



MINUTES OF COUNCIL MEETING
HELD ON 3 SEPTEMBER 2002

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 3 SEPTEMBER 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Elected Members:

Mayor

J BOMBAK, JP

Elected Members:

Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	<i>Absent from 2057 to 2059 hrs</i>
Cr C BAKER	Marina Ward	<i>From 1910 hrs; absent from 2032 to 2036 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2028 to 2030 hrs</i>
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>From 1912 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>From 1906 hrs; absent from 1947 to 1948 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 2115 to 2117 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>From 1911 hrs; absent from 2015 to 2017 hrs; and from 2057 to 2059 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Director Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Corporate Services and Resource Management:	A SCOTT
Manager, Marketing, Communications & Council Support:	M SMITH
Manager Project Policy & Planning:	R HARDY
Manager Approval Planning & Environmental Services:	C TERELINCK
Manager Human Resources:	M LOADER
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 64 members of the Public and 1 member of the Press in attendance.

In Attendance

Mr Nick Manifis Walman Software

Apology - Cr Nixon

Invited Guest - Fr Geoff Aldous, Whitford Catholic Parish

The Mayor welcomed Fr Geoff Aldous, Whitford Catholic Parish as this evening's invited guest.

Fr Aldous thanked Council for the opportunity of attending this evening and informed the meeting that he had been a Catholic Priest for 37 years and that Whitford Catholic Parish included six suburbs of the City of Joondalup between Ocean Reef Road and Hepburn Avenue. Fr Aldous then talked briefly about his church's work within the community.

Fr Aldous opened the meeting with a prayer.

Cr O'Brien entered the Chamber, the time being 1906 hrs.

PUBLIC QUESTION TIME

The following questions, submitted by Ms Sue Hart, Greenwood were taken on notice at the Council Meeting held on 13 August 2002:

Q1 Is the purpose of the Meeting of Council to report on:

- (a) the outcomes of public advertising for the proposed redevelopment?*
- (b) The assessment of the development application?*

A1 (a) and (b) Yes.

Q2 Does the report on the outcomes of the public advertising for the proposed redevelopment include:

- (a)(i) the advertisement?*
- (a)(ii) the title of the proposed redevelopment?*
- (a)(iii) the information contained within the advertisement?*
- (a)(iv) the submissions period?*

A2 (a)(i) No.
 (a)(ii) Yes.
 (a)(iii) No.
 (a)(iv) Yes.

- Q2 (b) *the submissions?*
(i) *submitted within the submission period for and against?*
(ii) *Petitions for and against within the submission period?*

- A2 (b)(i) Yes.
(b)(ii) Yes.

Q2(c) *Other advertising – within the advertising period?*

A2(c) This question is unclear.

Q2(d) *Extension – was the extended period of 14 days for submissions advertised?*

A2(d) Yes.

Q3 *Please supply all information for Questions 2 (a), (b) and (c) in its entirety?*

A3 This is not a question.

Q4 *Please provide a breakdown of all the receipted and unreceipted submissions into the following:*

Individual Submissions for and against from:

- *Mullaloo*
- *Others in City of Joondalup*
- *Others*
- *Total*

Petitions – Signatories for and against from:

- *Mullaloo*
- *Others in City of Joondalup*
- *Others*
- *Total*

A4 The submissions have not been categorised in this manner.

Q5 *Please supply a breakdown of the submissions outside the submission period for and against (for the SAME proposed and advertised redevelopment) into the following:*

Individual Submissions for and against from:

- *Mullaloo*
- *Others in City of Joondalup*
- *Others*
- *Total*

Petitions – Signatories for and against:

- *Mullaloo*
- *Others in City of Joondalup*
- *Others*
- *Total*

A5 The submissions have not been categorised in this manner.

Q6 *Was there any advertising for the proposed 'Mullaloo Beach Village' development before Council?*

A6 Yes.

Q7 *Were there any submissions opposing the proposed 'Mullaloo Beach Village' development before Council?*

A7 Yes.

Q8 *Were there any submissions in favour of the proposed 'Mullaloo Beach Village' development before Council?*

A8 Yes.

Q9 *Was there equal opportunity through advertising for those for and against the proposed development (advertisement of new submission period for the proposed 'Mullaloo Beach Village' development)?*

A9 Yes.

Q10 *What was the outcome of public advertising for the proposed redevelopment? (generally supported or not supported in the general locality and adjoining the site).*

A10 The outcomes of the advertising are presented in the report.

Q11 *Does the report on the assessment of the development application for the proposed Mullaloo Beach Village development include:*

(a) of the provisions of the DPS2 which support the development application, including supporting clauses?

A11(a) Yes, the provisions of DPS2 are used as the basis for discussion in the report, however, not all of the clauses are specifically named in the report.

Q11 *(b) a list of any and all parts of the proposal which do not comply with the provisions set out in the DPS2, including relevant clauses?*

A11(b) All parts of the proposal that do not comply with the provisions of DPS2 are included in the report. Not all clauses are specifically named.

Q11(c) *advising Council that Draft Amendment No 10 to the DPS2 is being revised and that the provisions of the DPS2 will prevail?*

A11(c) The current status of Amendment 10 is outlined in the report.

Q12 *Has Council been supplied with the above information and all other relevant information?*

A12 Yes.

Q13 Was the City of Joondalup involved in dialogue with Perrine and Birch Architects?

A13 Yes.

Q14 Who advised Perrine and Birch Architects that a mix of commercial and tavern uses, with residential apartments above, was the appropriate uses for this site?

A14 The mix of activities is contemplated under the provisions of DPS2.

Q15 What was the floor space in the original proposed plans and what has the floor space been reduced to?

A15	Original Nett Lettable Area (NLA)	3112m ²
	Modified NLA	6.40m ²
	Current NLA to Council	2740.70m ²

Q16 “..... Create local neighbourhood precincts which have – is there an:

- (a) agreed District Structure Plan?*
- (b) agreed Local Structure Plan?*
- (c) agreed Centre Structure Plan?*

to accommodate the neighbourhood precinct relevant to this site (as required by DPS2)?

A16 DPS2 does not require a structure plan for this site.

Q17 Why has the applicant’s comments been the response to the objector’s submissions, and not the response from the City of Joondalup as the representative of the community?

A17 The issues raised in the submissions are discussed in the Comment section of the report.

The following question, submitted by Mrs Macdonald, Mullaloo was taken on notice at the Council Meeting held on 13 August 2002:

Q1 I refer to Item CJ204-08/02, the policy statement 3.1.9 referred to all development in residential areas within the City of Wanneroo. Residential area meant land within the residential development, urban development, centre, marina development and special development zones. The current policy states all development residential zones. Could Council direct me to the Minutes of Council where I will find this information about when, where and how this came to be changed?

A1 Please refer to the Minutes of the Council meeting held 23 November 1999 and 26 April 2000.

The following question, submitted by Mr M Sideris, Mullaloo was taken on notice at the Council Meeting held on 13 August 2002:

Q1 Can you please advise why the Council Report dealing with the proposed redevelopment of the Mullaloo Tavern site does not clearly give direction to Councillors to the specific clauses and subclauses of scheme text 4.5 and 6.8?

A1 While the report does not make specific reference to each point of Clause 4.5 and 6.8, all relevant issues included in those clauses are addressed in the report.

The following question, submitted by Ms M Moon, Greenwood was taken on notice at the Council Meeting held on 13 August 2002:

Q1 In regard to the Craigie Leisure Centre, will the tenderer be required to rehire the staff who were formally Council employees?

A1 No.

The following questions were submitted by Mr Robert Johnson, Syrinx Place, Mullaloo:

Re: the redevelopment of the Mullaloo Tavern Site.

Conflict with Council Objectives Regarding the Ocean Reef Marina Site

Q1 Some months ago I noted with a mixture of excitement and relief the council sign on the Ocean Reef Marina site calling for expressions of interest to develop the site. We people living north of Scarborough currently only have Hillarys Marina to alleviate the highly limited entertainment opportunities available to us. In all likelihood the proposed development at Ocean Reef Marina will be as successful as the one at Hillarys, which was originally designed for one million visitors a year and currently experiences over three million. I am concerned that the council is shooting itself in the foot by approving the tavern redevelopment as it sends a message to potential developers of the marina site that their capital would be in jeopardy. The council has a responsibility to developers as well as ratepayers to provide for the planned and orderly commercial development of its localities, rather than to approve ad hoc proposals on inappropriate sites on a first-come first-served basis.

A1 The Mullaloo site has been zoned for commercial development for 30 years and its redevelopment was foreshadowed by planning documentation going back to 1972. It is considered that the proposal for a development at Mullaloo would have no impact on the future of the Ocean Reef Marina site.

Safety

Q2 When there was a delicatessen in the tavern complex, there were several instances when I was concerned for the safety of children and elderly people when they were crossing the road. If the proposed redevelopment that includes shops goes ahead it is just a matter of time before something tragic occurs.

- A2 Page 36 of the Council Minutes of 13 August 2002 meeting confirm that traffic safety has been considered by Sinclair Knight Mertz. It should be noted that vehicle access points will be relocated as part of the proposal and that the location of access points is supported by Sinclair Knight Mertz. As a separate project the design of Oceanside Promenade is intended to be reviewed as part of the 2003/2004 capital works program

Setback

- Q3 The tavern currently has no setback and makes the bend where the tavern is located potentially quite dangerous. This exacerbates the existing situation. It is my understanding that, in law, councillors will be held personally responsible if a tragedy does occur when they have approved a redevelopment proposal with no setback when such an approval clearly increases the probability of danger to life. The council now has an opportunity to show leadership and correct this historical anomaly.*
- A3 The setback of the building is not related to safety on the road. The road alignment, profile and design treatments are the key to road safety. All of these aspects are independent of the issue of the building setback.

Height, Scale and Bulk

- Q4 The height, scale and bulk of the proposal is out of context with its surroundings and should not proceed in its present form. Mullaloo is one of the last remaining foreshore areas in the metropolitan area that remains in context with its environment. In keeping with the triple bottom line responsibilities of government, council has a responsibility to consider the social and environmental impact and sustainability of the redevelopment and not limit itself to considering merely the economic benefits. The maximum height should not exceed the equivalent of three storeys with a flat roof.*
- A4 These issues are discussed in the Council's Minutes on page 36. It should be noted that the land is substantially sloping and that the development would have the appearance of one storey above ground level at the rear (based on the additional condition of approval imposed by Council at the 13 August meeting). The development will have the appearance of a 4 level building when viewed from Oceanside Promenade, however, the building recedes sharply into hillside and bulk will not be greatly evidenced from neighbouring properties.

Parking

- Q5 I understand that the current proposal is 50 bays short of the council's parking policy and that the council is not requiring the developer to provide the additional bays. From October to April cars are parked along the various roads near the park. My own experience is that it is difficult turning from Oceanside Promenade into Iluka Street and then into Page Drive on weekends and public holidays due to the cars parked on both sides of the road. It has become a dangerous situation for the considerable numbers of children who live in the area and who tend to come out from between parked cars without looking. It is difficult to understand why councillors are choosing to compound this problem by not requiring the developer to provide the number of bays.*

At the Council meeting on 13 August 2002, I was concerned to hear Councillor Mackintosh justify exempting the developers from the need to provide the 50 additional

car bays on the grounds that there are parking problems everywhere. Councillor Mackintosh used the Whitford train station as an example. It is important for councillors to note that Transperth is solving its parking problem at Whitford Station by the construction of a new parking area. This is an opportunity for the City to show the same leadership as Transperth by requiring the developer to provide the 50 bays. The City is in the unique situation of being able to solve its problem before it arises. It also appears to be poor public policy to justify the creation of a problem that does not yet exist by referring to other areas with problems.

- A5 Page 34 of the Council Minutes discusses car parking in detail. The complicated nature of uses of the site with various peak demand times during day and evening will have the impact of spreading peak demand.

A car parking analysis has been supplemented by a survey of summer usage patterns in proximity to the development site and other matters as discussed within the report.

Bias of Council Staff

- Q6 *I was concerned to note that, in the minutes of the meeting on 13 August 2002, members of the council's staff relied on the parking policy of the Town of Vincent to justify their support for exempting the developer from providing the additional 50 car bays. The developer's architects, based in the Town of Vincent, have clearly aimed council staff in this direction. The Town of Vincent is an inappropriate comparison. It is an inner city local government with circumstances and responsibilities quite different from Mullaloo. For example, how can the parking issues of William Street between Brisbane Street and Newcastle Street, where the Town of Vincent uses its formula, be compared to the Mullaloo beachfront?*

Council staff would have served councillors better if they had referred to the recent decision by the City of South Perth regarding an application to redevelop and expand the Bellhouse Café on Mends Street jetty. There are strong parallels between the two proposals. South Perth council staff recommended against that proposal on the following grounds:

- *the dominance of the structure by virtue of its height, bulk and overpowering scale,*
- *as it incorporates the excision of foreshore reserve for an additional 20 parking spaces,*
- *as it would adversely impact on the amenity of the surrounding residential property owners for the following reasons:*
- *Increased demand on limited parking spaces,*
- *Adverse impact on the visual amenity/ambiance of the locality due to the size and scale of the proposed development,*
- *Loss of foreshore reserve for additional parking spaces*
- *Loss of existing views*
- *Impact of servicing, related to both rubbish disposal and deliveries.*

It is difficult to avoid the conclusion that some members of the council's staff have not been impartial in their assessment of the proposal, as required by the City's own Code of Conduct. In my view, this lack of impartiality has resulted in councillors being misled as they have not been provided with complete information regarding the proposal and they have not been provided with sound guidance regarding their decision-making alternatives and responsibilities.

A6 The fact that the report does not support the views of certain Councillors does not place it in a category of “bias”. There has been no lack of impartiality in regard to the presentation of the report.

The following question was submitted by Karen Boyer, Chairperson, Beaumaris Primary School Council, Ocean Reef:

Q1 Does Council have a plan to address the parking and traffic concerns at Beaumaris Primary School, if yes, could you please outline, if no, why hasn't a plan to resolve these problems been developed?

A1 The City of Joondalup remains strongly committed to assisting schools to improve parking and safety.

Unfortunately, issues such as increased enrolment and limited parent parking are symptomatic of many State schools throughout WA.

On this basis the City offers funding assistance for improvements to on-street parking adjacent to schools, subject to a 50% funding contribution from the Education Department.

In March 1999, the City offered assistance to Beaumaris Primary School to establish a comprehensive Road Safety and Parking Strategy based around the existing parking facilities at the school.

In March 2001, the City as part of its commitment to schools that undertake the RoadWise – Safe Routes to School Program, submitted a request to EDWA, seeking joint funding of improvements to *on street* parking in Santiago Parkway.

The Education Department subsequently advised the City that Beaumaris Primary School is not recognised as a priority for on-street parking under its criteria and therefore would not be considered for joint funding as part of its 2001/02 program.

Notwithstanding this, Council Officers in conjunction with RoadWise again offered to assist Beaumaris Primary School to establish its own comprehensive Road Safety and Parking Strategy based around the existing parking facilities at and adjacent to the school.

While Council Officers have been actively involved with several other schools during this period, Beaumaris Primary School did not act on the offer for assistance.

As part of the 2002/03 budget process, Council Officers again submitted a request to the Education Department on behalf of several schools, including Beaumaris Primary, seeking joint funding of on-street parking embayment proposals as part of the City's 2002/03 Capital Works Program.

The Education Department have assessed the current list of eligible schools on a priority basis and have agreed to co-fund improvements at Creaney, Goollelal and Ocean Reef Primary Schools during 2002/03.

Notwithstanding this, Council Officers would be happy to assist the School in conjunction with RoadWise to establish a comprehensive Road Safety and Parking Strategy based around the existing parking facilities at and adjacent to the school.

In conjunction with RoadWise – The Local Government Road Safety Strategy, the City aims to foster a co-operative and consistent approach to address road safety and parking issues at all schools.

As well as supporting recognised road safety programs such as Safe Routes to School, the City has in place a number of health, education and civic programs that assist schools in a holistic manner to simultaneously address safety and health issues at schools.

Information outlining how the City may assist schools is regularly distributed to all schools via the City's School Liaison Officer and Rangers.

A workshop is being organized in October to assist schools to develop strategies to deal with road safety and parking issues around schools to which all primary schools will be invited to attend.

Cr Baker entered the Chamber, the time being 1910 hrs.

Mr A Bryant, Craigie:

Q1 Re: Recision Motion – Cr Carlos – Would Council please include in the motion two disabled parking bays at Mullaloo Beach Tavern Redevelopment?

A1 This request can be given consideration.

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

Mrs M Macdonald, Mullaloo:

Q1 Can Council direct me to that part of the Report in either Minutes of 23 November 1999 or 24 April 2000 that indicated to Councillors that they were changing the land area covered by policy 3.1.9 from residential areas to residential zones and also deleting the definition of residential area?

A1 This question will be taken on notice.

Cr Rowlands entered the Chamber, the time being 1912 hrs.

Q2 Re: CJ204-08/02 - Proposed Redevelopment of the Mullaloo Tavern - Can Council state that Councillors have been fully briefed on all aspects of discretion given and their duty and responsibility in granting that discretion?

A2 No undertaken can be given.

Ms H Kraus, Mullaloo:

Q1 Do the discretionary powers in the Town Planning Scheme extend to permitting the Mullaloo Tavern owners to using part of the new development as a nightclub in the future?

A1 A decision of Council would be required. It is not part of the current proposal.

Q2 Assuming the Mullaloo Tavern is redeveloped in accordance with the current plans, how does Council proposed to provide parking to users of the southern park, the main beach area, the Surf Club, the emergency evacuation centre and the possible new café at the Surf Club when Council has effectively given the entire main carpark to the Mullaloo Tavern developers?

A2 The carpark has not been handed over to the developers of the Tavern.

Q3 Will you reinstate the carpark proposed in North Shore Drive, Kallaroo so that Council can ask for cash in lieu of those carparking bays that are being given up?

A3 There are no carparking bays being given up.

Mr M Caiacob, Mullaloo:

Q1 Re: Policy 2.6.3 – Public Participation – Did Administration take into account Policy 2.6.3 prior to preparing the report for Council and has this policy been developed into a strategy at this stage?

Q2 Re: Policy 2.5.1 – Commercial Usage of Beach Front and Beach Reserves – Will the mobile vending and Surf Club kiosk services at the Mullaloo Beach be allowed to continue and will they be re-licensed if in the future they interfere with the commercial activities at the Tavern site?

A1-2 These questions will be taken on notice.

Mr D Newton, Mullaloo:

Q1 Does Council agree that the decision to approve the development of the Mullaloo Tavern with a shortfall of 45 carbays and a further 34 bays being located across the road in the beach goers carpark will put enormous parking pressures on the area which in turn will lead to pressure from Council to charge fees for parking?

Q2 Are Councillors who voted for the redevelopment of the Mullaloo Tavern in full knowledge that the use of their discretion in relation to carparking and boundaries will create a dangerous environment for pedestrians and especially children prepared to accept personal responsibility for the potential grief they risk bringing to families in the years ahead?

A1-2 These questions will be taken on notice.

Mr S Magyar, Heathridge:

Q1 Re: Petitions – When did Council received the petition requesting a Special Electors’ meeting regarding the Mullaloo Tavern and when and where will this Special Electors’ meeting take place?

A1 An announcement will be made tomorrow morning.

Q2 Re: Standing Orders – It states that at the end of each Council meeting an additional segment of fifteen minutes question time is allowed to permit the public to ask questions on decisions made at that meeting. Will you hold this Council meeting strictly in accordance with the Standing Orders?

A2 This question has been responded to previously.

Mr M Sideris, Mullaloo:

Q1 Re: CJ204-08/02 – Redevelopment of the Mullaloo Tavern – Why weren’t the provisions of the Residential Planning Code 1991 applied or reported to when dealing with the application especially with respect to setback, carparking, open space, pedestrian access, additional facilities and amenities?

A1 This question will be taken on notice.

Mr S Grech, Ocean Reef:

Q1 Re: Council Policy – Payment of Childcare Expenses for Councillors who are attending a Council Meeting – Is it Council policy that a Councillor can pay their spouse or another child to look after their children when they attend meetings and will reimburse them for this? Do Councillors have to present an invoice or receipt for childcare expenses before being reimbursed and if not, why not? Has Council rejected a Councillor’s request for reimbursement for this type of expenses due to a lack of substance since January 2002 and if so who was that Councillor?

A1 This question will be taken on notice.

Q2 Re: Cr Hollywood’s conduct at the last Council meeting – How can a Councillor be allowed to get away with this sort of behaviour without any disciplining. Has that particular Councillor breached any provisions of the Code of Conduct? Is Council concerned that Cr Hollywood’s behaviour is bringing the City into disrepute and setting a bad example for ratepayers?

A2 This was not regarded as being a question in accordance with the guidelines for public question time.

APOLOGIES AND LEAVE OF ABSENCE**Leave of absence previously approved:**

Cr Hurst	9 September 2002 to 13 September 2002 inclusive
Cr Barnett	6 September 2002 to 15 September 2002 inclusive
Cr P Kadak	2 September 2002 to 27 September 2002 inclusive

C108-09/02 REQUESTS FOR LEAVE OF ABSENCE

Requests for Leave of Absence from Council duties have been received from:

Cr P Kimber	4 September 2002 to 15 September 2002 inclusive 20 September 2002 to 25 September 2002 inclusive 27 September 2002 to 6 October 2002 inclusive.
Cr A Walker	12 November 2002 to 26 November 2002 inclusive

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

Cr P Kimber	4 September 2002 to 15 September 2002 inclusive 20 September 2002 to 25 September 2002 inclusive 27 September 2002 to 6 October 2002 inclusive.
Cr A Walker	12 November 2002 to 26 November 2002 inclusive

The Motion was Put and

CARRIED

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Mayor Bombak declared an interest that may affect his impartiality in Item CJ222-09/02 – Funding Request – Joondalup Districts Cricket Club as he is Patron of the Cricket Club.

