



**MINUTES OF COUNCIL MEETING
HELD ON 27 MAY 2003**

In accordance with Clause 5.6 of the City's Standing Orders Local Law and the requirements of the Local Government Act 1995, Items C75-05/03, C76-05/03, C77-05/04 and C78-05/04 were discussed behind closed doors. Therefore only the resolutions carried by the Council are available for public inspection, unless otherwise resolved by the Council, in accordance with Clause 7.2 of the City's Standing Orders Local Law.

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP , ON TUESDAY, 27 MAY 2003

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

D CARLOS *Absent from 1955 to 2012 hrs*

Elected Members:

Cr L PROSPERO	Lakeside Ward	<i>Absent from 2052 – 2053 hrs; and from 2309 – 2312 hrs</i>
Cr P KIMBER	Lakeside Ward	<i>Absent from 2344 – 2345 hrs</i>
Cr T BREWER	Marina Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2337 – 2339 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2331 to 2333 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>From 1941 hrs to 2354 hrs</i>
Cr S HART	South Ward	<i>Absent from 2355 – 2356 hrs</i>
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2020 – 2021 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>To 2356 hrs; Absent from 1912 – 1913 hrs; from 1940 – 1943 hrs; from 2028 – 2030 hrs; from 2052 – 2054 hrs; and from 2131 – 2133 hrs</i>
Cr J GOLLANT	South Coastal Ward	<i>Absent from 1944 – 1949 hrs; and from 2328 – 2330 hrs</i>
Cr M CAIACOB	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH	<i>Absent from 2047 – 2217 hrs</i>
Director Planning & Community Development:	C HIGHAM	
Director, Infrastructure & Operations:	D DJULBIC	<i>Absent from 2047 – 2217 hrs</i>
Director, Corporate Services and Resource Management:	P SCHNEIDER	<i>Absent from 2047 – 2217 hrs</i>
Manager, Marketing, Communications & Council Support:	M SMITH	<i>Absent from 2047 – 2217 hrs</i>
Manager Strategic & Sustainable Development:	R HARDY	<i>Absent from 2047 – 2217 hrs</i>
Manager Financial Services:	A SCOTT	<i>Absent from 2047 – 2217 hrs</i>
Manager Human Resource Services:	M LOADER	<i>to 2330 hrs</i>
Publicity Officer:	L BRENNAN	<i>Absent from 2047 – 2217 hrs</i>
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	<i>Absent from 2047 – 2217 hrs</i>

There were 35 members of the Public and 3 members of the Press in attendance.

In Attendance

Mr Nick Manifis - Walman Software *Absent from 2047 – 2217 hrs*

PUBLIC QUESTION TIME

The following questions, submitted by Mrs Susan Baker, Ocean Reef, were taken on notice at the Council meeting held on 29 April 2003:

Q1 Why does it appear that the Council acts on complaints by a few ratepayers who are quite apparent to be compulsive whingers and why is our money being spent on a small minority of people? Has there been a cost analysis done regarding such, and does the Council keep a ledger of such amounts of complaint?

A1 The City has an obligation to investigate all matters which fall under its jurisdiction in accordance with statutory and Local Government legislation and Council policies. Whilst it is noted that some people report matters on a regular basis, the City must assess their concerns and take appropriate action.

The City had not undertaken a cost analysis or kept any formal ledger of the cost to the City in following up such matters.

Q2 Has the CEO had time to investigate a formal complaint which I lodged on 21 November 2002 in relation to Cr Carlos's actions with regard to a parapet wall at 12 Gloriana View, Ocean Reef? Cr Carlos in making the wall go to a full Council vote cost us money and also the ratepayers unnecessary costs without any explanation.

A2 Under the Notice of Delegation any Councillor can exercise his/her right to call in a development application to be determined by the elected members/Mayor without a requirement to provide justification.

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Council meeting held on 29 April 2003:

Q1 The existing lease area for the Mullaloo Surf Club is the footprint of the building, not the building overhang. Why has the ramp entry alcove and kiosk recesses been included in the new lease area?

A1 The upper floor overhang forms part of the lettable area of the building and is used by the Club, therefore it is included in the lease. This constitutes the building footprint.

Q2 Have the Councillors viewed the existing lease documents for the Mullaloo Surf Club?

A2 No.

The following questions, submitted by Mr S Magyar, Heathridge, were taken on notice at the Special Council meeting held on 12 May 2003:

- Q1 In relation to the questions submitted by Mr Grech, where he referred to the Council receiving legal advice from Minter Ellison. As the report was confidential, I presume that an elected member must have briefed Mr Grech regarding this matter. Will the elected member who supplied the information to Mr Grech please identify himself for breaching the confidentiality of the report?*
- A1 Within the minutes of the Council meeting held on 29 April 2003, Item C66-04/03 refers, a personal statement was made by former Mayor Bombak which made reference to legal advice obtained from Minter Ellison.
- Q2 At the last meeting I asked a question regarding Cr Baker's misleading letter to the editor of the Wanneroo Times. Will Cr Baker now apologise to the Mayor and ratepayers of the City of Joondalup for making false and misleading statements in the letter to the paper, as he moved the gag motion himself?*
- A2 This question has been forwarded to Cr Baker for a response.
- Q3 Could consideration be given to reverting the order of business at Council meetings to include questions with and without notice, as provided under the Standing Orders? Would consideration be given to having the order of business at Council meetings fully comply with the current Standing Orders and allow a second public question time at every meeting?*
- A3 The Standing Orders Review Committee has been recently re-established and will meet in the near future to discuss a revised set of standing orders, where the order of business will be discussed at that point.

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

My question is addressed to His Worship, the Mayor.

I refer to the official opening of the Eddystone Avenue bridge presided over by you on Saturday, 10 May 2003. I ask: -

- Q1 When was the original plaque commemorating this opening first manufactured?*
- A1 This is not known as Main Roads WA co-ordinated the official opening of the bridge.
- Q2 Who was named on the original plaque to commemorate the opening of the bridge?*
- A2 Mayor, Don Carlos.
- Q3 Was the plaque subsequently changed to name you as the person who officially opened the bridge?*
- A3 No.
- Q4 Why was the name on the plaque changed?*

A4 The name on the plaque did at one stage reflect Cr John Hollywood, Deputy Mayor, due to a double commitment by the Mayor. Due to the significance of the opening of the bridge, the Mayor ensured he would be in attendance.

Q5 *What was the cost to ratepayers for changing the name of the person who opened the bridge on the plaque?*

A5 The plaque was commissioned by Main Roads WA at no cost to the City.

Q6 *Mr Mayor as you are aware some years ago the Mayor of Wanneroo took the mayoral chain for an official function and from that day onwards he has refused to return it to the historical collection left with the City of Joondalup. The mayoral chain was designated for dual use between both Mayors and to be housed with the rest of the collection when not in use in the City of Joondalup.*

It was announced this morning (12 May 2003 at approximately 06.45) on 94.5 FM that you had reached a mutual agreement with Mayor Kelly. Does this mean that Mayor Kelly will be returning the mayoral chain to the historical collection housed at the City of Joondalup? If not, why not?

A6 No. The matter will be considered at the next Council meeting.

The following questions were submitted by P D McDonald:

My question is addressed to the Mayor:

Q1 *I refer to the complaint by a local Justice of the Peace, member of the Joondalup Branch, the Royal Association of Justices WA, Mr Sam Grech, concerning Cr Hollywood's obscene language directed to him following a recent Council meeting.*

Can you please confirm that Cr Hollywood has now admitted that he behaved in the manner behaved of by virtue of his unconditional apology to a ratepayer who heard his use of disgusting language?

A1 Cr Hollywood has written a letter to the ratepayer who lodged a complaint regarding the incident involving Mr Grech and Cr Hollywood.

Q2 *How can you continually condone bad behaviour from Cr Hollywood?*

A2 As responded to previously, I do not condone such behaviour.

Q3 *What steps will you take to counsel Cr Hollywood to encourage him to behave in a couth and civilized manner, particularly given that he is your Deputy Mayor?*

A3 Cr Hollywood has been spoken to about the incident and I have received written evidence from another JP and his wife who were also present when this incident is alleged to have happened. So I have now five versions of the incident – three of these people are JPs and two ladies. It does concern me that all of these respected people have a different recollection of what was said on this night. It is my intention to discuss the matter with the President of the Joondalup District JPs Association with the aim of resolving the matter to the satisfaction of all concerned.

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

My questions are addressed to the Mayor:

Q1 At the Special Meeting held on 20 May 2003, you stated that “I did not mention the CEO’s qualifications on my election flyer or my 150 words”. Is it true that you did have Mr Steve Magyar as part of your team on your election flyer?

A1 Yes.

Q2 By endorsing Mr S Magyar as part of your team you also automatically endorsed his election policies. Do you agree?

A2 No.

Q3 As Mr Magyar ran his campaign on the CEO and CEO related issues, would you agree that the people sent a clear message that they have confidence in our CEO by not electing Mr Magyar?

A3 No.

Q4 Is it not the case that out of the 26% of all eligible voters who actually voted for a Mayor most did not vote for you?

A4 The election results recorded that I received 34.17% of the valid votes for the position of Mayor and was declared elected to the position until May 2007 in accordance with the Local Government Act 1995.

Q5 In relation to Mr Magyar’s question 3 (below, from Council of 12 May 2003) all this information is posted on the City of Joondalup web page:

“Q3 In relation to the questions submitted by Mr Grech, where he referred to the Council receiving legal advice from Minter Ellison. As the report was confidential, I presume that an elected member must have briefed Mr Grech regarding this matter. Will the elected member who supplied the information to Mr Grech please identify himself for breaching the confidentiality of the report?”

A3 Response by Mayor Carlos: I will be instructing the CEO to investigate the matter and the matter will be revealed at the next Council Meeting.”

My question is addressed to the Mayor:

My concern is that how was Mr Magyar able to formulate his question and have it answered by you, which makes reference to my question and have them both posted on the web page at the same time my question was answered by you?

I now pose the same question to you Mr Mayor, how was Mr Magyar able to have access to this information before it was posted on the web?

A5 Ask Mr Magyar.

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

Q1 Mr Mayor, I refer to the resolution at last Tuesday's Council meeting whereby Council resolved to seek legal advice in respect of the CEO's contract with the City of Joondalup. Can you please advise as to which Councillors voted against that Motion.

A1 Cr Walker and Cr Hollywood.

Q2 My question is addressed to the Mayor. I put it to you that you regularly consult with twice failed Council candidate Steve Magyar on a regular basis in respect of all matters relating to your position as Mayor. Will you admit this?

A2 No.

Q3 My question is addressed to the Mayor. I refer to the finding of the Wanneroo Inc Royal Commission and to the need for open and accountable Local Government. Prior to the recent Mayoral Elections, did you promise to Cr Walker that you would chair her Mayoral Election campaign?

A3 No.

Mr Peter Mak, Sorrento:

Q1 This question is directed to the Mayor – Redirection of Funding for the Sorrento Beach Redevelopment. Is Council aware that redirection of the funding for Sorrento Beach Redevelopment is putting local businesses and tourism at risk and also would create a big question mark on the integrity of newly elected Councillors as they were not part of previous debates?

Q2 The entrance to the City of Joondalup along West Coast Highway is the poorest part on display of any Shire on the Sunset Coast, is the Council aware of that?

Thousands of volunteers over the years have looked after the sand dunes along Sorrento Beach and are eagerly waiting for this development to take place. There is a busy bee this Sunday at 9.30 am at the sand dunes, I invite all Councillors to attend. The details are displayed in the Wanneroo Times for your attendance.

A1-2 These questions will be taken on notice.

Mr A Bryant, Craigie

Q1 Regarding the answer to my question asked at the meeting of 1 April 2003 about the recovery of materials for recycling. It was stated that such recycling recovery costs amounted to a deficit of almost \$104,500 for the quarter ended 31 December 2002 for the combined Cities of Joondalup, Swan and Wanneroo.

Does this indicate that it is difficult to dispose of recycled goods at a reasonable price to enable a profit to be made? If this is the case, is there a possibility in the near future that the position will vary to the extent that a profit can be expected? What steps are being taken in an endeavour to produce a profit?

A1 The selling of the recyclable materials is subject to market fluctuations and Council's target is to try and aim for neutral costs. At this stage, the market is such that the recycling facility is running at a loss, but certainly the loss is minimised compared to 3 or 4 years ago prior to the arrangement with the City of Swan and Wanneroo.

Q2 *Is the \$104,500 the City of Joondalup's share and \$104,500 each for the other cities?*

A2 This question will be taken on notice.

Mr S Grech, Ocean Reef

Q1 *My questions are directed to the Mayor. I refer to last week's resolution of Council to appoint Freehills to prepare a legal opinion in respect of the CEO's employment contract. I ask as follows:*

(a) *Why did you tell the public and the media that the preparation of the legal opinion was an investigation when it was not?*

(b) *Did you have any discussion with Mr Scott Ellis regarding the CEO's employment contract either before the resolution or after it and if so, by whose authority did you have those discussions?*

(c) *Will you tell your fellow Councillors what was the nature of your discussions?*

Q2 *I refer to then alleged investigation into the CEO's employment contract being conducted by Freehills. I ask as follows:*

(a) *Why is it Council agreed to Freehills conducting this alleged investigation, where you have appointed yourself, without any consultation from the Councillors, to conduct the investigation into complaints about Cr Hollywood?*

- Mayor Carlos requested Mr Grech to withdraw an inappropriate comment.

(b) *Can you not see the obvious inconsistencies and double standards that are being applied here?*

(c) *Do you think it is appropriate that associates should be investigating associates? Does this make a view of closed and unaccountable local government?*

Q3 *At the reconvened Special Meeting on 20 May 2003 you stated that: "I am only interested in obtaining the truth". You further stated: "That all 77 questions submitted by Mr Sam Grech from Ocean Reef will not be answered." You then stated that all questions would be answered tonight.*

- (a) *Why have you refused to answer the 77 questions I sent to you over a two-week period prior to the Special Meeting and the reconvened Special Meeting?*
- (b) *Will you agree to a time frame to have all the 77 questions answered and have them posted on the City of Joondalup's web page by start of business at 9.00am on 4 June 2003?*

Q1-3 These questions will be taken on notice.

Mrs M Macdonald, Mullaloo

Q1 The Agenda for 23 July 2002 contained a report on the refurbishment of the Carine Glade Tavern. The report refers to a discussion with the Resident's Group in Carine on patron numbers. Given that there is a requirement under the Health Act for uses and patron numbers of public buildings to be identified, can Council indicate when the residents of Mullaloo are to be afforded the same courtesy as that given to the residents of Carine? That is, when will Council enter into discussion with the residents of Mullaloo on the number of patrons to be allowed in the Mullaloo Beach Village?

Q2 Further to the answer to my question at the Special Meeting in May 2003, can Council state whether or not Council has a policy which requires newly appointed staff to produce their degrees or certificates for copying and filing? If they do not have this policy, does Council still state it is following best practice with respect to Human Resource issues?

A1-2 These questions will be taken on notice.

Cr Kenworthy left the Chamber at this point, the time being 1912 hrs.

Mr M Sideris, Mullaloo

Q1 On 2 July 2002 I asked a question regarding the mobile phone tower at the Mullaloo Squash Court: "Because Council has a moratorium on the placement of mobile phone towers, will the City be proactive and develop a city wide map of safer sites within the City of Joondalup so that the community, residents and telecommunication providers can understand where the sites may or may not be placed?" The Mayor answered that this was something that the City should do. On 17 December 2002 the question was followed up asking if the City had progressed towards developing the map of safer sites. The answer given was that it was in progress.

How are we progressing with the map of safer sites?

A1 A plan showing locations of sites was produced in terms of looking at future sites. Council's understanding is that every network has a different requirement and it may not be possible to produce a map that shows all future possible sites, but Council will check whether or not it has been progressed.

Mr T O'Brien, Padbury

Q1 Give that the Mayor has decided to forego a sizeable sum of mayoral allowance, and has been vilified at length by Councillors at previous meetings, would it be seen as a show of good Councillor conduct to ask Cr Hollywood to accept 25% of his deputy mayoral allowance, and that all Councillors consider as a flow on that they accept only 25% of allowances, that being to the ratepayers benefit could be seen as doubly beneficial in conduct and public use of our rates and fees?

A1 Response by Mayor Carlos: I am not expecting any Councillor to do that, I did this because I felt it was appropriate in my circumstances, I do not expect any Councillor or the Deputy Mayor to do the same thing.

Cr Kenworthy entered the Chamber at this point, the time being 1913 hrs.

Ms S Baker, Ocean Reef:

Q1 About six months ago I requested to find out when Ocean Reef Road was going to go all the way through to take away traffic from Constellation Drive. Can you let me know where we are with that please? My concerns are that children are crossing Constellation Drive and it is only a matter of time before someone has an accident because there is no school crossings along there.

A1 To the best of my knowledge Council is finalising arrangements with the developer. Council is looking at swapping some sections of road to bring forward the construction of Ocean Reef Road. It is hoped that the developer will be starting construction by the middle of this year. The section that will be built is the unbuilt section from Hodges Drive through to Shenton Avenue.

Q2 At the last meeting I asked why our parapet wall was declined and the answer I was given: "Under the notice of delegation any Councillor can exercise his or her right to call in development applications." The Mayor in his election policy said that he would inform ratepayers as to what was going on. Why were we not informed why our parapet wall was not approved.

A2 Council's policy is to inform applicants under such circumstances. This matter will be investigated.

Mr S Magyar, Heathridge

Q1 Re: Petition for Traffic Calming in Mermaid Way, Heathridge. Can Council undertake the same traffic studies for Admiral Grove and Marybrook Road in Heathridge as the people in these roads have the same concerns?

A1 This question will be taken on notice.

- Mr Magyar referred to questions previously submitted by Mr Grech. This question was ruled to be inappropriate.*

Q2 When Council looked at the issue of the CEO's contract, was Council aware of the current state of the inquiry into the Warringah Shire Council in New South Wales?

A2 This question will be taken on notice.

Mr D Davies, Connolly

Q1 Since the deferment of a Councillor being elected on the Safer WA Committee, due to a meeting at the weekend where it was believed the Commissioner of Police, Brian Mathews was going to make an announcement on the future of Safer WA, an announcement that did not eventuate, I would now ask that a member be appointed to the Safer WA Committee.

A1 This will be taken on notice.

- Mr Davies referred to costings for public questions. This question was ruled out of order.

Mrs M Zakrevsky, Mullaloo

Q1 Would Council consider at swearing in ceremonies that, as an alternative, affirmations can be read from the text instead of being repeated?

A1 This question will be taken on notice.

