



MINUTES OF COUNCIL MEETING
HELD ON 25 SEPTEMBER 2001

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CITY OF JOONDALUP

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY,
25 SEPTEMBER 2001**

OPEN AND WELCOME

The Deputy Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Deputy Mayor

Cr J HURST Whitfords Ward

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2025 hrs to 2029 hrs</i>
Cr A NIXON	North Coastal Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>from 1911 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>from 1904 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2006 hrs to 2008 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Acting Chief Executive Officer:	J TURKINGTON	
Acting Director, Resource Management:	A SCOTT	
Director, Infrastructure Management:	D DJULBIC	<i>Absent from 1939 hrs to 1941 hrs</i>
Director, Community Development:	C HALL	
Executive Manager, Strategic Planning:	R FISCHER	
Manager, Executive Services:	K ROBINSON	
Manager, Approval Services:	C TERELINCK	
Manager, Human Resources:	M LOADER	
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

ADDRESS BY DEPUTY MAYOR, CR HURST

Welcome ladies and gentlemen, Councillors and staff to this ordinary meeting of the City of Joondalup 25 September 2001.

I will be taking the Chair for this meeting in place of the Mayor, who, as you know, is on official business in China.

The Mayor is visiting Jinan with representatives of Edith Cowan University and will return on 2 October 2001.

GUESTS

Cr Hurst advised special guests Cr Julie Hopkins and Mr and Mrs Philip Loader from the Victorian Local Government City of Moonee would be attending this evening's Council meeting.

APOLOGIES AND LEAVE OF ABSENCE

Apologies - Mayor J Bombak and Cr Patterson

Late Apology – Cr Walker

Leave of absence previously approved:

Cr C Baker - 20 – 27 September 2001

There were 19 members of the Public and 1 member of the Press in attendance.

Cr Rowlands entered the Chamber, the time being 1904 hrs.

SUSPENSION OF STANDING ORDERS

Cr Carlos requested that Standing Orders be suspended in order that the article appearing on page 40 of The West Australian, Saturday 22 September 2001 in relation to the new Chief Executive Officer be debated by elected members.

Cr Hurst advised that as a Notice of Motion had not been received with seven clear days' notice, this issue could not be dealt with this evening,

Cr Hurst pointed out elected members were not protected by Parliamentary privilege and that the question of confidentiality meant details of the applicants for the selection process for the new Chief Executive Officer could not be divulged.

C97-09/01 **CHANGE TO ORDER OF BUSINESS**

MOVED Cr Kimber, SECONDED Cr Mackintosh that Clause 3.2 – Order of Business of the City’s Standing Orders Local Law be amended to allow Announcements by the Deputy Mayor without Discussion to be dealt with at this point.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE DEPUTY MAYOR WITHOUT DISCUSSION

I would like to open these announcements by referring to recent publicity about the appointment of the new Chief Executive Officer.

Firstly, I express regret that this publicity has been framed in the manner that it has and contains factual errors.

Mr Denis Smith has addressed these errors and the general tone of the article in a comprehensive statement which has been supplied to all Councillors, made available to the public this evening, and given to the press, part of which I read to you now:

“I am appalled at the inaccuracies, innuendo and misinformation set out in the article.

The information supplied to the newspaper is part of a continuing smear campaign against me and has been conducted anonymously by cowards who are afraid to make these allegations openly and who hide behind parliamentary privilege.

I was NOT, nor have I ever been, requested to leave Warringah Council; the majority Councillors asked me to consider staying, even after I had resigned.

I was approached by the Management Consultants to submit my credentials for the CEO position at Joondalup. I was not, at this time, seeking alternative employment; however, the challenges and opportunities presented to me convinced me of the merits of the position. I was also impressed with the calibre of the Councillors, the depth of questioning and the process followed throughout the recruitment by Council’s appointed consultants.

Letters from the Mayor and Deputy Mayor of Warringah Council have been submitted to the Mayor and Deputy Mayor of Joondalup Council clearly verifying my credibility and integrity and confirming the allegations referred to in this newspaper article are baseless and unfounded”.

Cr Walker entered the Chamber, the time being 1911 hrs.

I have received a letter from the Mayor of Warringah, Peter Moxham, who is glowing in support of Mr Smith. The Mayor's letter reads:

“Dear Cr Hurst

I was both saddened and sickened after reading the report published in The West Australian newspaper last week concerning the appointment of Mr Denis Smith as the new Chief Executive Officer of Joondalup.

I have known Mr Smith for four years, including my two years as Mayor. He has been very energetic and dynamic in his role as General Manager, leading so many times by example and has been personally responsible for a number of successful outcomes that required sustained and complex negotiations.

The muck raking information that you have sighted is the result of a mere handful or so-called “community activists” who have a particular agenda in respect of several long serving Councillors and Mr Smith has also been targeted. These activists have called on their running dogs, namely two or three Members of Parliament to bring up matters under parliamentary privilege. They are all baseless and unfounded.

I have no hesitation in putting my credibility and reputation up for all to see in respect of my unqualified support of our General Manager.

Yours faithfully
Cr Peter Moxham
MAYOR”

I would also like to clarify the question of the salary level of the former Chief Executive Officer and point out that had he remained at the City, his salary would have been \$229,000.

The new Chief Executive Officer is also subject to stringent performance based clauses in his contract which were not applicable to our former Chief Executive Officer.

I have spoken to the Deputy Mayor and a Councillor of Warringah over the weekend. They give Denis 100% support and they tell me that it is an orchestrated campaign against him.

I agree and know from having spoken to Councillors that Denis has widespread support.

I have also spoken to Mr Smith and he tells me he is ready and willing to address any issue that has been raised in full when he arrives in Perth to take up his duties on 22 October 2001.

Accordingly, any questions tonight on this matter will be taken on notice.

ANNUAL GENERAL MEETING

Subject to the approval of Councillors this evening, the City's Annual General Meeting will be held on Monday, 15 October 2001 at 7.00 pm.

Its purpose is to discuss the Annual Report and Financial Statements of the City for the financial year 2000-2001 and any other business.

RATES INCENTIVE WINNERS

The City has announced the lucky winners of its rates incentive draw for early payment of rates.

The winners have been notified and Acting Chief Executive Officer, John Turkington, says the second phase of the process – the random matching of the eight winners to the eight prizes – will be undertaken here at the Council on Wednesday, 3 October 2001 at a cocktail function.

The major prize of \$2,500 this year has been kindly donated by Lakeside Shopping Centre.

I thank them and all sponsors.

C98-09/01 SUSPENSION OF STANDING ORDERS

MOVED Cr Carlos, SECONDED Cr Nixon that Standing Orders be suspended in order that the article appearing on page 40 of The West Australian, Saturday 22 September 2001 in relation to the new Chief Executive Officer be debated by elected members.

Cr Hurst reiterated comments made earlier in the meeting and advised elected members that it was not appropriate to debate the issue.

The Motion was Put and

LOST

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

In favour of the Motion: Crs Rowlands, Nixon and Carlos

Against the Motion: Crs Hurst, Kadak, Kimber, Baker, Hollywood, Walker, Barnett, O'Brien, Kenworthy and Mackintosh

PERSONAL EXPLANATION – CR P KADAK

Cr Kadak sought leave to make the following personal statement:

“The minutes will record how that vote was taken. I would hate to think that anyone would look at that and think that this Council has attempted to gag debate on the issues raised in the article by The West Australian.

The fact of the matter is that since that article was published, this is the first time that this Council has met, in fact this is the first time this Council has gathered as a group, and I think it would be unwise to try and debate an issue where we have not met before; where we have not had any further information and we are simply debating what was in a newspaper article and something of quite significant importance, the appointment of a new Chief Executive Officer. I think for that reason this Council has wisely decided to look at this matter and then come back to it at a further date.”

Cr Hurst advised Mr Denis Smith would be in attendance at the Briefing Session to be held on Tuesday, 2 October 2001 when elected members would have the opportunity to discuss these matters with him.

PUBLIC QUESTION TIME

The following questions, submitted by Ms H Kraus, Vice President of the Mullaloo Progress Association were taken on notice at the Council Meeting held on 11 September 2001:

Q1 Why has the new carpark in Tom Simpson Park still not been noted in the recommendation as a significant public concern and why has it still not been deleted from the plan?

A1 The issues of concern raised by the Mullaloo Progress Association were primarily the functionality of the park and the potential loss of trees currently within the park, and the disabled access to the Surf Club.

The carpark element and its relationship to the park and the traffic on Oceanside Promenade is one of the major elements in the Plan and whilst there were a number of concerns expressed in relation to the matters referred to above, it is felt that the carpark element is worthy of further investigation. It is believed that the issues of the trees and disabled access can be addressed in the further development of the Plan. It is also believed that the functionality of the park can be addressed.

As indicated to the Council on numerous occasions, any changes resulting from public consultation should be considered on the basis of their significance or merit in terms of planning argument, and not just purely on the basis of the number of submissions. It was felt there was sufficient merit in the supporting comments to warrant further investigation.

Q2 What further items have been deleted from or amended in the Mullaloo Beach Concept Plan as a result of the additional consultation period?

A2 Plan 2 presented to the Councillors, which shows the revisions in response to community consultation, only details the two areas which were proposed to be deleted when the matter was originally considered by the Council. They are:

- the proposed overspill parking area in the areas either side of Northshore Drive;
- the area of land owned by the Council allocated to the west of Merrifield Place.

This Plan also notes a number of matters which, as a result of the discussions with the Mullaloo Progress Association, will be reconsidered in the more detailed development of the Plan.

Q3 Can the recommendation be amended as follows:

- 1 *insert a new recommendation 5 to read as follows: “Notes the significant public concern expressed regarding the proposed new carparking area in Tom Simpson Park which will alter the existing shape and recreational functionality of the park”.*

- 2 *renumber existing recommendation 5 to 6 and reword as follows: “Notes that the Mullaloo Concept Plan modified by the deletion of the elements noted in 3, 4 and 5 above be used as the basis for further design, costing and evaluation and for further discussion purposes regarding the ongoing development of the area and continuing consultation with the local community and the representative groups, ie Mullaloo Progress Association, Joondalup Community Coast Care Forum, Mullaloo Surf Club.”*
- 3 *renumber recommendation 6 to 7 and reword as follows: “requires a further report detailing relative priorities as determined from the submissions made by the local community and the representative groups, ie Mullaloo Progress Association, Joondalup Community Coast Care Forum, Mullaloo Surf Club”*

or, Proposal 2:

“amend the proposed recommendation 6 as follows: “requires a further report detailing relative priorities indicating costings and phasing of the elements in the Mullaloo Concept Plan, but only after the major issues of concern have been resolved to the satisfaction of the local community and to the representative groups, ie Mullaloo Progress Association, Joondalup Community Coast Care Forum, Mullaloo Surf Club.”

A3 At the Council meeting held on 11 September 2001 Point 6 of the recommendation for CJ315-09/01 was amended to read as follows:

- “6 REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan paying specific attention to the points raised by detailed consultation with key community groups and others, particularly the need to ensure that there is no reduction in the recreational functionality and nett area of the useable surface of Tom Simpson Park proper.”**

The following questions, submitted by Mr V Cusack of Kingsley were taken on notice at the Council Meeting held on 11 September 2001:

Q1(a) In light of the low rainfalls to date: What additional measures is Council putting in place to conserve our precious water resource?

A1 Council will abide by Water Corporation guidelines which in the main require that watering be undertaken at night.

Q1(b) What long term measures does Council intend to put in place to limit demands on water resources, into the future?

A1(b) In addition to abiding by Water Corporation guidelines, Council will continue to automate and centralise its reticulation network (currently 60% to 70% is inground reticulation via a central control system). In addition to this, all Council toilets have had dual flush systems installed, and the City will continually monitor and maintain the reticulation system ensuring the effective use of water is achieved.

Q2 Regarding Item CJ312-09/01: What measures were taken to address any anti-social problems before locking up the toilets or now recommending to demolish the public toilet facilities?

(a) Was for example any “repulsive” lighting installed?

A2(a) No

Q2(b) Was any pro-active solutions canvassed?

A2(b) Due to low utilisation of these toilets, the need to seek alternative solutions was not considered necessary.

Q2(c) Is there any plans to upgrade, the adjacent flat open space grassed area to encourage greater public use?

A2(c) Not at this point in time, however the local conservation groups have indicated their desire to re-establish this area into natural bushland.

Q3 What were the specific times and dates that the security patrols visited the Lloyd Drive Warwick Open Space amenities between 10 August 2001 and 10 September 2001?

A3 These times may not directly show times at actual amenities, but will show the times the area was patrolled. The City-Watch Co-Ordinator has had a meeting with OIC of Warwick Police Station, Senior Sergeant Wayne Silver, and the Police are conducting patrols through the area. With the continuing amount of vandalism in the area, the City has agreed to pass onto the Policy any relevant information.

18 August 2001 at scene 00:12 hrs patrol of sporting complexes

19 August 2001 at scene 11:00 hrs number of street lights damaged

21 August 2001 at scene 05:16hrs report of graffiti to bus shelter

22 August 2001 patrols at 12:25hrs 23:00hrs 12:25hrs

23 August 2001 patrols at 10:36hrs 13:13hrs 23:45hrs 03:15hrs

23 August 2001 at scene 13:13hrs general patrol

24 August 2001 patrols 10:44hrs 15:00hrs 22:00hrs 01:30hrs 04:00hrs

25 August 2001 patrols 01:31hrs 02:30hrs 04:14hrs

26 August 2001 patrols 21:21hrs 22:25hrs 02:20hrs 03:30hrs

26 August 2001 at scene 01:31hrs patrol of Warwick tennis/ bowling clubs door unlocked secured by patrol

27 August 2001 at scene 11:40hrs 15:00hrs 22:45hrs 00:45hrs 04:00hrs

28 August 2001 patrols 11:40hrs 14:40hrs 16:45hrs 23:30hrs

29 August 2001 patrols 13:30hrs 21:00hrs 23:45hrs 02:30hrs

30 August 2001 patrols 08:45hrs 22:45hrs 00:45hrs

31 August 2001 patrols 10:00hrs 20:45hrs 03:45hrs

01 September 2001 patrols 10:07

01 September 2001 at scene 10:12hrs foot patrol of leisure centre carpark bottles found indicating drug use

- 02 September 2001 patrols 07:53hrs 05:20hrs
04 September 2001 patrols at 13:30hrs and 22:10hrs
05 September 2001 patrols at 13:13hrs 20:00hrs 23:45hrs and 01:45hrs
09 September 2001 at scene 10:55hrs assisted people who had their car stolen

The following questions, submitted by Mr M Sideris, Mullaloo were taken on notice at the Council Meeting held on 11 September 2001:

- Q1 As the tender process for provision of security services has been completed, will the documents now be available for public download from the City's web site, as the document now has no commercial value?*
- A1 The tender process is still underway, however, as previously advised, the tender document can be viewed by making an appointment.
- Q2 Budget project 4113 – Surf club extension and renovation proposal of \$360,000 of which \$120,000 is ratepayer funded: Will the proposed extension and refurbishment proposals be available to the Mullaloo Progress Association and the general public as this will commence in approximately a month? Can a copy be provided to the Mullaloo Progress Association?*
- A2 When the sketch plan and other proposed arrangements for the project are finalised a report will be forwarded to Council for consideration. Mullaloo Progress Association and the general public will have the opportunity to view the sketch plans of the facility at that time. This is expected to occur in the next four to six weeks.

The following questions were submitted by Mr K Trayner, Beldon:

- Q1 Has there been an application for a mobile phone tower in the suburb of Beldon? If so where and by whom?*
- A1 There is no application to the City for a mobile telecommunication facility in Beldon. The City is, however, aware that Lot 793 (1) Gunter Grove, cnr Gradient Way Beldon, is being considered by Hutchison Telecoms ("Orange") for a future mobile telecommunications facility. It is noteworthy that as the nature of the proposal is deemed as low impact (under relevant legislation), the proponent is not required to obtain the City's approval.
- Q2 Does Council have a policy regarding mobile phone towers?*
- A2 No. The City is in the process of preparing a draft mobile telecommunication policy for consideration by the Council. It is anticipated this policy will be completed in late December 2001, and advertised for public comment in the early part of next year.
- Q3 Has Council made any resolutions regarding mobile phone towers?*
- A3 At its meeting on 12 September 2000, Council resolved to place a moratorium on the installation of further telecommunication facilities, whether low or high impact, throughout the City of Joondalup. Since that resolution, the Council has not made any further resolutions on mobile phone towers. There has been a number of low impact facilities constructed since that time, of which the City has been notified.

Mr A Bryant, Craigie:

Q1 Can something be done about the electrically operated exit doors on the ground floor of the Chamber building as they are not working?

A1 This will be rectified.

Q2 Can the two apparently abandoned vehicles (M526 and 7LO 344) parked on the verge of the turning circle at the end of the Stocker Court cul-de-sac be removed?

A2 This will be attended to.

Mr N Gannon, Sorrento:

Re: Appointment of new Chief Executive Officer:

Q1 Was the vacant position advertised in The Western Australian? If yes, please advise publications used.

Q2 How many applicants for the position were from WA?