Cr O'Brien declared a financial interest in Item CJ209-09/02 – Warrant of Payments – 31 July 2002 (Voucher No 41326 Chubb Security Australia Pty Ltd) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Manager, Marketing, Communications and Council Support declared a financial interest in Item CJ222-09/02 – Funding Request – Joondalup Districts Cricket Club as he is a member of the Cricket Club.

Cr Hollywood declared a financial interest in Item CJ224-09/02 – (Omnibus) Amendment No. 14 to District Town Planning Scheme No. 2 as he resides in Third Avenue, Burns Beach.

Cr Baker declared an interest that may affect his impartiality in Item CJ222-09/02 – Funding Request – Joondalup Districts Cricket Club as he is a member of the Joondalup Brothers Rugby Union Club.

CONFIRMATION OF MINUTES

C109-09/02 MINUTES OF COUNCIL MEETING – 13 AUGUST 2002

MOVED Cr Baker SECONDED Cr Kenworthy that the Minutes of the Council Meeting held on 13 August 2002, be confirmed as a true and correct record.

Cr O'Brien believed that the figure of \$150,000 was incorrectly shown as \$15,000 in the Minutes of the Council Meeting held on 13 August 2002. This will be investigated and corrected administratively if required.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

CITY OF JOONDALUP CONSTRUCTION RECORD

Latest statistics show that building development in the City of Joondalup is soaring well above the rate for the rest of Perth.

Building licence values received by the City for the 2001 – 2002 financial year were \$306 million.

The City handled in the order of 5,000 development applications, and in the month of February 2002, these totalled more than the entire state of Tasmania.

The \$306 million is more than double the previous year and there is no indication that this will slow for some time.

The new \$48 million Police Academy does not feature in these statistics, as unlike Edith Cowan University, also building a \$47 million headquarters, the academy was not required to make a building licence application.

“HOME IN WA” SPOTLIGHTS JOONDALUP

Channel 7's popular “Home in WA” show will spotlight Joondalup's development in a special to be shown at 4.30 pm on Saturday, 7 September 2002.

Producer, David Grant and crew visited the City last week to film interviews with myself and Chief Executive Officer, Denis Smith.

Subjects covered included the enormous potential and growth of the City since the “Home in WA” show filmed their first Joondalup feature last year.

RATES COLLECTION

Our Customer Services Officers report that the rates issue period for this financial year is going very smoothly thanks to information provided with the issue of rates notices.

So far, 17,668 ratepayers have paid \$9.8 million.

CRAIGIE LEISURE CENTRE STUDY

A survey of the public will soon be carried out as part of a needs study of Craigie Leisure Centre.

Council has created a Leisure Centre Working Party to steer the direction of the investigations into the future use of this facility.

The Craigie Leisure Centre needs study has been awarded to external consultants, A Balanced View (ABV) Leisure Consultancy Services which will carry out the survey in coming weeks.

\$10,000 INVITATION ART AWARD

I am proud to announce that the City of Joondalup is again hosting its prestigious \$10,000 Art Award – one of the largest single cash prizes in the State.

I am very excited about the event opening on Monday 9 September 2002 and cannot wait to find out who will win the cash prize this year.

Now in its fifth year, 34 of WA's top artists, including locals Alan Muller, Albert Herbert, Suzanne Lindhorst and Greg Tothill will be competing in the exhibition at Lakeside Shopping Centre until Saturday, 21 September 2002.

PETITIONS

C110-09/02 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 3 SEPTEMBER 2002

1 PETITION REQUESTING SPECIAL MEETING OF ELECTORS – [75029, 02089]

A 157-signature petition has been received from electors of the City of Joondalup requesting that a Special Meeting of Electors be held to discuss the following:

“The adverse impacts of Council approval for the over development of the Mullaloo Tavern site and the failure of Council to abide by the provisions of the City's District Planning Scheme No. 2 in granting approval for the development without due consideration of the following items listed in Part 4.5 and 6.8 of the Scheme:

- (a) the interests of orderly and proper planning and the preservation of the amenity of the Mullaloo locality;*
- (b) Planning Policy 3.1.9 – Height and Scale of Buildings within a Residential Area adopted under the provisions of Clause 8.11;*
- (c) the comments or wishes of the objectors to the application;*

- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development, including the loss of \$200,000 in cash in lieu of parking payments from the developer;*
- (e) *other matters raised from the floor regarding the expectations of the residents of Mullaloo and other localities regarding the possible adverse affects on the amenity of the area around the Mullaloo Tavern site.*

This petition will be referred to Council Support Services for action.

2 PETITION REQUESTING INSTALLATION OF TRAFFIC CALMING DEVICES BETWEEN MOOLANDA BOULEVARD AND GOOLLELAL ROAD, KINGSLEY – [20892]

A 23-signature petition has been received from Kingsley residents in relation to vehicular traffic in Alconbury Road, Kingsley, particularly in peak hours. Traffic speed is also of concern.

The petitioners have requested the City take the necessary steps to restrict traffic in Alconbury Road, and to install traffic calming devices between Moolanda Boulevard and Goollelal Road, Kingsley and are of the opinion roundabouts are not considered to be a viable option.

This petition will be referred to Infrastructure Management for action.

3 PETITION REQUESTING RECONSIDERATION OF PLANNING APPROVAL TO OPEN A SMALL PET ACCOMMODATION FACILITY AT UNIT 3, 7 WISE STREET, JOONDALUP – [53523]

A 167-signature petition has been received from the public requesting reconsideration of the planning approval to allow a Small Pet Accommodation Facility at Unit 3, 7 Wise Street, Joondalup.

This petition will be referred to Planning and Community Development

4 PETITION IN RELATION TO PARKING CONCERNS – UPNEY MEWS, JOONDALUP AND ADJACENT PARK CARPARK – [20895] [07476]

A 55-signature petition has been received from employees of Brightwater, Oxford Gardens High Care Facility in relation to parking concerns and vandalism to vehicles in the Council permission area of Upney Mews, Joondalup and the adjacent park, carpark.

This petition will be referred to Infrastructure Management for action.

5 PETITION IN SUPPORT OF THE PROPOSED SORRENTO BEACH REDEVELOPMENT – [2171] [49840]

Cr Kenworthy tabled two petitions of 46-signatures and 6-signatures respectively on behalf of owners and residents of Sorrento Sunset Estate, 160 West Coast Drive, Sorrento endorsing the proposed Sorrento Beach Redevelopment plan.

These petitions will be referred to Planning and Community Development for action.

6 LETTER IN SUPPORT OF THE PROPOSED SORRENTO BEACH REDEVELOPMENT – [12171] [49840]

Cr Kenworthy tabled a letter from Sacred Heart College in support of the proposed Sorrento Beach Redevelopment plan.

This letter will be referred to Planning and Community Development.

MOVED Cr Baker SECONDED Cr Kimber that:

- 1 the petition requesting that a Special Meeting of Electors be held to discuss the approval for development of the Mullaloo Tavern;**
- 2 the petition requesting the City take the necessary steps to restrict traffic in Alconbury Road, and to install traffic calming devices between Moolanda Boulevard and Goollelal Road, Kingsley;**
- 3 the petition requesting reconsideration of the planning approval to allow a Small Pet Accommodation Facility at Unit 3, 7 Wise Street, Joondalup;**
- 4 the petition in relation to parking concerns and vandalism to vehicles in the Council permission area of Upney Mews, Joondalup and the adjacent park, carpark;**
- 5 the petitions endorsing the proposed Sorrento Beach Redevelopment plan;**
- 6 the letter in support of the proposed Sorrento Beach Redevelopment plan;**

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

The Motion was Put and

CARRIED (13/0)

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

C111-09/02 AMENDMENT TO ORDER OF BUSINESS

MOVED Cr Kimber, SECONDED Cr Hurst that in accordance with Clause 3.2 of the City's Standing Orders Local Law the Order of Business for this evening's meeting be altered to allow 'Motions of which Previous Notice has been Given' to be considered immediately prior to 'Reports' and after 'Petitions'.

The Motion was Put and

CARRIED (9/4)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION - CR DON CARLOS - [02154, 08122, 01369, 02089]**

Cr Don Carlos has given notice of his intention to move the following motion at the Council Meeting to be held on Tuesday 3 September 2002. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law.

Cr Carlos
Cr Hollywood
Cr Walker
Cr Barnett
Cr O'Brien
Cr Nixon

"That Council:

- 1 *BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 13 August 2002 (Item CJ204 - 08/02) being:*
 - "1 EXERCISES discretion in relation to Clauses 4.5 and 4.8 of District Planning Scheme No 2 and determines that:*
 - (a) the variation for the provision of 160 carbays in-lieu-of 210 carbays;*
 - (b) the front setback of nil in lieu of 9 metres; and*
 - (c) a rear setback of nil in lieu of 6 metres;*

are appropriate in this instance;
- 2 *APPROVES the application received on 20 December 2001 and revised plans dated 17 May, 5 June, and 19 July 2002 submitted by Perrine & Birch Architecture and Design on behalf of the owners Rennet Pty Ltd for a Mixed Use development (tavern, shop, residential buildings (serviced apartments), multiple dwellings, bottleshop, restaurant and office) at Lot 100 (10) Oceanside Promenade, Mullaloo, subject to the following conditions:*
 - (a) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;*
 - (b) carparking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;*

- (c) *one (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);*
- (d) *an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;*
- (e) *the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of development;*
- (f) *the crossover/s to be a minimum of 1.0 metre from the side property boundary;*
- (g) *the proposed crossovers are to be constructed in concrete to the satisfaction of the City;*
- (h) *car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;*
- (i) *development to be connected to sewer;*
- (j) *the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;*
- (k) *submission of a noise management plans addressing noise from patrons in the carpark and noise from music played on the premises;*
- (l) *submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;*
- (m) *construction times to be between the hours of 7am to 7pm Monday to Saturday. No construction work is permitted on Sundays and Public holidays;*
- (n) *the applicant minimising the emission of noise and odours to reduce the impact on the adjoining residential lots in accordance with the Environmental Protection Act;*
- (o) *landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;*

- (p) all waste generated by the development is to be collected, stored and disposed of in a manner to the satisfaction of the City. Details of waste management to be submitted prior to issue of building licence;*
- (q) the existing crossover(s), not required as part of this development, being closed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied; and*
- (r) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application:
 - (i) for the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
 - A the location and type of existing and proposed trees and shrubs within the carpark area;*
 - B any lawns to be established;*
 - C any natural landscape areas to be retained; and those areas to be reticulated or irrigated;***
- (s) the height of the building being reduced by the deletion of the uppermost level shown on the application drawings dated 17 May 2002, with 5 short stay apartments being deleted to achieve this modification.*

Footnotes:

- (i) You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.*
- (ii) Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.*
- (iii) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.*
- (iv) Noise generated by machinery motors, vehicles and in general is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.*

- (v) *All exhaust vents for a kitchen extraction system must be located at a distance of 6.0 meters from any property boundary and any air intake vent.*
- (vi) *The residential building (short stay apartments) would have to be registered as a lodging house with the City's under the provisions of the Health Act and the City's Local Laws.*
- (vii) *Adequate change rooms and sanitary facilities must be provided for food handling staff.*
- (viii) *Provision of rear access for proposed food tenancies.*
- (ix) *A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer or Air Conditioning Contractor to certify that any mechanical ventilation complies with AS1668.2 & AS3666*
- (x) *Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a Practising Structural Engineer, must be submitted for approval.*
- (xi) *The applicant is requested to liaise with, and give notice to, the adjoining property owners prior to commencing any earthworks or construction”*

2 and REPLACES IT with:

“That Council:

- 1 *DOES NOT EXERCISE discretion under Clause 6.8 of District Planning Scheme No 2 and determines that:*
 - (a) *the variation for the provision of 160 car bays in lieu of 210 car bays is beyond a reasonable discretion under Clause 6.8.2(d);*
 - (b) *the front setback of nil in lieu of 9 metres is beyond a reasonable discretion under 6.8.2(c);*
- 2 *DOES NOT APPROVE the application received on 20 December 2001 and revised plans dated 17 May, 5 June, and 19 July 2002 submitted by Perrine & Birch Architecture and Design on behalf of the owners Rennet Pty Ltd for a Mixed Use development (tavern, shop, residential buildings (serviced apartments), multiple dwellings, bottleshop, restaurant and office) at Lot 100 (10) Oceanside Promenade, Mullaloo, for the following reasons:*
 - (a) *the site is already overdeveloped because the current development had to provide 34 car parking bays off site, the addition of 50 car bays to the shortfall will create a shortfall of 84 car bays on site. This is a short fall of over one third of the car bays required and is beyond reasonable discretion regarding parking under clause 6.8.2(d);*

- (b) *the site is adjoined by single residential development on three sides, therefore the nature of the proposed uses and its relationship to the use of other land within the locality precludes the exercise of discretion for the 'serviced apartments' (Motel) or (Residential Building) component under Clause 6.8.2(a);*
- (c) *the increase in the size and bulk of the development may cause an interruption of the existing view from other buildings or land in the locality and therefore precludes approval under clause 6.8.2(b);*
- (d) *the nil setback with reduced sight lines and the incorrect positioning of the entry and exits for the on site parking are not acceptable under clause 6.8.2(c) due to the creation of avoidable traffic conflicts;*
- (e) *the reasons and number of submissions opposing the development clearly and demonstratively indicate public opposition to the over development of this site and are considered under clause 6.8.2(e);*

3 *APPLAUDS the owners Rennet Pty Ltd for considering the redevelopment of this site. However the extent of the redevelopment is considered to be excessive and the following is a summary of what Council believes would be appropriate for the site:*

- *The height of the building to be no more than three storeys above basement parking and this would provide for:*
 - (a) *basement for parking;*
 - (b) *ground floor for retail, restaurant, office complex and convenience store and bottleshop;*
 - (c) *first floor for tavern complex;*
 - (d) *second floor – for single storey residential apartments;*

4 *WILL NOT APPROVE any further variation for the provision of carbays as this site has already been given discretion with 34 offsite carbays. Therefore adequate carbays must be provided on the site;*

5 *the proposed zero front setback is contrary to the Scheme Text requirement for this site. However, Council would consider a 6 metre front setback in lieu of a 9 metre setback.*

REASONS FOR RESCISSION MOTION

Cr Carlos has submitted the following reasons in support of this Notice of Motion:

“The reasons for revoking the 13 August 2002 motion are:

- 1 *The motion CJ204-08/02 was made in the absence of discussion being undertaken of the matter at a “strategy session” assembly of the Councillors, prior to the Council Meeting at which the Cr Hurst / Cr Mackintosh Motion was considered.*
- 2 *The site is located in a Residential Area and the matter of the Residential Amenity of the area surrounding the site will be disturbed by the immensity of the proposed re-development.*
- 3 *There is inadequate parking provided in the plan for the site.*
- 4 *There is proposed a zero front setback proposed which is an obstruction to any Road widening that may be required in the future.*
- 5 *The proposed ingress and egress to and from the site create a traffic hazard as ingress is proposed at the Northern crossover instead of the Southern crossover thereby creating a clockwise internal and external traffic flow instead of an anti clockwise flow and a dangerous, obstructed vision, for traffic exiting the site.*
- 6 *The proposed zero front setback is contrary to the Scheme Text requirement for Commercial Sites in other than the Joondalup Central City Core Area.*
- 7 *The proposal is for Residential Sub-Development on the site that is not permitted in the Scheme Text.*
- 8 *The original Zoning for that which is now Lot 100, was, in fact, at the time of the original 50 lot subdivision in 1959, a content of 3 Residential Zoned lots and many of the original and subsequent lot holders purchased with no expectations of any increase of the size and bulk of the re-developer’s proposal.*
- 9 *The request for the use of Council’s Discretion is excessive and all other Tavern sites in other than the Joondalup Central City Core have been required to provide a 9 metre front setback.*
- 10 *The signatories who signed the petition in support of the re-development were allegedly told that the proposed redevelopment was to be only 3 storeys high and were therefore allegedly misled by some of the persons collecting support signatures by way of petition.*
- 11 *All Councillors have not read the support and objection documents received by the Municipality.”*

OFFICER'S COMMENT

The above notice of motion to rescind as submitted has been the subject of discussion between the Chief Executive Officer, Director Planning and Community Development and Councillor Carlos regarding the legality of the proposed motion. Advice from the City's solicitors has confirmed that the proposed motion in its current format is legal and can be duly considered by the Council. In accordance with Clause 4.4 of the City's Standing Orders Local Law, upon the receipt of the motion to rescind, no further action was taken to implement the Council decision of 13 August 2002, (Item CJ204-08/02), therefore no development approval has been issued.

The recommendation submitted to the Council for its 13 August 2002 meeting (Item CJ204-08/02) remains the recommendation of the officers.

There being No Mover, the Motion

LAPSED

The meeting reverted back to the normal order of the agenda.

**CJ205 - 09/02 PROVISION FOR THE RELEASE OF INFORMATION
- [18058] [27174]**

WARD - All

PURPOSE

This report is to determine the extent of provision for the release of information to the public, including particular groups.

EXECUTIVE SUMMARY

In November last year in a response to a request from the Self-Funded Retirees (Inc) for the City to supply to it seniors details, the Council resolved to develop and implement a policy in relation to the provision of information.

The Local Government Association 1995, within certain limits, details certain information that is to be available for public inspection. The Act further allows local governments to charge for the supply of the information to the public.

Policy 2.3.4 currently details what information is to be made available to the public, which essentially is in conjunction with its legislative requirements.

BACKGROUND

The Council at its meeting held on 27 November 2001 (Item CJ407-11/01 refers) resolved that the:

- “1 City *DEVELOPS and IMPLEMENTS* a policy in relation to the provision of specific information relating to a particular group or groups, or individual and that such a policy be implemented prior to the 2002/2003 financial year;
- 2 matter be *REFERRED* to the relevant committee for further consideration.”

Prior to the above decision of Council, it had resolved at its meeting held on 12 September 2000 (Item CJ227-09/00 refers) that:

“Council *ADOPTS* the following policy relating to provision of information:

OBJECTIVE

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

STATEMENT

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

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

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

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

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

Nothing in this policy prevents an elected member from moving a “Notice of Motion of which previous Notice has been given” which includes instructions to the Chief Executive Officer to produce documents at a meeting of Council. Where the Council resolves the production of documents relevant to the performance of the functions of the Council or Councillor, under the Local Government Act 1995 or any other law, then the Chief Executive Officer shall provide the requested documents in the manner resolved by Council.”

It was not possible to determine which of the Council’s committees were most appropriate to deal with the matter therefore a report has been referred direct to the Council for consideration.

Strategic Plan:

Strategy 2-4 states the City will provide open access to information.

DETAILS

Statutory Provision:

Section 5.94 of the Local Government Act 1995 states that any person can attend the office of a local government during office hours and inspect free of charge, subject to section 5.95 any of the following in relation to the local government whether or not current at the time of inspection:

- (a) code of conduct;
- (b) register of financial interests;
- (c) annual report;
- (d) annual budget;
- (e) schedule of fees and charges;
- (f) plan for principal activities (in the proposed or final form);
- (g) proposed local law of which the local government has given Statewide public notice under section 3.12 (3);
- (h) local law made by the local government in accordance with section 3.12;
- (i) regulations made by the Governor under section 9.60 that operate as if they were local laws of the local government;
- (j) text that -
 - (i) is adopted (whether directly or indirectly) by a local law of the local government or by a regulation that is to operate as if it were a local law of the local government; or
 - (ii) would be adopted by a proposed local law of which the local government has given Statewide public notice under section 3.12 (3);

- (k) subsidiary legislation made or adopted by the local government under any written law other than under this Act;
- (l) any written law having a provision in respect of which the local government has a power or duty to enforce;
- (m) rates record;
- (n) confirmed minutes of council or committee meetings;
- (o) minutes of electors' meetings;
- (p) notice papers and agenda relating to any Council or committee meeting and reports and other documents that have been -
 - (i) tabled at a Council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a Council or committee meeting and which have been presented at the meeting;
- (q) report of a review of a local law prepared under section 3.16 (3);
- (r) business plan prepared under section 3.59;
- (s) register of owners and occupiers under section 4.32 (6) and electoral rolls;
- (t) contract under section 5.39 and variation of such contract;
- (u) such other information relating to the local government -
 - (i) required by a provision of this Act to be available for public inspection; or
 - (ii) as may be prescribed;

in the form or medium in which it may for the time being be held by the local government.

Section 5.95 details certain limits on the right to inspect local government information detailed in section 5.94. Section 5.96 allows a local government to charge for copies of the information detailed in section 5.94.

Regulation 55 of the Local Government (Financial Management) Regulations 1996 states the rate record of the local government is to –

- (a) include particulars of -
 - (i) all rateable land in its district; and
 - (ii) all land in its district which is not rateable land but on which service charges are imposed;
- and

- (b) be in a form that sets out -
- (i) the full name and postal address of the owner of the land;
 - (ii) where a service charge is to be imposed on an occupier of land, the full name and postal address of the occupier of the land;
 - (iii) a description of the land and its location;
 - (iv) the valuation to be used for rating purposes;
 - (v) where, under Schedule 6.1 of the Act a valuation is to be phased in -
 - (I) the former valuation of the land; and
 - (II) the new valuation of the land;
 - (vi) if differential general rates are imposed, the characteristics of the land upon which those rates are based;
 - (vii) if a minimum payment is imposed, the amount of the minimum payment;
 - (viii) if a specified area rate is imposed, the purpose for which it is imposed;
 - (ix) if a service charge is imposed, the purpose for which it is imposed and details as to whether the service charge is imposed on the owner or occupier of the land; and
 - (x) full details of -
 - (I) the amount of the rates or service charges imposed on the land;
 - (II) any discount, waiver, concession, interest or additional charge applicable to the rates or service charges;
 - (III) amounts received in respect of the rates or service charges on the land.
 - (IV) any amount written off in respect of the rates or service charges on the land; and
 - (V) the balance of the rates or service charges owing on the land.

