

Minutes

UNCONFIRMED

ORDINARY COUNCIL MEETING

7.00pm, 07 FEBRUARY, 2012

Civic Chambers

Dundebar Road, Wanneroo

Recording of Council Meetings Policy

Objective

- To ensure that there is a process in place to outline access to the recorded proceedings of Council.
- To emphasise that the reason for recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Statement

Recording of Proceedings

- (1) Proceedings for meetings of the Council, Electors, and Public Question Time during Council Briefing Sessions shall be recorded by the City on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
- (2) Notwithstanding subclause (1), proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
- (3) No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

Access to Recordings

- (4) Members of the public may purchase a copy of recorded proceedings or alternatively listen to recorded proceedings with the supervision of a City Officer. Costs of providing recorded proceedings to members of the public will be the cost of the recording plus staff time to make the copy of the proceedings. The cost of supervised listening to recorded proceedings will be the cost of the staff time. The cost of staff time will be set in the City's schedule of fees and charges each year.
- (5) Elected Members may request a recording of the Council proceedings at no charge. However, no transcript will be produced without the approval of the Chief Executive Officer. All Elected Members are to be notified when recordings are requested by individual Members.

Retention of Recordings

- (6) Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the State Records Act 2000.

Disclosure of Policy

- (7) This policy shall be printed within the agenda of all Council, Special Council, Electors and Special Electors meetings to advise the public that the proceedings of the meeting are recorded.



UNCONFIRMED MINUTES OF ORDINARY COUNCIL MEETING

HELD ON TUESDAY 07 FEBRUARY, 2012

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MINUTES

Please refer to agenda for details of full reports and attachments.

Item 1 Attendances

TRACEY ROBERTS, JP

Mayor

Councillors:

DOT NEWTON, JP	Central Ward
DIANNE GUISE	Central Ward
FRANK CVITAN, JP	Central Ward
RUDI STEFFENS	Coastal Ward
BOB SMITHSON	Coastal Ward
IAN GOODENOUGH, JP	Coastal Ward
RUSSELL DRIVER	Coastal Ward
LAURA GRAY, JP	North Ward
NORMAN HEWER	North Ward
DENIS HAYDEN	South Ward
STUART MACKENZIE	South Ward
BRETT TREBY	South Ward
ANH TRUONG	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
KAREN CAPLE	Director, City Businesses
LEN KOSOVA	Director, Planning and Sustainability
DENNIS BLAIR	Director, Infrastructure
JOHN PATON	Director, Corporate Strategy & Performance
FIONA BENTLEY	Director, Community Development
MIKE BARRY	Manager Governance & Executive Services
MICHAEL PENSON	Manager Property
KAREN BROWNE	City Lawyer
JESSICA CHAMBERS	Public Relations/Communications Officer
LEE-ANNE BURT	Minute Officer

Item 2 Apologies and Leave of Absence

Moved Cr Newton, Seconded Cr Cvitan

That Council GRANT leave of absence to Cr Guise for the period from 20 March 2012 to 10 April 2012 inclusive.

CARRIED UNANIMOUSLY

There were 14 members of the public and two members of the press in attendance.

Mayor Roberts declared the meeting open at 7.00pm.

Item 3 Public Question Time

Public Questions Received at the Meeting

Nil

Public Questions Received in Writing Prior to the Meeting

PQ01-02/12 Mr D Morley, Valley Views Drive, Landsdale

Drainage and security issue, new section of Ocean Reef Road, Landsdale

- “a) As our property backs onto the new Ocean Reef Road, why were we not informed of the drainage hole that has been put in? Plan No. 2242-302-C was sent to us on 3 November 2011 and on these plans the old Gngara Road was to be removed and back filled (with no drainage shown). We were more than happy with that arrangement so saw no need to attend the info night.*
- b) Is the fence that surrounds this drainage hole permanent or temporary? If temporary, what will it be replaced with?*
- c) The new road and footpaths has been elevated to a height that gives the public an excellent view in people’s property from Coverwood Promenade to Priest Road. As this is a potential security problem, what can the City of Wanneroo do to help sort this?”*

Response by Director Infrastructure

- a) East Wanneroo arterial road preliminary design in support of the East Wanneroo Structure Plan (Cells 1 through to 8), with associated planning/consultation having been developed since the mid 1990’s.

The drainage sump was constructed to incorporate both stormwater from the adjacent Ocean Reef Road upgrade and drainage from Lot 48. This forming part of the East Wanneroo Cell 9 that was subsequently endorsed by Council in April 2005.

