



**MINUTES OF COUNCIL MEETING  
HELD ON 13 NOVEMBER 2001**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 13 NOVEMBER 2001

### OPEN AND WELCOME

The Mayor declared the meeting open at 1930 hrs.

### ATTENDANCES

#### Mayor

J BOMBAK, JP

#### Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 1959 hrs to 2002 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2110 hrs to 2113 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2055 hrs to 2056 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2110 hrs to 2111 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 1957 hrs to 2001 hrs</i>
Cr M O'BRIEN, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 2023 hrs to 2031 hrs</i>
Cr G KENWORTHY	South Coastal Ward	
Cr J HURST	Whitfords Ward	<i>Absent from 2124 hrs to 2125 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2055 hrs to 2056 hrs</i>

#### Officers:

Chief Executive Officer:	D SMITH	
Director, Resource Management:	J TURKINGTON	
Director, Planning & Development:	C HIGHAM	
Director, Infrastructure Management:	D DJULBIC	
Director, Community Development:	C HALL	<i>to 2122 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	
Manager, Executive Services:	K ROBINSON	
Manager, Council Support Services:	M SMITH	
Manager, Corporate Finance:	A SCOTT	
Manager, Organisation & Strategic Development:	J KIRTON	
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

In Attendance

Mr Tony O’Gorman, MLA  
Mrs Rosamund Hogan

*to 2008 hrs*

The Mayor welcomed Mr Tony O’Gorman and Mrs Rosamund Hogan as tonight’s invited guests.

Mr O’Gorman welcomed the Chief Executive Officer, Mr Denis Smith to the City of Joondalup and hoped that Mr Smith would come to understand the unique nature of the City’s inner residential area. Mr O’Gorman also hoped that the City of Joondalup would offer Mr Smith and his family a lifestyle that they would be happy with.

Mr O’Gorman felt that the Councillors of the City of Joondalup had displayed an exceptional commitment in recruiting high quality staff and Mr O’Gorman felt confident that Mr Smith would live up to the expectations of both Council and the Joondalup community as a whole.

Mr O’Gorman went on to talk about the cessation of Ansett Airways on 14 September 2001 and that the City of Joondalup had lost quite a large contingent of workforce from the Ansett Call Centre.

Mr O’Gorman advised the meeting that since the collapse of Ansett he had been working with the Administrator and many other people including the unions and the Ansett call centre staff to try and attract a call centre operator back into that centre.

Mr O’Gorman said that the call centre was state of the art and addressed all the issues that modern call centres wanted. Mr O’Gorman thought that it was a great shame that the City of Joondalup had lost this unique employment opportunity.

Mr O’Gorman advised that the Administrators had not chosen to reopen the City of Joondalup Call Centre but he was hopeful that with the negotiations that were still continuing there was a chance that it would be up and running very soon.

Mr O’Gorman stated that the government had also agreed to match the \$2.2 million grant/loan that was given by the previous government to whoever operates the call centre which will pay itself out over seven to ten years and convert to a grant. The offer from the government stands whether Ansett comes back to the centre or any other operator.

Mr O’Gorman advised that in the Wanneroo Times weekend edition an article was run by the Joondalup Business Association regarding the Freeway. Mr O’Gorman reiterated that he is going to keep pushing to have the Freeway to Shenton Avenue open by the time allocated in the pre-election promises. Mr O’Gorman said that he had spoken to the Minister today and she said that the Government was still on track to do this.

Mr O’Gorman said that the Vehicle Licensing Centre was just about ready to be signed off to be moved from Warwick to Joondalup. Mr O’Gorman said that this would bring a lot of people into Joondalup and the City could then be showcased to these people.

The Mayor welcomed Mrs Rosamund Hogan.

Mrs Hogan said that it gave her great pleasure to be at the Council Meeting tonight to carry out a duty that was requested of her to engender a bond between two Councils.

In May of this year Mrs Hogan was present in England at the induction of her brother, Alan Lord as Mayor of East Grinstead, West Sussex. During Mrs Hogan's five months there, she was honoured to be able to support him in his civic duties as Mayoress. Mrs Hogan attended fifty-eight functions in that capacity.

Mrs Hogan advised that on her final evening at a full Council Meeting the Town Clerk, Mr Chris Rowlings and her brother formally presented Mrs Hogan with a plaque of the town crest of East Grinstead with instructions that she present it to the Mayor of Joondalup as a gesture of friendship. Mrs Hogan also informed the meeting that Sir Charles Court was born in East Grinstead ninety years ago.

Mrs Hogan formally submitted this bridge of friendship on behalf of the Town of East Grinstead to the City of Joondalup.

The Mayor accepted the plaque on behalf of the members of the Council and thanked Mrs Hogan for presenting the plaque to them.

There were 28 members of the Public and 1 member of the Press in attendance.

## **APOLOGIES AND LEAVE OF ABSENCE**

Apologies: Cr Nixon and Cr Barnett

### **Leave of absence previously approved:**

Cr D Carlos 12 – 26 November 2001

Cr A Walker 19 – 26 November 2001

### **C122-11/01 REQUEST FOR LEAVE OF ABSENCE – CR P KIMBER**

Cr Kimber has requested Leave of Absence from Council duties for the period 17 to 29 November 2001 inclusive.

**MOVED Cr Kadak, SECONDED Cr Kenworthy that Council APPROVES the Leave of Absence requested by Cr P Kimber for the period 17 to 29 November 2001 inclusive.**

**The Motion was Put and**

**CARRIED**

## **PUBLIC QUESTION TIME**

**The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Annual General Meeting of Electors held on 15 October 2001:**

*Q1 Regarding Standing Orders and what is generally accepted as meeting procedure, one would normally put the previous minutes of Annual General Meetings of Electors before the ratepayers and ask that they be accepted.*

A1 Neither the Standing Orders Local Law of the City of Joondalup nor the Local Government Act 1995 require an Annual General Meeting of Electors to confirm the previous year's AGM minutes. The Local Government Act 1995 requires any decisions made at an AGM to be submitted, where practicable, to the next ordinary meeting of the Council for consideration.

**The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Annual General Meeting of Electors held on 15 October 2001:**

*Q1 Page 11 of Financial Statement: Can this meeting be informed of all parcels of land held by the City of Joondalup under the title of 'land held for resale' and in particular could it be confirmed or denied that the blocks of land owned freehold by the Council on the west side of Merrifield Place, Mullaloo are included in the classification of land held for resale?*

Q1 The City of Joondalup Financial Statements at 30 June 2001 disclose the City's Significant Accounting Policies and the carrying value of Property, Plant and Equipment.

The accounting policies relating to land indicate that all land is carried at cost.

At 30 June 2001, the value of "Land at Cost" was \$3,027,048. The City is not required, nor does it separately disclose "land held for resale".

Attached is a list of "Land at Cost" at 30 June 2001. To access this attachment on electronic document, click here: [Attach14agn131101.pdf](#)

The lots on the west side of Merrifield Place are owned by the Council in fee simple and their status cannot be changed without a decision of the Council.

**The following questions, submitted by Mr Roy Phillips, Currambine, were taken on notice at the Annual General Meeting of Electors held on 15 October 2001:**

*Q1 What steps has the Joondalup Council taken to respond to the State Government's decision made two months ago to remove up to 35 police officers from Joondalup?*

A1 The City met with the Superintendent of the Joondalup Police District in September 2001. The Superintendent advised that as a result of the reduction of police numbers a review has been implemented. The City has assisted in the review by participating in discussions and by providing information.

*Q2 Recent media reports stated that Joondalup Council has spent \$18,000 in legal fees in appointing the new CEO, Mr Denis Smith. Is this figure correct and who authorised the expenditure of ratepayers' money?*

A2 Since the previous answer stating the total legal fees of \$18,943, a further account for \$1,743.50 has been received. This takes the total legal cost to \$20,687.23. The costs involved relate to the two distinctly different phases of the process.

The first phase included discussions with the sub committee and Salaries and Allowances Tribunal relating the former CEO Mr Delahaunty's contract.

Costs of the first phase of the process involving Mr Delahaunty was \$16,831.73 as detailed below:

Cheque No: 28491 Date: 18/01/01	GST	Fee	Total
Taking instructions, reviewing award, research Local Government Act and Regulations, providing advice and preparing correspondence.	\$625.19	\$6,251.92	\$6,877.11
Cheque No: 29319 Date: 21/02/01			
Attend meetings, taking instructions, providing advice and preparing correspondence.	\$184.05	\$1,840.45	\$2,024.50
Cheque No: 30842 Date: 19/04/01			
Taking instructions, research award, superannuation, Motor vehicle, and FBT matters. Discussions with Salaries and Allowances Tribunal, providing advice, correspondence and attending Council meeting.	\$720.92	\$7,209.20	\$7,930.12
Sub Totals	\$1,530.16	\$15,301.57	\$16,831.73

The second phase of the process included negotiation, preparation and finalisation of the new CEO Mr Denis Smith's contract. The legal costs for this phase were \$3,855.50. Payment details were:

Cheque No: 34561 Date: 20/09/01			
Taking advice, liaison with Recruiters Australia, preparing and perusing contract	\$192.00	\$1,920.00	\$2,112.00
Invoice dated 27 September 2001			
Reviewing Local Government Act and Regulations and Freedom of Information Act. Prepare draft agreement and contract.	\$158.50	\$1,585.00	\$1,743.50
Sub Totals	\$350.00	\$3,505.00	\$3,855.50

The combined costs of both phases equals the Total Legal Fees of:

	\$1,880.66	\$18,806.57	\$20,687.23
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*Q3 I refer to allegations raised at a Council meeting two months ago that a senior Council officer had misappropriated tens of thousands of ratepayers' dollars earmarked for a pathway at Mullaloo beach. Was this allegation correct, and if not has the person who made the allegation apologised to the Council officer concerned?*

A3 This matter was raised by Cr Hollywood as a Question without Due Notice at the meeting of Council on 28 August 2001.

It was in relation to the change of funding from the pathway link at Mullaloo Beach to the dual use path project along Whitfords Avenue between Angove Drive and the Boat Harbour. The Mullaloo link for the coastal dual use path was deferred for a year.

The allegation of "misappropriation of funds" was incorrect as this transfer of funds was approved as part of the Budget Committee and workshop process and was minuted accordingly. Council adopted those minutes as an integral part of the budget adoption at a Special Meeting of Council on 8 August 2001.

It is to be recognised that at the meeting Cr Hollywood did retract the statement "misappropriation of funds" and apologised if the use of the phrase was incorrect.

**The following questions were resubmitted by Mr M Baird, Duncraig from the meeting held on 23 October 2001:**

*Q1 Just how accurate is the information on public participation in the budget process?*

A1 The information provided to Council on public participation in the Budget process is considered accurate. One submission was received from Mr de Gruchy. However, there is some sympathy for Mr Baird's view that he contributed to the budget process in that a letter dated 20 July 2001 raising questions about parks and the five year capital works program was received. However, similar matters had been raised by Mr Baird previously and those of 20 July 2001 were addressed by the Dry Parks, Median and Verge Committee on 20 July 2001, where Mr Baird made a more detailed submission. As a result, it was not considered a draft Principal Activity Plan matter.

*Q2 If the Councillors, many of whom would be aware of my input, vote on a motion that "Notes that one submission was received on the "Principal Activities Plan" just how credible is the Councillors' overview of the administration's recommendations?*

A2 See answer to Question 1.

*Q3 How many other public submissions did the Council receive on the Principal Activities Plan which aren't on the public record?*

A3 See answer to Question 1.

**Ms J Matthews, Padbury:**

*Q1 As a ratepayer, I would ask where the \$700,000 is coming from to enable the Security and Patrols Service to be in house, when that money could be spent on other facilities?*

A1 This question will be taken on notice

**Mrs M MacDonald, Mullaloo:**

*Q1 I refer to my many questions regarding the Council's intentions with respect to the 10 vacant lots at Merrifield Place owned by the Council and to the responses given.*

*I am well aware that the Council has not made a decision on the future of the land but, given the recommended response to Cr Baker's motion at the Annual General meeting, it would appear that selling the land is an option being considered.*

*Has there been discussion behind closed doors about the possibility of selling the land?*

*Q2 Will Council add to the list of matters which must be considered before action is taken, "the moral position in relation to the status of the land"?*

*Q3 Given that the purchase price of the blocks was on average \$12,000 per block and the Council values its assets at cost in its accounts, what relevance does the Commissioners' determination on the valuation placed on the blocks have? If Mr Higham's Department was unaware of the history of the blocks when it included them in Mullaloo Precinct Plan, it would appear that the Commissioners were also without background knowledge of the blocks. Is this the case?*

A1-3 These questions will be taken on notice.

**Mr Alan Hogarth, 39 Thornhill Way, Greenwood, (Chairperson synthetic Greens Subcommittee of the Warwick Bowling Club (Inc))**

*Q1 Our intention in submitting Motion No.1 at the Annual General Meeting of Electors held on 15 October 2001 as defined within Item No.1 of tonight's proceedings, was to get some guidance on how bowling clubs and the City of Joondalup could work together to establish synthetic bowling greens as an investment into community facilities.*

*We have noted that you have broadened this issue to include synthetic surfaces in general, e.g. by including hockey and tennis. However, such a policy is likely to take some time to develop and so in the meantime we would like a specific response to the original motion.*

*The reason we ask for this policy is to enable the Warwick Bowling Club to convert two existing grass greens to synthetic surfaces which will provide substantial benefit to the club and the broader community as shown in detail in our applications to the City of Joondalup and the Ministry of Sport and Recreation (CSRFF).*

*The Warwick Bowling Club is not asking for financial contributions from other sporting bodies (tennis, softball and baseball) within the Warwick Recreation Association, therefore the only stakeholders in this case who need to be contacted are the lawn bowling clubs of Beaumaris, Sorrento and Warwick together with the City of Joondalup.*

*We ask that the motion be dealt with expediently. We ask that you nominate your representatives of the City to be involved in the consultation meetings that we facilitate, so that a policy may be produced for your consideration.*

A1 This question will be taken on notice.

**Ms Sandra Blanchard, Heathridge**

*Q1 CJ395-11/01 - The 2002 Royal Planning Institute National Congress. If the Council authorises the attendance of delegates to this conference will they be restricted to travelling tourist class or economy class as presented in the estimate of costs?*

A1 The estimates are based on economy airfares and it is Council policy to travel economy class for overseas trips. There will be no upgrade.

*Q2 When will the City of Joondalup acknowledge that an error has been made regarding the difference at item 1 on the rate notices between the five percent early payment discount and the actual figure and apologise and undertake to amended future rate notices to clearly reflect the facts?*

A2 The rate notice does not specifically related to general rates. The information is available on the Budget News that accompanies the rate notice. Future rate notices will have that information included

*Q3 My second question is regarding the rate notices. The City of Joondalup rate notice states quite clearly that interest is charged on late and overdue amounts at 8.95%. Why then has the Council wasted time and money sending out final notices demanding payment in full to thousands of ratepayers who paid their first instalment late? Surely it would be more cost effective to leave the intended four payments option in place for these ratepayers and apply the extra 3.45% penalty to the overdue dates only, not on the full balance owing.*

*Is the Council prepared to investigate these issues and put in place a more cost effective and fairer practice in dealing with late payments?*

A3 The City will be looking at a more cost effective application of the instalment programme for next year's rate payments.

*Q4 Is the City of Joondalup prepared to acknowledge that the amount of 8.95% stated in a letter to me as the fourth payment option is actually incorrect? Because on the back of the instalment notice it states that the administrative charge of \$5.00 for each of these instalments 2,3 and 4, that is \$15.00 and loss of potential interest charge at a rate of 5.5%.*

A4 This question will be taken on notice.

**Mr S Magyar, Heathridge**

*Q1 CJ397-11/01 Craigie Open Space Study. Is the report referred to in the Study to be made available on the Council's Internet site as part of the public consultation process?*

A1 The study will be put on the Internet site if the format of the Study allows it.

*Q2 Section 5.33 subsection 2 says that the reasons why Council makes a decision in response to the ratepayers resolutions has to be recorded but the recommendation from the officers to the Councillors do not state reasons to be recorded as the official decision of Council.*

*Are the responses by Council to the Ratepayers' Meeting being made strictly according to the Local Government Act 1995?*

A2 This question will be taken on notice.

*Q3 The Public Consultation Process for the City's Greenhouse Gas Strategy is only available on the Council Web-site by going to the 'Living Section' and there is no mention under the 'Public Comment Section' for saying which items are out for public comment.*

*Is there any reason why items that are out for public consultation are not included in the 'General Public Comment Section' when you go to 'Council' as opposed to the 'Living' or 'Student Section'?*

A3 Council will examine the reasons why items for public consultation are not in the 'General Public Comment Section' and will transfer them if possible.

*Q4 When did the Councillors actually receive the Department of Local Government and internal review reports on the rescission motion regarding the security patrol?*

A4 This written question has already been submitted and has been taken on notice.

*Q5 Will there be a second Public Question Time at this meeting?*

A5 There is nothing listed on the agenda.

**Mr M Sideris, Mullaloo:**

*Q1 Does the Council have a public consultation policy?*

A1 There is no general policy for public consultation, although in the Planning policies there is a section on public consultation.

*Q2 Does WAMA or the Department of Local Government have a set of guidelines so that Councils may undertake a development of a public consultation policy?*

- A2 Council is not aware of any consultation policy by WAMA or State Government guidelines.
- Q3 *Does Council have a policy, if not, will Council undertake to develop a policy?*
- A3 No, there is not currently a policy pertaining to community consultation. Council will have further consultation to see if there is a necessity to frame such a policy.

## **DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

*Cr Hollywood declared a financial interest (in writing) in Item CJ394-11/01 as he has a share in North Shore Country Club.*

*Cr Mackintosh declared an interest (in writing) which may affect her impartiality in Item CJ394-11/01 as she is a member of the North Shore Country Club.*

## **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

### **CITY OF JOONDALUP – AUSTRALIA DAY AWARDS**

In partnership with the Australia Day Council, the City of Joondalup will again be presenting Australia Day Awards.

The categories are Australia Day Citizen, Young Citizen and Community Event of the Year.

The theme is “Recognising community members who voluntarily work hard for the community”.

Through a series of advertisements in the Community Newspapers, the community has been asked to nominate people who have made a noteworthy contribution during the past year and given outstanding service to the local community.

Nominees must be Australian citizens and residents of the City of Joondalup. Nominations close Friday, 14 December 2001.

*Cr Rowlands left the Chamber, the time being 1957 hrs.*

### **ORGANISATIONAL REVIEW**

In conjunction with senior staff, new Chief Executive Officer, Mr Denis Smith is reviewing the City’s organisational structure.

Workshops have evaluated the strengths and weaknesses of the structure and opportunities for efficiency gains.

Mr Warren Reynolds of Management Recruiters Australia has been engaged to provide high level strategic advice.

## **DOG REGISTRATIONS**

City Rangers have started their annual door knock of all households in the City to boost the number of dog registrations and assist the public with dog-related enquiries.

Dog Registration Officers are currently working in the Kingsley, Craigie and Hillarys areas and will cover the remaining suburbs until all residents have been contacted.

## **EXTREME YOUTH FESTIVAL**

The countdown is on to the City's Extreme Youth Festival on Sunday, 25 November 2001.

The Extreme Youth Festival is one of the City's major events and in the past years has attracted as many as 7000 young people.

There's another big line-up of bands, entertainment and activities this year at the new venue – the Lakeside Shopping Centre.

Best wishes to all involved for another big success.

## **PETITIONS**

### **C123-11/01      PETITIONS SUBMITTED TO THE COUNCIL MEETING – 13 NOVEMBER 2001**

#### **1      PETITION REQUESTING RESEALING OF MAYFLOWER CRESCENT, CRAIGIE – [11274]**

A 34-signature petition has been received from residents of Mayflower Crescent, Craigie, requesting the resealing of Mayflower Crescent.

The residents state that potholes exist along the street and advise that patching has been undertaken in the past but is washed away by heavy rains.

This petition will be referred to Infrastructure Management for action.

