



MINUTES OF COUNCIL MEETING
HELD ON 15 OCTOBER 2002

TABLE OF CONTENTS

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	PUBLIC QUESTION TIME	2
	APOLOGIES AND LEAVE OF ABSENCE	14
C133-10/02	REQUEST FOR LEAVE OF ABSENCE - CR D CARLOS	14
	DECLARATIONS OF FINANCIAL INTEREST/INTEREST AFFECTING IMPARTIALITY	15
	CONFIRMATION OF MINUTES	16
C134-10/02	MINUTES OF COUNCIL MEETING, 24 SEPTEMBER 2002	
	ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	16
C135-10/02	PETITIONS	17
	PERSONAL EXPLANATION – CR A NIXON	19
	REPORTS	
CJ242 - 10/02	CITY OF JOONDALUP MAY 2003 ORDINARY ELECTIONS – [17518] [29068]	20
CJ243 – 10/02	CHANGES TO COUNCIL MEETING DATES FROM 5 NOVEMBER 2002 TO 12 NOVEMBER 2002 – [02154] [50521]	24
CJ244 - 10/02	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]	26
C136-10/02	APPOINTMENT OF ACTING CHAIRMAN	27

CJ245 - 10/02	2002 ECOTOURISM ASSOCIATION OF AUSTRALIA INTERNATIONAL CONFERENCE - MAYOR JOHN BOMBAK - [00427].....	28
C137-10/02	AMENDMENT TO ORDER OF BUSINESS	29
CJ250 - 10/02	JOONDALUP BUSINESS INCUBATOR PROJECT - [51024] [03082]30/51	
CJ246 - 10/02	2001/2002 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS - [55264].....	36
CJ247 - 10/02	DELEGATED AUTHORITY - ACCEPTANCE OF TENDERS – [07032]	38
CJ248 - 10/02	DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP – [52469]	42
CJ249 - 10/02	TELEPHONE SERVICE PROVIDER - FIXED AND MOBILE – [16838] [19026] [00033]	48
CJ250 - 10/02	JOONDALUP BUSINESS INCUBATOR PROJECT [51024, 03082] 30/51	
CJ251 - 10/02	TENDER NUMBER 003-02/03 - PROVISION OF CLEANING SERVICES TO VARIOUS COUNCIL BUILDINGS – [88526]	51
CJ252 - 10/02	2003/04 STATE BLACK SPOT PROGRAM - PROJECT SUBMISSIONS – [08151].....	55
CJ253 - 10/02	METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO 1060/33A - APPROVAL REQUIREMENTS UNDER THE METROPOLITAN REGION SCHEME FOR DEVELOPMENT BY A PUBLIC AUTHORITY – [77529]	57
CJ254 - 10/02	EXTENSION OF UNIFORM FENCING - BUTE COURT, KINROSS – [48314].....	60
CJ255 - 10/02	CONSIDERATION OF EXCISION AND RE-VESTING OF LILBURNE RESERVE (RESERVE 35545), LOCATION 9853, (214) LILBURNE ROAD, DUNCRAIG – [05963] [57264].....	65
CJ256 - 10/02	COMMUNITY SPORT AND RECREATION FACILITY FUND 2002/03 FUNDING ROUND - SUBMISSION PRIORITISATION – [22209].....	72
CJ257 - 10/02	MINUTES AND RECOMMENDED CHANGES TO THE TERMS OF REFERENCE FOR THE SENIORS INTERESTS ADVISORY COMMITTEE (FORMERLY THE STRATEGIC ADVISORY COMMITTEE – SENIORS INTERESTS) – [55511].....	88
C138-10/02	MOTION TO GO BEHIND CLOSED DOORS	91
CJ258 - 10/02	PROPOSAL FOR ACQUISITION OF PORTION OF COMMUNITY PURPOSE SITE, TRAPPERS DRIVE, WOODVALE - [55070]	92
CJ259 - 10/02	ENTERPRISE AGREEMENT – CARPENTERS – [19091].....	93
C139-10/02	MOTION TO GO TO OPEN DOORS	99
CJ260 – 10/02	ALLEGED BREACH OF CODE OF CONDUCT – [02089] [50521] [09358].....	99
	REPORT OF THE CHIEF EXECUTIVE OFFICER	103
C140-10/02	LORD MAYOR’S DISTRESS RELIEF FUND – WA BALI CASUALTIES APPEAL	103

	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .105	
C141-10/02	NOTICE OF MOTION NO 1 – CR C MACKINTOSH	105
C142-10/02	NOTICE OF MOTION NO 2 – CR C MACKINTOSH	107
C143-10/02	NOTICE OF MOTION NO 3 – CR CHRIS BAKER	108
C144-10/02	NOTICE OF MOTION NO 4 – CR M O’BRIEN	109
C145-10/02	NOTICE OF MOTION NO 5 – CR M O’BRIEN	111
C146-10/02	SECOND PUBLIC QUESTION TIME	114
	DATE OF NEXT MEETING	115
	CLOSURE	115

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 15 OCTOBER 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP *Absent from 1937 to 1958 hrs*

Elected Members:

Cr P KIMBER	Lakeside Ward	<i>Absent from 2051 to 2058 hrs</i>
Cr D CARLOS	Marina Ward	<i>To 2227 hrs; Absent from 2035 to 2036 hrs; and from 2152 to 2159 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2144 to 2154 hrs; and from 2217 to 2218 hrs</i>
Cr A NIXON	North Coastal Ward	<i>From 1902 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2227 to 2246 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 1958 to 1959 hrs; from 2035 to 2036 hrs and from 2230 to 2246 hrs.</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>To 2144 hrs</i>
Cr T BARNETT	South Ward	<i>Absent from 2052 to 2055 hrs</i>
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2227 to 2246 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>To 2219 hrs; absent from 2037 to 2039 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>To 2300 hrs; absent from 2039 to 2041 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2041 to 2045 hrs; and from 2202 to 2218 hrs.</i>

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 Audit and Executive Services:	K ROBINSON

Manager, Strategic & Corporate Planning:	R HARDY
Manager Human Resources Services:	M LOADER
Manager Community Development:	G HALL
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 32 members of the Public and 1 member of the Press in attendance.

In Attendance

Mr Nick Manifis Walman Software

Invited Guest - Pastor Hardy Churlew – Community Church, Joondalup Business Park

The Mayor welcomed Pastor Hardy Churlew of the Northside Community Church, Joondalup Business Park as this evening's invited guest.

Pastor Churlew thanked Council for the opportunity of attending this evening. Pastor Churlew informed the Council of the work undertaken in the establishment of his church which had its official opening on 24 August 2002. Pastor Churlew outlined the work of his church which he hoped would enhance community life and needs.

Pastor Churlew opened the meeting with a prayer.

Cr Nixon entered the Chamber at this point, the time being 1902 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Ms Helen Kraus, Mullaloo was taken on notice at the Special Meeting of Electors held on 20 September 2002:

Q1 Why was the motion which was previously raised and passed at the last Special Meeting of Electors held at Mullaloo on 18 March 2002, to the effect that Lot 1 Oceanside Promenade, Mullaloo be included into Tom Simpson Park proper, not raised as a motion to Council?

A1 Council has considered the motions from the Special Meeting of Electors but has not resolved to take any action in relation to Lot 1 Oceanside Promenade. If Council wishes to take any action it has the authority to do so.

The following questions, submitted by Ms M Moon, Greenwood were taken on notice at the Council Meeting held on 24 September 2002:

Re: Scheme Report Part 4 Page 53: To facilitate implementation of Scheme 2 it is proposed that detailed planning will occur by means of a series of Agreed Structure Plans. Part 11 Page 55: The scheme text provides a legal mechanism for implementing the proposals set out in the Scheme Report.

Q1(a) Are there any Agreed District Structure Plans for the City of Joondalup?

A1(a) There are a number of Agreed Structure Plans but these are not classified as either 'District', 'Local' or 'Centre':

Joondalup Structure Plan – No 1- (includes Campus District – University Village);
Kinross Structure Plan – No 2;
Currambine Structure Plan – No 14;
Hillarys Structure Plan – No 20;
Heathridge Structure Plan – No 22;
Warwick Structure Plan – No 24;
Ocean Reef Structure Plan – No 25; and
Iluka Structure Plan – No 26.

Q1(b) If yes, for what Districts and what number Structure Plan?

A1(b) Refer to Question 1(a) above.

Q1(c) Are there any Agreed Local Structure Plans for the City of Joondalup?

A1(c) Refer to Question 1(a) above.

Q1(d) If yes, for what local areas and what number Structure Plan?

A1(d) Refer to Question 1(a) above.

Q1(e) Are there any Agreed Centre Structure Plans for the City of Joondalup?

A1(e) Refer to Question 1(a) above.

Q1(f) If yes, for which Centres and what number Structure Plans?

A1(f) Refer to Question 1(a) above.

Q2(a) Does the term Precinct come under District, Local or Centre or all of the above?

A2(a) This question requires to be clarified.

Q2(b) When a Precinct Plan comes to Master Plan stage, is that equivalent to a Structure Plan or/and an Agreed Structure Plan?

A2(b) An agreed structure plan is one that has been adopted under Part 9 of the City of Joondalup District Planning Scheme No 2.

Q2(c) Once a Precinct Plan/Master Plan is adopted by Council and/or WAPC is it adopted as a Structure Plan which supplements the Scheme Text and Maps?

A2(c) The structure plan process stands alone. If a Plan is adopted by Council, the Council has the option to consider incorporating it into the District Planning Scheme as an agreed structure plan or as a policy, both of which would be subject to the procedures set out in the District Planning Scheme. Alternatively, any plan could simply be adopted by resolution, without being connected to the District Planning Scheme.

The following questions, submitted by Ms M Moon, Greenwood were taken on notice at the Council Meeting held on 24 September 2002:

Q1 On four counts in the report to Council on the redevelopment of the Mullaloo site, the development standards have been waived. Rejecting the development standards as having no binding force or authority. Do Councillors have the power of discretion to reject development standards of District Planning Scheme No 2?

A1 Yes.

Q2 Who advised the developers that development standards had no binding force or authority and could be waived by Council?

A2 It is not correct to say that the standards have no force or authority. The District Planning Scheme text is a public document and contains clauses to reflect that discretion can be used subject to Council being satisfied that it is appropriate. The plans, when lodged, incorporated requests for the areas of discretion that the Council ultimately considered, although the extent of discretion sought was reduced by modification of the plans during the evaluation process.

The following questions, submitted by Mr M Caiacob, Mullaloo was taken on notice at the Council Meeting held on 24 September 2002:

Q1 The report into the Mullaloo Tavern redevelopment carparking demand and provision table indicates that the apartments are a residential building and the report's Executive Summary advises that the proposal has been assessed against the provisions of DPS2. If this is so, why is there a shortfall of parking in the report demand table for the residential building component? The residential building requirement comes to 17.5 car bays under DPS2, not 10 as noted in the carparking demand table in the report?

A1 The parking demand table in the report states how the demand for the dwellings and short stay apartments was calculated, ie:

“The provision of car parking for the multiple dwellings and short stay accommodation has been based on the standard for mixed use developments within the City Centre.”

This is one bay per dwelling, giving a demand of ten bays for the short stay accommodation.

Q2 Clause 4.5 in the applicant's written submissions states under heading 'setbacks' and I quote "in accordance with the recommendations of the Mullaloo Beach Local Area Plan Centres Policy and advice from Council officers". Who was the officer dealing and what advice was given for the developer to waive the setback requirements on front boundary?

A2 The designer has spoken to most of the planning approval officers. When the proposal first came to notice, the plans incorporated a nil setback to Oceanside Promenade and this was done at the initiation of the owners or the architects. Prior to lodgement, the proponent also liaised with officers of the (then) Urban Design and Policy Business Unit.

The following question, submitted by Ms Branson, Mullaloo was taken on notice at the Council Meeting held on 24 September 2002:

Q1 Can you please tell me who will be paying for the cost of this legal writ from the developers of the Mullaloo Tavern, will it be Crs Carlos, Hollywood, Walker, O'Brien and Barnett? If it is down to the ratepayers, will we actually get to know the final total of what these five Councillors have actually cost the ratepayers?

A1 At this stage the costs of the Writ will be met by the City. The Council has requested a report detailing the costs relating to the rescission motion for the Mullaloo Tavern.

The following question, submitted by Mr S Baker, Ocean Reef was taken on notice at the Council Meeting held on 24 September 2002:

Q1 Is there any advancement on the redevelopment of Ocean Reef Marina?

A1 The City is in the process of undertaking preliminary investigation and gathering the necessary information prior to proceeding with any development of the Ocean Reef Marina. A Community survey has been undertaken the results of which are currently being analysed.

The following questions, submitted by Mrs M Macdonald, Mullaloo were taken on notice at the Council Meeting held on 24 September 2002:

Q1 Can Administration give me a list of buildings in the City where the same amount of discretion has been used as that exercised in the decision to approve the Mullaloo Tavern, during the last three years?

A1 No, however the following are examples of development that have had greater discretions than that proposed under the Mullaloo Tavern development:

- Moon and Sixpence Tavern, Woodvale – car parking bays provided was 97 in lieu of 182 bays (46.7% deficit)
- Greenwood Hotel, Greenwood – car parking provided was 114 bays in lieu of 213 (46.6% deficit).

Q2 The amendment to Policy 3.2.6 Subdivision and Development adjoining areas of Public Open Space introduces private roads as an interface between open space and development. The current policy states that open spaces are fronted on all boundaries by streets. If private roads can be substituted for streets, isn't it possible for access to open spaces to be reduced?

A2 The intention is that the roads abutting public open space would be generally accessible to the public. Applications for developments of private land abutting public open space will be assessed to ensure that accessibility is maximised.

Q3 Are all private roads in the City able to be accessed by the public?

A3 No.

The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the Council Meeting held on 24 September 2002:

Q1 I refer to a memo that Cr Baker sent out to Councillors. Has Council obtained legal advice on Cr Baker's motion particularly in regard to the indemnity that Councillors have under the Local Government Act and is Councillor Baker's motion contrary to the Local Government Act?

A1 The motion proposed by Cr Baker was not presented to the Council.

The following questions, submitted by Mr S Grech, Ocean Reef were taken on notice at the Council Meeting held on 24 September 2002:

Q1 I refer to Cr Carlos' rescission motion, the effect of which is to block the Council's approval of the redevelopment proposal for the Mullaloo Tavern. Is Council aware how many of the 1745 signatories in support of the Tavern Development were consulted by Cr Carlos prior to him moving his rescission motion blocking the approval for the important development?

A1 This question cannot be responded to by the City's administration as it relates to possible action taken by Cr Carlos.

Q2 I refer to the current impasse regarding the operation of Standing Order 4.4 and Cr Carlos' rescission motion to stop the redevelopment of the Mullaloo Tavern being approved. What steps is Council taking to stop this blatant abuse of its standing orders?

A2 A review of the City's Standing Orders Review will be undertaken.

The following questions were submitted by Mr Sam Grech, Ocean Reef:

Q1 Can it be established and validated that Cr Barnett can still retain eligibility to be a Councillor, as Cr Barnett has indicated that she is no longer a resident of the City of Joondalup?

A1 To be eligible for Council, individuals must meet certain criteria, one of which is to be an elector of the City. An elector of the City can be one of three groups of people:

- 1 residents who are on the Legislative Assembly roll for a property within the district or ward (the electorate);
- 2 non-resident owners or occupiers of rateable property within an electorate who are on a State or Federal roll for a residence outside the electorate;
- 3 Owners or occupiers of rateable property within an electorate who are not on a State or Federal roll (not Australian Citizens) but who:
 - were enrolled on the last completed owners' and occupiers' roll of the local government under the previous Local Government Act; and
 - have owned or occupied rateable property within the district continuously since that roll was prepared;

Cr Barnett made application to remain as an elector of the City of Joondalup in accordance with (2) above.

Q2 Should it be established that Cr Barnett is no longer eligible to hold the position of Councillor, when will you be requesting Cr Barnett's resignation?

A2 Not applicable.

The following questions were submitted by Ms S Hart, Greenwood:

Q1 It is my understanding that when the application from the developers of the Mullaloo Tavern was lodged in December 2000, a traffic study was required. Was it the responsibility of the owners/developers to undertake this study?

A1 Yes

Q2 What date was the traffic study done?

A2 The report was submitted to the Council on 19 February 2002.

Q3 Reference, answer to my question 2 asked at Ordinary Meeting 24 September 2002 to which the following response was given: "A2 It can take some time after the application is lodged for it to be completed. In addition to that, the application also went through a number of processes including advertising and analysis of submissions. Changes were made to the plans and all of those things happen after the application was lodged and as part of its development."

Please explain what "changes were made to the plans and all of those things happen after the application was lodged as part of its development."

A3 Council officers assessed the proposal, collated responses to the proposal, sought response and clarification from the applicants regarding issues that had arisen, and prepared a report regarding the application.

Q4 What things happened?

A4 See A3 above.

Q5 What changes, and the dates these changes happened?

A5 Amended plans were submitted on the following dates 17 May, 24 May, 5 June, 26 June, 3 July & 19 July

Q6 What does "part of its development" mean?

A6 The comment relates to the refinement/evolution of the application after it was lodged with the City.

Q7 Reference my question 3 Ordinary Meeting 24 September 2002, "Q3 Can you tell me how long an application is valid for?" to which the following answer was given: "A3 If an application is complete and reaches a stalemate with the local government and the local government does not determine the application within the 60 day period, the applicant has the right of deemed refusal and may exercise an appeal if that is the case."

As there was no stalemate between December 2001 and August 2002 with this application, why was the application not dealt with by Council within the 60 day time frame?

A7 The question has been previously answered.

Q8 It is my understanding that the Officers are fully informed on issues that are presented before Council. Is this correct?

A8 Officers endeavour to be fully informed on issues presented to Council.

Q9 Why were many questions from the gallery, and many questions that were submitted an appropriate time before the meeting on 24 September 2002 taken on notice when the issue was being dealt with and an extensive report given on that night?

A9 If an officer is unable to provide an answer to the question asked or if the officer has any doubt or uncertainty that they can provide all the facts to answer the questions asked, then it is preferable to take the question on notice.

Q10 What is the City's position for a time frame, once an application is submitted for development /redevelopment ?

A10 This varies depending on the complexity of the application.

Q11 Once an application is submitted does Council have an obligation to applicants, for a speedy process that brings the application before council, within a certain period of time?

A11 The timeframe must acknowledge the need for appropriate evaluation and consultation if necessary

Q12 Can a development application be submitted to the City and be dealt with whenever the City chooses?

A12 No.

Q13 Am I correct in saying the Mullaloo Development took 8 months to come before Council?

A13 The application was lodged on 20 December 2001 and was considered by the Council on Aug 13 2002

Q14 Are submissions re Sorrento Beach open to all West Australians, this being crown land?

A14 Submissions can be made by any member of the public.

The following questions were submitted by Mr S Magyar, Heathridge:

Q1 Regarding CJ242, May 2003 Council Elections. Are there any Council policies or any other laws that prevent the possible use of Council equipment or stationery by the Mayor or Councillors to prevent them gaining any unfair advantage in the coming elections, and if so, what are the policies?

A1 The following policies refer; however this question should be directed towards those elected members that have indicated they will stand for re-election in 2003.

- Policy 2.2.9 Elected Members' Advertising;
- Policy 2.2.11 Corporate Logo;
- Policy 2.2.13 Payment of Fees, Allowances and Expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors;
- Policy 2.3.2 Communications.

Q2 Regarding CJ245, Mayor's attendance at the Ecotourism International Conference. In the background section of the report reference is made to the Daintree wilderness area and also to the Ocean Reef boat harbour, which has significant bushland around it. If the Council was to fully develop its land at Ocean Reef, what would be the ratio of developed land to natural land areas at Ocean Reef, and how would that compare to the ratio of developed land to natural land areas of the Daintree rainforest?

A2 This information is not available.

Regarding CJ247, Delegated Authority, Acceptance of Tenders:

Q3 Has Council researched what the levels of delegated authority for acceptance of tenders are at other local governments such as, the Cities of Stirling, Perth, Wanneroo, Melville and Swan?

A3 Yes.

Q4 If so, will the Elected Members be informed of the standards of the other major local authorities in Western Australia regarding delegated authority for acceptance of tenders?

A4 Yes.

Q5 Will increasing the value of a tender that can be accepted by the CEO increase or decrease the accountability of the local government to its community?

A5 It will neither decrease nor increase accountability.

Q6 Will increasing the value of a tender that can be accepted by the CEO increase or decrease the community participation in the decisions and affairs of the local government?

A6 It will not decrease nor increase community participation. The City's Procedure Manual, the Local Government Act 1995 and the Australian Standards do not provide for community participation in the tendering process.

Q7 Will increasing the value of a tender that can be accepted by the CEO result in better decision-making by the local government, particularly the decision-making of the Council itself?

A7 This policy will assist in the efficiency of local government both through internal processes and in providing better relationships with its suppliers and contractors. In particular this will provide:

- more lead time for decision making
- more time for urgent tenders, meeting deadlines can be restrictive
- more effective and efficient response to tenderers
- faster turnaround in appointing contractors and providing feedback to the business sector
- more scope for advertising, evaluating and awarding tenders less restrictive timing
- council officers the opportunity to focus on Value for Money, probity and performance of contracts rather than administrative process.

Regarding CJ258, Proposal for acquisition of portion of community purpose site, Trappers Drive Woodvale:

Q8 Has this or any similar proposals for this land been previously considered by Council, if so what were Council's previous decisions regarding these proposals?

Q9 In the event of Council resolving to dispose of the land, will Council be required to conform with section 3.58 of the Local Government Act 1995?

A8&9 Report CJ258-10/02 covers these issues.

Regarding Notice of Motion No1 Cr C Mackintosh:

Q10 Were Councillors Walker and Hollywood present at the end of the Council meeting of 24 September 2002?

A10 Yes.

Q11 Were Councillors Patterson and Kenworthy present at the end of the Council meeting of 24 September 2002?

A11 No.

Q12 If Councillors Patterson and Kenworthy were not present at the end of the Meeting of 24 September 2002, then could Councillor Mackintosh's motion be amended to include Councillors Patterson and Kenworthy for conduct prejudicing the ability of Council to maintain a quorum?

A12 Subject to Clause 4.3 of Standing Orders Local Law, any Notice of Motion may be amended.

Desk of CEO

Q13 Has the City of Joondalup recently received any correspondence from the West Australian Local Government Association regarding proposed amendments to the 1995 Local Government Act?

A13 Yes.

Q14 If so will Council be formally considering its response to the changes and developing a reply that is decided through the due democratic process of a resolution of Council?

A14 This option is available to Council.

Q15 Does the "Desk of the CEO" contain a weekly publication called "Points of Order"?

A15 Yes.

Q16 If so how long has the "Desk of the CEO" been used to reproduce and distribute this political publication?

A16 Approximately three months. It should be noted that the City distributes information brochures received from various political parties.

The following questions were submitted by Mr S Grech, Ocean Reef:

Q1 My question is to the CEO. In recent times a lot of questions have been asked requesting information on various cheque payments, this is drawing on Council staff resources to having to repeatedly answer the same question by different ratepayers at different times. Can the COJ insert an extra column headed "Details" and give a brief explanation for that particular cheque?

A1 Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 requires a local government to provide a list of payments made from the trust fund or municipal fund to council with sufficient details to identify the transaction and other details relating to the transaction. The City's Warrant of Payments provides this information. Details of each transaction are available upon request.

Mr S Grech, Ocean Reef:

Q1 I refer to the recent letter sent to the Editor of the Wanneroo Times from Mr Pearce of Kallaroo concerning legal fees in the Mullaloo Tavern. Is Mr Pearce correct in stating that the cost of defending a Supreme Court Writ is the same cost as that of a self-addressed envelope?

A1 No, that is not correct. There is currently a report being prepared on all legal costs that related to the instigation of legal proceedings, the summons of a Writ and other matters. To date Council has not completed the documentation relating to the actual costs of our legal officers plus Council time. A report will be submitted to Councillors in the near future.

Q2 I refer to the group walk out at the last Council meeting. What can be done to stop Councillors from doing this again?

A2 Any Councillor that vacates the Chamber must take into consideration the responsibility that is associated with it. At present there is no provisions within the Standing Orders or Code of Conduct that would prohibit a Councillor from leaving the Chamber. A Councillor has the right to leave the Chambers if they so desire. It would be up to Council if it wished to place other provisions within the Standing Orders or Code of Conduct.

Ms M Macdonald, Mullaloo:

Q1 At the last Council meeting Councillors were advised that, from legal advice given, it was quite in order to deal with the Special Electors' Meeting and also Cr Carlos' rescission motion. Is that correct?

