



**MINUTES OF COUNCIL MEETING  
HELD ON 22 MAY 2001**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBERS, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 22 MAY 2001

### OPEN AND WELCOME

The Mayor declared the meeting open at 1904 hrs.

### ATTENDANCES

#### Mayor

J BOMBAK, JP

*Absent from 2101 hrs to 2115 hrs; and  
from 2119 hrs to 2121 hrs; and from  
2133 hrs to 2134 hrs;*

#### Elected Members:

Cr P KADAK	Lakeside Ward	<i>from 2101 hrs; Absent from 2335 hrs to 2339 hrs</i>
Cr P KIMBER	Lakeside Ward	<i>Absent from 2325 hrs to 2328 hrs</i>
Cr D S CARLOS	Marina Ward	<i>to 2128 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2158 hrs to 2202 hrs; and from 2351 hrs to 2355 hrs</i>
Cr A NIXON	North Coastal Ward	<i>to 2126 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2353 hrs to 2354 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2012 hrs to 2015 hrs</i>
Cr T BARNETT	South Ward	<i>Absent from 2315 hrs to 2320 hrs</i>
Cr M O'BRIEN, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>to 2257 hrs; Absent from 1948 hrs to 1958 hrs; and from 2132 hrs to 2135 hrs;</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 1950 hrs to 1951 hrs;</i>
Cr J HURST	Whitfords Ward	<i>Absent from 2148 hrs to 2152 hrs.</i>
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2157 hrs to 2200 hrs</i>

#### Officers:

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

In Attendance

The Duncraig Scouts

**APOLOGIES AND LEAVE OF ABSENCE**

Late Apology: Cr Kadak

Apology: Cr Rowlands

**Leave of Absence previously approved:**

Cr A Nixon: 21 May 2001 to 3 June 2001 (*Note: Cr Nixon was in attendance to 2126 hrs*)

There were 80 members of the Public and 1 member of the Press in attendance.

**C32-05/01      LEAVE OF ABSENCE – CR P KIMBER AND CR PATTERSON**

Cr Kimber has requested Leave of Absence from Council duties for the period 27 May 2001 to 10 June 2001 inclusive.

Cr Patterson has requested Leave of Absence from Council duties for the period 27 May 2001 to 10 June 2001 inclusive.

**MOVED Cr Baker, SECONDED Cr Mackintosh that Council APPROVES the following requests for Leave of Absence:**

**Cr P Kimber for the period 27 May 2001 to 10 June 2001 inclusive;  
Cr A Patterson for the period 27 May 2001 to 10 June 2001 inclusive.**

**The Motion was Put and**

**CARRIED**

**PUBLIC QUESTION TIME**

**The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the meeting of Council held on 24 April 2001:**

*Q1 Warrant of Payments: Page 11 of the attachment. Cheque No 30390 to New Age Securities: What is this amount for?*

**A1** Cheque 30390 for \$1,320.00 was paid to New Age Security for crowd control services at the Youth Festival held at Craigie Leisure Centre on 4 March 2001.

*Q2 Is this the same security service mentioned on Page 1 of the West Australian.*

**A2** Yes, on page 1 of The West Australian on Monday 23 April 2001.

**The following questions, submitted by Mr M O'Brien, Warwick, were taken on notice at the meeting of Council held on 24 April 2001:**

- Q1 When is the neighbourhood park located between Carr Crescent and Hillwood Avenue, Warwick programmed for reticulation ?*
- A1 Carr Park is a .73 ha park that has been assessed as a Priority 3 park and will be retained as a dry park at this point in time.
- Q2 Warrant of Payments: Page 4 of the attachment. Cheque No 30246 for \$98,634 to Chubb Protective Services, and Cheque 30233 for \$5,461 to Chubb Security Australia: Are these two separate contracting companies, or is one an umbrella company that has a contract with the municipality, and the other a subsidiary?*
- A2 Both Chubb Protective Services and Chubb Electronic Security are separate divisions of Chubb Security Australia Pty Ltd (ABN 99 003 605 098). Chubb Protective Services provided City Watch Services, and in the case of this payment, some casual guard hire. Chubb Electronic Security monitored alarms and provided equipment repairs.
- Q3 What negotiations have been undertaken in recent times between the Council and the Department of Transport, to have a vehicle inspection facility established with motor driver licence testing, within or adjacent to the Joondalup City Centre, in order to relieve the overcrowding at the Warwick complex in line with the Police Planning Department's 1980's promises?*
- A3 The City has received enquiries regarding the suitability of the Central Business District and Joondalup Business Park sites for licence testing but not in relation to vehicle inspection facilities. Advice was given that the CBD site was the preferred site.

**Mr Vic Harman, President, Ocean Reef Residents Association Inc:**

- Q1 Item CJ130-05/01 Payment of Allowance to Mayor and Elected Members. What is the purpose of the Mayor's allowance?*
- A1 The Local Government Act 1995 prescribes that a Mayor of a local government is entitled to be paid a local government allowance within the prescribed range of \$500 to \$60,000. The Act does not prescribe the purpose of the allowance, which was formerly described as an entertainment and expenses allowance.
- Q2 Can three examples be given of its past use?*
- A2 The allowance is paid monthly in arrears directly to the Mayor, along with the allowance to the Deputy Mayor and the annual fee in lieu of fees for attending meetings to all members, monthly in arrears. As these payments are made directly to the individual elected member, examples can not be given of their use.

*Q3 What happens to any unspent allowance at the end of the year?*

A3 The local government allowance is paid directly to the Mayor, monthly in arrears in equal monthly payments. There is no unspent portion of the allowance.

*Q4 What effect has the HIH collapse had on the issuing on building licences in Joondalup?*

A4 The HIH collapse has impacted upon approximately 20% of the City's building licence customers. From applications received over the last two months, approximately 120 are pending as a result of a lack of housing indemnity insurance. This compares to roughly 600 building licences that were issued over the same period. The processing of licences continues, although licence issue must be withheld (by law) until appropriate insurance is in place. The City is in a position to issue licences very quickly after new insurance has been arranged. The trend is that more applications are arriving with alternate insurance in place, and the problem appears to be easing.

*Q5 The Local Government Act refers to a Code of Conduct for Councillors and staff. Would Council institute a code, in the Standing Orders, whereby no Councillor vacates the Council Chamber, except by permission of Council, whilst members of the public are still present?*

A5 The Code of Conduct is a separate document to the Standing Orders Local law. The Code of Conduct is required to be reviewed within twelve months of every ordinary election. The current Code will be reviewed within that legislative time frame and the comments can be considered at that point. Generally the Code is not prescriptive in nature and demanding attendance may seem a little Draconian.

*Q6 Are the areas, routes and times of the Security Patrols varied daily, weekly and monthly?*

A6 Yes.

*Q7 Further to the answers given on 24 April 2001.*

- a) How are the business needs assessed?*
- b) What are the standards used in the allocation of vehicles for work and private use?*
- c) The answer of \$296,895 does not include the full annual cost of purchasing or leasing vehicles.*

- A7 a) The relevant Director will assess the business needs based on:-
- job requirements, ie load or people carrying capacity
  - FBT implications
  - callout requirements

The final decision is made by Council, with transport demands based on acceptable service levels.

- b) Policy 2.5.3 on Council Vehicles, details the standard of vehicle that is to be supplied to the Mayor and Council Officers.

Policy 2.5.4 on Official Use of Vehicles, details the extent of the permitted use of official vehicles by officers of the Council

- c) Correct, the \$296,895 was the cost of maintenance.

Q8 a) *The Draft Agenda for 15 May 2001, p17 states that vehicles are traded at 40,000kms or 2 years. The Appendix 1 graph shows a vehicle costs approximately \$17,000 in the first year the approximately \$10,000 in the second year. An average of \$13,500 per annum. 92 vehicles at \$13,500 cost \$1,242,000 per annum plus if replaced en block. Running costs take the total cost of providing these vehicles, to around \$1.5 million per annum. The cost of providing 92 vehicles for work and private use, of Council Staff and Officers, appears to be approximately \$1.5m per annum.*

- b) *Why do so many staff need vehicles for their own private use as well as for work purposes?*

A8 a) The WAMA report is based on estimated costs for a Ford Falcon including maintenance costs.. The City's costs including cost of funds, maintenance and depreciation is approximately \$900,000.

- b) Council's policy 2.5.4 Official Vehicles-Use of, determines the usage of Council vehicles. This policy is consistent with industry standards to attract and maintain desirable staff.

Q9 *Is it really necessary for so many vehicles to be provided?*

A9 Yes, based on business and contractual requirements. However, these needs are constantly monitored by the relevant Director. The City's light fleet is at a low level when benchmarked against local governments of a similar size.

Q10 *Are there alternative, and more economic ways of dealing with this issue?*

A10 Yes, there are options which were recently examined by consultants commissioned by the Western Australian Municipal Association but may not prove to be more economical. The matter is currently being examined by the Council's Audit Committee.

**Mr V Cusack, Kingsley:**

Q1 *In light of the recent comments regarding "the need for compromise" on the security charge, by the City of Joondalup, in The West Australian Tuesday 8 May 2001 p 28, it would appear that Council is trying to down-play the significance of the 68.91 per cent rejection of the flat security service charge. Is this true?*

A1 No.



Q2 Does Council now accept that it has absolutely no mandate for the continuation of the flat security service charge in any form what so ever?

A2 Council will consider this matter during budget deliberations.

Q3 In the light of the article concerning pensioner rebates in the Community Newspaper Thursday 17 May 2001 p7, how many pensioners are potentially in danger of losing their rebate?

A3 At 22 May there were approximately 260 pensioners with an outstanding balance in their rates and charges for the year ending 30 June 2001.

Q4 How many pensioners received a reminder (could be perceived by some as a threatening) letter regarding losing their pensioner rebate?

A4 In the week ending 5 May 2001 courtesy letters were sent to approximately 300 eligible pensioners reminding them that they had until 30 June 2001 to make payment of their portion of the rate debt to enable the City to claim the pensioner rebate through the State Revenue Department.

Q5 a) How many pensioners have short paid their rates?  
b) How many pensioners have short paid their rubbish charge?  
c) How many pensioners have short paid their security charge?

A5 a) b) c) There are approximately 350 pensioners with balances outstanding.

Q6 Is Council aware that the security service charge does not meet the requirements of the definition used as a "prescribed service" under the Rates and Charges Rebate and Deferment Act 1992.

A6 Yes.

Q7 If a pensioner is unable to claim a reduction for a flat service charge, how is it possible for a pensioner to lose their rebate for withholding payment on that particular service charge?

A7 Pursuant to the provisions of Section 6.50 of the Local Government Act 1995 rates and service charges are due and payable on a date determined by the local government or not earlier than 35 days from the date of issue of the rates notice unless the ratepayer elects to pay by instalments.

While the Rates and Charges (Rebates and Deferments) Act 1992 permits an eligible pensioner until 30 June in a particular year to pay his/her portion of the rates to be eligible for a rebate from the State Revenue Department, any service charges, ie Property Surveillance and Security Charges and Refuse Charges are not eligible for rebate or deferment and must therefore be paid within the 35 day period.

The City has a payment hierarchy which it applies to the payment of rates and related charges. This is as follows:-

- 1 Arrears
- 2 Penalties
- 3 Legal Costs
- 4 Administration Fees and Lost Potential Interest
- 5 Refuse Charges
- 6 Recycling Charges
- 7 Pool Charges
- 8 Security Charge
- 9 Special Area Rating
- 10 Rates

If a person (including a pensioner) does not give direction to the City (the payee) at the time of payment of his/her account as to the order of application of the monies paid, the payee is entitled to pay the monies to any of the debts in the order chosen by the payee.

If this situation occurs it is possible for pensioners to lose the rebate on rates if they short pay the account.

*Q8 Is the information contained in the Community Newspaper absolutely correct concerning the eligibility for rebate which states (including rubbish and security charges)? Or is eligibility specifically related to payment of rates alone?*

*A8 Yes. Section 33(3) of the Rates and Charges (Rebates and Deferments) Act 1992 does not allow the provision of a rebate or deferment until rates arrears are paid.*

**Mrs Cherie Wood, Friends of the Craigie Bushland:**

**Re: Craigie Open Space**

*Q1 A response is requested regarding two questions previously asked at the Council meeting held on 13 March 2001, being:*

- If the City of Joondalup is waiting for final report from the consultant, when is it anticipated that this report will be received?*
- On what date were the consultants requested to finalise their report?*

*A1 It had been previously advised that it was anticipated that the Craigie Open Space Study would be reported to Council in May. Subsequent to that advice, it was determined that the draft report should be referred to Council's Environmental Committee for comment, of which the writer is a member. These comments have now been received together with comments from Council officers and there are a number of concerns with the draft report which we are in the process of communicating to the consultants.*

Although it had been proposed that the consultants final report would be provided by December 2000, because of the delays that have occurred and concern regarding the report, it is now anticipated that the consultant's final report will be received in July and reported to Council in August. It will then be advertised for public inspection and comment and reported to Council in October.

*Q2 When will the draft Management Plan for Craigie Open Space be passed, so that a Management Plan can be put into operation?*

A2 It is intended that the Craigie Open Space Study be reported to Council in August 2001, then advertised for public comment. Although the study report contains reference to a management plan it is a planning study not a management plan. The delay in finalising the Study is not conflicting with the ongoing management of the open space in accordance with the management order.

**Mr A Bryant, Craigie:**

*A1 There is a derelict vehicle shell which has been parked on the verge at 135 Craigie Drive, Craigie for some weeks. Can this be removed so as to maintain the amenity of the area? There is also a derelict vehicle parked on the corner of Spicer Court and Chadstone Road.*

A1 Ranger Services will investigate the issue of the derelict vehicles and arrange for removal if appropriate.

*Q2 I recently listened to the interview of the Mayor and Mr Vincent Cusack by Liam Bartlett of ABC. The Mayor stated that the Security Rangers patrol every street in the City of Joondalup at least once a day. This is not fact. In response to my question of 19 December 2000, regarding patrols in Stocker Court, I was advised that "since the introduction of this security charge there have been no specific requests or referrals for service received by the City in relation to the properties in Stocker Court". The inference is therefore that Rangers do not patrol every street in the City of Joondalup. Would you please elaborate?*

A2 The target set is to patrol every street within the City once a day as a minimum. The issue referred to relates to a question regarding whether any specific requests were received in relation to the properties mentioned, and it is believed that the answer provided previously is correct.

**Ms Helen Kraus, Mullaloo Progress Association:**

*Q1 Item CJ29-05/01: Why is the proposed car park in Tom Simpson Park included in the Mullaloo Beach Concept Plan when there is significant opposition to it?*

A1 The car park has been included in the plan because the plan also involves the deletion of some parking in front of the surf club. None of the proposals are finalised; there are some elements of the plan which are suggested to be investigated further, subject to the agreement of the Council, and to obtain costings to see whether they are worth pursuing. It is accepted that there are numbers of people that agree and disagree with the proposals; however it is important to consider the strength of the argument.

- Q2 Why were the North Shore car parks excluded from the plan and recommendations presented to Council this evening?*
- A2 It was agreed that the parking in that particular location was less appropriate than it would be at Tom Simpson Park.
- Q3 What was this decision based on?*
- A3 This question was taken on notice.

**Ms M McDonald, Mullaloo:**

- Q1 Item CJ159-05/01: Mullaloo Concept Plan: On 19 December 2000 I asked a question about the failure of the administration to cost the whole plan. I was advised this was because it was a concept plan and did not require to be fully costed. Is it purely coincidence that the areas of the plan that have been recommended for deletion are the uncosted areas? With respect to the park at Merrifield Place, the Mayor assured me in a letter dated 15 January 2001 that there were no ulterior agendas to any areas covered by the plan. What then are unresolved issues if not ulterior agendas, and can ratepayers know what are the unresolved issues? Would you as Councillors return the plan to the planners and ask them to truly reflect the vision of ratepayers regarding Mullaloo Beach?*
- A1 The concept plan was not costed at that stage because it was a very fluid plan, and still is fairly fluid. It is now appropriate to design some of the elements in more detail and provide costs, and also to see whether or not they can be approved, not only by this authority but by other authorities such as the Environmental Protection Authority and Ministry for Planning. In relation to Merrifield Place, there are a number of unresolved issues because of the way the land is held and the particular zoning of the land.
- Q2 Can we be assured that you are not considering selling the land?*
- A2 It is not just the zoning of the land, it is the way the land is held in fee simple and it is understood that it is one of the assets listed in Council's asset register.
- Q3 I understand that on the balance sheet of the Council that particular asset is listed as zero, although I do know that it was costed at \$400,000 for every block. Can I ask the question, is one of the unresolved issues to be put to Council to recommend to sell the land?*
- A3 That question cannot be answered; those matters have not been investigated and the facts presented to Council for a decision.
- Q4 Can I assume there is a possibility that a recommendation is put to Council for the blocks to be sold?*
- A4 There is no particular proposal at this stage; that matter has not been fully investigated.

*Q5 Is it pure coincidence that the land and the North Shore car park were not costed?*

A5 No costings have been obtained at this stage.

*Q6 The plan provided estimates for all other parts of the plan and I have been asking why they were not costed. I have made by own interpretation of why they were not costed, probably because there was no intention of those parts of the plan being taken up; would that be reasonable?*

A6 No, it is not considered it would be.

**Mr R De Gruchy, Sorrento:**

*Q1 In June 2000 I asked questions concerning maintenance and renovations that were planned to be carried out on the Craigie Leisure Centre during the next few years. I was advised that the following matters were listed for the Financial Year 2000/01:*

- *replace sports court box gutters to comply with National Plumbing Code AS/NZS 35.3.2. 1998 Stormwater Drainage – Acceptable Solutions;*
- *replacement of sand in four horizontal pool filters;*
- *replace carpet in foyer and common areas;*
- *replace outdoor pool shade cloth;*
- *replacement of ceiling panels in creche and function room;*
- *refurbishment of outdoor pool slides;*
- *repainting of sports hall, foyer and sports court;*
- *replacement of deteriorating cedar panels in sauna;*
- *cleaning of pool supply and exhaust air-duct work.*

*Would you please advise if all of these maintenance matters have been carried out.*

A1 This question will be taken on notice.

**Mr V Cusack, Kingsley:**

*Q1 Does Council now accept that it has absolutely no mandate for the continuation of the flat security service charge in any form whatsoever?*

A1 This question was provided previously and the answer given was that it is a matter for Council to consider.

*Q2 In relation to my earlier question No 5, I requested a breakdown of how many pensioners have short paid their rates, rubbish charge and security charge. Could this breakdown be provided?*

A2 There is some difficulty in providing this information, as where people pay without advising what they are paying for, Council hierarchy management comes into play and the figure would be left in rates.

*Q3 In relation to my earlier question No 7, did Council advise the pensioners of the particular hierarchy referred to in answer 7?*

A3 No, it is the responsibility of the individual when paying for rates to advise what they are paying, if they wish to.

*Q4 Has Council checked with the State Revenue Department regarding the response given to answer number 8, relating to Section 33.3?*

A4 No, that is the administration's answer to the question.

*Q5 Would it be possible to put that question again on notice with a specific request to ring the State Revenue Department to confirm the accuracy of that answer?*

A5 The Rates and Charges Rebates and Deferments Act is quite clear where it talks about "where arrears are due from a registered person in respect of a prescribed charge neither payment of a rebate of an amount nor a deferment in respect of a prescribed charge of that kind shall be allowed by an administrative authority ie the Council. Notwithstanding that an entitlement is registered by that person relating to the land."

Confirmation will be sought from the State Revenue Department.

**Mr D Davies, Connolly:**

*Q1 I have had several calls from pensioners regarding letters from the City threatening to destroy their eligibility for the 50% rate rebate due to non payment of part of the rates, mainly the security charge I believe. Is the City targeting pensioners only, being possibly the group least able to defend themselves, and what is being done to retrieve the \$2 million unpaid rates, other than pensioners?*

A1 The letter certainly was not intimidating; it was a courtesy letter to all pensioners reminding them that if they do not pay by 30 June they miss the cut off deadline. This is undertaken as a normal course of events every year and the advice the City is receiving back from pensioners is very much in the positive sense, thanking the City for the advice.

**Mr D Barber, on behalf of 57 petitioners, in relation to Davallia Road Traffic Management Plan:**

*Q1 When Council decided to make the changes to Davallia Road was consideration given to the Carine Glades Shopping Centre on the corner of Davallia and Beach Roads? This centre has 42,000 shoppers attending per week. The Davallia Primary School has approximately 30% of the pupils travelling from other areas and require to transverse that area. If that street is reduced to one lane, it will cause extreme traffic jams in the area.*

A1 The reduction to one lane is to calm traffic through the street and even when it becomes one lane it still has the capacity to handle the volumes.

- Q2 How would it handle the volume when the capacity of the traffic is reduced by half?*
- A2 The predicted traffic for that street is not beyond its capacity.
- Q3 Okley Road will become one of the outlets to the new Reid Highway. Davallia Road is a possible outlet through to Okley Road. The traffic is designed to go from 9,000 to 15,000 vehicles, which doubles the use of the road and it is proposed to cut the capacity to half and narrow the Davallia Road entry.*
- A3 Currently with Reid Highway not being open to the traffic, much of the traffic goes north to Warwick Road then backtracks along Davallia Road into the catchment area of Duncraig and Carine. When Reid Highway opens, it will provide a more direct route and at that time Okley Road will receive more traffic and it is anticipated that the traffic volumes on Davallia Road will not be increased to the extent they would be on Okley Road.
- Q4 Okley Road runs directly into Davallia Road, so where else can the traffic go?*
- A4 Much of the traffic would disperse into the residential areas adjacent to Okley Road. Admittedly some of the traffic will go into Davallia Road but the advice given is that the volumes that will continue on will not be beyond the capacity of Davallia Road. One of the major problems highlighted with residents in the area is the intersection of Warwick and Davallia Roads. Main Roads WA advise that the pressure on that intersection is anticipated to reduce when Reid Highway is opened as it will provide a more direct route for persons living south of Warwick Road. The situation will be monitored and if the design solutions which currently exist are not working, alternative methods will be considered to address the issue.
- Q5 What is proposed in the plan is to reduce the access to Davallia Road from Warwick Road which will give one lane of traffic. Also a 'give way' sign is proposed. A bottleneck will be caused, making it impossible to get onto Warwick Road from Davallia if the proposal goes ahead.*
- A5 The intersection approaching Warwick Road will remain two lanes and the capacity of the intersection does not change with this design. What is changing is that in between the intersections the road reduces to one lane. The intersection capacity towards Beach Road does not alter because two lanes still remain when approaching the intersection.
- Q6 Why is the parking being placed on Davallia Road and also a cycleway?*
- A6 This is for traffic calming purposes, to restrict the traffic and reduce it to one lane. It also provides a safer turning opportunity for those residents adjacent to Davallia Road. The residents adjacent to Davallia Road strongly support this proposal.

**Mr M Sideris, Mullaloo:**

*Q1 As previously raised at the Briefing Session, why were the 26 comments excluded from the report on the Mullaloo Precinct Plan?*

A1 The attachment to the report is an abbreviation and it was not possible to revise the attachment in line with those comments. Council is well aware that there are some provisos that were put by the Ratepayers Association, and raised by Mr Sideris at the Briefing Session last week. It is believed that the attachment is a fair representation of the comments received, even in its abbreviated form. The report and its recommendations are believed to be a fair resolution of the summation of the comments received.

*Q2 Why were the comments excluded?*

A2 The Director Planning and Development is happy to meet with Mr Sideris to discuss the individual comments, which are considered to represent the comments received.

*Q3 What was the cost of the roundabout at North Shore Drive and Whitfords Avenue?*

A3 This question will be taken on notice.

**Mr T O'Brien, Padbury:**

*Q1 CJ008-02/00 of 8 February 2000: Wentworth Park, Padbury, Dual Use Path Disability Access Plan. The park and play equipment were upgraded and there was recommendation made by Council in the 2000/01 Capital Works Programme that a disability path be included. There was \$774,000 on 10 March 2001 and \$220,000 has been spent on Whitfords Avenue. Why have old works programmes not been competed?*

A1 That was a decision of Council. Outstanding works will be completed.

**Ms C Dillan, Duncraig:**

*Q1 In relation to the Davallia Road issue, I believe that parents are to be encouraged to drop children off on Davallia Road to access the primary school in Juniper Way. Are there any plans to introduce a 40 kilometre speed restriction?*

A1 The opportunity exists to use the embayments on Davallia Road; however discussions have been held with the Headmaster of the school and a representative of the P & C and a problem has been highlighted with traffic around the school. A commitment has been given to work closely with the school in addressing those problems. Part of the solution may be to use Davallia Road and the school guard control crossing but this needs to be determined in partnership with the school as to what strategies are taken on board.



*Q2 How will this be determined?*

*A2 The City would work closely with the school. It is believed the school has a Road Wise Committee; if not, a committee will be formed and the City's officers will work with the school to determine solutions for the traffic problem. In relation to speed reduction, that could be an option to consider and it is before the State Government now in relation to reducing traffic speeds on local streets down to 50 kph. Whilst that may not apply to Davallia Road it will apply to Juniper Way and the other streets that surround the school.*

*Q3 There is concern with the turning from Warwick Road onto Davallia Road. Approximately four years ago Council installed a slip road to access Davallia Road via two lanes. Due to current works this is now limited to one lane and traffic is already backing up along Warwick Road, being unable to turn into Davallia Road. I believe there were plans to continually reassess the issue.*

*Cr Patterson left the Chamber at 1948 hrs.*

*A3 The turning left lane still remains; it is believed this may have been modified to straighten the angles so that vehicles have to stop and give way to traffic turning right from Warwick Road. The situation will be monitored.*

*Cr Kenworthy left the Chamber at 1950 hrs.*

## **DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST**

*Mayor Bombak declared an interest in Item CJ130-05/01 – Payment of Allowance to Mayor and Councillors, in relation to the issue of a vehicle.*

*Mayor Bombak declared an interest in Item CJ133-05/01 – WAMA Fleet Management, Passenger Vehicle Project Report and Cost Comparison of Liquefied Petroleum Gas Versus Petrol - in relation to the issue of a vehicle.*

*Cr Hollywood declared an interest in Item CJ164-05/01 – Delegated Authority Report - DA 01/0114 27 Regents Park Road, Joondalup as he is undertaking building work for the owners.*

*Cr Kenworthy entered the Chamber at 1951 hrs.*

## **CONFIRMATION OF MINUTES**

### **C33-05/01 MINUTES OF COUNCIL MEETING – 24 APRIL 2001**

**MOVED Cr Walker, SECONDED Cr Carlos that the Minutes of the Council Meeting held on 24 April 2001, be confirmed as a true and correct record, subject to the following corrections:**

**Page 7: Item C27-04/01 be amended to read: “...that, in accordance with Clauses 2.4 and 3.2 of the City's Standing Orders Local Law ...”**

**Page 49: Point 7 be amended to read: “Moved Cr Magyar, Seconded Cr Hollywood”**

**The Motion was Put and**

**CARRIED**

**C34-05/01 MINUTES OF SPECIAL COUNCIL MEETING, 7 MAY 2001**

**MOVED Cr Baker, SECONDED Cr Hurst that the Minutes of the Special Council Meeting held on 7 May 2001 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED**

**ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

**FUTURE DIRECTIONS**

This is the first full Council meeting since the recent elections and there is much for this Council to achieve. Now it is time to move ahead into a new stage of seeing our plans put into action.

As a Council, it is our function to spearhead the many major new projects on the drawing boards, to breathe life into these ideas, so the vision for Joondalup continues to become reality.

The projects the City will need to consider are:

- the development of a performing arts complex
- the redevelopment of the Ocean Reef launching facility
- achieve secondary waste treatment solution
- establish a new works depot in Joondalup
- develop a City of Joondalup parking strategy
- progress the City’s precinct planning schemes

These are only some projects the community will be looking to us to assess and I look forward to working with all of you to achieve the aims of this community.

**INTERNATIONAL YEAR OF VOLUNTEERS**

In this the International Year of Volunteers, the City of Joondalup is showing its appreciation for all volunteers by hosting a series of functions for each of the relevant groups.

The first of these functions was held last Thursday, 17 May 2001, where volunteers were given a certificate and a commemorative badge to recognise their contribution.

*Cr Patterson entered the Chamber, the time being 1958 hrs.*

The City has over 300 volunteers who contribute significantly to the quality of life enjoyed by some of our residents.

I hope we can show our volunteers how much we appreciate them through these functions.

### **COMMUNITY INVITATION ART AWARD**

Last evening, Monday 21 May 2001, I opened the Community Invitation Art Exhibition at the Lakeside Joondalup Shopping City.

For the first time, entry was restricted to artists who live in the City. There are some fantastic artworks created by some 126 artists, all of which are for sale.

All exhibits will be on show until 1 June 2001 and I encourage you to go and view them.

### **TRANSFER OF MANAGEMENT OF LEISURE CENTRES**

Monday, 21 May 2001, RANS Management Group assumed management of the Craigie, Ocean Ridge and Sorrento/Duncraig leisure centres and the City wishes all involved success with the new operation.

It is pleasing to report most of Council's staff who sought employment with RANS have been successful.

### **C35-05/01      QUESTIONS WITHOUT DUE NOTICE**

Cr O'Brien requested that in accordance with Standing Orders Local Law, Clause 3.2 – Order of Business time be permitted for questions with/without due notice from Councillors.

Mayor Bombak advised this issue was not a matter listed in the agenda for this evening's meeting.

Chief Executive Officer advised that Clause 3.2 of Standing Orders allows Council from time to time to vary the Order of Business in relation to the topics listed.

The last resolution recorded did not include Questions with Due Notice, Questions without Due Notice, Reports of Committees, Motions for further Action or Second Public Question Time.

Should an elected member wish to have any of these items listed on an agenda, then a motion is required in accordance with Clause 3.2 of Standing Orders for this to implemented for a particular meeting.

**MOVED Cr O'Brien, SECONDED Cr Nixon that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a period of time be allowed in order that questions without due notice may be received from Councillors.**

**The Motion was Put and**

**CARRIED**

**Questions Without Due Notice – Cr M O’Brien:**

- *On Friday 18 May 2001, I received a communication from the Director Community Development to the effect that the incorrect copy of the constitution for Community Vision Inc was provided. The correct copy was attached, the only changes relate to the numbering of the clauses, which were not correctly aligned on the previously supplied copy.*

*Q1 Can the Director, Community Development assure me that the document that was registered with the Ministry of Fair Trading pursuant to the Associations Incorporation Act is that document sent out on Friday evening?*

**A1** No, the document that was previously forwarded to the newly elected members contained the incorrect numbering of clauses. The City has been in communication with the Ministry of Fair Trading and the matter will be addressed as a result.

Cr O’Brien advised he wished to foreshadow a Motion to defer Items CJ145-05/01, CJ146-5/01 and CJ147-05/01 as a result of the inaccuracies relating to numbering contained in the document.

**C36-05/01      REQUEST FOR SECOND PUBLIC QUESTION TIME**

**MOVED Cr Hollywood, SECONDED Cr Walker that, in accordance with Clause 3.2 of the City’s Standing Orders Local Law, a second public question time be permitted at the conclusion of the meeting.**

**The Motion was Put and**

**CARRIED**

**PETITIONS****C37-05/01      PETITIONS SUBMITTED TO THE COUNCIL MEETING – 22 MAY 2001****1      PETITION IN RELATION TO PROPOSED ALTERATIONS TO DAVALLIA ROAD, DUNCRAIG - [09127]**

A 57-signature petition has been received from Duncraig residents seeking an urgent meeting with the relevant Council authorities and residents of Juniper Way and Tandy Court, Duncraig with regard to the proposed changes to Davallia Road.

This petition will be referred to Infrastructure Management for action.

**2      PETITIONS IN RELATION TO SORRENTO FORESHORE CONCEPT PLAN – [49840]**

Cr Mackintosh tabled a 13-signature petition from residents and ratepayers of the Whitfords Ward, along with a 12-signature petition from residents and ratepayers of the South Coastal Ward in relation to the Sorrento Foreshore Concept Plan requesting that Council provide funding in the 2001/2002 budget to start the process of revitalising this area of coastline to make it more user friendly for local residents, as provided for in the concept plan.

This petition will be referred to Planning and Development for action.

3 PETITION OBJECTING TO THE PROPOSED CLEARING OF BUSH ON THE WESTERN SIDE OF ROBIN RESERVE – [05098]

Cr Walker tabled a petition on behalf of the Sorrento Duncraig Cricket Club containing 450-signatures from residents of the City of Joondalup objecting to the proposed clearing of the bush on the west side of Robin Reserve to accommodate a 40 bay parking area.

The petitioners also oppose any destruction of the trees and bush in this area.

This petition will be referred to Infrastructure Management for action.

**MOVED Cr Hollywood, SECONDED Cr Baker that the petitions:**

- 1 **seeking an urgent meeting with the relevant Council authorities and residents of Juniper Way and Tandy Court, Duncraig with regard to the proposed changes to Davallia Road;**
- 2 **requesting that Council provide funding in the 2001/2002 budget to start the process of revitalising this area of coastline to make it more user friendly for local residents, as provided for in the Sorrento Foreshore Concept Plan;**
- 3 **objecting to the proposed clearing of the bush on the west side of Robin Reserve to accommodate a 40 bay parking area.;**

**be received and referred to the appropriate Business Units for action.**

**The Motion was Put and**

**CARRIED**

<b>FINANCE AND COMMUNITY DEVELOPMENT</b>
--

*Mayor Bombak declared an interest in Item CJ130-05/01 – Payment of Allowance to Mayor and Councillors, in relation to the issue of a vehicle.*

**CJ130 - 05/01 PAYMENT OF ALLOWANCE TO MAYOR AND COUNCILLORS – [27122]**

**WARD - All**

CJ010515\_BRF.DOC:ITEM 1

**SUMMARY**

Sections 5.98 and 5.98A of the Local Government Act 1995 make provision for the Council to pay meeting fees and reimburse certain expenses for elected members. Section 5.99 of the Local Government Act 1995 allows for a local government to decide that instead of paying elected members a fee as referred to in Section 5.98(1), it may pay all elected members an annual fee in lieu of fees for attending meetings. Section 5.98A of the Act also allows for the Deputy Mayor to be paid a prescribed percentage, currently legislated at 25%, of the annual

local government allowance paid to the Mayor. The legislation states that the local government allowance is between \$500 up to 0.002% of the City's operating revenue, but not exceeding \$60,000. The City currently pays its Mayor a local government allowance of \$60,000. In addition the Mayor is paid an annual meeting fee of \$12,000 per annum and all other Councillors \$6,000.

Policy 2.2.12 and legislation also allows for a telecommunications allowance to be paid to elected members. This amount is currently set at \$2,000 per annum, paid monthly in arrears, which is the maximum payable under the Local Government Act 1995.

The City's current Policy 2.2.10 states that the Council is to determine what and how attendance/meeting fees are to be paid to elected members at the first ordinary meeting of the Council in May of each year.

## BACKGROUND

At its meeting held on 14 December 1999, Council resolved to:

- “1 AUTHORISE the payment of an annual fee in lieu of fees for attending meetings of \$6,000 per annum to Councillors and \$12,000 per annum to the Mayor;**
- 2 AUTHORISE the payment of a local government allowance to the Mayor of \$60,000 per annum;**
- 3 AUTHORISE the payment of a local government allowance to the Deputy Mayor of \$15,000 per annum, being 25% of the allowance payable in accordance with the Local Government Act 1995;**
- 4 DETERMINE that the payments referred to in (1), (2) and (3) above be made monthly in arrears.”**

The Council at its meeting held on 8 February 2000, agreed to amending policy 2.2.12 to include:

*“An annual allowance of \$2000 be paid monthly in arrears for costs relating to telecommunication. Any additional expenses incurred to the \$2000 annual allowance will require the Elected Member to submit a claim form as described below (additional claims to the \$2000 require Elected Members to present invoices for the \$2000 and the additional amounts).”*

## DETAIL

The Local Government (Administration) Regulations detail the following fees:

Meeting Attendance Fees		<i>Minimum</i>	<i>Maximum</i>
Mayor	Council meeting:	\$100	\$240
	Committee meeting:	\$25	\$60
Councillor	Council meeting:	\$50	\$120
	Committee meeting:	\$25	\$60

The amount paid in meeting fees per year to the Mayor and Councillor is not to exceed \$12,000 and \$6,000 respectively.

<b>Annual Attendance Fees</b>		
	<i>Minimum</i>	<i>Maximum</i>
Mayor	\$5,000	\$12,000
Councillor	\$2,000	\$6,000

<b>Annual Local Government Allowance for Mayor and Deputy Mayor:</b>		
	<i>Minimum</i>	<i>Maximum</i>
Mayor	\$500	(i) \$10,000, or (ii) 0.002 of the City's operating revenue, but no greater than \$60,000
Deputy Mayor (up to 25% of allowance paid to Mayor)	\$375	To be determined

In order to establish a benchmark with similar local governments, the following information is provided:

#### **City of Stirling:**

<b>City of Stirling</b>	<b>Annual Fee</b>	<b>Allowance</b>	<b>Vehicle</b>	<b>Telecommunications</b>
Mayor	\$12,000	\$60,000	V6 Fairlane – private use	
Deputy Mayor	\$6,000	10% of Mayor		\$2,000
Councillors	\$6,000	Nil		\$2,000

The City of Stirling indicated that its current Mayor only claims \$54,000 of the total Mayoral allowance which is paid in monthly instalments of \$4,500, and does not claim the \$12,000 annual attendance fee. Elected members are entitled to claim reimbursement of expenses. The City of Stirling indicated the Mayor does not claim for any reimbursement of expenses. The car is permitted on full private use.