#### **2      PETITION OPPOSING CONSTRUCTION OF FOOTPATH – SYCAMORE DRIVE, DUNCRAIG – [09562 07980, 08066]**

Two petitions of 31 and 22 signatures respectively have been received from Duncraig residents opposing the proposed construction of a footpath on the northern side of Sycamore Drive, Duncraig.

The petitioners believe the footpath will detract from the appearance of their garden street, will devalue the street and will not enhance safety.

This petition will be referred to Infrastructure Management for action.

3 PETITION REQUESTING CONSTRUCTION OF A WALL – BUTE COURT, KINROSS – [48314]

A 42-signature petition has been received from Kinross residents requesting construction of a wall at the end of Bute Court, Kinross for the following reasons:

- opening onto Marmion Avenue a danger to children;
- noise from constant road traffic;
- rubbish thrown from passing vehicles;
- syringe needles along pathway to Ocean Keys;
- weeds blown from central reserve and bushland.

This petition will be referred to Infrastructure Management for action.

*Cr Kadak left the Chamber, the time being 1959 hrs.*

4 PETITION IN RELATION TO CITY WATCH SECURITY SERVICES – [55477]

Cr Hollywood tabled a 235-signature on behalf of residents of the City of Joondalup in relation to the City Watch Security service continuing to be operated by Council officers.

This petition will be referred to Community Development for action.

**MOVED Cr Mackintosh, SECONDED Cr Walker that the petitions:**

- 1 requesting the resealing of Mayflower Crescent, Craigie;**
- 2 opposing the proposed construction of a footpath on the northern side of Sycamore Drive, Duncraig;**
- 3 requesting construction of a wall at the end of Bute Court, Kinross;**
- 4 relating to the City Watch Security service continuing to be operated by Council officers;**

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

**The Motion was Put and**

**CARRIED**

*Cr Rowlands entered the Chamber, the time being 2001 hrs.*

*Cr Kadak entered the Chamber, the time being 2002 hrs.*

**FINANCE AND COMMUNITY DEVELOPMENT****CJ379 - 11/01 ANNUAL GENERAL MEETING OF ELECTORS - [55264]****WARD - All**

CJ011106\_BRF.DOC:ITEM 1

**SUMMARY**

The City's Annual General meeting of Electors was held on 15 October 2001 in accordance with Section 5.27 of the Local Government Act 1995. The Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council. This report details each of the motions passed at the Electors' Meeting and provides comments and a suggested response to each matter raised.

**BACKGROUND**

The City's Annual General Meeting of Electors was held on 15 October 2001 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by approximately 57 members of the public and 1 member of the press, with a total of seven (7) motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Like recommendations made at Council committee meetings, they are not binding on the Council. However, the Council must consider them.

Section 5.33 of the Local Government Act 1995 detailed below covers this matter:

**Decisions made at Electors' Meetings**

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) *at the first ordinary council meeting after that meeting; or*
  - (b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

## **DETAILS**

The motions passed at the Annual General Meeting of Electors are set out in *italics* followed by a comment and suggested course of action as to how each matter should be dealt with.

### **MOTION 1**

*MOVED Mr Tony Kay, SECONDED Mr Alan Hogarth that the City of Joondalup INTRODUCES a policy for the development of synthetic bowling greens within the City of Joondalup and establishes a cost ratio that each party will have to contribute to the total cost to establish these greens.*

*The Motion was Put and*

**CARRIED**

### **Comment**

In order to establish the requirements of all tennis, bowling and hockey clubs for synthetic grass facilities and the facility guidance being provided by the respective sports governing bodies a consultation process will be undertaken. The outcomes of this process will be reported to Council together with a potential strategy regarding synthetic grass surfaces and sporting clubs. It is anticipated that this consultation will be finalised and reported as part of the 2002/2003 Budget preparation process, to ensure that the information can be integrated in the City's planning for facilities provision .

### **Recommended Response**

**It is recommended that the consultation process undertaken regarding synthetic grass playing surfaces be finalised and reported to Council as part of the 2002/2003 Budget preparation process.**

### **MOTION 2**

*MOVED Mr M Sideris SECONDED Mr S Magyar that all minutes of Annual General Meetings of Electors be PLACED on the City's website.*

*The Motion was Put and*

**CARRIED**

### **Comment**

The Council has for some time included its minutes, briefing papers and agendas on its web page, with minutes accessible back to 1991. Electors' meetings can be included on the web site.

### **Recommended Response**

**It is recommended that Council AGREES to include all agendas and minutes of Annual and Special meetings of Electors on its web site.**

### **MOTION 3**

*MOVED Mr S Magyar SECONDED Mr K Zakrevsky that the electors call upon Council to acknowledge the importance of Section 18 of the Interpretations Act in relation to the second public question time and that Council conforms to its own Standing Orders and allows a second public question time at all ordinary meetings of Council.*

*The Motion was Put and*

*CARRIED*

### **Comment**

The Standing Orders Local Law of the City, like any other piece of legislation or local law, is subject to the Interpretations Act 1984. Clause 3.2 of the Standing Orders Local Law allows the Council, by resolution, to alter the order of business. The Council has previously resolved an order of business that is reflected on the agendas that are distributed for each ordinary meeting of the Council. This order does not include a second period of public question time prior to the closure of the meeting. The Local Government Act 1995 only requires a local government to hold a period of public question time for members of the public at the commencement of a meeting.

Legal advice has been sought on at least two previous occasions on the legality of the Council's decision to alter its order of business from that detailed within the Standing Orders Local Law. The advice confirms that the Council is able to alter its order of business by resolution, for an ordinary meeting.

Following that advice, Mr Magyar, whilst serving office as an elected member of the City, raised the issue of the deletion of the additional segment of public question time under Clause 3.2 and the impact of such a decision on the last paragraph of Clause 2.4, and the relevance of Section 18 of the Interpretations Act 1984.

Further advice was sought to clarify the issues raised by former Councillor Magyar, which confirmed the original advice.

Subsequent to that, Mr Magyar requested that independent legal advice be obtained (from a firm other than one contracted on the City's legal advisers' panel) to provide advice on the matter. Advice was then subsequently sought which confirmed the original advice.

Public consultation was recently sought on the new set of Standing Orders Local Law which details a revised order of business. At the close of public consultation, one submission was received. A report will be presented to the Council in due course.

### **Recommended Response**

**It is recommended that Council:**

- 1 NOTES the importance of all relevant legislation applicable to local government, including the Interpretations Act 1984;**
- 2 REVIEWS the order of business, including the possible provision of an additional period of public question time prior to the closure of the meeting, as part of the overall review of the proposed draft Standing Orders Local Law.**

## **MOTIONS 4 AND 5**

*MOVED Mr V Cusack SECONDED Mr R de Gruchy that we the electors of the City of Joondalup request Council to make the following change to public question time:*

- 1 that ratepayers must be allowed to make statements during question time or alternatively a specific time be set aside at the end of question time for statements which is a practice allowed for in a number of other Councils.*

*The Motion was Put and*

*CARRIED*

*MOVED Mr V Cusack SECONDED Mr R de Gruchy that we the electors of the City of Joondalup request Council to make the following change to public question time:*

- 1 there must be no interjection from Councillors at question time unless the question directly affects a particular Councillor. The responsibility to control question time resides solely with the chief elected representative, which in this case is the Mayor.*

*The Motion was Put and*

*CARRIED*

### **Comment**

Section 5.24 of the Local Government Act 1995 and Regulations 5, 6 and 7 of the Local Government (Administration) Regulations 1996 prescribe the procedures for the conduct of public question time.

Clauses 2.4 and 3.4 of the City's Standing Orders Local Law also details procedures for the conduct of public question time.

#### **Section 5.24 states:**

- 5.24: (1) Time is to be allocated for questions to be raised by members of the public and responded to at:*
- (a) every ordinary meeting of a council; and*
  - (b) such other meetings of councils or committees as may be prescribed.*
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.*

Administration Regulations 5 - Question time for the public at certain meetings - states:

- 5 *For the purposes of Section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:*
- (a) *every special meeting of a council;*
  - (b) *every meeting of a committee to which the local government has delegated a power or duty.*

Administration Regulation 6 - Minimum question time for the public - states:

- 6 (1) *The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.*
- (2) *Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.*

Administration Regulation 7 - Procedures for question time for the public – states:

- 7 (1) *Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined:*
- (a) *by the person presiding at the meeting; or*
  - (b) *in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,*

*having regard to the requirements of subregulations (2) and (3).*

- (2) *The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*
- (3) *Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*
- (4) *Nothing in subregulation (3) requires:*
- (a) *a council to answer a question that does not relate to a matter affecting the local government;*

- (b) *a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
- (c) *a committee to answer a question that does not relate to a function of the committee.*

The relevant clauses of the Standing Orders Local Law complement the Local Government Act 1995 relating to procedures of public question time.

Standing Order 2.4 – Public Participation - states:

*Members of the public are welcome to attend all Council meetings and any committee meetings open to the public. Copies of the Council and committee agendas are available in all Council libraries and at the Administration Centre, prior to the meetings (except those of the Policy committee).*

*Certain documents within the agenda may be marked 'NOT FOR PUBLICATION' and members of the public will not have access to these reports. These documents will be discussed behind closed doors for confidential reasons and the public will be asked to leave the room. A meeting of the Council or a committee may go behind closed to discuss matters that deal with the personal affairs of any person, employee/s, contracts, legal advice, trade information, or lawful investigations. The reason to go behind closed doors will be stated at the time and recorded in the minutes. The Chairperson will read out any decisions made behind closed doors upon the meeting being reopened to the public.*

*The role of the Chairperson is to preside at the meeting and to maintain order. Members of the public are not permitted to interrupt or enter into any conversation during the meeting.*

*At the beginning of each meeting the public will have a fifteen minute period of public question time. The public are encouraged to ask questions and requested to put their questions in writing prior to the meeting, to allow time for research and the provision of a more detailed answer.*

*The Chairperson will endeavour to have every question answered, however if this is not possible the question will be taken on notice and a written answer will be supplied to the question and included on the agenda for the next meeting. Questions should relate to the business of the City.*

*At the end of each Council meeting an additional segment of 15 minutes question time is allowed to permit the public to ask questions on decisions made at that meeting.*

Standing Order 3.4 – Public Question Time – states:

*At the beginning of each Council meeting and any committee meeting open to the public, there will be a fifteen minute segment of public question time. Questions should be submitted prior to the meeting, in writing where possible.*

*The chairman will be responsible for the conduct of public question time. Questions should relate to the business of the Council and should not be in the form of a statement or a personal opinion.*

The matter of public question time has been subject to review by the Council. At its meeting held on 14 August 2001, it was resolved that:

*1 Council TRIALS the following procedure for public question time at Council Meetings and Briefing Sessions for a period of six months:*

*“Council allows for public question time at each Council meeting or Briefing Session which is opened to the public.*

*Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the ‘question tray’ prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*

- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
  - *questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
  - *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.”*
- 2 *the standard advertisement in the local paper advertising the forthcoming Council meetings and Briefing Sessions be amended to include a summary of the procedure to ask questions;*
- 3 *at the conclusion of the six (6) month trial as detailed in (1) above, Council REQUESTS a further report evaluating the revised procedures relating to public question time.”*

The Act, regulations and Standing Orders Local Law are quite clear on the procedures to be followed, with the Mayor/Chairman being responsible for the conduct of public question time. Questions should not be in the form of a statement and should relate to the business of the Council. The Act requires for a summary of the question asked and the response given to be recorded in the minutes.

### **Recommended Response**

**It is recommended that Council REAFFIRMS its decision of 14 August 2001, being that:**

***“Council TRIALS the following procedure for public question time at Council Meetings and Briefing Sessions for a period of six months:***

***“Council allows for public question time at each Council meeting or Briefing Session which is opened to the public.***

***Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.***

***The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.***

***To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.***

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the ‘question tray’ prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.”*

## **MOTION 6**

*MOVED Cr Baker SECONDED Cr O’Brien that the ten lots of land owned by the City of Joondalup in Merrifield Place, Mullaloo NOT BE SOLD and be retained by the City of Joondalup for the benefit of the community.*

*The Motion was Put and*

**CARRIED**

## **Comment**

Lots 7 to 11, 29 to 32, and 35 Merrifield Place Mullaloo were purchased by the then Shire of Wanneroo in the 1970s. The Minutes relating to this indicated that the intention was to stop them being developed because of concerns regarding beach erosion, and to preserve access to the beach. Since acquiring the land, the Council has not taken any action to rezone or reclassify the lots in any way. It may be appropriate before making a decision on the future of the lots, to give consideration to the issues relating to their acquisition, including:

- the stability of the land;
- the effect any development would have on natural beach processes;
- the legal position in relation to the status of the land;
- the environmental/conservation value of the land;
- community attitudes regarding the land; and
- the impact of any decision on the City's assets and operations;
- the Joint Commissioners' determination on the valuation placed on these lots.

The lots are owned by the City in fee simple and their status cannot be changed without a decision of the Council. This is an important issue for the Council and it is strongly recommended that the Council give consideration to the matters listed above.

### **Recommended Response**

**It is recommended that Council TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:**

- **the stability of the land;**
- **the effect any development would have on natural beach processes;**
- **the legal position in relation to the status of the land;**
- **the environmental/conservation value of the land;**
- **community attitudes regarding the land; and**
- **the impact of any decision on the City's assets and operations;**
- **the Joint Commissioners' determination on the valuation placed on these lots.**

### **MOTION 7**

*MOVED Cr Kadak, SECONDED Cr Kimber that Council gives a VOTE OF THANKS to all staff of the City of Joondalup for their dedication to and efforts for this Council and this community in 2000/2001.*

*The Motion was Put and*

*CARRIED*

### **Comment**

The vote of thanks from the Council was communicated to all members of staff on 16 October 2001.

### **Recommended Response**

**It is recommended that Council ENDORSES the vote of thanks communicated to all members of staff on 16 October 2001.**

## **Correction to Minutes**

The Minutes of the Annual General Meeting of Electors are submitted for noting by Council and form Attachment 1 hereto.

Following distribution of these minutes, it has been noted that the last sentence of Answer 6 on Page 5 is incorrect: This sentence should read:

*“The reason for that is within the budget last year, 15,000 was estimated for services undertaken; the overall figure was about 5,500, hence the additional revenues over expenditures which is transferred into this Reserve.”*

### **MOVED Cr Rowlands, SECONDED Cr Mackintosh that:**

**1 the Minutes of the Annual General Meeting of Electors held on 15 October 2001, and forming Attachment 1 to this report be NOTED, subject to the following correction:**

*Page 5: Answer 6: Last sentence: “\$15,000” and “\$5,500” be amended to read “15,000” and “5,500” respectively;*

**2 in response to the Annual General Meeting of Electors held 15 October 2001 Council:**

- (a) NOTES Motion 1 of the Annual General Meeting of Electors and AGREES that the consultation process undertaken regarding synthetic grass playing surfaces be finalised and reported to Council as part of the 2002/2003 Budget preparation process;**
- (b) NOTES Motion 2 of the Annual General Meeting of Electors and AGREES to include all agendas and minutes of Annual and Special meetings of Electors on its web site;**
- (c) (i) NOTES Motion 3 of the Annual General Meeting of Electors:**
  - (ii) NOTES the importance of all relevant legislation applicable to local government, including the Interpretations Act 1984;**
  - (iii) REVIEWS the order of business, including the possible provision of an additional period of public question time prior to the closure of the meeting, as part of the overall review of the proposed draft Standing Orders Local Law;**
- (d) NOTES Motions 4 and 5 of the Annual General Meeting of Electors and REAFFIRMS its decision of 14 August 2001, being that:**

*“Council TRIALS the following procedure for public question time at Council Meetings and Briefing Sessions for a period of six months:*

*“Council allows for public question time at each Council meeting or Briefing Session which is opened to the public.*

*Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the ‘question tray’ prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- accept or reject the question;*
- nominate a member of the Council and/or officer to answer the question; or*
- determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- questions should properly relate to Council business.*
- question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.”*

(e) **NOTES Motion 6 of the Annual General Meeting of Electors and TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:**

- **the stability of the land;**
- **the effect any development would have on natural beach processes;**
- **the legal position in relation to the status of the land;**
- **the environmental/conservation value of the land;**
- **community attitudes regarding the land; and**
- **the impact of any decision on the City's assets and operations;**
- **the Joint Commissioners' determination on the valuation placed on these lots.**

(f) **NOTES that Motion 7 of the Annual General Meeting of Electors and ENDORSES the vote of thanks communicated to all members of staff on 16 October 2001;**

**3 the mover and seconder of each motion of the Annual General Meeting of Electors be ADVISED of the relevant outcomes, with the appropriate actions to be taken.**

**1<sup>ST</sup> AMENDMENT MOVED Cr Walker, SECONDED Cr Hollywood that Point 2 (e) of the Motion be amended to read as follows:**

“2 (e) (i) **NOTES Motion 6 of the Annual General Meeting of Electors and TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:**

- **the stability of the land;**
- **the effect any development would have on natural beach processes;**
- **the legal position in relation to the status of the land;**
- **the environmental/conservation value of the land;**
- **community attitudes regarding the land; and**
- **the impact of any decision on the City's assets and operations;**
- **the Joint Commissioners' determination on the valuation placed on these lots.**

(ii) **SEEKS a report addressing these matters, to be presented to Council by mid March 2002.”**

**The 1<sup>st</sup> Amendment was Put and**

**LOST**

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

In favour of the Amendment: Crs O'Brien, Rowlands, Walker, Hollywood and Kadak

Against the Amendment: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Baker and Kimber

**2<sup>ND</sup> AMENDMENT MOVED Cr O'Brien, SECONDED Cr Hollywood that Point 2 (a) of the Motion be amended to read:**

**“2 (a) NOTES Motion 1 of the Annual General Meeting of Electors and AGREES that the consultation process undertaken regarding synthetic grass playing surfaces should include an elected member from each Ward where there is a bowling green located, and be finalised and reported to Council as part of the 2002/2003 Budget preparation process;”**

**The 2<sup>nd</sup> Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, BEING that:**

**1 the Minutes of the Annual General Meeting of Electors held on 15 October 2001, and forming Attachment 1 to this report be NOTED, subject to the following correction:**

*Page 5: Answer 6: Last sentence: “\$15,000” and “\$5,500” be amended to read “15,000” and “5,500” respectively;*

**2 in response to the Annual General Meeting of Electors held 15 October 2001 Council:**

- (a) NOTES Motion 1 of the Annual General Meeting of Electors and AGREES that the consultation process undertaken regarding synthetic grass playing surfaces should include an elected member from each Ward where there is a bowling green located, and be finalised and reported to Council as part of the 2002/2003 Budget preparation process;”**
- (b) NOTES Motion 2 of the Annual General Meeting of Electors and AGREES to include all agendas and minutes of Annual and Special meetings of Electors on its web site;**
- (c) (i) NOTES Motion 3 of the Annual General Meeting of Electors:**
  - (ii) NOTES the importance of all relevant legislation applicable to local government, including the Interpretations Act 1984;**
  - (iii) REVIEWS the order of business, including the possible provision of an additional period of public question time prior to the closure of the meeting, as part of the overall review of the proposed draft Standing Orders Local Law;**
- (d) NOTES Motions 4 and 5 of the Annual General Meeting of Electors and REAFFIRMS its decision of 14 August 2001, being that:**

*“Council TRIALS the following procedure for public question time at Council Meetings and Briefing Sessions for a period of six months:*

*“Council allows for public question time at each Council meeting or Briefing Session which is opened to the public.*

*Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the ‘question tray’ prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- accept or reject the question;*
- nominate a member of the Council and/or officer to answer the question; or*
- determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- questions should properly relate to Council business.*
- question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.”*

(e) **NOTES Motion 6 of the Annual General Meeting of Electors and TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:**

- **the stability of the land;**
- **the effect any development would have on natural beach processes;**
- **the legal position in relation to the status of the land;**
- **the environmental/conservation value of the land;**
- **community attitudes regarding the land; and**
- **the impact of any decision on the City's assets and operations;**
- **the Joint Commissioners' determination on the valuation placed on these lots.**

(f) **NOTES that Motion 7 of the Annual General Meeting of Electors and ENDORSES the vote of thanks communicated to all members of staff on 16 October 2001;**

**3 the mover and seconder of each motion of the Annual General Meeting of Electors be ADVISED of the relevant outcomes, with the appropriate actions to be taken.**

**was Put and**

**CARRIED**

*Appendices 1(a) and 1(b) refer*

*To access this attachment on electronic document, click here: [Attach1abrf131101.pdf](#)  
[Attach1bbrf131101.pdf](#)*

**CJ380 - 11/01 PERSONAL COMPUTER REPLACEMENT 2001/2002  
- [38510]**

**WARD - All**

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CJ011106\_BRF.DOC:ITEM 2

## **SUMMARY**

The City's personal computers are currently replaced under a three-year rolling replacement program. Under this program up to one third of PCs are replaced each year.