Q3 How many WA applicants made it through to the final round?

Q4 Were any applicants employees of the City of Joondalup?

Q5 Did any City of Joondalup applicants reach the final round?

Q6 Who were the members of the selection committee?

Q7 Was the decision of the selection committee unanimous?

Q8 If not, please provide a numerical breakdown of the votes.

Q9 What was the total cost of consultants employed in this exercise?

Q10 What is the complete salary package of the new CEO starting from base salary plus other inducements?

Q11 Are relocation expenses from Sydney to Perth reimbursed? If so, to what limit.

Q12 Please provide a factual comparison between the package offered to the new CEO and that of the previous CEO, broken down as per question 10 above.

A1-12 These questions will be taken on notice.

Mr D Davies, Connolly:

Q1 Regarding the newspaper report on the new CEO: Of the 13 complaints against Warringah City Council currently being examined as reported in The West Australian of 22 September 2001, some of which could result in a formal investigation according to the newspaper, does this Council know if Mr Smith is implicated or likely to be implicated in any of these complaints?

Q2 As reported in the newspaper, Mayor Bombak is quoted as saying he was aware of the allegations regarding Mr Smith. Were the Councillors also aware?

A1-2 These questions will be taken on notice.

Mrs M McDonald, Mullaloo:

Q1 *On 26 June 2001 I asked a question about the unresolved issues with respect to the vacant residential blocks owned by the Council at Merrifield Place, Mullaloo. The response was that the City's archival records were being researched and an answer would be presented once all information had been obtained. As three months have now passed, can you please advise why I have not received an answer to my question.*

A1 A response has been authorised this afternoon and will be issued tomorrow.

Q2 *CJ333-09/01 – Tenders for the construction of self cleaning toilets at Mullaloo: Has the Council evaluated the cost of providing one self cleaning toilet against the cost of providing a normal standard toilet block similar to the one at Whitfords Beach which has several toilets, changerooms, and provides an amenity to the beach users? Does the Council consider that the provision of one toilet will meet the needs of the hundreds of people who use the northern end of Mullaloo Beach? Has the Council asked the City of Stirling if there have been any accidents at its self cleaning toilet? How often does the toilet clean itself?*

A2 A previous report has been provided to Council on this issue, indicating that these toilets are more expensive than the traditional toilet, but for social, environmental, aesthetic and amenity reasons it is considered that the installation of these toilets is a more cost effective solution.

Mr V Cusack, Kingsley:

Q1 *It was reported in The West Australian on Saturday 22 September that the City of Joondalup paid Recruiters Australia \$22,000 to find Mr Smith. Can Council confirm if this figure is correct?*

A1 Yes.

Q2 *Could Council provide a full breakdown of the costs and charges associated with this \$22,000?*

Q3 *Could Council provide a complete breakdown of all recruiting costs to employ a new CEO for the City of Joondalup?*

A2-3 These questions will be taken on notice.

Mr M Sideris, President of the Mullaloo Progress Association:

Q1 CJ329-09/01 – When comparing the agenda for tonight’s meeting against the agenda for the Briefing Session, why are recommendations 2 and 3 submitted without due and proper notice?

A1 All three recommendations were submitted to the Briefing Session. Under normal circumstances a Council accepts the Annual Report and then convenes the Annual General Meeting of Electors, at which time that report is discussed. There is also a statutory obligation to give local public notice of the meeting.

Q2 Why was a resident told yesterday that the ten residential lots at Merrifield Place, Mullaloo would be sold but did not have a great priority? Another resident was told today that the intention was to wait until the new CEO settled in and the matter would then be put before him, and that the ten lots would indeed be sold.

A2 No decision has been made on the disposal or otherwise of those particular lots. It is recommended that Mr Sideris discuss the matter after the meeting with the Acting Chief Executive Officer.

Mr D Davies, Connolly:

Q1 Recruiters Australia were paid \$22,000. Did they inform the City of Joondalup regarding accusations made against Mr Denis Smith which I am sure under duty of disclosure they should have?

Q2 Will the City of Joondalup consider deferring Mr Smith’s appointment until such time that all accusations are withdrawn or Mr Smith is exonerated?

A1-2 These questions will be taken on notice.

Mr V Cusack, Kingsley:

Q1 The West Australian on Saturday 22 September reported Mayor Bombak as saying that he believed that the allegations were unfounded and that Mr Smith was the victim of a politically based campaign. Could Council reply to this statement as I believe the concerns raised in the New South Wales Parliament came from four different political persuasions, being One Nation, the Greens, ALP and independent members.

Q2 The West Australian also stated there had been 117 complaints about the affairs of Warringah Council last financial year. Would Council know how many of these complaints related to Mr Smith?

A1-2 These questions will be taken on notice.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES**C99-09/01 MINUTES OF COUNCIL MEETING – 11 SEPTEMBER 2001**

MOVED Cr Baker, **SECONDED** Cr Mackintosh that the Minutes of the Council Meeting held on 11 September 2001, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

PETITIONS**C100-09/01 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 25 SEPTEMBER 2001**

1 PETITION OPPOSING THE CONSTRUCTION OF A MOBILE PHONE COMMUNICATIONS TOWER ON SITE LOCATED ADJACENT TO THE BELDON SHOPPING CENTRE, BELDON – [08550]

Cr Baker tabled a 454-signature petition on behalf of residents and ratepayers of the City of Joondalup strongly opposing the construction of a mobile phone communications tower on the old service station site located adjacent to the Beldon Shopping Centre in Beldon.

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

2 PETITION REQUESTING IMPLEMENTATION OF TRAFFIC CALMING AND TRAFFIC SAFETY MEASURES – NEW CROSS ROAD, KINGSLEY – [05820]

Cr O'Brien tabled a 63-signature petition on behalf of Kingsley residents requesting the implementation of traffic calming and traffic safety measures on New Cross Road, Kingsley.

The petitioners believe this is necessary to avert further road accidents and to ensure the safety of children attending the nearby primary school.

This petition will be referred to Infrastructure Management for action.

It was resolved that the petitions:

- 1 **opposing the construction of a mobile phone communications tower on the old service station site located adjacent to the Beldon Shopping Centre in Beldon;**
- 2 **requesting the implementation of traffic calming and traffic safety measures on New Cross Road, Kingsley;**

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

Director, Infrastructure Management left the Chamber, the time being 1939 hrs.

POLICY

CJ318 - 09/01 AMENDMENTS TO POLICIES - CHILD CARE CENTRES, ADVERTISING OF DEVELOPMENT PROPOSALS AND PEDESTRIAN ACCESSWAYS - [57155] [85510] [87510]

WARD - All

CJ010918_BRF.DOC:ITEM 1

SUMMARY

Council adopted changes to three existing policies 'Child Care Centres', 'Advertising of Development Proposals' and 'Pedestrian Accessways' at its meeting on 24 July 2001 (CJ230-07/01) and advertised the amendments for public comment for a 21-day period in accordance with the Scheme, closing on 30 August 2001. (Refer attachments 1, 2 and 3).

No submissions were received.

The amendments made were of a minor nature and ensured the policy wording is consistent with District Planning Scheme No 2 (DPS2) and in accordance with Clause 8.11.3 of DPS2. It is recommended that Council finally adopt the attached draft policies.

BACKGROUND

Previous Council Decision

At its meeting on 24 July 2001, Council adopted changes to the policies entitled 'Child Care Centres', 'Advertising of Development Proposals' and 'Pedestrian Accessways' to enable them to be advertised for public comment. The draft policies were advertised for a period of 21 days (9 –30 August 2001), during which, no public submissions were received.

DETAILS

Proposal

The City is currently reviewing the existing Planning and Development Services policies. This is the first stage of the policy review process, which addresses minor changes required to the Child Care Centres policy and Advertising of Development Proposals to make them consistent with DPS2. A minor detail is also to be incorporated to the Pedestrian Accessways policy.

Relevant Legislation

The Planning and Development Services Policies are created under Part 8 of DPS2. Under the provision of Clause 8.11.3 of DPS2, Council shall consider all submissions received during the advertising period. After considering all submissions Council is required to finally adopt the draft Policy with or without modification, or not proceed with the draft Policy. Following final adoption of the Policy, notification is published once in a newspaper circulating within the Scheme Area.

COMMENT

Policies proposed to be amended are outlined below:-

3.1.1 – Child Care Centres (Attachment 1)

The amendments aim to make this policy consistent with DPS2, therefore they are minor in nature.

3.1.8 - Advertising of Development Proposals (Attachment 2)

This policy was formulated as TPS1 did not require mandatory advertising of development proposals. The policy provides for the Chief Executive Officer to determine when a development proposal should be advertised. DPS2 contains the provisions to determine in which cases advertising is required but still allows discretion for the advertising of 'D' uses. The policy has been amended to make it consistent with DPS2.

3.2.7 - Pedestrian Accessways (Attachment 3 – Extract Only)

It is proposed to amend the policy by way of adding minor detail to 1(g) (section relating to lighting) to make reference to the Australian standards.

Assessment and Reason for Recommendation

All three policies conform to the requirements of Part 8.11 of DPS2, which relates to the Local Planning Policies. Additionally, no public submissions were received during the advertising period. As such, it is recommended that the proposed minor amendments to the policies be adopted.

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council pursuant to Part 8.11 of the City of Joondalup's District Planning Scheme No 2:

1 DELETES existing Policies 3.1.1, 3.1.8 and 3.2.7 as per Council decision of 24 July 2001 (CJ230-07/01) and ADOPTS replacement policies forming Attachment 1 to Report CJ318-09/01 entitled:

- (a) 3.1.1 - 'Child Care Centres'**
- (b) 3.1.8 - 'Advertising of Development Proposals'**
- (c) 3.2.7 - 'Pedestrian Accessways'**

2 PLACES notification of the final adoption once in a newspaper circulating within the Scheme Area.

The Motion was Put and

CARRIED

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn250901.pdf](#)

Director, Infrastructure Management entered the Chamber, the time being 1941 hrs.

CJ319 - 09/01 AMENDMENT LOCAL LAW 2001 - [05885] [00432]

WARD - All

CJ010918_BRF.DOC:ITEM 2

Summary of Purpose and Effect (was read aloud at the Council Meeting)

The first action in the process of adopting local laws, requires a summary of the purpose and effect to be read aloud by the Deputy Mayor. The summary was read by the Deputy Mayor as follows:

“The purpose of this local law is to:

amend various clauses in the Parking, Private Property, Animals, Local Government and Public Property, Health and Bushfire Prevention and Control Local Laws to ensure information is current with prevailing legislation and better clarify the requirements of the local laws.

The effect of the Amendment Local Law 2001 is to:

provide local laws that are clear in their intent, support other legislation and meet the needs of the community and Council.”

SUMMARY

The purpose of this report is to outline various proposed amendments to the City’s local laws and to seek authorisation to commence the formal amendment process. The proposed amendments to several local laws have been suggested by staff to enhance their application and as a result of changes to the Road Traffic Code legislation.

This report also covers the first of two parts of the process to be followed in adopting the proposed amendments to existing local laws. The process is in accordance with section 3.12 of the Local Government Act 1995 (The Act). The first part involves:

- *reading aloud the purpose and intent of the proposed local law, at the meeting*
- *the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:*
 - (i) *the purpose and effect of the local law;*
 - (ii) *advice that copies of the proposed local law can be obtained from the local government; and*
 - (iii) *inviting submissions for six weeks after giving the notice.*

This process is outlined in greater detail in the detail section of this report.

BACKGROUND

Like any new legislation, application of the local laws by officers may identify the need for the local laws to be fine-tuned and amended. The local law review process encourages staff to identify difficulties in the administration of the local laws and highlight items that are considered appropriate for the needs of the community and the City.

In addition to staff involved in applying local laws and identifying changes needed, some of the local laws require amendment due to changes in prevailing legislation such as the new Road Traffic Code 2000. The Road Traffic Code 2000 was developed in an attempt to apply a nationally consistent approach to road rules throughout Australia's states and territories.

As a result of changes to any state and federal legislation, there is a need for local laws within local government to reflect such changes to remain consistent and ensure the local law is not invalid.

Signs Local Law

The City has been involved in discussions with the Joondalup Business Association and other interested bodies on amending the Signs Local Law and other controlling legislation to allow certain types of signs within streets and public places.

A detailed policy is currently being formulated in support of the District Planning Scheme No 2 and it is envisaged that the signs policy will require an amendment to the Signs Local Law.

However until the signs policy has been developed, it is not known what amendments will be necessary to the Signs Local Law and therefore the required amendments will be detailed in a Signs Amendment Local Law at a later time.

DETAILS

In each of the proposed amendments submitted for consideration, a short explanation, preceded by an asterisk, has been provided on the need or outcome of the amendment and its origin. The proposed amendments have been placed under the heading of the local law to which they refer.

Proposed amendments to local laws

PARKING LOCAL LAW 1998

Clause 6 Definitions

Insert the new definition:

“ACROD sticker” means a current parking sticker issued by ACROD Limited (Western Australian Division) a corporation, being a company limited by guarantee incorporated under the *Companies Ordinance 1962* of the Australian Capital Territory.

** Clarifies the meaning of ACROD sticker.*

Delete the existing definition of “cycle” and replace it with the following:

“cycle” means any wheeled vehicle that is designed to be propelled solely by human power but does not include a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

** Change required due the Road Traffic Code 2000.*

Delete the definition of “omnibus” and insert the following new definition:

“bus” means a motor vehicle built mainly to carry people, that seats over 12 adults (including the driver).

** Omnibus is no longer a term used in the Road Traffic Code 2000.*

Delete the existing definition of “emergency vehicle” and replace it with the following:

“emergency vehicle” means a motor vehicle-

- a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with official duty;
- b) of a fire brigade on official duty in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;

- c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- e) duly authorised as an emergency vehicle for the purpose of the Road Traffic Code 2000, by the Director General.

** Definition consistent with the Road Traffic Code 2000.*

Insert the following new definition:

“fire hydrant” means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of a fire or other emergency.

** Defines a fire hydrant for the purpose of drawing water for an emergency.*

Delete the definition of “stand” and insert the following new definition:

“stop” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or complying with the provisions of any law, and “stopping” and “stopped” have correlative meaning.

** Stand has been replaced with stop under Road Traffic Code 2000.*

Delete the existing definition of “motorcycle” and replace it with the following:

“motorcycle” means a motor vehicle designed to travel on two wheels and includes a motorcycle to which a side car is attached and a motor vehicle with three wheels that is ridden in the same way as a motor vehicle with two wheels but does not include any trailer.

** Motorcycle now includes a side car under Road Traffic Code 2000*

Delete the definition of “footway” and insert the following new definition:

“footpath” means an area that is open to the public that is designed for, or has one of its main uses, use by pedestrians.

** Commonly defined as a footpath rather than a footway.*

Delete the existing definition of “vehicle” and replace it with the following:

“vehicle” includes every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means and where the context permits, an animal being driven or ridden but does not include a wheeled toy or wheeled recreation device.

** Vehicle includes an animal that is driven or ridden such as a horse.*

Insert the following new definition:

“obstruct” means to hinder in passing and “obstruction” has correlative meaning.

** Clarify the meaning to obstruct or to cause an obstruction.*

Insert the following new definition:

“painted island” means an area of road surrounded by a line or lines (whether broken or continuous), which may be further identified by stripes marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including road within a dividing line.

** Change required due the Road Traffic Code 2000.*

Delete the existing definition of “median strip” and replace it with the following:

“median strip” means –

- a) any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions in parking stations; or
- b) any physical provision, other than lines, including a traffic island, designed to separate parked vehicles from vehicle movement areas.

** Change required due the Road Traffic Code 2000.*

Amend the definition of “sign” by inserting the word “, stopping” before the words “or movement of vehicles”.

**Indicates that signs also regulate the stopping as well as the parking or movements of vehicles.*

Delete the existing definition of “taxi” and replace it with the following:

“taxi” means a vehicle which is used for the purpose of stopping or plying for hire or otherwise for the carrying of passengers for reward but does not include a bus.

** Change required due the Road Traffic Code 2000.*

Delete the existing definition of “tow truck” and replace it with the following:

“tow truck” means a motor vehicle equipped with a crane or winch used or intended to be used for the lifting, salvaging, carrying or towing of vehicles and includes any motor vehicle to which is attached (temporarily or otherwise) a device or trailer which is used or intended to be used for the lifting, salvaging and carrying of any motor vehicle.

** Change required due the Road Traffic Code 2000.*

Delete the existing definition of “trailer” and replace it with the following:

“trailer” means any vehicle without a motor of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or a side-car.

** Change required due the Road Traffic Code 2000.*

Delete the existing definition of “verge” and replace it with the following:

“verge” means that portion of a road that lies between the nearest property line, and a carriageway designed or ordinarily used for vehicular traffic but does not include a footpath.

** Clarifies the intent of the local law is to allow parking on a verge but not on a footpath.*

Throughout the Parking Local Law:

Substitute the words “stand” and “standing” with the words “stop”, “stopped” and “stopping” as the context requires.

Substitute the words “omnibus” and “omnibuses” with the words “bus” and “buses”, as the context requires.

Substitute the word “footway” with the word “footpath”, as the context requires.

