



**MINUTES OF COUNCIL MEETING
HELD ON 22 AUGUST 2000**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
22 AUGUST 2000

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr L A EWEN-CHAPPELL	Lakeside Ward	
Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	<i>from 1905 hrs</i>
Cr A T NIXON	North Coastal Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A A WALKER	Pinnaroo Ward	<i>Absent from 2000 hrs to 2012 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>from 1905 hrs;</i> <i>Absent from 2016 hrs to 2018 hrs</i>
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Director, Community Development:	C HALL
Executive Manager, Strategic Planning:	R FISCHER
Manager, Council Support Services:	M SMITH
Manager, Community & Health Services:	M BERESFORD
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

In Attendance

Ms Jan Sweeting President, P & C Association – Edgewater Primary School

The Mayor welcomed Ms Sweeting, President, P & C Association Edgewater Primary School, as this evening's invited guest.

Ms Sweeting advised Mayor Bombak had launched a number of initiatives at Edgewater Primary School including the Junior Ranger Program on the same day as Colin Barnett, Minister for Education launched the Education 2000 Program.

Ms Sweeting stated she was a member of the local Drug Action Group Management Committee along with Mayor Bombak. In addition to this, she held the position of Treasurer of the Joondalup local Drug Action Group.

She advised she undertook volunteer work in a number of capacities and was pleased to be in a position to do so.

Crs Magyar and Rowlands entered the Chamber, the time being 1905 hrs.

APOLOGIES AND LEAVE OF ABSENCE

Nil

Leave of Absence previously granted

Cr T Barnett	1 September 2000 – 9 October 2000 inclusive
C P Kadak	10 September 2000 – 13 October 2000 inclusive

There were 26 members of the Public and 2 members of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were submitted by Mr Vic Harman, Ocean Reef:

Q1 *What was the total cost incurred for accommodation, air fares and daily allowance on the occasion of the visit to Sinagra, Sorrento and Kastoria in 1990?*

A1 It should be recognised that this question relates to the former City of Wanneroo. The total cost of the trip inclusive of gifts was estimated to have cost \$60,843.

Q2 *What was the value of the gifts lost in transit?*

A2 Estimated cost was \$8,325.

The following questions were submitted by Mr David Davies, Connolly:

At the last Council Meeting on 8 August 2000, Mr Davies, Connolly Residents Association, stated that the answers provided to him in response to questions taken on notice, did not address the matters raised. Mr James Kirton met with Mr Davies on Tuesday 15 August 2000 to address his concerns. Mr Davies requested that the answers and explanations provided be also provided at the next Council meeting for the record. Mr Davies stated he provided the following questions at the meeting:

Discussions revolved around the response to Item CJ184–07/00.

Q1 I would like to ask why the Administration of the City of Joondalup has put this recommendation forward, when they are in the full knowledge that Connolly Resident's Association are in the middle of a needs survey which was requested by the Mayor.

A1 The answer provided previously is accurate, in that the original report was prepared prior to the meeting with the Association on 12 June 2000. The Ward Councillors requested that the report be put to Council. A decision on the matter was deferred by Council at the meeting pending the outcome of the needs survey being undertaken by the Residents Association.

Q2 I would like to ask the members of the Council "are they aware" the facts in the agenda for tonight's meeting at the best scenario, are mistaken or at worst a malicious attempt to further stall the people of Connolly.

A2 There is no attempt to stall the people of Connolly. Rather the City has attempted to assist the Residents Association to address the need for community facilities and recommended responsibly on the allocation of ratepayers' funds.

Q2(a) Yanchep Plan was only mentioned after Connolly Residents Association plan was given to the City. It was then priced and by the City to include such dubious things as parking for 30 vehicles, "this facility is in the middle of a deserted carpark".

A2(a) The City provided the Yanchep Community Centre plan as an option for the Residents Association to consider. The Residents Association submitted a plan, estimated to cost \$450,000. This exceeded the funds of \$200,000 the Association had received. The costing provided for car parking, as car parking provision is a planning requirement. It was also pointed out at the time that there may be a possibility of coming to some arrangement with the shopping centre on using existing parking. The Yanchep plan was provided for the Association's consideration as it was considered to be within the budget constraints and the building size was able to fit on the lot in question.

Q2(b) The City Administration we don't believe have ever tried seriously to assist the people of Connolly, except to assist it in spending a \$200,000 grant donated to the people of Connolly by the State Government. Even the original needs survey and later CRA plan and covering letter both delivered by hand to the City, were 'lost' by the Administration.

A2(b) As has been stated in the report the request for matching funding from the Association were not supported by Council (February 1999). On the basis of this resolution the Administration tried to assist the Residents Association by agreeing to prepare concept plans and a design brief to build a facility within the grants amount of \$200,000. Contrary to the Association's belief, the City had always clearly stated in correspondence that no matching funding would be provided for the facility.

Q2(c) *Australand and the Redevelopment of the Shopping Centre.*

Mr Davies stated he approached the City to hold the first meeting and asked how many meetings were held after that.

A2(c) To assist the Association, the City did contact Australand and a considerable amount of time and effort was made by the City in discussing possible options with Australand, for the development of a facility on at least three occasions. The City indicated it would adopt a flexible attitude to relocation of the Community Purposes site to allow for the best outcome possible. The City also contacted Caltex on the same matter but to no avail. The possible redevelopment of the shopping centre was also discussed with the Planning Department of the City. Australand ceased to pursue redevelopment of the centre apparently due to the reluctance by the strata title holders.

Q2(d) *Scout Group and Aged Persons Housing*

Some months ago the City appeared to give permission with certain conditions for the old Farmer Jacks supermarket to be used as a Church. The Church intends using the building for services, socials, dance and acting lessons, all involving people, music, and noise 7 days a week. This building is 50 metres nearer the aged persons housing than the proposed community facility.

A2(d) It was considered during the assessment that the site would not be suitable for a Scout group as they require a venue capable of active games and lighting outside the facility. The group also requires a large storage shed to accommodate its trailer and other storage needs.

In relation to the proposed Church, it is seeking development approval. The status of the Church's application is that it will undergo detailed processing after the close of advertising for public comment which closes on 25 August 2000.

Q2(e) *What have Family and Children's Services got to do with this project?*

A2(e) The Department for Family and Children's Services were approached as a possible agency to provide funding as the Connolly Residents Association advised the City the proposed facility would require child care facilities. The Department for Family and Children's Services advised the City that Connolly was not an area in need of a service. Also they advised there was an under utilisation of childcare facilities in the area, thus could not support a recommendation for further childcare facilities.

- Q2(f) Why weren't CRA invited to the meeting of 28 June 2000.*
- A2(f) As stated in the report, the meeting was to brief the Ward Councillors. Ward Councillors then held a meeting with the Association to discuss the matter.
- Q2(g) There is a suggestion of the redirection of monies to Currambine. This would of course save the City \$200,000 it would spend on Currambine. The money was granted to 'Connolly and should stay in Connolly'.*
- A2(g) How the \$200,000 grants is expended is the sole province of the Connolly Residents Association. The City does not claim to have any authority over this grant. The City is committed to funding the community centre at Currambine with the Department for Family and Children's Services. Should the Connolly Residents Association consider redirecting funding to this centre it would be in addition to the amount already budgeted by the City. The additional funds would be used to increase the size or for additional facilities.
- Q2(h) Are the Councillors aware of a 800 plus name petition requesting a community facility? The Administration have a copy.*
- A2(h) The petition referred to by the Resident's Association was not presented to the City. As previously stated a thorough search was made of records back to 1996 and no petition was received. Mr Davies advised on Tuesday 15 August 2000 that the petition was presented to Parliament and he thought a copy was provided to the Mayor at the time. The petition was in fact presented to the Legislative Council on 17 October 1996 by Hon P R Lightfoot. The number of signatures on the petition was 312 not the 800 plus as suggested by Mr Davies.
- Q2(i) Connolly is one of the few if not the only suburb within the City not to have a community facility.*
- A2(i) A number of suburbs do not have community facilities similar to that being sought by the Connolly Residents Association. These include Beldon, Marmion and Joondalup.
- Q2(j) With the procrastination of the Administration and the Commissioners, the existing \$200,000 has been eroded by 10% with inflation and 10% with GST, an amount totalling \$40,000. Add another \$40,000 from the Cities \$1 for \$1 funding means we are now out of buyer building power by \$80,000. Is the City prepared to have this shortfall made up by granting Connolly Community Facility Project \$280,000.*
- A2(j) Council in February 1999, clearly resolved not to provide matching funding. From the time of that decision the Administration has never given or conveyed otherwise to the Association that matching funding would be provided for the facility.

The following questions were submitted by Mr M Sideris, Mullaloo:

Q1 Can the Mayor please advise under what part of standing orders allows the CEO of the City of Joondalup to present a budget item before Council as a Late Item CEO Report, without the item being placed on the Council Meeting agenda?

A1 Clause 3.2 – “Order of Business” and Clause 3.11 – “Reports by the Chief Executive Officer” of the City’s current Standing Orders Local law allows for the CEO to prepare such reports that in his/her opinion require consideration by the Council. The Local Government Act 1995 also requires that the CEO is to ensure that advice and information is available to the Council so that informed decisions are made. Following the Special meeting of the Council held on 2 August 2000, as the matter relating to the security charge had not been carried by an absolute majority required by the Act, it was necessary for the matter to be presented to the Council again as the entire budget process required the Council to make a decision on the matter.

Q2 Why weren’t ratepayer given advice that an item of this importance, ie ratepayer raised revenue was to be presented before the Council?

A2 The CEO did advise at the Special Meeting of the Council held on 2 August 2000 that as the item relating to the security charge was not carried by an absolute majority decision of the Council as required by the Local Government Act, there would be the need for the Council to further consider the matter in order to finalise the adoption of the 2000/01 budget. The decision not to impose the security charge by the required majority was inconsistent with the earlier decision of the Council to adopt the budget through Item JSC4-08/00.

The agenda for the Council meeting held on Tuesday 8 August was issued at 5.00 pm on Wednesday 2 August, which was prior to the Special Council meeting. Copies of the late item were made available to members of the public prior to the commencement of the 8 August Council meeting.

Q3 Do the elected representatives have the same privileges as the CEO?

A3 In answering this question, it is assumed that Mr Sideris is referring to the ability of the CEO to submit late reports. The City’s current Standing Orders allows for elected members to submit Motions of Which Previous Notice has Been Given. This would then be listed on the agenda and duly discussed. It has been past practice that where there is a matter of urgency that it is felt that the Council should consider, a late report is generated through the same means under the “Report of the CEO”.

Q4 As a result of the recommendations for this item being passed at the last Council meeting, will there be any changes to the proposed security service details now made available to the public?

A4 The Council will be presented with a report outlining the model for the service for its consideration at the meeting of the Council to be held on 12 September 2000.

Q5 Has the Safer Community Program Surveillance Agreement – Specification been agreed to and signed off by Council?

A5 The City Watch Service Level Agreement has been viewed and discussed by the Council however the Council has not made a formal resolution on the Agreement at this point in time.

Q6 *If so, when did the elected representatives discuss and vote on this agreement.*

A6 Not applicable, refer to the above answer.

The following questions were submitted by Mr M Baird, Duncraig:

Q1 *The 2000/2001 Budget has earmarked \$603,200 in its Capital Works Expenditure for verge/median landscaping, including \$280,000 for Marmion Avenue between Beach and Warwick Roads:*

- *Does the Council realise that more is being spent on one and a half kilometres of Marmion Avenue than on the entire dry park development programme for this year, and does it approve?*
- *Given that in the 1997/1998 budget 15 dry parks were budgeted for development, and that the total number of dry parks developed after two further budgets (and a further \$750,000) stands at 18, doesn't the present Council feel that the balance between verge/median and dry park development should be redressed?*
- *Why is the major cost of bores for verge/median landscaping not coming from the verge/median budget, but rather from the much smaller dry park budget?*
- *So that the true ongoing cost of verge/median landscaping can be appreciated by the public, can the associated annual maintenance costs for this work be detailed for this year and previous years development?*

A1 The majority of these matters were considered by Council as part of its 2000/2001 budgetary deliberations. Notwithstanding this, the Dry Parks, Median and Verge Committee is currently reviewing the Dry Park, Median and Verge Development program and the Major Road Median and Verge Enhancement Works program, and a future strategy document will be developed that will revisit the issues you have raised. The ongoing cost of verge/median landscaping can be considered by the Committee as part of this exercise which can be made available to the public.

As such your queries will be reviewed by the Dry Parks, Median and Verge Committee and included in its overall deliberations as part of its Terms of Reference to review future directions of the enhancement programs for dry parks, medians and verges.

