



**MINUTES OF COUNCIL MEETING
HELD ON 21 OCTOBER 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 C247-10/03 and C221-10/03 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, 21 OCTOBER 2003

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

D CARLOS

Elected Members:

Cr L PROSPERO	Lakeside Ward	<i>Absent from 2252 hrs to 2255 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr C BAKER	Marina Ward	<i>Absent from 2015 hrs to 2016 hrs and from 2243 hrs to 2246 hrs</i>
Cr T BREWER	Marina Ward	
Cr A NIXON	North Coastal Ward	<i>to 2138 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2000 hrs to 2005 hrs and from 2247 hrs to 2249 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>to 2311 hrs</i>
Cr S HART	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2207 hrs to 2208 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>to 2315 hrs; Absent from 2307 hrs to 2309 hrs</i>
Cr J GOLLANT	South Coastal Ward	<i>Absent from 2015 hrs to 2017 hrs; from 2255 hrs to 2258 hrs and from 2314 hrs to 2315 hrs</i>
Cr M CAIACOB	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH	<i>Absent from 1940 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Director, Planning & Community Development:	C HIGHAM	

Director, Corporate Services and Resource Management:	P SCHNEIDER	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Director, Infrastructure & Operations	D DJULBIC	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Manager Audit and Executive Services:	K ROBINSON	<i>Absent from 2015 hrs to 2139 hrs</i>
Manager, Marketing Communications & Council Support:	B ROMANCHUK	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Manager, Human Resources:	M LOADER	<i>from 1920 hrs to 2138 hrs</i>
Manager, Community Development:	G HALL	<i>to 1950 hrs</i>
Manager Assets & Commissioning:	C SMITH	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Media Advisor:	L BRENNAN	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>

There were 48 members of the Public and 2 members of the Press in attendance.

In Attendance

Mr Nick Manifis - Walman Software	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>
Mr Neil Douglas - Minter Ellison	<i>from 1920 hrs to 2140 hrs</i>
Mr Steve Cole - Director Capacity Building, Department of Local Government and Regional Development	<i>Absent from 1950 hrs to 2010 hrs and from 2015 hrs to 2155 hrs</i>

PUBLIC QUESTION TIME

The following questions, submitted by Mr P Appleton, Duncraig, were taken on notice at the Meeting of Council held on 30 September 2003:

Q1 What are the specific measures of traffic counts, overall vehicle speeds, accident history, functional classification, speed profiles and cost effectiveness of treatments of the Local Road Traffic Management treatment as depicted in drawing E1533-1-0 and how was each used to calculate a ranking as depicted in the 2003/04 Capital Works Budget - Intersection treatment (Major)?

A1 The requested information is documented and copies can be made available for viewing.

Q2 What is the project reference and project name for the Local Road Traffic Management treatment as depicted in drawing E1533-1-0?

A2 MIT1001 Lilburne Road/Readshaw Road

Q3 On what date was a roundabout at Readshaw Road and Lilburne Road intersection listed in the Draft Capital Works Program?

A3 7 July 2003.

Q4 Can Council please confirm that between 15 March 2003 and 28 August 2003 no consultation occurred between officers of the City of Joondalup and owners holding land in the vicinity of Lilburne Road and Readshaw Road about the Local Road Traffic Management treatment as depicted in drawing E1533-1-0?

A4 This is confirmed.

Q5 How many persons having an interest as defined by Section 3.51(1) of the Local Government Act 1995 have been given a notice under the Act about the Local Road Traffic Management treatment as depicted in drawing E1533-1-0 and how many of these persons have made a submission?

A5 Eight letters were sent to residents and two written responses were received.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Meeting of Council held on 30 September 2003:

Q1 Re: CJ215-09/03 – Warrant of Payments – Cheque No. 58244 – issued on 28 August 2003 for \$4385.92 to Management Search Australasia. Can I be informed as to what services were provided by this firm to the City of Joondalup?

A1 Management Search Australasia Services were used for the recruitment of Manager, Library and Information Services.

The following question, submitted by Ms M Moon, Greenwood, was taken on notice at the Meeting of Council held on 30 September 2003:

Q1 How can advice contrary to administrative law then be applied?

A1 Further clarification of the question is sought. A meeting with Ms Moon is being arranged to discuss this and other recently submitted questions.

Mr E Ellery, Woodvale:

Q1 Mr Mayor, It was alleged in the local media recently that you drive certain die-hards in Council by means of a kick-back arrangement and that you are controlled by the Labour Party, if these allegations are correct could you state the names of these die-hards and who in the Labour Party controls you?

A1 *Response by Mayor Carlos:* Mr Ellery, I have said many times that I do not belong to any political party, I have never belonged to a political party and I treat all ratepayers the same, I do not bribe anyone, people vote of their own accord, may I also say that there was a lot of scurrilous information out there in the public and until now I have kept quiet about it but I believe that a considerable amount of this is just lies and falsehoods that people are raising.

Mr M Sideris, Mullaloo:

Q1 *I refer to an answer received from a question asked at the last Council Meeting dealing with the matter before the Town Planning Appeal Tribunal, between Rennet and the City of Joondalup. I was told in that answer that it was not a mediation process, as the City's solicitors pointed out, it was part of the hearing process. Can you then advise me why we have been advised to the contrary, that it was not part of the deliberation hearing process but a private negotiation between the City of Joondalup and Rennet Limited?*

A1 This question will be taken on notice.

Mr S Magyar, Heathridge:

Q1 *Re: Section 5.41 of the Local Government Act - The Duties and Functions of the CEO – When reports were presented to Council regarding the payment of the CEO's legal expenses, did the CEO comply with his functions under 5.41(b) of the Act to ensure that advice and information is available to the Councillors so that an informed decision can be made? Did the CEO inform Council of the last clause in his contract that states that all legal expenses in relation to his employment to the City were to be paid by the respective parties themselves and did the CEO also inform the Councillors of the City's policy regarding legal assistance when these decisions to hand over ratepayers funds to the CEO were made? Can I have an assurance that the CEO performed his functions properly under 5.41(b) of the Local Government Act?*

A1 *Response by CEO:* I made a declaration in respect to my financial interest pertaining to those matters, I have not participated in the preparation of any reports dealing with any matters that Mr Magyar refers to. They have been prepared by other staff in the organisation and I am confident that the staff would be complying with the provisions of the Act.