** Changes required due new terminology used in the Road Traffic Code 2000.*

Clause 34 Parking Contrary to Signs

Insert the following new sub clause 34(4):

“(4) Notwithstanding the provisions of sub clause 34(3), a driver may park a vehicle in a permissible parking stall or station for twice the length of time specified by a sign, provided that:

(a) the driver’s vehicle displays a current ACROD sticker; and

(b) a person with disabilities is either the driver or a passenger in the vehicle.”

** Allows a disabled person to park in a parking stall for twice the length that a sign indicates.*

Clause 36 Traffic Islands and Median Strips

Delete sub clause 36(c).

** Removes conflict between clauses. The Parking Local Law has other provisions that relate to parking on median strips and parking so as not to cause an obstruction.*

Insert (1) in front of the word “A” in line 1 and insert the word “or” after the semi colon at the end of sub clause (a).

Replace the semi colon at the end of sub clause (b) with a full stop and delete the word “or”.

** Restructures the clauses to read correctly.*

Add the following new sub clause:

“(2) A person shall not park a vehicle on any part of a road so that any portion of the vehicle is on a painted island.”

** Prevents the parking on a painted island but allows the stopping of vehicles.*

Clause 39 Parking Near a Fire hydrant and Post Box

Delete Sub-Clause 39(2) and insert the following new sub clause:

“(2) A person shall not stop or park a vehicle within 3 metres of a public post box, unless the vehicle is being used for the purpose of dropping off, or picking up passengers or mail.”

** Old clause did not allow persons to stop or park a vehicle to drop off mail or passengers near a post box.*

Clause 40 Intersections, Footways and Traffic Obstructions

Delete Sub Clause 40(a) and insert the following new Sub Clause 40(a):

“(a) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic control signals) intersecting that carriageway on the side on which the vehicle is stopped;”

** Distance has increased from 6 metres to 10 metres as per the Road Traffic Code 2000.*

Clause 41 Double Parking

Delete clause 41 and insert the following new clause 41:

“(1) A person shall not stop or park a vehicle so that any portion of a vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to a person who stops a vehicle in traffic or in parking a vehicle in a parking stall.”

** Change required for consistency with the Road Traffic Code 2000.*

Clause 43 Bus Stops, Pedestrian and Children’s Crossings

Amend Sub Clause 43(1) by deleting the numeral “9” and inserting the numerals “10”.

Amend Sub Clause 43(2) by deleting the numerals “18” and inserting the numerals “20”.

** Distances have increased under the Road Traffic Code 2000.*

Schedule 1 – Modified Penalties

Amend Clause 40(a) by deleting the numeral “6” and inserting the numerals “10”.

Amend Clause 43(1) by deleting the numeral “9” and inserting the numerals “10”.

Amend Clause 43(2) by deleting the numerals “18” and inserting the numerals “20”.

** Required due changes in relevant clauses.*

Insert the following clause and modified penalty:

“Clause 36(2) Parking on a painted island	\$40
---	------

** Indicates modified penalty for the parking on a painted island*

Amend the following clause numbers with the new modified penalty:

Clause 10 Parking in a metered/ticketed zone outside a parking stall	\$40
--	------

Clause 12(1)(b) Stopping or parking against an expired meter in a metered stall	\$40
---	------

Clause 13(2)(a) Parking during a prohibited period in a metered or ticket parking stall	\$40
---	------

Clause 13(3) Parking longer than the time allowed in a metered or ticket stall	\$40
--	------

Clause 14(a) Stopping or parking a vehicle with an expired ticket in a ticket zone	\$40
--	------

Clause 21(1)(a) Failing to display an unexpired parking ticket in a metered zone	\$40
--	------

Clause 23(1) Parking in a parking station not wholly within a parking stall	\$40
---	------

Clause 34(3) Parking on a road for more than the maximum period	\$40
---	------

Clause 35 Stopping or parking in an occupied parking stall	\$40
--	------

Clause 40(c) Stopping or parking in front of a right of way, driveway etc	\$60
---	------

Clause 41 Double parking	\$60
--------------------------	------

Clause 42(2) Parking on a street verge without consent	\$40
Clause 47(b) Vehicle for sale on road or verge	\$40
Clause 50 Drive, ride, park or stop a vehicle on a reserve or foreshore	\$60
All other offences not classified	\$40

** Modified penalties increase to reflect industry standards*

Schedule 2 Parking Stations

Delete “Schedule 2” from the local law.

** Schedule 2 is not required in the local law and a revised schedule will be submitted at a later date to Council for adoption in accordance with Clause 18 of the Parking Local Law.*

ANIMALS LOCAL LAW 1999

Clause 10 Dog Exercise Areas

Insert (1) in front of the word “All” in line 1 and add the following new sub clause:

“(2) A person may exercise a dog on the coastal dual use path that extends through the Foreshore Reserve 20561 and abutting reserves and road reserves, provided the dog remains under effective control on a leash at all times.”

** Reflects Council Resolution CJ240-07/01 to allow dogs to be exercised on the coastal dual use path provided they are on a leash at all times.*

Clause 14 Maximum number of Dogs

In clause 14 delete the words “and have planning approval under the town planning scheme” after the word “Act”.

** The town planning scheme has no relevance over granting an exemption under the Dog Act to keep more than 2 dogs on a premises or 6 dogs in a rural area. However planning approval is still applicable under clause 15 of the Animals Local Law relating to the establishment of dog kennels.*

Clause 26 Horse Exercise Area

Delete the words “shown delineated in black and stippled on Department of Land Administration Diagram 585,” in sub clause 26(6).

** Diagram no longer reflects the determined horse exercise area. A new “Diagram 2 – Horse Exercise Area” has been inserted in the third Schedule as a result of the amended boundaries.*

Clause 45 Keeping of Cats

Delete sub-clause 45(1) and insert the new sub clause 45(1):

“(1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.”

** Intent of the clause is to have a maximum of 3 cats per property and the amendment clarifies that the limit of adult cats to be allowed on a property is a maximum of 3.*

Second Schedule – Prohibited Dog Exercise Areas

Insert the word “Neil” in front of the word “Hawkins” in clause 1.

** Correct name of Reserve is Neil Hawkins Park.*

Insert the following line in clause 1:

“Tom Simpson Park, Mullaloo, being Reserve No 32074 and Lot 1 (5) Oceanside Promenade, Mullaloo.”

** Reserve is sign posted as a prohibited dog exercise area and amendment now clarifies that Tom Simpson Park is restricted to dogs.*

Delete clause 2 and insert the following new clause:

“2. Foreshore Reserve 20561, other than:

All that area of the Foreshore Reserve Swan Location 11918 (Reserve 20561) as shown delineated in black on Diagram 1 – Dog Exercise Area, from the constructed horse access path southwards for a distance of 650 metres as designated by signs.”

** The location of the signs at the beach do not reflect the indicated distances in the Animals Local Law or those in Council Report CJ240-07/01. To prevent the relocation of the northern and southern boundaries and therefore extending the existing area, the distances in the report have been amended from 700m to 650m for the dog exercise area and 200m to 160m for the horse exercise area. This has extended the dog exercise area by 150m and reduced the horse exercise area by 150m, therefore retaining the existing length of area and in keeping with the intent of Report CJ240-07/01. Diagrams 1 and 2 in the Second Schedule and the Third Schedule reflect the amended distances.*

Delete “Department of Land Administration Miscellaneous Diagram 586” map and replace it with “Diagram 1 – Dog Exercise Area” to the Second Schedule.

** Diagram no longer reflects the determined dog exercise area. A new “Diagram 1 – Dog Exercise Area” has been inserted in the Second Schedule as a result of the amended boundaries.*

Third Schedule – Horse Exercise Area, Restricted Dog Exercise Area

Delete the clause and insert the following:

“All that area of the Foreshore Reserve Swan Location 11918 (Reserve 20561) as shown delineated in black on Diagram 2 – Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.”

** The location of the signs at the beach do not reflect the indicated distances in the Animals Local Law or those in Council Report CJ240-07/01. To prevent the relocation of the northern and southern boundaries and therefore extending the existing area, the distances in the report have been amended from 700m to 650m for the dog exercise area and 200m to 160m for the horse exercise area. This has extended the dog exercise area by 150m and reduced the horse exercise area by 150m, therefore retaining the existing length of area and in keeping with the intent of Report CJ240-07/01. Diagrams 1 and 2 in the Second Schedule and the Third Schedule reflect the amended distances.*

Delete “Department of Land Administration Miscellaneous Diagram 585” map and replace it with “Diagram 2 – Horse Exercise Area” to the Third Schedule.

** Diagram no longer reflects the determined horse exercise area. A new “Diagram 2 – Horse Exercise Area” has been inserted in the third Schedule as a result of the amended boundaries.*

HEALTH LOCAL LAW 1999

Part 3 – Housing and General

Insert the following new clause:

“3.7 Swimming Pools

The owner or occupier of a premises where there is a swimming pool shall ensure that backwash or other water emptied from the pool does not discharge onto any other property unless approved by an Environmental Health Officer.”

** The requirement is necessary to prevent damage and/ or contamination to other property.*

Part 6 – Pest Control

Delete sub clause 6.4(1)(d) and replace it with the new sub clause:

“(d) Pour a minimum of 1 litre of paraffin oil or kerosene into the pool to maintain a thin visible film over the entire water surface.”

** To clarify the minimum treatment required to prevent the breeding of mosquitoes.*

PRIVATE PROPERTY LOCAL LAW 1998**Clause 6 Definitions**

Insert the following new definition:

“sand” means any granular material consisting of small eroded fragments of rock finer than gravel and includes dust and organic matter.

** Provides supporting definition for new Part 10 of the local law.*

Renumbering of Clauses and Parts

Renumber clauses “39” through to “45” inclusive to new clause numbers “40” through to “46” inclusive throughout the local law including schedules.

Renumber “Part 10” and “Part 11” of the local law to read “Part 11” and “Part 12” respectively.

** Allows for new part to be inserted.*

New Part

Insert the following new Part:

“Part 10 – SAND DRIFT PREVENTION AND ABATEMENT**Sand Drifts from Private Property**

- 39(1) A person shall not allow sand to be released or to drift from private property, whether by wind, water or any other means so as to cause a nuisance.
- (2) Where an authorised person is of the opinion that a person allows sand to be released or to drift from private property so as to cause a nuisance, the local government may issue a notice to the person to take specified measures for preventing or minimising sand drift from the property.”

**Allows the City to control the drifting of sand from private property to other property. The amendment supports the powers of Schedule 3.1 of the Local Government Act to minimise sand drifts from private property.*

Fourth Schedule Offences and Modified Penalties

Insert the following clause and modified penalty:

“Part 10 – Sand Drift Prevention and Abatement

Clause 39(1) Allowing sand to be released or to drift from private property \$100”

**Allows infringement provisions for causing sand to drift from private property.*

LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW 1999**Clause 6 Definitions**

Insert the following definition:

“obstruct” means to hinder in passing and “obstruction” has correlative meaning.

** Clarify the meaning to obstruct or to cause an obstruction*

Clause 40 Sandboarding and sand dune protection

Delete sub clause 40(d) and insert the new sub clause:

“(d) unless authorised to do so by the local government, or otherwise permitted by a sign, drive or take a vehicle of any kind onto a beach or sand dunes.”

** Reflects Council resolution CJ267-08/01 to authorise persons to access a beach such as the Whitfords Bay Sailing Club at Pinnaroo Point.*

First Schedule Offences and modified Penalties

Delete Item 37 and replace it with the following:

“40(d) Drive or take a vehicle onto any beach or sand dunes:

(i)	in the case of a first such offence	\$100
(ii)	in the case of a second such offence	\$250
(iii)	in the case of a third or subsequent such offence	\$500”

** The issue of a graduated system of infringements for vehicles accessing the beach was resolved by Council resolution CJ267-08/01. The maximum penalty that may be imposed by issue of an infringement is limited under Section 9.17(3) of the Local Government Act 1995 to 10% of the maximum where none is specified. This is currently \$5000 in accordance with Section 9.14 of the Act and therefore the maximum infringement value for the offence is therefore \$500. An infringement of \$1000 would be inconsistent with the Act and invalid.*

BUSHFIRE PREVENTION AND CONTROL LOCAL LAW 1998**Clause 5 Definitions**

Delete the existing definition of “firebreak period” and replace it with the following:

“firebreak period” means the period of time between the 31st day of October in any year until the 31st day of May inclusive in the following year.

** Firebreak period has been extended by Fire and Emergency Services of Australia (FESA)*

Local Law Making Procedure

The procedure to amend a local law is the same as that required making a local law.

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ 3.12
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
 - (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

The proposed amendments to the City’s local laws represent a further fine tuning in keeping with a commitment to keep the City’s local laws current with existing legislation and community expectations.

It is recommended that the proposed local law (Attachment 1) be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

MOVED Cr Rowlands, SECONDED Cr Walker that Council, in accordance with Section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed Local Law, “City of Joondalup Amendment Local Law 2001”, in order to seek public comment.

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf250901.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT
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**CJ320-09/01 SCHEDULE OF DOCUMENTS EXECUTED BY
MEANS OF AFFIXING THE COMMON SEAL -
[15876]**

WARD - All

CJ010918_BRF.DOC:ITEM 3

SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 17.08.01 to 07.09.01:

Document:	Agreement
Parties:	City of Joondalup
Description:	Authority from Commissioner of Main Roads to use traffic signs and devices to manage traffic
Date:	17.08.01
Document:	Agreement
Parties:	City of Joondalup and Sizzler Australia Pty Ltd
Description:	Withdrawal of Caveat – Land Transfer of Lease – Lot 1 (46) Gwendoline Drive, Beldon
Date:	24.08.01
Document:	Agreement
Parties:	City of Joondalup
Description:	Land Transfer – Notification 70A – Development Approval DA01/0282
Date:	24.08.01

Document: Contract
Parties: City of Joondalup and B Cannon
Description: Deed of Settlement and Release – B Cannon, Insurance Claim
Date: 27.08.01

Document: Copyright
Parties: City of Joondalup and City of Wanneroo
Description: Recording of Historical Importance – J McQuade
Date: 28.08.01

Document: Agreement
Parties: City of Joondalup, WA Sports Centre and Lake Joondalup Baptist College
Description: Grants of Easement – New Lots 101 & 102 Kennedy Drive, Joondalup
Date: 7.09.01

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

The Motion was Put and

CARRIED

CJ321-09/01 MINUTES OF HOUSE COMMITTEE MEETING – 22 AUGUST 2001 - [59064]

WARD - All

CJ010918_BRF.DOC:ITEM 4

SUMMARY

A meeting of the House Committee was held on 22 August 2001 and the unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

BACKGROUND

The unconfirmed minutes of the House Committee meeting held on 22 August 2001 are included as Attachment 1.

At the meeting the following matters were discussed:

- Council Lounge Alterations
- Corporate gifts
- Hospitality functions
- Plans for Christmas 2001
- Resignation of Cr T Barnett

MOVED Cr Walker, SECONDED Cr Kimber that:

1 the unconfirmed minutes of the House Committee meeting held on 22 August 2001, forming Attachment 1 to Report CJ321-09/01 be NOTED;

2 Council ACCEPTS the resignation of Cr Barnett from the House Committee.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf250901.pdf](#)

**CJ322-09/01 MINUTES OF THE OCEAN REEF DEVELOPMENT
COMMITTEE MEETING - 29 AUGUST 2001 - [04171]**

WARD - Marina

CJ010918_BRF.DOC:ITEM 5

SUMMARY

The Ocean Reef Development Committee held its inaugural meeting on 29 August 2001. The unconfirmed Minutes of this meeting are submitted for the Council's noting.

BACKGROUND

At the 10 July 2001 Council Meeting, the Council resolved to:

- 1. Establish an Ocean Reef Development Committee for the purpose of examining developing options, preparing proposals and making recommendations concerning the development of the project;*
- 2. Nominate the Mayor, Marina Ward Elected Members and one Elected Member from each of the remaining Wards, with the co-ward Elected Member from each remaining Ward as deputy and authorise the Chief Executive Officer to nominate appropriate Council officers to the Committee.*

The inaugural meeting of the Ocean Reef Development Committee was held on 29 August 2001.

DETAILS

Cr C Baker was elected Chairperson unopposed, and Cr Kimber was elected Deputy Chairperson unopposed. The Terms of Reference for the Committee were also agreed upon. A number of Information Reports on Lot 1029 Ocean Reef were noted at the Meeting.

Mr Lou D'Alessandro, a former Executive Director of Landstart and now with Dalcorp Holdings, briefed the Committee on issues to be considered in the development of such a project.

The Minutes of the Ocean Reef Development Committee held on 29 August 2001 are included as Attachment A.

MOVED Cr Baker, SECONDED Cr Kenworthy that Council NOTES the unconfirmed Minutes and the revised Terms of Reference of the Ocean Reef Development Committee held on 29 August 2001 forming Attachment A to Report CJ322-09/01.