Policy Implications:

Policy 2.3.4 of the Council sets guidelines for provision of information to the public, elected members and employees of the City. The provision of such information will be determined in accordance with relevant legislation.

‘Street Lists’ are available to the public upon request at a fee of \$99.00 inclusive of GST per ward and \$346.50 inclusive of GST for the full set (7 wards).

The original request was from the Self-Funded Retirees Association (Inc) for the City to supply it with seniors' details. The City currently has approximately 15,000 seniors and pensioners registered on its 'rates records'. Where a request is received for a copy of the information pertaining to the City's rates record, a fee of \$5.00 per entry is charged, as detailed in the City's Fees and Charges Manual.

It was advised in November 2001 that seniors' information was available from other organisations. A scan of those organisations at the time indicated the following:

- The Office of Seniors Interests does not provide information regarding seniors' details, however it would consider forwarding the magazine to seniors if it were approached directly by the Self Funded Retirees Association (Inc).
- The Department of Veteran Affairs does not provide seniors details.
- The Office of State Revenue advised that releasing individual names and addresses would not be considered appropriate as the Pensioner/Senior's application form allows local governments Council to use the applicants personal details for verifying eligibility with other bodies such as the Office of State Revenue, Centrelink, Veterans Affairs and Water Corporation, but does not allow use of personal information for any other purpose.

COMMENT

The provision of information to the public needs to be carefully considered at all times. The City continues to provide, for a prescribed fee, copies of 'street lists' upon request. A street list is effectively an electoral roll in street order.

The rate record of the City details any concessions applicable to the rate to that parcel of land.

It is believed that Policy 2.3.4 of the Council adequately deals with such requests for information and no change is therefore required. Any request for the provision of information should continue to be determined in accordance with the policy, and the appropriate fee or charge be paid.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Baker that Council REAFFIRMS Policy 2.3.4 – Provision of Information and continues to process requests for provision of information in accordance with the policy, subject to the payment of the appropriate fee or charge, where applicable.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Carlos.

**CJ206 - 09/02 AMENDMENTS TO COMMITTEE MEMBERSHIP -
[05019, 55511] [07116] [44818] [39870] [40958] [29094]
[04143] [12879]**

WARD - All

PURPOSE

To make amendments to the membership of Council-created Committees and external Committees.

EXECUTIVE SUMMARY

Amendments are required to be made to the membership of the following committees, to reflect staff changes, and changes to positions title arising from the organisation restructure that came into effect on 1 March 2002:

Council-created Committees:

Joondalup Festival and Summer Events Committee;
Strategic Advisory Committee – Seniors Interests;
Strategic Advisory Committee – Youth Affairs;
Urban Animal Management Advisory Committee.

External Committees:

Community Vision Inc;
Joondalup Lotteries House Inc;
Joondalup Weekend Markets Management Committee

It is also recommended that the membership of the membership of the CBD Enhancement Project Steering Committee be reduced, and that the Tender Evaluation Panel and the Committee formed to Select a new CEO be disbanded.

BACKGROUND

Council currently has 24 committees, and has representatives on 30 external Committees. As a result of changes to staff members, and changes to positions title arising from the organisation restructure that came into effect on 1 March 2002, various amendments are required to Council-created Committees and external Committees.

DETAILS

Amendments are required to be made to the membership of various committees, to reflect staff changes, and changes to positions title arising from the organisation restructure that came into effect on 1 March 2002.

The CBD Enhancement Project Steering Committee has experienced problems in obtaining a quorum at its meetings. To reduce the Committee's membership to a more workable number, it is recommended that the resignations of Crs Walker and Baker be accepted, and the Committee's quorum be adjusted accordingly.

It is also recommended that the Tender Evaluation Panel and the Committee formed to Select a new CEO be disbanded.

Details of the current committee members, and the reasons for amendments, are set out below.

COUNCIL-CREATED COMMITTEES:

Joondalup Festival and Summer Events Committee:

Membership is currently:

Crs Kadak, Hurst and Mackintosh
Graeme Hall, Acting Manager Leisure and Ranger Services
James Lawton, Marketing Manager
James Boyd, Cultural Development Coordinator

Recommendation:

As a result of the organisation restructure that came into effect on 1 March 2002, Mr Graeme Hall's position title became 'Manager Community Development. It is recommended that Graeme Hall remain as a committee member, and be appointed in his capacity as 'Manager Community Development.

Mr James Lawton is no longer employed by the City. It is recommended that Mr Mike Smith, Manager Marketing Communications and Council Support be appointed in place of Mr James Lawton.

Strategic Advisory Committee – Seniors Interests:

Membership is currently:

Crs Walker, Carlos and O'Brien
Caroline Evans, Team Leader, Dept for Community Development;
Sharon James, Manager Aged & Disability Services, Community Vision Inc;
Pamela Richardson – Australian Property Institute WA
Allyn Bryant, JP
Audrey Poole - Australian Red Cross (Deputy to P Richardson and A Bryant)
Jane Heilkema
Kevan Rowe
Kevin Housom (Deputy to K Rowe and K Housom)
M Barry, Acting Manager Community and Health Services
G Hall, Acting Manager Leisure and Ranger Services

Recommendation:

Mr Mike Barry is no longer employed by the City. It is recommended that he be deleted from Membership on the Committee.

As a result of the organisation restructure that came into effect on 1 March 2002, Mr Graeme Hall's position title became 'Manager Community Development. It is recommended that Graeme Hall remain as a committee member, and be appointed in his capacity as 'Manager Community Development.

It is further recommended that a minor change be made to the Committee name.

Strategic Advisory Committee – Youth Affairs

Membership is currently:

Crs Kadak, Walker and Hollywood
Viet Nguyen
Janice Mattaboni
Ryan Kukura
Suzanne Akila
M Barry, Acting Manager Community and Health Services
Co-ordinator Community Services

Recommendation:

Mr Mike Barry is no longer employed by the City. It is recommended that Mr Graeme Hall, Manager Community Development be appointed in place of Mike Barry

At the time of establishment of this committee, no officer was appointed to the position of Coordinator Community Services. It is recommended that Ms Julie Eaton, Coordinator Community Services be appointed to the Committee.

It is further recommended that a minor change be made to the Committee name.

Urban Animal Management Advisory Committee:

Membership is currently:

Crs Barnett, Mackintosh and Hollywood
G Hall, Acting Manager Leisure and Ranger Services
D Cluning, Manager Operations Services
P Hrovatin, Senior Ranger, Ranger Services
Environmental Health Officer

Recommendation:

As a result of the organisation restructure that came into effect on 1 March 2002, this Committee now falls within Infrastructure Management Services. It is recommended that Mr Peter Pikor, Manager Infrastructure Management Services, be appointed in place of Mr Graeme Hall.

CBD Enhancement Project Steering Committee:

Membership is currently:

Cr P Kimber - Chairman
Cr P Kadak
Cr C Baker
Cr A Patterson
Cr A Walker
President of the Joondalup Business Association
Representative of the Perth Area Consultative Committee – Small Business and Economic Development
Regional Employment Co-ordinator of the Department of Training (North Metro Employment Office)
Manager of the North Metropolitan Business Enterprise Centre (BEC)
Youth Advisory Council - representative

Difficulties have arisen in obtaining a quorum at meetings of the CBD Enhancement Project Steering Committee. The Committee's current quorum is 5 members.

The Committee's Chairman, Cr Kimber, has had discussions with the Committee members in regard to the reduction of the Committee's membership to a more workable number, with four members required for a quorum. As a result, Cr Walker and Cr Baker have agreed to this proposal and have submitted their resignation from the Committee.

Recommendation:

To reduce the Committee's membership to a more workable number, it is recommended that the resignations of Crs Walker and Baker be accepted, and the Committee's quorum be adjusted accordingly.

Tender Evaluation Panel

The Tender Evaluation Panel was established by Council on 24 July 2001 for the purpose of *“determining and agreeing on the selection criteria, assessment of each tenderer against the selection criteria and making a recommendation to Council on the preferred service provider for the provision of Community Security Patrol Services.”*

Membership is currently:

Crs Baker, Kimber and Kenworthy
R Fischer, Executive Manager Strategic Planning.
J Lawton, Manager Organisation and Strategic Development
J Turkington, Director Resource Management
B Dutta, Manager Contract Management.

Recommendation:

As the role of the Tender Evaluation Panel is complete, it is recommended that it be disbanded.

Committee to select a new Chief Executive Officer

This Committee was established in March 2001 to oversee the selection of a new Chief Executive Officer.

Membership is currently:

Mayor J Bombak – Chairman	
	Deputies
Cr P Kadak	Cr P Kimber
Cr D Carlos	Cr C Baker
Cr A Nixon	Cr J Hollywood
Cr G Kenworthy	Cr A Patterson
Cr A Walker	Cr P Rowlands
Cr M O'Brien	Cr T Barnett
Cr J Hurst	Cr C Mackintosh

Recommendation:

As the role of the Committee to Select a new Chief Executive Officer is complete, it is recommended that it be disbanded.

EXTERNAL COMMITTEES:**Community Vision Inc:**

Membership is currently:

Cr Rowlands
Mike Barry, Acting Manager Community and Health Services

Recommendation:

Mr Mike Barry is no longer employed by the City. It is recommended that Mr Graeme Hall, Manager Community Development be appointed in place of Mike Barry

Joondalup Lotteries House Inc:

Membership is currently:

C Hall, Director Community Development or nominee
M Barry, Acting Manager, Community and Health Services

Recommendation:

Mr Chris Hall and Mr Mike Barry are no longer employed by the City. It is recommended that the following be appointed to the committee in place of C Hall and M Barry.

- Clayton Higham, Director Planning & Community Development
- Graeme Hall, Manager Community Development

Joondalup Weekend Markets Management Committee:

Membership on committee is currently:

Ray Fischer, Executive Manager, Strategic Planning or nominee.

Recommendation:

Mr Ray Fischer is no longer employed by the City. It is recommended that Rhonda Hardy, Manager Project Policy and Planning be appointed in place of Mr Ray Fischer.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Hurst, SECONDED Cr Kimber that Council:

- 1 AMENDS membership of the Joondalup Festival and Summer Events Committee by:**
 - (a) APPOINTING Mr Graeme Hall, Manager Community Development;**
 - (b) APPOINTING Mr Mike Smith, Manager Marketing Communications and Council Support;**
 - (c) REMOVING Mr James Lawton, Manager Marketing Services;**
- 2 ALTERS the name of the Strategic Advisory Committee - Seniors Interests to “Seniors Interests Advisory Committee” and AMENDS its membership by:**
 - (a) REMOVING Mr Mike Barry, Acting Manager Community and Health Services;**
 - (b) APPOINTING Mr Graeme Hall, Manager Community Development;**
- 3 ALTERS the name of the Strategic Advisory Committee - Youth Affairs to “Youth Affairs Advisory Committee” and AMENDS its membership by:**
 - (a) REMOVING Mr Mike Barry, Acting Manager Community and Health Services;**
 - (b) APPOINTING Mr Graeme Hall, Manager Community Development;**
 - (c) APPOINTING Ms Julie Eaton, Coordinator Community Services;**
- 4 AMENDS membership of the Urban Animal Management Advisory Committee by:**
 - (a) REMOVING Mr Graeme Hall, Acting Manager Leisure and Ranger Services;**

- (b) **APPOINTING Mr Peter Pikor, Manager Infrastructure Management;**
- 5 (a) ACCEPTS the resignations of Cr Walker and Cr Baker from the CBD Enhancement Project Steering Committee and thanks them for their contribution to the Committee;**
- (b) **AMENDS the Terms of Reference of the CBD Enhancement Project Steering Committee to eight (8) members, with a quorum of four (4) members;**
- 6 DISBANDS:**
- (a) **the Tender Evaluation Panel;**
- (b) **the Committee to Select a new Chief Executive Officer;**
- 7 NOMINATES Mr Graeme Hall, Manager Community Development, as its representative on Community Vision Inc, in place of Mr Mike Barry;**
- 8 NOMINATES the following persons at its representatives on Joondalup Lotteries House Inc:**
- (a) **Mr Clayton Higham, Director Planning and Community Development, in place of Mr C Hall;**
- (b) **Mr Graeme Hall, Manager Community Development in place of Mr Mike Barry;**
- 9 NOMINATES Ms Rhonda Hardy, Manager Project Policy and Planning as its representative on Joondalup Weekend Markets Management Committee in place of Mr Ray Fischer.**

Queries were raised in relation to the membership of the Ocean Reef Development Committee and the Seniors Interests Advisory Committee.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

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

CJ207 - 09/02 VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES – [02011]

WARD - All

PURPOSE

To call for nominations for various committees of the Western Australian Local Government Association.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

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

BACKGROUND

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

- 1 WA Local Government Superannuation Plan
- 2 Local Government House Trust Board of Management
- 3 Working Team for the Review of the Manual for Managing Urban Stormwater Quality in Western Australia;
- 4 Sub-Group of the Working Team for the Review of the Manual for Managing Urban Stormwater Quality in Western Australia;
- 5 Local Government Working Group of the Swan Catchment Council;
- 6 State Committee for Combating Marine Oil Pollution;
- 7 Forest Health Advisory Committee.

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

Nominations for all vacancies close on Friday 20 September 2002 at 4.00 pm.

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

Details of the vacancies can also be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees>.

DETAILS**1 WA LOCAL GOVERNMENT SUPERANNUATION PLAN – (Deputy Director - Officer Position)**

Qualifications:	Nominations are invited from a metropolitan based Serving Officer with substantial interest and experience in the financial industry.
Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Serving Officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position; • Tertiary qualifications in finance, economics or business; • Substantial experience in the financial industry, including share markets and investments; • Previous experience as a Company Director would be highly desirable; • Eligible to be a member of the WA Local Government Superannuation Plan.
Terms of Reference:	The WA Local Government Superannuation Plan Pty Ltd is the Corporate Trustee for the WA Local Government Superannuation Plan (WALGSP). The WALGSP provides superannuation coverage for the employees of every Local Government in Western Australia.
Term:	The term commences upon appointment and will expire 28 February 2004.
Meetings:	Meetings are held monthly at the WA Local Government Superannuation Board, St George's Terrace, Perth. Meetings commence at 9.30 am and run for 4-5 hours.
Meeting Fee:	\$200 per meeting attendance, plus travelling in accordance with Public Sector Standards.
Committee Membership:	<p>The Board will have representation from:</p> <ul style="list-style-type: none"> • An independent Chairman • Three employer Directors and Deputy Directors comprising: <ul style="list-style-type: none"> • One metropolitan elected Director and Deputy Director; • One country elected Director and Deputy Director; • One Local Government Officer with eligibility to be a Plan Member and one Deputy with the same qualifications.

2 LOCAL GOVERNMENT HOUSE TRUST BOARD OF MANAGEMENT (One Metropolitan Beneficiary Member; One Metropolitan State Councillor Member; One Country Member Beneficiary Member; One Country State Councillor Member)

Qualifications:	Nominations are invited from elected members or serving officers from a Council that is listed as a beneficiary of the Trust (ie Council that holds units in the Trust of the Local Government House Deed)
Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected Member or serving officer (nominees must be beneficiaries of the Trust and the State Councillor positions must be currently State Councillor); • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interests of beneficiaries of the Local Government House Trust; • Relevant experience and qualifications that are applicable to the position.
Terms of Reference:	The Local Government House Trust Board of Management oversees the day to day safe and profitable operations of the building on behalf of the beneficiaries.
Term:	The term will commence upon appointment for a period of two years.
Meetings:	Meetings will coincide with State Council meetings where possible. Meetings are held on the first Wednesday of the month at a time to be advised, and run for 1-2 hours.
Meeting Fee:	No meeting fees or travelling allowances available for this position.
Committee Membership:	<p>The Board will have representation from:</p> <ul style="list-style-type: none"> • Two State Councillor representatives (one Metropolitan and one Country) • Two Elected Members or Serving Officers (One Metropolitan and one Country that are beneficiaries) • President of the WA Local Government Association; • Deputy President of the WA Local Government Association; • CEO of the WA Local Government Association (ex officio).

3 WORKING TEAM FOR THE REVIEW OF THE MANUAL FOR MANAGING URBAN STORMWATER QUALITY IN WESTERN AUSTRALIA (One Metropolitan Member)

Qualifications:	Nominations are invited from elected members or serving officers with an interest in and/or experience in managing urban stormwater quality.
Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected Member or serving officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position; • Ability to consider and make strategic decisions.
Terms of Reference:	The Working Team for the review of the manual for Management Urban Stormwater Quality in WA will oversee sub teams in updating and revising the manual to reflect current trends and also to present it in a more user-friendly format. The Team will also be required to provide advice on the community consultation process and facilitate adoption of the manual within their organisation.
Term:	The term will commence on appointment and will expire at the completion of the review of the manual.
Meetings:	Meeting date, time, duration and location to be advised.
Meeting Fee:	No sitting fee offered. Travelling allowance will be advised.
Committee Membership:	<p>The Team will have representation from:</p> <ul style="list-style-type: none"> • Water Corporation; • Department of Planning and Infrastructure; • Urban Development Institute of Australia; • Institute of Public Works Engineering Australia; • Conservation Council; • Community Catchment Groups; • Local Government; • HIA.

4 SUB GROUP FOR THE WORKING TEAM FOR THE REVIEW OF THE MANUAL FOR MANAGING URBAN STORMWATER QUALITY IN WESTERN AUSTRALIA (Nine Metropolitan Sub-Team Members)

Qualifications:	Nominations are invited from elected members or serving officers with an interest in and/or experience in managing urban stormwater quality.
Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected member or serving officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position.
Terms of Reference:	<p>The Sub Teams for the Working Team for the review of the manual for Management Urban Stormwater Quality in WA will be responsible for updating and revising the manual to reflect current trends and also to endeavour to present it in a more user-friendly format.</p> <p>The Sub Teams are as follows:</p> <ul style="list-style-type: none"> • Principles and Objectives; • Stormwater Management Planning; • Planning Controls; • Urban Design; • Retrofitting; • Source Controls; • Education and Awareness; • Structural Controls; • Performance Monitoring. <p><i>Nominees are asked to nominate for one of the Sub Teams that reflect their expertise in the area.</i></p>
Term:	The term will commence on appointment and will expire at the completion of the review of the manual.
Meetings:	Meeting date, time, duration and location to be advised.
Meeting Fee:	No sitting fee offered. Travelling allowance will be advised.

5 LOCAL GOVERNMENT WORKING GROUP OF THE SWAN CATCHMENT COUNCIL – (Seven Members)

Qualifications:	Nominations are invited from elected members or serving officers located within the Swan Catchment area.
Selection Criteria:	<p>Nominees to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected Member or serving officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position; • Good knowledge of natural resource management, catchment management, coastal management and/or environmental issues; • To reside or work within the Swan Catchment area.
Terms of Reference:	The Local Government Working Group will provide local government representation on the Swan Catchment Council. The Council has established working groups whose focus will be to initiate and manage strategic projects and consider strategic issues and partnerships.
Term:	The term will commence upon appointment for a period of two years.
Meetings:	Meetings will be held at Middle Swan at a date and time to be advised. Meeting commence at 9.30 am for a duration of half a day.
Meeting Fee:	\$110 (half day); \$167.00 (full day). Travelling allowance will be in accordance with Public Sector Standards.
Committee Membership:	The seven members of the Local Government Working Groups will elect a representative from their group to be the local government representative on the Swan Catchment Council and attend their meetings.

6 STATE COMMITTEE FOR COMBATING MARINE OIL POLLUTION (One Member for the Executive Response Group)

Qualifications:	Nominations are invited from serving officers with knowledge of and interest in marine oil pollution.										
Selection Criteria:	Nominees to address the following Selection Criteria: <ul style="list-style-type: none"> • To be a current serving officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest in Local Government and the Association; • Relevant experience and qualifications that are applicable to the position. 										
Terms of Reference:	The State Committee for Combating Marine Oil Pollution addresses issues concerned with off shore spills and the containment thereof and the clean up and disposal of materials.										
Term:	The term will commence upon appointment. There is no set length of term.										
Meetings:	Meetings are held quarterly at DPI Marine Safety, 1 Essex Street, Fremantle. Meetings commence at 2pm on Thursdays, for a duration of 2-3 hours.										
Meeting Fee:	Nil.										
Committee Membership:	The Board will have representation from: <table style="width: 100%; border: none;"> <tr> <td>DIP;</td> <td>ASA;</td> </tr> <tr> <td>DEP;</td> <td>CALM;</td> </tr> <tr> <td>Water Police;</td> <td>FESA;</td> </tr> <tr> <td>BP;</td> <td>GPA;</td> </tr> <tr> <td>WA Local Government Association;</td> <td>DMPR</td> </tr> </table>	DIP;	ASA;	DEP;	CALM;	Water Police;	FESA;	BP;	GPA;	WA Local Government Association;	DMPR
DIP;	ASA;										
DEP;	CALM;										
Water Police;	FESA;										
BP;	GPA;										
WA Local Government Association;	DMPR										

7 FOREST HEALTH ADVISORY COMMITTEE (One Member)

Qualifications:	Nominations are invited from elected members or serving officers experienced in or with a knowledge of forestry management.
Selection Criteria:	Nominees to address the following Selection Criteria: <ul style="list-style-type: none"> • To be a current elected member or serving officer; • Availability of the applicant to undertake the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position.