Q2 *Will there be a second public question time as permitted under Council's Standing Orders?*

A2 This will be up to the Councillors to move a motion and they will be given every opportunity.

Q3 *Re Section 8.38 of the Local Government Act – Liability for Misapplication of Funds or Property of Local Government, it states: "If any Council member or employee of the Local Government has wilfully or through culpable negligence misapplied the funds or property or connived or concurred in the misapplication, that Council*

Member or employee is personally liable to pay the amount misapplied to the local government.” Considering the serious questions regarding what advice was provided regarding the payment of the CEO’s legal expenses, what assurances can the ratepayers of the City of Joondalup have that misapplied funds will be returned if there is any adverse finding regarding any Council member or employee?

A3 All officers of Council and the Elected Members are fully aware of the provisions of the Local Government Act.

C213-10/03 ALTERATION TO ORDER OF BUSINESS – [02154]

MOVED Cr Caiacob, SECONDED Cr Hart that:

- 1 in accordance with Clause 3.2 of the City's Standing Orders Local Law, the order of business for this evening's meeting be altered to enable Late Report on legal advice from the Standing Committee to be CONSIDERED at this point;
- 2 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;
- 3 Mr Steve Cole, Department of Local Government be permitted to remain in the meeting behind closed doors.

Discussion ensued.

The Motion was Put and

LOST (4/11)

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

Mr Neil Douglas, Minter Ellison and Manager Human Resources entered the Chamber at this point, the time being 1920 hrs.

C214-10/03 ALTERATION TO ORDER OF BUSINESS – [02154]

MOVED Cr Baker, SECONDED Cr Kimber that in accordance with Clause 3.2 of the City's Standing Orders Local Law the order of business for this evening's meeting be altered to enable CJ246-10/03 - Community Sport and Recreation Facility Fund - 2003/04 Submission Prioritisation - to be CONSIDERED at this point.

The Motion was Put and

CARRIED UNANIMOUSLY (15/10)

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

**CJ246 - 10/03 COMMUNITY SPORT AND RECREATION
FACILITY FUND - 2003/04 SUBMISSION
PRIORITISATION – [22209]**

WARD - All

PURPOSE

The purpose of this report is to provide information and make recommendations to the Minister for Sport and Recreation, regarding the funding details, priority ranking and rating for the Community Sport and Recreation Facilities Fund applications.

EXECUTIVE SUMMARY

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

Applications have been received from four community groups for a range of projects. The following is the recommended assessment of priority ranking and project ratings for all applications to be submitted to the Minister for Sport and Recreation:

Rank	Applicant	Rating
1	Arena Community Sport and Recreation Association	Well planned and needed by municipality
	- Joondalup and Districts Rugby League Club	
	- Joondalup Netball Association	
	- Joondalup Little Athletics Centre	
2	Sorrento Bowling Club	Well planned and needed by municipality
3	Beaumaris Bowling Club	Not recommended
4	Ocean Ridge Cricket Club	Withdraw application

BACKGROUND

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

CSRFF grants are available in one of two categories:

- 1 Annual grants
- 2 Forward Planning grants.

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

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

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

The Minister for Sport and Recreation will announce the successful applications in February 2004. The grants will become available in the 2004/05 financial year or in another financial year nominated by the applicant.

DETAILS

Financial Implications

Projects which are listed for possible support by the Community Sport and Recreation Facilities Fund are recommended to be included as part of the draft capital works budget for the appropriate year. On most occasions the grant monies are sought in the forthcoming financial year. Decisions as to the outcomes of the grant submissions will be announced in February or March 2004, at which time the City will be able to make the appropriate adjustments to the budget planning documentation according to the decisions of the state government.

Strategic Implications:

All applications were assessed by the Council's Formal Facilities Assessment Group consisting of the City's Manager Community Development Services; Manager Operations Services; Manager Assets and Commissioning and the Recreation Development Officer.

All projects were assessed against the following key principles of the Formal Facilities Assessment Process:

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

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

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

COMMENT

Details of the four applications for assessment are:

Project 1

Arena Community Sport and Recreation Association

- Joondalup and Districts Rugby League Club
- Joondalup Netball Association
- Joondalup Little Athletics Centre

City of Joondalup	\$540,000
CSRFF	\$540,000
Voluntary labour	\$50,000
Donated materials	\$90,000
Commercial loan (Arena Community Sport and Recreation Association)	\$400,000

Total Project Cost **\$1,620,000**

The application is made by the Arena Community Sport and Recreation Association (ACSRA), which is planned to be formed as a result of the development of the proposed new clubrooms, function room, storage, hardstand floodlit netball courts and a redeveloped sports oval. The project will accommodate rugby, netball, soccer and athletics at Arena Joondalup.

It is a joint application between the Joondalup and Districts Rugby League Club, Joondalup Netball Association and Joondalup Little Athletics Centre. All three sporting clubs / associations have confirmed, in writing, their respective commitment and resources toward this project. This course of action is necessary as the WA Sports Centre Trust (Arena Joondalup) does not qualify for funding through the CSRFF program, as only community groups and local government authorities are eligible to apply. The action of forming a single association and seeking incorporation will be completed prior to the CSRFF decision-making process.

Arena Joondalup land is owned by the state government and managed by the WA Sports Centre Trust. The above proposed facilities will cater for the growing needs of four major community sporting codes in the northern suburbs (rugby, athletics, netball and soccer). The Association will be an incorporated body responsible for the management of the clubrooms via a lease agreement. Collaboration will be the key to its success and this will be fostered in the lease agreement, management plan and the culture of the organisation. The City of Joondalup's contribution to this project will be the initial capital cost of this project (i.e. one-third of the costs). The on-going operation and maintenance costs will be the responsibility of the WA Sports Centre Trust and the newly formed association.

