

CITY OF JOONDALUP

MINUTES OF SPECIAL MEETING OF JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 20 APRIL 1999

ATTENDANCES AND APOLOGIES

Commissioners:

C T ANSELL	Chairman
H MORGAN, AM	Deputy Chairman
M CLARK-MURPHY	
W BUCKLEY	
R ROWELL	

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Business Units:	D DJULBIC
Director, Community Development:	C HALL
Director, Strategic Planning:	R FISCHER
Manager, Division Taskforce:	B PERRYMAN
Manager, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN

In Attendance

Chief Executive Officer	
Shire of Wanneroo:	K WHITE
Director, Planning & Development	
Services, Shire of Wanneroo:	C JOHNSON

APOLOGIES AND LEAVE OF ABSENCE

Nil

There were 4 members of the Public and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1300 hrs.

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).

Mr V Harman, Ocean Reef:

Q1 Why were these matters not available for the last Council meeting?

A1 Response by Cmr Rowell: Some matters were not finalised at the time of the last Council meeting. We now need to start work as soon as possible. It is a matter of urgency. All areas put forward are items which we have discussed with members of the Community Group. They are part of the concept of the Town Centre and have been discussed at public meetings. We are working on completing the Administration building before the end of 2000. We would have preferred to put the items to an ordinary Council meeting but were not able to fit into that time span.

Q2 Why is today's meeting at 1.00 pm and not 6.00 pm?

A2 Response by Cmr Ansell: The time of 1.00 pm was convenient to Commissioners, and we also have a Citizenship Ceremony at 5.30 pm today.

Q3 Why is it so urgent that it would not wait until the next Council meeting?

A3 Response by Cmr Ansell: Commissioners have previously asked the same question, but there is an amount of urgency. To leave the issues for another two weeks would mean they miss the deadline for signing of contracts. There is no hidden agenda or anything that has not been fully aired here, at Wanneroo and at other public meetings.

Q4 Are there any other items outstanding which could be raised at the next Council meeting?

A4 Response by Cmr Rowell: There could be. We have some items on the relocation of Dundobar Road. There are some areas on the sides of the road in the road reserve which DOLA is required to look at. In the future there may be another Special Meeting; much will depend on the timing of the Administration building and letting of tenders. These will be items which will be canvassed in public as much as possible. We would prefer these items to come to a Council meeting.

Q5 So future meetings will be prompted by the attitude of DOLA?

A5 Response by Cmr Rowell: We may find that the DOLA issues fit into our normal meeting timetable. We want equipment on site on 4 May and we have to work out times to put items forward. However, no items put forward will raise any new concepts or new thoughts.

Response by Cmr Ansell We do not like to hold Special Council meetings but were required to, so as not to hold up the process.

Mr Arthur Taylor, Woodvale:

- *Mr Taylor raised his concern that agendas were not available on the Council's Internet site and asked that this issue be addressed in future.*

Mr B Higgins, Carabooda:

- *Mr Higgins submitted an apology on behalf of Mr S Magyar.*

Q1 When was it decided to convene this meeting?

A1 *Response by Cmr Rowell:* We were originally trying to have this information for the last Council Meeting. We have been almost daily working on some areas to finalise them to go before Commissioners. I think it was last week when we realised that we would have difficulties and needed to have a Special Meeting. The Director of Strategic Planning has been working through this and it occurred to us late last week that this was the only available time.

Q2 So the answer is 'late last week'?

A2 *Response by Cmr Rowell:* We decided we would require a Special Meeting mid last week, but it was late last week that we were able to start to get most items into a format for submission to a Special Meeting.

Q3 *Could I suggest that if a Special Meeting was being considered late last week, you may have considered it prudent to give some preliminary notice of the possibility of a Special meeting at last Tuesday's Council meeting. Would that suggestion be of future benefit?*

A3 *Response by Cmr Ansell:* Yes, that is a fair point.

Q4 *If the decision was made last week, why was no attempt made to have the meeting published in the Wanneroo Times?*

A4 *Response by Cmr Ansell:* We missed the deadline for the Wanneroo Times.

Mrs Audrey Hine, Wanneroo:

- *Mrs Hine submitted an apology on behalf of Mrs G Monks.*

Q1 *At the last Council meeting, Cmr Rowell mentioned to Mrs Monks and myself that he thought that there would be a meeting at about the 19th or 20th and that a meeting would be held some time after that. If it was known then that a Council meeting would be held, the meeting could have advised the Wanneroo Times.*

A1 *Response by Cmr Rowell:* You are a representative on the Community Consulting Group. When I spoke on Tuesday evening (13 April) I spoke of the possibility of a meeting, as we were becoming aware of what was to be done and I took the opportunity to give you some forward notice. I did ask for all members of the Community Group to be advised of this meeting.