#### **City of Perth:**

<b>City of Perth</b>	<b>Annual Fee</b>	<b>Allowance</b>	<b>Vehicle</b>	<b>Telecommunications</b>
Lord Mayor	\$12,000	\$60,000	V8 Luxury	Nil
Deputy Mayor	\$6,000	25%		Nil
Councillors	\$6,000	Nil		Nil

The Lord Mayor of Perth is paid \$60,000 as the local government allowance and is paid upon request. The vehicle is supplied for local government business purposes only. The annual fee is paid to all elected members quarterly. City of Perth allows elected members to claim reimbursement of expenses to a maximum of \$13,000 which includes expenses related to telecommunications and attendance at intra/inter state conferences.

#### City of Melville:

City of Melville	Annual Fee	Allowance	Vehicle	Telecommunications
Mayor	\$12,000	\$500	No	
Deputy Mayor	\$6,000			
Councillors	\$6,000			

The Mayor of Melville is paid the minimum amount of local government allowance of \$500, however is entitled to claim up to \$34,500 per annum in allowable expenses (total \$35,000). No vehicle is provided, however travel expenses may be reimbursed up to a maximum of \$13,000 per annum.

The Deputy Mayor is entitled to an allowance of 25% of the allowance paid to the Mayor which is currently set at \$8,750. Claims for this payment are along the same lines as the Mayor, where they must be substantiated. The remaining elected members may claim reimbursement of expenses in accordance with the policy up to \$2,460 per annum, plus \$1,000 on home office capital per annum. All elected members are set a maximum of \$3,100 per annum on conference attendances, but are entitled to roll this over for one year.

#### City of Swan:

City of Swan	Annual Fee	Allowance	Vehicle	Telecommunications
Mayor	\$12,000	\$45,000	No	\$2,000
Deputy Mayor	\$6,000	\$10,000		\$2,000
Councillors	\$6,000			\$2,000

The Mayor of the City of Swan is not supplied a vehicle, however is able to claim travel expenses in line with other elected members.

#### City of Joondalup:

City of Joondalup	Annual Fee	Allowance	Vehicle	Telecommunications
Mayor	\$12,000	\$60,000	V8 luxury - Private use of vehicle	\$2,000
Deputy Mayor	\$6,000	\$15,000	-	\$2,000
Councillors	\$6,000	Nil	-	\$2,000

The Mayor of the City of Joondalup is paid \$60,000 which is paid monthly in arrears. The Deputy Mayor allowance has been set at 25% of the Mayor's allowance being \$15,000. The Mayor is entitled to private use of the Council issued vehicle.



Policy 2.2.12 of the City details those expenses which shall and may be reimbursed, with the exception of telecommunications expenses which are met through the separate allowance. There is no limit placed on the amount paid in reimbursements or conference attendance.

## COMMENT

The City's current Policy 2.2.10 states that the Council is to determine what and how attendance/meeting fees are to be paid to elected members at the first ordinary meeting of the Council in May of each year.

The decision to determine the type and level of fee to be paid to the Mayor and Councillors is purely at the discretion of the Council. From the administrative perspective, the ability to pay an annual fee, rather than set meeting attendance fees, to elected members on a regular basis (monthly or quarterly in arrears) would be preferred. It would be anticipated that the current number of meetings for elected members to attend would result in them reaching if not exceeding the prescribed meeting fee limit.

## ADDITIONAL INFORMATION

The report relating to the payment of allowances to the Mayor and Councillors included a number of examples of the level of payments made to elected members at other local governments.

In addition to those detailed in the report the following additional details have been obtained:

City of Wanneroo	Annual Fee	Allowance	Vehicle (Type of)	Vehicle Use Official Use/Private
Mayor	\$12,000	\$60,000	Calais	Private
Deputy Mayor	-	\$15,000	-	-
Councillors	\$6,000	-	-	-

City of Gosnells	Annual Fee	Allowance	Vehicle (Type of)	Vehicle Use Official Use/Private
Mayor	\$12,000	\$10,600	-	-
Deputy Mayor	-	\$1,590	-	-
Councillors	\$6,000	-	-	-

City of Cockburn	Annual Fee	Allowance	Vehicle (Type of)	Vehicle Use Official Use/Private
Mayor	\$12,000	\$60,000	-	-
Deputy Mayor	-	\$8,000	-	-
Councillors	\$6,000	-	-	-

Details were also sought and are set out below for the City of Casey that is comparable to the City in a number of regards. At the same time however it needs to be recognised that the structure and legislation of local governments outside Western Australia makes comparison difficult. For instance the level of allowances and meeting fees paid in some New South Wales and Queensland local governments is substantially higher than in others states reflecting the full time nature of the elected member positions in those local governments.

City of Casey (Vic)	Annual Fee	Allowance	Vehicle (Type of)	Vehicle Use Official Use/Private
Mayor		\$36,000	Statesman	Private
Deputy Mayor				-
Councillors		\$12,000		

It should be noted that the Victorian State Government has recently announced changes that will increase from 1 July the allowance paid to the Mayor of Casey to \$46,500 and the allowance paid to all other City of Casey elected members to \$15,000.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 AUTHORISES the payment of an annual fee in lieu of fees for attending meetings of \$6,000 per annum to Councillors and \$12,000 per annum to the Mayor;
- 2 AUTHORISES the payment of a local government allowance to the Mayor of \$60,000 per annum;
- 3 AUTHORISES the payment of a local government allowance to the Deputy Mayor of \$15,000 per annum, being 25% of the allowance payable in accordance with the Local Government Act 1995;
- 4 AUTHORISES the payment of telecommunication allowance to all elected members of \$2,000 per annum.
- 5 DETERMINES that the payments referred to in (1), (2) (3) and (4) above be made monthly in arrears.

*Cr Walker left the Chamber at 2012 hrs and returned at 2015 hrs.*

During discussion on the matter, Cr Carlos requested that each part of the motion be voted upon separately.

**MOVED Cr Carlos, SECONDED Cr Nixon that Council:**

- 1 AUTHORISES the payment of an annual fee in lieu of fees for attending meetings of \$6,000 per annum to Councillors and \$12,000 per annum to the Mayor;

Discussion ensued

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

**MOVED Cr Carlos, SECONDED Cr Nixon that Council:**

- 2 AUTHORISES the payment of a local government allowance to the Mayor of \$30,000 per annum;

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 Mackintosh, Barnett, Nixon and Carlos

Against the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Walker, Hollywood, Baker and Kimber

**MOVED Cr O'Brien, SECONDED Cr Baker that Council:**

**2 AUTHORISES the payment of a local government allowance to the Mayor of \$60,000 per annum;**

Discussion ensued.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Baker, Carlos and Kimber

Against the Motion: Crs Nixon and Carlos

**MOVED Cr Carlos, SECONDED Cr Nixon that Council:**

**3 AUTHORISES the payment of a local government allowance to the Deputy Mayor of \$6,000 per annum;**

Discussion ensued, with Cr Hurst giving an explanation as to her fulfilling the role of Deputy Mayor.

**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, Nixon, Carlos and Mackintosh

Against the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Hollywood, Baker and Kimber

**MOVED Cr O'Brien, SECONDED Cr Kimber that Council:**

**3 AUTHORISES the payment of a local government allowance to the Deputy Mayor of \$15,000 per annum, being 25% of the allowance payable in accordance with the Local Government Act 1995;**

**AMENDMENT MOVED Cr Mackintosh** that the following words be added at the end of Point 3:

*“subject to a six monthly review by the Audit Committee”*

**There being no SECONDER, the Amendment**

**LAPSED**

**The Original Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Baker, Carlos and Kimber

Against the Motion: Crs Nixon and Carlos

**MOVED Cr Carlos, SECONDED Cr Nixon that Council:**

**4 AUTHORISES the payment of telecommunication allowance to all elected members of \$2,000 per annum.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

*Cr Kadak entered the Chamber, the time being 2101 hrs.*

*Mayor Bombak left the Chamber, the time being 2101 hrs. Deputy Mayor, Cr Hurst assumed the Chair.*

**MOVED Cr Carlos, SECONDED Cr Nixon that:**

**5 the V8 Luxury Vehicle supplied to the Mayor is for local government business purposes only and the vehicle should be garaged in the Council secured car park when not being used on Council business;**

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 Mackintosh, Barnett, Walker, Hollywood, Nixon and Carlos

Against the Motion: Mayor Bombak, Crs Kenworthy, Patterson, O'Brien, Baker, Kimber, Kadak and Hurst

**MOVED Cr Carlos, SECONDED Cr Nixon that:**

- 6 the V8 luxury vehicle provided to the Mayor should be replaced with a V6 when the V8 luxury vehicle is due for normal replacement;**

Discussion ensued.

**The Motion was Put and**

**CARRIED**

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

In favour of the Motion: Crs Mackintosh, O'Brien, Barnett, Walker, Hollywood, Nixon and Carlos

Against the Motion: Crs Kenworthy, Patterson, Baker, Kimber, Kadak and Hurst

*Mayor Bombak entered the Chamber, in order to give a personal explanation, the time being 2115 hrs.*

**Explanation by Mayor**

Mayor Bombak sought clarification as to whether he had a financial interest in Point 8 of the recommendation.

Chief Executive Officer stated he did not wish to rule as there was a variance as to whether or not there is a financial gain or a financial loss. This matter was an issue for Council to look at a policy as to whether items of this category are part of the allowance, or whether they are part of a separate area categorised as expenses.

Cr O'Brien sought clarification as to whether such amounts were paid through the Warrant of Payments.

*Mayor Bombak left the Chamber, the time being 2119 hrs, with Deputy Mayor, Cr Hurst resuming the Chair.*

**MOVED Cr Kadak, SECONDED Cr Baker that:**

- 8 consideration of the Mayor repaying to the City of Joondalup within 30 days the following amounts which were paid by the Council during the 2000/2001 financial year:**

- **\$262.00 Ferrari Suit Hire**
- **\$869.16 Membership Qantas Club - two years**
- **\$137.50 Membership 250 Club**

**be DEFERRED.**

Cr Carlos advised this issued had been raised at the Audit Committee meeting.

**The Motion was Put and**

**CARRIED**

*Mayor Bombak entered the Chamber, the time being 2121 hrs and resumed the Chair.*

**MOVED Cr Carlos, SECONDED Cr Kadak that:**

- 7 consideration of all other expenses incurred by all elected members not covered above or in accordance with the Local Government Act 1995 be DEFERRED.**

*Cr Nixon left the Chamber at 2126 hrs.*

In response to a query by Cr Baker, Chief Executive Officer gave an explanation of Section 5.98 of the Local Government Act 1995.

**The Motion was Put and**

**CARRIED**

*Cr Carlos left the Chamber, the time being 2128 hrs.*

**MOVED Cr O'Brien that Council DETERMINES:**

- 1 that in accordance with City of Joondalup Policy 2.2.12 – Members of Council – Reimbursement of Expenses the amount payable in respect of travelling expenses by this municipality to members of the Council from the time the Returning Officer has declared a person elected as a Council member shall be the amount per kilometre prescribed for the class of vehicle used by the member in an award known as The Local Government Officers Award at the time of travel;**
- 2 that the payments referred to in 1, 2, 3, 4 and 5 above be made monthly in arrears.**

**MOVED Cr Baker, SECONDED Cr Kimber that consideration of reimbursement of expenses incurred by elected members be DEFERRED until the end of this evening's meeting.**

Cr Baker requested that this Item be deferred until the end of this evening's agenda and sought the right of reply.

**The Motion to Defer was Put and**

**CARRIED**

**MOVED Cr Kimber, SECONDED Cr Patterson that Council:**

- 9 DETERMINES that the payments referred to in (1), (2) (3) and (4) above be made monthly in arrears;**

**The Motion was Put and**

**CARRIED**

Cr Patterson requested that an en-bloc Motion be considered at this time to deal with items contained in the agenda.

Mayor Bombak advised that whilst the en-bloc trial had been completed, no decision had been made and therefore it was not appropriate at this time to be moving items en-bloc.

**CJ131 - 05/01      APPOINTMENT OF REPRESENTATIVES -  
JOONDALUP LOTTERIES HOUSE INC – [29094]****WARD - All**

CJ010515\_BRF.DOC:ITEM 2

**SUMMARY**

At the Special Meeting of Council held on 7 May 2001, consideration of appointment of representatives to the Joondalup Lotteries House Inc. was deferred. This report recommends the appointment of officer representatives.

**BACKGROUND**

At its Special Meeting held on 7 May 2001, consideration was given to the appointment of representatives to the Joondalup Lotteries House Inc (Item JSC23-05/01 refers). As no elected member nominated for the position, Council resolved:

**“that consideration of nomination to Joondalup Lotteries House Inc be DEFERRED.”**

**DETAILS**

The Joondalup Lotteries House, which is located next to the Council Administration Centre, was a joint project between the Lotteries Commission and the Council and was officially opened on 5 May 1999. Lotteries House aims to provide secure, affordable accommodation for community organisations in the northern suburbs involved in supporting and/or delivering non-profit human services.

The building is managed by an incorporated body (The Joondalup Lotteries House Inc) and the management group comprises seven tenant representatives, two community members and two Local Government representatives from the City of Joondalup. Current tenants in the building are:

- Citizens' Advice Bureau
- Women's Healthworks
- Wanneroo Accommodation and Support Services
- Australian/Asian Association
- Australian Red Cross Shop
- Australian/Jordanian Friendship Association
- Dad Cap
- Centrecare
- Joondalup Parent Support Group
- Northside Housing Association
- Relationships Australia
- Workpower

The group meets the 2<sup>nd</sup> Thursday of the month.

Council's former representatives on the Joondalup Lotteries House Inc were:

Cr D Carlos  
 Cr A Walker - deputy  
 Cr A Nixon - deputy  
 C Hall, Director Community Development or nominee

Council has in the past appointed deputies to this association. However, a member of a governing body of an incorporated association takes on particular legal and other responsibilities in a personal capacity under the provisions of the Associations Incorporation Act and it is not possible to delegate or share this responsibility with another person. Accordingly it is not appropriate for Council to nominate a deputy to the elected member appointed as delegate.

### COMMENT

The constitution of the Joondalup Lotteries House Inc provides for two representatives to be appointed from Council. It is therefore recommended that Council nominates two officers as its representatives.

**MOVED Cr Baker, SECONDED Cr Kimber that COUNCIL NOMINATES the following representatives to the Joondalup Lotteries House Inc:**

**C Hall, Director Community Development or nominee  
 M Beresford, Manager Community and Health Services**

**The Motion was Put and**

**CARRIED**

**CJ132 - 05/01      VACANCIES -      WESTERN      AUSTRALIAN  
 MUNICIPAL      ASSOCIATION      -      VARIOUS  
 COMMITTEES - [02011]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 3

### SUMMARY

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

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in waste management.

Nominations for these vacancies close on Thursday 7 June 2001 at 4.00 pm.



## DETAILS

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

- State Recycling Advisory Council
- Advisory Council on Waste Management.

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

**Nominations for these vacancies close on Thursday 7 June 2001 at 4.00 pm.**

Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the WAMA representative is always active in Local Government as an elected member or serving officer.

Details of this vacancy can also be found at the Interaction section of the WAMA website at: <http://www.wama.wa.gov.au/interaction/index.html>.

### **1 STATE RECYCLING ADVISORY COUNCIL – WAMA Metropolitan Member (Elected Member); WAMA Metropolitan Member (Serving Officer) and WAMA Non-Metropolitan Member (Elected Member) – Panel of 3 names**

Nominations are invited from elected members or serving officers experienced in or with an interest in waste management.

The State Recycling Advisory Council provides advice on appropriate and relevant waste minimisation policies and implementation of education and promotion strategies.

The term will commence upon appointment by the Minister for a period of one year. Meetings are held monthly at the Department of Environmental Protection, Level 9, 141 St George's Terrace, Perth. Meetings fall on the 2<sup>nd</sup> Tuesday of each month, commencing at 9.30 am for a duration of approximately 2 ½ hours.

**There is no meeting fee.**

The Council's membership comprises:

- Chairman (Ministerial appointment)
- Chamber of Commerce and Industry WA (1 representative)
- Waste Management Association of Australia (1 representative)
- Local Government (3 representatives)
- Conservation Council of WA (1 representative)

## 2 **ADVISORY COUNCIL ON WASTE MANAGEMENT – WAMA Non-Metropolitan Member – Panel of 3 names**

Nominations are invited from elected members experienced in or with an interest in waste management.

The role of the Advisory Council on Waste Management is to advise the Minister for the Environment on waste management policies and regulations and to administer the WA Waste Management and Recycling Fund.

The term commences on appointment by the Minister and expires on 31 December 2001. Meetings are held monthly at the Department of Environmental Protection, Level 9, 141 St George's Terrace, Perth. Meetings fall on the 3<sup>rd</sup> Wednesday of each month, commencing at 10.00 am for a duration of approximately 3 hours.

**There is a meeting fee of \$73 per half day (ABN required).**

The membership of the Advisory Council comprises:

- Chairman (Ministerial appointment)
- Industry (2 representatives)
- Community (3 representatives)
- Local Government (3 representatives)

*Cr J Hollywood and Cr G Kenworthy expressed an interest in being nominated for consideration of appointment to the State Recycling Advisory Council.*

**OFFICER'S RECOMMENDATION:** That Council NOMINATES Cr J Hollywood and Cr G Kenworthy for consideration of appointment to the State Recycling Advisory Council.

Cr Kenworthy advised he wished to withdraw his nomination.

**MOVED Cr Kadak, SECONDED Cr Hurst that Council NOMINATES Cr J Hollywood and for consideration of appointment to the State Recycling Advisory Council.**

**The Motion was Put and**

**CARRIED**

*Cr Patterson left the Chamber at 2132 hrs.*

*Mayor Bombak declared an interest in Item CJ133-05/01 – WAMA Fleet Management, Passenger Vehicle Project Report and Cost Comparison of Liquefied Petroleum Gas Versus Petrol - in relation to the issue of a vehicle.*

*Mayor Bombak left the Chamber, the time being 2133 hrs. Deputy Mayor, Cr Hurst assumed the Chair.*

## **CJ133 - 05/01 WAMA FLEET MANAGEMENT - PASSENGER VEHICLE PROJECT REPORT AND A COST COMPARISON OF LIQUIFIED PETROLEUM GAS VERSUS PETROL - [08178]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 4

### **SUMMARY**

This report makes comment on the Western Australian Municipal Association (“WAMA”) Report in relation to the Fleet Management-Passenger Vehicle Project commissioned in October 2000 and examines the cost benefit of introducing LPG fuelled vehicles into the light vehicle fleet at the City of Joondalup.

The City of Joondalup received the report in February 2001. The key findings of the report were as follows:

1. **Study One – Ownership Structure for Passenger Vehicles**
    - Outright purchasing of the light fleet is the lowest cost method for all the types of vehicles tested under the 4 scenarios used;
      - Lease
      - Buy
      - Rent; and
      - Hire Purchase
  2. **Study Two – Salary packaging**
    - salary packaging is preferred over salary plus car schemes;
    - novated leasing is the preferred option for a package arrangement;
    - total employment costs are easier to identify and predict with salary packaging;
    - lower fleet administration costs are incurred with salary packaging;
    - employees are given their choice of vehicle;
    - inherent financial risks are transferred to employees
  3. **Study Three – Cost of providing Specific Passenger Vehicles**
    - The lowest cost vehicles for most scenarios used were Toyota Hi Lux and Holden Commodore (lowest cost sedan).
- The Optimal Turnover Point is shown to be greater than 4 years using the incremental cost method.

This report:

- summarises the findings of the WAMA report and provides comment on issues in regard to the validity of the findings and compares those to the City's current fleet management practices. It recommends positive action in relation to motor vehicle management at the City.
- also illustrates that at current fuel pricing costs, dedicated LPG 6 cylinder vehicles could reduce the cost of fuel by \$1660 per vehicle, calculated over a travel distance of 100,000kms. Subject to a whole of life evaluation being done as part of the purchasing procedure, dedicated LPG vehicles may offer a cost benefit to the City. Dual fuel vehicles offer a marginal financial benefit to the City when operated under average usage conditions
- recommends that 6 cylinder vehicles be retained for 4 years/90,000 kilometres pending a review on leasing options for Directors/Business Unit Managers vehicles.

At its meeting held on 12 April 2001, the Audit Committee resolved to submit this item to Council for further consideration.

## **BACKGROUND**

In October 2000 WAMA commissioned Chartered Accountants Arthur Andersen to undertake a study of motor vehicle management and usage within Western Australian local governments.

The overall project goals of the WAMA studies were:

- To initially provide 4 studies to meet the identified information needs for best value fleet management decisions within the Local Government context; Study 4 Benchmarking – was withdrawn due to lack of support for this study by the majority of participating Councils;
- The 3 reports were:
  - **Study 1 - Ownership Structure for Passenger Vehicles**
  - **Study 2 - Salary Packaging**
  - **Study 3 - Cost of Providing Specific Passenger Vehicles**

The WAMA project provided information and tools for Local Government to determine the best value options for fleet ownership and management and provided an additional assessment and modelling tools to assist the City in determining future directions for passenger vehicle fleet management.

This report also outlines the costs applicable to purchasing vehicles capable of being operated using Liquefied Petroleum Gas and the cost of operating these vehicles in average city use conditions.

The environmental aspect of using LPG in lieu of petrol is the subject of a report to the Environmental Advisory Committee.

This report examines the cost benefit issues only.

## **DETAILS**

The following is a detailed analysis of each study undertaken:

### **1 Study 1 Ownership Structure for Passenger Vehicles**

The scope of this study was to identify advantages and disadvantages of;

- lease (operating and finance)
- buy
- rent; or
- hire purchase

for ownership of Council's passenger vehicle fleet and to compute the most cost effective ownership structure under a number of different scenarios for a sedan and a utility.

#### **Deliverables of the study**

The deliverables were as follows:

- An analysis showing the best value option for ownership structure under a range of different scenarios as defined within each study; and
- A financial model to enable other "what if" scenarios to be undertaken for different types of vehicles, varying kilometres travelled etc.

#### **Findings**

Outright purchasing of the light fleet was the lowest cost method for all the types of vehicles tested under the 4 scenarios examined;

#### **Current State Analysis**

The City of Joondalup's current practice of purchasing all its fleet outright is in congruence with the WAMA findings.

### **2 Study 2 Salary Packaging**

The scope was as follows:

- This study focussed on employees in the greater than \$60,000 salary bracket and provided information to assist in valuing the worth of a vehicle as part of a remuneration package.

- The study compared company-supplied versus salary-packaged vehicles, and discussed taxation ramifications including FBT impacts using the statutory and operating cost methods.

### **Deliverables of Study**

A report was produced discussing the comparisons of the scope.

### **Findings**

- Salary packaging is preferred to salary plus car schemes;
- Novated leasing is the preferred option for a package arrangement;
- Total employment costs (TEC) are easier to identify and predict with salary packaging;
- Lower fleet administration costs are incurred with salary packaging;
- Employees are given their choice of vehicle;
- Inherent financial risks are transferred to employees

### **Current State Analysis**

The current practice in the City of Joondalup, of providing the traditional salary plus car method, is not the preferred method recommended in the WAMA Report.

## **3 Study 3 Cost of Providing Specific Passenger Vehicles**

This study focussed on general information regarding the cost of retaining a fleet and the optimum changeover point. It highlighted specifically the total cost of owning passenger vehicles and compared those costs across the following scenarios:

- (i) Two, three and four year ownership;
- (ii) On the assumption the passenger vehicles are driven for 10,000, 15,000, 25,000, and 50,000 kilometres per annum.

The study selected six makes of vehicle. The vehicles selected for the purposes of this study were as follows:

- Ford Falcon Sedan;
- Holden Commodore Sedan;
- Mitsubishi Magna Sedan;
- Toyota Camry Sedan;
- Toyota Hilux Utility; and
- Ford Courier Utility

These vehicles were selected based upon most common fleet vehicle makes as communicated to WAMA by the various local governments.

## Findings

- The lowest cost vehicles for most scenarios used were Toyota Hi Lux and Holden Commodore (lowest cost sedan).
- The Optimal Changeover Point is shown to be greater than 4 years using incremental costs. The Incremental Cost as shown at appendix 2 of study 3 is essentially the costs by which the car will increase for each year of its retention. It is noted that the highest cost for retention occurs in year 1 and then levels thereafter.

## Current State Analysis

The City of Joondalup currently has a moratorium on all light fleet vehicle replacements pending an assessment of the recommendations on the WAMA report. There has been no replacement of light fleet passenger vehicles since October 2000.

The current practice of the City, is to change vehicles at 40,000km or two years whichever is the sooner.

## Related Models

The Excel based models produced in the project provide flexible tools for Local Government decision making. An overview of models is as follows:

### Study 1 - Model One –

- Calculates, under varying scenarios, the best value ownership structure based on a set of standard assumptions outlined in the report.

### Study 3 – Model Two –

- Calculates the total cost for a vehicle under varying scenarios and based on a standard set of assumptions as outlined in the report.
- Calculates the difference in costs between the various years of ownership. The analysis provides a basis for selecting a changeover point, however it should be noted that costs are greatest in early years and diminish in years 2, 3 and 4. The following graph (forming Appendix 1 refers) for a particular vehicle demonstrates this.

## Issues Arising from Models

The key issue for the City of Joondalup in relation to the models is that the Whole of Life assessment conducted by the City of Joondalup are more accurate and sophisticated than the financial models provided. This is essentially the case due to the Whole of Life Evaluation taking into account market values gained at the point of trade.

## COMMENT/FUNDING

While the WAMA studies provided a number of generic scenarios, the studies were not the panacea to cure all ills. They can be used as tools to assist the City in formulating its policies in relation to fleet management.

The issues arising for the City of Joondalup in regard to the WAMA findings are outlined on a study by study approach and responses from WAMA to the City's issues are stated.

### Study 1 – Ownership Structure - Issues Identified

- 1. The buy option has not included the cost of funds. The WAMA Report assumes that Councils already own the vehicles. For a true 'level playing field' any comparison with leasing and rental options should include the "cost of the funds" or "opportunity costs" applicable. The City of Joondalup has requested that Arthur Andersen the Consultants to the WAMA project embellishes the model to include the cost of funds. An appropriate indicator of the cost of funds is the borrowing or current interest rate, which is 5.34% fixed for 4 years at 27<sup>th</sup> March 2001. (Source: State Treasury Department, as at 27<sup>th</sup> March 2001)**

Response Received from WAMA

WAMA confirmed that this was beyond the scope of the terms of reference drafted, but it was agreed with the Consultants that this could be provided if there were to be a second round arrangement.

To highlight this issue the following addition has been made for Cost of Funds to the results of this study (Source - Study 1 Appendix 2):

Option – Buy	Kilometres	Vehicle	Total Cost @ 4 yrs
WAMA Report	50,000	Ford Falcon	\$52,471
Cost of Funds @ 5.34% (flat)			\$ 2,801
Total cost including Cost of Funds			\$55,272

This demonstrates that the "cost of funds" does impact on the Buy option however not to the extent where this option is less desirable than the other options.

- 2. Rental costs are substantially higher than operating leases charged by mainstream leasing organisations. The City of Joondalup requested Arthur Andersen to source operating lease estimates from one of the larger leasing providers.**

Response from WAMA

WAMA found that the lease companies were reluctant to provide data to the Consultants knowing that it would not directly lead to business opportunities for them.



The City of Joondalup has contacted a leasing provider and is awaiting costs associated with an operating lease.

**The finance lease options used the ATO minimum guidelines, which would artificially inflate the monthly lease costs. The use of market values as the basis for residual positions would give a more accurate cost.**

Response from WAMA

The research was designed to use the lowest common denominator in order to provide cost effective information. The least cost structure was the benchmark for all information.

- 3. Costs for finance leases included stamp duty and GST. Lease companies can claim exemption and also 100% GST Input Tax Credits, so these costs should have been excluded from the Finance lease calculations.**

Response from WAMA

This was beyond the scope of the terms of reference, but it was agreed with the researchers that this could be provided if there were to be a second round arrangement.

### **Study 2 - Salary Packaging - Issues Identified**

The City of Joondalup will need to determine its philosophy with respect to salary packaging and vehicle ownership prior to a decision being made. Salary packaging of motor vehicles versus vehicle ownership is a fundamental philosophical issue, which needs to be understood, comprehended and addressed.

#### Salary packaging – Lease of Vehicles

Salary packaging of motor vehicles is an emerging trend with companies large and small preferring to provide vehicles through this mechanism. It is however a major fundamental shift from the City's current ownership philosophy. Preliminary indications are that it would only be beneficial at the Director/Business Unit manager level.

If the City were to permit salary packaging of motor vehicles for Directors and Business Unit Managers it appears the most cost effective option would be to enter into novated lease arrangements. This effectively attaches the ownership of the vehicle to the employee. The employee would pay monthly lease fees (inclusive of operating costs) and gain tax benefits. The City would shed its operating cost and FBT liability. Should the employee leave the employ of the City the vehicle goes as well. The City no longer owns the vehicle.

Different schemes apply to salary packaging arrangements with 'cashing out' of benefits being the most favoured with the employee then entering into a novated lease arrangement for a motor vehicle.

Inherent in this concept is that if the City wishes to use the vehicle for business purposes it must pay for that privilege as it no longer owns the vehicle.

Salary packaging and novated leasing is a fundamental shift from the City's current ownership philosophy. As such, if the City wishes to pursue this option it is recommended an independent review be conducted by consultants experienced in salary packaging to gauge whether such a scheme has benefits to the City and its employees.

### **Study 3 - Cost of Providing Specific Passenger Vehicles - Issues Identified**

#### **1. Lowest Cost Vehicles**

The key issue arising from this study relates to the Whole of Life Evaluations currently undertaken by City of Joondalup. Past results using this method does not support the generic assumptions applied within the WAMA report in regard to resale or trade values. By way of example Holden Commodore, although recommended for purchase in some past Tenders, has not always been identified as the lowest cost vehicles when applying Whole of Life Evaluation methodology.

The City of Joondalup practice has its basis in Whole of Life Evaluation which incorporates, best purchase price, best trade decision, and operating costs of vehicles. This incorporates the impacts of trade value fluctuations depending on market conditions at the time of changeover.

The City of Joondalup approach can therefore be viewed as superior to the WAMA theoretical model.

#### **2. Optimal Changeover**

The WAMA report recommended that it was more cost effective to retain vehicles for four plus years.

The City's current practice is to trade vehicles at 40,000km or two years whichever is the sooner. This was on the basis that in past years vehicles were purchased exempt of sales tax and the retention period of 40,000 kms/two years was to ensure the City's sales tax exemption was applicable. Vehicles disposed within the two year period or under 40,000kms attracted sales tax.

In June 1996 the Federal Government introduced sales tax on all vehicles which were part of a salary package arrangement.

In June 1997 the former City of Wanneroo entered into a very attractive two year arrangement with Titan Ford where its executive fleet was changed at no cost every six months or 15,000 kms whichever was the sooner. In fact the arrangement was such that the Mayor's and CEO's vehicles attracted a \$1,000 cash back arrangement.

The WAMA report showed that for most of the vehicle makes used in the evaluation, the incremental annual cost, up to and including the fourth year of operation, decreases. For those vehicles where the incremental cost did not show a steady decrease over the four years, in all cases the incremental cost for year four was substantially lower than the annual cost in the first year and the average annual cost of the vehicle over the three year period. This suggests that although the vehicle running costs may be increasing, the cost of running the vehicle is lower than the initial depreciation incurred when purchasing another vehicle.

Preliminary advice, received from the Auctioneers used by the city for disposal of vehicles, indicates that as vehicles approach 100,000 kms of travel, their values depreciate. The amount of depreciation varies between models but could be in the range between \$700 and \$1,000.

### 3. Four and Six Cylinder Vehicles

The WAMA report only addressed costs associated with six cylinder vehicles. As the City has in excess of 50 four cylinder vehicles, additional evaluations need to be undertaken to gauge the impact on these vehicles.

### 4. Other

Other considerations for City of Joondalup when deciding on lowest cost passenger vehicles should include:

- Number of Kilometres being utilised
- The different purposes of our vehicle fleet
- Public image
- Release of new models affecting the vehicles residual value

## **Estimated Costs Associated with Implementation of the WAMA Findings**

The costs associated with the implementation of the findings within the WAMA report would be minimal and would likely contain costs for:

- External consultancy expertise to conduct a Review and feasibility study to support the WAMA Salary Packaging recommendations
- Administrative costs associated with the re-alignment of financial system to reflect the change in policy of Optimal Changeover point to 4 years or greater.
- Additional costs for WAMA model improvements as identified in this report.

## **Comparison of costs relating to LPG and Petrol**

The WAMA reports did not address this matter. As a consequence City Asset Management staff undertook a study of comparing LPG vehicles with petrol.

The price of petrol has risen substantially in the last 12 months and until recently low LPG prices made the use of LPG an attractive proposition for decreasing vehicle operating costs. However, the price of fuel is subject to substantial fluctuation due to world pricing and fuel companies offering discounts to certain outlets at various levels and locations. Prices used for the cost comparison in this report were provided from Shell for a Wanneroo outlet on 20/03/2001 and were as follows:

Unleaded Petrol      Bowser Price 94.9 cents/litre with GST and 86.27 cents without GST  
 Contract Price 93.34 cents/litre with GST and 84.85 cents without GST

LPG                      Bowser Price 51.9 cents/litre with GST and 47.18 cents without GST  
 Contract Price 61.16 cents/litre with GST and 55.60 cents without GST

The cost of LPG has now risen substantially over the last few months and the cost differential between Petrol and LPG has narrowed considerably. Until October 2000 the cost of LPG was as low as 35 cents/litre however the removal of oil company discounts has forced the present price to almost 52 cents/litre including GST.

The City enjoys the benefit of a 6 cent per litre discount on the set price of unleaded petrol and LPG as offered by Shell through the State Government contract. If the bowser price is lower than the discounted set price then the city pays the cheaper bowser price.

In general the contract price of unleaded petrol is below the bowser price, however the bowser price of LPG is usually lower than the contract price.

Residual values of dedicated gas vehicles compared to petrol at 12 months, have been estimated by the Glasses Guide, expressed as a percentage of new cost as follows:

	PETROL	LPG
Falcon Forte Sedan	72%	78%
Falcon Forte Wagon	70%	79%
Falcon Utility	78%	78%

No estimates are available for the residual values of dual fuel vehicles.

### **Operating Cost of LPG and Petrol Fuelled Vehicles.**

#### **Four Cylinder Vehicles**

##### Dual Fuel

The cost of conversion to dual fuel is approximately \$2,000. Due to the relatively economical fuel consumption of this sized vehicle, the operating distance to recover the cost of conversion is more than 110,000 kilometers.

Combined with the fact that the fitment of the conversion will void manufacturers warranty on the engine, makes this option unsuitable for the City and is not recommended.

##### Dedicated LPG

Dedicated LPG 4 cylinder vehicles are not available in the current market and it is considered doubtful that manufacturers would offer this option in the near future because of marginal operational savings.

"It should also be noted that: -

- Fuel efficiency is greater in LPG dedicated vehicles as compared to a dual petrol/LPG vehicle;
- LPG vehicles operate much more cleanly than gasoline vehicles. Typical vehicle emissions relative to unleaded petrol are:
  - 15% lower carbon dioxide emissions;
  - 20% lower ozone (smog) forming potential;
  - 80% less harmful air toxic emissions.
- LPG refuelling depots are readily accessible including 4 locations within the City."

### Six Cylinder Vehicles

#### Dual Fuel

The cost of conversion to dual fuel is approximately \$2,000. The fuel consumption of this class of vehicle is higher than the four cylinder vehicles and hence the distance that must be travelled to recover the conversion cost is lower.

The table below analyses the cost benefit using Ford economy figures and the following assumptions:-

	UNLEADED	LPG
CONVERSION COST	\$2000	NIL
FUEL COST PER LITRE	\$0.8485	\$0.4718
FUEL CONSUMPTION LITRES/100 KMS	11.5	15.0

FUEL TYPE	COST OF CONVERSION	OPERATING COST OVER DISTANCE TRAVELLED - KMS				
		20,000	40,000	60,000	80,000	100,000
LPG	\$2,000	\$3,615	\$5,031	\$6,446	\$7,862	\$8,908
UNLEADED	\$0	\$1,952	\$3,903	\$5,855	\$7,806	\$9,758

The Break-even Point is approximately 74,599 kms .

#### Dedicated LPG

Dedicated LPG 6 cylinder vehicles are only available from Ford Australia. The cost of conversion to dedicated LPG fuel is approximately \$720.