Q2 *The Dry Park and Median/Verge Committee met in camera on the 9 August 2000. Part 3 of the Motion establishing this committee states that "the Dry Parks Median and Verge Committee assess each application for funding on its merits and make its decision in consultation with the general public."*

When is this committee going to meet its obligation to consult with the public?

Q3 Part 2 of the Motion establishing the Dry Park and Median/Verge Committee states that it will “administer the implementation and application of the criteria”

- Why is Wanbrow Park allocated \$47,200 for a bore and reticulation when it was rated a priority 3 in the original 1997 rankings and remains still a .4 hectare area, accessible only by two laneways, and surrounded by super 6 fencing, without any play equipment and only 100 metres from the fully reticulated and serviced Marri Reserve?*
- Development of Cinq Ports Park was justified by the administration as deserving a high priority because it could be linked to Larkspur Park, i.e. with a common bore (CJ124-05/00). Yet both parks are documented as costed for a bore each. Is the Committee going to tolerate this blatant deception and bastardising of the criteria?*
- Why is the unwritten and unofficial criteria of “proximity to a major arterial road” continuing to be allowed to operate in the selection of dry parks for development?*

A2 & 3 The Committee will consult with each individual applicant subject to an application be submitted. It is assumed that Mr Baird's question relates to his application submitted recently to the Committee questioning the validity of the Dry Parks Development program in relation to the community needs and demands. It was determined at the most recent meeting held on 15th August 2000, that the Committee invite Mr Baird to meet with the Committee to present his views and discuss with him the issues that he has raised.

An invitation has been sent to Mr Baird to meet with the Committee on Tuesday 29th August 2000, at 6pm in Conference Room 3 in the Council Chamber building.

The items raised in question three follow the same issues of concern that Mr Baird has raised in a recent application to the Dry Parks, Median and Verge Committee and will be referred to that Committee for its consideration and scheduled meeting with Mr Baird on the 29th August 2000.

Q4 On the day the Council voted on the Budget, Joondalup and Woodvale libraries didn't have a copy, and Duncraig had received a copy at 5.30pm the previous evening without displaying it until days later. Does the Council feel that the availability of this year's Budget documentation meets those elusive guiding principles of “effective two-way communication with the community, with opportunities for the community to participate in Council planning and decision making”?

A4 The advertisement calling a Special Meeting of Council on 2 August 2000 was lodged in the Joondalup Community Newspaper on Thursday 27 July 2000 and in the Wanneroo Community Newspaper on Tuesday 1 August 2000. This advertisement clearly stated that persons requiring documentation should contact the City. Several ratepayers did make contact and picked up the relevant documentation. On Friday 28 July 2000 the relevant paperwork was distributed to Councillors and the Joondalup library. The Woodvale and Sorrento/Duncraig library received their copies on Tuesday 1 August.

It is to be recognised that the Mayor mentioned on several occasions at the Ordinary Council meetings leading up to budget adoption that Councillors were meeting at Budget Workshop sessions to discuss the 2000/01 Budget.

The 2000/01 Budget Meeting was the most well attended budget meeting in recent years.

The Council's Principal Activities Plan giving details of all major capital works was advertised for public comment on 24 & 25 May 2000 (Wanneroo Community Newspaper) and 27 May 2000 (West Australian). Public comment closed on 4 July 2000 with it being open for comment for 42 days. The Principal Activities Plan provided details of where the verge, median and park upgrades were occurring on a suburb basis.

The following questions were submitted by Mrs S Magyar, Heathridge:

At the Special Meeting of Council for the Budget on 2 August 2000, Cr Steve Magyar asked if Item 8 of that night referred to the allocation of \$280,000 for the reticulation of the median strip and verges of Marmion Avenue, between Beach Road and Warwick Road, and an allocation of \$220,000 for the reticulation of verges and median strips in as yet not specified areas in the City of Joondalup:

Q1 Can the Council explain when did Council formally resolve to consider to include these large allocations of ratepayers' money for these projects in the draft 2000/01 budget?

A1 Council formally resolved to adopt the Major Road Median and Verge Enhancement Works program, which includes the projects outlined in this question, at its Special Meeting of Council held on Wednesday 2 August 2000.

Q2 Can Council explain what the social, economic or environmental benefits of these projects are to the ratepayers of the City of Joondalup?

A2 This is a matter for each individual elected member to consider when determining what the community expectations, needs and demands are in relation to all programs that are considered as part of the budget process.

Q3 Does the Council consider these allocations of ratepayers' money for reticulation of main roads to be a wiser use of ratepayers' money than providing funding for a creche worker at the Granny Spiers Community House, and other services that help and support families?

A3 That is a matter for Council to determine as part of its budgetary deliberations.

Mr Roy Phillips, Currambine:

Q1 I refer to Council's endorsement of CJ169-08/00 at the 8 August Council meeting, recommending that two Councillors attend the Australian Centre for Regional and Local Government Studies, Course No 55 from 18 to 22 September 2000, in Canberra.

- (a) *What will the \$90 daily allowance payable to each elected members be used for, considering that all air fares, registration, meals and accommodation are being paid for by the City of Joondalup?*
- (b) *Will it be necessary for the elected members on their return to provide itemised receipts of any purchases made, and will it be necessary for elected members to return any part of the allowance which has not been expended?*

A1 *Response by Chief Executive Officer:* The \$90 is an allowance paid for incidental expenses. An example of incidental expenses would be taxi fares or any other costs which can be justified as part of the expenses of attending a seminar or conference. Each item must be acquitted and suitable documentation presented to the Council and any money not expended must be returned.

Mr M Sideris, Mullaloo:

Q1 *With reference to the response given tonight by the Chief Executive Officer to my Question 1, can you advise me of the relevant section of the Local Government Act to which reference is made.*

A1 This question was taken on notice.

Q2 *Can the Chief Executive Officer please advise me, or provide me with a copy of the minutes that clearly indicate where in the Council deliberations he indicated that the item had to come back, as advised in answer to my Question 2.*

A2 *Response by Chief Executive Officer:* Page 24 of the minutes of the Special Council meeting held on 2 August 2000: Item JSC27-08/00 states: “Following a query from Cr Mackintosh, the Chief Executive Officer advised that this matter will have to be referred back and given further consideration by the Council”.

Q3 *Will the details of the proposal for 12 September, dealing with the initiatives associated with the service agreement, be widely publicised?*

A3 *Response by Chief Executive Officer:* I assume this refers to the answer given earlier, that the matter will come forward for Council’s consideration. A report is being prepared for presentation to the Briefing Session scheduled for Tuesday 5 September, and subject to the elected members being satisfied, this report will be presented to Council for consideration. That will be the finalisation of the model as to how the security initiatives for this year will be undertaken.

Q4 *In the agreement forwarded to me, I notice reference to the various precincts and various services to be provided to those precincts as part of the security programme. I do not see any details associated with the security service to the Joondalup CBD area. Can I be provided with copies of those, as I believe this would be one service agreement dealing with all those initiatives?*

A4 *Response by Chief Executive Officer:* There is a dedicated service proposed for the CBD and that information will become public as part of the proposal to come forward at the next Briefing Session.

Q5 To date we do not have a full set of documentation available to the public. When will Council make that information available, prior to the Briefing Session, so that it can be evaluated?

A5 Response by Chief Executive Officer: The Council has not finalised its option at this stage. Once finalised, you will be able to have access to full documentation. I will discuss your requirements with you after the meeting and explain the proposals for the CBD.

Q6 Within the service agreement I see various initiatives, but no performance indicators or targets that would allow the ratepayers to judge that the service provided is cost-effective and meets the requirements. Will that be included in these deliberations?

A6 Response by Chief Executive Officer: Council has resolved to reassess the service at the end of the financial year as to its future. There will be quite sophisticated methods used to measure its success and the Council will require to be provided with that information.

Q7 Will the service agreement be tested on the open market to see if it is cost-effective as I believe one of the statements calls for it to be cost-effective?

A7 Response by Mayor Bombak: As pointed out by the Chief Executive Officer, no model has been entertained by Council at this stage and I invite you to attend the Briefing Session on 5 September. An agenda will be made available for that meeting.

Mrs M Zakrevsky, Mullaloo:

Q1 In February this year, Council advertised for environmental groups to submit application for grants. Our group was advised in April that its application had been successful however the funds have not been provided at this stage; has our group been overlooked?

A1 Response by Executive Manager, Strategic Planning: I will speak to Mrs Zakrevsky after the meeting as I understood the funds have already been forwarded.

Mr M Baird, Duncraig:

Q1 Can Council review the answers given to my questions, and provide these answers in a public arena, rather than at a Committee meeting which is not open to the public.

A1 Response by Mayor Bombak: An extensive response was given to the questions raised by you. If you provide details of your concerns, these will be addressed by the appropriate officer.

Response by Director Infrastructure Management: The minutes of the Committee will be presented to Council, therefore in due course any information which is presented to the Committee will be made available to the Council.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Cr Rowlands declared a financial interest in Item CJ213-08/00 as this involved reimbursement of expenses he had incurred.

Cr Walker declared a non-financial interest in Item CJ217-08/00 as on occasions her child had been cared for at the Whitfords Child Care Centre.

CONFIRMATION OF MINUTES

C48-08/00 MINUTES OF COUNCIL MEETING – 8 AUGUST 2000

MOVED Cr Magyar, SECONDED Cr Nixon that the Minutes of the Council Meeting held on 8 August 2000, be confirmed as a true and correct record subject to the following inclusion:

“Item C45-08/00 – Minutes of Special Council Meeting – 2 August 2000 to include that Cr Magyar twice raised a Point of Order that the statement by Cr Wight regarding Deputy Mayor Cr Carlos’s statement regarding the Budget were contrary to Clause 3.5 of Standing Orders.”

Chief Executive Officer referred to Clause 3.5 – Minutes of Standing Orders and Section 5.22 Admin Reg. 11 of the Local Government Act 1995 which deals with Confirmation of Minutes and advised that this inclusion was in order.

The Motion was Put and

CARRIED

MOVED Cr Magyar, SECONDED Cr Nixon that the Minutes of the Council Meeting held on 8 August 2000, be confirmed as a true and correct record subject to the following inclusion:

“CJ202-08/00 – Granny Spiers Community House – Application for Financial Assistance for Creche Worker to include that Cr Magyar raised a Point of Order that Cr Patterson’s remarks that “Councillors who supported funding of Granny Spiers were hypocrites” was reflecting adversely on members of Council. Cr Magyar requested that Cr Patterson withdraw and apologise. Cr Patterson refused to do so. This to be recorded in the Minutes before Meeting to Adjourn.”

Mayor Bombak made reference to a transcript circulated to elected members of the events which occurred at the Council Meeting held on 8 August 2000 and requested that elected members give this matter careful consideration.

Discussion ensued.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Walker, Carlos, Magyar and Nixon

Against the Motion: Mayor Bombak, Crs Kadak, Ewen-Chappell, Hollywood, Rowlands, Barnett, Wight, Patterson, Kenworthy, Hurst, and Mackintosh.

Cr Walker left the Chamber, the time being 2000 hrs.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

INVITATION ART AWARD

The City's 2000 Invitation Art Award will be officially opened on Monday, 4 September 2000 at Lakeside Shopping City, with the exhibition open to the public from 5 – 16 September 2000.

The Hon Mike Board, Minister for the Arts, will announce the winner.

There are 34 artists participating and the winning artwork will be added to the City's art collection.

PERTH URBAN RAIL DEVELOPMENT

The Executive Manager Strategic Planning, Ray Fischer recently attended a meeting on the urban rail development project.

Two major extensions are proposed, north from Currambine to Clarkson/Butler and south from Cannington to Mandurah.

Included in the northern extension is a new station at Greenwood and the realignment of the Currambine station. This work, including the extension to Clarkson, is scheduled to be completed by September 2003.

The City will be kept informed of the progress and issues as the project develops.

WHITFORD CITY SHOPPING CENTRE

An application for planning approval has been received for amendments to the major alterations and additions approved by Council in December 1999. It includes moving some of the proposed car parking areas and floorspace.

Advertising of the application commenced on Friday, 18 August 2000 for 21 days.

Public submissions close on 8 September 2000.

YOUTH AND PUBLIC OPEN SPACE

Crs Kadak, Hollywood, Hurst and Wight attended a focus group which centred on youth and public open space which will help the City formulate a policy on this issue.

The forum was held at the Woodvale Community Centre on Wednesday, 16 August 2000.

The theme that seems to be emerging from the focus groups is that very local strategies are going to be most effective.

