to the development of a shared-use agreement with the DET at Penistone Reserve*

This option is supported based on the results of the consultation process given that the majority of participants voted yes to a shared-use agreement. It is also supported on the basis that there are no technical or operational problems with shared use from a City perspective (in terms of degradation of the playing surface and the like).

Agreeing to pursue a shared-use agreement would also ensure that construction of the new school will not be delayed any further, as the DET will not be required to submit amended plans to the Western Australian Planning Commission for approval.

Option 2: *Do not agree to the development of a shared-use agreement with the DET at Penistone Reserve*

Pursuing this option would alleviate the concerns of those who oppose the proposed arrangement, (being 45.2% of those who responded during the consultation process).

Disagreeing to a shared-use arrangement will also delay the new school's construction.

Option 3: *Defer consideration of the matter to another Council Meeting*

This option is not recommended as it will further delay the DET's plans to commence construction of the new school.

Link to Strategic Plan:

Objective 1.2: To engage proactively with the community.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

There is a risk that pursuing option 1 may foster ongoing opposition from those within the community opposed to a shared use agreement.

However, the alternative scenario (pursuing option 2), also poses a risk of ongoing opposition from both residents and school stakeholders.

Financial/Budget Implications:

Pursuing a shared use agreement will have financial benefits for the City as it will receive payments for the use of the oval. There will also be costs associated with the increased use of the oval.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

From a sustainability perspective, pursuing a shared use arrangement reduces water usage on ovals within the community, which is a principle the City has adopted as a part of its Landscape Master Plan.

Consultation:

The results of the consultation are outlined in the details section of the report.

COMMENT

It is the City's perspective that a shared use agreement would be a beneficial arrangement for the City to pursue, given that the majority of the responses from the community support shared use and it is a technically feasible option which will also reduce the need to water ovals.

ATTACHMENTS

Attachment 1 Analysis of Penistone Reserve petition

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council AGREES to pursue a shared use agreement with the Department of Education and Training and requests the Chief Executive Officer to notify the Western Australian Planning Commission of its intention to enter into such an arrangement.

Following Mayor Pickard advising of his intention to move an alternate motion, Cr Hart raised a Point of Order that it was normal practice for Ward Councillors to be afforded the first opportunity to move an alternate motion. Cr Hart then indicated her desire to move a motion to dissent from the ruling of the Mayor, however Mayor Pickard advised that no ruling had been made.

MOVED Mayor Pickard, SECONDED Cr Amphlett that Council:

- 1 **AGREES to pursue the Council approved shared use agreement for Penistone Reserve with the Department of Education and Training and requests the Chief Executive Officer to notify the Western Australian Planning Commission of its intention to enter into such an arrangement;**
- 2 **REQUESTS the Department of Education and Training to maximise passive recreation space within the school site and that opportunities for the retention of existing trees within the school site be maximised;**
- 3 **MAKES THIS AGREEMENT CONDITIONAL UPON:**
 - (a) **The vacant land to the north of the site not being disposed of or being developed (other than for school purposes);**
 - (b) **Future additions to the school must replicate the school built form, with buildings designed in a style that seamlessly complements the new school and are not demountable structures.**

Discussion ensued.

Extension of Time to Speak

MOVED Cr Jacob, SECONDED Cr Young that Mayor Pickard be permitted an extension of time to speak for a further five (5) minutes.

The Motion to Extend was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Discussion continued.

Extension of Time to Speak

MOVED Cr John, SECONDED Cr Corr that Cr Hart be permitted an extension of time to speak for a further five (5) minutes.

The Motion to Extend was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Discussion continued.

Extension of Time to Speak

MOVED Cr Hart, SECONDED Cr Young that Cr Corr be permitted an extension of time to speak for a further five (5) minutes.

The Motion to Extend was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Further discussion continued.

Extension of Time to Speak

MOVED Cr Jacob, SECONDED Mayor Pickard that Cr Young be permitted an extension of time to speak for a further five (5) minutes.

The Motion to Extend was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

Further discussion continued.

It was requested that Points 1 and 3 of the Motion be voted upon separately, followed by Point 2.

MOVED Mayor Pickard, SECONDED Cr Amphlett that Council:

- 1 AGREES to pursue the Council approved shared use agreement for Penistone Reserve with the Department of Education and Training and requests the Chief Executive Officer to notify the Western Australian Planning Commission of its intention to enter into such an arrangement;
- 3 MAKES THIS AGREEMENT CONDITIONAL UPON:
 - (a) The vacant land to the north of the site not being disposed of or being developed (other than for school purposes);
 - (b) Future additions to the school must replicate the school built form, with buildings designed in a style that seamlessly complements the new school and are not demountable structures.

The Motion was Put and

LOST (6/7)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Diaz, Hollywood, Jacob and McLean **Against the Motion:** Crs Corr, Fishwick, Hart, John, Macdonald, Norman and Young

MOVED Mayor Pickard, SECONDED Cr Amphlett that Council:

- 2 **REQUESTS the Department of Education and Training to maximise passive recreation space within the school site and that opportunities for the retention of existing trees within the school site be maximised.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

MOVED Cr Hart, SECONDED Cr Corr that Council:

- 1 **REFUSES the sharing of Penistone Oval with the Department of Education and Training;**
- 2 **REQUESTS the Chief Executive Officer to notify the Western Australian Planning Commission and the Department of Education and Training of its decision.**

The Motion was Put and

CARRIED (7/6)

In favour of the Motion: Crs Corr, Fishwick, Hart, John, Macdonald, Norman and Young **Against the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Jacob, Hollywood and McLean

Reason for Decision

A number of Elected Members expressed their belief that the school should provide its own oval.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn130109.pdf](#)

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2151 hrs; the following elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr A JACOB, JP
Cr M MACDONALD
Cr G AMPHLETT
Cr M JOHN
Cr M NORMAN
Cr M JOHN
Cr S HART
Cr B CORR
Cr R FISHWICK
Cr F DIAZ