The table below analyses the cost benefit analysis using Ford economy figures and the following assumptions:-

	UNLEADED	LPG
CONVERSION COST	\$720	NIL
FUEL COST PER LITRE	\$0.8485	\$0.4718
FUEL CONSUMPTION LITRES/100 KMS	11.5	15.0

FUEL TYPE	COST OF CONVERSION	OPERATING COST OVER DISTANCE TRAVELLED - KMS				
		20,000	40,000	60,000	80,000	100,000
LPG	\$720	\$2,135	\$3,551	\$4,966	\$6,382	\$7,797
UNLEADED	\$0	\$1,952	\$3,903	\$5,855	\$7,806	\$9,456

The Break-even Point is approximately 27,000 kms and over 100,000 kms the saving in fuel cost is approximately \$1,660.

It should be noted that the expected resale values of dedicated LPG fuelled vehicles fluctuates depending on market conditions and variations in the gap between LPG and Petrol pricing.

The purchase of dedicated LPG vehicles should be subject to examination of the value of these vehicles in the market at that time.

**MOVED Cr Kimber, SECONDED Cr Baker that Council:**

- 1 ACCEPTS the recommendation of WAMA Study 1 and continues to purchase all its passenger vehicles outright pending the review detailed in Recommendation 8 below;**
- 2 RETAINS its 6 and 8 cylinder vehicles for 4 years or 90,000 kms whichever is the sooner pending the outcomes of the salary packaging investigations referred to in Recommendation 8 below;**
- 3 UNDERTAKES further evaluation to determine whether the WAMA report recommendations on vehicle retention periods remain valid for 4 cylinder vehicles;**
- 4 CONTINUES the Whole of Life Evaluation process for motor vehicle/plant replacement assessments;**
- 5 APPROVES the introduction of dedicated LPG vehicles into the City of Joondalup six cylinder light vehicle fleet, subject to the whole of life cost evaluation supporting the purchase, at each tender assessment;**
- 6 USES the WAMA Report models to enhance the existing policy and decision making process in relation to fleet management;**
- 7 NEGOTIATES with WAMA to incorporate additions and alterations to the models provided at reasonable cost to the City;**
- 8 ENGAGES an independent consultant to examine the merits of salary packaging including motor vehicles for Directors and Business Unit Managers.**

Discussion ensued.

**The Motion was Put and**

**CARRIED**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf150501.pdf](#)

*Mayor Bombak entered the Chamber, the time being 2134 hrs and resumed the Chair.*

## **CJ134 - 05/01 REGISTER OF DELEGATED AUTHORITY - [07032]**

**WARD – All**

CJ010515\_BRF.DOC:ITEM 5

### **SUMMARY**

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to maintain a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of March 2001.

### **BACKGROUND**

*Part 5 of the Local Government Act 1995 empowers a local government to delegate many of its powers and duties to the Chief Executive Officer.*

Section 5.46 requires the Chief Executive Officer to maintain a register and record of delegations and to review the delegations once every financial year.

#### ***Register of, and records relevant to, delegations to Chief Executive Officer and employees***

- 5.46** (1) *The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

### **DETAILS**

The Register documenting the delegated authority exercised by the Chief Executive Officer for the month of March 2001 are attached, being as follows:

<b>Tender No</b>	<b>Nature</b>
037-00/01	Acceptance of most suitable tender from Skipper Trucks for the supply of one Mitsubishi Fighter FM 659HV. Acceptance of most suitable tender from Premium Corporation for the outright purchase of Mitsubishi FM 658H Tipper.
038-00/01	Acceptance of lowest tender from Skipper Trucks for the supply of one Mitsubishi FE647 EV and the trade of one Mitsubishi Canter.

039-00/01	Acceptance of tender from Major Motors for the supply of one Isuzu NPR300. Note: The new supply differs from the tender specification in that the cabin does not have powered tilt.
040-00/01	Acceptance of lowest tender from Skipper Trucks for the supply of one Mitsubishi FE647 EV and the trade of Mitsubishi Canter.
044-00/01	Acceptance of lowest tender from WA Hino Sales and Service for the supply of two Dutro 4 trucks and the trade of Mitsubishi Canters. Note: The new supply differs from the tender specification in that the engine size is 4.9 litre.

**MOVED Cr Baker, SECONDED Cr Kenworthy that Council NOTES the Register documenting the delegated authority exercised by the Chief Executive Officer, for the month March 2001 forming Attachment 1 to Report CJ134-05/01.**

**The Motion was Put and**

**CARRIED**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf150501.pdf](#)*

**CJ135 - 05/01 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - 15876]**

**WARD - All**

CJ010515\_BRF.DOC:ITEM 6

**SUMMARY**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 29.11.00 to 04.05.01:

Document: Agreement  
 Parties: City of Joondalup and Chubb Security Australia Pty Ltd  
 Description: Execution of Contract – 018-00/01  
 Date: 29.11.00

Document: Agreement  
 Parties: City of Joondalup and Fire and Emergency Services Authority (FESA)  
 Description: Former agreements under City of Wanneroo  
 Date: 29.11.00



- Document: Land Transfer  
Parties: City of Joondalup and Analed Pty Ltd  
Description: Portion of Connolly Drive, Currambine – Dia 85461  
Date: 1.12.00
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Recording – J Renner  
Date: 12.12.00
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Recording – T Morgan  
Date: 12.12.00
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Recording – N Nannup  
Date: 12.12.00
- Document: Withdrawal of Caveat  
Parties: City of Joondalup and Australand Holdings Pty Ltd  
Description: Enable Registration of Mortgage – Lot 200 167 Grand Boulevard, Joondalup  
Date: 12.12.00
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Recording – P Houlahan  
Date: 12.12.00
- Document: Notification 70A  
Parties: City of Joondalup  
Description: Ancillary Accommodation – Lot 551 (81) McLean  
Date: 14.12.00
- Document: Agreement  
Parties: Cities of Joondalup, Wanneroo and Swan  
Description: Execution of Agreement - MRF  
Date: 28.12.00
- Document: Lease  
Parties: City of Joondalup, Cara Hursthouse  
Description: Surrender and Lease Agreement – Craigie Kiosk  
Date: 28.12.00
- Document: Assignment of Lease  
Parties: City of Joondalup, Optus, Crown Castle Aust Pty Ltd  
Description: Assignment of Lease – Optus/Crown Castle  
Date: 28.12.00

- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – J Forbes  
Date: 10.01.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – J Brushfield  
Date: 10.01.01
- Document: Agreement  
Parties: City of Joondalup, C R and N J Cole and McLeod & Co  
Description: Execution of Agreement – Lot 80  
Date: 10.01.01
- Document: Agreement  
Parties: City of Joondalup and Home & Community Care Programme (HACC)  
Description: Service Agreement  
Date: 10.01.01
- Document: Agreement  
Parties: TPS No 2 – Amendment No 3 (Not Sealed)  
Description: Amending net leaseable area  
Date: 15.01.01
- Document: Agreement  
Parties: TPS No 2 – Amendment No 4 (Not Sealed)  
Description: Amending “Special Use” to Business  
Date: 15.01.01
- Document: Agreement  
Parties: City of Joondalup and Commonwealth of Australia  
Description: Integrated School Holiday Programme  
Date: 28.01.01
- Document: Agreement  
Parties: City of Joondalup and Veterans Home Care Deed  
Description: Regional Assessment and Co-Ordination  
Date: 21.2.01
- Document: Deed  
Parties: City of Joondalup and State of WA  
Description: Joondalup Festival  
Date: 22.02.01
- Document: Notification 70A  
Parties: City of Joondalup  
Description: Ancillary Accommodation – R R Ritter  
Date: 22.02.01

- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – P J Wooldridge  
Date: 01.03.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – A Elam  
Date: 01.03.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – L Smith  
Date: 01.03.01
- Document: Agreement  
Parties: City of Joondalup and Connell Wagner Pty Ltd  
Description: Supply of engineering design services – 029-00/01  
Date: 01.03.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – R and M Brown  
Date: 02.03.01
- Document: Withdrawal of Caveat  
Parties: City of Joondalup and GPT Management  
Description: Condition 9 of development – 29.10.96  
Date: 12.03.01
- Document: Notification 70A  
Parties: City of Joondalup  
Description: P and N Landreach Pty Ltd  
Date: 15.03.01
- Document: Easement  
Parties: City of Joondalup 2XL Investments Pty Ltd  
Description: Fulfil condition of subdivision condition  
Date: 16.03.01
- Document: Agreement  
Parties: City of Joondalup and Brickwood Holdings Pty Ltd  
Description: Extension – supply and delivery of mobile bins  
Date: 20.03.01
- Document: Deed  
Parties: City of Joondalup  
Description: Variation of Lease – Mullaloo Surf Club  
Date: 26.03.01

- Document: Agreement  
Parties: City of Joondalup  
Description: Amendment 4 – District Planning Scheme No 2  
Date: 29.03.01
- Document: Notification 70A  
Parties: City of Joondalup  
Description: Grand Masonic Lodge – 47 Renegade Way, Kingsley  
Date: 06.04.01
- Document: Deed of Assignment  
Parties: City of Joondalup, Vodafone Pacific/Network  
Description: Extension of Lease – Site 6018, Portion Lot 977 Burlos Court, Joondalup  
Date: 10.04.01
- Document: Transfer  
Parties: City of Joondalup and Peet and Co  
Description: Portion of Burns Beach Road  
Date: 03.05.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – B Weston  
Date: 19.04.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – Janet Gooch  
Date: 23.04.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – J Ryding  
Date: 26.04.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – G Hamilton  
Date: 01.05.01
- Document: Copyright  
Parties: City of Joondalup and City of Wanneroo  
Description: Historical Importance – J Oxley  
Date: 04.05.01

**MOVED Cr Kimber, SECONDED Cr Walker that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.**

**The Motion was Put and**

**CARRIED**

**CJ136 - 05/01      REFERENDUM 2001, [55262]****WARD - All**

CJ010515\_BRF.DOC:ITEM 7

**SUMMARY**

The Referendum for the Community Security Patrol Service was held 5 May 2001 in conjunction with the ordinary Council Election. This report details the outcome of the Referendum and is provided for the Council's consideration.

**BACKGROUND**

At the 12 September 2000 Council Meeting, it was resolved to '*Endorse a review of the City Watch Service in order to determine community views prior to the end of the financial year by conducting a referendum of electors during the May 2001 Election for the City*'.

A number of subsequent reports were submitted to the Council for consideration. At the 13 March 2001 Council Meeting, the Information Sheet and Referendum Questions were endorsed.

1. *Do you want the City of Joondalup to continue providing a community security patrol service?*
2. *If the City of Joondalup continues to provide a community security patrol service, would you prefer to pay for the service through: An Annual Charge or General Rates?*

**DETAILS**

The Referendum was conducted under the Local Government (Election) Regulations 1997. This legislation allows for the result of the referendum to be binding or non-binding – depending on the decision of the Council. The City of Joondalup Council chose not to make a decision in relation to the outcome being binding, and elected to use the outcome of the Referendum as a guide to community opinion. This information was highlighted to electors on the Information Sheet.

The Information Sheet and Referendum Questions were distributed to all Electors in the district on 20 April 2001. The Information Sheet and Referendum Questions were detailed in the Council News Autumn 2001 Edition. Advertisements on the Referendum were also placed in the Wanneroo Times on three occasions to encourage residents to have their say in the Referendum. An email address and telephone hotline was established and advertised so that electors were able to have any queries addressed.

At the close of the Referendum, there was 27,423 votes cast for the first question, and 24,123 votes cast for the second question.

*Do you want the City of Joondalup to continue providing a community security patrol service?*

<u>Responses</u>	<u>Votes</u>	<u>Percentage</u>
YES	18,742	68.34%
NO	8,681	31.6%
Total Valid Votes	27,423	100.00%

*If the City of Joondalup continues to provide a community security patrol service, would you prefer to pay for the service through:*

<u>Responses</u>	<u>Votes</u>	<u>Percentage</u>
An Annual Charge	7,499	31.09%
General Rates	16,624	68.91%
Total Valid Votes	24,123	100.00%

A detailed Referendum Count Sheet is at Attachment A for referral.

## **COMMENT/FUNDING**

A 68% response to the first question would be considered to be a strong endorsement for the Council to continue with the community security patrol service. The security patrol service contract with Chubb Protective Services expires 30 June 2001. The Council has the option to renew the contract on a monthly basis and can continue to do so until the Council has made a decision on the future of the security patrol service.

The Council currently pays \$16,255.68 a week to Chubb Protective Services for the Security Patrol Service, as per its tendered Price Schedule. Chubb Protective Services has stated that it is willing to extend its services beyond 30 June 2001, but has requested that the weekly fee be increased to \$17,465.28, to absorb the recent \$32.50 weekly increase in the adult minimum wage. Negotiations in relation to this request and a further issue on excess kilometre allowance are currently being considered.

It is recommended that the Council elects to continue with Chubb Protective Services on a monthly basis at a weekly cost of \$17,465.28. It is expected that a detailed report reviewing and providing options for the community security patrol service will be presented to Council on 12 June 2001, at which time a further decision can be made.

A 68% response to the second question would be considered to be a strong endorsement for funding of the security patrol service to be through the General Rates, although the outcome of this question was always likely to favour this response as 45,000 properties would be financially better off under the General Rate. It is suggested that the funding of the community security patrol service be considered in further detail in conjunction with the preparation of the 2001/02 Financial Budget.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the Referendum 2001 Results;
- 2 RENEWS the Chubb Protective Service contract for Provision of Security and Patrol Services (Contract 018-00/01) on a monthly basis at a cost of \$17,465.28 per week commencing 1 July 2001, until a further decision is made on the future operations of the Service;
- 3 REQUESTS a report detailing an extensive review and options for the continuation of the Security Patrol Service, to be presented at the 12 June 2001 Council Meeting;
- 4 NOTES the funding of the Security Patrol Service will be considered further at the 2001/02 Budget Workshops.

*Cr Patterson entered the Chamber at 2135 hrs.*

**MOVED Cr Baker, SECONDED Cr Walker that Council IMPLEMENTS the Referendum 2001 results as soon as practicable in conjunction with the 2001/2002 Budget deliberations.**

**The Motion was Put and**

**CARRIED**

**MOVED Cr Baker, SECONDED Cr Kimber that Council RENEWS the Chubb Protective Service contract for Provision of Security and Patrol Services (Contract 018-00/01) on a monthly basis at a cost of \$17,465.28 per week commencing 1 July 2001, until a further decision is made on the future operations of the service, including the possibility of calling for fresh tenders in respect of the service.**

Discussion ensued, following which the motion was

**WITHDRAWN**

**MOVED Cr Baker, SECONDED Cr Kimber that Council RENEWS the Chubb Protective Service contract for Provision of Security and Patrol Services (Contract 018-00/01) on a monthly basis at a cost of \$17,465.28 per week commencing 1 July 2001, until a further decision is made on the future operations of the Service.**

**The Motion was Put and**

**CARRIED**

**MOVED Cr Baker SECONDED Cr Kimber that Council REQUESTS a report detailing an extensive review and options for the continuation of the Security Patrol Service including but not limited to an analysis of the merits of:**

- 1 calling for fresh tenders from the private sector to provide the service;
- 2 providing the service in house;
- 3 having the security patrol service personnel appointed as special constables under the Police Act following consultation with the WA Police Union, the Minister for Police and the Commissioner of Police;

**such report to be presented at the 12 June 2001 Council meeting.**

Discussion ensued. Cr Kimber also requested consultation with other local authorities.

*During discussion, Cr Hurst left the Chamber at 2148 hrs and returned at 2152 hrs.*

**The Motion was Put and**

**CARRIED**

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

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, Walker, Baker, Kimber and Kadak.

Against the Motion: Crs Hollywood, Barnett, O'Brien and Mackintosh.

**MOVED Cr Mackintosh** that shopping centres be EXEMPT from the charge to provide a community security patrol service.

**There being no Seconder, the Motion**

**LAPSED**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf150501.pdf](#)*

## **CJ137 - 05/01      MOBILE    COMMUNICATIONS    AND    GLOBAL POSITIONING SYSTEM - [06511]**

**WARD** - All

### **SUMMARY**

In March 2001, Council endorsed a recommendation from the Mobile Communications Working Group that all tenders for a system be declined and for the City to seek the offer of supply from a suitable supplier for a solution within the scope of the original tender brief. Report CJ077-33/01 refers. This approach is in accordance with *Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i)* which allows the City to enter into a contract within six months of the original advertising of the tender without the need to call fresh tenders.

The Working Group entered into extensive discussions with Technisyst Computing and Transcom Communications in an endeavour to seek a suitable system to meet the City's identified needs.

This report recommends that the Council enters into a contract with Transcom Communications for the supply and implementation of a mobile communications and global positioning system at a cost of \$112,590.



## BACKGROUND

In May 2000, Registrations of Interest were invited from companies interested in providing a mobile data communication and global positioning system for selected vehicles in the City's fleet. Based on the Registrations received and taking into account strategic considerations, the Working Party analysed the various concepts and systems proposed and prepared a broad system specification that took a strategic approach towards the "mobile office" concept which would provide the greatest flexibility and potential benefits to the City. This solution also fitted in with the City's overall Information Technology direction of maximising technology to improve and support future customer service and community expectations.

Tenders for a Mobile Communications and Global Positioning System closed on 21 December 2000 with seven tenders being received. Following an analysis by the Working Group, in accordance with the Tender's selection criteria provided under the conditions of tendering, five of the responses were deemed to be non-compliant to the selection criteria and not able to meet the business solution sought. These being Comsat Security, Memo Communications, Logica, Datanet and Bae Systems. The other two tenders from Transcom Communications and Technisyst Computing were well in excess of the budget for this project and were therefore unable to be considered.

The Business Case for implementing a mobile communications and global positioning system was presented to the Council at its 27 March 2001 meeting. The implementation of such a system would streamline a number of processes associated with field officer handling of allocation of tasks, reporting of incidents and also with the recording and preparation of reports by those officers.

It is proposed that the Security officers would receive tasks, via the mobile communication system, rather than taking down messages from the trunk radio. Once the action is complete, the Security officer would then enter the details or use the function key capability to directly input into a task management system via their mobile communication equipment. This would minimise the need for written reports by Security officers and also increase the "in field" availability of those officers for other tasks and duties. All the necessary information would be included and recorded in the system as it happens, providing an accurate and up to date status of all tasks. The estimates previously prepared for the field officer productivity are considered to be still relevant with this system. It is estimated that there would be an 8.3% saving in Security officers' time on report preparation, improving productivity.

Because of the significant benefits and advantages to be gained, it was decided to proceed with investigations into identifying and selecting a solution which would best meet our requirements whilst still representing value for money.

The Council therefore resolved at the 27 March 2001 Council Meeting to:

- 1. Decline all Tenders for Tender 031-00/01 Mobile Communications and Global Positioning System;*
- 2. Endorse the City to seek offer for the supply of a Mobile Communications and Global Positioning System with a suitable supplier in accordance with (Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i) within the broad scope of works to enter into a contract before 24 May 2001."*

This approach was in accordance with *Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i)* which allows the City to enter into a contract within six months of the original advertising of the tender without the need to call fresh tenders. This is assuming that there is no change in the broad scope of works, the supply of goods remains in broad terms identical or largely comparable to the tender process; and that the contract is entered into within six months of the date upon which a public invitation was made (25 November 2000) which in this instance would be 24 May 2001.

## DETAILS

The Working Group elected to enter into extensive discussions with Technisyst Computing and Transcom Communications in an endeavour to seek a suitable system to meet the City's identified needs. The Working Group requested further detailed, technical, explanation of how the system solutions proposed would be achieved, and sought additional information and costing for alternative cheaper equipment configuration.

Based on extensive discussions with both companies, the following quotations were submitted:

**Technisyst Computing:** \$108,416 for base equipment, communications and 4 units/vehicles or \$118,750 for 5 units/vehicles. Technisyst Computing's original tender for 5 units was \$254,650. Technisyst Computing proposes their MobiOffice solution using Sunview Computers. This quotation did not include engineering costs for integration with Proclaim or mapping. Technisyst are a Queensland based firm currently with no base or support available in Western Australia.

**Transcom Communications:** \$112,590 for base equipment, communications and 6 units/vehicles. Transcom Communications original tender for 5 units was \$138,488. Transcom Communications are a Western Australian Company specialising in wireless mobile communications. Transcom Communications have proposed a mobile communications system on the GPRS network. GPRS (General Packet Radio Service) is a new data communications value added service that allows information to be sent and received across a mobile telephone network.

Following a comprehensive review of both systems and quotations, the Working Party elected to recommend that the Council accept the Transcom Communications quotation for the supply of a Mobile Communications and Global Positioning System. The Transcom Communications quotation is based on 6 Husky FEX 21 (or similar) Units and all ancillaries at a cost of \$38,246 and for the base equipment, communications and engineering component of \$74,344.

Transcom Communication's solution provides a pathway for the future planned integration with Proclaim. This is Stage 2 of the project and will be undertaken next financial year. To integrate with Proclaim, Transcom Communications has proposed a WAP server based solution operating over the Optus (OneTel) GPRS network. WAP is a Wireless Application Protocol for bringing advanced applications and internet content to mobile phones and terminals.

It is estimated that typical data communication costs per mobile unit each working day would be as follows:

- approximately 20Kbytes per day
- 5 sessions per day per mobile unit
- 20Kbytes = 6.666 Kbytes per session per day
- = (5 x 20cents) + (20 x 2 cents) = \$1.40 per mobile unit per day.

The Transcom Computing solution provides for the following:

- Husky FEX 21 (or similar) Units and associated equipment in the vehicle
- GPS3000 equipment
- Base equipment
  - NC3000 Network controller equipment and associated software
  - TransManager (task dispatch system) equipment and software
  - Data link controller and modems equipment
  - TransPosition Vehicle tracking system
- System Engineering
  - Husky FEX 21 (or similar) Units software customisation
  - TransManager software customisation
  - Data link controller programming and testing

Further information on the Transcom Communication proposal is at Attachment A for the Council's consideration.

Account No:	10 11 22.222.4501.F124
Budget Item:	Computer and communication equipment purchase
Budget Amount:	\$112,966
Actual Cost:	\$112,590

**OFFICER'S RECOMMENDATION:** That Council ENTERS INTO A CONTRACT with Transcom Communications for the supply and implementation of a Mobile Communications and Global Positioning System at a cost of \$112,590 in accordance with *Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i)*, subject to confirmation of the system's ability to integrate with Proclaim.

### **ADDITIONAL INFORMATION**

Investigations since the Elected Members briefing session on 15 May 2001 have determined that based upon technical grounds there are now serious doubts regarding the capability of the proposed configuration submitted by Transcom Communications to meet the requirements of the City.

The proposed system operation uses new technologies, which are not in operation anywhere in Australia in the same or similar configuration. There are also issues concerning the proposed interface with the City's Proclaim system. The Working Group is therefore not confidently able to recommend the system configuration as proposed.

*Cr Mackintosh left the Chamber, the time being 2157 hrs.*

*Cr Baker left the Chamber, the time being 2158 hrs.*

**MOVED Cr Kimber, SECONDED Cr Kadak that Council DOES NOT enter into a contract with Transcom Communications for the supply and implementation of a Mobile Communications and Global Positioning System as detailed in Report CJ137-05/01.**

To a query raised by Cr O'Brien, Chief Executive Officer advised it has now been determined there may be risks associated with this issue and therefore it would be wise for the City not to proceed at this stage.

**The Motion was Put and**

**CARRIED**

*Appendix 24 refers*

To access this attachment on electronic document, click here: [Attach24agn150501.pdf](#)

## **CJ138 - 05/01      MINUTES OF CONNOLLY COMMUNITY FACILITY COMMITTEE MEETING – 3 MAY 2001 - [11842]**

**WARD - Marina**

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CJ010515\_BRF.DOC:ITEM 8

### **SUMMARY**

Meetings of the Connolly Community Facility Committee were held on 5 April 2001 and 3 May 2001 and the minutes of the meetings are submitted for noting by Council and endorsement of motions.

### **BACKGROUND**

The Connolly Community Facility Committee meeting held on 3 May 2001 achieved a quorum and considered business items arising from the previous meeting held on 5 April 2001.

The Committee discussed and considered the Draft concept plans and associated estimates prepared by the Co-ordinator Building Services for the development of a facility at Connolly. Following deliberation on these matters the City was tasked with arranging the preparation of revised concept plans and associated estimates for consideration at the next Committee meeting.

### **DETAILS**

The minutes of the Connolly Community Facility Committee held on 3 May 2001 are included as Attachment A.

**MOVED Cr Kadak, SECONDED Cr Hurst that Council:**

- 1 NOTES the confirmed minutes of the Connolly Community Facility Committee meeting held 5 April 2001 forming Attachment 1 to Report CJ138-05/01;**
- 2 NOTES the unconfirmed minutes of the Connolly Community Facility Committee meeting held on 3 May 2001 forming Attachment 2 to Report CJ138-05/01.**

**The Motion was Put and****CARRIED***Appendices 4(a) and 4(b) refer*

To access this attachment on electronic document, click here: [Attach4abrf150501.pdf](#)  
[Attach4bbrf150501.pdf](#)

**CJ139 - 05/01 MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 19 APRIL 2001 - [00906]****WARD - All**

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CJ010515\_BRF.DOC:ITEM 9

**SUMMARY**

A meeting of the Environmental Advisory Committee was held on 19 April 2001 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

**BACKGROUND**

The Environmental Advisory Committee meeting held on 19 April 2001 achieved a quorum and considered business items arising from the previous meeting held on 22 March 2001.

The Committee discussed a wide range of items including:

- The minutes of the Joondalup Community Coast Care Forum held on 26 March 2001.
  - A review of the requirements of Committee Member attendance at Committee meetings.
  - The role of the Environmental Advisory Committee in facilitating sustainable development (including economic, social and environmental sustainability).
  - The key areas of interest Committee Members have in relation to sustainability.

- The establishment of four working groups in the following areas;
  1. Cities for Climate Protection.
  2. Sustainable Communities.
  3. Resource and Waste Management.
  4. Bio-diversity.
- Other business items.

Minutes of the Conservation Advisory Committee held in April 2001 were not available for noting at the Environmental Advisory Committee, and will be considered at the next Environmental Advisory Committee meeting.

## DETAILS

The minutes of the Environmental Advisory Committee held on 19 April 2001 are included as Attachment A.

**MOVED Cr Kadak, SECONDED Cr Hurst that Council NOTES the unconfirmed minutes of the Environmental Advisory Committee meeting held on 19 April 2001 forming Attachment A to Report CJ139-05/01.**

**The Motion was Put and**

**CARRIED**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf150501.pdf](#)*

## **CJ140 - 05/01 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – APRIL 2001 - [38245]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 10

## SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 17 and 18 April 2001. The unconfirmed minutes of these meetings are submitted for noting by Council.

## DETAILS

The unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council held on 17 April in the Library Training Room are included as Attachment 1.

The unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council held on 18 April 2001 in Committee Room 3 are included as Attachment 2.

No action is required from these minutes.

**MOVED Cr Kadak, SECONDED Cr Patterson that Council NOTES the:**

- 1 unconfirmed minutes of the Joondalup North Youth Advisory Council meeting held on 17 April 2001 forming Attachment 1 to Report CJ140-05/01;**
- 2 unconfirmed minutes of the Joondalup South Youth Advisory Council meeting held on 18 April 2001 forming Attachment 2 to Report CJ140-05/01.**

**The Motion was Put and**

**CARRIED**

*Appendices 6(a) and 6(b) refer*

To access this attachment on electronic document, click here: [Attach6abrf150501.pdf](#)  
[Attach6bbrf150501.pdf](#)

*Cr Mackintosh entered the Chamber, the time being 2200 hrs.*

**CJ141 - 05/01      WARRANT OF PAYMENTS FOR THE PERIOD  
ENDING 30 APRIL 2001 - [09882]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 11

**SUMMARY**

This report details the cheques drawn on the funds during the month of April 2001. It seeks Council's approval for the payment of the April 2001 accounts.

**BACKGROUND**

FUNDS	VOUCHERS	AMOUNT
		\$      c
Director Resource Management Advance Account	030495-031261	5,804,981.13
Municipal	000254A-000258	5,818,385.04
	<b>TOTAL      \$</b>	<b>11,623,366.17</b>

The difference in total between the two funds is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges and dishonoured cheques being processed through the Municipal Fund.

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 April 2001, the amount was \$408,511.17

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 \$11,623,366.17 which is to be submitted to each Councillor on 22 May 2001 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 \$11,623,366.17 submitted to Council on 22 May 2001 is recommended for payment.

.....  
Mayor John Bombak

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 April 2001, certified by the Mayor and Director of Resource Management and totalling \$11,623,366.17.**

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	030495-031261	5,804,981.13
Municipal	000254A-000258	5,818,385.04
	<b>TOTAL \$</b>	<b>11,623,366.17</b>

**The Motion was Put and**

**CARRIED**

*Appendices 7 and 7(a) refer*

To access this attachment on electronic document, click here: [Attach7min220501.pdf](#)  
[Attach7amin220501.pdf](#)



**CJ142 - 05/01      FINANCIAL REPORT FOR THE PERIOD ENDING 30  
APRIL 2001 - [07882]****WARD - All**

CJ010515\_BRF.DOC:ITEM 12

**SUMMARY**

The monthly financial report for the period ending 30 April 2001 is appended as Attachment A.

Following on from the half-year Budget review, funds of **\$963.1k** were identified for re-distribution however only New Projects of **\$219k** were funded. Council will review the distribution of the balance of **\$744k** at the end of the financial year.

The April 2001 report is the 10<sup>th</sup> financial report for the 2000/2001 financial year. The report shows a variance of **\$7.9m** when compared to the Revised Budget for the year to date. This variance can be analyzed as follows:

- The Operating position shows a variance of **\$4.1m** to budget at the end of April 2001 due to revenue not received of **\$1.4m** and underspending in Employee Costs of **\$1.0m** and Materials & Contracts of **\$4.4m**.
- Capital Expenditure shows a variance to budget of **\$1.1m** at the end of April 2001. This is primarily due to purchases of Computer and Communication Equipment and Plant & Light Fleet that had not been undertaken as a consequence of the moratorium on the replacement of Light Fleet.
- Capital Works shows a variance to budget of **\$2.7m** at the end of April 2001. However, the City has currently committed expenditure of approximately **\$1.3m**. This variance includes certain Capital Works with a value of **\$3.0m** that are anticipated to be incomplete at the end of the financial year. These arise as the works span financial years and include new funding received through the Federal Government's Roads to Recovery Program.

**MOVED Cr Patterson, SECONDED Cr Kimber that the Financial Report for the Period Ended 30 April 2001 be NOTED.**

**The Motion was Put and****CARRIED***Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf150501.pdf](#)

**CJ143 - 05/01      MUNICIPAL WORKCARE SCHEME - REVISED  
SCHEME RULES - [02882]****WARD - All**

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CJ010515\_BRF.DOC:ITEM 13

**SUMMARY**

The City, together with the majority of local governments in Western Australia, is a member of the WAMA self insurance schemes - Municipal Workcare and Municipal Liability Schemes. Each Scheme has its own Scheme Rules by which all members must comply. These rules are reviewed from time to time to reflect members rights and obligations.

The Municipal Workcare Scheme has in conjunction with its solicitors, Minter Ellison, recently revised its Scheme Rules. It is seeking Council's endorsement to these Rules.

This report outlines, in broad summary, the substantive changes between the previous Municipal Workcare Scheme Rules and the Revised Scheme rules which will take effect from the commencement of the next fund year (30 June 2001). It recommends Council notes these Rules.

**BACKGROUND**

In 1995/96 the former City of Wanneroo became an inaugural member of the WAMA self insurance schemes - Municipal Workcare Scheme (workers compensation) and Municipal Liability Scheme (public liability and professional indemnity).

Until June 1999 each scheme operated independently with each having its own Board of Management. In June 1999 the Boards merged to form Municipal Insurance Services responsible for Workers Compensation, Public Liability and Professional Indemnity insurance for scheme members.

While having a common Board, the Schemes, Municipal Workcare and Municipal Liability, are managed separately. Each has its own Scheme Rules by which all members must comply.

The Municipal Workcare Scheme has in conjunction with its solicitors, Minter Ellison, recently revised its Scheme Rules, a copy of which has been forwarded to the City for endorsement and signing.

**DETAILS**

The revised Scheme Rules will come into effect from the commencement of the next Fund Year (30 June 2001).

Broadly, the revised Scheme Rules, attached as Attachment 1 to this report, have been prepared with the following objectives in mind:

- To set out, for the benefit of the Scheme members, more detail on the procedures by which the Scheme is governed (without actually changing those procedures from what has been in place in the past, or placing new obligations on Scheme Members).

To achieve this, the significantly more detailed Scheme Rules for the Municipal Liability Scheme were drawn from in many instances.

- To clarify more articulately the rights and obligations of each Scheme Member in respect of any surpluses or deficits incurred by the Scheme.

This further clarification, which is expressed similarly to the provisions in the Liability Scheme Rules, also became necessary in order to satisfy the security requirements of the Scheme's bankers in relation to security for the bank guarantee which self insurers are required to hold pursuant to legislation.

This will facilitate the Scheme gaining a more flexible bank guarantee facility, which will enable far better returns on investments - for the benefit of all Scheme members.

- To reflect the policies adopted after an independent review of the Workcare and Liability Schemes which define in more detail the role of the Board, of the Scheme Managers and the role of WAMA.

The activities of the Scheme on behalf of Scheme Members of course remain at all times subject to satisfying the requirements of the Workers Compensation Act 1981 and Workcare guidelines.

A copy of the previous Scheme Rules are attached as Attachment 2.

## COMMENT/FUNDING

In broad summary the following is a summary of substantive changes between the previous Scheme Rules and the Revised Rules:-

### Part 1 - Interpretation

- The pre-existing Rules lack clear definitions. The revised Rules provide proper definitions which clarify the management of the Scheme.

### Part 2 - Objectives

- The objectives in the new Rules do not vary considerably from those under the existing Rules, but they have been considerably expanded.
- The addition of a subclause (f) is to the benefit of Scheme Members as the Scheme's obligations by way on indemnity of Scheme Members in respect of financial obligations imposed upon them by the *Workers' Compensation and Rehabilitation Act 1981* are now explicitly stated rather than being implied.

**Part 3 - Executive Member**

- The powers, duties and functions of the Executive Member (WAMA), the Board and the Scheme Manager in the management of the Scheme now specify empowerment:
  - to grant a charge over all of the Scheme assets (which has become necessary in order to secure under reasonable conditions a Bank Guarantee as required by the regulators, WorkCover WA) and
  - to place reinsurance, which provides essential protection for the Scheme assets.

**Part 4 - Scheme Membership**

- Greater certainty is achieved by the Rules now setting out the mechanisms by which membership is offered and renewed from year to year. Scheme membership obligations and rights are clearly set out and do not now rely on any implication. Payment of the annual contribution is to be made within 30 days of the offer of renewal should the Board so determine.

**Part 5 - Closure of Fund Years**

- Whilst no material change from past practices, this Part now clarifies when the accounts for a Fund Year may be closed.

**Part 6 - Contributions**

- The methods by which contributions are levied are now clearly set out.
- The obligations of each Scheme Member in respect of annual contributions and further contributions are also now more clearly set out - based on the Liability Scheme provisions.
- Clauses 18.2 and 3 in the revised Rules, (which are similar to those in the Municipal Liability Scheme Rules) spell out more clearly that a member who has terminated membership continues to share in the joint and several liability for those Fund Years when they were a member.

**Part 7 - Liability Protection**

- This section has been introduced, drawing from provisions in the Municipal Liability Scheme Rules, to provide appropriate confirmation of indemnity.
- It clarifies that Scheme members are indemnified by the Scheme against claims in accordance with the *Workers' Compensation and Rehabilitation Act 1981*, and clarifies issues relating to the payment of claims.

**Part 8 - Claims Procedure**

- Section has been inserted, drawing from provisions in the Municipal Liability Scheme Rules, to clarify procedures to be followed in relation to claims.

**Part 9 - Scheme Member Default and Cancellation of Scheme Membership**

- Once again drawing from the more comprehensive provisions in the Municipal Liability Scheme Rules, this section has been expanded to clarify matters in relation to notice requirements for withdrawal from the Scheme, effect of withdrawal and membership cancellation in event of default.

**Part 10 - Amendment to Rules**

- Unchanged

The revised Scheme Rules are more clearly defined and now provide proper definitions which will clarify the management of the scheme.

Annual premiums are based on estimated salaries and wages for the year and in past years have been split into two instalments. Details for 2000/01 are as follow:-

Scheme Contribution for 2000/2001	\$697,300
GST	\$69,539
Total	<u>\$766,839</u>
First instalment (including total GST) payable 15 August 2000	\$418,189
Second instalment payable 15 November 2000	\$348,650

It is recommended that Council agrees to the revised Municipal Workcare Scheme Rules and approves the Chief Executive Officer signing of the appropriate documentation.

**MOVED Cr Kadak, SECONDED Cr Patterson that Council NOTES the revised Municipal Workcare Scheme Rules to take effect from the commencement of the next Fund Year (30 June 2001) and authorises the Chief Executive Officer to sign the appropriate documentation.**

**The Motion was Put and**

**CARRIED**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf150501.pdf](#)

**CJ144 - 05/01 FOREIGN INVESTMENT REVIEW BOARD - [00019]  
[49653]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 14

**SUMMARY**

The Rates Working Group during its deliberations earlier this year requested a listing of all vacant land properties within the district which were owned by foreign investors.