BUDGET ADOPTION

Following adoption of the City's budget, it is now time for us to settle down to the important task of deciding how its different elements are to be implemented, so as to achieve the best results for our City and our residents.

Council's internal Audit Committee has already held one meeting and the budget matters raised by Cr Carlos have already been discussed. They will continue to be analysed in some detail.

We have vigorously discussed many aspects of the budget, including the security charge which has been agreed on by Council.

It is now up to us to put our differences aside and come up with the best safety and security model to suit the City of Joondalup. Working together is in all our best interests and those of our residents.

I therefore call upon all Councillors to put the image of this Council before any personal vendettas or selfish gains to demonstrate to the community that we can work together in a professional manner to achieve the best results for our community.

PETITIONS

Nil

POLICY

Cr Walker entered the Chamber, the time being 2012 hrs.

CJ210 – 08/00 PROVISION OF INFORMATION TO ELECTED MEMBERS AND THE PUBLIC - [27174]

WARD - All

CJ000815_BRF.DOC:ITEM 1

SUMMARY

This paper outlines the guidelines for provision of information to the public, elected members and officers of the City. In accordance with the Freedom of Information Act 1992 and the

Local Government Act 1995 requests for information should be received by local government officers during office hours. Documents should only be released when the request conforms with the published Information Statement or where an elected member can demonstrate to the Chief Executive Officer it is relevant to their role.

BACKGROUND

There has been recent occasions where an elected member or group of elected members have sought access to certain information which may be regarded as outside their role and function as an elected member. This report proposes that the Council adopts a policy on the providing of information to elected members.

DETAILS

The Freedom of Information (FOI) Act 1992 requires the City to publish and make available to the public an Information Statement. This statement sets out what documents are available to the public, at what cost and the manner by which they may be obtained.

The Local Government Act, 1995, (the Act) details what pieces of information that a local government is to provide to the members of the public. Copy of the relevant sections are attached. Such sections have been included in the Act following its intent for local governments to be open and accountable. The Act does prescribe that there are certain matters that may be dealt with behind closed doors, and information pertaining to these matters are not available to the public and are for elected members benefit as part of the decision making process.

Section 5.92 of the Act allows Council and committee members to have access to information which is additional to those rights given to the general public. This section relates to, but does not limit, all written contracts entered into by the local government and all documents relating to written contracts proposed to be entered into by the local government. Section 5.92 of the Act does not, however, give an elected member unlimited access to information held by the local government.

Subsection (1) of that section of the Act provides access to any information held by the City that is relevant to the performance by the person of any of his or her functions under this Act or any other written law. This section of the Act implies that where a member requires access to information that is not normally available to them, they must demonstrate that the information sought is relevant to the performance of their function under written law. The term 'function' is defined in section 5 of the Interpretation Act to include powers, duties, responsibilities, authorities and jurisdictions. Accordingly, it is necessary to ascertain whether each request for information is relevant to the performance of some function under written law. The Chief Executive Office has the discretion to release information where it is considered appropriate.

Section 5.93 of the Act imposes significant penalties (\$10,000 or two years imprisonment) on any member of the Council or a committee or an employee who makes improper use of information to gain an advantage for themselves or any other person or cause detriment to the City or another person.

For example, any elected member seeking access to a petition, which has been presented to the Council, would be required to state how the information in the petition relates to the performance of any of the members functions under written law. If the member sought the information to contact the signatories in order to elicit their assistance in an election campaign, this would be considered a function of that member, and access to the information would be denied.

Where access to information is sought by elected members the following must be taken into account:

Commercial Confidentiality

The FOI Act 1992 restricts access to documents that contain information relating to a third person who is not the applicant:

- information concerning the trade secrets;
- information (other than trade secrets) that has a commercial value to; or
- any other information concerning the business, professional, commercial or financial affairs.

Such conditions generally relate to tender documentation and contracts. This does not restrict members under Section 5.94 of the Act, but members who have access to such information should treat it with the level of confidentiality that is required.

Law of Defamation

Defamation is the aspect of the law which protects people's reputations. It may be divided into libel, which relates to written or pictorial material, and slander, which relates to verbal comments. Defamation can be defined as anything which tends to damage a person's reputation in the estimation of members of society.

The law recognises that persons who are members of a Council have a right and duty to express themselves openly and freely at Council meetings.

In recognition of that public responsibility the law provides Council members with 'qualified privilege'. A council member can only rely on the defense of 'qualified privilege' whilst properly discharging his or her duties, and doing so in the public interest.

In order to maintain the qualified privilege, a Council member should ensure that any comments made are pertinent to the business of the City and they are not made maliciously or without due regard to whether they represent the truth.

Where an elected member does not properly discharge their duties, they may be liable for defamation action, and the professional insurance cover that the City has for its elected members would not cover the individual members action. The member would then be personally liable for their actions.

Legal Opinions

There are occasions during the operations of the City where legal opinions may be obtained to clarify the legality of certain matters before the Council. Where the legal opinion is required to form part of a report to the Council, it is normally included in a summary form, which enables members to make informed decisions.

Legal opinions are the property of the council, and may be required for litigation purposes. Restricted access for confidentiality reasons may be applied.

Financial Interests

The Act requires members to declare to a meeting at which a matter is to be discussed where they may have a financial interest. Where financial interests are not disclosed, substantial penalties may apply.

The recently conducted inquiry into the City of Cockburn recommended where members who have an interest in a matter before the local government, should in relation to that matter:

- be restricted in their access to the local government's employees or elected members;
- have no greater right than a member of the public to obtain access to documents, or to use the resources of the local government.

Even though a Council member may declare a financial interest in a matter, leave the Chamber and take no active role in the voting process, they still have access to any legal advice or proposed strategy that may be put forward to progress the matter. It may therefore be agreed that they may be able to take action to effectively negate the Council's strategy.

COMMENT/FUNDING

This report on the proposed policy is by no means an attempt to withhold access to information by elected members when shown to be required for the correct purpose and relevant to their performance as an elected member. The intent of the Act to be open and accountable is fully supported. The policy and report is an attempt to ensure that elected members are aware of their access rights to information, and improper use of such rights may incur penalties under the Act. It is also in an effort to protect abuse of the access to information by the receiver and establish a process for access to such information.

The proposed policy does not override the rights to information by the public as prescribed by the Act.

Access may be given to all documents listed in the published Information Statement, free of cost or at the prescribed fee. Documents outside of the scope of the Information Statement are covered under the Freedom of Information Act 1992. The Freedom of Information Act 1992, gives people a right to apply for access to documents held by agencies. This right is not affected by any reasons the person has for wishing to obtain access or the agency's belief as to what the person's reasons are for applying. The objects of the Legislation are achieved by creating a general right of access to state and local government documents and requiring agencies to assist the public to obtain access to the documents at no cost or the lowest reasonable cost.

MOVED Cr Hurst, SECONDED Cr Barnett that Council **ADOPTS** the following policy relating to provision of information:

OBJECTIVE

The policy sets the guidelines for provision of information to the public, elected members and officers of the City. In accordance with the Freedom of Information Act 1992 and the Local Government Act 1995 requests for information should be received by local government officers during office hours. Documents should only be released when the request conforms with the published Information Statement and under the guidance of the Freedom of Information Co-ordinator.

STATEMENT

In accordance with the Freedom of Information Act 1992 and Local Government Act 1995, the City will release copies or allow viewing on request to documents under its control by members of the public who make application for such information in accordance with the current Information Statement.

Elected Members who desire to view records outside those records detailed within the Local Government Act 1995 and the Information Statement must demonstrate to the Chief Executive officer that it is relevant to their performance as an elected member (Section 5.92 LG Act 1995).

When demonstrating the relevance to the information an elected member must make application to the Chief Executive Officer. When determining the level of access, the Chief Executive Officer may:

- allow the member to view the document only with an officer present to assist in interpretation;
- grant access to the information via an edited document;
- be in the best interest to provide access to all elected members in either a full or edited format;
- be released to elected member(s) under a confidential restriction means.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Nixon that the following paragraphs be included at the end of the proposed motion:

“Where an elected member is dissatisfied with the level of information provided by the Chief Executive Officer under this policy, the elected member may request the Mayor to liaise with the Chief Executive Officer to obtain better access to the information requested.

Nothing in this policy prevents an elected member from giving Notice of Motion of which previous Notice has been given which includes instructions to the Chief Executive Officer to produce documents at a meeting of Council where the Council deems the production of such documents relevant to the performance of the functions of the Council under the Local Government Act 1995 or any other law.”

Discussion ensued. Concerns were raised in relation to the effect of this policy and the proposed amendments. Following a suggestion that the matter be deferred and referred back for further consideration, the original motion and the amendment were not pursued.

MOVED Cr Wight, SECONDED Cr Patterson the matter pertaining to provision of information to elected members and the public be DEFERRED to a future Briefing Session.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf220800.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT

CJ211 – 08/00 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL – [15876]

WARD - All

CJ000815_BRF.DOC:ITEM 2

SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 22.06.00 to 02.08.00:

Document:	Withdrawal of Caveat
Parties:	City of Joondalup, Australand Holdings and Kyne Holdings P/L
Description:	Lot 200 Grand Boulevard, Joondalup
Date:	22.06.00
Document:	Funding Agreement
Parties:	City of Joondalup and Health Department of Western Australia
Description:	Recipient created tax invoice arrangements
Date:	27.06.00
Document:	Variation of Lease
Parties:	City of Joondalup, Mindarie Regional Council, Cities of Perth, Stirling and Wanneroo
Description:	Mindarie Regional Council
Date:	28.06.00

- Document: Copyright Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Local Studies
Date: 03.07.00
- Document: Withdrawal of Caveat
Parties: City of Joondalup and LandCorp
Description: Lot 601, 40 The Esplanade
Date: 03.07.00
- Document: Contract Agreement
Parties: City of Joondalup and Deloitte Touche Tomatsu
Description: Audit Services – 096-99/00
Date: 05.07.00
- Document: Copyright Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Local Studies
Date: 06.07.00
- Document: Withdrawal of Caveat
Parties: City of Joondalup and LandCorp
Description: Lot 601, Dia 97196
Date: 06.07.00
- Document: Copyright Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Local Studies – Oral History - Henderson
Date: 12.07.00
- Document: Copyright Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Local Studies – Oral History - Harris
Date: 14.07.00
- Document: Service Agreement
Parties: City of Joondalup and Department Family and Community Services
Description: Extension of Agreement – Joondalup Youth
Date: 24.07.00
- Document: Conveyance Document
Parties: City of Joondalup and City of Wanneroo
Description: Lot 17 Tamala Park
Date: 26.07.00
- Document: Copyright Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Local Studies – Oral History – A Hine
Date: 01.08.00

Document: Withdrawal of Caveat
Parties: City of Joondalup and Woodvale Shopping Centre
Description: Rectify an Anomaly – Lot 24
Date: 02.08.00

MOVED Cr Nixon, SECONDED Cr Kadak that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

The Motion was Put and

CARRIED

CJ212 – 08/00 VACANCIES - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION – VARIOUS COMMITTEES [02011]

WARD – All

CJ000815_BRF.DOC:ITEM 3

SUMMARY

The Western Australian Municipal Association (WAMA) has invited member Council to submit nominations to various committees.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

DETAILS

The Western Australian Municipal Association has invited member Council to submit nominations to the following committees:

- WA Tourism Commission – Visitor Servicing Reference Group
- State Tourism Council
- Forest Health Advisory Committee
- 2001 International Year of Volunteers Committee

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

1 4 WAMA MEMBERS – WA TOURISM COMMISSION VISITOR SERVICING REFERENCE GROUP

Nominations are invited from elected members or serving officers experienced in or with a knowledge/interest in tourism matters. Ideally representatives would include persons working in tourism within their local governments.

The objective of the Group will be to ensure that the WA Tourism Commission receives through its members, relevant industry advice and input into the Commission's programs and decision making processes in relation to both domestic and international visitor servicing so as to improve the likelihood of travelling to and within WA, and to encourage visitors to increase their length of stay in order to maximise the economic benefits to WA.

The term will commence upon appointment as follows:

- 2 members - upon commencement to 30 June 2001
- 2 members - upon commencement to 30 June 2002

Meetings will be held quarterly (day and time yet to be set). Meetings will run for approximately 2 – 2 ½ hours and will be held at WA Tourism Commission, 16 St George's Terrace, Perth.

Reasonable expenses will be reimbursed.

The Group will comprise the following representatives:

- National Advisory Council member (chairperson);
- 4 persons as nominated by the WA Municipal Association;
- 7 persons as nominated by the Visitor Centres in WA;
- Manager Visitor Servicing WA, responsible for the WA Tourism Commission's visitor servicing function.