Mr J McNamara, Sorrento

Q1 I refer to the Special Meeting to be held on Wednesday, 4 June 2003 at the City of Joondalup. The purpose of the meeting is to discuss the contract of employment of the CEO and related issues, and a Notice of Motion from Cr Kenworthy reflecting on the performance of the CEO. The matter of the CEO's qualifications and their inclusion in his original job application are currently under investigation by our lawyers, I request justification from Cr Kenworthy, who proposed the Notice of Motion, for the Special Meeting and what is going to be a significant cost to the ratepayers?

A1 This question will be taken on notice.

Mr S Grech, Ocean Reef

Q1 This question is directed to the Mayor: In the Wanneroo Times dated 27 May 2003, "Pool Repair Priority to be Reconsidered". They quoted you saying "a hefty rate increase to fund the leisure pool centre upgrade". Is this true and if so why.

A1 *Response by Mayor Carlos:* The answer is no, but the question will be taken on notice.

Q2 Are you saying that there will not be a hefty rate increase?

A2 *Response by Mayor Carlos:* A rate increase is a budget matter, Council has had one budget meeting and we will be having another one next Tuesday night. Council has a number of budget meetings and will determine where Council will spend the money and how much is needed to be spent.

APOLOGIES AND LEAVE OF ABSENCE

Apology for late attendance: Cr Rowlands

Leave of absence previously approved:

Cr C Mackintosh 13 May 2003 to 3 June 2003 inclusive

C69-05/03 REQUESTS FOR LEAVE OF ABSENCE

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

Cr Kimber	- 3 June 2003 to 8 June 2003 inclusive
	- 10 June 2003 to 16 June 2003 inclusive
Cr Baker	- 5 July 2003 to 31 July 2003 inclusive
Cr Nixon	- 10 July 2003 to 30 July 2003 inclusive

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

Cr Kimber	- 3 June 2003 to 8 June 2003 inclusive
	- 10 June 2003 to 16 June 2003 inclusive
Cr Baker	- 5 July 2003 to 31 July 2003 inclusive
Cr Nixon	- 10 July 2003 to 30 July 2003 inclusive

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Mayor Carlos declared a financial interest in CJ108-05/03 – Review of Corporate Policy Manual as it relates to the use of the Mayoral Car.

Cr O'Brien declared a financial interest in Item CJ114-05/03 – Warrant of Payments – April 2003 (Voucher No 48026 - Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Gollant declared an interest that may affect her impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as she is a member of one of the Clubs submitting an application for funding.

Cr Baker declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as he is a member and patron of the Joondalup Brothers Rugby Union Football Club.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as one of the applicants is employed by Cr Hollywood.

Cr Prospero declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as his children attend St Simon Peters Primary School.

Director, Infrastructure and Operations declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as his children attend Creaney Primary School.

Cr Brewer declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as Joondalup Community Church of Christ sits on the board of an organisation which appointed him to his current employment.

Cr Hollywood declared a financial interest in C86-05/03 – Notice of Motion – Cr G Kenworthy – Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood – as this is a matter concerning Cr Hollywood personally.

Mr Denis Smith, Chief Executive Officer declared a financial interest in C75-05/03, Employment of the Chief Executive Officer of the City of Joondalup – as this deals with his employment as CEO of the City of Joondalup.

C70-05/03 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 29 APRIL 2003

SPECIAL COUNCIL MEETING, 5 MAY 2003

SPECIAL COUNCIL MEETING, 12 MAY 2003

SPECIAL COUNCIL MEETING, 15 AND 20 MAY 2003

Cr Hart raised the following corrections to the minutes of the Special Meeting of Council held on 15 and 20 May 2003:

Page 16. Cr Hart requested the response to the question to state that she had not sighted the CEO's contract document;

Page 18: Question 5 from Mr V Cusack: Cr Hart requested that the following be included:

Policy No. 2.2.8 – Legal Representation for Present and Former Elected Members and Staff of the City:

“This policy is to provide the framework pursuant to which present or former members of Council and present or former employees of the City (referred to in this policy as “the relevant person”) may receive assistance against the

costs of being involved in defending legal proceedings arising from the carrying out of the official responsibilities or terms of employment of the relevant person.”

MOVED Cr Walker, SECONDED Cr Hollywood that the following Minutes be confirmed as a true and correct record:

- **Council Meeting – 29 April 2003**
- **Special Council Meeting – 5 May 2003**
- **Special Council Meeting - 12 May 2003**
- **Special Council Meeting – 15 and 20 May 2003**

AMENDMENT MOVED Cr Baker SECONDED Cr Prospero that the following words be added to the Motion, after “true and correct record”:

“...subject to an examination of the tapes of the Special Meeting of Council held on 15 and 20 May 2003 and clarification of the amendments requested by Cr Hart.”

The Amendment was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O’Brien, Hart, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

The Original Motion, as amended, being:

That the following Minutes be confirmed as a true and correct record, subject to an examination of the tapes of the Special Meeting of Council held on 15 and 20 May 2003 and clarification of the amendments requested by Cr Hart:

- **Council Meeting – 29 April 2003**
- **Special Council Meeting – 5 May 2003**
- **Special Council Meeting - 12 May 2003**
- **Special Council Meeting – 15 and 20 May 2003**

Was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O’Brien, Hart, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

Community Art Exhibition

The City’s popular Joondalup Community Art Exhibition is open at Lakeside Joondalup until Saturday 31 May 2003. The exhibition is of a fantastic standard and I urge all residents to have a look if they can and cast their own vote for the most popular artwork.

Votes for the popular choice award of \$500 close at 8.00 pm on Thursday, 29 May 2003. The judges' award for the most outstanding artwork went to Community Newspaper artist Paul Hurd for his colourful oil painting 'Sorrento Quay'. Congratulations Paul and congratulations to all other winners and participants.

'Giant Cuppa'

Great to see the three tiers of Government – Federal, State and Local cooperating once again for the 'Giant Cuppa' – Australia's biggest morning tea last week. Organised by local member Tony O'Gorman and attended by Federal Member Dr Mal Washer, the event was hosted by myself and the City of Joondalup.

We joined over 40,000 Australians who served 1.6 million cups of tea, hoping to raise \$6 million to support all those touched by cancer. Thank you all who came along to support us.

Cr Kenworthy left the Chamber at this point, the time being 1940 hrs.

Mullaloo Phone Tower

I was invited to join residents of Mullaloo at the weekend in their rally against mobile phone towers. The phone towers were erected on the Mullaloo Squash Centre without any community consultation. Deemed 'low impact' under the Federal Act, Council is given no jurisdiction.

This is absurd as this is a fully-fledged mobile phone base station with all the power and impact of the larger towers. The location is clearly not one that the community agrees with, particularly being so close to the kindergarten and primary school. I want the act to be changed so that communities, through their Council, can have their views acted upon when situations like this occur.

Cr Rowlands entered the Chamber at this point, the time being 1941 hrs.

Kallaroo Park Phone Tower

On the subject of phone towers, Cr Allison Walker has been presented with a "thank you" banner from the Whitford Catholic Primary School. The banner says "thank you for caring" from all the students who are within about 300 metres of the phone tower we refused at Kallaroo Park.

The children say the banner is in recognition of the phone tower issue being 'laid to rest' in their area and the assistance provided by the Mayor and City to achieve this outcome. On their behalf, Cr Walker would like to present the banner to Council.

Cr Kenworthy entered the Chamber at this point, the time being 1943 hrs.

PETITIONS**C71-05/03 PETITIONS SUBMITTED TO THE COUNCIL MEETING –
27 MAY 2003****1 TRAFFIC ISSUES WITHIN THE SUBURB OF HEATHRIDGE – [09363] [00364]**

An 89-signature petition has been received from residents of Heathridge requesting that Council:

- 1 acknowledges that the visibility for vehicles exiting Squire Avenue to Mermaid Way, Heathridge is limited, therefore creating a dangerous traffic environment;
- 2 acknowledges that the design of Mermaid Way, Heathridge, with a hill and a bend in the road makes any vehicle exceeding the speed limit more dangerous on Mermaid Way, than a vehicle travelling at the same speed on other similar roads in the City of Joondalup;
- 3 constructs a roundabout at the intersection of Mermaid Way and Squire Avenue, Heathridge;
- 4 consults with the residents of Heathridge, with the aim of reducing the speed of traffic on Mermaid Way, Heathridge.

**2 PETITION IN RELATION TO VACANT BLOCKS, REGENTS PARK ROAD,
JOONDALUP**

A 53-signature petition has been received from members of the Inner City Residents of Joondalup Incorporated and residents of City North, Joondalup requesting the City of Joondalup to enforce its power under Schedule 3.1 – Powers under notices to owners or occupiers of land of the Local Government Act 1995 and ensure that unsightly land is enclosed or rubbish and overgrown vegetation is removed from that land.

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

Cr Gollant left the Chamber at this point, the time being 1944 hrs.

MOVED Cr Walker SECONDED Cr Kimber that the

- 1 89-signature petition relating to traffic issues within the suburb of Heathridge;**
- 2 53-signature petition requesting the City of Joondalup to enforce its power under Schedule 3.1 – Powers under notices to owners or occupiers of land of the Local Government Act 1995 and ensure that unsightly land is enclosed or rubbish and overgrown vegetation is removed from that land;**

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

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

PERSONAL EXPLANATION – CR O’BRIEN

Cr O’Brien provided a definition of the word ‘cagamosis’.

Cr Gollant entered the Chamber at this point, the time being 1949 hrs.

C72-05/03 SUSPENSION OF STANDING ORDERS LOCAL LAW

MOVED Cr Walker, SECONDED Cr Hart that, BY AN ABSOLUTE MAJORITY, in accordance with clause 8.1 of the City of Joondalup’s Standing Orders Local Law, and as a case of urgent necessity, clause 3.12 of the Local Law, which requires seven (7) days’ prior notice in writing for a notice of motion to be considered BE SUSPENDED in order to consider the following urgent motion:

“That Council hereby directs the Chief Executive Officer to comply with the requests of the Department of Local Government and Regional Development contained within its letter of 16 May 2003 and provide the requested documentation by the close of business on Friday 30 May 2003.”

Discussion ensued.

The Motion was Put and

TIED (7/7)

In favour of the Motion: Mayor Carlos, Crs Brewer, Caiacob, O’Brien, Hart, Walker, and Nixon. **Against the Motion:** Crs Gallant, Kenworthy, Rowlands, Baker, Hollywood, Kimber and Prospero .

There being 7 votes in favour of the motion, and 7 votes against the motion, an Absolute Majority vote was not achieved, therefore the Motion was **NOT CARRIED**

CJ108 - 05/03 REVIEW OF CORPORATE POLICY MANUAL - [07032, 26176, 13399]

WARD - All

PURPOSE

To review and make the necessary changes to the City’s Policy Manual.

EXECUTIVE SUMMARY

In accordance with past practice, a review has been undertaken of the Policy Manual, the last review being approved by Council on 11 June 2002.

This report details suggested changes to the Policy Manual, which requires consideration by the Council.

BACKGROUND

At its meeting held on 29 April 2003 (Item CJ077-04/03 refers), Council resolved to:

“DEFER consideration of the review of the Corporate Policy Manual until after the May 2003 elections.”

There is no requirement under the Local Government Act 1995 for a Local Government to review its policies, however it is good practice that the policies of the Council are reviewed regularly to ensure they reflect the current focus and strategic direction of the Council.

The last review of the Policy Manual was submitted to Council for adoption on 11 June 2002 (Item CJ121-06/02 refers).

DETAILS

A review has been undertaken of the City’s Policy Manual and the following amendments are submitted for approval. The amended policy documents, showing the proposed revisions, form Attachment 1 hereto.

Policy	Nature of Change Required
2.1.5 – Selective Voluntary Severance	Change to calculations within Statement.
2.2.5 - Council Chamber - Use of	Policy to include reference to Special Electors’ meetings.
2.2.6 - Recording of Proceedings	Change to policy title from “Council and Electors’ Meetings – Electronic Sound Recording”. Policy to include clause relating to various recording devices.
2.2.7 - Acknowledgement of Service - Elected Members	Increase to amount of gift.

2.2.13 - Payment of Fees, Allowances and Expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors	<p>Various changes to Sections:</p> <ul style="list-style-type: none"> • 3.2 • 3.4 • 3.7 • 4.2 • 4.3 • 4.4 • 4.5 • 5.6(6) • 5.8 • 6 • 7 • 8
2.3.2 - Communications	Change to include reference to Director
2.3.3 – Use of Common Seal and the Signatories for Contract Execution	Policy Statement to include reference to Section 9.49 of the Local Government Act 1995.
2.3.5 - Online Services	Various modifications required throughout policy.
2.4.1 - Accounting Policy	<p>Various modifications required throughout policy.</p> <p>Director Planning and Community Development to be included as signatory to accounts.</p>
2.4.2 - Investment Policy	Various amendments required throughout policy.
2.5.1 – Commercial Usage of Beachfront and Beach Reserves	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.2 – Procurement of Council Buildings	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.3 – Council Vehicles – Mayor and Council Officers	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.4 – Official Vehicles – Use of	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.5 - Consent to Alter Council Leased Premises	<p>Amendment of rename Section 2.5 to “Assets and Commissioning”.</p> <p>Change to Statement.</p>
2.5.6 – Disposal of Surplus Personal Computers	Amendment of rename Section 2.5 to “Assets and Commissioning”.
2.5.7 - Purchasing Goods and Services	Amendment to renumber policy to fall within Section 2.5 “Assets and Commissioning”.

2.6.3 – Community Consultation	<p>The City has a commitment to actively involve the community in Council’s planning, development and service delivery activities.</p> <p>Accordingly, Policy 2.6.3 – Public Participation, which was issued in July 1999 (CJ213-06/99 refers), has been reviewed and requires to be placed by Policy 2.6.3 – Community Consultation.</p> <p>“Consulting Our Community – A handbook to guide staff” supports this new policy. Through the guidelines, the City aims to:</p> <ul style="list-style-type: none"> ▪ Enhance planning, provision, management and evaluation of services; and ▪ Increase accountability and openness to our community. <p>The guidelines are to become an internal working operational document. The guidelines will be available for Council perusal, with a copy to be located in the reading room.</p> <p>It is recommended that Council deletes Policy 2.6.3 - Public Participation and adopts the replacement Policy 2.6.3 – Community Consultation.</p>
3.1.1 - Child Care Centres	Deletion of advertising sign requirements as this is governed by Signs Local Law.
3.1.5 - Nomenclature - Public Facilities	Various amendments required.
3.2.5 - Design Guidelines for Waterview Estate, Kingsley	Various amendments required.
3.2.7 - Pedestrian Accessways	Various amendments required.
4.2.2 - Public Online Service Provisions	Change to policy title from “Online Service Provision”.
5.1.1 - Waste Management	Deletion of part of Section 2 – Recycling.
5.5.1 - Burning of Garden Refuse and Cleared Vegetation	<p>Amendment to renumber policy to fall within Section 5.5 – Ranger Services.</p> <p>Change to dates for burning garden refuse.</p>

COMMENT

The suggested changes that are detailed within this report require adoption by the Council. This review will ensure that the Council has a Policy Manual that reflects the focus of the elected Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Prospero that Council:

- 1 DELETES Policy 2.6.3 Public Participation and ADOPTS replacement Policy 2.6.3 – Community Consultation as detailed in Attachment 1 to Report CJ108-05/03;**
- 2 AMENDS the following Policies as detailed in Attachment 1 to Report CJ108-05/03:**
 - **2.1.5 - Selective Voluntary Severance**
 - **2.2.5 - Council Chamber - Use of**
 - **2.2.6 - Recording of Proceedings**
 - **2.2.7 - Acknowledgement of Service - Elected Members**
 - **2.2.13 - Payment of Fees, Allowances and Expenses and the provision of facilities to the Mayor, Deputy Mayor and Councillors**
 - **2.3.2 - Communications**
 - **2.3.3 – Use of Common Seal and the Signatories for Contract Execution**
 - **2.3.5 - Online Services**
 - **2.4.1 - Accounting Policy**
 - **2.4.2 - Investment Policy**
 - **2.5.1 – Commercial Usage of Beachfront and Beach Reserves**
 - **2.5.2 – Procurement of Council Buildings**
 - **2.5.3 – Council Vehicles – Mayor and Council Officers**
 - **2.5.4 – Official Vehicles – Use of**

 - **2.5.5 - Consent to Alter Council Leased Premises**
 - **2.5.6 – Disposal of Surplus Personal Computers**
 - **2.5.7 - Purchasing Goods and Services**
 - **3.1.1 - Child Care Centres**
 - **3.1.5 - Nomenclature - Public Facilities**
 - **3.2.5 - Design Guidelines for Waterview Estate, Kingsley**
 - **3.2.7 - Pedestrian Accessways**
 - **4.2.2 - Public Online Service Provisions**
 - **5.1.1 - Waste Management**
 - **5.5.1 - Burning of Garden Refuse and Cleared Vegetation**

Mayor Carlos stated he believed this matter was to be deferred to a Strategy Session, and if the matter was to be considered at this point he was obliged to vacate the Chair.

Mayor Carlos declared a financial interest in CJ108-05/03 – Review of Corporate Policy Manual as it relates to the use of the Mayoral Car.

Mayor Carlos left the Chamber at this point, the time being 1955 hrs. Deputy Mayor, Cr Hollywood, assumed the Chair at this point.

AMENDMENT MOVED Cr Baker, SECONDED Cr Kimber that the following amendments be made to the Policy Manual:

- **Policy 2.2.6: Paragraph 7: Delete “at the sole discretion of the Mayor or Chairperson” and replace with “determined by an absolute majority of Councillors”;**
- **Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (a) be deleted and substituted with the words “The Mayor be entitled to claim mileage at the agreed Local Government Rate for the use of his own personal vehicle”;**
- **Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (b) be deleted;**
- **Policy 2.2.13: Part 4, Payment of Fees and Allowances: 4.3. Delete “ the maximum” and replace with “25% of the maximum” ;**
- **Policy 2.2.13: 4.5: Paragraph (2) to remain within the Policy;**
- **Policy 2.2.13: 5.6 – Payment of Conference and Training Costs: Paragraph (5) delete “Business Class” and replace with “economy class”;**
- **Policy 2.5.3: Delete the first two paragraphs relating to the Mayor;**
- **Policy 2.5.4: Delete reference to use by Mayor.**

Discussion ensued.

