

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 **TUESDAY, 27 JANUARY 2009**

COMMENCING AT **7.00 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by **close of business on Monday, 26 January 2009**

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

PURPOSE OF MEETING

To consider the:

- 1 Concept plan relative to Ocean Reef Marina; and
 - 2 Participation of Mayor Troy Pickard on the Australian Council of Local Government.
-

GARRY HUNT
Chief Executive Officer
23 January 2009

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 18 December 2007:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an ordinary 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.
- 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 address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two 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 limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (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 should 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;
 - 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 is not relevant to the operations of the City of Joondalup;
 - making a statement during public question time;they may bring it to the attention of the meeting.

- 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 (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

- 1 Members of the public may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of 5 written questions per member of the public. 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 9.00 am 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 Mayor 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 the 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 (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.

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 18 December 2007:

- 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 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.
- 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 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 limited to a maximum 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 is not relevant to the operations of the City of Joondalup, 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

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 27 JANUARY 2009** commencing at **7.00 pm**.

GARRY HUNT
Chief Executive Officer
23 January 2009

Joondalup
Western Australia

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 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.)

3 PUBLIC STATEMENT TIME

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

4 APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Russ Fishwick
Cr Mike Norman
Cr Sue Hart
Cr Michele John
Cr Brian Corr

5 DECLARATIONS OF INTEREST

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

7 REPORTS

JSC3-01/09 OCEAN REEF MARINA DEVELOPMENT – STRUCTURE PLANNING PROGRESS Page 2

JSC4-01/09 APPOINTMENT OF MEMBER TO THE AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT Page 6

8 CLOSURE

JSC3-01/09 OCEAN REEF MARINA DEVELOPMENT - STRUCTURE PLANNING PROGRESS REPORT - [04171B, 07303]

WARD: North Central

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of CEO

PURPOSE / EXECUTIVE SUMMARY

To inform the Council on the progress to date of the Ocean Reef Marina Development and to seek Council authority for the revised Concept Plan to be referred to the Ocean Reef Marina Community Reference Group for comment prior to the Ocean Reef Marina Committee considering and Council formally adopting a Concept Plan as part of the structure planning process for the site.

BACKGROUND

Council purchased Part Lot 1029, a 24.4 ha piece of land at Ocean Reef adjacent to the boat launching facility in 1979 for a price of \$525,000. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses.

The Ocean Reef Marina project development site is located on the coast at Ocean Reef and is approximately 65 hectares in area. The site includes Foreshore Reserve 47831, Lots 1029 and 1032 (which includes the City owned land), Groyne Reserve 36732 and Breakwater Reserve 39014 both vested in the City, par Reserve 45122 and Water Corporation land at Lot 9000. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the sea sports club and sea rescue building (attached Site Plan refers).

In April 2007 Council agreed to the establishment of a Steering Committee, comprising the Chief Executive Officer, representatives of the Western Australian Planning Commission, Department of Planning and Infrastructure, LandCorp and the Water Corporation, to oversee the project. The Steering Committee has met on seven occasions to discuss the site in relation to ownership, planning implications, marine implications and boating infrastructure.

In April 2007 Council also agreed to establish the Ocean Reef Marina Committee (as a Committee of Council). This Committee has met on three occasions to consider options for a Concept Plan which will be recommended for formal adoption by Council and used as a basis for the progression of the project to a Structure Plan through a legislative process.

At its meeting on 19 February 2008 (CJ004-02/08), Council resolved to appoint 34 people to the Ocean Reef Marina Community Reference Group (CRG) under the categories of:

- Individuals representing residents of Ocean Reef;
- Individuals representing surrounding suburbs including Iluka, Mullaloo, Heathridge, Connolly and Currambine;
- Individuals representing community groups/agencies; and
- Individuals representing the northwest corridor communities.

The role of the group was to:

- Help the City develop a concept design and structure plan for the Ocean Reef Marina;
- Ensure the issues and concerns of the community are adequately represented;
- Represent the interests of the wider community;
- Act as a conduit to disseminate information and feedback to and from the wider community; and
- Liaise with extended networks and community groups to facilitate information sharing about the project.

The adjourned meeting of the Ocean Reef Marina Committee held on 20 October 2008, 27 October 2008 and 2 December 2008 will resume on Tuesday 27 January 2009 prior to the Council meeting to consider Concept Plan 6.

DETAILS

The CRG has met on four occasions with the purposes being as follows:

- **21 April 2008** – provision of background documentation and information on the site. A question and answer session was also provided for group members to identify any gaps in the information provided or to raise questions.
- **19 May 2008** – first facilitated workshop to agree to the project objectives, develop broad ideas and concepts and commence the development of a conceptual structure plan for the site. A presentation on the Marmion Marine Park by the Department of Environment and Conservation was also made.