An amount of \$175,000 was budgeted for PC and notebook replacement for 2001/02 based on 85 PCs @ \$1,850 per unit and 3 notebooks @ \$4,500 per unit.

An evaluation has now been completed of the quotations from various suppliers to provide the City of Joondalup with the 85 PCs it requires for the 2001/02 financial year. The procurement process has utilised the Department of Industry and Technology's Contract Number 40499 "Personal Computers" for the supply of PCs.

Council approval is now sought for the purchase of the 85 PCs from Nimrod Computers for a total cost of \$145,501 excluding GST.

## **BACKGROUND**

The City's personal computers are currently replaced under a three-year rolling replacement program. Under this program up to one third of PCs are replaced each year. This is based on the IT industry standard of three years useful life for a PC in a business environment.

The rolling nature of the PC replacement program is designed to keep the City's inventory of PCs at an appropriate standard to operate the necessary corporate systems, to keep all equipment current and under full warranty, and also to spread funding needs over multiple years.

For the 2001/2002 financial year 85 PCs have been scheduled for replacement.

Over the last few years the City has been purchasing PCs from suppliers qualified under a Department of Industry and Technology panel contract. This contract provides the City with access to all the major suppliers of PCs and allows the City to obtain competitive prices on specific equipment with lower administrative costs than under a full tender process.

An amount of \$175,000 was budgeted for PC and notebook replacement for 2001/02 based on:

85 PCs @ \$1,850 per unit  
3 notebooks @ \$4,500 per unit

Council approval is now sought for the purchase of the 85 PCs as the total cost will exceed \$100,000. The purchase of the 3 notebooks will proceed separately as a minor purchase.

## **DETAILS**

The Department of Industry and Technology has established a number of whole of government panel contracts which local governments may use. This includes Contract Number 40499 "Personal Computers" for the supply of PCs. There are 21 Contractors qualified to supply PCs under this contract.

An evaluation has now been completed of the quotations from various suppliers to provide the City of Joondalup with the 85 PCs it requires for the 2001/02 financial year. The selection process used was as follows:

- The overall process was planned and executed in accordance with the Buyers Guide prescribed by the Department of Industry and Technology for Contract Number 40499.

- ❑ A specification for the equipment was prepared (see below).
- ❑ The documentation issued to suppliers was agreed with the Manager Contract Management to ensure the City fully complied with the prescribed process and any overriding procurement considerations required by the City. An evaluation criteria was also agreed (see below).
- ❑ All 21 contractors registered for Contract Number 40499 were invited to submit quotations based on the detailed specification. Of these 14 contractors submitted written quotations and 7 failed to respond.
- ❑ Based on the predetermined evaluation methodology a preliminary shortlist of five suppliers was identified. From this list it was then determined that the PCs from the two highest scoring suppliers should undergo further in-house evaluation and testing.
- ❑ Representative PCs from Nimrod Computers and CDM were provided to Information Services and evaluation and testing of the equipment was performed. This testing confirmed that Nimrod was the best overall equipment based on the evaluation criteria.
- ❑ A detailed evaluation report was prepared by the technical evaluation team, consisting of the Help Desk Co-ordinator, NT Administrator and IT Support Officer. The conclusions of the evaluation team were unanimous and were reviewed by the Manager Information Services.

### Specification

Suppliers were asked to quote on a baseline PC with the following minimum configuration:

- Intel Pentium IV 1.5Mhz
- 128 MB memory
- 20Gb disk drive
- 32Mb graphics card
- Microsoft mouse and keyboard
- Microsoft Windows Keyboard PS/2
- Midi Tower Cabinet
- 3 years on site warranty

Suppliers were also asked to provide the costs for the following options:

- Upgrade to 256Mb memory
- Upgrade to 512Mb memory
- 17" monitor
- Network card
- CD ROM
- CD Burner
- DVD Drive

Selection Criteria

The following selection criteria was used:

- Competitive price
- Demonstrated capacity to meet service needs
- Conformance with specification
- Overall value for money
- Willingness to perform additional works

Recommended Purchase Configuration

Intel Pentium IV 1.5Mhz  
 512 MB memory  
 20Gb disk drive  
 32Mb graphics card  
 17" monitor  
 Microsoft mouse and keyboard  
 Microsoft Windows Keyboard PS/2  
 Midi Tower Cabinet  
 3 years on site warranty

Unit price \$1,518.18 ex GST.

OEM License

Under Microsoft licensing arrangements the City is required to purchase an OEM operating systems licence (Windows 98SE) at \$193.60 ex GST per unit.

Disposal of Equipment

Of the 85 PCs to be replaced, approximately 30 of the higher specification PCs will be recycled for use within the City's Libraries for public use and the remainder will be disposed of at auction.

**COMMENT/FUNDING**

A cost benefit analysis was undertaken on the cost effectiveness of either leasing or purchasing these computers. The model was developed taking cognisance of the opportunity cost on the funds employed and also the residual value at the end of three years.

The analysis came out in favour of the buy option.

Account No:	11-10-18-184-6721-F342
Budget Item:	Corporate PC Replacement
Budget Amount:	\$175,000
Actual Cost:	\$145,501

**MOVED Cr Patterson, SECONDED Cr Hurst that:**

- 1 Council APPROVES the purchase of 85 personal computers from Nimrod Computers at \$1,711.78 per unit;**
- 2 total expenditure of \$145,501 to be charged to Budget Item 11-10-18-184-6721-F342 PC Corporate PC Replacement Program.**

**1<sup>ST</sup> AMENDMENT MOVED Cr Walker, SECONDED Cr Rowlands that an additional Point 3 be added as follows:**

- “3 INVESTIGATES the possibility of making the City’s obsolete computers available for purchase by underprivileged schools and kindergartens within the City.”**

Cr Baker with the agreement of Cr Walker suggested the word “purchase” be amended to read “gift”.

**The 1<sup>st</sup> Amendment was Put and**

**LOST**

**2<sup>ND</sup> AMENDMENT MOVED Cr Kimber, SECONDED Cr Kadak that an additional Point 3 be added as follows:**

- “3 a report be prepared formulating a policy relating to the disposal of obsolete computers owned by the City to include distribution to schools and other interested community organisations.”**

Discussion ensued.

**The 2<sup>nd</sup> Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, BEING that:**

- 1 Council APPROVES the purchase of 85 personal computers from Nimrod Computers at \$1,711.78 per unit;**
- 2 total expenditure of \$145,501 be charged to Budget Item 11-10-18-184-6721-F342 PC Corporate PC Replacement Program;**
- 3 a report be prepared formulating a policy relating to the disposal of obsolete computers owned by the City to include distribution to schools and other interested community organisations.**

**was Put and**

**CARRIED**

## **CJ381 - 11/01      LOT      118      MINDARIE/TAMALA      PARK      – MANAGEMENT AGREEMENT - [41196]**

**WARD** - All

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CJ011106\_BRF.DOC:ITEM 3

### **SUMMARY**

The owners of Lot 118 (formerly Lot 17), the Cities of Joondalup, Perth, Stirling, and Wanneroo and the Towns of Cambridge, Victoria Park, and Vincent propose to develop Lot 118. The scope and length of the project will span many years. To enable the project to proceed on a sound basis it is proposed that a Memorandum of Understanding (MOU) is entered into. The MOU outlines principles that, once agreed, will allow the preparation of a Joint Venture Agreement to proceed with confidence.

### **BACKGROUND**

In April 2000 (CJ098-04/00 refers), the City considered a report on the proposed Structure Plan for Lot 118 Mindarie/Tamala Park and resolved:

- “1      *AUTHORISES the formal submission of the Structure Plan prepared by The Planning Group with the City of Wanneroo in accordance with Part 10 of the City of Wanneroo Town Planning Scheme No. 1;*
- 2      *AUTHORISES the joint owners to seek acceptable compensation, without any delay, for any land reserved as a consequence of the MRS Amendment 992/33 or Bush Plan;*
- 3      *AUTHORISES negotiations to realize the maximum capital return to the communities whilst protecting areas of environmental sensitivity;*
- 4      *REQUESTS the preparation of a Strategic, Business and Action Plans for Lot 17 covering a five year period;*
- 5      *SEEKS a further report recommending a suitable legal vehicle for dealing with joint ownership issues.”*

A Structure Plan was subsequently advertised for public comment and has been formally deferred, at the request of the joint owners, pending resolution of a number of matters including Bush Forever negotiations and issues raised during the advertising period.

This report deals with the matter of a suitable legal vehicle for dealing with joint ownership issues.

The development of Lot 118 is a major project staged over many years and involving considerable sums of money. The project encompasses an area of 432 hectares and comprises residential and commercial development, as well as areas for conservation and public use purposes.

A project of this complexity requires a sound decision-making process that can respond to issues quickly.

The management of the project within the Local Government framework is a critical issue and becomes a rather more difficult exercise with seven owners.

Solicitors were engaged by the owners to advise on a management structure that will allow the project to be effectively managed.

It is proposed the first stage, in arriving at a suitable management structure is to agree on some fundamental principles that will be expanded into a detailed Agreement between the parties.

These principles are set out in Clause 3 of the attached draft Memorandum of Understanding (MOU) (Attachment A refers).

## **DETAILS**

The draft MOU proposes that the Joint Venture shares will be based on the level of ownership in the land and that the liability of each of the parties will be several and not joint. In other words, the extent of any liability will be limited to the degree of ownership.

### **Management Committee**

A Management Committee, consisting of one representative appointed by each of the parties, is proposed. The role of the Committee will be to oversee the project, (in accordance with approved operating programs and budgets) engage a Project Manager, ensure appropriate insurances are in place and undertake other matters that may be agreed by the owners.

### **Voting**

It is proposed that each party shall have a number of votes in relation to its Joint Venture Share and that all decisions will be made by a two-thirds majority of votes. The Wanneroo City Council has recently resolved not to support secondary waste treatment on the site and had sought to include a provision that required a unanimous decision for any proposals to establish a secondary waste treatment facility on the land. However, it was the general consensus of the Chief Executive Officers representing the other joint owners, that the ability of any single owner to veto decisions regarding the use and development of the land was not acceptable.

### **MOU – Joint Venture Agreement**

The purpose of the MOU is to provide confidence in proceeding to the next phase of developing a more detailed Joint Venture Agreement.

## **Tamala Park Land Transfer Act 2001**

The Tamala Park Land Transfer Act was gazetted on 28 August 2001.

The Act, provided for the transfer of shares in the land by the Registrar of Titles, from the City of Perth's shareholding to the Towns of Cambridge, Victoria Park and Vincent. This transfer was recently effected and a new title issued. The new Lot number is Lot 118 (previously Lot 17).

### **COMMENT/FUNDING**

The scale and magnitude of the development of Lot 118, and the number of landowners requires that an Agreement is established between the owners so that the project can proceed on a sound and efficient basis where risks are minimised.

There is some urgency in agreeing management arrangements. Issues that face the owners in the next few months include:

- Land tenure arrangements and use of land currently leased to Mindarie Regional Council (subject of separate report on this agenda);
- Finalisation of a Bush Forever negotiations;
- Finalisation and approval of the Structure Plan;
- Appointment of a development partner.

All of these matters require co-ordination between the parties and certainty of process.

Agreement to the proposed MOU will enable the owners to confidently proceed with the preparation of a Joint Venture Agreement.

### **MOVED Cr Rowlands, SECONDED Cr Baker that Council:**

- 1 AGREES to enter into the Lot 118 Joint Venture Memorandum of Understanding which establishes principles for the development of a Joint Venture Agreement with the Cities of Joondalup, Perth, Stirling and Wanneroo and the Towns of Cambridge, Victoria Park and Vincent;**
- 2 AUTHORISES the signing and sealing of the Memorandum of Understanding.**

Cr Hollywood sought clarification in relation to voting issues.

**The Motion was Put and**

**CARRIED**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf131101.pdf](#)*

## **CJ382 - 11/01 MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE MEETINGS HELD ON 5 OCTOBER AND 17 OCTOBER 2001 - [00906]**

**WARD** - All

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CJ011106\_BRF.DOC: ITEM 4

### **SUMMARY**

The Environmental and Sustainability Advisory Committee met on 5 and 17 October 2001 and the minutes of the meetings are submitted for noting by Council and endorsement of relevant motions. The committee meeting held on 5 October 2001 was an informal meeting.

### **BACKGROUND**

The Environmental and Sustainability Advisory Committee meeting held on 5 October 2001 met primarily to invite community representative nominees to present to the committee regarding their nomination to the Environmental and Sustainability Advisory Committee. Due to a quorum not being reached, the meeting was informal and the minutes are submitted to Council for noting.

The Environmental and Sustainability Advisory Committee meeting held on 17 October 2001 discussed a range of items including:

- A recommendation to Council regarding the appointment of community representatives to the committee.
- The committee work plan.
- Greenhouse gas emission reduction target setting, Community consultation.
- Committee forum to investigate and prepare a Sustainability report for the committee.
- Investigations regarding a potential project regarding bus shelters.
- Precinct planning.

### **DETAILS**

The minutes of the Environmental and Sustainability Advisory Committee held on 5 and 17 October 2001 are included as Attachment 1.

The committee requested that a brief overview be provided to Council, for each of the nominees recommended to be appointed to the Environmental and Sustainability Advisory Committee. Nominee profiles are provided below:

**Mr Vincent Cusack**

Mr Cusack is employed as a part time lecturer at Edith Cowan University. He graduated in 1999 with a first class Honours degree in politics and government and is presently studying a PhD. Key areas of interest include climate change and the Kyoto Protocol, and the Pangea Resources Pty Ltd high level radioactive waste disposal proposal. Community membership includes treasurer of the South Ward Ratepayers and Municipal Electors Association, and member of City of Joondalup Combined Residents Group.

**Mr Will Carstairs**

Mr Carstairs has resided in Joondalup for the previous 6 years. He is a self employed painting contractor, and is a member and Site Manager of the Friends of Yellagonga. Mr Carstairs has completed a bush regeneration course run by APACE WA (Inc) and is a member of the City of Wanneroo Conservation Advisory Committee.

**Mr Steve Magyar**

Mr Magyar was appointed in July 1993 to the then City of Wanneroo Environmental Advisory Committee as a community representative. He served on the City of Joondalup Environmental Advisory Committee, December 1999 to May 2001, and was elected chairperson to the committee in early 2000. He has actively participated in many community groups at various times, including Friends of Yellagonga Regional Park, Friends of Hepburn and Pinnaroo Bushland and Joondalup Coast Care Forum. His key areas of interest include economic, social and environmental sustainability issues.

**Mr Rajendra Kurup**

Mr Kurup is principal consultant of Environmental Engineers International and is an adjunct lecturer at Murdoch University (Division of Science and Engineering). His key areas of interest include environmental engineering, pollution control and sustainable development. Mr Kurup is a member of several professional bodies including Waste Management Association of Australia, Institution of Engineers of Australia, and Australian Conservation Foundation.

**Committee Membership and Quorum**

The committee discussed approaches for appropriate community representation and the need for ensuring that meetings achieve quorums on a regular basis. It was concluded that appropriate community representation and quorum requirements should be specified by an amendment to the terms of reference to the committee. This will assist in establishing clear and practical parameters for the operation of the committee.

Section 5.19 of the Local Government Act 1995 states that a quorum of a Council or committee meeting is to be 50% whether those members are vacant or not.

Section 5.15 of the Act allows for a Council to reduce the number of officers required of a committee for a quorum. This section of the Act only allows the Council to reduce the numbers for a quorum for a specific meeting when a quorum will not be achieved.

The Council does not have the power to reduce the number required for a quorum on an indefinite basis. If the Committee is finding it difficult to achieve a quorum, then the Committee or the Council may desire to review the membership.

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

- 1 NOTES the minutes of the Environmental and Sustainability Advisory Committee meetings held on 5 October and 17 October 2001 forming Attachment 1 to Report CJ382-11/01;**
- 2 ENDORSES the appointment of the following community representatives to the Environmental and Sustainability Advisory Committee;**
  - Mr Vincent Cusack;**
  - Mr Will Carstairs;**
  - Mr Steve Magyar;**
  - Mr Rajendra Kurup.**
- 3 AMENDS the terms of reference of the Environmental and Sustainability Advisory Committee to:**
  - (a) set a maximum number of committee members at 15;**
  - (b) require a minimum of two community representatives to be present at committee meetings;**
- 4 ADVISES the Environmental and Sustainability Advisory Committee that the quorum for the Committee must remain at 50% in accordance with the Local Government Act 1995.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Appendices 3(a) and 3(b) refer*

*To access this attachment on electronic document, click here: [Attach3aagn131101.pdf](#)  
[Attach3bagn131101.pdf](#)*

**CJ383 - 11/01      ART COLLECTION WORKING PARTY - [14158]****WARD - All**

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CJ011106\_BRF.DOC:ITEM 5

**SUMMARY**

A meeting of the Art Collection Working Party was held on 18 October 2001 and the unconfirmed minutes are submitted for noting by Council.

At the Briefing Session held 4 September 2001, it was requested that a review be undertaken in consultation with all community art groups and professional artists in relation to entry and selection criteria for participation in the Invitation Art Award. It was also requested that feedback on the comments made in the 2001 Invitation Art Award visitor's book also be provided.

The Art Collection Working Party considered this matter at its meeting held 18 October 2001 and noted a briefing paper on this matter that had been considered by Council at its briefing session held 5 September 2000 which resulted in no changes being made to either art award.

Community feedback from the Invitation Art Award gathered through comments made in the visitors book indicated that there is significant community support for the invitation as follows:

- 216 Positive (78%)
- 37 Neutral (13%)
- 23 Negative (8%)

**BACKGROUND**

In February 2000, following various proposals in relation to the Invitation Art Award and Community Art Award, a review was conducted of the entry criteria and management of the City of Joondalup's art exhibitions in consultation with local community arts organisations.

The review indicated that no changes should be made to the current format of either art exhibition. A report on this matter was considered by Council at a briefing session held 5 September 2000.

The City's two annual art exhibitions were reviewed through consultation with local visual art groups. Among other issues, consultation explored the question of entry and selection criteria for each exhibition.

The groups considered that the Invitation Art Award should continue in its present format and that artists throughout West Australia should be invited to exhibit. It was considered that having local artists exhibit in the Invitation Art Award was very worthwhile but needed to be based on merit. Consultation indicated that the Invitation Award was highly commended by the arts community. Artists aspire to receive an invitation to take part.

The Art Society members commented that they appreciated the opportunity to see work produced by the best West Australian artists being exhibited in the City and that it inspired their members.

The feedback from the local arts organisations suggests a high level of support for the two Art Awards to continue to be conducted by the City under the current format. The Art Awards are meeting a need in the local arts communities and, in discussions with the groups, there is a strong desire for these projects to continue and to strengthen their relationship with the City.

## **DETAILS**

Community feedback from the Invitation Art Award gathered through comments made in the visitors book indicated that there is significant community support for the invitation as follows:

- 216 Positive (78%)
- 37 Neutral (13%)
- 23 Negative (8%)

The unconfirmed minutes of the Art Collection Working Party meeting held 18 October 2001 are included as Attachment 1.

## **COMMENT/FUNDING**

It is considered that as a review of the Invitation Art Award and Community Art Award was conducted in 2000 and that the current format of both art awards is supported by the local community, no changes are currently required.

