



**MINUTES OF COUNCIL MEETING  
HELD ON 9 APRIL 2002**

**TABLE OF CONTENTS**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>OPEN AND WELCOME</b>	1
	<b>ATTENDANCES</b>	1
	<b>MINUTE SILENCE – QUEEN MOTHER</b>	2
	<b>PUBLIC QUESTION TIME</b>	2
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	18
C42-04/02	REQUEST FOR LEAVE OF ABSENCE – CR A PATTERSON	18
	<b>DECLARATIONS OF FINANCIAL INTEREST/INTEREST AFFECTING IMPARTIALITY</b>	18
	<b>CONFIRMATION OF MINUTES</b>	
C43-04/02	MINUTES OF COUNCIL MEETING, 26 MARCH 2002	18
	<b>ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION</b>	18/74
C44-04/02	<b>PETITIONS</b>	
	PETITION TO SAVE THE GRASSED AREA OF TOM SIMPSON PARK, MULLALOO – [48840].....	19
	PETITION IN RELATION TO SPECIAL ELECTORS MEETING – 18 MARCH 2002 – [48840].....	19
	PETITION REQUESTING THE PROVISION OF A SKATEBOARD PARK FACILITY AND COMMUNITY ACCESS FACILITY TO ACHIEVE COMMUNITY ACCESS TO SWIMMING POOL AT WARWICK SENIOR HIGH SCHOOL AND ANCILLARY MATTERS – [03045 10973 04530 32431 02134].....	19

C45-04/02	<b>REQUEST FOR SECOND PUBLIC QUESTION TIME</b>	20
	<b>REPORTS</b>	
CJ072 – 04/02	SPECIAL MEETING OF ELECTORS HELD ON 18 MARCH 2002 AT TOM SIMPSON PARK, MULLALOO – [75029] [48840].....	20
CJ073 – 04/02	SPECIAL MEETING OF ELECTORS HELD ON 25 MARCH 2002 AT WHITFORD SENIOR CITIZENS CENTRE, HILLARYS - [04045].....	22
CJ074 – 04/02	CART DONATION - SHIRE OF MENZIES – [02004] [41887] [38634] ..	26
CJ075 – 04/02	CBD ENHANCEMENT PROJECT STEERING COMMITTEE [53469] ..	27
CJ076 – 04/02	MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE MEETINGS HELD ON 21 FEBRUARY & 21 MARCH 2002 – [00906] .....	35
CJ077 – 04/02	SUBMISSION – STATE GOVERNMENT’S SUSTAINABILITY STRATEGY – [00906] .....	38
CJ078 – 04/02	AMENDMENTS TO LOCAL GOVERNMENT HOUSE TRUST DEED – [00033] [38634] .....	41
CJ079 – 04/02	MINDARIE REGIONAL COUNCIL LAND REQUIREMENTS - [03149].....	44
CJ080 – 04/02	TENDER NUMBER 022-01/02 – SUPPLY AND LAYING OF BITUMINOUS CONCRETE SEAL – [15518].....	52
CJ081 – 04/02	TENDER NUMBER 023-01/02 – PRUNING OF STREET TREES WITHIN THE CITY OF JOONDALUP – [27519] .....	55
CJ082 – 04/02	TENDER NUMBER 024-01/02 – SUPPLY AND APPLICATION OF BULK FERTILISER – [28519].....	57
CJ083 – 04/02	TENDER NO 025-01/02 - REPLACEMENT OF "ASBESTOS CEMENT" ROOF JOONDALUP ADMINISTRATION CENTRE – [32519] .....	60
CJ084 – 04/02	CLOSURE OF CROWN LAND AIRSPACE DUE TO BALCONY ENCROACHMENTS – LOT 516 (205) LAKESIDE DRIVE, JOONDALUP – [35633] [04018].....	66
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>	69
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
C46-04/02	NOTICE OF MOTION – CR P KIMBER.....	69
C47-04/02	NOTICE OF MOTION NO 1 – CR J HOLLYWOOD .....	71
C48-04/02	NOTICE OF MOTION NO 2 – CR J HOLLYWOOD .....	73
	<b>ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION</b>	74/18
	CRAIGIE BUSHLAND OPENING .....	74
	JOINT CITY VENTURES .....	74
	ILLUMIN8 DANCE PARTY .....	75
	<b>SECOND PUBLIC QUESTION TIME</b>	75
	<b>DATE OF NEXT MEETING</b> .....	76
	<b>CLOSURE</b> .....	77

# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 9 APRIL 2002

### OPEN AND WELCOME

The Mayor declared the meeting open at 1903 hrs.

### ATTENDANCES

#### Mayor

J BOMBAK, JP

#### Elected Members:

Cr P KIMBER	Lakeside Ward	<i>Absent from 2043 hrs to 2045 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2136 hrs to 2140 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2100 hrs to 2102 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>to 2139 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 2136 hrs to 2139 hrs</i>

#### Officers:

Chief Executive Officer:	D SMITH	
Director, Corporate Services and Resource Management:	J TURKINGTON	
Acting Director, Planning & Community Development:	C TERELINCK	
Director, Infrastructure & Operations: Manager, Strategic & Corporate Planning:	D DJULBIC	
Manager, Marketing, Communications & Council Support:	R FISCHER	
Acting Co-Manager, Community Development:	M SMITH	
Co-ordinator, Waste Management And Environmental Services:	G HALL	
Publicity Officer:	P HOAR	<i>Absent from 1954 hrs to 1956 hrs</i>
Acting Committee Clerk:	L BRENNAN	
Minute Clerk:	L TAYLOR	
	G KELLY	

There were 12 members of the Public and 1 member of the Press in attendance.

### In Attendance

Invited Guest – Pastor Rod Waters, Joondalup City Church

The Mayor welcomed Pastor Waters as tonight's invited guest.

Pastor Rod Waters advised he is the Senior Minister of Joondalup City Church; the Church having recently acquired a building on the corner of Royce Court and Winton Road.

The Church also enjoys the partnership created with the City over the last four or five years; especially with events like Carols by Candlelight.

Pastor Waters thanked Council for its continued support and opened the meeting with a Scripture from the Bible and a prayer.

### **MINUTE SILENCE – QUEEN MOTHER**

The Mayor announced a one minute silence in memory of the recent passing of the Queen Mother.

### **PUBLIC QUESTION TIME**

**The following questions, submitted by Mr R de Gruchy, Sorrento, were taken on notice at the Council meeting held on 26 March 2002:**

- Q1 In relation to question 1(a) previously answered, I have a copy of the City of Joondalup Annual Report dated June 2001 and on page 30 it shows that attendance figures for the Craigie Leisure Centre for 2000/2001 was 791,622. If attendance figures can be obtained for 12 months why are they not available for six months?*
- A1 As previously indicated, the City places greater emphasis on financial information rather than attendance figures for the Leisure Centre. The City is unable to guarantee that its attendance figures are as reliable as the figures available from the RANS Management Group.
- Q2 Can Council explain the difference between an amount of \$1704 being collected by the City of Joondalup, when the Business Plan dated December 2000 for the lease of the three leisure centres indicated that \$7876 would be collected in the first year?*
- A2 The amount of \$1704 is an actual year to date figure. Based on the latest monthly report from the RANS Management Group, the City is due to invoice RANS for a further instalment based on the generated income.
- Q3 Can Council elaborate on what is meant when you say "The issue of corporate overheads was addressed in the report to Council – CJ290 on 24 October 2000". What does this mean and how much corporate overheads are being allocated to the Craigie Leisure Centre today?*

- A3 Council Report CJ290-10/00 identified that “Corporate Overheads” would continue to be attributable to Council’s management of its leisure facilities even if RANS undertook the day-to-day management of those facilities. These corporate overheads recognise that the City incurs costs of overseeing those operations.

*As at 29 February 2002, corporate overheads for the year to date amounting to \$9,687 had been attributed to the Activity 866-Leisure Centres RANS.*

- Q4 *In the Business Plan there is a commitment of \$1 million for the extension of the Health and Fitness Centre at Craigie Leisure Centre with an official opening date of March 2002. Would Council advise why this has not yet occurred?*

- A4 The City’s agreement with RANS Management does not state March 2002 as an opening date for a new fitness centre at Craigie Leisure Centre. What is stated in Schedule 3.48 of the agreement is:

***“As soon as practicable after the Commencement Date of the Term, the Lessee shall engage a market research consultant ....”***

This process is being followed by RANS in accordance with the agreement and on 21 March 2001 the RANS Management Group and a consultant engaged by them made a presentation to the City outlining their plans. This matter is due to be progressed as soon as possible.

**The following question, submitted by Ms M MacDonald, Mullaloo, was taken on notice at the Council meeting held on 26 March 2002:**

- Q1 *The Mullaloo Tavern was identified as a village. This was related to its size, which is 2377 metres square and is a commercial area. Did Council apply size criteria to all the other centres that were looked at?*

- A1 The Mullaloo Tavern site was identified as a “Village” due to its likely role of providing a relatively small amount of retail floor space, in comparison to other centres in the City of Joondalup. The Centre types for all other Centres within the City were not determined on the basis of land area, but by a number of other planning factors.

**The following questions, submitted by Mr S Magyar, Heathridge, were taken on notice at the Council meeting held on 26 March 2002:**

- Q1 *Cr Mackintosh’s letter to the Community Newspaper published on Thursday, 21 March 2002 states: “I wholeheartedly support the plans for the redevelopment of the Mullaloo Tavern.”*

Will the Mayor and the Chief Executive Officer examine the contents of the letter and see if that letter has kept within the spirit and intent of Item 2.3.1(d) of the Code of Conduct of the City of Joondalup?

- A1 The contents of the letter have been examined and no breach of the City's code has been committed.
- Q2 *Can you please explain how the idea of holding a strategic briefing session behind closed doors equates with Code of Conduct Item 2.5.1 Communication with the Community?*
- A2 The holding of strategy sessions will allow Council to focus on issues that are strategic in nature. The Council is in the process of developing a detailed communications policy which will greatly enhance its communication with the community. Those matters presented for discussion at the strategy session that require public consultation will be submitted for public comment.
- *Re new schedule regarding Council Strategy Sessions, Briefing Sessions and Council Meetings:*
- Q3 *How will members of the public know there may be a need to organise a deputation to a Briefing Session if the agenda for that Briefing Session comes out on a Wednesday or a Friday before (less than a week to determine what is on the agenda and what action they may require to take). At present if a person wishes to request a deputation to the Council meeting, they have close to two weeks to find out there is an item under consideration by this Council.*
- A3 The procedures relating to deputations and the new meeting cycle are currently being developed. Advertisements will be placed in the local paper advising of the necessary arrangements for those wanting a deputation.

**The following questions, submitted by Mrs M Zakrevsky, Mullaloo, were taken on notice at the Council meeting held on 26 March 2002:**

- Q1 *CJ70 – Proposed Amendment No. 10 to District Planning Scheme No.2. Schedule 5 clause 5.3.1 list five places as having “significance for the purpose of protection of the landscape or the environment”. Neil Hawkins Park is on that list and has aboriginal heritage. Why are two of our oldest parks that have historical, landscape and environmental significance not on this list? I refer to Tom Simpson Park, Mullaloo which dates back to 1938 and Geneff Park, Sorrento which goes back to the fifties or earlier. Trigg Point Park, Ocean Reef has unsurpassed views and Craigie Bushland should be included for its landscape and environmental views.*
- A1 Amendment 10 does not propose any changes to either Schedule 5 or Clause 5.3.1 of District Planning Scheme No. 2. The suggestion to include additional sites in Schedule 5 of DPS 2 will be further investigated, and you are welcome to stay in touch with City staff directly on that point.
- Q2 *CJ70 – Proposed Amendment No. 10 to District Planning Scheme No.2. How many persons were involved in deciding the hierarchy of the centres in the Centres Policy (Ref. Attachment 4, Schedule 3 – Net lettable area for centres)?*

A2 The Centres Strategy was prepared by a group of consultants, and was the subject of a period of public advertising, and submissions were invited. The issues raised in the submissions received were then taken to Council for consideration.

**The following question, submitted by Mr K Zakrevsky, Mullaloo, was taken on notice at the Council meeting held on 26 March 2002:**

*Q1 Were you, Mayor Bombak, not the Chairman of the briefing session on 19 February 2002?*

A1 There is no formal ‘Chairman’ of a briefing session, however the Mayor adopts the role to oversee the order of business. The Mayor was in attendance at that briefing session.

**The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Special Meeting of Electors held on 18 March 2002:**

*Q1 At the Greenwood Special Electors’ meeting, we asked for a copy of the design brief. As a result we received documentation which essentially triggered the calling of this meeting. I have an attachment which is identified as ‘proposed project area - Mullaloo beach’. Why does this project area go three blocks north and all the way to Dampier Avenue?*

A1 The attachment in question was provided to give the consultant a scaled plan to work from. It showed Oceanside Promenade and, for ease of reference, the street network around it, and was a copy of the original project area plan given to the consultants engaged to undertake the Mullaloo Beach Study.

The extent of the traffic management consultancy is indicated in the scope of the brief, as follows:

“To review the Concept Plans for the management of traffic and provision of parking adjacent to the beachside commercial areas in Mullaloo and Sorrento, with due consideration given to pedestrian, cyclist and public transport needs.”

**The following questions were submitted by Mr Vincent Cusack, Kingsley:**

*Q1 Is Council aware of the recent report by the Ombudsman which was tabled in Parliament and titled Report on an investigation into a complaint by the Town of Cambridge concerning the City of Perth?*

A1 Yes.

*Q2 Is Council aware of the adverse findings contained in that report regarding closed briefing sessions?*

A2 It was noted that the former Ombudsman made comments within his report relating to the decision-making process of the City of Perth. It was further noted that none of his conclusions or recommendations to the Minister or the Department related to that decision making process.

*Q3 Is Council aware of the concerns expressed by the Ombudsman regarding the potential for Councillors to reach a consensus on items at meetings held behind closed doors?*

A3 Yes Council is aware of the former Ombudsman's comments contained within the report.

*Q4 Is Council aware of the concerns expressed by the Ombudsman regarding the perception created by placing late items before Council which deny normal public participation in the decision making process?*

A4 Yes Council is aware of the former Ombudsman's comments contained within the report.

*Q5 Can Council please explain the obvious contradiction between the wording in the report for CJ062 – 03/02 that there “may be an increase in late and urgent business” and the answer given to my question number 4 at the same meeting on 26 March 2002, namely “Council keeps late items to an absolute minimum and there will not be a common practice of having late items submitted to Council”?*

A5 Report CJ062-03/02 listed a number of potential advantages and disadvantages to various options of decision-making processes available to Council. A potential disadvantage listed for Option 1 in that report was that as a result of a longer period between Council meetings may lead to an increase in late and urgent business presented to Council meetings for consideration. The comment in the report was a potential disadvantage of the option presented as the word ‘may’ was used, which does not infer that there ‘shall’ be an increase in late and urgent items. This potential disadvantage may apply to other options available to Council.

The answer provided to the question on 26 March 2002 relates to the current practice of the City and does not contradict the comment mentioned within the report.

*Q6 Will there be an increase in late and urgent business items as a result of introducing the new decision making process and the change to the meeting cycle?*

A6 Current practice is that late and urgent business presented to Council is kept to an absolute minimum.

*Q7 How many, late or urgent items were placed before Council in the past two calendar years?*

A7	2000	12
	2001	12

**The following questions were submitted by Mr Stephen Magyar, Heathridge:**

*Q1 Does Standing Orders allow a Councillor to put a procedural motion that “The Motion Lie on the Table”?*

A1 Yes.



Q2 *At the meeting of Council on 26 March 2002, did Cr Hollywood put a motion that “The Motion Lie on the Table”?*

A2 Yes.

Q3 *Is it correct that a matter can be held over from one Council Meeting to the next if that items is the subject of a successful procedural motion that “The Motion Lie on the Table”?*

A3 Where a motion has been laid on the table at a meeting and not dealt with subsequently at that meeting it shall be listed on the agenda for the next Ordinary Meeting of Council. The motion will remain on the table until a motion has been carried to take the motion form the table. (Clause 5.4 of the Standing Orders.)

Q4 *If an item is held over from one meeting to the next, would this create the opportunity for staff or Councillors to gather more information to enable Council to make a better informed decision?*

A4 All items are presented to Council with as complete information as possible to ensure informed decisions are made.

Q5 *Was Cr Hollywood’s motion that “Notice of Motion No 1 – Cr C Baker lie on the table until it is known...” accepted by the Mayor?*

A5 No it was not accepted.

Q6 *Was the Mayor’s reason for refusing the motion a reason for refusal as detailed in Clause 5.4 of the Standing Orders?*

A6 No. It must be noted that Clause 5.4 of Standing Orders relates to the procedural motion ‘The motion lie on the table.’ This clause allows for a member to move that the motion that is currently being debated ‘lie on the table’. The procedural motion proposed by Cr Hollywood at the meeting held on 26 March 2002 did not refer to the motion in its current form and included changes and therefore would not be permitted under Clause 5.4 as a procedural motion.