The outcomes of the workshop included the:

- Aspirations and objectives for the site;
- Key items of opportunities and constraints; and
- Aspects that are not desired.
- **12 June 2008** – second facilitated workshop to discuss the information gathered from the previous workshop, and to allow the planning consultants (Taylor Burrell Barnett) to provide its interpretation of the ideas from the previous workshop. A presentation by the Department for Planning and Infrastructure was also made.
- **14 October 2008** – third facilitated workshop to allow for the planning consultants to present and discuss four design options prepared, to gain the CRG's comments and input, which will be used by the Council as part of the project design of the preferred option.

Link to Strategic Plan:

- Key Focus Area: Leadership and Governance
 - 1.1 OBJECTIVE: To engage proactively with the community.
- Key Focus Areas: The Built Environment
 - 4.2 OBJECTIVE: To progress a range of innovative and high quality urban development projects within the City
 - 4.2.1 STRATEGIES: Develop a concept for, and commit to, the development of land at the Ocean Reef Marina site.

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

At this stage a decision is requested of the Council to refer the revised Concept Plan to the Committee as part of the overall consultation approach. Further consultation with the community will occur throughout the Structure Plan process.

COMMENT

The recommendations of the Ocean Reef Marina Committee will be presented to Council.

ATTACHMENTS

Attachment 1 Site Plan

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 subject to the Ocean Reef Marina Committee endorsing the proposal, AGREES that the revised Concept Plan 6 be referred to the Community Reference Group for comment;**
- 2 AGREES that any comments provided by the Community Reference Group be referred to the Ocean Reef Marina Committee for consideration as part of the Structure Planning process for the Ocean Reef Marina project.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn090127.pdf](#)

JSC4-01/09 APPOINTMENT OF MEMBER TO THE AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT– [88624]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

For the Council to note the appointment of Mayor Troy Pickard to the Australian Council of Local Government (ACLG) and to agree to meet relevant costs for his attendance.

BACKGROUND

On 18 November 2008, the Prime Minister, the Hon Kevin Rudd MP and the Minister for Infrastructure, Transport, Regional Development and Local Government hosted the inaugural plenary meeting of the ACLG. This meeting discussed a number of important issues, including:

- the provision of local and national infrastructure,
- improving the long-term sustainability and efficiency of local government,
- considering Constitutional recognition of local government,
- plans to make major cities more liveable, sustainable and productive, and
- ways to strengthen and support regional economies.

At this meeting, the Minister for Infrastructure, Transport, Regional Development and Local Government announced the Government's intention to establish a streamlined steering committee to continue the engagement, policy coordination and close cooperation between local and federal government.

DETAILS

Issues and options considered:

Mayor Troy Pickard has been invited to serve as a member of the ACLG. The first meeting is scheduled for Thursday 5 February 2009 at Parliament House, Canberra.

The first meeting will be expected to focus on the Charter for the ACLG, the operational arrangements for the Council and major priority issues for future work. It is envisaged that four meetings will occur in any one year.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

One of the main objectives of the ACLG is to achieve constitutional recognition for the local government industry.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

The 2009/10 budget contains funds for general training relevant to the Council as a whole, and for each elected member in accordance with the current City Policy. It is estimated that attendance at these meetings based on economy airfares, accommodation and incidental expenses would be \$2000 per meeting. For business class travel, an additional cost of \$1400 would be incurred. There are no budget funds specifically allocated for this.

Policy implications:

Policy 8-2 Elected Members Allowances details travel arrangements for elected members. The Policy contains the following clauses:

“Part 4 – Attendance at conferences and training within Australia

4.1 Objective

To enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the City of Joondalup.

4.2 Statement

Elected Members are encouraged to attend appropriate conferences and training to enable them to be more informed and better able to fulfil their duties of office. In order to support this, the following is provided.

4.3 Annual Conference and Training Expense Allocation

(1) The following annual conference and training expense allocation shall be made available to Elected Members:

(a) The Mayor shall be entitled to an annual expense allocation of \$12,000 (July 2008), inflated annually from the date the \$10,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100; and

(b) All Councillors shall be entitled to an annual expense allocation of \$5,900 (July 2008), inflated annually from the date the \$5,000 was first set at the CPI rate for Australia on 1 July each year and rounded to the nearest \$100.

(2) *In addition to the annual expense allocation detailed in clause (1)(a) above, the Mayor shall be entitled to attend the following conferences:*

- *Annual Western Australian Local Government Association;*
- *Annual National Australian Local Government Association;*
- *Annual National Congress of the Local Government Managers Australia.*

4.4 *Definition*

In this part, “Conferences and Training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.”