### **MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:**

- 1 NOTES the unconfirmed minutes of the Art Collection Working Party held 18 October 2001 forming Attachment One to Report CJ383-11/01;**
- 2 NOTES the feedback on the comments made in the 2001 Invitation Art Award visitor's book as detailed in Report CJ383-11/01.**

*Crs Kimber and Mackintosh spoke to the Motion.*

**The Motion was Put and**

**CARRIED**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf131101.pdf](#)*

## **CJ384 - 11/01 MINUTES OF JOONDALUP EISTEDDFOD WORKING PARTY - [50027]**

**WARD** - All

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CJ011106\_BRF.DOC:ITEM 6

### **SUMMARY**

A meeting of the Joondalup Eisteddfod Working Party was held on 4 October 2001 and the unconfirmed minutes are submitted for noting by Council.

### **BACKGROUND**

The unconfirmed minutes of the Joondalup Eisteddfod Working Party meeting held on 4 October 2001 are included as Attachment 1. All matters arising at the meeting were of an administration nature and will be handled by the City's administration.

**MOVED Cr Rowlands, SECONDED Cr Patterson that Council NOTES the unconfirmed minutes of the Joondalup Eisteddfod Working Party meeting held on 4 October 2001 forming Attachment 1 to Report CJ384-11/01.**

**The Motion was Put and**

**CARRIED**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf131101.pdf](#)*

## **CJ385 - 11/01 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – OCTOBER 2001 - [38245]**

**WARD** - All

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CJ011106\_BRF.DOC:ITEM 7

### **SUMMARY**

Meetings of the Joondalup North and South Youth Advisory Councils were held on 15 and 17 October 2001. The unconfirmed minutes of these meetings are submitted for noting by Council.

### **DETAILS**

The unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council held on 15 October 2001 in Conference Room 1 are included as Attachment 1.

The unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council held on 17 October 2001 in Conference Room 1 are included as Attachment 2.

It should be noted that in the minutes of the Joondalup North Youth Advisory Council meeting, item (3) 'Tree Planting Proposal' recommends that an application for funds for the proposal be submitted to the City of Joondalup as part of the Community Funding Program 2001-2002.

It is inappropriate for the City of Joondalup to make an application for financial assistance to a funding program that is provided by the same organisation. This process is in any case in contravention of the Community Funding Program Guidelines.

The Youth Advisory Council will need to be advised that the correct procedure for seeking funds for potential projects is to list funding requirements for consideration as part of the normal 2002-2003 budgeting process.

No action is required from these minutes.

**MOVED Cr Kadak, SECONDED Cr Kimber that Council NOTES the unconfirmed minutes of the:**

- 1 Joondalup North Youth Advisory Council meeting held on 15 October 2001 forming Attachment 1 to Report CJ385-11/01;**
- 2 Joondalup South Youth Advisory Council meeting held on 17 October 2001 forming Attachment 2 to Report CJ385-11/01.**

Cr Kadak gave an overview of the activities undertaken by the Youth Advisory Councils during the past month.

**AMENDMENT MOVED Cr Walker, SECONDED Cr Hurst that an additional Point 3 be added as follows:**

- “3 the City of Joondalup makes provision on its website for a webpage for the Youth Advisory Council – a page administered by Youth – for Youth, in conjunction with the City’s staff.”**

**The Amendment was Put and**

**CARRIED**

*Cr Patterson left the Chamber, the time being 2023 hrs.*

**The Original Motion, as amended, BEING that:**

- 1 Council NOTES the unconfirmed minutes of the Joondalup North Youth Advisory Council meeting held on 15 October 2001 forming Attachment 1 to Report CJ385-11/01;**

- 2 Council NOTES the unconfirmed minutes of the Joondalup South Youth Advisory Council meeting held on 17 October 2001 forming Attachment 2 to Report CJ385-11/01;**
- 3 the City of Joondalup makes provision on its website for a webpage for the Youth Advisory Council – a page administered by Youth – for Youth, in conjunction with the City’s staff.**

**was Put and**

**CARRIED**

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

*To access this attachment on electronic document, click here: [Attach6abrf131101.pdf](#)  
[Attach6bbrf131101.pdf](#)*

**CJ386 - 11/01 COMMITTEE MEMBERSHIP AMENDMENTS -  
[40958] [05019] [29094] [55511] [05396] [44818] [29109]**

**WARD - All**

CJ011106\_BRF.DOC:ITEM 8

**SUMMARY**

The Local Government Act, 1995 allows a local government to establish various committees and appoint persons to those committees in order to assist with its decision making process.

Subsequent to the recent resignations of Marilyn Beresford, Manager of Community and Health Services and Mark Stanton, Manager Leisure and Ranger Services, there is a need for the Council to consider the proposed nominations of Michael Barry and Graeme Hall, both of whom are acting in the respective positions for a period of six months, to be appointed to those committees identified in this report.

The inclusion of the new officers to the nominated committees will ensure the same level of committee support and the ongoing maintenance of committee numbers.

**BACKGROUND**

The Local Government Act, 1995 provides for a local government to establish various committees and appoint appropriate persons to those committees in order to assist with the decision making process. Powers exercised under Section 5.10 (4) or (5) can only be effected on the decision of an absolute majority of the local government.

The committee and its membership exists until the:

- Person no longer holds office;
- Person resigns;
- Committee is disbanded; or
- Next ordinary election day.

whichever happens first.

## DETAILS

The Manager Community and Health Services, Marilyn Beresford and the Manager Leisure and Ranger Services, Mark Stanton recently tendered their resignations and have left the organisation. In the interim period, whilst the Administration structure is reviewed, the positions vacated in the Community Development Directorate have been occupied by Officers employed on six month temporary contracts.

The departure of both Managers now necessitates that their representations on various Council committees is revoked and that the Council gives consideration to the replacement nominations as follows:

COMMITTEE	PREVIOUS REPRESENTATIVE	NEW REPRESENTATIVE
Board of Community Vision Inc	M Beresford	M Barry
Joondalup Festival and Summer Events Committee	M Stanton	G Hall
Joondalup Lotteries House	M Beresford	M Barry
Strategic Advisory Committee – Youth Affairs	M Beresford	M Barry
Urban Animal Management Advisory Committee	M Stanton	G Hall
Strategic Advisory Committee – Seniors Interests	M Beresford	M Barry
Yellagonga Catchment Group	M Beresford	M Barry

## COMMENT/FUNDING

The inclusion of Graeme Hall, Acting Manager of Leisure and Ranger Services and Michael Barry, Acting Manager of Community and Health Services, on the respective committees will provide continuity of committee assistance and will also enable the levels of committee membership to be maintained.

### **MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council:**

**1 REVOKES the appointment of M Beresford and M Stanton from the following committees:**

- **Board of Community Vision Inc. - M Beresford**
- **Strategic Advisory Committee - Youth Affairs - M Beresford**
- **Yellagonga Catchment Group Inc.- M Beresford**
- **Joondalup Lotteries House Inc. - M Beresford**
- **Strategic Advisory Committee – Seniors Interests – M Beresford**
- **Joondalup Festival and Summer Events Committee - M Stanton**
- **Urban Animal Management Advisory Committee - M Stanton**

**2 APPOINTS M Barry and G Hall to the following committees:**

- **Board of Community Vision Inc. - M Barry**
- **Strategic Advisory Committee - Youth Affairs - M Barry**
- **Yellagonga Catchment Group Inc. - M Barry**
- **Joondalup Lotteries House Inc. - M Barry**
- **Strategic Advisory Committee – Seniors Interests – M Barry**
- **Joondalup Festival and Summer Events Committee - G Hall**
- **Urban Animal Management Advisory Committee - G Hall**

**3 EXTENDS a vote of thanks to M Beresford and M Stanton for their contribution to the committees as outlined in Point 1 above.****The Motion was Put and****CARRIED BY AN  
ABSOLUTE MAJORITY****CJ387 - 11/01 "DRUGS: NATIONAL PROBLEM, LOCAL SOLUTIONS" CONFERENCE - [09047]****WARD - All**

CJ011106\_BRF.DOC:ITEM 9

**SUMMARY**

A new Local Government Committee has been established and as a means to involving and informing local governments about drug issues, has initiated a conference "Drugs: National Problem, Local Solutions" to be held in Brisbane on 4 -5 December 2001.

The Conference Program will focus on local government issues and practical solutions to help better manage and reduce the impacts of drug abuse. Prominent international speakers, as well as leading Australian experts in drug policy and practice will present at the Conference.

It is recommended that the Co-ordinator Community Services attend the Conference.

**BACKGROUND**

A new Local Government Committee has been established as part of the Inter-Governmental Committee on Drugs. A first step towards involving and informing local governments about drug issues is the impending conference in Brisbane on 4 -5 December 2001-"Drugs: National Problem, Local Solutions" that is sponsored jointly by the Council of Capital City Lord Mayors and Brisbane City Council and supported by the Australian Local Government Association.

## DETAILS

The conference will focus on local government issues and practical solutions to help better manage and reduce the impacts of drug abuse. The conference will also discuss and debate current drug policy at a national and international level, and consider future trends and options.

Prominent international speakers, as well as leading Australian experts in drug policy and practice will present at the Conference. Representatives and policy makers from Federal and State Governments, as well as key non-government agencies have also been invited to share their perspective and experience.

The estimated costs for the Co-ordinator Community Services attending the Conference are as follows:

Registration Fees	\$300
Economy Airfare	\$1,100
Accommodation	\$350
Incidentals	\$250
Total	\$2,000

Funding is available under Budget Item 'Community Services Administration-Conferences'.

## COMMENT/FUNDING

The conference is particularly relevant to the work undertaken by Youth Services in dealing with young people.

Account No:	11-80-88-881-3302-0001
Budget Item:	Conference Expenses
Budget Amount:	\$2,000
Actual Cost:	\$2,000

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

- 1 APPROVES the attendance of the Co-ordinator of Community Services at the "Drugs: National Problem, Local Solutions" Conference to be held in Brisbane from 4-5 December 2001 at an estimated cost of \$2,000;
- 2 APPROVES the expenditure in (1) above to be charged to Budget Item No 11-80-88-881-3302-0001 - Conference Expenses, Community Services;
- 3 REQUESTS an information report on the outcomes of the Conference.

## **MOVED Cr O'Brien, SECONDED Cr Kadak that Council:**

- 1 APPROVES the attendance of Crs C Mackintosh and P Kimber and the Co-ordinator of Community Services at the "Drugs: National Problem, Local Solutions" Conference to be held in Brisbane from 4-5 December 2001 at an estimated cost of \$2,000 per person;

- 2 APPROVES the expenditure in (1) above to be charged to Budget Item Nos 11.05.05.052.3521.0001 – Elected Members Conference Expenses and 11-80-88-881-3302-0001 - Conference Expenses, Community Services;**
- 3 REQUESTS an information report on the outcomes of the Conference.**

Discussion ensued. Cr Mackintosh spoke to the Motion and sought leave to read a report pertaining to the Citizens Drug Summit which she attended in September.

Cr Hurst indicated she wished to foreshadow a motion to the affect that only one elected member attend the Conference should the motion under consideration not succeed.

**The Motion was Put and**

**CARRIED**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf131101.pdf](#)*

*Cr Patterson entered the Chamber, the time being 2031 hrs.*

## **CJ388 - 11/01 TENDER 013-01/02 TWO SKID STEER LOADERS - [49510]**

**WARD - All**

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CJ011106\_BRF.DOC:ITEM 10

### **SUMMARY**

The City's 2001/02 budget provided for the purchase of plant, as detailed in the Plant Replacement programme. Two skid steer loaders were listed for purchase, with the trade of one existing machine.

This report outlines the submissions received in relation to Tender 013-01/02. All tendered submissions were reviewed and found not to meet the specifications in the Tender. It recommends the rejection of all tenders.

The Chief Executive Officer has delegated authority to reject tenders up to \$100,000. However, as Tender 013-01/02 exceeds that figure, it requires approval of the Council.

### **BACKGROUND**

Tender 013-01/02 pertaining to this acquisition was advertised on Saturday 15 September 2001 and closed on Wednesday 3 October 2001. The plant item to be traded was presented for inspection on 24 September 2001 and was evaluated by all prospective tenderers.

## DETAILS

The City appointed four officers to form a tender evaluation panel who undertook a verification process that analysed the contents of the submissions received to the specifications as outlined in Schedule A1 of the Tender document 013-01/02.

Four suppliers of skid steer loaders submitted submissions for the supply of five different models of machine. Details of all submissions are shown on Attachment A.

The following outlines the rationale as to why each tender submission did not meet the required specifications:

- The lowest cost tender was submitted by McIntosh & Son on the New Holland LS180, however the unit offered did not meet the tender specification in the following areas:
  - 1 A net power rating of 44.8kw compared 55kw in the specification
  - 2 Side lever steering control whereas the specification sought central mounted T bar steering

Considering the points above, the McIntosh & Son tender submission was deemed by the evaluation committee to be non-conforming and is recommended for rejection.

- The second lowest cost tender was submitted by Casewest on the Case 75XT, however the unit offered did not meet the tender specification in the following areas:
  - 1 A net power rating of 50kw compared to 55kw in the specification.
  - 2 The unit has side lever steering control whereas the specification sought central mounted T bar steering

Considering the points above, the Casewest tender submission was deemed to be non-conforming and hence is recommended for rejection.

- The third lowest cost tender was submitted by McIntosh & Son on the New Holland LS190, however the unit offered did not meet the tender specification in the following areas:
  - 1 14x17.5 tyres whereas the specification called for 12x16.5 size tyres
  - 2 An optional suspension seat whereas the specification sought for mandatory fitment
  - 3 Side lever steering control whereas the specification sought central mounted T bar steering

Considering the points above, the McIntosh & Son tender submission was deemed to be non-conforming and hence is recommended for rejection.

- The fourth lowest cost tender was submitted by Skid Steer City on the Thomas 245, however the unit offered did not meet the tender specification in the following area:
  - 1 Side lever steering control whereas the specification sought central mounted T bar steering

Considering the point above, the Skid Steer City tender submission was deemed to be non-conforming and hence is recommended for rejection.

- The fifth lowest cost tender was submitted by Hitachi Construction Machinery on the John Deere 260, however the unit offered did not meet the tender specification in the following areas:
  - 1 A net power rating of 51.5kw compared to 55kw in the specification.
  - 2 Side lever steering control whereas the specification sought central mounted T bar steering

Considering the points above, the Hitachi Construction Machinery tender submission was deemed to be non-conforming and hence is recommended for rejection.

## COMMENT

Four tenderers submitted prices for the supply of two machines and trade of one unit. The low number of tenders was of concern as at least eight were expected. The specifications sought 'T' bar steering which could have discouraged suppliers of conventional controlled machines to submit a tender.

The evaluation panel determined that all tenderers did not meet the required specifications and that the specifications could be altered without adversely affecting operational needs. The removal of 'T' bar steering from the specifications would allow suppliers of non 'T' Bar machines to submit tenders for consideration if a new tender was called.

## **MOVED Cr Rowlands, SECONDED Cr Walker that Council:**

- 1 DOES NOT accept any of the tenders submitted for the supply of two skid steer loaders and the trade of one existing machine as described in Tender 013-01/02;**
- 2 APPROVES the alteration of specifications so as to allow suppliers of conventional steering controlled machines to submit conforming tenders.**

**The Motion was Put and**

**CARRIED**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf131101.pdf](#)*

## **CJ389 - 11/01 HILLARYS PRE-SCHOOL LEASE RENEWAL - [20165]**

**WARD** - Whitfords

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CJ011106\_BRF.DOC:ITEM 11

### **SUMMARY**

The former City of Wanneroo leased purpose built buildings to the Education Department of Western Australia for a number of years to provide venues for early childhood education.

The Hillarys Pre-School Committee (now the Hillarys Community Kindergarten Incorporated) Lease of the Hillarys Pre-School at 137 Broadbeach Boulevard, Hillarys has expired. However, the Kindergarten has a continuing requirement for the premises, remains in occupation and has requested a new lease.

In view of the continued requirement and occupation it is recommended that a new lease be approved by Council.

### **BACKGROUND**

The former City of Wanneroo purpose built early childhood venues to meet the needs of local people over a number of years in line with regional development.

On 1 June, 1996 the Hillarys Pre-School Committee (now the Hillarys Community Kindergarten Incorporated) was granted a peppercorn (\$1.00) Lease for the portion of Flinders Park Community Centre at 137 Broadbeach Boulevard, Hillarys, which is shown hatched on Attachment A.

### **DETAILS**

The Hillarys Pre-School Centre comprises 305m<sup>2</sup> of the Flinders Park Community Centre, which is situated at 137 Broadbeach Boulevard, Hillarys. The land is described as Lot 947 on Plan 20001 and being the whole of the land in Certificate of Title Volume 2011 Folio 415.

The lease at Hillarys Pre-School expired 31 May, 2001 and as the Lessee's requirement for the premises is continuing it is recommended that a new lease be approved by Council.

### **COMMENT/FUNDING**

The issue of a rent increase was canvassed with the Pre-School. Currently the group is paying for all maintenance, painting, rates and taxes and associated expenses involved with the running of the centre. The new lease will continue this requirement as per the City's Standard Community Lease.

Funding for the Pre-School is limited to Education Grants and voluntary contributions from the parents. These moneys are also used for the running of the centre's educational program.

The proposal to continue the current rental payment has been negotiated with the Pre School. This does not reflect the true lettable value of the building, however it continues the City's support for independent early childhood education within the community.

The facility is currently used for educational purposes for the benefit of pre-school children Mondays to Thursdays during the hours of 8.45 AM to 3.00 PM.

**MOVED Cr Walker, SECONDED Cr Rowlands that Council APPROVES leasing the Hillarys Pre-School at 137 Broadbeach Boulevard, Hillarys to the Hillarys Community Kindergarten Incorporated, subject to:**

- 1 the Lease being for a period of 5 years commencing 1 July 2001 with no options to renew;**
- 2 the rental being \$1.00 per annum with no annual escalations;**
- 3 the lease being for the purpose of a pre-school centre;**
- 4 all legal costs associated with the Lease being met by the Hillarys Community Kindergarten Incorporated;**
- 5 the signing and affixing of the Common Seal to the Lease between the City of Joondalup and the Hillarys Community Kindergarten Incorporated.**

**The Motion was Put and**

**CARRIED**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn131101.pdf](#)*

**INFRASTRUCTURE MANAGEMENT****CJ390 - 11/01      CONTRACT 048 99/00 SUPPLY AND APPLICATION  
OF PESTICIDES AND CONTRACT 030-99/00 SUPPLY  
AND DELIVERY OF PREMIXED CONCRETE -  
[35821] [47258]****WARD - All**

CJ011106\_BRF.DOC:ITEM 12

**SUMMARY**

Contract No 48-99/00 Supply and Application of Pesticides was approved at the Council meeting held 26 October 1999. Contract No 030-99/00 Supply and Delivery of Premixed Concrete was approved at the Council meeting held 22 June 1999.

The above contracts form part of the City of Joondalup Operations Services contracts and in accordance with the General Conditions of Contract, this report recommends an appropriate extension of the two contracts.

**DETAILS**

Contract 048-99/00 was awarded to Turfmaster Pty Ltd of Bayswater by the Joint Commissioners at the ordinary Council meeting held 26 October 1999.

In accordance with the contract period Clause 24 extension of the contract period was authorised by Council at its meeting of 23 May 2000.

The contract has provision for a further 12 months extension and the company Turfmaster Pty Ltd has confirmed their request to exercise the option.

Turfmaster Pty Ltd advise that the contract rates remain as adjusted to accommodate the GST application. See Attachment 1 Schedule of Rates.

Works performed by the company has complied with Council requirements and within the appropriate timeframes requested.

Contract 030-99/00 was awarded to BGC Concrete by the Joint Commissioners at the ordinary Council meeting of 22 June 1999.

Council at its meeting of 13 June 2000 resolved to extend the contract in accordance with the Conditions of Contract, Clause 24. There is a 12 month extension option remaining and BGC Concrete have exercised this option with no change to the Schedule of Rates approved in June 2000. See Attachment 2.

This tender provides for the supply of premixed concrete for various construction and maintenance projects. BGC Concrete has provided this service to a satisfactory standard.

## FUNDING

The above contracts are funded by Operations Maintenance Budget as authorised or Projects funded in the Capital Works Program as authorised by Council.

