



City of Cockburn
Special Electors' Meeting
Minutes

For Wednesday, 28 July 2021

CITY OF COCKBURN
Minutes
Special Electors' Meeting
Wednesday, 28 July 2021

PRESENT

ELECTED MEMBERS

Ms L Kirkwood	-	Deputy Mayor (Presiding Member)
Mr K Allen	-	Councillor
Ms P Corke	-	Councillor
Dr C Terblanche	-	Councillor (Arrived 7.48pm)
Mr P Eva	-	Councillor
Ms C Stone	-	Councillor

IN ATTENDANCE

Mr T Brun	-	Chief Executive Officer
Mr D Arndt	-	Chief of Built and Natural Environment
Mrs G Bowman	-	Chief of Community Services
Mr A Lees	-	Chief of Operations
Mr N Mauricio	-	Acting Chief Financial Officer
Ms S Seymour-Eyles	-	Acting Executive Corporate Affairs
Mr M Emery	-	Head of Community Safety and Ranger Services
Mrs V Bacich	-	Civic Services Coordinator
Mr J Fiori	-	Risk and Governance Advisor
Mr S Cecins	-	Media and Communications Officer
Mrs V Frankson	-	Executive Assistant
Mrs M Nicholls	-	Administration Assistant
Mrs S D'Agnone	-	Council Minute Officer

There were approximately 94 electors and one member of the press in attendance. The Attendance List has been registered in the City's records.

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7pm and extended a warm welcome to all present.

Good evening to everybody and a warm welcome to you all for attending this Special Electors' Meeting tonight.

“Kaya, Wanju Wadjuk Budjar” which means “Hello, Welcome to Wadjuk Land”

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Aboriginal Australians who are with us tonight.

Deputy Mayor Kirkwood made the following announcements:

As Deputy Mayor I will be presiding over tonight's meeting, in the absence of our Mayor, who sends his apologies. He is unfortunately very unwell and we send him our best wishes for a speedy recovery.

There are relevant members of staff present this evening to answer your questions.

Before we begin, I have some important matters I would like to address:

Special Electors' Meetings are very different from Council meetings and this is not a meeting of Council, it is a meeting of Electors.

- Only registered electors and residents will be entitled to speak and vote at this meeting.
- Only matters registered are permitted to be discussed.
- Electors may ask questions, make statements and move motions on each agenda item.
- Electors who have submitted questions prior to the meeting will be called first to ask their questions or make statements, followed by any other electors who may wish to speak.
- When you are called to ask your questions, you should walk to the microphone, state your full name and suburb, show the coloured card you were provided with at registration, confirm that you are a registered elector, then proceed to ask your questions one at a time.
- No debate or discussion about the question or response will take place at the meeting.
- To ensure an equal and fair opportunity is provided to everyone, the Presiding Member may limit the time allowed to address the meeting. It is requested that individual statements do not exceed five minutes.
- Any motions from the floor are to be moved and seconded before any discussion is to occur, and motions will only be accepted on agenda items. The mover and seconder must state their full name and suburb prior to moving or seconding a motion.
- Voting will only take place after that motion has been moved and seconded and provided to the minute taker in full.
- Only electors are entitled to vote at this meeting. Each elector has one vote, however an elector does not have to vote.
- On registration at the entrance, each elector was given a coloured card to indicate that you are entitled to vote.
- All decisions are to be made by a simple majority of a show of hands with your coloured card. Secret voting is not allowed.

Rules and conduct of tonight's meeting:

- All members of the public attending Electors' Meetings must be fair and respectful during and after the meeting.
- There will be no adverse reflection on Elected Members or City employees. Should this occur the questions will be ruled out of order and the elector will be asked to return to their seat.
- Use of electronic, visual or vocal recording or transmitting devices, or instruments to record or transmit the proceedings of this meeting are prohibited.
- Minutes will contain summary of questions, statements and motions. Motions and voting will be recorded and decisions made at the Special Electors' Meeting are required to be considered in accordance with the *Local Government Act 1995*.
- Decisions made at tonight's meeting are to be considered at the 9 September 2021 Ordinary Council Meeting.
- It should be noted that any decisions made at a Special Electors' Meeting are not binding on the Council.

Finally, on a side note, I am pregnant and may be calling for a short adjournment during the meeting to take a quick bathroom break. The meeting will resume as quickly as possible and I thank you for understanding on this matter.

So let's move forward to a fair and happy meeting.

2. PURPOSE OF MEETING

This Special Electors' Meeting has been called in accordance with the Section 5.28 of the *Local Government Act 1995*, and matters to be discussed are as follows:

1. Broadcasting and Recording of the AGM of Electors and any Special Meeting to bring them in line with Ordinary Council Meeting practices
2. Public Question Time Reforms
3. Report of the Inquiry into the City of Cockburn
4. Suitable 'On Leash' Dog Beach
6. Manning Park Proposed Development
5. Glen Iris Golf Course Estate Residents and Community Asset/Open Space

Note: The Manning Park Proposed Development item has been brought forward in the Agenda as per a request from the presenter, and approved by Mayor Howlett.

