

minutes

Special Meeting of Council

MEETING HELD ON

TUESDAY 19 OCTOBER 2021

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON 19 OCTOBER 2021.

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.03pm and acknowledged two of the City's Freemans in attendance, Mr Nicolas Trandos OAM, JP and Mr Bill Marwick.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

Councillors:

CR ADRIAN HILL	North Ward
CR TOM McLEAN, JP	North Ward
CR DANIEL KINGSTON	North-Central Ward
CR NIGE JONES	North-Central Ward
CR CHRISTOPHER MAY	Central Ward
CR RUSSELL POLIWKA	Central Ward
CR RUSS FISHWICK, JP	South Ward
CR SUZANNE THOMPSON	South Ward
CR JOHN RAFTIS	South-West Ward
CR CHRISTINE HAMILTON-PRIME, JP	South-West Ward
CR JOHN CHESTER	South-East Ward
CR JOHN LOGAN	South-East Ward

Officers:

MR JAMES PEARSON	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 MAT HUMFREY	Director Corporate Services
MRS KYLIE BERGMANN	Manager Governance
MR DANIEL DAVINI	Media Advisor
MRS VIVIENNE STAMPALIJA	Governance Coordinator
MRS NATASHA MOSSMAN	Governance Officer
MRS DEBORAH GOUGES	Governance Officer

There were 31 members of the public and 0 members of the press in attendance.

DECLARATIONS OF INTEREST

Nil.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES / LEAVE OF ABSENCE

Leave of Absence previously approved

Cr John Raftis	19 to 25 October 2021 inclusive.
Cr Nige Jones	2 November 2021 inclusive.

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

Nil.

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 advised that the following two nominations had been received and accepted for the position of Office of the Deputy Mayor from Cr John Raftis and Cr Christine Hamilton-Prime, JP, in accordance with clause 8(3) of Schedule 2.3 of the *Local Government Act 1995*.

- Cr Suzanne Thompson nominated Cr John Raftis. Cr John Raftis accepted the nomination.
- Cr John Chester nominated Cr Christine Hamilton-Prime, JP. Cr Christine Hamilton-Prime, JP accepted the nomination.

There being no further nominations, Mayor Jacob declared the nominations closed and advised that as two nominations for the position of Deputy Mayor were made, in accordance with clause 8(5) of Schedule 2.3 of the *Local Government Act 1995*, Elected Members were required to vote on the matter by secret ballot.

Once ballot papers had been placed in to the ballot box by the 13 Elected Members, the counting of votes was undertaken by the Chief Executive Officer.

Following the vote by secret ballot and the counting of votes conducted in accordance with clause 8(7) of Schedule 2.3 of the *Local Government Act 1995*, Mayor Jacob declared Cr Christine Hamilton-Prime, JP elected to fill the Office of Deputy Mayor until the start of the first meeting of the Council after the next Ordinary Local Government Election.

DECLARATION OF ELECTED MEMBER

Cr Christine Hamilton-Prime, JP then made a Declaration of Elected Member for the position of Deputy Mayor before Mayor Hon. Albert Jacob, JP.

ADDRESS BY DEPUTY MAYOR

Cr Hamilton-Prime acknowledged Cr Fishwick for his experience and wisdom during his term as Deputy Mayor.

Cr Hamilton-Prime thanked Elected Members for the opportunity to fill the position of Deputy Mayor. Cr Hamilton-Prime stated that she intends to serve one year in the position, before stepping aside in October 2022 to allow for the election of a new Deputy Mayor until the 2023 Local Government Election.

Cr Hamilton-Prime pledged to work very hard as Deputy Mayor for the betterment of the residents of the City of Joondalup.

REPORT

JSC01-10/21 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 NUMBERS	03149, 44155, 60514, 00033, 101515
ATTACHMENT	Attachment 1 Western Australian Local Government Association (WALGA) Prospectus
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 16 October 2021, 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. 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 (CJ202-09/05 refers), 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.

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 deputy members.

BACKGROUND

Mindarie Regional Council

The Mindarie Regional Council (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. With the closure of the Resource Recovery Facility (RRF) in Neerabup, further investigation are anticipated into opportunities relating to the processing of waste through Waste-to-Energy technology.

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 an alternate member 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 Tamala Park Regional Council (TPRC) is a regional local government established for the purpose of undertaking the rezoning, subdivision, development, marketing and sale of the Tamala Park Land, 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.

The Catalina Estate is anticipated to comprise 2,500 lots/dwelling units, a range of densities R30-60 and R80-100, diverse housing opportunities and a number of activity areas. Significant progress has been made on the Catalina Project since the first phase of works commenced in 2011. As at 31 August 2021, 1,098 lots have been released for sale with 1,085 lots being sold, 923 homes completed and another 53 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.

To date a number of parks have been completed within Catalina, providing a range of recreational opportunities for residents and the local community. The Catalina Beach Park was completed in March 2018 and provides high amenity and is a key feature of Catalina Beach. It includes an 8m play tower, with associated play equipment, a significant number of mature transplants and shelters / seating. Drimmie Park in Catalina Central was completed in March 2020 and features a play structure inspired by a Catalina seaplane.

The focus for the 2021-22 financial year is on consolidating the 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 the first stage of construction in Catalina Green. Substantial investment in infrastructure and landscaping to support the functionality and appeal of Catalina Estate will also be made. This will include construction of the foreshore access road and carpark, which will provide direct access from the estate to the Mindarie beachfront, new parkland in Catalina Beach and Catalina Green, the continuation of the Greenlink pedestrian and cycling connection in Catalina Central and a roundabout at the intersection of Connolly Drive and Aviator Boulevard.