Q7 *In regard to CJ077, Submission State Government’s Sustainability Strategy, if Council accepts the recommendation that representatives from the Sustainability Policy Unit brief Council on the development of the State Government’s Sustainability Strategy, will that briefing be open to the public and/or the committee members of the Environmental and Sustainability Advisory Committee?*

A7 Recommendation 3 of report CJ007-04/02 proposes that Council:

*“INVITES representatives from the Sustainability Policy Unit to brief Council on the development of the State Government’s Sustainability Strategy”.*

It is envisaged that a briefing will be made at a Council Briefing Session. The briefing is subject to the Sustainability Policy Unit accepting the invitation and agreeing to the format. It is anticipated the proposed briefing will be open to the public and to members of the Environmental and Sustainability Advisory Committee.

**The following questions were submitted by Mrs M MacDonald, Mullaloo:**

*Q1 I refer to the answer given to my question of 12 March 2002 regarding the absence of information on Precinct Planning on the Council's Internet site. When did the Council abandon the Precinct Planning process with respect to all suburbs in the city? Is it not in the interests of open and accountable government to list the status of each precinct plan on the Internet? Wouldn't it be reasonable to assume that the removal of all matters on Precinct Planning from the Internet meant that there were no Precinct Plans in process? Will Council take steps to give the up to date information on all Precinct Plans in process on the Internet?*

A1 At its meeting on 12 February, it was resolved that Council:

- “1 hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;**
- 2 ESTABLISHES a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;**
- 3 NOT consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan;**
- 4 AGREES to consider all the decisions made at the recent Special Meetings of Electors held in Greenwood and Kingsley on 7 and 11 February 2002 respectively at its ordinary meeting scheduled to be held on 26 February 2002 at the Council Chambers, Joondalup;**
- 5 ENDORSES the Mayor's views as reported in last Saturday's 9 February 2002 edition of The West Australian newspaper that in respect of the Kingsley, Greenwood, Warwick and Woodvale draft precinct concept plans "these ideas which staff had put forward will not be going ahead in any way, shape or form."**

There are minor initiatives which do not fall under the Precinct Planning umbrella, for example, specific and detailed improvements at Sorrento and Tom Simpson Park.

*Q2 The Council made a decision to put out for publication a new plan called a Mullaloo Beach Project Preliminary Concept Plan. The motion to take the previous plan to design stage with two elements removed had already been passed through council.*

*Has this decision of council been rescinded? Are there now two plans for this area, the previous one in design stage and the new one out for public comment? When this matter comes before Council, which plan will it be considering? Or will it be comparing both plans? In the interests of removing confusion on this matter and there being no misinformation being disseminated, will Council clarify the situation in a notice in the paper for electors?*

A2 Council's resolution of 11 September 2001 has not been rescinded. The new Plan is merely a revised Concept Plan which was developed from the original Plan. The new Plan is the only proposal that the Council will consider for the project area. The answers provided here will be publicly recorded and City staff are always available to discuss the project or answer any queries in this regard.

Q3 *On 13 November 2001 the Council passed the following motion:*

2 (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 value placed on these lots.*

*The above item does not appear in the business outstanding on the agenda for the briefing sessions. Why? When does Council intend to consider the matters relating to this land? The land was removed from the Precinct Plan because of unresolved issues? When will these matters be resolved? Having brought these matters to the notice of electors and considering the amount of community concern regarding this issue doesn't Council have a legal and/or moral obligation to deal with these matters?*

A3 The land was removed from the Mullaloo Beach Concept Plan (which was not a "Precinct Plan") as there were unresolved issues to consider. At its meeting of 13 November 2001, when considering Motions put forward from the Annual General Meeting of Electors, the Motion requiring a report on the lots in Merrifield Place was not supported. Given that these lots have been removed from the revised Concept Plan, no further consideration has been given to the issues at this stage.

Q4 *Who were the consultants who worked on the Centres Strategy Policy and were responsible for deciding the placement of commercial centres in the hierarchy of Centres? That is, who decided that Mullaloo Tavern should be a Village? When was the brief given to the consultants? If many factors were taken into account in deciding the hierarchy placement of centres what was the brief given to the consultants? What were the factors taken into consideration which placed Mullaloo Tavern as a Village and raised its retail net lettable area from 500 sq metres to over 1000sq metres to under 4500 sq metres?*

A4 The consultants appointed to work on the Centres Strategy were Planwest (WA) Pty Ltd and Belingwe Pty Ltd. A Steering Group was formed prior to the split of the City, which consisted of staff members from the then City of Wanneroo as well as representatives from government agencies. The hierarchy contained in the Centres Strategy largely reflects the hierarchy set out in the Metropolitan Centres Policy. The term “Village” was used as an alternative to the previous terminology of “Local Centre” as it was seen to be more descriptive of the desired function of the Centres. The project commenced in the 97/98 financial year as an initiative of the then City of Wanneroo and the brief was forwarded to the consultants at this time. The most important factor taken into account in deciding the hierarchy of Centres, particularly in built up areas, was the existence of commercial land uses. The Mullaloo Tavern is a commercial zone that is considered to be a suitable location for the lowest level of Centre in the hierarchy. The revised floor space limits were adopted as 1,000m<sup>2</sup> is too small for the establishment of a standard supermarket, and the 4,500m<sup>2</sup> discretionary limit only applies where acceptable main street type development is proposed, and the functions relate to those of the lowest order Village Centre.

**The following questions were submitted by Mr Michael Caiacob, Mullaloo:**

*Q1 At what date did Council’s liaison with the Tavern developers and consultants commence?*

A1 Over the past few years, notional plans have been discussed with the previous owners, however, it was only when ownership changed hands that discussions commenced with the architect, Perrine & Birch, in September 2001.

*Q2 Is it Council’s and individual Councillors opinion that the proposed expansion or partial redevelopment of the existing Tavern site small scale, within the meaning of Amendment No.10, Clause 4.16.3 Development of Centres?*

A2 Amendment No. 10 has not been adopted, and as such the proposal can only be assessed in accordance with the provisions of District Planning Scheme No. 2 as it currently stands. That said, the exercising of discretion in relation to aspects of the design will be considered against any future planning policy or DPS controls for the area.

*Q3 Has an agreed Structures Plan been done?*

A3 No, a Structure Plan is not required under District Planning Scheme No. 2.

*Q4 Amendment No.10 District Planning Scheme 2, Clause 4.16.3 (b) states that “building height is to be no greater than two storeys, however that constraint may be relaxed...” etc.*

*Define ‘relaxed’ within the meaning of Clause 4.16.3 for a two storey development and indicate 1 additional storey, two additional storeys or three additional storeys?*

- A4 If adopted, Amendment 10 provides discretion for the height of buildings based on the merits of an individual proposal. It is proposed that there not be a finite limit on the relaxation of the height requirement.
- Q5 Does the Planning Department of the City of Joondalup consider the ground floor level as a storey?*
- A5 Yes.
- Q6 What is the current cost per car bay of cash in lieu of parking in the City of Joondalup?*
- A6 The current cost is \$4,450. Cash in lieu contributions are determined by a combination of land values and cost of construction, therefore a comparable Eastern States figure would not be relevant to the development in Mullaloo.
- Q7 Prior to additional loads being placed on public parking by the future reduction of table 2 requirements by 20%, will the cost or has the cost per bay for cash in lieu of parking increased?*
- A7 A cash in lieu contribution has not been suggested as part of the development application.
- Q8 Does the media cabling laid in 1996 have the capacity to service ALL new and forthcoming media types within the Tavern development site or will a telecommunications tower be required to service all or part of these services?*
- A8 The City is not the responsibility authority for such issues, however, all telecommunications facilities are required to comply with Federal legislation.
- Q9 If a satellite connection is required for the Tavern site development, will separate media types require dedicated dishes, receivers or antenna?*
- A9 This is unknown, however, if any infrastructure was proposed on the building, this would need to be assessed and determined.
- Q10 Has a Mullaloo Tavern site proposal, from the existing owners/developers, previously been lodged or submitted to Council?*
- A10 Discussions regarding sketch plans were held in early 2001, however, there was no formal application or determination.
- Q11 If so, what date was the submission made and why was the submission rejected or returned?*
- A11 The submission was not sufficiently detailed to be determined, and that proposal lapsed.

*Q12 In order to process or consider the existing Tavern application, has the Planning Department requested or required additional information or clarification after the submission was presented to Council?*

*If so, how many requests for additional information and clarification have been made by Council in regard to this submission and has the required information been provided?*

A12 The proposal has not been presented to Council at this stage. Additional information has been sought and is being provided by the applicant.

*Q13 Schedule 3 of the District Town Planning Scheme No.2 lists the commercial centre on West Coast Highway, Sorrento as having 2000 m2 of retail net lettable area.*

*The proposed Amendment No. 10, as recommended by the centres policy, is for this area to be 1000 m2 of retail net lettable area. Is this correct? If this is correct, what is the reason for this reduction and why is the reduction 50%?*

A13 The reduced NLA limit reflects the fragmented lot configuration in the Sorrento area, and the fact that most of these lots are fully developed at present (to a combined total of less than 1000m<sup>2</sup> NLA). In order to expand the floor space potential of the area, an integrated planning approach would need to be taken involving all landowners. There is no consolidated proposal foreshadowed at this time.

**Mr A Bryant, Craigie:**

*Q1 I am a member of the Council Committee in respect to senior citizens that meets at night. Would it be possible for the disabled parking bays to be supplied with lights?*

*Q2 On page 4 of tonight's agenda, Crs Hurst, Mackintosh, Walker and Carlos and the Executive Committee of Management of the Whitfords Senior Citizens Association and the Association of Independent Retirees are nominated to form part of the Project Team to negotiate the relocation of the library service. I am Vice President of the Association of Independent Retirees and have not been contacted in regard to joining that Committee.*

A1-2 These questions will be taken on notice.

**Mr R de Gruchy, Sorrento:**

*Q1 The Strategic Plan for the City of Joondalup follows the philosophy of open and accountable government. I asked Council two weeks ago to supply the attendance figures for Craigie Leisure Centre for the six months ending December 2000. The Annual Report for 2000/2001 shows 791,622 people attended during that period.*

A1 The attendance figures for the Craigie Leisure Centre are 355,000 for the six month period. It needs to be noted that the City has included non paying entries as well as paying entries that makes it vary the RANS figure for the same period of 250,000.

Q2 *Is the 350,000 exact or an approximation?*

A2 That is the City's figures as best as we can record them.

Q3 *My question on corporate overheads related only to the Craigie Leisure Centre not to all the leisure centres. It seems that the answer provided in the agenda tonight refers to activity 866 Leisure Centres RANS. Is that the three leisure centres?*

A3 That is correct.

Q4 *What are the corporate overheads for Craigie Leisure Centre alone?*

A4 This question is taken on notice.

Q5 *The business plan presented to Councillors prior to them taking the decision on agreeing to a ten year lease of the three leisure centres by RANS clearly shows an official opening date of March 2002. If the agreement with RANS is different to the business plan, how many Councillors are aware of that fact? I would like to be allowed to examine this agreement and accordingly I seek Council's approval to view it in its entirety.*

A5 This question is taken on notice.

**Mrs M MacDonald, Mullaloo:**

Q1 *I refer to my questions listed for tonight's meeting and the responses given. My first question related to Precinct Planning. I do not believe that you answered the question. Does Precinct Planning exist?*

A1 The question has been answered.

Q2 *As far as I can see, you have only stopped precinct planning in four suburbs. Your press statement indicated that there were 18 suburbs that were still subject to precinct planning. Does precinct planning still exist in respect to those 18 suburbs?*

A2 This question is taken on notice.

Q3 *With respect to Sorrento and Tom Simpson Park were these not considered part of the precinct planning process?*

A3 The Mullaloo and Sorrento proposals were not part of the precinct planning process.

Q4 *Merrifield Place was a park on the Concept Plan and was extracted at the AGM. A motion was put that it be rezoned to reserve. A motion was put forward in response to the first motion suggesting that no action be taken until such time as certain matters were considered. When are you going to consider those matters?*

A4 Any of the resolutions that have come about from the Special Electors' meetings of Mullaloo, Kingsley or Greenwood will be considered at the Council Meeting in May 2002.

Q5 *I am referring to the motion at the AGM and your subsequent motion in response to that, Motion No. 6. It is nearly six months, when is this matter going to be considered?*

A5 The matter regarding the subject land will be considered as part of a report that will deal with this issue in relation to other resolutions that have come out of the Special Electors' meeting at Mullaloo.

**Mrs M Zakrevsky, Mullaloo:**

Q1 *I refer to a petition that was part of the 2 April 2002 briefing session agenda under outstanding petitions. That petition requests installation of boom gates or retractable bollards for Neil Hawkins Park, Joondalup. What is the underlying reason for this request by the petitioners?*

*If it is the intention to keep out vehicles at all times or at certain times in Neil Hawkins Park, could Councillors give consideration to a number of other carparks where antisocial behaviours is occurring?*

A1 This question will be taken on notice.

**Mr M Caiacob, Mullaloo:**

Q1 *In response to the recommendation that Council notes the minutes of the Special Meeting of Electors' held on 18 March 2002 at Tom Simpson Park. Is it possible that a timeline be set for the motions forwarded by Anne Willis, 4 Marjorie Street, Mullaloo to be brought before Council preceding the meeting for the tavern proposal submissions?*

A1 The report dealing with the Special Electors' meeting for Mullaloo will go to the Council Meeting in May 2002. Council is not aware at this stage when the report on the tavern will be submitted. The City is currently examining the representations received as a result of the exhibition period. The application will be dealt with on its merits and submitted to Council when it has been duly processed.

Q2 *Can that particular motion be brought forward?*

A2 It is not intended to split up the resolutions that have been passed at a Special Electors' meeting. The resolutions will be brought before Council as a whole report.

**Ms S Hart, Greenwood:**

Q1 *Were any members of the community consulted in relation to signatures for a Special Electors' Meeting prior to you going to the Minister for Local Government?*



- A1 The meeting was on an informal basis that included the Chief Executive Officer and Ken Travers MLC. We had a discussion regarding concerns about the Special Electors Meeting. There was discussion on whether 100 signatures was an adequate number in view of the costs involved in holding a Special Electors Meeting. Mr Travers suggested 500 signatures would be a suitable amount of electors to call a Special Electors' meeting.
- Q2 *Did you consult with any of the community prior to that meeting?*
- A2 The Mayor and the Chief Executive Officer represent the community.
- Q3 *Did you consult with any of the Elected Members before you went to the Minister's office?*
- A3 Some Councillors expressed concern about the calling of a Special Electors' meeting.
- Q4 *A couple of meetings ago I asked what the word 'note' meant and you told me to go home and look it up in my dictionary. Can I please ask someone to investigate that previous question as it was not recorded in the minutes and I have not received any paperwork?*
- A4 This question will be taken on notice.
- Q5 *There was a motion passed at the Greenwood Special Electors' meeting that all precinct planning in Mullaloo be halted until a public consultation policy was drawn up. On 12 March 2002 at the Ordinary Meeting of Council I asked what the update on that motion was. The answer was that this would be answered in the four to six week timeframe already referred to. If Mullaloo was not part of the precinct plan, can you please tell me why I wasn't told at that meeting?*
- A5 The answer was correct. Any matters raised at a Special Electors' meeting will be submitted to Council as an overall report. If they relate to an issue that has a resolution passed that makes reference to precinct planning, that matter would be addressed at that time. It is not the City's recommendations it is resolutions that have been passed at a Special Electors' meeting.
- Q6 *Should it not have been clarified when the question was asked that Mullaloo was not under precinct planning?*
- A6 Possibly.
- Q7 *Am I correct in saying that it has been quoted that a Special Electors' meeting costs approximately \$5000.*
- A7 It depends on the location of the meeting. The meeting that was held at the Whitfords Senior Citizens Centre did not cost the same as the three other Special Electors' meetings. The cost of \$5000 may not be unrealistic for the Special Electors' meeting that was held in Kingsley.

Q8 *Can I please have an itemised account (excluding staff time) of the Greenwood, Kingsley and Mullaloo Special Electors' meetings?*

A8 This question will be taken on notice.

Q9 *Under the Local Government Act should motions put forward at a Special Electors' meeting be dealt with at the next Council meeting or the Council meeting after that?*

A9 This question has already been answered, but it can be repeated again. It is either at the next meeting or the most practical meeting thereafter.

Q10 *Is that how the Act reads?*

A10 Section 5.33, Part 1 of the Local Government Act reads:

*“(1) All decisions made at an electors' meeting are to be considered at the next ordinary Council meeting or, if that 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.*

Q11 *So 'whichever happens first' means our motion should have been dealt with at the second ordinary meeting after our Special Electors' meeting?*

A11 The Act is quite explicit. The Council dealt with a report dealing with the Special Electors' meeting. The resolutions that were passed at that meeting will be the subject of a further report to be submitted to the Council.

Q12 *When will the report from the Greenwood meeting come before Council?*

A12 May 2002.

Q13 *I was told four to six weeks and this is the sixth week. It was also reported in the paper four to six weeks.*

A13 The amount of work associated with these documents has been extensive. Council also requires the attendance of the Director of Planning & Community Development for the Council Meeting that the report is submitted to. The Director of Planning & Community Development is on leave until 29 April 2002. The report will be submitted in May 2002.