MOVED Cr Walker SECONDED Cr Caiacob, that in accordance with Clause 5.4 of the City’s Standing Orders Local Law, the following Amendment Lie on the Table pending the holding of a workshop on the Policy Manual:

“AMENDMENT MOVED Cr Baker, SECONDED Cr Kimber that the following amendments be made to the Policy Manual:

- **Policy 2.2.6: Paragraph 7: Delete “at the sole discretion of the Mayor or Chairperson” and replace with “determined by an absolute majority of Councillors”;**
- **Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (a) be deleted and substituted with the words “The Mayor be entitled to claim mileage at the agreed Local Government Rate for the use of his own personal vehicle”;**
- **Policy 2.2.13: Part 1, Governance: Section 2.2. Paragraph (b) be deleted;**
- **Policy 2.2.13: Part 4, Payment of Fees and Allowances: 4.3. Delete “ the maximum” and replace with “25% of the maximum” ;**
- **Policy 2.2.13: 4.5: Paragraph (2) to remain within the Policy;**
- **Policy 2.2.13: 5.6 – Payment of Conference and Training Costs: Paragraph (5) delete “Business Class” and replace with “economy class”;**
- **Policy 2.5.3: Delete the first two paragraphs relating to the Mayor;**

- **Policy 2.5.4: Delete reference to use by Mayor.”**

Discussion ensued on the procedural motion.

Mayor Carlos entered the Chamber at this point, the time being 2012 hrs and assumed the Chair.

Mayor Carlos advised that he believed he had no financial interest on the procedural motion and had returned to the Chamber to participate in the voting.

The Motion to Lie on the Table was Put and

CARRIED

Appendices 1 & 1(a) refer

*To access this attachment on electronic document, click here: [Attach1brf150403.pdf](#)
[Attach1abrf150403.pdf](#)*

In accordance with Standing Orders Local Law, Clause 5.4 – “The Motion Lie on the Table” a record is to be taken of all those who have spoken on the motion under debate. It is therefore recorded that:

- no member spoke on the Motion Moved by Cr Kimber and seconded by Cr Prospero;
- Cr Baker spoke on the Amendment Moved by Cr Baker and seconded by Cr Kimber.

CJ109 - 05/03 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: Contract
Parties: City of Joondalup and Turfmaster Pty Ltd
Description: Execution of Tender 022-02/03 – Supply of pesticides
Date: 18.03.03

Document: Contract
Parties: City of Joondalup and Oz Jobs
Description: Execution of Tender 021-02/03 – Supply of temporary personnel
Date: 18.03.03

Document: Contract
Parties: City of Joondalup and Dotars
Description: Contract Variation – Seed funding – CBD Enhancement Project
Date: 24.03.03

Document:	Easement
Parties:	City of Joondalup, Roman Catholic Archbishop of Perth and Davidson P/L
Description:	Easement over Deposited Plans 35965 and 35966
Date:	25.03.03
Document:	Copyright
Parties:	City of Joondalup and Molly Corse
Description:	Recording of historical importance
Date:	26.03.03
Document:	Copyright
Parties:	City of Joondalup and Arthur Davies
Description:	Recording of historical importance
Date:	26.03.03
Document:	Copyright
Parties:	City of Joondalup and Pat Paust
Description:	Recording of historical importance
Date:	31.03.03
Document:	Covenant
Parties:	City of Joondalup and Paltara Pty Ltd
Description:	Restructure Covenant on Lots 331-333 Hillarys
Date:	02.04.03
Document:	Caveat
Parties:	City of Joondalup and Gastevich Family Trust
Description:	Withdrawal of Caveat – Extension of Lease – Lot 7, 972 Kingsley Drive, Kingsley
Date:	11.04.03
Document:	Deed
Parties:	City of Joondalup and Sistar P/L
Description:	Deed to give effect to Condition 6 of planning approval – Carine Glades Tavern
Date:	16.04.03
Document:	Tender
Parties:	City of Joondalup and Department of Community Development
Description:	Tender application for Youth Counselling Service
Date:	02.05.03

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Walker that the schedule of documents executed by means of affixing the Common Seal be NOTED.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

CJ110 - 05/03 REIMBURSEMENT OF ELECTED MEMBERS ALLOWANCES AND EXPENSES – [27122]

WARD All

PURPOSE

To provide an account of allowances and expenses incurred by and paid to each Councillor for the period between May 2002 and April 2003.

EXECUTIVE SUMMARY

The reimbursement of elected members expenses is subject to Council's policy and a signed claim form declaring that the information provided in support of the claim is true and correct.

The underlying principle that applies to payment of various allowances and reimbursement of expenses incurred whilst performing duties as an elected member is:

“to enable any eligible member of the community to be elected and carry out the duties and responsibilities of their elected office, without being financially disadvantaged for doing so.”

BACKGROUND

Following an extensive review of what allowances and reimbursement of expenses are permissible under the Local Government Act 1995 (the Act) and Regulations under the Act, Council at its meeting held on 18 December 2001, adopted a comprehensive policy known as “Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors”.

This policy has applied from the first Saturday in May 2002 to coincide with elections and future new Councils. The policy sets out the amount of allowances that can be paid and reimbursement of expenses that can be claimed. It should be noted that the Act and Regulations under the Act do not limit the amount that can be reimbursed for travelling and child minding expenses.

DETAILS

At the ordinary Council meeting held on 11 March 2003, the following resolution was passed:

- “1 The Chief Executive Officer cause to be published in all future Agendas of Ordinary Council meetings, a detailed report concerning expenses and allowances incurred by/paid to each Councillor and paid for/reimbursed by the City of Joondalup including, but not limited to, the following expenses and allowances:
- 1.1 Expenses incurred by each Councillor on Conference and Training
 - 1.2 Expenses ostensibly incurred by each Councillor on Travel and Childcare
 - 1.3 Allowances paid to each Councillor by way of the communication allowance and the “sitting” or “meeting” attendance fee; and
 - 1.4 Other expenses incurred by each Councillor
- 2 The first such report also include a summary of all such expenses and allowances incurred by/paid to each Councillor since the date of their election to Council; and
- 3 At the foot of each report there be a recommendation to note each such report there be a recommendation to note each such report.”

The first report was presented to Council on 1 April 2003. This report covers the period since the Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors commenced. Attachment 1 to this Report shows all allowances and expenses reimbursed to the Councillors May 2002 to April 2003.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Baker that Council NOTES the information in relation to reimbursements of Elected Members' allowances and expenses as contained in Attachment 1 to Report CJ110-05/03.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf200503.pdf](#)

CJ111 - 05/03 2003 ORDINARY ELECTION RESULTS – [17518]

WARD - All

PURPOSE

To present the results of the 2003 Ordinary Elections.

EXECUTIVE SUMMARY

At the 10 October 2002 meeting of Council, it was resolved to declare the Electoral Commissioner responsible for the conduct of the City of Joondalup's ordinary elections as a postal election. Mr Brian Moore was accordingly appointed as the Returning Officer.

On Friday 14 April 2003, voting packages were sent out to 100,531 electors. At close of poll, 6.00 pm, Saturday 3 May 2003, 26,016 (25.87%) valid voting packages were received by the Returning Officer.

Mr Don Carlos received 8,890 votes to be declared the Mayor of the City of Joondalup. A full copy of the election results as prepared by the Returning Officer is contained in the 'details' section of this Report.

BACKGROUND

The inaugural elections of the City of Joondalup were conducted by means of a postal election and this trend has since continued. 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.

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.

Following the success of the inaugural and 2001 elections funds were made available in this year's budget to again hold the May 2003 elections as a postal election. The Western Australian Electoral Commissioner was responsible to conduct the City of Joondalup elections and appointed Brian Moore to be the Returning Officer.

DETAILS

On Friday 14 April 2003 voting packages were sent out to 100,531 electors. At close of poll at 6.00 pm Saturday 3 May 2003, 26,016 (25.87%) valid voting packages were received by the Returning Officer.

In accordance with section 4.77 of the Local Government Act 1995, the Returning Officer is to declare and give notice of the result of the election. The results of the election were advertised in the 5 May 2003 edition of the West Australian. The results are attached to this Report.

COMMENT

It is unknown the reason for the decline in the number of voting packages that were returned. One reason maybe attributed to the fact election packages were distributed just prior to the school, Easter and ANZAC holidays.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Hart that Council RECEIVES the Returning Officer's report of the results of the City of Joondalup's Ordinary Elections held on 3 May 2003 forming Attachment 1 to Report CJ111-05/03.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf200503.pdf](#)

**CJ112 - 05/03 STATE ELECTORAL DISTRICT BOUNDARIES -
OBJECTION TO LOSS OF SEAT OF JOONDALUP -
[17518]**

WARD - All

PURPOSE

To submit for Council consideration a Submission to the Electoral Distribution Commissioners, objecting to the proposed redistribution of State Government Electoral Boundaries that would see the loss of the current Legislative Assembly seat name of Joondalup.

EXECUTIVE SUMMARY

The State electoral district boundary redistribution is currently in its final phase where objections have been invited to the new boundaries as proposed by the Electoral Distribution Commissioners. The current proposal includes the loss of the current seat named "Joondalup" which has been divided between two new seats of Mindarie and Heathridge. The proposed northern boundary of the new seats runs along Shenton Avenue dividing the suburb of Joondalup in half.

The submission objects to the boundaries as proposed and recommends that the Legislative Assembly seat name of Joondalup be retained and the whole suburb of Joondalup be included within that seat.

BACKGROUND

Section 2A(2) of the Electoral Distribution Act 1947 provides that if the same division of the State has applied to two successive general elections of the Legislative Assembly, the State shall be divided into regions and districts as soon as practicable after the day that is one year after the polling day for the second of those general elections. The distribution of electoral boundaries was due to commence on 11 February 2002 but was delayed pending a resolution of litigation on the 'one vote, one value' legislation. As this has not been resolved, but there is a requirement for the redrawn boundaries to be in place in time for the next election, the current legislation applies and proposed boundaries have been prepared under that legislation and not under the principles of 'one vote, one value'.

The current review process commenced on 5 February 2003 and is scheduled to be completed with the final distribution published in the Government Gazette on the 4 August 2003. Written objections to what is currently proposed by the Electoral Distribution Commissioners close at 5.00 pm on Tuesday 3 June, 2003.

DETAILS

The Electoral Distribution Act 1947 at Section 7 identifies the following key determinants to be considered by the Electoral Distribution Commissioners when re-drawing the electoral boundaries within the State. These are:

- (a) community of interest;
- (b) means of communication and distance from the capital;
- (c) physical features;
- (d) existing boundaries of regions and districts;
- (e) existing local government boundaries;
- (f) the trend of demographic changes.

The proposed new State electoral boundaries provide for the removal of the current Legislative Assembly seat of Joondalup and its division into the two new seats of Heathridge and Mindarie with a significant section of the joint boundary running along Shenton Avenue. This boundary effectively divides the suburb of Joondalup into two parts with the northern part shown in Mindarie and the southern part in Heathridge.

The northern section of the west boundary of the proposed Heathridge and Mindarie electorates, meanders through the suburb of Ocean Reef and is likely to be confusing to electors in that area.

Whilst other proposed boundaries could be realigned to produce better and less confusing results, it is acknowledged that keeping any suggested changes to a minimum will enhance the likelihood of having them accepted by the commissioners. The changes suggested in the submission have therefore been limited to boundaries between the proposed two new electoral seats of Heathridge and Mindarie.

COMMENT

A submission objecting to the proposed loss of the seat of Joondalup and division of the suburb into the proposed new seats of Mindarie and Heathridge, has been prepared and is attached for information. The submission details logical argument and reason, for the change of the name of the proposed new seat 'Heathridge' to 'Joondalup' and adjustment of northern and western boundaries between the two new seats. It is suggested that the boundaries be amended to run along Burns Beach Road to the freeway reserve, south to Shenton Avenue, west along Shenton Avenue to Marmion Avenue, south along Marmion Avenue to Ocean Reef Road then west along Ocean Reef Road to the coast.

The above suggested changes would achieve retention of the suburb of Joondalup within the proposed new seat, tidy up the confusing boundary in Ocean Reef and enable the retention of the name 'Joondalup', rather than naming the new seat 'Heathridge'. The name 'Joondalup' is already well established, widely known and recognised as a major regional centre. As all other major regional centres through out the State have a Legislative Assembly seat named after them, there is already a strong and established precedent to retain the name Joondalup rather than create a new name after a dormitory suburb within the district. It is considered that this would be like applying the name Leederville to the established seat of Perth.

The amendments suggested in the submission are considered to be far more logical and acceptable to the larger community, that readily recognises Joondalup as a major metropolitan regional centre north of the Capital City Perth.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council ENDORSES the submission to the State Electoral Distribution Commissioners to:

- 1 retain the State Legislative Assembly electoral seat name of “Joondalup” by renaming the proposed seat of “Heathridge” to “Joondalup”;**
- 2 redraw the northern boundary of the recommended seat of Joondalup so that the whole of the Joondalup suburb is included in that seat;**
- 3 redraw the joint boundary between the proposed new seats so that the whole of the Ocean Reef suburb is included in the seat of Mindarie.**

AMENDMENT MOVED Cr Kimber SECONDED Cr Hart that the following Point be added to the Motion:

“Appropriate representatives from the City and interested Local Members of Parliament request a deputation with the State Electoral Distribution Commissioners in order to seek retention of the State Legislative Assembly Seat of Joondalup.”

The Amendment was Put and

CARRIED (14/0)

In favour of the Amendment: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

The Original Motion, as amended, being:

That:

- 1 Council ENDORSES the submission to the State Electoral Distribution Commissioners to:**
 - (a) retain the State Legislative Assembly electoral seat name of “Joondalup” by renaming the proposed seat of “Heathridge” to “Joondalup”;**

- (b) **redraw the northern boundary of the recommended seat of Joondalup so that the whole of the Joondalup suburb is included in that seat;**
- (c) **redraw the joint boundary between the proposed new seats so that the whole of the Ocean Reef suburb is included in the seat of Mindarie;**

2 Appropriate representatives from the City and interested Local Members of Parliament request a deputation with the State Electoral Distribution Commissioners in order to seek retention of the State Legislative Assembly Seat of Joondalup.

Was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn270503.pdf](#)

CJ113 - 05/03 CITIZENSHIP CEREMONIES – [01108]

WARD - All

PURPOSE

For Council to give consideration to the Mayor nominating the Deputy Mayor to act as Citizenship Presiding Officer in the event of Mayor/CEO being unavailable to attend a scheduled Citizenship Ceremony.

BACKGROUND

The City of Joondalup performs Citizenship Ceremonies on behalf of the Department of Immigration, Multicultural & Indigenous Affairs (DIMIA). At these ceremonies local residents gaining Citizenship take part in a public ceremony, completing their legal requirement to take the Australian Citizenship Pledge. The City performs Citizenship Ceremonies approximately twice per month, with over 1,700 residents taking Citizenship in the past 12 months, or approx 75 per fortnight.

DETAILS

Currently there is a waiting list of over 250 residents awaiting attendance at a ceremony and there is a rather urgent requirement to have a number of ceremonies in a short period of time. Due to this change in schedule, the Mayor may not be available to preside at each scheduled ceremony.

DIMIA (*via Australian Citizenship Act 1948*) stipulate that only Presiding Officers of the City may conduct this ceremony, with only Mayor and CEO of local councils given this position. However, should Council agree, the City can nominate other elected members to act in this capacity.

COMMENT

From time to time these waiting lists for Citizenship Ceremonies do build up, so this situation is more than likely to repeat itself in the future. A simple resolution to this matter is being recommended.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Prospero that Council AGREES to the Mayor nominating the Deputy Mayor to act in capacity of Citizenship Presiding Officer should the Mayor be unable to attend scheduled ceremonies.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Cr O'Brien declared a financial interest in Item CJ114-05/03 – Warrant of Payments – April 2003 (Voucher No 48026 - Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber, the time being 2020 hrs.

CJ114 - 05/03 WARRANT OF PAYMENTS – 30 APRIL 2003 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 30 April 2003 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of April 2003. It seeks Council's approval for the payment of the April 2003 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
Municipal	000387A; 000396- 000403	\$ 6,153,516.26
Director Corporate Services & Resource Management Advance Account	047431-048145	\$ 6,132,220.79
Trust Account	-	-
	TOTAL	\$ 12,285,737.05

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

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of April 2003, the amount was \$906,216.41

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

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$12,285,737.05 which is to be submitted to each Elected Member on 27 May 2003 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown are due for payment.

PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$12,285,737.05 was submitted to Council on 27 May 2003

.....
Mayor Don Carlos

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Walker that COUNCIL APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 April 2003, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$12,285,737.05.

FUNDS	VOUCHERS	AMOUNT
Municipal	000387A; 000396-000403	\$ 6,153,516.26
Director Corporate Services & Resource Management Advance Account	047431-048145	\$ 6,132,220.79
Trust Account	-	-
	TOTAL	\$ 12,285,737.05

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf200503.pdf](#)

Cr O'Brien entered the Chamber, the time being 2021 hrs.

CJ115 - 05/03 FINANCIAL REPORT FOR THE PERIOD ENDING 30 APRIL 2003 – [07882]

WARD - All

PURPOSE

The April 2003 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The April 2003 report shows a variance of \$10.8m when compared to the budget for the year to date.

This variance can be analysed as follows-

- The **Operating** position shows an actual operating surplus of \$7.9m compared to a budgeted operating surplus of \$5.1m at the end of April 2003, a difference of \$2.8m, due mainly to the early receipt of a state government grant and an underspend in materials and contracts and employee costs for the year to date.
- **Capital Expenditure** for the year to date is \$1.6m compared to budgeted expenditure of \$2.2m as at the end of April 2003, a difference of \$0.6m. This is due mainly to the purchase of some computer equipment (mainly replacement computers) that has been reclassified as operating expenditure, as it was less than the required \$2,000 for capitalisation. In addition, the purchase of some vehicles has been delayed due to supply difficulties.

- **Capital Works** expenditure for the year to date amounted to \$7.7m against a budget of \$15.1m, an underspend of \$7.4m as at the end of April 2003. However, the City has committed expenditure through raised purchase orders of \$1.9m. It is estimated that capital works of \$11.9m will be carried forward at 30 June 2003. These works consist mainly of the depot project, Currambine community centre, Sorrento beach, Craigie leisure centre and Shenton Ave road works.

DETAILS

The financial report for the period ending 30 April 2003 is appended as Attachment A to this Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Prospero that the Financial Report for the period ending 30 April 2003 be NOTED.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf200503.pdf](#)

CJ116 - 05/03 APPROVE THE PURCHASE OF 11 ONE TONNE VANS – [08178]

WARD - All

PURPOSE

- 1 To accept the quotation from Grand Toyota for the supply of five Toyota Hi-Ace SWB one tonne vans for \$116,450 excluding GST and six Hi-Ace LWB one tonne vans for \$147,864 excluding GST, giving a total purchase of \$264,314 excluding GST;
- 2 To approve the disposal by State-wide public auction of the old vehicles (plant numbers #95148, #95149, #95150, #95151, #95144, #95493, #95494, #95502, #95503, #95145 & #95504). It has been estimated that at auction, the vehicles will return \$117,500 excluding GST.