- b) As part of the subdivision approval a permanent fence is to be constructed by the developer of Lot 48. This will be a 1.80m high, colour bond fence.
- c) The City is investigating supplementing the existing Landscape design for Ocean Reef Road between Priest Road and the effected properties in Valley View Drive (adjacent to Ocean Reef Road), with advanced tree planting. This will provide a vegetation screen in advance of normal tree planting.

PQ02-02/12 Ms S Winton, Gibbs Road, Nowergup

Lot 52 Nowergup Road, Nowergup

At the Council meeting of 13 December 2011, in Item CS08-12/11, Part 2, Council moved the amendment that Council:

“Instruct the Chief Executive Officer to commence prosecution proceedings against RMS Driver Training, for committing an offence by continuing its activities on Lot 52 Nowergup Road, Nowergup in contravention of the City’s District Planning Scheme No 2 if RMS has not ceased those activities and removed its plant and equipment associated therewith, from Lot 52 by 12pm on Friday, 2 March 2012.”

- a) *Does this motion have the effect of legalising the activities on this site from 13 December 2011 until 2 March 2012?*
- b) *Does the Council have the power under the Local Government Act and the Planning and Development Act to authorise the extension of activities for which there are no planning approvals?*
- c) *Could an explanation be provided as to under which legislation Council has such authority to extend unlawful activities by way of Council motions?*
- d) *Could Council explain what implications there are for RMS’s and City of Wanneroo’s insurance liabilities?*
- e) *Mr J Nortberger, Group Manager of RMS at the Council meeting of 13 December 2011 stated that “an application for development approval for the new site is under way”. Could Council please provide the date on which the planning application was received?*
- f) *Could Council please provide details as to the progress of this planning application?*
- g) *Previously the City advised that Lime Industries has applied for various activities including driver training and submitted an application on 24 August. Has the additional information requested been received by the City?*
- h) *Is the City satisfied that it is sufficient?*
- i) *If no, why not?*
- k) *If yes, when will the application be advertised for public comment?*
- l) *Is a Driver Training Facility part of Lime Industries’ application?*
- m) *If yes, which application, RMS’ application for another site as stated publicly on 13 December or Lime Industries’ application for Lot 52 Nowergup Road, Nowergup is the relevant site to be considered for RMS’ activities?*
- n) *Ms M Richards, Managing Director of RMS, at the Council meeting on 13 December 2011 confirmed that:*

“Whilst we are now aware that the City of Wanneroo had previously communicated with the landowner, RMS was never informed by the landowner of any correspondence.”

What action will the City take against Lime Industries, the landowner, for failing to take any action to stop the unlawful activities on its properties as appears to be demonstrated by M Richards' statement above, and given that the City has formally written to Lime Industries in July 2011, requesting the driver training activities to stop within 28 days?

Response by Director Planning and Sustainability

- a) No.
- b) Council has the power to grant retrospective planning approval under the City's District Planning Scheme No. 2 (DPS 2) where the use in question is capable of being approved under the Scheme.
- c) Refer response to question b). Further, it is Council's prerogative to determine how and when to enforce compliance with the City's DPS 2. In this regard, Council has determined that RMS has until Friday 2 March 2012 to cease and remove its operation from Lot 52 otherwise the City will commence prosecution action against it.
- d) The implications for RMS's insurance liability are a matter for RMS. The City's insurance liabilities are not affected by RMS's operations.
- e) The City has not yet received an application from RMS for planning approval of its activities at another location.
- f) Refer response to question e).
- g) Lime Industries has met with Administration to discuss the City's requirements for additional information and will be submitting their response in writing for the City's consideration in the near future.
- h) Refer response to question g).
- i) Refer response to question g).
- k) The application will only be advertised for public comment once the City deems it to be complete.
- l) Driver training was originally part of the development application, however, that aspect of the proposal is not capable of being approved and will therefore not be considered as part of the development application. Both Lime Industries and RMS have been advised of the City's position on this matter.
- m) Refer response to questions e) and l).
- n) Council at its meeting on 13 December 2011 resolved to instruct the Chief Executive Officer to commence prosecution action against RMS if it has not ceased its activities on Lot 52 by Friday 2 March 2012. Whether or not any related action will be taken against Lime Industries as the landowner is yet to be determined by the City.

Item 4 Confirmation of Minutes**OC01-02/12 Minutes of Ordinary Council Meeting held on 13 December 2011**

Moved Cr Treby, Seconded Cr Hewer

That the minutes of the Ordinary Council Meeting held on 13 December 2011 be confirmed.