Q14 *Did Council receive my submission on the Reserves Policy?*

A14 This question will be taken on notice.

*Q15 Can you tell me if the 250 Club has changed its name to the 250 Business Club?*

A15 Council is not aware of it.

**Mr S Magyar, Heathridge:**

*Q1 I refer to the questions submitted by Mr Cusack regarding the Ombudsman's report on the Town of Cambridge and the City of Perth. In the opinion of Council, did the Ombudsman encourage briefing sessions to be held behind closed doors?*

A1 Council is not prepared to comment on remarks made by the Ombudsman.

*Q2 Regarding the report in tonight's agenda on the Mindarie Regional Council and its land uses, was that report the subject of a green paper that went to a Councillors only meeting after the public were dismissed last Tuesday at the Briefing Session?*

A2 Yes

*Q3 If that Report was dealt with as a green paper, was the Report marked Private and Confidential and if so under what provisions of the Local Government Act?*

A3 This question will be taken on notice.

**Mr M Sideris, Mullaloo:**

*Q1 Please advise when the height restriction of three storeys for commercial zoned property sites was amended and what are they today?*

*Q2 What public consultation process was used and when was it advertised?*

*Q3 When was it presented to Council?*

*Q4 Advise how a currently defined 'beach front shop' use can be considered as a 'mixed use village'?*

*Q5 Provide the definition of what short-term accommodation is. A motel and a hotel and a reference to these definitions?*

*Q6 Has any or all of these definitions been adopted by Council, and if so when?*

*Q7 Why, under the District Planning Scheme No.2, a residential zoned site is subjected to more stringent planning requirements than a commercial site?*

*Q9 Advise why in the planning scheme there is no distinction or consideration given to differences in a commercial site in a defined business/commercial/industrial area and when it is adjoining to a residential area?*

Q10 *When did the Mullaloo Precinct Plan not become a precinct plan?*

A1-10 These questions will be taken on notice.

## **APOLOGIES AND LEAVE OF ABSENCE**

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

Cr J Hurst	28 March – 14 April 2002
Cr Mackintosh	25 March – 19 April 2002
Cr P Kadak	3 April – 24 May 2002
Cr T Barnett	20 April – 28 April 2002
Cr Carlos	4 April – 15 April 2002
Cr Kenworthy	8 April – 11 April 2002

### **C42-04/02 REQUEST FOR LEAVE OF ABSENCE – CR A PATTERSON**

Cr Patterson has requested Leave of Absence from Council duties from 8 May 2002 to 13 May 2002 inclusive.

**MOVED Cr Baker, SECONDED Cr Kimber that COUNCIL APPROVES the Leave of Absence requested by Cr A Patterson for the period 8 May 2002 to 13 May 2002 inclusive.**

**The Motion was Put and**

**CARRIED**

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

*Cr Baker declared an interest which may affect his impartiality in Item CJ075-04/02 – CBD Enhancement Project Steering Committee as he has been a member of the Joondalup Business Association since 1994 and is a Council delegate to the JBA executive meetings.*

## **CONFIRMATION OF MINUTES**

### **C43-04/02 MINUTES OF COUNCIL MEETING –26 MARCH 2002**

**MOVED Cr Baker, SECONDED Cr Rowlands that the Minutes of the Council Meeting held on 26 March 2002, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED**

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

**MOVED Cr Baker, SECONDED Cr Kimber that Announcements by the Mayor without Discussion be dealt with later in the meeting after Notices of Motion.**

**The Motion was Put and**

**CARRIED**

**PETITIONS****C44-04/02                    PETITIONS SUBMITTED TO THE COUNCIL MEETING – 9  
APRIL 2002****1                    PETITION TO SAVE THE GRASSED AREA OF TOM SIMPSON PARK,  
MULLALOO – [48840]**

A 117-signature petition has been received from residents of the City of Joondalup requesting that the City stop not only the relocation of the central car park to the grassed area of Tom Simpson Park, but also the construction of any car park on the grassed area (which currently includes the road reserve) in Tom Simpson Park.

**2                    PETITION IN RELATION TO SPECIAL ELECTORS MEETING – 18 MARCH  
2002 – [48840]**

A 116-signature petition has been received from residents of the City of Joondalup agreeing to the following motions being put to the Special Electors Meeting:

- 1                    stop the relocation of the central car park to the grassed area in Tom Simpson Park, Mullaloo;
- 2                    defer the elements of the concept plan for which there is no clear and demonstrable community support and have these issues considered further when a new plan has been drafted;
- 3                    other matters that may be raised from the floor of the meeting relating to the Mullaloo Beach Precinct Plan or Preservation of Reserves Policy or any other matters of concern to residents of the City of Joondalup.

These petitions were received by the City on 4 April 2002. The Special Meeting of Electors was held on 18 March 2002.

A report will be submitted to a future Council meeting wherein these matters will be considered further.

**3                    PETITION REQUESTING THE PROVISION OF A SKATEBOARD PARK  
FACILITY AND COMMUNITY ACCESS FACILITY TO ACHIEVE  
COMMUNITY ACCESS TO SWIMMING POOL AT WARWICK SENIOR HIGH  
SCHOOL AND ANCILLARY MATTERS – [03045 10973 04530 32431 02134]**

Cr O'Brien tabled a 72-signature petition on behalf of residents of the City of Joondalup requesting the City of Joondalup to:

- 1                    build a skateboard park facility in the unused limestone car park on the eastern side of Lloyd Drive in the recreation reserve in Warwick and tidy up the toilet block adjacent to the limestone surfaced area;
- 2                    establish lifeguard supervised controlled community access to the Warwick Senior High School swimming pool adjacent to Lloyd Drive as a share high school/community use swimming facility;

- 3 establish set down and pick up motor vehicle hard stand areas alongside of the existing carriageway in Lloyd Drive near the high school in order to reduce the congestion at the Erindale Road entrance to the Warwick Senior High School and expedite the proposed ingress/egress through the median strip at the T junction of Lloyd Drive and Beach Road.

This petition will be referred to Infrastructure and Operations and Community Development for action.

**MOVED Cr Kimber, SECONDED Cr Rowlands that the petitions relating to the:**

- 1 relocation of the central car park to the grassed area of Tom Simpson Park, but also the construction of any car park on the grassed area (which currently includes the road reserve) in Tom Simpson Park;**
- 2 Special Electors Meeting at Mullaloo on the 18 March 2002;**
- 3 provision of a skateboard park facility and community access facility to achieve community access to swimming pool at Warwick Senior High School and ancillary matters;**

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

**The Motion was Put and**

**CARRIED**

**C45-04/02 REQUEST FOR SECOND PUBLIC QUESTION TIME**

**MOVED Cr Walker, SECONDED Cr Hollywood that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a second public question time be permitted prior to the close of this evening's meeting in order that members of the public may ask questions in relation to decisions made at this meeting.**

**The Motion was Put and**

**CARRIED**

**CJ072 – 04/02 SPECIAL MEETING OF ELECTORS HELD ON 18 MARCH 2002 AT TOM SIMPSON PARK, MULLALOO – [75029] [48840]**

**WARD - Whitfords**

---

CJ020402\_BRF.DOC:ITEM 1

**PURPOSE**

To submit the Minutes of the Special Meeting of Electors' held on 18 March 2002 to Council for noting and seek a further report addressing the motions raised at that meeting.

## **EXECUTIVE SUMMARY**

As requested by the electors of the City of Joondalup, a special meeting of electors was held on 18 March 2002 at Tom Simpson Park, Mullaloo.

As a result of this meeting a number of decisions were made by the electors, which in accordance with the Local Government Act 1995 are required to be considered by the Council at either an ordinary or special meeting of the Council.

Due to the time constraints, it is not practicable to submit the decisions from the electors' meetings to the Council meeting scheduled to be held on 9 April 2002. It is recommended that the Minutes of the Special Electors meeting are noted, and a further report submitted to Council addressing each of the motions carried at that meeting.

## **BACKGROUND**

A 324-signature petition was received requesting that a Special Meeting of Electors be held to enable the community to vote on the following motions:

- “1 Stop the relocation of the central car park to the grassed area in Tom Simpson Park, Mullaloo;*
- 2 Defer the elements of the concept plan for which there is no clear and demonstrable community support and have these issues considered further when a new plan has been drafted;*
- 3 Other matters that may be raised from the floor of the meeting relating to the Mullaloo Beach Precinct Plan or Preservation of Reserves Policy or any other matters of concern to residents of the City of Joondalup.”*

## **DETAILS**

In accordance with the provisions of the Local Government Act 1995, a Special Meeting of Electors was held at 7.00 pm on Monday 18 March 2002 at Tom Simpson Park, Oceanside Promenade, Mullaloo. This meeting was duly advertised in the local community newspaper.

There were in excess of 500 members of the public in attendance, 359 of whom signed the attendance record.

The minutes of the meeting are attached - Appendix 1 to this Report refers.

## **COMMENT**

Any decisions made at electors' meeting are required to be considered by the Council. Section 5.33 of the Local Government Act 1995 states those decisions are required to be considered by the Council at the next ordinary meeting of the Council. Where that is not practicable then at the first ordinary Council meeting after that meeting or a special meeting of the Council called for that purpose; whichever happens first.

Section 5.33 further states that 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.

Due to the time constraints, it is not practicable to submit the decisions from the electors' meetings to the Council meeting scheduled to be held on 9 April 2002. It is recommended that the Minutes of the Special Electors meeting are noted, and a further report submitted to Council addressing each of the motions carried at that meeting.

## VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTES the minutes of the Special Meeting of Electors held on 18 March 2002 at Tom Simpson Park, Oceanside Promenade, Mullaloo, forming Attachment 1 to Report CJ072-04/02;**
- 2 SEEKS a further report addressing each of the motions carried at that Special Meeting of Electors as detailed in (1) above.**

**The Motion was Put and**

**CARRIED**

*Appendix 8 refers*

To access this attachment on electronic document, click here [Attach8brf020402.pdf](#)  
[Attendance180302.pdf](#)

## **CJ073 – 04/02 SPECIAL MEETING OF ELECTORS HELD ON 25 MARCH 2002 AT WHITFORD SENIOR CITIZENS CENTRE, HILLARYS - [04045]**

**WARD - Whitfords**

---

CJ020402\_BRF.DOC:ITEM 2

### **PURPOSE**

To submit the Minutes of the Special Meeting of Electors' held on 25 March 2002 to Council for noting.

### **EXECUTIVE SUMMARY**

As requested by the electors of the City of Joondalup, a special meeting of electors was held on 25 March 2002 at Whitford Senior Citizens Hall, Hillarys.



The main purpose for the special electors' meetings was to discuss concerns of the Whitford Senior Citizens Club in relation to the hall.

In accordance with the Local Government Act 1995, any decisions made at a special meeting of electors are required to be considered by the Council at either an ordinary or special meeting of the Council. As the Council has determined this issue within Item CJ043-02/02, it is suggested that the Council notes the decisions of the electors' meetings and reaffirms its decision CJ043-02/02 of 26 February 2002.

## **BACKGROUND**

A 197-signature petition was received requesting that a Special Meeting of Electors be held to consider the following motions:

- “1 That this meeting of Electors calls upon the City of Joondalup’s Councillors to abandon any attempts that would affect this Senior Citizens Hall, by way of granting, exchanging, selling or transferring to any Private or Public Company and/or any Australian and/or International Corporate Entity any rights over Lot 503 on which this building stands together with and including its adjacent facilities;*
- 2 This meeting of Electors calls upon the Councillors, to protect the Property belonging to the Citizens of the City of Joondalup, in the form of City of Joondalup Council, having its responsibility, as trustees, required to act on behalf of its citizens, not on behalf of some profit motivated corporate company;*
- 3 This meeting calls upon the Councillors of the City of Joondalup, to stop treating Seniors in this City as second class citizens and get on with the job of properly maintaining its buildings and upgrading them where required;*
- 4 Any other business in order brought forward by the Electors present at the Electors’ meeting.”*

## **DETAILS**

In accordance with the provisions of the Local Government Act 1995, a Special Meeting of Electors was held at 7.00 pm on Monday 25 March 2002 at Whitford Senior Citizens Hall, cnr Banks and Marmion Avenues, Hillarys.

There were 115 members of the public in attendance. The minutes of the meeting are now attached - Appendix 1 refers.

Council at its meeting held on 26 February 2002 (Item CJ043-02/02) resolved as follows:

- “1 Council NOTES the content of this preliminary report;*
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed*

*that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*

- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups."*

## COMMENT

Any decisions made at electors' meeting are required to be considered by the Council. Section 5.33 of the Local Government Act 1995 states those decisions are required to be considered by the Council at the next ordinary meeting of the Council. Where that is not practicable then at the first ordinary Council meeting after that meeting or a special meeting of the Council called for that purpose; whichever happens first.

Section 5.33 further states that 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.

The main purpose for the special electors' meetings was to discuss concerns of the Whitford Senior Citizens Club in relation to the hall. As the Council has determined this issue within Item CJ043-02/02, it is suggested that the Council notes the Minutes of the electors' meetings and reaffirms its decision CJ043-02/02 of 26 February 2002.

## VOTING REQUIREMENTS

Simple Majority

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

- 1 **NOTES the minutes of the Special Meeting of Electors held on 25 March 2002 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ073-04/02;**

**2 REAFFIRMS its decision of 26 February 2002 (Item CJ043-02/02 refers) being that:**

- “1 Council NOTES the content of this preliminary report;*
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality’s ownership of Lot 503, Volume 1551, Folio 105;*
- 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
- 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council’s intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council’s intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.”*

Cr Baker requested that the Executive of both Whitford Senior Citizens Association Inc and the Association of Independent Retirees be given adequate notice of any meetings proposed.

**The Motion was Put and**

**CARRIED**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf020402.pdf](#)  
[Attendance250302.pdf](#)*

**CJ074 – 04/02      CART DONATION - SHIRE OF MENZIES – [02004]  
[41887] [38634]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 3

**PURPOSE**

The purpose of the report is to bring to Council's attention a request from the Shire of Menzies for the donation of the old four wheeled cart currently on display outside Gloucester Lodge in Yanchep and to seek Council's approval to the donation.

**EXECUTIVE SUMMARY**

The City of Wanneroo was approached by the Shire of Menzies seeking the donation of the four wheeled cart currently on display outside Gloucester Lodge. The cart was previously used in the Menzies area and it is proposed that if returned, it be used in a museum display in Menzies of heritage items of its area. The City of Wanneroo has in turn written to Council as joint owners of the cart, seeking its agreement to the donation.

**BACKGROUND**

In the 1980's the City of Wanneroo acquired an old four wheel cart that had been used in the Menzies area and placed it on display outside Gloucester Lodge in Yanchep, as a museum attraction.

**DETAILS**

The Shire of Menzies is forming its own museum collection. The City of Wanneroo advises that the cart has no provenance to the Wanneroo/Joondalup area. However, it does indicate a type of vehicle used in that era. The City of Wanneroo indicated support to return the cart to its original place of use and seeks agreement from the City of Joondalup to the donation of the cart to the Shire of Menzies.

There is no record of a four wheel cart on the City's Asset Register. It is understood that the cart was purchased by the former Shire of Wanneroo on the recommendation of the Gloucester Lodge Management Committee of the day for display at Gloucester Lodge. It is also understood that the cart is listed as an item of memorabilia as part of the Heritage Collections of the former City of Wanneroo and therefore in joint ownership with the City of Wanneroo.

**COMMENT**

It is considered that this request provides the City with an excellent opportunity to support the work of the Shire of Menzies in establishing its own museum collection in recognition of its heritage, by donating this item to them.

Should the City agree to the request of the Shire of Menzies it is recommended that it be on the condition that there is no cost to the City.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Rowlands, SECONDED Cr O'Brien that Council as joint owners with the City of Wanneroo, APPROVES the donation of the old four wheeled cart currently located outside Gloucester Lodge in Yanchep to the Shire of Menzies subject to there being no cost to Council.**

The Motion was Put and

CARRIED

**CJ075 – 04/02      CBD    ENHANCEMENT    PROJECT    STEERING  
COMMITTEE [53469]**

WARD - All

---

CJ020402\_BRF.DOC:ITEM 4

## PURPOSE

To establish a Steering Committee for the CBD Enhancement Project that will progress the City's vision to develop a unique City Centre.

## EXECUTIVE SUMMARY

Seed funding has been made available from the Federal Government through the Regional Assistance Program (RAP) to promote the Joondalup CBD in a manner that is consistent with the City's vision for its City Centre over three financial years to the end of 2003/04.

The managing of the RAP contract with the Federal Government requires a Committee to monitor the financial probity of the project within the seed-funding period to January 2003. Such a Committee may be established in accordance with Section 5.8 of the Western Australian Local Government Act 1995.