A1 This question will be taken on notice.

Q2 Did that advice also cover the motion by Cr Baker regarding the cost of the delays to the approval for the Mullaloo Tavern?

A2 No, the advice did not cover that motion.

Mr S Magyar, Heathridge:

Q1 With reference to my earlier question relating to the Desk of the CEO, can you inform me of any other political party pamphlets or brochures that have been distributed through the Desk of the CEO?

A1 As a result of some questions that have been raised by two Councillors, advice was sought from the Premier's Department on whether there was a similar document published by the Premier's Department or by the Labour Party, to which the response was no. However since then advice received through Tony O'Gorman's office states that there is a document called "The Premier's Achievements" and that document was attached to the Desk of the CEO and whenever that document is received it will continue to be attached.

Q2 Will there be a second public question time at the end of this meeting?

A2 That has previously been responded to.

Mr V Cusack, Kingsley:

Q1 Regarding Item CJ247- “Delegated Authority – Acceptance of Tenders” – If the main argument is to speed up the tendering process, can Council please explain why it reduced the number of Council Meetings per year and will Council consider reintroducing two Council Meetings per month?

A1 This question will be taken on notice.

Q2 If the delegated authority is amended as per the proposal, would it be appropriate to reduce the number of Council Meetings in the future and should we consider reducing the number of Councillors to perhaps one per ward?

A2 That is something for Council to consider.

Mr M Caiacob, Mullaloo:

Q1 Is Lot 100 Oceanside Promenade going to be incorporated into Tom Simpson Park proper, and if yes, at what stage is the rezoning and re-status change currently at for this lot?

Q2 I refer to the Sorrento Beach Landscaping Plan – Does the labelling of the Sorrento Beach Redevelopment Plan as a master plan mean that the Surf Club is to be rezoned commercial or tourist site?

A1-2 These questions will be taken on notice.

Ms C Woodmass, Kingsley:

Q1 Are we going to hear anything more about the community consultation process for the Sorrento Development?

A1 A report will be submitted to Council providing information on the feedback from the public comment period.

Q2 What percentage of the total income of the City of Joondalup is \$250,000 and can Council give examples of private companies that allows one individual to have authority for such an amount?

A2 This question will be taken on notice.

Ms S Hart, Greenwood:

Q1 Re: Sorrento Beach – Is Council accepting submissions from any member of the public as this is Crown Land we are dealing with. How extensive was this Master Plan advertised?

A1 The Sorrento Beach Redevelopment Landscape Master Plan was advertised in the local Community Newspaper on a number of occasions in relation to the fact that there is a public comment period. The Plan can be viewed at the beach, the City's libraries and at the City's Customer Service Centres and also there was an information night made available to the public. In addition, approximately 800 letters were sent out to the surrounding residents.

Q2 So it was advertised in the local paper when this is Crown Land that has something to do with all West Australians, is that correct?

A2 This question has already been responded to.

Q3 Why wasn't the Master Plan which was on show at the Information Night called the 'Master Plan'?

A3 The actual title of it is "*The Sorrento Beach Redevelopment Landscape Master Plan*".

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

Cr Hurst 12 October 2002 to 19 October 2002 inclusive
24 October 2002 to 30 October 2002 inclusive

Cr A Walker 12 November 2002 to 26 November 2002 inclusive

C133-10/02 REQUEST FOR LEAVE OF ABSENCE - CR D CARLOS

Cr Carlos has requested Leave of Absence from Council duties from 11 November 2002 to 18 November 2002 inclusive.

MOVED Cr Baker, SECONDED Cr Kimber that Council APPROVES the Request for Leave of Absence from Cr D Carlos for the period 11 November 2002 to 18 November 2002 inclusive.

The Motion was Put and

CARRIED (13/0)

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

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Mayor Bombak declared a financial interest in Item CJ245-10/02 – 2002 Ecotourism Association of Australia International Conference – Mayor John Bombak as it concerns his attendance at the conference.

Cr Walker declared a financial interest in Item CJ249-10/02 – Telephone Service Provider – Fixed and Mobile, as she owns shares in Telstra.

Cr Carlos declared a financial interest in Item CJ249-10/02 – Telephone Service Provider – Fixed and Mobile, as he owns shares in Telstra.

Mayor Bombak declared a financial interest in Item CJ250-10/02 – Joondalup Business Incubator Project as he is a Director of the Business Incubator Steering Committee.

Cr Baker declared an interest that may affect his impartiality in Item CJ250-10/02 – Joondalup Business Incubator Project as he is a member of the Joondalup Business Association.

Manager, Strategic and Corporate Planning declared a financial interest in Item CJ250-10/02 – Joondalup Business Incubator Project as she is Treasurer of the Business Incubator Steering Committee.

Cr Kimber declared an interest which may affect his impartiality in Item CJ255-10/02 – Consideration of Excision and Re-vesting of Lilburne Reserve (Reserve 35545), Location 9853, (214) Lilburne Road, Duncraig as he is employed by the Fire & Emergency Service Authority (FESA).

Cr Baker declared an interest which may affect his impartiality in Item CJ256-10/02 – Community Sport and Recreation Facility Fund 2002/03 Funding Round – Submission Prioritisation as he is a member of the Joondalup Brothers Rugby Union Club Inc which is an affiliated body to the Beaumaris Sports Association.

Cr Carlos declared a financial interest in Item CJ258-10/02 – Proposal for Acquisition of Portion of Community Purpose Site, Trappers Drive, Woodvale, as he owns shares in Foodland Associated limited (FAL).

Cr O'Brien declared a financial interest in Item C141-10/02 – Notice of Motion No 1 – Cr Mackintosh, as the motion proposed relates to a matter connected to an action initiated in the Supreme Court of Western Australia Proceedings No CIV2323 - Rennet Pty Ltd v City of Joondalup, so effecting the application of the "Sub Judice" rule, and no document is currently available providing evidence to the contrary.

Cr Carlos declared a financial interest in Item C141-10/02 – Notice of Motion No 1 – Cr Mackintosh, as the motion proposed relates to a matter connected to an action initiated in the Supreme Court of Western Australia Proceedings No CIV2323 - Rennet Pty Ltd v City of Joondalup, so effecting the application of the "Sub Judice" rule.

Cr Walker declared a financial interest in Item C141-10/02 – Notice of Motion No 1 – Cr Mackintosh, as the motion proposed relates to a matter connected to an action initiated in the Supreme Court of Western Australia Proceedings No CIV2323 - Rennet Pty Ltd v City of Joondalup, so effecting the application of the “Sub Judice” rule.

CONFIRMATION OF MINUTES

C134-10/02 MINUTES OF COUNCIL MEETING – 24 SEPTEMBER 2002

MOVED Cr Baker, SECONDED Cr Mackintosh that the Minutes of the Council Meeting held on 24 September 2002 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

CITY TO LAUNCH BALI APPEAL

All citizens of the City of Joondalup share the Prime Minister’s outrage at the Bali terrorist bombings and I extend my deepest sympathy to the families of the Kingsley Football Club members, still missing and feared dead.

This is an indescribably brutal act of terror, right on our doorstep and involving our own citizens.

The horror of it leaves me speechless and all I can do is offer our deepest sympathy to the families and loved ones involved and offer to do all the City can to help in this hour of need.

I have asked that the City urgently launch an appeal for the victims of the Bali massacre.

I am seeking the support of local church groups and have suggested that the City should make a donation of \$5,000 to start the appeal.

The City is also seeking the support of the business community, Lakeside and Whitfords and Warwick Shopping Centres.

Also TAFE, Edith Cowan University and the Police could form part of the appeal team. Edith Cowan University this afternoon pledged to match the City’s donation of \$5,000.

West Perth and Subiaco Football clubs have also indicated their interest.

I would like the City, as the local government authority, to be the catalyst and drive the appeal, with perhaps the churches and the shopping centres acting as drop-off points for donations.

The City will keep you fully posted of arrangements.

I fully agree with the Prime Minister when he spoke of “the indiscriminate, brutal and despicable way in which lives have been taken away on this occasion by an act of barbarity.”

Officials of the Kingsley Football clubs associated with the teams that went on the celebratory trip to Bali tell us everyone is devastated and still in shock.

Mike Lasscock of the 700-strong Kingsley Junior Football club said he still did not know the full situation, but some of those missing were players who came up through the junior ranks.

Brian Anderson of the senior club said the party of 20 players went to Bali to celebrate coming runners-up in the league competition and winning the reserves premiership.

Like us, the whole club is shocked about this tragedy and the City is willing to do whatever it can to help.

I have two daughters in the travel industry who fly regularly to South East Asia, and like many West Australians, could easily have been in Bali.

Bali is WA's favourite holiday place. When you realise many of us have been there and walked those very streets, it strikes a chord very close to home.

The City will place our staff and facilities at the club's disposal and do whatever we can to assist.

The City of Joondalup is flying its flags at half-mast as a mark of respect and I ask you now to observe a minute's silence in memory of those who lost their lives and for their families.

PETITIONS

C135-10/02 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 15 OCTOBER 2002

1 PETITION IN RELATION TO TRAFFIC ISSUES – BEAUMARIS PRIMARY SCHOOL – [03263]

Cr Hollywood submitted a 208-signature petition from residents of the City of Joondalup requesting that the City, in conjunction with the Department of Education, take measures to resolve traffic and parking issues at the Beaumaris Primary School within the next financial year.

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

2 PETITION IN RELATION TO WAKELEY WAY, DUNCRAIG NEIGHBOURHOOD SQUARE – [40743] [03076]

A 37-signature petition has been received from Ms Katie Hodson-Thomas, MLA, Member for Carine on behalf of residents of Wakeley Way, Duncraig seeking the City's assistance in assuming responsibility for the maintenance of the Wakeley Way Neighbourhood Square as a green reserve.

This petition will be referred to Infrastructure & Operations for action.

3 PETITION IN RELATION TO TOM SIMPSON PARK, MULLALOO – [02089] [00468] [09088]

An 11-signature petition has been received from residents of the City of Joondalup requesting that Council:

- 1 preserve the amenity and family access to Mullaloo's Tom Simpson Park, surf club/community hall, emergency evacuation area and Mullaloo Beach by rejecting the proposed over development of the Mullaloo Tavern site in excess to the requirements of the City of Joondalup District Planning Scheme No 2;
- 2 ensure that future development at Mullaloo Beach does not reduce the grassed area of Tom Simpson Park, or the natural vegetation on the foreshore reserve in the Mullaloo Beach area;
- 3 give due consideration to the wishes of the residents and other concerned citizens who lodged submissions against the proposed tavern redevelopment application.

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

4 PETITION IN RELATION TO ADDITIONAL PLAY EQUIPMENT/AMENITIES – CHURTON PARK, WARWICK – [23103] [17849]

A 36-signature petition has been received from residents of Barnsbury Road, Churton Road and Beck Place, Warwick suggesting additional facilities be installed at Churton Park as follows:

- Table and seats for eating and resting
- A monkey bar
- Flying fox
- Possibly an adventure playground (of wooden construction).

The petitioners state the recently installed equipment is only suitable for younger children under the age of seven, and not for older children.

It has also been suggested doggie dropping disposable bags be placed in the park.

This petition will be referred to Infrastructure & Operations for action.

5 PETITION REQUESTING NAME CHANGE FOR THE LOCALITY OF BURNS – [09163]

Cr Hollywood tabled a 113-signature petition on behalf of the Burns Beach Ratepayers, Residents & Community Recreation Association requesting a change of name of the locality Burns to Burns Beach.

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

MOVED Cr Walker, SECONDED Cr Carlos that the petition:

- 1 requesting that the City, in conjunction with the Department of Education, take measures to resolve traffic and parking issues at the Beaumaris Primary School within the next financial year;**
- 2 seeking the City's assistance in assuming responsibility for the maintenance of the Wakeley Way Neighbourhood Square as a green reserve;**
- 3 in relation to the redevelopment of the Mullaloo Tavern:**
 - (a) preserve the amenity and family access to Mullaloo's Tom Simpson Park, surf club/community hall, emergency evacuation area and Mullaloo Beach by rejecting the proposed over development of the Mullaloo Tavern site in excess to the requirements of the City of Joondalup District Planning Scheme No 2;**
 - (b) ensure that future development at Mullaloo Beach does not reduce the grassed area of Tom Simpson Park, or the natural vegetation on the foreshore reserve in the Mullaloo Beach area;**
 - (c) give due consideration to the wishes of the residents and other concerned citizens who lodged submissions against the proposed tavern redevelopment application;**
- 4 suggesting additional play facilities be installed at Churton Park;**
- 5 requesting a change of name of the locality Burns to Burns Beach;**

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, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

PERSONAL EXPLANATION – CR A NIXON

Cr Nixon made the following statement:

“For the record, I wish to read out my written apology, dated 26 September 2002:

Dear All, I wish to unreservedly apologise to the Council for any offence which my actions at the full Council meeting of Tuesday 24 September 2002 have caused to any elected member, City employee or member of the public.

I would also like to add to that written statement that my actions certainly fell far short of what should be expected of an elected member and I apologise.”

CJ242 - 10/02 CITY OF JOONDALUP MAY 2003 ORDINARY ELECTIONS – [17518] [29068]

WARD - All

PURPOSE

To decide whether the City will conduct the May 2003 ordinary elections as an in person or postal election and whether the Electoral Commissioner will be responsible to conduct those elections.

EXECUTIVE SUMMARY

The City has received a letter from the Western Australian Electoral Commission requesting notification on whether or not the City would be conducting a postal vote in the upcoming May 2003 elections. The letter also acts as the agreement from the Electoral Commissioner to conduct the election.

The City's 2001 elections were conducted by post with a voter turnout of approximately 29.7%, which was a 1.5% increase on the inaugural City of Joondalup elections.

Funds have been made available in this year's budget. This report recommends that the City of Joondalup conducts the May 2003 elections as a postal election and declares the Western Australian Electoral Commissioner responsible to conduct the City of Joondalup elections.

BACKGROUND

As a result of recommendations made by the Royal Commission into the former City of Wanneroo, the inaugural elections of the City of Joondalup were conducted by means of a postal election. The change from in person to postal elections in 1999 revealed an increase of the voter participation rate from 6.51% in 1997 to 28.2% in 1999.

Following the success of the inaugural elections Council decided to conduct the 2001 elections and referendum again as postal. The voter participation rate for the 2001 elections and referendum was 29.7%, an increase of approximately 1.5% on the inaugural elections.

The cost of the 2001 election and referendum was \$215,000, which equates to a cost of approximately \$2.15 per elector. The costs of the 2001 elections were as follows:

	Description	Amount \$
1	Returning Officer fees	1,853.65
2	Head Office allocation (Total)	91,072.00
3	Casual staff	7,099.00
4	Postage mail out	33,543.10
5	Postage reply paid	12,044.37
6	Rolls	507.38
7	Advertising	2,498.78
8	Printing	52,400.24
9	Scanning Centre	13,981.23
	Total (excluding GST)	\$215,000.00

DETAILS

Local Government as an industry is now required to consult more with the community, encourage community participation and be more open and accountable for its actions. The City of Joondalup actively supports these requirements and considers elections to be an extremely important function and critical to achieving the above objectives.

Electoral Roll

Should the City decide to conduct its election by post, the CEO will be required to supply the Electoral Commissioner with a copy of the owners and occupiers roll. The Electoral Commissioner will be responsible for co-ordinating all other aspects of the election. Past experience shows that staff here at the City would be invited in the issuing of replacement papers and other minor tasks.

The Local Government Act 1995 makes provisions for the persons to be eligible to vote at local government elections.

Electoral Commission

Having the local government election process managed by the Western Australian Electoral Commission whose principal activity is to conduct elections, is generally accepted as being extremely positive for the following reasons:

- The election is conducted by professional staff appointed for that sole purpose;
- The election is overseen by an independent service provider with an in depth experience and adequate resources to perform the task;
- The appointment of the Electoral Commissioner to manage Local Government Elections removes any conflict of interest that may exist between elected members and the Returning Officer (which has been traditionally the Chief Executive Officer) and other local government officers appointed for the election.

The Western Australian Electoral Commission (WAEC) has given the City a cost estimate to conduct the May 2003 elections of \$249,000 (plus GST) to conduct the election. The cost is estimated on the following basis:

- 100,000 electors;
- 7 wards
- a mayoral election
- Response rate of 30%;
- 1 vacancy in each ward.

Included in the estimate is:

- Statutory advertising;
 - Returning Officer and staff;
 - Preparation of the mail out list;
 - Election packages (Instructions, ballot papers etc);
 - Printing and supply of electoral rolls of residents for the use of candidates; and
- Fixed costs such as advertising, printing, mail out and Returning Officer fees are the major costs. The number of wards, candidates and elector turnout introduces variables.

Items not included in the estimate are:

- Non-statutory advertising
- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns; and
- Two local government staff members to work in the polling place on election day.

There will be the need for the City to undertake some intense local advertising in an effort to promote the election. There will also be an associated cost in preparation of the owners/occupiers roll. These costs have not been included in the estimate provided by the Western Australian Electoral Commission.

Statutory Provision:

Legislative Requirements

Section 4.61 of the Local Government Act 1995 enables the local government's elections to be held as either a "voting in person election" or a "postal election". The Act requires that prior to the 80th day before any election, the Council is to determine the mode by which the election will take place.

The "postal election" method of casting votes is by posting or delivering them to an electoral officer on or before Election Day, and must be carried out by the State Electoral Commissioner.

A "voting in person" election is one where the principal method of casting votes is by voting in person on Election Day but also allows for votes to be cast in person before Election Day or posted or delivered in accordance with regulations. The Chief Executive Officer and staff carry out a voting in person election unless another person is appointed as Returning Officer

If the City decides to conduct a "postal election" section 4.61 requires the following conditions be complied with:

- “(2) The local government may decide to conduct the election as a postal election (special majority required);
- (3) A decision under subsection (2) has no effect if it is made after the 80th day before Election Day;
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20 (4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration;

- (5) A decision made under subsection (2) on or before the 80th day before Election Day cannot be rescinded after that 80th day;
- (6) For the purpose of this Act, the poll for an election is to be regarded as having been held on Election Day even though the election is conducted as a postal election;
- (7) Unless a resolution under subsection (2) has effect, the election to be conducted as a voting in person election.”

COMMENT

There are now 49 Councils who exercise the right to conduct their elections as postal for the local government ordinary elections.

In 2001 the overall participation rate at postal elections was considerably higher than the statewide local government voter turnout figure. These higher turnout figures indicate that electors are more prepared to vote in postal elections. This has been the case for the City since the inaugural elections, which received 28.21% voter participation compared with the 6.51% recorded for the 1997 former City of Wanneroo elections.

It is therefore recommended to hold the 2003 elections for the City on Saturday, 3 May 2003 and request the Western Australian Electoral Commissioner responsible to conduct it by postal vote.

Account No:	11 10 13 131 4201 F114
Budget Item:	Elections
Budget Amount:	\$240,000
YTD Amount:	\$
Actual Cost:	\$249,000 (plus GST)

At its meeting held on 24 September 2002 (Item CJ226-09/02 refers) Council resolved:

“that consideration of the matter pertaining to the City of Joondalup May 2003 ordinary elections be DEFERRED to the next ordinary meeting of Council scheduled to be held on 15 October 2002.”

VOTING REQUIREMENTS

Special Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council in accordance with::

- 1 Section 4.61(2) of the Local Government Act 1995, AGREES to conduct the May 2003 Election as a postal election to be held on Saturday, 3 May 2003;**
- 2 Section 4.20(4) of the Local Government Act 1995, DECLARES the Electoral Commissioner responsible for the conduct of the Election as detailed in (1) above.**

The Motion was Put and

**CARRIED BY A
SPECIAL MAJORITY (13/0)**

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

**CJ243 – 10/02 CHANGES TO COUNCIL MEETING DATES FROM 5
NOVEMBER 2002 TO 12 NOVEMBER 2002 – [02154]
[50521]**

WARD - All

PURPOSE

To alter the date of the ordinary meeting of the Council scheduled for 5 November 2002 to 12 November 2002.

EXECUTIVE SUMMARY

The Mayor and Deputy Mayor have both indicated they will be unable to be in attendance for the Council meeting scheduled to be held on Tuesday 5 November 2002. In order to ensure there is sufficient representation in the Chamber, it is recommended that the meeting be rescheduled to Tuesday 12 November 2002.

BACKGROUND

The Council at its ordinary meeting held on 26 March 2002 set its meeting schedule up to April 2003. The agreed decision making process was a rolling three weekly cycle comprising of:

- Strategy Session
- Briefing Session
- Council meeting.

The agreed decision making cycle set an ordinary meeting of the Council for 5 November 2002 with a Strategy Session to be held on 12 November 2002.

DETAILS

It has been suggested that as both the Mayor and the Deputy Mayor will be unable to attend the Council meeting scheduled to be held on 5 November 2002, that it be rescheduled to 12 November 2002, with the Strategy Session planned for that date being cancelled.

Statutory Provisions:

Sections 5.6 and 5.34 of the Local Government Act 1995 state as follows:

5.6 Who presides at Council Meeting:

- (1) The mayor or president is to preside at all meetings of the Council.
- (2) If the circumstances mentioned in section 5.34 (a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the Council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34 (a) or (b) apply and:
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president;

then the Council is to choose one of the councillors present to preside at the meeting.

5.34 When deputy mayors and deputy presidents can act:

If:

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president;

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

COMMENT

As a result of the indicated absences of the Mayor and Deputy Mayor, and to ensure there is sufficient representation within the Chamber, it is recommended that the Council meeting to be held on 5 November 2002 be rescheduled to 12 November 2002.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 **AMENDS** its decision of 26 March 2002 by:
 - (a) **CANCELLING** the Strategy Session scheduled to be held at 6.00 pm on Tuesday 12 November 2002;
 - (b) **RESCHEDULING** the ordinary meeting of the Council from 5 November 2002 to 12 November 2002, commencing at 7.00 pm;

- 2 in accordance with the Local Government Act 1995, GIVES local public notice of the change to meeting dates as detailed in (1) above.

MOVED Cr O'Brien SECONDED Cr Carlos that Council DOES NOT amend its decision of 26 March 2002 and leaves its schedule of meetings intact.

The Motion was Put and

CARRIED (9/4)

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

CJ244 - 10/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD - All

PURPOSE

To provide a listing of those documents executed by means of affixing the Common Seal for noting by Council.

Document:	Copyright
Parties:	City of Joondalup and Bill Hawthorn
Description:	Recording of historical importance
Date:	5.09.02
Document:	Copyright
Parties:	City of Joondalup and Diana Roynards
Description:	Recording of historical importance
Date:	5.09.02
Document:	S70A
Parties:	City of Joondalup and Beatrice Chalk and Helen Taylor
Description:	Lot 72 on Plan 15298
Date:	5.09.02
Document:	Agreement
Parties:	City of Joondalup and Densford Pty Ltd
Description:	Execution of Contract No 043-01/02 – Collier Pass roadworks
Date:	11.09.02
Document:	Copyright
Parties:	City of Joondalup and Mary Burnett
Description:	Recording of historical importance
Date:	13.09.02

Document: Copyright
Parties: City of Joondalup and Barry Darch
Description: Recording of historical importance
Date: 13.9.02

Document: Copyright
Parties: City of Joondalup and Jack Trow
Description: Recording of historical importance
Date: 13.09.02

Document: Lease
Parties: City of Joondalup, Vodafone and Crown Castle
Description: Assignment of Lease – Lot 145 Beach Road, Warwick
Date: 16.09.02

Document: Amendment
Parties: City of Joondalup
Description: Amendment No 14 to District Planning Scheme No 2
Date: 19.09.02

VOTING REQUIREMENTS

Simple Majority

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

The Motion was Put and

CARRIED (13/0)

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

Mayor Bombak declared a financial interest in Item CJ245-10/02 – 2002 Ecotourism Association of Australia International Conference – Mayor John Bombak as it concerns his attendance at the conference.

C136-10/02 APPOINTMENT OF ACTING CHAIRMAN

Following the declaration of a financial interest by Mayor Bombak, and in the absence of the Deputy Mayor Cr Hurst, the meeting was required to appoint an Acting Chairman.

Cr O'Brien nominated Cr Baker for the position of Acting Chairman. Cr Baker declined the nomination.

Cr Baker nominated Cr Kimber for the position of Acting Chairman. Cr Kimber accepted the nomination.

MOVED Cr Baker, SECONDED Cr Rowlands that Cr Kimber ASSUME the Chair.

The Motion was Put and

CARRIED (13/0)

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

Mayor Bombak left the Chamber, the time being 1937 hrs. Cr Kimber assumed the Chair at this point.