Terms of Reference:	<p>The Committee will:</p> <ul style="list-style-type: none"> • Advise the Minister responsible for forestry on matters pertaining to forest health; especially those regarding invertebrate pests and pathogens of forests and forest products and specifically: <ul style="list-style-type: none"> • On measures to reduce the risk of exotic pests and pathogens entering Australia; • On measures, such as pest detection surveys and incursion management plans, to ensure early detection of pests and rapid concomitant action; • On management of established pests; • Interstate quarantine issues; • Devise equitable arrangements for the funding of forest health protection measures such as pest detection surveys and eradication of new incursions; • Liaise with interested groups represented and exchange information on forest health matters.
Term:	The term will commence on appointment for a period of two years.
Meetings:	Meetings are held quarterly in Perth on a day to be advised.
Meeting Fee:	There is no meeting fee or travelling allowance offered.
Committee Membership:	<p>The Committee will have representation from:</p> <ul style="list-style-type: none"> • CALM • AGWA; • APT Forests Ltd • DEP; • Gt Southern Plantations Ltd; • Nursery Industry of WA; • Timber importer representation.

COMMENT

The vacancy within the WA Local Government Superannuation Plan occurred as a result of the resignation of Mr John Turkington from local government.

It is recommended that nominations be submitted by the newly appointed Director of Corporate Services and Resource Management, and the Manager Financial Services.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council NOMINATES the following officers for consideration of appointment to the WA Local Government Superannuation Plan:

- **Mr Peter Schneider, Director Corporate Services and Resource Management;**
- **Mr Alexander Scott, Manager Financial Services.**

The Motion was Put and

CARRIED (13/0)

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

CJ208 - 09/02 ORGANISATION CULTURE SURVEY TENDER EVALUATION – [58519]

WARD - All

EXECUTIVE SUMMARY

The City of Joondalup invited tenders for the provision of an on-going organisation wide Employee Culture Survey, in accordance with the Conditions of Tendering and Contract, through a state-wide public notice on 6 July 2002.

Twelve tenders were received in the tender box at the time of tender opening on 23 July 2002. These were; Dench, McLean and Carlson Pty Ltd, KohezionQ Pty Ltd, OSA Group WA Pty Ltd, MODAL Pty Ltd, Equilibrist Consulting, Chandler McLeod Consultants Pty Ltd, NFO Donovan Pty Ltd and Datanet Corporation Pty Ltd.

Following the process of evaluation, it is recommended that:

Council ACCEPTS the tender for the provision of the Employee Culture Survey from Equilibrist Consulting for a period of three years at a total price of \$122,673.

BACKGROUND

Over the past 18 months the City of Joondalup has undertaken a number of important initiatives in relation to the way in which the organisation manages its workforce. These include the Reward and Recognition Scheme (R&R Scheme), the Performance Management System and the Enterprise Agreement. While each of the proposals and systems addresses specific issues, they collectively and overwhelmingly identify, that for the City of Joondalup to realise the benefits identified, there needs to be quite a different and more professional approach to the management of people.

To this end the Executive Management Team endorsed the “Employer of Choice” project, which encompasses a number of innovative people management programs, including: Performance Management, Leadership and Management and Training and Development. Underpinning all the “Employer of Choice” projects will be a comprehensive research data base of information gathered through organisation wide surveys, including the proposed

Employee Culture Survey and the recently conducted Training and Development Staff Needs Analysis.

The information gathered through an Employee Cultural Survey is invaluable to an organisation. When the survey is implemented on a regular basis (every 12 or 18 months) over a long period of time, the information gathered can provide a useful means of:

- Evaluating progress towards achieving organisational objectives;
- Identifying organisational strengths and weakness;
- Assessing employee commitment and attitudes to management initiatives;
- Determining the extent to which the organisation is realising its stated objective to become an “employer of choice”.

DETAILS

Based on preliminary investigation of industry-wide practice, it was estimated that the investment required to implement an on-going Employee Culture Survey would exceed \$50,000. Therefore, in accordance with the Conditions of Tendering and Contract, the City of Joondalup invited tenders for the provision of an Employee Survey to be conducted over a three year period. A statewide public notice was published on 6 July 2002.

At the time of tender box opening on 23 July 2002, eight tenders were received from:

Dench McLean Carlson Pty Ltd	Equilibrist Consulting
KohezionQ Pty Ltd	Chandler McLeod Consultants Pty Ltd
OSA Group WA Pty Ltd	NFO Donovan Pty Ltd
MODAL Pty Ltd	Datanet Corporation Pty Ltd.

Evaluation Method

The Conditions of Tendering specified that all tenders would be assessed against the pre-determined selection criteria. The selection criteria set out in the Tender Information Document comprised of the following quantitative and qualitative criteria:

- Proven experience in undertaking all components of the project in similar organisations, including:
 - Ability to undertake all aspects of the project in both a timely and cost-effective manner;
 - Implementation methodology;
 - Data gathering and reporting methodology;
 - Use of quality of instruments, tools and strategies
 - Ability to effectively benchmark survey data internally and externally; and
 - Working with management to use both the survey process itself and the information gathered as positive organisational planning and development tools;
- Demonstrate how the Consultant intends to fulfil the community’s needs, Purchasing policy, operate locally with contact person in the Perth Metropolitan Region or district of City of Joondalup, Western Australia and assisting the generation of employment locally.

- Price.

Prior to the committee's assessment, weightings for each criterion were determined and applied to all submissions, thereby ensuring the integrity of the tender evaluation process.

Evaluation Results

In its investigation of the use of Employee Cultural Surveys, the City had identified the Organisational Culture Inventory (OCI) as an instrument that would meet the requirements and objectives of the project. It has been used extensively throughout Australia and internationally, and therefore has an extensive database from which benchmark comparisons can be made. Within Australia it has been applied successfully to many Local Government Authorities in New South Wales, Victoria and South Australia.

The tender documentation indicated that the City was looking for the use of a survey methodology comparable to the OCI.

Of the tenders submitted, two organisations nominated the OCI tool: MODAL Pty Ltd and Equilibrist Consulting. All other submissions identified either alternative instruments, which the evaluation committee did not consider, on the evidence presented, were of equivalent standard to the OCI; or methodologies that were not suitable for employee surveys.

Based on an assessment of the qualitative criteria the tender evaluation committee unanimously assessed Equilibrist Consulting to be the successful tender. While they were ranked highly against all qualitative criteria, Equilibrist Consulting was particularly able to demonstrate to a very high level:

- Proven experience in utilising the OCI in a wide range of organisations and industries;
- Ability to effectively benchmark both internally and externally;
- Proposed implementation methodology, including communication and organisational development strategy.

The overall tender evaluation, including both qualitative and quantitative criteria, shows that the submission from OSA Group was evaluated the highest. However, it should be noted that this is due to their significantly lower price schedule, which as stated in their tender submission:

“...are by no means definitive and may change as a result of further clarification of the required project services”

This would indicate that they have not fully understood the requirements that the City of Joondalup have specified in the Tender Information Document and related Consultancy Brief. Due to the specific nature of this type of service, on balance, price should not always be the determining factor, the ability to meet the qualitative criteria far out ways the price component.

Financial Implications:

The total investment over a three-year period to use Equilibrist Consulting will be \$111,147.

Year 1	\$41,046.50
Year 2	\$39,813.40
Year 3	\$41,401.80

As part of the current 2002/03 budget an amount of \$45,000 has been approved for the first year of the survey. This exceeds the actual amount required for year one as outlined in the tender submission.

This initiative requires a long-term, on-going commitment from Council. Properly implemented the results will provide vital information which will assist the City in implementing people management plans, strategies and policies that will directly support the achievement of Council goals and objectives.

As stated previously, the value of the Employee Cultural Survey is significantly enhanced when the survey is implemented over a long term period on a regular 12 – 18 month basis. This will highlight significant changes in culture, show progress towards preferred culture, provide feedback on current management direction and offer information on aspects of the organisation that require targeted attention.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hurst, SECONDED Cr Kimber that Council ACCEPTS the tender for the provision of the Employee Culture Survey from Equilibrist Consulting for a period of three years at a total price of \$122,673.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands. **Against the Motion:** Cr Walker.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf270802.pdf](#)

Cr O'Brien declared a financial interest in Item CJ209-09/02 – Warrant of Payments – 31 July 2002 (Voucher No 41326 Chubb Security Australia Pty Ltd) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber at this point, the time being 1947 hrs.

CJ209 - 09/02 WARRANT OF PAYMENTS – 31 JULY 2002 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 31 July 2002 is submitted to Council to be noted.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of July 2002. It seeks Council's approval for the payment of the July 2002 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000315A-00338	5,815,940.10
Director Corporate Services & Resource Management Advance Account	040955-041570	5,804,434.33
Trust Account	00021	25.60
	TOTAL	\$ 11,620,400.03

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of July 2002, the amount was \$1,216,302.27.

The cheque register is appended as Attachment A to this Report.

CERTIFICATE OF THE ACTING DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$11,162,400.03 which is to be submitted to each Councillor on 3 September 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT

Acting Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$11,162,400.03 submitted to Council on 3 September 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 July 2002, certified by the Mayor and Acting Director Corporate Services & Resource Management and totalling \$11,162,400.03.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Municipal	000315A-00338	5,815,940.10
Director Corporate Services & Resource Management Advance Account	040955-041570	5,804,434.33
Trust Account	00021	25.60
	TOTAL \$	11,620,400.03

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands, Walker.

Cr O'Brien entered the Chamber at this point, the time being 1948 hrs.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf270802.pdf](#)

CJ210 - 09/02 FINANCIAL REPORT FOR THE YEAR ENDING 30 JUNE 2002 – [07882]

WARD - All

PURPOSE

The June 2002 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The June 2002 report shows a variance of \$4.1m when compared to the Revised Annual Budget for the year.

This variance can be analysed as follows-

- The **Operating** position shows an Operating surplus of \$0.9m compared to a budgeted Operating surplus of \$5.7m at the end of June 2002, a difference of \$4.8m, due mainly to Transfers from Reserves for the works depot not made.

- **Capital Expenditure** for the year is \$4.8m and is below the budget of \$5.7m, an under spend of \$0.9m at the end of June 2002.
- **Capital Works** expenditure for the year amounted to \$10.1m against a budget of \$18.1m, an under spend of \$8.0m at the end of June 2002. A number of high value projects, including the Council depot land and design (\$3.2m), Currambine community centre construction (\$0.9m), and Collier Pass road works (\$0.6m) were carried forward to the 2002/03 financial year.

DETAILS

The financial report for the period ending 30 June 2002 is appended as Attachment A to this Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kenworthy, SECONDED Cr Kimber that Council NOTES the Financial Report for the year ending 30 June 2002.

The Motion was Put and

CARRIED (13/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf270802.pdf](#)

**CJ211 - 09/02 TENDER NO 004-02/03 - SUPPLY OF PLUMBING
MAINTENANCE SERVICES – [15527]**

WARD - All

PURPOSE

This report recommends acceptance of the Tender submitted by Joondalup Plumbing for the Tender No: 004-02/03, Supply of Plumbing Maintenance Services.

EXECUTIVE SUMMARY

This Tender was advertised on 22 June 2002 and four Tenders were received for Tender No: 004-02/03 - Supply of Plumbing Maintenance Services. This Tender is for Plumbing Maintenance of all Council's buildings. The expenditure 2001/2002 Financial Year total of \$164,064.56.

The Tenders have been evaluated and it is recommended that Joondalup Plumbing of Currambine be awarded this Contract in accordance with the Schedule of Rates submitted. Joondalup Plumbing is the current Contractor with the City of Joondalup.

It is therefore recommended that Council:

- 1 *ACCEPTS the Tender from Joondalup Plumbing for the Contract No: 004-02/03 - Supply of Plumbing Maintenance Services in accordance with the Schedule of Rates commencing from 1 September 2002 for a period of 12 months to 31 August 2003, with an extension option of 2 x 12 months, subject to Council's approval;*
- 2 *AUTHORISES signing of Contract Documents.*

BACKGROUND

Joondalup Plumbing from Currambine have a long association with the City of Joondalup and former City of Wanneroo. The previous Contract 061-99/00 was awarded by the Joint Commissioners at their ordinary meeting of 7 December 1999. The Contract had 2 x 12 month option, which has now expired.

DETAILS

This Contract forms part of the City of Joondalup Operating Services Contracts and the City has evaluated the tender submissions from;

Joondalup Plumbing – Currambine
Politis Plumbing – Wanneroo
J & P Plumbing – Balcatta
Wilmac Plumbing Company – Wangara

The tender documentation requires tenderers to address specific items for analysis e.g.:

Tenderers ability to respond
Tenderers resources
Tenderers previous experience
Tenderers safety record
Tenderers Schedule of rates

Analysis of the tenders has determined that Joondalup Plumbing is the preferred Contractor.

Joondalup Plumbing has submitted the lowest prices for the major component of works. The prices submitted are only slightly higher than the contract rates submitted for Contract 061-99/00. See attachments 1 & 2.

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 supply and purchase tendering process. Joondalup Plumbing is a local Contractor.

FUNDING

All expenditure is via the Operations Services Maintenance Budget adopted by Council.
Various specific accounts apply.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council:

- 1 ACCEPTS the Tender from Joondalup Plumbing for the Contract No: 004-02/03 - Supply of Plumbing Maintenance Services in accordance with the Schedule of Rates commencing from 1 September 2002 for a period of 12 months to 31 August 2003, with an extension option of 2 x 12 months, subject to Council's approval;**
- 2 AUTHORISES signing of Contract Documents.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf270802.pdf](#)

CJ212 - 09/02 TENDER NO: 005-02/03 - PROVISION OF STREET LIGHTING MAINTENANCE JOONDALUP CITY CENTRE AND BEAUMARIS ESTATE, ILUKA – [82527]

WARD - All

PURPOSE

This report recommends acceptance of the tender from High Speed Electrics as per the schedule of rates for Tender No. 005-02/03, Provision of Street Lighting Maintenance Joondalup City Centre and Beaumaris Estate, Iluka.

EXECUTIVE SUMMARY

Tender No. 005-02/03 - Provision of Street Lighting Maintenance Joondalup City Centre and Beaumaris Estate, Iluka was advertised state-wide on 13 July 2002, only one tender was received and this report recommends acceptance of the tender submitted by High Speed Electrics of East Perth in, accordance with the schedule of rates as Attachment 1.

It is recommended that Council:

- 1 *ACCEPTS the tender from High Speed Electrics as per the Schedule of Rates as shown on Attachment 1 for tender 005-02/03 - Provision of Street Lighting Maintenance Joondalup City Centre and Beaumaris Estate, Iluka commencing from 1 October 2002 for a period of 12 months to 30 September 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;*
- 2 *ENDORSES signing of the contract documents.*

BACKGROUND

Only one tender received and the tenderer High Speed Electrics was successful with the previous contract 042-99/00 and has successfully undertaken the works in accordance with Council requirements. High Speed Electrics also has previously undertaken the lighting maintenance within the City Centre following transfer from Landcorp to the City of Joondalup.

DETAILS

The scope of works in this contract is to inspect all lighting installations, both in Joondalup City Centre and Beaumaris Estate, Iluka on a quarterly basis and repair and maintain any faults identified in the existing lighting system. The City Centre lighting design is in accordance with the original design principles initiated by the Joondalup Development Corporation and adopted by the City of Joondalup.

It is important that the Contractor be fully aware of the design principles and adheres to the specification when initiating any maintenance for aesthetic appeal and consistency and at the same time for the City to obtain value for money.

High Speed Electric is the sole tenderer for the current contract and presumably this is due to the unique nature of the current contract. A comparison of prices of some of the most significant items between the previous tender and the current tender price is summarised below:

Comparison of prices.

Item	Description	2001 – 2002	2002 - 2003
1	Lump sum price for periodical inspections and maintenance for entire lighting installation.	\$20,580.00	\$38,806.00
2	Call out charge	\$65.00/Visit	\$65.00/Visit
3	Hourly Labour Rate	\$48.00/hr	\$47.75/hr
4	Supply type 1 pole	\$4,764.00/each	\$5,454.90/each
5	Supply Luminaire (type 1)	\$1047.80/each	\$941.38/each
6	Remove & replace existing concrete foundation (type 1)	\$1094.50	\$880.00

There is a significant increase in the lump sum price for the periodical inspection and maintenance, which is due to the increase in number of poles that recently came under Council's jurisdiction. Areas such as Lakeside residential and the access road to the college areas are now Council's responsibility. Also the current contract includes maintenance of lighting columns in Beaumaris Estate, Iluka that also increased a substantial area of lighting poles to maintain. The hourly labour rate remains the same, which is the most significant item and occupies 60% of the current contract.

Tender Evaluation

Tender No. 005-02/03 requires the contractor to provide prices for Provision of Street Lighting Maintenance Joondalup City Centre and Beaumaris Estate, Iluka to Council's specification and tender submitted by High Speed Electrics was 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.

High Speed Electrics has the necessary experience, adequate resources and its tendered price is considered competitive in comparison to previous 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. It is noted that no local business could be considered as no submissions were received by a local supplier.

FUNDING

All expenditure via Council endorsed Operations Services Budget. Sufficient funds will be generated within the Operational Budget for this contract to proceed.

COMMENT

This contract will commence from 1 October 2002 and remain in place for a period of 12 months to 30 September 2003. The contract period provides for 2 x 12 month extension periods subject to Council's approval.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1 ACCEPTS the tender from High Speed Electrics as per the Schedule of Rates as shown on Attachment 1 to Report CJ212-09/02 for Tender 005-02/03 - Provision of Street Lighting Maintenance Joondalup City Centre and Beaumaris Estate, Iluka commencing from 1 October 2002 for a period of 12 months to 30 September 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**

2 ENDORSES signing of the contract documents.

The Motion was Put and

CARRIED (13/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4min030902.pdf](#)

CJ213 - 09/02 EXTENSION OF CONTRACT NO: 005-01/02 - SUPPLY AND INSTALLATION OF PRELIMINARY WORKS PRIOR TO ROAD RESURFACING AND TRAFFIC MANAGEMENT – [40004]

WARD - All

PURPOSE

This report recommends extension of Contract No: 005-01/02 - Supply and Installation of Preliminary Works Prior to Road Resurfacing and Traffic Management in accordance with a 3.2% increase (as per CPI Index) of the existing Schedule of Rates.

EXECUTIVE SUMMARY

This Contract was awarded by Council at its ordinary meeting of 11 September 2001. Refer Report No: CJ309-09/01. Stirling Paving has requested extension of the contract in accordance with Clause 40.2 of the general conditions of contract documentation.

This report therefore recommends that Council:

- 1 AUTHORIZES the extension of Contract No: 005-01/02 - Supply and Installation of Preliminary Works Prior to Road Resurfacing and Traffic Management, in accordance with a 3.2% increase of the existing schedule of rates commencing from 1 October 2002 to 30 September 2003 for a period of 12 months;*
- 2 ENDORSES signing of the contract extension documents.*

DETAILS

This contract forms part of the City of Joondalup's Operating Services contracts and the City negotiated an appropriate extension with the current contractor.

Contractor, Stirling Paving has indicated it has no objection to extending the contract but it wants to adjust its price as per the CPI figures for the 2001-2002 Financial Year. The current CPI published by the Australian Bureau of Statistics being 3.2%.

Clause 40.2 of the general conditions of contract allow contract extension subject to price adjustment not exceeding the charges in CPI, and therefore in view of satisfactory performance experienced from it, the recommendation to extend Contract No:005-01/02, Supply and Installation of Preliminary Works Prior to Road Resurfacing and Traffic Management for 12 months from 1 October 2002 to 30 September 2003 with an increase of 3.2% of the existing price schedule. (See attachment 1 to this Report).

COMMENT

The scope of works for this contract incorporates all the preliminary works prior road resurfacing. The road-resurfacing program provides for the preservation of roads by extending the pavement life with regular and programmed resurfacing works. Also, the tender price include items to supply and install tree wells onto the median strip of the carriageway which is in line with Council's current traffic management and streetscape enhancement policy.

Extension of this contract is supported given the performance by Stirling Paving and the schedule of rates would be adjusted with a 3.2% increase on the existing schedule of rates. (See attachment 1 to this Report).

FUNDING

All expenditure is via Councils endorsed Capital Works Budget. Sufficient funds have been allocated to accommodate extra spending.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1 AUTHORISES the extension of Contract No: 005-01/02 - Supply and Installation of Preliminary Works Prior to Road Resurfacing and Traffic Management, in accordance with a 3.2% increase of the existing schedule of rates commencing from 1 October 2002 to 30 September 2003 for a period of 12 months;**
- 2 ENDORSES signing of the contract extension documents.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [attach5brf270802.pdf](#)

**CJ214 - 09/02 EXTENSION OF CONTRACT NO: 043-99/00 - SUPPLY
& INSTALLATION OF PLAY EQUIPMENT
COMPONENTS – [30995]**

WARD - All

PURPOSE

This report recommends extension of Contract No: 043-99/00 - Supply and Installation of Play Equipment Components. Forpark Australia has requested a 3% C.P.I. increase for the installation component only of the Contract.

EXECUTIVE SUMMARY

Forpark Australia is based in Welshpool and has provided the major portion of play equipment to Council since 1996. This contract provides for a 12-month extension subject to a satisfactory performance review of the Contractor. The C.P.I 3% increase is requested for installation cost only. The installation component is currently 10% of the total cost for each structure or item purchased.