The Motion was Put and

CARRIED

Appendices 4 and 4(a) refer

*To access this attachment on electronic document, click here: [Attach4brf250901.pdf](#)
[Attach4abrf250901.pdf](#)*

**CJ323-09/01 MINUTES JOONDALUP FESTIVAL AND SUMMER
EVENTS COMMITTEE - [05019]**

WARD - All

CJ010918_BRF.DOC:ITEM 6

SUMMARY

A meeting of the Joondalup Festival and Summer Events Committee was held on 15 August 2001 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 15 August 2001 are included as Attachment 1.

MOVED Cr Kadak, SECONDED Cr Mackintosh that Council NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 15 August 2001 forming Attachment 1 to Report CJ323-09/01.

The Motion was Put and

CARRIED

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf250901.pdf](#)

**CJ325-09/01 PROPOSED JOONDALUP REGIONAL
PERFORMING ARTS FACILITY - [14977]****WARD - All**

CJ010918_GRN.DOC:ITEM 4

SUMMARY

In December 1999, the City commissioned consultants Australian Pacific Projects to undertake a keynote study designed to inform Council of the feasibility of constructing Performing Arts facilities in Joondalup. The study was completed in March 2001 and informs Council of the demand for, and likely usage of, the facilities. The study also identified how the proposed facilities would best be constructed, managed and utilised to meet the community's needs.

The study identified very high potential usage of the facilities by schools, local community groups, major regional tertiary training institutions and professional arts organisations. Based on the consultants' research and consultations they believe there is an indisputable need for significant Performing Arts facilities to be established within Perth's North West Corridor and that Joondalup CBD is the most appropriate location. Recommendations from the study suggested a two-stage development should be adopted, Stage One costing approximately \$28 million and Stage Two costing approximately \$20 million.

It is proposed that a Committee is formed to investigate funding, development options, prepare proposals and make recommendations for the establishment of the Joondalup Regional Performing Arts Complex.

BACKGROUND**Strategic Plan**

The City's Strategic Plan recognizes the importance of Lifestyle and recognizes the part that cultural development plays an important part in enabling Joondalup to become a viable alternative to Perth CBD. The Performing Arts theatre will encourage and promote events and activities which create a dynamic image and bring vitality to the City Centre. The fulfillment of the facility will contribute to the broader economic vitality and community development objectives of the City.

Research

Considerable research has been conducted in preparation of this facility to ensure that it is well planned and if constructed would meet the needs of the local community. Research has been conducted at regular intervals and includes the following:

Joondalup – a Cultural Plan

In 1992, the Institute for Cultural Policy Studies, Griffith University was commissioned by the City and LandCorp to develop a Cultural Plan for Joondalup. The resulting document contained a blue print for cultural facilities that would be central to the vitality, viability and development of Joondalup.

The facilities proposed included:

Civic Centre; (completed)
Museum Art Gallery;
Library and Community Cultural Resource Centre; (Library completed)
Dance Drama Centre;
Youth Entertainment Venue ;
Concert Hall.

Joondalup Civic and Cultural Facility Master Plan

In 1994, Consultants Hames Sharley were subsequently commissioned to develop a master plan for the proposed complex that would realise the creation of facilities that:

- *contribute to the quality and life of the City and region in the realms of social, economic and cultural life;*
- *establish Joondalup as a major metropolitan centre for arts and cultural activity in terms of reputation and market share;*
- *are of a very high quality in comparison with other metropolitan regional facilities which can provide for a wide variety of uses over time;*
- *are efficiently managed and operated through a policy that encourages local usage alongside touring shows and exhibitions; and*
- *minimizes, as far as possible, the ongoing deficit funding of recurrent and operational expenditure.*

The master plan reviewed the proposed facilities in terms of scope and size, estimated demand and usage levels and the positioning of the various facilities on the site surrounding the City's Administration Centre.

Hames Sharley found that in relation to the Performing Arts Venue:

- *it could be expected in the long term it would attract audience participation levels similar to capital cities, due to the nature of the population base and the size and nature of the proposed facilities;*

- *that in 2001 there would be an audience of 376,000 persons who would attend the Performing Arts Venue;*
- *the building itself should consist of a flexible 1,000 set multipurpose venue with adjacent foyer and rehearsal spaces which can convert to separate function and exhibition areas;*
- *it should also provide a commercial kitchen capable of providing a banquet quality menu to the functions; and*
- *it should be supported with a flat floor 300 - 400 seat (dance / drama) venue.*

Feasibility Study for the Establishment of a Regional Performing Arts Centre in Joondalup

The Performing Arts Reference Group, which was established in 1998, recommended that in order to progress the City's proposals it would be appropriate to conduct a feasibility study in order to assess the level of demand for the facility, consult with interested groups and individuals and obtain necessary information for its construction and management.

In December 1999, following a public tender, Australian Pacific Projects were commissioned to conduct a feasibility study in relation to the proposed Performing Arts facility in Joondalup. The brief for the study was as follows:

". . . to establish how the proposed Joondalup Performing Arts Centre is to be utilised and how it will operate in order to inform the necessary decisions by the Council about its construction and management. This will entail demographic and financial analysis, consultation with the community and professional organisations, educational institutions and employment and training providers, as well as other significant stakeholders within the region to help determine the technical, spatial, financial management requirements to be addressed in the development of the complex."

Performing Arts Reference Group

Following a meeting of stakeholders in October 1998, which met to discuss the proposed Performing Arts Centre, it was agreed to form a reference group with representatives from key organisations with an interest in the Performing Arts. Organisations that have participated on this group are as follows:

- West Australia Academy of Performing Arts, Edith Cowan University;
- Edith Cowan University;
- West Coast College of Technical and Further Education;
- Ministry of the Premier and Cabinet;
- Education Department of Western Australia;
- Ministry for Culture and Arts;
- Joondalup Joblink; and
- Woodvale Senior High School Parent and Citizens Association.

This group has met as required to review the progress of the feasibility study being conducted by Australian Pacific Projects.

Public Meeting - 22 August 2001

A public meeting was held on 22 August 2001, to present the findings of the Feasibility Study for the establishment of Performing Arts Facilities in Joondalup, to community and professional groups which had participated in the study. The meeting was well attended with approximately 50 people in attendance. The presentation was well received and generated some debate on whether Council should proceed with this project. Concerns were expressed at the capital costs for the proposed facility and the operating costs that would have to be met by Council.

The meeting recommended to Council that it should proceed with the development of the proposed Performing Arts facilities. It should be noted that this recommendation is not binding on Council.

The Performing Arts Reference Group has also considered the findings of the Performing Arts Feasibility Study and has recommended to Council that the Feasibility Study for the Establishment of a Regional Performing Arts Centre at Joondalup should be received and endorsed.

DETAILS

APP Report

In December 1999, the City commissioned consultants Australian Pacific Projects to undertake a keynote study designed to inform Council of the feasibility of constructing Performing Arts facilities in Joondalup.

The study was completed in March 2001 and informed Council of the demand for and likely usage of the facilities together with how the proposed facilities would best be constructed, managed and utilised to meet the identified needs. The consultancy was conducted in three parts:

Data Acquisition;
Development of the Core Concept;
Final recommendations.

Part One: Data Acquisition

The initial data acquisition phase of the consultancy collected informative data on which to base future decisions relating to the construction and management of facilities. Data Acquisition studied four key areas of data collection and analysis:

- the City's cultural objectives;
- the demography of the community/catchment;
- the main stakeholders' and funders' objectives;
- the community needs.

Key Findings of Part One: Data Acquisition

Data Acquisition research established that:

- there is demonstrated demand within the local community for quality performing arts facilities;
- there is a strong demographic argument for the provision of quality Performing Arts facilities within the region;
- there is strong support on the part of the community and other stakeholders for the concept of a centrally-located performing arts centre containing a range of venues and facilities;
- there is significant and immediate demand on the part of Performing Arts groups and organisations within the region for quality facilities in which to develop and present their work to local audiences;
- there is a demonstrated interest on the part of the community's young people (particularly 10-17 year olds) in being able to participate more actively in the Performing Arts, both in and out of school;
- there is significant interest on the part of Perth's professional Performing Arts companies and festival organisations in attracting and developing audiences within the region through the local presentation of performances and events in quality venues; and
- there is demonstrated 'in principle' interest on the part of the education and vocational training sector in accessing quality new facilities for the delivery of training programs.

Recommendations from Data Acquisition

On the basis of the extent and nature of the demonstrated demand on the part of community-based and other stakeholders, the consultants recommended that the City of Joondalup consider a centrally-located, fully-integrated complex containing:

- a 300-400 seat dance/drama theatre (with an adaptable stage and flexible auditorium fitted with retractable seating to allow the venue to be used in flat-floor mode);
- a 1,000-seat 'community auditorium' (combining concert hall and lyric theatre functions, with fixed raked seating);
- individual rehearsal studios for dance, drama and music;
- a state-of-the-art music recording studio with a digital recording and editing suite;
- a set construction and properties workshop facility;
- a wardrobe facility for costume making, maintenance and storage;

- a suite of offices to house the Centre’s administration, including offices for permanent and/or visiting companies; and,
- a ‘green room’ for performers.
- In its entirety, it was also recommended that the Centre serve as a ‘Performing Arts Laboratory’ (PAL) through which the region’s young people can develop their interests and skills within the performing arts.

Part Two: Development of the Core Concept

The Data collected in Part One of the consultancy supplied the background information required for the consultants to proceed with Part Two, Development of the Core Concept. Specifically, ‘Development of the Core Concept’ involved:

- the preparation of vision, mission and policy statements for the proposed Centre, including policy statements in relation to programming;
- the preparation of a draft sample program illustrating how the proposed facilities will meet the demonstrated needs, including those related to community outreach and youth education and training;
- identification and confirmation of the physical needs of the Centre, as well as its needs in terms of management structure and staffing levels;
- development of an income and expenditure budget based on the draft program and staffing structure;
- identification of capital and revenue funding strategies; and,
- exploration of site options and planning implications.

Key findings and Recommendations of Development of the Core Concept

Development of the Core Concept established that:

- the Centre, as envisaged, has the potential to attract and sustain a year-round program of performances, special events and educational activities.
- the proposed 1,000-seat concert hall/lyric theatre is likely to be too small to adequately serve the needs of many of the schools within the region, as well as the needs of commercial presenters. The capacity of this proposed venue has been increased to around 1,500 seats.
- The proposed dance/drama theatre of 300-400 seats is also likely to be too small if it is to have the requisite degree of versatility and economic viability for a wide range of presenters. The capacity of this proposed venue has been increased to around 500 seats.

- In addition to the 1,500 and 500-seat venues, a smaller studio venue seating up to 100 is also needed, particularly for more experimental works presented by festivals such as Artrage and the WA Fringe Festival, as well as for performances developed by young people through the Performing Arts Laboratory.
- The preferred site for the Centre is on Boas Avenue (between Central Walk and Davidson Terrace), making it a core component of the City's civic precinct.
- A concept design by architects Jones Coulter Young was used as the basis for Ralph Beattie Bosworth's indicative cost estimates, this being a total sum of \$46 million. This cost estimate is comparable with similar recently constructed Performing Arts centres elsewhere in Australia and overseas. The Mandurah Performing Arts Centre, being only half the scale of the proposed Joondalup Centre (with 1,000 seats compared with 2,100) cost \$23 million in 1997-98. This was an average cost per seat of \$23,000. The average cost per seat for Joondalup would be in the vicinity of \$22,000.
- A management model involving an arm's length relationship with the City of Joondalup is recommended, with the Centre's General Manager reporting to an independent Board of Management, with the Board in turn reporting to the City of Joondalup. The Board of Management would need to be in place at least two years prior to the Centre's opening. An alternative would be the complete out-sourcing of the Centre's entire operations to a commercial management company.
- On the basis of the scale and nature of the draft sample program, the Centre will require a full-time staff of up to 12, with up to 15 additional part-time and casual staff.
- A City of Joondalup's key partner in the development of the proposed Centre will be the Government of Western Australia. This study presents a compelling demographic and social argument for residents of Perth's North West Corridor to have access to significant regional Performing Arts facilities, thus redressing a long-standing and ever-developing need.
- A strong community-based 'Friends of the Joondalup Performing Arts Centre' will need to be established to fund-raise on behalf of the Centre, both for its construction and on-going operational costs. The establishment of a Joondalup Performing Arts Centre Foundation is recommended.
- The Centre's youth-focussed education and training program will be attractive to a range of State and Federal agencies, with the potential for the operation of the Performing Arts Laboratory program to be cost neutral within several years.

Capital Cost

Capital costs of the proposed facilities are split into two stages in order to make the project more feasible. Based on indicative cost estimates by Ralph Beattie Bosworth the Performing Arts facilities require the following capital injections:

Stage 1 - 500 Seat Theatre, 100 Seat Drama Studios, Ancillary Areas

	\$	\$
Car Parking, Plant Rooms, etc.	4,380,000	
500 Seat Theatre	13,780,500	
External Works/Studios/Admin/Rehearsal/Recording	4,228,000	
Contingency	<u>1,111,500</u>	
Current Building Cost		23,500,000
Theatre Equipment		600,000
Loose Furniture & Furnishings		900,000
Design Fees (10%)		<u>2,500,000</u>
TOTAL @ OCTOBER 2000 COST LEVELS		<u>\$27,500,000</u>

Stage 2 – 1,500 Seat Theatre

	\$	\$
1,500 Seat Theatre	12,856,000	
External Works	300,000	
Contingency	<u>644,000</u>	
Current Building Cost		13,800,000
Theatre Equipment, Stage Lift & Moveable Seating		2,500,000
Loose Furniture & Furnishings		500,000
Design Fees (10%)		<u>1,700,000</u>
TOTAL @ OCTOBER 2000 COST LEVELS		<u>\$18,500,000</u>

TOTAL COST**\$46,000,000**Note:

Costs are based on preliminary drawings and are INDICATIVE only.

Operating Cost

Income and expenditure projections have been based on a draft sample program and on indicative costs related to staffing and operational overheads. Generally, whether 'best case' or 'worse case' scenarios, the projections show a decreasing level of annual subsidy on the part of the City. The operating cost projections are presented assuming that Stage 2 of the facilities is built four years after Stage 1. The projected operating costs show a drop in deficit funding from the time Stage 2 of the facilities becomes operational.

Stage 1 - 500 Seat Theatre, 100 Seat Drama Studios, Ancillary Areas

Year 1	Estimated Operating Deficit \$347,000
Year 2	Estimated Operating Deficit \$335,000
Year 3	Estimated Operating Deficit \$323,000
Year 4	Estimated Operating Deficit \$310,000

Stage 2 - 1500 Seat Theatre becomes operational

Year 5	Estimated Operating Deficit \$229,000
Year 6	Estimated Operating Deficit \$208,000
Year 7	Estimated Operating Deficit \$190,000
Year 8	Estimated Operating Deficit \$171,000

Part Three: Final Recommendations

1. That the project fundamentals established within the Part One and Part Two Reports are adopted as the appropriate framework for the provision of a Regional Performing Arts Centre at Joondalup.
2. That a Design Brief be developed for the staged development of the Regional Performing Arts Centre in accordance with the facilities defined in the Stage Two Report.
3. That concurrent with the development of a Design Brief, a formal funding strategy be developed to secure funding for the project. The strategy be founded in a formal commitment to the project from the City of Joondalup, and involve an exhaustive investigation of potential partnerships with organisations in both the public and private sectors.
4. That an independent Regional Performing Arts Centre Development Committee is established to oversee the fund raising, planning and development of the Centre. Ideally, this should comprise members of the community and other key stakeholders, and be at arm's length from the City of Joondalup, but serviced and supported by the City. Its Chair should be a high profile member of the community with a significant interest in the Arts.

The APP feasibility study is generally in line with previous studies, and underscores the significant demand for Regional Performing Arts facilities to be located in Joondalup.

Land Allocation

In 1995, the Minister for Land allocated two Lots for Civic and Cultural purposes. The Lots abut the Joondalup Administration Centre Lot and Davidson Terrace, and total 2.3086 ha in area. This combined with the Administration Centre site makes a total of 3.4433 ha of which a significant part can be used for the Performing Arts facility.

Trip to Mandurah and Bunbury Performing Arts Theatres

On 18 August 2001, a number of Councillors and staff visited the Mandurah and Bunbury Performing Arts Theatres. The Managers of both centres provided information about their centres including the issues, financial matters and management arrangements, and highlighted the community benefits the theatres had provided. These included:

- Community involvement;
- Volunteerism;
- Community support and ownership;

- Community development;
- Economic benefits;
- Training and learning opportunities;
- Partnerships;
- Interest in the Arts;
- Cultural attractions.

Establishment of a Performing Arts Committee

In May 2001, at Council's meeting to establish committees, it was proposed to establish the Joondalup Regional Performing Arts Complex Steering Committee. However, the Council decided not to establish a Performing Arts Complex Steering Committee (Item JSC11-05/11 refers) noting that should the need arise the committee could be established at a later date.

During the budget process it was requested that a report be submitted regarding the establishment of a Performing Arts Committee.

It is proposed that the committee be established and comprise of the Mayor, a Councillor representative from each ward and ward deputies. Its purpose should be:

"for the purpose of investigating and developing funding options, preparing proposals and making recommendations for the development of the Joondalup Regional Performing Arts Complex".

A draft of the Terms of Reference is attached (see Attachment A).