Management Plan

The WA Sports Centre Trust will be responsible for the maintenance of the athletics/rugby field and the hard courts. This cost will be incorporated into the Arena's operational and maintenance budget. Seasonal and casual bookings to use the facilities (excluding the clubrooms) will be handled by the Arena as part of the current facilities booking procedures and fee schedule. The Arena will meet any operational deficits experienced in the delivery of the facilities.

ACSRA will be responsible for the operation of the clubrooms and will absorb any operational deficits with regards to the operation of this facility. The details of these arrangements will form part of the management plan that will be developed by June 2004.

From the City of Joondalup's perspective, the following points outline the benefits of this project:

- The needs of three district based sporting clubs, with a combined membership of over 2,200 members, will be accommodated in one area designated for state and regional sports. This will alleviate an accumulation of a number of needs, from a number of clubs, to provide such facilities and infrastructure.
 - **Joondalup Netball Association:** Has submitted numerous requests over a number of years for additional facilities and / or land to enable the Association to meet the proven demand for the sport of netball. A recent submission, dated March 2003, highlighted that a "Netball Centre" will require changerooms, toilets and car parking facilities. The Association acknowledged in its recent correspondence that it *"is in the financial position to commit to assist the City of Joondalup and the State Government in meeting the annual maintenance costs of a 'Netball Centre' if developed"*.

Additionally, it is considered that with the sixteen-court netball complex concept plan, to be developed in Butler, the sport of netball in the future will be sufficiently well facilitated within the northern region of the metropolitan area.

- **Joondalup & Districts Rugby League Club:** Has requested clubroom facilities at Admiral Park, Heathridge for at least the past six years. The City has stated that it is unlikely to support any further capital development at Admiral Park due to the close proximity of residents, the shared use by Heathridge Primary School of that park, and that any proposal to build a facility for a single use club would be outside of the City's philosophy. In recent years, the Club has reviewed alternative locations for such facilities including MacNaughton Park, Kinross and Flinders Park, Hillarys, however the City deemed both locations to be unsuitable for future development and /or occupancy by the Club. In 2003, a productive meeting was held between the Arena management, City of Joondalup officers and Club representatives to discuss the concerns of the Club and possible options for the Club to be successfully based at the Arena.
- **Joondalup Little Athletics Centre:** This Association has submitted numerous applications for assistance to the City and the WA Sport Centre Trust for the development of toilet, storage and club facilities at its Arena location. To date, it has been an exhaustive approach by both authorities in trying to accommodate the needs of this Association. The latest correspondence (8 April 2003) from the then Minister for Sport and Recreation, Alan Carpenter, recommended the WA Sport Centre Trust determine the design and cost of a basic toilet and storage amenity to meet the growing demands of the Joondalup Little Athletics Centre. This recommendation highlights the need for additional facilities for athletics.
 - It provides an opportunity for all three clubs to become sustainable in their operations, and hence less reliant on other agencies for resources;
 - It presents an opportunity to further develop strong partnerships between the City and the State Government, with the benefits being reflected onto local community members / organisations.

Funding Details

The applicant is requesting \$540,000 (one-third of \$1,620,000) contribution from the City of Joondalup towards this project. The costs to upgrade the athletic / rugby field component of the overall project are not supported in full by the City, as there are elements of the project which are outside of the City's normal funding parameters. The elements of the project that are not supported relate to the installation of a chain link fence around the banks of the athletics / rugby field. The fence is effectively intended to enable the rugby club to charge an entry fee to spectators. The City would not support this course of action at any of its other reserves, as it affects the availability of public open space.

The aspects of the athletics / rugby field that should be considered for funding total \$24,750 (one-third = \$8,250) and include floodlighting for training purposes, which aligns to the current Council Policy 4.3.4 Floodlighting on Sporting Parks; and the provision of rugby goal posts as they are regarded as an essential component enabling the sport to be played.

Additionally, as each of the individual components of the project have a 10% margin for preliminaries factored into them, it is recommended that Council does not financially contribute towards the overall 5% contingency of \$78,925, as this is regarded as an excessive and second tier contingency budget figure.

The applicant's proposed concept plan costings are detailed below, with the City's recommended corresponding contribution shown in italics:

1. Clubrooms	\$952,775	<i>\$317,592</i>
2. Hardstand netball Courts	\$280,000	<i>\$93,333</i>
3. Upgrade of athletic / rugby field	\$125,300	<i>\$8,250</i>
4. Landscaping	\$25,000	<i>\$8,333</i>
5. Upgrade existing path to trafficable path	\$18,000	<i>\$6,000</i>
6. Professional fees (10%)	\$140,000	<i>\$46,667</i>
7. Contingency (5%)	\$78,925	<i>\$Nil</i>
8. TOTAL (excl. GST)	\$1,620,000	<i>\$480,175</i>

The WA Sport Centre Trust (Arena) is not making a financial contribution to the project. However, as the landowner, it is contributing \$780,000 toward the cost of an associated access road to Moore Drive and the hardstand car park to enhance the new facilities. The contribution made by the WA Sport Centre Trust in the provision of land and the responsibility for the ongoing facility maintenance is regarded as a long-term saving to the City of Joondalup.

As part of the funding proposal for this project, there is a need for the newly formed ACSRA to enter into a loan arrangement as their contribution to the project. The recommendation to the Council is that the City's contribution to the project is subject to the ACSRA being successful in securing this loan.

Below are the City's recommended funding details for Project 1:

City of Joondalup	\$480,175
CSRFF	\$540,000
Voluntary labour	\$50,000
Donated materials	\$90,000
ACSRA	\$Nil
- Commercial loan	\$459,825

Total Project Cost **\$1,620,000**

If this project is not financially supported by the City of Joondalup, factors such as available land to meet the needs of netball and clubroom facilities for a state rugby league club, are two overriding aspects that need to be worked through. There are substantial benefits to the City

if it were to enter into this partnership arrangement with Arena Joondalup and the proposed ACSRA. The development of facilities for community based sporting clubs and associations at the Arena enables the City to use existing reserves and facilities for other user groups. The proposal is also seen as a positive step in consolidation for a number of clubs who have, in the past, been uncertain in their tenure at either the Arena or at one of the City's facilities.