**MOVED Cr Rowlands, SECONDED Cr Patterson that Council AUTHORISES the 12 month extension to 31 October 2002 for Contract 048-99/00 - Supply and Application of Pesticides awarded to Turf Master Pty Ltd and authorises a 12 month extension to 31 August 2002 for Contract 030-99/00 - Supply and Delivery of Premixed Concrete awarded to BGC Concrete.**

**The Motion was Put and**

**CARRIED**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf131101.pdf](#)*

## **CJ391 - 11/01 UPGRADE OF VARIABLE AIR VOLUME BOXES IN THE JOONDALUP ADMINISTRATION CENTRE - [06774] [04150]**

**WARD - Lakeside**

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CJ011106\_BRF.DOC:ITEM 13

## **SUMMARY**

Work is required to upgrade to a digital format the controls for delivering conditioned air to all parts of the Joondalup Administration Centre. It is recommended that Siemens Building Technologies Pty Ltd (Landis & Staefa Division) as a sole supplier, be authorised to effect the upgrade at a cost of \$114,000.

## **BACKGROUND**

The Joondalup Administration Centre was constructed in 1978/79. The air conditioning control system is now over 20 years old and requires upgrading.

In 1990 the first direct digital control system (DDC) in the Joondalup Administration Centre was installed by Satchwell Controls (now Invensys) to control the air conditioning for the top floor (at that time the Council Chamber and Councillors facilities) and the western end of the first floor. Over a period of years this system was expanded to offer some limited control over parts of the ground and second floors.

As part of the Millennium Bug investigations, it was found that the 1990 DDC was not Y2K compliant. Further, in the decade leading up to the expected millennium bug effect, the functionality of personal computers in air conditioning system control had improved almost exponentially.

In early 2000, the replacement of the old DDC was tendered on a specification prepared by the City's Building Services management consultants, Lincoln Scott Australia. This Contract 98-99/00 was awarded to Siemens Building Technologies Pty Ltd (Landis & Staefa Division) to install their *Desigo Insight* system to control the air conditioning to all three buildings in the Joondalup civic precinct.

The installation of the *Desigo Insight* system for the Administration Building highlighted the need to upgrade the system to digital control. Over 84% of the building's air delivery is still controlled by the old pneumatic system being 97 of the 115 variable air volume boxes (VAVs) in the Joondalup Administration Centre. Further, because the pneumatic control system is slowly wearing out and is no longer controlling the air distribution and temperature to optimum efficiency, Lincoln Scott was commissioned to investigate the possibility of converting the 97 VAVs and upgrading 15 of the remaining 18 VAVs to full digital control. The upgrade's feasibility was established, and an amount of \$120,000 was allowed for the capital upgrade in the 2001/02 budget.

## **DETAILS**

The variable air volume air conditioning system in the Joondalup Administration Centre relies on a central plant to distribute heated or cooled air to all parts of the building. The system uses variable air volume as different parts of the building have different heat loads.

At present, the temperature condition of the whole building is calculated from 18 of the building's 115 VAVs. However, only 3 of these 18 have full digital functionality. These 3 VAVs provide air flow and heating information to the DDC to enable the control system to calculate the required heating or cooling. Further, 67 of the 70 VAVs with in-duct heaters do not have air flow switches, but rely on mechanical thermostats to switch off duct heaters if air flow falls below a certain point allowing the heater to become too hot. Duct heaters tripping out on overload and heater relays failing on excess current flow are constant problems in the building during winter.

The full functionality of the 3 VAVs was achieved only when *Desigo Insight* was installed, as the control of those VAVs could not be achieved without the installation of hardware that was compatible with the Siemens system. For the proposed upgrade to be effective, all digital control equipment to be installed must be compatible with Siemens' *Desigo Insight*. Such compatible equipment is manufactured and installed only by Siemens. Further, the configuration of this equipment and the upgrade of the control system front end (the "programming") can only be executed by Siemens.

Effectively, for this project upgrade Siemens is considered a sole supplier.

## COMMENT/FUNDING

Lincolne Scott, the City's Building Services Management Consultants has developed a specification for the conversion and upgrade work and invited Siemens Building Technologies Pty Ltd (Landis & Staefa Division) to submit a price.

The work involves:

- the conversion of 97 pneumatic VAV boxes to pressure independent digital control,
- the modification of 15 DDC controlled VAV boxes from pressure dependent to pressure independent,
- replacing existing heating relays with new relays wired so that current is distributed more evenly;
- install air flow switches to all 115 VAV boxes with electric heater banks.

Siemens Building Technologies Pty Ltd has priced this work to cost \$114,000 exclusive of GST. The overall funding is as follows:

<b>Project 4103 Joondalup Administration Centre</b>	
Air Conditioning improvements	<b>\$120,000</b>

### *Siemens Building Technologies Pty Ltd quotation*

Conversion and modification of 115 VAV boxes	\$105,000
New re-wired heater relays	\$ 3,000
<u>Air flow switches to 67 VAVs</u>	<u>\$ 6,000</u>
<b>Total Installation Cost</b>	<b>\$114,000</b>

### *Fees*

<u>Fees for design, documentation and contract administration</u>	<u>\$ 7,040</u>
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<b>Total Project Expenditure</b>	<b>\$121,040</b>
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<b><u>Total Anticipated Shortfall</u></b>	<b><u>(\$ 1,040)</u></b>
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The anticipated shortfall can be offset against the Building Services Consulting Budget.

As Siemens Building Technologies is integral to every phase of the project in that it supplies, installs and supports hardware that is compatible with its *Desigo Insight*, it can be considered as a sole supplier.

Tender Regulation 11, sub regulation 2f, permits the Council to directly purchase this equipment from Siemens Building Technologies as it is a sole supplier.

### **MOVED Cr Kadak, SECONDED Cr Kimber that Council:**

- 1 RECOGNISES Siemens Building Technologies Pty Ltd (Landis & Staefa Division) as a sole supplier of equipment to upgrade the Joondalup Administration Centre's variable air volume boxes to full digital control;**

- 2 AUTHORISES the expenditure of \$114,000 quoted by Siemens Building Technologies Pty Ltd (Landis & Staefa Division) as a sole supplier to upgrade the variable air volume boxes in the Joondalup Administration Centre to full digital control.**

**The Motion was Put and**

**CARRIED**

**CJ392 - 11/01 FUTURE DIRECTIONS IN MANAGING THE WASTE STREAM IN THE MINDARIE REGION - [36958]**

**WARD - All**

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**SUMMARY**

The purpose of this report is to seek Council's support for a regional approach for future directions in waste management providing for orderly management of waste collection and disposal in an environmentally and economically responsible manner. There is also an outstanding item from the Environmental Advisory Committee meeting 16 August 2001 requesting the a report on a Tamala Park waste treatment facility and the proposed implementation of secondary waste treatment. This report also addresses this issue.

The City of Joondalup adopted a Waste Management Strategy at the Council meeting 11 July 2001. The strategy recognised the need to support the Mindarie Regional Council (MRC) to reduce waste to landfill and resolved to:

- Support the efforts of the MRC to secure a long term tenure on Lot 118 for its waste management activities; and
- Give a priority to its participation in the MRC activities and decision making process.

Since the adoption of the strategy the City of Joondalup has been working in concert with the MRC to achieve these objectives:

- A major study into secondary waste treatment and its feasibility for implementation for the Mindarie Region. A resolution by the MRC to adopt the report and importantly the implementation plan for secondary waste treatment; and
- Completion of the Tamala Park Master Plan outlining the current situation, issues affecting the Park, future waste management options and an action plan to implement the Master Plan.

At the briefing session on 4 September 2001 a green paper was issued discussing the Tamala Park Master Plan and a presentation given by John King BSD/ Meinhardt Joint Venture. It is now timely to seek Council's endorsement of the Tamala Park Master Plan and future directions for responsible management of the City of Joondalup's and the region's waste stream.

The current status on secondary waste treatment at Tamala Park is that no decision has been made on a site. A site assessment report has been received and will be assessed by the Technical Advisory Committee of the MRC. The report assesses Tamala Park and a number of alternate sites.

## **BACKGROUND**

The City of Joondalup adopted a waste management Strategy on 11 July 2000. It recognised the need to act in concert with the MRCs directions in waste management. Since this time the MRC has commissioned major studies into the feasibility of secondary waste treatment and has adopted a secondary waste implementation plan

The MRC has also developed the Tamala Park Master Plan addressing a range of issues from current operations, issues affecting the future development of Tamala Park and future options.

In developing a comprehensive regional approach to this issue it needs to be recognised that there are high level strategic directions provided by the State's task force for the Waste 2020 strategy. The Waste 2020 document is currently in its development stage and while officers are contributing to its development, a final document needs to be released before consideration by Council.

## **DETAILS**

The following details a comprehensive regional approach to waste management with a focus on economic, environmental and social imperatives. One of the key documents to developing a comprehensive regional approach to waste management is the Tamala Park Master Plan. It provides for the ongoing disposal at Tamala Park addressing issues such as Bush Forever, land tenure, aboriginal, heritage, conditions of licence, final land use, rehabilitation and revegetation.

### **1 Reducing our Reliance on Landfill**

- 1.1 The City of Joondalup to continue with kerbside recycling until more sustainable and economic methods of retrieving recyclables from the waste stream are determined by the outcomes from the investigations into secondary waste treatment and the adopted implementation plan;
- 1.2 Continue with greenwaste recycling including separate collection of the verge greenwaste and its subsequent chipping and mulching for reuse;
- 1.3 Continue with the implementation plan for Secondary Waste Treatment;  
The current status of the project is as follows:
  - BSD/Meinhardt joint venture has been appointed as project engineers
  - Expressions of interest for technology providers have been called and a list of preferred tenderers have been selected;
  - A site assessment report has been received for the selection of the site for secondary waste treatment either at Tamala Park or an alternate site and will be reviewed by the Technical Advisory Committee of the MRC in November 2001.

- 1.4 Support the recycling/reuse facility at Tamala Park;

## **2 Minimising Impacts**

- 2.1 The Tamala Park Master Plan is a key document in relation to minimising impacts and includes the following:
  - 2.1.1 Actively support the installation of the liner and leachate collection system for stage 2 Tamala Park to minimise impacts on groundwater;
  - 2.1.2 Actively support the implementation of the Tamala Park landfill gas recovery plan;
  - 2.1.3 Continue to monitor groundwater impacts;
  - 2.1.4 Continue with post closure management items including rehabilitation of the landfilled areas, landfill gas recovery and continue monitoring of the groundwater;
  - 2.1.5 Continue to manage and operate the site within the licence conditions set by the Department of Environmental Protection and other relevant legislation;
- 2.2 Continue with the MRCs pricing policy to reduce the amount of greenwaste to landfill

## **3 Provide for the orderly collection and disposal of the waste stream**

- 3.1 Continue with the current Service Level Agreements with the City of Wanneroo provided the agreements remain competitive;
- 3.2 Support the MRCs competitive pricing policy for the disposal of waste at Tamala Park

## **4 Directions for the Mindarie Region**

The City of Joondalup recognises the need to advance waste management in the region to provide for the orderly management of waste based on environmental, economic and social principles. It acknowledges technological advances being made in the field of waste management and supports the MRC in the directions outlined below:

- 4.1 Support the implementation of the Secondary Waste Treatment Plant at Tamala Park or alternate site based on the above principles;
- 4.2 Support the MRC to gain land tenure at Tamala Park for continued waste management activities. Of priority is the secure land tenure, this may be in the form of execution of the lease extension for Tamala Park (twenty one years), development of a new lease providing for current issues of the landowners and the MRC or purchase of the land associated with the lease. One of the issues that need to be considered in the above options are the portions of lands east of Connolly Drive and west of Marmion Avenue which should be reviewed to enable decision making flexibility for the landowners in the development options for Lot 118;

Support the Tamala Park Master Plan including:

- 4.3.1 Improve environmental controls and management to minimise impacts;
  - 4.3.2 Outcomes in favour of Perth Bush Forever policy or outcomes similar to those objectives;
  - 4.3.3 Final land use;
  - 4.3.4 Aboriginal heritage;
  - 4.3.5 Revegetation and rehabilitation; and
  - 4.3.6 Post closure management strategy
- 4.4 Support initiatives to reduce the City of Joondalup’s reliance on landfill including:
- 4.4.1 the upgrade of the Materials Recovery Facility at Wangara to commingled facility,
  - 4.4.2 continuation of the kerbside recycling collection service;
  - 4.4.3 continue to separate bulk collections for greenwaste to enable diversion of this waste stream from landfill and product enhancement (mulching);
- 4.5 Promote through the state and regional councils a community awareness and education campaign on the issues surrounding secondary waste treatment.
- 4.6 Develop a web page on the City of Joondalup’s website introducing and discussing waste management and secondary waste treatment issues.

## COMMENT

It is recognised waste management practices may change significantly in the near future and the above approach provides flexibility to allow the City of Joondalup to move in concert with the MRC. Once the issues of secondary waste treatment has been decided the City of Joondalup may be required to adopted a waste collection format consistent with the requirements of the Secondary Waste Treatment Facility.

The above represents a responsible approach to waste management practices based on sound economic, environmental and social principles.

Importantly the community need to be kept informed on the issues an progress towards secondary waste treatment and the initiative to promote a community awareness and education campaign through state and regional councils (through MWAC) is seen as crucial for the introduction of Secondary Waste Treatment. The City’s web page can play an important part in this role. It will assist in the local community’s understanding of waste management issues informing them on where we need to go with disposal of wastes, updated progress reports on the introduction of secondary waste treatment project and provide an important community link with residents who wish to gain access to information.

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

- 1 ADOPTS the regional approach to waste management as detailed in Report CJ392-11/01;**
- 2 ENDORSES land tenure security for the Mindarie Regional Council for the waste management activities at Tamala Park;**

- 3 **ADVISES the Mindarie Regional Council that it supports the introduction of Secondary Waste Treatment either at Tamala Park or at an alternate site based on sound economical, social and environmental considerations;**
- 4 **ADVISES the Mindarie Regional Council it supports the Tamala Park Master Plan;**
- 5 **ADVISES the Mindarie Regional Council to promote through the responsible State agency and/or the Municipal Waste Management Council (MWAC), and/or at the regional level, a community awareness and education campaign on secondary waste treatment;**
- 6 **DEVELOPS a web page on the City of Joondalup’s web site introducing and discussing local waste management and secondary waste treatment issues.**

**AMENDMENT MOVED Cr Walker** that an additional Point 7 be added as follows:

- “7 **SEEKS price and availability of utilising the waste treatment facility at Mirrabooka to dispose of domestic waste generated in the City of Joondalup in a single bin waste recycling strategy.**”

Mayor Bombak advised he could not accept this as an amendment.

Discussion ensued.

**The Motion as Moved by Cr Kenworthy, Seconded by Cr Baker was Put and**  
**CARRIED**

## **CJ393 - 11/01 ENTERPRISE BARGAINING AGREEMENT – INFRASTRUCTURE MANAGEMENT OPERATIONS SERVICES (OUTSIDE WORKERS) - [43830]**

**WARD - All**

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### **SUMMARY**

On 13 April 1999 the City of Joondalup Cleaning section entered into a Collective Workplace Agreement under Section 40D of the Workplace Agreement Act 1993.

The Agreement expired on 9 March 2001 and discussions between the parties commenced.

The option to combine the agreement with the existing Operations Services Enterprise Bargaining Agreement (EBA) Parks and Engineering agreement was discussed with the employees and Union representatives. Adoption of this option provides Council with a single EBA covering the outside workforce, with the exception of three trades employees.

## BACKGROUND

On 13 April 1999 the Tribunal established under Section 40D of the Workplace Agreements Act 1993 approved the registration of Collective Workplace Agreement No 99/4284, between City of Joondalup and the employees listed on the schedule list for the employees within the Cleaning Section, 22 employee names were recorded.

The Agreement provided for a 5.5% increase in the first year only and amalgamated the following Award conditions:-

Industry Allowance	Annualised into fortnightly pay
Annual Leave Loading	Annualised into fortnightly pay
Two Days in Lieu	Annualised into fortnightly pay

This Agreement expired on 9 March 2001 and discussions between the parties commenced in accordance with the document specifications.

With the recent change to the Industrial regulations, the use of collective workplace agreements has been restricted to a maximum of six months. This restriction has placed an unworkable condition on both employee and management, therefore alternatives have been explored.

## DETAILS

The alternatives available are EBAs, basic award conditions or negotiated package individual contract.

Option 1 – Extend the existing collective workplace agreement.

**Disadvantages** – Six month maximum periods allowed  
Requirement for all employees to agree and sign agreement  
Union required to sign on behalf of employees

**Advantages** - No protracted negotiations  
Option to vary conditions

Option 2 – Revert to the basic award conditions and pay structures

**Disadvantages** – Industrial dispute.

Option 3 – Establish an EBA specific to cleaning section.

Due to the work involved, this option was not progressed beyond initial discussion phase.

Option 4 – Integrate existing cleaning employees into the current Operations Services' EBA established for the Parks and Engineering workforce.

## Advantages

This Agreement is operational and has a clause inserted for “Amendments to Agreement”. This option was discussed with the cleaning employees and representatives from the Municipal Employees Union. A comparison document was prepared to identify compatibility between the expired Collective Workplace Agreement and the current Operations Services EBA documents. This comparison confirmed that the standard conditions applied to both groups and the only changes apparent were in areas specific to the Cleaning Section, for example:-

Terms of the Agreement	Clause 5	Minor change
Spread of Hours	Clause 7	Encompassing weekend work Requirements
Productivity Gains	Clause 12	Specific to Cleaning Section
Performance Indicator Measures	Clause 17	Specific to Cleaning Section
Enterprise Model	Clause 18	Specific to Cleaning Section

Clauses 7, 12 and 17 have been recommended for inclusion in the proposed amendment to the Operations Services EBA document.

Clause 5 Terms of the Agreement required total review due to various factors. The pay scale adopted for the Collective Workplace Agreement was based on the Australian Service Union classification scale, eg. WA Award Level 2 Step 1-4. This Award is commonly referred to as the Local Government Officers Award and encompasses the salary range 1-9 levels, with 1-4 steps per level.

The Outside Workers Award covers 1-6 levels and clearly defines the type of works perform, and relevant pay structures between the two agreements.

Amalgamation of the Cleaning Section into the Operations Services EBA was the preferred option as it provided Council with the following benefits:-

1. Maximise the outside workforce in the Operations Services Business Unit under the single Award structure (there would be three carpenters that remain within a Collective Workplace Agreement).
2. Enhance the current multi-skilled workforce.
  - 2.1 This has occurred in the Operations section, with cleaners currently undertaking maintenance works previously undertaken by Parks employees, eg. cleaning of BBQ's and picnic facilities.
3. Reduce time spent by officers negotiating and preparing separate agreements.
  - 3.1 Single document negotiated and voted on by employees, en bloc.
4. Employee Morale – Equality for employees within a consistent pay structure.

5. Council Expectations – Acknowledgement of the work sections that all employees are treated equal and receive the same opportunities to perform and receive appropriate payment.

The opportunity to utilise the workforce to maximise multi-skilling benefits for the Business Unit and ultimately the Council.

The proposed variation would require:-

1. Approval by Council.
2. Acceptance vote by all employees covered by the Operations Services Enterprise Agreement.
3. Ratification by the Australian Industrial Relations Commission.

## COMMENT

The initial 1999 collective agreement was to facilitate the changes being undertaken within the Cleaning Section eg:

1. Competitive Tendering – 50% of Council’s cleaning maintenance is via contract.
2. Contracting out of Council Buildings – eg. Leisure Centres, Kingsley Community facility. Employee hours range from full-time, 76 hours per fortnight, to part-time to 40 hours per fortnight, and include regular weekend works to ensure the buildings are available for the community.
3. Ocean Ridge – Two cleaners transferred to Whitfords Library, part-time, due to retirement of full-time cleaner. Therefore no replacement required.

Craigie Leisure Centre & Duncraig Rec Centre – Contract cleaners remain (Reekie Property Services).

Kingsley Community Centre – Part-time cleaner position not required following relocation of City of Wanneroo employees. Building remains closed.