COMMENT/FUNDING

The critical success factor for the Performing Arts facility is the commitment of funds to the project. The State Government is expected to be a key partner. To enable the State Government to formally consider the City's proposals it is suggested that:

- the City endorses in principle the construction of a Regional Performing Arts facility in Joondalup subject to appropriate funding arrangements;
- the City advises the Ministry for Culture and the Arts of the APP findings and advises it will make a formal submission for capital funding from the State Government.

Reserve Funds

In 2000/2001, Council allocated \$1 million into the Performing Arts facility established reserve fund. In 2001/2002, Council allocated a further \$1 million in the reserve fund.

Funding Options

There are a number of funding sources and options that need to be explored. These include:

- Federal Government;
- State Government;
- Other Local Governments in the region;

Asset sales;
Income from the development of Lot 17;
Partnerships with the private sector.

The Performing Arts Committee should be charged with developing funding options for Council's consideration.

Visit by the Minister for Arts

For some months there have been presentations to Ministers, Politicians, Departmental officers and others, promoting the project. In August 2001, the Mayor and Chief Executive Officer, met with the Minister for Culture and the Arts, Hon Sheila McHale.

The Minister is to visit the City in October 2001. The purpose of the visit includes the opportunity to see the proposed site, provides the opportunity to meet stakeholders and to discuss issues relating to the project.

MOVED Cr Kadak, SECONDED Cr Walker that Council:

- 1 ACCEPTS the Feasibility Study for the establishment of Performing Arts facilities within the City of Joondalup prepared by Australian Pacific Projects (APP Projects);**
- 2 COMMITS IN PRINCIPLE to the establishment of a Performing Arts Facility subject to the identification of suitable funding;**
- 3 FORMALLY ADVISES the Ministry for Culture and the Arts of the Feasibility Study findings and advises it wishes to enter into negotiations for capital funding with a view of making a formal submission to the State and Federal Governments for capital funding;**
- 4 ESTABLISHES a Joondalup Regional Performing Arts Facility Steering Committee for the purpose of developing funding options, prepare proposals and make recommendations for the development of the Regional Performing Arts Facility to be located in Joondalup;**
- 5 APPOINTS the Mayor, a Councillor representative from each ward and ward Deputies to the Committee as detailed in (4) above.**

Discussion ensued.

AMENDMENT MOVED Cr Kadak, SECONDED Cr Baker that Point 5 be amended to read as follows:

- “5 APPOINTS the Mayor, two Lakeside Ward Councillors and a Councillor representative from each remaining ward and ward Deputies to the Committee as detailed in (4) above.”**

The Amendment was Put and

CARRIED

The Original Motion, as amended, BEING:**That Council:**

- 1 ACCEPTS the Feasibility Study for the establishment of Performing Arts facilities within the City of Joondalup prepared by Australian Pacific Projects (APP Projects);**
- 2 COMMITS IN PRINCIPLE to the establishment of a Performing Arts Facility subject to the identification of suitable funding;**
- 3 FORMALLY ADVISES the Ministry for Culture and the Arts of the Feasibility Study findings and advises it wishes to enter into negotiations for capital funding with a view of making a formal submission to the State and Federal Governments for capital funding;**
- 4 ESTABLISHES a Joondalup Regional Performing Arts Facility Steering Committee for the purpose of developing funding options, prepare proposals and make recommendations for the development of the Regional Performing Arts Facility to be located in Joondalup;**
- 5 APPOINTS the following members to the Joondalup Regional Performing Arts Facility Steering Committee as detailed in (4) above:**

<u>Ward</u>	<u>Delegate</u>	<u>Deputy</u>
	Mayor J Bombak	-
Lakeside	Cr P Kadak	-
Lakeside	Cr P Kimber	-
Marina	Cr D Carlos	Cr C Baker
North Coastal	Cr J Hollywood	Cr A Nixon
Pinnaroo	Cr A Walker	Cr P Rowlands
South	Cr T Barnett	Cr M O'Brien
South Coastal	Cr A Patterson	Cr G Kenworthy
Whitfords	Cr J Hurst	Cr C Mackintosh

Cr Rowlands advised as part of the next Council election process, he would request that the issue of a Performing Arts Centre be determined by referendum.

was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn250901.pdf](#)

CJ326-09/01 **WARRANT OF PAYMENTS FOR THE PERIOD ENDING 31 AUGUST 2001 - [09882]**

WARD - All

CJ010918_BRF.DOC:ITEM 8

SUMMARY

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

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	033619-034269	4,308,177.94
Municipal	000276-000279	9,665,412.03
Trust	000020-000020	16,853.19
	TOTAL	\$ 13,990,443.16

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments 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 August 2001, the amount was \$653,481.27.

The cheque register is appended as Attachment A.

CERTIFICATE OF THE ACTING DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,990,443.16 which is to be submitted to each Councillor on 28 August 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

A SCOTT
Acting Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,990,443.16 submitted to Council on 28 August 2001 is recommended for payment.

.....
 Mayor John Bombak

MOVED Cr Kadak, SECONDED Cr Mackintosh that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 August 2001, certified by the Mayor and Acting Director of Resource Management and totalling \$13,990,443.16.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	033619-034269	4,308,177.94
Municipal	000276-000279	9,665,412.03
Trust	000020-000020	16,853.19
	TOTAL \$	13,990,443.16

The Motion was Put and

CARRIED

Appendices 7 and 7(a) refer

To access this attachment on electronic document, click here: [Attach7brf250901.pdf](#)
[Attach7abrf250901.pdf](#)

**CJ327-09/01 WARRANT OF PAYMENTS - BUSINESS
 INFORMATION–AUGUST 2001 - [37863]**

WARD - All

CJ010918_BRF.DOC:ITEM 9

SUMMARY

At its June 2001 meeting Council resolved that a report be provided detailing monthly expenditure categorised by location of the supplier.

This report details the expenditure for the month of August 2001. It indicates that during August the City paid in excess of 70% of its 'discretionary' expenditure to businesses located within the Joondalup / Wanneroo region.

BACKGROUND

At its meeting on 12 June 2001 Council sought a monthly report showing payments made within the City of Joondalup or the City of Wanneroo:-

"MOVED Cr Baker, SECONDED Cr Kimber that the monthly report to Council concerning Warrant of Payments for the relevant month include:

- 1 a summary of the total payments to businesses for goods and services purchased by the City of Joondalup;*
- 2 a summary of the said total payments to businesses located in the City of Joondalup;*
- 3 a summary of the said total payments to businesses located in the City of Wanneroo."*

DETAILS

All payments made by the City during August 2001 are shown on Attachment 1. This report shows all items shown in the August 2001 Warrant of Payments except for two cancelled cheques which relate to April 2001 and July 2001, which amounted to \$481.45.

The payments have been dissected into the following categories:

- **Joondalup** - Supplier payments made to businesses located within the City of Joondalup.
- **Wanneroo** - Supplier payments made to businesses located within the City of Wanneroo.
- **Outside J/W**- Supplier payments made to businesses located outside the Cities of Joondalup and Wanneroo.
- **Mandatory** – Payments made to providers where the City has no discretion on supplier, ie Western Power.
- **Contracts** - Payments made to suppliers where Council has a contractual obligation, and are outside the Cities of Joondalup and Wanneroo.
- **Consulting** – Payments to consultants not within the Cities of Joondalup and Wanneroo.
- **Non-Supplier** – All payments other than supplier payments (ie Payroll, Councillor payments etc).

Expenditures within the 'Joondalup' and 'Wanneroo' categories comprise both contractual and discretionary expenditure. The 'Outside J/W' category comprises only discretionary expenditure. Suppliers with whom the City has contracts (other than those located within the Cities of Joondalup and Wanneroo) are shown under the 'Contracts' category.

COMMENT/FUNDING

The analysis at Attachment 1 for the month of August indicates that 77% of discretionary expenditure was within the Joondalup/Wanneroo Region. 23% was paid to businesses outside the Joondalup/Wanneroo region:-

Joondalup	14%	\$122,950
Wanneroo	63%	\$560,961
Regional Total	77%	\$683,911
Other	23%	\$203,456

A further \$594,815 paid in August was made to 'mandatory' or sole supplier organisations, ie Western Power, Alinta Gas etc. Further payments totalling \$2,014,092 were made for 'non supplier' organisations, ie payroll. In this category there are minor payments to Real Estate Agents and property owners for rate refunds, albeit that they reside within the City.

MOVED Cr Baker, SECONDED Cr Kimber that Council NOTES the Warrant of Payments – Business Information Report - August 2001.

To a query by Cr Baker in relation to the City's Buy Local Policy, Acting Chief Executive Officer advised discussions have now been completed, with a report being prepared for submission to the next meeting of Council.

The Motion was Put and

CARRIED

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf250901.pdf](#)

CJ328-09/01 FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2001 - [07882]

WARD - All

CJ010918_BRF.DOC:ITEM 10

SUMMARY

The financial report for the two month period ending 31 August 2001 is appended as Attachment A.

The August 2001 report is the first report for the 2001/2002 financial year. The report shows a variance of **\$0.8m** when compared to the Adopted Budget for the year to date. This variance can be analyzed as follows:

- The Operating position shows a variance of **\$0.6m** to budget at the end of August 2001 due to revenue not received of **\$0.3m** and underspending in Materials & Contracts of **\$0.3m**.

- Capital Expenditure for the year-to-date is on target to budget and amounts to **\$0.1m** at the end of August 2001.
- Capital Works for the year-to-date amounted to **\$0.6m** against a year-to-date budget of **\$0.8m**, a variance of **\$0.2m** at the end of August 2001.

MOVED Cr Rowlands, SECONDED Cr Kimber that the Financial Report for the two month Period Ended 31 August 2001 be NOTED.

The Motion was Put and

CARRIED

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn250901.pdf](#)

CJ329-09/01 2000/2001 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS - [14148]

WARD - All

SUMMARY

The City's auditor, Mr Peter Messer, Deloitte Touche Tohmatsu, has completed the audit of Council's records for the 2000/2001 financial year.

This Audit Report, together with the Annual Financial Report will form an integral part of Council's Annual Report to the ratepayers at the Annual General Meeting.

The Local Government Act 1995 (Section 5.27) requires that the Annual General Meeting is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

The most appropriate date for the holding of the Annual General Meeting of Electors is Monday 15 October 2001 at 7.00pm.

BACKGROUND

The City's auditor, Mr Peter Messer, Deloitte Touche Tohmatsu, has completed the audit of Council's records for the 2000/2001 financial year.

Both the Annual Report and the Financial Report reflect on the City's achievements during 2000/2001 and focus on the many highlights in an action packed and busy year.

As has been past practice the Financial Report included within the Annual Report is an abridged version. The full Financial Statements, together with the Notes to and Forming Part of the Financial Statements will be available as a separate document.

DETAILS

Pursuant to the provisions of Section 5.54 of the Local Government Act 1995, the Annual Report for the financial year is to be accepted by the local government by no later than 31st December after that financial year. Further, at Section 5.27, the Act requires that the Annual General Meeting of Electors be held on a day selected by the local government but not more than 56 days following the acceptance by the local government of the Report. In addition, the Chief Executive Officer must give public notice of the availability of the report as soon as practicable after the report has been accepted.

The most appropriate date for the convening of the Annual General Meeting of Electors has been determined to be Monday 15 October 2001 at 7.00 pm.

COMMENT/FUNDING

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business.

It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:-

- **Attendances and Apologies**
- **2000/2001 Annual Report**
- **General Business**

MOVED Cr Rowlands, SECONDED Cr Kadak that Council:

- 1 ACCEPTS the 2000/2001 Annual Report and Financial Reports of the City of Joondalup;**
- 2 CONVENES the Annual General Meeting of Electors on Monday 15 October 2001 at 7.00 pm in the Council Chambers;**
- 3 ADVERTISES by public notice that the City of Joondalup's 2000/2001 Annual Report will be available from the Civic Administration Building from approximately 9 October 2001.**

The Motion was Put and

CARRIED

Appendices 17(a) and 17(b) refer

*To access this attachment on electronic document, click here: [Attach17amin250901.pdf](#)
[Attach17bmin250901.pdf](#)*

**CJ330-09/01 LEASE RENEWAL - GROVE CHILD CARE CENTRE
- [07586]****WARD** - South

CJ010918_BRF.DOC:ITEM 11

SUMMARY

At its Meeting on 14 August, 2001 Council resolved as follows:

- “1 *APPROVES pursuant to the provisions of Section 3.58 (3) and (4) of the Local Government Act 1995, leasing the premises at 6 Dugdale Street, Warwick to Aquis Pty Ltd subject to:*
- (a) giving state-wide public notice of the proposed disposition;*
 - (b) the proposed disposition be by way of a 5 year lease commencing on 1 September 2001 with an option to renew for a further 5 years;*
 - (c) the proposed initial lease rental be \$27,500 per annum with annual escalations of 5% and market valuations every third year and prior to the commencement of a new term;*
- 2 *REQUESTS a further report in order to consider any submissions received as a result of advertising pursuant to the provisions of Section 3.58 (3) and (4) of the Local Government Act 1995.”*

The proposed property disposition was advertised in The West Australian on Saturday, 18 August, 2001, with the period for receiving submissions closing at 4:00 PM on Monday, 3 September, 2001. As no submissions were received, this report recommends proceeding with a lease by private treaty, subject to conditions, to Aquis Pty Ltd for a period of 5 years plus one option to renew for a further 5 years.

BACKGROUND

The City received a request from Aquis Pty Ltd seeking to enter into a new lease agreement for the Grove Child Care Centre. The current Lease commenced on 1 September 1991 and expired on 30 August 2001.

The current Lease is for child care purposes with Aquis Pty Ltd acting as Lessee and operator of the child care facility. The City has found Aquis Pty Ltd to be a good tenant and it was recommended that Council enters into a new lease by private treaty pursuant to the provisions of Section 3.58(3) of the *Local Government Act 1995*.

At its Meeting on 14 August, 2001 Council resolved as follows:

- “1 APPROVES pursuant to the provisions of Section 3.58 (3) and (4) of the Local Government Act 1995, leasing the premises at 6 Dugdale Street, Warwick to Aquis Pty Ltd subject to:
- (a) giving state-wide public notice of the proposed disposition;
 - (b) the proposed disposition be by way of a 5 year lease commencing on 1 September 2001 with an option to renew for a further 5 years;
 - (c) the proposed initial lease rental be \$27,500 per annum with annual escalations of 5% and market valuations every third year and prior to the commencement of a new term;
- 2 REQUESTS a further report in order to consider any submissions received as a result of advertising pursuant to the provisions of Section 3.58 (3) and (4) of the Local Government Act 1995.”

DETAILS

Property and Advertising

The current Lease comprises the building component only of the premises, which has a total area of 1814 square metres. The land component of the premises is legally described as Lot 905 on Diagram 45158 and being the whole of the land in Certificate of Title Volume 1354 Folio 464, which is held by the City of Joondalup. As the property is in freehold title to the City, it does not need to defer to any government department for any leasing disposition which does not have a term longer than 10 years.

The proposed property disposition was advertised in The West Australian on Saturday, 18 August, 2001, with the period for receiving submissions closing at 4:00 PM on Monday, 3 September, 2001.

No submissions were received as a result of the advertised property disposition.

Lease

In accordance with the abovementioned advertisement, the premises at 6 Dugdale Street, Warwick could now be leased to Aquis Pty Ltd subject to:

- (a) the lease being for the whole of Lot 905 on Diagram 45158 and being the whole of the land in Certificate of Title Volume 1354 Folio 464;
- (b) the lease being for a period of a 5 year lease commencing on 1 September 2001 with an option to renew for a further 5 years;
- (c) the proposed initial lease rental be \$27,500 per annum with annual escalations of 5% and market valuations every third year and prior to the commencement of a new term;

Also, as required under the City's standard commercial lease, the Lessee is to be responsible for,

- (a) all outgoings;
- (b) all internal and external maintenance; and
- (c) all legal costs associated with the Lease.

COMMENT/FUNDING

Proceeding with the lease will ensure the continuity of a tenure agreement that should provide the stability necessary to maximise benefit to the community and the City.

MOVED Cr Rowlands, SECONDED Cr Barnett that Council APPROVES, in accordance with the provisions of Section 3.58 *Local Government Act 1995*, leasing by private treaty the premises at 6 Dugdale Street, Warwick to Aquis Pty Ltd in accordance with the City's standard commercial lease and subject to the:-

- 1 lease being for the whole of Lot 905 on Diagram 45158 and being the whole of the land in Certificate of Title Volume 1354 Folio 464;**
- 2 lease being for a period of a 5 year lease commencing on 1 September 2001 with an option to renew for a further 5 years;**
- 3 proposed initial lease rental be \$27,500 per annum with annual escalations of 5% and rental valuations to market every third year and prior to the commencement of a new term;**
- 4 signing and affixing of the Common Seal to the lease of 6 Dugdale Street, Warwick (Lot 905 on Diagram 45158) to Aquis Pty Ltd.**

AMENDMENT MOVED Cr Kenworthy, SECONDED Cr Baker that an additional Point 5 be added as follows:

“5 PROVISION of a guarantee from a Director of Aquis Pty Ltd.”