Nominations for this vacancy close 7 September 2000 at 4.00 pm.

2 STATE TOURISM COUNCIL

Nominations are invited from elected members or serving officers experienced in or with a knowledge/interest in tourism matters.

The Council was convened by the Minister for Tourism in 1996. The Council is a National organisation, with branches in all states and territories and is an acknowledged peak body and the official industry voice of tourism. The National body centres its attention on issues that affect the tourism industry Australia wide. These include such matters as visas, bed tax and export grants. Policy for the National body is formulated by a Council comprising leaders from around the country.

The term will commence upon appointment for a period of two years. **Meetings are held as required**, but generally quarterly and are based around tourism industry events. Day and time of meetings is set as required. Meetings are for a duration of two hours, generally held in the CBD, but also subject to location of tourism industry events.

There is no meeting fee payable and travel reimbursement is not available.

The Council is comprised of the heads of a range of organisations and the Council also maintains a Board of 12 persons elected by membership. The Board oversees the administration of the State Branch and implements policy passed down by the Council. Board members are shown by an asterisk [*] after their names.

- Aboriginal Affairs Department
- Airlink *
- Arts WA
- Asphar Hospitality *
- Australian Farm & Country Tourism
- Australian Federation of Travel Agents
- Association of Perth Attractions
- Backpacking Industry Group
- Burswood Resort Hotel *
- Department of Conservation & Land Management
- Catering Institute of Australia
- Council of Australian Tourism Students
- Country Tourism Association of WA *
- Edward J Watling & Associates *
- Federal Airports Corporation
- Forum Advertising Cultural & Eco Tourism
- Fremantle Tourism Association
- Gascoyne Tourism Association
- Goldfields Travel Association
- Heartlands Tourism Association
- Hospitality & Tourism Industry Training Council
- Independent Wedding Professionals
- Joondalup Resort Hotel *
- Kimberley Tourism Association
- Meetings Industry Association
- Midlands Regional Travel Association
- Midwest Tourism Promotions
- Mount Street Inn *
- Pastoralists & Graziers Association of WA
- Pacific Asia Travel Association
- Peel Region Tourism Association
- Perth City Council
- Perth Convention Bureau
- Phillips Fox Solicitors *
- Pinnacle Tours & Pathfinders *
- Property Council of Australia
- Pilbara Tourism Association
- Ray Bird & Associates *
- Restaurant & Caterers Association *
- Royal Automobile Club
- Southern Regional Tourism Association
- South East Travel Association
- Swan Valley Tourism Council
- Taxi Industry Board
- Tour Guides Association of WA
- Tourism Council Australia WA *
- Tourism Retailers Association
- Tourism South West
- Trades & Labour Council of WA
- WA Hotels & Hospitality Association
- WA Caravan Parks & Trades Association
- WA Sport & Recreation Council
- WA Tourism Commission
- WA Bus & Coach Association
- WA Council of Retail Association
- WA Municipal Association
- WA Inbound Tour Operators Association
- Young Australian Tourism Association

Nominations for this vacancy close 7 September 2000 at 4.00 pm.

3 WAMA MEMBER – FOREST HEALTH ADVISORY COMMITTEE

Nominations are invited from elected members or serving officers experienced in or with a knowledge/interest in forest management, particularly as it relates to incursions by exotic pests.

The Committee will:

- Advise the Minister responsible for forestry on matters pertaining to forest health, especially those regarding invertebrate pests and pathogens of forests and forest products, and specifically:
 - On measures to reduce the risk of exotic pests and pathogens entering Australia;
 - On measures, such as pest detection surveys and incursion management plans, to ensure early detection of pests and rapid concomitant action;
 - Interstate quarantine issues.

- Devise equitable arrangements for the funding of forest health protection measures such as pest detection surveys and eradication of new incursions.
- Liaise with interested groups represented and exchange information on forest health matters.

The term will commence upon appointment for a period of two years. The Committee recently convened as a result of the Standing Committee for Forestry adopting the Generic Incursion Management Plan to apply in the event of an incursion of an exotic pest to Australia.

Meetings will be quarterly, (day to be set) commencing at 10.00 am. Meetings run for two hours and are held at CALM Operations Headquarters, Hayman Road, Kensington.

There is no meeting fee payable for this appointment.

The Committee will comprise the following representatives:

- CALM (4 Metro and 4 Non-metro representatives);
- Agriculture Western Australia;
- APT Forests Ltd
- Department of Environmental Protection;
- Great Southern Plantations Ltd;
- Nursery Industry Association;
- WA Municipal Association;
- Timber importer representation.

Nominations for this vacancy close 7 September 2000 at 4.00 pm.

4 WAMA MEMBER – 2001 INTERNATIONAL YEAR OF VOLUNTEERS COMMITTEE

Nominations are invited from elected members or serving officers experienced in or with a knowledge/interest in volunteer issues.

The Committee will:

- Create awareness of the International Year of Volunteers across Western Australia;
- Support the secretariat in the implementation of strategies as determined by the Steering Committee to achieve the essential and desired outcomes of the International Year of Volunteers in WA, which are as follows:
 - Promote and expand volunteering in Western Australia;
 - Strengthen the relationship between the State, community and market sectors;
 - Improve the access of all people in Western Australia to volunteering opportunities;
 - Recognise and celebrate volunteering.

- Make recommendations to the Board of Volunteering Western Australia in relation to development of legacies for the future of volunteering in WA.

This Committee has recently been convened by the Ministry of Premier and Cabinet. The term commences upon appointment, for a period of 15 months from August 2000.

Meetings are held on a needs basis – two meetings are planned between September and December 2000, and in 2001 meetings should occur each 3-4 months. Meeting day and time yet to be set. Meetings run for two hours and are held at Volunteering Western Australia, City West Lotteries House, 2 Delhi Street, West Perth.

No meeting fee is payable, but reimbursement of travel expenses may be possible.

The Committee membership will comprise the following representatives:

- Family & Children's Services (State);
- Family & Community Services (Commonwealth);
- FESA;
- Ministry of Premier & Cabinet;
- National Trust of WA;
- Volunteering Western Australia;
- WA Municipal Association;
- WA Sports Federation;
- WACOS;
- WACSO.

Nominations for this vacancy close 7 September 2000 at 4.00 pm.

MOVED Cr Nixon, SECONDED Cr Rowlands that Council NOMINATES for consideration of appointment as Western Australian Municipal Association representatives the following elected members:

- 1 Crs Kadak, Mackintosh and Kenworthy to the WA Tourism Commission Visitor Servicing Reference Group;**
- 2 Cr Kadak to the State Tourism Council.**

The Motion was Put and

CARRIED

Cr Rowlands declared a financial interest in Item CJ213-08/00 as this involved reimbursement of expenses he had incurred.

Cr Rowlands left the Chamber, the time being 2016 hrs.

CJ213 – 08/00 REIMBURSEMENT OF EXPENSES - COUNCILLOR P ROWLANDS – [44688]**WARD - All**

CJ000815_BRF.DOC:ITEM 4

SUMMARY

The City's policy 2.2.12 Members of Council – Reimbursement of Expenses, provides for the reimbursement of expenses incurred by Elected Members while performing their duties.

The policy states that Elected Members must submit an appropriate claim form within two months of the expenses being incurred. Expenses not claimed within the two months of being incurred or falling due shall be deemed forfeited.

Councillor P Rowlands submitted a claim for the reimbursement of travel expenses on the 2 August 2000 for travel from 2 February 2000 to 29 July 2000.

In accordance with policy 2.2.12, Councillor Rowland's travel claim from 6 June 2000 to 29 July 2000 totalling \$236.20 has been approved for payment.

It is recommended that Council approves the reimbursement of Cr Rowland's travel claim from 2 February 2000 to 31 May 2000 totaling \$367.68.

DETAILS

The Local Government (Administration) Regulations 1996 prescribes that Elected Members must be reimbursed for travel undertaken when attending a Council or Committee meeting. The Administration Regulations also make allowance for a local government to reimburse members for expenses incurred whilst performing a function in his or her capacity as a council member.

Accordingly, the Council adopted policy 2.2.12 Members of Council – Reimbursement of Expenses. Policy 2.2.12 provides for the reimbursement of expenses incurred by Elected Members while performing their duties.

Policy 2.2.12, provides for the reimbursement of travel expenses incurred by an Elected Member while performing his or her duties. The rate at which Elected Members are reimbursed is detailed in the Local Government Officer's Award.

Policy 2.2.12 states:

'Elected Members electing to receive reimbursement of expenses in accordance with the provisions of this policy shall submit the appropriate claim form, together with supporting documentation, within two months of those expenses being incurred.. Expenses not claimed within two months of being incurred or falling due shall be deemed forfeited.

Councillor P Rowlands submitted a claim for reimbursement of travel expenses on the 2 August 2000. The claim was for travel from 2 February 2000 to 29 July 2000 totalling \$603.88. In accordance with policy 2.2.12, Councillor Rowland's travel claim from 6 June 2000 to 29 July 2000 totalling \$236.20 has been approved for payment.

It is recommend that Council approves the reimbursement of Cr Rowland's travel claim from 2 February 2000 to 31 May 2000 totaling \$367.68.

COMMENT/FUNDING

Councillor Rowlands was unaware that all claims for reimbursement must be submitted within two months of the expense being incurred. All Councillors have been reminded of the need to submit claims for reimbursement within two months of the expenses being incurred.

It is therefore recommended that Council agree by absolute majority to reimburse Councillor P Rowlands for travel expenses incurred from 2 February 2000 to 31 May 2000 totalling \$367.88.

Account No:	11-05-05-052-4902-0001
Budget Item:	Elected Members – Travel Allowances
Budget Amount:	\$23,000
Actual Cost:	\$367.88

MOVED Cr Magyar, SECONDED Cr Walker that Council APPROVES the reimbursement of Councillor P Rowlands' travel expenses incurred between 2 February 2000 and 31 May 2000 totalling \$367.88, being funded from Account 11-05-05-052-4902-0001 – Elected Members – Travel Allowances.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Cr Rowlands entered the Chamber, the time being 2018 hrs.

**CJ214 – 08/00 PROPOSED CONSTRUCTION OF GARAGE BY
WHITFORDS VOLUNTEER SEA RESCUE GROUP
ON COUNCIL PROPERTY RESERVE 20561, OCEAN
REEF [06995]**

WARD - Marina

CJ000815_BRF.DOC:ITEM 5

SUMMARY

The Whitfords Volunteer Sea Rescue Group (WVSRG) currently leases from the City a parcel of land on recreation reserve 20561 at Ocean Reef (Attachment 1 refers). As required under the lease arrangement the Group is required to seek approval from the City prior to the erection of any building or structure. An application for approval to commence development has been lodged by the WVSRG for the construction of a garage (colourbond). This report

recommends that Council advises the Western Australian Planning Commission that the City has no objection to the application to commence development.

BACKGROUND

The proposed development by the WVSRG on the lease site needs to be considered in terms of impact on any future development of the adjacent Council freehold land, Lot 1029.

Lot 1029 is reserved for Parks and Recreation under the Metropolitan Regional Scheme and can be developed wholly or partially for a range of recreational commercial and service uses ancillary to the boat launching facilities. Lot 1029 is also subject to Bush Plan and the extent to which development can occur on the site is dependent on the outcome of negotiations with the Western Australian Planning Commission. Master planning, which is still to be undertaken, for the future development of Lot 1029 will take into account the need to balance the social, economic and environmental issues for the best utilisation of the site.

The Whitfords Volunteer Sea Rescue Group has lodged a planning application to construct a garage (colourbond) on the land that is leased from the City. As required under the lease arrangement, Clause 2(f) prior consent of the City is required before any building or structure is erected:

- (f) *not without the prior written consent of the Lessor to erect or suffer to be erected any building or structure to the demised premises or any part thereof or to make or suffer to be made any alteration in or to any building or structure erected thereon or cut, maim or injure or suffer to be cut, maimed or injured any of the walls or timbers thereof.*

The Group has a 21-year lease that expires 30 June 2004. The construction and on-going maintenance of the proposed garage will be the sole responsibility of the Group and no Council funding is involved with this project. The application for planning approval must be determined by the West Australian Planning Commission as the development is situated on reserve land.

DETAILS

The garage is to house equipment and goods used by the WVSRG and for training the public in safety matters.

The proposed garage is to be sited adjacent to the existing car park and to the western side of the training centre beside the existing sandstone retaining wall. Copy of site plan is attached (Attachment 2).

The proposed siting of the garage will not impact adversely on any future development of the adjacent Council land Lot 1029.