It is proposed that Council list \$480,175 for consideration in the 2004/05 draft budget on the proviso that:

- Council endorses the formation and incorporation of the new Arena Community Sport and Recreation Association;
- The Arena Community Sport and Recreation Association is granted \$540,000 from CSRFF;
- The Arena Community Sport and Recreation Association and/or WA Sports Centre Trust agrees to meet the future operating costs of the facilities included in the project; and
- The Arena Community Sport and Recreation Association being successful in securing a commercial loan for \$459,825.

Project 2

Sorrento Bowling Club

City of Joondalup	\$11,907
CSRFF	\$11,906
Sorrento Bowling Club	\$11,907

Total Project Cost \$35,720

This application is for the installation of new floodlighting sufficient for two bowling greens.

Sorrento Bowling Club is located on Percy Doyle Reserve, Duncraig. Sorrento Bowling Club currently leases a portion of Reserve No. 33894 encompassing its clubrooms and area surrounding all its bowling greens.

This application is well planned and needed by the municipality. It is considered that Council should financially support this application by contributing up to one-third of the costs. This is consistent with Council Policy 4.3.4 – “Floodlighting on Sporting Parks – Enhanced Provision of Floodlights”, amended by Council at its meeting of 26 June 2001 (CJ189-06/01 refers). It is considered that Sorrento Bowling Club should meet the operating costs of additional floodlights in accordance with the above policy.

The two state governing bodies for bowls, Bowls WA and Western Australian Ladies Bowls Association (WALBA), and the Department of Sport and Recreation recently commissioned a report entitled “Strategic Directions for Lawn Bowls Facilities in the Perth Metropolitan Region”. An outcome of this report was that three possible scenarios could be developed for the Perth Metropolitan Region bowling clubs. These ranged from “Scenario 1 clubs”

meaning that these clubs remain as stand-alone clubs or as part of a multi-sports club. Scenario 1 clubs are characterised as big, stable, profitable and have a history of good management. Sorrento Bowling Club, as well as Beaumaris and Warwick bowling clubs, was designated to be included in this scenario. At the other extreme, “Scenario 3 clubs” show a weakness in membership, financial viability or have extraordinary circumstances that will impact negatively on their long-term future.

The City encourages sporting groups to share clubrooms and pay ongoing operating and maintenance costs. Additional lighting will enhance the potential to increase physical activity of people playing lawn bowls. It will also expand the ability of the Club to use the greens and increase use and patronage of the clubrooms. The other two bowling clubs located within the City of Joondalup, Beaumaris and Warwick, have previously been approved funding for similar floodlighting projects. This project, as with the previous mentioned two clubs, will assist in making the Sorrento Bowling Club financially sustainable and able to fund future development itself, independent of Council support.

Funding details are as follows:

City of Joondalup	\$11,907
CSRFF	\$11,906
Sorrento Bowling Club	\$11,907
Total Project Cost	\$35,720

It is proposed that Council list \$11,907 for consideration in the 2004/05 draft budget on the proviso that the Sorrento Bowling Club is granted \$11,906 from CSRFF and that the Sorrento Bowling Club agrees to meet the operating costs of additional floodlights.

Project 3

Beaumaris Bowling Club

City of Joondalup	\$3,447
CSRFF	\$3,446
Beaumaris Bowling Club (cash)	\$1,946
Voluntary Labour	\$1,500
Total Project Cost	\$10,339

This application is for the provision of waterproof seating to be located around the bowling greens at the Beaumaris Bowling Club.

Beaumaris Bowling Club is located on Iluka District Open Space and is a member club of the Beaumaris Sports Association, which manages the Beaumaris Sports Club. The Sports Association consists of three member clubs, Joondalup District Cricket Club, Joondalup Lakers Hockey Club and Beaumaris Bowling Club.

The Beaumaris Bowling Club is in its third year of a five-year plan that will ultimately finalise the greens area and surrounds. The current seating is of a “park bench” type construction, which has been repeatedly repaired and repainted using likewise material. It is now at a level regarded as unsafe and uncomfortable, especially for older aged members. The proposed seating will be constructed from hardwearing, safe, weatherproof material, similar to that used at Sorrento Bowling Club. Sorrento Bowling Club installed the seating at its own expense through fundraising activities.

It is considered that this application for funding be not recommended due to the following reasons:

- The costs associated with this project are regarded as an operational expense that should be met by the Club;
- The project was regarded as ‘nice’ for the club to have rather than ‘essential’;
- Precedents to other clubs and organisations, including other bowling clubs, could be set for the provision of spectator seating / grandstands at other sporting venues, if any funding was approved;
- The project does not enhance participation levels for the sport; and
- The level of actual usage of the seating has not been defined.

Project 4

Ocean Ridge Cricket Club

This project encompasses the redevelopment of Heathridge Park to increase the usability of the oval for both the community and the local sporting clubs.

Ocean Ridge Cricket Club is located on Heathridge Park, Heathridge. The club share accommodation on both the oval and the clubrooms with 3 other local clubs (Ocean Ridge Junior Cricket Club, Ocean Ridge Amateur Football Club and Ocean Ridge Junior Football Club). Currently the cumulated membership of the four clubs total 810.

The redevelopment of the oval would allow two full-size cricket ovals, as well as two full-size football ovals during the opposite season, to be placed on the oval. This would enable more participation in sporting competitions, in both cricket and football respectively. The increased available space will assist with the growth and development of junior and senior cricket, and junior and senior football, enabling these clubs to increase the number of games and participation levels in sport at this ground.