Cr Baker queried whether Council had a policy seeking the guarantee of Directors in circumstances where land was being leased to a company, or whether it was a case of seeking adequate security.

Acting Chief Executive Officer advised this matter would be investigated.

The Amendment was Put and

CARRIED

The Original Motion, as amended, BEING:

That Council **APPROVES**, in accordance with the provisions of Section 3.58 *Local Government Act 1995*, leasing by private treaty the premises at 6 Dugdale Street, Warwick to Aquis Pty Ltd in accordance with the City’s standard commercial lease and subject to the:-

- 1 lease being for the whole of Lot 905 on Diagram 45158 and being the whole of the land in Certificate of Title Volume 1354 Folio 464;
- 2 lease being for a period of a 5 year lease commencing on 1 September 2001 with an option to renew for a further 5 years;
- 4 proposed initial lease rental be \$27,500 per annum with annual escalations of 5% and rental valuations to market every third year and prior to the commencement of a new term;
- 4 signing and affixing of the Common Seal to the lease of 6 Dugdale Street, Warwick (Lot 905 on Diagram 45158) to Aquis Pty Ltd;
- 5 **PROVISION** of a guarantee from a Director of Aquis Pty Ltd.

was Put and

CARRIED

CJ331-09/01 ABSOLUTELY EVERYBODY - CREATING SAFER COMMUNITIES LINKING YOUNG AND OLD - [46842] [39870]

WARD - All

CJ010918_BRF.DOC:ITEM 12

SUMMARY

The program “Absolutely Everybody” was designed with the objective of:

“...taking a proactive leadership role to achieve desirable outcomes for our community.”
(Ref: City of Joondalup Strategic Plan 2000 – 2005)

In this instance, proactive leadership was necessary to address fear of crime. Fear of crime in the community amongst older people in particular, is disproportionate to instances of actual crime. The result has been divisive for our community as in most cases, older people have come to believe that younger people are a potential threat to their well-being and safety as a result of media stories about attacks on older people by the young. Research prior to the development of the program confirmed this as factual.

“Absolutely Everybody” was designed to address the situation using the combined techniques of social marketing and community development, and with the overall objectives of:

- changing the knowledge, attitudes and beliefs of old and young people in relation to crime; and
- stimulating a shared sense of community pride in the region.

This report provides a summary of the success of the program in achieving these objectives. The full report on the program together with an independent evaluation carried out by Colmar Brunton, a research company is available for perusal.

BACKGROUND

In the City of Joondalup, where approximately 43% of our population are aged 25 or younger and approximately 8.7% of the population are aged 60+, the fear older people experience may well be exacerbated by being substantially outnumbered. The most popular reason given by older people moving into retirement villages is fear for their personal safety.

Young people have experienced the backlash of community fears and concerns about crime and are frequently stereotyped as spoiled, selfish and out of control. As a result of this, many experience rudeness or fear reactions from older adults simply because of their age. Other young people have experienced being moved on by security guards at public venues such as shopping centres and nightclubs.

The situation is such that we now have the lifestyles of young and old disrupted where both generations are the victims of crime – the old without having experienced it directly – and the young without having committed it.

“Absolutely Everybody” was designed to address that situation using the combined techniques of social marketing and community development, with the following objectives:

1. *To change the knowledge, attitudes and beliefs of old and young people with respect to the following:*
 - Fear of crime
 - Young/Old people
 - Personal efficacy with respect to safety
 - The extent to which the City of Joondalup is involved in creating a safer community
 - The adequacy of the City of Joondalup’s response to crime in terms of leadership and service provision
2. To stimulate a sense of community pride in the region.

DETAILS

In developing the program, three factors were taken into account:

Media portrayal of older people as victims of crime:

- reinforces negative social attitudes and beliefs about ageing;
- encourages negative attitudes and beliefs about youth as social menace;
- promotes fearfulness in an environment where older people in Western Australia are less likely to be victims of crime than any other age cohort.

Media portrayal of younger people as perpetrators of crime:

- reinforces negative social attitudes and beliefs about young people;
- encourages negative attitudes about ageing, stereotyping older people as helpless, non productive and draining on society.

An internet search of other Seniors Security Awareness programs revealed that:

- older people are patronized by programs more suited to the educational requirements of children than of adults;
- they feed on the unrealistic fears and beliefs of older people and are more about promoting dependency and the need for products than on self determination and choice;
- the programs effectively encourage the segregation of older people from the communities in which they live, e.g. the walled cities of retirement villages, fear of using public transport, etc.,

In view of this, the approach taken was to counter divisive stereotypical beliefs and poor programming with positive imaging for old and young and an empowering social program. People were to be brought together to problem-solve barriers to pursuing lifestyles that have been limited by crime, or fear of crime.

There were four major components of the program:

- Recruitment of participants and orientation to the program including a pre-test followed by a screening of the video – “Absolutely Everybody”.
- 7 intergenerational workshops on Protective Behaviours to be held at local High Schools in each of the Wards of the City of Joondalup, followed up by a post-test.
- Branding of all materials used to ensure identification with the program including video covers, booklets, flyers and certificates of participation.
- An evaluation comprising a pre- and post-test designed to determine program effectiveness in achieving the objectives.

The production of the video was funded from the City’s Safer Community Program and the workshop materials, sundry items and the program evaluation with funds from Safer WA.

The local high schools taking part in the program were St Marks School, St Stephens School, Lake Joondalup Baptist College, Padbury Senior High School, Ocean Reef Senior High School, Greenwood Senior High School and Warwick Senior High School.

The community groups and organisations involved included Whitfords Wider Vision, Reworking Tomorrow, Joondalup Encore Theatre, Independent Retirees Association, Whitfords Australian Pensioners League, Duncraig Senior Citizens, Warwick Senior Citizens, Neighbourhood Watch, Warwick Over 50s Club, Padbury Red Cross, Ocean Reef Senior Citizens, Rotary (Whitfords), Kingsley Senior Citizens, and the RSL.

The program ran from February 2000 to June 2001 with over 300 people, young and old, taking part. The workshops were facilitated by a member of the City's staff in partnership with a representative from the Department of Community Development skilled in the presentation of Protective Behaviours – a safety program that provides people with concrete strategies and skills to keep themselves safe, enabling them to cope with threats to their well-being.

The program evaluation was independently conducted by a research company, Colmar Brunton with the following results:

- The program appears to have met most of its objectives with regard to the primary target group (older people). For this group fear of crime decreased, attitudes to younger people became more positive, strategies for dealing with crime increased, and the rating of the City's responsiveness to crime increased.
- There was a more mixed result for the secondary target group (younger people). The younger people in the post-test group rated their personal safety less highly than the pre test group.
- There was a definite change in perception where both younger and older post test groups felt younger people were more vulnerable and older people less vulnerable than the pre test groups.
- There was a strong awareness of services such as community organizations and security patrols, community organizations included Neighbourhood Watch and City Watch. There was a strong and fairly positive awareness of security patrols, with comments including that they were making a visible presence.
- Knowledge of the City's responsiveness to creating a safer community increased.

COMMENT/FUNDING

Given the overall success of the program as an innovative approach to creating safer communities, funding is now sought to run the program in 2002/2003. The funds sought include provision for the following:

- The training and accreditation of a Youth Worker to conduct Protective Behaviours Workshops.
- Re-shooting of some of the video footage to reflect current City initiatives in the area of Safer Communities.
- Re-editing to incorporate new footage.
- Catering for the intergenerational lunch.
- Development of an information suite including printed materials such as posters, flyers, booklets and multimedia presentations.
- Evaluation of the program using the City's strategic performance indicators.

ITEM	BUDGET
Training of Youth Worker	\$ 200
Additional footage	\$2,400
Video re-editing	\$2,000
Catering for 7 workshops of 40 people	\$1,400
Publicity	\$1,000
Evaluation	\$2,500
Total cost	\$9,500

MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 NOTES the results of the Absolutely Everybody Program as detailed in Report CJ331-09/01;**
- 2 LISTS for consideration in the City's 2002/2003 draft budget funds to the value of \$9,500 to conduct the program in the 2002/2003 financial year.**

The Motion was Put and**CARRIED****CJ332-09/01 SENIORS MASTER PLAN - LEISURE AND SOCIAL ACTIVITY NEEDS - [43605]****WARD - All**

CJ010918_BRF.DOC:ITEM 13

SUMMARY

Council at its meeting held 26 June 2001 resolved to defer consideration of the report in relation to Seniors Master Plan – Leisure and Social Activity Needs to allow the report to be circulated to major seniors organisations within the City of Joondalup for comment. (Item CJ204 - 06/01 refers)

This report details the outcomes of the further comments received in the five submissions from interested individuals and groups, along with comments from a market research company Market Equity Pty Ltd engaged to evaluate the research methodology used by Jill Powell and Associates.

It is considered that none of the submissions has demonstrated any reason for the Seniors Master Plan - Leisure and Social Activity Needs or the action plan to be amended. The independent review of the methodology used in the study undertaken by Market Equity has shown that the methodology is appropriate for the type of study undertaken. The criticisms of the findings of the Seniors Master Plan - Leisure and Social Activity Needs based on the methodology have identified the limitations of the survey that was used. Market Equity has concluded however, that the limitations do not nullify the reports conclusions as the main foundation for the conclusions regarding the need for any further facilities are based on the facility inventory.

However, given the requests for additional facilities and comments in the submissions that additional facilities are required, it is considered that further research should be conducted into this issue. This would be worthwhile as it will assist in resolving the debate that revolves around the perceived immediate need for additional facilities and the medium term scenario that the leisure and social activity trends of seniors are changing and the demand for facilities will actually lessen. It is proposed to check the findings of the Seniors Master Plan - Leisure and Social Activity Needs against the outcomes of the Community Needs Study that is currently being conducted.

It is recommended that Council notes the Seniors Master Plan - Leisure and Social Activity Needs and endorses the associated Action Plan but defers any decision on whether additional facilities are required pending the outcomes of the Community Needs Study.

BACKGROUND

Council at its meeting held 26 June 2001 resolved to defer consideration of the report in relation to Seniors Master Plan – Leisure and Social Activity Needs to allow the report to be circulated to major seniors organisations within the City of Joondalup for comment. (Item CJ204 - 06/01 refers)

The City has been providing recreational venues for older people for numerous years and supports a range of senior citizens clubs, leisure and social activities. Recently, it has taken a proactive role in the development of responsive urban environments through the precinct planning process, supporting the vitality and vibrancy of local communities.

Following requests from a number of seniors groups for the extension of existing facilities, or the development of new facilities, it was considered that a Seniors Master Plan - Leisure and Social Activity Needs should be developed to provide a blue print for the future provision of leisure and social services as well as facilities development for seniors in the City.

Jill Powell and Associates were subsequently commissioned to develop the Master Plan. Jill Powell and Associates are consultants in the field of Sport and Recreation Planning and Management and have extensive experience in the leisure field working with a wide range of age groups.

DETAILS

The report was circulated to all groups, which participated in the development of the Seniors Master Plan - Leisure and Social Activity Needs on 13 July 2001. Advertisements were also placed in the Wanneroo Community newspaper on 17 July 2001 and Joondalup Community newspaper on 19 July 2001 seeking comment from interested parties. At the request of elected members the report was also forwarded to several groups which had previously not participated. A notice was also placed in the Libraries and at the Administration Centre.

Following the close of the submission period five responses were received as follows.

Robert Anderson	Resident
Eileen Revell	Secretary, Duncraig Senior Citizens Club Inc
Joan Evans	Secretary, Greenwood Warwick Senior Citizens Club
Patricia Young	Hairdresser, Greenwood Warwick Community Centre
John Revell	Committee Member, Duncraig Senior Citizens Club Inc

The following issues were raised in the submissions. Each issue has been considered and commented upon.

Issue	Response
<p>Only 3 seniors centres in the City, another centre is needed in the northern area of the City</p>	<p>Council stopped building purpose built seniors facilities in the early 1990's as it was considered that there was more benefit to the community if seniors facilities were integrated with other community facilities. Seniors in the northern areas of the City are able to access many facilities such as Ocean Ridge Leisure Centre, Beaumaris Community Centre and Currambine Community Centre, when constructed.</p> <p>Seniors groups have access to all of the City's community facilities in the northern part of the City and the research for the Seniors Master Plan - Leisure and Social Activity Needs has indicated that, at this stage, additional facilities are not required.</p> <p>Site inspections of all facilities within the City, including private facilities (Retirement Homes/Nursing homes) and commercial leisure providers, were completed as part of the study that revealed the following issues:</p> <ul style="list-style-type: none"> • The large number of facilities • There is a duplication of facilities between government and private facilities • Lack of accessibility • Exclusivity or age specific facilities appears to breed segregation/isolation • Costs to participate • Inappropriate location in terms of need • Poor acoustics in multi use facilities • Lack of storage facilities in multi use facilities • Remote locations <p>Jill Powell and Associates have concluded that, in general terms, the City has sufficient facilities to cater for the current needs and the expected future demands (not counting the private facilities) and that there are no identified "gaps in provision". A number of existing facilities are under utilised and some existing facilities require modifications to cater for improved utilisation.</p>
<p>Introduction of fees and charges for use of facilities by seniors.</p>	<p>There is no proposal in the Seniors Master Plan - Leisure and Social Activity Needs to introduce fees for seniors use of Council community facilities. The Seniors Master Plan - Leisure and Social Activity Needs indicated that there was some confusion amongst seniors in relation to a number of inconsistencies in the City's schedule of fees and charges and recommended the development of a Fees and Charges Policy for Seniors to detail the rationale for what fees are charged for what purpose.</p>

Tender process for hairdressing services	<p>The operator of the hairdressing service at Greenwood Warwick Community Care Centre wishes to have the opportunity to submit a tender to continue to operate the salon.</p> <p>The Seniors Master Plan - Leisure and Social Activity Needs recommends that the hairdressing services operating in the Senior Citizens Centres should be put out for tender.</p> <p>All interested parties will be able to submit a tender to supply a hairdressing service.</p>
Cost of hairdressing services	<p>Hairdressers operating out of the Senior Citizens Centres have had "free use" of Council facilities for the purpose of conducting a commercial venture. It is recommended in the Seniors Master Plan - Leisure and Social Activity Needs that to ensure Council is seen to fulfil its fiscal responsibilities, this service is tendered and the City gain a financial return from the use of its resources.</p> <p>The concerns of the seniors groups can be addressed in the tender specification to ensure that if there were any proposal to increase fees from this process that it would be minimal.</p>
Improve exterior lighting to minimise vandalism at Greenwood Warwick Community Care Centre	This request will be referred for consideration in 2002/03 draft budget
Improve heating in main hall at Greenwood Warwick Community Care Centre	These works are already listed in the 2001/02 budget.
Permanent stage in main hall Greenwood Warwick Community Care Centre	This will require further investigation prior to consideration in the 2002/03 draft budget.
All future development of seniors facilities to be located in safe areas	Comment has been noted.
Present needs of Seniors ignored. Particularly in the northern areas of the City.	<p>The Seniors Master Plan - Leisure and Social Activity Needs considered the present and future needs of seniors. It was the conclusion of the consultant, Jill Powell and Associates that the present needs of the existing seniors population in relation to leisure and social activity needs were largely being met.</p> <p>Council stopped building purpose built seniors facilities in the early 1990's as it was considered that there was more benefit to the community if seniors facilities were integrated with other community facilities. Seniors groups have access to all of the City's community facilities in the northern part of the City and the research for the Seniors Master Plan - Leisure and Social Activity Needs has indicated that at this stage additional facilities are not required.</p>

Research Methodology

Concerns were expressed by elected members at the meeting of Council held 26 June 2001 regarding the methodology used by Jill Powell and Associates in the Seniors Master Plan - Leisure and Social Activity Needs.

These concerns were also expressed in two of the submissions received that the community survey where 400 questionnaires were distributed and 74 questionnaires returned is statistically unreliable and does not reflect the diverse needs of seniors.

There is also criticism of the base line data that was used to inform the study suggesting that the data presented is irrelevant and difficult to correlate to the intent of the survey. In particular, it is suggested that the data presented relates to sport and not recreation activities and that Jill Powell and Associates had failed to identify clearly the differences between sport and recreation as it impacts on the surveyed population.

It has also been contended that the outcomes of the community survey alone form the basis for recommendations in the Master Plan.

In response to the concerns of elected members and others regarding the methodology used by Jill Powell and Associates, a professional market research company, Market Equity Pty Ltd, was engaged to conduct an independent assessment of the validity of the research process used to provide the data that informed the recommendations contained in the Master Plan.

Market Equity Pty Ltd are a well regarded marketing consultancy with experience in social research and a knowledge of the Joondalup area specifically, through past work for the City of Joondalup and also LandCorp.

Market Equity Pty Ltd has reviewed the research methodology used by Jill Powell Associates for the Seniors Master Plan - Leisure and Social Activity Needs. Market Equity made the following comments in relation to the methodology used:

Formal industry standards exist in the commercial market research field with respect to fieldwork quality control procedures, which are administered under the Interviewer Quality Control Australia (ICQA) Accreditation system. Beyond this the use of methodologies is normally a judgement of what is an appropriate means of gathering information to aid a particular system. In most cases, this judgement includes making cost benefit trade-offs about how detailed and accurate results need to be considering the degree of risk (or opportunity) of the decisions involved. Typically, the

greater the risk involved, the more precise the information needs to be and the more one is willing to invest in the research. All research has limitations of some sort.