*This report recommends that Council:*

- 1      *ESTABLISHES by an ABSOLUTE MAJORITY a CBD Enhancement Project Steering Committee to make recommendations to Council concerning broad priorities and financial monitoring of the CBD Enhancement Project and to recommend strategies for the project's financial self-sufficiency beyond the 2003/04 financial year;*
- 2      *APPOINTS by an ABSOLUTE MAJORITY the following persons to the Committee detailed in 1 above, being:*

- (a) *the two Lakeside Councillors;*
- (b) *two other Councillors;*
- (c) *a representative from each of the following stakeholder groups:*
  - *The Joondalup Business Association;*
  - *The Perth Area Consultative Committee;*
  - *The Department of Training(North Metropolitan Employment Office) ; and*
  - *The North Metropolitan Business Enterprise Centre (BEC).*

## **BACKGROUND**

On 20 September 2001, the City of Joondalup signed a funding agreement with the then Federal Department of Employment, Workplace Relations and Small Business (DEWRSB) for a Regional Assistance Program (RAP) to seed-fund the Joondalup CBD Enhancement Project. The project summary description (Item 1.5) stipulated under the RAP funding agreement is summarised as follows:

*“The Joondalup CBD Enhancement Project seeks to generate a targeted total of 150-200 equivalent full time jobs in Joondalup’s Central Business District utilising the commercial space available ... and developments on currently vacant land zoned as commercial.*

*A key element of the project is to fund a Promotions Officer ... to:*

- *Develop a marketing identity for the CBD area of the City of Joondalup to improve its capture of the City’s surrounding residential consumer market;*
- *Co-ordinate and maximise CBD business stakeholder promotion to local consumers in conjunction with the City of Joondalup’s schedule of events and festivals;*
- *Develop a program of business and marketing seminars and networking for CBD business stakeholders to grow their business and employ additional staff.*

*Measurable outcomes of the project include:*

- *the number of businesses generated taking up vacant premises in the target area;*
- *the number of persons employed in the target area; and*
- *the level of business confidence among stakeholders in the target area.”*

To date, the key developments in the CBD Enhancement Project have included:

- The appointment of the CBD Promotions Officer commencing early February 2002;
- The completion of a survey and base-data collection of the CBD Enhancement target area by the Research and Development Centre of West Coast College to inform the project and facilitate the required project evaluation with the concluding of the RAP funding period at the end of January 2003; and

- The hosting of a successful CBD Promotions workshop co-sponsored with the Joondalup Business Association (JBA) on Wednesday 20 March 2002.

The 20 March 2002 Workshop may be summarised as having supported the following key outcomes for the CBD Enhancement Project:

- To facilitate a vibrant location with employment, entertainment, shopping, restaurants, arts, culture and university life by developing and implementing a co-ordinated marketing plan; and
- To create a sustainable mix of (new) businesses to the area by working with property owners/agents to target potential new businesses that may fill an unmet local consumer demand.

### **Strategic Plan**

Under the key result areas of ‘Lifestyle’, Strategy 2.2 of its Strategic Plan 2000-2005, the City states that it will:

*“Facilitate the development of the Joondalup City Centre”.*

The CBD Enhancement Project is consistent with this key result area sought by the City’s Strategic Plan 2000-2005.

### **DETAILS**

The seed funding provided to the City by the Federal Government totals \$65,742 (\$59,168 excluding GST) and was facilitated through the Perth Area Consultative Committee (Perth ACC) for a specified 15-month period from 1 October 2001 and to 31 January 2003. A core requirement of the RAP funding was a stipulated process for the Project’s monitoring and evaluation.

A requirement under section 1.15 of the final RAP funding application form includes a Project Management Committee will be formed to provide guidance for a longer period encompassing three financial years (2001/02 to 2003/04) for the project – beyond the seed-funding period concluding in the end of January 2003.

This report recommends that Council establishes a CBD Enhancement Steering Committee in accordance with Section 5.8 of the WA Local Government Act with the main objectives of the Committee being:

- To monitor the financial accountability requirements of the City’s funding contract under the Regional Assistance Program to the end of the contract period in January 2003;
- To make recommendations to Council concerning the broad priorities of the CBD Enhancement Project to the end of June 2004; and
- Consider issues regarding the project’s possible financial self-sufficiency by the nominated target of the 2004/05 financial year.

Section 5.8 requires a voting requirement of an absolute majority of Council for the establishment of a Committee in accordance with the Local Government Act 1995.

The Regional Funding Contract also requires a number of members to be present on the Steering Committee. It is recommended that Council invite four additional representatives from the organisations listed below to the Committee in order to comply with the requirements of the Regional Assistance Program contract agreement:

- Joondalup Business Association (JBA);
- Perth Area Consultative Committee (ACC);
- Department of Training (Regional Employment Coordinator, North Metropolitan);
- North Metropolitan Business Enterprise Centre (BEC).

This broadened membership of the Steering Committee will ensure the City's compliance with the funding contract for the project with the Federal Government under the Regional Assistance Program (RAP). (Administration of RAP was transferred from DEWRSB to the Federal Department of Transport and Regional Services [DTRS] under recent Federal Government restructure.)

Proposed Work Plan and Implementation for the CBD Enhancement Project to the end of 2002/03

A proposed work plan for the remainder of the period funded by the Regional Assistance Program (RAP) to January 2003 and to the end of the 2002/03 financial year consistent with the outcome of the 20 March 2002 workshop may include though not limited to the following:

- 1) A gap analysis/survey of anticipated local community, worker and student demands for goods and services currently not provided that would inform a targeted information package (for property agents) and prospective businesses to take up vacant commercial space in the Joondalup CBD. Waivers of application development fees and required licensing for targeted businesses may also apply to the area for a specific period such as the 2002/03 financial year. The first phase of this gap analysis has been incorporated into the intensive survey of CBD visitors to the Joondalup Festival of 23-24 March 2002.
- 2) A marketing plan to develop an identity for the Joondalup CBD incorporating a schedule of public/cultural events in the area that also strategically promotes (or launches) a range of finalised initiatives.

It is proposed that the implementation of the project be co-ordinated by the CBD Promotions Officer in conjunction with a CBD Enhancement Project Team that comprises of officers from the following management units:

- Marketing, Communications and Council Support;
- Planning, Approvals and Environmental Services;
- Operation Services; and
- Community Development Services.



### Statutory Provision

The CBD Enhancement Project is to be steered and monitored in accordance with the provision of Section 5.8 of the Local Government Act 1995 which states that:

*“A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”*

(\*An absolute majority voting requirement of Council is required to establish a Committee in accordance with Section 5.8 of the Local Government Act 1995.)

### Financial Implications

Under Regional Assistance Program (RAP) the funding contract with the Federal Department of Transport and Regional Services (DTRS) will fund the project up to \$65,742 (\$59,168 excl GST) for a 15-month period between October 2001 to January 2003 under the following schedule of instalments.

Gross Amount	Amount Excl. GST	Details
\$32,868	\$29,581	This amount was transferred to the City of Joondalup in October 2001 and is expected to cover the salary of the CBD Enhancement Promotions Officer to end of June 2002.
\$23,001	\$20,701	To be paid within 30 days of receipt by DTRS of satisfactory acquittal of the first payment and a correct rendered invoice. This is anticipated to be in early July 2002 with the salary commitment to the CBD Promotions Coordinator and assuming the expenditure of \$9,000 for the project before the close of the 2001/02 financial year.
\$9,873	\$8,886	Final payment (in arrears) within 30 days of receipt by DTRS of a satisfactory audit report, without any qualification, and a correctly rendered invoice. This is anticipated to be by end of March 2003.
<b>\$65,742</b>	<b>\$59,168</b>	Total seed funding provided by DTRS between September 2001 and March 2003.

The Federal Government seed funding is anticipated to be sufficient to fund the salary of the CBD Promotions Officer to the end of January 2003 (end of the RAP funding contract) with an additional \$9,000 for initiatives under the project.

An additional submission has been made as part of the 2002/03 budget (priority 1 category) process and this is summarised in the table below as an absolute minimum requirement to ensure the project's progress. Other initiatives have also been proposed as priority categories 2, 3 and 4 under the forthcoming budget process.

<b>Item</b>	<b>Amount</b>	<b>Description/Comment</b>
<b>Revenue</b>	<b>\$29,587</b>	Expected Regional Assistance Program (RAP) grant funding for 2002/03.
<b>Expenditure</b>	<b>\$80,605</b>	
Promotions Officer salary and on-costs.	\$50,605	CBD Promotions Officer salary and costs will be funded from RAP grant to end of January 2003. The remainder of the 2002/03 salary and on-costs is sought from the City of Joondalup budget allocation.
Materials and contracts.	\$30,000	This amount is sought for the implementation of the CBD Marketing plan and other projects as approved by the Steering Committee in the 2002/03 financial year.
<b>Project budget allocation sought from City of Joondalup in 2002/03.</b>	<b>\$51,018</b>	This minimum amount is sought as part of the 2002/03 budget process.

Another consideration for the Steering Committee is to explore options whereby the Joondalup's on-going promotion can be financially self-sufficient and stakeholder-funded by the nominal target financial year 2004/05.

## COMMENT

The risks associated with the CBD Project include:

- The potential for stakeholder expectations to exceed the City's capacity to address the problems associated with parts of the CBD, as highlighted by the recent 20 March 2002 Workshop.
- A limited level of available funding for the project, particularly during the determination of the Administration's budget in the forthcoming 2002/03 financial year.

Key success factors underpinning the CBD Enhancement project include:

- A sophisticated level of organisational co-operation and resource sharing within the City's Administration to schedule, deliver and promote initiatives that are and will directly impact on the CBD's future commercial viability.
- Continued engagement with the stakeholders involved to encourage their participation and ownership of the project.
- Where possible, cross-promotion of the CBD with other related initiatives with "spill-over effects" into the target areas such as the 'Learning City' project as well as the City's year-round schedule of cultural events.
- A level of flexibility within the Steering Committee to allow for unanticipated environmental factors and learn from unexpected outcomes during the project's progress.
- Attention - once the project is successfully under-way - to developing strategies to facilitate the CBD's on-going promotion on a financially self-sustained and stakeholder-supported basis in the medium to longer term.

## VOTING REQUIREMENTS

Absolute Majority

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

- 1 ESTABLISHES BY AN ABSOLUTE MAJORITY a CBD Enhancement Project Steering Committee to make recommendations to Council concerning broad priorities and financial monitoring of the CBD Enhancement Project and to recommend strategies for the project's financial self-sufficiency beyond the 2003/04 financial year;
- 2 APPOINTS BY AN ABSOLUTE MAJORITY the following persons to the Committee detailed in (1) above, being:
  - (a) the two Lakeside Councillors;
  - (b) two other Councillors;
- 3 INVITES a representative from each of the following stakeholder groups to be a member of the committee detailed in (1) above:
  - The Joondalup Business Association;
  - The Perth Area Consultative Committee;
  - The Department of Training (North Metropolitan Employment Office); and
  - The North Metropolitan Business Enterprise Centre (BEC)

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

- 1 ESTABLISHES BY AN ABSOLUTE MAJORITY a CBD Enhancement Project Steering Committee to make recommendations to Council concerning broad priorities and financial monitoring of the CBD Enhancement Project and to recommend strategies for the project's financial self-sufficiency beyond the 2003/04 financial year;
- 2 APPOINTS BY AN ABSOLUTE MAJORITY the following persons to the Committee detailed in (1) above, being:
  - (a) Cr P Kadak and Cr P Kimber;
  - (b) Cr C Baker and Cr A Patterson
- 3 INVITES a representative from each of the following stakeholder groups to be a member of the committee detailed in (1) above:
  - The Joondalup Business Association;
  - The Perth Area Consultative Committee;
  - The Department of Training (North Metropolitan Employment Office); and
  - The North Metropolitan Business Enterprise Centre (BEC)

**AMENDMENT MOVED Cr Hollywood, SECONDED Cr Nixon that Point 2(b) be amended to read three Councillors, to include Cr A Walker.**

**The Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, being:**

**That Council:**

- 1 ESTABLISHES a CBD Enhancement Project Steering Committee to make recommendations to Council concerning broad priorities and financial monitoring of the CBD Enhancement Project and to recommend strategies for the project's financial self-sufficiency beyond the 2003/04 financial year;**
- 2 APPOINTS the following persons to the Committee detailed in (1) above, being:**
  - (a) Cr P Kadak and Cr P Kimber;**
  - (b) Cr C Baker, Cr A Patterson and Cr Walker**
- 3 INVITES a representative from each of the following stakeholder groups to be a member of the committee detailed in (1) above:**
  - The Joondalup Business Association;**
  - The Perth Area Consultative Committee;**
  - The Department of Training (North Metropolitan Employment Office); and**
  - The North Metropolitan Business Enterprise Centre (BEC)**

Cr Baker advised he has an interest which may affect his impartiality in this item as he has been a member of the Joondalup Business Association since 1994 and is a Council delegate to the JBA executive meetings.

**was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Co-ordinator, Waste Management & Environmental Services left the Chamber, the time being 1954 hrs.*

**CJ076 – 04/02 MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE MEETINGS HELD ON 21 FEBRUARY & 21 MARCH 2002 – [00906]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 5

**PURPOSE**

The Environmental and Sustainability Advisory Committee met on 21 February and 21 March 2002 and the minutes of the meetings are submitted for noting by Council, and consideration of relevant recommendations.

**EXECUTIVE SUMMARY**

The Environmental and Sustainability Advisory Committee considered a range of business items at its meetings held on 21 February and 21 March 2002 and the following recommendations to Council have been made in relation to:

- A submission on the State Government's Sustainability Strategy. (This is the subject of a separate report)
- Sustainability information for the City's web site.
- Appointment of new members to the committee.
- Resignation of Committee member Mrs J Richards.

*This report recommends that Council:*

- 1 *NOTES the minutes of the Environmental and Sustainability Advisory Committee meetings held on 21 February and 21 March 2002;*
- 2 *PROVIDES key sustainability information for the community including sustainability pilot projects, funding sources, grants, awards and network contacts;*
- 3 *ACCEPTS the resignation of Mrs J Richards from the Committee.*
- 4 *APPOINTS BY AN ABSOLUTE MAJORITY a representative from Edith Cowan University to the Environmental and Sustainability Advisory Committee to enhance the partnership between the City of Joondalup and Edith Cowan University in place of the previous committee member being the City's former Manager Organisation and Strategic Development.*

## BACKGROUND

The Environmental and Sustainability Advisory Committee meeting, held on 21 February 2002, discussed a range of items as outlined in the Minutes shown at Attachment A, including:

- A submission on the WA State Government sustainability strategy.
- An update regarding the development of the City of Joondalup sustainability plan.
- Transport planning.
- Resignation of Committee member Mrs J Richards. (Shown at Attachment 3 of Attachment A – Minutes of Environmental & Sustainability Advisory Committee of the 21 February 2002) and;
- Appointment of new committee members

A range of items were considered at the meeting held on 21 March 2002, with the primary business being;

- Endorsement of the City of Joondalup submission on the proposed State Sustainability Strategy. (This is the subject of a separate report.)
- Sustainability information for updating on the City's web site.

## DETAILS

The minutes of the Environmental and Sustainability Advisory Committee 21 February 2002 and 21 March 2002 are Attachment A and Attachment B respectively.

### Sustainability Information

The Committee members reviewed a preliminary listing of sustainability pilot projects, funding sources, grants, awards and network contacts. The Environmental and Sustainability Advisory Committee recommended that Council;

- 1 *PROVIDES key sustainability information for the community including sustainability pilot projects, funding sources, grants, awards and network contacts;*
- 2 *UPDATES the City of Joondalup sustainability web page.*

Comment: The updating of the webpage is not considered to be a matter requiring Council resolution and will be undertaken administratively by the City. Details for the update of the City's webpage is shown at Attachment 2 of Attachment B the Minutes of the Environmental & Sustainability Advisory Committee 21 March 2002.

## Committee Membership

Due to the resignation of Mrs J Richards (as shown at Attachment 3 of Attachment A of the Minutes of the Environmental & Sustainability Advisory Committee meeting 21 February 2002) and the change to the role of the Manager of Organisational and Strategic Development, two committee positions are presently vacant. The City has a Regional Economic Development Coordinator whose role emphasises economic, social and environmental developments. The Committee considered this position as appropriate for membership to the Committee. It is also considered there is an opportunity to develop links with Edith Cowan University. The Environmental and Sustainability Advisory Committee recommended to:

*“request Council to endorse the appointment of the Sustainable Development Coordinator Mr Uzaraga to the Environmental and Sustainability Advisory Committee and further request Council to seek representation on the committee from Edith Cowan University to enhance the partnership between the City of Joondalup and Edith Cowan University.”*

Comment: The officer appointed to the position of Sustainable Development Coordinator will attend all meetings of this Committee.

It is not considered necessary, as part of the positions role, that the Committee include the Sustainable Development Coordinator as a committee member.