EXECUTIVE SUMMARY

The City's 2002/03 budget provided for the purchase of light vehicles, as detailed in the Fleet Replacement Program. Funding for the cost of supply is to be sourced from the Light Vehicle Reserve Account.

The City's 2002/03 budget provided for the purchase of eleven replacement vehicles together with the disposal of the following plant items:

- Plant Number 95148 1999 Ford Econovan allocated to Building Cleaning
- Plant Number 95149 1999 Ford Econovan allocated to Building Cleaning
- Plant Number 95150 1999 Ford Econovan allocated to Building Cleaning
- Plant Number 95151 1999 Ford Econovan allocated to Building Cleaning
- Plant Number 95144 1999 Ford Econovan allocated to Building Cleaning
- Plant Number 95493 1999 Ford Maxi Econovan allocated to Parks Maintenance
- Plant Number 95494 1999 Ford Econovan allocated to Parks Maintenance
- Plant Number 95502 1999 Ford Econovan allocated to Parks Maintenance
- Plant Number 95503 1999 Ford Econovan allocated to Parks Maintenance
- Plant Number 95145 1999 Ford Maxi Econovan allocated to Building Maintenance
- Plant Number 95504 1999 Ford Maxi Econovan allocated to Building Maintenance

This report outlines the selection process relating to the purchase of 11 one tonne vans and recommends:

- 1 *Accepting the quotation from Grand Toyota, for the supply of 11 Toyota Hi-Ace Vans at \$264,314 without GST and approving the disposal of 11 vehicles by State-wide public auction;*
- 2 *Noting that if this recommendation is accepted and subject to the disposal auction achieving the estimated valuation, the net changeover cost to the City is estimated to be \$146,814 without GST;*
- 3 *Approving allocating the estimated budget shortfall of \$11,814, from the Light Vehicle Replacement Reserve Account.*

BACKGROUND

Commercial vehicles in the Cities fleet, are replaced at intervals of 4 years or 90,000 kms, whichever comes first. The eleven vehicles listed for replacement in this report have reached four years of service.

Contract 012A 1994 is the State Government Contract for the supply of motor vehicles to various departments and authorities. The City of Joondalup receives the quarterly pricing schedules, pertaining to this Contract and uses the contract prices to complete a whole of life evaluation on the range of vehicles offered in the applicable category.

The operational requirements of the drivers, affected by the vehicle replacements, was reviewed by their respective Managers and the vehicle specifications altered to reflect the most suitable vehicle for their needs. Three vans have been changed from short wheelbase to long wheelbase to allow for improved storage of supplies and equipment.

DETAILS

State Government supply contract 012A 1994 allows Local Government to place an order with any of the distributors listed on that contract at the same prices available to the State. Quotations were received from Grand Toyota, Jason Mazda, Wanneroo Mitsubishi and Nuford for the supply of the vans together with the mandatory extra fittings such as air conditioning, tow bars and cargo barrier.

A whole of life evaluation was carried out on the Toyota Hi-Ace, Ford Econovan, Mazda E2000 & Mitsubishi Express for both the medium and long wheelbase models (as shown in Attachment A and B respectively). This evaluation showed the Toyota Hi-Ace as the best value purchase for the City, taking into account whole of life costing factors of:

- Purchase price;
- Servicing costs;
- Fuel costs (including economy); and
- Resale value (4 year trade value from the Red Book).

Statutory Provision:

In accordance with the provisions of Section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer has the delegated authority to accept purchases to a limit of \$100,000. As this purchase exceeds this limit, Council must approve it.

Regulation 11 (2) (e) of the *Local Government (Functions & General) Regulations 1996* allows Local Government to purchase goods or services worth more than \$50,000, without inviting Public Tender, if the supply of the goods or services is obtained through the Government of the State.

As the market value of the eleven vehicles for disposal exceeds \$20,000 and in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*, the disposal of the eleven vehicles is to be by state-wide public auction.

Policy Implications:

The purchase recommendation complies with Council's policy 2.4.6 - Purchasing Policy, whereby regional purchasing is supported wherever possible. Grand Toyota is based in Lancaster Road Wangara and is situated within the City of Wanneroo.

Financial Implications:

Based on the Grand Toyota quotation and estimated return at auction, the financial position is:

Make & Model New Supply	Recommended Supply Cost	Auction Valuation Disposal	Budget New Supply	Budget Trade	Budget Shortfall
Toyota Hi-Ace x 11	\$264,314	\$117,500	\$226,000	\$91,000	\$11,814

GST Impact

GST can be claimed as a full 100% tax credit on the new supply and 1/11th of the Trade Valuation must be remitted to the Tax Office

	Excluding GST	Including GST	Claim GST	Tax
Credit				
New Supply	\$264,314	\$290,745	YES	\$26,431
				Tax Debit
Trade Disposal	\$117,500	\$129,250	NO	(\$11,750)

COMMENT

The estimated 2002/03 budget shortfall for the supply and disposal of the eleven vehicles is \$11,814. The shortfall is due to the Toyota Hi-Ace being more expensive than the Ford Econovan, on which the budgeted amount was based on. The extra expenditure incurred, if this recommendation is approved, is expected to be recovered two fold at the time of disposal.

The budget shortfall can be funded from the Light Vehicle Replacement Reserve Account.

MOVED Cr Baker, SECONDED Cr Brewer that Council:

- 1 APPROVES the quotation from Grand Toyota, for the supply of five Toyota Hi-Ace SWB one tonne vans, at \$116,450 excluding GST and six Hi-Ace LWB one tonne vans, at \$147,864 excluding GST, a total purchase of \$264,314 excluding GST;**
- 2 APPROVES the disposal by statewide public auction of plant numbers 95148, 95149, 95150, 95151, 95144, 95493, 95494, 95502, 95503, 95145 & 95504;**
- 3 APPROVES allocating the estimated budget shortfall of \$11,814, from the Light Vehicle Replacement Reserve Account.**

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200503.pdf](#)

CJ117 - 05/03 SERVICE LEVEL AGREEMENTS - BULK REFUSE COLLECTION SERVICES AND BADGERUP ROAD REFUSE SITE WEEKEND GREENWASTE TIPPING – [48118] [58114]

WARD - All

PURPOSE

To seek Council approval to extend the term of the Service Level Agreements (SLAs) between the City of Joondalup and the City of Wanneroo for the verge side bulk refuse collection service and the Badgerup Road Refuse Site Weekend Greenwaste tipping facility.

EXECUTIVE SUMMARY

Two Service Level Agreements require a determination by Council as to whether or not to extend the current SLA to the extended term of 5 years. The SLAs are conditional upon Council providing the service provider notification that it will take up its option 12 months before the contract expires, this date being 1 July 2003.

The service provider has performed the requirements of the SLAs to a satisfactory level and the prices compare favourably with local authorities, which have contracts with similar levels of service.

Service	Provider	Period of Agreement	Total Contract value (approx only)
Supply of bulk refuse collection service for the extended term	City of Wanneroo – Environmental Waste Services	5 years from 1 July 2004	\$5,305,000
Access to Badgerup Road Refuse Site Weekend Greenwaste Facility	City of Wanneroo – Environmental Waste Services	5 years from 1 July 2004	\$788,217.6

It is recommended that Council:

- 1 approves an extended term of five (5) years under the terms and conditions of the current Service Level Agreement with the City of Wanneroo for the supply of Bulk Refuse Collection Services;*
- 2 approves an extended term of five (5) years under the terms and conditions of the current Service Level Agreement with the City of Wanneroo for the Badgerup Road Refuse Site Weekend Greenwaste Tipping Facility.*

BACKGROUND

The Service Level Agreements between the City of Joondalup and the City of Wanneroo for the verge side bulk refuse collection service and the Badgerup Road Refuse Site Weekend Greenwaste Facility will expire on 1 July 2004. These SLAs have provision for an extended term of five years at the City's absolute discretion, however it is conditional that the City provides the City of Wanneroo 12 months prior advice of its intention to extend the SLAs .

The date for the advice to the City of Wanneroo of the City's intention to extend the SLAs is 1 July 2003.

Service Level Agreement for the Bulk Refuse Collection Service

Currently, the SLA provides for a bulk refuse collection service and a greens waste collection service approximately every 9 months in a combined collection round. The bulk refuse is taken to Tamala Park landfill disposal and the greenwaste is taken to the Badgerup Road Refuse Site.

This SLA consists of detailed service level arrangements and covers customer service, late presentations, collection days, advertisements of the collections days, damage to verge, reporting requirements and storm damage.

The SLA was formulated under the directions of the previous Commissioners and is based on a cost recovery service.

The current SLA charges are:

Rubbish collection	\$75.44/tonne
Greens collection	\$91.46/tonne
Chipping greens	\$32.43/tonne

Service Level Agreement for the Badgerup Road Weekend Greenwaste Tipping Facility

Currently, this SLA provides for the management of the green's waste processing facility. Residents use their four entry vouchers issued with the rate notice when dropping off green waste to the facility on weekends and public holidays only.

The current SLA charges for opening the facility on weekends and public holidays is \$13,136.96 per month.

DETAILS

Service Level Agreement Bulk Refuse Collection Service - Benchmarking with comparable services

A recent evaluation report by the Southern Metropolitan Regional Council has shown that the average greenwaste collection costs for a non containerised system such as the City's is \$111.98/tonne. The current rate the City pays for its greenwaste verge collection is \$91.46/tonne and rubbish verge collection is \$75.44/tonne.

The non-containerised system allows for unrestricted amounts of green waste and bulk refuse to be placed on the verge providing a comprehensive service for residents.

Performance of the Bulk Refuse Collection Service

The Contractor, City of Wanneroo Environmental Waste Services have performed to a satisfactory level for the current term of the contract. They have kept to the collection schedule and have performed to the requirements of the Service Level Agreement.

Reporting has shown that minimal complaints have been received and that generally the service has been carried out in an efficient and effective manner.

Any damage to property has been repaired in the required time, and the reporting requirements for collected tonnages have also been met. Refuse tonnages to landfill are reported through the weighbridge system at Tamala Park. Green tonnes into the Greens Facility, Bagerup Road are reported via the weighbridge at the facility.

Service Level Agreement for the Badgerup Road Refuse Site Weekend Greenwaste Facility

This SLA allows weekend and public holiday access to the City's residents who bring greenwaste to the facility for processing. Four entry vouchers are provided by Council issued with rate notices.

The facility also sells processed greenwaste as mulch for a reasonable \$15 a trailer load. The mulch has proved extremely popular especially during the last dry period.

The cost of opening the facility is shared with the City of Wanneroo and the City's share is \$13,136.96 per month.

Statutory Provision:

The extension to these Service Level Agreements requires Council approval.

Policy Implications:

None

Financial Implications:

The actual cost for the bulk verge collection service is approximately \$1,061,000 per year (actual for 2001 /2002), over the term of the extension the cost will be approximately \$5,305,000 plus CPI, this is dependant on the amount of rubbish and greenwaste collected.

The shared cost for the opening of the Greens Facility at Badgerup Road under the SLA is currently \$157,643.52 per year. Over the term of the extension, the cost will be approximately \$788,217.60. Under the conditions of the extension, this cost will remain the same, except for a CPI provision.

Strategic Implications:

The extension of these contracts is in keeping with the City's strategic direction for the provision of waste management services and the future format for these services is not dependent on the selection of technology for the region's secondary waste treatment facility.

COMMENT

The City's contractor, City of Wanneroo has performed well during the period of the SLA. A benchmarking exercise indicates the prices are in the lower end of the market for collection of a non-containerised bulk service.

The non-containerised bulk system allows for a high proportion of green waste from landfill, approximately 6000 tonnes per year.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Hart that Council:

- 1 APPROVES an extended term of five (5) years under the terms and conditions of the current Service Level Agreement with the City of Wanneroo for the supply of Bulk Refuse Collection Services;**
- 2 APPROVES an extended term of five (5) years under the terms and conditions of the current Service Level Agreement with the City of Wanneroo for the Badgerup Road Refuse Site Weekend Greenwaste Tipping facility.**

Discussion ensued.

The Motion was Put and

CARRIED (13/1)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero. **Against the Motion:** Cr O'Brien

**CJ118 - 05/03 RESTORATION AND UPGRADE OF GENEFF PARK,
SORRENTO – [28200]**

WARD - South

PURPOSE

To consider a 99 signature petition from local residents seeking a co-ordinated approach to upgrading and reinstating Geneff Park to an acceptable standard.

EXECUTIVE SUMMARY

During 2002/2003 as part of the Five Year Capital Works Program under Parks and Local Roads Landscape Enhancement Program for 2003/2004 upgrades to Geneff Park are proposed.

Over the past 12 months the Water Corporation, in executing the works associated with the Sewerage Infill Program has caused further degradation to the lower eastern section of Geneff Park.

Subsequently Council has received a petition from local residents seeking an immediate coordinated upgrade and reinstatement of the park to an accepted level according to public expectation.

It is recommended that Council:

- *APPROVES the establishment of a working group to develop a proposal for Geneff Park with participation from Council, Water Corporation and local resident's representatives;*
- *APPROACHES the Water Corporation for a contribution towards the upgrading of Geneff Park;*
- *LISTS for inclusion in the 2003/2004 budget considerations, an amount of \$47,250 for enhancement works to Geneff Park, Sorrento.*

BACKGROUND

Council identified the necessity for Geneff Park to be upgraded as a high priority and an amount of \$47,250 was listed in the Five Year Capital Works Program under Parks and Local Roads Landscape Enhancement Program for 2003/2004.

Over the past 12 months the Water Corporation has implemented the Infill Sewerage Program within the Hamersley 25D and 20Z Reticulation Boundary. Geneff Park formed an important part of this program by providing the location for the installation of underground storage tanks essential for the sewerage pumping process.

These works have caused a further down grading of the Park as a public amenity rendering the lower eastern section unusable. The Water Corporation has a commitment to reinstate any damage created by the installation of the tanks, storage of materials and machinery.

Council received a petition on 30 April 2003 from residents of Sorrento requesting the upgrade of Geneff Park to be undertaken in conjunction with reinstatement works by the Water Corporation as soon as the infill sewerage works are completed.

Strategic Plan:

The proposal for the upgrade and reinstatement of Geneff Park complies with Councils Strategic Plan Objective 3.1 "To develop and maintain the City of Joondalup's assets and built environment": contributing to Strategy 3.1.3 "Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors."

DETAILS

The petition organised by the Sorrento residents was submitted to Council as a result of extensive degradation of a local facility following works in the area undertaken by the Water Corporation over a period of twelve months.

The proposals put forward by the petitioners are that:

- The City brings forward its plan for the upgrading of Geneff Park
- The City and the Water Corporation agree to implement upgrades and reinstatement as soon as sewerage infill works are completed
- The City and the Water Corporation agree to undertake the works jointly to expedite the completion
- The establishment of a working group to develop a proposal for Geneff Park with participation from Council, Water Corporation and local residents

Financial Implications:

Program: Five Year Capital Works program
Parks and Local Road Enhancement Program 2003/2004

Budget Amount: \$47,250.00

Water Corporation
Contribution: to be determined

Further funding sought
From Council: Assessment to be made by working group prior to the mid year budget review.

Strategic Implications:

The recreational use of Geneff Park is expected to increase in the future, by local residents and visitors to the area. The close proximity of this park to the regionally important coastal strip incorporating Hillarys Harbour and Sorrento Beach will complement development and enable the sharing of some demands.

In its upgrade this park will be providing a valuable asset to the City of Joondalup and reinforce commitment to creating recreational parklands for the community to enjoy.

COMMENT

The petitioners recommend the establishment of a working group to develop a proposal for Geneff Park with participation from Council, Water Corporation and local residents. The working group would be responsible for assessing and prioritising the scope of works and facilitating proposal documentation and costing. Final documentation and implementation of the works would be carried out by or under the direct supervision of Council.

It is anticipated that the budgeted amount currently approved in the Five Year Capital Works Program may not fully fund the enhancement works, consequently it is proposed that a request is submitted to the Water Corporation for a monetary contribution for the upgrading of the park.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION That Council:

- 1 APPROVES the establishment of a working group to develop a proposal for Geneff Park with participation from Council, Water Corporation and local residents' representatives;
- 2 APPROACHES the Water Corporation for a contribution towards the upgrading of Geneff Park;
- 3 LISTS for inclusion in the 2003/2004 budget considerations, an amount of \$47,250 for enhancement works to Geneff Park, Sorrento.

MOVED Cr Baker, SECONDED Cr Kimber that Council:

- 1 APPROVES the establishment of a working group to develop a proposal for Geneff Park with participation from Council, Water Corporation and local residents' representatives;**
- 2 APPROACHES the Water Corporation for a contribution towards the upgrading of Geneff Park;**
- 3 subject to consideration by the Dry Parks, Median and Verge Committee, LISTS for inclusion in the 2003/2004 budget considerations, an amount of \$47,250 for enhancement works to Geneff Park, Sorrento.**

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf200503.pdf](#)

CJ119 - 05/03 CLOSE OF ADVERTISING - MODIFICATIONS TO THE ILUKA STRUCTURE PLAN – [48934]

WARD - North Coastal

PURPOSE

The purpose of the report is for Council to consider a number of modifications to the 'Iluka Structure Plan' following public consultation.

EXECUTIVE SUMMARY

The Iluka structure Plan guides the development and subdivision of the land bounded by Burns Beach Road, Naturaliste Boulevard, Silvers Sands Road and Delgado Parade. Structure Plans are prepared under Part 9 of District Planning Scheme No.2 (DPS2) and may be amended from time to time.

At its meeting on 18 February 2003 (CJ029 – 02/03) Council adopted the following modifications to the Iluka Structure Plan that affect only part of the structure plan:

Changes to ‘Figure 1’ (Attachments 1 and 2 to this Report)

- 1 Modify the layout of the western side of the structure plan area south of O’Mara Boulevard by re-orientating commercial and public open space land and including laneways in the adjoining residential land with a small section being recoded to R30.
- 2 Remove the laneway in the north-west corner of the structure plan area along Burns Beach Road. In addition recode the portion fronting Burns Beach Road from R20 to R30.
- 3 Recode a stretch of land on the east side of Delgado Parade and land to the north of O’Mara Boulevard from R30 to R25.
- 4 Removal of a laneway to the north and south of a portion of land in the center of O’Mara Boulevard.
- 5 Inclusion of a laneway for R30 lots north-west of Sir James McCusker Park.
- 6 Modify the road layout for all R30 lots located north of Sir James McCusker Park and O’Mara Boulevard to reflect the subdivision proposal dated 16 October (WAPC No.120494), (see Attachment 2).
- 7 Delete reference to Detailed Area Plan (DAP).