Given the nature of the project appropriate means of gathering information would include:

1. Secondary research of published sources;
2. Primary research in the form of a survey of the relevant community; and
3. An exploration of comparable communities, looking at the nature, extent and usage of facilities in other communities that has a similar population profile to Joondalup.

Market Equity considered in view of these comments that the type of research undertaken in the Seniors Master Plan - Leisure and Social Activity Needs seems appropriate and consistent with how Market Equity would consider approaching the task if it were presented with the same objectives. Specifically, secondary research and primary research with the community were both undertaken, alongside the review of past reports and inventory evaluation.

Three main methodologies in the study were examined:

1. Secondary Research
2. Facility Inventory
3. Community Consultation

Secondary Research

As secondary research relies on information that is already published, the only real limitations are the relevance, reliability, currency and breadth of the information identified. On all these bases, Market Equity's view is that the secondary research described in the report meets these criteria, to the extent that Market Equity are able to say so without conducting the same process to see what else is available. The sources, dates and contents seem to be relevant, reliable, current and comprehensive.

Facility Inventory

This is a simple methodology and it is difficult to go wrong with making these observations. Market Equity discussed the methodology with Jill Powell and Associates and concluded that a comprehensive approach was applied. On the information available to Market Equity, they concluded that the approach used to compile the inventory and establish current capacity and gaps appeared sound.

	<p>Community Consultation</p> <p>Market Equity commented that if the City was going to make major infrastructure decisions on the basis of the community consultation alone, then there are some major limitations of the information. However, Market Equity noted that the recommendations of the report are not made up on this information alone, and are more strongly based on other aspects.</p> <p>Market Equity concluded the following:</p> <ul style="list-style-type: none"> • The combination of methodologies used are broadly appropriate to what Market Equity understand the required outcomes to be. • The specifics of the primary research with the community result in a number of limitations, and therefore Market Equity would normally caution any client from making major decisions on the basis of this type of information alone. If these community survey results were to be a major source of information for decision making, then Market Equity's recommended methodology would have been to undertake a more comprehensive probability sampling approach. • However, the major recommendations of the report are not based on the community survey results, but rather from the Facility Inventory, which shows no methodological issues from the information available to Market Equity. <p>Market Equity also made the following comments in relation to public submissions:</p> <ul style="list-style-type: none"> • Calls for public submissions are not a research technique. • It fulfills a requirement to give everyone an opportunity to respond. • The obvious limitation of self-selection bias makes this virtually irrelevant and non-applicable for the purpose of market research. • The results from public submissions are more relevant to deal with on a one to one basis with the person making the submission and not as a source of reliable data about the community.
Members would be unable to participate in expanded outdoor leisure activities	These comments reflect the leisure patterns of a particular group and are not necessarily reflective of the needs of the broader seniors population, now or in the future.
Transport for seniors at Mildenhall Senior Citizens Centre	The City already provides a transport service for seniors to Mildenhall Senior Citizens Centre once a week.

COMMENT/FUNDING

It is considered that none of the submissions has demonstrated any reason for the Seniors Master Plan - Leisure and Social Activity Needs or the action plan to be amended. An independent review of the methodology used in the study has shown that it is appropriate for the type of study undertaken. The criticisms of the findings of the Seniors Master Plan - Leisure and Social Activity Needs based on the methodology have identified the limitations of the survey that was used. Market Equity have concluded however, that the limitations do not nullify the reports conclusions as the main foundation for the conclusions regarding the need for any further facilities are based on the facility inventory.

Jill Powell and Associates have concluded that, in general terms, the City has sufficient facilities to cater for the current needs and the expected future demands (not counting the private facilities) and that there are no identified “gaps in provision”. A number of existing facilities are under utilised and some existing facilities require modifications to cater for improved utilisation.

A number of seniors groups have requested the extension of existing facilities or the development of new facilities. These requests include the following:

- Extension to Beaumaris Community Hall;
- Extension to Whitfords Senior Citizens Centre; and
- Development of a new seniors facility in Joondalup.

Given the requests for additional facilities and comments in the submissions that additional facilities are required, it is considered that further research should be conducted into this issue. This would be worthwhile as it will assist in resolving the debate that revolves around the perceived immediate need for additional facilities and the medium term scenario that the leisure and social activity trends of seniors are changing and the demand for facilities will actually lessen.

The City is currently conducting a comprehensive Community Needs Study that will identify gaps and opportunities in service, programme and facilities provision in the City. As there has been concern amongst elected members and several members of the community at the outcomes of the Seniors Master Plan - Leisure and Social Activity Needs it is proposed that the findings of the Community Needs study be used to check the findings of the Seniors Master Plan - Leisure and Social Activity Needs in relation to the need for additional facilities. It is proposed that Council notes the Seniors Master Plan - Leisure and Social Activity Needs, endorses the associated Action Plan and defers any decision on whether additional facilities are required pending the outcomes of the Community Needs Study.

Action Plan

The Action Plan to implement the Seniors Master Plan - Leisure and Social Activity Needs and the issues noted which has been developed by Jill Powell and Associates (Attachment One refers) have the following key features:

- 1 Develop a Seniors Leisure Policy;
- 2 Review the City's Seniors Fees and Charges practices;
- 3 Tender hairdressing services operating out of the City's seniors facilities;

- 4 Conduct an acoustic analysis of the City's multi purpose facilities with a view to fund any improvements and modifications in the 2001/02 and 2002/03 financial years;
- 5 Develop a standard for storage for seniors and review existing facilities with a view to fund any modifications in the 2001/02 and 2002/03 financial years;
- 6 Continue development of passive facilities throughout the City;
- 7 Conduct a review of the Community Bus system;
- 8 Incorporate principles of Universal Design in Precinct Action Planning Programme;
- 9 Develop a partnership with Volunteers Australia; and
- 10 Develop information sheets for seniors leisure activity organisers.

The most significant of these that will have an immediate impact on the successful conduct of seniors leisure and social activities is the acoustic analysis and the storage assessment. These will be actioned using the funds of \$120,000 listed in the 2001/02 budget for capital improvements for seniors facilities.

The Action Plan lists a requirement in the current financial year of \$27,500 made up as follows:

Acoustic Analysis	\$10,000
Community Consultation - Seniors Leisure Policy	\$2,000
Review Seniors Fees and Charges	\$2,000
Tender Hairdressing	\$2,000
Develop storage standards	\$2,000
Seniors Consultation (Ongoing)	\$2,000
Partnership - Volunteers WA	\$5,000
Programming Information Sheets	\$2,500

There is a further \$110,000 listed in the budget to implement the capital works. Originally \$102,500 had been listed in the draft budget for implementing the capital works listed in the Seniors Master Plan - Leisure and Social Activity Needs. This has since been revised upwards to \$120,000 to meet the estimated costs of the capital works.

Following the acoustic analysis and assessment of the storage requirements, the remaining funds listed in the 2001/02 budget for capital improvements will be utilised to implement the outcomes of these investigations.

These actions arising from the Seniors Master Plan - Leisure and Social Activity Needs will facilitate and enhance the capacity of existing seniors groups to successfully conduct their activities and help position the City to ensure that future leisure and social needs of seniors can be met.

Facility Development Proposals

As noted above there has been a number of requests for the extension of existing facilities or the development of new facilities.

Preliminary assessment criteria have been developed by Jill Powell and Associates, to be used in conjunction with the existing formal facilities assessment process, to assess these and any other requests that are received (Attachment Two refers). These projects will be assessed in light of the outcomes of the Seniors Master Plan - Leisure and Social Activity Needs and the Community Needs Study to determine whether funds should be listed to progress these requests in the 2002/03 financial year.

The preliminary assessment criteria will help determine the need for any particular project. The criteria takes into account the need for the City to proactively identify “gaps” in provision, demography and utilisation trends (such as the decline in club membership), as well as assessment of the community group, where one exists.

It is proposed that the Preliminary Assessment Criteria for the development of Seniors Facilities be adopted as the basis against which all requests for Council assistance in the development or redevelopment of facilities be determined prior to progressing to the formal assessment process contained within the “Application for Financial Support For The Construction or Upgrade of Community Facilities”.

This will ensure that any projects that are developed will conform to the broad strategic directions of the City.

OFFICER’S RECOMMENDATION: That Council:

- 1 NOTES the findings of the Seniors Master Plan - Leisure and Social Activity Needs report prepared by Jill Powell and Associates but defers any decision on whether additional facilities are required pending the outcomes of the Community Needs Study;
- 2 ENDORSES the Seniors Leisure and Social Needs Action Plan listed as Attachment One to Report CJ332-09/01;
- 3 ADOPTS the Preliminary Assessment Criteria for the development of Seniors Facilities, as outlined in Attachment Two to Report CJ332-09/01, as the basis against which all requests for Council assistance in the development or redevelopment of Seniors facilities be determined prior to progressing to the formal assessment process contained within the “Application for Financial Support For The Construction or Upgrade of Community Facilities”;
- 4 NOTES that the proposed capital works projects listed in this report will be assessed against the Preliminary Assessment Criteria for the development of Seniors Facilities once further information is obtained from the groups seeking the development of the projects;
- 5 NOTES the feedback from individuals and groups in relation to the Seniors Master Plan - Leisure and Social Activity Needs and thanks them for their input.

ADDITIONAL INFORMATION

A late submission has been received from the Association of Independent Retirees, Inc in relation to this issue – Appendix 10(b) refers

MOVED Cr O'Brien, SECONDED Cr Baker that Council ELECTS an Occasional Seniors Advisory Committee of elected members and community people representing groups with seniors in their membership to reassess the reports, consult with the community and report back to Council by the meeting scheduled to be held on 18 December 2001 as a precursor to next year's budget considerations; the composition of the Committee to be arranged at the next Briefing Session scheduled to be held on 2 October 2001.

Discussion ensued. Director, Community Development gave an overview with regard to current developments in relation to this issue and advised a further report would be submitted to Council for consideration.

The Motion was Put and

CARRIED

Appendices 10, 10(a) and 10(b) refer

To access this attachment on electronic document, click here: [Attach10brf250901.pdf](#)
[Attach10abrf250901.pdf](#) [Attach10bmin250901.pdf](#)

INFRASTRUCTURE MANAGEMENT

**CJ333-09/01 TENDERS FOR THE CONSTRUCTION OF
ANCILLARY ELEMENTS AND INSTALLATION OF
SELF CLEANING TOILETS AT MULLALOO (001-
01/02) AND THE SUPPLY OF AUTOMATED SELF
CLEANING TOILETS (002-01/02) - [87391] [40469]**

WARD - Whitfords

CJ010918_BRF.DOC:ITEM 14

SUMMARY

Tenders have been called for the construction of ancillary elements and installation of two self cleaning toilets (001-01/02) and the supply of two automated self cleaning toilets (002-01/02) at Mullaloo. Following evaluation of the tenders and available budget funds, negotiations have taken place with the two lowest tenderers for Tender No 001-01/02 to reduce the scope of works to install one toilet only. A price variation has also been obtained for supply of one toilet unit from the only tenderer for the supply of the automated self cleaning toilets.

On this basis, it is recommended that Council accepts the varied tender from Longo Constructions Pty Ltd for Contract 001-01/02 for the lump sum adjustment of \$69,700 to install one toilet, and rejects the tender for Contract 002-01/02 from WC Convenience Management Pty Ltd, for the supply of two automated self cleaning toilets, but negotiates with that Company as a sole supplier to supply one automated self cleaning toilet.

BACKGROUND

Council at its meeting of 28 March, 2000 approved the preparation of tender documents and the calling of tenders for the supply and installation of two automated self cleaning toilets at the Key West Drive carpark, Mullaloo (CJ068-03/00 refers).

Documentation was prepared and the tender was advertised in accordance with Council guidelines.

Two tenders were documented as follows: (A) the tender for a contract to install the pre-fabricated toilets and construct beach showers and retaining walls, and (B) the tender for a contract to supply two pre-fabricated toilets. Both contracts were structured to enable the City to accept both tenders but to then novate the supply contract to the installation contractor.

DETAILS

A public state wide invitation to tender for both contracts was issued on Saturday 30 June 2001. Tenders for each closed on Tuesday 17 July 2001.

Contract 001-01/02

For Contract 001-01/02, the Construction of Ancillary Elements and Installation of Self Cleaning Toilets at Mullaloo, three tenders were received:

Longo Construction Pty Ltd	\$189,300.00*+ \$18,930.00 GST
Creative Building and Development Co Pty Ltd	\$195,196.00*+ \$19,519.60 GST
Lakis Constructions Pty Ltd	\$219,800.00 + \$21,980.00 GST

All three tenders included a Contingency Sum of \$10,000 and a Provisional Sum for the supply of the toilets of \$110,000. Both Longo Construction and Creative Building and Development Co Pty Ltd included a provisional sum of \$20,000 for Water Corporation fees and Headworks charges.

Contract 002-01/02

For Contract 002-01/02 Supply of two Automated Self Cleaning Toilets at Mullaloo, one tender was received:

W.C. Convenience Management Pty. Ltd.	\$110,600.00 + \$11,060.00 GST.
---------------------------------------	---------------------------------

This firm supplies the New Zealand manufactured EXELOO products first presented to Council as the type currently in use in the City of Stirling, and now in the City of Perth. There was considered potentially more than one supplier in Australia (products from New Zealand, France and Scandinavia), and therefore a public tender was considered appropriate. However as only one set of tender documents was collected and only one tender received, it can be safely assumed that for this installation that WC Convenience Management Pty Ltd can be treated as a sole trader.

COMMENT/FUNDING

Under the City's Contract Management Framework, the tenders for Contract 001-01/02 were assessed by an evaluation committee using a weighted multi-criterion assessment system.

For Tender No 001-01/02 (construction and installation), the tender evaluation criteria provided in the Tender Information Document were:

- Submitted Lump Sum Cost and Tender Sum Breakdown;
- Tenderer's demonstrated ability to carry out the Works;
- Tenderer's resources to carry out the Works (Specialized equipment, skilled and unskilled manpower, organization chart, key personnel, *etc*);
- Tenderer's previous experience in carrying out similar works; and
- Tenderer's safety management policy.

The tenders from Longo Construction Pty Ltd and Creative Building and Development Co Pty Ltd were ranked as the preferred tenders subject to budget funding.

However, with both tenders, the project is considerably over budget, as follows:

Total Budget Allowance (Project 4066)	\$129,520.00
<i>Less</i>	
Tender from Longo Constructions (lowest)	\$189,300.00
Committed expenditure (fees, advertising <i>etc</i>)	<u>\$ 5,818.00</u>
Total anticipated expenditure	<u>\$195,118.00</u>
<u>Anticipated Budget Shortfall</u>	<u>(\$65,598.00)</u>

In developing the tender documents, it became clear that to achieve a suitable layout of facilities and services on site, considerably more work than was originally envisaged would be required. This increased site works coupled with the much higher than expected potential Water Corporation fees (\$20,000) has led to this anticipated budget shortfall.

Because of the budget shortfall, negotiations to reduce the scope of works were carried out with the two lowest tenders Creative Building & Development Co. Pty Ltd. and Longo Construction Pty. Ltd. Negotiations consisted of a request to both builders to variations associated with the following works:

- Reductions in the height and length of retaining walls and area of concrete paving including the deletion of steel handrails (no longer required);
- Reduction in the changes to existing fencing;
- Reduction in the amount of imported fill required;
- Substitution of galvanised steel posts for the concrete column beach showers;
- Deletion of the requirement to move the bike racks;
- Retain preparation for installation of two toilets but connect to one only (all capped connections underground);
- Deletion of the need for the building contractor to provide crange to lift the toilet into place; and
- Deletion of the provisional sum for the supply of the toilets with the toilet to be supplied by a separate contractor.

The two tenderers were given 7 working days to provide a revised total, and the prices received were as follows:

	<u>Price</u>	<u>Original Price</u>
Longo Construction Pty. Ltd.	<u>\$69,700.00</u>	<u>\$79,300.00</u>
Creative Building & Development Co. Pty. Ltd.	<u>\$72,797.00</u>	\$85,196.00

The original price has been calculated by deducting the \$110,000 provisional sum for the supply of two toilets.

It should be noted that both Longo Construction Pty. Ltd. and Creative Building & Development Co. Pty. Ltd. have experience working for the former City of Wanneroo and are both eminently capable of undertaking the work.

As the only tenderer for contract 002-01/02 after a public invitation to tender, WC Convenience Management Pty. Ltd. is effectively a sole trader for the purposes of this tender. Negotiations with this firm have indicated that reducing from 2 toilet units to one will result in the cost per unit being slightly higher. The unit itself costs \$56,300.00 delivered to the Fremantle wharf, but an allowance of \$700 for cartage and cramage from the wharf should be allowed.