## VOTING REQUIREMENTS

Absolute Majority

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

- 1 NOTES the minutes of the Environmental and Sustainability Advisory Committee meeting held on 21 February 2002 at Attachment A and 21 March 2002 at Attachment B to Report CJ076-04/02;**
- 2 PROVIDES key sustainability information for the community including sustainability pilot projects, funding sources, grants, awards and network contacts at Attachment 2 to the Minutes of 21 March 2002;**
- 3 ACCEPTS the resignation of Mrs J Richards from the Committee at Attachment 3 to the Minutes of 21 February 2002;**
- 4 INVITES a representative from Edith Cowan University to the Environmental and Sustainability Advisory Committee in order to enhance the partnership between the City of Joondalup and Edith Cowan University in place of the previous committee member being the City's former Manager Organisation and Strategic Development.**

The Motion was Put and

**CARRIED**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf020402.pdf](#)*

## **CJ077 – 04/02 SUBMISSION – STATE GOVERNMENT’S SUSTAINABILITY STRATEGY – [00906]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 6

### **PURPOSE**

To seek Council’s endorsement of a submission to the Department of Premier and Cabinet on the State’s Sustainability Strategy.

### **EXECUTIVE SUMMARY**

In response to an invitation from the Department of Premier and Cabinet’s Sustainability Policy Unit to make a submission on the State’s Sustainability Strategy, the City has through consultation, developed a submission, as shown at Attachment A.

*This report recommends that Council:*

- *ENDORSES the City of Joondalup’s submission on the State Government’s proposed Sustainability Strategy as shown at Attachment 1;*
- *FORWARDS the submission to the Department of the Premier and Cabinet (Sustainability Policy Unit) and THANKS the Department of Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission; and*
- *INVITES representatives from the Sustainability Policy Unit to brief Council on the development of the State Government’s Sustainability Strategy.*

### **BACKGROUND**

The Department of Premier and Cabinet has invited submissions on the Western Australian State Government’s Sustainability Strategy. The Government’s Sustainability Policy Unit will accept submissions until mid April 2002.

At the City’s Environmental and Sustainability Advisory Committee meeting that was held on 21 February 2002, a submission on the WA State Government sustainability strategy was discussed.

A Committee workshop was held to consider and develop a submission on the State Government’s Sustainability Strategy. A submission based on input from Committee members was prepared and submitted for incorporation into the City’s submission.

At its meeting held on 21 March 2002, the Environmental and Sustainability Advisory Committee considered the City’s submission and recommended that Council:

- *ENDORSES the City of Joondalup submission (Attachment 1) on the State Government’s proposed Sustainability Strategy;*



- *ISSUES the submission to the Department of Premier and Cabinet (Sustainability Policy Unit) by 12 April 2002;*
- *INVITES representatives from the Sustainability Policy Unit to brief Council on the development of the State Government’s Sustainability Strategy;*
- *THANKS the Department of Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission.*

## **DETAILS**

A copy of the City’s submission is shown at Attachment 1 of this Report.

### **Consultation:**

The City of Joondalup’s submission on the State Government’s proposed Sustainability Strategy has been developed based on substantial input from both City of Joondalup staff and the Environmental and Sustainability Advisory Committee.

### **Policy Implications:**

Council’s endorsement of the City of Joondalup’s submission on the State’s proposed Sustainability Strategy is consistent with, and provides a practical application of the City of Joondalup Environmental Sustainability Policy 2.6.4.

### **Strategic Implications:**

The submission is in accordance with the Key Result Area of the City’s Strategic Plan of Leadership: “*Adopt and implement a Local Agenda 21 Plan.*”

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr O’Brien, SECONDED Cr Rowlands, that Council:**

- 1 ENDORSES the City of Joondalup’s submission on the State Government’s proposed Sustainability Strategy as shown at Attachment 1 to Report CJ077-04/02;**
- 2 FORWARDS the submission to the Department of the Premier and Cabinet (Sustainability Policy Unit) and THANKS the Department of Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission;**
- 3 INVITES representatives from the Sustainability Policy Unit to brief Council on the development of the State Government’s Sustainability Strategy.**

**AMENDMENT MOVED Cr Patterson, SECONDED Cr Kimber that an additional Point 4 be added as follows:**

**“4 NOTES that the submission is for discussion purposes only and in no way binds or influences future Council decision-making with regard to social, environmental and economic planning.”**

Discussion ensued.

Cr Nixon advised he wished to move a deferral motion should the amendment under consideration not succeed. Mayor Bombak advised this could not be accepted.

To a request by Cr Hollywood to move a procedural motion to defer, it was advised that a motion to defer was not a procedural motion.

**The Amendment was Put and**

**CARRIED**

**The Original Motion, as amended, being:**

**That Council:**

- 1 ENDORSES the City of Joondalup’s submission on the State Government’s proposed Sustainability Strategy as shown at Attachment 1 to Report CJ077-04/02;**
- 2 FORWARDS the submission to the Department of the Premier and Cabinet (Sustainability Policy Unit) and THANKS the Department of Premier and Cabinet (Sustainability Policy Unit) for the opportunity to provide the submission;**
- 3 INVITES representatives from the Sustainability Policy Unit to brief Council on the development of the State Government’s Sustainability Strategy;**
- 4 NOTES that the submission is for discussion purposes only and in no way binds or influences future Council decision-making with regard to social, environmental and economic planning.**

**was Put and**

**CARRIED**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf020402.pdf](#)*

*Co-ordinator, Waste Management & Environmental Services entered the Chamber, the time being 1956 hrs.*

## **CJ078 – 04/02      AMENDMENTS TO LOCAL GOVERNMENT HOUSE TRUST DEED – [00033] [38634]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 7

### **PURPOSE**

To seek Council's approval on the amendments proposed by the Western Australia Local Government Association to the Local Government House Trust Deed.

### **EXECUTIVE SUMMARY**

The Local Government House Trust currently holds trust equity units in proportion to the amount of capital contributed by certain local governments (as beneficiaries) for the purchase of Local Government House in Altona Street, West Perth. The former City of Wanneroo held 10 units (in a total local government holding of 620 units) in Local Government House, which as a consequence of the Joint Commissioners determination was distributed, equally between the City of Joondalup and City of Wanneroo with each holding 5 units.

As a consequence of:

- the dissolution of the Country Shire Councils Association (CSCA), Country Urban Councils Association (CUCA) and the Local Government Association (LGA) and the creation of the Western Australian Local Government Association (WALGA)
- the introduction of the Local Government Act 1995; and
- the strive for more effective and efficient meetings procedure

it has become necessary to amend the Trust Deed governing Local Government House.

The amendments proposed by WALGA are considered appropriate and reflect modern business practice and are consistent with the requirements of the Local Government Act 1995.

*This report recommends:*

*That Council advises WALGA that it authorises the following amendments to the Trust Deed - Local Government House:*

- 1      the appointment of one (WALGA) replacement Trustee for the CSCA and LGA;*
- 2      the appointment of a new Board of Management which includes the following members:-*

*President of the WA Local Government Association  
Deputy President of the WA Local Government Association  
State Councillor (Country Constituency)*

*State Councillor (Metropolitan Constituency)  
Representative from the country beneficiaries  
Representative from the metropolitan beneficiaries  
CEO of the WA Local Government Association;*

- 3 *the number of members necessary to form a quorum of the Board of Management be amended from 100% to greater than 50%;*
- 4 *the majority needed to carry a resolution of the Board of Management be amended from unanimous agreement to an absolute majority.*

## **BACKGROUND**

In the past three associations: Country Shire Councils Association (CSCA), Country Urban Councils Association (CUCA) and Local Government Association (LGA), have represented Western Australian local governments. For unified representation of the local governments and cost efficiency in administrative resources, the three associations were dissolved and Western Australian Local Government Association (WALGA) created. The Local Government House located at 15 Altona Street, West Perth is owned under a Trust Deed which is held by 620 trust units in proportion to the capital contributed by those Local Governments (beneficiaries). The City of Joondalup and the City of Wanneroo each holds 5 trust units. The Trust Deed currently recognises:

- The CSCA and LGA as Trustees;
- The President and Deputy President of the LGA and CSCA as well as the President of the CUCA as members of the Board of Management.

With the dissolution of CSA, CUCA and LGA, it is therefore essential that the Local Government House Trust Deed now be amended to nominate WALGA as the Trustee.

## **DETAILS**

In broad terms the proposed amendments to the Trust Deed seek to achieve the following objectives:-

- **To allow the appointment of one replacement Trustee for the CSCA and LGA.**
  - As the CSCA and LGA are the current Trustees of the Deed it is necessary to appoint a replacement Trustee.
  - The Trustees Act requires a minimum of two trustees to be appointed where more than one trustee was originally appointed. This would prevent appointing the WA Local Government Association as the new Trustee.
  - It is therefore proposed that a Deed of Variation be executed to vary the terms of the Trust Deed to allow the appointment of one Trustee (the WALGA) as replacement for the CSCA and LGA.

- **To replace the current Board of Management with a new Board.**
  - The Board of Management currently includes representatives from CSCA, LGA and CUCA.
  - It is proposed that a new Board of Management be appointed which includes the following members:-
    - President of the WA Local Government Association
    - Deputy President of the WA Local Government Association
    - State Councillor (Country Constituency)
    - State Councillor (Metropolitan Constituency)
    - Representative from the country beneficiaries
    - Representative from the metropolitan beneficiaries
    - CEO of the WA Local Government Association;
- **To update the Trust Deed and to improve the operation of the Board of Management.**
  - Various amendments need to be made to recognise the Local Government Act 1995 and related State legislation.
  - It is proposed that an amendment be made in relation to constituting a quorum at meetings of the Board of Management. Currently, the number of members required to form a quorum is 100%. This has been a source of ongoing problems, and as such it is proposed that the number of members necessary to form a quorum be amended from 100% to greater than 50%.
  - It is recommended that an amendment be made to the Trust Deed relating to the majority needed to carry a resolution of the Board of Management. Presently, a resolution can only be carried by the *unanimous agreement* of all members. This is contrary to the practices in most other boards and committees. As such, it is proposed that this requirement should be amended to allow an *absolute majority* to carry a resolution of the Board of Management.

## COMMENT

The amendments proposed aim to enhance the administration efficiency and effectiveness following the changes in the Local Government Act and dissolution of three local government associations and creation of WALGA.

The changes are, in general, as a consequence of the creation of WALGA and reflect consistent application of the provisions of the Local Government Act 1995 and therefore should be supported.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Baker, SECONDED Cr Kimber that Council ADVISES (WALGA) that it AUTHORISES the following amendments to the Trust Deed - Local Government House:**

- 1 the appointment of one (WALGA) replacement Trustee for the CSCA and LGA;**
- 2 the appointment of a new Board of Management which includes the following members:**
  - President of the WA Local Government Association**
  - Deputy President of the WA Local Government Association**
  - State Councillor (Country Constituency)**
  - State Councillor (Metropolitan Constituency)**
  - Representative from the country beneficiaries**
  - Representative from the metropolitan beneficiaries**
  - CEO of the WA Local Government Association;**
- 3 the number of members necessary to form a quorum of the Board of Management be amended from 100% to greater than 50%;**
- 4 the majority needed to carry a resolution of the Board of Management be amended from unanimous agreement to an absolute majority..**

The Director Corporate Services & Resource Management advised in October 1981 the former Shire of Wanneroo purchased 10 units at a cost of \$10,000.

On the division of the former City of Wanneroo, the shareholding was split and Council's portion at this point in time amounts to \$20,367.

**The Motion was Put and**

**CARRIED**

**CJ079 – 04/02 MINDARIE REGIONAL COUNCIL LAND REQUIREMENTS - [03149]**

**WARD - All**

---

CJ020402\_GRN.DOC:ITEM 1

**PURPOSE**

The Mindarie Regional Council (MRC) has resolved to adopt a plan for future land requirements landfilling and the location of the Secondary Waste Treatment Facility (SWTF).

The purpose of this report is to seek Council's endorsement of the plan.

## EXECUTIVE SUMMARY

Since the adoption of the implementation plan for secondary waste treatment the MRC has been seeking a site for the SWTF. The site selection process has been the subject of robust discussions between the member Councils. The issue was resolved at a workshop on 30 January 2002 where approximately 30 elected members and officers were in attendance and a plan was adopted to:

- Continue to use Tamala Park as a landfill up to and beyond 2011, for that waste not treatable via SWTF, and residue from SWTF;
- The staged development of a SWTF at one or more locations, other than Tamala Park.

At its meeting on the 14 February 2002, the MRC adopted the plan and resolved to seek individual member Council support for the Plan.

Previously, Council adopted a report titled 'Future Directions in Managing the Waste Stream in the Mindarie Region' at a meeting on 13 November 2001. It endorsed land tenure security at Tamala Park and resolved to support the introduction of SWTF either at Tamala Park or an alternate site based sound economical, social and environmental considerations.

This Report suggests that Council:

- 1 *NOTES the information from the land requirements workshop held on 30 January 2002;*
- 2 *ADOPTS a plan for future land requirements as follows:*
  - 2.1 *the continued use of Tamala Park for landfill up to and beyond 2011, for that waste not treatable via SWTF, and residue from SWTF processes; and*
  - 2.2 *the development of plant for SWTF processing at one location, other than Tamala Park, as previously proposed i.e. in three stages with milestones of 2005, 2010 and 2015;*
- 3 *HAS no objection to further investigation of potential sites other than Tamala Park for establishment of a SWTF plant, noting the previously recommended preferred site of Wangara;*
- 4 *HAS no objection to the Mindarie Regional Council authorising an investigation into improved security of tenure for Tamala Park, including a revised lease of land, or purchase of an appropriate parcel of land;*
- 5 *HAS no objection to the Mindarie Regional Council advising the land owner of this investigation into improved security of tenure; and*
- 6 *HAS no objection to the Mindarie Regional Council initiating investigations into potential landfill sites for use following closure of Tamala Park.*

## **BACKGROUND**

The MRC embarked on a programme to introduce secondary waste treatment into the region in view of:

- Government directives such as the push for sustainability, 50% reduction to landfill and there is to be no new landfills on the Swan coastal plain;
- The recognised long term disposal issues for the region;
- Shortage of landfill space available at Tamala Park in the longer term;
- A previous commitment by the MRC to introduce some form of waste processing in the region;
- A conditional approval for the second stage landfill at Tamala Park based on a demonstrated progress towards the introduction of a SWTF.

Major studies into the feasibility of secondary waste processing resulted in the development of SWTF implementation plan which was subsequently adopted by the MRC.

Since this time siting of the facility has been an issue with member council, however, this issue has now been resolved at the MRC but is still subject to the approval of individual member Councils.

In terms of timing, the implementation plan schedules the commissioning date for the SWTF in March 2005 provided the purchase of an alternative site was completed by 1 February 2002. Importantly, at the time of writing this report, the site assessment study has nominated a number of possible areas with no specific site being identified. It is therefore reasonable to assume the March 2005 commissioning date is remote.

## **DETAILS**

The Tamala Park waste facility was the most obvious place to site a SWTF, however during the ensuing period after the adoption of the implementation plan it became obvious there was strong opposition to the siting of the SWTF at Tamala Park. The City of Wanneroo made its opposition clear and there was considerable debate on the issue. It soon became apparent that as the statutory planning approval authority, chances of receiving favourable decisions from the City of Wanneroo for the establishment of the facility was remote.

The MRC's technical Officers were of the view that any adversarial approach would not be successful and in the interests of progressing the matter it was decided that a workshop should be held with elected members and technical officers.

The workshop was held on 30 January 2002 where land requirements were established.

### **Land Requirements**

Attendees agreed to the following specification for land requirements and land options were:

- **Landfill**
  - 30 hectares for 30 year life span
  - Class 2 landfill was required
  - Not located on coastal plain



- 500 m buffer (240 hectares)
- Environmental Conditions

- **SWTF**

- Three sites of 2.5 to 5 hectares; or
- One site of 8 to 10 hectares
- Appropriate adjoining land use
- Planning requirements
- Services
- Benign political environment and appropriate political conditions

### **Land Options**

Attendees agreed the following strategic options for provision of these land requirements:

#### **Option One**

- SWTF located at Tamala Park (up to and beyond 2011)
- Landfill located at Tamala Park (up to and beyond 2011)

#### **Option Two**

- SWTF located at a site other than Tamala Park
- Landfill located at Tamala Park (up to and beyond 2011)

#### **Option Three**

- SWTF located at a site other than Tamala Park
- Landfill located at Tamala Park to 2011, and other site beyond 2011

Key issues which emerged from this evaluation were as follows:

- **Landfill**

- Tamala Park is the preferred location from a technical perspective due to the existence of an established facility and associated systems
- Major customers of Mindarie Regional Council, particularly member Councils, would incur significant additional costs (\$1.6 - \$2.8m) should landfill be located at other than Tamala Park
- Political issues as a result of a resolved City of Wanneroo position in relation to future use of Tamala Park are potentially not significant, given the City of Wanneroo written advice (correspondence dated 11 December 2001 refers) on some flexibility regarding this use

- **SWTF**

- Tamala Park is the preferred location from a technical perspective due to the existence of an established facility and associated systems;
- The cost differential between Tamala Park and elsewhere to major customers is not significant;
- Political issues as a result of a resolved City of Wanneroo position in relation to the non acceptability of Tamala Park as a SWTF site, have the potential to significantly impact on the Council's business, if pursued;
- Whilst the zoning of Tamala Park (leased land) ie Public Open Space (Special Purpose) is consistent with a land use for waste management, the pursuit of an option based on consensus between all member Councils ie elsewhere is likely to be more cost beneficial to the Council;

Attendees concluded that the preferred combination of capability siting characteristics was as follows:

- Landfill: To continue at Tamala Park
- SWTF: Other than Tamala Park

Key reasons for this conclusion were as follows:

- The location of landfill at Tamala Park represents the most attractive option, from a cost perspective, with no significant technical environmental or political disadvantages; and
- The location of any SWTF facility other than Tamala Park removes any cause for dispute with City of Wanneroo by the Council given Wanneroo's stated position of non support for SWTF at Tamala Park. No technical or financial penalty exists for selection of this course.

