

Minutes

UNCONFIRMED

**SPECIAL MEETING OF ELECTORS
6.30pm, 12 NOVEMBER, 2012
Phil Renkin Centre, Two Rocks**



City of Wanneroo

UNCONFIRMED MINUTES OF SPECIAL MEETING OF ELECTORS

HELD ON MONDAY 12 NOVEMBER, 2012

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MINUTES

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

Item 1 Open Meeting

Mayor Roberts opened the meeting at 6.30pm and welcomed Elected Members, Directors and residents in attendance.

Item 2 Attendance and Apologies

TRACEY ROBERTS, JP

Mayor

Councillors:

DOT NEWTON, JP	Central Ward
DIANNE GUISE	Central Ward
FRANK CVITAN	Central Ward
RUDI STEFFENS	Coastal Ward
NORMAN HEWER	North Ward
LAURA GRAY, JP	North Ward
ANH TRUONG	South Ward
BRETT TREBY	South Ward
STUART MACKENZIE	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
LEN KOSOVA	Director, Planning and Sustainability
HARMINDER SINGH	A/Director, Infrastructure
FIONA BENTLEY	Director Community Development
NICKY BARKER	A/Manager Executive Services
ROBERT FIGG	Manager, Marketing, Communication & Events
KAREN BROWNE	City Lawyer
ROBYN HARKINS	Minute Officer
PETA COXELL	Senior Governance Officer

Item 3 Apologies and Leave of Absence

IAN GOODENOUGH, JP	Coastal Ward
RUSSELL DRIVER	Coastal Ward
BOB SMITHSON	Coastal Ward
DENIS HAYDEN	South Ward
KAREN CAPLE	Director, City Businesses
LUCIA LAM	A/Director Corporate Strategy & Performance

There were 35 registered members of the public in attendance.

Item 4 Purpose of the Meeting

Under Section 5.28 of the *Local Government Act 1995*, electors of the City of Wanneroo have requested that a Special Meeting of Electors be held for the following reasons:

1. For the City to provide information to Electors on the status of the proposed Yanchep Active Open Space Project, the reasons for the project's delay, proposed future direction and expected completion of the public open space;
2. To discuss any issues arising from 1. above; and
3. For the meeting to make any resolution it believes relevant to Council's consideration of the matter.

Mayor Roberts invited the City's Director Planning and Sustainability, Mr Len Kosova to address the meeting. Mr Kosova delivered an overview of the current status of the project in line with the report presented in the agenda.

Item 5 Meeting Open to the Floor – Public Question Time/Motions

The Mayor called for Motions or questions from the Floor.

5.1 Mr Terry Loftus, Yanchep Beach Road, Yanchep

1. *Mr Loftus thanked Council for providing the opportunity for the Electors Meeting and commented that there was concern in the community that little information was being provided on the progress of this project. Records resourced in 2009 show that Council was aware of the need for facilities in Yanchep. At that time the then Mayor and the Chief Executive Officer recognised and acknowledged that there was a future in the area and a need to construct a facility within two years. The Director of Infrastructure commented to the media in 2010 that all being well, the works would be completed by March 2012.*

From my research the problem seems to revolve around negotiations with the developers and Council. The Community are being kept in the dark as everything is discussed behind closed doors, with Council quoting confidentiality.

What is the reason for confidentiality? The developer is speaking to the media and the public. It is Council that wants to discuss matters behind closed doors. We believe that not all information is going from the Developer to Administration and then on from Administration to Councillors. This needs to be clarified.

Response by Mayor Roberts

Council has always adhered to facts, in 2010 a much smaller site was identified in Yanchep. This is now a larger opportunity.

2. *In 2010 it was stated that this development would be ready in mid 2012. This was in a statement made to the media.*

Mayor Roberts requested that the Chief Executive Officer respond.

Response by the Chief Executive Officer

In regard to the confidentiality issue, the Local Government Act 1995 is specific in regard to matters to be discussed behind closed doors. When Council makes this decision, it is according to the Act and the reason is disclosed on the agenda item. It is Council's decision as to whether to go behind closed doors or not.

I will request the Director Planning and Sustainability to provide an overview regarding the comments on the first site as opposed to the second site.

Response by the Director Planning and Sustainability

In relation to confidentiality, the nature of the agreement between the City and the Yanchep Beach Joint Venture is very complicated, and for this reason, negotiations are being carried out in confidence and on a "without prejudice basis", because whatever is said during the course of negotiations will not be final until such time as the agreement is actually settled and executed by the parties. As such it is not going to be possible for this information to be made public.

I am not aware of Yanchep Beach Joint Venture having waived its legal professional privilege or any confidentiality surrounding its negotiations with the City on this matter. If that were to occur, then the Council would need to formally consider the same of its own.

In relation to the earlier site, there was originally one site of many that were identified through the earlier site selection process that was carried out by Administration on its own, as well as subsequently with the cooperation of the Joint Venture. The earlier site that was identified was around 3 hectares in size and was to the immediate east of Saint Andrews Drive. It was identified in the structure planning that was carried out for the area as being a mixture of open space for vegetation protection and preservation as well as adjacent residential development. The nature of that site meant that it was never intended as a long term oval facility for the future planning of Yanchep.