This report recommends that the details relating to vacant land holdings by foreign owners is released to the Foreign Investment Review Board for investigation of breaches of policy and guidelines whereby foreign owners are required to develop vacant land within 12 months of purchase.

## BACKGROUND

During 2000/01 the Rates Working Group undertook an extensive review of its vacant land for the purposes of identifying if the City had a significant issue with land held by long-term investors at the expense of the City's development. Arising from this review it was discovered that a number of vacant land holdings within the City were owned by foreign owners with holding dates extending back as far as 1973. The Rates Working Group determined that this was inappropriate and the issue was brought to the attention of the Foreign Investment Review Board (FIRB). The FIRB advised that it was a condition for foreign investors to develop vacant land and that the FIRB had powers to enforce compliance.

## DETAILS

The FIRB investment policy for urban land is as follows:-

*"Proposed acquisitions of real estate for development are normally approved subject to a specific condition requiring continuous substantial construction to commence within 12 months. Once construction is complete, the parties are required to provide the completion date and actual development expenditure."*

The Rates Working Group agreed to review the length of time vacant land within the City was held by foreign ownership. It was agreed that the FIRB be advised of any vacant land holdings held by foreign investors which were purchased prior to 1 January 1999 where it appeared that there were breaches of the regulations.

Vacant land held prior to 1 January 1999 by foreign owners is attached - refer Attachment 1.

## COMMENT

The FIRB has indicated that it was aware that many blocks purchased by foreign interests have not been developed as required by its approval to purchase. In some cases, there were valid reasons, eg the Asian Financial crisis 1997-98. Nevertheless, the Government did expect foreign interests to meet their obligations and if this was not possible, contact should be made with the Government as soon as possible to resolve difficulties. Should difficulties arise, the parties were expected to contact the FIRB for an extension of the development date. This was usually granted if the reasons for non-development were acceptable. In some instances, the parties may be directed to sell immediately should their reasons for non-conformance be unacceptable to the Government.

The FIRB also advised that while its Compliance Unit had in place a programme where proposals were followed up at regular intervals some do 'fall through the net' and in these instances it would be prepared to follow these up if the details were supplied.

The FIRB operates the compliance programme on a case by case basis and is initiated by contact being made with the foreign interest for an update. If the response to the update is unsatisfactory they may be directed to sell the property by a certain date. Legal action can be taken in some cases however, this course of action can be difficult. In some cases their breach is reported to the Department of Immigration and Multicultural Affairs who may take action in respect to the issuing of visas.

Following the response received from the FIRB, the Rates Working Group agreed that the report be compiled for Council detailing the FIRB guidelines and the properties within the City of Joondalup which appeared to be in breach of the guidelines.

**MOVED Cr Hurst, SECONDED Cr Walker that Council:**

- 1 PROVIDES to the Foreign Investment Review Board a list of vacant land properties within the City which are held by foreign investors;**
- 2 REQUESTS the Foreign Investment Review Board to take appropriate action where there has been a breach of the regulations.**

**The Motion was Put and**

**CARRIED**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf150501.pdf](#)*

*Cr Baker entered the Chamber, the time being 2202 hrs.*

**MOVED Cr Patterson, SECONDED Cr Baker that consideration of Items CJ145-05/01, CJ146-05/01 and CJ147-05/01 be DEFERRED.**

Director, Community Development advised the deferral of these items at this stage will have significant implications in relation to progressing the transfer of the services. The difficulties with the constitution do not in any way negate the Community Vision Association is a properly constituted and incorporated legal body under the provisions of the Act.

Cr Patterson advised that in light of the comments made by Director, Community Development he wished to have the Motion Withdrawn.

Cr Baker as the Seconder, advised he was not in favour of withdrawal of the Motion.

**MOVED Cr Kenworthy, SECONDED Cr Mackintosh that the motion to defer consideration of Items CJ145-05/01, CJ146-05/01 and CJ147-05/01 be Withdrawn.**

**The Motion was Put and**

**CARRIED**

**CJ145 - 05/01      ARRANGEMENTS FOR TRANSFER OF SERVICES  
TO COMMUNITY VISION - [40958]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 15

## **SUMMARY**

On 19 December 2000 Council approved the establishment of a new community based service delivery organisation and the transfer of a number of the community services currently

provided by the City to that new organisation effective from 1 July 2001 (Report CJ368-12/00 refers). On 27 February 2001 Council confirmed this decision when a motion was put and lost that Council rescind the decision.

On 19 December 2000 Council also approved work proceeding in line with the implementation action plan contained in Attachment 2 of Report CJ368-12/00 and noted that, nearing the completion of that work, a further report would be submitted to Council to seek approval for matters such as:

- the transfer of staff provisions and assets to the new organisation;
- the relinquishment of State and Commonwealth Government grants so that they can be transferred to the new organisation;
- a leasing arrangement; and
- a one off grant for equipment if required.

The leasing arrangements for the new organisation are the subject of a separate report to Council. Accordingly, this report provides information and makes recommendations relating to the transfer of staff and assets, the relinquishment of government funding and the need for a one off grant.

## **BACKGROUND**

On 8 August 2000, Council was asked to consider a proposal for a change in role for the City's Community Services. This change was to involve the transfer of many of the City's community services to a newly created community based organisation (Report CJ201 – 08/00 refers). At this time, Council endorsed a consultation process on the proposal and the community's view on the change in role was subsequently sought. The consultation process was comprehensive and included:

- A full page advertisement in the Joondalup Community Times which goes into 54,846 homes in Joondalup calling for feedback from the community;
- The establishment of a telephone information line to more easily facilitate feedback from interested stakeholders;
- The provision of website information with an online feedback facility;
- Inclusion of information in the Desk of the CEO, Staff Update and Council News;
- A letter or newsletter to each service user in each of the services with a total of 1,507 individuals/families being contacted;
- Opportunity to attend a weekly update meeting for staff directly involved in the transfer;
- A focus group for Family Day Carers (Parents also attended this session);
- A focus group for volunteers in the Aged and Disability area ;
- A letter to each of the services contractors;
- Meetings with, or letters to, each of the funding bodies; and
- Letters to medical and health institutions in the area, to the community services sector and to parallel/referral agencies.

A total of 301 people provided feedback.

Council Report CJ368-12/00 provided details of this community consultation exercise and a discussion of that information, gave additional information gained through discussion with a number of other organisations, provided an action plan and presented details of financial



modelling for the new organisation. The advantages to the City of the proposal were also outlined. It was noted that only those of the City's services that are well funded, well established and able to stand alone without Council's financial support would be transferred. This would free up the Council resources that are currently being used to administer these well funded services to:

- consult more widely with the community;
- work more with the community to develop services identified through consultation;
- develop partnerships and play a coordination role;
- mentor and support community groups;
- build on strategic initiatives such as Youth in Public Space, Community Consultation and Needs Analysis and the Community Buildings project;
- develop innovative service responses to issues identified through the Crime and Community Safety Study and the Customer Satisfaction Monitor 2000 particularly in relation to youth and their perceived involvement in criminal and antisocial behaviour; and
- take a more proactive planning, development, coordination and leadership role within the community in line with the City's strategic plan.

It would also enable the City to provide services to the community that are not funded or poorly funded by Commonwealth and State governments, such as programs for young people and for seniors. This change would enable the City to achieve a much better balance between service provision and community development and to really impact on the City's key result areas of Leadership, Lifestyle and Economic Vitality. Community Services, if it were to remain largely a service provider with a negligible role in community development, would not be able to address the emerging needs of the City within existing resources.

Another advantage of the change is that the services transferred to Community Vision will provide a good base to attract other services to the area. A number of officers from both State and Commonwealth Government bodies have indicated their eagerness to see a new community based organisation located in the Northern suburbs which is small enough to be responsive to service users' needs but large enough to attract additional services to the area.

As already indicated, Council gave approval for the new direction to be implemented by 1 July 2001. Work has been progressing in line with the action plan and, at the time of writing, the following summarises what has been achieved:

### **Governance**

- Board of Management has been established;
- Board has been inducted into its role and a Governance Workshop attended;
- The organisation's constitution has been developed, advertisement of intended incorporation occurred, the application for incorporation lodged with the Ministry of Fair Trading and Certificate of Incorporation received;

### **Human resource management**

- Position descriptions have been developed for all positions;
- Conversion guidelines for the transfer of staff to Community Vision have been developed and agreed by staff and the union;
- A recruitment and selection process is under way for the Executive Director of the organisation with the expectation that the position will be filled from 2 July 2001;

- A recruitment and selection process is under way for the Manager Aged and Disability Services, the Coordinator Family Day Care, the Finance Officer and two Community Services Officers. These positions will be filled by 2 July 2001;
- The establishment of a Superannuation Plan, workers compensation coverage and Occupational Safety and Health policies and work instructions is under way;
- Workshops for staff on Duty of Care and Legal Responsibilities and on recruitment skills have been planned;
- A training needs analysis for Family Day Carers has commenced to ensure that Community Vision will be able to meet the new Family Day Care quality assurance requirements;
- The development of human resource policies is nearing completion;

### **Financial management**

- Appropriate financial management, human resource and payroll system has been identified;
- Systems to manage collection of fees, client data and bookings are in place;
- The organisation's inaugural budget has been finalised;
- Application has been made for ABN, licence under the Charitable Collections Act and for tax status to the Australian Taxation Office;
- Meetings with, and provision of information to, funding bodies regarding contractual arrangements between the Community Vision and the various funding bodies, is underway;
- Application for funding to the Lotteries Commission for additional equipment, IT and business planning needs is nearing completion;

### **Information management**

- Quotes for the immediate IT needs of Community Vision have been obtained and a consultant contracted to undertake the work so that the new network is tested and fully operational by 22 June 2001;
- Arrangements have been made for the development of a full IT plan that will take account of the organisation's future IT needs and will be used as the basis for the IT section of the Lotteries Commission funding application;
- Work is under way to ensure the duplication of relevant records for use by Community Vision;

### **General**

- The development of operational policies and procedures is nearing completion;
- Lease arrangements for the buildings which Community Vision will need have been negotiated;
- Additional equipment needs and establishment costs have been determined and included in this report.

## **DETAILS**

### **1. Transfer of staff provisions**

Council Report CJ201 – 08/00 identified a number of principles which were to underpin the transfer of services to the new organisation. One of these was that “staff should not lose entitlements” and that “The accrued entitlements of Long Service Leave, Sick Leave and Annual Leave should transfer with the staff.”

This was again reiterated in Council Report CJ368-12/00 where additional legal advice and information from the Chamber of Commerce and Industry was noted. This advice suggested that the transfer of services constituted a transmission of business and that the new organisation would need to adopt the salaries and conditions of the City's Umbrella Enterprise Bargaining Agreement for all staff. The legal advice also noted that:

The City's exposure to make redundancy payments to transferring employees is reduced if the City secures acceptable alternative employment for the employees. This test is likely to be satisfied where the new organisation offers employment on no less favourable terms and conditions than they currently enjoy, recognising accrued entitlements and providing continuity of service for service related benefits.

Community Vision will initially have 24 staff members. Of these, nine are currently permanent employees with the City. The dollar value of the entitlements to be transferred for these nine staff members is approximately \$146,340 broken down as follows:

Annual leave	\$46,390
Long service leave	\$41,182
Sick leave	\$58,768

The City has cash backed provision accounts for the annual and long service entitlements. However, no similar provisions have been made for sick leave. The annual and long service leave entitlements of \$87,572 will be transferred to Community Vision with a provision account established in the City's books for sick leave entitlements of \$58,768 to accommodate future claims. This may change because an estimate only can be made for the full period to 30 June 2001.

## 2. Transfer of assets

Council Reports CJ201 – 08/00 noted the importance of the new organisation being "fully equipped with all the accoutrements required to ensure that it is both fully functional and efficient." It further noted that this would require:

- Transfer of assets from within the City that are currently utilised by the services; and
- Provision of a one-off grant for the purchase of additional infrastructure requirements if necessary, such as a photocopier and printers.

This was also reflected in the Council Resolutions of 19 December 2000. (Report CJ368-12/00 refers)

The major and minor assets currently used by the transferring services have now been identified and a full list of these assets can be found in Attachment 1 to this Report.

The major assets, the three motor vehicles and a 23-seater bus, were initially purchased with funds made available from the State Government's Home and Community Care Program (one motor vehicle and the bus) and from the Commonwealth Government's Community Care Program (two motor vehicles). The City has replaced the vehicles over time and has consequently contributed funds to the purchase and replacement of these vehicles. The written down value of these vehicles as at 31 March 2001 is \$137,711 as follows:

Asset Number	Registration Number	Description	Purchase Date	Written Down Value 31 March 2001
99299	WN856	Ford Laser Sedan	21 October 1998	\$12,737
99040	56COJ	Hyundai Lantra Sedan	27 April 2000	\$13,457
99028	39COJ	Hyundai Lantra Sedan	21 January 2000	\$12,745
95337	WN31417	Toyota Coaster Bus – 23 seater	4 October 1998	\$98,772
				<b>\$137,711</b>

This figure will be adjusted to provide for the written down value as at 30 June 2001.

Consideration has been given to the age, status and condition of all of the City's minor assets (furniture and equipment) used by the transferring services. The written down value of these assets at 31 March 2001 is \$36,285 as follows:

Description	Written Down Value as at 31 March 2001
15 desk top computers	\$22,512
1 laptop computer	\$1,611
Other equipment and furniture	\$12,162
<b>Total</b>	<b>\$36,285</b>

This figure will also be adjusted to provide for the written down value as at 30 June 2001 and these totals will then be included as a loss on disposal of asset of the written down value of the vehicles and assets in the City's 2000/2001 accounts.

Community Vision will take full responsibility for the ongoing maintenance and replacement program for all of these assets.

### 3. Relinquishment of State and Commonwealth Government grants

Council Reports CJ201 – 08/00 and CJ368-12/00 highlighted the fact that the transferring services were fully funded by Commonwealth or State Government grants and that Council would need to formally relinquish this funding to enable it to be transferred to Community Vision. In addition to this, on 13 February 2001, Council approved:

- 1 the signing and affixing of the Common Seal to the Veterans' Home Care Services Agreement between the City and the Commonwealth Department of Veterans' Affairs to undertake Regional Assessment and Coordination functions in the North Metropolitan Region of Western Australia for a period of 3 years;
- 2 the City entering into Agreements to sub-contract with the Local Government Authorities of Subiaco, Stirling and Wanneroo; and

- 3 the City entering into a Deed of Novation with the Commonwealth once the new community-based organisation is a legal entity in its own right in order to release the City from its obligations and rights and for the new community-based organisation to assume those obligations and rights. (Council Report CJ015-02/01 refers)

Therefore, Council is asked to relinquish funding as follows:

<b>Department</b>	<b>Amount 2000/2001</b>
Disability Services Commission	\$87,479
Department of Family and Community Services Operational Subsidy Child Care Assistance	\$324,563 \$625,500 (amount dependent upon families' incomes – paid straight out to Family Day Carers)
Department of Health and Aged Care	\$279,279
Health Department of Western Australia (Home and Community Care Program)	\$722,009

#### **4. One off grant for equipment**

As foreshadowed in Council Report CJ368-12/00 a one-off grant to Community Vision Inc to successfully relocate staff and equipment into a new venue will be needed. In the half yearly budget review, Council approved an amount of \$75,554 for this purpose.

#### **COMMENT/FUNDING**

##### **Financial implications for the City – Overall**

The following table provides a summary of the financial implications for the City.

<b>Item</b>	<b>Amount</b>
Staff provisions – annual and long service leave	\$87,572 to be transferred (figure may need to be adjusted)
Staff provisions – sick leave	\$58,768 to be held in a provision account established by the City (figure may need to be adjusted)
Assets	\$173,996 to be written down as at 30 June (figure will need to be adjusted)
Funding	\$2,038,830 to be relinquished
One-off grant	\$75,554 to be granted

In addition, the City will be required to transfer unexpended grant funds, fees invoiced for services provided in the 2000/2001 financial year but not received by the City until the 2001/2002 financial year, reimbursements and any other related income owed to the transferring services.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 APPROVES, BY AN ABSOLUTE MAJORITY, the transfer of staff annual and long service leave entitlements of \$87,572 (as adjusted at 30 June 2001) to Community Vision Inc;
- 2 CREATES, BY AN ABSOLUTE MAJORITY, a provision account of \$58,768 (as adjusted at 30 June 2001) for sick leave (Community Vision) in its books of account at 30 June 2001;
- 3 APPROVES the transfer of ownership of the minor assets listed in Attachment 1 to Report CJ145-05/01 to Community Vision Inc;
- 4 APPROVES the transfer of ownership of motor vehicles listed in Attachment 1 to Report CJ145-05/01 to Community Vision Inc;
- 5 AUTHORISES, BY AN ABSOLUTE MAJORITY, the write out of the City of Joondalup financial records the written down value of the assets of \$173,996 (as adjusted at 30 June 2001) as listed in Attachment 1 to Report CJ145-05/01;
- 6 RELINQUISHES Commonwealth and State Government funding of \$2,038,830 to enable these funds to be transferred to Community Vision Inc;
- 7 APPROVES, BY AN ABSOLUTE MAJORITY the transfer of unexpended grant funds, fees, reimbursements and other related income owed to the transferring services as at 30 June 2001;
- 8 APPROVES the signing and affixing of the Common Seal to a Deed of Novation with the Commonwealth Government in order to release the City from its obligations and rights for Veterans' Home Care and for Community Vision Inc to assume those obligations and rights;
- 9 APPROVES the payment of a one off grant of \$75,554 to Community Vision Inc for the purpose of establishment costs.

The following motion was moved as one. During discussion on the matter, it was requested that each part of the motion be voted upon separately.

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

- 1 APPROVES the transfer of staff annual and long service leave entitlements of \$87,572 (as adjusted at 30 June 2001) to Community Vision Inc;

Discussion ensued with Cr O'Brien raising a number of concerns in relation to the documentation relating to the Constitution.

Director, Community Development advised the document had been forwarded to the City's solicitors for comment and gave an overview of events in relation to this issue.

Director, Community Development referred to Clause 25 of the Associations Incorporation Act which requires an association to comply with the accounting and financial provisions of that Act.

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**2 CREATES a provision account of \$58,768 (as adjusted at 30 June 2001) for sick leave (Community Vision) in its books of account at 30 June 2001;**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**3 APPROVES the transfer of ownership of the minor assets listed in Attachment 1 to Report CJ145-05/01 to Community Vision Inc;**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**4 APPROVES the transfer of ownership of motor vehicles listed in Attachment 1 to Report CJ145-05/01 to Community Vision Inc;**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**5 AUTHORISES the write out of the City of Joondalup financial records the written down value of the assets of \$173,996 (as adjusted at 30 June 2001) as listed in Attachment 1 to Report CJ145-05/01;**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**6 RELINQUISHES Commonwealth and State Government funding of \$2,038,830 to enable these funds to be transferred to Community Vision Inc;**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien



**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**7 APPROVES the transfer of unexpended grant funds, fees, reimbursements and other related income owed to the transferring services as at 30 June 2001;**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**8 APPROVES the signing and affixing of the Common Seal to a Deed of Novation with the Commonwealth Government in order to release the City from its obligations and rights for Veterans' Home Care and for Community Vision Inc to assume those obligations and rights;**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Baker, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**9 APPROVES the payment of a one off grant of \$75,554 to Community Vision Inc for the purpose of establishment costs.**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

#### *Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf150501.pdf](#)

## **CJ146 - 05/01      TRANSFER OF HACC VOLUNTEER TRANSPORT SERVICE TO COMMUNITY VISION INC. - [01075]**

**WARD** - All

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CJ010515\_BRF.DOC:ITEM 16

### **SUMMARY**

The City currently operates two related but separate transport services – Community Transport and Volunteer Services Transport. Council part funds Community Transport and Volunteer Services Transport is funded through the Home and Community Care Community (HACC) Program administered by the Health Department of WA (HDWA).

On 11 July 2000 (Report CJ173–07/00 refers), Council agreed to the City's participation in the HACC North Metropolitan Transport Brokerage Pilot Project. On 10 October 2000 (CJ272-10/00 refers) Council was advised that HACC had withdrawn its request to take over the City's HACC Volunteer Transport Service from 1 October 2000. HACC indicated that it needed to establish and evaluate a smaller transport pilot before being in a position to take over the City's service. However, it was expected that the City's Volunteer Transport Service would transfer early in the 2001/2002 financial year.

Recent advice from HACC indicates that there is no longer any certainty that the City's Volunteer Transport Service will transfer to the Transport Brokerage Project. This creates a difficulty for the City, as each person using the Volunteer Transport Service must be assessed to determine his or her eligibility for a HACC service.

The HACC Assessment and Coordination Team, along with all other HACC services, will transfer to a new organisation, Community Vision Inc, with effect from 1 July 2001. Consequently, there will be no-one available with the skills and expertise or the time to undertake assessments for the HACC Volunteer Transport Service. The Board of Community Vision Inc has agreed to this service transferring with effect from 1 July 2001. Therefore, this report recommends that the City's Volunteer Transport Service transfer with the rest of the HACC services to Community Vision Inc on 1 July 2001. Should HACC reach a point where it wishes the Joondalup HACC Volunteer Transport Service to participate in the Transport Brokerage Project, the Board of Community Vision would have to make a decision as to whether it agrees to participate.

Accordingly, this report provides information and makes recommendations relating to the transfer of staff and assets and the relinquishment of government funding relating to the HACC Volunteer Transport Service to Community Vision Inc with effect from 1 July 2001.

## **BACKGROUND**

The City provides 6000 HACC transport services per year to approximately 235 residents, to assist them to attend hospital treatments, therapy and medical appointments.

On 11 July 2000 (Report CJ173–07/00 refers), Council agreed to the City’s participation in the HACC North Metropolitan Transport Brokerage Pilot Project subject to a number of conditions. These conditions were confirmation of the participation of the other five proposed agencies in the pilot, reaching agreement with HACC on acceptable client fee levels for the new service and retaining two HACC vehicles that HACC had requested to be transferred to the project. Participation in this project was to be with effect from 1 October 2000.

On 10 October 2000 (Report CJ272-10/00 refers) Council was advised that HACC had withdrawn its request to take over the City’s HACC Volunteer Transport Service from 1 October 2000. HACC indicated that it would not be in a position to take over the City’s services until it had operated a smaller transport pilot, starting no later than 1 January 2001, and had evaluated the relative merits of both the pilot and the services currently being offered by the City and other participating agencies. It was expected that the City’s volunteer transport service would transfer early in the 2001/2002 financial year.

On 19 December 2000, Council approved the establishment of a new community based service delivery organisation and the transfer of a number of the community services currently provided by the City to that new organisation effective from 1 July 2001 (Report CJ368-12/00 refers).

The HACC Assessment and Coordination Team, along with all other HACC services, will transfer to this new organisation (Community Vision Inc) with effect from 1 July 2001. The recent advice received from HACC that there is no longer any certainty that the City’s HACC Volunteer Transport Service will transfer to the Transport Brokerage Project creates an untenable situation for the City should it choose to retain the HACC Volunteer Transport Service.

In order for people to access this service, a Community Services Officer with the skills, qualifications and experience to undertake such an assessment must assess them. The areas covered in the assessment include:

- client information;
- source of, and reason for, referral;
- relevant health information;
- usual living arrangements;
- current services and assistance being received;
- social history;
- carer information;

- assessment ratings relating to physical functioning on day-to-day and personal care tasks;
- equipment aids used;
- services required; and
- provision of relevant information relating to complaints procedures, the home safety assessment and the client's rights and responsibilities.

People often undergo an assessment because they need assistance in a range of areas, one of which may be transport. It is difficult to separate this aspect of their daily lives from others. With the transfer of the rest of the City's HACC services, including the Assessment and Coordination Team, it will be impossible to maintain the Volunteer Transport Service within Council within existing resources.

## DETAILS

### *Transfer of staff provisions*

Council Report CJ201-08/00 identified a number of principles which were to underpin the transfer of services to Community Vision Inc. One of these was that "staff should not lose entitlements" and that "The accrued entitlements of Long Service Leave, Sick Leave and Annual Leave should transfer with the staff." Subsequent legal advice supported this approach as follows:

The City's exposure to make redundancy payments to transferring employees is reduced if the City secures acceptable alternative employment for the employees. This test is likely to be satisfied where the new organisation offers employment on no less favourable terms and conditions than they currently enjoy, recognising accrued entitlements and providing continuity of service for service related benefits.

One permanent employee would transfer with the City's Volunteer Transport Service. The dollar value of the staff entitlements to be transferred to Community Vision Inc for the HACC Volunteer Transport Officer is approximately \$20,190. This includes pro rata and accrued annual leave, sick leave and long service leave broken down as follows:

Annual leave	\$3,590
Long service leave	\$7,838
Sick leave	\$8,762

The City has cash backed provision accounts for the annual and long service entitlements. However, no similar provisions have been made for sick leave. The annual and long service leave entitlements of \$11,428 will be transferred to Community Vision with a provision account established in the City's books for sick leave entitlements of \$8,762 to accommodate future claims. This may change because an estimate only can be made for the full period to 30 June 2001.

### *Transfer of Assets*

Council Report CJ201-08/00 noted the importance of the new organisation being "fully equipped with all the accoutrements required to ensure that it is both fully functional and efficient." It further noted that this would require the transfer of assets from within the City that are currently utilised by the services. This was also reflected in the Council Resolutions of 19 December 2000 (Report CJ368-12/00 refers).

The major and minor assets currently used by the HACC Volunteer Transport Service have now been identified and a full list of these assets can be found in Tables 1 and 2 below.

The major assets, the two motor vehicles and a 6-seater bus, were initially purchased with funds made available from the State Government's Home and Community Care Program. The City has replaced these vehicles over time and has consequently contributed funds to the purchase and replacement of these vehicles. The written down value of these vehicles as at 31 March 2001 is \$69,291 as follows:

**Table 1**

Asset Number	Registration Number	Description	Purchase Date	Written Down Value 31 March 2001
99304	WN31276	Ford Falcon Station Wagon		\$19,637
99048	37COJ	Mitsubishi Magna Wagon	16 June 2000	\$21,250
95332	WN31301	Toyota Commuter Bus, 6 seater	17 July 1998	\$28,404
				<b>\$69,291</b>

These figures will be adjusted to provide for the written down values as at 30 June 2001.

Consideration has been given to the age, status and condition of all of the City's minor assets (furniture and equipment) used by the HACC Volunteer Transport Service. The written down value of these assets at 31 March 2001 is \$1,422 as follows:

**Table 2**

Description	Written Down Value as at 31 March 2001
1 Desk top computer	\$1,422
1 workstation	Nil
1 Typist chair	Nil
<b>Total</b>	<b>\$1,422</b>

This figure will also be adjusted to provide for the written down value as at 30 June 2001 and these totals will then be included as a loss on disposal of asset of the written down value of the vehicles and assets in the City's 2000/2001 accounts.

Community Vision will take full responsibility for the ongoing maintenance and replacement program for all of these assets.

#### *Relinquishment of State Government Grant*

Council will need to formally relinquish the HACC funding of \$82,679 relating to the HACC Volunteer Transport Service.

## **COMMENT/FUNDING**

### **Financial implications for the City – Overall**

The following table provides a summary of the financial implications for the City of transferring the HACC Volunteer Transport Service to Community Vision Inc with effect from 1 July 2001.

Item	Amount
Staff provisions – annual and long service leave	\$11,428 to be transferred (figure may need to be adjusted)
Staff provisions – sick leave	\$8,762 to be held in a provision account established by the City (figure may need to be adjusted)
Assets	\$70,713 to be written down as at 30 June (figure will need to be adjusted)
Funding	\$82,679 to be relinquished

**OFFICER'S RECOMMENDATION:** That Council:

- 1 APPROVES, BY AN ABSOLUTE MAJORITY the transfer of the City's Home and Community Care (HACC) Transport Service to Community Vision Inc with effect from 1 July 2001;
- 2 APPROVES, BY AN ABSOLUTE MAJORITY the transfer of annual and long service leave entitlements of \$11,428 (as adjusted at 30 June 2001) to Community Vision Inc;
- 3 CREATES, BY AN ABSOLUTE MAJORITY a provision account of \$8,762 (as adjusted at 30 June 2001) for sick leave (Community Vision) in its books of account at 30 June 2001.
- 4 APPROVES the transfer of ownership of motor vehicles listed in Table 1 in Report CJ146-05/01 to Community Vision Inc;
- 5 APPROVES the transfer of ownership of the minor assets listed in Table 2 in Report CJ146-05/01 to Community Vision Inc;
- 6 AUTHORISES, BY AN ABSOLUTE MAJORITY the write out of the City of Joondalup financial records the written down value of the assets of \$70,713 (as adjusted at 30 June 2001);
- 7 RELINQUISHES State Government funding of \$82,679 to enable these funds to be transferred to Community Vision Inc.

During discussion on the matter, it was requested that each part of the motion be voted upon separately.

**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

- 1 APPROVES the transfer of the City's Home and Community Care (HACC) Transport Service to Community Vision Inc with effect from 1 July 2001;

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**2 APPROVES the transfer of annual and long service leave entitlements of \$11,428 (as adjusted at 30 June 2001) to Community Vision Inc;**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**3 CREATES, BY AN ABSOLUTE MAJORITY a provision account of \$8,762 (as adjusted at 30 June 2001) for sick leave (Community Vision) in its books of account at 30 June 2001.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**4 APPROVES the transfer of ownership of motor vehicles listed in Table 1 in Report CJ146-05/01 to Community Vision Inc;**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**5 APPROVES the transfer of ownership of the minor assets listed in Table 2 in Report CJ146-05/01 to Community Vision Inc;**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**6 AUTHORISES the write out of the City of Joondalup financial records the written down value of the assets of \$70,713 (as adjusted at 30 June 2001);**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien



**MOVED Cr Patterson, SECONDED Cr Kimber that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

**7 RELINQUISHES State Government funding of \$82,679 to enable these funds to be transferred to Community Vision Inc.**

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

## **CJ147 - 05/01 LEASING ARRANGEMENTS FOR THE NEW COMMUNITY BASED ORGANISATION - [40958]**

**WARD - All**

CJ010515\_BRF.DOC:ITEM 17

### **SUMMARY**

On 19 December 2000 Council approved the establishment of a new community based service delivery organisation and the transfer of a number of the community services currently provided by the City to that new organisation effective from 1 July 2001 (Report CJ368-12/00 refers).

Council also approved work proceeding in line with the implementation action plan contained in Attachment 2 of Report CJ368-12/00. Part of the implementation action plan requires ensuring that building infrastructure is in place from which the new organisation (Community Vision Inc) can operate.

This report requests the allocation for lease of:

- Portion of Lot 549 on Plan 15222 and being part of the land comprised in Certificate of Title Volume 1711 Folio 647 and including Building Number 1043 located at 11 Moolanda Boulevard;
- Portion of Lot 3 on Plan 17788 and being part of the land comprised in Certificate of Title Volume 1895 Folio 547 and known as part of Building Number 1304 located at 5 Trappers Drive Woodvale; and
- The podiatry clinics located within:
  - Portion of Lot 931 on Diagram 83254 and being part of the land comprised in Certificate of Title Volume 1960 Folio 740 and known as Building Number 1038.01 at 2/12 Dorchester Avenue Warwick;

- Portion of Lot 503 on Diagram 56725 and being part of the land comprised in Certificate of Title Volume 1551 Folio 105 and known as Building Number 1037.01 at 2/15 Banks Avenue, Hillarys; and
- Portion of the land comprised in Reserve N<sup>o</sup> 41766 and known as Building Number 1035.00 at 47 Beddi Road, Duncraig;

for use by Community Vision Inc. In addition, it requests the allocation for lease of 450m<sup>2</sup> of the City's Administration Centre at Boas Avenue for a shorter term while other options for rental are considered. It recommends that leases be entered into to formalise these arrangements.

## **BACKGROUND**

Community Vision Inc will commence operations on 1 July 2001 and will need premises from which to operate. The Joondalup Day Centre currently has use of part of Building Number 1304, known as the Woodvale Community Care Centre, at 5 Trappers Drive. It has exclusive use of the Courtyard Room (134 m<sup>2</sup>) and uses the Garden Room one day per week for its Dementia Program. The Podiatry Room is also used by the Podiatrist (19m<sup>2</sup>). These functions will be transferred to the new organisation and a lease arrangement will also be needed in relation to part of this building which represents 31 percent of the total floor space within the building.

The podiatrist also currently offers services in clinics located within:

- Portion of Lot 931 on Diagram 83254 and being part of the land comprised in Certificate of Title Volume 1960 Folio 740 and known as Building Number 1038.01 at 2/12 Dorchester Avenue Warwick;
- Portion of Lot 503 on Diagram 56725 and being part of the land comprised in Certificate of Title Volume 1551 Folio 105 and known as Building Number 1037.01 at 2/15 Banks Avenue, Hillarys;
- Portion of the land comprised in Reserve N<sup>o</sup> 41766 and known as Building Number 1035.00 at 47 Beddi Road, Duncraig; and
- Building Number 1304, known as the Woodvale Community Care Centre, at 5 Trappers Drive. (19m<sup>2</sup>)

The podiatry function will be transferred to Community Vision Inc. A lease arrangement will be needed in relation to portions of these buildings.

The Family Day Care Scheme currently has use of Building Number 1043, known as the Kingsley Family Day Care Centre, at 11 Moolanda Boulevard in which it operates its toy library and play group sessions. This function will be transferred to the new organisation and a lease arrangement will be needed for this building.

A second building (number 1002) located at 11 Moolanda Boulevard Kingsley has recently been vacated by the City of Wanneroo. Community Vision will need a base for its operations and this building had been considered suitable for this purpose. This building is known as the Kingsley Community Services Centre and was initially built to house the types of services to be offered. The use of this building was foreshadowed in the original report to Council on the transfer of services (Council Report CJ201-08/00) and in Attachment 4 to Report CJ368-12/00. Council Report CJ201-08/00 noted the following:

Bearing in mind the accommodation needs, it may be possible for the new organisation to operate from the Kingsley Community Centre, currently occupied by the City of Wanneroo, which is due to vacate the premises in mid-December 2000 and within the Kingsley Family Day Care building currently occupied by the City's Family Day Care Playgroups, Toy Library and Occasional Care Service.

This location has a history of involvement with community services, being the location of the City's Community Services until prior to the recent refurbishment of the administration centre at Boas Avenue. It is close to other community facilities including a child care and child health centre. The location is also readily accessible to the City as a whole. It has the capacity to provide meeting facilities for agencies within the City and, importantly, the facility provides confidential interview rooms for all clients, families and carers.

However, it is important for Council to consider the alternative options of renting out to commercial interests or selling the Kingsley property to ensure that the best use is made of the City's assets. A separate report will be submitted to Council to address this issue. Should Council decide to sell this property, it may wish to consider using some of the proceeds to build a venue for Community Vision on crown land.

In the meantime, Community Vision will need a base for its operations from 1 July 2001.

## **DETAILS**

Community Vision will need a base for its operations that has the following attributes:

- Minimum size 400m<sup>2</sup>, optimum is 517m<sup>2</sup> (Potential expansion to 800m<sup>2</sup> required – organisation is expected to double in size within next two years);
- Ground Floor only;
- Wheel Chair and Ramp Access for elderly and disabled persons;
- Sufficient parking for staff and clients close to the building;
- Four medium size offices;
- Three Interview rooms;
- Partitioned space for 14 people;
- Large board/meeting room;
- Staff facilities – kitchen, lunchroom/eating area, toilets male, female & disabled;
- Storage Space, including client case files, stationery, furniture, cleaning equipment etc;
- Consideration needs to be given to the type of work the group will be doing. Each workstation has to have room for a suitable ergonomically designed desk, computer, filing cabinet, and other drawer or cupboard space.

### *Commercial rental options*

Commercial rental options have been explored and are proving to be extremely expensive ranging from:

Rent	\$130 sqm x 727 sqm	\$94,510 pa
Outgoings	\$90 sqm x 727 sqm	\$65,430 pa
Cleaning		\$60,000 pa
Parking	\$75 per bay per month x 10 bays	<u>\$9,000 pa</u>
Total Costs		\$228,940 pa (\$19,080 per month)
to		
Rent	(\$135 sqm x 364 sqm)	\$49,140 pa
Outgoings	(\$45 sqm x 364 sqm)	\$16,380 pa
Cleaning		<u>\$15,000 pa</u>
Shared parking		
Total Costs		\$80,520 pa (\$6,710 per month)

The budget for Community Vision includes a total amount of \$20,000 for rent and \$30,000 for cleaning. It may be possible for the organisation to negotiate for a property at a lower rental than the figures outlined above.

#### *Rental of space in the City's Administration Centre*

There is also 450 m<sup>2</sup> of surplus area within the City's Administration Centre. This space is located on two separate floors, 150 m<sup>2</sup> on the ground floor and 300 m<sup>2</sup> on the second floor. This would not be suitable for the new organisation as a long term option for the following reasons:

- Administration, Aged and Disability Service Assessment and Coordination and the Family Day Care Scheme staff ideally need to be located together;
- Family Day Carers have already made complaints about ease of access to the Administration Centre. Carers can have four pre-school children with them when they attempt to visit the scheme office and negotiating the lift with a stroller and with toddlers has proved to be difficult; and
- The Administration Centre has also been identified as not being particularly user friendly to parents visiting with their children to enrol in the Family Day Care Scheme.