The Catalina Project is anticipated to generate a project profit of \$240 million upon completion, with \$78 million having been distributed to member local governments to date.

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 to attend a meeting for any reason. It is recommended that two elected members be nominated as deputy members to the TPRC.

It should be noted, that an elected member deputising for a delegate at a TPRC meeting is not eligible to receive a payment for attending the meeting, in accordance with Section 6.1 (4) and 6.1 (5c) of the *Salaries and Allowances Tribunal, Local Government CEO and Elected Members Determination effective 1 July 2019*; refer below extract:

- (5) *Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –*
- (c) *the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.*

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 representative and united voice for local government in Western Australia (WA). Prior to this, a number of membership based representative structures existed to represent local government in WA.

WALGA's *Corporate Strategy (2020-2025)* provides that its strategic intent includes the following:

- Structure - an independent, member-based, not for profit organisation representing and supporting the WA local government sector.
- Vision - agile and inclusive local governments enhancing community wellbeing and enabling economic prosperity.
- Purpose – to leverage the collective strength and influence of the Local Government sector for the benefit of WA local governments and their communities.

The core strategic themes are as follows:

- Advocating and facilitating sector solutions and policy.
- Delivering member-centric quality services.

WALGA's *Corporate Strategy (2020-2025)* is available at: <https://walga.asn.au/getattachment/About-WALGA/Corporate-Strategy-2020-2025.pdf?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. WALGA has developed a prospectus for local governments and elected members on becoming a zone delegate or State Councillor (Attachment 1 refers).

DETAILS

Following the elections held on 16 October 2021, 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 (CJ202-09/05 refers), during discussion on the appointment of representatives to the Tamala Park Regional Council, 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

Mayor Albert Jacob, JP and Cr Russ Fishwick, JP.

- Tamala Park Regional Council

Cr John Chester and Cr Philippa Taylor.

Two alternate deputies were appointed to the TPRC to represent the two members should they be unable to attend a meeting as follows:

Deputies

First Deputy Member – Cr Christopher May.

Second Deputy Member – Cr Suzanne Thompson.

- Western Australian Local Government Association North Metropolitan Zone

Mayor Albert Jacob, JP (Zone Chair).

Cr John Logan (Deputy Zone Chair).

Cr Russ Fishwick, JP.

Cr Russell Poliwka.

Two alternate deputies were appointed to the WALGA North Metropolitan Zone to represent the four members should they be unable to attend a meeting as follows:

Deputies

First Deputy Member

Cr John Raftis.

Second Deputy Member

Cr Christopher May.

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
Elected Member	10,300		1,000
Alternate Member	Nil.		
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	15,839	20,063
Deputy Chairperson	10,560	5,015.75
Elected Member	10,560	Nil.

It should be noted that an elected member deputising for a delegate at a TPRC meeting is not eligible to receive a payment for attending the meeting, in accordance with Section 6.1 (4) and 6.1 (5c) of the *Salaries and Allowances Tribunal, Local Government CEO and Elected Members Determination effective 1 July 2019*; refer below extract:

- (5) *Regulation 30(3C) of the LG Regulations prevents the payment of a fee to a council member for attending a meeting of a type prescribed in regulation 30(3A) of those regulations if –*
- (c) *the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee in accordance with section 5.99 of the LG Act.*

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.

OFFICER'S RECOMMENDATION

That Council NOMINATES the following persons to represent the City of Joondalup on the:

- 1 Mindarie Regional Council:

Members

Two Elected Members;

- 2 Tamala Park Regional Council:

Members

Two Elected Members;

Deputy Members

First Deputy Member - One Elected Member;
Second Deputy Member - One Elected Member;

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

Four Elected Members;

Deputy Members

First Deputy Member	- One Elected Member;
Second Deputy Member	- One Elected Member;
Third Deputy Member	- One Elected Member;
Fourth Deputy Member	- One Elected Member.

C115-10/21 PROCEDURAL MOTION – THAT THE ITEM BE DEFERRED

MOVED Cr Kingston, SECONDED Cr Chester that Item JS01-10/21 – Appointment of Representatives to Regional Councils and the Western Australian Local Government Association North Metropolitan Zone, BE DEFERRED to the Special Council Meeting to be held on 1 November 2021.

The Procedural Motion was Put and

LOST (5/8)

In favour of the Motion: Crs Chester, Kingston, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Fishwick, Hill, Hamilton-Prime, Jones, Logan, May and McLean.

MOVED Mayor Jacob, SECONDED Cr Jones that Council NOMINATES the following persons to represent the City of Joondalup on the:

1 Mindarie Regional Council:**Members**

**Mayor Hon. Albert Jacob JP;
Cr Christopher May;**

2 Tamala Park Regional Council:**Members**

**Cr John Chester;
Cr Nige Jones;**

Deputy Members

First Deputy Member	- Cr Russ Fishwick, JP;
Second Deputy Member	- Cr John Raftis;

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

**Mayor Hon. Albert Jacob, JP;
Cr Adrian Hill;
Cr Russ Fishwick, JP;
Cr Nige Jones;**

Deputy Members

First Deputy Member - Cr Christopher May;
Second Deputy Member - Cr Christine Hamilton-Prime, JP.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Cr Kingston.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn211019.pdf](#)

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 7.41pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR JOHN CHESTER
CR RUSS FISHWICK, JP
CR CHRISTINE HAMILTON-PRIME, JP
CR ADRIAN HILL
CR NIGE JONES
CR DANIEL KINGSTON
CR JOHN LOGAN
CR CHRISTOPHER MAY
CR TOM McLEAN, JP
CR RUSSELL POLIWKA
CR JOHN RAFTIS
CR SUZANNE THOMPSON