**CJ245 - 10/02 2002 ECOTOURISM ASSOCIATION OF AUSTRALIA
INTERNATIONAL CONFERENCE - MAYOR JOHN
BOMBAK - [00427]**

WARD - All

PURPOSE

To seek Council's approval for the Mayor to extend his visit to North Queensland, in conjunction with the Ecotourism Association of Australia International Conference, to permit inspection of the adjoining local government authority of Douglas Shire.

BACKGROUND

The Mayor and the Manager Strategic & Corporate Planning will be attending the 2002 Ecotourism Association of Australia International Conference from 21-25 October 2002 in Cairns, North Queensland. The theme of the Conference is "Ecotourism – A World of Difference".

The Douglas Shire Council, which is approximately 1½ hours drive north of Cairns, boasts a number of major ecotourism projects, such as the Port Douglas development (the Mirage), Daintree Cape Cooper Creek Wilderness. The Cooper Creek Wilderness is advantageously placed in the heart of the Daintree Rainforest. The world heritage Great Barrier Reef Marine Park is also located in this area. These projects are of world class standing, and it is considered desirable for the Mayor and the Manager Strategic & Corporate Planning to take the opportunity, whilst in Cairns, to visit as many projects as possible. The benefit to the City would be in the future development options for Ocean Reef and the linking of the environment and ecotourism.

The Manager Strategic & Corporate Planning has been authorised to extend her visit for an additional period of two days, to enable some of the projects referred to above to be witnessed.

DETAILS

The 2002 Ecotourism Association of Australia International Conference is being held in Cairns from 21-25 October 2002, with the overall conference theme being "Ecotourism – A World of Difference".

The costs associated with extending the Mayor's visit for a further two days, including two nights accommodation would be approximately \$500.00, plus car hire.

COMMENT

It is recommended that the Mayor and the Manager Corporate Strategic & Corporate Planning extend their visit to North Queensland for two days, as it is an ideal opportunity to advance their professional development, and also in order to gather information on ecotourism of benefit to the City.

This matter was submitted to the Council meeting held on 24 September 2002 (Item CJ129-09/02 refers). Due to a lack of quorum, no decision was made in relation to this item.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Walker that Council AUTHORISES the Mayor to extend for a period of two days, his visit to North Queensland, to inspect other ecotourism projects in the Douglas Shire area, in conjunction with his attendance at the 2002 Ecotourism Association of Australia International Conference on 23-25 October 2002.

Discussion ensued.

The Motion was Put and

CARRIED (11/1)

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

C137-10/02 AMENDMENT TO ORDER OF BUSINESS

MOVED Cr Rowlands, SECONDED Cr Walker 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 Item CJ250-10/02 – Joondalup Business Incubator Project to be considered at this point.

The Motion was Put and

CARRIED

Mayor Bombak declared a financial interest in Item CJ250-10/02 – Joondalup Business Incubator Project as he is a Director of the Business Incubator Steering Committee.

Mayor Bombak was not present at this point.

Cr Baker declared an interest that may affect his impartiality in Item CJ250-10/02 – Joondalup Business Incubator Project as he is a member of the Joondalup Business Association.

Manager, Strategic and Corporate Planning declared a financial interest in Item CJ250-10/02 – Joondalup Business Incubator Project as she is Treasurer of the Business Incubator Steering Committee.

CJ250 - 10/02 JOONDALUP BUSINESS INCUBATOR PROJECT - [51024] [03082]

WARD - Lakeside

PURPOSE

The purpose of this report is for Council to consider two requests from the Business Development Association (North West Metropolitan) Inc for:

- 1 The secondment from Council of a suitable existing employee to fill the role of Incubator Coordinator for a period of some three months; and
- 2 The granting of an agreed Council contribution of \$35,000 to be made unconditional to enable employment of a suitable manager to ensure the business incubator building can be operational.

EXECUTIVE SUMMARY

The Business Development Association (North West Metropolitan) Inc has requested Council's assistance in providing secondment of a suitable employee for a period of some three months to act as Business Incubator Coordinator. Enquiries made indicate the City does not have an existing suitable employee available and therefore would not be able to assist with this request.

The second request relates to funding of \$35,000, included in the City's budget to be made unconditional. At the time of considering the initial application for \$70,000, the City's Budget Committee agreed to half the amount requested and applied several conditions. Those conditions were that:

- (a) the funds be used for maximising low-cost high bandwidth telecommunications access for technology-focused business tenants; and
- (b) the BEC Manager be relocated to the incubator and be responsible for coordinating its establishment and operation.

These two requests are made on the basis that it will be necessary to have or employ another person to coordinate the operations of the Business Incubator Centre. This represents a departure from the early understanding that the BEC Manager would be located at and have responsibility for the operations of the Business Incubator Centre. It is suggested that clarification be obtained as to why the BEC Manager cannot be relocated to the Business Incubator Centre where it would be expected provision of necessary mentoring and support could be best provided to persons establishing new businesses.

BACKGROUND

It is understood that the construction costs of the Joondalup Business Incubator Centre will exceed the initial estimates by approximately \$85,000 and funds planned for meeting operational start up costs have been used to meet the shortfall.

As a means of addressing this situation the Business Development Association (North West Metropolitan) Inc has requested the City's assistance in meeting the operating start up costs which now include a manager/coordinator. The Business Development Association request the secondment from Council of a suitable existing employee to fill the role of Incubator Coordinator for a period of some three months, and the granting of a proposed Council contribution of \$35,000 to be made unconditional, for meeting general operational costs of the Incubator Centre.

Previous Consideration

A request from the Business Development Association (North West Metropolitan) Inc for additional funding of \$70,000 for the Joondalup Business Incubator Project was considered by the City's Budget Committee at its meeting on 24 July 2002, where it was decided that the Budget Committee:

- “1 REJECTS the request for additional funding to the Business Incubator Project of \$70,000:
- 2 CONSIDERS a contribution of \$35,000 to the incubator project in the first half of the 2002/2003 financial year, with the understanding that this amount contributes to maximising low-cost high bandwidth telecommunications access for technology-focused business tenants;
- 3 that as a condition of the \$35,000 total funding assistance from the City, the project complies with the original proposal of relocating the BEC Manager to the incubator and who will be responsible for coordinating the establishment and operation of the incubator. (This is in keeping with Council's original agreement when it agreed to contribute funding to the project).”

Initial Proposal to Establish a Business Incubator

In a report prepared by the City's Co-ordinator Sustainable Development for the Budget Committee to consider the initial request of \$70,000, referred to the original Business Plan (Dated November 1999) whereby it was proposed that the BEC Manager would be relocating to the Incubator and taking responsibility for coordinating the establishment and operation of the facility. In the report it was suggested it should be noted that:

- “The North Metro BEC Manager is currently best placed in providing the services required of a business incubator as outlined in the contract arrangement with the Federal Government;
- All the existing or proposed business incubators operating in the Perth Metropolitan area have a resident BEC Manager acting in the role of Incubator Manager;
- The City substantially funds the operation of the North Metro Business Enterprise Centre (BEC) through a three year service agreement valued at \$53,251 in 2002/03;
- Council approved funding for the incubator (CJ074-04/00 refers) on the understanding that “the Business Enterprise Centre will relocate to the incubator and that the BEC Manager will be responsible for coordinating the establishment and operation of the incubator.”

That report also indicated that the largest variable cost item is the full-time salary of the proposed Incubator Manager totalling over \$62,000.

It appears that this matter has not been effectively addressed by the Business Development Association other than by a paragraph in the correspondence requesting that Council agreed to the \$35,000 funding be made unconditional, as follows:

“It should be noted that the function of the Incubator Manager, which in part incorporates the Tenancy management of the building (and therein rent collection), is not, in the view of the committee, compatible with the operation of the Business Enterprise Centre Manager. Both operations have separate legal entities and Management Boards.”

Strategic Plan:

Strategy 1.1 of the City’s Strategic Plan is to “Fulfil and maintain a regional role”. To achieve this we will create partnerships and facilitate networks for the benefit of the region.

Strategy 3.1 of the City’s Strategic Plan is to “Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth”. To achieve this the City will explore incentives to attract new business.

DETAILS

Each member of the Executive Management team was asked if they had a suitable employee who could coordinate the activities of the Business Incubator and who would be available for secondment for some three months. In all instances the reply was in the negative.

Financial Implications:

A funding allocation of \$35,000 has been included in the current year budget. Details are as follows:

Account No:	11.10.21.214.4401.F540
Budget Item:	F540
Budget Amount:	\$35,000
YTD Amount:	\$0
Actual Cost:	\$0

COMMENT

In reviewing the information relevant to this budget allocation, it is considered that additional information should be requested from the North Metro Business Enterprise Centre to support their reasons for not relocating the BEC Manager at the Business Incubator Centre. Without some plausible explanation it is difficult to support the request for the \$35,000 to be used for employment of a person to coordinate activities at the Business Incubator Centre.

It is also considered that audited financial statements need to be provided by the recipient of any grant funding provided by Council to confirm that all the funds have been expended and that the funds were expended for the purpose they were provided.

This matter was previously considered by the City's Budget Committee and the minutes of the Committee were "noted" by Council. Whilst the intent of the Committee was clear, noting the minutes has resulted in a budget allocation of \$35,000 being made without any specific Council resolution or stipulation that the funds be conditional on their use. Therefore no rescission motion is required to make these funds un-conditional should that be Council's wish.

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

Background – JBA Letter sent to the Mayor and Councillors dated 17 September 2002

With reference to the letter dated 17 September 2002 that was circulated by the President of the Joondalup Business Association (JBA) to His Worship the Mayor and Councillors regarding the above Council Agenda Item. Point 2 of the letter, quoting the City's Report (Item CJ228 – 09/02) accompanying the item stated:

“The Report also states that “All the existing or proposed business incubators operating in the Perth Metropolitan area have a resident BEC Manager acting in the role of Incubator Manager”

- This is simply not correct – some incubators do have co-located BEC Managers and in most cases it is because of a lack of BEC resources.”

The purpose of this Memorandum is additional clarification of the issue raised above with particular reference to Recommendation 2 of CJ228 – 09/02 that:

“2 the Business Enterprise Association be requested to provide Council with details as to why it considers that the relocation of the Joondalup BEC Manager to the Business incubator is not compatible, when the majority of BEC Managers through out the Perth Metropolitan area are located at Business Incubators.”

Additional Information for Council's Consideration

The Administration undertook a phone call to and a brief survey of all 11 existing and proposed incubators in Western Australia (see table below) which the Federal Government has played a role in funding. Through this brief survey, the following points were established.

- Of the 11 existing or proposed incubators surveyed, 10 had a BEC Manager co-located within the incubator. The only exception was Midland where the City of Swan had three incubators. In that particular case the Midland incubator was within a five-minute walk of the Swan Region BEC.
- Of the 11 existing or proposed incubators, 7 had the BEC Manager as the Incubator Manager while the proposed Stirling Incubator will have the current BEC Manager as Co-Manager of the Incubator.

- Where there was a separate Incubator Manager, the facility had significant capacity (for example Midland with 70 units and Welshpool with 40 units). Note that the proposed Joondalup Business incubator has only 34 units.

Name of Incubator	BEC	Other Manager	Other Staff	Capacity	Tenants	Operational
Coastal Business Centre (Fremantle)	BEC is Manager		FT Admin	70	20	Since 1997
Rockingham Business Development Centre	BEC is Manager		FT Admin	33	5	Since 1996
Western Australian Agribusiness Development Centre (Tambellup)	BEC is Manager		PT Admin	17	4	Since 2000
Welshpool Business Enterprise Centre	BEC is co-located	FT Manager	Admin	40	25	Since Oct 1993
Midland Enterprise Centre	BEC a 5 min walk away	FT Manager	No admin	70	32	Since 1989
Bassendean New Business Centre	BEC is Manager		Admin	20	15	Since 2001
Stirling Regional Business Centre	BEC is Co-Manager	Co-Manager	Admin	26		By end of 2003
The Commercial Centre (Albany)	BEC is Manager		Admin is tenant business	20	10	Since 1998
Kalgoorlie-Boulder Small Business Incubator (Kalgoorlie)	BEC located in incubator	Not confirmed	Admin to BEC	14		Mid Dec 2003
Kwinana Technology Business Incubator	BEC is manager		Admin FT	20		Mid 2003
Gosnells Centre for Business Development	BEC is co-located	Not confirmed	Admin	37		Feb/Mar 2004

The above survey confirms Administration's view that for a business incubator to have any measure of success in servicing its tenants, it ought to - at the very least - have a Business Enterprise Centre (BEC) Manager co-located within the premises. As it is not likely that the North Metro Business Enterprise Centre's (BEC) services are likely to be spread across more than one incubator (as with the City of Swan), there is little justification to the JBA's assertion that:

“It should be clearly understood that the role of the BEC Manager is inconsistent with that of the Incubator Manager”.

Furthermore, as Agenda Item CJ228 – 09/02 notes, Council approved funding for the incubator (CJ074-04/00 refers) on the understanding that “the Business Enterprise Centre will relocate to the incubator and that the BEC Manager will be responsible for coordinating the establishment and operation of the incubator.” The Administration seeks to re-affirm this understanding.

It is hoped that this Memorandum addresses the issues that have been raised by the Joondalup Business Association (JBA) regarding the City's support for the Joondalup Business Incubator.

This matter was submitted to the Council meeting held on 24 September 2002 (Item CJ228-09/02 refers). Due to a lack of quorum, no decision was made in relation to this item.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council ADVISES the Business Development Association (North West Metropolitan) Inc, that:

- 1 the City does not have an existing suitable employee available for secondment and therefore cannot assist with the request for a secondment;**
- 2 the Business Enterprise Association be requested to provide Council with details as to why it considers that the relocation of the Joondalup BEC Manager to the Business Incubator is not compatible, when the majority of BEC Managers through out the Perth Metropolitan area are located at Incubator Centres;**
- 3 on provision of the explanation requested in 2 from the Business Enterprise Association, Council undertake to further consider the request to make funds set aside in the budget available to meet operational costs;**
- 4 the provision of any funds to the Business Enterprise Association be subject to providing an audited statement verifying what the funds have been expended on and confirming this to be for the purpose for which those funds were provided.**

AMENDMENT MOVED Cr Baker SECONDED Cr O'Brien that the Motion be amended as follows:

- 1 Points 2 and 3 to be DELETED;**
- 2 a new Point 2 be inserted to read:**

“the City AUTHORISES the funds of \$35,000 to be used for the operational purpose of the Incubator Project”;
- 3 Point 4 be RENUMBERED to Point 3.**

Discussion ensued.

The Amendment was Put and

CARRIED (10/2)

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

The Original Motion, as amended, being:

That Council ADVISES the Business Development Association (North West Metropolitan) Inc, that:

- 1 the City does not have an existing suitable employee available for secondment and therefore cannot assist with the request for a secondment;**
- 2 the City AUTHORISES the funds of \$35,000 to be used for the operational purpose of the Incubator Project;**

- 3 the provision of any funds to the Business Enterprise Association be subject to providing an audited statement verifying what the funds have been expended on and confirming this to be for the purpose for which those funds were provided.**

Was Put and

CARRIED (10/2)

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

Mayor Bombak entered the Chamber at this point and resumed the Chair, the time being 1958 hrs.

Cr Walker left the Chamber at this point, the time being 1958 hrs.

CJ246 - 10/02 2001/2002 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS - [55264]

WARD - All

PURPOSE

To endorse the 2001/02 Annual Report and Audited Financial Statements and set a date for the Annual General Meeting of Electors.

EXECUTIVE SUMMARY

The City's auditor, Mr Peter Messer, Deloitte Touche Tohmatsu, has completed the audit of Council's records for the 2001/2002 financial year.

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

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

The most appropriate date for the holding of the Annual General Meeting of Electors is Monday 11 November 2002 at 7.00 pm.

BACKGROUND

The City's auditor, Mr Peter Messer, Deloitte Touche Tohmatsu, has completed the audit of Council's records for the 2001/02 financial year.

Both the Annual Report and the Financial Report reflect on the City's achievements during 2001/02 and focus on the many highlights in a busy year.

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

DETAILS

Statutory Provision:

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

The most appropriate date for the convening of the Annual General Meeting of Electors has been determined to be Monday, 11 November 2002 at 7.00 pm.

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

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

- **Attendances and Apologies**
- **Contents of the 2001/2002 Annual Report**
- **General Business**

Section 5.55 of the Local Government Act 1995 requires the City to give local public notice of the availability of the Annual Report as soon as practicable after the report has been adopted by the City.

Strategic Implications:

Strategy 1.3 of the City's Strategic Plan

“develop and implement models to involve the community in the identification of community needs”

COMMENT

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2001/2002 and convenes the Annual General Meeting of Electors for Monday, 11 November 2002.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 ACCEPTS the 2001/2002 Annual Report and Financial Reports of the City of Joondalup;**

- 2 CONVENES the Annual General Meeting of Electors on Monday, 11 November 2002 at 7.00 pm in the Council Chambers;**
- 3 ADVERTISES by public notice that the City of Joondalup's 2001/2002 Annual Report will be available from the Civic Administration Building from approximately 28 October 2002.**

The Motion was Put and

CARRIED (12/0)

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

Appendices 1 & 1(b) refer

To access this attachment on electronic document, click here: [Attach1brf081002.pdf](#)
[Attach1bbrf081002.pdf](#)

CJ247 - 10/02 DELEGATED AUTHORITY - ACCEPTANCE OF TENDERS – [07032]

WARD - All

PURPOSE

To seek Council's approval to amend the Delegated Authority Manual to allow the Chief Executive Officer (CEO) to:

- Accept valid tenders;
- Decline to accept any tender; and
- Select acceptable tenderer(s) from an expression of interest

where the value does not exceed \$250,000.

EXECUTIVE SUMMARY

Approval is sought to increase the CEO's delegated authority limit in relation to tenders, from \$100,000 to \$250,000. Following a six month period operating with the higher delegated authority limit further analysis will be undertaken with a view of a further increase to \$500,000 for expenditure previously approved in the budget by Council.

The City's purchase of goods and services is undertaken in accordance with the Council approved budget. As Council has already considered the allocation of funds it is deemed that the related service and supply contracts present low risk.

The recommended increase in delegated authority levels for the CEO will provide benefits in relation to time, cost, increased certainty and consistency.

BACKGROUND

The CEO currently has delegated authority to:

- Accept valid tenders;
- Decline to accept any tender; and
- Select acceptable tenderer(s) from an expression of interest;

where the value will not exceed \$100,000.

DETAILS

The City undertakes the purchase of goods and services in accordance with the Council approved budget. These activities present low risk to the City as Council has given consideration to the allocation of the funds during the annual and half yearly budget deliberations and approved these expenditure items at this time.

The recommended increase of the delegated authority levels for the CEO will provide the City with:

- A shorter lead time from contract creation to implementation;
- Reduced administrative costs and overheads to both the City and prospective suppliers;
- Provide the private sector with increased certainty and responsiveness in dealing with the City;
- Provide consistency between the CEO delegated authority limit that positions ability to affix the Common Seal in executing contracts (also limited to \$250,000).
- An approach that is consistent with contemporary business practice.

Under the current delegated authority level of \$100,000, a substantial amount of Council time is taken up in the consideration of service and supply contracts. The table below shows tenders accepted between \$100,000 and \$250,000 during the 2001/02 financial year:

Contract No	Title	Contractor	Value (Financial Year 2001/2002)
003-01/02	Supply & Delivery of Various Signs	Road Safety Shop Pty Ltd De Neefe Pty Ltd	\$77,177.96 \$55,685.11
005-01/02	Preliminary Works for Road Resurfacing & Traffic Management	Stirling Paving	\$218,636.30
007-01/02	Supply & Repair of MGB Bins	Brickwood Holdings Pty Ltd	\$110,253.44
018-01/02	Supply of Skid Steer Mini Loader	BT Equipment	\$129,000
025-01/02	Replacement of Exiting Asbestos & Soffit Sheeting	Numans Pty Ltd	\$183,620 +GST
026-01/02	On-Street Parking Embayments & Road Modifications	Works Infrastructure Pty Ltd	\$248,083 +GST
027-01/02	Design & Construction of Wheel Sports Facility	Skatetech WA	\$103,785
029-01/02	Construction of Roundabout Hodges Drive/Constellation Drive, Ocean Reef	Pavement Technology Ltd	\$186,842 excluding GST
031-01/02	Supply Three Four Wheel Drive Dual Cabs	Grand Toyota	\$133,954
032-01/02	Supply One Watering Truck Without trade-in	Skipper Trucks/Raytone Motors	\$140,225

Attachment A to this Report refers to changes required to the Register of Delegation of Authority.

Statutory Provision:

Section 18 (1), (5) and Section 23 Local Government (Functions & General) Regulations 1996.

At its meeting held on 24 September 2002 (Item CJ231-09/02 refers), the required Absolute Majority was not achieved and this matter is again submitted for Council's consideration.

VOTING REQUIREMENTS

Absolute Majority

Cr Walker entered the Chamber at this point, the time being 1959 hrs.

OFFICER'S RECOMMENDATION: That:

1 Council ENDORSES the change, as outlined on Attachment A to Report CJ247-10/02 to amend the Delegated Authority Manual to authorise the Chief Executive Officer (CEO) to:

- accept valid tenders;
- decline to accept any tender; and
- select acceptable tenderer(s) from an expression of interest

where the value does not exceed \$250,000;

2 further analysis be undertaken over the next six months to determine if a further increase to \$500,000 is warranted and a report submitted to Council.

MOVED Cr Baker, SECONDED Cr Kimber that:

1 Council ENDORSES the change, as outlined on Attachment A to Report CJ247-10/02 to amend the Delegated Authority Manual to authorise the Chief Executive Officer (CEO) to:

- accept valid tenders;
- decline to accept any tender; and
- select acceptable tenderer(s) from an expression of interest

where the value does not exceed \$250,000, save and except for circumstances where:

- (a) not less than two Councillors object in writing to the proposed delegated authority being exercised in respect of any specific tender named therein and the tender price exceeds \$100,000, or;
- (b) the proposed successful tender is from a business that does not operate business premises in the City of Joondalup and the said tenderer's price is less than 10% more than the price submitted by a competing tenderer that is either a City of Joondalup or City of Wanneroo based business;

2 further analysis be undertaken over the next six months to determine if a further increase to \$500,000 is warranted and a report submitted to Council.

Discussion ensued.

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

MOVED Cr Baker, SECONDED Cr Kimber that:

1 Council ENDORSES the change, as outlined on Attachment A to Report CJ247-10/02 to amend the Delegated Authority Manual to authorise the Chief Executive Officer (CEO) to:

- accept valid tenders;
- decline to accept any tender; and
- select acceptable tenderer(s) from an expression of interest

where the value does not exceed \$250,000, save and except for circumstances where:

- (a) not less than two Councillors object in writing to the proposed delegated authority being exercised in respect of any specific tender named therein and the tender price exceeds \$100,000, or;
- (b) the proposed successful tender is from a business that does not operate business premises in the City of Joondalup and the said tenderer's price is less than 10% more than the price submitted by a competing tenderer that is either a City of Joondalup or City of Wanneroo based business;

The Motion was Put and

LOST (3/10)

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

MOVED Cr Baker, SECONDED Cr Kimber that:

2 further analysis be undertaken over the next six months to determine if a further increase to \$500,000 is warranted and a report submitted to Council.

The Motion was Put and

LOST (2/11)

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

MOVED Cr O'Brien that Council ENDORSES the change, as outlined on Attachment A to Report CJ247-10/02 to amend the Delegated Authority Manual to authorise the Chief Executive Officer (CEO) to:

- accept valid tenders;
- decline to accept any tender; and
- select acceptable tenderer(s) from an expression of interest

where the value does not exceed \$100,000.

There being no Seconder, the Motion

LAPSED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf081002.pdf](#)

CJ248 - 10/02 DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP – [52469]

WARD - All

PURPOSE

To determine whether the City of Joondalup should explore a relationship with a country town.

EXECUTIVE SUMMARY

Sister city relationships between city and country local government authorities are long term partnerships generally used to strengthen ties between urban and rural communities.

There is potential for the City to initiate a relationship with a country town that may offer significant benefits to both partners using innovative and flexible methods to achieve common goals.

This report discusses the benefits that a city-country sister city relationship could provide to the City of Joondalup and recommends that Council:

That Council:

- 1 Establishes a City-Country Sister City relationship with the Shire of Cue;*
- 2 Approves the reallocation in the 2002/2003 budget of \$7,320 to facilitate two youth exchanges bringing young people from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 and Joondalup Festival in 2003; and*
- 3 Lists for consideration the allocation of funds in the 2003/2004 budget to form an ongoing youth exchange program between the City of Joondalup to the Shire of Cue.*

BACKGROUND

The Sister City concept is very popular amongst local government authorities within Australia. In 1982, the Australian Sister Cities Association Inc. was formed to increase understanding and foster world peace by furthering international communication and exchange through city-to-city affiliations. Its prime function is to encourage, co-ordinate and support organisations in developing relationships according to local needs.