#### *Suggested option*

It is recognised that the City's Administration Centre has limitations as a longer term accommodation option for Community Vision Inc. However, in the short term, it is suggested that the City offer the new organisation accommodation in the Administration Centre as an interim arrangement while it carefully considers the future of the Kingsley Community Services Centre (building number 1002) located at 11 Moolanda Boulevard Kingsley.

#### *Additional information*

It should be noted that Reserve N<sup>o</sup> 41766 (47 Beddi Road Duncraig) is a Crown reserve and although it is under Management Order to the City with power to lease for periods of 21 years, any lease requires the approval of the Minister for Lands under Section 18 of the Land Administration Act.

The remaining buildings are situated on land held in freehold by the City and, therefore, no approval by the Minister for Lands is necessary for these leases. The details of the areas to be leased by the new organisation are outlined in plans included at Attachment 1 to this report.

Legal advice has been obtained regarding the application of Section 3.58 of the Local Government Act 1995 to the proposed lease arrangements with the new organisation. The proposed lease arrangements are exempt from this section under Regulation 30 (2) (b) of the Local Government (Functions and General) Regulations 1996 as follows:

the land is disposed of to a body, whether incorporated or not —

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

## COMMENT/FUNDING

### *Rental charges for community agencies*

The City has adopted the following practice when charging rent to sporting and recreational groups and community and welfare agencies:

Organisations seeking a new lease on a Council facility will be required to pay one percent of the replacement value of the building. This fee will be applicable to the area specifically occupied for their exclusive use and will be apportioned accordingly. Should a capital contribution have been made towards the building, then the base fee of one percent will be reduced in alignment with the contribution, for example:

In 2000 Club A applied for a lease on a facility valued at \$500,000. Club A contributed \$100,000 towards the facility construction. One percent of facility replacement cost is \$5,000. The Club contribution of \$100,000 represents 20 percent of the facility cost. Therefore, the lease fee would be calculated at 0.8 percent of \$500,000 which equals \$4,000 per annum.

### **Community rates applicable to the new organisation**

Using this formula, the community rates applicable for each space would be:

<b>Building Number</b>	<b>City of Joondalup File Ref</b>	<b>Property</b>	<b>Community Rental Rate</b>	<b>Term</b>
	04150	Administration Centre Boas Avenue, Joondalup	\$10,129	An initial lease of 12 months and a further renewal subject to the outcomes of the review of the utilisation of the Kingsley building
1043	48332	Kingsley Family Day Care Centre 11 Moolanda Boulevard, Kingsley	\$3,500	As above

1304	06524	Woodvale Community Care Centre 5 Trappers Drive, Woodvale	\$1,570	5 years with an option to renew for a further 5 years
1038.01	09312	2/12 Dorchester Avenue Warwick	\$146	5 years with an option to renew for a further 5 years
1037.01	04045	2/15 Banks Avenue Hillarys	\$330	5 years with an option to renew for a further 5 years
1035.00	49665	47 Beddi Road Duncraig	\$126	5 years with an option to renew for a further 5 years
<b>TOTAL</b>			<b>\$15,801</b>	

It should be noted that the Home and Community Care (HACC) Program, which funds the Adult Day Centre housed in the Woodvale Community Centre, contributed \$206,000 to the cost of the building and the Lotteries Commission contributed \$160,000, leaving the City with a contribution of \$293,500. Using the formula above, and taking into account the HACC contribution and the percentage of the building being used by the Aged and Disability Services, the following would apply:

Replacement value for entire building	Fee based on replacement value for entire building	Replacement value for 34% of building	Fee based on replacement value for 34% of building	Percentage contribution of facility cost	Lease fee calculated at 0.7 percent of \$224,230
\$659,500	\$6,595	\$224,230	\$2,242	31	\$1,570

It is suggested that, with the exception of the Kingsley Family Day Care Centre and the part of the City's Administration Centre, Community Vision be offered these buildings on a 5 year lease with the option to renew for a further 5 years. Further that they be offered the 450m<sup>2</sup> in the City's Administration Centre as an interim arrangement until the City determines the future of the Kingsley Community Services Centre.

#### *Cost of the Community Leasing Proposal*

In order to determine the cost of this proposal it is necessary that the opportunity cost be calculated. The opportunity cost of any action is defined as the benefit foregone by pursuing an alternative course of action.

## Leasing Opportunity Cost Table

Property	Area (m2)	Market Rental @ \$130/m2 for Administration and @\$110/m2 for balance	Community Rental Rate	Opportunity Cost per year
Administration Centre	450	\$58,500	10,129	48,371
Kingsley Family Day Care Centre	321	\$35,310	\$3,500	31,810
Woodvale Community Care Centre	167	\$18,370	\$1,570	16,800
Warwick Podiatry Clinic	15	\$1,650	\$146	1,504
Duncraig Podiatry Clinic	13	\$1,430	\$330	1,100
Whitfords Podiatry Clinic	17	\$1,870	\$126	1,744
<b>TOTALS</b>	<b>983</b>	<b>\$117,130</b>	<b>\$15,801</b>	<b>101,329</b>

The above table shows the opportunity cost to the City for the first year of renting with all venues offered at the community rental rate. This cost will increase each year due to annual escalations in rent which would be the equivalent of CPI (Perth Index) per annum. As can be seen, the opportunity cost to the City would be \$101,329 (\$117,130 less the community rental rate of \$15,801).

*Level of subsidisation by the City*

Staff in the City's Resource Management Directorate have recently indicated that the rental rate applying to the Woodvale Community Centre in 2001/2002 will be \$110.00 per m2 and, therefore, that applying to the Courtyard Room and the Podiatry Room would be \$18,370. They have also indicated that the Resource Management community based valuation rate applying to the Kingsley Family Day Care Centre will be \$15,000. It was foreshadowed in Attachment 4 of Report CJ368-12/00 that the City would have to subsidise the rent for the new organisation to a level of \$70,308 to ensure its viability. This advice, together with the advice on the commercial rates applicable to the City's Administration Centre, will result in the City subsidising the rent to the level of \$101,329 per annum in the first year.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 APPROVES entering into a lease with Community Vision Inc for parts of the Woodvale, Warwick, Whitford and Duncraig properties as outlined in Attachment 1 to Report CJ147-05/01 subject to:
  - (a) the approval of the Minister for Lands where applicable;
  - (b) Community Vision Inc making a formal application to the City to lease the properties;
  - (c) the lease being for a period of 5 years commencing 1 July, 2001 with an option for the City to renew for a period of 5 years;
  - (d) the lease stipulating that the parking area at the Woodvale property is to be common between the Lessee and the City;

- (e) the properties being leased being:
- Portion of Lot 3 on Plan 17788 and being part of the land comprised in Certificate of Title Volume 1895 Folio 547 and known as part of Building Number 1304 located at 5 Trappers Drive Woodvale: and
  - The podiatry clinics located within:
    - Portion of Lot 931 on Diagram 83254 and being part of the land comprised in Certificate of Title Volume 1960 Folio 740 and known as Building Number 1038.01 at 2/12 Dorchester Avenue Warwick;
    - Portion of Lot 503 on Diagram 56725 and being part of the land comprised in Certificate of Title Volume 1551 Folio 105 and known as Building Number 1037.01 at 2/15 Banks Avenue, Hillarys; and
    - Portion of the land comprised in Reserve N<sup>o</sup> 41766 and known as Building Number 1035.00 at 47 Beddi Road, Duncraig.
- (f) the properties being leased at the community rental rate as follows:

Woodvale Community Care Centre 5 Trappers Drive, Woodvale	\$1,570
2/12 Dorchester Avenue Warwick	\$146
2/15 Banks Avenue Hillarys	\$330
47 Beddi Road Duncraig	\$126

- (g) the lease rental being escalated at the rate equivalent to CPI (Perth Index) per annum throughout the term;
- (h) the rental rate being reviewed at the end of the first 5 year period;
- (i) the amount determined as the subsidy from Council for leasing the properties listed in Recommendation 1 (e) being charged to Community and Health Services to reflect the true market rental within the books of the City;
- (j) the signing and affixing of the Common Seal to the lease document for the properties as outlined in Attachment 1 to Report CJ147-05/01;

2 APPROVES entering into a lease with Community Vision Inc for 450m2 of the City's Administration Centre at Boas Avenue Joondalup and the Kingsley property known as the Kingsley Family Day Care Centre, subject to:

- (a) Community Vision Inc making a formal application to the City to lease the properties;
- (b) the lease being for an initial period of 12 months and a further renewal for a term to be determined subject to the outcomes of the review of the future utilisation of the Kingsley Community Services Centre (building number 1002 at 11 Moolanda Boulevard);



- (c) the lease stipulating that the parking areas at the Administration Centre and the Kingsley Family Day Care Centre are to be common between the Lessee and the City;
- (d) the properties being leased being:
- Portion of Lot 549 on Plan 15222 and being part of the land comprised in Certificate of Title Volume 1711 Folio 647 and including Building Number 1043 located at 11 Moolanda Boulevard;
  - Pt Lot 507 Boas Avenue Joondalup
- (e) the properties being leased at the community rental rate as follows:
- |  |          |
|--|----------|
| Kingsley Family Day Care Centre<br>11 Moolanda Boulevard, Kingsley | \$3,500  |
| The Administration Centre<br>Boas Avenue, Joondalup                | \$10,129 |
- (f) the lease rental being escalated at the rate equivalent to CPI (Perth Index) per annum throughout the term;
- (g) the rental rate being reviewed at the end of the first 12 month period;
- (h) the amount determined as the subsidy from Council for leasing the property listed in Recommendation 2 (d) being charged to Community and Health Services to reflect the true market rental within the books of the City;
- (i) the signing and affixing of the Common Seal to the lease document for the properties as outlined in Attachment 1 to Report CJ147-05/01.

**MOVED Cr Mackintosh, SECONDED Cr Patterson that Council subject to and conditional upon the concerns regarding the legal integrity of the Constitution of the Community Vision Inc (including the appointment of an Auditor) being addressed as a matter of urgency:**

- 1 APPROVES entering into a lease with Community Vision Inc for parts of the Woodvale, Warwick, Whitford and Duncraig properties as outlined in Attachment 1 to Report CJ147-05/01 subject to:**
- (a) the approval of the Minister for Lands where applicable;
- (b) Community Vision Inc making a formal application to the City to lease the properties;
- (c) the lease being for a period of 5 years commencing 1 July, 2001 with an option for the City to renew for a period of 5 years;
- (d) the lease stipulating that the parking area at the Woodvale property is to be common between the Lessee and the City;

- (e) the properties being leased being:
- Portion of Lot 3 on Plan 17788 and being part of the land comprised in Certificate of Title Volume 1895 Folio 547 and known as part of Building Number 1304 located at 5 Trappers Drive Woodvale; and
  - The podiatry clinics located within:
    - Portion of Lot 931 on Diagram 83254 and being part of the land comprised in Certificate of Title Volume 1960 Folio 740 and known as Building Number 1038.01 at 2/12 Dorchester Avenue Warwick;
    - Portion of Lot 503 on Diagram 56725 and being part of the land comprised in Certificate of Title Volume 1551 Folio 105 and known as Building Number 1037.01 at 2/15 Banks Avenue, Hillarys; and
    - Portion of the land comprised in Reserve N<sup>o</sup> 41766 and known as Building Number 1035.00 at 47 Beddi Road, Duncraig.
- (f) the properties being leased at the community rental rate as follows:

Woodvale Community Care Centre 5 Trappers Drive, Woodvale	\$1,570
2/12 Dorchester Avenue Warwick	\$146
2/15 Banks Avenue Hillarys	\$330
47 Beddi Road Duncraig	\$126

- (g) the lease rental being escalated at the rate equivalent to CPI (Perth Index) per annum throughout the term;
- (h) the rental rate being reviewed at the end of the first 5 year period;
- (i) the amount determined as the subsidy from Council for leasing the properties listed in Recommendation 1 (e) being charged to Community and Health Services to reflect the true market rental within the books of the City;
- (j) the signing and affixing of the Common Seal to the lease document for the properties as outlined in Attachment 1 to Report CJ147-05/01;

2 APPROVES entering into a lease with Community Vision Inc for 450m<sup>2</sup> of the City's Administration Centre at Boas Avenue Joondalup and the Kingsley property known as the Kingsley Family Day Care Centre, subject to:

- (a) Community Vision Inc making a formal application to the City to lease the properties;
- (b) the lease being for an initial period of 12 months and a further renewal for a term to be determined subject to the outcomes of the review of the future utilisation of the Kingsley Community Services Centre (building number 1002 at 11 Moolanda Boulevard);

- (c) the lease stipulating that the parking areas at the Administration Centre and the Kingsley Family Day Care Centre are to be common between the Lessee and the City;
- (d) the properties being leased being:
- Portion of Lot 549 on Plan 15222 and being part of the land comprised in Certificate of Title Volume 1711 Folio 647 and including Building Number 1043 located at 11 Moolanda Boulevard;
  - Pt Lot 507 Boas Avenue Joondalup
- (e) the properties being leased at the community rental rate as follows:
- |  |          |
|--|----------|
| Kingsley Family Day Care Centre<br>11 Moolanda Boulevard, Kingsley | \$3,500  |
| The Administration Centre<br>Boas Avenue, Joondalup                | \$10,129 |
- (f) the lease rental being escalated at the rate equivalent to CPI (Perth Index) per annum throughout the term;
- (g) the rental rate being reviewed at the end of the first 12 month period;
- (h) the amount determined as the subsidy from Council for leasing the property listed in Recommendation 2 (d) being charged to Community and Health Services to reflect the true market rental within the books of the City;
- (i) the signing and affixing of the Common Seal to the lease document for the properties as outlined in Attachment 1 to Report CJ147-05/01.

Cr Hollywood queried leasing arrangements in relation to this issue.

**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, Barnett, Baker, Kimber and Kadak

Against the Motion: Crs Hollywood, Walker and O'Brien

*Appendix 22 refers*

To access this attachment on electronic document, click here: [Attach22brf150501.pdf](#)

## **CJ148 - 05/01      INTERNATIONAL YEAR OF THE VOLUNTEER - [18107]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 18

### **SUMMARY**

2001 is the International Year of Volunteering (IYV). The City's response has been to form an internal working party to initiate a number of projects, which will demonstrate the City's commitment to the aims and objectives of the International Year. This report provides information regarding the contribution of volunteers to the City and the deliberations of the working party on the best way to recognise that contribution. It also recommends that Council endorses the proposal to celebrate IYV and that it notes that necessary funds have been listed for consideration in the draft 2001/2002 budget.

### **BACKGROUND**

Through participating in IYV, the City will be recognising the work carried out by volunteers in our community. The national program for the Year has been designed so as to leave a lasting impression on the Australian community and to act as a springboard for strong voluntary activity in years to come. The aims of IYV are as follows:

- To recognise and celebrate the outstanding contribution volunteers make to a strong, cohesive Australian society;
- To have community, business, the media and government work together to build an Australian society that encourages and nurtures a culture of volunteering; and
- To support Australian communities in their engagement in valuable and productive voluntary activities.

### **DETAILS**

Representatives from the Community Development Directorate and Strategic Planning met to discuss proposals for celebrating IYV, having consideration of the large numbers of volunteers who presently work in various capacities for the City.

Volunteers assist the City in the following areas:

- driving frail aged people to medical/hospital appointments;
- driving community buses;
- serving on various committees;
- assisting at the City's cultural events;
- assisting in the libraries in story telling, Books on Wheels and other duties; and
- taking part in community development projects.

Community and Health Services (as the City and the former City of Wanneroo) has maintained a committed workforce of volunteer drivers for over 20 years. Approximately 30 volunteers regularly provide transport to people who are frail, aged or who have a disability and are unable to access public transport in the local area.

Following a recent review of Community and Health Services volunteer services in which the City's volunteers were consulted at length, it was identified that training is required to help the City's volunteers perform their duties both confidently and competently. The volunteers felt strongly that they should "do the job properly". They recognised the vulnerability of the people to whom they provide a service and were more likely to be concerned with the safety and comfort of their passengers, than of themselves.

To address this area of concern, a two part training program was developed and an application for funding submitted to the International Year of Volunteering Small Grants Program. To ensure that the training would be of the best possible quality, Community and Health Services contacted the Independent Living Centre, WA and the Wasley Institute, Perth, two specialist organisations in the areas of manual handling and interpersonal relationships respectively, to conduct the program.

#### Part One

Training will focus on the physical process of assisting older people and people with disabilities in getting in and out of vehicles, the use of any aids/equipment likely to be used and any Occupational Safety and Health issues likely to arise in the course of the volunteer's work. This will provide collaborative opportunities for volunteers and staff of the City to develop safe work practices.

#### Part Two

Training will focus on the roles and relationships of volunteers with the people to whom they provide support.

Should the application to the IYV Small Grants program be successful, it is anticipated that training will take part at the beginning of the next financial year.

Cultural Development works with approximately 100 volunteers in staging the Joondalup Festival, the Joondalup Eisteddfod, the Little Feet Festival and other cultural events throughout the year. In general, the contribution of volunteers is acknowledged in opening speeches, promotional booklets and on the City's website. A thank you function for Festival Volunteers is held directly after the festival and has proven to be a much-anticipated event and brings volunteers back year after year.

Libraries also retain a team of volunteers that assists in story telling for children, in providing oral histories and working with the Books on Wheels team. Libraries have acknowledged their volunteers in the form of afternoon teas and in advertisements.

One issue to be considered was whether the working party was to address IYV with regard to the City's volunteers alone or to extend to the volunteers serving our community in areas such as lifeguards, SES or Neighbourhood Watch. The final outcome was an acknowledgement of all volunteers in the community.

The following ideas were discussed by the working party:

- Volunteer profiles in local press or on website during Volunteers Week.
- A civic function comprising a Grand ball/Awards night for all the volunteers with award winners in various categories such as "most diverse range of volunteer activities undertaken by an individual;" "longest serving volunteer;" and "volunteer achievement".

- Develop a Volunteers Year Book, which can show the full range of volunteer activities undertaken by people on behalf of the City. To include statements by volunteers on what their particular area of endeavour means to them. Any materials developed could be used in press releases, poster displays, volunteer recruitment drives, etc; Copies of the Year Book could be left in reception areas, etc.
- The design and development of a Volunteers Pathway/Garden using plants/shrubs symbolising the virtues of volunteering as a permanent record of appreciation. It is suggested that artworks in the form of commemorative plaques, seating or public sculptures could be added to the pathway/garden each year during Volunteers Week. The pathway/garden could also be linked to the City's Precinct Planning process which celebrates local people and their contribution to community. The pathway/garden could be officially opened with a garden party or big picnic with all the volunteers of the City in attendance.
- Launch of the Active Citizens website developed from the existing Libraries Community Information Database so as to encourage local people to take up volunteering or active engagement in whatever area of interest holds appeal.

It was noted that the House Committee had already planned a program of civic functions to celebrate IYV and acknowledge the contribution of volunteers. The program includes monthly cocktail evenings from May 2001 onwards to be held in the Council Chambers. Volunteers will be presented with Certificates of Appreciation and a commemorative pin.

In view of the civic functions already planned by the House Committee, the working party determined that the Volunteers Pathway/Garden concept was the recommended project for the following reasons:

- It would provide a lasting tribute to the work of all volunteers in our community, not just those associated with the City;
- Additional features could be added over time;
- Pathway/Garden could be incorporated in the City's Precinct Planning Process; and
- The pathway will provide a focus for a Community Arts project

A proposal has been submitted for consideration as part of the 2001/2002 budget process, which includes making a commemorative video of the opening of the pathway/garden and incorporating cameos of local volunteers describing their activities and the impact of volunteering on their lives. The community artworks to be incorporated in the pathway/garden would be featured and reference made to the Library's community information database to encourage "active citizens" to seek out and select an area of interest for volunteering in their own locality. Negotiations will be undertaken with Channel 31 to show the video on prime time television and in-house arrangements made to use it on a "loop" for customer service areas at busy times.

## **FUNDING**

Funds totaling \$26,000 have been listed for consideration as part of the City's 2001/2002 budget process to develop this project. This includes funds of \$5,000 for the Library's Community Information database project and \$21,000 from Community and Health Services.

**MOVED Cr Baker, SECONDED Cr O'Brien that Council:**

- 1 ENDORSES the proposal to celebrate the International Year of Volunteers as detailed in Report CJ148-05/01;**
- 2 NOTES that funding for the proposal has been listed for consideration in the City's draft 2001/2002 budget.**

**The Motion was Put and****CARRIED****CJ149 - 05/01 LONG JUMP PIT - JOONDALUP LITTLE ATHLETICS CENTRE - [49146]****WARD - All**

CJ010515\_BRF.DOC:ITEM 19

**SUMMARY**

The Joondalup Little Athletics Centre has approached the City on a number of occasions for financial assistance in relation to the construction of long jump pits at the track and field oval situated at the Arena Joondalup.

It is understood that a proposal by the previous State Government to construct a synthetic athletics track at the Arena has been deferred due to the recent change in Government. The proposal has previously been assessed and it is considered that the request for assistance with the development of a long jump pit should be supported. It is recommended that Council endorse expenditure of \$4,000 for this project on a "one off" basis to be completed this financial year.

**BACKGROUND**

The Joondalup Little Athletics Centre is a "not-for-profit" community based junior sporting organisation that has operated from the Joondalup Arena since 1992. It provides recreational activities for girls and boys from Under 7's to Under 17's. The Centre provides children with an equal opportunity to participate, regardless of their level of ability, and also provides an opportunity for them to strive for success. The Centre currently has over three hundred registered athletes.

The Joondalup Little Athletics Centre to date has made a number of approaches to the City for assistance in funding additional facilities (two horizontal long jump pits) for the track and field oval at the Arena. Applications have been made for funding through the Bicentennial Fund, Community Funding Programme and through the City's Budget process. All previous applications have been declined due to other higher priorities and consideration of the proposal by the previous State Government to construct a synthetic athletics track at the Arena.

## DETAILS

Due to the recent change in State Government, the proposed Arena synthetic athletics track has been put on hold. Recent discussions between management of the Joondalup Arena, Joondalup Little Athletics Centre, and the City has confirmed that there is a need for additional long jump pits.

The construction of the long jump pits would enable the Joondalup Little Athletics Centre to cater for the growth of junior sport in the district, as well as increase the ability of the Centre to host State-run events and Zone Championships. It is understood that the Joondalup Little Athletics Centre is currently unable to host these type of events because it does not have sufficient long jump pits.

## COMMENT/FUNDING

The request from the Little Athletics Centre posed the following issues:

- Should the City financially support the activities of a community group operating from a facility not controlled by Council?
- If financial support is given, for what purposes should it be available? The Arena charges junior groups for use of the facilities. Should the City's assistance extend to subsidising the hire fees of junior groups based at the Arena in the same manner as for junior community based groups using Council recreation facilities? If this were to occur, the costs to Council could be significant;
- If financial support in any form is unavailable, the City is more vulnerable to public criticism that it is not treating community groups based at the Arena in an equitable manner and lead to moves for the City to financially support either community groups directly or the WA Sports Centre Trust;

It is considered that providing financial support on an assessed as-needs-basis enables community based recreation groups operating from the Arena to be treated in an equitable manner with other community groups operating from Council recreation facilities. If the City had to provide groups based at the Arena with facilities owned and developed by the City, there would be a much higher cost to the City for maintaining these facilities than by providing financial support for a capital project such as development of long jump pits.

The cost of assisting the Joondalup Little Athletics Association in this project is estimated at \$4,000. Funds are available in the current budget in Infrastructure Management for this work to be carried out immediately through the Parks Miscellaneous Parks Maintenance Account 11-60-72-721-0525-0001. Alternatively, funds can be listed for consideration in the 2001/2002 financial year budget. It is considered that as athletics is a summer sport it would be more advantageous to complete the works over the coming winter months in readiness for the next athletics season.

The City's contribution will be used for installation of sand and concrete borders to the pit. The Arena Joondalup is contributing to the cost of the project by removing the grass from the site and digging out the pit.

**MOVED Cr Patterson, SECONDED Cr Kenworthy that Council ENDORSES the expenditure of \$4,000 for the supply and construction of a long jump pit for the track and field oval at the Arena Joondalup for the Joondalup Little Athletics Centre from the 2000/2001 budget.**



To a query raised by Cr Baker in relation to the proposed synthetic athletics track to be constructed at Arena Joondalup, Director Community Development read a memorandum issued to elected members Friday 18 May 2001.

Chief Executive Officer gave details of a Council resolution in relation to sub-division of land at Arena Joondalup which was subsequently sold to Lake Joondalup Baptist College.

**AMENDMENT MOVED Cr Baker, SECONDED Cr Kimber that the following words be added at the end of the motion:**

*“...and calls upon the State Government to use the proceeds of sale of that part of the Arena’s land that was recently sold to Lake Joondalup Baptist College to fund the cost of constructing the synthetic athletics track as was previously promised.”*

**The Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, BEING:**

**That Council ENDORSES the expenditure of \$4,000 for the supply and construction of a long jump pit for the track and field oval at the Arena Joondalup for the Joondalup Little Athletics Centre from the 2000/2001 budget and calls upon the State Government to use the proceeds of sale of that part of the Arena Joondalup’s land that was recently sold to Lake Joondalup Baptist College to fund the cost of constructing the synthetic athletics track as was previously promised.**

**Was Put and**

**CARRIED**

**CJ150 - 05/01 LOCAL GOVERNMENT AND PUBLIC PROPERTY  
LOCAL LAW - LAUNCHING PERSONAL WATER  
CRAFT, PINNAROO POINT - [22513] [02093]**

**WARD - Whitfords**

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CJ010515\_BRF.DOC:ITEM 20

## **SUMMARY**

Council has received requests from the Jet Sport West Boating Association and the State Boating Council of Western Australia that the City’s Local Government and Public Property Local Law, Section 41, be amended to permit personal water craft (jet skis) to launch from the beach through the beach access located at Pinnaroo Point, Hillarys.

There have also been concerns expressed regarding vehicle access to the beach at Pinnaroo Point.

These matters were subject to a public consultation process (Report CJ366-12/00 refers), which has now concluded and indicates the following:

- 1 A majority of people participating in the community consultation, apart from members of Jet Sport West Boating Association was against changing the current local law to allow personal water craft (jet skis) to launch from the beach access at Pinnaroo Point.
- 2 A majority of people participating in the community consultation supported closing the access road to the beach at Pinnaroo Point.

It is recommended that the Local Government and Public Property local law not be amended to permit the launch of personal water craft at Pinnaroo Point and that further consideration be given to the matter of closing the access road to the beach at Pinnaroo Point.

## **BACKGROUND**

The City has an access road to the beach at Pinnaroo Point, Hillarys. This access road has been in use for many years and provides access to the beach for people to launch boats.

There have been difficulties experienced for many years with vehicles accessing the beach reserve and driving up and down the beach, between other users and into the dune areas, causing environmental damage and safety hazards. There have also been complaints made to Council in regard to the use of jet skis in the area.

Following a request to close the access road at Pinnaroo Point a public consultation process was conducted. Subsequently, Council at its meeting on 11 August 1998 resolved the following:

- 1 To not close the access road;
- 2 To include in the review of the City's Local Laws the matter of preventing the launching of jet skis from the beach;
- 3 To increase the patrolling service and improve signage to stop four-wheel driving/parking and jet skiing at Pinnaroo Point Beach; and
- 4 To review the Management Plan for Pinnaroo Point by discussing it with appropriate users of the beach.

(Report CJ67-08/98 refers)

The prohibition of the launching of personal water craft was included in the review of the Local Government and Public Property local law. (Report CJ419-12/99 refers)

There are two approved sites for launching jet skis in the City, one at Hillarys, and the other at Ocean Reef Marina. Jet skiers are able to sail from the marinas to Pinnaroo Point and use the waters off Pinnaroo Point.

A limestone rock barrier was installed approximately twelve months ago in an attempt to reduce the number of vehicles driving up and down the beach. This has been successful in reducing the number of vehicles gaining access to the beach and has generally been supported by people using the beach.

In November 2000, the City received correspondence from Jet Sport West Boating Association Inc and the Boating Industry Association of Western Australia Inc regarding the prohibition of launching jet skis from Pinnaroo Point. These associations want to use the beach access to launch personal watercraft, and raised concerns over the alleged discriminatory nature of City's Local Law in respect to preventing the launch of jet skis from Pinnaroo Point.

The City's Solicitors advised that the City's Local Government and Public Property Local Law, Section 41, is valid and not legally discriminatory, and there was no reason for the City to change it's position in regard to prohibiting jet skis from launching at Pinnaroo Point.

Council, at its meeting 19 December 2000, endorsed the implementation of a public consultation process to establish community views on vehicle access at Pinnaroo Point and the impact of jet ski use at Pinnaroo Point, Hillarys (Report CJ366-12/00). The public consultation process has now been completed.

Council also resolved at its meeting 19 December 2000 to investigate a call for funding applications for recreational boating facilities by the Department of Transport which has been recently advertised, to determine whether the City of Joondalup is eligible for funding to possibly construct a small ramp within the vicinity of Pinnaroo Point for the use of jetskis.

A community consultation process was then conducted through the Community Newspaper from 15 February 2001 to 22 March 2001 to ascertain community views on the following:

- Whether the local law preventing the launching of jet skis at Pinnaroo Point should be changed; and
- Whether the access road to Pinnaroo Point should remain open.

A letter drop to residents adjacent to Pinnaroo Point requesting their views on this issue was also conducted.

## DETAILS

The response from the community consultation is as follows:

### Notes

<b>Total Number of Responses regarding the jet ski use of the beach access</b>	463	
Number of Responses supporting jet skiers using beach access to launch	179	1
Number of Responses against jet skiers using beach access to launch	284	2
<b>Total Number of Responses regarding the beach access</b>	259	
Number of Responses for keeping the beach access open	56	3
Number of Responses against keeping the beach access open	203	4
<b>Total Number of Responses for this consultation</b>	722	

**Notes**

- 1 Of these responses, 29 were from individuals supporting jet skiers using beach access to launch at Pinnaroo Point and a submission from Jet Sport West Boating Association, on behalf of its members, that requested its submission count as 150 separate individual submissions. It is worth noting that members of the Jet Sport West Boating Association come from across the State and are not necessarily all residents of the City.**
- 2 Of these responses 113 were from individuals opposed to jet skiers using beach access to launch at Pinnaroo Point and a petition of 171 signatures comprising 153 residents of the City of Joondalup and 18 residents from other municipalities.**
- 3 Of these responses, 56 individuals supported keeping the beach access road open.**
- 4 Of these responses 32 individuals and one petition of 171 signatures comprising 153 residents of the City of Joondalup and 18 residents from other municipalities supported closure of the beach access road.**

Breakdown of responses in relation to Hillary's residents;

	No.	Percentage
Number of Hillarys residents responses	72	31% of total responses
Number of Hillarys residents for jet ski use	3	4.1% of total responses
Number of Hillarys residents against jet ski use	49	68.0% of total responses
Number of Hillarys residents for keeping beach access	9	12.5% of total responses
Number of Hillarys residents for closing beach access	11	15.3% of total responses

Comments received from people opposing jet ski's being launched at Pinnaroo Point are as follows.

<b>Concern</b>	<b>Details</b>	<b>Number of times mentioned in comments</b>
Noise	Both to residents and beach users	35
Public Safety	To other beach users, in particular swimmers. Disrupt passive beach activities with antisocial behaviour, not keeping to boating regulations. Instances where jet skis are already being launched from the beach.	35
Environmental Damage to the marine and dune systems	Exhaust emissions/odours from the petrol used in the jet skis. Vehicles being used on the beach and in dunes. Marmion Marine Park wildlife affected by disturbance.	16

Increase Use of Area	A popular area already. Jet Ski use has the potential to dramatically increase numbers of users. This will place an extra load on traffic, parking and the environment as well as decrease tranquillity and family values associated with the beach.	4
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Comments received from people wishing to launch jet skis from Pinnaroo Point are as follows:

- That it would not deter jet ski users from using the water (over which the City has no control) and beach off Pinnaroo Point;
- No objection to use but it requires better regulation, ie no vehicles on beach;
- No objection as long as jet skiers did not come in close to swimmers;
- No objection to launching, but no berthing on any part of the animal beach and a set exclusion zone; and
- No objection if an area is set aside when skis are not in use, 50-100m buffer zone with speed limit of 5km if going into it.

Comments were received from people supporting the continuation of the beach access at Pinnaroo Point. These comments were as follows:

- Infringements for offenders;
- The access also provides disabled and invalid people access to beach and ocean;
- There was no problem with current users;
- For wind driven craft only;
- It was no problem provided there was no driving on the beach away from ramp; and
- Used to launch ocean kayaks.

Comments were received from people supporting the closure of the beach access at Pinnaroo Point. These comments were as follows:

- Unless there was restricted access with gate for sailing club;
- Close Access to Vehicles - Keep open for walking;
- 4WD on beach causing problems;
- Close to general public but have a boom gate with a key for use by the sailing club;
- There are two other ramps to use;
- Close if it is being misused;
- Water skis dangerous;
- Boats/skis etc danger to swimmers; and
- Vehicles on beach - danger and discomfort

## COMMENT/FUNDING

The statistics from the community consultation reveal the following:

- 1 A majority of people participating in the community consultation, apart from members of Jet Sport West Boating Association, was against changing the current local law to allow personal water craft (jet skis) to launch from the beach access at Pinnaroo Point.

- 2 A majority of people participating in the community consultation supported closing the access road to the beach at Pinnaroo Point.

### **Launching Personal Water Craft**

The intent of the local law is to restrict the launching and retrieval of personal water craft from the beach at Pinnaroo Point and all other beach areas in the City. It is not the intention of the local law to restrict the entitlement of personal water craft to use the waterways. It is recognised that the City has limited or no control over the conduct of boats once they are in the water. This is the responsibility of the Department of Transport, which is the responsible agency for licensing and controlling boating activities in the State.

Most waterway areas throughout the State have restrictions relating to water craft, water sports and activities, mainly for safety and control reasons. Water skiing and freestyle jet skiing is restricted to designated areas only. One of these areas is north of Pinnaroo Point.

The local law does not discriminate against Joondalup residents or any other owners of personal water craft, but simply treats them the same, by requiring personal water craft to be launched at boat launching ramps designed, constructed and approved for the purpose. Boat launching ramps are located at Hillarys and Whitfords Marinas so Joondalup residents who own personal water craft would not be disadvantaged by using either of these local facilities, instead of the beach at Pinnaroo Point.

It is considered that given the current concerns in relation to noise, public safety and damage to the environment plus the potential increase in use if the local law is changed to allow personal watercraft to use the beach access, that the local law not be changed.

Jet Sport West Boating Association has suggested that one option to manage the waters around Pinnaroo Point and the launching of personal water craft, would be to establish two separate areas, one for Jet skis and another for swimming.

Given that the local community does not appear to support the launching of Jet skis from Pinnaroo Point, this is not seen as a viable option.

It should also be noted that the establishment of designated areas in the ocean for different activities is the responsibility of the Department of Transport.

The investigation into the call for funding applications for recreational boating facilities by the Department of Transport to determine whether the City is eligible for funding to possibly construct a small ramp within the vicinity of Pinnaroo Point for the use of jetskis, has led to investigation of possible funding towards preparation of a coastal strategy that can consider the needs of jetski users in relation to the needs of all coast users within the City. Given that the local community does not appear to support the launching of jet ski's from Pinnaroo Point this seems to be the most appropriate course of action.

### **Beach Access Road**

The majority of individual submissions supported the access road remaining open. It is evident that these respondents consider access to Pinnaroo Point as a valuable asset and wish it to be retained. Overall, however, the majority of people supported its closure.

It is considered that given the comments and responses received that the status quo should remain for the time being and that further consultation be conducted with interested sections of the community regarding the development of a management strategy to control vehicle access to the beach at Pinnaroo Point.

Ongoing concerns over misuse of the area such as four wheel driving on the beach, will continue to be managed.

**OFFICER'S RECOMMENDATION That Council:**

- 1 CONTINUES to prohibit the launching of personal watercraft (Jet Skis) from the Pinnaroo Point Beach Access, Hillarys through the City's Local Government and Public Property Local Law;
- 2 CONTINUES to keep open the access road to the beach at Pinnaroo Point for the launching of water craft in accordance with the City's Local Government and Public Property Local Law pending further consultation with interested sections of the community to develop a management plan to control vehicle access to the beach at Pinnaroo Point;
- 3 NOTES that further consideration will be given to the need for facilities for jet ski users as part of the proposed coastal management strategy.

**MOVED Cr Mackintosh, SECONDED Cr Walker that Council:**

- 1 CONTINUES to keep open the access road to the beach at Pinnaroo Point for the launching of water craft, including jet skis, in accordance with the City's Local Government and Public Property Local Law pending further consultation with interested sections of the community to develop a management plan to control vehicle access to the beach at Pinnaroo Point;
- 2 until such time as a Management Plan is implemented, on the spot fines of \$100 per offence be issued to persons using motorised vehicles on the beach.

Discussion ensued. Director Community Development advised that the City's current Local Law does not allow the launching of jet skis from Pinnaroo Point, and that the current fine for vehicles on the beach is \$100.