This report therefore recommends that Council:

- 1 *AUTHORISES the 12-month extension of Contract No: 043-99/00 - Supply and Installation of Play Equipment Components awarded to Forpark Australia commencing from 1 September 2002 and terminating 31 August 2003;*
- 2 *AUTHORISES the 3% C.P.I. increase for the installation component;*
- 3 *ENDORSES signing of the Contract extension documents.*

DETAILS

This Contract forms part of the City of Joondalup's Contracts and the City has assessed the contractor's performance in accordance with Clause 24 and support the extension requested.

Forpark Australia is located in Welshpool and all play items are developed from this factory. Council has the benefit of locally manufactured equipment and direct access for spare parts or replacement items. Expenditure during the 2001/2002 Financial Year totalled \$115,482 for capital works and maintenance items.

The response times for provision of equipment has improved significantly since 1999 and this is attributed to Council's ability to provide information of proposed purchases immediately following the budget adoption. This enables Forpark Australia to program their manufacture, supply and installation to meet the requirements of the City.

The request for a 3% C.P.I increase for installation costs would have added \$2,664.97 to the installation cost for the component purchased in 2001/2002 Financial Year. Given the component price has not increased since September 1999 this increase is considered minimal for an annual expenditure of approximately \$116,000.

The schedule of rates approved in the initial tender documentation provides an itemised price for each component and fitting to be supplied and this price schedule remains unchanged.

In-house development of a combination unit play structure incorporates:

- (a) Development of list play functions proposed.
- (b) Design by the supplier for Council to authorise.
- (c) Detailed materials list in conjunction with supplier to determine the unit supply cost.
- (d) Calculation of an agreed installation cost.

Consultation with the local community is completed prior to the in-house development phase.

COMMENT

This Contract has been listed for consideration as a Regional Tender option currently under discussion with the City of Wanneroo and the City of Stirling. Endorsement of this extension will align this contract with the existing City of Wanneroo Contract to simplify a Regional Tender opportunity when agreed. Extension of the contract provides an additional financial benefit as it retains the purchase price for 02/03 Capital Works items at 99/00 prices.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh, SECONDED Cr Kimber that Council:

- 1 AUTHORISES the 12-month extension of Contract No: 043-99/00 - Supply and Installation of Play Equipment Components awarded to Forpark Australia commencing from 1 September 2002 and terminating 31 August 2003;**
- 2 AUTHORISES the 3% C.P.I. increase for the installation component;**
- 3 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

CARRIED (13/0)

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

CJ215 - 09/02 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN FAWKNER GARDENS AND FINNISS CROSS, HILLARYS – [54511]

WARD - Whitfords

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) that leads from Fawkner Gardens to Finnis Cross, Hillarys. See Attachment 1.

EXECUTIVE SUMMARY

The request for closure is based on incidents of vandalism and anti-social behaviour. The application was advertised for public comment from 23 May 2002 until 22 June 2002. Due to an application having been received for the closure of another PAW in close proximity, a letter and questionnaire were forwarded at the same time to landowners in respect to both PAWs. A separate report in regard to the PAW closure between Colson Close and Drinan Place, Hillarys is also on the Agenda.

The City's Pedestrian Accessway Policy requires formal evaluation of the request for closure. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAW's level of use.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, medium and high respectively. Based on these ratings, the proposal accords with Case 6 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Fawkner Gardens and Finniss Cross, Hillarys is not supported.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	Mr L Mrs L Hart
Zoning:	Residential
DPS:	
MRS:	Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

The request for closure is based on incidents of vandalism and anti-social behaviour that adjoining landowners advised are associated with the PAW. There is service infrastructure within the PAW belonging to Western Power and the Water Corporation that requires modification. Western Power also require an easement over the land to protect the modified plant. If closure of the PAW is supported, three of the adjoining landowners have agreed to acquire the land and meet the associated costs and conditions.

Site Inspection

A site inspection revealed that the PAW had little evidence of graffiti and rubbish. On one adjoining property some of the fence panelling was missing. (Attachment 2). There is a power pole at the Fawkner Gardens end of the PAW and sight lines are good. The inspection was carried out at school exit time to establish the amount of use by primary school students and in the 40 minutes spent observing the PAW 25 users were witnessed, the majority of them being students from Hillarys Primary School.

PAW Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessway Policy helps guide the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to DOLA considering closure of a PAW it is necessary for the Department of Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view but this is done only if Council supports an application. If the DPI does support the proposal then DOLA are requested to close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

The City has recently been advised by DOLA that as from 1 June 2002 amalgamations of Crown land with freehold land will now also require a formal application to the Western Australian Planning Commission, though DOLA is assisting applicants with some of the standard procedures. If Council and the DPI support an application to close a PAW, on receipt of such approvals DOLA will investigate and arrange a valuation of the land. If DOLA also approves the closure, it will then provide all other associated costs to the City to forward to those adjoining landowners that have agreed to acquire the land. If written acceptance of the cost and conditions is provided to DOLA, it will then commence formal closure actions.

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 23 May 2002 to 22 June 2002 and a letter and questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. Attachments (3) and (4) summarise the information from the returned questionnaires in relation to this application.

Policy Implications:

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare planning policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for closure of PAWs.

As part of the City’s Pedestrian Accessway Policy, when closure of a PAW is requested formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where points in the ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres to local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW’s level of use.

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

The subject PAW is not a direct link to a community facility but is part of a network of PAWs. There is a PAW in Drinan Place leading to Watt Street, which is subject of a report on the Agenda. There is also a PAW to the south of the subject PAW connecting Empen Way with Campbell Drive. The subject PAW is not significant with regard to the City’s Bike Plan and though not formally part of the “Safe Routes to School” programme is significant in this regard as it directs school children using the PAW to the patrolled school crossing at the end of Fawkner Gardens on Flinders Avenue.

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres to local reserves and the local primary school. There was little difference for residents accessing these facilities however this was only due to the existence of the PAW between Drinan Place and Watt Street. It should also be noted that a primary school catchment area would far exceed a 400-metre radius.

Information gathered from the questionnaires indicates that this is an important and well-used PAW especially in relation to Hillarys Primary School and the rating falls between high and medium. A medium rating is considered the most appropriate as Policy 3.2.7 states:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> PAW provides a route to community facilities but not direct 	<ul style="list-style-type: none"> This is correct
<ul style="list-style-type: none"> An alternative route exists but some inconvenience 	<ul style="list-style-type: none"> This is correct
<ul style="list-style-type: none"> PAW not designated as a ‘safe route to school’ or significant with regard to the bike plan 	<ul style="list-style-type: none"> This is only partly correct, as the PAW is important for accessing Hillarys Primary School

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. There are five adjoining properties with four indicating their support. Justification for closure is based on:

- Car break ins
- Evidence of drinking
- Dirt bikes ridden along the PAW
- Regular disruption by drunken teenagers using the PAW late at night
- Fences damaged and vandalised by graffiti
- Damage and theft to adjoining landowners properties
- Applicants house burgled three times

Police and City of Joondalup City Watch Information

Police advice is that it is not possible to directly link offences to the subject PAW. There does appear to be certain offence trends, which may be the result of the PAW though not directly related. Fawkner Gardens and Drinan Place had approximately six damage offences during 2001 and two burglary offences, which is a higher offence rate than other streets in the area.

City Watch monitored the PAW during a period from 18 December 2001 to 30 December 2001 conducting 14 patrols and again during 26 April 2002 to 11 May 2002 conducting 28 patrols and no incidents were recorded.

Comments in Returned Questionnaires

Attachment (3) demonstrates responses to the questions relating to any incidents or evidence local residents have witnessed with regard to anti-social behaviour. Of the 73 users of the subject PAW, 65 had not witnessed any anti-social behaviour and with regard to witnessing vandalism 60 had not witnessed any. Incidents recorded by users of the PAW were graffiti, occasional moped use, rubbish, broken bottles, strewn beer cans, damaged plants and occasional late night noise.

Although the police state that “... *it is not possible to directly link offences to any of the PAWs concerned*” police advised that the subject PAW may relate to a higher rate of incidents. On balance therefore, the Nuisance Assessment is rated medium as per Policy 3.2.7 – Pedestrian Accessways:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> • Frequent occurrence of criminal activity and antisocial behaviour compared to elsewhere in the suburb 	<ul style="list-style-type: none"> • Police evaluation concludes that the subject PAW may contribute to a higher frequency of incidents than surrounding streets in the area, however no details were provided in regards to whether the occurrences are frequent
<ul style="list-style-type: none"> • There are several different types of occurrences that are directly related to the PAW 	<ul style="list-style-type: none"> • It is considered difficult to ascertain whether the occurrences are directly related to the PAW
<ul style="list-style-type: none"> • The severity of criminal activity and/or antisocial behaviour is considered higher than elsewhere in the suburb 	<ul style="list-style-type: none"> • Police evaluation did not indicate that this was the case

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAW's level of use and Attachment (4) indicates the reasons for use, and frequency of use for the 73 users of the PAW that returned the questionnaires. This PAW appears to be used for a variety of reasons and used regularly on a daily and weekly basis.

Of the 113 questionnaires returned, there are 63 objections to closure with an overall 73 using the PAW. Of the 73 users, 60 advised they would be inconvenienced if the PAW was closed. During the City's site inspection, 25 people were witnessed using the PAW and the majority of users were students from Hillarys Primary School. There is a patrolled crossing at the end of Fawkner Gardens on Flinders Avenue and the PAW is significant in relation to this (see Attachment 5). The subject PAW is also well used in relation to accessing local parks and for general exercise and social reasons. Therefore the Community Impact Assessment is rated high as per Policy 3.2.7 – Pedestrian Accessways:

Policy Parameters – High	Analysis Results
<ul style="list-style-type: none"> • Significant portion of respondents not in favour of closure (over 50%) 	<ul style="list-style-type: none"> • 56% of respondents are not in favour of closure
<ul style="list-style-type: none"> • High portion of household use the PAW regularly 	<ul style="list-style-type: none"> • The questionnaires received reveal 73 users of the PAW and this is considered high
<ul style="list-style-type: none"> • High portion of users inconvenienced by closure (over 50%) 	<ul style="list-style-type: none"> • 82% of users indicated they would be inconvenienced if the PAW was closed

Comments Received in Addition to the Questionnaires

Please see Attachment 6 in relation to a summary of the information contained in separate submissions the City received with regard to this application.

Final Assessment

The result of each assessment is detailed below:

Urban Design	-	Medium
Nuisance Impact	-	Medium
Community Impact	-	High

The subject PAW is considered to be an important and well-used community facility with the highest level of use being daily and weekly. Many residents referred to it being used by school children and that the PAW was considered safer in this respect than using the alternative main roads. The level of inconvenience to residents and especially school children that use the PAW is considered high.

Users of the PAW have noted some anti-social behaviour pertaining to the PAW, which is graffiti, occasional moped use, rubbish, broken bottles, strewn beer cans, damaged plants and occasional late night noise. There has not been evidence produced that indicates that the level of anti-social behaviour and vandalism associated with the PAW is excessive compared to that taking place in the area overall.

Of the 113 questionnaires returned, there are 63 (56%) objections to closure and 24 (21%) in support, the remaining 25 (22%) being neutral. Overall there are 73 (64.5%) users of the PAW and of these users, 63 (86%) object, and again of the 73 users, 60 (82%) advised they would be inconvenienced if the PAW was closed. Of the 24 supporters 6 (25%) are users.

The assessment accords with Case 6 of the Pedestrian Accessway Policy and therefore it is recommended that the pedestrian accessway between Fawkner Gardens and Finnis Cross Hillarys is not supported for closure.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hurst, SECONDED Cr Rowlands that Council DOES NOT SUPPORT the closure of the pedestrian accessway between Fawkner Gardens and Finnis Cross, Hillarys.

The Motion was Put and

CARRIED (13/0)

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

Appendices 6, 6(a) & 6(b) refer

To access this attachment on electronic document, click here: [Attach6brf270802.pdf](#)
[Attach6abrf270802.pdf](#) [Attach6bbrf270802.pdf](#)

**CJ216 - 09/02 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY BETWEEN DRINAN
PLACE AND COLSON CLOSE, HILLARYS – [58216]**

WARD - Whitfords

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) that leads from Colson Close to Drinan Place, Hillarys. See Attachment 1.

EXECUTIVE SUMMARY

The request for closure is based on incidents of vandalism and anti-social behaviour. The application was advertised for public comment from 23 May 2002 until 22 June 2002. Due to an application having been received for closure of another PAW in close proximity, a letter and questionnaire were forwarded at the same time to landowners in regard to both PAWs. A separate report in regard to the PAW closure between Fawkner Gardens and Finnis Cross, Hillarys is also on the Agenda.

The City's Pedestrian Accessway Policy requires formal evaluation of the request for closure. This evaluation is composed of three parts assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAWs level of use.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, medium and high respectively. Based on these ratings, the proposal accords with Case 6 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Colson Close and Drinan Place, Hillarys is not supported.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	Mr R and Mrs K Childs
Zoning: DPS:	Residential
MRS:	Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

The request for closure is based on incidents of vandalism and anti-social behaviour that adjoining landowners advised are associated with the PAW. The only service infrastructure within the PAW that requires modification and an easement belongs to Western Power. Four of the five adjoining landowners support the application, the City did not receive any response from one of the adjoining landowners. If closure of the PAW is supported three of the adjoining landowners have agreed to acquire the land and meet the associated costs and conditions.

Site Inspection

A site inspection revealed that the PAW had little evidence of graffiti or rubbish. The PAW slopes upwards to Colson Close and there is a power pole light at each end of the PAW and sight lines are good. See Attachment 2.

PAW Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessway Policy helps guide the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all the associated costs and meet any necessary conditions. As part

of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to DOLA considering closure of a PAW it is necessary for the Department of Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view but this is done only if Council supports an application. If the DPI does support the proposal then DOLA are requested to close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

The City has recently been advised by DOLA that as from 1 June 2002 amalgamations of Crown land with freehold land will now also require a formal application to the Western Australian Planning Commission, though DOLA is assisting applicants with some of the standard procedures. If Council and the DPI support an application to close a PAW, on receipt of such approvals DOLA will investigate and arrange a valuation of the land. If DOLA also approves the closure, it will then provide all other associated costs to the City to forward to those adjoining landowners that have agreed to acquire the land. If written acceptance of the cost and conditions is provided to DOLA, it will then commence formal closure actions.

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 23 May 2002 to 22 June 2002 and a letter and questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. Attachments (3) and (4) summarise the information from the returned questionnaires in relation to this application.

Policy Implications:

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare planning policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres to local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAWs level of use.

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

The subject PAW is not a direct link to a community facility but is part of a network of PAWs. There is a PAW in Drinan Place leading to Watt Street and the PAW that is the subject of a report on the Agenda. There is also a PAW to the west of the subject PAW connecting Gipps Court with Murray Drive.

The subject PAW is not significant with regard to the City's Bike Plan or formally part of the "Safe Routes to School" programme however a representative from the Roadwise Committee from the Hillarys Primary School P&C advised that PAWs in the area are important in preventing students crossing roads that have heavy school traffic.

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres to local reserves and the local primary school. There was little difference for residents accessing these facilities however consideration has to be given to whether the alternative route that would be used by some school children is a suitable and safe alternative.

Information gathered from the questionnaires indicates that this is a well-used PAW and is important to the local community therefore the Urban Design Assessment is rated as medium as Policy 3.2.7 states as follows:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> PAW provides a route to community facilities but not direct 	<ul style="list-style-type: none"> This is correct
<ul style="list-style-type: none"> An alternative route exists but some inconvenience 	<ul style="list-style-type: none"> This is correct
<ul style="list-style-type: none"> PAW not designated as a 'safe route to school' or significant with regard to the bike plan 	<ul style="list-style-type: none"> This is correct

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. Justification for closure is based on:

- Car break ins
- Evidence of drinking
- Motor bikes ridden along the PAW
- Steep gradient of PAW encourages irresponsible use of skateboards and bikes – concerns for injury to pedestrians
- Fences have been damaged and vandalised by graffiti
- Damage and theft to adjoining landowners properties

Police and City Watch Information

Police advice is that it is not possible to directly link offences to the subject PAW. There does appear to be certain offence trends, which may be the result of the PAW though not directly related. Fawkner Gardens and Drinan Place had approximately six damage offences during 2001 and two burglary offences, which is a higher offence rate than other streets in the area.

City Watch monitored the PAW during a period from 18 December 2001 to 30 December 2001 conducting 14 patrols and again during 26 April 2002 to 11 May 2002 conducting 28 patrols and no incidents were recorded.

Comments in Returned Questionnaires

Attachment (3) to this Report demonstrates responses to the questions relating to any incidents or evidence local residents have witnessed with regard to anti-social behaviour. Of the 58 users of the subject PAW, 53 had not witnessed any anti-social behaviour and with regard to witnessing vandalism 48 had not witnessed any. Incidents recorded by users of the PAW were fence damage, graffiti, rubbish, broken glass, youths loitering and drinking at weekends and irresponsible bike riding.

Although the police state that “... *it is not possible to directly link offences to any of the PAWs concerned*” police advised that the subject PAW may relate to a higher rate of incidents. On balance therefore, the Nuisance Assessment is rated medium as per Policy 3.2.7 – Pedestrian Accessways:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> • Frequent occurrence of criminal activity and antisocial behaviour compared to elsewhere in the suburb 	<ul style="list-style-type: none"> • Police evaluation concludes that the subject PAW may contribute to a higher frequency of incidents than surrounding streets in the area, however no details were provided in regards to whether the occurrences are frequent
<ul style="list-style-type: none"> • There are several different types of occurrences that are directly related to the PAW 	<ul style="list-style-type: none"> • It is considered difficult to ascertain whether the occurrences are directly related to the PAW
<ul style="list-style-type: none"> • The severity of criminal activity and/or antisocial behaviour is considered higher than elsewhere in the suburb 	<ul style="list-style-type: none"> • Police evaluation did not indicate that this was the case

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAWs level of use and Attachment (4) indicates the reasons for use, and frequency of use for the 58 users of the PAW that returned the questionnaires. This PAW appears to be used for a variety of reasons and used regularly on a daily and weekly basis. The rating for this assessment falls between high and medium and on balance a high rating is suggested as appropriate.

Policy Parameters – High	Analysis Results
<ul style="list-style-type: none"> • Significant portion of respondents not in favour of closure (over 50%) 	<ul style="list-style-type: none"> • 42% of respondents are not in favour of closure
<ul style="list-style-type: none"> • High portion of household use the PAW regularly 	<ul style="list-style-type: none"> • The questionnaires received reveal 58 users of the PAW and this is considered high
<ul style="list-style-type: none"> • High portion of users inconvenienced by closure (over 50%) 	<ul style="list-style-type: none"> • 83% of users indicated they would be inconvenienced if the PAW was closed

Eighteen users of the PAW have indicated that the alternative route would be via another PAW. Comments received from some adjoining landowners to the other PAW leading from Colson Close have suggested that they too experience some degree of anti-social behaviour they attribute to the PAW and do not consider it fair to close one of the PAWs adding pressure to the remaining PAWs.

Comments Received in Addition to the Questionnaires

Please see Attachment 5 in relation to a summary of the information contained in separate submissions the City received with regard to this application.

Final Assessment

The result of each assessment is detailed below:

Urban Design	-	Medium
Nuisance Impact	-	Medium
Community Impact	-	High

The subject PAW is considered to be well used with the highest level of use being daily and weekly. Many residents referred to it being used by school children and that the PAW was considered safer in this respect than using the alternative roads. The primary school P&C representative also made mention of the fact that the PAWs in this area of Hillarys are important due to being used by school children.

The level of inconvenience to residents that use the PAW is considered high, with the level of anti-social behaviour and vandalism associated with the PAW not being identified as excessive compared to that taking place in the area overall. Anti-social behaviour noted by users of this PAW is fence damage, graffiti, rubbish, broken glass, youths loitering at weekends drinking and irresponsible bike riding.

Of the 105 questionnaires returned, there are 44 (42%) objections to closure and 30 (28.5%) in support, the remaining 31 (29.5%) being neutral. Overall there are 58 (55%) users of the PAW and of these 44 (75.5%) object and again of the 58 users, 48 (82.5%) advised they would be inconvenienced if the PAW was closed. Of the 30 supporters 9 (30.5%) are users.

The assessment accords with Case 6 of the Pedestrian Accessway Policy and therefore it is recommended that the pedestrian accessway between Drinan Place to Colson Close, Hillarys is not supported for closure.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh, SECONDED Cr Hurst that Council DOES NOT SUPPORT the closure of the pedestrian accessway that leads between Drinan Place and Colson Close, Hillarys.

The Motion was Put and

CARRIED (13/0)

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

Appendices 7& 7(a) refer

*To access this attachment on electronic document, click here: [Attach7brf270802.pdf](#)
[Attach7abrf270802.pdf](#)*

CJ217 - 09/02 DELEGATED AUTHORITY REPORT – [07032]

WARD - All

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This Report provides a resumé of the Development Applications processed by Delegated Authority from 1 July to 31 July 2002.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ217-09/02.

The Motion was Put and

CARRIED (13/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf270802.pdf](#)

CJ218 - 09/02 SUBDIVISION REFERRALS PROCESSED 1 JULY – 31 JULY 2002 – [05961]

WARD - All

PURPOSE

The purpose of this report is to advise Council of subdivision referrals received by the City for processing.

EXECUTIVE SUMMARY

Attachment 1 to this Report is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 – 31 July 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The subdivision applications processed will enable the potential creation of 37 additional residential lots and 4 strata residential lots. The average processing time taken was 18 days.

The Western Australian Planning Commission was requested to defer its determination of application 119453 for Lot 9005 (157) Kinross Drive, Kinross until it has determined Amendment 10 to District Planning Scheme No 2 (DPS2).