Changes to Part 1 ‘Statutory Planning’ (Attachment 3 to this Report)

- 1 Deleting section 5.2 and replacing with generic design guidelines for R20, R25 and R30 lots.
- 2 Delete reference to the ‘Residential Planning Codes’ and replace with ‘Residential Design Codes’.

The modifications were advertised for public comment for a 30-day period, which closed on 5 April 2003. No submissions were received. It is recommended that the modifications to the Iluka Structure Plan be adopted.

BACKGROUND

Suburb/Location:	Iluka
Applicant:	Roberts Day Group
Owner:	The Roman Catholic Archbishop and Davidson Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

Previous Council Decision

At its 18 February 2003 meeting, Council resolved to adopt the proposed modifications to the Iluka Structure Plan and advertise it for public comment for a period of 30 days. The advertising period concluded on 5 April 2003.

DETAIL

Changes to 'Figure 1' (Attachments 1 and 2 to this Report)

- 1 Modify the layout of the western side of the structure plan area south of O'Mara Boulevard by re-orientating the commercial and public open space land and including laneways in the adjoining residential land with a small section being recoded to R30.
- 2 Remove the laneway in the north-west corner of the structure plan area along Burns Beach Road. In addition recode the portion fronting Burns Beach Road from R20 to R30.
- 3 Recode a stretch of land on the east side of Delgado Parade and land to the north of O'Mara Boulevard from R30 to R25.
- 4 Removal of a laneway to the north and south of a portion of land in the centre of O'Mara Boulevard.
- 5 Inclusion of a laneway for R30 lots north-west of Sir James McCusker Park.
- 6 Modify the road layout for all R30 lots located north of Sir James McCusker Park and O'Mara Boulevard to reflect the subdivision proposal dated 16 October (WAPC No.120494), (see Attachment 2).
- 7 Delete reference to Detailed Area Plan (DAP) in the legend.

Changes to Part 1 'Statutory Planning' (Attachment 3 to this Report)

- 1 Deleting section 5.2 and replacing with generic design guidelines for R20, R25 and R30 lots.
- 2 Delete reference to the 'Residential Planning Codes' and replace with 'Residential Design Codes'.

The changes to 'Figure 1' address a number of design issues concerning the future development of commercial land, public open space and residential lots (Attachment 1 – points 1-6). Due to modifications to the drainage of the land, the City suggested the western side of the structure plan area be reviewed to improve the interface between commercial, public open space and residential land, in particular the residential lots serviced by rear laneways. The re-orientation of both commercial and public open space land and changes to the residential density and layout achieves this.

The re-orientation of lots in the eastern part of the structure plan area (labeled as item 6) is a result of an approved subdivision plan (WAPC Ref: 120494).

The proposed design guidelines will replace existing provisions that require the preparation of Detailed Area Plans (DAP) for all lane-way lots. DAP's, are design plans indicating building footprints and setbacks for individual lots. The DAPs are not favoured as they are difficult to administer over a large area.

Reference to the Residential Planning Codes has been deleted and replaced with the 'Residential Design Codes in light of their gazettal on 4 October 2002.

Consultation

The proposed modifications to the Iluka Structure Plan were advertised for public comment for a 30-day period, which closed on 5 April 2003. Letters were sent to landowners abutting the Structure Plan area along Naturaliste Boulevard, Delgado Parade and Moonflight Crescent and an advertisement placed in the local newspaper on 6 March 2003. One sign was placed on Naturaliste Boulevard. No submissions were received.

Statutory Provision:

Upon completion of the advertising period Council is required to review all submissions within sixty (60) days and consider either refusing to adopt the modifications to the Structure Plan or resolve that the modifications to the structure plan are satisfactory with or without further changes.

Where Council resolves that the Structure Plan is satisfactory with or without further modifications, three copies are to be forwarded to the Western Australian Planning Commission for adoption and certification in the form illustrated in Schedule 8 of the DPS2.

COMMENT

The proposed modifications to both the plan and text of the Iluka Structure Plan will improve the orderly and proper planning of the area and provide for improved urban design outcomes. It is recommended that the modifications to the Iluka Structure Plan be adopted.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Prospero that Council:

- 1 RESOLVES that the modifications to the Iluka Structure Plan are satisfactory and submits three copies to the Western Australian Planning Commission for adoption and certification;**
- 2 ADOPTS the Structure Plan and upon receipt of the documents from the Western Australian Planning Commission authorise the signing and sealing.**

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200503.pdf](#)

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

**CJ120 - 05/03 PROPOSED CHILD DAY CARE CENTRE: LOT 575
(65) WANNEROO ROAD AND LOT 1 (1) GORMAN
STREET, CNR WANNEROO ROAD, GREENWOOD –
[78165]**

WARD - South Ward

PURPOSE

The purpose of this report is to request Council's determination of an application for a Child Day Care Centre.

EXECUTIVE SUMMARY

An application has been received for the development of a new Child Day Care Centre (CDCC). The centre will cater for 64 children and includes a request for a variation to the required front setback to the building, a 1.8 metre high solid front fence and the approval of a discretionary land use in this location.

Two (2) objections were received to the proposal during the public advertising period.

The application was considered under Delegated Authority, however, a decision was not reached and it is therefore forwarded to Council for determination.

It is recommended that the application be refused due to the inappropriate location and potential adverse impact on the adjoining properties.

BACKGROUND

Suburb/Location: No 65 Wanneroo Road and 1 Gorman Street, Greenwood.
Applicant: Synergy WA Pty Ltd.
Owner: Dimitra Sipsas
Zoning: **DPS:** Residential
 MRS: Urban

The subject land incorporates two lots, which are located on the corner of Wanneroo Road and Gorman Street, Greenwood. The existing building will be removed.

The site is situated approximately 200 metres from a Local Reserve (Cockman Park), and 500 metres from East Greenwood Primary School. A location plan is shown at Attachment 1 to this Report and the development plan is shown at Attachment 2 to this Report.

DETAILS

The application proposes a purpose built CDCC with 64 children and 9 staff and associated car park.

Statutory Provision:District Planning Scheme No 2 (DPS2)

A CDCC is a ‘D’ use in a Residential area. A ‘D’ use means:

“A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2”.

Clause 6.6.2 requires that the Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of Clause 6.8, as follows:

6.8 Matters to be Considered by Council

6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:

- (a) interests of orderly and proper planning and the preservation of the amenity o the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

Development Standards under DPS2

DPS2/Policy Standard	Required	Provided
Front Setback	9m	4.4m
Rear Setback	6m	6m
Side Setback	3m	3m
Car parking	17 bays	17 bays
Landscaping	3m min. front strip	2.8m min.
Fencing	1.8m high solid fence may be considered	1.8m high solid fence

Discretion is therefore required for the following development standards:

- Front setback
- Width of Landscaping strip
- Solid boundary fence

Policy 3.1.1 – Child Care Centres

This Policy outlines the requirements for the provision of car parking and landscaping, and the preferred location of CDCCs, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas.

Applicant's Justification

The applicant has provided the following information (summarised) in support of the proposed CDCC:

- The front setback will allow greater continuity within the streetscape;
- The 1.8 metre high brick wall will reduce noise and pollution from Wanneroo Road and provide increased security and safety for the children;
- The proposed centre is conveniently located to provide easy and safe access for families in the local community;
- The centre will allow for a strong association with the local primary school situated at the end of the street;
- The centre conforms with the guidelines as it is located on a Local Distributor road, it will not conflict with traffic control devices, and it is located 200 metres away from a park and local primary school, and 150 metres from a retail shopping complex on Wanneroo Road;
- The nearest centre is 4 kilometres away and is licensed for 49 children;
- The outdoor play area is located to provide maximum access to morning light and afternoon shade;
- The following Child Care Centres are not located adjacent, or even near, any of the preferred locations:
 - Jelly Beans Child Care Centre- 38 Kinross Drive, Kinross.
 - Magic Circle Child Care- 20 Glenuga Way, Craigie.
 - Warwick Child Care- 565 Warwick Road, Warwick.

Consultation:

The proposal was advertised in writing to the adjoining and nearby owners and a sign was placed on the site. The comment period was 21 days in accordance with DPS2

Two (2) submissions were received, both objecting to the proposal.

The objections are quoted below:

Submission Received	Technical Comments
<p><i>“I strongly oppose the child care centre as it will create lots of congestion on the Wanneroo Rd and Gorman St intersection which is already a busy corner. Also, the safety of the children going to and from the centre and parking facilities”</i></p>	<p>Although the type of road is capable of accommodating an increase in vehicle movements, concern is raised in regard to the location of the proposed CDCC on this corner.</p> <p>Although the provision of car parking complies with DPS2 standards, vehicles may seek to park temporarily on the road, leading to congestion and safety issues in the area.</p>
<p><i>“I do not believe the location is suitable for a Child Care Centre. My concern is the volume of traffic currently using Wanneroo Road and the speed at which traffic exiting Wanneroo Roads enters Gorman Street which is used as a short cut to Warwick Road and the Freeway (avoiding lights at Marangaroo Drive and Warwick Roads. It is difficult to enter Wanneroo Road at peak times now and additional traffic from the centre will make the area hazardous).”</i></p>	<p>See above comments regarding traffic.</p> <p>The proposed location of the CDCC, and the impact on adjoining properties, is a concern.</p>

COMMENTS

Applicant’s Justification

In a letter of justification for the proposed CDCC, the applicant advised that the City has previously approved Child Care Centres which are not located in the preferred locations, as recommended in the City’s Policy 3.1.11.

However, Jelly Beans Child Care Centre is located on Kinross Drive, which is a Local Distributor road and the Warwick Road Child Care Centre is situated in a Local Reserve for Public Use. Given this, the abovementioned centres are more appropriately located in accordance with the City’s policy.

It should also be noted that the Magic Circle Child Care in Craigie is not located adjacent to non-residential uses, or on a Local Distributor road. However, Council’s refusal of that application was overturned through an appeal to the Minister for Planning.

Notwithstanding the above, it is acknowledged that none of the existing locations of CDCCs would meet Council’s current Policy. However, all current proposals must be assessed in light of the Policy.

Development Standards under DPS2

Setback Variation

The proposal provides for a front setback variation of 4.4 metres, in lieu of 9 metres. However, given that the existing house is setback approximately 3 metres from the front boundary, the proposed variation for the new building is unlikely to adversely impact the amenity of the street. Also, the fence and vegetation will screen the building.

Solid Fence

In accordance with the Private Property Local Laws 1998 (Part 3 Fencing), Council may approve front fences higher than 1 metre in the front setback area, provided that there are sufficient sightlines for vehicles using the driveway.

The 1.8 metre high brick fence is considered acceptable, as it provides some protection from noise from Wanneroo Road and sufficient sightlines have been provided. Additionally, there is an existing brick fence along Gorman Street and several properties along Gorman Street and Wanneroo Roads have front fences of 1.8 metres in height.

In light of the above and the property location abutting a high traffic road (Wanneroo Rd), the fence is considered not to adversely affect the streetscape or the neighbourhood. However, it is recommended that, if the CDCC is approved, the extent of fencing on the Gorman Street frontage be reduced by approximately 7.5 metres to allow the entrance to the Centre to be visible from the street.

Landscaping requirements

The proposal also complies with the 3 metre wide landscaping strip requirement, apart from a small section in the western corner (200mm). This variation is minor and no objection is raised to this aspect.

Traffic and Parking Issues

Gorman Street currently carries approximately 1500 vehicles per day. With the Child Care Centre, traffic volumes will increase slightly but will remain within acceptable capacity limits for that road.

The CDCC is located on what is clearly perceived as a busy corner, with Gorman Street being one of the few eastern entry points to Greenwood. Although the provision of car parking complies with DPS2 standards, vehicles may attempt to temporarily park on the road. This is likely to create an unsafe environment, particularly at peak times.

Location

Although Council's policy encourages the location of CDCCs to be located adjacent to non residential uses, such as shopping centres, schools and medical centres, this is not a mandatory requirement. Nevertheless, where CDCCs are not located in accordance with the Policy, the impact of the centre on the surrounding area must be carefully considered.

A CDCC is a relatively intense non-residential use which, particularly at peak times, is likely to increase vehicle congestion in the area. The objections to the CDCC in this respect are noted.

One of the play areas of the centre is located adjacent to the adjoining residential property's outdoor living area and although no comments have been received from this neighbour, this may have a negative impact on this property in terms of the noise generated from the CDCC.

Additionally, the location of the carpark directly across the street from residential properties may have an adverse impact on the amenity of these properties. Also, the subject land is located on a Primary Distributor (Wanneroo Road) with vehicle access onto a local distributor road, which is contrary to Policy 3.1.11.

It is considered appropriate that the centre be located adjoining non-residential properties, as suggested in Policy 3.1.1. Such a location would allow an appropriate buffer between a commercial site and a residential area. The view that the subject site is not appropriate is supported by the objections received in regard to the proposal.

The proposed location of the Child Day Care Centre is not considered appropriate in this instance. The application is therefore recommended for refusal.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION That Council REFUSES the proposed Child Care Centre at Lot 575 (65) Wanneroo Road and Lot 1 (1) Gorman Street, Greenwood for the following reasons:

- 1 the proposal is likely to have a negative impact on the amenity of the surrounding area;
- 2 the proposed site is not considered appropriate, as it does not adjoin non-residential uses as encouraged under Policy 3.1.1 – Child Care Centres;
- 3 the proposal is located on a Local Distributor Road in close proximity to a District Distributor Road, contrary to Policy 3.1.1 – Child Care Centres;
- 4 the proposal is contrary to the principles of orderly and proper planning.

MOVED Cr Hart SECONDED Cr O'Brien that Council APPROVES the proposed Child Care Centre at Lot 575 (65) Wanneroo Road and Lot 1 (1) Gorman Street, Greenwood.

Cr Hart provided the following reasons for the change to the officer's recommendation:

- The majority of residents surrounding the centre approval of the proposal;
- Cr O'Brien and Cr Hart are in support of the application;
- The centre will provide a service to the area.

The Director Planning and Community Development believed that there were specific conditions that the City should apply to such an approval.

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

The Motion was Put and

LOST (2/12)

In favour of the Motion: Crs Hart and O'Brien **Against the Motion:** Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

MOVED Cr Hollywood SECONDED Cr Walker that consideration of the application for a Child Care Centre at Lot 575 (65) Wanneroo Road and Lot 1 (1) Gorman Street, Greenwood be DEFERRED to the next meeting of Council.

It was requested that all parties be given the opportunity to present a deputation.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200503.pdf](#)

PERSONAL EXPLANATION – CR O'BRIEN

In accordance with Clause 4.5 of the City's Standing Orders Local Law, Cr O'Brien made the following personal explanation:

"If we had a standing Planning Committee, we would not have been confronted with this dilemma."

Cr Gollant declared an interest that may affect her impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as she is a member of one of the Clubs submitting an application for funding.

Cr Baker declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as he is a member and patron of the Joondalup Brothers Rugby Union Football Club.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as one of the applicants is employed by Cr Hollywood.

Cr Prospero declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as his children attend St Simon Peters Primary School.

Director, Infrastructure and Operations declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as his children attend Creaney Primary School.

Cr Brewer declared an interest that may affect his impartiality in Item CJ121-05/03 – Community Program 2002-2003 Grants Allocations – Second Funding Round as Joondalup Community Church of Christ sits on the board of an organisation which appointed him to his current employment.

CJ121 - 05/03 COMMUNITY FUNDING PROGRAM 2002-2003 GRANTS ALLOCATIONS - SECOND FUNDING ROUND – [23523] [25523]

WARD - All

PURPOSE

The purpose of this report is to provide information and make recommendations on the provision of Community Funding Program grants for the 2002/2003 financial year in accordance with the Community Funding Program's policy and guidelines.

EXECUTIVE SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit and other eligible organisations. It is intended that support be offered to a range of community development initiatives consistent with the City's strategic objectives.

Funds will assist organisations and community groups to conduct projects, events and activities in the areas of community services provision, sport and recreation development, economic development, environment and sustainable development and culture and the arts development.

This is the fourth consecutive financial year in which the Community Funding Program has been administered. The Program was first introduced in July 1999. If the recommendations in this report are adopted by Council this would mean that, to date, Council has allocated a total of 200 grants through the Program to organisations and community groups in the City of Joondalup to the value of \$392,448. Attachment 1 to this report details the recommendations of the assessment panels.

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was first adopted to take effect from 1 July 1999, and a further report was sought detailing the initial funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meetings of 14 September 1999 and 26 September 2000, the Community Funding Program Guidelines for the 1999/2000 and 2000/2001 financial years were noted (Reports CJ304-09/99 and CJ252-09/00 refer) and various amendments were made to the Community Funding Policy (Reports CJ303-09/99 and CJ247-09/00 refer).

At the Council meeting of 11 September 2001, further amendments were made to the Community Funding Policy (Report CJ298-09/01 refers). A background report and a copy of the program's guidelines for the 2001/02 financial year were provided to Elected Members at the Briefing Session held on 4 September 2001.

Together, the Policy and Guidelines form the City's Community Funding Program, a program which has been developed to enable the City to provide financial assistance to eligible not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

The overall objective of the Community Funding Program is to provide a framework for the provision of targeted funding, which meets Council's strategic objectives in facilitating community development, in partnership with the community. Overall, the Community Funding Program aims to support the strategic objectives of the City in the areas of sport and recreation development, culture and arts development, economic development, environment development and provision of community services.

Eligible projects, events and activities include:

- Capital projects and items;
- Discrete projects, activities or events;
- Seeding grants for projects, activities or events that can demonstrate independent viability after an appropriate period;
- Projects, activities or events where all other potential sources of funding have been exhausted or are not available.

Council will not fund the following:

- Deficit funding – for organisations which are experiencing a shortfall in cash revenue or anticipated revenue;
- Recurrent salaries and recurrent operational costs;
- Proposals where alternative sources of funding are available;
- More than one request for funding in any financial year;
- Individuals, unless they are sponsored by an eligible organisation and are residents of the City;
- Government or quasi-government agencies, with the exception of schools;
- For profit organisations.

The program has five major fund categories as follows:

- Community Services Fund
- Culture and the Arts Development Fund
- Economic Development Fund
- Environment and Sustainable Development Fund
- Sport and Recreation Development Fund

Each of these fund categories has its own specific strategic objectives. In accordance with the Community Funding Policy, guidelines specific to each fund have been developed for the current financial year.

The program provides the framework for various common funding guidelines, eligibility criteria and accountability requirements that have been applied across the organisation to assess all applications for funding under the program. Applications are assessed against the following criteria:

- All eligibility criteria for funding are met;
- The application supports the mission statement, values and strategic direction of Council;
- The application addresses the funding objectives and identified priorities of the relevant fund category;
- Value for money;
- Demonstrated need;
- Community support either in cash or kind;
- Appropriate accountability processes being in place;
- Inclusion of all relevant documentation; and
- Compliance with Council’s Community Funding Program Policy and Guidelines.