2.1 Broadcasting and Recording of the Annual General Meeting of Electors and any Special Meeting of Electors

Leanne Chaproniere, Jandakot, made the following statement:

The ratepayers and community who attended the last Annual General Meeting were quite perturbed to be told after the meeting there was no record audio/visual record of the meeting.

The ratepayers were told that this meeting has always been so and was just a place and time for ratepayers to let off steam during the year.

This is not the case and ratepayers of the City of Cockburn wish it to be known to Elected Members and Council officers they take this meeting as a forum to show those who represent them, they do care about their community.

It was also noted the lack of some Elected Members at the meeting and hence their so called of representation of those who elected them. This has not gone unnoticed by many. In fact, we felt so strongly about this, that each Elected Member was sent a personal invitation to attend tonight's Special Meeting of Electors, just to make sure the item has not been missed in their calendars.

Leanne Chaproniere, Jandakot put forward the following motion:

Motion

MOVED Leanne Chaproniere, Jandakot
SECONDED Mimma Tassone, Coogee

That Council resolves to treat the Annual General Meeting of Electors and any other Special Meeting of Electors in the same vein as any other Council Meeting* when it comes to video/audio recording and live stream.

Minutes of the said meetings must be published on the Council website within 10 working days of said meetings.

*same as the following meetings:

- a. Ordinary Council Meetings
- b. Special Council Meetings
- c. Audit and Strategic Committee Meetings
- d. Special Audit and Strategic Finance Committee Meetings.

MOTION CARRIED

2.2 Public Question Time Reforms

Jeanette Mouttet, Jandakot, asked the following questions:

Q1. As a Glen Iris Golf Course Estate resident and City of Cockburn ratepayer, who will be paying \$2116.04 as per my rate notice this year, who purchased into a golf course estate in 1995 and now potentially stands to lose the golf course amenity, inclusive of the restaurant and bar, as well as approximately 700 golf course trees, mainly mature, seven large golf course picturesque lake water bodies, habitat for the federally protected black cockatoos and quendas, inclusive of quality Banksia woodland which currently exceeds over 2ha within the golf course – all if the zoning from SU1 and the property developer's planned infill of the Glen Iris Golf Course proceeds.

Do you understand the importance of accountability regarding your five day customer charter, as public question time and questions lodged to City of Cockburn are electors' main means of communication with the City of Cockburn?

A1. The Acting Executive Corporate Affairs thanked Ms Mouttet for her question and advised that, other than public question time, there are plenty of other ways to ask questions of the City, and yes, the City is committed to answering questions within its five day customer service charter.

This may simply be an acknowledgement if a question requires a more complex answer, or if the question is going to be dealt with at public question time.

The City manages around 30,000 customer requests per year and an average of 28,000 emails via the customer@cockburn email address each year.

Whilst we pride ourselves on an extremely good response time, and our external customer service surveys demonstrate that, from time to time a response may be misdirected due to the diversity and complexity of the nature of the business that the City manages. If this does occur the City always reviews its processes to ensure that this does not happen again.

Q2. On 13 July 2021 I lodged an email to the City of Cockburn that had three questions, including a follow up question to an answer I got at the last Ordinary Council Meeting from Mayor Howlett.

In line with the City of Cockburn Customer Charter I should have received a response to my questions within five working days. As of 27 July 2021, 10 working days after my questions were lodged, I have still not received a response.

This has also happened to me before. When can I expect a response to my questions lodged on 13 July 2021, and the explanation regarding the City of Cockburn charter breach?

- A2. The Acting Executive Corporate Affairs apologised that Ms Mouttet did not receive an acknowledgement of her email, as this should be standard procedure, and advised that when this was brought to her attention this morning, she investigated what had happened to the request.

As Ms Mouttet's questions stemmed from a public question at the August Ordinary Council Meeting, it was treated in error as a public question, however she still should have received an acknowledgement and the procedure for this type of query is now being reviewed.

Regarding the questions in your email:

- i. 800 characters limit on the public question time online form
The characters count has been increased to 1,000 characters.
- ii. Quality of sound during Public Question Time
The City was not aware of this issue. Some recordings were listened to today and it was noted that the public speakers were a bit quieter. The solution may be as simple as turning the volume up, and City officers are considering that. However it will be investigated prior to the next Ordinary Council Meeting.

There are a few things to be considered. If the volume is turned up, it may be too loud in the chamber. Officers will also investigate changing the type of microphone used. Officers are trying to work it out so that the public speakers can be heard.

- iii. Your third question was regarding short preambles being permitted prior to asking a public question. This has been noted, and depending on any successful motions carried tonight regarding public question time, a report will be tabled to Council for consideration.

- Q3. What system does the City of Cockburn have in place to monitor if you are working efficiently within your stated five working day customer charter period?

- A3. The Acting Executive Corporate Affairs advised, further to per question 1, 98% of the time the City gets really high results from the Customer Satisfaction Surveys.

Usually, the City is alerted by a customer, and when that happens, officers review the process to ensure that this does not happen again.

- Q4. What percentage of correspondence does not get answered within the City of Cockburn Customer Service Charter period that very clearly states that customers should receive a response within five working days?