The majority of sister city relationships in Australia occur with international cities throughout the world and the City of Joondalup is currently developing a sister city relationship with Jinan, China. However, many local government authorities find that relationships between city and country councils can also be very rewarding.

Generally, city-country sister city relationships within Australia are developed to:

- Extend the hand of friendship;
- Encourage cultural, social and economic exchange;
- Provide an opportunity for greater understanding between different communities.

Of those city-country relationships that currently exist most are developed through either youth or cultural exchange.

The sister city agreement between Bankstown City and Broken Hill in NSW has been recognised as the most successful sister city program operating within Australia and is achieved through an annual 'youth sporting exchange'. Warringah Council in NSW has recently won two national awards for its relationship with Brewarrina Shire Council offering invaluable opportunities to young people from both councils in the areas of personal growth and community enhancement. The councils of Baulkham Hills and Cootamundra in NSW exchange shire representatives for major cultural events and have a student exchange each year on Australia Day.

Strategic Plan:

Developing a relationship with a country town will fulfil one of the objectives under the City's Strategic Plan which is, to: *"take a proactive leadership role to achieve desirable outcomes for our community"* that will be achieved by *"creating partnerships and facilitating networks for the benefit of the region"*.

DETAILS

At the heart of any sister city relationship is the importance of mutual benefit. Sister city relationships are an ideal opportunity to share information and cultures and have provided excellent benefits in the areas of trade, tourism and cultural exchange.

City-country relationships benefit communities by building goodwill to further social and economic development at the local level. They stimulate an environment through which the communities can creatively learn to work and solve problems together, through reciprocal educational, municipal, environmental and professional exchange.

City-country relationships can also benefit organisations through information sharing, by providing networking and/or mentoring opportunities for staff and by boosting the organisation's reputation in the community.

Best practice in partnership development suggests that a successful sister city relationship should:

- Have a clear focus;
- Have a strong theme that both staff and the community can identify with;
- Engage both staff and the community.

Whilst it is unlikely that a focused approach would appeal to everyone, common themes can be identified to use as a starting point to research a possible sister city relationship. These could be:

- Organisational development;
- Social and/or economic development;
- Youth and/or cultural exchange.

This allows Councils to target key areas from which to build on-going relationships. The most successful sister city relationships developed in Australia are based on youth exchange and it is recommended that the City also use this focus.

Prior to the formation of any sister city relationship the City of Joondalup needs to give consideration to the following points so that it can determine the following.

What does the City want to achieve from this relationship?

Liaison between city and country authorities helps to foster closer relationships and develop mutual understanding between communities. The City of Joondalup can use this sister city relationship to offer the hand of friendship to help build bridges between city-country authorities diverse in culture and lifestyle. This will not only promote goodwill but can also bring educational, economic, professional and social benefits to the communities involved.

A youth exchange, in particular, helps to develop communication skills amongst young people. By encouraging youth participation the City can help those involved to gain an awareness and understanding of other cultures and ways of life. This will also facilitate leadership skills and increase confidence in young people involved in the program.

What it can offer to the relationship.

The City of Joondalup has a number of upcoming events that offer a great opportunity in which to develop a youth exchange.

The City's Extreme Youth Festival, held in November 2002 and the Joondalup Festival in February 2003 are significant attractions for young people in the City and would give young people in a country town a great opportunity to find out about the youth culture in the Joondalup area and get involved in local activities. A display at each of the festivals could be developed by the country town to educate young people in Joondalup on life in the outback.

Based on one four-day trip for 12 young people and four adults from a country town the estimated costs are as follows:

Bus Fares	\$1,360
Accommodation (Burns Beach Caravan Resort)	\$480
Bus Hire	\$520
Activities	\$1,300
Total	\$3,660 per trip

Financial Implications:

It is proposed that the City will fund two trips down for young people for the Extreme Youth Festival (November 2002) and the Joondalup Festival (February 2003) at a cost of \$7,320 from the Community Development Administration and Strategic and Corporate Planning budgets. A budget reallocation will be sought at the half year budget review transferring these costs and budget to the Youth Development promotions budget (11.40.44.447.4102.0001).

Account No:	11.40.44.441.4102.0001 11.20.22.211.4102.0001
Budget Item:	Promotions
Budget Amount:	\$14,000
YTD Amount:	\$1,000
Actual Cost:	\$7,320

For the future of the program grant opportunities will be sought which will possibly provide funds for regional and rural communities seeking a youth exchange. The City of Joondalup could assist a country town to seek funding for projects resulting in involvement in the Joondalup Festival from the following sources:

- Regional Arts Fund – up to \$15,000;
- Lotteries Commission;
- Quick Response Grants; and
- Sponsorship opportunities through organisations such as the Water Corporation or Alinta Gas.

Other opportunities to facilitate a country town relationship could be via:

- An email or video based communication link.
- Sporting Exchange (for example a Australian Rules Football match - this could be facilitated through a selected Joondalup Football Club).

How will this relationship benefit the City of Joondalup?

By helping a country town and acting as a mentor via a sister city relationship the City of Joondalup can raise its own profile within the local community and create some good publicity.

Whilst interstate and international sister city relationship are quite common in Western Australia, no local government authorities in WA have developed an intrastate city-country relationship. The City of Joondalup would be a leader in this type of relationship that would in turn increase its corporate reputation.

What country town should the City partner with?

This year, 2002, is 'Australia's Year of the Outback'. The aim is to promote the 'Spirit of the Outback' so it touches every Australian, giving them a genuine understanding of the uniqueness and potential of the Australian outback. With this in mind it is recommended that the City of Joondalup develops a city-country relationship with a small town to help foster this understanding within the young people of Joondalup.

The Shire of Cue is approximately 640km north east of Perth and is known as the 'Queen of the Murchison'. The town of Cue has a population of 250 people and the Shire of Cue has 4 fulltime office staff, 4 depot staff and 5 councillors.

The City of Joondalup's Special Events Officer has just returned from a two week visit to the Shire of Cue to assist in the planning and community consultation of their inaugural 'Qfest' Cue Outback Festival, to be held later this year in October.

During this trip the City's Special Events Officer introduced the possibility of a city-country relationship to the Shire of Cue to assess its interest. The idea received enthusiastic support from Councillors. Subsequently, a letter has been sent to the City of Joondalup from the Chief Executive Officer, Simon Hawkins, registering that support.

Cue has a number of excellent features that makes it a complementary partner in a city-country relationship:

- Cue is an inland outback location with a great inventory of historical cultural attractions including indigenous sites. The area has a rich history in gold and mineral exploration and production.
- It has exceptional cultural assets, including historic buildings, photographs and is recognised as Western Australia's only significant ghost town (Big Bell).
- Has significant indigenous sites including Walga Rock (a ritual site with ochre paintings) and the Wilgie Mai Ochre Mine – arguably the world's oldest mine with an estimated age of 6,000 plus years.

Cue also provides strong opportunities for school or youth exchanges where young people can experience first hand outback station life. Many young people living in the City of Joondalup have not had the opportunity to experience life in the bush. Equally young people from Cue would not have experience the lifestyle of those living in the Joondalup area. This diversity provides an excellent opportunity for effective exchange.

The Shire of Cue also contrasts well with the City of Joondalup offering unique opportunities for young people of both areas:

- Old versus new
- Inland versus coast
- Outback versus metropolitan
- Historical versus modern
- Small population versus large population

COMMENT

Based on this information it is recommended that the City of Joondalup establishes a city-country relationship with the Shire of Cue. This will provide benefits to both communities including:

Benefits to the Shire of Cue

- Association with a large metropolitan local government with a good reputation for innovation.
- Access to over 100 schools in the region.
- The framework to promote Cue Shire activities with a focus on Indigenous Cultural Tourism.
- Cultural and community development experience through exchange with City of Joondalup staff.

Benefits to the City of Joondalup

- The ability to assist a rural isolated community;
- Personal development of young people;
- Establish opportunities for the exchange of cultural and community information;
- Establish regional networking opportunities;
- Give a broader understanding of Australian culture, outback and rural life;
- Greater understanding of Indigenous issues;
- Nurture a community awareness and respect.

It is recommended that two exchanges be initially conducted in this financial year bringing young people from the Shire of Cue to the City's Extreme Youth Festival in November 2002 and the Joondalup Festival in 2003 at a cost of \$7,320. It would then be proposed to facilitate another youth exchange in the following year by sending young people within the City of Joondalup to experience outback life and give them an opportunity to explore WA's early history.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ESTABLISHES a City-Country Sister City relationship with the Shire of Cue;
- 2 APPROVES in accordance with Section 6.8(1) of the Local Government Act 1995, the reallocation in the 2002/2003 budget of \$7,320 to facilitate two youth exchanges bringing young people from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 and Joondalup Festival in 2003; and
- 3 LISTS FOR CONSIDERATION the allocation of funds in the 2003/2004 budget to form an ongoing youth exchange program between the City of Joondalup to the Shire of Cue.

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 ESTABLISHES a City-Country Sister City relationship with the Shire of Cue;
- 2 APPROVES in accordance with Section 6.8(1) of the Local Government Act 1995, the reallocation in the 2002/2003 budget of \$7,320 to facilitate two youth exchanges bringing young people from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 and Joondalup Festival in 2003; and
- 3 LISTS FOR CONSIDERATION the allocation of funds in the 2003/2004 budget to form an ongoing youth exchange program between the City of Joondalup to the Shire of Cue;

- 4 administration provides Council with a list of selection criteria for approval by Council for the selection of youth from the Shire of Cue to take part in the proposed youth exchange.

The Motion was Put and

LOST (1/12)

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

MOVED Cr Kimber SECONDED Cr Baker that consideration of establishing a City-Country Sister City relationship with the Shire of Cue be DEFERRED to allow further analysis to be undertaken and a report submitted to the next meeting of Council

The Motion was Put and

CARRIED (13/0)

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

Cr Walker declared a financial interest in Item CJ249-10/02 – Telephone Service Provider – Fixed and Mobile, as she owns shares in Telstra.

Cr Carlos declared a financial interest in Item CJ249-10/02 – Telephone Service Provider – Fixed and Mobile, as he owns shares in Telstra.

Crs Walker and Carlos left the Chamber at this point, the time being 2035 hrs.

CJ249 - 10/02 TELEPHONE SERVICE PROVIDER - FIXED AND MOBILE – [16838] [19026] [00033]

WARD - All

PURPOSE

The purpose of this report is to gain the approval of Council to enter into a Telecommunications Contract for Provision of Fixed and Mobile Telephone Services with Telstra Corporation (Telstra) to enable the City to continue to receive corporate discount rates on all calls. The value of this contract is estimated between \$300,000 and \$350,000 based on last financial years usage.

EXECUTIVE SUMMARY

This report recommends that the City continues to use Telstra as its fixed and mobile telephone service provider, and details the process undertaken by WALGA to select Telstra for its whole of Local Government agreement.

BACKGROUND

The City currently purchases its fixed and mobile telephone services from Telstra. Telstra also provides the digital link between the Duncraig Library and the Administration Centre and the Onramp service that allows Elected Members and staff to dial in to the City's computer network.

During the 2001/02 financial year the City made payments totalling \$333,329.40 to Telstra. Council staff have continually been monitoring the rates offered by other carriers and have recently been approached by two of Telstra's competitors. However as a result of a WALGA tender, Telstra has made an offer to the City for the supply of fixed (1 year) and mobile telephone (2 years) services from 30 September 2002.

DETAILS

WALGA advertised for Expressions of Interest for the Provision of Telecommunication services and subsequently invited three organisations to tender. All three tendered but cannot be identified due to a confidentiality agreement signed by WALGA, but it advises that all three are well established and nationally recognised carriers.

The three tenders received were evaluated via the following selection criteria:

- Financial Viability
- Price
- Commercial Strength
- Local Account Management
- Whether they were a wholesaler or retailer
- Other Value Adding Products
- Service Standards
- Network Coverage
- Ability to Service Local Government as a whole

During the evaluation Telstra was significantly challenged on price, and an external consultant was engaged to provide comment, analysis, and testing. Details of the pricing that the City can expect as a result of this tender are as follows:

Fixed Services

Local Calls from OnRamp 10,20,30 (Council has an OnRamp 20 & 30)	11 cents per call untimed
Local Call from PSTN (Analogue Lines used by small companies and residential properties)	15 cents per call untimed
Neighbourhood Calls	13.5 cents per call untimed
STD Calls to anywhere in Australia	10 cents per minute with no flagfall
Fixed to Telstra Mobiles	21 cents per minute and 9 cents call connection any time of the day

Fixed to Non Telstra Mobiles 31 cents per minute and 9 cents per call connection any time of the day

All timed calls are charged by the second

Mobile Services

\$10 monthly access fee inclusive of \$5 calls.

New peak call rates (9-5 PM, Monday to Friday), that have been reduced by 28% to 24.6 cents per minute, charged by the second.

Statutory Provision:

The City is not required to advertise a public tender where:

The Local Government (Functions and General) Regulations 1996 Part 4, s11 (2) (b) states:

“Tenders do not have to be publicly invited according to the requirements of this Part if – (b) the supply of goods or services is to be obtained through the Council Purchasing Service of WAMA.”

COMMENT

The use of the agreement negotiated by WALGA is a cost effective shared services solution and way for the City to meet its statutory obligations under the statutory provision listed above.

The City’s bargaining power and ability to obtain best value for money is enhanced by the use of this whole of Local Government agreement based on a call volume of 11,000,000 telephone calls. Telstra has undertaken to remain price competitive through the period of this agreement.

If the City does not enter into an agreement with Telstra by 30 September 2002, there is a possibility that its call rates will revert to normal retail rates causing increased expenditure. The City should, over the term of this contract, consolidate its telecommunication requirements and pursue a public tender provided that there is no similar agreement(s) entered into by WALGA.

This matter was submitted to the Council meeting held on 24 September 2002 (Item CJ233-09/02 refers). Due to a lack of quorum, no decision was made in relation to this item.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kimber that Council AUTHORISES the signing of contract documents for the Provision of Fixed and Mobile Telephone Services with Telstra Corporation.

The Motion was Put and

CARRIED UNANIMOUSLY (11/0)

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

Crs Walker and Carlos entered the Chamber at this point, the time being 2036 hrs.

CJ250 - 10/02 JOONDALUP BUSINESS INCUBATOR PROJECT - [51024] [03082]

This item was considered earlier in the meeting, following CJ245 - 10/02 - 2002 Ecotourism Association of Australia International Conference - Mayor John Bombak.

Cr Patterson left the Chamber at this point, the time being 2037 hrs.

CJ251 - 10/02 TENDER NUMBER 003-02/03 - PROVISION OF CLEANING SERVICES TO VARIOUS COUNCIL BUILDINGS – [88526]

WARD - All

PURPOSE

This report recommends acceptance of the tender submitted by Reekie Property Services for Tender No: 003-02/03 Provision of Cleaning Services to Various Council Buildings.

EXECUTIVE SUMMARY

This tender was advertised in July 2002 and six tenders were received. Provision of Cleaning Services to Various Council Buildings incorporates standard cleaning functions to Joondalup Precinct Buildings and various Recreational Facilities in Greenwood, Warwick, Kingsley and Woodvale. The assessment of the tender has required additional time due to the number of buildings involved and variations with the submitted prices.

The tenders have been evaluated and it is recommended that Reekie Property Services be awarded this contract in accordance with the Schedule of Rates submitted. Reekie Property Services is the current Contractor with the City for this work.

It is therefore recommended that Council:

- 1 ACCEPTS the Tender from Reekie Property Services for Tender No: 003-02/03, Provision of Cleaning Services to Various Council Buildings in accordance with the Schedule of Rates submitted. This contract will commence from 1 October 2002 for a period of 12 months to 31 September 2003, with an extension option of 2 x 12 months, subject to Council's approval;*
- 2 ENDORSES signing of the Contract Documents.*

BACKGROUND

Contract 100-99/00, Supply of Cleaning Services to Joondalup Precinct Buildings, Contract 101-99/00 Supply of Cleaning Services to Duncraig/Sorrento and Craigie Leisure Centres and Contract 102-99/00 Supply of Cleaning Service to Warwick Community Centres were awarded to Reekie Property Services by Council at its ordinary meeting of May 2000. With the leasing of the Duncraig/Sorrento and Craigie Leisure Centre operation to the RAN's Management Group these areas were removed from the contract.

Contract 102-99/00, Supply of Cleaning Services to Various Buildings in Warwick, Greenwood, Kingsley and Woodvale was also awarded to Reekie Property Services.

The contracts for supply of cleaning services were fixed term contracts implemented to augment the in-house Operations Services cleaning section. Reekie Property Services were awarded the contracts and commenced on 1 July 2000 with a 1 x 12 month extension options.

This extension was exercised and Council at its Ordinary meeting of 17 April 2001 endorsed Contracts 100-99/00, 102-99/00 and terminated Contract 101-99/00 Cleaning Services to Duncraig/Sorrento and Craigie Leisure Centre.

DETAILS

Contract No: 003-02/03, Provision of Cleaning Services has amalgamated the previous dual contracts into single contract encompassing the following sections with individual schedule of rates per section.

1 Joondalup Precinct Buildings.

Joondalup Library.
Civic Chambers.
Administration Centre.
Undercroft Car Park and Podium Paving.

2 Various Council Buildings

Greenwood/Warwick Community Centre.
Warwick Community Hall.
Dorchester Community Hall.
Ellersdale Park, Toilets/Change rooms.
Hawker Park Toilets /Change rooms.
Penistone Park Toilets/Change rooms.
Penistone Park Tennis Shelter.

Greenwood Child Health Centre
 Greenwood Scout/Guide Hall.
 Blackall Park Toilet/Change rooms.
 Barridale Park Toilets/Change rooms.
 Moolanda Park Toilets/Change rooms.
 Woodvale Library.
 Timberlane Park Clubrooms
 Woodvale Tennis, Toilets/Change rooms.
 Chichester Park, Toilets/Change rooms.
 Chichester Park Clubrooms.

Tenders were received from the following companies.

Reekie Property Services	Ballajura/The Vines.
Prestige Property Services	Herdsmen WA.
O.C.E. Corporate Cleaning	Perth
Delrun Cleaning	East Perth
Berkeley Challenge Pty Ltd	Osborne Park
Total Corporation Pty Ltd	Cloverdale

Contract 003-02/03 forms part of the City of Joondalup Operations Services Maintenance Program for the Council facilities. Operations Services in-house cleaning section undertakes cleaning of the Western suburbs and Reekie Property Services the Eastern group (as per previous list). Contract expenditure for the 2001/2002 Financial Year was \$184,866.

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 Reekie Plumbing is the preferred Contractor. Reekie Property Services was the lowest tenderer overall. Comparison of tender with previous costs.

Joondalup Precinct Buildings

Description	Per Calendar Month – 99/00 (\$)	Per Calendar Month – 02/03 (\$)
Joondalup Administration	\$6,094	\$4,596
Joondalup Library	\$1,355	\$ 884
Undercroft Parking	\$1,733	\$2,706
Monthly Total	\$9,182	\$8,186
Weekend Cleaning Rate Per Hour	\$37.50	\$45.00

Comparison of current tender prices see attachment 1 to this Report.

Policy 2.4.6 Purchasing of Goods and Services

The City's policy on implementing goods and services encourages the participation of local business in the purchasing and tendering process. However no local companies could be considered, as none of the tenderers were local businesses.

This contract will commence 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 months extension periods subject to Council approval.

FUNDING

All expenditure is via the City's Maintenance Budget as adopted by Council.

COMMENT

As the tender was initiated and advertised prior to the RANS closure the Leisure Centre cleaning component has not been included. Reekie Property Services has been reinstated as the cleaning contractor to these facilities on a monthly agreement and a contract variation will be initiated following adoption of the tender by Council.

Reekie Property Services has successfully undertaken Council's contract cleaning requirements and when required was able to initiate urgent works without disruption to normal services. Where monthly inspections have identified an area of concern, the company has rectified the item immediately. All buildings have an occurrence report book and these are checked regularly. There are various performance checks built into this contract for Operations Services to monitor the performance.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council:

- 1 ACCEPTS the Tender from Reekie Property Services for Tender No: 003-02/03, Provision of Cleaning Services to Various Council Buildings in accordance with the Schedule of Rates, forming Attachment 1 to Report CJ251-10/02. This contract will commence from 1 October 2002 for a period of 12 months to 30 September 2003, with an extension option of 2 x 12 months, subject to Council's approval;**
- 2 ENDORSES signing of the Contract Documents.**

The Motion was Put and

CARRIED UNANIMOUSLY (12/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agn151002.pdf](#)

CJ252 - 10/02 2003/04 STATE BLACK SPOT PROGRAM - PROJECT SUBMISSIONS – [08151]

WARD - All

PURPOSE

The purpose of this report is to seek formal Council endorsement of projects submitted to the 2003/04 State Black Spot Program.

EXECUTIVE SUMMARY

On 30 July 2002, Main Roads WA called for submissions for the 2003/04 State Black Spot Program. Submissions were required by Friday 20 September 2002. In order to meet this deadline, project submissions have been made subject to formal endorsement by Council.

A comprehensive list of the proposed projects including total project costs, possible State Black Spot Program funding and the mandatory Council contributions should funding be approved are shown on Attachment 1. Formal endorsement of the short listed projects are supported on the basis that they may significantly improve safety of the local road network for all road users.

Therefore this report recommends that Council:

- 1 ENDORSES the projects shown on Attachment 1 as submitted to the 2003/04 State Black Spot Program;*
- 2 AGREES to consider as a high priority 1/3rd funding of successful State Black Spot projects as part of the 2003/04 budget deliberations.*

BACKGROUND

In August 2000, the State Government announced a new initiative targeting black spots and road improvements around Western Australia. The program is now moving into its third year. The State Black Spot Program is aimed at further improving road safety on local roads across Western Australia thereby reducing the significant trauma and suffering of crash victims, family and friends.

The program targets road locations where crashes are occurring and aims to fund cost effective, safety orientated projects by focusing on locations where the highest safety benefits and crash reductions can be achieved.

All submissions are considered on their merits and are evaluated against the criteria set by the State Black Spot Program Development and Management Draft Guidelines. The State Black Spot Program will allocate 2/3rd funding towards the cost of successful projects with the remaining 1/3rd project cost to be met by Council. For the 2002/03 year the City was granted \$360,000 with an opportunity for additional funds of \$353,333 via the State Black spot Program. (This is the subject of a separate report.)

DETAILS

On 30 July 2002, Main Roads WA called for submissions for the 2003/04 State Black Spot Program. To enable the submissions to be presented to the Metropolitan Regional Road Group Technical Members meeting, the submission deadline was set for Friday 20 September 2002.

As a consequence, any eligible projects had to be submitted prior to formal endorsement by Council. Previously, projects have been presented to Council prior to submission. In the event that Council approval is not forthcoming, projects may be withdrawn at any stage.

As part of this 2003/04 program, approximately 160 eligible sites (5 crashes in 5 years ending December 2001) were evaluated on a preliminary basis. Of these, 16 sites were subject to a more detailed assessment.

The basis on the assessment is to identify potentially cost effective solutions to a particular crash type or types. Essentially, a cost effective countermeasure is one which best addresses a particular crash type. An economic evaluation is then used to determine a Benefit Cost Ratio or BCR. The calculation is based on the cost of a countermeasure compared with the estimated cost saving achieved through a reduction of crashes or crash types. In simple terms, the greater the cost effectiveness, the greater the BCR value.

On the basis of the detailed assessment, 5 sites have been short listed and submitted for funding consideration as part of the 2003/2004 State Black spot Program. A comprehensive list of the short listed projects including total project costs, possible State Black Spot Program funding and the mandatory Council contributions should funding be approved are shown on Attachment 1 to this Report.

In accordance with the previous year, it is envisaged that the Minister for Transport will announce the approved projects early in 2003.

Financial Implications:

An amount of \$180,000 has been listed as Council's contribution in Year 2 (2003/04) of the City's Five Year Capital Works Program – Black Spot. The final amount required to fund the City's contribution towards any successful Black Spot Projects will be considered as part of next year's budget deliberations.

COMMENT

In order to meet the mandatory funding criteria, successfully approved projects will require a 1/3rd contribution from Council.