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ218-09/02.

Cr Kimber sought information in relation to SU119453 – Vacant Land 157 Kinross Drive, Kinross. The Director Planning and Community Development advised he will provide this information to Cr Kimber.

The Motion was Put and

CARRIED (13/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf270802.pdf](#)

CJ219 - 09/02 HIRE OF COMMUNITY FACILITIES – [29110]**WARD - All**

PURPOSE

To address public concern in regard to the use of community facilities for functions.

EXECUTIVE SUMMARY

This report aims to review the hire of community facilities within the City of Joondalup for functions. The City has been receiving complaints regarding anti-social behaviour in the areas close to the City's community buildings particularly following parties for young people.

In order to manage the situation of community facilities being used inappropriately, it is considered that the recommendation from this report will minimise concerns being expressed by members of the community.

The recommendation is that Council increase the bond, from \$300 to \$500, for all functions at all community facilities for a trial period until May 2003.

BACKGROUND

The City of Joondalup has previously been required to review the use of community buildings for parties and social functions. During 1998 and 1999 residents in the vicinity of the Rob Baddock Community Hall located in Dampier Avenue, Kallaroo complained about anti-social behaviour and excessive noise after social functions at this facility. As a result of these complaints the curfew for the facility was altered to 10.30pm. This has proved successful as only social gatherings such as primary school discos and social functions including square dancing and various church group evenings are prepared to conclude by 10.30pm.

The City of Joondalup has been receiving complaints regarding anti-social behaviour associated with functions and parties being conducted at community facilities. Youth activities such as 18th and 21st birthdays, pre-ball parties, re-unions and graduations are conducted regularly in Council's community facilities. The majority of complaints have been received from residents who live in the vicinity of Flinders Park Hall, Hillarys and Sorrento Community Hall, Sorrento and one complaint from a resident close to the Percy Doyle Clubrooms in Duncraig. Complaints increased during February and March 2002.

The following table illustrates the details regarding 18th and 21st birthdays held in the City's community facilities, during the period 1 July 2001 to 28 February 2002:

FACILITY	CAPACITY	CURFEW	HIRED	COMPLAINTS
Beumaris Community Hall Hall and 2 meeting rooms Constellation Drive Ocean Reef	220	12 midnight	1	0
Emerald Park Clubrooms Hall and Annexe 1 and 2 Emerald Way Edgewater	130	12 midnight	5	0
Flinders Park Hall Broadbeach Boulevard Hillarys	90	12 midnight	15	6
Kingsley Hall Hall Annexe Kingsley Drive Kingsley	80	1.00am	2	0
MacNaughton Park Clubrooms MacNaughton Crescent Kinross	100	12 midnight	2	0
Percy Doyle Clubrooms Warwick Road Duncraig	100	1.00am	6	1
Sorrento Community Hall Padbury Circle Sorrento	100	1.00am	5	3
Timberlane Park Hall Althae Way Woodvale	80	1.00am	3	0
Warwick Community Hall Dorchester Avenue Warwick	220	1.00am	2	0

The incidents are causing alarm and concern to residents who have complained about anti-social behaviour that includes foul language, vandalism and torching of trees, sounding of car horns, the playing of loud music, alcohol consumption in the car park and the streets when guests leave the parties.

City Watch and the Police have been called to initiate action against these groups in streets and parks surrounding facilities, particularly the Flinders Park Hall, the Sorrento Community Hall and the Percy Doyle Football Teeball Clubrooms. The anti-social behaviour is often not directly attributable to the parties or the hirers themselves. The behaviour often occurs outside the facility by groups of people not invited to the events when the adults and hall hirers have departed the area at the conclusion of the parties, which is 1.00 p.m. under Council's present conditions of hire.

As a result of the concerns expressed, it was considered prudent that the City place a moratorium upon bookings for these young peoples functions including 18th and 21st birthdays from Monday 18 March 2002. The moratorium will remain in place until a review of the City's Policy is completed and a decision of the Council is sought regarding Council's ongoing policy for the hire of community facilities. Existing bookings that were confirmed

have been honoured, with City Watch and the Police being fully aware of the functions to ensure there is no further inconvenience to the community.

Since the moratorium was put in place, an average of 8 bookings per week have been requested but not acceded to for 18th and 21st birthdays.

DETAILS

Comparison of Other Local Governments Surveyed:

For the purpose of this report a number of other local authorities were contacted to provide information on their current practices and procedures.

City of Stirling:

City of Stirling does not have a policy on 18th or 21st birthdays however a higher bond of \$2000 is required. Hirers are advised the bond will not be refunded if the police are called to the party responding to any complaints. The hiring of the halls for 18th and 21st birthdays is not recommended and hirers are encouraged to contact other more appropriate facilities.

City of Wanneroo:

City of Wanneroo does not have a policy on 18th and 21st birthdays, however parties are only held in facilities that are on main roads, or in highly visible locations. Council have only had one problem in 2 years.

Town of Cambridge:

Town of Cambridge does not have a specific policy for 18th and 21st birthdays, however in most cases this council prefers not to allow 18th birthdays or university groups to hire facilities. 21st birthdays are accepted, as there is evidence that there will be responsible adults in attendance and there is a reduced risk of under age drinking.

City of Rockingham:

City of Rockingham allows the hire of facilities for 18th and 21st birthdays, however a \$1,000 bond is charged. The Council hall hire policy states:

“The hirer is required to be 18 years of age and where necessary, Council’s Booking Officer may request proof of age prior to accepting the booking, however Council reserves the right to refuse any booking if considered that such booking is not in the best interest in the preservation of Council’s facilities.”

City of Fremantle:

City of Fremantle discourages birthday parties by quoting maximum bonds. This Council’s Conditions of Hire states:

“Council reserves the right to refuse, cancel and/or withhold the hiring of the Town Hall facilities: all monies paid to Council will be refunded in such instances.”

City of Armadale:

City of Armadale does accept bookings for 18th and 21st birthdays, however the bond is increased from \$300.00 to \$400.00 if a function is considered a potential problem. Also in this instance cash payments on hire fees and bonds are requested. The application of bonds is at the discretion of the Booking Officer.

City of Melville:

City of Melville does not have a written policy on 18th and 21st birthdays, however do not hire facilities for any gathering that involves youth unless they are Council run functions. When a booking is refused, the Council make special comments regarding uninvited guests and suggest to the hirer it would be best to use a venue that provides security.

Town of Bassendean:

Town of Bassendean does not have any guidelines or conditions of hire for specific categories of function hirers. The Council is developing a master plan that categorises functions as per risk. A higher bond may be applied to 18th and 21st birthdays.

Town of Victoria Park:

Town of Victoria Park halls are managed under lease by scout groups or churches.

City of Joondalup Existing Procedure:

Facility bookings are administered in accordance with the City's Community Facilities Conditions of Hire and the Local Government and Public Property Local Law 1999. All bookings are managed by the City's Community Facilities Booking Officer, responsible to the Manager Community Development Services.

When the City of Joondalup Community Facility Booking Officer receives a request for a booking for an 18th birthday party or youth function the officer advises the potential hirer of the special conditions that apply.

- Plastic cups must be used to ensure no glass breakages and easy clean up.
- Hirer must provide to Council one week in advance of booking proof that adequate licensed security has been engaged for the duration of the party.
- Proof local police have been notified of the party.
- Strict midnight curfew applies.
- The facility must be booked and signed for by the parent or guardian.

When a request for a 21st birthday is received the only special condition that applies is that hirers are advised they must notify the local police of their party. In addition, the Council's City Watch Service is notified of all casual functions in community facilities including the name of the hirer, their contact telephone number and the type of function being held. Patrols are requested to include the venue where each function is being held.

Policy Implications:

There is no current policy on the hire of facilities for birthday functions including 18th to 21st's.

City of Joondalup Conditions of Hire for Halls and Clubrooms states:

“Area must be left clean and tidy. All tables and chairs must be returned to the correct area. Chairs must be clean and stacked in groups of no more than ten and tables must be clean and stored folded in an upright position.

The floors should be swept and any spills mopped. All food scraps should be wrapped, and placed in the outside bins provided. Where a kitchen is included in the hire, the stove (top and oven) if used must be left clean.

All decorations, including string, pins etc must be removed. Please do not attach decorations to the ceiling fans.”

COMMENT

The hire of community facilities for functions, especially 18th and 21st birthday parties, can in some instances result in anti-social behaviour outside the facilities in surrounding parks and streets. Nevertheless, by not permitting the use of community facilities for the purpose of functions like 18th to 21st birthdays, the City may be regarded as acting in a discriminatory fashion towards these potential hirers. Therefore, it is considered that the best way to manage and minimise any anti-social behaviour attributed from such functions is to increase the initial bond for all birthday parties, in line with other local authorities’ procedures. All potential casual functions will continue to be allocated their requested facilities, if available, after preference is given to permanent hirers.

Significant concerns have been caused in recent times at the Flinders Community Hall and Sorrento Community Hall. It has not been possible in the past to hire these facilities on a Sunday morning because of the uncertainty as to the condition in which a hirer may find the facilities. It is proposed that rather than hire these facilities out to casual users for functions, the City seeks to find permanent bookings at these two facilities on either Saturday nights or Sunday mornings.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Baker that Council INCREASES the bond, from \$300 to \$500, for all functions at all community facilities for a six-month trial period.

Following a query, the Director Planning and Community Development advised that the moratorium would be lifted immediately.

The Motion was Put and

CARRIED (13/0)

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

CJ220 - 09/02 YOUTH ADVISORY COUNCIL TENANCY RECOMMENDATIONS – [38245]

WARD - All

PURPOSE

The purpose of this report is to provide information to Council regarding recommendations about the tenancy and age eligibility of membership to the City's Youth Advisory Councils. The recommendations foreshadow amendments to sections 2(a) and 4(a) of the City of Joondalup's Youth Advisory Council, Terms of Reference.

EXECUTIVE SUMMARY

The Youth Advisory Councils have had much discussion about the length of time allocated for members to serve the Council and the appropriate ages for membership. Council members have expressed the view that by the end of their term they are just beginning to understand the role of the Youth Advisory Councils and the machinations of Local Government. Ongoing discussion and debate around this issue can be followed through Youth Advisory Council minutes since October 2001.

At the Youth Advisory Council meetings held on 18 and 20 March 2002 issues were raised for final debate, then put to the vote. The Strategic Advisory Committee -Youth Affairs ratified the final recommendations regarding the eligibility and membership and tenure to the Youth Advisory Councils at the meeting on Wednesday 3 July 2002 (Attachment 1 to this Report). Recommendations from this report are:

That Council:

1 *AMENDS the Youth Advisory Council Term of Reference section 2(a) to read:*

"Members will:

- *be aged between 12 and 21 years of age."*
- *live at a residential address within the boundaries of the City of Joondalup and within their Youth Advisory Council zone. (North and South)" and*

2 *AMENDS the Youth Advisory Council Terms of Reference section 4(a) to read*

"Youth Advisory Councillors will:

Serve a two-year term with an option to apply to serve a second two-year term."

BACKGROUND

The City of Joondalup Youth Advisory Councils were formed in June 1999. Some of the inaugural members remain on the Councils, while others were recruited in 2000 and 2001. As the term for many members is now nearing completion it has prompted them to raise questions about the length of time allocated to Youth Advisory Council members to participate in Council business concerning the young people of the City of Joondalup.

Members have expressed that they are just beginning to understand the role of the Youth Advisory Councils and the role of Local Government when their time is nearing completion. The raising of these issues resulted in the Youth Advisory Councils engaging in discussion regarding the review of members' tenancy in the Youth Advisory Council's Terms of Reference (Attachment 2 to this Report).

DETAILS

A proposal was forwarded to the Strategic Advisory Committee – Youth Affairs at its meeting on Wednesday 3 July 2002 with final recommendations regarding the tenancy and age eligibility for Youth Advisory Council membership. The Strategic Advisory Committee - Youth Affairs accepted the recommendations. A copy of the Youth Advisory Council Tenancy report is attached for information purposes as Attachment 1 to this Report.

The recommendations foreshadow amendments to The Youth Advisory Council Terms of Reference. The suggested amendments are outlined as follows

City of Joondalup Youth Advisory Council Terms of Reference

Section 2(a) Current

“Members will:

- be aged between 15 and 21 years of age.
- live at a residential address within the boundaries of the City of Joondalup and within their Youth Advisory Council zone.”

Section 2(a) Suggested Amendment

“*Members will:*

- *be aged between 12 and 21 years of age.”*
- *live at a residential address within the boundaries of the City of Joondalup and within their Youth Advisory Council zone.”*

Section 4(a) Current

“Youth Advisory Councillors will:

Serve a term of two years except in the inaugural year when half of the foundation members will be selected to serve a further one-year term. This is to ensure continuity of experience within the Youth Advisory Council.”

Section 4(a) Suggested Amendment

“*Youth Advisory Councillors will:*

Serve a two-year term with an option to apply to serve a second two-year term.”

Financial Implications:

There are no financial implications associated with this report.

COMMENT

Members of the Youth Advisory Councils are enthusiastic, creative and energetic. They give their time voluntarily to provide a voice for young people to the City of Joondalup. Their commitment to the City includes attending Youth Advisory Council meetings once a month and participation in numerous sub committees when specific projects are being implemented.

It is the Youth Advisory Councillors themselves who have raised the issues around the tenancy and age eligibility of Youth Advisory Council membership. It is for these reasons that Council support is sought for the amendments to the Youth Advisory Council Terms of Reference.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Mackintosh that Council:**1 AMENDS the Youth Advisory Council Term of Reference section 2(a) to read:****“Members will:**

- be aged between 12 and 21 years of age.”
- live at a residential address within the boundaries of the City of Joondalup and within their Youth Advisory Council zone. (North and South)” and

2 AMENDS the Youth Advisory Council Terms of Reference section 4(a) to read**“Youth Advisory Councillors will:**

Serve a two-year term with an option to apply to serve a second two-year term.”

The Motion was Put and

CARRIED (13/0)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf270802.pdf](#)

CJ221 - 09/02 SORRENTO BEACH DEVELOPMENT CONCEPT AND PUBLIC EXHIBITION PERIOD - [49840]

WARD - South Coastal

PURPOSE

To report on the evolution of a development application for upgrading the Sorrento Beach area, and to seek endorsement to the process of advertising the proposal for a public exhibition period.

EXECUTIVE SUMMARY

This report provides an update as to the evolution of plans for improvement to the Sorrento Beach area, immediately south of the Hillarys Boat Harbour, extending southwards beyond the area occupied by the surf club.

The plans include additional parking, grassed areas for active and passive use (behind the foredunes), a new surf club facility, and a potential restaurant/café venture, and new paving connections through this area.

A scenario for improvement of the parcel of land has been foreshadowed in previous planning work undertaken by the City. The prospect of an improved recreational and beach area was foreshadowed in concepts that were released for comment in 2000.

The concept was endorsed by the Council, and a steering group was formed to guide the establishment of a scenario for development, with representation of technical officers, consultants and elected members. External consultants have been co-opted due to the specialist technical elements included in the process nature of the works.

The process for approval of initiatives on this piece of land is not simple. The approval of the state government through the Department of Land Administration, and Department of Planning and Infrastructure would be required, with possible input from other agencies.

The scenario has evolved into a development application, and this is presented for adoption for the purposes of initiating a public exhibition period, and to facilitate the commencement of assessment by the state agencies involved in the process.

The ultimate scenario, including surf club redevelopment and commercial elements, is also provided for information and preliminary consideration.

A 30 days public exhibition phase is proposed.

It is recommended that Council:

- 1 ENDORSES the Development Application for the Sorrento Beach Redevelopment Landscape Master Plan (landscaping works, parking areas and beach rehabilitation) as outlined in the Connell Wagner / Plan E submission at attachment 2 to this Report;*

- 2 *RELEASES the plan for a public exhibition period of 30 days;*
- 3 *NOTES that the proposal will be forwarded to the Department of Planning and Infrastructure for determination.*

BACKGROUND

A consultant team has been formed to guide the evolution of a concept for the subject land. The team is comprised of elected members, senior City of Joondalup staff, and consultants as listed below.

Consultant	Services
Connell Wagner	Project Management, Traffic & Engineering Design
M P Rogers & Associates	Coastal Engineering
Plan E	Landscape Design
APP Argenta	Advise of the possibility of an expression of interest for the development of the Sorrento Surf Club

The location of the subject area is shown at attachment 1 to this report.

A concept plan for Sorrento was first advertised in 2001. The Sorrento Concept Plan (Attachment 2 to this Report refers) was advertised for public comment for a period of 9 weeks (18 January - 22 March 2001). A notice was placed in the local newspaper 18 January 2001, details were made available on the City's website, at the City's libraries, the proposal was displayed at Council offices and on site, and an open day was held on 10 March 2001 at the Sorrento Surf Club between 11am to 4.30pm.

A total of 155 submissions were received consisting of 60 responses to the questionnaire and 95 individual letters. Of the responses, 59 submissions were openly in favour of the proposal, whilst 28 submissions were against. The remainder of the responses (65) neither indicated support nor objection to the concept plan but raised points of concern and support for individual aspects of the proposal.

The main issues raised in the submissions related to changes to Geneff Park (addition of skateboard ramps and tennis courts) the provision of a jetty, the expansion of commercial development and car parking and the impact of development on the coastal environment. Other responses supported the concept plan, in particular, the planting of more trees, upgrade of the streetscape, upgrade of the surf club and community hall and the provision of a café strip.

Conclusions at the time suggested that issues concerning the foreshore improvements and environmental impacts may be considered more closely at the detailed design stage which will involve a planning assessment by the Ministry for Planning (MFP) and environmental impact assessment by the Environmental Protection Agency (EPA).

As a consequence, Council resolved that it:

- “1 *NOTES the submissions received regarding the Sorrento Concept Plan;*
- 2 *NOTES the significant public concern expressed regarding the proposals in Geneff Park and the Jetty;*
- 3 *NOTES that the Sorrento Concept Plan, modified by the deletion of the elements noted in 2 above, be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;*
- 4 *REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Sorrento Concept Plan;*
- 5 *PROCEEDS with preliminary design sufficient to pursue the necessary approvals for the Sorrento Beach Park (between the Sorrento Surf Life Saving Club and the Marina) as detailed in the Sorrento Concept Plan..”*

Since that time, the project team has developed a detailed proposal. Additional study has also been undertaken as part of that process to ensure that the concept for the beach area is robust, practical and would maximise community benefits.

Connell Wagner undertook a traffic management and parking study in February 2002. The scope of works conducted as part of this traffic management study included:

- Estimate traffic generation due to proposed enhancement;
- Review and assess existing car parking demand;
- Estimate potential increase in car parking demand;
- Provide car parking options to service estimated car parking demand;
- Assess each car parking option based on benefits and constraints; and
- Recommend local area traffic management approaches.

A parking demand study was also carried out to determine the total parking bays required within the Sorrento Precinct. It was estimated that approximately 68 new parking bays are needed in addition to the existing car bays (excluding the 21 bays that would be replaced) within the study area. Six parking options were provided along with the associated benefits and constraints.

Existing traffic management issues were identified, most of which were related to turning movements and traffic flow along West Coast Drive. Recommendations were also made on improving the local area traffic management within the study area, the main objective being the need to transform the study area into a more pedestrian-friendly environment.

The City is also providing input to a traffic and access study for Hillarys Boat Harbour and will ensure that proposals for access and impacts on West Coast Drive will be compatible with the Sorrento concept plan. Detail is unavailable on that proposal at this time.

Project Ranking/Significance

Council has recognised the importance of the Sorrento project in its project ranking for the 2002-03 budget year, with the project achieving the highest ranking in a multi-criteria analysis of various corporate projects and initiatives across the entire City.

Consent Requirements

Applicant	:	City of Joondalup
Owner	:	Crown
Zoning	:	Metropolitan Region Scheme – Parks and Recreation

Due to the planning reservation status of the land, the determining authority for the application will be the Western Australian Planning Commission (WAPC), on advice from the Department of Planning and Infrastructure (DPI). Comments from various other authorities, including the City, are sought as part of that process.

The significant lead time to advance the concept to this stage (due to time taken to develop this design with feedback to a steering group) has allowed discussions with relevant decision-making authorities to commence, in a preliminary capacity. The consultant team has collected feedback to add to the design concept in recognition of that feedback.

DETAILS

Landscape Elements

The plan presents a range of opportunities that can be accommodated with a development of this type. A range of passive and semi-active facilities will be provided and are intended to offer the widest possible cross-section of the community the best possible “Beach Experience”

Key features of the proposed redevelopment include:

- Provision for safe, well defined and easy access to the beach for all users, including disabled, at numerous locations along the foreshore.
- Creating a balance between new lawn and retained dunal vegetation to ensure that foredune areas are retained and remain in a stable condition.
- Provision for extensive lighting to create a safer environment for users at night including provision for feature lighting at key nodes and major gathering points.
- Protection of the existing vegetation to minimise demolition disturbance and maintenance of the new works.
- Creation of a series of terraces along the length of the foreshore in order to minimise the extent of earthworks and heights of retaining walls throughout.
- Protection from wind and sun utilising earth forms, shade shelters and intermittent tree planting.
- Creation of a range of landscape areas to provide various passive and semi-active uses including open lawn areas, BBQ facilities, playground, shelters, lookouts, etc.
- Construction of a new dual-use path along West Coast Drive including defined crossing points and signage that complies with current Australian Standards.
- Construction of a lookout structure on the high point of the site as a signature statement for the development and opportunity for unparalleled views along the coastline.
- Introduction of timber boardwalks that traverse the existing dunes, thus minimising impact on this sensitive environment.
- Construction of an additional 46 bay carpark north of the existing parking area that will be set-down approximately 1 metre below the level of the dual-use path in order to minimise the visual impact of cars.