- A4. The Acting Executive Corporate Affairs advised she is currently investigating that some of the Glen Iris questions may be related to this slight snag related to the procedure to do with public question time.

It is quite unusual for customers to not at least receive an acknowledgement to their emails. As the emails are triaged to different departments there is no central percentage available.

People will usually let the City know if it has not adhered to our Customer Service Charter, and we ask them to do that, so that the City can improve our processes. We continue our commitment to ongoing improvement and education and training of our employees.

Mimma Tassone, Coogee, put forward the following motion:

Motion

MOVED Mimma Tassone, Coogee

SECONDED Leanne Chaproniere, Jandakot

That Council adopts the following procedures for Public Question Time in order to increase its accountability, communication and consultation transparency, and good governance, and thus help bring it into the forefront of best practice amongst local government areas in WA, specifically:

1. that Public Question Time be increased from a minimum of 15 minutes as per the Local Government Act, to a new minimum of 30 minutes for the asking of both questions with and without notice;
2. that the Presiding Member can call for an extension of time for a further two periods of 15 minutes each if the number of questions outstanding warrants it, thus giving up to a maximum of 60 minutes for Public Question Time;
3. that statements only or as part of a question are allowed within Public Question Time;
4. that the current 800 character limit is abolished;
5. that the words as submitted are not to be altered by a Council administrator;
6. that each member of the public who wishes to ask a question or make a statement is to be given an equal and fair opportunity to do so within a three minute time limit.

MOTION CARRIED

2.3 Report of the Inquiry into the City of Cockburn

Leanne Chaproniere, Jandakot made the following statement:

The people you see here tonight are ratepayers and concerned citizens of this City. We are the Community and ignore us at your peril!

Our opinions and voices should matter and not be treated with contempt and complete disregard. We are not background noise, but we are front and centre, the community voice. So, please hear us loud and clear.

The Inquiry into the City of Cockburn, whilst scathing in its assessment, was subtle in its recommendations. That was the first step. We the community are taking the next step.

Your actions and failures to act, impact our lives and our places. There is no ambiguity in this. We will not stay quiet whilst you destroy our common land, our freedoms to enjoy our places and quality of life, in the name of Local Government and what the Local Government Act says you can do.

The community cannot accept that, although in excess of \$1 million of ratepayers' money was wasted in the former CEO sacking saga, no resignations have been asked for, nor been given, by members of the City's Executive Team, and if they have, why behind closed doors?

You held a Confidential Meeting last Thursday evening. We don't know the outcome of that meeting and the reasons for that outcome? Will there be more such meetings without the community being aware of the outcomes of such meetings?

The reputational risk to the City in maintaining a staff base, and for that matter Council, that has proven to be non-cohesive and involved in tribalism is extreme.

How can the community have faith in a governance structure that has been shown to be, at best, incompetent? This was not hearsay nor speculation, but the result of an intensive and exhaustive 13-month inquiry by authorized persons who had the power to seize documents and interview the relevant people.

You, the Elected Members and officers, face a choice today. Either ignore us by just receiving and noting our motions as you have done in the past, or draw a line in the sand, work together and take steps to do something about it. The later will get you plaudits from a grateful community and re-election, whilst the former will further raise their ire.

We will continue to keep coming back in even greater numbers time and time again until our concerns are attended to in a meaningful way.

Some of the dreams we had when we moved into the Cockburn area included:

- Taking our dogs for a walk on the beach at sunset
- Kite Surfing at Woodman Point on a windy afternoon
- Idyllic quiet walks along the trails of Manning Park
- Hitting a golf ball with friends at Glen Iris
- Living in an environment that was protected at the standard that it was when we moved here
- Living in a City that cares about our concerns and our quality of life

These have either been taken away from us or are about to be.

Local Government is the sphere that most closely affects the daily lives of citizens, thus the electors in their entirety need to be well informed and allowed the opportunity to express their opinion, their concerns and have their voice heard, before the City of Cockburn make decisions that impact their lifestyle.

We no longer want this administration to be known by the ratepayers as promoting the 7 Ds of Local Government: dismissive, denying, disparaging, deferring, deflecting, disregarding and downplaying!

Mimma Tassone, Coogee made the following statement:

We have found it disturbing coming to meetings and seeing people breaking down due to the pressure and stress of what is happening around them and not getting a satisfactory result from local Government.

In a perfect world we would all have far better things to do than spend countless hours of our time navigating and challenging unreasonable decisions made by Council that have a profound impact on our lifestyle and mental wellbeing, yet here we all are.

We now have a diverse and growing grass roots community group (Coalition of the Community) that demands answers and action. This group will change from time to time dependent upon the wants, needs and issues facing different parts of our community.

If Elected Members are not representing the community in an effectively manner and are allowing Council officers to run our community, they face losing the respect of and being voted out by the electors.

Local government is the grass roots level of government in Australia. Its Elected Members are ideally placed to monitor the changing needs of local communities, to plan and implement strategies to meet those needs, and to bring local concerns to the attention of the state and commonwealth governments.

Local government's strength is its closeness to the community and its ability to take account of, and respond to, local views and ideas. It is your duty to represent the interests of electors, ratepayers and residents, to provide leadership and guidance, to facilitate communication between the community and the City.