In the meantime, the short listed projects shown on Attachment 1 to this Report, are presented for formal endorsement by Council. Subject to Council endorsement and approval for State Black Spot funding, the City's contribution for each successful project will be listed for funding consideration as part of the City's 2003/04 budget deliberations.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands SECONDED Cr Walker that Council:

- 1 ENDORSES the projects shown on Attachment 1 to Report CJ252-10/02 as submitted to the 2003/04 State Black Spot Program;**
- 2 AGREES to consider as a high priority 1/3rd funding of successful State Black Spot projects as part of the 2003/04 budget deliberations.**

The Motion was Put and

CARRIED UNANIMOUSLY (12/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf081002.pdf](#)

CJ253 - 10/02 METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO 1060/33A - APPROVAL REQUIREMENTS UNDER THE METROPOLITAN REGION SCHEME FOR DEVELOPMENT BY A PUBLIC AUTHORITY – [77529]

WARD - All

PURPOSE

The purpose of the report is for Council to consider an amendment proposed to the Metropolitan Region Scheme Text to exempt public authorities of the requirement for development approval for the construction of a railway within land reserved for roads under the Metropolitan Region Scheme.

EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC) has recently initiated an amendment to the Metropolitan Region Scheme Text (MRS) to exempt a public authority from requiring a development approval to construct a railway within land reserved for roads under the Metropolitan Region Scheme.

It is proposed that Clause 16(3)(d) of the MRS text be amended by inserting the following underlined words:

- (d) works on land reserved for Railways, or for Primary Regional Roads or Other Regional Roads, for the purpose of or in connection with a railway but this does not include the construction or alteration of a railway station or any related car parks, public transport interchange facilities, or associated means of pedestrian or vehicular access.

The Commission is seeking Council's comments on the proposed amendment, as there are several roads within the City that are zoned for 'Primary Regional Roads' and 'Other Regional Roads' under the MRS. (Attachment 2 to this Report).

The proposal was to be included in a recent MRS amendment (Amendment No 1009/33A) which exempts certain public works associated with roads, port facilities, railways, water, electricity and gas, high schools, regional parks and state forests from the requirement for development approval in respect of land reserved under the MRS. It was intended the amendment included railways thus the proposed amendment 1060/33A, which proposes to rectify this oversight.

No planning objections are raised to the proposed MRS amendment.

BACKGROUND

Suburb/Location:	Various
Applicant:	Western Australian Planning Commission
Owner:	Various
Zoning:	DPS: N/A
	MRS: N/A
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

DETAIL

Current Proposal or Issue

The amendment proposes to exempt a public authority from requiring development approval to construct a railway within land reserved for roads under the MRS by proposing that Clause 16(3)(d) of the MRS text be amended by inserting the following underlined words:

(d) works on land reserved for Railways, or for Primary Regional Roads or Other Regional Roads, for the purpose of or in connection with a railway but this does not include the construction or alteration of a railway station or any related car parks, public transport interchange facilities, or associated means of pedestrian or vehicular access.

The Commission is seeking Council's comments on the proposed amendment, as there are several roads within the City that are zoned for 'Primary Regional Roads' and 'Other Regional Roads' under the MRS.

The MRS was recently amended (Amendment No 1009/33A) to exempt certain public works associated with roads, port facilities, railways, water, electricity and gas, high schools, regional parks and State forests, from the requirement for development approval in respect of land reserved under the MRS. In the granting of final approval to the amendment a modification was required to correlate the list of permitted development with the appropriate reserve in the MRS (Attachment 1). However this did not include railway works on land reserved Primary and Other Regional Roads.

The developing rail transport system includes many situations where the railway is contained within the regional road reservation. The effect of the current amended provisions is that works for the purpose of or in connection with a railway would not be exempt from the requirement for development approval whereas those other works on land reserved for regional roads in the MRS are. This is because the scope of permitted development on land reserved for Primary Regional Roads or Other Regional Roads is limited to a definition that restricts development to 'road purpose' only as defined under the Main Roads Act 1930.

The proposed amendment to the MRS will exempt development approval for public works relating to railway works within road reserves as it was initially intended.

Statutory Provision:

The Metropolitan Region Town Planning Scheme Act (Section 33A) provides the process for an amendment not constituting a substantial alteration to the MRS. Any proposal to modify the MRS must be advertised for a period of two months during which landowners directly affected are contacted by letter. The public is also informed by advertisements in local and statewide newspapers.

At the end of the submission period the WAPC consider all submissions and decide whether to alter the amendment or proceed with the original proposal. A recommendation is made to the Hon Minister for Planning for approval.

Advertising and Summary

The Commission has sought public comment on the amendment proposal via advertisements in *The Government Gazette* on Friday, 2 August 2002 and *The West Australian* newspaper on Saturday 3 August 2002.

Formal submissions are invited and must be lodged by Tuesday, 1 October 2002. The City has advised the WAPC that a formal response will be forwarded once the Council has considered the matter.

COMMENT

Amendment 1009/33A was intended to allow major public works of an operational nature to proceed without the need for development approval. It was not intended to exclude railway works. The amendment proposed will rectify this oversight.

No planning objections are raised to the proposed MRS amendment.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh, SECONDED Cr Kenworthy that Council ADVISES the Western Australian Planning Commission that it supports the proposed changes to the Metropolitan Region Scheme Text proposed in Amendment No 1060/33A.

The Motion was Put and

CARRIED UNANIMOUSLY (12/0)

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

Appendices 6 & 6(a) refer

To access this attachment on electronic document, click here: [Attach6brf081002.pdf](#)
[Attach6abrf081002.pdf](#)

CJ254 - 10/02 EXTENSION OF UNIFORM FENCING - BUTE COURT, KINROSS – [48314]

WARD North Coastal

PURPOSE

Council is requested to consider the outcomes of questionnaires in order to address a petition that requested the extension of the uniform fence adjacent to Marmion Avenue, Kinross.

EXECUTIVE SUMMARY

A 42-signature petition was received from Kinross residents requesting the extension of the uniform fence adjacent to Marmion Avenue, Kinross (Attachment 1).

The petition presents several arguments in support of the extension of the uniform fence, primarily that it would remove the danger to children by eliminating access to Marmion Avenue. It further states that it would reduce traffic noise and litter in the street.

Uniform fencing is not solely provided to prevent children accessing major roads. It is also provided to present a uniform appearance along rear boundaries of properties abutting major road reserves, which is a standard subdivision requirement. Whilst it is acknowledged that the uniform fence provides noise attenuation, this is not its main function.

It should also be noted that Policy 3.1.6 Uniform Fencing – Subdivision advocates the extension of cul-de-sac heads to reduce the extent of uniform fencing along major roads.

The purpose for providing such breaks in the uniform fencing around estates is to assist in minimising the establishment of 'walled' estates, which is considered an inappropriate urban design outcome. The existing opening provides unrestricted pedestrian and cyclist access to Marmion Avenue, the suburb of Kinross and to the potential future residential area to the west, including passive surveillance of the space. It should be noted that the current arrangement is in accordance with Policy 3.1.6 Uniform Fencing – Subdivision, including the existing barrier fencing.

A total of 75 (17%) was returned resulting in 54.6% in support, 13.3% in objection and 32% neutral. The results of the questionnaire revealed 15 users of the accessway. The accessway is used to access public transport, schools and parks, in addition it is used for social purposes and for exercise (walking). Of the 15 users 40% support closure, 46% object and 13% are neutral.

It is recommended that Policy 3.1.6 Uniform Fencing – Subdivision be adhered to and the existing opening be retained in its current configuration.

BACKGROUND

Suburb/Location: Kinross
Applicant: Mr C Evans & Ms S Reece (on behalf of the local community)
Owner: Crown
Zoning: **DPS:** Other Regional Road/Urban
MRS: Other Regional Road/Urban
Strategic Plan: **Vision** - Neighbourhood design that encourages walking, cycling, jogging.

DETAILS

A 42-signature petition was received from Kinross residents requesting the extension of the existing uniform fence adjacent to Marmion Avenue. The existing uniform fence ends where the road reserves of Marmion Avenue and Bute Court coincide. The location of Bute Court is shown in Attachment 1 including the layout of the culs de sac, existing fence and bollards.

The petition presents several arguments in support of the extension of the uniform fence, primarily that it would remove the danger to children by eliminating access to Marmion Avenue. It further states that it would reduce traffic noise and litter in the street.

Consultation:

The City forwarded questionnaires to 440 households. A total of 75 (17%) was returned resulting in 54.6% in support, 13.3% in objection and 32% neutral. In addition, there are 15 users of the accessway. The accessway is used to access public transport, schools and parks, in addition it is used for social purposes and for exercise (walking). Of the 15 users 40% support closure, 46% object and 13% are neutral. A table of key results from the questionnaires is shown in Attachment 2.

Comments were also sought from the subdivider, Peet & Company Ltd, who had no objection provided that the City funded the extension of the uniform fence.

Policy Implications:

Policy 3.1.6 – Uniform Fencing – Subdivision encourages a reduction in the extent of uniform fencing along major roads. To achieve this outcome, the policy encourages the provision of alternative design measures such as controlled access places, service roads and extension of culs-de-sac heads abutting major roads.

The policy states that where cul-de-sac heads and service roads are located immediately adjacent to regional roads or other roads of district importance, Council shall require the provision of barrier fencing along the common boundaries of these road reserves. Such

fencing shall consist of bollards, posts and rails or other low, open designs as approved by the Chief Executive Officer. In assessing applications for alternative designs of barrier fencing the Chief Executive Officer shall have regard to the provision of visual breaks to continuous sections of fencing, compatibility with adjacent uniform fencing, pedestrian/cycle access and relative land levels between the cul-de-sac/service road and the major road, ongoing maintenance requirements and durability of the barrier fencing.

Strategic Plan:

City of Joondalup Strategic Plan 2000-2005. Vision – Create local neighbourhood precincts which have neighbourhood design that encourages walking, cycling, jogging – where it's easy to get around and enjoy a healthy lifestyle.

COMMENT

The petition argues that the existing opening in the uniform fence poses a serious danger to children playing in the street. Uniform fencing is not provided to prevent children accessing major roads. It is provided to present a uniform appearance along rear boundaries of properties abutting major road reserves, which is a standard subdivision requirement. Whilst it is acknowledged that the uniform fence provides noise attenuation, this is not its main function.

It should also be noted that Policy 3.1.6 Uniform Fencing – Subdivision advocates the extension of cul-de-sac heads to reduce the extent of uniform fencing along major roads.

The purpose for providing such breaks in the uniform fencing around estates is to assist in minimising the establishment of 'walled' estates, which is considered an inappropriate urban design outcome. It should be noted that the current arrangement is in accordance with the Policy 3.1.6 Uniform Fencing – Subdivision, including the existing barrier fencing.

The existing opening creates a more pedestrian and cycle friendly environment and encourages walking and cycling and the use of public transport. The existing opening provides unrestricted pedestrian and cyclist access to Marmion Avenue, the suburb of Kinross and to the potential future residential area to the west. It also provides for better connectivity between neighbourhoods, and assists in the promotion of passive surveillance along such routes.

Whilst the extension of the estate wall is not supported (at an approximate cost of \$10,000 to Council), alternative fencing and gate design options were explored. If there was to be any fencing then the preferred option is low permeable fencing (tubular pool type fencing) with a self-closing gate system similar to a pool gate. This option would be in accordance with the objectives of Policy 3.1.6 Uniform Fencing - Subdivision, allow for pedestrian access to be maintained and would restrict children accessing Marmion Avenue. This option would be an approximate cost of \$3,000 to Council and restrict cyclist movement, therefore, it is recommend that this option not be pursued.

Conclusion

In conclusion approval to the extension of the uniform fence may have ramifications for many other localities throughout the municipality that contain similar culs-de-sac head treatments. Council should be mindful that this request may create an undesirable precedent, to the detriment of sound urban design and passive surveillance outcomes. Additionally, should

Council support the alternative fencing and gate option identified above, a precedent would be created whereby other localities may seek similar treatments that would, in turn, create financial implications.

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

At the Briefing Session held on 8 October 2002, a question was raised in relation to a footpath located three properties north of the Bute Court cul-de-sac head. Please find attached photographs of that footpath. The footpath in question is located within a POS/recreation reserve. The land associated with the pathway has not been formally created as a pedestrian accessway per se, however is within a Water Corp easement which is 5 metres wide and runs the length of the adjoining lot. In any event, the land is ceded to the Crown.

The existence of this path does not change the officers' assessment and recommendation. The request was assessed against the City's subdivision fencing policy (3.1.6). The crucial point is that the City will be creating a precedent for the creation of 'walled estates' which is an undesirable urban design outcome. The second main point is the creation of a precedent for the many other similarly designed culs-de-sac head treatments within the City, which would have both urban design and financial ramifications. The question of the date of the policy versus the date of the subdivision was also raised at the Briefing Session. An almost identical policy (minor word differences but same intent) was in place some 5 years prior to this subdivision and would have guided the subdivision approval at the time.

Also as requested, two plans are attached; one showing the residents who indicated on the questionnaire their support, objection or neutrality to the extension of the uniform fence and the other showing the existing pathway to the north.

OFFICER'S RECOMMENDATION: That Council:

- 1 **SUPPORTS Policy 3.1.6 Uniform Fencing - Subdivision and the existing opening in Bute Court, Kinross be retained in its current configuration;**
- 2 **ADVISES all petitioners and questionnaire respondents accordingly.**

MOVED Cr Hollywood SECONDED Cr Baker that Council SUPPORTS the closure of Bute Court, Kinross, using the masonry material already in use, so as to remove any danger to the local children.

Cr Hollywood gave the following reasons for his departure from the Officer's Recommendation:

- Of the 75 persons that responded to the questionnaire, 68 supported or had no concern at the closure and seven requested it remain open;
- Only one of the seven against the closure will be affected by its closure;
- No inconvenience is caused by the closure;
- The report does not address safety of children in the area;
- After closure, the wall would not affect the aesthetics of the area;
- The cost of the closure would not be excessive;

- The slope of the cul-de-sac causes a danger to children at play;
- 18 children under the age of nine live in the area, with no parks available nearby.

Discussion ensued.

During discussion:

Cr Kenworthy left the Chamber at 2039 hrs and returned at 2041 hrs;

Cr Patterson entered the Chamber at 2039 hrs;

Cr Mackintosh left the Chamber at 2041 hrs and returned at 2045 hrs.

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

MOVED Cr Walker, SECONDED Cr Mackintosh that the closure of Bute Court, Kinross be listed for funding consideration in the half yearly budget review.

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

Appendices 7, 7(a), 12, 12(a), 12(b) and 12(c) refer

To access this attachment on electronic document, click here: [Attach7brf081002.pdf](#)

[Attach7abrf081002.pdf](#)

[Attach12min151002.pdf](#)

[Attach12amin151002.pdf](#)

[Attach12bmin151002.pdf](#)

[Attach12cmin151002.pdf](#)

Cr Kimber declared an interest which may affect his impartiality in Item CJ255-10/02 – Consideration of Excision and Re-vesting of Lilburne Reserve (Reserve 35545), Location 9853, (214) Lilburne Road, Duncraig as he is employed by the Fire & Emergency Service Authority (FESA).

Cr Kimber left the Chamber at this point, the time being 2051 hrs.

**CJ255 - 10/02 CONSIDERATION OF EXCISION AND RE-VESTING
OF LILBURNE RESERVE (RESERVE 35545),
LOCATION 9853, (214) LILBURNE ROAD,
DUNCRAIG – [05963] [57264]**

WARD - Pinnaroo

PURPOSE

Council is requested to consider the outcomes pertaining to community based workshops held on 22 and 29 July 2002 in respect to the identification of an alternative site for use by the Fire and Emergency Services Authority (FESA) to construct a new fire station facility to service the Padbury locality. (A copy of the final workshop outcomes report has been placed in the Councillors' reading room for perusal).

Council is also requested by the Department for Planning and Infrastructure (DPI) to support the following:

- The excision of 3000m² of Lilburne Reserve (Reserve 35545) and re-vesting for the purpose of a fire station, and;
- The re-vesting of the remainder of Lilburne Reserve (Reserve 35545) from 'Public Recreation' to 'Conservation'.

EXECUTIVE SUMMARY

In August and November 2001, Council was requested to consider a proposed land exchange between the current FESA fire station site in Location 11898 (273) Hepburn Avenue, Padbury (Reserve 43210) and the City's Community Purpose site in Location 12223, (12) Blackwattle Parade, Padbury (Reserve 43717). This had been suggested as the FESA site is included in the Bush Forever Site 303 and the land swap was seen as a mechanism by which to retain the bushland on the site. Council resolved not to support the land exchange option due to significant local opposition.

Council, at its meeting on 27 November 2001, requested that the DPI determine an appropriate strategy for the provision of a fire station in the Hepburn Heights area.

Council, at its meeting on 12 February 2002 considered an application for approval to construct a fire station upon the current FESA vested site on Reserve 43210. One of Council's resolutions was to reiterate its previous request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal.

As a result of Council's requests, DPI commissioned an independent consultant, Environmental Resource Management Australia Pty Ltd (ERM) to identify a suitable location for the facility, with a range of stakeholders being included within this decision making process. Two community based workshops were conducted on 22 and 29 July 2002, with representatives from DPI, FESA, City of Joondalup, Friends of Hepburn Heights, Friends of Lilburne Reserve, Department of Environmental Protection (DEP), Western Power and several community representatives in attendance.

DPI wrote to the City requesting that Council support the preferred site identified at the workshops which is a 3000m² portion of Lilburne Reserve, together in support of the change of vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation'.

The City wrote to DOLA seeking advice in respect to proceeding with the excision and re-vesting of the reserve as per DPI's request. DOLA, via correspondence advised that the City should undertake advertising in accordance with statutory requirements.

It is therefore recommended the excision of a 3000m² portion of Lilburne Reserve and the re-vesting of the remainder of the reserve from 'Public Recreation' to 'Conservation' be advertised, to gauge community opinion.

BACKGROUND

Suburb/Location: Reserve 35545 Lilburne Reserve, Duncraig
Applicant: Department for Planning and Infrastructure
Owner: Crown
Zoning: **DPS:** Parks and Recreation
MRS: Urban
Strategic Plan: Lifestyle Strategy 2.6 – Implement projects with focus on improving environmental, social and economic balance.

The following previous Council resolutions pertaining to the fire station site are provided in chronological order.

Council at its meeting on 24 July 2001 (CJ249-07/01 refers) resolved:

“That the matter pertaining to the Proposed Land Exchange – Location 11898 (273) Hepburn Avenue, Padbury (Reserve 43210 – Fire Station Site) and Location 12223, (12) Blackwattle Parade, Padbury (reserve 43717 – Community Purpose Site) be DEFERRED pending further consideration by elected members.”

Council at its meeting on 14 August 2001 (CJ277-08/01 refers) resolved:

“(That Council)

- 1 NOTES the environmental significance of Hepburn Heights Bushland;*
- 2 NOTES the social and historical significance of Hepburn Heights Bushland;*
- 3 NOTES the lack of proposed uses for the City of Joondalup Community Purpose Site, reserve 43717;*
- 4 ADVERTISES for a period of 28 days the possibility of the land swap of FESA Reserve Loc. 11898 and City of Joondalup Community Purpose site, Reserve 43717 for the purpose of consolidating the Hepburn Heights Bushland Conservation Area;*
- 5 INFORMS the residents of the Hepburn Heights Estate of the consideration of a possible land swap by means of a letter box distribution of flyers within the estate;*

- 6 *COMMUNICATES this decision to Hepburn Heights Residents Association; Fire & Emergency Services Authority of Western Australia; Western Australian Planning Commission; Friends of Hepburn & Pinnaroo Bushland and The Environmental Protection Authority;*
- 7 *LIAISES with the Department of Land Administration regarding the possible revocation of the Management Order on Reserve 43717;*
- 8 *RECEIVES a report on the outcome of the public consultation process by the end of October 2001."*

Council at its meeting on 27 November 2001 (CJ419-11/01 refers) resolved:

“(That Council)

- 1 *“NOTES there is significant community opposition to the development of a fire station on the designated Fire and Emergency Services Authority site due to concern about damage to regionally significant bushland;*
- 2 *NOTES there is significant community opposition to the development of a fire station on the community purpose site on Blackwattle Parade due to concern about the impact on amenity of the surrounding residential area;*
- 3 *APPROACHES the Department of Planning and Infrastructure (DPI) to determine an appropriate strategy for the provision of these essential services (fire station and Western Power facilities) in the Hepburn Heights area..”*

Council at its meeting on 12 February 2002 (CJ027 - 02/02 refers) resolved:

“(That Council)

- 1 *“RECOGNISES the intended purpose of the Reserve for FESA’s use;*
- 2 *RECOGNISES the community concern in regard to development within the Hepburn Heights bushland;*
- 2 *STRONGLY RECOMMENDS that the Department for Planning and Infrastructure undertakes community consultation on the proposal prior to any decision being made;*
- 4 *REITERATES the request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal;*
- 5 *In the event that approval is granted, REQUESTS that the Western Australian Planning Commission consult the City in regard to appropriate development conditions and that the following issues be addressed:*
 - *a management plan be prepared for the operation of the fire station to ensure minimal impact on the amenity of nearby residential areas; and*

- *detailed drawings be provided for to the City for approval for the proposed access onto Hepburn Avenue and modification of traffic islands.”*

DETAILS

Council, at its meeting on 12 February 2002 considered an application for approval to construct a fire station upon the current FESA vested site on Reserve 43210. One of Council's resolutions was to reiterate its previous request that the DPI determines an appropriate strategy for the provision of essential services in the Hepburn Heights area prior to a decision being made on this proposal.

As a result of Council's requests, DPI commissioned an independent consultant, Environmental Resource Management Australia Pty Ltd (ERM) to identify a suitable location for the facility, with a range of stakeholders being included within this decision making process. It is important to note that Council has not initiated the process but that Joondalup's involvement has been sought out of necessity.

Two community based workshops were conducted on 22 and 29 July 2002, with representatives from DPI, FESA, City of Joondalup, Friends of Hepburn Heights, Friends of Lilburne Reserve, Department of Environmental Protection (DEP), Western Power and several community representatives in attendance.

DPI wrote to the City requesting that Council support the preferred site identified at the workshops which is a 3000m² portion of Lilburne Reserve, together in support of the change of vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation'.

The City wrote to DOLA seeking advice in respect to proceeding with the excision and re-vesting of the reserve as per DPI's request. DOLA's response acknowledged that advertising had taken place previously with regard to the proposed 'land swap' however, due to the current proposal being entirely new, advertising in accordance with DOLA's guidelines would still be necessary.

It is therefore recommended the excision of a 3000m² portion of Lilburne Reserve and the re-vesting of the remainder of the reserve from 'Public Recreation' to 'Conservation' be advertised, to gauge community opinion.

Statutory Provision:

Lilburne Reserve (Reserve 35545) was set aside pursuant to Section 20A of the Town Planning and Development Act 1928 for the designated purpose of 'public recreation' and in general terms it is considered in the public's best interest that land for this purpose should remain as such. However, it is recognised there is sometimes good argument for variations to the general policy of preserving existing Section 20A reserves. The "Guidelines for the Administration of Section 20A Public Recreation Reserves" were produced by the Department of Land Administration (DOLA) to identify where such variations are considered appropriate.

Under these Guidelines, where a portion of a Section 20A reserve is to be considered for excision or disposal, it needs to be proved that such an action will not disadvantage the local community. Therefore prior to approval being granted, the City must satisfy the Minister for Lands that the proposal has been widely publicised within the locality. A sign on site is required together with an advertisement in a local newspaper and, if considered appropriate,

canvassing of landowners in proximity to the subject site. Details of the level of advertising undertaken together with the results of that advertising are required to be forwarded to DOLA with any request to amend a reserve's purpose.

Advertising:

Council is requested to initiate advertising in respect of the new fire station site within portion of Lilburne Reserve. It is recommended that a sign on site be installed for a period of thirty days and an advertisement placed in the local community newspaper. It is suggested that all persons and groups who previously lodged submissions in respect to the fire station site be advised in writing, including all attendees of the workshops, together with all landowners of property adjacent to and adjoining Lilburne Reserve. In addition, in recognition of the process undertaken by the DPI, it is recommended that all advertising should include a paragraph, which ensures that public comment being sought is limited to the excision and re-vesting of Lilburne Reserve and not the identification of alternative fire station sites.

Strategic Implications:

It should be noted that a significant portion of the locality is currently not serviced to an accepted international standard by FESA. Whilst it is acknowledged that this issue is one of significant local importance, Council should be mindful of the ramifications of FESA's servicing inadequacies upon the wider community. It is therefore considered essential that the finalisation of the preferred fire station site, together with its construction, be progressed in a timely manner.

COMMENT

The final workshop outcomes report identified 4 main options. These are the original FESA site, another site in the Hepburn Heights Conservation area, the Community Purpose site on Blackwattle Parade and Lilburne Reserve, Duncraig. The workshops involved all key stakeholders, including members of the local community.