Current structure of cleaners –

- 2 full-time
- 14 permanent part-time
- 1 supervisor
- 1 senior leading hand
- 1 casual (replacement due to leave) - Logo

It must also be noted that the nine day fortnight currently worked by Parks and Engineering employees is not available to the cleaning section employees due to work commitments.

### Long-Term Strategy

Retention of a core cleaning section was assessed as part of previous benchmarking exercises and it has been accepted that Council's facilities can be serviced as required, at a equivalent cost. In-house cleaners are used extensively for isolated coastal toilet facilities to ensure that the standards are maintained. Additionally, they undertake all extensive resealing of community centre floors to meet specific requirements. All cleaning employees are required to have Level 2 accreditation training from TAFE to undertake this work.

Cleaning of park BBQs and picnic facilities is a multi-skilling change recently applied. This releases Parks employees to undertake alternative maintenance works associated with the upgrading of dry parks to be reticulated.

The benefit of a flexible workforce to respond to after hours emergencies and additional cleaning requirements is a bonus to Council and should be encouraged.

### **FUNDING**

	<i>Current Rate</i>	<i>Proposed Rate</i>
<i>Cleaner Level 2 -</i>		
<i>Hourly</i>	<i>13.3497</i>	<i>14.3526</i>
<i>Weekly</i>	<i>507.29</i>	<i>545.40</i>
<i>Fortnightly</i>	<i>1014.58</i>	<i>1090.80</i>

### Current Structure of Cleaners

2 full-time cleaners  
 14 permanent part-time cleaners  
 1 supervisor  
 1 senior leading hand  
 1 casual (replacement due to leave) – Logo

Cost to organisation based on fortnightly payroll costs as at 2 October 2001 –

Proposed increased  
 expenditure per fortnight                      \$1.3530 per hour x 969.75 hours = \$1312.08

Total Annual Increase - \$34,114.08

The cost benefit for adoption of the existing EBA variation clause has been calculated at –

17 employees x two meetings x 1 hour x \$14.35 = \$487.90

Preparation of a new EBA encompassing the Cleaning Section only has been calculated at –

17 employees x 4 meetings x 4 hours x \$14.35 = \$3,903.20  
 2 Officers – additional cost  
 1 Manager – additional cost  
 1 Typist/administration – additional cost

A direct benefit has been the multi skilling opportunity regarding BBQ maintenance by cleaners while on site cleaning toilet facilities. This has been calculated at \$29,785.92.

#### Total Cost Benefit

Multi Skilling options	\$29,785.92
EBA preparation variation	\$ 3,415.30
<b>Total</b>	<b>\$33,201.22</b>

There are various similar opportunities to maximise the workforce potential and refine work practices within the Operations Business Unit, eg. picnic facility maintenance, reporting of vandalism, graffiti and other park-related works.

Clearly there is a cost benefit to Council to utilise the current Operations EBA and provide a modest pay increase for the Cleaning Section employees.

Acceptance of this agreement will bring the cleaning section into line with the rest of the operational employees and future increases will be in accordance with the existing Operations Services Agreement.

The current Operations EBA expires on 1 July 2002.

Operations Cleaning Service Maintenance accounts apply and funds are available due to the outsourcing of the Leisure Services facilities and the retirement of employees involved.

**MOVED Cr Kimber, SECONDED Cr Baker that Council SEEKS a variation of the existing City of Joondalup Infrastructure Management Operations Services Enterprise Bargaining Agreement (EBA) to reflect the inclusion of cleaning service section.**

**The Motion was Put and**

**CARRIED**

### **PLANNING AND DEVELOPMENT**

*Cr Hollywood declared a financial interest (in writing) in Item CJ394-11/01 as he has a share in North Shore Country Club.*

*Cr Mackintosh declared an interest (in writing) which may affect her impartiality in Item CJ394-11/01 as she is a member of the North Shore Country Club.*

*Crs Mackintosh and Hollywood left the Chamber, the time being 2055 hrs.*

## **CJ394 - 11/01 FINAL CONSIDERATION - AMENDMENT 9 TO DISTRICT PLANNING SCHEME NO. 2 - LOT 55 (11) HENDERSON DRIVE, KALLAROO - NORTH SHORE COUNTRY CLUB - [62007]**

**WARD** - Whitfords

CJ011106\_BRF.DOC:ITEM 14

### **SUMMARY**

Amendment No. 9 to District Planning Scheme No. 2 (DPS 2) is brought before Council for consideration of final approval. The amendment proposes to rezone Lot 55 (11) Henderson Drive, Kallaroo (Northshore Country Club), from ‘Local Reserve – Parks and Recreation’ to ‘Private Clubs/Recreation’ (**Attachment 1**).

The reservation of the property for ‘Parks and Recreation’ is considered to be inappropriate due to the property’s private ownership, and the limited range of permissible land uses under the ‘Parks and Recreation’ reservation. The ‘Private Clubs/Recreation’ zone is considered a more appropriate zone for the property.

Council adopted Amendment No. 9 at its meeting on the 24 July 2001 (CJ248 – 07/01 refers). The amendment was advertised for a period of 42 days, commencing on 29 August 2001 and closing on 10 October 2001. At the closure of the advertising period, nine (9) submissions were received. Six (6) were received from government agencies and three (3) were received from members of the community. Whilst no concerns were expressed by government agencies, concerns were expressed by members of the community with respect to the future development and use of the land.

It must be acknowledged that the subject land is privately, not publicly owned, and may be developed, the same as any other privately owned property, subject to the landowner gaining the necessary approvals. The subject land does not constitute public open space.

It is recommended that Council adopts Amendment No. 9 to DPS 2 for the purpose of rezoning Lot 55 (11) Henderson Drive, Kallaroo (Northshore Country Club), from ‘Local Reserve – Parks and Recreation’ to ‘Private Clubs/Recreation’ without modification.

### **BACKGROUND**

Lot No	55
Street Address	11 Henderson Drive, Kallaroo
Land Owner	Northshore Country Club & Residents Association Inc.
MRS Zoning	Urban
DPS Zoning	Local Reserve – Parks and Recreation
Land Use	Country Club (Club Building, Tennis Courts, Bowling Green & Parkland)
Lot Area	2078m <sup>2</sup>

## History

Lot 55 (11) Henderson Drive, Kallaroo, was originally zoned ‘Private Recreation/Clubs’ under the City’s previous Town Planning Scheme No. 1 (TPS 1). At some stage the TPS 1 map was changed to show the property as a Local Reserve for ‘Parks and Recreation’. This change was not the result of an amendment to the Scheme and the City’s records do not provide any explanation for it.

The City’s DPS 2 was gazetted on the 28 November 2000 and reserved Lot 55 (11) Henderson Road, Kallaroo, for the purposes of ‘Parks and Recreation’.

## Previous Council Decisions

This amendment was considered and adopted by Council at its meeting on 24 July 2001 (CJ248-07/01 refers).

## DETAILS

### Current Proposal or Issue

Amendment No. 9 to the City’s DPS 2 proposes to rezone Lot 55 (11) Henderson Drive, Kallaroo (Northshore Country Club), from Local Reserve – ‘Parks and Recreation’ to ‘Private Clubs/Recreation’.

The reservation of the property for ‘Parks and Recreation’ is considered inappropriate due to the property’s private ownership and the limited range of permissible land uses under the ‘Parks and Recreation’ reservation. Land reserved for ‘Parks and Recreation’ is generally publicly owned and is restricted in use to ‘Parks and Recreation’ purposes. DPS 2 states with respect to the use of Local Reserves:

*“Any Local Reserve not owned by or vested in the Council may be used:*

- (a) for the purpose for which the land is reserved under the Scheme;*
- (b) where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*
- (c) for the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use had been changed with the approval of the Council; or*
- (d) for any purpose approved by the Council but in accordance with any conditions imposed by the Council;*

*but shall not be used otherwise or for any other purpose.”*

The Private Clubs/Recreation zone is considered a more appropriate zone for the property. The Private Clubs/Recreation zone is intended to accommodate uses such as private golf clubs, private educational, institutional and recreational activities. A wider variety of uses are, or may, at the discretion of Council, be permitted under the Private Clubs/Recreation zone as outlined in **Attachment 2**.

Following Council's resolution of 24 July 2001, the amendment was forwarded to the Department of Environmental Protection (DEP) for consideration of the need for environmental assessment. The DEP advised that the Environmental Protection Authority (EPA) had decided that the overall environmental impact of its implementation would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act.

The amendment was advertised for a period of 42 days, commencing on 29 August 2001 and closing on 10 October 2001. At the closure of the advertising period, nine (9) submissions were received. Six (6) were received from government agencies and three (3) were received from members of the community. The submissions have been summarised and addressed in the attached schedule (**Attachment 3**). Whilst no concerns were expressed by government agencies with respect to the proposal, concerns were expressed by members of the community with respect to the future development and use of the land. These concerns are outlined as follows:

#### Development

A desire was expressed for development on the subject land to be restricted to the existing building footprint.

#### Land Use

Concern was expressed with respect to the permissible and discretionary uses under the Private Clubs/Recreation zone and the detrimental impact that these would have, in terms of traffic, noise and pollution, on the amenity of the surrounding area.

#### **Relevant Legislation**

The Town Planning Regulations 1967 set out the procedures for amendment to the Town Planning Scheme. The procedure is summarised at **Attachment 4** and the current stage of the amendment has been highlighted.

#### **COMMENT**

The current reservation of Lot 55 (11) Henderson Drive, Kallaroo, for 'Parks and Recreation' is considered inappropriate due to the property's private ownership and the limited range of permissible land uses under the 'Parks and Recreation' reservation.

The 'Private Clubs/Recreation' zone is considered an appropriate zone for the property.

The following comments are made with respect to the concerns raised in the submissions:

#### Development

The City's DPS 2 does not allow the City to limit the future development of the land to the existing building footprint under the Private Clubs/Recreation zone. In any case, it is considered inappropriate to restrict the future development of the land to such an extent. The subject land is believed to be capable of accommodating further development with minimal impact on the amenity of the surrounding area.

## Landuse

It should be noted that the Private Clubs/Recreation zone accommodates a variety of land uses such as private golf clubs, private educational, institutional and recreational activities. Not all of the discretionary uses under the Private Clubs/Recreation zone will therefore be appropriate for every site under this zone. The appropriateness of any proposed use will be considered at the time of development application.

It must be acknowledged that the subject land is privately, not publicly owned, and therefore may be developed, the same as any other privately owned property, subject to the landowner gaining the necessary approvals. The subject land does not constitute public open space.

It is recommended that Council adopts Amendment No. 9 for the purpose of rezoning Lot 55 (11) Henderson Drive, Kallaroo, to 'Private Clubs/Recreation' without modification. The amending text forms **Attachment 5**.

### **MOVED Cr Patterson, SECONDED Cr Hurst that Council:**

- 1 Pursuant to the Town Planning Regulation 17(2) ADOPTS Amendment No 9 to the City of Joondalup's 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 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf131101.pdf](#)*

*Crs Mackintosh and Hollywood entered the Chamber, the time being 2056 hrs.*

## **CJ395 - 11/01 2002 ROYAL AUSTRALIAN PLANNING INSTITUTE NATIONAL CONGRESS – [09047]**

**WARD - All**

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CJ011106\_BRF.DOC:ITEM 15

### **SUMMARY**

The Royal Australian Planning Institute (RAPI) Congress is the peak forum for town planning in Australia. The National Congress is an annual event, and is usually held in October of each year. The October 2000 congress was held in Sydney, and was attended by the Director Planning & Development, and Cr Judi Hurst. The 2001 Congress was held in Canberra, and although budgeted for, was not attended by any representatives of the City of Joondalup. The 2002 National Congress is to be held jointly with the New Zealand Planning Institute, and has

been brought forward to April 2002 to be held in Wellington, New Zealand. This is the first joint National Congress, and will cover a number of themes relevant to the City of Joondalup. These themes cover governance, innovation, natural environment and the built environment.

In addition to the Congress, there are a number of projects being undertaken in Wellington and Auckland which parallel with the Precinct Action Planning programme currently being conducted by the City of Joondalup. The Botany Downs town centre in Greater Auckland has also been promoted as a good example of a private, stand-alone, enclosed centre which is changing toward a mixed use town centre. It is proposed that the Director Planning & Development attend the Congress and visit the local councils of Wellington and Auckland to discuss and view relevant projects and programmes. Funding has been allocated within the Planning & Development budget. It is also proposed that, in accordance with Council's practice, a report be prepared on the outcomes of the Congress and the additional visits.

## **BACKGROUND**

The Director Planning & Development and Cr Judi Hurst attended the National Congress of the Royal Australian Planning Institute (RAPI) in Sydney in October 2000. The 2001 Congress in Canberra this year was not attended, although it was budgeted for.

At the Council meeting held on 23 October 2001, expressions of interest in attending the congress were submitted. At that meeting, Council resolved that:

**“the matter pertaining to the RAPI 2002 Joint National Congress to be held in Wellington, New Zealand from 8-12 April 2002 be deferred.”**

Expressions of interest to attend the congress have been submitted by Councillors Kenworthy, Nixon, Walker and Kadak.

## **DETAILS**

The next National Congress of the RAPI is to be held jointly with the NZPI in Wellington, New Zealand, from 8-12 April 2002. This is the first joint National Congress and will cover a number of themes relevant to the City of Joondalup. Examples of the topics to be covered are:

**Governance**, including: business, government, the community and the environment; regional planning; getting what you want out of a consultant; and sustainable business.

**Innovation**, including: technology in planning; innovation in law and process; planning without rules; and strategic planning.

**Natural Environment**, including: risk management; natural character and landscape values; coastal environments; sustainable tourism; and managing incremental change.

**Built Environment**, including: urban amenity; managing urban growth; recreation; and sustainable cities.

While the final programme has not been set yet, the information currently available indicated that a key part of the programme will be a focus on local and regional government, examining trends and issues in common, and reviewing new ideas and innovation in environmental management. A special workshop for Councillors is proposed to be held, just prior to the Congress.

In addition to the Congress there are a number of projects being undertaken in Wellington and Auckland, which parallel the Precinct Action Planning programme currently being conducted by the City of Joondalup. Wellington City has commenced a ten year programme for urban centre upgrades, and an outline of the programme is attached.

The Botany Downs Town Centre in Greater Auckland is reportedly a good example of changing a private, stand-alone enclosed centre toward a mixed use town centre. It is proposed to add value to the attendance at the Congress by visiting these centres, and the local Council involved, during, and either prior to or immediately after the Congress.

The approximate cost of the conference is as follows:

Airfares:	Perth – Wellington :	\$537.00
	Wellington – Auckland	\$197.00
	Auckland – Perth	\$581.00
Accommodation:	\$1,500.00	
Registration:	\$ 500.00	
Incidental expenses	\$1,120.00	(Policy 2.2.3 allows \$140 per day to be advanced for overseas incidental expenses)
<b>TOTAL</b>	<b>\$4,620.00</b>	

#### **Director, Development & Planning**

Account No:	11.40.41.411.3302.0001
Budget Item:	Conference Expenses
Budget Amount:	\$6,000
YTD Expenditure:	\$0
Actual Cost:	\$4,620

#### **Elected Members**

Account No:	11.05.05.052.3521.0001
Budget Item:	Conference Expenses
Budget Amount:	\$50,000
YTD Expenditure:	\$25,990 (indicative)
Actual Cost:	\$4,620

Funding has been allocated within the Planning & Development budget. In accordance with Council's practice, it is proposed that a report would be prepared on return from the Congress.

#### **COMMENT/FUNDING**

The Congress is the peak forum for town planning. Attendance at the congress provides an opportunity to listen to the experience of practitioners from Australia, New Zealand and other overseas countries. It is important to learn from these experiences and, where applicable, adapt them for use by the City.

Contact has been made with officers of both the Wellington City Council and the Auckland City Council. With a number of directly relevant projects being undertaken in these Cities, it would be an opportunity to meet with the representatives of these Councils to discuss their projects and issues of common interest.

It is proposed that the Congress be attended by the Director Planning & Development. It is also considered that it would be of value for an elected member to attend.

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

**1 AUTHORISES:**

(a) the attendance of an Elected Member and the Director Planning & Development at the RAPI 2002 Joint National Congress to be held in Wellington, New Zealand from 8-12 April 2002, plus an additional two days, either prior to or following the Congress, to visit the Councils of Auckland and Wellington to discuss and visit projects of common interest with the City of Joondalup;

(b) the estimated expenditure of \$9,240 to be charged as follows:

\$4,620 - Account No 11.40.41.411 3302.0001 – (Director, Planning & Development);

\$4,620 - Account No 11.05.05.052.3521.0001 – (Elected Members)

**2 REQUESTS** an information report on the outcomes of the RAPI 2002 Joint National Congress.

**MOVED Cr Hurst, SECONDED Cr Patterson that Council AUTHORISES only one Elected Member and the Director, Planning and Development to attend the RAPI 2002 Joint National Congress to be held in Wellington, New Zealand from 8-12 April 2002 and the vote to be taken to select such Elected Member from the four nominees.**

Cr O'Brien foreshadowed a motion should the motion under consideration not succeed to the effect that all four elected members who had expressed an interest in attending this Conference be nominated to attend.

**The Motion was Put and**

**CARRIED**

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

**1 AUTHORISES:**

(a) the attendance of Cr P Kadak and the Director Planning & Development at the RAPI 2002 Joint National Congress to be held in Wellington, New Zealand from 8-12 April 2002, plus an additional two days, either prior to or following the Congress, to visit the Councils of Auckland and Wellington to discuss and visit projects of common interest with the City of Joondalup;

(b) **the estimated expenditure of \$9,240 to be charged as follows:**

**\$4,620 - Account No 11.40.41.411 3302.0001 – (Director, Planning & Development);**

**\$4,620 - Account No 11.05.05.052.3521.0001 – (Elected Members)**

**2 REQUESTS an information report on the outcomes of the RAPI 2002 Joint National Congress.**

Expressions of interest to attend this Conference had been received from Crs Kenworthy, Nixon, Walker and Kadak. Cr Hurst believed there was a need for a policy in relation to elected members attending conferences.

After a vote by show of hands, Cr Kadak was duly nominated to attend this Conference.

**The Motion was Put and**

**CARRIED**

**CJ396 - 11/01 TAVERN (INTERNAL REFURBISHMENT AND NEW EXTERNAL GARDEN COURT, BISTRO COURT, CHILDREN'S PLAY AREA, TOILET BLOCK, STORE AND LANDSCAPING) LOT 12 (493) BEACH ROAD, DUNCRAIG - [05518]**

**WARD - South Coastal**

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CJ011106\_BRF.DOC:ITEM 16

## **SUMMARY**

The owner proposes to upgrade and refurbish part of the Carine Glades Tavern. The major renovation will result in the existing Lounge Bar (375m<sup>2</sup> in area) being redeveloped and supplemented by an external al fresco area to create a 318m<sup>2</sup> Restaurant-Bistro and Wine Bar and 390m<sup>2</sup> Lounge Bar. The extended al fresco area will occupy an under-utilised garden at the north side of the tavern, and will extend around the west and east sides of the building.

The proposal presents three key aspects for consideration:

- 1 Amenity impact on nearby residents, particularly in regard to noise intrusion;
- 2 Adequacy of the existing parking area, which is not proposed to be expanded; and
- 3 Impact of management techniques on future operation and impact.

The proposal could impact on the amenity of the adjoining residential development and advertising has resulted in 43 submissions and 3 petitions being lodged.

Although a refurbishment of the tavern may be supported in principle, this proposal raises concerns which are not adequately addressed at this time. It is recommended that the proposal be deferred, pending further advice regarding the use of the al fresco area, refinement of acoustic modelling, and the submission of a management plan.

## **BACKGROUND**

### **Location**

The tavern forms part of the Carine Glades Commercial area, being situated at its Eastern end, adjacent to the Carine Glades residential area. Residential properties abut the subject site to the east, with the nearest dwelling being approximately 25 metres from the existing tavern building. A shopping centre and other commercial land uses abut the north and west side boundaries of the lot.