The proposal had merit, given the state of the oval and the facilities at Heathridge Park, with good use of available ground space for the four local community based clubs. However, the assessment panel had concerns with the financial aspect of the proposed project, resulting from a lack of a justifiable project plan and scope of works. This application also should have considered and addressed the impact on the building, other user groups and the community. The project did not state where it fits within the Western Australian Cricket Association (WACA) strategic plan and had no referral regarding the on-going maintenance for the turf match and practice wickets. Consideration was not given within the proposal to excess water requirements and the functionality of the current in-ground reticulation system. There was also no reference to the additional costs in relation to the sand dune area needing essential stabilisation during the construction phase.

It is the City's recommendation, at this stage, that this project not be supported. Nevertheless, the City is mindful of the potential benefits that this project may offer to a number of sporting clubs. The decision to withdraw the project was based on the City's offer to work with the Club over the next twelve months, to develop the project in a manner that will give it the best opportunity for success in future funding rounds. The City's resources will assist the Club to ensure that any proposal presented has been properly scoped and that the financial implications are fully understood.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the details of the CSRFF applications reviewed and outlined in this report and endorse the relevant priority ranking, rating and funding recommendations allocated to each project, as stated below:

Rank	Applicant	Rating
1	Arena Community Sport and Recreation Association - Joondalup and Districts Rugby League Club - Joondalup Netball Association - Joondalup Little Athletics Centre	Well planned and needed by municipality
2	Sorrento Bowling Club	Well planned and needed by municipality
3	Beaumaris Bowling Club	Not recommended
4	Ocean Ridge Cricket Club	Withdraw application

- 2 LISTS \$480,175 for consideration in the 2004/05 draft budget as Council's part contribution towards the development of clubrooms, function room, storage, hard-stand floodlit netball courts and a redeveloped sports oval at the Arena Joondalup, subject to:

- The formation and incorporation of the Arena Community Sport and Recreation Association being endorsed by Council;
- The Arena Community Sport and Recreation Association being successful in receiving \$540,000 from a CSRFF grant;
- The Arena Community Sport and Recreation Association and/or WA Sports Centre Trust agreeing to meet the future operating costs of the facilities included in the project; and
- The Arena Community Sport and Recreation Association being successful in securing a commercial loan for \$459,825;

- 3 LISTS \$11,907 for consideration in the 2004/05 draft budget as Council's part contribution towards floodlighting, subject to the Sorrento Bowling Club being successful in receiving a CSRFF grant and that the Club agrees to meet the operating costs of additional floodlights;
- 4 ADVISES the Beaumaris Bowling Club that the project proposed is not recommended for Council support as the costs associated with this project are regarded as an operational expense that should be met by the Club;
- 5 NOTES the proposal from Ocean Ridge Cricket Club, and the City's offer to work in conjunction with the Club to develop a comprehensive project plan and scope of works to redevelop Heathridge Park, to enable the Club to be put forward an effective proposal / application in next year's round of CSRFF.

ADDITIONAL INFORMATION

Further information is provided to clarify questions raised regarding the CSRFF Report presented at the Briefing meeting held Tuesday 14 October 2003.

Question 1

Who covers the debt if there is a financial problem in the future?

The project detail has not been developed to a sufficient level to provide a definitive response. An additional recommendation has been circulated to elected members regarding this specific issue. Council's liability to the construction and future operations and maintenance of the facility will be limited to Council's once off financial contribution of \$480,175.

Question 2

Were West Perth Football Club consulted / considered to play a part in this application process?

West Perth Football Club already has facilities at the Arena that they are able to utilise. The proposal to the Council, by the Arena Community Sport and Recreation Association, is based around consolidating the infrastructure of sporting clubs who presently do use, or could potentially use, the Arena and who presently do not have suitable facilities to enable them to develop.

West Perth Football Club have been made aware of the proposed structure however they are yet to reply to the overview. The Arena would be interested in further discussions with WPFC however the opportunity has not arisen.

Question 3**Were Wanneroo Basketball Association consulted / considered to play a part in this application process?**

A feasibility study as to the needs of the Wanneroo Basketball Association has not as yet been undertaken (the draft for the project has been with the Wanneroo Basketball Association for some time). The outcomes of the needs assessment and feasibility study would need to be known before making any decisions to relocate the Wanneroo Basketball Association to the Arena.

Question 4**Why doesn't the City of Joondalup have a representative member on the WASCT Board?**

The WA Sports Centre Trust (WASCT) manages facilities such as Challenge Stadium, Speed Dome, Quit Motoplex as well as Arena. The Minister for Sport and Recreation appoints the Board of the WASCT. The representatives chosen for the board membership would have skills and experience appropriate to the needs of the WASCT. The current make up of the Board does not include a representative of any of the local authorities where the other facilities are located.

Question 5**Joondalup Brothers Rugby Union Football Club**

The Joondalup Brothers Rugby Union Club have been approached with regards to the proposed project at the Arena and provided 100% support for their club to become a major partner within the proposed facility. This would result in another sporting club and code being permanently based at Arena, providing further financial stability for the club rooms, maximising the usage of the venue and providing further secondary spend opportunities for Arena Joondalup.