A systematic process of identifying options and evaluation criteria, weighting the criteria, rating the options and identifying a top ranked option formed the basis of the final decision. The final outcome of this process was that the preferred site for a fire station is a 3000m² portion of Lilburne Reserve fronting Hepburn Avenue. In addition, the re-vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation' also formed part of the final outcome to ensure that the remainder of Lilburn Reserve and, more importantly the vegetation contained therein, is afforded a higher level of protection. It is advised that there would be no additional cost to Council if the area was re-vested for Conservation purposes.

It should be noted that upon finalisation of the advertising period, a further report tabling all submissions received during the advertising period will be considered by Council prior to the City formally requesting excision and re-vesting of Lilburne Reserve by the DOLA. This report will also provide details in regard to the cadastral boundaries of the excision area via consultation between the City of Joondalup, FESA, DPI and the Friends of Lilburne Reserve so that disturbance and loss of remnant vegetation upon this portion of Lilburne Reserve is kept to an absolute minimum.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ADVISES the Department for Planning and Infrastructure that the City is advertising the excision of a 3000m² portion of Reserve 35545, Lilburne Reserve, together with the re-vesting of the remaining portion of the reserve from 'Public Recreation' to 'Conservation';
- 2 INITIATES advertising in accordance with legislative obligations pertaining to Section 20A reserves. Advertising shall be for a period of 30 days and consist of notifying all persons and/or groups who previously lodged submissions in respect to the fire station site being advised in writing (including all attendees of the workshops, together with all landowners of property adjacent to and adjoining Lilburne Reserve), a sign placed on site, and an advertisement placed in the local newspaper. In addition, it is recommended that all advertising shall include the following paragraph:

“Two separate workshops were conducted on 22 and 29 July 2002 to identify a site for the construction of a fire station in the Padbury Area. The workshops involved a systematic process of identifying various site options and evaluation criteria, weighting the criteria, rating the site options and identifying a top ranked site option. The outcome of the assessment of all site options is that the preferred fire station site is a 3000m² portion of Lilburne Reserve fronting Hepburn Avenue, Duncraig. In addition to the above, the re-vesting of the remainder of Lilburne Reserve from 'Public Recreation' to 'Conservation' is also supported by the Department for Planning and Infrastructure. The City of Joondalup is inviting comment from all interested persons and groups in respect to the excision and re-vesting of Lilburne Reserve. Comments in respect to the identification of other fire station sites will not be considered as the identification of the preferred site is the outcome of the two community based workshops in which a consensus was reached by all key stakeholders, including local community group representatives”;
- 3 Upon finalisation of the advertising period, a further report tabling all submissions received during the advertising period be CONSIDERED by Council, prior to the City formally requesting excision and re-vesting of Reserve 35545 by the Department of Land Administration;
- 4 DETERMINES the cadastral boundaries of the excision area via consultation between the City of Joondalup, FESA, DPI and the Friends of Lilburne Reserve so that disturbance and loss of remnant vegetation upon this portion of Lilburne Reserve is kept to an absolute minimum; and
- 5 THANKS the organisers, the Department for Planning and Infrastructure, and all attendees for their considerable time and input into the process of identifying the preferred fire station site upon portion of Reserve 35545, Lilburne Reserve, Duncraig.

MOVED Cr Patterson SECONDED Cr Baker That Council:

- 1 **ADVISES the Department for Planning and Infrastructure that the City is advertising the excision of a 3000m² portion of Reserve 35545, Lilburne Reserve, together with the re-vesting of the remaining portion of the reserve from 'Public Recreation' to 'Conservation';**

- 2 **INITIATES** advertising in accordance with legislative obligations pertaining to Section 20A reserves. Advertising shall be for a period of 60 days and consist of notifying all persons and/or groups who previously lodged submissions in respect to the fire station site being advised in writing (including all attendees of the workshops, together with all landowners of property adjacent to and adjoining Lilburne Reserve), a sign placed on site, and an advertisement placed in the local newspaper. In addition, it is recommended that all advertising shall include the following paragraph:

“Two separate workshops were conducted on 22 and 29 July 2002 to identify a site for the construction of a fire station in the Padbury Area. The workshops involved a systematic process of identifying various site options and evaluation criteria, weighting the criteria, rating the site options and identifying a top ranked site option. The outcome of the assessment of all site options is that the preferred fire station site is a 3000m² portion of Lilburne Reserve fronting Hepburn Avenue, Duncraig. In addition to the above, the re-vesting of the remainder of Lilburne Reserve from ‘Public Recreation’ to ‘Conservation’ is also supported by the Department for Planning and Infrastructure. The City of Joondalup is inviting comment from all interested persons and groups in respect to the excision and re-vesting of Lilburne Reserve. Comments in respect to the identification of other fire station sites will not be considered as the identification of the preferred site is the outcome of the two community based workshops in which a consensus was reached by all key stakeholders, including local community group representatives”;

- 3 Upon finalisation of the advertising period, a further report tabling all submissions received during the advertising period be **CONSIDERED** by Council, prior to the City formally requesting excision and re-vesting of Reserve 35545 by the Department of Land Administration;
- 4 **DETERMINES** the cadastral boundaries of the excision area via consultation between the City of Joondalup, FESA, DPI and the Friends of Lilburne Reserve so that disturbance and loss of remnant vegetation upon this portion of Lilburne Reserve is kept to an absolute minimum; and
- 5 **THANKS** the organisers, the Department for Planning and Infrastructure, and all attendees for their considerable time and input into the process of identifying the preferred fire station site upon portion of Reserve 35545, Lilburne Reserve, Duncraig.

Discussion ensued.

Cr Barnett left the Chamber at 2052 hrs and returned at 2055 hrs.

Following a query regarding the extent of advertising to local landowners, it was requested that advertising be undertaken within a 400 metre radius, together with St Stephen’s School and South Padbury Primary School.

The Motion was Put and

CARRIED UNANIMOUSLY (12/0)

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

Cr Kimber entered the Chamber at this point, the time being 2058 hrs.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf081002.pdf](#)

Cr Baker declared an interest which may affect his impartiality in Item CJ256-10/02 – Community Sport and Recreation Facility Fund 2002/03 Funding Round – Submission Prioritisation as he is a member of the Joondalup Brothers Rugby Union Club Inc which is an affiliated body to the Beaumaris Sports Association.

CJ256 - 10/02 COMMUNITY SPORT AND RECREATION FACILITY FUND 2002/03 FUNDING ROUND - SUBMISSION PRIORITISATION – [22209]

WARD - All

BACKGROUND

Local Government bodies and legally constituted, not for profit sporting clubs and community groups have been invited by the Department for Sport and Recreation to submit applications for funding to make modifications and additions to existing sport and recreation facilities or to construct new ones. A third of the total cost of the project may be funded by the CSRFF, with it being necessary that grants are matched by the applicant's own cash or 'in-kind' contribution to the project, with other funding bodies being sourced as required.

CSRFF grants are available in one of two categories:

- 1 Annual grants, and
- 2 Forward Planning grants.

Annual grants will be given to projects of a less complex nature, which have a total project value between \$1,000 and \$50,000. Grants in this category must be claimed in the next financial year.

Forward Planning grants will be given to projects of a more complex nature, requiring a period of between one and three years to complete, and which are for grants of \$50,001 to \$1.5 million. Grants given in this category can be claimed in either the first, second or third year of the triennium in which the funds were allocated.

Council is required to assess, rank and rate all applications from organisations that fall within the boundaries of the City and forward these rankings and ratings to the Department of Sport and Recreation for consideration against all other submissions in the state. To assist in this process each submission is assessed administratively via the City's Formal Facilities Assessment Process.

The Minister for Sport and Recreation will announce the successful applications in February 2003. The grants will become available in the 2003/04 financial year or in another financial year nominated by the applicant.

EXECUTIVE SUMMARY

The Minister for Sport and Recreation has allocated nine million dollars from the Community Sport and Recreation Facility Fund (CSRFF) for the 2003/04 round of applications. Council is requested to assess, rank and rate all applications received from sporting and community groups located within the City.

Applications have been received from six community groups for a range of projects in addition there are two projects from the City of Joondalup for consideration. The following is the recommended assessment of priority ranking and project ratings for all applications to be submitted to the Minister for Sport and Recreation:

Rank	Applicant	Rating
1	Craigie Leisure Centre	Needed by municipality, more planning required
2	Wanneroo Wolves Basketball	Needed by municipality, more planning required
3	Sorrento Croquet Club	Well planned and needed by applicant
4	Sorrento/Duncraig Junior Football Club	Well planned and needed by applicant
5	Warwick Bowling Club	Needed by applicant more planning required.
6	Whitfords Hockey Club	Needed by applicant more planning required.
7	Marmion Squash Club	Idea has merit, more preliminary work needed.
8	Beaumaris Sporting Association	Not recommended.

N.B) A table (attachment 1 to this Report) has been provided to show the extent of the possible financial commitment of the applications submitted for consideration by Council.

DETAILS

Financial Implications

Projects which are listed for possible support by the Community Sport and Recreation Facilities Fund are recommended to be included as part of the draft capital works budget for the appropriate year. On most occasions the grant monies are sought in the forthcoming financial year. Decisions as to the outcomes of the grant submissions will be announced in February or March 2003, at which time the City will be able to make the appropriate adjustments to the budget planning documentation according to the decisions of the state government.

Strategic Implications:

All applications were assessed by the Council's Formal Facilities Assessment Group consisting of Graeme Hall, Manager Community Development Services; Dennis Cluning, Manager Operations Services; Wayne Grimes, Recreation Development Officer; Martine Baker, Project Officer Strategic Development; Patrick Whelan, Coordinator Building Services and Mike Burke contract Recreation Officer.

All projects were assessed against the following key principles of the formal facilities assessment process:

- Project justification
- Planning approach
- Community input
- Management planning
- Access and opportunity
- Design
- Financial viability
- Co-ordination; and
- Potential to increase physical activity.

The local government authority in which the project is to be built is requested to place a priority ranking and rating on all applications based on the following criteria:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

COMMENT/FUNDING

Details of the eight applications for assessment are:

Project 1

Craigie Leisure Centre

CSRFF	\$1,500,000
City of Joondalup	Unknown

Total Project Cost	Unknown
---------------------------	----------------

The demise of the RANS Management Group as the contracted operators of the City's leisure facilities has heightened the awareness for the City to undertake some capital improvement at the Craigie Leisure Centre. The timing of the 2003/04 CSRFF funding round is not ideal given the amount of preparation time required to prepare a funding application of this size and nature. A key component of the submission for consideration for CSRFF funding will be the needs assessment research that is presently being undertaken and is due for presentation to the Council at the Strategy session 17 October 2002.

It is felt that there is a need to ensure that an application is submitted by the City to assist in meeting some of the costs of refurbishing the Craigie Leisure Centre. The Council has been kept informed as to the possible extent of the works which may be required in order to make the Craigie Leisure Centre a quality facility. The Leisure Centres Working Group have proposed that without knowing the findings of the needs assessment and therefore the extent of the project that the City should work towards developing a funding submission that seeks the maximum available given the extent of the partnership funding possibly available from the City. For the purpose of this report it is proposed that Council make a submission for 1.5 million dollars from the CSRFF. This amount is the maximum that can be sought for any single project.

Support from City for this project is required by the CSRFF guidelines to be demonstrated by allocation of a priority ranking within the list of other capital projects. The project is recognised as being needed by the municipality although additional planning is required. The estimate of capital cost and overall plan are indicative of the scale of the project and provide Council with an understanding of how the project may be eventually presented.

The development of the scope of works is seen as being crucial to an understanding of the costs involved in any refurbishment. It is clear that any support received from the CSRFF will assist in reducing the City's overall contribution to the project.

It is anticipated that any project to improve the facilities at the Craigie Leisure will be of significant importance to the Joondalup community as a whole. The facility improvement will be of benefit to the overall health and fitness of the community as well as having opportunity to assist in the development of sporting opportunity.

Support is sought from Council to proceed with a submission to the CSRFF on the basis that Council are likely to proceed with a project at the Craigie Leisure Centre and that this project is going to require funding. The receipt of 1.5 million dollars from the State Government would require 3 million dollars in matching funds from the City. Given the accelerated time line for the planning of this project it is thought that the application should be a forward planning grant in which the funds are sought in the 2004/2005 financial year of the of the triennium funding round.

It is recommended to Council that an application for up to 1.5 million be submitted to the CSRFF as the City of Joondalup's first priority for funding.

Project 2

Wanneroo Wolves Basketball Association

Wanneroo Wolves Basketball Association	up to \$10,000
CSRFF	up to \$10,000
City of Joondalup	up to \$10,000

Total Project Cost **up to \$30,000**

The Sorrento Croquet Club is located on the Percy Doyle Reserve and operates as part of the Sorrento Bowling Club which leases facilities from the City. The Bowling club is aware of the proposed project and support the application by the Croquet Club.

The application is needed by the club as the current location of the equipment shed necessitates members negotiating a flight of steps to access the building. This presents practical difficulties in addition to the potential risk of injury to members from tripping or slipping when accessing the equipment.

The recommendation to Council is that the project submitted by the Sorrento Croquet Club be supported and listed as the City's third priority in the list of projects submitted for CSRFF assistance. The project is well planned and needed by the applicant.

Project 4

Sorrento-Duncraig Junior Football Club

Sorrento-Duncraig Junior Football Club	\$15,400
City of Joondalup	\$15,400
CSRFF	\$15,400

Total Project Cost **\$46,200**

The Sorrento-Duncraig Junior Football Club which is based at the Percy Doyle Reserve is proposing to improve the training floodlights at the facility. The venue also provides sporting facilities for Tee-Ball and Junior Cricket making it a well used venue during both winter and summer seasons.

The current lighting provides a level of illumination at the venue which limits the clubs ability to utilise the entire oval for training purposes. The upgrading of the floodlights will aim to increase the scope of training the club can undertake. It is envisaged that the upgrade will also benefit the other facility users as through increasing the floodlit area.

The existing floodlights are located on the south-western and southern side of the oval. The original proposal from the club was to simply upgrade the existing floodlights. In subsequent discussions with the club it has been suggested that the new floodlights be located on the eastern side of the oval with the existing lights retained. Although this will increase the project cost it will also increase the area of uniform lighting and consequently allow for the rotation of training to occur. The club support the erection of the floodlights on the eastern side of the oval.

The junior football club has made significant financial contribution to the various capital developments at Percy Doyle Reserve in the past and in 2000 spent \$16,000 on extension to the clubrooms to increase the storage capacity.

The club will contribute one third of the cost of the project in cash and are seeking the balance from the City and CSRFF. The original total project cost submitted by the club was \$40,500 with the three parties contributing \$13,500. The revised proposal which has been developed in conjunction with the club will cost \$ 46,200 with \$15,400 being provided by the three parties. The club is in a position to meet its portion of the project cost in cash.

the Department of Sport and Recreation would allocate funding to a project involving the development of a synthetic surface in the metropolitan area.

It is considered that the project proposed by the Warwick Bowling Club has the elements of a supportable project, but that any financial support for the project should be subject to direction from the findings of the strategic planning process that is being undertaken by Bowls WA in conjunction with the Department of Sport and Recreation.

It is recommended that in principle support be given to the development of a synthetic bowling surface in the City and that an allocation of \$38,000 be included in the draft capital works budget for 2003/04 as a contribution towards the project from the Warwick Bowling Club. The ultimate allocation of the funding is contingent upon the Warwick Bowling Club being identified in the Strategic Plan as an optimum site for a synthetic bowling green within the City.

It is considered that the City should only allocate funding for the development of a synthetic bowling green in the future on the basis that the applicant club is identified in the Strategic Plan as an optimum location for a synthetic surface. This approach should apply equally in the event that a bowling club proposes to increase its contribution from the minimum one third to two thirds the capital cost of the project. This strategic approach to the funding of synthetic bowling greens is recommended to be applied to any subsequent application from the three bowling clubs within the City.

In principle support is offered to the project proposed by the Warwick Bowling Club on the basis that the project is needed by the applicant but that an appropriate planning process needs to be followed.

Project 6

Whitfords Hockey Club

Whitford Hockey Club	\$142,000 (cash)
	\$64,000 (voluntary labour)
City of Joondalup	\$206,000
CSRFF	\$206,000

Total Project Cost \$618,000

This application is for the construction of a multipurpose clubroom/function room including bar area and kitchen with additional change rooms/toilets and storage area. The proposed facility has been designed as an extension to the existing Fleur Freame Pavilion on McDonald Reserve, Padbury. The Whitfords Hockey Club is one of the major seasonal users of the reserve together with the Whitfords Amateur Football Club and the Whitfords Cricket Club.

The Whitfords Hockey Club wish to develop a facility which provides members with change room facilities on match and training days and a function room able to accommodate 150 people for club social events and end of season wind ups. The existing facilities are considered to be limited and do not meet the current needs or the planned development of the club. Preliminary discussion with Wanneroo Softball Club indicates interest from that club relocating and sharing the venue and proposed facility with the Whitfords Hockey Club.

The need for this facility has been identified by the club to replace privately owned squash courts which closed in June 2002. Since closure of their facilities in Padbury the club have been forced to utilise courts at Scarborough. The club consider that this arrangement will hinder the development of squash as a sport at the local level and ultimately have a detrimental effect on the Marmion Squash Clubs membership levels.

Although the application is ostensibly a response to the club's reported need for squash facilities the proposed building has been designed to cater for a range of other indoor sports including racketball, badminton, table tennis, indoor soccer and volleyball in an effort to ensure the facility has appeal to the wider community. It is intended that the facility will be operated by the applicant club through a manager and support staff and be open seven days a week for approximately 14 hours per day all year.

As part of the planning process the Marmion Squash Club has completed a feasibility study which includes a market analysis, identifies strategies for increasing usage, concept design and location rationale. The completion of the feasibility study involved consultation with the City of Joondalup and a range of organisations involved in provision of squash facilities. Technical advice has also been obtained from a number of construction companies regarding the materials, costing and design of buildings.

The development and ownership of squash centres has historically been regarded as a commercial venture. However, the private sector is currently not developing new squash centres and existing centres are closing where greater financial returns can be generated through other commercial opportunities. Given this scenario, there is likely to be increased pressure for local government to consider providing financial support to squash clubs to develop facilities in the same way as many other community sport and recreation groups.

Discussion with W.A. Squash the governing body for the sport of squash has confirmed that it has developed an overall strategic plan for the development of squash in W.A. Included within this strategic planning document is an identified need for a facility development plan. The task of developing a facilities plan has been identified as being the responsibility of the WA Squash Board however this process has not been undertaken at this stage. The lack of a strategic plan for the development of squash in the metropolitan area means that the proposal to construct a new squash facility in the Woodvale area cannot be evaluated within the context of an overall plan for squash facilities.

There are currently thirty-eight squash centres in the metropolitan area, four of which have been provided by local governments in each case the courts are part of a larger recreation complex. Anecdotal evidence suggests that a number of the privately provided squash courts are coming under pressure to survive as the value of the land which they occupy becomes increasingly attractive to commercial property developers. It is for this reason that the premises used by the Marmion Squash Club was closed as a squash centre in June 2002.

Given the capital investment required to construct a facility together with the subsequent costs associated with the ongoing operation of the facility it is crucial that all elements of the proposal are in place. Notwithstanding the planning that has been completed by the Marmion Squash Club to date it is considered that there are several issues that need to be addressed in greater detail.

- It is considered that the location of the facility proposed by the applicant club offers minimal exposure to passing traffic and pedestrians which will detract from marketing and promotional strategies.

- There are issues relating to the suitability of the development proposal and the possible impact upon the surrounding area.
- There are also likely to be environmental planning considerations with regard to the removal of bush to accommodate the facility itself and any additional infrastructure requirements such as car parking and access roads.
- The feasibility study undertaken by the club is not conclusive and fails to consider feasible alternative locations or to demonstrate a sufficient market demand for the facility in terms of users to enable the predicted income to be achieved.
- The capital cost of the facility is estimated to be \$597,000 of which the club are proposing to contribute a one third contribution of \$199,199 the cash component of which will be \$123,841 with an in-kind contribution of materials and labour valued at \$75,358. At present the clubs assets comprise \$16,000 in cash and \$20,000 equity in the squash centre formerly used by the club. It is anticipated by the club that the balance of the clubs cash contribution \$87,841 will be realised through a range of fundraising efforts including a car raffle, donations and loans from individual members which will subsequently be repaid from the centre's operational profit.
- The club has identified 2003/04 as the year for grant acceptance and project commencement this is considered to be an ambitious timeline for the club to be able to raise the cash component funding required. Particularly as the club has not developed a detailed financial plan which clearly identifies the areas from which the club's contributory funding will be raised.
- The club are proposing to donate materials to the fit out of the courts an estimated value of approximately \$75,000 to the project. The CSRFF funding guidelines limit eligible donated materials and voluntary labour to \$50,000. This places an additional \$25,000 funding responsibility onus upon the club.
- Based on a preliminary evaluation of the initial plans there are reservations that the proposed facility can be constructed for amount proposed by the club.

In consideration of the need for a Strategic Plan for squash in the metropolitan area and the lack of a detailed financial plan from the Marmion Squash Club, the proposal cannot be supported at this stage. The idea is considered to have some merit but more preliminary work is required.

Project 8

Beumaris Sports Association

Beumaris Sports Association	\$26,666
CSRFF	\$86,666
City of Joondalup	\$146,666
Total Project Cost	\$260,000

This application is for the upgrading of the floodlighting at Iluka Open Space from the Beaumaris Sports Association (BSA) to meet the needs of the clubs that use the complex. The BMA consists of three member clubs, Joondalup District Cricket Club, Joondalup Lakers Hockey Club and Beaumaris Bowling Club.

The need for this project has been identified by the BSA as part of the phased development of the facility required to meet the needs of the user clubs. It is maintained by the applicant that the installation of additional training lights will alleviate the congestion currently experienced by the different sporting clubs using the venue at the same time. The additional light towers will also enable more effective management of the grass playing surface to occur as areas can be systematically rotated to minimise the wear. The installation of the floodlights will also facilitate the introduction of additional activities such as evening Touch Rugby and Six-a-side Soccer during the summer which will generate income for the BSA with a resultant increase in financial viability.

The applicant has received quotes for the capital cost of the project which confirm total expenditure of \$260,000. The BSA is proposing to make a cash contribution of \$26,666 towards the project and requires the City to make a pre-funding loan of \$60,000 to the applicants in addition to a one third contribution of \$86,666. This funding arrangement will result in a contribution by the City of \$146,666 towards the cost of the project. The BSA are proposing to raise the component \$26,666 contribution through donations and repay the \$60,000 loan from the City over a twelve year period by means of an annual player levy.

The general approach Council has adopted in the past is that of working with community groups to ensure they are self-supporting.

The funding proposal from the BSA in its current format is requesting a \$60,000 loan to the club in addition to the one third project cost of \$86,666 in the form of a grant from the City and does not conform to what has been the practice of Council. Consequently the proposal has not been recommended by Council.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION: That Council:

- 1 **NOTES** the details of the CSRFF Applications reviewed and outlined in Attachment 1 to Report CJ256-10/02 and **ENDORSES** the relevant priority ranking allocated to each project;
- 2 **ENDORSES** the submission of an application to CSRFF for \$1.5 million for the refurbishment of the Craigie Leisure Centre and that this project be the City's Number One priority;
- 3 **LISTS** an amount of \$10,000 for consideration in the 2003/04 draft budget as part contribution for the completion of a feasibility study in conjunction with the Wanneroo Wolves Basketball Association;
- 4 **LISTS** an amount of \$2,333 for consideration in the 2003/04 draft budget as Council's part contribution towards a storage shed for the Sorrento Croquet Club subject to the club being successful in receiving a CSRFF grant;

- 5 LISTS an amount of \$15,400 for consideration in the 2003/04 draft budget as Council's part contribution towards floodlighting on Percy Doyle Reserve subject to the club being successful in receiving a CSRFF grant;
- 6 LISTS an amount of \$38,000 in the 2003/04 draft budget as Council's contribution towards a synthetic turf bowling green at the Warwick Bowling Club subject to the club being successful in the receipt of a contribution from CSRFF and that the project is identified as a preferred site within the Bowls WA Strategic Facilities Plan;
- 7 ADVISES the Whitfords Hockey Club that the project proposed is not recommended for Council's support as it requires further planning with particular reference to the club's contribution to the funding component of the project;
- 8 ADVISES the Marmion Squash Club that the project proposed is not recommended for Council support as it requires further planning with particular reference to the club's contribution to the funding component of the project; and
- 9 ADVISES Beaumaris Sports Association that the project proposed is not recommended for Council support on the basis that the final proposal submitted is outside of Council's normal practice regarding financial support to sporting and community groups.