COMMENT/FUNDING

The application for planning approval must be determined by the Western Australian Planning Commission (WAPC) pursuant to the Metropolitan Region Scheme since the proposal is situated on land reserved for "Parks and Recreation". The Council is therefore not responsible for determining the application for planning approval but can provide a recommendation to the Commission. The proposed colourbond structure is 30.0m² (6.2m x

4.8m) in area. The building is proposed adjacent to the existing carpark and complex. The proposal would not have any impact on ocean views from distant residents. There would be minimal impact of the proposal on the amenity of the area. There are no objections to the proposal from a planning perspective.

It is recommended that Council support approval to commence development on the basis that it will not impact adversely on any future development of the adjacent Council land, Lot 1029. The garage must also be constructed in accordance with the Building Code of Australia and the erection and on-going maintenance costs of the proposed garage is the sole responsibility of the WWSRG.

MOVED Cr Ewen-Chappell, SECONDED Cr Magyar that Council:

- 1 ADVISES the Western Australian Planning Commission that it has no objections to the application and plans for approval to commence development dated 23 May 2000 submitted by Whitfords Volunteer Sea Rescue Group for a colourbond garage on Reserve 20561, Ocean Reef Road, Ocean Reef subject to the following conditions:**
 - (a) the garage being constructed using colourbond materials and colour(s) which are compatible with the existing building;**
 - (b) the garage being removed (by the applicant) upon the discontinuance of its use for storage purposes;**
- 2 ADVISES Whitfords Volunteer Sea Rescue Group that all necessary approvals must be obtained prior to the erection of the propose garage and any on-going maintenance costs of the proposed garage are the sole responsibility of the group.**

The Motion was Put and

CARRIED

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf220800.pdf](#)

**CJ215 – 08/00 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 31 JULY 2000 - [09882]**

WARD - All

CJ000815_BRF.DOC:ITEM 6

SUMMARY

This report details the cheques drawn on the funds during the month of July 2000. It seeks Council's approval for the payment of the July 2000 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	023795-024476	5,166,679.14
Municipal	000211-000212	5,166,679.14
Trust	-	-
	TOTAL	\$ 10,333,358.28

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of July 2000, the amount was \$1,324,033.78.

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$10,333,358.28 which is to be submitted to the July or and each Councillor on 22 August 2000 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$10,333,358.28 submitted to Council on 22 August 2000 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Rowlands, SECONDED Cr Wight that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 July 2000, certified by the Mayor and Director of Resource Management and totalling \$10,333,358.28.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	023795-024476	5,166,679.14
Municipal Trust	000211-000212	5,166,679.14
	TOTAL	\$ 10,333,358.28

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf220800.pdf](#)

CJ216 – 08/00 URBAN ANIMAL MANAGEMENT COMMITTEE – [07086]

WARD - All

CJ000815_BRF.DOC:ITEM 7

SUMMARY

A meeting of the Urban Animal Management Committee was held on 27 July 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Urban Animal Management Committee meeting held on 27 July 2000 are included as Attachment 1.

MOVED Cr Mackintosh, SECONDED Cr Barnett that Council NOTES the unconfirmed minutes of the Urban Animal Management Committee held on 27 July 2000 forming Attachment 1 to Report CJ216-08/00.

The Motion was Put and

CARRIED

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf220800.pdf](#)

Cr Walker declared a non-financial interest in Item CJ217-08/00 as on occasions her child had been cared for at the Whitfords Child Care Centre.

Cr Walker remained in the Chamber.

CJ217 – 08/00 TRANSFER OF SPONSORSHIP - WHITFORDS AND OCEAN RIDGE OUTSIDE SCHOOL HOURS CARE SERVICE – [09761]

WARDS - Pinnaroo and Marina

CJ000815_BRF.DOC:ITEM 8

SUMMARY

The City of Joondalup currently operates two Outside School Hour Care (OSHC) Services. Both services operate after school hours care and vacation care. The Whitfords OSHC is located on the corner of Marmion Avenue and Forrest Road Padbury (McDonald's Reserve Clubroom). The Ocean Ridge OSHC is located at the Ocean Ridge Leisure Centre on the corner of Sail Terrace and Siren Road Ocean Ridge Heathridge.

Both services now have low attendance rates in after school care due in part to increased competition. Numbers currently average 12 children per day after school and 29 per day during vacation periods for Whitfords and 14 per day after school and 39 per day during vacation periods for Ocean Ridge.

The two Services were reviewed in 1998 and recommendations were made as a result of that review. Some of the recommendations for short-term directions were addressed and implemented. Other recommendations regarding future directions have not been implemented.

This report recommends the transfer of the City's Whitfords Service to the Padbury Education and Child Care Centre Ltd and the transfer of the City's Ocean Ridge Service to the YMCA of Perth.

BACKGROUND

At its meeting of 25 July 2000 (Item CJ188–07/00 refers) Council resolved:

“that the matter pertaining to Transfer of Sponsorship – Whitfords and Ocean Ridge Outside School Hours Care Service be DEFERRED for one month.”

Whitfords

The Whitfords OSHC has been operating for approximately 17 years. It has been heavily subsidised by the former City of Wanneroo and now City of Joondalup. It has been a service provider for schools in the Padbury and Hillarys areas. Traditionally it has had problems due to provision of transport and the location of competition services in the near vicinity.

In 1998 a review of the service was carried out but not all of the recommendations have yet been acted upon. The 1998 review recommended that the Council consider contracting an external operator to manage the service or close the service. This recommendation was based on the two factors of:

1. Low numbers
2. Poor financial performance

This recommendation was not acted on but a decision was made to upgrade the quality of the Service. Since July 1999, a Family Day Care staff member has been allocated time to support the two OSHC services to assist staff improve the standard of care provided. Improved practices have been put in place but there appears to be the need for marked improvements if Whitfords OSHC is to meet the proposed Regulations for OSHC. The proposed regulations are currently in draft form and the State Government Department of Family and Children's Services anticipates the introduction of these Regulations some time over the next twelve months.

The Commonwealth Child Care Program sets the standards for Outside School Hours Care and the Regulations will require Services to meet these standards. The Regulations will also set out the requirements regarding qualifications of staff. In the area of staff qualifications, both Services will not be able to meet the requirements of the Regulations.

Ocean Ridge

Ocean Ridge OSHC has provided a service for a high number of children over the years, although after school care numbers have decreased gradually since 1996 and are now at a low level. The vacation care service is traditionally full and the Service also caters for quite a large number of special needs children during vacation care.

A report on a review of the Service in February 1998 states that the Service should be experiencing moderate financial success given its good utilisation rates. However, the review report went on to state that this is not the case due to high overheads and other costs such as wages. It recommended that the Council look at reducing the Service's expenses. The review outlined four options concerning Ocean Ridge's future:

1. Continue to operate the Service and provide Ocean Ridge with ongoing support of operational funding including capital improvements or reallocation to another location, active marketing of the Services and improvement of transport arrangement. If the Service became viable then it should continue to operate.
2. Transfer the management of the Service to the current lessee of the facility to incorporate into their existing program service base.
3. Contract an external operator to manage Ocean Ridge along with the other Wanneroo OSHC services.
4. Close the Service.

Since the review, the Service has been promoted within the local community and has remained in the existing building with the facility having been upgraded.

DETAILS

Service Usage

Centre	Places Available	Existing average attendance	Special needs children
Whitfords			
After School Care	30	12	0
Vacation Care	30	29	4
Ocean Ridge			
After School Care	45	14	3
Vacation Care	40	39	8

The 1999/2000 budget for both centres (after school care and vacation care) appears below:

Income	Expenditure	Council Contribution to Operations
\$126,300	\$225,899	\$99,599

These figures do not include:

- Non operating grants/contributions
- Profit/loss on asset disposal
- Depreciation
- Corporate overheads

FUTURE OPTIONS

Closure of the Services

Despite the low numbers of children utilising the Services after school, there is a demand for OSHC in both areas. Vacation Care numbers are strong. Closure of the services would disadvantage those families currently using the services.

Proposal for Transfer of Sponsorship

In June 1995, Council resolved to support the transfer of sponsorship of Council's OSHC programs to other community based agencies. This decision was in light of the strategic plan that stated that the challenge for the City was to meet best practice standards and to explore alternative avenues of funding and service delivery. Of the nine OSHC services, five were transferred to the YMCA over a period of 12-18 months. Of the remaining four, one was transferred to Anglicare in December 1998 and the other was closed.

Whitfords

The Padbury Education and Child Care Centre Ltd which is located in Giles Avenue Padbury (across the park from the City's OSHC service) has approached Council and expressed interest in providing the service at Whitfords. The Padbury Education and Child Care Centre Ltd opened in 1987 and has a proven record in the provision of OSHC, a strong commitment to the provision of quality and affordable care for families and specialises in the area of children's services.

Transfer of the City's Whitfords service to this Centre offers the following benefits to the families currently using the service:

- The amalgamation of the City's service with the Padbury service would increase the service's viability thus ensuring its long term survival;
- The Padbury service also offers before school care which would add to its attractiveness to a wider range of parents and consequently to its viability;
- The service would continue to be offered at the same venue – the Padbury Centre does not have sufficient space to offer the service in its own venue;
- The service would continue the strong emphasis on inclusion of children with special needs;
- The Padbury Education and Child Care Centre Ltd has a long history in the provision of quality children's services.

A comparison of the fees at the City's service and those charged by the Padbury Centre follows:

Service Type	Padbury Centre Fees	City's fees - 1999/2000	City's fees - proposed for 2000/2001
Vacation Care	\$25.00 per day \$110.00 per week	\$26.00 per day \$130.00 per week (no reduction for full time children)	\$29.50 per day \$147.50 per week
After School Care	\$11.00 per day	\$10.00 per day	\$11.00 per day

As can be seen, families would be better off in Vacation Care at Padbury in comparison with both current and proposed City fees. In After School Care families would experience a \$1.00 per day increase in under the City's current fee schedule but would pay the same fees under the City's proposed 2000/2001 fee.

Ocean Ridge

The YMCA of Perth has expressed an interest in providing the service at Ocean Ridge. The YMCA of Perth, which commenced its operations in Western Australia in 1909 and has been providing quality OSHC services for some 15 years, currently provides 8 OSHC services in the North Metropolitan area. It is well respected by Family and Children's Services and other funding providers, is a public benevolent institution run by a Board of Management and has demonstrated its commitment to the provision of a range of quality and affordable services for young people.

Transfer of the City's Ocean Ridge service to the YMCA offers the following benefits to the families currently using the service:

- The provision of the service by this agency would provide economies of scale which would increase the service's viability thus ensuring its long term survival;
- The service would continue to be offered at the same venue;
- The service would continue the strong emphasis on inclusion of children with special needs;
- The YMCA has a long history in the provision of quality OSHC services.

Service Type	YMCA fees	City's fees - 1999/2000	City's fees - proposed for 2000/2001
Vacation Care	\$29.500 per day \$147.50 per week	\$26.00 per day \$130.00 per week	\$29.50 per day \$147.50 per week
After School Care	\$11.00 per day	\$10.00 per day	\$11.00 per day

As can be seen from the table, the fees at the YMCA would be more expensive than those currently offered by the City but the same as those proposed by the City for the 2000/2001 financial year for both After School Care and Vacation Care.

Redundancy packages for staff

From discussions with the two organisations concerned, it is clear that redundancies of the City's existing staff will result from the transfer. A meeting has been held with the four staff concerned and each staff member has been provided with details of her redundancy package.

COMMENT/FUNDING

Contact has been made with the Commonwealth funding body and they are agreeable to the transfer of sponsorship.

Transfer of sponsorship will involve:

- Transfer of Commonwealth funding under the Commonwealth Child Care Program;
- Transfer of existing furniture and equipment as part of the package;
- Subsidised rental of the premises from which the current services operate – pepper corn rental for the 2000/2001 year and then rental at the established subsidised community rate;
- Redundancy packages for staff.

The subsidised rental will reduce the operating deficit of the services in the short term. This will provide both services with the opportunity to build numbers in after school care to enable long term viability.

Savings to Council from the proposed change of sponsorship will easily meet the cost of staff severance payments.

Redundancy Package

Under the Enterprise Bargaining Agreement 1999, a redundancy package includes:

1. 3 weeks pay for each completed year of service up to a maximum payment of 52 weeks;
2. 4 weeks pay in lieu of notice of 1 week in the case of employee over 45 years of age;
3. Pro-rata long service leaves for employees who have worked in excess of five years.