MOVED Cr Baker, SECONDED Cr Kimber that Council:

- 1 NOTES the details of the CSRFF applications reviewed and outlined in this report and endorse the relevant priority ranking, rating and funding recommendations allocated to each project, as stated below:**

Rank	Applicant	Rating
1	Arena Community Sport and Recreation Association	Well planned and needed by municipality
	- Joondalup and Districts Rugby League Club	
	- Joondalup Netball Association	
	- Joondalup Little Athletics Centre	
	- Joondalup Brothers Rugby Union Football Club	

- | | | |
|----------|---------------------------------|--|
| 2 | Sorrento Bowling Club | Well planned and needed by municipality |
| 3 | Beaumaris Bowling Club | Not recommended |
| 4 | Ocean Ridge Cricket Club | Withdraw application |
- 2** **LISTS \$480,175 for consideration in the 2004/05 draft budget as Council's part contribution towards the development of clubrooms, function room, storage, hard-stand floodlit netball courts and a redeveloped sports oval at the Arena Joondalup, subject to:**
- **the formation and incorporation of the Arena Community Sport and Recreation Association being endorsed by Council;**
 - **the Arena Community Sport and Recreation Association being successful in receiving \$540,000 from a CSRFF grant;**
 - **the Arena Community Sport and Recreation Association and/or WA Sports Centre Trust agreeing to meet the future operating and maintenance costs of the facilities included in the project;**
 - **the Arena Community Sport and Recreation Association being successful in securing a commercial loan for \$459,825; and**
 - **Council's liability to this project being limited to a once-off financial contribution of \$480,175;**
- 3** **LISTS \$11,907 for consideration in the 2004/05 draft budget as Council's part contribution towards floodlighting, subject to the Sorrento Bowling Club being successful in receiving a CSRFF grant and that the Club agrees to meet the operating costs of additional floodlights;**
- 4** **ADVISES the Beaumaris Bowling Club that the project proposed is not recommended for Council support as the costs associated with this project are regarded as an operational expense that should be met by the Club; and**
- 5** **NOTES the proposal from Ocean Ridge Cricket Club, and the City's offer to work in conjunction with the Club to develop a comprehensive project plan and scope of works to redevelop Heathridge Park, to enable the Club to be put forward an effective proposal / application in next year's round of CSRFF.**

The Motion was Put and

CARRIED UNANIMOUSLY (15/0)

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

**C215-10/03 SUSPENSION OF STANDING ORDERS LOCAL LAW – [02154]
[08122] [01369]**

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

“That Council:

- 1 NOTES under Section 4.51(a) of the Local Government Act 1995 the CEO must advise the Council in relation to its functions of the local government under this Act and other written laws;
- 2 NOTES that under Section 5.41(b) of the Local Government Act 1995 the CEO must ensure that advice and information is available to the Council so that informed decisions can be made;
- 3 NOTES under Section 8.38 of the Act that if any Council member or employee of the local government has wilfully or through culpable negligence misapplied the funds or connived at or concurred in the misapplication that Council member is personally liable to pay the amount misapplied to the local government ;
- 4 NOTES that legal policy 2.2.8 is relevant to the payment of the CEO’s legal expenses in clauses Conflict of Interest, and Repayment of Assistance;
- 5 NOTES that the CEO has possibly breached the terms and conditions of his contract ;
- 6 NOTES under the Local Government Act 1995 Section 8.38 - Liability for Misapplication for Funds or Property, that monies paid by the Council for legal expenses to Mr Denis Smith is a possible misapplication of funds of a local government and that the employee is personally liable to pay the amount misapplied to the local government;
- 7 under Section 9.10 of the Act AUTHORIZES the legal firm Freehills subject to Sections 8.38, 8.40 and 8.41 to recover the funding issued to Mr Smith on 30 September 2003 (Report C204-09/03) , July 2003 (Report CJ183-07/03), June 2003 (CJ95-06/03), April 2003 (C65-04/03), and February 2003 (C10-02/03),
- 8 funding for Freehills' services to be from an appropriate account nominated by the administration;

- 9 the CEO be immediately stood down with full pay due to a possible misapplication of funds in regard to legal fees presented for reimbursement by the Council and the Council refers the matter to the Local Government authority and the Commissioner for Public Sector Management for determination.”

Discussion ensued.

Due to the nature of this motion, Chief Executive Officer then made the following Declaration of financial interest.

Chief Executive Officer declared a financial interest in Item C215-10/03 – Suspension of Standing Orders Local Law as this Item impacts on his Contract of Employment.

Chief Executive Officer left the Chamber, the time being 1940 hrs.

C216-10/03 MOTION TO GO BEHIND CLOSED DOORS - [02154] [08122]

MOVED Cr Kimber, SECONDED Cr Gollant that in accordance with Clause 5.6 of the City's Standing Orders Local Law the meeting be held behind closed doors to enable consideration to be given to Item C215-10/03 – Suspension of Standing Orders Local Law, being a matter relating to legal advice with:

**Mr Neil Douglas, Minter Ellison
Mr Clayton Higham, Director Planning and Community Development
Mr Kevin Robinson, Manager Audit and Executive Services
Mr Mark Loader, Manager Human Resources
Minute Clerk**

in attendance.

The Motion was Put and

CARRIED (9/6)

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

PERSONAL EXPLANATION – CR PROSPERO

Cr Prospero sought leave to make a personal explanation under Clause 4.5 of the City's Standing Orders Local Law. Mayor Carlos did not acknowledge this request.

Members of staff, (with the exception of Director, Planning and Community Development, Manager, Human Resources, Manager, Audit and Executive Services Minute Clerk and Mr Neil Douglas, Minter Ellison) Public and Press left the Chamber at this point, the time being 1950 hrs.

**NOTE: This page of these Minutes has been edited
to remove information which is
Confidential – Not for Publication**

C217-10/03 MEETING TO GO TO OPEN DOORS

MOVED Cr O'Brien, SECONDED Cr Hart that the meeting be now held with open doors and proceed with the items on the agenda, the time being 2000 hrs.

The Motion was Put and

CARRIED (10/5)

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

Members of staff, public and press entered the Chamber at this point, the time being 2000 hrs.

Cr Walker left the Chamber at this point, the time being 2000 hrs.

APOLOGIES AND LEAVE OF ABSENCE**C218-10/03 REQUESTS FOR LEAVE OF ABSENCE - CRS L PROSPERO AND C BAKER - [76541]**

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

Cr L Prospero	10 - 16 November 2003 inclusive
Cr C Baker	22 October – 23 November 2003 inclusive

MOVED Cr Gollant, SECONDED Cr Brewer that Council APPROVES the following requests for Leave of Absence:

Cr L Prospero	10 - 16 November 2003 inclusive
Cr C Baker	22 October – 23 November 2003 inclusive

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

COMMUNICATION OF MOTION TO PUBLIC

Manager, Audit and Executive Services advised a motion had been moved and seconded relating to a matter being considered as a matter of urgent necessity. That motion was lost.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ236-10/03 - Warrant of Payments – 30 September 2003 (Voucher No 58718 - Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Chief Executive Officer declared a financial interest in Item C215-10/03 – Suspension of Standing Orders Local Law as this Item impacts on his Contract of Employment.