### **A Proposed Land Requirements Plan**

The workshop developed a plan for the Council's future land requirements. Key elements of this plan were as follows:

- The continued use of Tamala Park for landfill up to and beyond 2011, for that waste not treatable via SWTF, and residue from SWTF processes; and
- The development of plant for SWTF processing at one or more locations, other than Tamala Park, as previously proposed i.e. in three stages, for implementation in 2005, 2010, 2015 respectively.

### **Tamala Park – Tenure**

The Council is currently progressing administrative action to validate the existing lease of part Lot 118 (formerly Lot 17) Tamala Park. However, the issue remains that the Council only has lease of the land until 2011.

Any land plan which contains an ongoing role for Tamala Park should also address the matter of long term security of tenure at this location. This tenure can potentially be obtained by either of the following strategies:

- Construction of a new lease reflecting long term tenure; and
- Purchase of an appropriate parcel of Lot 118 land for the Council's business activities.

An investigation into these options is now appropriate.

**Statutory Provision:** These provisions will be the responsibility of the MRC.

**Consultation:** Issues work shopped with elected members and technical officers.

**Policy Implications:** Limited policy implications for Council at this stage.

**Financial Implications:** None at this stage.

**Strategic Implications:**

It is too early to predict the strategic implications for the City's strategic plan however waste handling systems will be required to meet the requirements of the SWTF. The cost of secondary waste treatment will mean an increase in the disposal costs and subsequent rises in the rubbish rate when the SWTF becomes operational.

Subsequently the MRC made the following recommendations at its Council meeting on 14 February 2002:

- (i) *note the information from the land requirements workshop held on 30 January 2002;*
- (ii) *adopt a plan for future land requirements as follows:*
  - (a) *the continued use of Tamala Park for landfill up to and beyond 2011, for that waste not treatable via SWTF, and residue from SWTF processes; and*
  - (b) *the development of plant for SWTF processing at one or more locations, other than Tamala Park, as previously proposed ie in three stages with milestones of 2005, 2010, 2015.*
- (iii) *has no objection to further investigation of potential sites other than Tamala Park for establishment of a SWTF plant, noting the previously recommended preferred site of Wangara.*
- (v) *has no objection to the Mindarie Regional Council authorising an investigation into improved security of tenure for Tamala Park, including a revised lease of land, or purchase of an appropriate parcel of land;*
- (vi) *has no objection to the Mindarie Regional Council advising the land owner of this investigation into improved security of tenure; and*
- (vii) *has no objection to the Mindarie Regional Council initiating investigations into potential landfill sites for use following closure of Tamala Park.*

## COMMENT

Council has previously adopted the future directions report on the 13 November 2001 and the issues and plan presented in this report is consistent with that report. The resolution was as follows:

- 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.*

In the MRC resolution 14 February item (ii) (b), states that the 'development of plant for SWTF processing should be located at one or more locations'. In considering this matter the siting of a facility other than at one location is not practicable, on the basis that this will require seeking planning and environmental approvals for all the sites chosen and full public consultation, which may result in ongoing delays and unnecessary costs in seeking approvals and consultation fees. Acknowledging the desire for the City of Joondalup to secure a sustainable waste management system, the recommendation should read the SWTF should be located at one location, other than Tamala Park.

Since the workshop the Secondary Waste treatment Working Group has recommended that one site should be chosen to accommodate the SWTF, this recommendation should be supported at the next MRC meeting.

## VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTES the information from the land requirements workshop held on 30 January 2002;**
- 2 AGREES to the future land requirements as follows:**
  - 2.1 the continued use of Tamala Park for landfill up to and beyond 2011, for that waste not treatable via SWTF, and residue from SWTF processes;**
  - 2.2 the development of plant for SWTF processing at one location, other than Tamala Park, as previously proposed i.e. in three stages with milestones of 2005, 2010 and 2015;**
- 3 HAS no objection to:**
  - (a) further investigation of potential sites other than Tamala Park for establishment of a SWTF plant, noting the previously recommended preferred site of Wangara;**
  - (b) the Mindarie Regional Council authorising an investigation into improved security of tenure for Tamala Park, including a revised lease of land, or purchase of an appropriate parcel of land;**
  - (c) the Mindarie Regional Council advising the land owner of this investigation into improved security of tenure;**
  - (d) the Mindarie Regional Council initiating investigations into potential landfill sites for use following closure of Tamala Park.**

**1<sup>st</sup> AMENDMENT MOVED Cr Hollywood, SECONDED Cr Nixon that Points 2.1 and 2.2 be amended as follows:**

- 2.1 the words “and beyond” be deleted;**
- 2.2 2008 and 2011 be substituted for 2010 and 2015;**

Discussion ensued.

Cr Patterson foreshadowed an amendment, should the amendment under consideration not succeed.

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

**LOST**

**2<sup>nd</sup> AMENDMENT MOVED Cr Patterson, SECONDED Cr O’Brien that an additional Point 4 be added as follows:**

- “4 REQUIRES the Mindarie Regional Council to ensure that there is no added financial burden placed on the ratepayers of the City of Joondalup through the development of any secondary waste treatment facility.”**

Discussion ensued.

To a Point of Order raised by Cr Hollywood, Manager, Marketing, Communications & Council Support advised it was necessary for the Mayor to determine a Point of Order and whether it was a breach of the local law under the Standing Orders.

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

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Amendment LOST**

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

*Cr Kimber left the Chamber, the time being 2043 hrs.*

**CJ080 – 04/02 TENDER NUMBER 022-01/02 – SUPPLY AND LAYING OF BITUMINOUS CONCRETE SEAL – [15518]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 8

**PURPOSE**

This report recommends acceptance of the tender from Asphaltech Pty Ltd. as per the schedule of rates for tender no 022-01/02 Supply and Laying of Bituminous Concrete Seal and to endorse signing of the contract documents.

**EXECUTIVE SUMMARY**

Tender No 022-01/02 Supply and Laying of Bituminous Concrete Seal was advertised statewide 02 February 2002. Eight tenders were received and this report recommends acceptance of the tender submitted by Asphaltech Pty Ltd. in accordance with the schedule of rates attachment 1 to this Report.

*It is recommended that Council:*

- 1 *ACCEPTS the tender from Asphaltech Pty Ltd as per the Schedule of Rates as shown on Attachment 1 to this Report for tender 022-01/02 Supply and Laying of Bituminous Concrete Seal. This contract will commence from 1 July 2002 for a period of 12 months to 30 June 2003. Clause 4.9 Contract Period provides for a 2 x 12 month extension period subject to agreement by both parties;*
- 2 *ENDORSES signing of the contract documents.*

## BACKGROUND

Asphaltech Pty Ltd. of Malaga were successful with the previous contract 034-99/00 and have successfully undertaken the works in accordance with Council requirements. The eight tenders submitted for Tender 022-01/02, have sufficient resources and experience to perform similar kind of work for the council.

## DETAILS

Tender 022-01/02 requires the supplier to provide prices for various asphalt mixes to Council's specification and tenders were assessed using a multi-criterion selection evaluation process considering the tender price, tenderer's resources and local content, safety management and tenderer's ability to meet the requirements of the contract.

The main asphalt mix used for local roads is 7mm fine gap-graded mix and for distributor and arterial mix is 10mm dense graded mix. As currently there is a short supply of diorite aggregate in Perth Metropolitan area and there is no guarantee of availability of diorite asphalt mix, Council is using granite mix for all its asphaltting works. Therefore, for tender evaluation purpose, the prices for granite mix is considered, a comparison of granite prices is summarised below:

### COMPARISON OF PRICES – TENDER NUMBER 022-01/02 – SUPPLY AND LAYING OF BITUMINOUS CONCRETE SEAL (GRANITE MIX)

Item	Description	Rate(tonne)							
		Granite							
		Asphaltech	CSR	AshSur	Boral	BGC	Roads	Hotmix	Pioneer
1	7mm Fine Gap Graded Mix 1	100.0	134.2	117.7	120	125	115	129	106.9
2	7mm Fine Gap Graded Mix 3	104.5	137.5	123.2	133	140	127	172	109.7
3	7mm Fine Gap Graded Mix 4	126.5	150.7	162.8	151	170	138	212	134.5
4	10mm Dense Graded Mix 1	94.6	128.7	116.6	120	106	112	119	98.9
5	10mm Dense Graded mix 2	93.5	126.5	115.5	120	106	112	119	95.7
6	10mm Dense Graded Mix 3	104.5	132.0	123.2	133	118	127	172	106.5
7	10mm Dense Graded Mix 4	126.5	145.2	161.7	151	148	138	212	131.1
8	14mm Dense Graded Mix 2	92.5	124.3	113.3	120	105	112	114	96.6
9	10mm Stone Mastic Asphalt Mix2	137.5	181.5	159.5	180	-	153	159	126.6

This contract will commence from July 1 2002 and remain in place for a period of 12 months to 30 June 2003. The contract period provides for 2 x 12-month extension periods subject to agreement by both parties.

## Financial Implications

Asphaltech submitted a lower price for all type of mix except 10mm stone mastic asphalt. The percentage increase in price from previous contract for 7mm fine gap-graded mix is 2.4% and for 10mm dense graded mix is 4.13%.

## Policy 2.4.6 – Purchasing Goods and Services

The City's Policy on Purchasing Goods and Services encourages participation of local business in the purchasing and tendering process. However, no local companies were able to be considered as none of the tenderers are local businesses.

It is noted that the City is currently discussing the potential opportunity and benefits with the City of Stirling and City of Wanneroo Chief Executive Officers in relation to regional tendering which may impact on the future provision of these goods and services.

## COMMENT

The major use of asphalt is for Council Road Preservation and Resurfacing program. The systematic and timely application of a new surface overlay can maintain pavement integrity, leading to the reduction of expensive reconstruction and maintenance costs. The other use of asphalt is for council's Minor construction works, Traffic Management Program and Dual Use path construction.

The current contract will enable Council to use Stone-mastic Asphalt for all major intersections and roundabout areas. Stone mastic asphalt is highly recommended to use in areas subject to heavy wear and tear and provide good skid resistance. This will improve driver's safety on the road and will ensure low maintenance costs.

## VOTING REQUIREMENTS

Simple Majority

*Cr Kimber entered the Chamber, the time being 2045 hrs.*

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

- 1 ACCEPTS the tender from Asphaltech Pty Ltd as per the Schedule of Rates as shown on Attachment 1 to Report CJ080-04/02 for tender 022-01/02 Supply and Laying of Bituminous Concrete Seal. This contract will commence from 1 July 2002 for a period of 12 months to 30 June 2003. Clause 4.9 Contract Period provides for a 2 x 12 month extension period subject to agreement by both parties;**
- 2 ENDORSES signing of the contract documents.**

Discussion ensued.

**The Motion was Put and**

**CARRIED**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf020402.pdf](#)*



**CJ081 – 04/02 TENDER NUMBER 023-01/02 – PRUNING OF STREET TREES WITHIN THE CITY OF JOONDALUP – [27519]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 9

**PURPOSE**

This report recommends acceptance of the tender submitted by Geoff's Tree Services as per the schedule of rates for Tender No 023-01/02 Pruning of Street Trees within the City of Joondalup.

**EXECUTIVE SUMMARY**

Tender No 023-01/02 Pruning of Street Trees within the City of Joondalup was advertised statewide 23 January 2002. Three tenders were received and this report recommends acceptance of the tender submitted by Geoff's Tree Services in accordance with the Schedule of Rates see Attachment 1 of this Report.

*It is recommended that Council:*

- 1 *ACCEPTS the tender from Geoff's Tree Services as per the Schedule of Rates attachment 1 to this Report. For tender 023-01/02 Pruning of Street Trees within Joondalup. This contract is to commence from 1 May 2002, for a period of 12 months to 30 April 2003. Clause 28 provides for a 2 x 12 month extension period subject to agreement of both parties;*
- 2 *ENDORSES signing of the contract documents.*

**BACKGROUND**

Geoff's Tree Services of Gibbs Road, Nowergup has undertaken this work since March 1999 in accordance with Contract No 130-98/99 refers report City of Joondalup item No. CJ134-04/99.

Contract 130-98/99 involved two contractors, Trees Need Tree Surgeons trading as Radiant Nominees Pty Ltd and Geoff's Tree Services. The Contract extension clause for Trees Need Tree Surgeons was not exercised by Council after the initial 12-month period due to problems with invoicing and performance of designated works.

Geoff's Tree Services therefore became the sole Contractor and the extension clause was authorised by Council at its ordinary meeting 23 May 2000 Item CJ123-03/00. Geoff's Tree Services have complied with the contract requirements in safety management for pruning within the City of Joondalup.

In association with Worksafe and Council Officers the contractor has undertaken a safety audit of work practices while pruning intermittent trees with residential streets. The contractors current practices exceeded the safety guidelines developed by Worksafe.

## **DETAILS**

Geoff's Tree Services are based in Gibbs Road Nowergup and currently undertake street tree pruning for various Local Governments, City of Wanneroo, City of Claremont and the City of Bayswater. Geoff's Tree Services have submitted rates for all aspects of pruning as identified in the Schedule of Rates, see Attachment 1. Comparison with the previous tender identified an increase of \$3.00 per tree for standard tree beneath wires and a \$7.00 per hour reduction for the hourly rate for extra works on specific trees. The major portion of the Contract involves pruning of standard residential verge trees.

Evaluation of the tenders submitted by Geoff's Tree Services of Nowergup, Trees Need Tree Services of Canning Vale and Specialised Tree Lopping Co of Mt. Lawley confirmed that Geoff's Tree Services were the lowest overall contractor in accordance with the Schedule Tender of Rates documentation. See Attachment 2.

This Contract is to commence from 1 May 2002, for a period of 12 months to 30 April 2003. The Contract period provides for a 2 x 12-month extension period subject to agreement of both parties.

### **Financial Implications:**

Current Contract Price 130B-98/99	Schedule 1 \$26.00	Schedule 2 \$22.00	Schedule 3 \$150.00
Tender Price 023-01/02	\$29.00	\$25.50	\$143.00

The Annual expenditure for this tender is anticipated to be in excess of \$200,000.

### **Policy 2.4.6 – Purchasing Goods and Services**

The City's policy on purchasing goods and services encourages participation of local businesses in the purchasing and tender process, however, no local companies were able to be considered as none of the tenderers are local businesses.

## **COMMENT**

Trees Need Tree Surgeons submitted a price for one component of the 3 items identified in the Schedule of Rates for elevated platform E.P 5 metre. Geoff's Tree Services and Specialised Tree Lopping Co submitted prices for all components as required in the Tender Schedule of Rates.

## **VOTING REQUIREMENTS**

Simple Majority

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

- 1 ACCEPTS the tender from Geoff's Tree Services as per the Schedule of Rates attachment 1 to Report CJ081-04/02. For tender 023-01/02 Pruning of Street Trees within Joondalup. This contract is to commence from 1 May 2002, for a period of 12 months to 30 April 2003. Clause 28 provides for a 2 x 12 month extension period subject to agreement of both parties;**
- 2 ENDORSES signing of the contract documents.**

**The Motion was Put and**

**CARRIED**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf020402.pdf](#)*

**CJ082 – 04/02 TENDER NUMBER 024-01/02 – SUPPLY AND APPLICATION OF BULK FERTILISER – [28519]**

**WARD - All**

---

CJ020402\_BRF.DOC:ITEM 10

**PURPOSE**

This report recommends acceptance of the tender from Turfmaster Facility Management as per the schedule of rates for tender no 024-01/02 Supply and Application of Bulk Fertiliser and to endorse signing of the contract documents.

**EXECUTIVE SUMMARY**

Tender No 024-01/02 Supply and application of Bulk Fertiliser was advertised statewide 23 January 2002. Three tenders were received and this report recommends acceptance of the tender submitted by Turfmaster Facility Management in accordance with the schedule of rates attachment 1.

*It is recommended that Council:*

- 1 ACCEPTS the tender from Turfmaster Facility Management as per the Schedule of rates as shown on Attachment 1 of this Report for tender 124-01/02 Supply and Application of Bulk Fertiliser. This contract will commence from 1 May 2002 and remain in place for a period of 12 months to 30 April 2003. Clause 28 provides for 2 x 12-month extension periods subject to agreement by both parties;*
- 2 ENDORSES signing of the contract documents.*

## BACKGROUND

Turfmaster Facility Management of Bayswater were successful with the previous contract 132-98/99 and have successfully undertaken the works in accordance with Council's requirements. The three tenderers submitting for Tender 024-01/02 have all undertaken fertilising of Council's parks and road reserves previously. Supply and application has been proven the most cost-effective process for broad acre fertilising.