CARRIED UNANIMOUSLY

Item 5 Announcements by the Mayor without Discussion

Nil

Item 6 Questions from Elected Members**CQ01-02/12 Cr Treby - Extraordinary Election for South Ward Vacancy**

1. Is the City, either Administration or the Governance body, in receipt of a request from any member of State or Federal Government that strongly supports the conduct of an extraordinary election for the South Ward?
2. If so, and if possible, can a copy of this be provided in the Minutes of this meeting?

Response by Mayor Roberts

Questions taken on notice.

Further Response by Director Corporate Strategy and Performance

Administration is not in receipt of any requests from any Member of State or Federal Government and no Elected Member has forwarded any such written requests in relation to supporting the conducting of an extraordinary election for the South Ward.

Item 7 Petitions**New Petitions Received****PT01-02/12 Requesting Installation of Speed Calming Devices and Better Signage on Langford Boulevard, Madeley**

Cr Cvitan presented a petition of 29 signatures from residents of Langford Boulevard and adjacent roads in Madeley, requesting the installation of speed calming devices and better signage to reduce the speed of vehicles travelling along Langford Boulevard, Susan Road and the junction of Dalecross Avenue and Russell Road.

The petition to be forwarded to the Infrastructure directorate for action.

PT02-02/12 Supporting the Construction of a 1.5m Wide Concrete Footpath on Palm Corner, from Christian Park to Sirius Ramble, Quinns Rocks

Cr Driver presented a petition of 50 signatures from concerned parents, supporting the construction of a 1.5 metre side concrete footpath on Palm Corner from Christian Park to Sirius Ramble, Quins Rocks.

The petition to be forwarded to the Infrastructure directorate for action.

PT03-02/12 Objecting to the Construction of a Footpath Close to Property Boundaries on the South Side of Palm Corner, Quinns Rocks

Cr Driver presented a petition of five signatures objecting to the proposal to construct a footpath close to the front boundaries of properties running along the south side of Palm Corner, Quinns Rocks, but supporting such a pathway being constructed if it abutted against the kerb edge.

The petition to be forwarded to the Infrastructure directorate for action.

PT04-02/12 Requesting the Construction of a Tidal Pool at the Southern End of Quinns Beach

Cr Goodenough presented a petition of 549 signatures from residents of the City of Wanneroo, requesting the construction of a tidal pool at the southern end of Quinns Beach.

The petition to be forwarded to the Infrastructure directorate for action.

PT05-02/12 Requesting the Supply and Installation of Rubber Speed Humps at the East End of Jenolan Way, Merriwa

Cr Steffens presented a petition of 25 signatures from residents of the City of Wanneroo, seeking the supply and installation of rubber speed humps (as installed in Burnett Road, Clarkson) at the east end of Jenolan Way, Merriwa between Yass Way and Connelly Drive.

The petition to be forwarded to the Infrastructure directorate for action.

Moved Cr Hayden, Seconded Cr Smithson

That the petitions be received and forwarded to the relevant Directorates for action.

CARRIED UNANIMOUSLY

Update on Petitions

PT01-12/11 Request for Installation of Speed Modification Devices on Anchorage Drive, Mindarie

Cr Driver presented a petition of 36 signatures requesting the installation of speed modification devices on Anchorage Drive, Mindarie, which is being used as a raceway at all hours of the day and night, north of Swansea Street, south of Rosslare Street.

UPDATE

A report addressing the concerns raised in the petition is scheduled for Council's meeting on 6 March.

Item 8 Reports

Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Cr Gray presented a Certificate of Appreciation from the 2011 Spring in the Grove event to the City of Wanneroo for its contribution to the event. Cr Gray drew attention to the fact that the organiser of Spring in the Grove is the City of Wanneroo Citizen of the Year, Mr Bill McClelland.

Cr Gray declared an impartial interest in Item PS05-02/12 due to having worked as a heritage consultant on an occasional basis for Greg Rowe and Associates.

Cr Guise declared a financial interest in Item PS07-02/12 due to having received a campaign donation from Mr Gin Wah Ang, who holds an interest in the Yanchep Beach Joint Venture.

Cr Guise declared an impartial interest in Item CS03-02/12 due to being a member of the Wanneroo Sports and Social Club.

Cr Newton declared an impartial interest in Item CS03-02/12 due to being a member of the Wanneroo Sports and Social Club, and her husband being a member of the committee.

The CEO declared an impartial interest in Item CE01-02/12 (Point 2 of the recommendation), due to B W Ashdown being a personal friend who has provided personal legal advice in relation to matters relating to his employment contract with the City. As indicated in the report, the tender in question was awarded by the Director Corporate Strategy and Performance.