It is your duty to listen to what the community is seeking to protect: the values of democracy, fairness, equity, access and inclusion and not disadvantage and unfairly burden that same community.

The City administration has, on focussing on big picture items 10 to 20 years into the future, whilst not showing enough concern and attention to the now issues that are affecting the community and people's lives.

It appears from the outside, that the administration takes the side of big business or authorities, over the needs and rights of its community. They make recommendations and you, the Council, vote yes.

We are seeing an administration unwilling to look beyond the square and Elected Members not having the courage, the commitment nor the solidarity to speak for what is just.

There is only lip service to democracy and to you doing your job as Elected Members in a context where the administration seems to have the power to carry its own views, perception and presentation of a particular issue.

The Elected Members then seem to adopt this at large without in-depth questioning or providing community-based alternatives, leaving the community silenced and stonewalled by the administration and the Council alike.

Please, no more grandiose ideas and initiatives that costs the ratepayers more money and gives us less than we already have. These may win you another award or another State Government nod, but won't give you additional votes at voting time.

There is now push back from the Community! So, tonight we will be loud and proud!

The administration had a Budget of \$152M for the 2020/2021 financial year. Of this approximately 71% or \$108M is raised through our rates that we pay.

Of that total Budget, 40% or \$61M goes towards City employee costs. So, to be clear, through our rates we contribute \$108M to pay you \$61M to work for us. We have delegated those jobs to you. Thus, in simplified terms we pay you to work for us, the community.

Whilst on this occasion we have refrained from moving a vote of No Confidence in the City administration and Council (unlike the City of Fremantle electors who did just that on Monday 21 June 2021 at their Annual General Meeting of Electors) to give you an opportunity to make changes and take action.

We the Community are putting you the administration, and Council, on notice. Listen to our concerns and take action to alleviate them or face the consequences of a widespread community backlash and enforced reform.

Elected Members are briefed by officers the week before the Council Meetings about the matters pertaining to that meeting. We ask Council to implement the following motion from the community and the report by the Inquiry into the City of Cockburn.

Mimma Tassone, Coogee put forward the following motion:

Motion 1

MOVED Mimma Tassone, Coogee
SECONDED Lucia Benova, Spearwood

That the community's confidence in the City administration has been severely eroded due to its poor handling of our current, and in some cases, long standing community issues and concerns, and the findings contained in the Report of the Inquiry into the City of Cockburn.

Thus, we implore the City administration and the Elected Members to listen to our requests on behalf of the community and take action to implement them as soon as possible, or face a possible future vote of no confidence from the electors.

MOTION CARRIED

Mimma Tassone, Coogee put forward the following Motion:

Motion 2

MOVED Mimma Tassone, Coogee
SECONDED Stuart Martin, Jandakot

That the City of Cockburn Council adopts the following recommendations contained in the Report of the Inquiry into the City of Cockburn under the sections relating to Conduct of Briefing Sessions, paragraphs 75 to 84, including:

1. the Mayor, whose role it is to preside over, and keep order in meetings of Council, should also preside over and maintain order at Briefing Sessions,
2. to ensure good governance and transparency, the monthly Agenda Briefing Session, which is held one week prior to the Ordinary Council Meeting, becomes more formal in structure, is open to the public, and public question time is also allowed.

MOTION CARRIED

2.4. Suitable On Leash Dog Beach

Mimma Tassone, Coogee made the following statement:

As has been shown since the Council motion was carried to stop dogs on the beach at Woodman Point, the community was totally blind sided to learn the day after the Council meeting about what had actually occurred the night before.

Community consultation on the real goal, that is to ban dogs altogether, was not held but it was obvious others who had vested interests were lined up for that night's vote.

A key input to this decision was the environmental impact assessment but this relates to dogs off leash along a 2.7km stretch of beach. Similarly, all other submissions received by the Council were also against changing the beach to an off-leash area.

Had the community been consulted on the real goal, that is banning the dogs altogether, the resultant time spent by the community to advise the Elected Members of their feelings and thoughts would have, we believe, resulted in a totally different outcome.

We would also challenge that there are significant flaws in the usage of the information considered as part of that decision, and that a more analytical approach be taken to reassessing the available data in relation to on leash areas.

Cr Corke stated at the 8 July 2021 Ordinary Council Meeting that it was irresponsible to put forward options that are not feasible for a variety of reasons.

Residents for Cockburn for the Dogs (ROC) for the Dogs would challenge this and suggest that it is irresponsible to not conduct analysis on the real issue we are advocating for: dogs on-leash at a specific area of the beach that does not impact the Fairy Terns.

We strongly believe that if accurate and transparent information was provided to the Department of Biodiversity, Conservation and Attractions, other key decision makers, and the general public, it is highly likely a different outcome would be realised.

Leanne Chaproniere, Jandakot asked the following questions:

- Q1. The Fairy Terns were bought up on Woodman Point in 1998 from memory, and over the years the Fairy Terns have not nested at Woodman Point at any time until now. Why has Council, and who at Council decided that dogs should not be allowed on the beach because of the Fairy Terns?
- A2. The Chief Executive Officer advised his understanding of this issue is that this was originally raised through the Woodman Point Regional Park Advisory Committee.