## DETAILS

Tender 024-01/02 requires the supplier to provide various fertiliser mixtures to Council's specification, and a specific quantity per annum enables a comparison of total costs for tender evaluation purposes.

The main fertiliser utilised for park and road reserve fertilising is Turf Special with Iron Sulphate added for coastal areas. Nitrate (ASN) and Nitrate (CAN) is only utilised for specific nutrient booster requirement to improve turf surface colour and resilience. Prices submitted by Turfmaster are slightly lower than Bailey's but significantly lower than The Spreaders. Turfmaster and Baileys are based in the Perth Metropolitan area and The Spreaders in Bunbury. Note Tender Price comparison Table.

### COMPARISON OF PRICES – TENDER NUMBER 024-01/02 – SUPPLY, DELIVERY AND APPLICATION OF BULK FERTILISER .

Item	Description	Tender Price \$ (approx amount per annum)		
		Baileys	Turfmaster	Spreaders
1(a)	Turf Special	89,000.00	88,000.00	95,900.00
1(b)	Organic	37,900.00	37,800.00	44,650.00
1©	ASN	50,820.00	50,780.00	50,325.00
1(d)	CAN	48,465.00	48390.00	47,300.00
2(a)	Turf Special	11,000.00	10,000.00	44,000.00
2(b)	Organic	5500.00	5000.00	22,000.00
2©	ASN	5500.00	5000.00	22,000.00
2(d)	CAN	5500.00	5000.00	22,000.00
	<b>TOTAL</b>	<b>253,685.00</b>	<b>249,970.00</b>	<b>348,175.00</b>

This comparison uses a standard 200 Tonne of product to enable a uniform cost comparison.

Two Tenderers submitted an alternative blended mix fertilizer that was cheaper than the required mix.

Turfmaster	\$350.00
Baileys	\$351.00

This mixture has reduced trace elements and will be considered for use in Road Reserve Dry Areas that receive one annual cycle.

The increase in tonnage price will impact on the operating budget in future years as the application rates now in use have been adjusted to two cycles annually for:

- (a) Reticulated Parks 2 cycles @ 250 Kg per Ha.
- (b) Dry Parks, medians and verge areas one cycle @ 250 Kg Per Ha

This contract will commence from May 1 2002 and remain in place for a period of 12 months to 30 April 2003. The contract period provides for 2 x 12-month extension periods subject to agreement by both parties.

#### **Financial Implications:**

Current Contract Price 132-98/99	Schedule 1 \$346.00 per tonne	Schedule 2 \$38.00 Application
Tender Price 024-01/02	\$440.00 per tonne	\$50.00 Application

#### **Policy 2.4.6 – Purchasing Goods and Services**

The City's Policy on Purchasing Goods and Services encourages participation of local business in the purchasing and tendering process, however, it would appear that in the case of this particular tender there are no local suppliers as no local submissions were received.

#### **COMMENT**

Application of fertiliser has been progressively adjusted to minimise nutrient loading around water bodies and feature areas. Monitoring of various lakes on a quarterly basis provides information to measure where nutrient run off may have occurred and adjustments can be initiated. Refinement of fertilising practices is an essential component of environment sustainability.

Parks where heavy winter sports use is programmed may receive an additional application to the oval area only to assist in turf recovery. This application is restricted to a need only basis to contain expenditure.

#### **VOTING REQUIREMENTS**

Simple Majority

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

- 1 ACCEPTS the tender from Turfmaster Facility Management as per the Schedule of rates as shown on Attachment 1 to Report CJ082-04/02 for tender 124-01/02 Supply and Application of Bulk Fertiliser. This contract will commence from 1 May 2002 and remain in place for a period of 12 months to 30 April 2003. Clause 28 provides for 2 x 12-month extension periods subject to agreement by both parties;**
- 2 ENDORSES signing of the contract documents.**

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

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

In favour of the Motion: Mayor Bombak, Crs Patterson, O'Brien, Barnett, Rowlands, Walker, Nixon, Baker and Kimber

Against the Motion: Cr Hollywood

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf020402.pdf](#)*

**CJ083 – 04/02 TENDER NO 025-01/02 - REPLACEMENT OF "ASBESTOS CEMENT" ROOF JOONDALUP ADMINISTRATION CENTRE – [32519]**

**WARD - Lakeside**

---

CJ020402\_BRF.DOC:ITEM 11

**PURPOSE**

To seek approval for the acceptance of Numans Pty Ltd as the successful tenderer for Tender Number 025-01/02 – Replacement of “asbestos cement” roof Joondalup Administration Centre.

**EXECUTIVE SUMMARY**

The Administration Building is over 20 years old and the asbestos reinforced cement roof, eaves sheeting, and roof plumbing is beginning to show signs of deterioration which can impose a health risk on employees and the community. As part of the 2001/02 Capital Works Programme Budget, funds of \$150,000 were listed for the roof replacement.

As the work involves structural alteration, tenders from registered builders were advertised on Saturday 26 January 2002, and closed on Wednesday 13 February 2002.

The tender evaluation committee has determined that the best value for the City can be achieved by accepting the tender from Numans Pty Ltd for the specified works on the third floor (Level 5) and roof (Level 6) for a total sum of \$183,620. As the tender price is in excess of the Budget amount additional funding will be required.

*It is recommended that Council:*

- 1 *AUTHORISES BY AN ABSOLUTE MAJORITY in accordance with Section 6.8(1) of the Local Government Act 1995, re-allocation of \$33,620 from Joondalup Administration Centre Lighting Modifications - Project Number 4112, to Joondalup Administration Centre Roofing - Project Number 4062;*
- 2 *ACCEPTS the tender from Numans Pty Ltd for contract 025-01/02 Replacement of "Asbestos Cement" Roof & Soffit Sheeting: Joondalup Administration Centre for the replacement of Level 5 roof, rainwater plumbing, fascia and eaves soffit and Level 6 roof and rainwater plumbing for the lump sum price of \$183,620.00 plus GST of \$18,362;*
- 3 *AUTHORISES the signing of contract documents.*

## **BACKGROUND**

Built in 1978/79, the Joondalup Administration Centre is roofed with corrugated cement sheeting reinforced with blue asbestos fibre. Flat "asbestos cement" sheets were used for the third floor (level 5) fascia and eaves and the plastered balcony on the Ground, First and Second floors. "Asbestos Cement" was also used for box gutters and rainwater plumbing.

In the last 20 years there has been some deterioration of the "asbestos cement" products. With the known potential health risks associated with asbestos cement products, it is important to ensure that deteriorating products are removed and replaced before they can begin to pose a health risk.

While the original intention was to replace only the third floor (level 5) and roof (level 6), the tender was arranged to include the level 2,3 and 4 balcony eaves soffit. It was thought that there may be sufficient savings in grouping the whole job together to make this grouping viable.

Replacing the cement roof sheeting with a much lighter product (steel) requires structural alterations to tie down the roof for high wind conditions.

The tender was advertised in Saturday 26 January 2002, and tenders closed on Wednesday 13<sup>th</sup> February 2002.

The tender documentation included the following requirements:

The *Occupational Safety & Health Act 1984* requires employers to provide a safe workplace.

Clause 3.75. of the *Local Government Act 1995* requires that where a Council contracts for work requiring structural alteration to be undertaken, the contractor must be a registered builder.

Clause 3.114. of the *Occupational Safety & Health Regulations 1996* establishes that only demolition contractors holding a Class 1 Demolition Licence can remove “an area of brittle or fragile roofing material in excess of 200m<sup>2</sup> from a building or structure if any part of the area to be removed is 10 metres or more above the lowest ground level of the building or structure.” Class 2 and 3 Licensed demolition contractors may remove asbestos roofing from buildings less than 10m high, and under certain circumstances may work over 10m in height with the written approval of the WorkSafe Commissioner.

### **Consultation:**

The City’s Coordinator Occupational Health & Safety and the City’s Safety Committee have been kept fully informed of the roof replacement proposals. Regular staff updates will be provided prior to and during the progress of the Project.

### **Implementation Plan:**

As sections of the third floor will be occupied by staff it is proposed to stage the removal of the roof by closing discrete working areas to staff access. The ceiling will however remain in place. Suitable barriers will be used to prevent access to the working area including sections of the carpark at ground level. It is a requirement that asbestos cement products removed from the site are encapsulated before removal. For the project it will be necessary to wrap and seal the sheets in plastic and crange this to the ground level for removal offsite. The project is estimated to take six weeks.

The contractor is required to leave the workplace in a safe condition either by washing or vacuum cleaning all surfaces that may contain asbestos dust.

### **DETAILS**

At the close of tenders, the following submissions were received:

<b>Tenderer</b>	<b>Locality</b>	<b>Total Cost</b>
Numans P/L (Class 2 Demolition Licence)	Osborne Park	<b>\$274,020</b>
Joondalup City Roofing P/L (Class 3 Demolition Licence) t/a Lydon Construction	Joondalup	<b>\$278,093</b>
Enviro Engineering P/L t/a Multitech Engineering (Class 3 Demolition Licence)	Kardinya	<b>\$294,706</b>



Timecheck P/L t/a Reward Constructions (Class 1 Sub-contractor)	Malaga	<b>\$312,375</b>
Air Roofing Co	Como	<b>\$376,320</b>
Perth Asbestos Removal Company P/L (Class 1 Sub-contractor)	Rivervale	<b>\$618,100</b>
<b>The tender prices do not include GST</b>		

The Perth Asbestos Removal Company did not offer any details of a registered builder overseeing the works or undertaking the structural alteration, and the tender was therefore ruled invalid.

Air Roofing Company did not submit details with tender and as this firm is not a registered builder, this tender was ruled invalid.

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

For Tender No 025-01/02, the tender evaluation criteria provided in the Tender Information Document were:

- 1 Lump Sum Price;
- 2 Tenderer's experience in coordinating and undertaking the removal and disposal of asbestos cement products;
- 3 Tenderer's experience in coordinating and undertaking major construction work in a continuously occupied building; and
- 4 Tenderer's safety management record and experience.

In addition, the tender evaluation committee considered total cost against the total budget for the works. With a budget of \$150,000 it was clear that it was not possible to consider completing the lowest priority works (Level 2, 3 and 4 eaves). These sums were therefore excluded from consideration under assessment criterion 1 (Lump Sum Price), and the total for the third floor (level 5) and roof level 6 only was considered:

<b>Tenderer</b>	<b>L5 Roof , rainwater plumbing, fascia &amp; eaves</b>	<b>L6 Roof &amp; rain water plumbing</b>	<b>Sub-total</b>	<b>Contingency</b>	<b>Total</b>
Enviro Engineering P/L t/a Multitech Engineering	\$169,090	\$26,962	<b>\$196,052</b>	\$15,000	<b>\$211,090</b>
Timecheck P/L t/a Reward Constructions	\$169,635	\$32,948	<b>\$202,583</b>	\$15,000	<b>\$217,583</b>
Joondalup City Roofing P/L t/a Lydon Construction	\$165,844	\$7,390	<b>\$173,234</b>	\$15,000	<b>\$188,234</b>
Numans P/L	\$155,100	\$13,520	<b>\$168,620</b>	\$15,000	<b>\$183,620</b>

**Tender Evaluation:**

By applying the multi-criterion analysis, Numans Pty Ltd and Joondalup City Roofing are ranked as the first and second preferred tenderers.

**Demolition Licence:**

The Occupational Safety and Health Regulations 1996 require that a Class 1 Demolition Licence is required to remove asbestos roofing above ten metres in height. Numans Pty Ltd who have a Class 2 Demolition Licence have advised that they would use the services of a contractor, Mannor Holdings Pty Ltd, who have a Class 1 Demolition Licence.

Joondalup City Roofing which holds a current Class 3 licence has advised that Worksafe has granted an exemption in relation to the requirement to hold a Class 1 demolition Licence for the removal of asbestos cement roof sheets for this project.

**Tenders' Experience:**

Numans Pty Ltd have submitted in support of their application that they undertake a yearly programme of asbestos roof removal at a number of schools and that they have been the major contractor over recent years.

Also a large percentage of their work is carried out for government bodies including colleges, fire stations, police stations, courthouses and parliament house. These buildings are occupied and operational during the works.

Joondalup City roofing has indicated that it has been continually involved with asbestos roof removal and replacement over a period of six to seven years. It has recently carried out asbestos removal for the University of Western Australia (a two week contract), and an occupied factory warehouse (a two week contract).

**Policy 2.4.6 – Purchasing Goods and Services:**

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. In compliance with the Trades Practices Act 1974 and the National Competition Policy, the policy states that no price preference be given on account of the supplier being local.

It is noted that the tender for Joondalup City Roofing for the level five and level six roof works is \$4,614 higher than Numans Pty Ltd.

**Tender Recommendation:**

By applying the multi-criterion analysis, the tender evaluation committee has determined that the best value for the City of Joondalup can be achieved by accepting the tender from Numans Pty Ltd for the replacement of:

- Level 5 roof, rainwater plumbing, fascia and eaves soffit
- Level 6 roof and rainwater plumbing

for a total sum of \$183,620 which includes a contingency sum of \$15,000.

**Financial Implications:**

<b>Account No:</b>	Project No. 4062
<b>Budget Item:</b>	Administration Centre Roof Replacement
<b>Budget Amount:</b>	\$150,000
<b>Contract Amount:</b>	\$183,620

The lowest tender price is in excess of the available funds. In order to complete the roof replacement of level five and level six it is proposed that additional funds of \$33,620 be re-allocated from the Joondalup Administration Centre – Lighting Modifications Project 4112. These modifications are part of a trial programme and therefore the available budget funds of \$84,350 will not be fully expended.

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1 AUTHORISES in accordance with Section 6.8(1) of the Local Government Act 1995, re-allocation of \$33,620 from Joondalup Administration Centre Lighting Modifications - Project Number 4112, to Joondalup Administration Centre Roofing - Project Number 4062;**
- 2 ACCEPTS the tender from Numans Pty Ltd for contract 025-01/02 Replacement of "Asbestos Cement" Roof & Soffit Sheeting: Joondalup Administration Centre for the replacement of Level 5 roof, rainwater plumbing, fascia and eaves soffit and Level 6 roof and rainwater plumbing for the lump sum price of \$183,620.00 plus GST of \$18,362;**
- 3 AUTHORISES the signing of contract documents.**

Discussion ensued in relation to the tender process and sub-contracting issues.

**AMENDMENT MOVED Cr Baker that Point 2 be amended to read as follows:**

- “2 ACCEPTS the tender from Joondalup City Roofing P/L for contract 025-01/02 Replacement of "Asbestos Cement" Roof & Soffit Sheeting: Joondalup Administration Centre for the replacement of Level 5 roof, rainwater plumbing, fascia and eaves soffit and Level 6 roof and rainwater plumbing for the lump sum price of \$188,234.00 plus GST of \$18,823”**

Mayor Bombak advised that the amendment could not be accepted as it materially affected the original motion.

Cr Baker foreshadowed a substitute motion to appoint the local contractor should the motion under consideration not succeed.

**The Motion as Moved by Cr Rowlands, Seconded by Cr Kimber was Put and  
CARRIED BY AN  
ABSOLUTE MAJORITY**

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

In favour of the Motion: Mayor Bombak, Crs Patterson, O'Brien, Barnett, Rowlands, Walker, Hollywood, Nixon and Kimber

Against the Motion: Cr Baker

**CJ084 – 04/02 CLOSURE OF CROWN LAND AIRSPACE DUE TO  
BALCONY ENCROACHMENTS – LOT 516 (205)  
LAKESIDE DRIVE, JOONDALUP – [35633] [04018]**

**WARD - Lakeside**

---

CJ020402\_BRF.DOC:ITEM 12

**PURPOSE**

The purpose of this report is for Council to consider the closure of Crown land airspace due to balcony encroachments.

**EXECUTIVE SUMMARY**

Lot 516 (205) Lakeside Drive, Joondalup has been developed with balconies encroaching into the airspace above Lakeside Drive road reserve. The Department of Land Administration (DOLA) requires the transfer to the developer of the airspace that is encroaching in order for DOLA to receive financial compensation. To facilitate the transfer, standard Crown land closure actions are followed.

The subject balconies already exist (see Attachment 1) and are on the first floor of the building thus closure of the subject road reserve airspace will not have any physical bearing on the land itself. The action of closing the road reserve airspace is purely to allow consideration of a change of tenure. There is also a 0.1 metre pedestrian accessway (PAW) (commonly described as a 'spite' strip) on the eastern and southern boundaries of Lot 516 and the airspace associated with the balconies over the 0.1 metre PAW is also required to be closed.

The City has complied with all aspects of the Crown land closure process. In view of no submissions being received, it is recommended that closure of the airspace with regard to the subject portions of road reserve and 0.1 metre PAW be supported.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 516 (205) Lakeside Drive, Joondalup
<b>Applicant:</b>	Strata Title Consultancy Services Pty Ltd
<b>Owner:</b>	Acre Realty P/L, Northtime Nominees P/L, Victor and Antonia Terpsis and Silverlock Homes P/L
<b>Zoning:</b>	<b>DPS:</b> Centre Zone
	<b>MRS:</b> Central City Area Zone
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6
	Promote and enjoy lifestyles that engender environmental, social and economic balance

The development on the subject site consists of a mixed-use building built to the boundary on both Lakeside Drive and Reid Promenade.