Whilst the Senior playleader and the three playleaders are not covered by the Umbrella Agreement, to be consistent and to maintain an equitable outcome for all staff, it is proposed that the City offer the playleaders a redundancy package as outlined above. As at 22 September 2000, the cost of the redundancy packages is calculated as follows:

- Total Redundancy and Notice – \$33,335
- Annual Leave Accrued – \$10,060
- Long Service Leave Accrued – \$6,620
- TOTAL COST – \$50,015

Benefits to Council

Transferring the Services will result in annual financial savings of \$99,599.00. A transfer of the Services will meet rate payer demands and local expectations for provision of services while minimising the cost to the ratepayer.

Date of transfer

It is proposed that the services be transferred from Friday 22 September 2000 (the end of Term 3). This would ensure a smooth transition.

Communication Strategy

Once Council's approval of the transfer has been gained, the City, in conjunction with the two new service providers, will communicate with all families using the services to explain the new arrangements and to ensure a smooth transition. The City will include in its communication with families the issues of fees, venue, accommodation of children with special needs and background information about the new sponsoring bodies.

RECOMMENDATION SUBMITTED TO COUNCIL 25 JULY 2000 (Item CJ188-07/00 refers

That Council:

- 1 **APPROVES** the transfer of sponsorship of the Whitfords Outside School Hours Care Service to the Padbury Education and Child Care Centre Ltd with effect from 22 September 2000;
- 2 **APPROVES** the transfer of sponsorship of the Ocean Ridge Outside School Hours Care Service to the YMCA of Perth with effect from 22 September 2000;

- 3 NOTIFIES the Commonwealth Department of Family and Community Services of the City's intention to transfer its Whitfords and Ocean Ridge Outside School Hours Care services;
- 4 OFFERS staff holding the positions of Senior Playleader and Playleader at Whitfords and the two staff holding the positions of Playleader at Ocean Ridge redundancy packages at an estimated \$33,335 in total redundancy and notice and an estimated \$16,680 in accrued annual leave and long service leave.

DECISION OF COUNCIL OF 25 JULY 2000

At its meeting of 25 July 2000 (Item CJ188–07/00 refers) Council resolved:

“that the matter pertaining to Transfer of Sponsorship – Whitfords and Ocean Ridge Outside School Hours Care Service be DEFERRED for one month.”

ADDITIONAL INFORMATION

The following information is provided in addition to that already provided in Council Report CJ188–07/00 on the Transfer of Sponsorship – Whitfords and Ocean Ridge Outside School Hours Care Services.

CONSULTATION WITH PARENTS

On 28 July 2000, letters were posted to 220 families. These families were users of either:

- the Ocean Ridge or Whitfords After School Care Services;
- the Ocean Ridge or Whitfords Vacation Care Services in the April and July Vacation Care periods.

A total of twenty three parents either attended a meeting, phoned or wrote a letter in response to these letters.

Full details of the concerns raised by parents and the responses to those concerns can be found in the attachment to this report. A summary follows.

Whitfords

A meeting was held on Wednesday 2 August at 7.30 pm at the Whitfords Outside School Hours Care Service and ten parents attended. A further two parents made contact, one by phone and one by letter. The staff members from the Whitfords Outside School Hours Care Service also attended the meeting as did a staff member from the Resource Unit for Children with Special Needs.

Parents had concerns about:

- The current staff members who may be made redundant;
- Arrangements for collecting children from school;
- The types of programs offered;
- The balance between outings and centre activities in the vacation care program;

- Whether excursions are included in the vacation care fee of \$25.00 per day or \$110.00 per week;
- Numbers of children using Padbury Outside School Hours Care Service and whether places will be assured to existing Whitfords After School and Vacation Care users;
- The level of experience that the Padbury Education and Child Care Centre has with children with special needs.

The Manager of the Padbury Education and Child Care Centre provided the necessary information which was incorporated into a letter and sent on 3 August to the 10 parents who attended the meeting. The two parents who had contacted by phone or letter were sent the same information.

Ocean Ridge

A meeting was held on Thursday 3 August at 7.30 pm at the Ocean Ridge Outside School Hours Care Service and six parents attended. A further five made contact either by phone or letter. Two of the staff members of the Ocean Ridge Service also attended the meeting.

Parents had concerns about:

- The lack of consultation and the decision making process;
- 1999/2000 budget details;
- Council's inability to run a break even service;
- Whether fees would go up after the YMCA takes over;
- What would happen if the service could not break even with the YMCA;
- The suitability of the YMCA's programs for children with high support needs;
- The existing staff;
- Assured places for current users of vacation care once the transfer has taken place;
- The retention of the same bus charter company.

The YMCA of Perth provided the relevant information which was incorporated into a letter and sent on 10 August to the 6 parents who attended the meeting. The parents who sent letters or phoned received the same information.

The Acting Chief Executive Officer of the YMCA of Perth has also indicated that he considers that a transfer of sponsorship would be better effected from the beginning of Term 1, 2001. This would enable meetings to be held with parents in Term 4 to discuss more fully the proposed changes, a review to be undertaken of the bus transport service, an assessment to be made of the inventory of equipment to be transferred to the YMCA on the changeover and a more detailed assessment of income and expenditure to be made.

CHANGE TO INFORMATION ON REGULATIONS

The Council Report (CJ188-07/00) states the following.

The Regulations will also set out the requirements regarding qualifications of staff. In the area of staff qualifications, both Services will not be able to meet the requirements of the Regulations.

The City has recently learnt that:

Staff currently employed in outside school hours care services will not be required to become qualified unless a change in employment occurs.

and

Qualifications for staff will be phased in over a 5 year period.

NEED FOR CHANGE TO RECOMMENDATIONS IN COUNCIL REPORT CJ188-07/00

During the consultation process, the concerns of parents were acknowledged and responses made to immediate concerns. A number of parents indicated that they may seek a delegation to Council. However, it is still considered that the transfer of sponsorship of these services is the appropriate action to take. Clearly, concerns may arise during the process of transferring the services and there will be a need to carefully monitor this and to continue to respond positively. In order to take account of suggestions made by parents, the YMCA and Padbury Education and Child Care Centre Ltd and to ensure a smooth transfer of services, the recommendations to Report CJ188–07/00 need amendment (Refer Attachment 1). Therefore, it is suggested that the recommendations be amended to read:

MOVED Cr Rowlands, SECONDED Cr Wight that Council:

- 1 APPROVES the transfer of sponsorship of the Whitfords Outside School Hours Care Service to the Padbury Education and Child Care Centre Ltd with effect from 22 September 2000 or as soon as practicable;**
- 2 APPROVES the transfer of sponsorship of the Ocean Ridge Outside School Hours Care Service to the YMCA of Perth with effect from the first day of Term 1 2001;**
- 3 NOTIFIES the Commonwealth Department of Family and Community Services of the City's intention to transfer its Whitfords and Ocean Ridge Outside School Hours Care services;**
- 4 OFFERS staff holding the positions of Senior Playleader and Playleader at Whitfords and the two staff holding the positions of Playleader at Ocean Ridge redundancy packages calculated as outlined in Report CJ188–07/00 but adjusted to take account of the date at which the services cease to be operated by the City.**

Discussion ensued. Cr Walker with the support of Cr Carlos sought to defer consideration of this Item in order to resolve the role of Council through the strategic planning process.

The Motion was Put and

CARRIED

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Wight, Barnett and Rowlands

Against the Motion: Crs Walker, Hollywood, Nixon, Magyar, Carlos, Kadak and Ewen-Chappell

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf220800.pdf](#)

CJ218 – 08/00 RALLY AUSTRALIA YOUTH PROJECT - [38245]

WARD - All

CJ000815_BRF.DOC:ITEM 9

SUMMARY

On 27 June 2000 Council endorsed the proposal to run a regional Youth Rally Team in cooperation with the City of Wanneroo in November 2000 (Report CJ155–06/00 refers). The project was to be run in conjunction with and funded by the Office of Youth Affairs.

Subsequent to this decision, the Office of Youth Affairs has advised that it is now required to undertake a tendering process, and that given the relatively lengthy time frame that this requires, the structure of the project has been changed.

The purpose of this report is to update Council on the changes to the project.

DETAILS

It was originally intended to commence the project in August 2000 and participate in the Rally in November 2000.

The new time frame is as follows:

The tendering process will commence in September and it is estimated that the outcome will be known late October. The successful applicants will then commence the project in November. The project will run over a 14-month period, and the team will participate in the Rally Australia 2001 event.

The City of Wanneroo has confirmed that it is interested in tendering for the project in partnership with the City of Joondalup.

COMMENT/FUNDING

Details of the funding originally outlined are:

- \$15,000 to fund the employment of a Team Manager;
- \$25,000 for the Project Consultant; and
- \$18,000 running costs.

In addition Office of Youth Affairs were to supply:

- an operational, competitive vehicle; and
- tools, equipment and spare parts.

Because the project will now run over a 14-month period, funding will be increased accordingly. Exact details regarding the funding will not be available until the tender documents become available.

MOVED Cr Kadak, SECONDED Cr Hurst that Council NOTES the changes to the Rally Australia Youth Project and the City's intention to tender for the project in partnership with the City of Wanneroo.

The Motion was Put and

CARRIED

**CJ219 – 08/00 MINUTES OF CONSERVATION ADVISORY
COMMITTEE MEETING - 20 JULY 2000 – [12168]**

WARD - All

CJ000815_BRF.DOC:ITEM 10

SUMMARY

A meeting of the Conservation Advisory Committee was held on 20 July 2000 and the minutes are submitted for noting by Council.

DETAILS

The minutes of the Conservation Advisory Committee held on 20 July 2000 are included as Attachment 1.

The following motions were put and carried to be recommended to Council for consideration that:

- 1 the Conservation Advisory Committee be restructured to become a sub-committee of the Environmental Advisory Committee;

a new Terms of Reference be prepared to consideration at the August meeting of the Conservation Advisory Committee.

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the minutes of the Conservation Advisory Committee meeting held on 20 July 2000, forming Attachment 1 to Report CJ219-08/00;
- 2 BY AN ABSOLUTE MAJORITY DISBANDS the Conservation Advisory Committee and notes the intention that this Committee will be restructured to become a sub-committee of the Environmental Advisory Committee.

MOVED Cr Magyar, SECONDED Cr Mackintosh that Council NOTES:

- 1 the minutes of the Conservation Advisory Committee meeting held on 20 July 2000, forming Attachment 1 to Report CJ219-08/00;
- 2 that it is the intention of the Conservation Advisory Committee to be restructured and re-established as a sub-committee of the Environmental Advisory Committee.

The Motion was Put and

CARRIED

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf220800.pdf](#)

INFRASTRUCTURE MANAGEMENT

**CJ220 – 08/00 FIXED TERM TENDER 001-00/01 FOR
MECHANICAL SERVICES PREVENTATIVE
MAINTENANCE – [46950]**

WARDS - South, South Coastal, Lakeside and Whitford.

CJ000815_BRF.DOC:ITEM 11

SUMMARY

This report examines the tender submissions and evaluation method for the term building maintenance contract for Mechanical Services Preventative Maintenance (001-00/01) and recommends acceptance of the tender from Australian Air Conditioning Services Pty Ltd for entering into a contract for a period of two years and 10 months from 1st September 2000.

BACKGROUND

The maintenance of mechanical services (heating, ventilation and cooling) for the City's major buildings is conducted under a term contract. This contract is administered by the City's Building Services Management Consultants. The last contract held by Haden Engineering Pty Ltd expired on 30 June 2000. Maintenance services recommended in this report for the two months before the commencement of the contract, have been arranged by individual purchase orders.

The City's major buildings covered by this report include:

Joondalup Administration Centre, Civic Chambers and Library,
Kingsley Administration Building,
Craigie Leisure Centre,
Wanneroo State Emergency Services Building,
Woodvale Library,
Duncraig Library, and
Whitford Library & Senior Citizens Centre

DETAILS

Tender Submissions

Public invitations to tender were issued on 12 July 2000. Tenders closed on Tuesday 1 August 2000.

Ten conforming tenders were received.

	<u>1st 10 Months</u>	<u>2nd Year</u>	<u>3rd Year</u>
Admiral Mechanical Services Pty Ltd	\$42,093.00	\$68,501.00	\$71,244.00
Australian Air Conditioning Services Pty Ltd	\$26,218.00	\$39,763.00	\$39,763.00
CMS Services & Maintenance Pty Ltd	\$56,510.00	\$85,004.00	\$88,407.00
Direct Engineering Services Pty Ltd	\$34,064.00	\$34,918.00	\$35,790.00
Envar Services Pty Ltd	\$43,806.00	\$62,511.00	\$63,761.00
Haden Engineering Pty Ltd t/a Haden O'Connor	\$34,970.00	\$43,729.00+cpi	\$43,729.00+cpi
Jako Service	\$53,835.00	\$73,750.00	\$77,439.00
McWaters Pty/Ltd t/a Winton Air Conditioning	\$51,939.00	\$66,328.00	\$69,363.00
Willhart Able Air Pty Ltd	\$44,494.00	\$45,170.00	\$45,360.00
York International Australia Pty Ltd	\$52,801.00	\$67,856.00	\$69,213.00

Two non-conforming tenders were received and are rejected in accordance with the Conditions of Tendering:

BurkeAir Pty Ltd failed to comply with tender conditions by amending the tender form required to be submitted; and Trane Australia failed to comply with tender conditions by amending the format of the Schedule of Rates and not providing specific details as asked therein.