MOVED Cr O'Brien that Council:

- 1 NOTES the details of the CSRFF Applications reviewed and outlined in Attachment 1 to Report CJ256-10/02 and ENDORSES the relevant priority ranking allocated to each project;
- 2 ENDORSES the submission of an application to CSRFF for \$1.5 million for the refurbishment of the Craigie Leisure Centre and that this project be the City's Number One priority;
- 3 LISTS an amount of \$20,000 for consideration in the 2003/04 draft budget as part contribution for the completion of a feasibility study in conjunction with the Wanneroo Wolves Basketball Association;
- 4 LISTS an amount of \$4,667 for consideration in the 2003/04 draft budget as Council's part contribution towards a storage shed for the Sorrento Croquet Club subject to the club being successful in receiving a CSRFF grant;
- 5 LISTS an amount of \$30,800 for consideration in the 2003/04 draft budget as Council's part contribution towards floodlighting on Percy Doyle Reserve subject to the club being successful in receiving a CSRFF grant;
- 6 LISTS an amount of \$70,000 in the 2003/04 draft budget as Council's contribution towards a synthetic turf bowling green at the Warwick Bowling Club subject to the club being successful in the receipt of a contribution from CSRFF;

- 7 LISTS an amount of \$206,000 as Council's part contribution towards the construction of a clubroom facility for the Whitfords Hockey Club subject to the club being successful in the receipt of a contribution from CSRFF;
- 8 LISTS an amount of \$281,000 as Council's part contribution towards the construction of a clubroom facility for the Marmion Squash Club subject to location at the Craigie Leisure Centre and the Club being successful in the receipt of a contribution from CSRFF;
- 9 LISTS an amount of \$146,000 as Council's part contribution towards the upgrade of training lights at Iluka Open Space for the Beaumaris Sports Association subject to the Association being successful in the receipt of a contribution from CSRFF.

There being no Seconder, the Motion

LAPSED

MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 1 **NOTES the details of the CSRFF Applications reviewed and outlined in Attachment 1 to Report CJ256-10/02 and ENDORSES the relevant priority ranking allocated to each project.**

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

MOVED Cr Baker, SECONDED Cr Mackintosh that Council:

- 2 **ENDORSES the submission of an application to CSRFF for \$1.5 million for the refurbishment of the Craigie Leisure Centre and that this project be the City's Number One priority.**

It was clarified that the application was for the 2004/05 financial year.

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

MOVED Cr Kimber SECONDED Cr Kenworthy that:

- 3 **consideration of a contribution for the completion of a feasibility study in conjunction with the Wanneroo Wolves Basketball Association be DELETED.**

The Motion was Put and

CARRIED (12/1)

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

MOVED Cr Kimber, SECONDED Cr Kenworthy that Council:

- 4** LISTS an amount of \$2,333 for consideration in the 2003/04 draft budget as Council's part contribution towards a storage shed for the Sorrento Croquet Club subject to the club being successful in receiving a CSRFF grant.

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

MOVED Cr Kimber, SECONDED Cr Kenworthy that Council:

- 5** LISTS an amount of \$15,400 for consideration in the 2003/04 draft budget as Council's part contribution towards floodlighting on Percy Doyle Reserve subject to the club being successful in receiving a CSRFF grant.

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

MOVED Cr Kimber, SECONDED Cr Kenworthy that Council:

- 6** LISTS an amount of \$38,000 in the 2003/04 draft budget as Council's contribution towards a synthetic turf bowling green at the Warwick Bowling Club subject to the club being successful in the receipt of a contribution from CSRFF and that the project is identified as a preferred site within the Bowls WA Strategic Facilities Plan.

The Motion was Put and

CARRIED (12/1)

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

MOVED Cr Kimber, SECONDED Cr Kenworthy that Council:

- 7** ADVISES the Whitfords Hockey Club that the project proposed is not recommended for Council's support as it requires further planning with particular reference to the club's contribution to the funding component of the project.

The Motion was Put and

CARRIED (11/2)

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

MOVED Cr Kimber, SECONDED Cr Kenworthy that:

- 8 the funding application for the Marmion Squash Club be DEFERRED until the 2004/05 funding project, and that the Marmion Squash Club and the WA Squash Association to work in conjunction and coordination with the Craigie Leisure Centre project, to give the opportunity to the Marmion Squash Club to relocate within the Craigie Leisure Centre.**

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

MOVED Cr Kimber SECONDED Cr Rowlands that Council:

- 9 ADVISES** Beaumaris Sports Association that the project proposed is not recommended for Council support on the basis that the final proposal submitted is outside of Council's normal practice regarding financial support to sporting and community groups.

AMENDMENT MOVED Cr Baker that Council **LISTS** an amount of \$146,666 for consideration in the 2003/04 draft budget as Council's part contribution towards the floodlighting project submitted by the Beaumaris Sports Association.

Mayor Bombak advised that this Amendment could not be accepted as it negated the original Motion.

The Motion Moved by Cr Kimber, Seconded by Cr Rowlands was Put and LOST (3/10)

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

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

- 9 LISTS an amount of \$146,666 for consideration in the 2003/04 draft budget as Council's part contribution towards the floodlighting project submitted by the Beaumaris Sports Association as detailed in Report CJ256-10/02.**

Discussion ensued. Following a query, elected members were advised that the figure of \$146,666 was inclusive of the pre-funding loan of \$60,000 to the applicants, therefore the City is only responsible for the one-third component of \$86,666.

The Motion was Put and

CARRIED (12/1)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf081002.pdf](#)

CJ257 - 10/02 MINUTES AND RECOMMENDED CHANGES TO THE TERMS OF REFERENCE FOR THE SENIORS INTERESTS ADVISORY COMMITTEE (FORMERLY THE STRATEGIC ADVISORY COMMITTEE – SENIORS INTERESTS) – [55511]

WARD - All

PURPOSE

The purpose of this report is to recommend the adoption of the amended Terms of Reference and note the confirmed minutes of the Seniors Interests Advisory Committee (formerly the Strategic Advisory Committee – Seniors Interests).

SUMMARY

A meeting of the Strategic Advisory Committee - Seniors Interests was held on Wednesday 10 July 2002. The confirmed minutes of this meeting are submitted for noting by Council (Attachment 1 to this Report).

At this meeting the committee made suggestions for making changes to the Terms of Reference (Attachment 2 to this Report). These changes include committee membership and a new date for Terms of Appointment to reflect the ongoing nature of the committee.

At the Council meeting on 3 September 2002, a decision was carried to change the name of this committee from the Strategic Advisory Committee – Seniors Interests to Seniors Interests Advisory Committee. This report reflects that change.

BACKGROUND

At the Ordinary Council Meeting of 25 September 2001, Council approved to elect an Occasional Seniors Advisory Committee of elected members and community people representing groups with seniors in their membership. At the Ordinary Council Meeting of 9 October 2001, Council approved the establishment of the Strategic Advisory Committee – Seniors Interests. At the Ordinary Council Meeting of 18 December 2001 (CJ437-12/01 refers) the Terms of Reference of the Strategic Advisory Committee – Seniors Interests were altered to reflect the membership comprising of

- Three Elected Members;
- One Representative from the Department for Community Development/ Office of Seniors Interests;
- Two representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
- Two members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- Manager Community and Health Services;
- Manager Leisure and Ranger Services;

- A representative as a deputy for the commercial or not-for-profit organisation that provide services to seniors in the City; and
- A representative as a deputy for the community who do not represent any particular group or organisation but whom have an interest in seniors issues.

DETAILS

The confirmed minutes of the meeting of the Strategic Advisory Committee – Seniors Interests held on Wednesday 10 July 2002, are included as Attachment 1 to this Report.

Members reviewed the Terms of Reference for the Strategic Advisory Committee – Seniors Interests and made the following amendments for recommendation to Council that:

“2. MEMBERSHIP

The committee shall consist of the following members.

- 1 Three Elected Members;
- 2 One representative from the Department for Community Development/ Office of Seniors Interests;
- 3 One representative from Community Vision;
- 4 Two representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
- 5 Two members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- 6 Manager Community and Health Services; and
- 7 Manager Leisure and Ranger Services;
- 8 A representative as a deputy for the commercial or not-for-profit organisation that provide services to seniors in the City; and
- 9 A representative as a deputy for the community who do not represent any particular group or organisation but whom have an interest in seniors issues.”

Be replaced with:

“2. MEMBERSHIP

The committee shall consist of the following members.

- 1 Three Elected Members;
- 2 One representative from the Department for Community Development/ Office of Seniors Interests;
- 3 One representative from Community Vision;
- 4 Three representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
- 5 Three members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- 6 Manager Community Development Services or nominated representative;
- 7 A representative as a deputy for the commercial or not-for-profit organisation that provide services to seniors in the City; and
- 8 A representative as a deputy for the community who do not represent any particular group or organisation but who have an interest in seniors issues.”

“4. MANAGEMENT

4.1 Terms of Appointment

Appointments to the Committee shall be by nomination and Expression of Interest will be called from members of the general community and relevant commercial or not for profit organisations to fill the respective community and service provider positions on the Committee. Members shall be appointed by Council. The Terms of Office shall be to the 30 July 2002.”

Be replaced with:

“4. MANAGEMENT

4.1 Terms of Appointment

Appointments to the Committee shall be by nomination; Expressions of Interest will be called from members of the general community and relevant commercial or not for profit organisations to fill the respective community and service provider positions on the Committee. Members shall be appointed by Council. The Terms of Office shall be to the 3 May 2003.”

COMMENT

The recommendations to modify the Terms of Reference for this committee have been raised for consideration by members of the existing committee. The reason the committee seeks to make modifications is because it wishes to broaden its representation from the general community regarding the interests of seniors. The recommendations should be supported, as they will provide beneficial outcomes for the City of Joondalup in setting strategic direction for seniors into the future.

Advertisements are currently being placed in local community newspapers calling for expressions of interest to join the committee for a twelve-month term. Previous membership on this committee does not preclude re-nomination. Nominations and recommendations will be presented to Council in the near future.

Following the resignation of Ms Pamela Richardson as Industry Representative, it is recommended that the current deputy, Ms Audrey Poole be appointed to that position.

It is also recommended that Ms Gloria Lloyd-Jones be appointed in place of Mrs Sharon James as Community Vision Inc Representative.

At its meeting held on 24 September 2002 (Item CJ239-09/02 refers) Council resolved:

“that consideration of the matter pertaining to the Strategic Advisory Committee – Seniors Interests be DEFERRED to the next ordinary meeting of Council scheduled to be held on 15 October 2002.”

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Walker, SECONDED Cr Carlos that Council:

- 1 NOTES the confirmed minutes of the Strategic Advisory Committee – Seniors Interests held on 10 July 2002 forming Attachment 1 to Report CJ257-10/02;**
- 2 ADOPTS the amended Terms of Reference for the Seniors Interests Advisory Committee forming Attachment 2 to Report CJ257-10/02;**
- 3 ACCEPTS the resignation of Ms Pamela Richardson and APPOINTS Ms Audrey Poole as Industry Representative on the Seniors Interests Advisory Committee;**
- 4 ACCEPTS the resignation of Mrs Sharon James and APPOINTS Ms Gloria Lloyd-Jones as Community Vision Inc Representative on 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 Kimber, Carlos, Baker, Nixon, Hollywood, Walker, O'Brien, Rowlands, Barnett, Kenworthy, Patterson, Mackintosh

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf170902.pdf](#)

Crs Baker and Rowlands left the Chamber at this point, the time being 2144 hrs.

C138-10/02 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Kimber SECONDED Cr Nixon 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:

- CJ258-10/02 – Proposal for Acquisition of Portion of Community Purpose Site, Trappers Drive, Woodvale being a matter which relates to a contract to be entered into;**
- CJ259-10/02 – Enterprise Agreement – Carpenters, being a matter which affects employees of the City of Joondalup;**

the time being 2145 hrs.

The Motion was Put and

CARRIED

The Meeting **ADJOURNED** for a short period, the time being 2145 hrs. Members of the public and press left the Chamber at this point.

The Meeting **RESUMED BEHIND CLOSED DOORS** at 2152 hrs, the following elected members being present:

Mayor Bombak
Cr Kimber
Cr Nixon
Cr Hollywood
Cr Walker
Cr Barnett
Cr O'Brien
Cr Patterson
Cr Kenworthy
Cr Mackintosh

Cr Carlos declared a financial interest in Item CJ258-10/02 – Proposal for Acquisition of Portion of Community Purpose Site, Trappers Drive, Woodvale, as he owns shares in Foodland Associated limited (FAL).

Cr Carlos was not present at this point.

**CJ258 - 10/02 PROPOSAL FOR ACQUISITION OF PORTION OF
COMMUNITY PURPOSE SITE, TRAPPERS DRIVE,
WOODVALE - [55070]**

WARD - Lakeside

DETAILS

This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

Cr Baker entered the Chamber at 2154 hrs.

MOVED Cr Kimber SECONDED Cr Baker that Council:

- 1 AUTHORISES the Mayor and CEO to execute a contract for the sale of a 354m² portion of Lot 3(5) Trappers Drive, Woodvale to Foodland Property Holdings Pty Ltd (FAL) for a minimum amount as specified in Report CJ258-10/02 in accordance with the relevant provisions of the Local Government Act and Town Planning Regulations conditional upon:**
 - (a) rezoning of the 354m² portion of land to accommodate the use and additional floor space;**
 - (b) subdivision and amalgamation of the 354m² portion into lot 6;**
 - (c) the proponent meeting all costs involved;**

- (d) the proponent agreeing to proceed with an approved development for the extension of the shopping centre and associated parking area which includes landscaped parking facilities, modified vehicle access arrangements, upgrades the northern mall entry, provides a covered walkway between the shopping centre and adjoining retirement village, improves the pedestrian connections between the community centre, the library and the shopping centre, and undertakes measures to reduce noise, odours and the outlook of unsightly areas from the shopping centre;
- (e) a comprehensive consultation process being undertaken by the City advising the community of the proposed sale and lease of Council property and of the details of the proposed development having regard to (d) above;
- (f) the contract of sale being prepared by the City's solicitor and to the City's satisfaction prior to its execution.
- 2 REJECTS the Foodland Property Holdings Pty Ltd (FAL) request to purchase the remainder of the site;
- 3 ENTERS into negotiation with Foodland Property Holdings Pty Ltd (FAL) for a lease for the use of the carpark.

The Motion was Put and

CARRIED (10/1)

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

Cr Carlos entered the Chamber at this point, the time being 2159 hrs.

CJ259 - 10/02 ENTERPRISE AGREEMENT – CARPENTERS – [19091]

WARD – All

PURPOSE

This report seeks the approval of Council for a new Enterprise Agreement (EA) for the City's Carpenters, as a result of negotiations with these staff, and seeks the budget necessary to implement the new Agreement.

EXECUTIVE SUMMARY

Over the past two months, the City of Joondalup has negotiated directly with the City's three Carpenters to finalise a new EA. The results of these negotiations are in the attached draft Agreement. (Attachment 1 to this Report)

The Agreement extends the existing Reward and Recognition Scheme, with its emphasis on rewarding staff for their outcomes, to the City's Carpenters. This effectively ensures that

every Award-based employee will participate in a similar, team-based performance management process. 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.

BACKGROUND

At the Council meeting of 24 July 2001 the following resolution (CJ241 - 07/01) was endorsed.

That the Council;

- 1 AGREES IN PRINCIPLE to the establishment of a Rewards and Recognition Scheme as described in this report;
- 2 NOTES that a further report will be presented to Council following negotiations with staff and representative bodies.

The negotiating committee were able to reach agreement on the same set of broad principles to underpin the implementation of the Reward and Recognition Scheme currently in place for Inside and Outside Workers. The aim of the Reward and Recognition Scheme is to:

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

A formal salary offer, subject to Council endorsement, has also been put directly to the three staff concerned. This has been made in the following terms:

- (a) A salary increase of 4% or \$25 per week, whichever is the greater, for each employee covered by this Agreement, to take effect from the first pay period on or after 1 July 2002;
- (b) 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 2003. An increase of 1.5% in salary budget allocation for distribution as salary increases to employees covered by this Agreement, payable on or after the first pay period on 1 September 2003. The salary rate increase for each employee shall be determined in accordance with Reward and Recognition principles based upon corporate and team performance achievements;

- (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 1 July 2004. An increase of 2.5% in salary budget allocation for distribution as salary increases to employees covered by this Agreement, payable on or after the first pay period on 1 September 2004. The salary rate increase for each employee shall be determined in accordance with Reward and Recognition principles based upon corporate, team and individual performance achievements.

These salary outcomes for the next three years are the same as the outcomes negotiated earlier this year with both Inside and Outside staff. In broad terms, they are also in accordance with market expectations and comparable Councils.

Strategic Plan:

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

Be a cohesive, customer-focused and achievement-orientated 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.

Together with the City's other two EAs, the provisions within this Agreement give the City another industrial instrument to move in that direction.

DETAILS

The negotiation process for the development of the new Agreement is now complete, with the parties in agreement with the terms and conditions as set out in Attachment 1. It is proposed that the staff covered by this EA vote on the Agreement once the Council determines its position.

A negotiating committee, consisting of three management representatives and the three staff covered by this EA, have been directly negotiating a draft Agreement that incorporates principles and specific provisions of commonality across the organisation. These three staff are covered by a separate EA as their terms and conditions of employment are underpinned by a State Award, (Building Trades Award 1968), rather than a Federal Award as is the case for remaining Inside and Outside Workers. To address this anomaly, and to ensure that these workers were covered by the Federal, rather than the new state legislation, the City has sought legal advice and plans to certify the Agreement in the Federal, rather than State Commission. (The Federal system allows the City to continue to negotiate directly with the three Carpenters, as opposed to entering into three individual contracts or being required to involve a union when none of the staff are members.)

This Agreement allows the City to continue to adopt a new and consistent approach to people management, reward staff for outcomes and enhance significant cultural changes, in the same way as the earlier EAs. The primary outcomes facilitated by the Agreement include improved productivity, greater flexibility, excellent customer service and improved conditions of employment. This is particularly the case in the revised provisions underpinning after-hours

call-out arrangements, which are designed to reward staff equitably for the call-outs they attend, whilst removing the anomaly whereby the Carpenters received additional annual leave for attending call-outs. A caveat has also been placed on the use of the three Council vehicles related to the continuation of call-out arrangements.

The main objectives of this EA are similar to those set for the earlier Inside and Outside Worker Agreements, with their focus on people management and customer service. This is embodied in the Employer of Choice concept that continues to be implemented across the City. This concept represents a best practice strategy, which directly links employee and organisational performance with all aspects of employment.

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 and the three EAs. While each of the proposals and reviews address 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.

Essentially, the Agreement continues to adopt the provision of the simplified State Award. However, to provide a framework that allows the City to meet its people management objectives, the following provisions would apply:

- The Agreement is for a period of three years, which gives both parties the necessary time to develop and implement a performance management system and give some certainty to the City's salary increases. This also means that the City's three Agreements share a common expiry date;
- A guaranteed salary increase and an increase tied to team performance outcomes;
- Six weeks paid maternity leave and two weeks unpaid paternity leave;
- Streamlining conditions that are set out in the simplified State Award, such as a more effective call-out procedure;

Policy Implications:

The new EA will continue to provide the City with the opportunity to develop and implement Employer of Choice policies and practices. The common expiry dates and decreased number of Agreements in operation are also consistent with this strategy.

Financial Implications:

In determining the justification for the salary offer, it is critical to note what the City is getting in return for offering the salary increases. As discussed earlier, this EA, with its Reward 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 the staff to implement change, be innovative and accept a brand new performance management system, (and hence a new working culture.) This Agreements represents a cost to the City of \$18,496.63 over three years. Again, the emphasis is on motivating staff to reach their agreed performance outcomes.

The two tables below set out the effect the increases will have each year for the next three years. For the first 6 months the salary estimates are in accordance with the budget figures already approved for the year 2001/2002. In other words there is no more funding required for the first 6 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	
From 1 July 2002 - 4% or \$25/week	
Financial Year 1 2002/2003	\$5,300.30
Year 2 - 1 July 2003 – 30 June 2004	
2.5% guaranteed or \$20/week + 1.5% R&R	
From 1 July 2003 - 2.5% or \$20/week	
From 1 September 2003 - 1.5%	
Financial Year 2 2003/2004	\$5,940.83
Year 3 - 1 July 2004 – 30 June 2005	
2.5% guaranteed or \$20/week + 2.5% R&R	
From 1 July 2004 - 2.5% or \$20/week	
From 1 September 2004 - 2.5	
Financial Year 3 2004/2005	\$7,255.50
Total	\$18,496.63

The current market rate provided by Mercer Cullen Egan Dell for salaried staff is 3.8%. Research also shows that staff covered by EAs in recent years is averaging 3.8% per year. Should the Council then offer staff the market rate or average EA rate of 3.8%+3.8% +3.8%p.a. then the cost to the City would be \$15,873.81 over three years. In return, the City would not be able to implement some of the strategies that have been identified to make the City a more customer-focussed and achievement orientated organisation.

This second table demonstrates the cost to the City if it offered the going rate for staff on an EA.

Table 2 Market Rate

Year 1 - 1 July 2002 – 30 June 2003	
3.8% guaranteed	
From 1 July 2002 - 3.8%	
Financial Year 1 2002/2003	\$5,208.50
Year 2 - 1 July 2003 – 30 June 2004	
3.8% guaranteed	
From 1 July 2003 - 3.8%	
Financial Year 2 2003/2004	\$5,233.22
Year 3 - 1 July 2004 – 30 June 2005	
3.8% guaranteed	
From 1 July 2004 - 3.8%	
Financial Year 3 2004/2005	\$5,432.09
	\$15,873.81

COMMENT

Many organisations have formal statements about the importance of strategically 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’.*”

In the same way as the other two Agreements, this EA 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 prepared to make an investment in staff and evaluate performance. It is also critical that all Award-based staff embrace and participate in the Reward and Recognition process, not only for the sake of continuity, but to ensure that all staff are moving in the one direction.

MOVED Cr Kimber, SECONDED Cr Walker that Council:

1 ENDORSES the Enterprise 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 1 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 1 July 2003. An increase of 1.5% subject to performance, payable on or after the first pay period on 1 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 1 July 2004. An increase of 2.5% subject to performance, payable on or after the first pay period on 1 September 2004;**

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

The Motion was Put and

CARRIED (11/1)

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

Appendix 14 refers.

To access this attachment on electronic document, click here: [Attach14min151002.pdf](#)

C139-10/02 MOTION TO GO TO OPEN DOORS

MOVED Cr Baker, SECONDED Cr Walker that the meeting be now held with open doors, the time being 2200 hrs.

The Motion was Put and

CARRIED UNANIMOUSLY (12/0)

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

Members of the public and press entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Manager Marketing Communications and Council Support read the Motions in relation to:

- CJ258-10/02 – Proposal for Acquisition of Portion of Community Purpose Site, Trappers Drive;
- CJ259-10/02 – Enterprise Agreement – Carpenters.

Cr Mackintosh left the Chamber at this point, the time being 2202 hrs.

CJ260 – 10/02 ALLEGED BREACH OF CODE OF CONDUCT – [02089] [50521] [09358]

WARD – All

PURPOSE

For Council to give consideration to the alleged breach of the Code of Conduct.

EXECUTIVE SUMMARY

An allegation has been made by Cr Hollywood that Cr Mackintosh has breached Clause 2.3.1(e) of the Code of Conduct, as a result of a letter Cr Mackintosh wrote to the Community Newspaper.

It is recommended that the Council, upon consideration of this report, determines if there has been a breach of the Code of Conduct.

BACKGROUND

In accordance with the provisions of the Code of Conduct, the Mayor has received written correspondence from Councillor Hollywood alleging that Cr Mackintosh breached clause 2.3.1(e) of the City's Code of Conduct as a result of a letter she wrote to the Joondalup Community Newspaper on 15 August 2002. Councillor Hollywood allegation states:

“Could you please investigate (under Code of Conduct 2.3.1(e)) the offensive comments made by Councillor Mackintosh in an article she wrote in the local Community Newspaper on the 13.8.02. Would you ask Cr Mackintosh to apologise to her fellow Councillors at the next full Council meeting.”

DETAIL

The following letter was published in the Joondalup Community Newspaper:

“Thank you to all members of the community who have contacted me on the Mullaloo tavern planning application.

Your show of support for this development, which will enhance the amenity of Mullaloo for all members of the community, is appreciated.

Intimidation from either renegade councillors or militant, anti progress citizens will not deter me from my civic duties.