Chief Executive Officer declared a financial interest in Item CJ247-10/03 – Confidential – Legal Advice on Public Comments Relating to the Standing Committee on Public Administration and Finance and Chief Executive Officer Employment related matters as this Item impacts on his Contract of Employment.

Chief Executive Officer declared a financial interest in Item C220-10/03 – Confidential – Standing Committee on Public Administration and Finance – Legal Expenses as this Item impacts on his Contract of Employment.

CONFIRMATION OF MINUTES

C219-10/03 MINUTES OF COUNCIL MEETING, 30 SEPTEMBER 2003

MOVED Cr Baker, SECONDED Cr Mackintosh that the Minutes of the Council Meeting held on 30 September 2003 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Cr Walker entered the Chamber at this point, the time being 2005 hrs.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

WORLD RUGBY CUP

Two events to celebrate the City of Joondalup's participation in the World Rugby Cup have been a great success.

On Friday, 17 October 2003, the City Welcomed the Samoan team who are based at Arena Joondalup and on Saturday, 18 October 2003 thousands turned out for the City's community rugby challenge, also at the Arena.

Another successful function that should be mentioned was the Surf Club Appreciation dinner for officials of the Sorrento and Mullaloo Surf Lifesaving Clubs held at the Civic Chambers on Friday, 17 October 2003.

KINGSLEY MEMORIAL CLUBROOMS

I am pleased to announce that the Kingsley Memorial Clubrooms will be opened on Sunday, 2 November 2003 in an official ceremony for invited guests.

Open Day for the public will be Sunday, 9 November 2003 from 10.00 am to 4.00 pm.

The clubrooms, in which the City has invested \$150,000, will be a fitting and permanent memorial to residents of the City of Joondalup who lost their lives in Bali.

PETITIONS

Nil

C220-10/03 ALTERATION TO ORDER OF BUSINESS AND MEETING TO BE HELD BEHIND CLOSED DOORS – [02154]

MOVED Cr Gollant, SECONDED Cr Brewer that:

- 1 in accordance with Clause 3.2 of the City's Standing Orders Local Law the order of business for this evening's meeting be altered to enable the following items to be CONSIDERED at this point:**
 - (a) CJ247-10/03 – Legal Advice on Public Comments Relating to the Standing Committee on Public Administration and Finance and Chief Executive Officer related matters;**
 - (b) C221-10/03 – Standing Committee on Public Administration and Finance – Legal Expenses;**

- 2 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:**
 - (a) CJ247-10/03 – Legal Advice on Public Comments Relating to the Standing Committee on Public Administration and Finance and Chief Executive Officer related matters, being a matter relating to legal advice, with the Director Planning and Community Development, Manager Human Resource Services, the Minute Clerk and Mr Neil Douglas of Minter Ellison, Lawyers, in attendance;**
 - (b) C221-10/03 – Standing Committee on Public Administration and Finance – Legal Expenses, being a matter relating to legal advice, with the Director Planning and Community Development, Manager Audit and Executive Services and the Minute Clerk in attendance.**

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

“3 Mr Steve Cole, Department of Local Government, be invited to remain in the Chamber during the closed doors session.”

To a Point of Order from Cr Baker in relation to comments made by Cr Hollywood with respect to the City’s Solicitors, Mayor Carlos advised this was not a Point of Order.

MOVED Cr Baker, SECONDED Cr Kenworthy that the Meeting DISSENT with the Mayor's ruling.

The Motion was Put and

CARRIED (9/6)

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

To a request from Mayor Carlos, Cr Hollywood withdrew inappropriate remarks he had made in relation to the City’s Solicitors.

To a Point of Order from Cr Gollant that Cr Hart withdraw inappropriate remarks made towards Cr Gollant and certain elected members, Mayor Carlos advised this was not a Point of Order.

MOVED Cr Kenworthy, SECONDED Cr Baker that that the Meeting DISSENT with the Mayor's ruling.

Cr Hart withdrew comments making reference to a perceived faction within Council.

The Motion was Put and

CARRIED (10/5)

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

The Amendment as Moved by Cr Walker, Seconded by Cr Caiacob was Put and

LOST (6/9)

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

The Motion as Moved by Cr Gollant, Seconded by Cr Brewer was Put and

CARRIED (10/5)

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

Members of staff, (with the exception of Director, Planning and Community Development, Manager, Human Resources, Minute Clerk and Mr Neil Douglas, Minter Ellison) Public and Press left the Chamber at this point, the time being 2015 hrs.

Crs Baker and Gollant left the Chamber at this point, the time being 2015 hrs.

Chief Executive Officer declared a financial interest in Item CJ247-10/03 – Confidential – Legal Advice on Public Comments Relating to the Standing Committee on Public Administration and Finance and Chief Executive Officer Employment related matters as this Item impacts on his Contract of Employment;

**CJ247 - 10/03 CONFIDENTIAL – LEGAL ADVICE ON PUBLIC
COMMENTS RELATING TO THE STANDING
COMMITTEE ON PUBLIC ADMINISTRATION AND
FINANCE AND CHIEF EXECUTIVE OFFICER
EMPLOYMENT RELATED MATTERS**

WARD – All

This Item Is Confidential - Not For Publication

A full report was provided to Elected Members under separate cover upon receipt of legal advice.

Cr Baker entered the Chamber at this point, the time being 2016 hrs.