### **Previous Applications**

Several applications have been lodged with the City for similar developments on the site. Although conditional planning approvals have been issued, the plans have not been implemented. A summary of relevant applications follows:

- 05/08/94** Proposed al fresco development conditionally approved. The proposal included conditions which required the area to be restricted to 685m<sup>2</sup>, located west of the existing tavern, and an additional (99) parking bays being provided and a legal agreement for reciprocal rights of parking and access between lots within the Carine Glades Commercial Centre being established. The applicant subsequently appealed (to the Minister for Planning) against some of the conditions of approval.
- 10/01/95** The Minister for Planning upheld appeal against three conditions of development approval. The Minister deleted conditions relating to the confinement of the beer garden, additional car parking bays and reciprocal access and parking agreement between the tavern and adjacent shopping centre. An additional 30 parking bays were required if upon completion of the development, parking problems were evident. The applicant did not proceed with the proposal.
- 10/12/98** An Application for development approval for dining room extension and beer garden was considered under delegated authority and was deferred. This was to enable the applicant to submit additional information satisfactorily addressing concerns relating to car parking issues and demonstrating that the proposal would not result in parking difficulties on the subject site and on adjoining properties. Options were included such as provision of additional parking bays or submission of a parking study. Dialogue over those issues was protracted and inconclusive.

- 22/09/99** Consideration was deferred under delegated authority pending applicant's advice on resolving parking shortfall and potential noise impacts.
- 15/06/2000** The 1998 application was refused for the following reasons:
- Insufficient justification provided for car parking, protection of the amenity of the adjoining residential lots and definitive details on the proposal itself;
  - Non-compliance with Town Planning Scheme No 1 parking standards; and
  - The proposal would be contrary to the proper and orderly planning of the locality.
- 30/10/2000** An application lodged for an al fresco addition, modifications to the existing building and additional car parking, but not progressed.
- 28/6/2001** The current application lodged with the City, superseding the application lodged on the 30/10/2000.

There is a history of complaints to the Director of Racing Gaming and Liquor Licensing (The Licensing Court) concerning noise from the tavern. The current position is that the Court has required that monitoring devices be installed to assist with managing noise generation. Council officers have been involved with this issue.

Negotiations with the proponent have been protracted, and despite best endeavours, there has been significant difficulty in arriving at agreed understanding on key issues. This has complicated the negotiation process, and the evolution of the subject application.

## DETAILS

### The subject application

The proposal comprises the following elements. Stated maximum patronage/occupancy levels are shown for ease of reference, and have been developed by the applicant to address questions of parking demand and acoustic performance.

It is noteworthy that the alterations could accommodate more people than those nominated below, based on usual maximum occupancy rates applied for the purpose of the Health (Public Building) Regulations.

<b>Floorspace &amp; Patronage</b>			
	<b>Indoor/Outdoor</b>	<b>Square Metres</b>	<b>Maximum Patrons</b>
<b>Restaurant-Bistro /Wine Bar</b>	In + Out	<b>318</b>	<b>120</b>
	In		
<b>Lounge</b>	In + Out	<b>390</b>	<b>570</b>
	Seating	150	90
	Standing	240	480
		<b>708</b>	<b>690</b>
<b>Games Bar (existing)</b>	In	<b>128</b>	<b>144</b>
	Seating	80	48
	Standing	48	96

<b>Bottle shop (existing)</b>		<b>45</b>	<b>N/A</b>
		<b>881</b>	<b>834</b>

The changes are concentrated at the rear section of the tavern, and the new al fresco area (which has been divided into zones for the purpose of the acoustic assessment) will surround the refurbished dining and lounge areas. The attached plans show the changes in some detail. Currently, the tavern has a licence for approximately 460m<sup>2</sup> of floor area. The proposal would increase the licensed area to 881m<sup>2</sup>.

The new outdoor areas are to be surrounded by a 2-3m high limestone wall. The wall provides some noise attenuation, according to the Acoustic modelling and report.

### **Development Standards**

The subject lot is 1.0339ha in area and is zoned Commercial under the City's District Planning Scheme No2 (DPS2). The tavern use is a "D" land use. A "D" use is one which is not permitted, but to which Council may grant its approval after having considered the items raised under clause 6.8 of DPS2 and any advertising of the proposal.

The following (abridged) extract of clause 6.8 of DPS2 is considered relevant to this application:

*(Cl 6.8.1) The Council when considering an application for planning approval shall have due regard to the following;*

- *the interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- *any relevant submissions by the applicant;*
- *any other matter to which, under the provisions of the Scheme, the Council is required to have due regard;*
- *the comments or wishes of any objectors to or supporters of the application;*
- *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent;*
- *any other matter which in the opinion of the Council is relevant.*

*(from cl6.8.2)*

- *the nature of the proposed use and its relationship to the use of other land within the locality;*
- *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*

The following table details development standards that apply to the proposal.

		<b>DPS No 2 Requirement</b>	<b>Provided</b>	<b>Complies</b>
Setbacks	Front	9.0m	21.5m	✓
	Rear	6.0m	38.0m	✓
	Side	3.0m	5.0m	✓
	Side	3.0m	25.0m	✓
Landscaping		8%	>8%	✓
	Strips	3m to roads	3m	✓
	Trees per Carparking bays	1 per 4 bays	None provided, no changes are proposed as part of this application	N/A
Car Parking		209	170	A calculated shortfall of 39 bays is apparent

Detailed parking has been calculated (by the applicant) as shown in the following table. The table contains an anomaly, however this is explained below. There are currently 170 bays on site. It is noted that the table would require an additional five bays on the site, if accepted by the Council.

	<b>Indoor/Outdoor</b>	<b>Sqm</b>	<b>DPS Use Class</b>	<b>Patrons per sqm</b>	<b>Maximum Patrons</b>	<b>Bays per Patron</b>	<b>Bays per sqm</b>	<b>No. Bays</b>
<b>Restaurant -Bistro Wine Bar</b>	In + Out In	<b>318</b>	<b>Restaurant</b> 1 per 4 persons		<b>120</b>	0.25 (1 per 4)		<b>30</b>
<b>Lounge</b>	In + Out Seating  Standing	<b>390</b> 150  240	<b>Tavern/ Club</b> Seating  Standing	0.6  2	<b>570</b> 90  480		0.2 (1 per 5) 0.333 (1 per 3)	30  80
		<b>708</b>			<b>690</b>			<b>140</b>
<b>Games Bar</b>	In Seating  Standing	<b>128</b> 80  48	<b>Tavern/ Club</b> Seating  Standing	0.6  2	<b>144</b> 48  96		0.2 (1 per 5) 0.333 (1 per 3)	16  16
<b>Bottle shop</b>		<b>45</b>	<b>Shop</b>		<b>N/A</b>		7 per 100m <sup>2</sup> NLA	<b>3</b>
								<b>35</b>
		<b>881</b>			<b>834</b>			<b>175</b>

DPS2 provides two methods of calculating parking, and requires that the method which results in the greater number of bays be applied. The applicant's calculation of car parking for the Restaurant component is therefore incorrect, as the calculation has been based on 1 per 4 persons accommodated as opposed to m<sup>2</sup> of floor space. The method used produces a lesser number of car parking bays. Based on floor space information provided by the applicant, 64 bays would be required (for the Restaurant/Bistro/Wine Bar) rather than the applicant's suggested 30 bays. Therefore a short fall of 39 (209-170) bays is apparent.

The applicant proposes to limit patronage, and therefore, it may be reasonable to apply the lower rate, if the Council wished to contemplate approval at this time based on occupancy.

As an aside, adjoining developments in the area effectively share parking with each other, and there is an informal degree of reciprocity between the tenants of the commercial area.

### **Public submission period**

The application was advertised for a period of 21 days (21/9/01 to 12/10/01) by way of a sign on-site and advertisements in the local paper. At the close of advertising, 43 individual letters and 2 petitions had been received.

An additional petition was received previously, in response to a superseded application.

Three of the submissions were in support of the proposal.

An overview of submissions received is provided below. A detailed summary is provided as Attachment 2 to the report.

### **Summary of Submissions for the Carine Glades Tavern**

<b>Description of Concern</b>	<b>No of times noted in submissions received</b>
♦ Loud music – live bands – perimeter walls unable to contain sound	28
♦ Parking problems and additional stress on already busy shopping centre and commercial centre	25
♦ Traffic problems at entry and exit points to car parks	24
♦ Increase in antisocial behaviour including drunkenness, vandalism, graffiti, littering, loitering etc.	23
♦ Scale of tavern is out of keeping with the size of the area	20
♦ Affect on amenity and cost to residents in repairs (from vandalism)	14
♦ Inability of noise screens to effectively contain noise	11
♦ Volume of people moving from indoor to outdoor and proposal for a Beer Garden	7
♦ Cost to Council to repair damage to community/park facilities due to drunkenness	4
♦ Planning intentions not advertised to surrounding residents and notice on tavern and local newspaper were not clear	4
♦ Needles being found in park	2
♦ Negative effect on property values	2
♦ In support of a refurbishment and upgrade of facilities	14
♦ Council should purchase property and replace it with a civic facility	1
♦ In support of application	3
♦ 67 signature Petition objecting to tavern	
♦ 40 signature Petition objecting to tavern	
♦ 40 signature Petition objecting to tavern	

## **Applicant's Response**

The applicant was given the opportunity to comment on the above summary of submissions, however, the response received did not materially address the concerns raised in the application.

Despite a request to the contrary, copies of individual submissions were not provided to the applicant in accordance with the City's procedure to protect the submitters' identities.

## **Acoustic assessment**

Due to the proximity of the development to adjoining residential lots, an acoustic consultant's report was requested as part of the application.

The development is required to comply with the requirements of the Noise Abatement Act (Environmental Protection Regulations). Separately, the Licensing Court has intervened on the noise issue as a component of its role as the Licensing authority.

An audit of the applicant's acoustic report indicates that the proposal could readily exceed relevant noise limits, if the following factors occurred:

1. doors were open allowing music and noise to escape from the building,
2. patronage was allowed to occur in excess of the limits proposed in the application, and
3. the Al fresco area was used for activities other than dining

An acoustic (limestone) wall has been proposed around the al fresco area, as a means to attenuate noise escape to the adjoining properties.

Notably, the noise issue was raised almost unanimously in the objecting submissions and petitions that have been lodged.

## **COMMENTS**

The proposal presents a range of issues that have required assessment.

### **DPS2 Development Standards**

The proposal complies with the bulk of the applicable development standards. Discretion is required for the approval of parking provision in the range contemplated by the applicant. In this case, that aspect of the proposal is considered supportable, due to the proposed limit on occupancy that has been offered by the applicant.

In addition, there have been several attempts at consolidating parking between this site and the adjoining commercial land uses. This would be an opportune time to seek a legal agreement to formalise sharing parking and access.

### **Applicability of the Use in this location**

The design of the proposal presents challenges, and creates problems that may be avoidable if the scope of this project were broadened. The location of the al fresco area and proximity to residents is caused by the central location of the building on the site, and the attempt to retrofit the alfresco area onto the north, west and east facades of the existing building.

A consolidated alternate proposal could go some way to overcoming acoustic and amenity concerns. A remodelled building, using building bulk to screen al fresco activity away from residents would attenuate noise more effectively. Under such a scenario, al fresco activity would be concentrated at the western side of the building. This could however potentially compromise enjoyment of the area due to solar orientation, and the reduced separation between the tavern activities and the shopping centre loading bays.

### **Acoustic Analysis**

Acoustic analysis has been complicated by a number of factors, including:

1. The relevance of samples used to model acoustic performance
2. Lack of certainty over the use of individual areas of the tavern (eg dining, standing, drinking, entertainment etc).

A review of the acoustic report and supplementary information resulted in the following concerns from an acoustic viewpoint:

1. Live music could lead to the escape of significant noise emissions,
2. Music should not be allowed in the outdoor areas until sound levels can be verified as acceptable,
3. the limestone wall needs to be extended in height on the eastern side to 3 metres, as is already planned on the western side to assist with attenuation, and
4. outdoor use should be restricted to formal alfresco dining to minimise the potential for noise disturbance from "loud" social behaviour.

If the proposal was implemented, monitoring under intended operating conditions and maximum approved patronage should occur to ensure compliance.

The acoustic report divided the tavern into zones, and these are shown at attachment 3. In the event of live music in Zones 1 and/or 2, the opening of concertina doors on the northern & western side of the building would be expected to allow significant noise emissions to escape to nearby residences. The location of the dance floor in this area is also undesirable and may have speakers which could add to noise emissions. A permanently closed structure at this location (instead of operable doors) may resolve this point.

The acoustic report does not provide enough supporting evidence that outdoor music would not affect nearby residences. The report also does not demonstrate with a degree of confidence that patron noise, coupled with live music and/or external speakers, would not cause a disturbance to nearby residents.

Outdoor use should be restricted to formal alfresco dining to minimise noise disturbances from 'loud' social behaviour. The acoustic report refers to approximate numbers in each zone and estimates the resulting sound pressure levels at nearby residences. Expected noise from patrons is difficult to estimate as the number of patrons in each zone may fluctuate and/or exceed those prescribed in the report.

The outdoor areas (Zones 3, 4 and 5) could cater for more patrons than the numbers indicated in the report and possibly exceed the requirements of the Environmental Protection (Noise) Regulations 1997 at nearby residences.

Break-out noise from the opening of doors into external areas may also affect nearby residences. Suitable air locks would be recommended. Doorways from Zone 1 into Zone 3 on the north and east sides are of particular concern.

This is a particular concern because it is foreshadowed that the indoor/outdoor transition is a key component of the ambiance and appeal of the new tavern. In summary, it is suggested that live or amplified music in the al fresco areas is unacceptable.

As presented, the acoustic consultant's report and supporting submissions are insufficient to address the noise concerns.

### **Public Submissions**

The objections received concerning the noise issue are addressed above. The concerns raised on this point are supported in the City's evaluation of the acoustic report.

Nearby residents have been sensitised by experiencing problems and lodging complaints in the past, particularly regarding noise. The modelling and resulting analysis suggests that those concerns are validly held, and could carry over to the new proposal.

The flexibility of use for different areas of the tavern and the ability to open the inside of the building as may be desired, both combine to engender concern at the potential for noise impact.

Objections against anti-social behaviour, graffiti, and damage, are common where licensed premises are proposed. Those concerns cannot be quantified and are difficult to substantiate. Although the social issues do not relate directly to planning controls, they could be addressed as part of a management plan to accompany this proposal.

Such a management plan could quantify and include commitments to the operation of the future refurbished tavern.

Concerns lodged by local residents have also suggested that parking is a concern. Once again, if patronage were managed at the level proposed, then the proposal would effectively conform to the lesser formula for parking that can be applied for restaurant dining room activities.

### **Licensing Court Controls**

The proposal if implemented, would require an amendment to the Liquor Licence. The Licensing Court has previously issued conditions and directions on the licence in regard to noise impact. It is understood that the Licensing Court are aware of this proposal, and that there maybe an opportunity to join the Court in establishing a management plan that would meet the requirements of the Court and the Council. Such a proposal has been foreshadowed and well received by a senior representative of the Licensing Court however an absolute commitment to apply conditions through the Court could not be agreed at this (preliminary) stage.

## Conclusion

While it is recognised that the tavern may be in need of upgrading, various factors require further consideration to allow full assessment to be concluded. Those factors include:

- ❑ use of the al fresco area;
- ❑ acoustic protection of adjoining residential areas;
- ❑ flexibility of the management arrangements, including use of areas, opening of the building, and day to day regulation of patronage and hours of operation;
- ❑ potential to develop a management plan defining and committing to appropriate uses of areas, management techniques, and response to concern/complaint

The proposal has the potential for far-reaching impact. It requires further refinement to facilitate a definitive decision by the Council. The information provided to date is valuable, and provides strong arguments for the design and acoustic measures to be revisited and evolved to a more appropriate proposal.

It is recommended that the proposal is deferred, and that further information be sought that addressed the concerns raised within this report.

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

- 1 DEFERS consideration of the application dated 28 June 2001, submitted by Scott Wilson, on behalf of Sistar Pty Ltd for the proposed internal refurbishment and new external garden court, bistro court, children's play area, toilet block, store and landscaping to the existing Carine Glades Tavern on Lot 12 (493) Beach Road, Duncraig;
- 2 COMMITS to reconsider the proposal following receipt of a management plan addressing the concerns raised within Report CJ396-11/01, and the following general principles:
  - (a) use of the al fresco area;
  - (b) acoustic protection of adjoining residential areas;
  - (c) flexibility of the management arrangements, including use of areas, opening of the building, day to day regulation of patronage and hours of operation;
  - (d) potential to develop a management plan defining and committing to appropriate uses of areas, management techniques, and response to concerns;
- 3 ADVISES the submitters of the Council's decision.

### **MOVED Cr Patterson, SECONDED Cr Baker that Council:**

- 1 DEFERS consideration of the application dated 28 June 2001, submitted by Scott Wilson, on behalf of Sistar Pty Ltd for the proposed internal refurbishment and new external garden court, bistro court, children's play area, toilet block, store and landscaping to the existing Carine Glades Tavern on Lot 12 (493) Beach Road, Duncraig, for a period of four weeks so the proponent and concerned local residents can meet and agree on a proposal that addresses

**the amenity impact on nearby residents, particularly in regard to noise intrusion and traffic issues;**

**2 COMMITS to reconsider the proposal following receipt of a management plan addressing the concerns raised within Report CJ396-11/01, and the following general principles:**

**(a) use of the al fresco area;**

**(b) acoustic protection of adjoining residential areas;**

**(c) flexibility of the management arrangements, including use of areas, opening of the building, day to day regulation of patronage and hours of operation;**

**(d) potential to develop a management plan defining and committing to appropriate uses of areas, management techniques, and response to concerns;**

**3 ADVISES the submitters of the Council's decision.**

Discussion ensued, with Director of Planning and Development giving an explanation to a number of questions raised.

*During discussion, the following movements occurred:*

*Cr Walker left the Chamber at 2110 hrs and returned at 2111 hrs.*

*Cr Baker left the Chamber at 2110 hrs and returned at 2113 hrs.*

**The Motion was Put and**

**CARRIED**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf131101.pdf](#)*

## **CJ397 - 11/01 CRAIGIE OPEN SPACE STUDY – [43127]**

**WARD – Pinnaroo**

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CJ011106\_BRF.DOC:ITEM 17

### **SUMMARY**

Craigie Open Space is approximately 56.7 ha in area (Attachment 1) and is reserved Parks and Recreation and Urban under the Metropolitan Region Scheme and Local Reserve – Parks and Recreation under the City of Joondalup District Planning Scheme No.2.

The subject site is identified as site 303 in Bush Forever (formerly Bush Plan) a document that aims to fulfil the government's commitment to prepare a strategic plan for the conservation of bushland on the Swan Coastal Plain of the Perth Metropolitan Region. Bush Forever is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms.

In conjunction with the development of the final recommendations of the Bush Plan, the Joint Commissioners in May 1999 resolved to investigate the future areas for use and conservation within the Craigie Open Space Reserve having regard to the existing uses and functions of the Reserve, its natural assets and the future needs of the community.

The City engaged Ecoscape to prepare a study for Craigie Open Space. The brief was prepared and the objective of the study was set as follows, "to investigate land use options taking into consideration economic, social and environmental issues". A copy of the report will be placed in the Councillors' reading room.

The recommended strategy retains 99% of the bushland as well as maintaining the opportunity to develop other land uses in the area. Although there are some reservations regarding the extent of the Study, it is recommended that it be advertised for a period of 42 days for public comment.

## **BACKGROUND**

Craigie Open Space is located 20 km north of the Perth Central Business District, and approximately 6 km east of the Indian Ocean coastline in the suburb of Craigie within the municipality of the City of Joondalup. The total area occupied by the bushland is approximately 56.7 ha and the reserve is vested in the City. The subject land is bounded by the Mitchell freeway to the east, recreation reserve Water Corporation lot and residential properties to the west, Whitfords Avenue to the south and the Beenyup Sewage Treatment plant to the north. The subject land is reserved Parks and Recreation and Urban under the Metropolitan Region Scheme and Local Reserve – Parks and Recreation under the City of Joondalup District Planning Scheme No.2.

In 1975 the subject land was vested in the City for "Recreation – Golf Course". Since 1978 Council has been considering the use of Craigie Open Space for suitable recreation facilities. In 1982 the Department of Land Administration advised that it had no objection to this land being changed to "recreation" in order to accommodate other recreational facilities.