- Construction of an elevated boardwalk access and fishing platform on the existing groyne serving all users, including disabled anglers.
- Provision of a new ramp and stair access from the Sorrento Surf Life Saving Club facility to the beach.
- Removal of the existing toilet block
- Rehabilitation and protection of the foredune area to ensure this zone remains in stable condition.

Environmental Consideration

There is a strong emphasis on environmental considerations in this proposal. The subject area is currently characterised as a highly modified beach area, due to the change effects caused by the development of the Hillarys Boat Harbour and the groynes to its south.

Notwithstanding, ecological diversity and interest is a key consideration. The protection and enhancement of the foredune is a sound and environmentally responsible solution for the site. Once established, the level of ongoing maintenance will be greatly reduced. Considerable research and implementation has been undertaken on foreshore rehabilitation and appropriate techniques can be initiated to ensure a diverse and stable environment is achieved, if this design concept is adopted and implemented.

Once established (within 2 years) the requirement for ongoing weed control to the foredune areas will be minimised. The proposed coastal species will ultimately cover the area and suppress weed species. During establishment, all methods of weed control need to be carefully considered.

Built Form

The proposal has the potential to be staged, however, for the purpose of public exhibition, the ultimate development scenario is proposed to be presented. It is noted that the re-development of the Surf Club is a separate project and will be subject to a further report to Council. Due to proximity considerations these projects do impact on each other and accordingly the proposal to redevelop the Surf Club is provided for information and preliminary consideration.

The landscape plan at attachment 2 highlights the Surf Club redevelopment proposal as follows:

- 1 Provision for demolition of the surf club, and replacement with a new facility immediately north of the old building.
- 2 Incorporation of a two level design in the new building, with the lower level providing surf club accommodation at a level closer to that of the beach, and the upper level providing an opportunity for other enterprises.
- 3 The provision of additional parking, developed to the extent and location supported by engineering evaluation of likely demand.

COMMENT

Financial Considerations

An objective has been established to minimise the maintenance costs associated with this proposal. With that in mind, it is intended to seek DOLA (as custodian for the Crown) approval to lease a portion of the new building for a commercial return. This is intended to subsidise or offset the cost of beach maintenance. Preliminary discussions with DOLA have commenced regarding this principle.

It is intended that the proposal has the impact of drawing people to the Sorrento area who are in search of this type of beach experience. With the new development as an attractor, it is intended that spin off benefits could eventuate for local business in The Plaza and along West Coast Drive, thereby making an economic contribution to that area.

The following funds have been included in Council's 2002/2003 Five Year Capital Works Programme for the Sorrento Beach Redevelopment Project as follows:

2002/03	2003/04	2004/05	2005/06
\$950,000	\$950,000	\$900,000	\$900,000

It is important to note that whilst the Sorrento Beach Project is funded over four years, the intended construction programme is to be built in two stages. The first stage is the overlap the 2002/2003 and 2003/2004 budgetary periods, and the second stage is to overlap the 2004/2005 and 2005/2006 budgetary periods subject to the necessary approval being obtained.

Development Application Assessment

The City's District Planning Scheme does not provide standards for development upon MRS Reserves.

In principle, the intended use of the reserve should be consistent with its reserved purpose. The concept is clearly aligned with the recreational use of the land.

The DPS does not specify any requirement for public consultation processes, however, it is intended that this concept be advertised for the purpose of continuing public dialogue as the concept progresses.

Public Consultation

Notwithstanding the lack of statutory obligation as to advertising the proposal, the draft concept plan was advertised for a period of 8 weeks (18 January – 22 March 2001). A total of 155 submissions, was received, consisting of 95 individual letters and 60 questionnaire responses. The submissions have been summarised and addressed in Attachment 3.

Of the submissions received, 59 are openly in favour of the proposed concept plan, whilst 28 submissions are against. The remaining 65 submissions have indicated neither support nor objection to the project, but have provided points of concern and support for individual aspects of the proposal.

The major issues raised that relate to this land include (figure denotes frequency of response):

- The provision of a jetty (23)
- Increased commercial development (23)
- Additional car parking (21)
- Development impact on dunes (18)
- Tree planting that will disrupt views (7)

The areas of support include:

- Increase in trees (21)
- Café development (13)
- Upgrade of community centre (12)
- Expansion of surf club (11)

Provision of Jetty (23)

The submissions objecting to the proposed jetty indicated that the facility is unnecessary for the area.

The proposal was put forth to provide the area with an additional recreation option in the form of fishing, whale watching and passive recreation. The jetty is located centrally to provide a landmark for the commercial area. A jetty would represent a capital cost, and an ongoing maintenance cost and in the light of community concern, and was deleted from the proposal.

Increased commercial development (23)

The submissions object largely to additional commercial activity in the area.

The proposal intends only to reinforce the existing commercial activities, with an additional café at the surf club and possible refurbishment of existing commercial area. It is not anticipated that the proposal will involve any large-scale commercialisation of the area.

Additional car parking (21).

The submissions object to the expansion of parking along the foreshore north of the Sorrento Surf Club. Particular concern is raised to its impact on the dune system.

The proposal to expand parking along the foreshore complements the proposal to upgrade the foreshore area with parkland and extends the recreational area to provide a link with the marina. The provision of additional car parking in this area will enable greater access to this part of the foreshore area by outsiders. Beach and dune preservation is discussed separately hereunder.

Development impact on dunes (18)

Similar to concerns raised with additional car parking, submissions were received expressing concern over the impact of the proposed boardwalk and grassed area on the dune system.

Both the grassed area and boardwalk are proposed to improve passive recreation along the foreshore area for all community members, particularly access for the disabled and elderly. Improvements to lighting and the provision of 'open grassed' areas will provide improved surveillance and safety.

Tree planting disrupting views (7)

Several submissions raised concerns that the proposal for verge planting along the commercial area and West Coast Drive may obstruct views to the ocean.

The provision of additional trees will improve the amenity of the area and provide shade for pedestrians and users of the parkland. It is envisaged that tree planting will be dispersed in regular intervals to avoid tree grouping and impact on views.

Although this analysis was conducted 2 years ago, the concept has evolved with these principles and issues in mind.

It is also noteworthy that the public consultation process at the time included a public open day, and the continual display of the concept on the dual-use path outside the surf club. Additionally, newspaper advertising and letterbox drops were also used to encourage public input.

At this stage, and with the refinement of the concept, it is suggested that the proposal be publicised in its revised form.

A 30 days public exhibition period is proposed, in acknowledgement of the degree of interest in the proposal and the Council's ongoing review of its public consultation processes. It is proposed to display sandwich-board signs on site, write to near neighbours, and also to advertise in the local community newspaper.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 ENDORSES the Development Application for the Sorrento Beach Redevelopment Landscape Master Plan (landscaping works, parking areas and beach rehabilitation) as outlined in the Connell Wagner / Plan E submission at Attachment 2 to Report CJ221-09/02;**
- 2 RELEASES the plan for a public exhibition period of 30 days;**
- 3 NOTES that the proposal will be forwarded to the Department of Planning and Infrastructure for determination.**

Discussion ensued.

AMENDMENT MOVED Cr Hollywood, SECONDED Cr Carlos that an additional Point 4 be added to the Motion to read:

“4 INVITES Connell & Wagner, MP Rogers and Associates, Plan E and APP Argenta to make a presentation of the Sorrento Beach Development Concept to the members of the Sorrento Beach Surf Club within the planned public exhibition period of 45 days.”

Discussion ensued.

The Amendment was Put and

LOST (5/8)

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

AMENDMENT MOVED Cr Patterson, SECONDED Cr Baker that an additional Point 4 be added to the Motion to read:

“4 INVITES Connell & Wagner, MP Rogers and Associates, Plan E and APP Argenta to make a presentation at a venue to be decided for any interested ratepayers from the City of Joondalup within the public exhibition period of 30 days.”

Discussion ensued.

The Amendment was Put and

CARRIED (13/0)

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

The Motion as Amended, being:

That Council:

- 1 **ENDORSES** the Development Application for the Sorrento Beach Redevelopment Landscape Master Plan (landscaping works, parking areas and beach rehabilitation) as outlined in the Connell Wagner / Plan E submission at Attachment 2 to Report CJ221-09/02;
- 2 **RELEASES** the plan for a public exhibition period of 30 days;
- 3 **NOTES** that the proposal will be forwarded to the Department of Planning and Infrastructure for determination;
- 4 **INVITES** Connell & Wagner, MP Rogers and Associates, Plan E and APP Argenta to make a presentation at a venue to be decided for any interested ratepayers from the City of Joondalup within the public exhibition period of 30 days.

Was Put and

CARRIED (13/0)

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

Appendices 11, 11(a) & 11(b) refer

To access this attachment on electronic document, click here: [Attach11brf270802.pdf](#)
[Attach11abrf270802.pdf](#) [Attach11bmin030902.pdf](#)

Mayor Bombak declared an interest that may affect his impartiality in Item CJ222-09/02 – Funding Request – Joondalup Districts Cricket Club as he is Patron of the Cricket Club.

Manager, Marketing, Communications and Council Support declared a financial interest in Item CJ222-09/02 – Funding Request – Joondalup Districts Cricket Club as he is a member of the Cricket Club.

Cr Baker declared an interest that may affect his impartiality in Item CJ222-09/02 – Funding Request – Joondalup Districts Cricket Club as he is a member of the Joondalup Brothers Rugby Union Club.

CJ222 - 09/02 FUNDING REQUEST – JOONDALUP DISTRICTS CRICKET CLUB – [02046] [43869]

WARD - North Coastal

PURPOSE

To consider a request from the Joondalup Districts Cricket Club (Inc.) (formerly North Perth Cricket Club Inc.), seeking financial support to the value of \$40,000 per annum for a period of two years, to be reviewed on the completion of the second year. This assistance is requested to help offset the maintenance costs of the turf wicket facilities at the Iluka Sports Complex. (See Attachment 1 to this Report).

EXECUTIVE SUMMARY

Provision of the turf wicket facilities at the complex was authorised by Council and undertaken by the club on the agreement and understanding that all associated maintenance would be the on-going responsibility of the club. The ground maintenance proposal is for the cricket season only and therefore alternative arrangements would need to be developed for the winter months. There are also a number of other issues surrounding this proposal that also require consideration and it is important that the City of Joondalup does not deliberate on a proposal from the Joondalup Districts Cricket Club (Inc.) in isolation.

Whilst supportive of a proposal to allow ground maintenance to be conducted by user clubs, the City would prefer that management responsibilities were vested with the Beaumaris Sports Association (BSA), (of which the Joondalup District Cricket Club (Inc.) is a founding member) not individual clubs.

The City of Joondalup should be looking at a longer term agreement involving maintenance issues, rather than the two (2) years proposed by the Joondalup Districts Cricket Club (Inc.). It is recommended that Council shows a propensity to work with the Beaumaris Sports Association to establish an agreement encompassing all ground maintenance and management at the Iluka Sports Complex.

BACKGROUND

The Joondalup Districts Cricket Club (Inc.) is one of the member clubs that forms the Beaumaris Sports Association and relocated to the new Iluka Sports Complex in 1999. The construction of the clubrooms was funded through the Community Sport & Recreation Facilities Fund (CSRFF) at a total cost of \$1,500,000 of which Council's contribution amounted to \$600,000. In April 1999, the club submitted a written request for financial assistance to maintain the turf wicket facilities at the ground. Council informed the club that the initial agreement regarding its relocation to the Iluka Sports Complex was on the basis that, "the City is to maintain the oval and the surrounds with the cricket club being responsible for any turf wickets or practice wickets installed."

In January 2000, the Joondalup Districts Cricket Club (Inc.) requested that Council give consideration to the provision of funds to enable fencing to be erected around the practice facilities at Iluka. As part of the half-year budget review, Council allocated funds totalling \$9,000 to the Joondalup Districts Cricket Club Inc. to assist with the fencing of the practice wickets.

In October 2000, a report was presented to Council seeking support from the City of Joondalup to help offset the cost of maintaining the turf wickets, which they estimate to cost \$30,000 per season. The club was aware of the support given by the City to the Whitfords & Districts Senior Cricket Club (Inc.) and requested consideration of similar assistance. At the Council meeting the club put forward a case in support of a one-off request for \$15,000 based on the club's guarantee that it will be financially self-sufficient should this funding be made available. The Council deferred any decision until its November 14 meeting, pending a further report specific to the deputation that was raised.

At the Council Meeting on 14 November 2000, the City agreed to allocate \$15,000 to the Joondalup Districts Cricket Club (Inc.) as a one-off establishment grant for the development of the turf wicket facilities at the Iluka Sports Complex. It also made specific note that "this would represent Council's final contribution to the establishment of the turf wickets and that any ongoing maintenance shall be the responsibility of the Joondalup Districts Cricket Club (Inc.)"

DETAILS

There are a number of other issues that exist at the Iluka Sports Complex that need to be considered in conjunction with the proposal from the Joondalup Districts Cricket Club (Inc.).

- 1 The Iluka Open Space was formed in 1999 after the area was subdivided and ceded to the crown authority. The City of Joondalup has since been in negotiations with the Department of Planning and Infrastructure to have the area vested in its care, control and maintenance. Before this could be granted, the land housing the clubrooms and bowling greens had to be excised from the reserve. This process has been delayed and as a result the foundation clubs of the Beaumaris Sports Association have not been charged for ground hire.

This represents a significant cost saving to all clubs involved, with the City providing maintenance and upkeep of the grounds free of charge. The schedule of fees and charges for low maintenance sports such as cricket and hockey is \$255.50 per season, per team and \$325.15 for high maintenance sports such as rugby. These cost savings to

- the individual clubs represent an area in which the City can negotiate when developing a maintenance and management agreement.
- 2 The lease agreement for the clubrooms at the Iluka Sports Complex is yet to be finalised, meaning that the City has not received any lease payment since the construction of these facilities. The City is awaiting the Department for Planning and Infrastructure (DPI) to support its application to excise the land housing the Beaumaris Sports Association clubrooms. It is necessary to gain this support before approaching DOLA to carry out the excision, as DOLA bases their decisions on recommendations from the DPI. The lease fee for sport and recreational facilities within the City of Joondalup equates to 1% of the building's replacement value. In this case, the lease fee would be in the vicinity of \$15,000 as the building's replacement value is estimated at \$1.5 million.
 - 3 The Beaumaris Sports Association recently met with representatives from the Department of Sport and Recreation and officers from the City of Joondalup to discuss a proposal to apply for funding to construct floodlighting through the State Government's Community Sport and Recreation Facilities Fund (CSRFF). The project is valued at an estimated \$200,000 and is for the construction of floodlighting around the perimeter of the playing grounds. Council will need to consider this proposal when reviewing the CSRFF applications and the financial implications associated.
 - 4 Currently, complaints are being received over the state of the playing surface as a result of the extensive use of the grounds. The new floodlighting proposal would help to alleviate these pressures by increasing the floodlit area, providing opportunities to utilise all corners of the Iluka Open Space.
 - 5 The City is in the process of facilitating a working group whose intentions are focused towards the Brothers Rugby Union Football Club becoming a constituent member of the Beaumaris Sports Association. It is envisaged that the outcome of these discussions will form an integral part of Council's discussions regarding allocations for the CSRFF program and in particular the Beaumaris Sports Association's floodlighting application.

The City of Joondalup is aware of the need to identify and support responsible management practices within the sport and recreation industry. One way of doing so, involves the City taking the unique opportunity that exists with regards to the Beaumaris Sports Association and adopting a typical Sports Association model. Since its inception, the Beaumaris Sports Association has been set up in this manner and it is anticipated that this model will become the basis from which all future sporting associations within the City of Joondalup can be established.

COMMENT

The proposal put forward by the Joondalup Districts Cricket Club (Inc.) does not support a holistic approach toward the ongoing management and maintenance of the Iluka Open Space. The City of Joondalup views the Beaumaris Sports Association as the ideal model from which all future sporting associations within the City could be based. As such, the preferred option regarding ground management and maintenance would be for the Association to assume responsibility and manage and maintain the Iluka Open Space and not individual clubs such as the Joondalup Districts Cricket Club (Inc.).

The proposal put forward by the Joondalup Districts Cricket Club (Inc.) discusses management and maintenance of the Iluka Open Space for the summer period, with responsibilities returning to the City during the winter season. Whilst the City of Joondalup is supportive of user groups taking over management and maintenance of facilities, it would be looking for a longer term commitment encompassing the entire year. The City would look towards establishing a performance based management and maintenance agreement potentially over a three (3) year period.

The City of Joondalup needs also to consider the forthcoming application for floodlighting, which will be lodged by the Beaumaris Sports Association through the Community Sport and Recreation Facilities Fund (CSRFF) in September. This proposal has been estimated at over \$200,000 of which Council would be required to fund 1/3 of the total project cost (equal to between \$65,000 - \$70,000). As a result, the implications of this expenditure must be considered when assessing the proposal raised by the Joondalup Districts Cricket Club (Inc.) for ground management and maintenance.

Finally, the current situation surrounding the Brothers Rugby Union Football Club's tenure at the Iluka Open Space needs to be resolved by the Beaumaris Sports Association before an accurate management and maintenance agreement can be considered. The number of tenant clubs and nature of their activities must be fully understood, in order to establish the necessary requirements to be set in any management and maintenance agreement.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Rowlands that Council:

- 1 ADVISES the Joondalup Districts Cricket Club (Inc.) of its preference to negotiate with the Beaumaris Sports Association with regards to the year round management and maintenance of the Iluka Open Space;**
- 2 ESTABLISHES a working party with members from the Beaumaris Sports Association to develop a maintenance agreement for the grounds at the Iluka Sports Complex;**
- 3 OBTAINS a report for Council endorsement from the Beaumaris Sports Association working party following the completion of negotiations;**
- 4 RESOLVES the matter of ground management and maintenance following the completion of negotiations with the Brothers Rugby Union Football Club and the Beaumaris Sports Association, to the satisfaction of all parties.**

Cr Kenworthy left the Chamber at 2015 hrs and returned at 2017 hrs.

AMENDMENT MOVED Cr Walker SECONDED Cr Baker that the Motion be amended to read as follows:

“That Council:

- 1 ESTABLISHES a working party with all interested member groups from the Beaumaris Sports Association to develop a comprehensive maintenance agreement for the grounds at the Iluka Sports Complex;**
- 2 OBTAINS a report for Council endorsement from the Beaumaris Sports Association working party following the completion of negotiations;**
- 3 RESOLVES the matter of ground management and maintenance following the completion of negotiations with the Brothers Rugby Union Football Club and the Beaumaris Sports Association, to the satisfaction of all parties;**
- 4 NOMINATES Crs Hollywood and Baker to the Working Party in Point 1 above.”**

Discussion ensued.

The Amendment was Put and

CARRIED (13/0)

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

The Motion as Amended, being:

That Council:

- 1 ESTABLISHES a working party with all interested member groups from the Beaumaris Sports Association to develop a comprehensive maintenance agreement for the grounds at the Iluka Sports Complex;**
- 2 OBTAINS a report for Council endorsement from the Beaumaris Sports Association working party following the completion of negotiations;**
- 3 RESOLVES the matter of ground management and maintenance following the completion of negotiations with the Brothers Rugby Union Football Club and the Beaumaris Sports Association, to the satisfaction of all parties;**
- 4 NOMINATES Crs Hollywood and Baker to the Working Party in Point 1 above.**

Was Put and

CARRIED (13/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf270802.pdf](#)

CJ223 - 09/02 OPERATION OF THE AQUATIC AREA AT CRAIGIE LEISURE CENTRE – [09050]

WARD - All

PURPOSE

To seek the Council's endorsement to maintain the operation of the aquatic area at the Craigie Leisure Centre until 17 April 2003, the end of school Term 1, 2003.

EXECUTIVE SUMMARY

The Council has made a number of decisions in recent months regarding the operation of the Craigie Leisure Centre. As a result of these decisions and the considerable amount of planning work which has been undertaken regarding the leisure centres, there is a need to seek Council's endorsement for the continued operation of the facilities until the end of Term 1, 2003.

BACKGROUND

At the Council meeting of Tuesday, 9 July 2002, Council resolved in part that it:

- 1 *AGREES to operate all three leisure centres (Craigie, Sorrento/Duncraig and Ocean Ridge) in house on a short-term basis for a maximum period of six months, effective from the date that RANS vacates the premises or at a mutually agreed date.*
- 2 *AGREES that the operation of the aquatic centre component of the Craigie Leisure Centre be restricted to a maximum period of three months. During this period of time, a detailed analysis be carried out of the future viability of this component of the facility, the configuration of the pool, filtration systems and associated facilities required to ensure that the facility meets existing and proposed Western Australian health requirements for public swimming centres.*

In accordance with the Council's resolution the following have been achieved.

- 1 Nearing a decision on the appointment of a Centre Manager for a short-term contract.
- 2 ABV Leisure Consultants have been appointed to undertake a needs assessment for the Craigie Leisure Centre.
- 3 Oz Jobs have been awarded the tender to supply staff to the City's Leisure Centres.
- 4 A working party of Council officers has been established to progress the refurbishment project.
- 5 Proposed changes have been made to the terms of reference of the Leisure Centres Strategic Working Group to ensure Councillor involvement in the redevelopment process.

- 6 Clifton Coney Stevens (Project & Development Managers) have been appointed to provide project management resources to the Craigie Leisure Centre Development.
- 7 A significant amount of work has been undertaken towards ensuring all statutory maintenance levels have been achieved.

Further guidance is now being sought from the Council as to its endorsement of the development plans so far.