*Cr Carol Mackintosh
Whitfords Ward, City of Joondalup”*

Clause 2.3.1(e) of the Code of Conduct states:

“2.3.1 Personal Behaviour

Elected members, committee members and employees shall:

- (e) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct in the performance of their official or professional duties, which may cause or is likely to cause any reasonable person unwarranted offence or embarrassment.”

The Australian Oxford Dictionary defines the following terms means:

*Renegade: person who deserts a party or principles.
Offensive: causing offence; offensive (offensive language).
Offence: upsetting of feelings; insult; umbrage (give offence; take offence).*

The code states that any Council employees, elected members or committee members having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act or such regulations or local laws created thereunder, should discuss those concerns with the Mayor or Chief Executive Officer (for employees).

Matters the subject of such reports shall be treated in the strictest confidence until such time as an appropriate investigation has been undertaken.

COMMENT

The Code of Conduct provides a framework for behaviour that must be observed in the wide range of interactions and scenarios experienced in the conduct of Council activities on a daily basis.

The Code does not override or affect the legislation applicable to local government. It provides a guide and a basis of expectations for elected members, committee members and employees and encourages a commitment to ethical and professional behaviour.

The Code recognises these ethical values and professional behaviours that support the principles of:

- Respect for persons;
- Justice; and
- Beneficence.

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council **CONSIDERS** the information contained within Report CJ260-10/02 and determines if, in the opinion of the Council, there has been a breach of its Code of Conduct.

MOVED Cr Kimber SECONDED Cr Baker that Cr Hollywood's Item CJ260-10/02 Alleged Breach of Code of Conduct should not be discussed, based on the fact that the Municipality Code of Conduct exists to recognise ethical values and professional behaviours that support the principles of:

Respect for persons;

Justice; and

Benevolence, which infers that in principle, we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Benevolence expresses the requirement that we should do for others what we would like to do for ourselves.

Therefore:

- 1 No right-minded reasonable thinking member of our local community could possibly find that the word “renegade” in the context in which it was used by Cr Mackintosh was offensive;
- 2 That the use of the word “renegade” in its context was a case of fair comment on a matter of important public interest;
- 3 That Cr Mackintosh’s behaviour in using the word “renegade” should not be confused with Cr Hollywood’s behaviour:
 - (a) whilst he conducted a second walkout during an Ordinary Council meeting;
 - (b) in his 15 distinct and confirmed refusals to be silenced and be seated when requested by the Mayor to do so during the initial debate associated with the much needed Mullaloo Tavern redevelopment;
 - (c) on several other occasions during Ordinary Council meetings since May 2002.

Discussion ensued.

The Motion was Put and

LOST (5/6)

In favour of the Motion: Mayor Bombak, Crs Kenworthy, Patterson, Baker, Kimber **Against the Motion:** Crs O’Brien, Barnett, Walker, Hollywood, Nixon, Carlos.

MOVED Cr Hollywood SECONDED Cr Carlos that Council REQUESTS Cr Mackintosh to apologise to her fellow Councillors and submit the apology in writing to the Wanneroo Times Community Newspaper.

Cr Baker left the Chamber at 2217 hrs and returned at 2218 hrs;

Cr Mackintosh entered the Chamber at 2218 hrs.

The Motion was Put and

LOST (3/9)

In favour of the Motion: Crs Walker, Hollywood, Carlos **Against the Motion:** Mayor Bombak, Crs Mackintosh, Kenworthy, Patterson, O’Brien, Barnett, Nixon, Baker, Kimber

Cr Patterson left the Chamber at this point, the time being 2219 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER**C140-10/02 LORD MAYOR'S DISTRESS RELIEF FUND - WA BALI CASUALTIES APPEAL - [08032]****WARD - All**

PURPOSE

To seek approval to donate an amount of \$5,000 to the Lord Mayor's Distress Relief Fund for the Kingsley Football Club victims of the bomb attack in Bali.

EXECUTIVE SUMMARY

On Saturday 12 October 2002 a bomb exploded in Kuta Beach in Bali killing at least 180 people, with 220 still missing. Of those missing, seven are members of the Kingsley Football Club. The Lord Mayor's Distress Relief Fund has launched an appeal for the casualties of the Bali incident. It is recommended that the City of Joondalup donates an amount of \$5,000 to the appeal to be specifically attributed to the victims associated with Kingsley Football Club.

BACKGROUND

On Saturday 12 October 2002 at approximately 11.30 pm Perth time a bomb exploded in the Sari nightclub located on Kuta Beach in Bali.

As of 14 October 2002, the official death toll stood at 183, with 14 of those confirmed as Australians. The Department of Foreign Affairs advises that 113 people were injured and 220 Australians missing.

Of those 220 Australians missing, seven of them are players of the Kingsley Football Club.

The Lord Mayor's Distress Relief Fund has launched an appeal for West Australians affected by the Bali incident of 12 October 2002.

DETAILS

The Lord Mayor's Distress Relief Fund (Inc) was established in 1961 to provide relief of personal hardship and distress. The perpetual fund is a registered charitable body and has approval of the Australian Taxation Office for tax deductibility of contributions. Over the years the fund has assisted with relief appeals for many disasters.

The policy of the State Emergency Management Advisory Committee states that the Lord Mayor's Distress Relief Fund is the appropriate body for launching and operating emergency appeals.

It is envisaged that the WA Bali Casualties Appeal will cover items such as medical costs, counselling and travel costs. Other items may be considered upon application.

Financial Implications:

Account No:	11.05.05.051.3720.0001
Budget Item:	
Budget Amount:	\$135,000
YTD Amount:	\$12,495
Actual Cost:	\$5,000

COMMENT

Considering the impact of the incident in Bali on the local community within the City of Joondalup, it is recommended that the Council donates \$5,000 to the WA Bali Casualties Appeal. In order to ensure that the donation benefits the victims of the Kingsley Football Club, that the Lord Mayor's Distress Relief Fund be advised that the donation be attributed to them.

The Lord Mayor's Distress Relief Fund – WA Bali Casualties Appeal will deal with claims made by the wider community of Western Australia who were affected by the tragedy in Bali. It may be expected by the City of Joondalup local community that their donations go directly to the victims associated with the Kingsley Football Club and those members of the City of Joondalup region.

It has been advised that it is not possible to make a payment to an organisation/association, but may be paid to individuals who make a claim for relief. Where members of the public wish to have their donation directed to assist the victims of the Kingsley Football Club and/or members of the City of Joondalup community, they would need to specify that when making the donation. These funds would then be directed to the claims made by those victims. To achieve this, members could direct their donations to the City of Joondalup, who will collect and forward to the Lord Mayor's Distress Relief Fund, requesting that this amount be directed to claims by victims associated with the Kingsley Football Club. Such donations will need to be individually receipted by the Lord Mayor's Distress Relief Fund.

Initial contact has been made with key stakeholders of the region, which include the Whitford and Lakeside Shopping Centres, various Church groups, ECU, WA Police Academy, Arena Joondalup and Mindarie Regional Council, who have all offered various levels of financial and in-kind support.

The Kingsley Football Club will be holding a service for those affected by the Bali incident at the Kingsley Reserve commencing at 6.00 pm on Sunday 20 October 2002. With the anticipated numbers in attendance they have requested the City to assist them with the costs of an appropriate sound system.

There is no budgeted amount for such a purpose, therefore it is recommended that the Council reallocates an amount of \$5,000 from Account No 11.05.05.051.3720.0001 – Printing to Account No 11.05.05.051.4402.0001 – Donations.

VOTING REQUIREMENTS

Absolute Majority

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

- 1 in accordance with Section 6.8(1) of the Local Government Act 1995, REALLOCATES \$5,000 from Account No 11.05.05.051.3720.0001 to Account No 11.05.05.051.4402.0001;
- 2 DONATES \$5,000 from Account No 11.05.05.051.4402.0001 to the Lord Mayor's Relief Fund – WA Bali Casualties Appeal, subject to the amount being allocated to claims for relief from those victims of the Kingsley Football Club or other residents of the City of Joondalup community;
- 3 AGREES to meet the hire costs of a sound system to be used as part of the service to be held at Kingsley Reserve, commencing at 6.00 pm on Sunday, 20 October 2002;
- 4 CHARGES the costs associated in (3) above to Account No 11.05.05.051.4520.0001.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C141-10/02 NOTICE OF MOTION NO 1 – CR C MACKINTOSH**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Carol Mackintosh has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 15 October 2002:

“That Councillors Carlos, Nixon, Hollywood and Walker be hereby requested to forthwith apologise to:

- 1.1 *the staff of the City of Joondalup;*
- 1.2 *the other Councillors of the City of Joondalup, and;*
- 1.3 *more importantly, the ratepayers of the City of Joondalup;*

for their group walkout during the Council meeting conducted on Tuesday 24 September 2002 following the rejection of Cr Carlos' failed rescission motion to rescind the approval for the much needed redevelopment of the Mullaaloo Tavern, failing which they be formally censured for their conduct unbecoming of a Councillor and their conduct prejudicing the ability of the City of Joondalup Council to maintain a quorum and thereby conduct important Council business on behalf of our ratepayers during that meeting.”

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh that Councillors Carlos, Nixon, Hollywood and Walker be hereby requested to forthwith apologise to:

- 1.1 the staff of the City of Joondalup;
- 1.2 the other Councillors of the City of Joondalup, and;
- 1.3 more importantly, the ratepayers of the City of Joondalup;

for their group walkout during the Council meeting conducted on Tuesday 24 September 2002 following the rejection of Cr Carlos' failed rescission motion to rescind the approval for the much needed redevelopment of the Mullaloo Tavern, failing which they be formally censured for their conduct unbecoming of a Councillor and their conduct prejudicing the ability of the City of Joondalup Council to maintain a quorum and thereby conduct important Council business on behalf of our ratepayers during that meeting.

Cr O'Brien sought information as to the current status of the Writ relating to Mullaloo Tavern.

Cr O'Brien declared a financial interest in Item C141-10/02 – Notice of Motion No 1 – Cr Mackintosh, as the motion proposed relates to a matter connected to an action initiated in the Supreme Court of Western Australia Proceedings No CIV2323 - Rennet Pty Ltd v City of Joondalup, so effecting the application of the "Sub Judice" rule, and no document is currently available providing evidence to the contrary.

Cr Carlos declared a financial interest in Item C141-10/02 – Notice of Motion No 1 – Cr Mackintosh, as the motion proposed relates to a matter connected to an action initiated in the Supreme Court of Western Australia Proceedings No CIV2323 - Rennet Pty Ltd v City of Joondalup, so effecting the application of the "Sub Judice" rule.

Crs O'Brien, Carlos and Hollywood left the Chamber at this point, the time being 2227 hrs.

Cr Walker made the following comments (and requested they be recorded in the minutes):

“My departure from the Chamber three weeks ago had absolutely nothing whatsoever to do with the decision that was made by Council. I was here for all of the reports that were important Council business that needed to be conducted. I was here at the beginning of the meeting and I was here at the end of the meeting. When I left the Chamber there was a quorum present; when I returned to the Chamber there was also a quorum present and at no time during my absence was there not a quorum present. I left the Chamber when Cr Baker started talking about the Writ which I considered to be a sub judice a matter and I returned when that discussion had completed.”

Cr Walker declared a financial interest in Item C141-10/02 – Notice of Motion No 1 – Cr Mackintosh, as the motion proposed relates to a matter connected to an action initiated in the Supreme Court of Western Australia Proceedings No CIV2323 - Rennet Pty Ltd v City of Joondalup, so effecting the application of the "Sub Judice" rule.

Cr Walker left the Chamber at this point, the time being 2230 hrs.

The quorum of the meeting LAPSED at this point, the following members being present:

**Mayor Bombak
Cr Baker
Cr Mackintosh
Cr Barnett
Cr Nixon
Cr Kimber
Cr Kenworthy**

There being a lack of quorum, no decision was made in relation to Item C141-10/02 – Notice of Motion No 1 – Cr C Mackintosh.

There being a lack of quorum, in accordance with Clause 3.1.1 of Standing Orders Local Law, Mayor Bombak **ADJOURNED** the meeting for a period of 15 minutes, the time being 2233 hrs.

The Meeting RESUMED at 2246 hrs, the following elected members being present:

Mayor Bombak
Cr Mackintosh
Cr Baker
Cr Kimber
Cr Walker
Cr Nixon
Cr O'Brien
Cr Hollywood
Cr Kenworthy

C142-10/02 NOTICE OF MOTION NO 2 – CR C MACKINTOSH

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Carol Mackintosh has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 15 October 2002:

“That Councillor Nixon be hereby requested to forthwith apologise to the Councillors of the City of Joondalup and the members of the public gallery for his crude and offensive behaviour as he left the Council Chamber during the course of the City of Joondalup Ordinary Council meeting conducted on 24 September 2002, as reported as the lead story on the front page of the Wanneroo Times Newspaper published on Thursday 26 September 2002 failing which he be formally censured for his aforementioned inappropriate behaviour.”

VOTING REQUIREMENTS

Simple Majority

Cr Mackintosh stated that, as Cr Nixon had submitted an apology, she no longer wished to move this Notice of Motion.

This Notice of Motion was not pursued, therefore it

LAPSED

C143-10/02 NOTICE OF MOTION NO 3 – CR CHRIS BAKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 15 October 2002:

“That in reference to Council Resolution CJ097-05/02, the CEO prepares a report identifying the ratepayers entitled to be refunded the overpayment of rates and that such persons be deemed to be the owners who at the time paid the wrongfully taxed amount, and hence shall be the persons entitled to receive the refund pursuant to 6.40(3)(a)(1) as the current owner at the time the incorrect rate was imposed.”

OFFICER’S COMMENT

This motion is not consistent with the Act.

CJ097-05/02 advised Council that during 1999/2000 and 2000/2001 commercial properties with a minimum charge were incorrectly rated at a higher minimum. During 1999/2000 this was \$735 instead of \$415 and in 2000/2001 this was \$835 instead of \$415.

At its meeting of 21 May 2002, CJ097-05/02 refers, Council resolved to:

“MAKE the necessary amendments to the rate records of the City to effect the refunds/credits to the properties concerned and the respective owners of affected land as detailed in Report CJ097-05/02, pursuant to the provisions of Section 6.39 and Section 6.40 of the Local Government Act 1995.”

Section 6.39 (2) of the Local Government Act 1995 allows a local government to amend the rate in accordance with the Act. Section 6.40(3)(a)(1) requires that **refunds** are to be made to “the current owner of the land”. Similarly, section 6.40(3)(b) requires that the liability for any **increase** in rate is to be with the “owner” of the land. Section 1.4 defines the “owner” as a person who is in possession or is entitled to be in possession of the land.

The principle adopted within section 6.55 reflects that any unpaid rates or charges against a property remain the debt against the property and does not follow any person.

Section 6.55 (1) states that rates and service charges on land are recoverable by a local government from
(ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.

The City sought a legal clarification in relation to the “current owner” and accordingly the City refunded the overpayments to the “current owners” of the relevant land at the time of Council’s determination – 21 May 2002.

152 properties changed hands during the 1999/2000 year and up to 21 May 2002. In several instances properties changed hands more than once during this period.

VOTING REQUIREMENT

Simple Majority

This Notice of Motion was not pursued, therefore it

LAPSED

Cr Kenworthy left the Chamber at this point, the time being 2300 hrs.

C144-10/02 NOTICE OF MOTION NO 4 – CR M O'BRIEN

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 15 October 2002:

"That Council takes the appropriate steps to amend the Text of District Planning Scheme No 2:

- *'by deleting the word "should" where it twice occurs in Clause 3.11.2; and twice substitutes the word "shall" in lieu therefore; and*
- *by including a definition in SCHEDULE 1 (CLAUSE 1.9) – INTERPRETATIONS:*

"bawdy house: has the same meaning as its reference in Sections 209 and 213 of the Criminal Code Act 1913"; and

- *TABLE 1 (CLAUSE 3.2) - THE ZONING TABLE shall include the notation under ZONES & USE CLASSES:*

"Bawdy House [RESIDENTIAL]-X, [MIXED USE]-X, [BUSINESS]-X, [COMMERCIAL]-X, [CIVIC & CULTURAL]-X, [PRIVATE CLUBS/RECREATION]-X, [SERVICE INDUSTRIAL]-X, [SPECIAL RESIDENTIAL]-X, [RURAL]-X."

Reason for proposed motion

Cr O'Brien states that the reason for the scheme amendments are:

- To make it a mandatory requirement for "Structure Plans" being a requirement for development and re-development activities.
- To clearly prohibit "PROSTITUTION" as a land use within the City of Joondalup, following the current Labor Government's proposed relaxation of prostitution legislation.

OFFICER'S COMMENT

The suggested amendments to District Planning Scheme No 2 will require investigation prior to making further comment. There is a concern that the suggested amendment may have legal implications which need to be understood by the Council before initiating such an amendment. It may also be premature given that the Government is yet to enact legislation in relation to prostitution and the implications on local government are yet to be determined.

VOTING REQUIREMENT

Simple Majority

MOVED Cr O'Brien SECONDED Cr Baker that Council takes the appropriate steps to amend the Text of District Planning Scheme No 2:

- **'by deleting the word "should" where it twice occurs in Clause 3.11.2; and twice substitutes the word "shall" in lieu therefore; and**
- **by including a definition in SCHEDULE 1 (CLAUSE 1.9) – INTERPRETATIONS:**

"bawdy house: has the same meaning as its reference in Sections 209 and 213 of the Criminal Code Act 1913"; and

- **TABLE 1 (CLAUSE 3.2) - THE ZONING TABLE shall include the notation under ZONES & USE CLASSES:**

"Bawdy House [RESIDENTIAL]-X, [MIXED USE]-X, [BUSINESS]-X, [COMMERCIAL]-X, [CIVIC & CULTURAL]-X, [PRIVATE CLUBS/RECREATION]-X, [SERVICE INDUSTRIAL]-X, [SPECIAL RESIDENTIAL]-X, [RURAL]-X."

Discussion ensued.

The Motion was Put and

CARRIED (5/3)

In favour of the Motion: Crs Mackintosh, O'Brien, Walker, Nixon, Baker **Against the Motion:** Mayor Bombak, Crs Kimber, Hollywood

In accordance with Clause 4.2 of Standing Orders Local Law, Mayor Bombak wished it noted that he could not support a Motion which did not have a comprehensive report which covered the issues raised.

C145-10/02 NOTICE OF MOTION NO 5 – CR M O’BRIEN

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O’Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 15 October 2002:

“That Council promotes through the North Zone of the Local Government Association an amendment to Section 6.40. of the Local Government Act 1995, to clarify the obligation by a Municipality to refund an amount overpaid by an Elector as an amount due to the Elector who had made the overpayment by:

- *Inserting a sub definition of the word current;*

' "current" in this section means the owner at the time the rate was applied to the land for the rating year; and

- *deleting the word "may" in section 6.40. (3)(a)(i) and in 6.40.(4)(a)(i)(I) and substituting in lieu therefore the word "shall" '*

Reason for proposed motion

Cr O’Brien states that the reason for this proposed amendment is to clarify who the person entitled to the refund is to be, in other words if the land is sold before the Municipality refunds the amount, the new owner doesn't reap the benefit of the amount that was paid overpaid, or paid in error, by the owner at the time.

Cr O’Brien has provided the proposed amendment below (as underlined):

LOCAL GOVERNMENT ACT 1995 - SECT 6.40

6.40. Effect of amendment of rate record (“current” in this section means the owner at the time the rate was applied to the land for the rating year)

- (1) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in --
 - (a) the rateable value of;
 - (b) the rateability of; or
 - (c) the rate imposed on,

that land, the local government is to reassess the rates payable on the land and to give notice to the owner of the land of any change in the amount of rates payable on the land.

- (2) Where the rate record in relation to any land is amended under section 6.39(2) as a result of a change in a service charge imposed on that land, the local government is to reassess that service charge and to give notice to the owner or occupier of the land, as the case requires, of any change in the amount of the service charge payable on the land.

- (3) If, as a result of a reassessment of rates under subsection (1), a rate on any land is -
- (a) reduced, and that rate has already been paid to a local government, the local government --
 - (i) may, (shall) and if so requested by the current owner of the land is required to, make a refund to that owner of the amount overpaid; or
 - (ii) is required to allow a credit of the amount overpaid in relation to the land against future liabilities for rates or service charges in respect of that land; or
 - (b) increased, that increased rate is the rate to which section 6.44 applies.
- (4) If, as a result of a reassessment of a service charge under subsection (2), a service charge on any land is --
- (a) reduced, and that service charge has already been paid to a local government --
 - (i) by the owner, the local government --
 - (I) may, (shall) and if so requested by the current owner of the land is required to, make a refund to that owner of the amount overpaid; or
 - (II) is required to allow a credit of the amount overpaid in relation to the land against future liabilities for rates or service charges in respect of that land;
or
 - (ii) by the occupier, the local government is required to make a refund to the person who paid the service charge;
or
 - (b) increased, and that service charge was imposed on --
 - (i) the owner, that increased service charge is the service charge to which section 6.44 applies; or
 - (ii) the occupier, that increased service charge is a debt due to the local government by the person on whom the service charge was imposed.

OFFICER'S COMMENT

This motion is not supported as it is considered to make this section of Act inconsistent with other sections of the Act.

Section 6.39 (2) of the Local Government Act 1995 allows a local government to amend the rate in accordance with the Act. Section 6.40(3)(a)(1) requires that **refunds** are to be made to “the current owner of the land”. Similarly, section 6.40(3)(b) requires that the liability for any **increase** in rate is to be with the “owner” of the land. Section 1.4 defines the “owner” as a person who is in possession or is entitled to be in possession of the land.

The City sought a legal clarification in relation to the “current owner” and this advice confirms that the refund is to be to the owner of the land at the time of making the amendment to the rate record.

The principle adopted within section 6.55 reflects that any unpaid rates or charges against a property remain the debt against the property and does not follow any person.

Section 6.55 (1) states that rates and service charges on land are recoverable by a local government from:

“(ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.”

This principle is applied in other areas of the Act for example where the owner at the time is responsible for the rectification of building or other infringements occurring on the property.

Therefore, whilst it may seem inequitable to the person making the original overpayment, an amendment to section 6.40 as proposed in this motion will be inconsistent with other areas of the Act. This amendment does not appropriately deal with any underpayments as prescribed by section 6.44 of the Act.

VOTING REQUIREMENT

Simple Majority

MOVED Cr O’Brien SECONDED Cr Baker that Council promotes through the North Zone of the Local Government Association an amendment to Section 6.40. of the Local Government Act 1995, to clarify the obligation by a Municipality to refund an amount overpaid by an Elector as an amount due to the Elector who had made the overpayment by:

- Inserting a sub definition of the word current;
 - ' "current" in this section means the owner at the time the rate was applied to the land for the rating year; and
- deleting the word "may" in section 6.40. (3)(a)(i) and in 6.40.(4)(a)(i)(I) and substituting in lieu therefore the word "shall" '

Discussion ensued.

The Motion was Put and

TIED (4/4)

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

LOST

C146-10/02 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

SECOND PUBLIC QUESTION TIME**Mr M Caiacob, Mullaloo:**

Q1 With my first question this evening regarding Lot 100 Oceanside Promenade, I was under the impression with Cr Baker's Motion No. 2 after the Special Electors' Meeting that Council had resolved to incorporate Lot 100 Oceanside Promenade into Tom Simpson Park proper?

A1 This question will be taken on notice.

Q2 Re: The City's response that the plan was advertised as a Master Plan, I am under the impression that it was only advertised as a Landscaping Plan and I would like to know when the Master Plan will be advertised and was a Precinct Plan advertised?

A2 This question will be taken on notice.

Mr S Magyar, Heathridge:

Q1 Re CJ258 – Woodvale Land Transaction – Will the report that was given to Councillors now be available in the Minutes of this Council Meeting?

A1 No.

Q2 Would this transaction or this land sale be considered a major land transaction under Section 3.58 of the Local Government Act?

A2 This question will be taken on notice.

Q3 How long will this plan be open for public comment?

A3 The date has not been determined.

Q4 Re CJ248 – The Country Town Relationship with the Shire of Cue – Does the deferral of this item mean that the youths from Cue will miss out on the Extreme Youth Expo in November?

A4 Yes.

Q5 Re Cr O'Brien's motion regarding Bawdy Houses – When Cr O'Brien's motion is successfully implemented and bawdy houses are banned from the City, how could Council enforce its resolution, so that this activity does not become an unauthorised home business?

A5 This question is taken on notice.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 5 NOVEMBER 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2318 hrs; the following elected members being present at that time:

J BOMBAK, JP
CR P KIMBER
CR C BAKER
CR A NIXON
CR J HOLLYWOOD
CR A WALKER
CR M O'BRIEN
CR C MACKINTOSH