**The Motion was Put and**

**LOST**

**MOVED Cr Patterson SECONDED Cr Kadak that Council:**

- 1 CONTINUES to prohibit the launching of personal watercraft (Jet Skis) from the Pinnaroo Point Beach Access, Hillarys through the City's Local Government and Public Property Local Law;

- 2 **CONTINUES** to keep open the access road to the beach at Pinnaroo Point for the launching of water craft in accordance with the City's Local Government and Public Property Local Law pending further consultation with interested sections of the community to develop a management plan to control vehicle access to the beach at Pinnaroo Point;
- 3 **NOTES** that further consideration will be given to the need for facilities for jet ski users as part of the proposed coastal management strategy.

**The Motion was Put and**

**CARRIED**

**MOVED** Cr Hollywood, **SECONDED** Cr Baker that a further report be submitted to Council outlining the options, process and timeframe of increasing the fine for unauthorised vehicles on Pinnaroo Point from \$100 to \$1,000.

Cr Kimber requested that this issue be resolved prior to the summer season.

**The Motion was Put and**

**CARRIED**

*Cr Patterson left the Chamber, the time being 2257 hrs.*

**CJ151 - 05/01      WANNEROO BASKETBALL ASSOCIATION -**  
**UNRESTRICTED/ SPECIAL LIQUOR LICENCE -**  
**[03097] [58166]**

**WARD - Lakeside**

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CJ010515\_BRF.DOC:ITEM 21

## **SUMMARY**

Council at its meeting held 27 February 2001 authorised the Lakeside Ward Councillors and Council Officers, to meet with representatives from Wanneroo Basketball Association to discuss the Associations proposed unrestricted liquor licence and future plans.

Following a meeting with representatives of the Association, it is considered that the Association addressed the concerns of the City in relation to its proposals and that the application for an unrestricted liquor licence should be supported.

## **BACKGROUND**

A meeting was held 21 March 2001 with representatives from Wanneroo Basketball Association and Councillor Kadak, Director Resource Management, Executive Manager Strategic Planning, Manager Leisure and Ranger Services and a Recreation Officer. Former Councillor Ewen-Chappell was unable to attend. Discussion centred on the financial position of the Association, the Association's plans for its future location and its request for an unrestricted liquor licence.



The process for approval of club liquor licence applications is as follows. The applicant approaches the City for support for its application to the Office of Racing, Gaming and Liquor. If support is given, the City provides the applicant with a letter of support to the Office of Racing, Gaming and Liquor and a copy of the lease (if applicable) informing the Office that the applicant will have exclusive tenure of the facility. Other information provided by council includes copies of site and floor plans of the facility.

The Office of Racing, Gaming and Liquor will then conduct a community consultation process to ascertain community views on the application and then decide whether the application is approved.

## **DETAILS**

Wanneroo Basketball Association indicated the following:

### **Financial Position**

That it had been experiencing significant financial difficulties but that it had realised a significant improvement in its financial position and now only had two major debtors. These are the City of Joondalup and Basketball WA. The monies owing to Basketball WA are arrears on the Association's capitation fees and to the City for repayments on a loan.

The Association was requested to forward a copy of its audited statements to 31 December 2000 to assist the City in confirming the current financial position of the Association. This information has now been received.

On receipt of the financial position it was noted that at the 31 December 2000, the Balance Sheet of the Association revealed an assets shortfall over liabilities to the extent of \$49,605. The financial statements also failed to reveal that the long-term debt owed to the City of Joondalup had not been brought to account. Had this occurred the balance sheet would subsequently reveal that assets were less than liabilities to the extent of \$324,711.

Wanneroo Basketball Association has developed a budget for 2001 to guide its future development and to assist in trading out of its current difficulties. The Association indicated that some of the strategies on which the budget is based are contingent on obtaining an unrestricted liquor licence.

The Association's budget as presented has revealed that if the financial objectives are met the Association will trade at a break even point this financial year.

### **Future Location**

Wanneroo Basketball Association has acknowledged that its tenure on the current site at Collier Pass is limited to 2012. The Association was advised that LandCorp was interested in redeveloping the site earlier than this, however this was dependent on factors such as traffic flows to Collier Pass, which will be influenced by the timing of a Department store, and the agreement between the City and LandCorp for infrastructure funding.

The Association indicated that it had been holding discussions with representatives from the Arena and the Edith Cowan University Sports Centre regarding the potential relocation of the Basketball Association. The response from both organisations had been positive.

### **Unrestricted Liquor Licence**

Wanneroo Basketball Association acknowledged the concerns of the City in relation to the proposal and provided the following details in relation to the proposed operation:

- It was considered that the unrestricted liquor licence would have minimal impact on existing outlets in Joondalup as sales of packaged alcohol would not be marketed to the Joondalup area, rather it would only be marketed to members of the Association who reside in suburbs within the City;
- It was anticipated that collection of packaged alcohol would be restricted to certain times. The Association did not want a constant procession of people moving in and out of the Basketball Stadium carrying packaged alcohol as it would be inconsistent with a junior sporting environment;
- It would enable the Association to serve liquor throughout the stadium rather than be confined to the bar area; and
- An unrestricted liquor licence would enhance the ability of the Association to maximise available sponsorship from the breweries and other liquor wholesalers.

Support from the City for the unrestricted liquor licence will facilitate the Wanneroo Basketball Association's efforts to clear its debt to the City and Basketball WA. It would also assist in being able to employ a paid administrator again who would then be able to work on realising potential sponsorships that would further improve the financial position of the Association.

### **COMMENT/FUNDING**

#### **Licence Details**

Wanneroo Basketball Association has requested support from the City for its application to the Office of Racing, Gaming and Liquor to upgrade its existing Restricted Liquor Licence to an Unrestricted Club Liquor Licence for its premises at the Joondalup Basketball Stadium.

An applicant for a Club Licence must ensure that the facility adheres to the Health Act 1911 (Section 39) and does not contravene any Planning matters (Section 40) in accordance with the Liquor Licencing Act 1988,.

To trade with a Club Licence, the applicant needs to have exclusive tenure of the facility. The Office of Racing, Gaming and Liquor has advised that this can only occur if the applicant possesses a lease on the facility. Wanneroo Basketball Association has held a sublease with the City since 1982 for premises located at the Joondalup Basketball Stadium (380 Joondalup Dr, Joondalup).

If support is given to upgrade from a Club Restricted Liquor Licence, the City of Joondalup, as the lessor of the facility, will provide the applicant with a letter of support to the Office of Racing, Gaming and Liquor and a copy of the lease informing the Office that the applicant will have exclusive tenure of the facility. Other information provided by Council includes copies of site and floor plans of the facility.

An upgrade of the Association's Liquor Licence for the Joondalup Basketball Stadium from a Club Restricted Liquor Licence to a Club Liquor Licence would entitle the Association to the following:

- To sell alcohol from 6.00am to midnight Monday through Saturday;
- To sell alcohol from 10.00am to midnight Sunday; and
- The right to purchase alcohol from a wholesaler and not a retailer as stipulated in a Club Restricted Licence.

It also gives the Association greater scope as to where it purchases alcohol. This can then increase the profitability of its bar. A Club Licence runs for a five year period.

The Association's Restricted Liquor Licence is currently for the following hours:

Monday	6pm – 11pm
Tuesday	6pm – 11pm
Wednesday	6pm – 11pm
Thursday	6pm – 11pm
Friday	6pm – 10pm
Saturday	5pm – 10pm
Sunday	5pm – 10pm

The Club intends to operate the Club Licence, if approved, for the following times:

Monday	5pm – 10pm
Tuesday	5pm – 10pm
Wednesday	5pm – 10pm
Thursday	5pm – 11pm
Friday	4pm – 12midnight
Saturday	11am – 12midnight
Sunday	11am – 10pm

It would be open to the Association to change its hours of operation without further reference to Council. The Association has indicated that operating hours may change depending on demand.

The issuing of the Section 39 Certificate of Local Health Authority and a Section 40 Certificate of Local Planning Authority has been investigated and approved.

## **Other Issues**

The future location, financial position and the application for an unrestricted liquor licence are interrelated. It is apparent from the discussions that the Association needs the revenue from the sale of liquor to its members to assist in trading out of its present difficulties and relocating the sport.

The City's main concern in this is to ensure that the sport of basketball has every opportunity to thrive and make a valuable contribution to the community. It is considered that Council's support of the unrestricted liquor licence application will assist in achieving these goals.

It is considered that Council should support the Wanneroo Basketball Association's application for an unrestricted liquor licence. The Association's plans appear to be achievable and will realise significant improvement in its financial position.

It is worth noting that it is the responsibility of the Office of Racing, Gaming and Liquor to conduct a community consultation process and determine whether the application should be approved.

### **MOVED Cr Kimber, SECONDED Cr Hollywood that Council:**

- 1 SUPPORTS the upgrading of the liquor licence held by the Wanneroo Basketball Association to an unrestricted club liquor licence;**
- 2 ADVISES the Office of Racing, Gaming and Liquor that the application is supported, subject to community acceptance of the proposal;**
- 3 PROVIDES the applicant with a letter of endorsement and a copy of its lease that demonstrates support by the Council; and**
- 4 in the event of any non-compliance with the City's Policy 4.3.3 – Storage and Consumption of Alcohol at Community Recreation Facilities and Reserves, WITHDRAWS the City's support for the Wanneroo Basketball Association to hold a Club Liquor Licence.**

Cr Hollywood queried the possibility of retaining Collier Pass as a single carriageway.

Chief Executive Officer gave an explanation as to future proposals for the area.

**The Motion was Put and**

**CARRIED**

**CJ152 - 05/01      PROPERTY CONDITION REPORT - CITY OF  
JOONDALUP LEISURE CENTRES - [09050] [04185]  
[03034]****WARD - All**

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CJ010515\_BRF.DOC:ITEM 22

**SUMMARY**

The property condition reports for Craigie, Ocean Ridge and Sorrento Duncraig Leisure Centres have been received. The reports are a condition of the lease for the leisure centres and identify works required to be undertaken as part of the transfer of the operational management of the leisure centres to RANS Management Group Pty Ltd.

The reports have found that the leisure centres are in sound condition without serious structural faults. The reports noted evidence of routine and preventative maintenance programs having been undertaken. There was no criticism of the level of maintenance occurring in any of the centres and aside from fair wear and tear (acknowledging the age of the facilities) the condition of the premises is considered to be generally good.

The cost of necessary maintenance and minor capital works required to be actioned immediately as part of the transfer to RANS Management Group has been estimated at \$47,685. A further \$40,850 in maintenance and minor capital works will also be scheduled for completion by the end of the next financial year. These are items that the City would usually do as a matter of course, many of which have previously been identified as part of the City's programmed maintenance programme and scheduled for repair.

**BACKGROUND**

As part of the negotiation of the lease terms and conditions for the City's leisure centres of Craigie, Ocean Ridge and Sorrento Duncraig it was determined that a status report on the physical condition of each property should be prepared.

The report, funded jointly by the City and RANS Management Group was to:

- Provide an independent assessment of the physical structural and operational condition of the premises to be leased;
- Establish a minimum acceptable condition in which the premises are to be returned to the City at the end of the lease term (save for fair wear and tear);
- Identify any items of work that needed to be attended to prior to handover to ensure the City was not exposed to any undue landlord liability associated with a commercial property lease; and
- Indicate areas or issues that may require attention in the future and provide an indication of timeliness and likely responsibility to lessor or lessee.

## DETAILS

The City called for expressions of interest for the conduct of a property condition report for the three leisure centres. A quote of \$11,800 from Connell Mott MacDonald was deemed most advantageous and the report was commissioned. Connell Mott MacDonald are consulting engineers with expertise in structural, mechanical and electrical engineering and in the area of hydraulics. The company has undertaken this type of inspection work on many similar projects in recent years.

An additional survey for hazardous materials was also conducted by MPL Occupational Solutions at a cost of \$2,420. The final reports, complete with cost estimates for the works identified and recommended, were received by the City on 7 May 2001. MPL Occupational Solutions are consultants who are experienced in conducting building audits to identify hazardous materials.

The cost of the property condition reports and survey for hazardous materials is being paid for equally by the City and RANS Management Group.

### Findings

In general, the property condition inspection found the leisure centres to be in sound condition without serious structural faults. The reports noted evidence of routine and preventative maintenance programs. There was no criticism of the level of maintenance occurring in any of the centres and aside from fair wear and tear (acknowledging the age of the facilities) the condition of the premises was considered to be generally good.

There are however a number of items recommended for attention. The rationale for these matters range as follows:

- works to prevent future problems;
- works to remedy existing faults;
- works to rectify potential or current safety concerns; and
- works to improve appearance.

None of the recommended works are required for structural reasons and are works that would have routinely been actioned. These recommendations are listed in Attachment One.

The sequence of items shown in Attachment One is taken directly from the property condition reports prepared by Connell Mott MacDonald and are identified with an item number indicating the centre and the area of operation to which they pertain.

The cost estimates have been provided by Connell Mott MacDonald and are an indication of costs only. A number of the recommended works will be picked up under existing contractual arrangements and these matters will be directed to the appropriate contractor for action.

A recommendation for action is shown in the last column of the table. The general strategy for the recommendations is as follows:

- Any item that may affect patron or operator safety is recommended for immediate action;
- Any item that represents a typical lessor's responsibility to present and maintain premises under a commercial lease arrangement is either recommended for immediate action to be completed before handover or, where it may be necessary, schedule works to fit in with operational down times within the centres. The works have been listed to be carried out at an appropriate time in the near future;
- Any item that reflects an enhancement to the facilities (ie would be beneficial but not essential) is listed for future consideration. The intent would be that these items are considered as part of all items relating to capital improvements for the centres and funded from the reserve account established for that purpose.
- Any item that is operational in nature (ie recommended practice or procedure) is to be referred to RANS for implementation.

The outcome of this approach is to recommend that all electrical systems be brought up to standard, all taps and tiles be repaired and any missing or damaged paving, damaged walls or ceilings be immediately repaired.

Items that are the lessor's responsibility but are not critical to the performance of the centres and do not present a safety hazard are to be scheduled for action within the near future. Some may occur as soon as suitable contractors can be engaged; others will need to be deferred to coincide with suitable access times to the centre. All items related to the upgrade or enhancement of the facilities are to be listed for future consideration.

The inspection for hazardous materials at the leisure centres has revealed that there are no areas of concern and that any hazardous materials that do exist should be left in place and monitored.

## **COMMENT/FUNDING**

The consultants have recommended a number of capital items for consideration. These items are not essential but should be given due consideration and include the following:

- **Craigie Leisure Centre:** The consultants believe the current method of roof access (using an extendable ladder) would not meet the current Occupational Health and Safety requirements if a new facility were to be constructed. The estimated cost to establish safe access and fall arrest systems is approximately \$50,000 and should be listed for future consideration.
- **Ocean Ridge Leisure Centre:** The consultants have recommended that a fire detection system be installed at an estimated cost of \$12,000, but have advised that under the Building Code it is not a statutory requirement.
- **Sorrento Duncraig Leisure Centre:** The consultants have recommended that a fire detection system be installed at an estimated cost of \$8,000, but have advised that under the Building Code it is not a statutory requirement.

If these works were actioned the total cost would be \$96,000.

The following table summarises the maintenance and minor capital works required to be undertaken immediately and then works that will be scheduled for action during the next financial year.

Works required to be undertaken immediately	\$47,685
Scheduled Works	\$40,850
<b>Total</b>	<b>\$88,535</b>

There is approximately \$17,000 remaining in the current financial years budget for maintenance and minor capital works at Craigie, Ocean Ridge and Sorrento Duncraig Leisure Centres. These funds will be used to commence the required works. In the 2001/2002 financial year \$71,540 has been budgeted to complete all the required works identified in the Property Condition Reports. The transfer of operational management to RANS Management Group will result in savings to the City in maintenance and minor capital works in the future.

Works listed for immediate action will be implemented immediately and other items listed for consideration in the capital works budget or actioned next financial year and funded from the maintenance budget for the centres, or referred to RANS Management Group for action. Funds are available in the current financial year to carry out works listed for immediate action.

The swimming pool shell at Craigie Leisure Centre has been listed for replacement in the five year capital works budget for several years. The advice that has been received from consultants indicates that the City will have approximately 18 months notice that the pool shell is failing and requires replacement. These works will continue to be listed until the work is undertaken.

**MOVED Cr Hurst, SECONDED Cr Kadak that Council:**

- 1 ACKNOWLEDGES receipt of the property condition reports prepared by Connell Mott MacDonald on Craigie, Sorrento/Duncraig and Ocean Ridge Leisure Centres that have been funded jointly by the City and RANS Management Group;**
- 2 NOTES remedial works detailed in the property condition reports will be actioned as required.**

Discussion ensued.

Cr O'Brien queried whether the City was aware of any other contracted positions of RANS in Australia where there has been a termination of contract in recent times.

This question was taken on notice by Director Community Development.

**The Motion was Put and**

**CARRIED**

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf150501.pdf](#)*



<b>INFRASTRUCTURE MANAGEMENT</b>
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**CJ153 - 05/01      TENDER NUMBER 047-00/01 - SUPPLY AND  
CONSTRUCTION OF ROAD REALIGNMENT AND  
ENHANCEMENT - KORELLA STREET, MULLALOO  
- [80004]**

**WARD** - Whitfords

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CJ010515\_BRF.DOC:ITEM 23

**SUMMARY**

Tenders have been invited for the construction of the road realignment and enhancement of Korella Street, Mullaloo. An evaluation of the tender submissions was carried out and Works Infrastructure is recommended as the successful tenderer.

**BACKGROUND**

As part of its 2000/01 Capital Work Program, Council has listed the road realignment of Korella Street, Mullaloo. This project has been programmed for construction by an external Civil Contractor. Accordingly a public tender was advertised and subsequently closed on 4 April 2001.

**DETAILS**

At the close of tenders, five (5) tenders had been received from the following Civil Contractors.

• Industrial Roadpavers	\$157,534
• Works Infrastructure	\$158,695
• Ertech	\$178,860
• Advantering	\$196,644
• Malavoca	\$257,008

All prices quoted are exclusive of GST. All tenders include a contingency amount of \$13,500.

The Conditions of Tendering specified that all tenders would be assessed against the following criteria:

- Lump Sum Price and Schedule of Price
- Tenderer's demonstrated ability to carry out the completion of tasks
- Tenderer's resources
- Construction Program
- Tenderer's previous experience with similar tasks
- Quality Procedure, Safety and Lost Time Injury Records
- Conformance with the tender conditions

Under the City's Contract Management Framework, tenders were assessed by an evaluation committee using a multi-criterion assessment system. Each of the above criteria for the tenders submitted was evaluated.

Following this evaluation, the tender from Works Infrastructure has been ranked as the preferred tender. The lowest price tenderer Industrial Roadpavers did not provide a construction program. This Company's experience also appeared to be limited to more minor civil projects.

Works Infrastructure demonstrated a higher level of resources and experience in undertaking similar projects.

It should be noted that during the detailed design process, a number of alterations to the scope of works were initiated through discussions with local residents. This included additional landscaping, traffic islands, resurfacing and extension of the works from Yulema Street to include the intersection with Gunida Street. The extent of the project works is shown on Attachment 1.

This increase in scope of works was included in the tender documentation to enable full costing of the project.

The preferred tenderer Works Infrastructure has priced the provisional items of Road Resurfacing at \$33,457 and Reticulation ducts for the tree wells at \$7,810.

#### **COMMENT/FUNDING**

The original budgeted amount based on a preliminary estimate for the Korella Street curve realignment (Project Number 6200) is \$50,000.

Account (Project) No:	6200
Budget Item:	Capital – Traffic Management (Municipal)
Budget Amount:	\$50,000
Actual expense (fees)	\$10,000
Available funds	\$40,000
Tender Cost:	\$158,695 plus GST of \$15,869.50

In order to complete the full project as scheduled, an additional \$118,695 will need to be re-allocated from other funding sources or surplus funds from other Capital Works Projects. Whilst the scope of works can be reduced such as the road resurfacing with a red asphalt median and installation of tree wells, additional funding sources have been identified.

For the resurfacing component an allowance of \$33,800 has been made in the 2001/02 Roads to Recovery Grant. The resurfacing work is programmed to be completed in July 2001.

Funds of \$34,200 has also been allocated in the Budget for the Mullaloo Stormwater Drainage upgrade. Due to the detailed investigation required for this area, these works will not proceed this financial year. These funds can be allocated for the drainage works in Korella Street. Additional funding of \$8,500 is also available from the two completed carparking projects in the Parking Facilities program.

As part of the half year budget review available funds of \$50,000 were also identified for reallocation due to matching grants not being received from the Education Department for traffic enhancement at the Mullaloo Heights Primary School and Kinross Primary School. At that time Council resolved that the remaining funds of \$744,100 be retained for projects to be considered in conjunction with the formulation of the 2001/2002 budget. In view of the urgency of this project, it is considered that \$50,000 of the \$744,100 should be allocated now to complete the works.

In summary, the following funds will enable the Korella Street project to be fully completed.

<b>PROGRAM</b>	<b>PROJECT A/C NO.</b>	<b>AVAILABLE FUNDS</b>
Road Improvement Korella Street	6200	\$40,000
Stormwater drainage Mullaloo stormwater upgrade	6240	\$34,200
Parking Facilities Christchurch Park Currambine	6229	\$2,046
Parking Facilities Warwick Play Group	6,230	\$6,454
School Parking and Safety Mullaloo Heights Primary School		\$30,000
School Parking and Safety Kinross Primary School		\$20,000
Roads to Recovery Grant 2001/02		\$33,800
<b>TOTAL FUNDING</b>		<b>\$166,500</b>
<b>CONTRACT PRICE</b> (includes contingency of \$13,500)		<b>\$158,695</b>

The contingency amount of \$13,500 would only be approved for expenditure at the discretion of the Director, Infrastructure Management.

Given that the scope of works had altered significantly as a direct result of local resident consultation, the additional funding to complete this project to the adopted street enhancement standard that is now applied consistently throughout the City, is supported.

**MOVED Cr O'Brien, SECONDED Cr Mackintosh that Council:**

- ACCEPTS Tender No. 047-00/01 from Works Infrastructure for the lump sum price of \$158,695 plus GST of \$15,869.50 for the Construction of the road realignment and enhancement of Korella Street, Mullaloo;**

- 2 APPROVES the use of \$50,000 from the surplus identified in the half year budget review to construct the Korella Street, Mullaloo road re-alignment and enhancement;**
- 3 AUTHORISES in accordance with Section 6.8(1) of the Local Government Act 1995, the re-allocation of \$34,200 from Project No. 6240 Mullaloo Stormwater Upgrade and \$8,500 from Project Numbers 6229 and 6230 Parking Facilities, for the construction of the Korella Street road re-alignment.**

Cr Baker queried whether there had been full consultation with the community in relation to this issue.

Director, Infrastructure Management gave an overview of the process involved.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf150501.pdf](#)*

*Cr Barnett left the Chamber, the time being 2315 hrs.*

**CJ154 - 05/01 EXTENSION OF CONTRACT 059-99/00 - SUPPLY OF  
ELECTRICAL MAINTENANCE SERVICES - [32957]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 24

## **SUMMARY**

Contract 059-99/00 Supply of Electrical Maintenance Services contains the provision to extend the contract term for a further 12 months from the expiration of the contract on 30 June 2001 subject to satisfactory performance of the contractor. This report notes the satisfactory performance of Wanneroo Electric Pty Ltd and recommends that Council agrees with extending the term of the contract by 12 months to 30 June 2002.

## **BACKGROUND**

The contract for the supply of electrical maintenance services is a fixed term contract for the supply of specialist building maintenance services to augment the in-house Operations Services maintenance team. From a public tender, Wanneroo Electric Pty Ltd won the contract that commenced in December 1999. The 18½ month term to 30 June 2001 was to bring the contract in line with Councils financial reporting year.

**DETAILS**

Wanneroo Electric Pty Ltd have applied to Council for an extension to the contract 059-99/00 in line with Clause 24 of the contract. Sub-clause 24.2 states in part “*Subject to the satisfactory performance of the contract ... the Principal may consider to extend the contract further for 12 (months) or a part thereof. ... in accordance with the same terms and conditions ... of this contract ... .*”

Wanneroo Electric Pty Ltd has maintained a consistently high standard of workmanship and breakdown attendance over the past 18 months.

**COMMENT/FUNDING**

This contract is funded from the maintenance accounts for each building maintained, and the prices are in accordance with the schedule of rates accepted by Council for 2000/2001.

*Cr Barnett entered the Chamber, the time being 2320 hrs.*

**OFFICE’S RECOMMENDATION: That Council:**

- 1 **AGREES** to the extension of Contract 059-99/00 - Supply of Electrical Maintenance Services with Wanneroo Electric Pty Ltd for a 12 month period from 1 July 2001 to 30 June 2002, in accordance with the schedule of rates accepted by Council for 2000/2001 and the application of 10% GST;
- 2 **AUTHORISES** the signing of contract extension documents.

**MOVED Cr Hollywood, SECONDED Cr Kimber that Council:**

- 1 **DOES NOT AGREE** to the extension of Contract 059-99/00 – Supply of Electrical Maintenance Services with Wanneroo Electrics Pty Ltd for a 12 month period from 1 July 2001 to 30 June 2002;
- 2 **CALLS** for tenders for the supply of electrical maintenance services and invites Wanneroo Electrics Pty Ltd to submit a tender.

**The Motion was Put and**

**CARRIED**

**CJ155 - 05/01      CONTRACT EXTENSIONS - 087-99/00 SUPPLY & MAINTENANCE OF SUBMERSIBLE BOREHOLE PUMPS & VERTICAL LINESHAFT TURBINE PUMPS - 105B-99/00 LAYING OF BRICK PAVERS – 085-99/00 CONSTRUCTION, DEVELOPMENT & TESTING OF BORES - [44655] [46847] [42655]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 25

**SUMMARY**

Contract No 087-99/00 was approved at the Council meeting on 23 May 2000. Contract No 105B-99/00 was approved at the Council meeting on 8 August 2000. Contract No 085-99/00 was approved at the Council meeting on 23 May 2000. These contracts form part of the City of Joondalup's Operations Services contracts and, in accordance with the General Conditions of Contract Clause 24 Contract Period, the City has negotiated an appropriate extension with each of the current contractors.

**BACKGROUND**

Contractor, TurboMaster Pumps Pty Ltd, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 087-99/00 Supply & Maintenance of Submersible Borehole Pumps & Vertical Lineshaft Turbine Pumps for 12 months, from 1 July 2001 to 30 June 2002.

Contractor, Tapps Contracting Pty Ltd, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 105B-99/00 Laying of Brick Pavers for 12 months, from 1 September 2001 to 31 August 2002. Tapps Contracting Pty Ltd has submitted information supporting a request for a price variation of 2% due to the CPI increase, in accordance with contract conditions.

Contractor, Wintergreene Drilling, has indicated that it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 085-99/00 Construction Development & Testing of Bores for 12 months, from 1 July 2001 to 30 June 2002.

**DETAILS**

Tapps Contracting Pty Ltd has submitted a price variation in accordance with Clause 4 Variations. eg. a 2% increase in line with the CPI increase for the contract period, as follows:-

Item 1	Prepare site (boxing out), supply bedding sand, prepare bedding sand and lay brick pavers in accordance with specification.	\$18.40
Item 2	Supply bedding sand, prepare bedding sand and lay brick pavers in accordance with specification.	\$15.40
Item 3	Prepare bedding sand and lay brick pavers in accordance with specification.	\$13.20
Item 4	Remove existing brick paving and stack on pallets (stacks supplied by Principal's representative).	\$7.70

The above prices exclude GST.

### COMMENT/FUNDING

All rates remain as per the original contract prices, with the application of 10% GST, for Contract No 087-99/00.

In relation to Contract No 105B-99/00, all rates are to increase by the CPI amount of 2%, in accordance with the contract conditions, with the application of 10% GST.

### **MOVED Cr Hollywood, SECONDED Cr Hurst that Council:**

- 1 AUTHORISES the extension of Contract 087-99/00 Supply & Maintenance of Submersible Borehole Pumps & Vertical Lineshaft Turbine Pumps with TurboMaster Pumps Pty Ltd, for a period of 12 months from 1 July 2001 to 30 June 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 2 AUTHORISES the extension of Contract 105B-99/00 Laying of Brick Pavers with Tapps Contracting Pty Ltd, for a period of 12 months from 1 September 2001 to 31 August 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 3 AUTHORISES the extension of Contract 085-99/00 Construction Development & Testing of Bores with Wintergreen Drilling, for a period of 12 months from 1 July 2001 to 30 June 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 4 APPROVES the Contract Schedule of Rates variation of 2% submitted by Tapps Contracting Pty Ltd;**
- 5 AUTHORISES the signing of the contract extension documents.**

**The Motion was Put and**

**CARRIED**

*Cr Kimber left the Chamber at 2325 hrs and returned at 2328 hrs.*

**CJ156 - 05/01      TENDER NO. 049-00/01 - STORMWATER DRAINAGE IMPROVEMENTS IN BEACH ROAD, WARWICK - [64008]****WARD – South**

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CJ010515\_BRF.DOC:ITEM 26

**SUMMARY**

The property at 112 Beach Road, Warwick which is adjacent to a low point in the road, has been flooded on several occasions during the past few years. Also Beach Road is reported to flood quite frequently during more severe storm events disrupting traffic flows in the area. Investigations indicate an inadequacy in the performance of the existing stormwater drainage system during the more severe storm events. It is proposed to construct that first stage improvements comprising the installation of underground storage tanks at the low point and an upgrade to the existing pipe system to provide a 20 year flood level protection. As Beach Road forms the boundary between the Cities of Joondalup and Stirling, a funding contribution of \$63,000 for the proposed works has been obtained from the City of Stirling and funds totalling \$359,081 are available to undertake the first stage of the improvement works. A public tender was advertised and ten conforming tender submissions were received. An evaluation of the tender submissions was carried out and Works Infrastructure is recommended as the successful tenderer.

**BACKGROUND**

Beach Road forms the boundary between the municipalities of the Cities of Joondalup and Stirling. The Beach Road drainage system comprises a gravity pipe system which discharges westwards along Beach Road from Erindale Road ultimately into the Carine Lakes located some 1.4 kilometres away.

The City of Stirling previously arranged the upgrade of a section of the Beach Road drainage system that addressed a similar flooding problem further downstream of the present flooding. The former City of Wanneroo contributed funds to these upgrade works on the basis of the area of drainage subcatchments that contributed to the problem.

Whilst the property at 112 Beach Road is on the southern side of the Beach Road dual carriageway, the City of Joondalup has a contributing catchment to the drainage system and, by agreement, this City has arranged for the first stage improvement works necessary to resolve the current problem. Based on the area of subcatchments, it is determined that the cost for the works is shared approximately equally between the two Councils. As the City of Stirling had only budgeted \$63,000 for the works, the majority of funding for the second stage works will be provided by the City of Stirling.



## DETAILS

On behalf of the City of Joondalup, Ewing Consulting Engineers have designed and specified improvements to the drainage system in Beach Road. The location of the works is shown in Attachment 1. The improvement works have been staged with Stage 1, designed to provide a 20 year level of flood protection and programmed to commence construction in the 2000/2001 financial year. The extent of works is shown on Attachment 2. It is proposed that future improvement works will further improve the level of flood protection.

A public tender was advertised and closed at the City of Joondalup at 3.00 pm on Tuesday, 10 April 2001. Ten tenders were received at the time of closing (3.00 pm). A late tender was subsequently received from Georgiou Group, but according to City's policy, this tender has not been considered.

### Tender Submissions:

DMW Constructions Pty Ltd	\$249,158
Tripple T Contracting Pty Ltd	\$314,144
GNC Contractors (WA) Pty Ltd	\$324,103
Works Infrastructure	\$340,095
DM Civil	\$367,400.60
Ertech Pty Ltd	\$387,576
Subdivision and Civil Construction Pty Ltd	\$401,803
Premium Corporation	\$449,368
Prolay Constructions Pty Ltd	\$465,682
Magic Plant and Construction	\$612,576.30

All prices quoted are exclusive of GST.

All tenders except the tender by DM Civil include a \$30,000 contingency. The tenders by Tripple T Contracting and Ertech did not include pricing of all provisional items.

The lowest tender price was received from DMW Constructions Pty Ltd. This company has indicated that it made a gross error in its tender and has requested for its tender to be withdrawn.

All the tenderers except Tripple T Contracting confirmed a 10 week construction programme. TrippleT Contracting specified a 17 week contract period.

### Tender Evaluation method

The Conditions of Tendering, specified that all tenders would be assessed against the following criteria:

- Lump sum price
- Works program
- Demonstrated ability to carry maintenance
- Resources
- Previous Experience
- Safety Management

Under the City's Contract Management Framework, tenders were assessed by an evaluation committee using a multi-criterion assessment system. A comprehensive report on the tender submission was also submitted by Ewing Consulting Engineers. Each of the above criteria for the tenders submitted was evaluated accordingly.

Following this evaluation which included resources to undertake the work, the proposed program specified for the contract period and previous experience on the scope of the project, Works Infrastructure has been ranked as the preferred tenderer. It is accepted that the lowest priced tenderer DMW Constructions has made an obvious error and the withdrawal of this tender is therefore supported. The second lowest priced tenderer Tipple T Contracting nominated a 17 week construction programme and did not price all the provisional items. The next lowest tenderer GNC Contractors (WA) Pty Ltd did not show a programme for all of the works. This is also a small company that has mainly worked on sewer infill. Works Infrastructure has priced additional boring of the drainage line across the eastbound lane of Beach Road to minimise traffic management and disturbance to Shopping Centre. Works Infrastructure has previously undertaken some major works for the City and their project completion was within the stipulated time frame. The consultant also has a high regard for the company and has no reservations about its capability. Works Infrastructure has extensive experience in the Infill Sewerage Program and experience in this area will be extremely beneficial for this project.

#### COMMENT/FUNDING

The available budget for the Stage 1 works is \$359,081. This includes the City of Stirling contribution of \$63,000 approved in its 2000/01 Budget. Works Infrastructure's tendered price is \$374,104.50 and includes GST, \$30,000 contingency and provision items of \$10,256. Funds are therefore adequate for the completion of the project. The contingency amount would only be approved for expenditure at the discretion of the Director, Infrastructure Management.

Account Project Nos:	6151, 6156
Budget Item:	Warwick Stormwater upgrade/Beach Road stormwater upgrade
Budget Amount:	\$196,688 + \$99,393
Total Budget	\$296,081
City of Stirling (contribution)	\$ 63,000
Total available funds	<u>\$359,081</u>
Actual cost	\$340,095 (plus GST \$34,009.50)

#### **MOVED Cr Hurst, SECONDED Cr Barnett that Council:**

- 1 ACCEPTS Tender 049-00/01 from Works Infrastructure for the lump sum price of \$340,095 plus GST of \$34,009.50 for Stormwater Drainage Upgrade, Beach Road, Warwick;**

**2 APPROVES the withdrawal of the Tender submitted by DMW Constructions Pty Ltd;**

**3 AUTHORISES signing of the contract documents**

**The Motion was Put and**

**CARRIED**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf150501.pdf](#)*

**CJ157 - 05/01 PETITION - UPGRADE TO VARIOUS LOCATIONS  
IN PADBURY - [07082] [04414] [39633]**

**WARD - Pinnaroo**

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CJ010515\_BRF.DOC:ITEM 27

**SUMMARY**

Council, at its meeting dated 24 April 2001, received a petition from residents of Padbury requesting upgrade of various locations in Padbury. Two of the three locations specifically identified in the petition are currently listed in the Draft Five Year Capital Works Program for the 2001/2002 program. The remaining item of verges of the Padbury High School, will be referred to the Ministry of Education.

**DETAILS**

The petition identified the following locations:-

Area 1 – Verges Around the Padbury High School

Verges adjoining all school are of concern due to the lack of maintenance accepted by the Ministry of Education. Council's Operations Services attend to areas where a hazard is identified, however, the general verge area remains untouched. Officers regularly raise this issue with school Principals, as the school property is maintained via contractor.

Area 2 – Gibson Avenue Verges

Various sections of this road are listed for verge upgrade as a project within the Draft Five Year Capital Works Program, as follows:-

**Parks and Local Road Landscape Enhancement**

2001/2002 Gibson Avenue Stage 1 – Landscape of eastern verge adjoining Pinnaroo Valley land.

**Traffic Management**

2001/2002 Giles Avenue Padbury – Roundabout installation.

2002/2003 Gibson Avenue, Pinnaroo to Whitfords – Enhancement of road reserve and median delineation.

**Road Preservation and Resurfacing**

2001/2002 – Gibson Avenue – Warburton Avenue to Gregory Avenue asphalt overlay.

Giles Avenue – Marmion Avenue to Gibson Avenue asphalt overlay.

**Area 3 – Leichhardt Park Padbury**

Listed in the 2001/2002 Dry Park Development Program for installation of a bore and inground reticulation. This park was assessed as a Priority 1 park and has been listed accordingly in the Capital Works Program.

**COMMENT/FUNDING**

The projects listed in the Draft Capital Works Program will be assessed by Council to determine funding availability.

Resurfacing works are partially funded via grants and this work is in accordance with the Asset Maintenance schedules.