The Joondalup City Centre Development Plan and Manual requires where development abuts a street or thoroughfare that a means of shelter for pedestrians is provided. In the past, balconies have been considered an acceptable form of shelter. Development containing balconies projecting into reserves has been common throughout the metropolitan area.

Recently DOLA has requested they be advised of strata applications where balconies encroach over Crown land. DOLA now wants to consider a transfer of tenure to the developer with regard to the area of encroachment with appropriate financial compensation.

## DETAILS

### Current Proposal or Issue

The development has four areas that encroach onto the road reserve as a result of balconies on the first floor level. Three of these encroachments are over Lakeside Drive and one is on the truncated corner of Lakeside Drive and Reid Promenade, Joondalup (see Attachment 2). The developers wish to include these balconies as part of their development. DOLA's advice with regard to applications of this nature is for local authorities to follow standard Crown land closure procedures. In this case closure of portions of road reserve and 0.1 metre PAWs is required to be considered.

### Road Closure

On receipt of a request to close a portion of road, the service authorities are requested to provide details of any services that would be affected by the proposed closure. All costs and conditions associated with modification of services are to be met by the applicant if closure is the outcome. The proposal is also forwarded to the Department of Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI raise no objection to the proposal and the applicants have agreed to meet all associated costs and conditions, then the application is advertised for public comment.

Council then considers the request together with any public comments received. Should Council support a road closure application relevant, documentation is forwarded to DOLA with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

### **Pedestrian Accessway Closure**

The process to close a PAW is governed by the Administrative Guidelines for Pedestrian Accessway Closure/Disposal as produced by DOLA and the Western Australian Municipal Association. Reference in these Guidelines is only made to the PAWs that exist for pedestrian movement. The inclusion of 0.1 metre PAWs on property boundaries is for the purpose of preventing vehicular access, generally for traffic safety reasons. The closure process for 0.1 metre PAWs is an agreed administrative arrangement between local authorities and DOLA and is similar in practice to other reserve or road amendments.

### **Statutory Provision**

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to DOLA. DOLA also requires other supporting documentation to be provided, such as confirmation that the DPI has not objected to the proposal.

DOLA determines the purchase price, arranges any easements and survey/graphic requirements and undertakes conveyancing. The purchase price is fixed by DOLA in consultation with the Valuer General.

### **Consultation**

The City was advised by DOLA that direct consultation with the DPI was not necessary with regard to the closure of Crown Land airspace and the City is aware that DOLA and the DPI have been in contact regarding this request. The service authorities were contacted and no objections were raised.

The public advertising period took place between 31 January 2002 and 7 March 2002, during which time the City did not receive any written submissions.

### **COMMENT**

DOLA has advised local governments that where development which is subject to the Strata Titles Act 1985 has balcony encroachments over Crown land, a transfer of tenure for the associated Crown land airspace will be necessary. DOLA's view is that such properties benefit by encroaching into Crown land airspace and the Crown should be compensated. DOLA favours the airspace being sold in freehold, however the Western Australian Planning Commission (WAPC) does not agree with this type of tenure. Accordingly, there is a moratorium on any such new applications until a common position is established.

Closure of the subject portions of Crown land airspace does not have any impact on the 0.1 metre PAW or the subject road reserve. The balconies are existing and commence at a first floor level so do not have any physical bearing on the land itself. Closure of the 0.1 metre PAW airspace will not remove the protection it offers in regards to restricting vehicular access.

As stated previously, there is presently a moratorium on new applications of this nature and all proposed developers of land within Joondalup City Centre are being advised of this issue when enquiring about their building options. For existing applications, in an effort to advance the transfer of tenure question, standard Crown land closure practices will take place.

In view of no submissions being received, it is recommended that closure of the airspace with regard to the subject portions of road reserve and 0.1 metre PAWs be supported.

## **VOTING REQUIREMENTS**

Simple Majority

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

- 1 SUPPORTS the closure of the portions of Lakeside Drive road reserve airspace associated with the balconies on the eastern boundary and the truncated corner of Lot 516 (205) Lakeside Drive, Joondalup as shown on Attachment 2 to Report CJ084-04/02;**
- 2 SUPPORTS the closure of the portions of 0.1 metre pedestrian accessway airspace associated with the balconies on the eastern boundary and the truncated corner of Lot 516 (205) Lakeside Drive, Joondalup as shown on Attachment 2 to Report CJ084-04/02;**
- 3 REQUESTS the Department of Land Administration to commence actions to formally close the subject portions of Crown land airspace.**

**The Motion was Put and**

**CARRIED**

*Appendices 7 & 7a refer*

*To access this attachment on electronic document, click here: [Attach7brf020402.pdf](#)  
[Attach7abrf020402.pdf](#)*

## **REPORT OF THE CHIEF EXECUTIVE OFFICER**

Nil

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **C46-04/02      NOTICE OF MOTION – CR P KIMBER**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Paul Kimber has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 9 April 2002:

*“That:*

- 1 Council expresses concern at the use of notice of motions whereby Council funds are being committed without the benefit of a detailed report from the City’s administration being prepared;*
- 2 the CEO be requested to prepare a detailed report outlining a process for ensuring that all decisions of Council are made in a fully informed and considered environment;*
- 3 Councillors intending to proceed with Notice of Motions involving a considerable monetary commitment, ensure that the relevant area of City of Joondalup administration has had the opportunity to prepare a report detailing the impact and/or benefit to the City of Joondalup overall.”*

### **OFFICER’S COMMENT**

In 1997 the Department of Local Government and Regional Development commenced a review of all local governments’ minutes and agendas documentation. This project produced a guide for local governments titled “The Preparation of Agendas and Minutes – Version 2”. This guide has been one of the base documents used for the drafting of the City’s new Standing Orders Local Laws.

One of the guides driving principle is for the agendas to be well-structured, that lead to Council meetings that are efficient and effective in that they produce good decisions that are made following analysis of sound advice.

The guide promotes an order of business for Council meetings to follow. Within that order of business there is an item of business for ‘elected members motions of which previous notice has been given’. This allows members to submit notices of motions that they wish debated at a meeting.

The guide includes the following statement:

*“It is recommended practice, and should be a requirement, that any notice of motion be accompanied by the report of an appropriate officer when advice of the motion is sent to the Council members.’*

The City’s current Standing Orders Local Law requires members to give at least seven (7) clear days for notice of a motion. With Council meetings being held on the Tuesday, notices of motions are required to be submitted on the Monday the week prior. The agenda for the Council meeting is distributed on the Wednesday prior, this leaves 2 days to prepare officer’s comments relating to the notice of motion. Current practice is that where a notice of motion has been submitted, then where it is appropriate officer’s comments are prepared and included with the distribution of the agenda. However, with the tight time frame from the close of notices of motion and the distribution of the agenda, and the complexity of some notices of motion, it is not always possible to accurately research and present officer’s comments providing advice on the proposed motion.



It is suggested that the practice of providing officers' comments in relation to notices of motions continue in order to ensure members are provided with factual information to ensure an informed decision is made.

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

- 1 Council expresses concern at the use of notice of motions whereby Council funds are being committed without the benefit of a detailed report from the City's administration being prepared;**
- 2 the CEO be requested to prepare a detailed report outlining a process for ensuring that all decisions of Council are made in a fully informed and considered environment;**
- 3 Councillors intending to proceed with Notice of Motions involving a considerable monetary commitment, ensure that the relevant area of City of Joondalup administration has had the opportunity to prepare a report detailing the impact and/or benefit to the City of Joondalup overall.**

Cr Kimber spoke to the Motion.

Discussion ensued.

**AMENDMENT MOVED Cr Hollywood that Point 2 be amended to include:**

“that the Chief Executive Officer be requested to prepare a detailed report outlining Council's process for ensuring that all decisions of Council are made in a fully more and considered environment at Briefing Sessions.”

**There being No Seconder, the Amendment**

**LAPSED**

**The Motion as Moved by Cr Kimber, Seconded by Cr Patterson was Put and TIED**

**There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion CARRIED**

**C47-04/02 NOTICE OF MOTION NO 1 – CR J HOLLYWOOD**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 9 April 2002:

“That:

- 1 Council ESTABLISHES BY AN ABSOLUTE MAJORITY a Joint Heritage and Artefacts committee in order to make recommendations to Council concerning the items in the heritage collection that are held in joint custody by the Cities of Joondalup and Wanneroo;*

- 2 Council *APPOINTS BY AN ABSOLUTE MAJORITY* the following persons to the Committee detailed in 1 above, being:
- (a) an independent Chairman;
  - (b) five (5) Councillors from the City of Joondalup;
  - (c) five (5) Councillors from the City of Wanneroo.
- 3 the Chief Executive Officers and relevant officers of both the Cities of Joondalup and Wanneroo be invited to provide professional advice.”

### **OFFICER’S COMMENT**

It is considered premature to adopt the position of a joint Heritage and Artefacts committee until such time that advice has been received from the Minister for Local Government in relation to this matter.

### **MOVED Cr Hollywood, SECONDED Cr Nixon that:**

- 1 Council *ESTABLISHES BY AN ABSOLUTE MAJORITY* a Joint Heritage and Artefacts committee in order to make recommendations to Council concerning the items in the heritage collection that are held in joint custody by the Cities of Joondalup and Wanneroo;
- 2 Council *APPOINTS BY AN ABSOLUTE MAJORITY* the following persons to the Committee detailed in 1 above, being:
- (a) an independent Chairman;
  - (b) five (5) Councillors from the City of Joondalup;
  - (c) five (5) Councillors from the City of Wanneroo.
- 3 the Chief Executive Officers and relevant officers of both the Cities of Joondalup and Wanneroo be invited to provide professional advice.”

Cr Hollywood wished to delete Point 2 (c) by way of an amendment. Manager, Marketing, Communications & Council Support gave an explanation as to the process to be followed with respect to this Motion.

Discussion ensued.

*During discussion, Cr Nixon left the Chamber at 2100 hrs and returned at 2102 hrs.*

**MOVED Cr O’Brien, SECONDED Cr Baker that Cr Hollywood be permitted an extension of time in order to further debate this item.**

**The Motion was Put and**

**CARRIED**

**The Motion as Moved by Cr Hollywood, Seconded by Cr Nixon was Put and**

**LOST**

**C48-04/02      NOTICE OF MOTION NO 2 – CR J HOLLYWOOD**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 9 April 2002:

*“That in relation to the future accommodation of the West Perth Football Club, Council ascertains:*

- 1      what information Cr Baker has been given that other Councillors have not been privy to;*
- 2      what funding the State Government gives to the West Australian Football Commission each year;*
- 3      what funding or rate relief do other Councils give to other footballs clubs in their respective areas;*
- 4      what the state of negotiation is between the West Perth Football Club and the City of Joondalup;*
- 5      what is the financial position of the West Perth Football Club;*
- 6      what precedent will be set regarding other major sporting groups in Joondalup eg basketball, soccer, cricket, if funding is approved.”*

**OFFICER’S COMMENT**

At the Council meeting on 26 March 2002, Council requested that a full report be presented to Council as soon as possible regarding the West Perth Football Club.

The information requested in Councillor Hollywood's notice of motion presented at the briefing session on 2 April 2002 will be fully addressed within this report to Council.

**MOVED Cr Hollywood,** that in relation to the future accommodation of the West Perth Football Club, Council ascertains:

- 1      what information Cr Baker has been given that other Councillors have not been privy to;
- 2      what funding the State Government gives to the West Australian Football Commission each year;
- 3      what funding or rate relief do other Councils give to other footballs clubs in their respective areas;
- 4      what the state of negotiation is between the West Perth Football Club and the City of Joondalup;

- 5 what is the financial position of the West Perth Football Club;
- 6 what precedent will be set regarding other major sporting groups in Joondalup eg basketball, soccer, cricket, if funding is approved.

Acting Co-Manager, Community Development advised the West Perth Football Club have requested a meeting with the Mayor in order that the Club's submission may be presented.

Mayor Bombak stated that in view of information received, it may be premature to deal with this issue at this point in time.

To a request from Mayor Bombak , Cr Hollywood apologised for comments made.

**There being No Seconder, the Motion**

**LAPSED**

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

*Crs Baker and Patterson left the Chamber, the time being 2136 hrs.*

### **CRAIGIE BUSHLAND OPENING**

I was very pleased to see so many residents attend the official opening of Craigie Bushland on Saturday, 6 April 2002.

Helped by the Friends of Craigie Bushland, Whitfords Rotary, Mission Australia and unemployed youth, the City has just completed cleaning up and fencing the 53ha reserve and installing limestone walk paths.

After performing my official duties, I had the opportunity over a barbecue breakfast to meet many of the people who have given their time to work in the bushland.

I acknowledged the efforts of friends of Craigie Bushland, Whitfords Rotary and especially Mission Australia that with a team of unemployed youths helped build the new fencing and 6km network of limestone pathways for the public.

I called on the City and its 160,000 residents to become environmentally aware in their lives and decisions. The City has a magnificent environment in the City of Joondalup and we have to look after it. This is not something that Governments or Councils can do on their own – we must all play our part.

### **JOINT CITY VENTURES**

I have just signed an historic agreement with Mayor Tony Vallelonga, City of Stirling, to building a \$150,000 skate park at Carine open space that will serve the young people of both Joondalup and Stirling.

As Mayors, we both agree that joint ventures between neighbouring cities are the way of the future. Joint ventures are responsible and save our ratepayers money. They also show that neighbouring cities can co-operate with each other for the good of residents.

I have taken the opportunity to ask my Stirling counterpart to become involved in sponsoring a sculpture tribute by the Lions Club to the famous Hillarys dolphins.

The City of Joondalup has already put in \$12,000 to support this project. A lot of people from the City of Stirling and all around the State loved these dolphins too and I would like to see the City of Stirling involved.

*Cr Patterson entered the Chamber, the time being 2139 hrs.*

*Cr Rowlands left the Chamber, the time being 2139 hrs.*

### **ILLUMIN8 DANCE PARTY**

The City's North Youth Advisory Council is hosting the Illumin8 Dance Party on Saturday, 13 April 2002.

The fully supervised drug and alcohol free event for under 18's will run from 7-11.30 pm at the Joondalup Function Centre next to the City of Joondalup's Administration Centre on Boas Avenue, Joondalup.

Tickets at \$7.50 are available by telephone on 9400 4929.

### **SECOND PUBLIC QUESTION TIME**

*Cr Baker entered the Chamber, the time being 2140 hrs.*

#### **Mr K Zakrevsky, Mullaloo:**

*Q1 CJ073-04/0 – Why is my motion concerning the library not recorded in this agenda?*

A1 This question does not relate to a decision of Council that has been made this evening.

#### **Mr M Sideris, Mullaloo:**

*Q1 CJ073-04/02 - Under what ruling are you not allowing Mr Zakrevsky's question?*

A1 The motion moved by Cr Walker was that in accordance with Section 3.2 of Standing Orders that a second public question time that related to decisions made at tonight's meeting.

*Q2 My understanding was that Cr Walker requested a second question time.*

A2 That is incorrect.

*Q3 If I ask a question relating to the Mullaloo Precinct study, will it be ruled out of order?*

A3 Which item are you relating it to. I can only accept a question on a decision that was made tonight.

*Q4 Can I have that motion read out please?*

A4 Clause 2.4 of Standing Orders (last paragraph) – The order of business that relates to the second period of public question time. 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 the meeting.

*Q5 There was a decision made that the Mullaloo precinct study was not a precinct study?*

A5 That was not a decision made by Council. That was a question at the first public question time.

**Mr K Zakrevsky, Mullaloo:**

*Q1 Relating to my earlier question regarding the Whitford Library - Page 5 “should negotiations result in the library being relocated into the shopping centre it is Council’s intention that that part of the building which would be vacated, shall be subject to refurbishment”. At the meeting it was specifically related to the library that there would be full discussion with the public and all costs be presented. Why was this information not provided to the Councillors in order that they may debate the issue?*

A1 This question will be taken on notice.

**Mr S Magyar, Heathridge:**

*Q1 Referring to CJ083-04/02 –Replacement of the Asbestos Roofing to the Council Administration Centre - What extra protection will be taken to ensure that the staff of the City are not exposed to any additional risk and will there be any monitoring of the air quality in the building for asbestos dust?*

A1 The issue of occupational health and safety is paramount to management. The City is assured that all matters pertaining to occupational health and safety have been taken into consideration. Isolation zones will be created and that is one of the reasons why this particular tenderer has been successful. The staff have also had input through the relevant officers of Council and through committees that we have within the organisation to ensure that adequate provision will be made for the staff. Half the building area is to be isolated, 50% of the building will be occupied when the work is carried out then we will move progressively to the other end of the building and relocate the staff to that section that has been completed.

**DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY 23 APRIL 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2153 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KIMBER  
C BAKER  
A NIXON  
J F HOLLYWOOD, JP  
A WALKER  
T BARNETT  
M O'BRIEN, JP  
A PATTERSON