An important part of that whole precinct is that it is not under the jurisdiction of this local government. The precinct underlies state government control through a series of agencies, being the Department of Biodiversity, Conservation and Attractions, the Department of Transport, and the Department of Local Government, Planning and Heritage.

Council can only enforce any matters and local laws on that land with the consent of those three departments. The City had previously received advice that they were not supportive of dogs being in that precinct on any of their reserves, and therefore this Council, which exists at the pleasure of the state government, because we are a creature of the state under the Local Government Act, has to comply with the directions of the state government.

That is the main driver of the issues. The City does not make decisions on environmental matters, except on local environmental outcomes within the controls that we have.

Where Council is directed by relevant state and federal agencies, it has to work within those laws. We do not have the right to ignore the Western Australian government. That is a key point of previous matters that have actually been raised, where members of the community expressed concern that the Council hasn't gone in a certain direction, which is inconsistent with state directions.

That would place this Council in breach of the Western Australian government, that enables and empowers it. It would be an illegal action and could lead to prosecutions and actions against this Council. That is not something that Elected Members would seriously entertain and it is not something that officers would encourage Councillors to do, to break the laws of this state.

If the state was to change and reconsider things, Council will work with whatever directions and advise we are provided with by the Western Australian government, but we are not above the Western Australian government, we are not above the commonwealth government, and we have to operate within those confines.

- Q2. Why didn't Council say, at the meeting last year when all this was bought up, and community consultation, "the state government have said to us that they do not want dogs on the beach – that's it, and that is what we are going to do from how on"? Why didn't you just say that instead of us going through all this palaver?
- A2. The Chief of Community Services advised that information was contained in the officer's report stating that the Department of Biodiversity, Conservation and Attractions did not support that area remaining a dog area.

The Environmental Impact Assessment, the Department of Planning, Lands and Heritage, and the Department of Local Government submissions were also contained in that report, which all objected to that area being a dog area.

- Q3. Why is the City of Cockburn doing the state government's job and taking up your time when they can just say "City of Cockburn, the beach is now closed, we don't want dogs on it. We are going to put up signs and we are going to give you funding for signs, put them up and that's it"?

Why are we spending our money when the state government want it?

Why are we spending your time because now you are having meetings with the kite surfers, because now they are going to be stopped from Woodman Point?

Is that a Council initiative or is that a state government initiative - who wants to stop the kite surfers?

- A3. The Chief Executive Officer advised he was not aware of any proposal to stop the kite surfers, however understands there have been discussions around their areas of operation and ways of mitigating impacts. Ultimately, again, it will be a matter of the state government advising us on what they find acceptable.

Unfortunately for local government, every Council across Australia has to carry out the tasks it is mandated to provide by the state government, who give them their reason for being and empowers them.

There are a whole series of matters in local laws, from public health, to parking, to traffic, to compliance matters, on a whole series of things that local governments are generally not consulted with and are simply directed to undertake works on behalf of the state, and they rarely receive compensation.

The reality is a local government is not an independent government with its own constitutional basis, other than one small clause within the Western Australian State Constitution, which still mandates that we operate within the directions and laws of the state government.

There may still be areas where a local government does not agree with what the state directs them to do, however they have no right to not do what they have been instructed to do.

- Q4. Could you please ask your officers here tonight if any of them or their staff have met or spoken with the Kite Surfers Association of WA in regards to Woodman Point?

- A4. The Chief Community Services advised the question could not be accepted as it did not relate to an item on the agenda. Information to provide a response was not available.

Deputy Mayor Kirkwood advised Ms Chaproniere that if she required a response, the question should be submitted through the City's customer service and a response would be provided.

7.48pm Cr Terblanche entered the meeting.

Mimma Tassone, Coogee put forward the following motion:

Motion 1

MOVED Mimma Tassone, Coogee

SECONDED Lucia Benova, Spearwood

That the City of Cockburn Council revokes the decision made at the Ordinary Council Meeting conducted on 10 September, 2020 in relation to Item 17.1(3)(a) and reinstate access to the beach, for the section from Ammunition Jetty (extending approximately 1.5 kms south) to Cockburn Cement Jetty, for dog walkers and their dogs, and designate the area as dogs on leash only.

Including that:

1. Dogs on leash would not be allowed above the high water line,
2. Dogs will not be permitted off leash on this beach and will not be permitted on, or within, the primary dune system, unless utilising designated signed official access points provided by the City of Cockburn along the footpath that cuts through the dunes to the beach,
3. This will allow the area to be returned to a safe on leash space for the community to utilise and enjoy,
4. It will also endorse the principal that dog owners who have their dogs on leash under their effective control are treated the same as walking along a footpath or park with their dog on leash and that they are equal to other members of the public and not treated as second class citizens,
5. This option be opened up for public consultation, along with those options approved at the Ordinary Council Meeting of 8 July 2021.

MOTION CARRIED

Mimma Tassone, Coogee, put forward the following Motion:

Motion 2

MOVED Mimma Tassone, Coogee

SECONDED Lucia Benova, Spearwood

That a special consultative group be formed comprising of:

- three Elected Members
- three Council Officers
- three ROC Members
- one Independent Contributor.