**MOVED Cr Walker, SECONDED Cr Kadak that Council:**

- 1 NOTES the petition from the residents of Padbury;**
- 2 ADVISES petitioners that various projects are listed for consideration in the Draft Five Year Capital Works Program;**
- 3 ADVISES petitioners that their concerns regarding verges adjoining Padbury High School will be referred to the school Principal and the Ministry for Education for attention.**

**The Motion was Put and**

**CARRIED**

**CJ158 - 05/01 PETITION - FLINDERS PARK HILLARYS - [09146]**

**WARD - Whitfords**

CJ010515\_BRF.DOC:ITEM 28

**SUMMARY**

Council, at its meeting dated 13 February 2001, received a petition from 30 residents of Hillarys requesting repair/maintenance to the fountain in Flinders Park.

Flinders Park is bordered by Centennial Gardens, Flinders Avenue and Broadbeach Boulevard Hillarys. There are three natural groundwater lakes located within the Flinders Park/Broadbeach Park Public Open Space (refer Attachment 1 Locality Map).

The developers initially installed feature aeration fountains within the central and southern lakes to enhance the Public Open Space aspects and water quality. Operation of the fountains has been discontinued due to various, ongoing maintenance issues and the minimal water quality benefits being achieved.

It is therefore recommended that a trial period of 12 months be endorsed, utilising alternative algae control measures, to improve the water quality in the Flinders Park lakes. This trial is to incorporate the installation of Waterman algae controllers, utilising ultrasonic sound waves as the control process, to the southern and central lakes, with the northern lake being retained as a performance measure. Operation of the aerator fountains is to be restricted to four hours per day to maintain the aesthetic appearance for residents.

## BACKGROUND

The former City of Wanneroo initiated the following various studies into artificial and constructed groundwater lakes to determine the appropriate maintenance procedures:-

1. Preliminary study on four artificial lakes in Wanneroo in 1993 by I Davis, in conjunction with Edith Cowan University.
2. Management of Aquatic Ecosystems in Central Park Lake Joondalup by Lee-Stewart Pty Ltd.

The above studies have listed floating aerators as predominantly for aesthetic, visual effect.

3. Operations Services has undertaken quarterly water quality samples, via a consultant, from six park locations during the period 1997-2001.

## DETAILS

Aerator fountains were installed by developers to provide the following benefits:-

1. **Aesthetic Appeal** – Initially the fountains were operated continuously during day and early evening hours, with floodlighting to maximise the visual appearance. Developers promoted these aspects to enhance the lake water area prior to establishment of the Public Open Space.
2. **Water Quality** – Aerators were installed in various lakes during the 1994-1998 Public Open Space development period. These units operated to provide water circulation and aeration, thus reducing algal build up. Control of algae was considered a secondary benefit and success was low due to the high fertiliser applications during development works. At handover to the City, the units' operating hours were restricted to night operations in an effort to gain maximum algal control benefits due to the lower water temperature. Algae growth has increased significantly as surrounding nutrient discharge from residential properties occurs. All these lakes are designated drainage sumps and accumulate nutrients from stormwater intake.

Night time operations continued until September 1999, when water quality testing confirmed that the units were of no significant benefit to the water quality.

Operations Services installed ultrasonic control units as a trial to investigate this alternative algal control measure. These units are currently being trialled at the Edith Cowan University Campus lake in Joondalup and the central lake in Broadbeach Park Hillarys. Initial results are positive and this trial has been extended to the Flinders Park lake.

Control of algae is considered essential for the lakes' long-term survival. Operations Services has recorded water quality tests from 1996 to 2001 and this information supports the priority to control algae growth. Algae is not a problem in itself; it is a warning symptom that a water quality problem exists and nutrient loading is increasing.

Water quality is an ongoing concern with various lakes and the reduction in the groundwater table will only add to these problems, as reduced water depth affects quality. The reintroduction of the aerator/floating fountain will provide an aesthetically visual effect, with minimal water quality benefits, however an operational cost applies.. Ongoing operational maintenance costs for aerators are high and this factor was also considered when restricting the operational times for these units.

The units operate by drawing water upwards and spraying out, via a "rose", to a designated height and spread.

To achieve a water quality benefit, the existing lake area would require four similar units to operate as mechanical aeration stimulators (refer Attachment 2 Design Detail).

## COMMENT/FUNDING

Lake maintenance is funded by Council's Operations Services Operating Maintenance Budget and these costs are debited to the specific locations. There are three similar aerators that have been disconnected and two operational aerators within park drainage lakes at the following locations:-

- Beaumaris Park Ocean Reef – Operational
- Conica Park Hillarys – Operational
- Broadbeach Park Central Lake Hillarys – Disconnected
- Broadbeach Park Southern Lake Hillarys – Disconnected
- Central Park Joondalup – Disconnected

Operating costs vary according to the size of the operating units. The average size consists of a 3-5HP electric motor/pump, drawing 12-16 amps. Power cost per hour – 30c – 40c, ie. –

7 days per week, 4 hours per day (28 hours) @ 40 cents per hour  
Power Costs = \$11.20 per week = \$582.40 per year.

It is therefore recommended that a trial period of 12 months be endorsed, utilising alternative algae control measures, to improve the water quality in the Flinders Park lakes. This trial is to incorporate the individual installation of sonar emitters to the southern and central lakes, with the northern lake being retained as a control measure.

The aeration fountains remain operational, with the hours of operation restricted to four hours per day for aesthetic appearance.

**MOVED Cr Hurst, SECONDED Cr Walker that Council:**

- 1 NOTES the petition, as submitted by the 30 petitioners of Hillarys;**
- 2 ADVISES the petitioners that operation of the floating aeration fountain will be restricted to specific hours and alternative water quality controls trialled for a period of 12 months.**

**The Motion was Put and**

**CARRIED**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf150501.pdf](#)*

<b>PLANNING AND DEVELOPMENT</b>
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**CJ159 - 05/01 MULLALOO CONCEPT PLAN (PRECINCT PLANNING) - [48840] [46597]**

**WARD** - Whitford

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CJ010515\_BRF.DOC:ITEM 29

**SUMMARY**

The Mullaloo Concept Plan was advertised for public comment for a period of 9 weeks (18 January - 22 March 2001). Notice of the Concept Plan was provided in the local newspaper, on the City's website, through public displays and through a public open day. A total of 137 submissions were received. The submissions were generally supportive of the Concept Plan however raised a number of issues. These related to the parking areas either side of Northshore Drive and within Tom Simpson Park, dune protection, traffic management, on-street parking on Oceanside Promenade, the tavern, commercial development and anti-social behaviour and vandalism.

As a result of the concerns raised in the submissions it is recommended that the parking areas either side of Northshore Drive be deleted from the Concept Plan. It is also recommended that the freehold lots, which the City owns, to the west of Merrifield Place be excluded from the Concept Plan until the City has investigated all options for the land.

It is recommended that Council uses the modified Mullaloo Concept Plan as a basis for further detailed design.

## BACKGROUND

The concept of preparing the Mullaloo Concept Plan was first presented to Council at its meeting on the 14 March 2000 (CJ049-03/00) where Council resolved to proceed with the project.

Consultants Woods Bagot were subsequently appointed to prepare the Concept Plan and a local Focus Group was formed to assist in this process.

The role of the Focus Group being to inform the consultants of local needs, create a “vision” for the area through identification of key objectives and to help brain storm ideas for the area.

Following liaison with the Focus Group the consultants prepared a draft Concept Plan which was presented to Council at its meeting on the 19 December 2000 (Report CJ385-12/00) for consideration. Council resolved at this meeting to note the draft Concept Plan and the proposed consultation program.

The draft Concept Plan was advertised for public comment for a period of 9 weeks (18 January –22 March 2001). Refer to **Attachment 1**. Notice of the draft Concept Plan was provided in the local newspaper, on the City’s website, through public displays at the City’s administration building, at the Duncraig, Joondalup, Whitfords and Woodvale libraries, at the Whitfords Customer Service Centre and at Tom Simpson Park, Mullaloo, and through a public open day (Tom Simpson Park, Mullaloo - 11 March 2001). Residents within 800 metres of the precinct area were invited to attend the public open day where opportunity was provided for community members to discuss the project with City officers.

## DETAILS

A total of 137 submissions were received in response to the advertising. These comprised 66 individually written submissions and 71 questionnaire responses. The submissions have been summarised and addressed in **Attachment 2**.

The submissions were generally supportive of the precinct plan with particular mention of the following issues: beautify the area, plant more trees, introduce traffic calming measures, increase and improve facilities, increase the area of formal parkland, rehabilitate and protect the dune system, improve pedestrian/cyclist access to the beach, develop a café strip along Oceanside Promenade and incorporate commercial development near the surf club. A number of submissions also expressed support for increased public transport. A number of areas of concern also became apparent, including:

### 1. New Carparking Areas - Northshore Drive

Objection was raised to the overspill car parking areas proposed on either side of Northshore Drive. These car parking areas were considered to be located too close to residential homes, too far from the centre of the precinct and therefore likely to attract anti-social behaviour. The car parking areas were also considered to be difficult and therefore dangerous to access.



2. New Carparking Area – Tom Simpson Park

Objection was raised to the carparking area proposed within Tom Simpson Park on the grounds that it would result in a reduced and irregular shaped grassed area. This would enable less people to use the park and less active recreational pursuits to be carried out.

3. Dune Protection

Desire was expressed to reserve the Residential zoned land on the western side of Merrifield Place for Parks and Recreation to ensure that the dunes are protected and no development takes place. Objection was raised to formalising this recreational area because of its environmental value.

Concern was also raised with respect to development on other areas of the foreshore due to its impact on the dune system.

4. On-street Parking – Oceanside Promenade

Objection was raised to the provision of on-street parking on Oceanside Promenade, particularly its eastern side. On-street parking was considered to be dangerous, particularly for adjoining residents when entering and exiting their properties.

5. Tavern

The tavern is considered to be a major detraction in the precinct. Concern was expressed with respect to the anti-social behaviour of tavern patrons and the appearance of the tavern building. Some submissions called for the tavern to be demolished whilst others called for the tavern to be upgraded.

6. Anti-social Behaviour & Vandalism

Concern was expressed about the existing anti-social behaviour and vandalism in the precinct area at night from tavern patrons and from loitering youth.

7. Commercial Development

Whilst several submissions were supportive of increased commercial activity within the precinct, several submissions also voiced a lack of support for such activity on the grounds that they wished to maintain the residential character of Mullaloo. The need to protect the dunes was another reason for a lack of support for development on the beachfront.

8. Traffic Management Issues

A variety of concerns were raised with respect to traffic management.

The Mullaloo Ratepayers Association prepared a substantial submission which while generally supportive of the vision is critical of a number of elements contained in the draft concept plan. The major concerns expressed by the Association are detailed in the Schedule of Submissions (Attachment 2, Item 59).

## COMMENT

The following comments are provided with respect to the issues raised in the submissions:

### 1. New Carparking Areas – Northshore Drive

The concerns raised with respect to the proposed car parking areas either side of Northshore Drive are valid.

The location of the car park on the eastern side of Northshore Drive is considered inappropriate. The proposed car park backs onto residential lots in Narrabeen Place and therefore has the potential impact on the residential properties. Northshore Drive is a highly trafficked road. Both pedestrian and vehicular access to the car park would be difficult. The entry/exit point to Merrifield Place is in close proximity to the proposed car park and would add to the potential for traffic conflict. The proposed car park is located a considerable distance from the focal point of the precinct.

The location of the car park on the western side of Northshore Drive is also considered inappropriate. Whilst it does not back onto residential lots, as the one on the eastern side of the road does, it is in the immediate vicinity of a residential area. Being located on Northshore Drive and in close proximity to the entry/exit point to Merrifield Place, it would also be difficult to access. The proposed car park is also located a considerable distance from the focal point of the precinct.

For the above reasons, it is recommended that the proposed car parks on either side of Northshore Drive be deleted from the plan.

### 2. New Carparking Area – Tom Simpson Park

It is acknowledged that the parking in front of the surf club will be displaced within Tom Simpson Park however the park area will be increased by the reduction of the northern car park.

### 3. Dune Protection

The City currently owns the freehold lots on the western side of Merrifield Place, over which a formal park area is proposed. The City is currently investigating options for the land. Until these investigations have been finalised it is recommended that this land be excluded from the precinct plan.

The Environmental Protection Authority will assess the environmental impact of the proposals on other areas of the foreshore prior to any work being carried out.

4. On-Street Parking – Oceanside Promenade

The provision of on-street parking reduces the road carriageway width and therefore has the potential to reduce traffic speed, thereby creating a safer traffic environment. The location of on-street parking will be determined at the detailed design stage taking into consideration the location of existing access points in an effort to minimise conflict.

5. Tavern

The tavern is an approved, existing land use. Any upgrading or redevelopment of the tavern is ultimately dependent on the landowner. Redevelopment proposals for the tavern will require a development application and Council approval.

Discussions have been held with the tavern owners and their representatives regarding the possible redevelopment of the site but these are considered to be preliminary.

Discussions have also been held with the Surf Lifesaving Club regarding the expansion of the club. This matter requires further investigation by council officers.

6. Anti-social Behaviour & Vandalism

The plan proposes to increase surveillance in the area by increased lighting and design and by encouraging increased activity in the area. It is hoped that this will assist to reduce anti-social behaviour and vandalism. In addition to this, it is recommended that the City investigate increasing security patrols in the area.

7. Traffic Management Issues

It is recommended that traffic engineering issues be investigated prior to proceeding with any detailed design.

### **Assessment and Reasons for Recommendation**

The Mullaloo Concept Plan will enhance the Mullaloo precinct by encouraging a wider yet limited range of uses, improving both pedestrian and vehicular access, improving facilities; providing adequate parking; streetscape and landscaping improvements and dune rehabilitation and protection.

As outlined above, the submissions were generally supportive of the Concept Plan. The issues raised with respect to the parking areas either side of Northshore Drive were considered valid and it is recommended that these proposals be deleted from the Concept Plan. The concern raised with respect to the proposed parking area and possible loss of grassed area within Tom Simpson Park is addressed to an extent by the proposal to reduce the northern carpark and subsequently increase the grassed area of the park. The issues raised with respect to on-street parking and traffic management will be considered at the detailed design stage. The Environmental Protection Authority will be consulted regarding the environmental impact of the plan prior to any works being carried out and therefore will address the concerns raised with respect to dune protection. The concerns raised with respect to the tavern are

noted but are beyond the scope of this concept plan, however, the tavern is an approved, existing land use and any plans to upgrade or redevelop the tavern are ultimately dependent on the landowner. It is anticipated that the plan will assist in reducing anti-social behaviour and vandalism in the precinct. It is recommended however that the City also investigate increasing security patrols in the area to address this issue.

There is existing budget funding to prepare detailed design in the area and this will be used for footpaths, pavements and parking in Oceanside Drive between Mullaloo Drive and Marjorie Street. The timing of any works could be affected by sewerage and other proposals in the area.

It is recommended that the Mullaloo Concept be modified by:

1. the deletion of the proposed overspill car parking areas either side of Northshore Drive;
2. the Council owned freehold lots to the west of Merrifield Place being excluded from the plan.

It is important to stress that the Concept Plan is not a development plan, it does not imply any commitment regarding funding or timing on the part of the City. The Concept Plan sets out a vision for the area to guide ongoing development. Any specific proposals will require a separate report to Council and be subject to Council's normal budget procedures.

**OFFICER'S RECOMMENDATION:** That Council:

1. **NOTES** the submissions received regarding the Mullaloo Concept Plan;
2. **NOTES** the significant public concern expressed regarding the proposed overspill parking in areas either side of Northshore Drive;
3. **NOTES** that there are a number of unresolved issues relating to the Council owned lots located to the west of Merrifield Place;
4. **NOTES** that the Mullaloo Concept Plan, modified by the deletion of the elements noted in 2 and 3 above, be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;
5. **REQUIRES** a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan.

**MOVED Cr Baker, SECONDED Cr O'Brien that the draft Mullaloo Concept Plan be:**

1. **redrafted by taking into account all the concerns raised in the submissions received from the public;**

**2 resubmitted to the community, and local interest groups for further review and consultation;**

**3 resubmitted to Council for review.**

Discussion ensued.

*During discussion, Cr Kadak left the Chamber at 2335 hrs and returned at 2339 hrs.*

**The Motion was Put and**

**CARRIED**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15agn150501.pdf](#)*

**CJ160 - 05/01      SORRENTO      CONCEPT      PLAN      (PRECINCT  
PLANNING) - [49840] [46597]**

**WARD - South Coastal**

CJ010515\_BRF.DOC:ITEM 30

**SUMMARY**

The Sorrento Concept Plan (Attachment 1 refers) was advertised for public comment for a period of 9 weeks (18 January - 22 March 2001). A notice was placed in the local newspaper 18 January 2001, details were made available on the City's website, at the City's libraries, the proposal was displayed at Council offices and on site, and an open day was held on 10 March 2001 at the Sorrento Surf Club between 11am to 4.30pm.

A total of 155 submissions were received consisting of 60 responses to the questionnaire and 95 individual letters. Of the responses 59 submissions were openly in favor of the proposal, whilst 28 submissions were against. The remainder of the responses (65) neither indicated support nor objection to the concept plan but raised points of concern and support for individual aspects of the proposal.

The main issues raised in the submissions related to changes to Geneff Park (addition of skateboard ramps and tennis courts) the provision of a jetty, the expansion of commercial development and car parking and the impact of development on the coastal environment. Other responses supported the concept plan, in particular, the planting of more trees, upgrade of the streetscape, upgrade of the surf club and community hall and the provision of a café strip.

Issues concerning the foreshore improvements and environmental impacts may be considered more closely at the detailed design stage which will involve a planning assessment by the Ministry for Planning (MFP) and environmental impact assessment by the Environmental Protection Agency (EPA). The other issues relating to improvements to Geneff Park and the commercial strip may be resolved through more detailed examination at the detailed design stage. Proposals to increase residential density in Raleigh Road and Drakes Walk are being investigated as part of the City's Housing Strategy and will be considered in future.

It is recommended that the Sorrento Concept Plan be modified to be divided into a Sorrento Precinct Centre Concept Plan and a proposal for the development of park with associated parking and facilities as Sorrento Beach. It is also recommended to proceed with detailed design relating to footpath and parking in and adjacent to the Plaza and subject to budget funding proceed with preliminary design and approvals for the Sorrento Beach Park.

## **BACKGROUND**

The concept of preparing the Sorrento Concept Plan was first presented to Council at its meeting on the 14 March 2000 (CJ049-03/00) where Council resolved to proceed with the project (attachment 1).

Consultants Chris Antill were subsequently appointed to prepare the Concept Plan and a local Focus Group was formed to assist in this process.

The role of the Focus Group being to inform the consultants of local needs, create a “vision” for the area through identification of key objectives and to help brain storm ideas for the area.

Following liaison with the Focus Group the consultants prepared a draft Concept Plan that was presented to Council at its meeting on 19 December 2000 (CJ386-12/00) for consideration. Council resolved at this meeting to note the draft Concept Plan and the proposed consultation program.

The draft Concept Plan was advertised for public comment for a period of 9 weeks (18 January – 22 March 2001). A notice was placed in the local newspaper 18 January 2001, details were made available on the City’s website, the proposal was displayed at Council offices and on site and the report made available in libraries and an open day was held on 10 March 2001 at the Sorrento Surf Club between 11am to 4.30pm. Residents within 800 metres of the precinct area were invited to attend the public open day where opportunity was provided for community members to discuss the project with City officers.

## **DETAILS**

### **Advertising and summary**

The draft Concept Plan was advertised for a period of 8 weeks (18 January – 22 March 2001) during which time a total of 155 submissions were received, consisting of 95 individual letters and 60 questionnaire responses. The submissions have been summarised and addressed in attachment 2.

Of the submissions received 59 are openly in favor of the proposed concept plan, whilst 28 submissions are against. The remaining 65 submissions have indicated neither support nor objection to the project but have provided points of concern and support for individual aspects of the proposal.

The major issues raised include (figure denotes frequency of response):

- The provision of a Jetty (23)
- Increased commercial development (23)
- Additional car parking (21).
- Development impact on dunes (18)

- Changes to Geneff Park (17)
- Tree planting that will disrupt views (7)

The areas of support include:

- Increase in trees (21)
- Café development (13)
- Upgrade of community centre (12)
- Expansion of surf club (11).
- Changes to Geneff Park (7)
- Increase in residential density (5)

## COMMENTS

### Issues

The comments received in favor of the proposed concept plan have been acknowledged. The following summarises the major issues raised:

#### Provision of Jetty (23)

The submissions objecting to the proposed jetty indicated that the facility is unnecessary for the area.

The proposal was put forth to provide the area with an additional recreation option in the form of fishing, whale watching and passive recreation. The jetty is located centrally to provide a landmark for the commercial area. A jetty would represent a capital cost, and an ongoing maintenance cost and in the light of community concern, can be deleted from the Concept Plan.

#### Increased commercial development (23)

The submissions object largely to additional commercial activity in the area.

The proposal intends only to reinforce the existing commercial activities, with an additional café at the surf club and possible refurbishment of existing commercial area. It is not anticipated that the proposal will involve any large-scale commercialisation of the area.

#### Additional car parking (21).

The submissions object to the expansion of parking along the foreshore north of the Sorrento Surf Club. Particular concern is raised to its impact on the dune system.

The proposal to expand parking along the foreshore complements the proposal to upgrade the foreshore area with parkland and extends the recreational area to St Helier Drive to provide a link with the marina. The provision of additional car parking in this area will enable greater access to this part of the foreshore area by outsiders. Any development of the foreshore will require assessment by the EPA, which will examine the environmental impacts of the proposed development more closely.

### Development impact on dunes (18)

Similar to concerns raised with additional car parking, submissions were received expressing concern over the impact of the proposed boardwalk and grassed area on the dune system.

Both the grassed area and boardwalk are proposed to improve passive recreation along the foreshore area for all community members, particularly access for the disabled and elderly. Improvements to lighting and the provision of 'open grassed' areas will provide improved surveillance and safety. As mentioned under point 3 any development of the foreshore will be considered in detail by the EPA.

### Changes to Geneff Park (17)

Numerous submissions were received objecting to the proposed additions to Geneff Park particularly the inclusion of tennis courts and skateboard ramps.

Additional recreational activities in Geneff Park such as skateboard ramps and tennis courts could provide a wider range of activities to supplement the traditional use of the park for passive recreation. It was considered that the additional uses would encourage more community members of all age groups to use the park. BBQs and the playground area, however, were supported.

Given the numerous concerns raised regarding these developments, it is considered preferable to remove Geneff Park from the Concept Plan at this stage.

### Tree planting disrupting views (7)

Several submissions raised concerns that the proposal for verge planting along the commercial area and West Coast Drive may obstruct views to the ocean.

The provision of additional trees will improve the amenity of the area and provide shade for pedestrians and users of the parkland. It is envisaged that tree planting will be dispersed in regular intervals to avoid tree grouping and impact on views.

### Increase in residential density (5)

Several submissions indicated that the improvements proposed under the concept plan should include a proposal to increase residential densities in the area, particularly Raleigh Road and Drakes Way.

Consideration of an increase in residential densities for the Sorrento area does not form part of the Sorrento Concept Plan proposed, however this may be investigated in the preparation of the City of Joondalup's Local Housing Strategy. A proposal would need to carefully consider the Water Corporations infill sewer program for the area.

## **Assessment and Reasons for Recommendation**

The Sorrento Concept Plan attempts to enhance the area as a beachside commercial and recreational node for the benefit of all members of the community. It attempts to achieve this through the provision of a boardwalk, jetty, toilets, lighting, car parking and parkland in the foreshore area and includes various streetscape improvements to the commercial area and provision of additional recreational activities at Geneff Park. The plan also encourages the



inclusion of additional uses in the area, such as a café at Sorrento Surf Club and the refurbishment of the existing commercial area and community hall.

There is existing budget funding to prepare detailed design in the area and this is to be used for footpaths, pavements and parking in the vicinity of the commercial properties to encourage interest in the development of this area.

The overall response from the community has been positive, however, a few issues have been highlighted, such as increased commercial activity, the proposed jetty, improvements to Geneff Park, the impact of foreshore development on the dune system and tree planting obstructing views. An additional issue has been raised concerning residential densities, which is not considered by the Sorrento Concept Plan.

Most concerns associated with the increase of commercial activity are unsubstantiated as, only the addition of a café and/or kiosk at the Sorrento Surf Club is foreseen. Much of the improvements to the area will involve the ‘face lift’ of existing shops and improvement to the streetscape, walkways and parking. Tree planting will enhance the amenity of the area and will provide shade for pedestrians. Tree planting will be dispersed in intervals to avoid tree grouping and subsequent impact on views.

Much of the interest that has been raised concerning the foreshore area involves the impact the development may have on the dune system and the environment as opposed to the improvements themselves. Whilst impact on the dune system is presently unknown a planning assessment by the MFP and environmental impact assessment by the EPA will be required. The environmental assessment will determine the dunes suitability for development, and will examine other issues such as the impact the development may have on beach processes.

The objections in regards to the provision of skateboard ramps and tennis courts in Geneff Park largely concern the suitability of these activities. Residents in the area have indicated their preference for the park to retain its traditional use of passive recreation with additional provision of BBB’s and a playground area being supported. Though it should be mentioned that some submissions welcome all of the proposed additions, the weight of opinion is against additional development in the park.

Due to the submissions received and the varying complexity involved in the assessment and detail design of the elements of the concept plan, it is recommended that the foreshore development be progressed independently from the commercial strip and streetscape improvements.

Suggestions put forward to increase residential densities do not directly concern the improvements proposed under the concept plan, however this issue will be considered during the preparation of the City’s Local Housing Strategy. Increase in residential densities may promote the redevelopment of residential housing in the surrounding area whilst promoting mixed commercial and residential landuses in the Plaza commercial strip may encourage redevelopment of the area.

It is important to stress that the Concept Plan is not a development plan, it does not imply any commitment regarding funding or timing on the part of the City. The Concept Plan sets out a vision for the area to guide ongoing development. Any specific proposals will require a separate report to Council and be subject to Council’s normal budget procedures.

Discussions have been held with landowners from the commercial area, and considerable support has been shown for the Concept Plan, as well as interest indicated in redevelopment of the area.

It is recommended that the Sorrento Concept Plan be modified to be divided into a Sorrento Precinct Centre Concept Plan and a proposal for the development of a park with associated parking and facilities as Sorrento Beach Park. It is also recommended to proceed with detailed design relating to footpath and parking in and adjacent to the Plaza and subject to budget funding proceed with preliminary design and approvals for the Sorrento Beach Park.

**MOVED Cr Kenworthy, SECONDED Cr O'Brien that Council:**

- 1 NOTES the submissions received regarding the Sorrento Concept Plan;**
- 2 NOTES the significant public concern expressed regarding the proposals in Geneff Park and the Jetty;**
- 3 NOTES that the Sorrento Concept Plan, modified by the deletion of the elements noted in 2 above, be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;**
- 4 REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Sorrento Concept Plan;**
- 5 PROCEEDS with preliminary design sufficient to pursue the necessary approvals for the Sorrento Beach Park (between the Sorrento Surf Life Saving Club and the Marina) as detailed in the Sorrento Concept Plan.**

**The Motion was Put and**

**CARRIED**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16agn150501.pdf](#)*

**CJ161 - 05/01 PROPOSED MIXED USE BUILDING: LOT 60 (4)  
WARBURTON AVENUE, PADBURY - [02730]**

**WARD - Pinnaroo**

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CJ010515\_BRF.DOC:ITEM 31

**SUMMARY**

An application has been received from Taylor Burrell Town Planning and Design on behalf of the Marmion Squash Centre Pty Ltd and Denkey Pty Ltd for a commercial building on Lot 60 (4) Warburton Avenue, Padbury. The mixed-use building is intended to include a Beauty Parlour, Hairdresser, Bakery, Office, Restaurant and Consulting Rooms.

The application proposes only minor changes to the plan approved in April 1999. The new proposal includes:

- ◆ the inclusion of a beauty parlour, hairdresser, restaurant and bakery
- ◆ a request for the hours of operation to be extended (by 1.5 hours) on Friday and Saturday nights until midnight;
- ◆ changes to the bin stores and elevations of the development.

The application was advertised and one letter of objection and a letter of conditional support were received.

The application was referred to Delegated Authority for determination, however, due to the previous history the item was deferred for Council consideration.

The proposed development is likely to improve the overall amenity of the area and conditional approval is recommended.

## BACKGROUND

Ward:	Pinnaroo
File Reference :	02730
Street Smart Map Ref:	Map: 30 Ref: D:2
Legal Description:	Lot 60 D 45339 Vol 1336 Fol 457
Lot Size:	2234m <sup>2</sup>
Application No:	DA01/0092
Applicant:	Taylor Burrell Town Planning and Design
Owner:	Marmion Squash Centre Pty Ltd
Date Received:	26/02/2001
DPS2 Zoning:	Mixed Use
DPS2 Density Code:	R20
Structure Plan:	Nil
MRS:	Urban
Use Class:	Beauty Parlour (P), Hair Dresser (P), Bakery (D), Restaurant (D), Office (P), Consulting Room (P)

## Site Description

The site is located on the corner of Warburton Avenue and Renou Street, Padbury, approximately 50 metres east of Marmion Avenue.

A service station/convenience store is located to the immediate west of the subject site. These two sites form what could be described as an island of non-residential land uses in a low-density single residential area.

Single residential development extends to the north and east of the subject site. A recreation reserve of up to 26 metres in width separates the subject site from residential development to the south.

The Padbury neighbourhood shopping and commercial centre is located approximately 650 metres to the east on the corner of Warburton and Gibson Avenues.

### **Existing Development**

A two storey squash court development with associated parking has existed on the site since the early 1970's. The site is currently served by three crossovers, two to Warburton Avenue and one to Renou Street. The rear of the building abuts the adjacent recreation reserve and is suffering from graffiti. The car park and landscape areas are run down and in need of upgrading.

### **Previous Council Decisions**

The City has considered several applications for this site in past years.

In July 1986, Council refused an application for a video hire outlet within the squash court development (Item A20716 refers). Council considered that the use was inappropriate within a squash centre and the car parking provision was considered inadequate to cater for the additional use.

In May 1989, Council considered a proposal to establish a fast food outlet and video library on the subject site (Item D20507 refers). The Council considered the fact that a restaurant was not permitted in the 'Special Development A' zone and required an amendment to Town Planning Scheme No 1. Council resolved to amend the Town Planning Scheme to accommodate the use and to defer the development proposal until the advertising period had been completed. In October 1989, Council was advised that the Minister for Planning had withheld consent to advertise the amendment. Consequently Council resolved to discontinue the amendment (Item D21025 refers). No further action on the development proposed was taken at the time.

In November 1991, Council refused an application for a shop, video outlet and fast food outlet on the site (Item F21107 refers). Reasons given by Council for this decision included:

- (a) video hire and fast food outlets are considered inappropriate uses in a residential area;
- (b) the proposal would generate unacceptable traffic; and
- (c) there would be insufficient car parking on site.

In June 1998 an application for a car wash and a commercial building for use as a shop and video library was refused by the Joint Commissioners (Item DP217-06/98 refers). The reasons for refusal were as follows:

- “1. the proposal does not comply with the City of Wanneroo Town Planning Scheme No 1 requirements and will significantly reduce the amenity of the surrounding residential area;*
- 2. the anticipated noise generated by the vacuum and car wash facility is considered unacceptable given the close proximity of surrounding residential development and will result in a loss of amenity of these residents;*

3. *the proposal represents intensive commercial activity which is not considered compatible with the surrounding residential development;*
4. *the City received 108 letters, a 597 and a 243 signature petition from residents in the immediate vicinity, opposing the development;*
5. *the proposal is contrary to the orderly and proper planning of the locality."*

The applicant lodged an appeal with the Town Planning Appeal Tribunal against the City's decision. The appellant, after negotiating an agreement with a group of objectors from the nearby Padbury Shopping Centre, who had been joined in the appeal, modified the proposal by effectively replacing the video store component with a shop. The Tribunal dismissed the appeal as it had no jurisdiction to consider a proposal different in substance to that which the City had refused. The present application has resulted from this decision.

In February 1999, a second application for a car wash and commercial building was considered. This application sought to address many of the concerns raised by the previous application. The commercial building was proposed to be used for a range of uses including consulting rooms, veterinary consulting rooms, medical clinic, professional offices and/or shop (excluding video store, delicatessen, take away and fast food). The application also proposed quite restrictive operating hours and a series of other measures such as fencing, landscaping, discrete lighting/signage and a management plan aimed at ensuring the amenity of the surrounding area was not unreasonably affected. This application was however again refused by the Joint Commissioner's for the following reasons:

- 1 *the proposal represents an intensive commercial activity which is not considered compatible with the surrounding residential development;*
- 2 *the anticipated noise generated by the operation and activity associated with the vacuum and carwash facility is considered unacceptable given the close proximity of surrounding residential development;*
- 3 *the proposal would adversely affect the amenity of the locality;*
- 4 *the proposal does not comply with the City of Joondalup Town Planning Scheme No 1 standards relating to setbacks;*
- 5 *the proposal is contrary to the orderly and proper planning of the locality.*

In February 1999, the City considered a modified version of the proposal. The proposal was modified in response to the principal concern of the local residents by replacing the previously proposed car wash with additional commercial floor space. The application proposed a commercial building of 695m<sup>2</sup> gross floor area, located towards the corner of Warburton Avenue and Renou Street.

In April 1999, the Joint Commissioners considered (COJ990427) and approved the modified proposal subject to 24 conditions.

## DETAILS

### Current Proposal

The current proposal has been modified in response to changes in the use class table of DPS2 and the requirements of prospective tenants. The current application proposes a beauty parlour, hairdresser, bakery and restaurant in place of the 300m<sup>2</sup>-shop space approved previously by the Joint Commissioners. The building's foot print remains unchanged and is located towards the corner of Warburton Avenue and Renou Street. The walls are proposed to be approximately 2.7 metres in height and the roof pitch extends to a maximum height of approximately 7.6 metres. An architectural tower feature extends to a height of approximately 10 metres. The roof pitching has been designed in two sections to minimise the average height of the overall building.

The proposed uses are Beauty Parlour, Hairdresser, Bakery, Office, Restaurant and Consulting Rooms and these are shown as an indicative tenancy mix on the development plans. The applicant emphasises that the internal tenancy arrangement is notional and may be subject to modification based upon individual tenant needs.

Vehicular access points are proposed to be confined to Warburton Avenue. Two crossovers are proposed in approximately the same location as currently exist. The existing crossover to Renou Street is proposed to be closed. Thirty-six car bays are proposed to service the development. A pedestrian access path is also proposed from the existing footpath along Renou Street.

Plans outlining the proposal are shown on attachment 1.

### Relevant Legislation

#### Zoning and Permissibility

The subject site is zoned 'Mixed Use' under the City of Joondalup's DPS2.

The proposed uses for the mixed business building are all categorised under DPS2, most are permitted uses with the exception of the Bakery and Restaurant which are discretionary (D) uses that Council may grant approval after following the procedures laid down by subclause 6.6.2, which includes advertising, as has been carried out in this case.

#### Setbacks

DPS2 requires minimum setbacks of 9 metres, 3 metres and 6 metres to the primary street (Warburton Avenue), side street (Renou Street) and rear (recreation reserve) property boundaries respectively for non residential uses.

The walls of the mixed business building achieve the primary street and side street setbacks, however, the verandah and eaves line protrudes within the setback areas being approximately 7 metres from the primary street. The mixed-use building is proposed to abut the rear boundary of the site, which adjoins the recreation reserve.

### Landscaping

DPS2 requires up to 8 percent of the site for shop and office developments to be set aside as landscaping. The proposal provides around 22% of the site as landscaping and therefore meets this requirement.

### Plot Ratio and Site Cover

DPS2 has no requirements for plot ratio or site cover in regard to a mixed-use zone. Building floorspace for this form of commercial development is regulated by the ability of a site to accommodate car parking demand.

### Car parking

DPS2's Table 2 requires car parking at the rate of:

1. 1 bay/30m<sup>2</sup> of Net Lettable Area (NLA) for office space;
2. 1 bay/5m<sup>2</sup> of dining room or 1 per 4 guests for restaurant (whichever is greater);
3. A minimum of 5 bays for consulting rooms; and
4. No standards exist for the uses of beauty parlour, hairdresser or bakery and therefore subclause 4.8.2 applies;

*"The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate."*

It is recommended that the uses of beauty parlour, hairdresser and bakery be calculated at 7 bays/100m<sup>2</sup> NLA which is consistent with the requirements of DPS2 for a shopping centre under 10 000m<sup>2</sup>.

### **Advertising and Summary**

The application was advertising by way of on-site signs for a period of 21 days. Advertising closed on the 27 March 2001 with two submissions been received, one in objection and one in conditional support. Following is a summary of these submissions;

#### Objection submission:

- The proposal will result in a significant increase in vehicular movements, resulting in additional car parking and possible traffic hazards and noise and light emissions in the adjoining road system and general area;
- The centre will duplicate services provided in many near by locations including the Shopping Centres at Padbury, Hepburn Heights, Lilburne, Sorrento Key and Whitfords;
- The hours of operation will be significantly increased, as will be the patronage numbers.

#### Conditional support application;

- No vehicular access to the site being allowed from Renou St. and no verge parking is permitted in Renou St. for patrons of the development;
- Although supporting the small Bakery and an Italian Restaurant (hours indicated) both establishments must comply with the latest exhaust systems to ensure that the daily operations (and odours involved) of the establishments in no way impact on nearby residents.