The Policy states that all air travel within Australia shall be business class, except where an elected member chooses to travel at a cheaper rate.

Regional Significance:

Having an elected representative serving on the ACLG will give significant recognition for the region.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The establishment of the ACLG is as a result of the summit convened by the Prime Minister in December 2008. Having representation on the ACLG from Western Australia has significance for the local government industry, and having a representative from the City of Joondalup has great significance for the City.

ATTACHMENTS

Nil

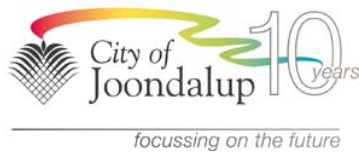
VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES that Mayor Troy Pickard will serve on the Australian Council of Local Government;**
- 2 AGREES to meet all associated costs relative to the attendance of Mayor Troy Pickard on the Australian Council of Local Government, including business class airfares, accommodation and incidental expenses.**



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

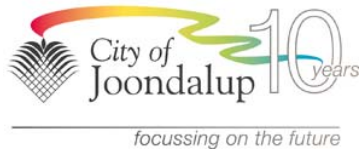
**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

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:

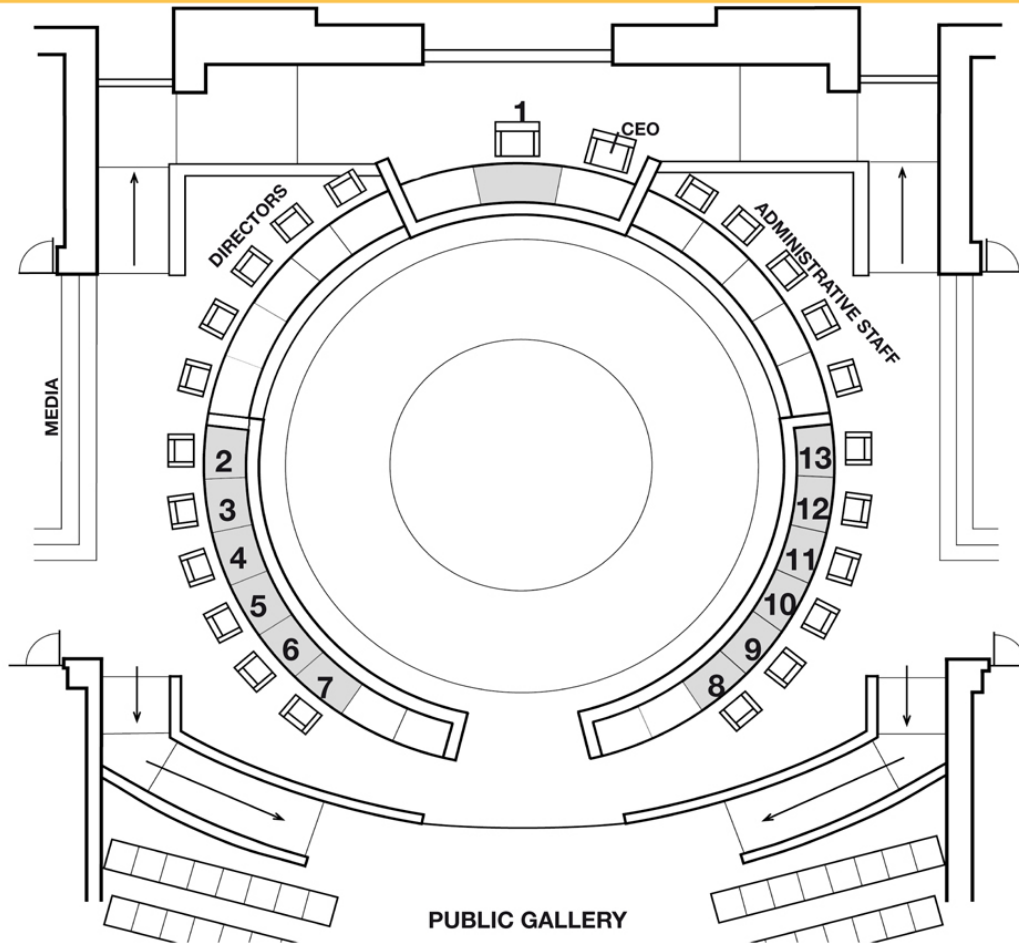
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

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

COUNCIL CHAMBER – SEATING DIAGRAM

City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 Cr Albert Jacob (Term expires 10/09)
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

South-West Ward

- 8 Cr Michele John (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)



City of
Joondalup