To meet within the next month to thrash out this issue in detail, taking into account all the various sub-issues, and make a recommendation to Council from those meetings.

MOTION CARRIED

Note: Item 2.6 was brought forward to follow Item 2.4.

2.6 Manning Park Proposed Development

John Cunai, Spearwood, asked the following questions and made the following statements:

Q1. Does the City of Cockburn acknowledge that the Concept Plan they sent out approximately one year ago was flawed in the concept design, that they added too much information in regard to the mountain bike trail?

I am with the Spearwood Progress Association. Myself and another colleague met with a City officer who enlightened us to what was going on with the overall plan of this mountain bike trail, and he conceded that there was a stuff up. Can anybody elaborate on that?

A1. The Chief of Operations advised he was not aware of the conversation being referred to and therefore could not comment.

Q2. I believe we need more consultation on this item.

With the Manning Park proposal and the mountain bike trail, the City of Cockburn has dropped the ball on this one by putting too much information in that Concept Plan and scaring off a lot of the ratepayers and residents. They think this is going to be bigger than Ben Hur.

If this was done right by the City of Cockburn in the first place, I don't think we would all be here discussing this. So, was it a stuff up or not?

I propose that this goes to further consultation and further study.

Mr Cunai clarified he was speaking against two of the four motions being put forward. Sure we would like to keep the park green, I'm a greenie at heart as well, but I still believe there is room for the mountain biking. They can both exist together if it is done wisely and correctly.

A2. The Chief of Operations advised the City is currently setting up a formal group to investigate the trails within Manning Park, and consultation will be out shortly. The City is looking for 15 people to come onto that group to review the Master Plan that was prepared and adopted by Council in 2018.

Once this group is formed, with an independent consultant, they will provide a response regarding the number of pedestrian trails and mountain bike trails. They will come back with a recommendation on the volume, scale and size, and how the City can manage that going forward. That will then be presented to Council for further consideration.

Judith Fogarty, Banjup made the following statement:

We have been told for eight months, at least, that this working party is going to be formed shortly, and we still don't know what is going on.

Judith Fogarty, Banjup put forward the following Motion:

Motion 1

MOVED Judith Fogarty, Banjup
SECONDED LeeAnne Inness, Spearwood

That prior to proceeding with any proposed new concept, upgrades or changes outlined for parks or reserves, the City will seek authentic communication with residents who reside within 500 metres of the area and will continue with genuine consultation with residents throughout the process.

The City will implement this by using a wide range of media suitable to ratepayers including:

- Letters to residents that are specific to the proposal and not vague or misleading
- Using Cockburn Sounds as a form of communication to residents and the wider community
- Signage, including images or diagrams of upgrades or changes, will be posted at the site informing park users
- Email residents who have registered with Cockburn.

MOTION CARRIED

(Against Vote: 4)

LeeAnne Innes, Spearwood put forward Motion:

Motion 2

MOVED LeeAnne Inness, Spearwood
SECONDED Judith Fogarty, Banjup

That, in light of Manning Park's high conservation value and status, including federal and state protected endangered and threatened species of flora and fauna, fragile and unsustainable soil components, bush forever status, and the inability to meet the WA Mountain Bike Management Guidelines criteria, Manning Park must not be developed for a mountain bike trail site.

MOTION CARRIED

(Against Vote: 3)

LeeAnne Inness, Spearwood put forward a Motion:

Motion 3

MOVED LeeAnne Inness, Spearwood
SECONDED Alan Lees, Hamilton Hill

- 1 That the status of Manning Park will be upheld and honoured, by adhering to key priorities and management:
 - i. Beeliar Regional Park conditions of management for passive use and conservation,
 - ii. City of Cockburn Natural Area Management Plan 2012-2022 Priority Classification for Manning Park's 56ha of bushland as a conservation area,
 - iii. Manning Park Master Plan Key recommendation to conserve and protect the ridge, lake ecosystems and protect the habitat;
- 2 That the City will close all illegal mountain bike trails and regenerate vegetation to original or better condition, protecting flora and fauna from further damage from mountain bike riding.

MOTION CARRIED

(Against Vote: 3)

LeeAnne Innes, Spearwood put forward the following Motion:

Motion 4

MOVED LeeAnne Inness, Spearwood
SECONDED Judith Fogarty, Banjup

That the City will develop and effectively implement a Management Plan to enhance the potential of Manning Park for its history, culture and high conservation native bushland for all passive park users.

MOTION CARRIED

2.5 Glen Iris Golf Course Estate Residents and Community Asset/Open Space

Jeanette Mouttet, Jandakot, asked the following questions:

Q1. Do any of the following City of Cockburn people have a financial interest (part or full) in any business, current or proposed, within 10km of the Glen Iris Golf Course? ie: Directors, Council officers, Council Members, Council employees (including their spouses or partners), or any company/partnership associated with any of the aforementioned?