In 1994 Council received a number of proposals from private developers seeking approval to develop commercial recreational facilities. In view of the interest shown by these developers, Council at its meeting of 26 October 1994, resolved to seek 'Registrations of Interest' from interested parties to lease, establish and operate commercially based golf oriented or other public recreational facilities within a portion of the Reserve.

In July 1998 the Joint Commissioners resolved to defer consideration of utilising Craigie Open Space for further recreational uses pending further discussions to assess the possibility of vegetation retention for this project.

In conjunction with the development of the final recommendations of the Bush Plan, the Joint Commissioners in May 1999 resolved to investigate the future areas for use and conservation within the Craigie Open Space Reserve having regard to the existing uses and functions of the Reserve, its natural assets and the future needs of the community.

## **DETAILS**

The City engaged Ecoscape to prepare a study for Craigie Open Space. The brief was prepared and the objective of the study was set as follows, “to investigate land use options taking into consideration economic, social and environmental issues”.

The Study identifies a number of opportunities and constraints and provides four land use options (A, B, C and D) and includes a recommended strategy. A summary of the report is provided below.

### **Opportunities and Constraints**

The opportunities and constraints associated with land-uses within Craigie Open Space were investigated.

The Study identifies that the major environmental constraint to the type of activities that can be undertaken on the site is the inclusion of Craigie Open Space in Bush Forever site 303. Any proposal, which has an impact on, the Bush Forever site would need to be negotiated with the Ministry for Planning and the Department of Environmental Protection. The authors suggest, however, that it is possible that a small ecotourism or environmental education facility could be developed in an area of degraded bushland close to the existing Leisure Centre or the upgrading of existing facilities may provide an additional source of income for bushland management. The demographics and income bracket of the study area indicate that any form or revenue raising associated with the Leisure Centre needs to remain affordable for the local community.

The Study claims that the inclusion of the Craigie Open Space in Bush Forever site 303 has advantages. It affords the site a high conservation value that can be used to the advantage of the City of Joondalup in funding applications. It also means that the site has a greater potential for development as an ecotourism venture, and more likely to be able to attract tourists. There is also the potential for the incorporation of the bushland area into the recreational centre. Further, the Craigie Leisure Centre itself is not included in future plans for expansion of infrastructure. With a large proportion of the local population being young families, there is an opportunity to provide bushland picnic areas close to the Leisure Centre and outdoor swimming areas, providing a more family oriented role in environmental education through encouragement of school groups, scout clubs etc. to participate in bushland weeding and planting days.

The Study identifies an opportunity to achieve higher visitation rates at Craigie Leisure Centre than that seen currently by providing an enhanced recreational and bushland experience, increasing the gymnasium area and upgrading the swimming facilities (particularly the outdoor areas). The conservation value of the site also lends itself to exploration of ecotourism ventures, which capitalise on the proximity of the existing tourist facilities and resorts.

## Land Use Options

Four options for land-use within Craigie Open Space were explored.

### Option A

This involves the clearing of up to 30% of the remnant vegetation to provide for the development of active open space and to create a regional sports facility. The area outlined for such a development would be sufficient to cater for a number of different sports, including a golf driving range, a football and cricket oval and/or tennis courts and all access could be provided from the existing access road off Whitfords Avenue to the Leisure Centre.

### Option B

This is similar to Option A except that only about 10% of the native vegetation would require clearing, and a smaller area would be available for active open space.

### Option C

This proposes the use of approximately 1% of the bushland area for the development of an ecotourism centre or environmental educational facility.

### Option D

This has a focus on bushland retention and expansion of existing facilities within the footprint of Craigie Leisure Centre.

## Recommended Strategy

Upon examination of the opportunities and constraints associated with each of the options it was determined that a combination of Option C and Option D is the recommended strategy.

Under the combined Options C and Option D, 99% of the remnant bushland is retained within a reserve and managed by the City of Joondalup. The bushland remains accessible to the region's residents as "passive" open space. The option recognises the environmental significance of the vegetation and seeks to preserve it. The preferred approach also maintains the opportunity to develop other land-uses in the area surrounding, particularly immediately north of the leisure centre within the envelope of the land not contained within the Bush Forever site and a small area of degraded vegetation north west of the existing recreational facilities. At the same time, this option focuses on land-uses that are complimentary and compatible with the bushland area.

The following recommendations were developed to guide implementation should the City of Joondalup adopt this option.

## Ecotourism Recommendations

- Undertake market research to determine the demand for ecotourism ventures.
- Explore opportunities for collaborative ventures with other regional operators.

- Examine the potential for the development of an ecotourism facility, environmental education and connectivity between existing recreational facilities and the bushland areas.
- Take advantage of the vistas available and the natural bushland setting for walking trails by constructing a path network which connects the bushland with the top of the Quindalup Dunes with access to the vista from both Craigie Open Space as well as the residential areas. This allows for community use as well as tourist use.

#### Craigie Leisure Centre

- View to providing a better facility with more scope for raising revenue for bushland management.
- Seek further advice from appropriate authorities regarding possibility of partially clearing vegetation within the existing Craigie Open Space providing a family picnic area.
- Future expansion to be contained in the already disturbed area.
- The possibility of including bushland walking trails as part of a fitness circuit should be explored.
- Future proposals to upgrade the gymnasium facilities could consider relocating it to the northern side of the swim area to provide both a bushland and water focus for its users.
- Opportunities for more activities with a family focus should be explored, based on the demographics of the area.
- Expanding kiosk area to provide a focus on the bushland setting and outdoor picnic area.
- Opportunity to provide community access to the bushland should be encouraged.
- Skate Park facility should either be moved to an active open space reserve within the vicinity or be relocated within Craigie Open Space. If relocated within Craigie Open Space it needs to be in a location visible from the leisure centre and Whitfords Avenue, thereby discouraging anti-social behaviour and uncontrolled access over the sensitive dune environment.

#### Community facilities

- Funding opportunities for the development of a community resource centre should be explored. This could include, for example, an environment resource room, a meeting area (although this could occur in the Leisure centre) a bushland plants reference Herbarium, and educational activities for visiting school groups.
- Any development such as that outlined above should remain in the existing disturbed area, adjacent to and connected with the Leisure Centre.
- The above recommendation should be explored in combination with the proposal to develop an ecotourism centre north west of the existing Leisure Centre.

#### Craigie Open Space Bushland Management

- Existing management of bushland areas should be continued and expanded to ensure environmental values are protected.

## COMMENT

The subject site is identified as site 303 in Bush Forever a document that aims to fulfill the government's commitment to prepare a strategic plan for the conservation of bushland on the Swan Coastal Plain of the Perth Metropolitan Region. Bush Forever is a policy position of the government that aims to guide future decision-making and to protect and manage Bush Forever Sites through implementation mechanisms.

The land has been formally assessed and listed in Bush Forever, recognising its major value as an area which forms part of a northern bush and heath land corridor comprising Hepburn Heights, Pinnaroo, Craigie and Woodvale. Craigie Open Space contains areas of Tuart-Jarrah-Banksia woodland not present in many conservation reserves, but also a Quindalup dune system.

The recommended strategy is a combination of options C and D, allowing for the retention and management for conservation purposes of the regionally significant vegetation of Craigie Open Space, while allowing for the development of a facility which has low impacts on the environment, and provides a link between the existing recreation area and the bushland. This strategy can potentially provide a source of revenue for ongoing bushland management activities and is generally supported, however, there are aspects that could be examined in greater depth.

The Study purports to examine and discuss the economics of various options in terms of the associated costs and revenues. It is considered that this aspect would require more rigorous investigation before being accepted as a basis for decision making. The Study is also considered to be limited in the range of options investigated as there may be opportunities for commercial recreation uses to be clustered with the leisure centre, with limited impact on the conservation qualities of the area. Such uses could provide some income to support the costs that will be involved in managing the area.

It is recommended that the study be supported for the purpose of being advertised for a period of 42 days for public comment.

### **MOVED Cr Kadak, SECONDED Cr Mackintosh that Council:**

- 1 ADVERTISES the document for a period of 42 days and places a notice published once a week for two consecutive weeks in a local newspaper circulating within the local government;**
- 2 FORWARDS a copy of the study to the Environmental and Sustainability Advisory Committee for comment.**

**The Motion was Put and**

**CARRIED**

*Appendix 13 refers.*

*To access this attachment on electronic document, click here: [Attach13brf131101.pdf](#)*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ398 - 11/01      EDITH COWAN UNIVERSITY - THE GOLDEN KEY  
NATIONAL HONOURS SOCIETY - [45514]****WARD - All**

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**SUMMARY**

Honorary membership to The Golden Key National Honours Society was granted to Joondalup Mayor John Bombak on 22 October 2001.

This report recommends that Council congratulates Mayor John Bombak for his Honorary Membership to the Golden Key National Honours Society; and encourages and supports the Mayor to participate in ongoing activities associated with the Society.

**BACKGROUND**

On 22 October 2001 the Edith Cowan University chapter of The Golden Key National Honours Society inducted 350 new members at their annual award ceremony.

Golden Key National Honours Society is an international, non-profit academic honours organisation that recognises the top 15 percent of juniors and seniors in all fields of study at 298 colleges and universities in the United States, Puerto Rico, the Virgin Islands, Australia, Canada, Malaysia, New Zealand and South Africa. Leaders in higher education, business and public service are members of Golden Key and support the mission of the Society.

The mission of the Society is to recognise and encourage scholastic achievement and excellence in all fields of study, to unite with faculty and administrators in developing and maintaining high standards of education, to provide economic assistance to outstanding members by means of both undergraduate and graduate scholarships and to promote altruistic conduct through voluntary service.

Membership in Golden Key lasts a lifetime, and benefits include the following:

- Academic Recognition
- Scholarships and Awards
- Career Assistance
- Publications
- Leadership Positions
- Community Service Activities
- Alumni Opportunities

Golden Key was founded at Georgia State University in Atlanta, GA, on 29 November 1977, by a group of highly motivated undergraduate students. Since that time, the Society has established itself as a positive force in higher education. More than 1,000,000 lifetime members and over 12,000 honorary members, including Nobel Prize winners and political leaders, are proud of their association with this dynamic organisation.

The Society is governed by a board of directors, a council and delegates to the annual convention. A trained, professional staff is dedicated to the chapters and to the individual members throughout the year. Golden Key has a permanent international headquarters to keep members and alumni in touch, no matter where they may be.

The Society's constitution strictly prohibits discrimination on the basis of race, colour, sex, religion, national origin, physical disability, age, sexual orientation or social status.

## **DETAILS**

Golden Key, a Society that recognises the high academic achievement of the top 15% of University students, has enrolled over 2,000 members since its launch of the Edith Cowan University chapter in 1998. An additional 350 students joined the ECU Chapter on Monday 22 October 2001.

Chapter President, Caroline Goss said that since its launch in 1998, the ECU members have notched up many milestones.

Highlights for the ECU Chapter have included individual members winning the Society's writing award in 1998 and the performing arts dance award in 2000, the Chapter raising almost \$2,000 for CanTeen in 2000 and participating in *Australia's Biggest Morning Tea* and *Greening Australia's Plant A Tree* for the past three years.

Honorary membership was granted to [WAAPA@ECU](mailto:WAAPA@ECU) Director Bill Gillespie, mouth painter Monica McGhie and Joondalup Mayor John Bombak.

Four students were awarded Golden Key scholarships of \$520 each and Gary Rutter won an international Adult Scholar Award worth over \$1,000.

The top 15% of undergraduate students, who have completed at least one year of study, qualify for membership. Membership is by invitation only and based solely on academic merit.

It is indeed an honour for Mayor John Bombak to be awarded honorary membership for such a prestigious society that recognises high academic achievement.

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

- 1 CONGRATULATES Mayor John Bombak for his Honorary Membership to the Golden Key National Honours Society;**
- 2 ENCOURAGES and supports the Mayor to participate in ongoing activities associated with the Society.**

**The Motion was Put and**

**CARRIED**

**CJ399 - 11/01      ACTING CHIEF EXECUTIVE OFFICER - [97127]****WARD - All**

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**SUMMARY**

The Chief Executive Officer will be on annual leave from 24 December 2001 through to 4 January 2002 inclusive. During this period, it is recommended that John Turkington, the Director Resource Management be appointed the Acting Chief Executive Officer.

**DETAILS**

It is normal practice that when the Chief Executive Officer is on extended annual leave, a Director is appointed in his absence to act in the Chief Executive Officer position for statutory requirements.

The Director Resource Management has previously acted in this position, and it is recommended that he be appointed the Acting Chief Executive Officer for this period.

**MOVED Cr Baker, SECONDED Cr Walker that the Director Resource Management, Mr John Turkington be APPOINTED the Acting Chief Executive Officer from 24 December 2001 through to 4 January 2002 inclusive, whilst the Chief Executive Officer is on annual leave.**

**The Motion was Put and****CARRIED****C124-11/01      MOTION TO GO BEHIND CLOSED DOORS**

**MOVED Cr Kimber, SECONDED Cr Baker that in relation to Item C124-11/01 – Notice of Motion – Cr J Hollywood – Provision of Security and Patrols Services – Tender 04-01/02, being:**

- **a matter affecting an employee or employees;**
- **a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**

**Standing Orders be SUSPENDED in accordance with Section 5.23(2) of the Local Government Act 1995, and the meeting be held BEHIND CLOSED DOORS the time being 2120 hrs.**

**The Motion was Put and****CARRIED**

Members of the public and press left the Chamber at this point, the time being 2120 hrs.

*Director, Community Development left the Chamber, the time being 2122 hrs.*

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C125-11/01 NOTICE OF MOTION – CR J HOLLYWOOD – PROVISION OF SECURITY AND PATROLS SERVICES – TENDER 04-01/02 – [55477]**

Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 13 November 2001. The following elected members have indicated their support as required by clause 4.4 of the City's Standing Orders Local Laws.

Cr A Nixon  
Cr A Walker  
Cr M O'Brien  
Cr T Barnett

*“That:*

- 1 Council RESCINDS its decision CJ378-10/01 – Minutes Council Meeting Tuesday 23 October 2001 refers;*
- 2 Council REJECTS all tenders received in accordance with the calling of tenders conditions and thanks those who submitted tenders for their interest;*
- 3 Council continues with the present patrol arrangements on a month by month basis until a replacement patrol system has been structured within Council's own Municipal Employees with a target commencement date of 1 January 2002 and preferably no later than 1 February 2002;*
- 4 Council resolves that it is fully capable and has full confidence in its own employees to adequately handle its own Ranger and Patrol Activities;*
- 5 the CEO, Mr Denis Smith, to oversee the whole restructuring activity in order to comply with the views expressed by the Electors of the City of Joondalup in the Municipal Referendum held in May 2001.”*

Cr Hollywood states that the reasons for the Council's rescission actions in this matter are:

- “There has been insufficient time to properly consider the Department of Local Government's “Community Security Evaluation Project Final Report”;
- There has been insufficient time to properly consider the “City of Joondalup Community Security Program Review” having only been delivered the one hundred and five pages (total) of the documents on the day before the Council meeting and not having waited for the Minister's release of the Final Report and the Final Review;
- There is clear evidence that Competitive Neutrality was factored into Council's considerations when there was no statutory requirement or Council decision requirement to do so;

It should be noted any decision to rescind an earlier resolution of the Council must be by **absolute majority**.

**MOVED Cr Hollywood, SECONDED Cr O'Brien that:**

- 1 Council RESCINDS its decision CJ378-10/01 – Minutes Council Meeting Tuesday 23 October 2001 refers;
- 2 Council REJECTS all tenders received in accordance with the calling of tenders conditions and thanks those who submitted tenders for their interest;
- 3 Council continues with the present patrol arrangements on a month by month basis until a replacement patrol system has been structured within Council's own Municipal Employees with a target commencement date of 1 January 2002 and preferably no later than 1 February 2002;
- 4 Council resolves that it is fully capable and has full confidence in its own employees to adequately handle its own Ranger and Patrol Activities;
- 5 the CEO, Mr Denis Smith, to oversee the whole restructuring activity in order to comply with the views expressed by the Electors of the City of Joondalup in the Municipal Referendum held in May 2001."

**MOVED Cr Walker, SECONDED Cr Rowlands that Cr Hollywood be permitted an extension of time to speak for a further five minutes, to a limit of 10 minutes in total.**

Manager, Council Support Services advised Clause 4.2.8 of the City's Standing Orders Local Laws restricts a member to speak for a period of no longer than five minutes unless granted leave by the meeting, provided that the member shall not speak more than 10 minutes in total.

Discussion ensued.

**The Motion was Put and**

**CARRIED**

**MOVED Cr Baker, SECONDED Cr Kimber that Cr O'Brien be permitted an extension of time to speak for a further five minutes, to a limit of 10 minutes in total.**

**The Motion was Put and**

**CARRIED**

**MOVED Cr Kimber, SECONDED Cr Baker that Cr Patterson be permitted an extension of time to speak for a further five minutes, to a limit of 10 minutes in total.**

**The Motion was Put and**

**CARRIED**

**MOVED Cr Hurst, SECONDED Cr Rowlands that the Motion BE NOW PUT.**

**The Procedural Motion Was Put and**

**CARRIED**

Mayor Bombak requested Cr Hollywood during his closing statements to keep his remarks to comments made by previous speakers and not introduce new material.

Mayor Bombak requested Cr Hollywood to withdraw comments made.

*During discussion, Cr Hurst left the Chamber at 2124 hrs and returned at 2125 hrs.*

**The Motion as Moved by Cr Hollywood, Seconded by Cr O’Brien was Put and LOST**

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

In favour of the Motion: Crs Hollywood, O’Brien and Walker

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Rowlands, Baker, Kimber and Kadak

**MOVED Cr Kimber, SECONDED Cr Rowlands that Standing Orders be RESUMED and the meeting be held with the doors open, the time being 2215 hrs.**

**The Motion was Put and CARRIED**

Ten members of the public entered the Chamber at this point. In accordance with the City’s Standing Orders Local Law, Chief Executive Officer advised the Notice of Motion raised by Cr Hollywood in relation to rescission of Item CJ378-10/01 – Minutes of the Tender Evaluation Panel – Provision of Security and Patrols Services – Tender 04-01/02 was LOST. Therefore, the decision resolved by Council at its meeting held on 23 October 2001 in relation to this issue remained valid.

**C126-11/01 REQUEST FOR SECOND PUBLIC QUESTION TIME**

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

Manager, Council Support Services advised Clause 3.2 of the City’s Standing Orders Local Law allows the Council to resolve its Order of Business. The clause did not specify when this should be done.

**The Motion was Put and CARRIED UNANIMOUSLY**

**DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 27 NOVEMBER 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**SECOND PUBLIC QUESTION TIME**

**Mr S Magyar, Heathridge**

*Q1 Can it be known what Councillors were for and against the rescission motion relating to the tender for the provision of Security and Patrol Services?*

*A1 For the rescission motion was Crs O’Brien, Walker and Hollywood*

*Q2 Councillor Hollywood mentioned the Department of Local Government Community Security Evaluation Project Final Report as his reasons for putting the rescission motion. Is that document available to the public?*

A2 The document has not been released by the Minister, as soon as it is it will be made available to the public.

*Q3 Has the City of Joondalup Community Security Programme Review been made available to the public?*

A3 The report can be made available to the public and Councillors.

*Q4 CJ398-11/01 – The Golden Key National Honours' Society. Is there a membership fee for this Society, and if so, what amount is it and is Council funding it?*

A4 Council will find out whether there is a fee, but if there is Council will fund it.

**Mr M Sideris, Mullaloo:**

*Q1 Can Council make available to the public a copy of the tender document since Council has now deliberated and made a decision?*

A1 This question will be taken on notice.

**Mr V Cusack, Kingsley:**

*Q1 Was any reference made to the benefits of internal versus external security regarding the Community Security Evaluation Project Final Report?*

A1 Yes.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2226 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KADAK  
P KIMBER  
C BAKER  
J F HOLLYWOOD, JP  
A A WALKER  
P ROWLANDS  
M O'BRIEN  
A L PATTERSON  
G KENWORTHY  
J A HURST  
C MACKINTOSH