DETAILS

In the first round of funding in the 2002/2003 financial year a total of \$69,219 was distributed to 26 community organisations. There is a total of \$42,049.67 available for distribution in the second funding round.

All budgeted funds for the Culture and the Arts Development Fund were allocated in the first funding round of 2002/2003. However, applications were still sought in the second funding round on the basis that if surplus funds were available from other funding categories, eligible applications would be considered. Applications were not sought for the Economic Development Fund as all funds were allocated in the first funding round. The total funding recommended for the second funding round is:

	Including GST	Excluding GST
Community Services	\$11,984.00	\$11,121.82
Culture and the Arts Development	\$7,060.00	\$6,923.64
Sport and Recreation Development	\$9,365.00	\$8,879.98
Environment and Sustainable Development	\$8,500.00	\$7,727.27
TOTAL	\$36,909.00	\$34,652.71

All funds recommended for allocation are inclusive of GST. Attachment 1 to this report also includes a column for the amount of funding recommended exclusive of GST. The inclusion of this extra column reflects the true cost to the City, as the GST component of grants awarded to organisations which are registered for GST with the Australian Taxation Office (ATO) are able to be reclaimed from the ATO by the City.

The Community Funding Program Guidelines for 2002/2003 are included as Attachment 2 to this report. The objectives and funding priorities for each fund category for the 2002/2003 financial year are detailed in these attachments.

The following chart shows a profile of the funding arrangements for each fund category:

	Balance of Funding included in the 2002/03 Budget	Funding Requested (inc GST)	Funding Recommended (including GST)	Balance of Funds Remaining (excluding GST)
Community Services Fund 11.40.44.441.4402.0001	\$16,557.55	\$57,940.81	\$11,984.00	\$5,435.73
Culture & the Arts Development Fund 11.40.44.443.4402.A011	-\$123.54	\$12,560.00	\$7,060.00	-\$7,047.18
Sport & Recreation Development Fund 11.40.44.453.4420.0001	\$11,150.30	\$24,887	\$9,365.00	\$2,270.32
Environment & Sustainable Development Fund 11.10.21.213.4401.F030	\$14,464.36	\$16,900	\$8,500.00	\$6,737.09
	\$42,048.67	\$112,287.81	\$36,909.00	\$7,395.96

To ensure funds are allocated from the appropriate funding category accounts, approval is sought to reallocate \$5,435.73 from the Community Services Fund (11.40.44.441.4402.0001) and \$1,611.45 from the Sport and Recreation Development Fund (11.40.44.453.4420.0001) to the Culture and the Arts Development Fund (11.40.44.443.4402.A011).

The Community Funding Program was advertised locally on 30 January 2003 and 6 February 2003 in the local newspapers. The closing date for applications was 13 March 2003.

An information package, which contained the Community Funding Program guidelines and application forms, was posted or emailed to organisations and community groups on request. The information package was also available electronically via the City's Website.

A Community Funding Program workshop was conducted on 5 March 2002. A number of one to one meetings were held between Council officers and representatives from various organisations and community groups who had expressed an interest in receiving assistance to complete the application forms or obtain additional information about the program.

Each application received was assessed against the generic eligibility and assessment criteria together with the specific funding objectives and priorities for the 2002/2003 financial year, as contained in the Community Funding Program guidelines.

Due to the funds for the Culture and the Arts Development Fund being fully distributed in the first funding round of 2002/2003, funding of applications received in this category was dependent upon surplus funds being available in the other funding categories. Therefore, the Community Services Fund assessment panel assessed the Culture and the Arts Development Fund applications when the Sport and Recreation Development Fund assessment panel funding recommendations were available.

Assessment panels, consisting of Council Officers and external community members, were established as follows:

Community Services and Culture and the Arts Development Funds:

Kevan Rowe	Seniors Interests Advisory Committee
Aled Cunnah	Youth Advisory Council
Sharon James	Manager Aged Care Services - Community Vision Inc
Natalie Maiden	Arts Project Officer (Culture and the Arts Development Fund applications only)

Sport and Recreation Development Fund:

Max Goldenberg	President, Joondalup Districts Cricket Club
Bill Thomas	President, Sorrento Tennis Club
Graeme Hall	Manager Community Development Services

Environment and Sustainable Development Fund:

Alison Edmunds	Coordinator, Health and Environmental Services
Kim Low	Coordinator, Community Education

The following chart provides a profile of the number of applications processed:

	Applications Received	Applications Received for Funding <=\$2,500	Applications Received for Funding >\$2,500	Applications Recommended for Full or Partial Funding	Applications referred to Formal Facilities Assessment Process
Community Services Fund	15	11	4	6	0
Culture & the Arts Development Fund	4	2	2	2	0
Sport & Recreation Development Fund	12	11	1	8	0
Environment & Sustainable Development Fund	4	3	1	3	0
TOTAL	35	27	8	19	0

Attachment 1 to this Report includes a full listing of all applications received and applications recommended for full or partial funding. A number of applications have been recommended for approval subject to the applicants agreeing to meet certain conditions of funding.

Applications from the following 19 organisations have been recommended for funding:

Organisation	Funding Recommended
Belridge Buddies	\$2,680
Creany Primary School	\$2,500
Dads Landing Pad	\$2,500
ECU Joondalup Soccer Club	\$850
Glengarry Primary School	\$480
Greenwood Uniting Church	\$2,500
Hillarys Yacht Club	\$555

Joondalup & Districts Rugby League Club	\$1,500
Joondalup Brothers Rugby Union Football Club	\$2,000
Joondalup Community Church of Christ	\$2,500
Kingsley Senior's Group	\$700
Kinross College	\$2,500
Living Waters Anglican Church	\$1,444
North Metro Music Club	\$5,560
Poseidon Primary School	\$1,000
Rotary Club of Whitfords	\$540
St Simon Peter Catholic Primary School	\$1,500
St Stephens School	\$5,000
Young Women's Christian Association (YWCA)	\$600

COMMENT

In accordance with the provisions of the Community Funding Policy and Guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants will be required to enter into contractual agreements with the City for funds allocated under the Community Funding Program and the City will register the grants allocated. Successful applicants are also required to suitably acknowledge the financial support provided by the City. The nature of such acknowledgement will be negotiated with each successful applicant as part of the process of drafting the required funding agreements.

The Community Funding Policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the application is made.

Should the recommendations in this report be adopted by Council, this will mean that since the introduction of the City's Community Funding Program a total of 200 grants have been allocated by the City under this program to organisations and community groups with a total value of \$392,448 as follows:

1999/2000	41 organisations	\$62,638
2000/2001	61 organisations	\$130,876
2001/2002	53 organisations	\$92,806
2002/2003	45 organisations	\$106,128

The assistance and advice provided by members of the community who voluntarily participated on the various assessment panels has been invaluable. It is recommended that their contributions be acknowledged by Council.

Arrangements will be made for the Mayor or his delegate to personally present organisations and community groups with their cheques.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 APPROVES the grants recommended for approval in Attachment 1 to Report CJ121-05/03 under the City of Joondalup's Community Funding Program's second funding round for the 2002/2003 financial year as detailed in Report CJ121-05/03;**
- 2 APPROVES the reallocation of \$5,435.73 from the Community Services Fund (11.40.44.441.4402.0001) and \$1,611.45 from the Sport and Recreation Development Fund (11.40.44.453.4420.0001) to the Culture and the Arts Development Fund (11.40.44.443.4402.A011).**

Cr Kimber requested it noted that for the second time, the majority of applicants for funding related to community arts and development, and he was pleased to see the growth in arts and culture within the City.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (14/0)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200503.pdf](#)

COUNCIL DECISION – EN BLOC RESOLUTION NO 1

The following Items were then moved en-bloc – CJ122-05/03, CJ123-05/03, CJ124-05/03 and CJ125-05/03.

**CJ122 - 05/03 MINUTES OF THE JOONDALUP YOUTH ADVISORY
COUNCIL MEETING - 2 APRIL 2003 – [38245]**

WARD - All

PURPOSE

The purpose of this report is to present the Minutes of the 2 April 2003 meeting of the Joondalup Youth Advisory Council for noting by Council.

EXECUTIVE SUMMARY

The Joondalup Youth Advisory Council met on 2 April 2003, in Meeting room 3 (Third Floor) of the Joondalup Administration Building. The minutes of this meeting are attached.

The recommendation is that Council NOTES the minutes of the Joondalup Youth Advisory Council meeting held on 2 April 2003.

BACKGROUND

This was the first formal meeting of the Joondalup Youth Advisory Council for 2003, following the nomination process. The Youth Advisory Council has a current membership of twenty young people and have been involved in an Orientation weekend and a planning evening in recent months. Following these events, the first meeting of the Youth Advisory Council was held on 2 April 2003, in the Joondalup Administration Centre. The first item of business for this meeting was the election of office bearers and this was conducted by a secret ballot. The outcomes of this ballot are recorded in the attached minutes of the meeting.

DETAILS

The minutes of this meeting are attached.

COMMENT

No action is required from these minutes

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Prospero, SECONDED Cr Hart that Council NOTES the minutes of the Joondalup Youth Advisory Council meeting held on 2 April 2003 forming Attachment 1 to Report CJ122-05/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200503.pdf](#)

**CJ123 - 05/03 MINUTES JOONDALUP FESTIVAL AND SUMMER
EVENTS COMMITTEE – [16036]**

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the Joondalup Festival and Summer Events Committee, which was held on 5 March 2003 and 30 April 2003 for noting.

SUMMARY

A meeting of the Joondalup Festival and Summer Events Committee was held on 5 March 2003 and 30 April 2003 and the unconfirmed minutes are submitted for noting by the Council.

DETAILS

The minutes of the Joondalup Festival and Summer Events Committee meeting held on 5 March 2003 and 30 April 2003 are included as Attachment 1 and 2 to this Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Prospero, SECONDED Cr Hart that Council NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 5 March 2003 and 30 April 2003 forming Attachment 1 and Attachment 2 to Report CJ123-05/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf200503.pdf](#)

CJ124 - 05/03 MINUTES JOONDALUP EISTEDDFOD WORKING PARTY – [50027]

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meetings of the Joondalup Eisteddfod Working Party, which was held on 13 February 2003 for noting.

SUMMARY

A meeting of the Joondalup Eisteddfod Working Party was held on 13 February 2003 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Joondalup Eisteddfod Working Party meeting held on 13 February 2003 are included as Attachment 1. All matters arising at the meeting were of an administration nature and would be handled by the City's administration.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Prospero, SECONDED Cr Hart that Council NOTES the unconfirmed minutes of the Joondalup Eisteddfod Working Party held on 13 February 2003 forming Attachment 1 to Report CJ124-05/03.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf200503.pdf](#)

**CJ125 - 05/03 MINUTES OF THE SENIORS INTEREST ADVISORY
COMMITTEE MEETINGS – WEDNESDAY 26
MARCH 2003, WEDNESDAY 9 APRIL 2003 AND
WEDNESDAY 30 APRIL 2003 – [55511]**

WARD - All

PURPOSE

The purpose of this report is to submit to Council the minutes of the meetings of the Seniors Interests Advisory Committee held on Wednesday 26 March 2003, Wednesday, 9 April 2003 and Wednesday, 30 April 2003 for noting.

SUMMARY

Meetings of the Seniors Interests Advisory Committee were held on Wednesday 26 March 2003, Wednesday, 9 April 2003 and Wednesday, 30 April 2003. The minutes of the meetings are submitted for noting by Council.

DETAILS

The minutes of the Seniors Interest Advisory Committee held on 26 March 2003 at the City of Joondalup are included as Attachment 1. The minutes of the extraordinary Seniors Interest Advisory Committee held on 9 April 2003 at the City of Joondalup are included as Attachment 2. The minutes of the Seniors Interest Advisory Committee held on 30 April 2003 at the City of Joondalup are included as Attachment 3.

At its meeting of 26 November 2002 (Item CJ298-11/02 refers) Council referred to the Ocean Reef Development Committee a motion arising from the Seniors Interest Advisory Committee meeting held on 18 September 2002 which recommended and requested that

Council incorporates up to ten hectares for an “Elderbloom” type development as a seniors retirement opportunity in the coastal strip at Ocean Reef.

At the meeting held on 30 April 2003, Cr O’Brien spoke about the possibility of land at the Ocean Reef Boat Harbour being used for a senior’s development that would include a Community Care facility.

MOVED Kevan Rowe, **SECONDED** Allyn Bryant that the requirement for a Seniors Community Care Facility at the Ocean Reef site be highlighted to the new Council at its next meeting.

No action is required from these minutes.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Prospero, SECONDED Cr Hart that Council:

- 1 NOTES that the Seniors Interest Advisory Committee would like Council to consider the requirement for a Seniors Community Care Facility at the Ocean Reef Boat Harbour site;**
- 2 REFERS the requirement for a Seniors Community Care Facility at the Ocean Reef site to the Ocean Reef Development Committee;**
- 3 NOTES the minutes of the Seniors Interest Advisory Committee Meeting held 26 March 2003, forming Attachment 1 to Report CJ125-05/03;**
- 4 NOTES the minutes of the extraordinary Seniors Interest Advisory Committee Meeting held 9 April 2003, forming Attachment 2 to Report CJ125-05/03;**
- 5 NOTES the minutes of the Seniors Interest Advisory Committee Meeting held 30 April 2003, forming Attachment 3 to Report CJ125-05/03.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1 (14/0)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O’Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf200503.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

C73-05/03 PRINCIPAL ACTIVITIES PLAN 2003/04 TO 2007/08 - [13020]

WARD - All

PURPOSE

To seek Council approval for public distribution of the draft Principal Activities Plan 2003/04 to 2007/08 (PAP) as required under the Local Government Act (1995)

EXECUTIVE SUMMARY

Under the Local Government Act 1995 Section 5.57 (2) a Principal Activity Plan is to be made available for public consideration for 42 days.

The draft Principal Activities Plan 2003/04 to 2007/08 for the City of Joondalup has been prepared based on the draft budget documentation and input from relevant Directorate and Business Unit submissions. The draft PAP has been considered by the City's Executive and is attached for consideration by Council.

It is recommended that Council APPROVES distribution of the draft Principal Activities Plan, 1 July 2003 to 30 June 2008, to the public in accordance with the provisions of the Local Government Act 1995 for a period of forty-two days commencing on 31 May 2003 and closing on 14 July 2003.

BACKGROUND

The City of Joondalup has examined its existing and proposed activities to determine which are appropriate for inclusion in this draft PAP 2003/04 to 2007/08. Programs or activities, which are likely to incur significant expenditure or are considered to be of significant interest to the community, have been included.

DETAILS

The City has developed an Integrated Planning Framework, which is structured to ensure that operational activities are being driven by strategic priorities. The City's Strategic Plan 2003-2008, which is a component of this framework, is an overarching plan which outlines the City's Vision, Mission and focuses on four Key Result Areas. The City's Corporate Plan, Business Unit Plans and Budget are the operational plans, which are aligned to the Strategic Plan and direct the City's activities.

The draft PAP details the activities that City will undertake in order to achieve the City's Vision. It explains how the City will fund significant programs and services proposed by Council for the next five years.

The draft PAP incorporates fourteen Corporate Projects, which have been prioritized by Council. A full assessment of the financial impact of these projects is currently under review by the City's Project Management Group, and will be referred back to Council for future budgetary consideration, which may have an impact on their timing and funding options.

The figures provided in the draft PAP are preliminary and based on best estimates and known information at the time of preparation. These forward estimates and sources of funding will be further reviewed in the overall budgetary process. The Five-Year Capital Works Programme and new proposals will be reviewed following the development of the budget and input from the community consultative process.

LEGISLATIVE REQUIREMENTS

Under the Local Government Act (1995) Section 5.56 (Planning for principal activities)

“Each local government is to prepare a plan for the next 4 or more financial years”

COMMENT

The draft PAP has been considered by the City’s Executive and is attached for consideration by Council (Attachment A).

It is proposed that the draft PAP will be made available for public inspection and comment for forty-two (42) days in order to enable the community to present submissions in relation to the activities specified within this document. The comment period will commence on Saturday 31 May 2003 and close on Monday 14 July 2003.

The draft PAP will be made available at the City’s libraries, at the Customer Service Centres, on the City’s web site and upon request.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker SECONDED Cr Brewer that Council APPROVES distribution of the draft Principal Activities Plan, 1 July 2003 to 30 June 2008, to the public in accordance with the provisions of the Local Government Act 1995 for a period of forty-two days commencing on 31 May 2003 and closing on 14 July 2003.

The Motion was Put and

CARRIED (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O’Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

Appendix 17 refers.

To access this attachment on electronic document, click here: [Attach17min270503.pdf](#)

C74-05/03 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Baker SECONDED Cr Kimber that:

- 1 in accordance with clause 5.6 of the City’s Standing Orders Local Law and Section 5.23 of the Local Government Act 1995, the meeting be held BEHIND CLOSED DOORS to enable consideration to be given to C75-05/03 Employment of the Chief Executive Officer of the City of Joondalup being a matter affecting an employee, the personal affairs of a person, and a contract entered into by the local government;**

- 2 Council agrees to allow Mr Clayton Higham, Director Planning Community Development, Mr Mark Loader, Manager Human Resource Services and Mrs Janet Austin, Minute Clerk to attend the meeting sitting BEHIND CLOSED DOORS.**

The Motion was Put and

CARRIED (13/1)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O’Brien, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero. **Against the Motion:** Cr Hart

Mr Denis Smith, Chief Executive Officer declared a financial interest in C75–05/03, Employment of the Chief Executive Officer of the City of Joondalup – as this deals with his employment as CEO of the City of Joondalup.

The Chief Executive Officer, members of the Executive and staff, members of the public and press left the Chamber at this point, the time being 2047 hrs.

The meeting ADJOURNED at 2047 hrs and RESUMED BEHIND CLOSED DOORS at 2052 hrs. The following persons being present:

MAYOR D CARLOS
CR P KIMBER
CR T BREWER
CR C BAKER
CR A NIXON
CR J F HOLLYWOOD, JP
CR A WALKER
CR P ROWLANDS
CR S HART
CR M O’BRIEN, JP
CR J GOLLANT
CR M CAIACOB

Officers:

Director Planning & Community Development: C HIGHAM
Manager Human Resource Services: M LOADER
Committee Clerk: J AUSTIN

C75-05/03 EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER OF THE CITY OF JOONDALUP – [75666]

This Item Is Confidential - Not For Publication

A full report was provided to Elected Members under separate cover.