The revised budget position is therefore:

Total Budget Allowance (Project 4066)	\$129,520.00
<i>Less</i>	
Tender from Longo Construction (lowest)	\$ 69,700.00
Supply of one (1) automated self-cleaning toilet	\$ 57,000.00
Committed expenditure (fees, advertising <i>etc</i>)	<u>\$ 5,818.00</u>
Total anticipated expenditure	<u>\$132,518.00</u>
<u>Anticipated Budget Shortfall</u>	<u>(\$ 2,998.00)</u>

Whilst the tender cost still has a shortfall of \$2,998, it is anticipated that this can be accommodated in the Contingency Sum of \$10,000. The Contingency amount of \$10,000 nominated in the contract is only approved for expenditure at the discretion of the Director, Infrastructure Management.

The acceptance of a varied tender as a minor variation, is permitted in accordance with the Local Government (Functions and General) Regulations 1996, Part 4, Regulation 19. Also Tender Regulation 11, sub regulation (2), permits the Council to directly purchase without calling public tenders again, the toilet unit from WC Convenience Management Pty Ltd as it is the sole supplier.

On this basis, the acceptance of the varied tender from Longo Construction Pty Ltd for installation of one self cleaning toilet for the lump sum price of \$69,700 and purchase of one toilet from WC Convenience Management Pty Ltd is supported.

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1 ACCEPTS the varied tender from Longo Constructions Pty Ltd for contract 001-01/02 Construction of Ancillary Elements and Installation of one Self Cleaning Toilet at Mullaloo for the lump sum price of \$69,700 excluding GST;**
- 2 REJECTS the tender from WC Convenience Management Pty. Ltd. for contract 002-01/02 for the Supply of two Automated Self Cleaning Toilets at Mullaloo but authorises the completion of negotiations with WC Convenience Management Pty. Ltd. as a sole trader to supply one prefabricated automated self-cleaning toilet to the Mullaloo site.**

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 2006 hrs and returned at 2008 hrs.

The Motion was Put and

CARRIED

CJ334-09/01 TENDER NO 010-01/02 - MAINTENANCE SERVICES FOR LANDSCAPE AT ILUKA - [46487]

WARD – North Coastal

CJ010918_BRF.DOC:ITEM 15

SUMMARY

Tenders were advertised statewide for the Maintenance Services for Landscape for the location of Iluka. Tenders closed on Wednesday, 28 August 2001 with the following five tenders being received:-

DME Contractors	Wangara
Russell Landscaping	Carabooda
Landscape Developments	Kwinana
Manicured Lawns	Wanneroo
Turfmaster	Morley

This tender encompasses the areas identified within the Specified Area Rating (SAR) applied for Iluka for maintenance of the enhanced areas.

Based on the evaluation criteria, this report recommends acceptance of the price schedule submitted by Landscape Developments, in accordance with the Conditions of Contract.

BACKGROUND

The Beaumaris Beach Homeowner's Association was formed in June 1999 to investigate the options for installation of an SAR for landscape maintenance within the location of Iluka.

The then Joint Commissioners, supported a proposal to implement a SAR for the location of Iluka, commencing on 1 July 1999.

The City has undertaken the works to the designated standard with the intent that a public tender would be advertised at the appropriate time.

DETAILS

The Homeowner's representatives in partnership with the City developed the tender Scope of Works and proceeded with the advertising of the tender.

The scope of works involves:-

- 1 Maintenance of enhanced landscape areas of road verges, entry statements, road medians, traffic islands and designated roundabouts (refer Attachment 1);
- 2 The areas are identified within the Schedule of Rates Area 1-6 and within these areas specific functions apply. The tender documentation provides a breakdown of these into areas – Turf (m²), Garden beds m², Paths (m), Brick paving (m) (refer Attachment 2).

The tenders received were of high quality and the Schedules of Rates were competitive. The lowest priced tender was submitted by Landscape Development and its rates were lower for all designated areas (refer Attachment 3).

Evaluation based on the tender documentation criteria also rated Landscape Development as the preferred tenderer.

Representatives of the Homeowner's Association participated in the evaluation to enable them to be fully informed on the tender submissions.

There are no subcontractors listed for the tender submitted by Landscape Development.

COMMENT/FUNDING

The tender for Enhanced Landscape works in Iluka, associated with SAR, is the second of three locations, noting that Woodvale Waters has just recently been awarded and it is the intention that Harbour Rise Estate in Hillarys be tendered in the near future. These works require additional administration and labour resources than normal for POS and road reserve areas.

The Schedule of Rates submitted as Attachment 3 encompasses all works listed in the Scope of Works. Items specifically retained by the City and deleted from the tender are:

- Irrigation maintenance
- Plant replacements
- Western Power costs
- Graffiti/vandalism damage

The SAR expenditure breakdown for the period July 2000 to June 2001 identified the following costs for the above items (refer Attachment 4).

Reticulation/Bore Maintenance	\$35,136
Plant Replacements	\$ 5,405
Western Power	\$ 4,885
Fencing Repair	\$ 538
TOTAL	\$45,964

Landscape Development tender price for maintenance	\$ 51,659.89
Estimated total maintenance cost	\$ 97,623.89
Council total expenditure for 2000/2001 maintenance	\$109,350.00
Variation (Reduction)	\$ 11,726.11

If the cost status remains equal to 2000/2001 this would be a reduction:-

for residents	\$7,199.74 (61.4%)
for Council	\$4,526.34 (38.6%)

The maintenance costs associated with the Iluka SAR should remain relatively constant for the period 2002-2005, when the next stage of median/verge landscape is listed for transfer from the land developer to Council.

During this period, residential development will occur to balance the expenditure increase.

Account No:	11 60 72 721 0000 2225
Budget Item:	Iluka SAR
Budget Amount:	\$61,729
SAR Residents Contributions	\$73,394

A flowchart has been developed to identify the work, funding and reporting process for the Beaumaris Beach Homeowner's Association and City of Joondalup to ensure that all expenditure is in accordance with the Local Government Act Section 6.37 – Raising Funds via A Specified Area Rate (refer Attachment 5).

It is therefore recommended that Council accepts the tender submitted by Landscape Developments, in accordance with the Schedule of Rates, for Maintenance Services for Landscape at Iluka.

MOVED Cr Rowlands, SECONDED Cr Kimber that Council:

1 ACCEPTS the tender submitted by Landscape Developments as per the Schedule of Rates shown in Attachment 3 to Report CJ334-09/01 for Tender No 010-01/02 in accordance with the Conditions of Tender, for a period of 12 months from 1 October 2001 to 30 September 2002 with an optional two 12 month extension periods;

2 AUTHORISES execution of the contract.**The Motion was Put and****CARRIED***Appendix 11 refers**To access this attachment on electronic document, click here: [Attach11brf250901.pdf](#)**Cr Baker left the Chamber, the time being 2025 hrs.***CJ335-09/01 CONTRACT EXTENSION 026-00/01 - GENERAL MAINTENANCE OF STORMWATER SUMPS - [50083]****WARD - All**

CJ010918_BRF.DOC:ITEM 16

SUMMARY

Extension of Contract numbered 026-00/01 General Maintenance of Stormwater Sumps has been requested by Conquest Earthworks in accordance with the conditions of contract.

Conquest Earthworks has advised that the Schedule of Rates remain unchanged.

Council at its meeting of 19 December 2000 awarded the contract and this is the first of 2 x 12 month extension options.

DETAILS

Conquest Earthworks undertake annual maintenance works associated with stormwater drainage sumps. Sump embankments and base require re-establishment or clean out on a three to five year cycle.

Specific machinery is required to re-shape the batters and excavate in difficult locations.

COMMENT/FUNDING

Funds for this work are allocated within the City's Maintenance Budget or Capital Works Projects as authorised by Council in its five year Capital Works Program.

The Schedule of Rates remains unchanged, see Attachment 1.

As the performance of Conquest Earthworks has been satisfactory in the first 12 months of the contract period and there are no price increases requested by the contractor, it is recommended that Council approves the contract extension for a 12 month period.

MOVED Cr Walker, SECONDED Cr Kimber that Council:

- 1 AUTHORISES the extension of Contract 026-00/01 General Maintenance of Stormwater Sumps for a period of 12 months from 1 January 2002 to 31 December 2002 in accordance with the Schedule of Rates forming Attachment 1 to Report CJ335-09/01.**
- 2 AUTHORISES the signing of the contract extension documents.**

To a query raised by Cr O'Brien in regard to the green algae problem in Lake Goollelal, Director Infrastructure Management advised these concerns were being addressed.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf250901.pdf](#)

PLANNING AND DEVELOPMENT

CJ336-09/01 CLOSE OF ADVERTISING - PROPOSED OMNIBUS AMENDMENT NO 7 TO DISTRICT PLANNING SCHEME NO. 2 - [59159]

WARD - All

CJ010918_BRF.DOC:ITEM 17

SUMMARY

Following the gazettal of the Metropolitan Regional Scheme (MRS) omnibus amendment No 4 on 18 December 2000, the City was required in accordance with section 35A of the Metropolitan Region Scheme Act to amend District Planning Scheme (DPS2) so that it is consistent with the MRS. The amendment to DPS2 involved changes required by the MRS amendment and includes a number of additional minor amendments.

MRS Scheme Amendments:

1. Rezoning portions of Moore Drive and Marmion Avenue, Currambine from Other Regional Roads to Residential - (Attachment 1).
2. Rezoning a portion of West Coast Highway in Sorrento and Marmion from Parks and Recreation to Residential - (Attachments 2 and 3).
3. Rezoning a portion of Lakeway Drive and Verdin Lane, Kingsley from Parks and Recreation to Special Residential – (Attachment 4).
4. Rezoning a portion of the Mitchell Freeway/Burns Beach Road intersection, Currambine from Other Regional Roads and Primary Regional Roads to Residential – (Attachment 5).

Additional Scheme Amendments

5. Rezoning Loc 12813 (11) Argus Close, Craigie from Local Reserves Public Use (Primary School) to Residential (Attachment 6).
6. Rezoning a portion of Pt Lot 802, (11) Hocking Parade, Sorrento from Private Clubs/Recreation to Residential (Attachment 7).

The amendment was adopted by Council at its meeting on 24 April 2001 (CJ123 – 04/01) and was advertised for public comment for a 28-day period, closing on 29 August 2001.

Three submissions were received during advertising. Two submissions were received in regard to Argus Close, one expressed concern that residential development will increase vehicle traffic on Camberwarra Drive and suggested that vehicle access be sought from Argus Close instead of Camberwarra Drive. The other submission raised no objections. The approved subdivision application provides for access off Camberwarra Drive and for three freehold lots. Given this, it is considered that the traffic impact would be minimal. The third submission raised no objections.

The amendment enables two sites to be zoned Residential and makes DPS2 consistent with the MRS as per Part IV section 35 of the MRS Act 1959. Adoption of DPS2 Amendment No 7 without modification is recommended.

BACKGROUND

MRS Omnibus Amendment No 4

The omnibus amendment incorporated changes to zones and reservations arising from decisions made by the West Australian Planning Commission (WAPC) or Government proposals for the use of land. It also ensures that the MRS is kept up to date as the statutory region plan for Perth. The following seven proposals affected the City of Joondalup:

1. Transfer of the Currambine Railway Station and a portion of the Northern Suburbs Railway Line from the Urban Zone and the Primary Regional Roads Reservation to the Railways Reservation – (MRS proposal 7);
2. Rationalization of the Other Regional Roads Reservation at the intersection of Moore Drive and Marmion Avenue, Currambine (MRS proposal 8);
3. Transfer of a portion of Crown Reserve 39197 West Coast Drive, Hillarys from the Urban Zone to the Parks and Recreation Reservation – (MRS proposal 12);
4. Transfer of a portion of Hepburn Avenue Road Reserve between Whitfords Avenue and Howland Road, Sorrento from the Other Regional Roads Reservation to the Urban Zone – MRS proposal 13);
5. Transfer of West Coast Drive in Sorrento and Marmion from the Parks & Recreation Reservation to the Urban Zone - (MRS proposal 14a and 14b);
6. Transfer a portion of Lakeway Drive and Verdin Lane, Kingsley from the Parks & Recreation Reservation to the Urban Deferred Zone – (MRS proposal 15);
7. Rationalization of the Other Regional Roads and the Primary Regional Roads reservation of the Mitchell Freeway/Burns Beach Road intersection, Currambine – (MRS proposal 23).

Council at its meeting on 14 September 1999 considered the proposal and resolved to support the amendment without modification. The MRS Omnibus Amendment No 4 was gazetted on 18 December 2000. In accordance with section 35A of the MRS Act, the City is required to initiate a scheme amendment to DPS2 so that it is consistent with the MRS.

Rezone portion of Pt Lot 802 (11) Hocking Parade, Sorrento from Private Clubs/Recreation to Residential.

The WAPC granted approval on 10 May 2000, to the amalgamation of a portion of Lot 803 Hocking Parade with Pt Lot 802, to accommodate a building encroachment. A scheme amendment is required so that the portion of Pt Lot 802 Hocking Parade that is amalgamated is zoned from Private Clubs/Recreation to Residential to be in accordance with the zoning of Pt Lot 803 Hocking Parade (shown hatched on Attachment 7).

Rezone Loc 12813 (11) Argus Close, Craigie from Local Reserve Public Use (Primary School) to Residential R20.

The lot was zoned 'Special Development A' under the City of Joondalup Town Planning Scheme No.1. During the preparation of DPS2 the lot was inadvertently identified as Local Reserve, (Public Use – Primary School) consistent with the adjoining Primary School.

The WAPC on 23 July 2001 approved a subdivision application for the creation of three freehold lots on the subject land.

Previous Council Decision

At its meeting on 24 April 2001, Council resolved to adopt the proposed amendment and requested a reduced advertising period from 42 to 28 days, based on the proposal having been advertised previously through the MRS Omnibus Amendment No 4 process.

DETAIL

Advertising and Summary

The proposed DPS2 Amendment No 7 was advertised for public comment for a 28-day period, which closed on 29 August 2001. Letters were sent to residents in the immediate vicinity of the subject land for each proposal and a sign was erected at each site for the duration of the advertising period. An advertisement was also placed in the local newspaper on 2 August 2001. A total of 3 submissions, being individual letters, were received and are tabulated in Attachment 8.

One submission expressed concern for the rezoning of a portion of Loc 12813 (11) Argus Close, Craigie on the grounds that residential development will increase vehicle traffic to Camberwarra Drive. A suggestion was made that vehicle access be off Argus Close instead of Camberwarra Drive. The other submission in relation to this site raised no objections.

It is considered that although the subdivision and development of the land will result in additional traffic on Camberwarra Drive, any impact will be minimal given that a maximum of three residential dwellings would be permitted on the site. A subdivision application approved by the WAPC on 23 July 2001 proposes the creation of three freehold lots and vehicle access off Camberwarra Drive.

The third submission raised no objection to the amendment proposal.

Relevant Legislation

Under the provision of regulation 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period (see attachment 9). After considering all submissions the Council shall either resolve to not proceed or adopt the amendment, with or without modification, and submit three copies to the WAPC for recommendation to the Minister for Planning.

COMMENT

The need for this amendment arises from the legislative requirement to make DPS2 consistent with the MRS and to rectify two minor zoning issues relating to Pt Lot 802 Hocking Parade and Loc 12813 (11) Argus Close.

The submissions are noted. The submission raising issues concerning traffic and vehicle access in relation to Loc 12813 (11) Argus Close has been considered. It is anticipated that future development of the site will have little impact by way of traffic on Camberwarra Drive.

It is recommended that the amendment be adopted without modification.

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1** pursuant to Town Planning Regulations 17 (2) **ADOPTS Amendment No 7 to the City of Joondalup District Planning Scheme No 2 without modification;**
- 2** **NOTES the submissions received;**
- 3** **AUTHORISES the affixation of the common seal to, and endorses the signing of, the amendment documents.**

The Motion was Put and

CARRIED

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf250901.pdf](#)

**CJ337-09/01 DELEGATED AUTHORITY REPORT – AUGUST 2001
- [07032]****WARD - All**

CJ010918_BRF.DOC:ITEM 18

SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 August 2001 to 31 August 2001.

MOVED Cr Walker, SECONDED Cr Rowlands that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ337-09/01.

The Motion was Put and**CARRIED***Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf250901.pdf](#)

**CJ338-09/01 SUBDIVISION REFERRALS PROCESSED 1 – 31
AUGUST 2001 - [05961]****WARD - All**

CJ010918_BRF.DOC:ITEM 19

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 – 31 August 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 subdivision application processed will enable the potential creation of 1 additional residential lot. The processing time taken was 12 days.

MOVED Cr Rowlands, SECONDED Cr Kimber that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ338-09/01.

The Motion was Put and

CARRIED

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf250901.pdf](#)

Cr Baker entered the Chamber, the time being 2029 hrs.

REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

Nil

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 9 OCTOBER 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Deputy Mayor declared the Meeting closed at 2030 hrs; the following elected members being present at that time:

P KADAK
P KIMBER
D S CARLOS
C BAKER
A NIXON
J F HOLLYWOOD, JP
A A WALKER
P ROWLANDS
T BARNETT
M O'BRIEN, JP
G KENWORTHY
J A HURST
C MACKINTOSH