A1. The Governance and Risk Advisor noted that a 10km radius around Glen Iris includes all properties within the City of Cockburn, and a large number of properties in the Cities of Fremantle, Melville, Canning, Gosnells, South Perth, Kwinana and Armadale. Such a large radius is not entertained in any regulation or practice as being a trigger for a Conflict of Interest declaration.

The *Local Government Act 1995* provides for declarations of interests from Council Members or employees:

- LGA, Part 5, Division 6, Subdivision 2, s 5.87(b) Discretionary disclosure generally
- LGA, Part 5, Division 10, s 5.126(1) Training for council members.

Any identified Conflicts of Interest are dealt with in accordance with the City of Cockburn's internal processes at the time of declaration. The City is not aware of any Conflicts of Interest that are relevant for disclosure.

Q2. If yes to question 1, can you please read out the names that relate to my question 1, that have any interest whatsoever in assessment or decision making of the Glen Iris Golf Course zoning change?

A2. The Chief Executive Officer advised the requirements under the legislation which apply for state government public officers, as they are for a local government, are very specific.

People are not named just because they live in a district or because they own a business in a district. They are not named to be vilified or to imply that they are doing anything wrong, which is usually the intent of naming people.

There is a clear process in legislation of people having an obligation to declare an interest if they have one. To date we do not have an application, but even if one comes in, it is up to an Elected Member or officer to make a declaration of a potential conflict of interest or impartiality.

People are not named, just to name them. The City will work in accordance of the law, and do not name people for other purposes, unknown purposes.

- Q3. If yes to question 1, do you agree that those people could stand to financially gain personally, have a Conflict of Interest, due to more people living in the vicinity if the SU1 zoning changes and if the current 54.9ha Glen Iris Golf Course to residential infill of up to 600 home sites, many of which are reflected on the developer's Concept Plan at only 300m² - gets the green light?
- A3. The Governance and Risk Advisor advised that the Conflicts of Interest are clearly dealt with under the regulations. This would occur if an employee submitted a matter in a report to Council in which that employee had an interest in an outcome from a council decision.
- Q4. If yes to Q1, do you intend to remove those City of Cockburn people from their conflict of interest positions?
- A4. The Governance and Risk Advisor advised that, as stated in the response to question two, the City has had no declarations to date. It should be noted that while the City has held discussions regarding a potential application, no application has been submitted at this point in time.
- Q5. Is it correct that a Councillor's role is to represent the interests of electors, ratepayers and residents of the district, as per the *Local Government Act 1995* constitution (2.10)?
- A5. The Chief Built and Natural Environment advised yes, that was correct.
- Q6. Is my interpretation of a Councillor's role correct in that the needs of those that the Council are there to represent, should precede property developers' wants and demands?
- A6. The Chief Built and Natural Environment advised no, the Elected Members' role is to objectively determine what is in the best interests of the entire City, and not to allow one landowner's rights to take precedent over another.
- Q7. Even though we bought into a Golf Course Estate and 200 homes are immediately surrounding that golf course, and 700 odd are in the estate and have purchased into a Golf Course Estate?
- A7. The Chief Built and Natural environment reiterated his previous response that an Elected Members' role is to objectively determine what is in the best interests of the entire City.
- Q8. Is City of Cockburn aware that the residents of Glen Iris Golf Course Estate, who paid premium prices to live in a golf course estate, are vehemently against the proposed foolishness to infill the City of Cockburn's only golf course in its municipality of approximately 120k of residents?

A8. The Chief Built and Natural Environment advised as there is currently no application lodged with the City for the redevelopment of the former Glen Iris Golf Course, there has been no opportunity for residents to objectively assess whether they support or oppose a redevelopment of the area.

Should such an application be lodged, the statutory rezoning process will allow residents the opportunity to examine what is being proposed and provide their feedback to the City.

Q9. Is City of Cockburn aware that the Glen Iris Golf Course is an important ecological green corridor for two species of the federally protected black cockatoos and also the priority four species quenda?

A9. The Chief Built and Natural Environment advised the foraging area for the black cockatoos is fairly extensive and covers most of the Swan Coastal Plain. The black cockatoos primarily feed in Banksia woodlands and pine plantations.

Only a small area in the southern section of the former Glen Iris Golf Course, around and including Capricorn Park, and an area along Imlah Court, are identified as part of a local ecological corridor.

Any application, when such an application is lodged, would need to demonstrate to the City and the DBCA what measures would be put in place to protect or relocate any native fauna, including priority fauna.

Q10. So 2ha of quality banksia bushland isn't that important to the City of Cockburn?

A10. The Chief Built and Natural Environment reiterated that there is currently no application before Council, however if an application is lodged it would need to provide sufficient details in their application for Council to assess and determine what impact it would have and whether that was in compliance with state and federal requirements.

Leanne Chaproniere, Jandakot made the following statement:

The Jandakot Residents and Ratepayers Association (JRRA) has over 500 fully paid up members, a Go Fund Me Page with over \$20,000.00 collected, and over the period of time from April 2019 until today, over 7,500 signatures to petitions to stop the rezoning of the lots that make up the Glen Iris Golf Course Estate.

We all know the property was purchased by a Development Company and is private property. We all know the land is Zoned Special Use 1 and no one has applied for any rezoning.