- Q2 Could I ask while you are transferring goods from one place to the other, will the licence plate on the Mayoral car be transferred to the Shire of Wanneroo CEO, or the Mayor or President?*
- A2 Response by Cmr Ansell: This is not the business of today's meeting. We have not considered this issue but will be giving it consideration.*

DECLARATIONS OF FINANCIAL INTEREST

Nil

JSC2-04/99 TRANSFER OF LAND/AMENDMENT TO VESTING OF RESERVES DETERMINATION PURSUANT TO CLAUSE 8 OF THE JOONDALUP AND WANNEROO ORDER 1998 - [23475]

SUMMARY

The former City of Wanneroo was abolished on 1 July 1998, and in its place two new local governments were established - namely, the City of Joondalup and the Shire of Wanneroo. The property, rights and liabilities of the former City were transferred to (or vested in) the City of Joondalup pending a determination by the Commissioners pursuant to clause 8 of the Joondalup and Wanneroo Order 1998.

The assets of the former City of Wanneroo have been identified and appropriate transfers in ownership are being recommended to the Commissioners over the next few months. This report deals with three vested reserves upon which the Wanneroo Civic Centre is located and two adjacent freehold properties commonly referred to as Charles Searson Park and Bert Togno Park. These five parcels of land are associated with the Wanneroo Townsite Project and are the subject of land exchange negotiations necessary to achieve the planning objectives for the Town Centre.

To facilitate the land exchange arrangements contemplated by the Business Plan in respect of the Wanneroo Town Centre Redevelopment Project, it is recommended that the aforementioned freehold land be transferred to the Shire of Wanneroo and the vesting of the relevant reserves be amended to vest in the Shire of Wanneroo.

BACKGROUND

The division of the former City of Wanneroo resulted in all the property, rights and liabilities of the former City becoming vested in the City of Joondalup pending a determination by the Commissioners. Clause 8 of the Joondalup and Wanneroo Order 1998, provides that the Commissioners are to determine any adjustment or transfer that is to be made between the City of Joondalup and the Shire of Wanneroo of property, rights and liabilities of the former City of Wanneroo. In making that determination, the Commissioners are to have regard to the interests of the City of Joondalup and the Shire of Wanneroo.

DETAIL

The Shire of Wanneroo is able to acquire property, enter into contracts and do all other things necessary to proceed with the redevelopment of the Wanneroo Town Centre except that the land parcels identified for exchange are vested in the City of Joondalup until the commissioners make a determination pursuant to clause 8 of the Joondalup Wanneroo Order 1998.

In order to achieve the planning objectives for the Wanneroo Town Centre, land exchanges are being negotiated with the owners of the Wanneroo Shopping Centre. All land holdings of the former City of Wanneroo are currently vested in the City of Joondalup, pending a determination by the Commissioners pursuant to clause 8 of the Joondalup and Wanneroo Order 1998. Arrangements will be simplified by: -

- transferring the following freehold land to the Shire of Wanneroo,
 - Charles Searson Park (Lot 502 Dia. D77481 - C/T Vol 1938 Fol 097), and
 - Bert Togno Park (Lot Pt 60 Swan 1796 Dia. 44249 – C/T Vol 1938 Fol 098)
- seeking to amend the vesting of the following reserves to the Shire of Wanneroo,
 - Reserve 36653,
 - Reserve 28025, and
 - Reserve 28489.

The principles to be used in the adjustment and transfer of assets have yet to be finalised. However, the Commissioners have agreed that determinations in respect of ‘community based’ properties will be on the basis of geographic location. All of the properties being dealt with in this report are ‘community based’ and located within the district of Wanneroo. It is therefore recommended that these properties be dealt with in isolation.

The transfers of land and amendments to the vesting of reserves will require formal advice to DOLA of the Commissioner’s determination.

MOVED Cmr Rowell, SECONDED Cmr Morgan that in accordance with the provisions of clause 8 of the Joondalup and Wanneroo Order 1998, the Joint Commissioners:

- 1 TRANSFER to the Shire of Wanneroo, the freehold land holdings commonly referred to as Charles Searson Park (Certificate of Title Volume 1938, Folio 097) and Bert Togno Park (Certificate of Title Volume 1938, Folio 098);**
- 2 AMEND the vesting of reserves 36653, 28025 and 28489 to the Shire of Wanneroo.**

Cmr Rowell spoke in support of the motion.

The Motion was Put and

CARRIED

JSC3-04/99 RECEIPT OF NOTICE FROM THE SHIRE - INTENTION TO PERFORM EXECUTIVE FUNCTIONS PURSUANT TO CLAUSE 10 (1) OF THE JOONDALUP AND WANNEROO ORDER 1998 [00139]

SUMMARY

Clause 10 (1) of the Joondalup and Wanneroo Order 1998 states –

“Until 30 June 1999, the executive functions of the Shire of Wanneroo are to be performed by the City of Joondalup unless the Shire of Wanneroo, by written notice to the City, directs otherwise.”

The Shire of Wanneroo has recently made a number of appointments to various positions at Director and Manager level. Some of the newly appointed Directors and Managers have already commenced with the Shire and further appointments and commencements will occur throughout the period leading to 30 June 1999.

The newly appointed Director of Development Services has recently joined the CEO of the Shire on the Wanneroo Town Centre Committee. The Shire now considers it appropriate that responsibility for the general management of the Wanneroo Town Centre Redevelopment Project (incorporating the construction of civic and administration facilities) should transfer to the Shire of Wanneroo.