In addition to the tendered lump sum considerations for preventative maintenance, tenderers provided rates for labour, call-outs and percentage markup on outsourced materials for breakdown/corrective maintenance.

COMMENT/FUNDING

The consideration for this contract is determined from a combination of Preventative Maintenance lump sums and values determined from the application of scheduled rates for corrective/breakdown maintenance. The funding for these considerations is available through the City's Building Maintenance Budget.

Tender Evaluation Method

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system. The criteria provided in the Tender Information Document were:

- Lump sum tender cost, scheduled rates and mark-up to outsourced material and labour.
- Tenderer's technical competence and experience, including references from previous contract completed and experience with contracts of a similar size and nature.
- Tenderer's personnel including numbers (directly employed or sub-contract), trade disciplines, qualifications and training, and the experience of key members.
- Tenderer's capacity to manage the contract including the period of trading, financial capacity, staff resources at all levels, and office/workshop support.
- Tenderer's contracting approach, including communications, management control systems, documentation controls, procedures on the identification of further works, and follow-up procedures on works undertaken.

A multi criteria analysis was undertaken with appropriate weightings for each of the items mentioned above resulting in the following findings:

Evaluation Results

By applying the above evaluation method, the Tender Evaluation Committee has determined that the best value for the City of Joondalup can be achieved by accepting the tender from Australian Air Conditioning Services Pty Ltd for contract number 001-00/01 Mechanical Services Preventative Maintenance for the lump sum price of \$26,218 in first year (10 months), \$39,763 in second year, \$39,763 for the third year and the scheduled rates for additional works within the Scope of Works.

MOVED Cr Rowlands, SECONDED Cr Barnett that Council:

- 1 ACCEPTS the tender from Australian Air Conditioning Services Pty Ltd for contract number 001-00/01 Mechanical Services Preventative Maintenance for a period of 34 months commencing 1st September 2000 for a consideration of \$26,218 in first year, \$39,763 in second year, \$39,763 in third year and the scheduled rates submitted with the tender;**
- 2 AUTHORISES the execution of contract documents.**

The Motion was Put and

CARRIED

CJ221 – 08/00 TENDER NO 107-99/00 SWEEPING OF URBAN AND ARTERIAL ROADS - [45910]**WARD - All**

CJ000815_BRF.DOC:ITEM 12

SUMMARY

Tenders were advertised statewide for the Sweeping of Urban and Arterial Roads, in accordance with the Conditions of Tendering supplied. Tenders closed on 11 July 2000 and an extract from the Schedule of Prices is detailed on Attachment 1.

Two tenders were received as follows:-

Clean Sweep, Midvale
Town Property Maintenance, Herne Hill

This report recommends acceptance of the tender (including the price schedule) submitted by Town Property Maintenance, in accordance with the Conditions of Tender, for a period of 12 months from 1 September 2000 to 31 August 2001, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval.

BACKGROUND

This contract has been previously held by Asteranch Pty Ltd, trading as Clean Sweep. The contract was awarded for a period of 12 months, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval.

Asteranch Pty Ltd has advised the City that it would not be continuing as prices had risen substantially. Hourly hire rates have risen from the 1999/2000 Schedule of Rates of \$115 to \$144, inclusive of mobilisation and demobilisation.

DETAILS

This tender has been modified for arterial road sweeping and specifically targets urban and arterial roads. Arterial roads have not previously been included and sweeping was restricted to road junctions only and urban streets. Expansion of this tender is designed to provide the community with a scheduled sweeping program for all urban streets and arterial roads.

Provision of a cost for arterial road sweeping was considered essential to identify the maintenance costs required to maintain the visual aesthetic standards requested by the community.

The City currently operates a single road sweeper for selected project works and emergency situations.

The City's Conditions of Tender provided the following selection criteria for acceptance of the tender:-

Schedule of Rates
Resources/Equipment
Previous Experience
Safety Management
Demonstrated Ability

All tenders received have been evaluated against the selection criteria contained within the City's Contract Management framework. The evaluation process highlighted that Town Property Maintenance would be able to provide the best value for money tender and availability.

COMMENT/FUNDING

The sweeping of urban and arterial roads is an area where improvement of former practices and procedures can be achieved.

Purchase orders are issued for the works as and when required.

MOVED Cr Rowlands, SECONDED Cr Patterson that Council:

- 1 ACCEPTS the tender (including the price schedule) submitted by Town Property Maintenance for Tender No 107-99/00 Sweeping of Urban and Arterial Roads, in accordance with the Conditions of Tender, for a period of 12 months from 1 September 2000 to 31 August 2001, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval;**
- 2 AUTHORISES signing of the contract documents.**

The Motion was Put and

CARRIED

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf220800.pdf](#)

**CJ222 – 08/00 TENDER NO 108-99/00 SWEEPING OF PAVEMENTS,
CAR PARKS AND PATHWAYS IN JOONDALUP
CITY CENTRE - [46910]**

WARD - Lakeside

CJ000815_BRF.DOC:ITEM 13

SUMMARY

Tenders were advertised statewide for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre, in accordance with the Conditions of Tendering supplied. Tenders

closed on 11 July 2000 and an extract from the Schedule of Prices is detailed on Attachment 1.

Three tenders were received as follows:-

Clean Sweep, Midvale
Coastal Sweeping Services, Two Rocks
Town Property Maintenance, Herne Hill

This report recommends acceptance of the tender (including the price schedule) submitted by Coastal Sweeping Services, in accordance with the Conditions of Tender, for a period of 12 months from 1 September 2000 to 31 August 2001, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval.

BACKGROUND

This contract has been previously held by Asteranch Pty Ltd, now trading as Clean Sweep, and this company had successfully undertaken the work after initial review of the extend of work and program. The contract was awarded for a period of 12 months initially, with an option of 2 x 12 month extensions. The extension option was not exercised by either Council or the Contractor.

DETAILS

Prices submitted by Clean Sweep have increased significantly from the 1999/00 contract price, for example:-

	2000Tender 107 <u>Hourly Rate</u>	1999 Tender 001 <u>Hourly Rate</u>
Road Sweeping	\$72	\$55
Pathway Sweeping	\$65	\$55
Hand Sweeping	\$35	\$30

Tender No 107-99/00 also includes an additional charge for the first hour, ie. road sweeping first hour \$144, remainder \$72. In all sections the hourly rate doubles for the first hour to accommodate mobilisation and demobilisation.

The City's Conditions of Tender provided the following selection criteria for acceptance of the tender:-

Schedule of Rates
Resources
Previous Experience
Demonstrated Ability
Safety Management.

All tenders received have been evaluated against the selection criteria contained within the City's Contract Management framework. The evaluation process highlighted that Coastal Sweeping Services would be able to provide the best value for money tender and availability.

COMMENT/FUNDING

Operations Services operates a small pavement sweeping unit independent of this contract. This unit sweeps footpaths weekly within the CBD, Central Park, Neil Hawkins Park and various tennis courts throughout the City's parks.

The Scope of Works includes sweeping of all roads and access lanes within the Joondalup City Centre, within a specified time program, for example:-

Grand Boulevard 5.30am-8.30am Mondays;
Commercial Area Pavements 5.30am-7.30am every fortnight;
Footpaths/Pathways - two monthly cycle;
Car Parks - two monthly cycle.

This tender was increased to provide costing for various areas of maintenance sweeping not previously undertaken, or partially completed only.

Funds are available via the Operations Maximo Maintenance accounts, eg. City Centre Sweeping \$60,000 annually.

Purchase orders are issued for works as and when required.

MOVED Cr Ewen-Chappell, SECONDED Cr Barnett that Council:

- 1 ACCEPTS the tender (including the price schedule) submitted by Coastal Sweeping Services for Tender No 108-99/00 Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre, in accordance with the Conditions of Tender, for a period of 12 months from 1 September 2000 to 31 August 2001, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval;**
- 2 AUTHORISES signing of the contract documents.**

The Motion was Put and

CARRIED

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf220800.pdf](#)

**CJ223 – 08/00 TENDER NO 109-99/00 DRAINAGE GULLY
MAINTENANCE CLEANING - [47910]****WARD - All**

CJ000815_BRF.DOC:ITEM 14

SUMMARY

Tenders were advertised statewide for Drainage Gully Maintenance Cleaning, in accordance with the Conditions of Tendering supplied. Tenders closed on 11 July 2000 and an extract from the Schedule of Prices is detailed on Attachment 1.

Two tenders were received as follows:-

Clean Sweep, Midvale
Town Property Maintenance, Herne Hill

This report recommends acceptance of the tender (including the price schedule) submitted by Clean Sweep, in accordance with the Conditions of Tender, for a period of 12 months from 1 September 2000 to 31 August 2001, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval.

BACKGROUND

This contract has been previously held by Asteranch Pty Ltd, now trading as Clean Sweep. The contract was awarded for a period of 12 months, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval.

Asteranch Pty Ltd has advised the City that it would not be requesting an extension as prices had risen substantially.

DETAILS

The Schedule of Rates submitted by both Clean Sweep and Town Property Maintenance are higher than the previous Tender No 012-99/00. Previous tender prices were:-

Standard Depth	\$8.00
Inspection Fee	\$7.00
Hourly Hire	\$55.00

The price submitted by Clean Sweep for standard depth (1.5 metres) is double the rate for the previous tender and the hourly rate is increased by \$22, plus an initial two hour call-out rate of \$154.

Clean Sweep has the capacity to undertake all works required without any impact from the existing extensive contract program for other local authorities.

The price submitted by Town Property Maintenance for standard depth (1.5 metres) is 50 cents higher than Clean Sweep, however the hourly rate is lower and a flat hourly rate applies.

Town Property Management is an owner-operator business which has limited capacity to undertake the gully maintenance program for the City of Joondalup. The company currently has various smaller contracts for various private companies, ie. Westrail and the Shire of Mundaring.

Town Property Management has submitted a Schedule of Rates for Tender No 107-99/00 Sweeping of Urban and Arterial Roads and, if successful, the available plant would be fully committed. Information provided indicates that the option to purchase an additional machine exists, however this is subject to Town Property Management being awarded the contract.

Assessment of works undertaken during 1999/2000 indicates that Item 1, Standard Depth 1.5 metres, accounts for 80% of the work performed. Clean Sweep tendered the lowest price for this item, for example:-

Average Item 1 - 40 gullies per day	<u>Clean Sweep</u>	<u>Town Property Management</u>
	\$640	\$660

The City's Conditions of Tender provided the following selection criteria for acceptance of the tender:-

Schedule of Rates
Resources/Equipment
Previous Experience
Safety Management
Demonstrated Ability

All tenders received have been evaluated against the selection criteria contained within the City's Contract Management framework. The evaluation process highlighted that Clean Sweep would be able to provide the best value for money tender and availability.

COMMENT/FUNDING

Gully cleaning is undertaken throughout the year, with a major emphasis on the period February/March/April/May. A significant proportion of the program is undertaken via hourly hire to accommodate other maintenance requirements.

Funds are available via Operations Maximo Maintenance accounts, eg. Gully Sweeping.

Purchase orders are issued for works as and when required.

MOVED Cr Wight, SECONDED Cr Kenworthy that Council:

- 1 ACCEPTS the tender (including the price schedule) submitted by Clean Sweep for Tender No 109-99/00 Drainage Gully Maintenance Cleaning, in accordance with the Conditions of Tender, for a period of 12 months from 1 September 2000 to 31 August 2001, with an option to extend for 2 x 12 month periods or part thereof, subject to satisfactory performance and Council's approval;**

2 AUTHORISES signing of the contract documents.**The Motion was Put and****CARRIED**

Appendix 8 refers

*To access this attachment on electronic document, click here: [Attach8brf220800.pdf](#)***PLANNING AND DEVELOPMENT****CJ224 – 08/00 LOT 64 (8) WAVERTON COURT, KALLAROO –
INDICATIVE SUBDIVISION DESIGNS – [19998]****WARD** - Whitford

CJ000815_BRF.DOC:ITEM 15

SUMMARY

The City has received two subdivision designs for Lot 64 Waverton Court, Kallaroo from two interested parties (Attachments 1, 2 and 3). The applicants have submitted the designs for the City's preliminary support, formal applications for subdivision have not been submitted.