DETAILS

The resolution from the Council meeting of 9 July 2002, presented a timeframe of 3 months for the Aquatic Centre to continue operating. With the planning and development work for a project of this nature being essential, it is believed that this planning phase needs to be extended.

A considerable amount of work has been undertaken in the period since the Council decision to resume the operation of the City's three Leisure Centres. It is anticipated that as the Needs Assessment project evolves on the Craigie Leisure Centre facilities there will be presentations to the Council Strategy Sessions.

If the findings of the needs assessment endorse the continued provision of aquatic facilities of the Craigie Leisure Centres, there is a considerable amount of time required to seek design services; undertake the design process; consult with the community; and seek construction services. Consequently, it is anticipated the planning development phase of this project will be completed in approximately March 2003.

The Centre staff are providing normal operations and programmes in a manner that is of the highest standard. However, the Centre is receiving a growing number of enquires from the public, schools and Education Department regarding the likely closure date of the wet side of the facility. In order that we may be able to accommodate the needs of the community who wish to access the aquatic facilities it is important that clear information on the likely operation and subsequent closure dates of the facility is provided. Further to this it is also important to those members of staff who work on the aquatic side of the facility to know what their future holds.

COMMENT

The Council has made a number of decisions regarding the operation and possible refurbishment of the leisure centre facilities. As the requirements of these decisions becomes more obvious, the officers believe it is important to report back to the Council to provide information and seek endorsement of the best way to proceed with this project.

In order to obtain the best result with regards to planning for the redevelopment of the aquatic facilities at the Craigie Leisure Centre, there is a period of time greater than 3 months required. By operating up until the end of Term 1, 2003 the City will be able to meet the heavy usage period which occurs in the summer vacation period and in Term 1 of the school year.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Hurst that Council ENDORSES the recommendation that the aquatic facility at the Craigie Leisure Centre continues to operate in its present manner and current infrastructure until 17 April 2003, the end of the school Term 1, 2003.

Discussion ensued.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, O'Brien, Rowlands, Walker. **Against the Motion:** Cr Patterson.

Cr Hollywood declared a financial interest in Item CJ224-09/02 – (Omnibus) Amendment No. 14 to District Town Planning Scheme No. 2 as he resides in Third Avenue, Burns Beach.

Cr Hollywood left the Chamber at this point, the time being 2028 hrs.

CJ224 - 09/02 (OMNIBUS) AMENDMENT NO 14 TO DISTRICT TOWN PLANNING SCHEME NO 2 – [56527]

WARD - All

PURPOSE

Council is requested to initiate an omnibus amendment to District Planning Scheme No 2 (DPS 2) for the purposes of advertising. The amendment will ensure that the subject lots are given their intended zoning in order that they can be developed or protected under DPS 2.

EXECUTIVE SUMMARY

The Amendment proposes the following changes:

- 1 To rezone Part Reserve 37188 (622m²) No 170 Joondalup Drive, Edgewater from Residential R20 to Local Reserve - Parks and Recreation (Attachment 1);
- 2 To rezone Lot 70 (13) Alfretton Way, Duncraig from Local Reserve - Parks and Recreation to Civic and Cultural zone (Attachment 2);
- 3 To rezone Lot 120 (57) Blackthorn Road, Greenwood from Local Reserve – Parks and Recreation to Residential R20 (Attachment 3);
- 4 To rezone Location 11539 (18) Third Avenue, Burns, Reserve 42216 from Residential R20 to Local Reserve – Parks and Recreation (Attachment 4).

DETAILS

Crown Reserve 37188 has been zoned as a Local Reserve – Parks and Recreation since 1987 when it was vested in the then Shire of Wanneroo. Following the split of the City of Wanneroo a new Management Order was formed in May 2000 under the City of Joondalup. The subject land was zoned Residential with an R20 density coding under DPS2. The amendment seeks to amend the zoning to show the area as Local Reserve – Parks and Recreation in accordance with its status as a reserve.

Lot 70 Alfreton Way, Duncraig is a portion of freehold land owned by the City of Joondalup and acquired in 1981 to be used for Civic and Cultural purposes. The land is currently shown as Local Reserve – Parks and Recreation on the Scheme maps and therefore is required to be amended to enable it to be developed in accordance with the Civic and Cultural zone.

Lot 120 Blackthorn Road, Greenwood is a privately owned lot currently developed for residential purposes. The subject lot was zoned Residential Development with an R20 density coding under the City's Town Planning Scheme No 1, during the formulation of DPS 2 it was zoned Local Reserve – Parks and Recreation. The site is currently developed for residential purposes and is privately owned land, therefore the zoning should be amended accordingly.

Location 11539 (18) Third Avenue, Burns is currently shown on the Scheme maps to be zoned Residential with an R20 density coding. The land is known as Reserve 42216, a Local Reserve – Parks and Recreation. The Crown Reserve was vested in the City of Wanneroo in 1992 and following the split of the City of Wanneroo a new Management Order was formed in 2000 under the City of Joondalup. The Amendment proposes to adjust the Scheme maps to show the area as a Local Reserve – Parks and Recreation in accordance with its status.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. Section 7A1 of TPD Act 1928, requires the proposed amendment to be forwarded to the Environmental Protection Authority (EPA), to enable the EPA to conduct an assessment for environmental issues should this be considered necessary. Once comment has been received from the EPA and, provided an environmental assessment and review is not requested, the proposed amendment is required to be advertised for public comment pursuant to section 7A2 of the TPD Act 1928 and section 25 (fb) of Town Planning Scheme Regulations 1967 for 42 days (refer Attachment 5).

Once advertising is completed, any submissions received are assessed and a final report presented to Council. A recommendation is then made to the Department for Planning and Infrastructure for final determination.

Consultation:

Consultation will be undertaken for a period of 42 days following the adoption of the Amendment by Council for advertising purposes.

COMMENT

Amendment 14 to DPS2 will ensure that the subject lots are given their intended zoning in order that they can be developed or protected under DPS2.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928 AMENDS the City of Joondalup’s District Planning Scheme No 2 for the purpose of rezoning the following portions of land:**
 - (a) Part Reserve 37188 (622m²) No 170 Joondalup Drive, Edgewater from Residential R20 to Local Reserve - Parks and Recreation;**
 - (b) Lot 70 (13) Alfreton Way, Duncraig from Local Reserve - Parks and Recreation to Civic and Cultural zone;**
 - (c) Lot 120 (57) Blackthorn Road, Greenwood from Local Reserve – Parks and Recreation to Residential R20.**
 - (d) Location 11539 (18) Third Avenue, Burns, Reserve 42216 from Residential R20 to Local Reserve – Parks and Recreation.**
- 2 ADOPTS the Amendment No 14 as suitable for the purpose of advertising for a period of 42 days.**

Discussion ensued.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hurst, Kenworthy, Kimber, Mackintosh, O’Brien, Patterson, Rowlands, Walker.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf270802.pdf](#)

Cr Hollywood entered the Chamber at this point, the time being 2030 hrs.

C112-09/02

MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Kimber SECONDED Cr Hurst that in accordance with clause 5.6 of the City’s Standing Orders Local Law the meeting be held behind closed doors to enable consideration to be given to CJ225-09/02 – EBA – Outside Workers, being a matter which affects employees of the City of Joondalup, the time being 2032 hrs.

The Motion was Put and

CARRIED (13/0)

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

Members of the public and press left the Chamber at this point, the time being 2032 hrs.

CJ225 - 09/02 EBA - OUTSIDE WORKERS – [19091]**WARD - All**

PURPOSE

This report requests Council to approve the process to register a renegotiated Enterprise Bargaining Agreement (EBA) for outside workers and provides an explanation to the key clauses in the Agreement as they affect the outside staff.

EXECUTIVE SUMMARY

The City of Joondalup has been negotiating with outside staff representatives on a new EBA since May 2002. The results of these negotiations are in the attached draft Agreement. (Attachment 1 to this Report)

The Agreement offers a new people management strategy and proposes to reward staff for their outcomes. The underlying principles of the Agreement include:

- Establishing a rewarding work environment;
- promoting responsibility and commitment;
- clarifying roles and operational focus;
- clarifying direction; and
- promoting training and development.

It is recommended that Council ENDORSES the Enterprise Bargaining Agreement containing:

- 1 *A salary increase of 4% or \$25 per week, whichever is the greater, for employees covered by this Agreement, to take effect from the first pay period on or after 1 July 2002.*
- 2 *A salary increase of 2.5% or \$20 per week, whichever is the greater, for employees covered by this Agreement, to take effect on or after the first pay period on 1 July 2003. An increase of 1.5% subject to completion of training and adopting the principles of a new performance management system payable on or after the first pay period on 1st September 2003.*
- 3 *A salary increase of 2.5% or \$20 per week, whichever is the greater, for each employee covered by this Agreement, to take effect on or after the first pay period on 1 July 2004. An increase of 2.5% subject to team performance, payable on or after the first pay period on 1 September 2004.*
- 4 *Authorises the lodgement of an application in the Industrial Relations Commission to certify the Agreement.*

BACKGROUND

The Agreement delivers a series of objectives designed to achieve ongoing development and enhancement of the City's outside workforce and to ensure that the City is well placed as a leading Local Government.

The City cannot achieve these aims without the dedication and professionalism of its staff, and this fact is recognised in the Agreement Objectives. For example:

- developing strategies that enhance the employer's position as a leading Local Government;
- ensuring the development and continuation of efficient work practices;
- rewarding employees for their contribution towards increased productivity via the introduction of a team-based performance management system during the life of this Agreement;
- promoting a harmonious work environment through ongoing co-operation and consultation.

Through the EBA process the negotiating committee has been able to reach agreement on a set of principles to include a Rewards and Recognition Scheme, similar to the one recently agreed to with inside staff (covered by the Local Government Officer's Award. The aim of the Scheme is:

- To motivate employees
- To encourage valuable staff to remain within the City of Joondalup
- Reduce turnover levels
- To reward staff in a fair and equitable manner based upon merit

A formal salary offer, subject to Council endorsement, has also been put to the staff representatives in similar terms as that provided to inside staff.

Salary outcomes for the next three years are in accordance with market expectations, comparable Councils and national EBA outcomes. However as some of the increases are tied to performance outcomes, the City's proposed EBA is unique.

Strategic Plan:

In terms of the Strategic Plan one of our objectives is to:

Be a cohesive, customer-focused and achievement-oriented organisation.

The performance measures associated with this include:

- Being an Employer of Choice.
- The attractiveness of the organisation as a place to work.
- Awards and recognition.

The provisions within this EBA give the City the industrial instrument to move in that direction and provide a key nexus with the recent outcomes achieved for inside staff.

DETAILS

A negotiating committee, consisting of management and staff representatives, has been negotiating a draft EBA that incorporates principles and specific provisions of commonality across the organisation. This Agreement, which will apply to the outside workforce, introduces a framework to adopt a new approach to people management, reward staff for outcomes and enhance significant cultural changes.

Essentially the primary outcomes of the Agreement will be improved productivity, greater flexibility, excellent customer service and improved conditions of employment.

The negotiation process is now complete, with the negotiating committee in agreement with the terms and conditions.

The main objectives of this EBA are to focus on people management and customer service. This is embodied in the Employer of Choice concept that embraces change by adopting the following objectives:

- Establishment of a rewarding work environment in which employees are committed to achieving the City of Joondalup's goals;
- promotion of responsibility and commitment by ensuring that employees have a clear understanding of the strategic and business directions of the City of Joondalup;
- clarity of understanding amongst staff of their roles and operational focus;
- clear direction with regard to expectations of individual and collective staff performance; and
- promotion of training and development in which the City of Joondalup provides opportunities for employees to engage in continuous learning.

The Employer of Choice concept represents a best practice strategy, which directly links employee and organisational performance with all aspects of employment. This concept identifies a number of key people management issues, such as Performance Management, Training and Development and Leadership and Management. The proposed strategies of this concept aim to meet the organisational objective of 'recruiting, developing and retaining a high performing workforce'.

Essentially the Agreement adopts the provision of the simplified Award that identifies minimum conditions. However to provide the framework necessary to attract and retain the staff, the following provisions would apply:

- The Agreement is for a period of three years which gives the staff and the City the necessary timeframe to develop and implement a performance management system and give some certainty to the City's salary increases;
- guaranteed salary increase and an increase tied to performance outcomes;
- Six weeks paid Maternity Leave and 2 weeks unpaid Paternity Leave
- Purchase of Annual Leave;
- Formation of a Consultative Group;
- A clause providing salary packaging;

- Streamlining conditions that are set out in the simplified award;
- Dispute settling procedures providing due process and procedural fairness.

Over the past 18 months, the City of Joondalup has undertaken a number of important initiatives in relation to the way in which it manages its workforce. These include the Reward and Recognition Scheme (R&R Scheme) and the Enterprise Agreement for inside staff. While they each address specific issues, they collectively and overwhelmingly identify that for the City of Joondalup to realise the benefits identified, there needs to be a different and more professional approach to people management. The main changes to the Agreement are explained in the provisions.

EBA PROVISIONS

Operation

The Agreement will operate from the date of certification for 3 years.

Comprehensive Agreement

The first significant difference between this Agreement and its predecessor is that the proposed Agreement is closed and comprehensive. This means that it supersedes all other industrial instruments for its life. Where existing Award clauses have been incorporated into the proposed Agreement, their language has been "modernised".

Application

The proposed Agreement will cover all outside staff, other than 3 staff employed under the State Building Trades' Award.

Job Security

Where possible any reductions in staffing as a result of necessary restructuring will be achieved through natural attrition and voluntary separations. However, while seeking to avoid targeted redundancies wherever possible, the City has reserved the right to use these as a last resort where all alternatives have been exhausted.

Remuneration

Staff will receive pay increases in the order of 9% guaranteed and 4% allocated to performance related pay.

Performance Management

There are two main areas in this part of the proposed Agreement. The first deals with principles of the system and education and the second part deals with the process to develop and implement the system.

Flexible Working Arrangement

There has been a change in the spread of hours to reflect a more flexible workforce that takes into consideration the seasons. It is now possible to start earlier in the summer months and not be required to pay overtime rates: i.e. the spread of hours has been changed.

Sick Leave

There is a major focus on the management of short-term, unscheduled absence and the EBA seeks to tighten a number of provisions in relation to providing medical evidence for Sick Leave and to ensure compliance with these provisions.

Annual Leave

The Agreement sets out some principles in relation to the purchase of additional unpaid Annual Leave.

Grievance Procedures

Simple grievance procedures have been maintained.

Parental Leave

Paid Maternity Leave has been provided in the same terms as for inside staff.

Policy Implications:

The new EBA will provide an opportunity for the City to expand strategic policies to develop and implement Employer of Choice policies and practices.

Financial Implications:

In determining whether the amount of salary increase is justified it is critical to note what the City is getting in return for offering the salary increases. As discussed earlier, this EBA, with its Rewards and Recognition principles, represents cutting edge practice. No other Local Government Authority has attempted to introduce change and enhance cultural improvements in this manner.

The offer of 4% + 4% +5%pa is marginally higher than market expectations. However in return for this there is an expectation and a commitment by staff to implement change, be innovative and accept the performance management system. It would be a cost to the City \$829,994 over three years. It is possible that some staff may be rewarded at a higher rate than other staff. The emphasis is on motivating staff to reach their agreed performance outcomes.

Emphasis is also placed on lower income earners and that is the reason why there is an offer of a fixed amount to staff.

The table below provides information on the effect the increases will have each year for the next three years. For the first 12 months, the salary estimates are in accordance with the budget figures already approved for the year 2002/2003. In other words, no additional funding is required for the first 12 months. However funding would need to be set aside for the second and subsequent years as tabled.

Table 1-City Offer

Year 1 - 1 July 2002 – 30 June 2003	
4% guaranteed or \$25/week	
<i>From 1 July 2002 - 4% or \$25/week</i>	
<i>Financial Year 1 2002/2003</i>	\$239,376
Year 2 - 1 July 2003 – 30 June 2003	
2.5% guaranteed or \$20/week + 1.5% R&R	
<i>From 1 July 2003 - 2.5% or \$20/week</i>	
<i>From 1 September 2003 - 1.5%</i>	
<i>Financial Year 2 2003/2004</i>	\$267,057
Year 3 - 1 July 2004 – 30 June 2004	
2.5% guaranteed or \$20/week + 2.5% R&R	
<i>From 1 July 2004 - 2.5% or \$20/week</i>	
<i>From 1 September 2004 - 2.5</i>	
<i>Financial Year 3 2003/2004</i>	\$323,559
Total	\$829,999

COMMENT

Many organisations have formal statements about the importance of managing their workforce. However, only a handful of cutting edge organisations put the rhetoric into practice. When organisations see their employees as strategic assets rather than costs, they adopt people management practices that encourage high quality performance built on strong employee commitment. This requires investment in the development of management systems and skills that will enable the organisation to manage its people with the same rigour as any other resource.

Now that the City of Joondalup management has consulted widely and gained Council endorsement to “*Design and implement a rewards and recognition scheme, which motivates staff to achieve high levels of performance, and provides a platform to set the scene for the City to become the ‘employer of choice’*”, the onus is on management to actually ‘make it happen’. This principle also applies to the outside staff.

The EBA can deliver positive outcomes for management and the organisation. It can be used as a vehicle to demonstrate to employees and other stakeholders, that the City is striving to ensure that good people management is good business sense and is prepared to make an investment in staff and evaluate performance.

Reviewing key activities such as training and ensuring that the principles of equity, fairness and excellence are applied in all aspects of employment, will encourage employee commitment to major change.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Kimber SECONDED Cr Kenworthy that Council:**1 ENDORSES the Enterprise Bargaining Agreement containing:**

- (a) A salary increase of 4% or \$25 per week, whichever is the greater, for employees covered by this Agreement, to take effect from the first pay period on or after 1st July 2002;**
- (b) A salary increase of 2.5% or \$20 per week, whichever is the greater, for employees covered by this Agreement, to take effect on or after the first pay period on 1st July 2003. An increase of 1.5% subject to completion of training and adopting the principles of a new performance management system payable on or after the first pay period on 1st September 2003;**
- (c) A salary increase of 2.5% or \$20 per week, whichever is the greater, for each employee covered by this Agreement, to take effect on or after the first pay period on 1st July 2004. An increase of 2.5% subject to team performance, payable on or after the first pay period on 1st September 2004;**

2 AUTHORISES the lodgement of an application in the Industrial Relations Commission to certify the Agreement.

Discussion ensued.

During discussion, Cr Baker left the Chamber at 2032 hrs and returned at 2036 hrs.

The Motion was Put and

CARRIED (11/2)

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

Appendix 14 refers.

To access this attachment on electronic document, click here: [Attach14min030902.pdf](#)

C113-09/02 MOTION TO GO TO OPEN DOORS

MOVED Cr O'Brien, SECONDED Cr Baker that the meeting be now held with open doors, the time being 2057 hrs.

The Motion was Put and

CARRIED (13/0)

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

Crs Kenworthy and Carlos left the Chamber at this point, the time being 2057 hrs.

Members of the public and press entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motion in relation to Confidential Report CJ225-09/02 – EBA – Outside Workers.

Crs Kenworthy and Carlos entered the Chamber at this point, the time being 2059 hrs.

C114-09/02 SUSPENSION OF STANDING ORDERS LOCAL LAW – CLAUSE 4.4

MOVED Cr Baker, SECONDED Cr Kimber that, in accordance with Clause 8.1 of the City's Standing Orders, and in order to avoid an abuse of Council's processes under Standing Orders, so much of Clause 4.4 be suspended to the next ordinary meeting of Council to be held on 24 September 2002 insofar as it relates to a fresh motion to rescind CJ204-08/02.

The Chief Executive Officer advised that he had received a Notice of Motion to rescind CJ204-08/02 which was noted as being received by the Manager Marketing Communications and Council Support at 2100 hrs today. This Notice of Motion has been signed by five Councillors, being Crs Carlos, Hollywood, Walker, Barnett and O'Brien. The Chief Executive Officer stated that at this stage he has not examined the Notice of Motion, however the document indicates that *"the motion is to be dealt with after or in conjunction with the Council receiving a report in response to the Special Meeting of Electors regarding Mullaloo Tavern Development Application as detailed in the petition section of the agenda for the meeting of Council on Tuesday 3 September 2002"*.

The Chief Executive Officer stated that urgent legal advice is currently being sought on the legality of any rescission motion lodged with only five signatories, as previous legal advice states that an absolute majority of eight signatories may be required where a previous attempt to rescind had failed in the previous three months.

Discussion ensued.

During discussion, Cr Patterson left the Chamber at 2115 hrs and returned at 2117 hrs.

The Motion was Put and

CARRIED (7/6)

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

C115-09/02 REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122 02154]

MOVED Cr Hollywood, SECONDED Cr Walker that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a second public question time be permitted 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 (11/2)

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

REPORT OF THE CHIEF EXECUTIVE OFFICER

Nil

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION - CR DON CARLOS - [02154, 08122, 01369, 02089]**

This Item was considered earlier in the meeting, following Petitions.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 24 SEPTEMBER 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

SECOND PUBLIC QUESTION TIME**Mr S Magyar, Heathridge:**

Q1 Re: Debate regarding suspension of Standing Orders – Will Councillors be notified when the legal opinion is received and will they be given a copy of the questions and answers supplied by the lawyers?

A1 This question will be taken on notice.

Q2 Why is there a restriction of two questions per person for Second Public Question Time when there are not many members of the public who want to speak?

A2 This comment is noted.

Mrs M Macdonald, Mullaloo:

Q1 At the last Council meeting Cr Baker declared an interest in CJ204-08/02. Doesn't that interest carry through to this motion?

A1 Cr Baker replied that he no longer has a financial interest in CJ204-08/02.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2142 hrs; the following elected members being present at that time:

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