BACKGROUND

The Joondalup and Wanneroo Order 1998 abolished the former City of Wanneroo and created the new local governments of the City of Joondalup and the Shire of Wanneroo with effect from 1 July 1998. It also made consequential directions to give effect to the Order.

Clause 10 (1) of the Joondalup and Wanneroo Order 1998 states –

“Until 30 June 1999, the executive functions of the Shire of Wanneroo are to be performed by the City of Joondalup unless the Shire of Wanneroo, by written notice to the City, directs otherwise.”

The Shire of Wanneroo has recently made a number of appointments to various positions at Director and Manager level. Some of the newly appointed Directors and Managers have already commenced with the Shire and further appointments and commencements will occur throughout the period up to 30 June 1999.

Many of the newly appointed senior employees of the Shire will be involved in the process of establishing structures, procedures and infrastructure to enable the Shire to commence operations in its own right, on and from 1 July 1999. The newly appointed Director of Development Services, has recently joined the CEO of the Shire, on the Wanneroo Town Centre Committee. As a result, it is now considered appropriate that responsibility for the general management of the Wanneroo Town Centre Redevelopment Project (incorporating the construction of civic and administration facilities) should transfer to the Shire of Wanneroo.

It is anticipated that the Shire of Wanneroo will resolve, at its meeting on 20 April 1999, to give notice to the City of its intention to assume responsibility for the Wanneroo Town Centre Redevelopment Project. This notification is expected to include a request that the City will continue, until 30 June 1999, to provide the Shire reasonable access to, and use of the services of the City's staff and other resources necessary for it to meet its obligations in relation to the project.

DETAILS

Whilst it is important and appropriate that co-ordination and management responsibilities for the Wanneroo Town Centre Redevelopment Project are transferred to the Shire of Wanneroo, it is acknowledged that the resources within each of the business units involved in the Project, belong to the City of Joondalup. The 1998/99 Budgets of the City of Joondalup and the Shire of Wanneroo establish the basis upon which the costs of providing services are to be shared. The Shire is not seeking any adjustment in that respect, as it requires reasonable access to, and use of those resources until 30 June 1999. Arrangements for post 30 June 1999 will be on the basis of a service agreement or contract.

To expedite these arrangements, it is recommended that the Joint Commissioners of the City of Joondalup resolve to commit to providing the Shire reasonable access to, and use of the services of the City's staff and other resources necessary for it to meet its obligations in relation to the project should such notification be received.

OFFICER'S RECOMMENDATION That:

- 1 if a request is received from the Shire of Wanneroo, the City will continue until 30 June 1999, to provide the Shire with reasonable access to, and use of, the services of the City's staff and its other resources, in connection with the Shire's responsibilities relating to the coordination and management of the Wanneroo Town Centre Redevelopment Project;
2. any questions relating to the provision of the services by the Chief Executive Officer of either the Shire or the City shall be referred to the Joint Commissioners for determination.

MOVED Cmr Rowell, SECONDED Cmr Morgan that:

- 1 if a request is received from the Shire of Wanneroo, the City will continue until 30 June 1999, to provide the Shire with reasonable access to, and use of, the services of the City's staff and its other resources, in connection with the Shire's responsibilities relating to the coordination and management of the Wanneroo Town Centre Redevelopment Project;**
- 2. any questions relating to the provision of the services by the Chief Executive Officer of either the Shire or the City shall be referred to the Joint Commissioners for determination.**

Cmr Rowell spoke in support of the motion.

AMENDMENT MOVED Cmr Buckley, SECONDED Cmr Rowell that the motion be amended to read:

“That

- 1 if a request is received from the Shire of Wanneroo, the City will continue until 30 June 1999, to provide the Shire with access to, and use of, the services of the City’s staff and its other resources, in connection with the Shire’s responsibilities relating to the coordination and management of the Wanneroo Town Centre Redevelopment Project;**
- 2. any questions relating to the provision of the services by the Chief Executive Officer of either the Shire or the City shall be referred to the Joint Commissioners for determination.”**

Cmr Buckley spoke in support of the Amendment.

Cmr Buckley suggested the deletion of the word “reasonable” in the second line of Point 1 of the recommendation.

She pointed out that whilst the Shire of Wanneroo is taking back some of the executive functions with respect to the development of the Wanneroo Town Centre, it would still be the case that the City of Joondalup would provide other executive functions to support this until the end of this financial year.

Cmr Buckley referred to the wording in the “Details” Section of Item JSC3-04/99 which states “that the resources within each of the business units involved in the project belong to the City of Joondalup” and which differed to the wording contained in the corresponding item in the Wanneroo agenda. Cmr Buckley considered that item WSC1-04/99 more accurately reflects the situation which is that they are currently “vested” in the City of Joondalup on a caretaker basis.

Cmr Morgan spoke in opposition to the amendment.

The Amendment was Put and

CARRIED

The Amended Motion was Put and

CARRIED

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1315 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
MORGAN
ROWELL
CLARK-MURPHY
BUCKLEY