The applicant provided the comments (below) in relation to the issues raised in the submissions:

#### Objectors' Comment

"The proposal will result in a significant increase in vehicular movements, resulting in additional car parking and possible traffic hazards and noise and light emissions in adjoining road system and general area".

#### Response

*The proposal will not result in a significant increase in vehicular movement compared to the current development approval. The land use activities for the proposed development application have not been substantially altered from the current approval. The table below summarises the comparison.*

<i>Approved Land Use</i>	<i>Proposed Land Use</i>
<i>Consulting Room</i>	<i>Consulting Room</i>
<i>Offices</i>	<i>Office</i>
<i>Shops</i>	<i>Beauty Parlor</i>
<i>"</i>	<i>Hairdresser</i>
<i>"</i>	<i>Bakery</i>
<i>"</i>	<i>Restaurant</i>

*The proposed consulting room and office land uses have not changed from what is currently approved.*

*The proposed beauty parlour, hairdresser and bakery would typically be considered as "shops" however the scheme provides separate land use classifications, obliging us to specifically identify them.*

*There will be no additional car parking required, as the proposed land-use activities have different operational hours. This enables a reciprocal parking arrangement between the different uses. For example the restaurant requires 20 bays, however, its operational hours will predominantly be early to mid evenings where as the other proposed uses will trade within standard business hours which means there will be no conflict in peak trading periods.*

*Of the uses other than the restaurant, the beauty parlour, hairdresser and bakery will only operate during normal business hours; a consulting room may operate until approximately 7:00pm, winding down from approximately 6:00pm. The peak trading time for the restaurant will start at approximately 7:30pm.*

#### Objectors' Concern

"The centre will duplicate services provided in many nearby locations, including the shopping centres at Padbury, Hepburn Heights, Lilburne, Sorrento Quay and Whitfords."

#### Response

*The proposed development is designed to provide additional services for the local community. Whilst similar services may be available in the remote locations described, it is the intention of the development to enhance the range of locally convenient facilities.*



*The development of this centre will increase the amenity of residents in the surrounding locality.*

### Objectors' Concern

*"The hours of operation will be significantly increased. The previous development approval permitted operational hours between 7:00am and 10:30pm daily. A minor alteration to this trading period for one of the land uses will be Friday and Saturday nights when the proposed restaurant will operate until midnight, adding an extra one and a half-hours trading for two nights of the week.*

### Response

*This equates to an additional 3 hours trading a week for only one of the proposed land uses.*

## COMMENT

### Main Issues

#### Traffic

The applicant has previously submitted a traffic report by Engineering Consultants, Sinclair Knight Merz, detailing both the existing and proposed traffic likely to be generated by the proposal. This report concludes that an increase in traffic on Warburton Avenue, between Marmion Avenue and Renou Street, is likely to occur as detailed in the following table.

	<b>Existing Development</b>	<b>Proposed</b>
Weekday evening	10-25	41 per hour
Weekend afternoon	5 (estimate)	35 per hour
Weekend evening	5 (estimate)	35 per hour

These figures relate to vehicular trips associated with the subject site only. In March 1998, the overall traffic on Warburton Avenue in the vicinity of the subject site was surveyed at 4,700 vehicles per day, which equates to around 470 vehicles in the peak hour. The increase in overall traffic volumes on Warburton Avenue is therefore relatively modest, around 4% on weekday evenings and 6% on weekend afternoons/evenings. The traffic is also likely to be dispersed differently throughout the day than that generated by the existing squash courts.

The proposed removal of the crossover onto Renou Street should also assist in containing traffic associated with the development to Warburton Avenue. This will largely overcome current problems associated with headlight glare to residents on Renou Street.

The City has evaluated the traffic impact of the proposal and concludes that the traffic generated by the proposed development is not likely to have an adverse impact on the surrounding road network.

#### Parking

The applicant submitted a carparking justification and requested that discretion in regard to the provision of carparking be exercised on the basis of reciprocal rights. The applicant has provided the following comments in support of the development;

It is noted that District Planning Scheme No 2 requires 42 bays be provided. However, it is drawn to Council's attention that the uses proposed in this development application have different operating hours. This enables a reciprocal parking arrangement between the different uses. For example the restaurant requires 20 bays, however, as the operating hours will be predominantly late afternoon to early evenings, there will not be a conflict in parking provision as the other operational uses will be within standard business hours.

*Of the uses other than the restaurant, the beauty parlour, hairdresser and bakery will only operate during normal business hours, a consulting room may operate until approximately 7:00pm, winding down from approximately 6:00pm. The peak trading time for the restaurant will start at approximately 7:30pm. Therefore whilst reciprocation is required for only 6 bays, all of the 22 bays allocated to the other uses will generally be available during the peak trading time of the restaurant.*

*Access to the site remains restricted to Warburton Avenue by way of two crossovers. The parking and access arrangements have been designed in the most westerly position possible (i.e., as close to Marmion Avenue as possible) in order to minimise the impact of traffic movement on residents. Overall traffic movements are not expected to be substantially different to the approved development proposal.*

Despite these comments it recommended that the request for reciprocal rights be not supported as proposed. This recommendation is based on the fact that the Restaurant is an Italian Family Café, which may in fact have multiple peak usage times including lunch times. The potential for car parking shortfalls during these times is considered significant. It is recommended that the seating capacity of the restaurant be restricted during normal day-time business hours to reduce demand for parking, in competition with other uses trading during the day. A condition of approval can effectively be used to control this situation. The situation has been discussed with the applicant and they have acknowledged the restriction. As a result the car parking will comply with the recommended standards.

#### Building facades

The building facades are generally of a high standard. The development will however result in the construction of a blank wall approximately 18.5 metres long and 6.5 metres high abutting the adjacent recreation reserve. The application does not provide any detail as to how this wall will be treated. A suitable condition of approval can ensure this wall is designed in an aesthetically pleasing manner.

There is evidence of graffiti on the rear of the present squash court build where it abuts the recreation reserve. Portion of the recreation reserve adjacent to the rear of the commercial building should be landscaped to minimise the opportunity for graffiti vandalism. This will also assist in improving the appearance of the wall.

The building façade facing Renou Street, whilst representing the rear of the development has been sensitively designed to create an attractive façade. This will be supplemented with quality onsite and verge landscaping.

### Operating Hours

The applicant has requested that the previously imposed condition on the hours of operation be modified to permitted the restaurant to operate to midnight of Friday and Saturday nights. The previous application was conditioned restricting the hours of operation to 10.30pm all nights of the week. This condition was imposed given the proximity of the site to residential properties and the community's concern over extensive trading hours. The proposed extension to the hours of operation for the restaurant were advertised with one objection being received. The modification of the condition is supported.

### **Assessment and Reasons for Recommendation**

The existing squash court development on this site is run down and is suffering from a car parking shortage. The area would therefore benefit from either an upgrade of this facility or redevelopment of the site.

A service station/convenience store is located to the immediate west of the subject site. These two sites form what could be described as an island of non-residential land uses in a low-density single residential area.

With the site being located in close proximity to residential properties, particular care needs to be taken to ensure the amenity of the nearby residents are not adversely affected. The proposal has been modified in response to the principal concerns of the local community.

A previously submitted traffic assessment submitted with the application shows a modest increase in traffic generation, around 4% to 6% in peak hour traffic movements. The traffic is also likely to be dispersed differently throughout the day than that generated by the existing squash courts. The site is however located on a local distributor road adjacent to the intersection of Marmion Avenue and Warburton Avenue. The City's Warburton Avenue Traffic Management Scheme includes measures aimed at reducing overall vehicle speeds along Warburton Avenue. This will provide an increased level of safety for pedestrians and motorists, which would at least counter any increases in traffic volumes. The proposed removal of the crossover onto Renou Street should also assist in containing traffic associated with the development to Warburton Avenue, thus improving amenity for Renou Street residents.

The proposed development is likely to improve the overall amenity of the area and a conditional approval is recommended.

**MOVED Cr Kimber, SECONDED Cr Walker that Council:**

- 1 APPROVES the application dated 26 February 2001 submitted by Taylor Burrell Town Planning and Design, the applicant on behalf of the owner(s), Marmion Squash Centre for proposed Mixed Business Development (including Beauty Parlour, Hairdresser, Bakery, Office, Restaurant and Consulting Rooms) on Lot 60 (4) Warburton Avenue, Padbury subject to the following conditions:-**

- (a) the applicant shall provide a plan indicating the proposed land use for each tenancy and demonstrating the provision of car parking complies with the provisions of District Planning Scheme No 2. Any subsequent modification to tenancies will require the submission of a fresh development application and justification of the provision of car parking.
- (b) all lighting shall be designed, constructed and thereafter maintained so that it does not overspill onto the adjacent residential properties or the street, and such lighting being switched off outside the operating hours of the use. This condition does not relate to any security lighting.
- (c) the submission of an Acoustic Consultant's Report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (d) a 1 metre high wall to be constructed and thereafter maintained along the south eastern property boundary, sufficient to protect adjacent residents from headlight glare to the satisfaction of the City;
- (e) the 3 existing crossovers to Lot 60 (4) Warburton Avenue, Padbury to be removed and the land graded, kerbed, landscaped and the footpath reinstated to the satisfaction of the City prior to the development first being occupied;
- (f) the lodging of detailed landscape plans to the satisfaction and approval of the City for the development site, the adjoining road verges and portion of the adjoining recreation reserve as shown in red on the approved plans. Landscaping to be designed to break the bulk of the buildings when viewed from the adjoining streets and recreation reserves and to assist in protection from vandalism;
- (g) landscaping and reticulation for all landscape areas identified on the approved landscape plans to be established prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (h) roof-mounted plant and equipment such as air-conditioning plant to be located and/or screened to the satisfaction of the City so they are not visible outside the boundaries of Lot 60 (4) Warburton Avenue, Padbury;
- (i) the parking area, driveways, points of ingress and egress to be designed, constructed, drained, marked and thereafter maintained to the specification and satisfaction of the City. These works to be completed prior to the use of the development commencing;
- (j) car parking bays to be 5.5 metres long and a minimum of 2.5 metres wide. End bays to be 2.8 metres wide;

- (k) one disabled bay is to be provided at car bay 5 or 6 and with a minimum width of 3.2 metres to the satisfaction of the City;
- (l) design levels of all proposed development to be to the satisfaction of the City;
- (m) all storm water to be collected and disposed of onsite in a manner acceptable to the City;
- (n) the wall abutting the recreation reserve being designed so as to minimise its bulk, to the satisfaction of the City;
- (o) the mixed business building shall not trade outside the hours of 7:00 am and 10:30pm daily with the exception of the restaurant which in addition may trade until 12:00pm on Friday and Saturday nights only;

2 Subject to point 1(a) above, EXERCISES DISCRETION under clause 4.5.1 and 4.8.2 of District Planning Scheme No 2 and determine that the proposed car parking provision and setbacks are satisfactory in this instance;

3 EXERCISES DISCRETION under clause 4.5.1 of District Planning Scheme and reduce the rear setback requirement from 6.0 metres to nil in this instance.

**Footnote:**

- 1 Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details signed by a practising structural engineer, to be submitted for approval with the building licence application;
- 2 No signage (including illuminated) is approved as part of this application. Separate applications are required for signage.

**The Motion was Put and**

**CARRIED**

*Appendix 17 refers*

To access this attachment on electronic document, click here: [Attach17brf150501.pdf](#)

*Cr Baker left the Chamber, the time being 2351 hrs.*

**CJ162 - 05/01      PROPOSED ALTERATIONS AND ADDITIONS TO  
"NON CONFORMING USE" MARINE CENTRE LOT  
45 (76) WEST COAST DRIVE, SORRENTO - [04390]**

**WARD** - South Coastal

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CJ010515\_BRF.DOC:ITEM 32

**SUMMARY**

An application has been received from T.B Quinn-Schofield on behalf of Mr D T Leow for alterations and additions to the "non conforming use" marine centre on Lot 45 (76) West Coast Drive, Sorrento. The alterations and additions include discretion for reduced setbacks, installation of sea containers, rear gate vehicular access and parking on the road verge.

The application has been advertised in accordance with the provisions in District Planning Scheme No 2 (DPS2) and objections have been received with the main issues raised being amenity, safety and suggested over-development of the site.

The application is recommended for refusal as the site is already over developed and together with the above application and discretion will further contribute to detrimentally affecting the amenity of the adjoining landowners and the area in general.

**BACKGROUND**

Ward:	South Coastal Ward
File Reference :	04390
Legal Description:	Lot 45 D
Application No:	DA00/0584
Applicant:	T B Quinn-Schofield
Owner:	Mr D T Leow
DPS2 Zoning:	Residential
DPS2 Density Code:	R20
Structure Plan:	Nil
MRS:	Urban
Use Class:	Marine Centre
Permissibility:	Non Conforming Use

**Site Description**

The site is located on the northern corner of West Coast Drive and Marine Terrace, Sorrento.

The site is surrounded by low-density single residential area with the ocean to the west. The site is opposite the Marmion Angling Club.

### Existing Development

The Marine Centre and associated parking/display yard has existed on the site since the early 1970's. A single crossover from Marine Terrace services the site. The car park/display yard and landscape areas are run down and in need of upgrading.

### Previous Council Decisions

On the 10 February 1975, the original Development Approval was granted for the Marine Centre. The approval was subject to various conditions of which the following are relevant to this application;

- 3     *“The building, display areas and parking areas to be behind the residential building line for the area (i.e. 7.5 metres, 25 feet).*
- 4     *The verges and the 25ft setback area to be landscaped to the satisfaction of the Shire, as are the other landscaped areas shown on the plan submitted. A further buffer planting strip 6 feet wide is to be provided and landscaped along the northern boundary of the project site in order to screen this project from adjoining residential development. This strip to be suitably blended with the landscaped areas along the front and rear of the development.*
- 5     *On site parking to be provided for twelve (12) vehicles. This is to be provided in the form of suitably marked car parking spaces, the dimensions of which must comply with the Shire of Wanneroo Town Planning Scheme No 1.*
- 6     *No advertising signs or display of goods will be permitted to intrude into the setback areas from both streets.”*

In October 1997, an application for a storage shed and a mobile test tank, access point to the right of way and general carpark works was refused by the Council (DP251-10/97) for the following reasons;

1.    *“The City’s Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act do not provide for the approval or licensing of existing developments.*
2.    *The setbacks are less than those required under the Town Planning Scheme No 1.”*

At the same meeting, Council also resolved:

1.    *“That the development is in breach of the City’s Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act and is to be removed within 60 days of this notification.*
2.    *To initiate legal action against the landowner should the request outlined immediately above not be complied with.”*

In August 2000, the City refused an application for the installation of two sea containers for the following reasons;

1.    *“The City can not legally issue a retrospective approval to commence development pursuant to Town Planning Scheme No1.*
2.    *The proposal would be contrary to the proper and orderly planning of the locality.*
3.    *The proposed development would adversely affect the amenity of the area due to the visual impact from neighbouring residential lots.*
4.    *One sea container would occupy space approved earlier for car parking bays.*

**Footnotes:**

1. *No verge parking is permitted along Marine Terrace or West Coast Drive and must cease immediately. All vehicles must park within the lot.*
2. *You are requested to comply with conditions 3,4,5 and 6 of planning approval dated 10 February 1975 (attached) within 21 days from the date of this correspondence.”*

As part of the refusal the applicant was requested to comply with conditions of the original planning approval.

The current application is the result of a written request dated 28 September 2000 from the City requesting that an application be lodged for all the outstanding and non complying development/activities occurring on the site.

The previous Town Planning Scheme No 1 did not permit retrospective planning approvals to be issued. However, DPS2, gazetted on 28 November 2000, allows the City to issue retrospective planning approvals when it is considered appropriate.

**DETAILS****Current Proposal**

The current proposal is for various additions and alterations all requiring Council discretion. The alterations and additions include discretion for reduced front and side setbacks, installation of sea containers, rear gate access, and parking on the road verge.

The applicant has supplied the following comments in support of the various components to the application:

***“Landscaping***

*The existing landscaping to West Coast Drive consists of a feature stone retaining wall with a 1200 high mesh fence on top. From the retaining wall back towards the main building there is a grass area of 7.5 m wide, which was the standard set back 27 years ago. The City of Joondalup I believe now has a 3m setback.*

*What we would like to propose is to plant conifers at 2m centres along the boundary of West Coast Drive and display new boats on the grass area the height of the boats would range from 1 m to 1.8 m. Our neighbours fence on the north boundary is approximately 1.8m high to the front boundary. The boats parked here would not be on a permanent basis.*

***Parking Bays***

*There are currently thirteen parking bays marked on site as shown on the plan.*

***Storage Containers***

*The containers are only replacing old rusty sheds, which had been there 25 years and a large rusted testing tank.*

*We would like to maintain them there and would be willing to paint or do what is deemed necessary to retain them on this site. We use the containers to store engines and boat parts whilst we are servicing boats so as to keep the site clean and restrict after hours theft.*



***Accessing the right of way to the rear***

*There have been a pair of gates opening onto the right of way since the boatyard was built. Apparently contrary to the original approval.*

*We would like to use the gates not on a permanent basis, but when required to allow clients to drive through rather than reverse onto Marine Terrace with boats in tow. The problem has become worse over the years because of buses using Marine Terrace and the increased volume of traffic using Marine Terrace and West Coast Drive.*

***Verge Parking***

*We would like to see this area paved so people can park off the road and with the public still being able to walk on a paved area, this would be safer for the public than people parking on the road. This area is used for parking by people after hours other than Marmion Marine Clients.*

*When the City of Wanneroo built the footpath on the Marine Terrace boundary the ground on the verge was levelled in such a way that they pushed sand against the mesh boundary fence.*

*We would like the City to rectify this problem please so we can install a new fence.*

***Enclosing***

*When we took over the lease of this property 2 years ago one of the stipulations on my offer to purchase was that there were no outstanding work orders by the City of Joondalup, as I am having to deal with now.*

*The settlement agent contacted the City of Joondalup and guaranteed me that there were no work orders in place, I have enclosed a letter to that fact.*

*As mentioned previously about other developments in the area which have changed due to the increase in traffic.*

*ie: Hillarys Marina southern entrance*

*Extensive paving in front of Sorrento shops and Service Station there is no landscaping on these sites.*

*These points were to highlight the fact that the whole area has become a lot busier traffic and people wise.*

*NB: We have purchased property and have approval for the development of a Marine Centre on Wanneroo Road near the intersection of Ocean Reef Road. This project is into the final stages of coming to fruition. We are not planning to be long term at 76 West Coast Drive Marmion."*

Plans outlining the proposal are shown on Attachment 1.

**Relevant Legislation****Zoning and Permissibility**

The subject site is zoned 'Residential' under the City of Joondalup's DPS2 and the Marine Centre is a "Non Conforming Use" Changes to the development are subject to the requirements of Part 7 of the City's DPS2 where special provisions apply to proponents seeking to alter a non-conforming land use.

### Development Standards & Setbacks

With the exception of setbacks, no development standards exist for a “Non Conforming Use” under DPS2.

DPS2 requires minimum setbacks of 9 metres, 3 metres and 6 metres to the primary street (West Coast Drive), side (Marine Terrace & adjoining residential property) and rear (Right of Way) property boundaries respectively for non-residential buildings.

### Landscaping

The site has not been landscaped in accordance with its original approval. DPS2 requires landscaping of 8 percent of the site and the first 3m to all road frontages.

### Car parking

The original approval required the provision of 12 on site carparking bays. The following standards for a Car Sales Premises, 1 bay per 200m<sup>2</sup> of display area plus 1 per employee and Showroom, 1 bay per 30m<sup>2</sup> Net Lettable Area (NLA), would be the recommended standards if Council were to consider any changes.

### **Advertising and Summary**

The application was advertised by way of letters to adjoining owners inviting comments for 14 days and advertisements being placed in the Wanneroo Times for 3 consecutive weeks.

At the conclusion of advertising, 11 individuals made submissions and two of those made several submissions to the City. A summary of the grounds of objection is as follows:

- The development operates constantly in breach of the original conditions of approval;
- The requested development is retrospective;
- Pedestrian safety as a result of the verge parking;
- Impact of the development on both visual and general amenity;
- Traffic implications (considering Marine Terrace is also a bus route)
- Restricted access for rear access properties as a result of congestion caused by the use of the rear gates into the lane way;
- The development has out grown the site. This is evidenced by the parking of boats on the setbacks, mechanical repairs and testing done outside the workshop and even on the road verge, expanded warehousing into shipping containers and car parking problems due to the number and frequency of customer visits;
- As the area operates on septic the possible environmental damage is increased proportionate to the increased development.
- The area is predominately residential and the protection of this should be the City’s primary concern;
- The use should relocate to a more appropriate location i.e. the Hillarys Boat Harbour; and
- The development has a negative impact on property values within the area.

In summary, the majority of the submissions received from local residents are that they are concerned with amenity and pedestrian/vehicular safety issues and all the changes and alterations that have occurred over many years.

## COMMENT

### Public Submissions

In summary the majority of the submissions received from local residents are opposed to three fundamental aspects of the development. These are: the impact on residential amenity of the Marine Centre; pedestrian/vehicular safety issues; and the over development of the site which is continued by all the changes and alterations. In regard to the third point, the development file on this property contains many letters of complaint from local residents, many letters from several of the operators of the business, and evidence of Council and City Officers trying to resolve the situation by negotiation.

### Parking on the Road Verge.

The verge and road are sign posted that no parking is permitted. Within the verge is the pedestrian path, which is the only pedestrian link between Marine Terrace and West Coast Drive. Pedestrian safety would be severely compromised by any verge parking.

### Site Planning and Current Use

A site inspection of the premises revealed that display boats covered most of the 13 on-site bays. Landscaping has also not been installed in accordance with initial approvals. The site (particularly the rear) is also overlooked and gives the impression of a light industrial activity rather than a boat sales and display area.

### Rear gate access.

From the original approval access was restricted to access from Marine Terrace. The rear gates provide access to the adjoining right of way system and garages at the rear of nearby homes. Council has previously determined that the use of the gates was inappropriate. No new information has been supplied to support a change in this view.

### Installation of sea containers.

Both sea containers require retrospective approvals, if they are to be allowed to remain. The container abutting the building complies with setback requirements, however the other container abutting the fence does not comply with the required setbacks. The protection of visual amenity of the nearby residents should be considered if an approval was to be granted for the containers. The containers are constructed of corrugated steel and whilst the applicant is prepared to paint them, it is recommended that they be refused and the applicant be required to remove them from the site.

### Landscaping to West Coast Drive and northern residential lot.

The most practical way to protect neighbours from the appearance of the site is through appropriate buffer landscaping. Such landscaping has not been previously installed, thereby increasing sensitivities and reducing good faith with neighbours.

### Reduced Setbacks to West Coast Drive

The residents mostly likely affected by the relaxation of the front setback requirements have not objected to the requested relaxation. The owner on the northern boundary of the subject lot has provided conditional support for the relaxation. On the other hand the development has a significant relaxation to existing landscaping along Marine Terrace which requires a 3m landscaping setback. It is recommended that the conditions in regard to setbacks remain unchanged for the above reasons.

Numerous attempts have been made to get the owner and tenants to comply with previous Council determined conditions. These attempts have been frustrated and it is recommended that the Council adopt a recommendation giving firm direction with regard to the applications determination and additional actions required to bring the development into compliance with the standing conditions.

### **Conclusion**

The existing marine centre development on this site is run down, over developed and is suffering from a shortage of car parking. The area would benefit from either an upgrade of this facility (but not an expansion) or redevelopment of the site to a use would be more compatible with the surrounding residential land use.

It is recommended that a 60 day time frame be allowed for the owner to comply with Council's determination and that legal action be initiated if compliance to previous conditions of development approval is not carried out within this time frame. This action is recommended, as the history of the development appears to involve various Council determinations that have not been fulfilled. The development appears to have been operating outside the approval conditions for a number of years, in addition to the concerns of residents that need to be addressed. It is recommended that the development be brought into compliance with its original approval conditions which are considered to be the most appropriate given the land-use and the location of the site within a residential area.

### **MOVED Cr Kenworthy, SECONDED Cr O'Brien that Council:**

- 1 REFUSES the application dated 19 December 2000 submitted by T. B. Quinn-Schofield, the applicant on behalf of the owner, Mr D. T. Leow for the proposed alterations and additions including discretion for reduced setbacks, installation of sea containers, rear gate access, and parking on the road verge on Lot 45 (76) West Coast Drive, Sorrento for the following reasons:**
  - (a) extensions to the existing development would further detrimentally affect the amenity of the adjoining, affected residents and the immediate surrounding area;**
  - (b) the proposal would result in the continued over development of the above site;**
  - (c) significant local objection has been received against the proposal;**
  - (d) pedestrian traffic in terms of accessibility and safety would be significantly affected by the proposed verge parking;**
  - (e) the setbacks are less than those permitted under the original planning approval or District Planning Scheme No 2;**
  - (f) the proposal is contrary to the proper and orderly planning of the locality;**

- 2 ADVISES the landowner that the development is in breach of the City's original planning approval dated 10 February 1975 and is to be brought into compliance with this approval dated 10 February 1975 within 60 days of this notification;**
- 3 NOTES that the initiation of legal action against the landowner will be required if requirements outlined above are not complied with, within the stated 60 day time frame.**

**The Motion was Put and**

**CARRIED**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf150501.pdf](#)*

**CJ163 - 05/01 BREACH OF LOCAL GOVERNMENT ACT, SECTION 3.25, SCHEDULE 3.1 - OPEN STORAGE OF MATERIALS AND RUBBISH: LOT 211 (19) SWANSON WAY, OCEAN REEF - [49291]**

**WARD - Marina**

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CJ010515\_BRF.DOC:ITEM 33

**SUMMARY**

On 26 February 2001 the City received a complaint in relation to open storage of building materials and rubbish on Lot 211 (19) Swanson Way, Ocean Reef.

Repeated written and verbal requests for the owner to clean up the property have failed to resolve the situation.

It is recommended that should the subject property not be free of open storage of materials within 14 days from the next Council meeting, legal action be initiated against the owner of Lot 211 (19) Swanson Way, Ocean Reef for failing to remove open storage of materials from the site.

**BACKGROUND**

Lot	211
Street Address	19 Swanson Way, Ocean Reef
Land Owner	Mr Gordon A Byrne & Tracey K Byrne
DPS2 Zoning	Residential
Lot Area	749m <sup>2</sup>

### Site History

This site was the subject of a complaint of unauthorised storage of bricks, rubble and sand on the verge and on site in April 2000.

A notice under section 3.25 of the Local Government Act was served on the same owners in May 2000 requiring the removal of the materials from the verge and the property.

Due to the owner's failure to comply with requests to remove the materials, the City commenced legal action against the owner of the subject site.

On 13 August 2000 at the Joondalup Court the owner was fined \$200 with costs of \$286 for failing to comply with the City's request to remove the materials.

The rubble and sand on the verge has since been removed, however the building materials and rubbish remain on Lot 211.

### **DETAILS**

Inspection of the subject site on 26 February 2001 revealed bricks and other rubbish littering the rear of the property. Two metal gates were leaning against the side fence of the property. In a conversation with the owner at the time of the inspection, the owner agreed to tidy the site within two (2) weeks.

On 6 March 2001 a further inspection of the site was carried out. The site remained in the same condition as when previously inspected.

The property owner contacted the City on 9 March 2001 and stated that he intended to clean the site on the following day. An inspection on 12 March 2001 revealed that nothing had been done on the property.

On 13 March 2001 a notice under Section 3.25 of the Local Government Act (LGA) was served on the owner requiring him to remove building materials, rubble and general rubbish from the site within fourteen (14) days.

On 27 March 2001 a site inspection revealed that some rubble had been removed from the rear of the property and sand removed from the verge. Apart from this, the site remained in the same condition. In a telephone conversation on the same date the owner stated that he intended to complete the rear brick wall and stack the remaining bricks.

On 18 April 2001 an inspection of the site revealed that nothing further had been done and the site remained as it was on 27 March 2001.

### **COMMENT**

The City has given the owner of the subject property a reasonable time to remove or store the specified materials. Despite a number of verbal and written requests, the owner has failed to comply with the City's requirement to tidy the site.

The current state of the property fails to comply with the provisions of the Local Government Act.

As the owner has not complied with the City's repeated requests, it is recommended that the owner be given a final 14 day period to rectify the situation, after which time, should the owner fail to comply, the Director Planning and Development be authorised to initiate legal action against the owner.

**MOVED Cr Hollywood, SECONDED Cr Kimber that Council:**

- 1 ORDERS the owner of Lot 211 (19) Swanson Way, Ocean Reef, to remove the stored building materials, rubble and general rubbish within 14 days of Council's determination;**
- 2 ADVISES the owner that failure to comply with this final notice will result in Council initiating legal action pursuant to the provisions of the Local Government Act;**
- 3 INITIATES legal action against the owner where Item 1 above has not been satisfied within the 14 day period.**

**The Motion was Put and**

**CARRIED**

*Appendices 19(a), (b), (c), (d) and (e) refer*

*To access this attachment on electronic document, click here:* [Attach19abrf150501.pdf](#)  
[Attach19bbrf150501.pdf](#) [Attach19cbrf150501.pdf](#) [Attach19dbrf150501.pdf](#)  
[Attach19ebrf150501.pdf](#)

*Cr Hollywood declared an interest in Item CJ164-05/01 – Delegated Authority Report - DA 01/0114 27 Regents Park Road, Joondalup as he is undertaking building work for the owners.*

*Cr Hollywood left the Chamber, the time being 2353 hrs.*

**CJ164 - 05/01 DELEGATED AUTHORITY REPORT - [07032]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 34

## **SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 April 2001 to 30 April 2001.

**MOVED Cr Kadak, SECONDED Cr Kimber that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ164-05/01.**

**The Motion was Put and**

**CARRIED**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20agn150501.pdf](#)*

*Cr Hollywood entered the Chamber, the time being 2354 hrs.*

**CJ165 - 05/01      SUBDIVISION REFERRALS PROCESSED 1 – 30  
APRIL 2001 - [05961]**

**WARD - All**

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CJ010515\_BRF.DOC:ITEM 35

## **SUMMARY**

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 – 30 April 2001. 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 an additional 92 residential lots and 7 strata residential lots. The average processing time taken was 40 days.

**MOVED Cr Walker, SECONDED Cr Kenworthy that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ165-05/01.**

**The Motion was Put and**

**CARRIED**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf150501.pdf](#)*



<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>
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Nil

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

*Cr Baker entered the Chamber, the time being 2355 hrs.*

**C38-05/01 NOTICES OF MOTION – CR M O'BRIEN**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following seven motions at the Council meeting to be held on Tuesday 22 May 2001:

**ITEM 1: NOTICE OF MOTION – CR M O'BRIEN – LOCAL GOVERNMENT WEEK 2001 CONVENTION**

"That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

"That section 2.8(1) of the *Local Government Act 1995* be amended by inserting after the word president, first occurring, the following;

"is by virtue of being elected, the Chief Elective Executive Officer of a Municipality and;"

and,

that section 1.4 of the *Local Government Act 1995* be amended by deleting the words, ' "CEO" means the chief executive officer'

and inserting in lieu,

' "CAEO" means the chief appointed executive officer'

and,

that all other references to the word "CEO" in the *Local Government Act 1995* shall be replaced by the word "CAEO".

**ITEM 2: NOTICE OF MOTION – CR M O'BRIEN – LOCAL GOVERNMENT WEEK 2001 CONVENTION**

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of "Flat Taxing" in the recent Municipality of Joondalup's Referendum:

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

"That section 6.28(1) of the *Local Government Act* be amended by deleting the words, "The Minister is to" and inserting in lieu "The Local Government is to" '.

and

‘That section 6.28 (2) of the *Local Government Act* be repealed’.

**ITEM 3: NOTICE OF MOTION – CR M O’BRIEN – LOCAL GOVERNMENT WEEK 2001 CONVENTION**

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That section 6.32(1)(c) of the *Local Government Act* be repealed”.

**ITEM 4: NOTICE OF MOTION – CR M O’BRIEN - LOCAL GOVERNMENT WEEK 2001 CONVENTION**

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That section 6.38 of the *Local Government Act* be repealed”.

**ITEM 5: NOTICE OF MOTION – CR M O’BRIEN - LOCAL GOVERNMENT WEEK 2001 CONVENTION**

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That regulation 53 of the *Local Government (Financial Management) Regulations 1996* be amended by deleting “\$200” and inserting in lieu “\$25”.

**ITEM 6: NOTICE OF MOTION – CR M O’BRIEN - LOCAL GOVERNMENT WEEK 2001 CONVENTION**

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That regulation 54 of the *Local Government (Financial Management) Regulations 1996* be withdrawn”.

**ITEM 7: NOTICE OF MOTION – CR M O'BRIEN LOCAL GOVERNMENT WEEK 2001 CONVENTION**

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of "Flat Taxing" in the recent Municipality of Joondalup's Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

"That section 106(1) of the *Health Act 1911* be amended by deleting the words, "rubbish or refuse," and the words "or other receptacle",

and;

that section 106(2) of the *Health Act 1911* be amended by deleting the words, "or other receptacle".

**MOVED Cr O'Brien, SECONDED Mayor Bombak that the Notices of Motion in respect of Items 1 to 7 inclusive, be DEFERRED until the next ordinary meeting of Council scheduled to be held on 12 June 2001.**

**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 JUNE 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**C39-05/01 REIMBURSEMENT OF EXPENSES TO ELECTED MEMBERS – [75002]**

**MOVED Cr O'Brien, SECONDED Cr Kenworthy that Council DETERMINES:**

- 1 that in accordance with City of Joondalup Policy 2.2.12 – Members of Council – Reimbursement of Expenses the amount payable in respect of travelling expenses by this municipality to members of the Council from the time the Returning Officer has declared a person elected as a Council member shall be the amount per kilometre prescribed for the class of vehicle used by the member in an award known as The Local Government Officers Award at the time of travel;**
- 2 that the payments referred to in 1, 2, 3, 4 and 5 above be made monthly in arrears.**

Discussion ensued.

**The Motion was Put and**

**CARRIED**

**REPORT ON SIGNS LOCAL LAW**

Cr Baker made reference to a report in relation to Signs Local Law which was discussed at the Briefing Session held on 15 May 2001 and queried the current status on this issue.

Director, Community Development advised he had had discussions with the Joondalup Business Association in this regard. He advised a preliminary report would be presented to Council in approximately eight weeks.

**SECOND PUBLIC QUESTION TIME****Mr T O'Brien, Padbury:**

*Q1 CJ150-05/01: Has consideration been given to extending the northern car park at Pinnaroo Point to provide a further access for the use of personal water craft?*

A1 There was an issue in the newspaper in relation to funding from the Department of Transport for marine facilities within the community and this was investigated. This round of funding was missed but it does not mean to say that this line of questioning will not happen in the future.

*Q2 Are we going to get a return of security service which can be measured?*

A2 The administration has provided several reports to Council since the introduction of the patrols regarding performance. Each report has been adopted by Council and included measurements against the objectives for the service.

**Mr D Davies, Connolly:**

*Q1 Earlier this evening a vote was taken on the Mayoral Allowance, and the allowance is to be maintained. In relation to the RANS issue as raised by Cr Hollywood, if any employee has lost earnings through a title change in their job, the City should bring pressure to bear on RANS to amend the previous title and remuneration.*

A1 That is a statement, not a question.

**Mrs C Wood, Craigie:**

*Q1 Who affixes the Common Seal?*

A1 A member of staff is authorised to affix the seal once the signatures take place.

*Q2 As at 4 May 2001, the RANS document has not been sealed. When was it sealed?*

A2 21 May 2001.

**Mr S Magyar, Heathridge:**

*Q1 CJ141-05/01: Page 13 of Attachment A: Cheque no 30779 for \$1,500 to Ten Cent Shooters. Who are they and what service is provided to the City?*

A1 This is a cheque for payment for entertainment within the Joondalup Festival and Summer Events Programme.

*Q2 CJ154-05/01: During the discussion on this item, mention was made of emails sent to Councillors regarding various questions. A Local Government Regulation states that all documents made available for Councillors for a meeting have to also be made available to the public. As emails are regarded as documents, should there be a provision made to comply with the Regulations?*

A2 This question will be taken on notice.

**Mr M Sideris, Mullaloo Progress Association:**

*Q1 CJ153-05/01, Korella Street: In relation to the funding of this item, \$30,000 was taken from School Parking and Safety – Mullaloo Heights Primary School. Will the \$30,000 be put back on the budget for the forthcoming financial year?*

A1 Any school parking projects are on a joint funding basis with the Education Department. The Education Department would not contribute its 50% in this case. The matter will be revisited next year. There is funding in the forthcoming budget for these types of works.

*Q2 Can this item for Mullaloo Heights Primary School be put forward as a priority?*

A2 The comments will be taken on board.

*Q3 Will you be advising the Mullaloo Heights P & C to that effect?*

A3 They would be aware of the matter by this time, but this will be confirmed.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 0017 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KADAK  
P KIMBER  
C BAKER  
J F HOLLYWOOD, JP  
A A WALKER  
T BARNETT  
M O'BRIEN  
G KENWORTHY  
C MACKINTOSH  
J A HURST