NOTE: Pages 69 to 73 of these Minutes have been edited to remove items which are Confidential – Not for Publication

During discussion behind closed doors:

- *Cr Prospero entered the Chamber at 2053 hrs.*
- *Cr Kenworthy entered the Chamber at 2054 hrs.*
- *Cr Kenworthy left the Chamber at 2131 hrs and returned at 2133 hrs.*

The Chief Executive Officer, members of the Executive and staff, members of the public and press entered the Chamber at this point, the time being 2217 hrs.

The meeting ADJOURNED at 2217 hrs and RESUMED at 2229 hrs. All elected members were present at this point.

In accordance with the City's Standing Orders Local Law, the Director Planning and Community Development read the motions in relation to the following:

C76-05/03 SUSPENSION OF STANDING ORDERS

MOVED Cr O'Brien SECONDED Cr Baker that Council SUSPENDS Clause 4.2.6(1) of the City's Standing Orders Local Law in order to allow members to speak more than once on C75-05/03 – Employment of the Chief Executive Officer of the City of Joondalup.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

C77-05/03 RESUMPTION OF STANDING ORDERS

MOVED Cr O'Brien SECONDED Cr Hart that Clause 4.2.6(1) of the City's Standing Orders Local Law BE RESUMED

The Motion was Put and

CARRIED

C75-05/03 EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER OF THE CITY OF JOONDALUP – [75666]

MOVED Cr Baker, SECONDED Cr Kimber that:

- 1 the Council hereby APPOINTS Minter Ellison Lawyers, in place of Freehills Lawyers, as the City's legal representative, to present a detailed report to Council for its further consideration, concerning the following matters:
 - (a) The CEO's legal obligations under the terms of his contract of employment and any body of applicable law to provide the Mayor and/or any Councillor when directed or requested to do so, documentary proof of all or any qualifications that the CEO currently holds or held at the date upon which he was employed by the Council as the City's CEO;
 - (b) The potential legal liability of the City and the Quantum of any such liability, if any, under the terms of the CEO's contract of employment with the City, and any body of law, should the City purport to terminate the CEO's said contract as a consequence of the CEO's alleged refusal, failure or neglect to provide the documentary proof as described in paragraph 1(a) hereof;
 - (c) The potential legal liability of the City to date, if any, arising out of the City's performance of its obligations under the said contract and any body of law;
 - (d) Detailed reasons for the potential legal liability of the City described in 1(a) and 1(c) hereof;
 - (e) Detailed advice to Council in response to the matters raised in the letter dated 15 May 2003 addressed to Mayor/Councillors, City of Joondalup, from Blake Dawson Waldron Lawyers their reference AOD:09 1336 5842 re: Mr Denis Smith;
- 2 the CEO's legal representative be at liberty to make submissions to the City's aforementioned legal representative in response to each of the terms of reference, during the preparation of the said report;

- 3 the expenditure associated with (1) above be charged to account 11.10.11.111.4020.0001 with a limit being placed at Twenty Thousand Dollars (\$20,000.00) with any further expenditure requiring the approval of Council;
- 4 it be noted that account 11.10.11.111.4020.0001 has been fully expended however the over expenditure can be funded from account 11.10.11.111.3320.0001;
- 5 the CEO continues to carry out his duties to the best of his ability in accordance with the terms of his contract with the City, pending Council's consideration of the said report.

The Motion was Put and CARRIED UNANIMOUSLY (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

C78-05/03 **PROVISION OF INFORMATION TO MINTER ELLISON**

MOVED Cr O'Brien SECONDED Cr Baker that Council REFERS the letter from Quentin Harrington dated 15 May 2003 to Minter Ellison for their advice.

The Motion was Put and CARRIED UNANIMOUSLY (14/0)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer, Kimber and Prospero.

At the request of Mayor Carlos, the Manager Marketing Communications and Council Support advised that the letter dated 15 May 2003 referred to in resolution C78-05/03 requested a number of documents relating to the CEO and his contract of employment. A letter was drafted and returned with the documents to the Department of Local Government and Regional Development, and the documents were provided in line with a recent of Freedom of Information application made earlier this year.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C80-05/03 NOTICE OF MOTION NO 1 – MAYOR CARLOS – TENDER NO 032-02/03 – SORRENTO BEACH REDEVELOPMENT – [13541]**

Mayor Carlos has given notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Mayor Carlos
Cr J Hollywood
Cr M O'Brien
Cr A Walker
Cr A Nixon

“That Council RESCINDS BY AN ABSOLUTE MAJORITY its decision made at its meeting held on 29 April 2003 relating to the Sorrento Beach Redevelopment, as follows:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and commence a new tender process.”

And replaces it with:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and takes no further action to progress the calling of any further tenders.”

Reason for motion:

Mayor Carlos submitted the following comment in support of his motion:

“It is considered that no further action should be taken at this point in time to progress the calling of new tenders for the above project. The Craigie Leisure Facility is in urgent need of a capital upgrade and by not progressing with the above project at this point in time will enable funds to be made available for a more valuable community project. We believe that there are more urgent and necessary projects to be undertaken before Sorrento Beach beautification.”

OFFICER'S COMMENT

The early planning for this project commenced during early 2000 when Council resolved to proceed with a study which included the beach front redevelopment works within the Sorrento Beach coastal recreation reserve.

Since that time, the project has undergone extensive consultation through the planning, conceptualisation, preliminary and detailed design phases.

During the planning and design phases, a number of investigations have been undertaken to gain the necessary approvals including:

- Topographical survey
- Geotechnical investigations
- Coastal engineering study
- Traffic management investigations
- Landscaping design
- Parking study

To date the City has invested significant officers time and consultancy services in progressing this project to the delivery stage, i.e. the tender stage and obtaining the necessary conditional approval to commence construction.

The essential components for the project are to undertake the redevelopment of a new coastal recreation reserve between the Sorrento Surf Life Saving Club and the southern breakwater of Hillarys Boat Harbour and include grassed areas for passive recreation activities, pathways, boardwalks, viewing platforms, extensive lighting, safe and convenient access for the elderly and disabled, retaining the for-dune dune areas, provision of shade shelters, BBQ facilities, playground area, creation of a series of terraces, additional parking and improved beach access and storage facilities for the Sorrento Surf Club.

The project budget is detailed in the table below:

Budget Year	Amount
2002/2003	\$950,000
2003/2004	\$950,000
2004/2005	\$900,000
2005/2006	\$900,000

It is noted that whilst the total project budget is \$3.7M, the project is intended to be funded over four years and the tentative construction program is to build the project in two stages. The first stage is to overlap the 2002/2003 and 2003/2004 budgetary periods and the second stage is to overlap the 2004/2005 and 2005/2006 budgetary periods.

This project has received wide support from government agencies and there appears strong local community support for the beach redevelopment works.

It is recommended that the project proceed through to the construction phase in keeping with Council's previous directions.

VOTING REQUIREMENT

Absolute Majority

Call for Support of one-third of members of the Council

The Mayor called for support from one-third of the members of Council to give consideration to the proposed motion to rescind. Support for this Item was given by Crs Hollywood, Walker, O'Brien and Nixon.

MOVED Mayor Carlos SECONDED Cr Walker that Council RESCINDS BY AN ABSOLUTE MAJORITY its decision made at its meeting held on 29 April 2003 relating to the Sorrento Beach Redevelopment, as follows:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and commence a new tender process.”

And replaces it with:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and takes no further action to progress the calling of any further tenders.

AMENDMENT MOVED Cr Hollywood SECONDED Cr Caiacob that the following words be included in the Motion:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and takes no further action to progress the calling of any further tenders until after the Budget session.”

Discussion ensued.

MOVED Cr Baker SECONDED Cr Kimber that Cr Gollant be granted an extension of time and be permitted to speak for a further period of five minutes.

The Motion was Put and **CARRIED**

Cr Prospero left the Chamber at this point, the time being 2309 hrs.

MOVED Cr Baker SECONDED Cr Kimber that Cr Kenworthy be granted an extension of time and be permitted to speak for a further period of five minutes.

The Motion was Put and **CARRIED**

Cr Prospero entered the Chamber at this point, the time being 2312 hrs.

The Amendment was Put and **TIED (7/7)**

In favour of the Amendment: Mayor Carlos, Crs Caiacob, O'Brien, Hart, Walker, Hollywood and Nixon.
Against the Amendment: Crs Gallant, Kenworthy, Rowlands, Brewer, Baker, Kimber and Prospero .

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

The Original Motion, as amended, being:

That Council RESCINDS BY AN ABSOLUTE MAJORITY its decision made at its meeting held on 29 April 2003 relating to the Sorrento Beach Redevelopment, as follows:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and commence a new tender process.”

And replaces it with:

“That Council REJECTS all the tenders received for Tender Number 032-02/03 Sorrento Beach Redevelopment and takes no further action to progress the calling of any further tenders until after the Budget session.

Was Put and

TIED (7/7)

In favour of the Motion: Mayor Carlos, Crs Caiacob, O’Brien, Hart, Walker, Hollywood and Nixon. **Against the Motion:** Crs Gallant, Kenworthy, Rowlands, Brewer, Baker, Kimber and Prospero .

There being 7 votes in favour of the motion, and 7 votes against the motion, an Absolute Majority vote was not achieved, therefore the Motion was NOT CARRIED

Cr Gollant left the Chamber at this point, the time being 2328 hrs.

C81-05/03

NOTICE OF MOTION NO 2 – CR M O’BRIEN – RESCISSION OF USE APPROVAL FOR A THERAPEUTIC MASSAGE CENTRE, LOT 9 UNIT 16 (7) DELAGE STREET, JOONDALUP EX (TP107-05/96)

Cr Mike O’Brien gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 29 April 2003. Council did not consider this item at its meetings held on 29 April 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 27 May 2003.

The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr M O’Brien
Cr C Baker
Cr C Mackintosh
Cr T Barnett
Cr A Patterson

“That Council BY AN ABSOLUTE MAJORITY, REVOKES and RESCINDS the former City of Wanneroo decision of 29 May 1996, Item TP107-05/96 refers, viz:

“That Council approves the application submitted by Artist Holdings Pty Ltd in respect of the use of Lot 9 unit 16 (7) Delage Street, Joondalup, for the provision of medical and sport related massages subject to:

- 1 There being a maximum of four masseuses working in the subject unit at any one time;*
- 2 Standard and appropriate conditions.”*

and substitutes in lieu therefore:

“That Council:

- 1 Takes into account the claim by the Hon Tony O’Gorman MLA, Member for Joondalup that “Bawdy House Activities,” contrary to Sections 209 & 213 of the Western Australian Criminal Code are allegedly occurring at Unit 16, 7 Delage St, Joondalup, and finds that evidence provided in Mr O’Gorman’s allegation, is of important weighting and is “on the balance of probabilities” a true fact;*
- 2 in light of the credit given to Mr O’Gorman’s allegation Council, having revoked and rescinded TP107-05/96, advises Ross Douglas Fraser, of 1B Saltbush Court, WICKHAM WA 6720, the Registered Proprietor, of (Unit) Lot 16 on Strata Plan 29376 Vol 2123 Folio 938 that the Approval TP107 – 05/96 granted to Artist Holdings Pty Ltd ACN 009 314 765 ABN 89 009 314 765 UNDER EXTERNAL ADMINISTRATION (LIQUIDATOR APPOINTED) has been revoked and rescinded, and that the current Unit Use does not comply, as a permitted land use, pursuant to Council’s District Planning Scheme No 2.;*
- 3 advises Leila Elaine Neilson, of 4 Addingham Court, CRAIGIE WA 6025, Director and Company Secretary, of Chadstone Pty Ltd ACN 103 565 617 ABN 15 103 565 617 (formerly LEILA’S [Reg. No 0243333G]), Principal Place of Business, Unit 16, 7 Delage Street, JOONDALUP WA 6027, Registered Office, Sergio D’Orazio & Associates, 20 Ballot Way, BALCATT WA 6021 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded;*
- 4 advises Vincent Leonard Rossi and Cornelia Alida Rossi of 10 Moline Court, CHURCHLANDS WA 6018, Directors of Artist Holdings Pty Ltd, ACN 009 314 765 ABN 89 009 314 765 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded.”*

Reason for Motion:

Cr O’Brien provided the following in support of the above Motion:

- “1 There is no evidence that the former City of Wanneroo Councillors in Decision TP107-05/96 approved “Bawdy House Activities” as a Land Use under City of Wanneroo’s Town Planning Scheme No 1.*
- 2 The proprietary company Artist Holdings Pty Ltd as a proprietary company is, according to ASIC Listings, now under External Administration (liquidator appointed) and it seems is no longer a Proprietary Company trading with an interest in Unit 16, 7 Delage Street, Joondalup.*
- 3 The City of Joondalup has by its decision in October 2002 decided that “Bawdy House Activities” are not an acceptable Land Use within the boundaries of the Municipality.*

- 4 The evidence of the Claim by the Hon Tony O’Gorman MLA, Member for Joondalup, that “Bawdy House Activities” are occurring at Unit 16, 7 Delage Street , Joondalup is “on the balance of probabilities” evidence of enough weight, for Council’s Decision to revoke and rescind the former City of Wanneroo decision of approval to Artist Holdings Pty Ltd.
- 5 Council further reinforced its 15th October 2002 decision, by a unanimous decision on Tuesday 11th March 2003 to prohibit “Bawdy House Activities” as a Land Use in the Municipality, and subsequent to EPA consideration, intends to advertise the amendment to District Planning Scheme No 2. as a Community Consultation, process for 42 days.”

OFFICER’S COMMENTS

Following the receipt of the notice of motion as submitted by Cr O’Brien, legal advice was sought regarding the City’s power to revoke a previously issued planning approval. It is confirmed by the legal advice that the City does not have power under District Planning Scheme No. 2 to revoke a planning approval. The one exception, which is irrelevant for current purposes, is Clause 6.10.2, which provides that an owner may make an application to revoke a planning approval prior to the commencement of the development, the subject of the approval. It is therefore advised that in accordance with 3.12 of the City's Standing Orders Local Law it would be reasonable for the chairperson to rule the notice of motion out of order as it is reasonable to believe such a decision is beyond jurisdiction of the Council.

VOTING REQUIREMENT

Absolute Majority

This Notice of Motion was

NOT PURSUED.

Cr Gollant entered the Chamber at this point, the time being 2330 hrs.

C82-05/03

NOTICE OF MOTION NO 3 – CR C BAKER – MAYORAL CHAIN - [38634] [20086]

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 27 May 2003:

“That in the spirit of cooperation, municipal and filial confraternity, the City of Joondalup hereby gifts all its rights, title and interest in the historically significant ornament known as the Wanneroo Mayoral Chain to the City of Wanneroo”.

OFFICER'S COMMENT

The matter of the former City of Wanneroo Mayoral Chain was last before Council on 26 November 2002, when it was resolved:

- “1 the City of Joondalup REITERATES its position that the Minister be involved under Section 9.63 of the Local Government Act 1995, to resolve the dispute over the Mayoral Chain first;*
- 2 on resolution of the Mayoral Chain dispute by the Minister, the City would be agreeable to enter into general discussions on custody and management of the former City of Wanneroo memorabilia.”*

The City of Wanneroo has indicated that it would only agree to the Minister for Local Government and Regional Affairs being involved in determining the dispute over the Mayoral Chain if the Minister determines the whole of the former City of Wanneroo Historical Collections.

Custodianship of the former City of Wanneroo Mayoral Chain has been a stumbling block to the establishment and on going excellent relations with the new City of Wanneroo. The former Wanneroo Mayoral Chain is a memorabilia item of historical significance to both the Cities of Joondalup and Wanneroo. In dividing the assets of the former City of Wanneroo between the then new Shire of Wanneroo and City of Joondalup, the Joint Commissioners of both Councils determined that the many items were of equal historical importance to both Councils and could not be equitably divided.

In the interests of fostering positive and harmonious relations, it is recommended that the City of Joondalup grants in perpetuity, custodianship of the historically significant former City of Wanneroo Mayoral Chain to the City of Wanneroo, with the request that a short historical caption include that the former City of Wanneroo included the whole of the current City of Joondalup, be placed with the Mayoral Chain whenever it is displayed to the public.

This means that the City of Wanneroo has the care, control and management of the Mayoral Chain, but ownership is retained by both cities.

VOTING REQUIREMENT

Simple Majority

Cr Nixon left the Chamber at this point, the time being 2331 hrs.

MOVED Cr Baker, SECONDED Cr Caiacob that in the spirit of cooperation, municipal and filial confraternity, the City of Joondalup hereby gifts all its rights, title and interest in the historically significant ornament known as the Wanneroo Mayoral Chain to the City of Wanneroo.

Cr Nixon entered the Chamber at this point, the time being 2333 hrs.

AMENDMENT MOVED Cr O'Brien SECONDED Cr Prospero that the following words be added to the end of the Motion:

“..... and be retained in perpetuity for the benefit of both municipalities in the spirit of the original determination of the Joint Commissioners.”

Discussion ensued.

Cr Baker left the Chamber at 2337 hrs and returned at 2339 hrs.

The Amendment was Put and

CARRIED (10/4)

In favour of the Amendment: Mayor Carlos, Crs Brewer, Caiacob, Gollant, Hart, Nixon, O'Brien, Prospero, Rowlands and Walker **Against the Amendment:** Crs Baker, Hollywood, Kenworthy and Kimber.

The Original Motion, as amended, being:

That in the spirit of cooperation, municipal and filial confraternity, the City of Joondalup hereby gifts all its rights, title and interest in the historically significant ornament known as the Wanneroo Mayoral Chain to the City of Wanneroo and be retained in perpetuity for the benefit of both municipalities in the spirit of the original determination of the Joint Commissioners.

Was Put and

CARRIED (13/1)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, O'Brien, Hart, Rowlands, Walker, Hollywood, Nixon, Baker, Brewer and Prospero. **Against the Motion:** Cr Kimber.

C83-05/03

NOTICE OF MOTION NO 4 – CR M CAIACOB – LOT 1 OCEANSIDE PROMENADE, MULLALOO – [00468]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Michael Caiacob has given notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003:

“That Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

Comment by Cr Caiacob:

Cr Caiacob notes that although notice of this motion has previously been raised, it was never debated or carried as indicated in the minutes of Council meeting – 11.06.2002.

OFFICER'S COMMENTS

The land in question forms part of the Tom Simpson Park area, immediately South and West of the central car park. The land has an area of 1.0444ha. The District Planning Scheme classifies it as *Local Reserve - Parks*. The use of the land is restricted by the District Planning Scheme to purposes consistent with the status of the reserve.