The main issue with the proposed subdivision designs is the narrow frontage of the lot and the need to excise land from Aristrade Park or the adjoining lot in order to increase the frontage and accommodate a road reserve. The preferred option is an equal land exchange with no loss of public open space.

Other issues such as drainage, road design and lot configuration can be addressed at the time a formal application is lodged and referred to the City for comment. Aspects of the subdivision detailed in Attachment 3 are considered unsuitable for support in its current form.

The proposal is considered to be an infill subdivision that will provide for a variety of lot sizes in an area where there is limited variation.

It is recommended that the applicants be advised of the issues to be addressed to enable the City's support.

BACKGROUND

Lot No	64
Street Address	8 Waverton Court, Kallaroo
Land Owner	ALN Shore Pty Ltd
MRS Zoning	Urban
TPS Zoning	Special Development A
Lot Area	1.0582ha

Site History

The Western Australian Planning Commission has previously approved of the following subdivision applications for the subject land:

- The creation of two green title (freehold) lots of 5291m² each, approved 13 September 1999; and
- The creation of four survey strata lots ranging in size from 1890m² to 2495m², approved 29 June 1999.

DETAILS

The subject lot is 1.0582 ha in area abutting Aristride Park (Attachment 1) and coded R20 under the City's Town Planning Scheme No.1. The Residential Planning Codes nominate a minimum lot size of 450m² and an average lot size of 500m² for the purpose of creating green title (freehold) lots. Access is available via an eight metre frontage to Waverton Court, a small cul de sac providing access to two other lots.

Subdivision Design

Proposal 1

The proposed subdivision (Attachment 2) submitted by G L Francis and Associates, would create 15 green title lots with a minimum lot size of 501m² and an average lot size of 519.2m² served by a 14 metre wide access road. The plan includes indicative building envelopes covering 50% of the site (in accordance with the requirements of the Residential Planning Codes) in order to demonstrate that a sufficiently sized home can be accommodated on the lots. The lot sizes accord with the minimum and average lot size requirement for subdivision under the R20 code.

The configuration of proposed Lots 13, 14 and 15 is not acceptable, and should be redesigned to improve the amenity of the lots.

The lot has a frontage of 8.12 metres and gains its access from the cul de sac head off Waverton Court. This frontage is not of adequate size to accommodate a road reserve to serve the proposed subdivision. To address this problem the applicant proposes to acquire 81m² from Aristride Park to add to the Waverton Court road reserve and Lot 64 and excise 52m² from Lot 64 to add to Aristride Park thus providing a 14 metre frontage.

This land exchange will then enable a 14 metre wide road reserve and 5.5 metre wide road pavement to be accommodated as shown on the plan. It is considered that a 12 metre wide road reserve where it abuts the park and does not serve any lots would be acceptable. The cul de sac head proposed does not meet the design requirements of the City, however, this can be addressed at a later stage.

Proposal 2

The proposed subdivision (Attachment 3) submitted by Koltasz Smith and Partners, would create 16 green title lots with a minimum lot size of 426m² and an average lot size of 515.8m². The lots are to be served by a road reserve of 12 metres where it abuts the park and 14 metres where it serves the lots, and an 11 metre laneway serving five lots. The lot sizes

accord with the average lot size requirement for subdivision under the R20 code, however, the minimum lot size requirement of 450m² has not been met.

As mentioned above the frontage of the lot is not adequate to accommodate a road reserve to serve the proposed subdivision. To address this problem the applicant proposes to acquire 24m² of land from the adjoining property, Lot 65. Thus a 12 metre wide road reserve and 5.5 metre wide road pavement can be accommodated as shown on the plan. The cul de sac head proposed does not meet the design requirements of the City, however, this can also be addressed at the subdivision assessment stage.

The proposed 11 metre wide access lane providing frontages to Lots 7, 8, 9, 10 and 11 is not considered to provide an acceptable level of access and parking. The frontages to Lots 7 and 9 do not meet the 10 metre frontage requirements of the Residential Planning Codes. The configuration of these lots offers poor outlook and a low level of amenity.

General

The proposed lot sizes are considerably smaller than the lots abutting the subject site, which range in size from 908m² to 1180m². The general size of the lots in Kallaroo reflect an R10 coding more closely than R20. The availability of various lot sizes within an area provides for a variety of housing choice to cater for a variety of household structures.

With respect to Proposal 2 (Attachment 3) there is the potential safety problem caused by the proposed road as it will be in close proximity to the adjoining crossover causing the potential for conflict. Proposal 1 (Attachment 2) is the preferred option with respect to the location of the road and crossover.

Public Open Space

The subject lot abuts Aristrade Park for the full length of its western boundary. Due to the ground level differences a retaining wall exists along approximately two thirds of the boundary. Therefore the proposed lots and areas of public open space are clearly demarcated with the exception of proposed Lot 1 on Attachment 3. The City's policy 3.2.6. requires the resultant contours of Lot 1 to be a minimum of one metre higher than the finished ground level of the area of public open space.

The Western Australian Planning Commission's Policy No. DC 2.3 Public Open Space in Residential Areas states that where practicable 10 percent of the gross subdivisible area is to be given up free of cost by the subdivider and vested in the Crown. The 10 percent contribution for the land has been given up in earlier subdivision applications and is therefore not a requirement of this subdivision.

Drainage

The City requires the 10 year 10 hour storm to be accommodated on-site. Alternatively, the applicant can investigate the possibility of connecting into the existing stormwater drainage system in Waverton Court. However, the City would require some form of contribution from the applicant for this connection. It would need to be demonstrated that the existing drainage system could accommodate the additional flows from the subdivision and that of a 100 year 24 hour storm for the entire catchment. Any modifications required to the existing drainage system would be at the applicant's expense.

Restrictive Covenant

The subject lot is affected by a restrictive covenant, however, unlike those reported to apply to the surrounding lots, it does not appear to prevent the subdivision and creation of green title lots. Where a local authority does not own land or an interest in land benefited by a restrictive covenant it does not have standing to enforce it. Therefore in this case the restrictive covenant is not a valid planning consideration.

Relevant Policies

Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space

Subdivision designs that propose lots backing onto areas of public space will generally not be supported. The policy acknowledges that there will be situations where lots directly abut areas of public space. In these instances, the boundaries of the lots and areas of public space need to be clearly demarcated, a minimum of one metre difference should be provided between finished ground level of the area of public space and the finished ground level of the abutting lots.

Policy 3.1.6 – Uniform Fencing – Subdivision

In the case of all subdivision applications where residential lots are proposed to directly abut Public Open Space, Drainage sites, pedestrian access ways, and regional roads or other roads of district importance, the Council should request the Western Australian Planning Commission to impose as a condition of subdivision, a requirement that the applicant provides uniform fencing and landscaping.

COMMENT

The main issue with the proposed subdivision designs is the narrow frontage of the lot and the need to excise land from Aristrade Park or the adjoining lot in order to increase the frontage and accommodate a road reserve. A separate application is required to be made to the City with respect to the excision of land from the park. It is intended to advise the applicants that any option that involves land from the park should entail an equal land exchange with no loss of public open space. Also it is considered that the road reserve width can be reduced to 12 metres where it adjoins the park, this would reduce the amount of additional land required but still provide an acceptable level of service.

Other issues such as drainage, road design and lot configuration can be addressed at the time a formal application is referred to the City for comment. All proposed lots, other than one, comply with the Residential Planning Code requirements for the R20 code. Proposed Lot 3 in Proposal 2 (Attachment 3) does not meet the minimum lot size requirement for subdivision under the R20 code but this can be addressed prior to a formal application being submitted.

The proposal is considered to be an infill subdivision that will provide for a variety of lot sizes in an area where there is otherwise limited variation.

It is recommended that the applicants be advised of the City's concerns and preferences for the subdivision of this land.

OFFICER'S RECOMMENDATION: That Council ADVISES the applicants that it is prepared to support a proposed subdivision similar to that shown in Proposal 1 Lot 64 (8) Waverton Court, Kallaroo forming Attachment 2 to Report CJ224-08/00, subject to:

- 1 the application not involving any net reduction in the area of public open space;
- 3 the provision of a 12 metre road reserve where it abuts the public open space and 14 metres elsewhere'
- 4 the provision of a suitable interface between the proposed lots and the park;
- 5 minor modification of the lot configuration to comply with the requirements of the Residential Planning Codes and improve amenity;
- 6 the provision of details demonstrating that the road and drainage can be designed to meet the City's requirements and specifications.

MOVED Cr Mackintosh, SECONDED Cr Hurst that Council ADVISES the applicants that:

- 1 **it is not prepared to support the proposal outlined in Concept Plans A and B for the subdivision of Lot 64 (8) Waverton Court, Kallaroo forming Attachment 2 to Report CJ224-08/00 as it is concerned that the number of lots and lot sizes in the proposed subdivisions would be incompatible with the surrounding lower density residential development resulting in a reduction of the amenity of the existing residential area by virtue of the likely reduced area of land for open space and gardens and the increased number of vehicle movements;**
- 2 **it would be prepared to consider a subdivision proposal for up to 10 freehold title lots which addresses the concerns expressed in (1) subject to:**
 - (a) **the provision of a 12 metre road reserve where it abuts the public open space and 14 metres elsewhere;**
 - (b) **the provision of a suitable interface between the proposed lots and the park;**
 - (c) **the provision of details demonstrating that the road and drainage can be designed to meet the City's requirements and specifications.**

Cr Mackintosh provided the following reasons for wishing to move substantially from the Officer's recommendation as printed in the agenda.

The average size of a block in this section of Kallaroo was between 900 and 1100m², containing either single to medium storey, or in some instances very large homes. The common factor in this area is that the homes are situated in garden settings. Residents in the area have a good family community spirit.

Originally, the block in question was purchased with the intention of building a large single residence. When this did not eventuate, the block reverted back to its original format. An area which was intended to accommodate up to 10 single residences on blocks in keeping with the surrounding area.

The common restrictive covenant for all blocks in this area states “that the said land shall not be used for any purpose other than single residential development.” The restrictive covenant on this particular block states “that the land or any lots created by the subdivision of the land (if any) shall not be used for any purpose other than single residential development.”

The over-development of this block and the subdivision into 15 or 16 blocks with an average block size of 500m² is not in keeping with the area. This would allow no garden which is not in keeping with the remainder of the estate. Large volumes of traffic would create congestion on a single laneway servicing this elevated cul-de-sac.

The Motion was Put and

CARRIED

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf220800.pdf](#)

CJ225 – 08/00 DELEGATED AUTHORITY REPORT - [07032]

WARD - All

CJ000815_BRF.DOC:ITEM 16

SUMMARY

This report provides a resumé of the development applications processed under Delegated Authority from 1 July 2000 to 31 July 2000.

MOVED Cr Rowlands, SECONDED Cr Wight that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ225-08/00.

The Motion was Put and

CARRIED

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf220800.pdf](#)

**CJ226 – 08/00 SUBDIVISION REFERRALS PROCESSED 1 JULY –
31 JULY 2000 - [05961]****WARD - All**

CJ000815_BRF.DOC:ITEM 17

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 July - 31 July 2000. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The total number of subdivisions processed will enable the potential creation of 102 additional residential lots, 3 city centre lots, 1 mixed use lot and 2 additional strata lots. The average processing time taken was 17 days.

MOVED Cr Wight, SECONDED Cr Rowlands that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ226-08/00.

The Motion was Put and**CARRIED**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf220800.pdf](#)

C49-08/00 PUBLIC QUESTION TIME – [36589]

Cr Magyar advised he wished to move a procedural motion under Section 3.2 of Standing Orders to allow a second public question time in order that members of the public gallery may seek clarification on any decisions made during this evening's Council meeting.

MOVED Cr Magyar, SECONDED Cr Nixon that in accordance with Section 3.2 of Standing Orders a second public question time be allowed at this evening's Council meeting.

The Motion was Put and**CARRIED**

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 12 SEPTEMBER 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

Mr Vic Harman, Ocean Reef:

Q1 Can the fittings on the microphone system within the Chamber be extended, as it is difficult to hear debate?

A1 Response by Mayor Bombak: This will be investigated; however this problem can be overcome by persons being closer to the microphone.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2047 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
L A EWEN-CHAPPELL
D S CARLOS
S P MAGYAR
A T NIXON
J F HOLLYWOOD, JP
A A WALKER
P ROWLANDS
T BARNETT
A W WIGHT, JP
A L PATTERSON
G KENWORTHY
J A HURST
C MACKINTOSH