JRRA specifically asked the General Manager of the company who now owns the property why they would pay \$27M dollars to purchase land which is not zoned for residential and his answer was: 'because we know we can get that changed because its covered under Urban in the state planning'.

The residents should be entitled to complete transparency in relation to the materials presented.

All the unexpected outcomes are because the community is advised about the development only when it is too late. Developers and planners know the game is won in the pre-season lobbying and meetings.

As point of example the Glen Iris Golf Course Estate Concept Plan has only just been released by the Project Managers and it is quite clear and acknowledged by Council Officers and our CEO that they have been meeting for some time previous to this release. The Project Managers have all along stated they do not have any concepts to show but here we are.

Leanne Chaproniere, Jandakot put forward the following Motion:

Motion 1

Moved Leanne Chaproniere, Jandakot
Seconded Jeanette Smith, Jandakot

Elected Members of the City of Cockburn vote to retain the zoning of the Glen Iris Golf Course Estate as Special Use 1, as unanimously voted upon by your previous Elected Members.

Excerpt from City of Cockburn Town Planning Scheme, Table 8, Special Use Zones:
SU1 - Description of Land: Berrigan Drive, Jandakot, the Glen Iris Golf Course Estate.

Special Use: Golf Course Estate, Private Recreation, Hotel, Convention Centre and associated uses - means land used and designed for a golf course, integrated with residential development and associated commercial and community facilities.

Conditions: Structure Plan adopted to guide subdivision, land use and development – Glen Iris Golf Course Estate.

MOTION CARRIED

Leanne Chaproniere, Jandakot put forward the following motion:

Motion 2

Moved Leanne Chaproniere, Jandakot
Seconded Jeanette Mouttet, Jandakot

That the Council adheres to its own Policy:

“City of Cockburn Public Open Space Strategy 2014-2019 (5 year review) Version date 26/7/2019)

4.5 Responsible Management. Public Open Space (POS) can no longer be viewed in isolation, as more importance is being placed on the better integration of strategies and programs, partnerships and effective community involvement.

There is an increased understanding of the vital role of green infrastructure in providing environmental services such as urban cooling and habitat for wildlife.

This has now become a key part of urban planning and should be considered a fundamental factor in all built development.

A comprehensive open space strategy spanning the planning, design, management and maintenance of open spaces, is an essential tool for delivering this multi-functional network of spaces as well as the broader objectives of health, social inclusion and community cohesion.

In short, the creation of excellent spaces.”

MOTION CARRIED

Leanne Chaproniere, Coogee made the following statement:

The Greg Norman company being used by Council for the feasibility of the nine hole golf course at Coogee, I've had a telephone conversation with the Greg Norman Association who is doing this who said that the course at Coogee should have commenced several years ago.

They also stated that the \$4M in the budget will only cover consultants' costs and will not in any way pay for a new nine hole course. The cost of that 9 hole course will eventually be in the nature of \$28M which includes substantial ground works, design and amenities including club house and pro shop.

It is also well known a nine hole course does not meet the needs of golfer but only the wants of social members.

Use of that money is now better spent on a feasibility of a golf course that is already in existence and is shown in the past to be fit for purpose and able to show a profit immediately upon opening.

Leanne Chaproniere, Jandakot put forward the following motion:

MOTION 3

Moved Leanne Chaproniere, Jandakot
Seconded Dawn Needham, Jandakot

That the amount of \$50,000 in the past budget not yet used to investigate and report on the feasibility of a nine hole golf course at Coogee, be used to investigate and report on the feasibility and viability an 18 hole golf course in Jandakot.

MOTION CARRIED

Leanne Chaproniere, Jandakot made the following statement:

I use the words of Kerri Shannon, Mayor of the City of Cambridge, with her permission: "The community is not well informed about the amount of lobbying and courtesy meetings that occur pre lodgement by developers, planners and other consultants with local government. Often the result is largely assured because developers have obtained concessions or the exercise of discretion to remove issues that would detract from their planning proposal ahead of lodgement".

In recent NSW Independent Commission Against Corruption (ICAC) matter it was found that poor tone at the top had led to the pursuit of developer interest by some senior staff. In particular the commission noted the weak regulation of lobbying and meetings in local government.

The fix in WA is to introduce measures at all Councils to enhance transparency around meetings and lobbying of staff and Councillors (including by other Councillors).

Leanne Chaproniere, Jandakot put forward the following motion:

MOTION 4

Moved Leanne Chaproniere, Jandakot
Seconded Arie Hol, South Lake

That the City of Cockburn Elected Members and Council Officers report at each meeting on any meeting, whether verbal or written, formal or informal, with a developer, prospective developer or consultant of a developer, where a matter pertaining to any land or infrastructure, within the City could be bought before Council in the future and such record to be publicly available each month at the Council Office reception.

MOTION CARRIED

3. CLOSURE OF MEETING

The Deputy Mayor thanked all for their attendance and participation in the meeting, advised that active democracy is always welcome, and hoped that everyone in attendance felt like they had been heard.

Motions passed at this meeting will be presented to the next available Ordinary Council Meeting, which is September 2021.

Deputy Mayor Kirkwood closed the meeting at 9.40pm.