There were issues surrounding the access and long term development of that site given the existing vegetation and substantial trees, as well as the potential for the western portion of it to be developed for residential purposes. For a range of reasons, not just those, the site was discounted in favour of this more permanent site which is the ultimate oval site for the Yanchep City centre.

- 3. The concern is that a site was identified in 2010 and we were told that it would be open in two years. It did not happen and our concern is, when will it happen? No one can tell us. We have over 300 juniors playing football on one oval which is a problem. We do not want our kids on the street. Clubs are growing exponentially, how can we get it back on track? This comes to the motion that I wish to put forward for the community to vote on later.*

Response by Mayor Roberts

The City is fully aware of the concerns of the community regarding the demand for sports facilities. In 2010 it was a much smaller site and we are now in 2012 and Council is planning to deliver two senior ovals as a consequence.

Response by the Director of Planning and Sustainability

From the news article that you read out earlier, the Director Infrastructure stated that "all things going well", the facility would be delivered in 2012.

At the time that statement was made, it was absolutely believed to be the case. It is not as though things have gone off track but the nature of negotiations is very complex and this is a very complicated project to try and deliver. It is simply a matter of each party continuing to work on narrowing the issues that need to be addressed so that the City can move forward and execute a deed. The City has recently received advice from Yanchep Beach Joint Venture in response to Council's October 2012 decision, and this is going to be considered by Council at the earliest opportunity so that we can continue to progress the deed and bring the project to fruition.

4. *Can Council confirm that they have received the Deed of Agreement in the last seven days?*

Response by the Director of Planning and Sustainability

All that is appropriate to state at this stage is that the City has received a response from the Joint Venture.

5. *According to your report tonight, it is still going to take another 21 months to construct. We have spoken to a construction company proficient in these matters who have said that it should take four months.*

Mayor Roberts requested that Mr Loftus put his motion forward:--

Moved Mr Terry Loftus, Seconded Mr Graham Hailstones

That Council:-

1. **Ensure the Deed of Agreement between the City of Wanneroo and Yanchep Beach Joint Venture is finalised and signed by all parties before 31 December 2012;**
2. **By the end of January 2013 the City of Wanneroo provide a detailed Construction Plan providing a detailed timetable for the entire Yanchep Open Space construction project for two ovals plus all facilities from start to completion and official opening of the facilities;**
3. **If necessary, utilise the principles of the City of Wanneroo's Pre-funding of Community Infrastructure policy to ensure this project is not delayed by any financial constraints; and**
4. **With the agreement of the Council, and the Chief Executive Officer, this project be included in the Annual Performance Review of all senior administration personnel involved in this project, until the project is completed.**

CARRIED UNANIMOUSLY

Mayor Roberts stated that decisions made at Special Electors meetings are to be considered at the next Ordinary Council meeting or if that is not practicable, then the following meeting. Therefore motions received at this meeting will be considered at the 11 December 2012 Council meeting.

5.2 Ms Carine Parker, Two Rocks Road, Two Rocks

- a) *As part of the Yanchep Little Athletics Club, I want to reiterate that it is necessary to have two ovals. Without two ovals there would be discord between clubs wanting to all use the oval. There is currently no specific oval for Little Athletics and children and parents have to travel to Ridgewood. We request that the two ovals be done at once.*
- b) *In regard to booking the oval, how will this take place and who would get preference?*

Response by Mayor Roberts

Council is fully aware of the problem and the decision for the two senior ovals was a unanimous decision of Council.

Response by Director Community Development

The intention would be to apply the City's Facility Hire and Use Policy. It guides Administration's determination of requests. City officers have been working closely with the clubs and will continue to liaise with clubs to make sure that all clubs are considered equitably. It is not a matter of first in best dressed, the City will try to negotiate that every one has a fair go .

5.3 Mr Malcolm Gow, Lady Lindsay Cove, Yanchep

Speaking on behalf of minority sport, not particularly the bowls club, but as a person who takes part in bowls. There is no mention of improving facilities for the bowling club.

We were told that it would be ten to twelve years before anything could be done. It is understood that this is not specific to this planning development but the building facilities at the bowling club are in a fairly dilapidated condition. If the club is not accommodated within this new area there is urgent need for discussions to look at an indoor facility due to its substandard condition.

The ceiling is in bad condition and it is making it difficult to attract new members as it is not in good condition. I understand that the club secretary has been in touch with Council and are arranging a meeting in early December but I wanted to mention that we rely a lot on these facilities for bowlers and others.

Response by Director Community Development

The City has been in touch with the Yanchep Sports Club on a number of occasions. The land which is the subject of this meeting tonight has been fully allocated with as many sports facilities as can be accommodated. Unfortunately bowls was not amongst those.

When the City is able to secure regional open space which is a requirement for the State Government to acquire, the City will look at co-locating sports club facilities including bowls, tennis and others. The City is wholly at the mercy of the State Government however have been proactive in working with other growth Councils to research appropriate space and to lobby on our behalf.

The Mayor reiterated that the City of Wanneroo and the Yanchep Beach Joint Venture do share a vision for active open space for Yanchep. Quite clearly all Councillors voted unanimously in support of two senior ovals and confirmed that the City was open and transparent and were working very hard in respect of their communities.

Item 6 Close of Business

Given that there were no further questions or motions, Mayor Roberts declared the meeting closed at 6.58pm.