In report CJ118 – 05/02 considered in May 2002, the Council considered a report on the outcome of the Special Electors meeting held to discuss various matters, generally focussed on Mullaloo and Tom Simpson Park. The report contained a comment to the effect that:

“This land is currently held in freehold by the City, and was purchased for the purpose of Parks and Recreation. In view of this, it would be considered appropriate to include the land into the Tom Simpson Park reserve.”

The report contained a recommendation to reaffirm that advice, although this was not the subject of a Council resolution.

The land is owned freehold by the City. Adjoining land is owned by the crown, and collectively the total parcel makes up Tom Simpson Park.

Even though the use of the land is restricted by the DPS, it is a Council asset of considerable book value. The land was valued at \$1 million in 1998. To alter the status of the land to a reserve, it would need to be ‘given up’ to the Crown. If the land was, this value would be lost from the Council’s asset register.

Although there is no objection to the Town Planning merits of altering the tenure of the reserve, as the owner of the asset, it is recommended that it not simply be given away to another authority, as to do so would reduce the Council’s asset base.

Importantly, and regardless of who owns the land, the land use is regulated by the Council as the local planning authority, and that use is restricted under the District Planning Scheme.

For the above summary reasons, it is recommended that the Council retains its ownership of Lot 1 for the purpose of public use as an integral part of the Park.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Caiacob SECONDED Cr Walker that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.

Discussion ensued.

Cr Kimber left the Chamber at 2344 hrs and returned at 2345 hrs.

AMENDMENT MOVED Cr Baker SECONDED Cr Caiacob that the following words be added after the words “Tom Simpson Park reserve proper”:

“...and the Council transfers the Council owned lots in Merrifield Place, Mullaloo into its own reserve

Discussion ensued.

The Director Planning and Community Development advised that a report has previously been requested regarding issues relating to Merrifield Place, Mullaloo. This report has yet to be prepared and if a decision were to be made this evening it would be made in the absence of any knowledge on those matters.

The Original Motion and the Amendment were

NOT PURSUED

MOVED Cr Kimber SECONDED Cr Rowlands that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.

The Motion was Put and

CARRIED (10/4)

In favour of the Motion: Mayor Carlos, Crs Gallant, Kenworthy, Rowlands, Walker, Nixon, Baker, Brewer, Kimber and Prospero. **Against the Motion:** Crs Caiacob, Hart, Hollywood and O'Brien.

C84-05/03

NOTICE OF MOTION NO 5 – CR M O'BRIEN – MUNICIPAL TAX (RATES) - [38634] [20086]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003:

- 1 *“That for the 2003 - 2004 Budget Council determines that, pursuant Section 41. and Section 112. of the Health Act 1911, an annual rate shall be set for the provision for removal of refuse and cleansing works;*
- 2 *That for the 2003 -2004 Budget Council determines that the Minimum Payment is abolished, thereby no use of Section 6.35 of the Local Government Act 1995 is made in sourcing additional “flat tax” revenue from low value properties in addition to the proportional tax (rates) that such properties attract from the Valuer General’s valuation set for such properties.”*

Reason for Motion:

In support of this notice of motion, Cr O'Brien states as follows:

“The reasons for the above is to fairly apportion the Health Act costs in proportion to the Valuer General’s valuations and to abolish the discriminatory “flat taxing” of properties thereby complying with the similar abolition of the Commissioner Imposed “\$27.00 flat tax” that was imposed on Joondalup Properties in 1999 and which was abolished following the result of the 2001 Joondalup Municipal Referendum.

The added position of advantage to the Municipality is that the State Government Treasury pays the Municipality 50% of the amount the Municipality Bills its Pensioners for any “Rates” but doesn't pay the Municipality 50% of any “flat” Health Act charge.

For Councillors assistance the relevant sections of both Acts are included below;

HEALTH ACT 1911 - SECT 41

41. Sanitary rate

Every local government may from time to time, as occasion may require, make and levy as aforesaid and cause to be collected an annual rate for the purpose of providing for the proper performance of all or any of the services mentioned in section 112, and the maintenance of any sewerage works constructed by the local government under Part IV

Such annual rate shall not exceed –

- (a) 12 cents in the dollar on the gross rental value; or
- (b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple:

Provided that the local government may direct that the minimum annual amount payable in respect of any one separate tenement shall not be less than \$1.

Provided also, that where any land in the district is not connected with any sewer, and a septic tank or other sewerage system approved by the local government is installed and used upon such land by the owner or occupier thereof for the collection, removal, and disposal of night soil, urine, and liquid wastes upon such land, the local government may by an entry in the rate record exempt such land from assessment of the annual rate made and levied under this section, and, in lieu of such annual rate, may, in respect of such land, make an annual charge under and in accordance with section 106 for the removal of refuse from such land.

[Section 41 amended by No. 5 of 1933 s.2; No. 38 of 1933 s.2; No. 25 of 1950 s.5; No. 113 of 1965 s.4(1); No. 2 of 1975 s.3; No. 76 of 1978 s.51; No. 14 of 1996 s.4.]

HEALTH ACT 1911 - SECTION 112

112 - Local government to provide for removal of refuse and cleansing works (1) A local government may, and when the Executive Director, Public Health so requires, shall undertake or contract for the efficient execution of the following works within its district, or any specified part of its district:

- (a) The removal of house and trade refuse and other rubbish from premises.
- (b) The supply of disinfectants for the prevention or control of disease, and pesticides for the destruction of pests.
- (c) The cleansing of sanitary conveniences and drains.
- (d) The collection and disposal of sewage.
- (e) The cleaning and watering of streets.
- (f) The providing, in proper and suitable places, of receptacles for the temporary deposit of refuse and rubbish collected under this section.
- (g) The providing of suitable places, buildings, and appliances for the disposal of refuse, rubbish and sewage.
- (ga) The construction and installation of plant for the disposal of refuse, rubbish and sewage.
- (h) The collection and disposal of the carcasses of dead animals:

Provided that it shall not be lawful to deposit nightsoil in any place where it will be a nuisance or injurious or dangerous to health.

- (2) Any local government which has undertaken or contracted for the efficient execution of any such work as aforesaid within its district or any part thereof may by local law prohibit any person executing or undertaking the execution of any of the work undertaken or contracted for within the district or within such part thereof as aforesaid, as the case may be, so long as the local government or its contractor executes or continues the execution of the work or is prepared and willing to execute or continue the execution of the work.
- (3) After the end of the year 1934 no nightsoil collected in one district shall be deposited in any other district, except with the consent of the local government of such other district, or of the Executive Director, Public Health.

[Section 112 amended by No. 17 of 1918 s.11; No. 30 of 1932 s.17; No. 45 of 1954 s.3; No. 38 of 1960 s.3; No. 102 of 1972 s.9; No. 28 of 1984 s.45; No. 14 of 1996 s.4; No. 28 of 1996 s.8.]

LOCAL GOVERNMENT ACT 1995 - SECT 6.35

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than 50% of the number of separately rated properties in the district on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of the number of separately rated properties in the district unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment may be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) -
 - (a) to land rated on gross rental value;
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.”

OFFICER'S COMMENT

Domestic Refuse Charge

The domestic refuse charge is currently a user-based charge of \$122 per service provided with total budgeted revenue of \$6.5m in the 2002/03 year. The proposed change will include the funding for these services in the general rates. This will result in an increase in the rate-in-the-dollar and redistribute the costs of providing those services across all ratepayers according to the value of the property.

Minimum Payments

The distribution of general rates is in accordance with property values. The Minimum Payment (set at \$450 for the 2002/03 year and is applicable to 9,477 properties) recognises that the City provides a base level of service which is available to all properties. As the total amount to be funded from general rates remains the same, the removal of the Minimum Payment criteria will result in an increase in the rate-in-the-dollar and redistribute the general rates across all ratepayers according to the value of the property with ratepayers with higher GRV's having to compensate for those with lower GRVs.

Recommendation

These items have been included for discussion in the Budget Committee agenda and it is recommended the issues be addressed fully as part of the budget deliberations. Officers will prepare more detailed information to assist the Budget Committee in understanding the ramifications associated with these items.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Kimber SECONDED Cr Rowlands, that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table:

- 1 *“That for the 2003 - 2004 Budget Council determines that, pursuant Section 41. and Section 112. of the Health Act 1911, an annual rate shall be set for the provision for removal of refuse and cleansing works;*
- 2 *That for the 2003 -2004 Budget Council determines that the Minimum Payment is abolished, thereby no use of Section 6.35 of the Local Government Act 1995 is made in sourcing additional “flat tax” revenue from low value properties in addition to the proportional tax (rates) that such properties attract from the Valuer General’s valuation set for such properties.”*

The Motion to Lie on the Table was Put and

CARRIED (10/4)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Hollywood, Nixon, Brewer, Kimber and Prospero. **Against the Motion:** Crs Baker, Hart, O'Brien and Walker.

In accordance with Standing Orders Local Law, Clause 5.4 – “The Motion Lie on the Table” a record is to be taken of all those who have spoken on the motion under debate. It is therefore recorded that **no member** spoke on the Notice of Motion submitted by Cr O’Brien.

C85-05/03

**NOTICE OF MOTION NO 6 – MAYOR CARLOS –
WANNEROO BASKETBALL ASSOCIATION**

In accordance with Clause 3.12 of the Standing Orders Local Law, Mayor Carlos has given notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003:

“1 That Council amends its decision of 29 April 2003 relating to the Wanneroo Basketball Association Inc by deleting Clause 1 (b) as follows:

“1(b) The Wanneroo Basketball Association Inc. in return for the City writing off the Association’s debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time and including the stadium building.”

2 That Council deems the Audited Accounts for the period ending 31 December 2002 lodged with Council on 28 April 2003 as having been accepted and as having complied with the 45 days provision.”

REASON FOR MOTION

Mayor Carlos has submitted the following comments in support of his motion:

“Council has previously resolved on two separate occasions to write off the Association’s alleged debt subject to the provision of Audited Financial Statements for the periods ending 2000, 2001 and 2002. The Association complied with respect to the audited accounts for 2000 and 2001 by lodging those accounts with Council within the prescribed time. Additionally, the audited accounts for 1999 were also lodged with Council within the prescribed time, notwithstanding there was no requirement for the 1999 audited financial accounts to be lodged.

Council’s decision on 29 April 2003 placed a further condition on the write off of the Association’s alleged debt that is considered unnecessarily onerous.

Council’s decision eventuated from the perceived failure of the Association to provide its 2002 audited financial statements within the period of 45 days notwithstanding the 45th day was a public holiday. The statements were provided on the first business day after the 45 day provision had expired. It is unreasonable for Council to reject the audited accounts for 2002 on the first business day following the 45th day, given that in the ordinary course of business practice when a party is unable to comply due to a public holiday then the following business day is considered satisfactory. The Interpretation Act 1984 sets out how time is calculated and notwithstanding the Act is applied to legislation, the Act is none the less also used as a guide in commercial practice.

Given the minor nature of the breach and what is ordinarily applied in commercial practice, it is considered unreasonable to place any further conditions on the write off of the Association's debt and further, in order to resolve any ambiguity as to compliance, Council ought to confirm its acceptance of the audited financial accounts for 2002."

OFFICER'S COMMENT

This matter was last considered by Council, at its meeting held on 29 April 2003 (Item C57-04/03 refers) where Council resolved as follows:

- "1 Council AGREES to write off the Wanneroo Basketball Associations Inc debt and other payments detailed in Council's resolution 1 (a) (b) and (c) of item number "C23 – 03/03 Resolution of Wanneroo Basketball Association inc." subject to:
- (a) a deed of agreement between the City and the Wanneroo Basketball Association Inc. outlining the details of what is proposed by the resolution;
 - (b) the Wanneroo Basketball Association Inc. in return for the City writing off the Association's debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time, and including the stadium building;
- 2 Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;
- 3 the actions taken in relation to the Wanneroo Basketball Association Inc. in writing off its outstanding debt to the Council are a one off and do not set a precedent in the way other clubs and associations should expect to be treated by the City in the future. "

Proposed amendment – deletion of clause 1(b)

Legal advice sought on the impact of the proposed amendment indicates that the Wanneroo Basketball Association would have to prove, quantify and value the actual damages it incurred, in order for it to initiate litigation for loss of quiet enjoyment of the leased land under the terms of the sub lease with the City. There is also some doubt as to whether the area of land and that part of the Basketball Stadium Building that encroaches into the Collier Pass Road Reserve, is part of the land sub leased from the City to the Association.

In light of the legal advice received it is considered that the risk of successful litigation by the Association against the City, for loss of quiet enjoyment of the sub leased land due to the construction works on the southern carriageway of Collier Pass, is minimal.

Given this scenario and the fact that Council previously waived the debt without this release, there is no significant objection raised to the removal of clause 1(b) as proposed.

Proposed amendment – additional new resolution

As no significant objection has been raised to the proposed amendment to delete Council's resolution 1(b) and provided that deletion proceeds as proposed, it is considered unnecessary to proceed with the proposed additional amendment of clause number 2. Deletion of resolution 1(b) achieves the same result, in that the Associations debt is written off without condition other than preparation of a deed to record what is mutually understood by Council's resolution.

VOTING REQUIREMENT

Simple Majority

MOVED Cr Kimber, SECONDED Cr Rowlands that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table:

"1 That Council amends its decision of 29 April 2003 relating to the Wanneroo Basketball Association Inc by deleting Clause 1 (b) as follows:

"1(b) The Wanneroo Basketball Association Inc. in return for the City writing off the Association's debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time and including the stadium building."

2 That Council deems the Audited Accounts for the period ending 31 December 2002 lodged with Council on 28 April 2003 as having been accepted and as having complied with the 45 days provision."

The Motion to Lie on the Table was Put and

CARRIED (10/4)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Hollywood, Nixon, Brewer, Kimber and Prospero. **Against the Motion:** Crs Baker, Hart, O'Brien and Walker.

In accordance with Standing Orders Local Law, Clause 5.4 – "The Motion Lie on the Table" a record is to be taken of all those who have spoken on the motion under debate. It is therefore recorded that **no member** spoke on the Notice of Motion submitted by Mayor Carlos.

Cr Hollywood declared a financial interest in C86-05/03 – Notice of Motion – Cr G Kenworthy – Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood – as this is a matter concerning Cr Hollywood personally.

C86-05/03 **NOTICE OF MOTION NO 7 – CR G KENWORTHY - POTENTIAL BREACH OF STANDING ORDERS, CODE OF CONDUCT AND THE LOCAL GOVERNMENT ACT 1995, CR J HOLLYWOOD - [38535] [53558] [02154] [08122] [42750]**

DETAILS

This Notice of Motion Is Confidential - Not For Publication

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

MOVED Cr Kimber SECONDED Cr Rowlands, that in accordance with Clause 5.4 of the City’s Standing Orders Local Law, the Confidential Item – Notice of Motion – Cr G Kenworthy – Potential Breach of Standing Orders, Code of Conduct and the Local Government Act 1995, Cr J Hollywood - Lie on the Table.

The Motion to Lie on the Table was Put and **CARRIED (10/4)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Hollywood, Nixon, Brewer, Kimber and Prospero. **Against the Motion:** Crs Baker, Hart, O’Brien and Walker.

In accordance with Standing Orders Local Law, Clause 5.4 – “The Motion Lie on the Table” a record is to be taken of all those who have spoken on the motion under debate. It is therefore recorded that **no member** spoke on the Notice of Motion submitted by Cr Kenworthy.

C87-05/03 **NOTICE OF MOTION NO 8 – CR P ROWLANDS – MATTERS RELATING TO THE CHIEF EXECUTIVE OFFICER**

DETAILS

This Notice of Motion Is Confidential - Not For Publication

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

MOVED Cr Kimber, SECONDED Cr Rowlands, that in accordance with Clause 5.4 of the City’s Standing Orders Local Law, the Confidential Item – Notice of Motion – Cr P Rowlands – Matters Relating to the Chief Executive Officer - Lie on the Table.

The Motion to Lie on the Table was Put and **CARRIED (10/4)**

In favour of the Motion: Mayor Carlos, Crs Caiacob, Gallant, Kenworthy, Rowlands, Hollywood, Nixon, Brewer, Kimber and Prospero. **Against the Motion:** Crs Baker, Hart, O’Brien and Walker.

In accordance with Standing Orders Local Law, Clause 5.4 – “The Motion Lie on the Table” a record is to be taken of all those who have spoken on the motion under debate. It is therefore recorded that **no member** spoke on the Notice of Motion submitted by Cr Rowlands.

**C88- 05/03 REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122
02154]**

MOVED Cr Hart, 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

Cr Rowlands left the Chamber at this point, the time being 2354 hrs.

SECOND PUBLIC QUESTION TIME

Mr S Magyar, Heathridge:

Q1 Re the change of lawyers to look at the questions regarding the CEO. Did I hear the resolution of Council correctly in that it still does not address the question of whether the Council itself has the right to demand to see the qualifications? Am I correct in that the resolution of Council only dealt with the issue of Councillors or elected members individually, and not Council as a single legal entity?

A1 Response by Mayor Carlos: The motion will be published and it is as per the original motion, which replaces Freehills with Minter Ellison.

Cr Hart left the Chamber at this point, the time being 2355 hrs

Mr T O'Brien, Padbury:

Q1 In reference to the issue that was discussed at length regarding the Craigie Leisure Centre that a public forum was held prior to the RANS Management tender contract into the concept and use of the Craigie Leisure Centre and the concept of outsourcing/out managing it and the lack of viable maintenance that was done in management from the administration of this Council. Would you give utterance and forbearance of that to the CEO for better deliberation in regards to the management and on-going maintenance or restructure of that facility and give context to the submissions that were put by the Pinnaroo ward and other wards surrounding which have a vested interest given the fact that from 1997 they have been exorbitantly flat taxed at \$57.00 per house rateable valuation over and above their true valuation. Will you give utterance to the CEO and the administration for better guidance on this matter?

A1 This question will be taken on notice.

Cr Kenworthy left the Chamber at this point, the time being 2356 hrs.

Cr Hart entered the Chamber at this point, the time being 2356 hrs.

Mr M Sideris, Mullaloo:

Q1 Is there any indication from Council when a report regarding Lot 1 and the 10 lots in Merrifield Place might be expected?

A1 It will be necessary to determine what the priorities are at this stage. The staff has an enormous number of projects in place at present, to put another one will mean another project will have to be delayed. This issue has been around for some time, and the Council deliberately decided not to put a time frame on the provision of this report.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 17 JUNE 2003** 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 2358 hrs; the following elected members being present at that time:

MAYOR D CARLOS
Cr L PROSPERO
Cr P KIMBER
Cr T BREWER
Cr C BAKER
Cr A NIXON
Cr J F HOLLYWOOD, JP
Cr A WALKER
Cr S HART
Cr M O'BRIEN, JP
Cr J GOLLANT
Cr M CAIACOB