MOVED Cr Kimber, SECONDED Cr Baker that the Council:

1 NOTES that at its meeting on 9 September 2003, the Council reaffirmed the terms of its resolution of 24 June 2003 which stated, in part, that it:

'DETERMINES that it is in the interests of the City, including the good governance of the City, that:

- (a) issues relating to the selection and appointment of the CEO, including his academic qualifications, should not be questioned or pursued any further;**
- (b) the Mayor and individual Councillors should make no further public statements in relation to these issues;**

REITERATES its previously expressed strong support for and full confidence in Mr Denis Smith as the City's CEO (see resolutions of 17 December 2002 and 18 February 2003).'

2 NOTES that, also at its meeting on 9 September 2003, the Council formally:

- (a) directed the Mayor and individual Councillors to comply with their statutory obligations and the duties of their offices and, therefore, to comply with the terms of the Council's resolutions of 24 June 2003 and 9 September 2003; and**

- (b) noted that any future public statements or actions of the Mayor or a Councillor on this issue would be unauthorised, contrary to the interests of the City, and in breach of the statutory duties and the duties of office of the Mayor or the Councillor.
- 3 NOTES that, despite these clear directions by the Council, on behalf of the City:
- (a) the Mayor has continued to make public statements on issues relating to the selection and appointment of the CEO, including his academic qualifications; and
- (b) the Mayor's public statements, in relation to these issues, promote his own personal views which are directly and fundamentally opposed to the lawfully and properly expressed determination of the Council, which is the City's decision making body.
- 4 NOTES AND ACCEPTS the City's legal advice that the Mayor, by making these public statements, has exceeded his statutory powers and is in breach of his duties of office that he undertook to fulfil in his formal declaration on being elected to the position of Mayor.
- 5 NOTES AND ACCEPTS, on the basis of the City's legal advice, that the Mayor's repeated failures to act in accordance with the Council's resolutions of 24 June 2003 and 9 September 2003:
- (a) are deliberate refusals to accept the lawful and proper exercise of the Council's decision-making powers;
- (b) undermine the lawful authority of the City's duly elected Council;
- (c) have adversely affected the City's reputation;
- (d) have adversely affected the functioning of the City; and
- (e) have exposed and, if repeated, will continue to expose the City to a risk of legal liability for damages to the extent that the Mayor's statements and actions can or might be attributed to the City.
- 6 NOTES AND ACCEPTS the City's legal advice that it is imperative, in the interests of the City and its ratepayers, that the Council takes prompt and decisive action to distance itself from the Mayor's statements and actions that are inconsistent with the Council resolutions of 24 June 2003 and 9 September 2003.
- 7 CENSURES the Mayor for his public statements that are in breach of the Council's resolutions of 24 June 2003 and 9 September 2003.
- 8 REAFFIRMS the terms of its resolution of 9 September 2003.

- 9 **DIRECTS the Mayor and individual Councillors to comply with their statutory obligations and their duties of office and, therefore, to comply with the terms of this resolution and the Council's resolutions of 24 June 2003 and 9 September 2003.**
- 10 **APPOINTS and AUTHORISES Cr O'Brien:**
- (a) **to speak on behalf of the City on all matters relating to the employment of the CEO; and**
- (b) **to ensure that, on any future occasion on which Mayor Carlos, or a Councillor, makes a public statement relating to the employment of the CEO, the media is to be informed:**
- (ii) **of the text or substance of the relevant Council resolutions; and**
- (iii) **that the offending statement is made without authority, contrary to the interests of the City, and in breach of the statutory duties and the duties of office of the Mayor or the Councillor concerned.**
- 11 **APPOINTS AND AUTHORISES Cr O'Brien to constitute a delegation to the Premier and the Minister for Local Government and Regional Development to explain the City's position on these matters.**
- 12 **AUTHORISES City officers to forward to the Standing Committee on Public Administration and Finance a copy of the transcripts of the Mayor's media comments made on 7 and 8 October 2003, for the Committee's information and to enable it to take whatever action it considers to be necessary.**

Cr Gollant entered the Chamber at this point, the time being 2017 hrs.

Discussion ensued.

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Cr Nixon and the Manager Human Resource Services left the Chamber at this point, the time being 2138 hrs.

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The Manager Audit and Executive Services entered the Chamber at this point, the time being 2139 hrs.

Mr Neil Douglas of Minter Ellison, Lawyers, left the Chamber at this point, the time being 2140 hrs.

Chief Executive Officer declared a financial interest in Item C220-10/03 – Confidential – Standing Committee on Public Administration and Finance – Legal Expenses as this Item impacts on his Contract of Employment.

C221-10/03 CONFIDENTIAL - STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE - LEGAL EXPENSES

WARD – All

This Item Is Confidential - Not For Publication

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

MOVED Cr Baker, SECONDED Cr Kimber that Council APPROVES the request submitted by the CEO, seeking an additional amount of \$8,404.12 excluding GST for legal expenses associated with his attendance at the Standing Committee on Public Administration and Finance Inquiry, particularly in circumstances where Councillors have had the benefit of legal representation, including the Mayor.

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The Motion Moved by Cr Baker and Seconded by Cr Kimber was Put and CARRIED (9/5)

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

C222-10/03 MEETING TO GO TO OPEN DOORS

MOVED Cr O'Brien, SECONDED Cr Hart that:

1 the Meeting be now held with open doors;

- 2 in accordance with clause 5.1 of the City's Standing Orders Local Law, the meeting be **ADJOURNED** for a period of five (5) minutes, the time being 2146 hrs.

The Motion was Put and

CARRIED

The meeting **RESUMED WITH OPEN DOORS** at 2155 hrs, with members of staff, the public and press, and the following elected members being present:

MAYOR D CARLOS
CR L PROSPERO
CR P KIMBER
CR C BAKER
CR T BREWER
CR J F HOLLYWOOD, JP
CR A WALKER
CR P ROWLANDS
CR M O'BRIEN, JP
CR S HART
CR G KENWORTHY
CR J GOLLANT
CR M CAIACOB
CR C MACKINTOSH

In accordance with the City's Standing Orders Local Law, the Manager Audit and Executive Services read the motions in relation to the following:

CJ247-10/03 – Confidential – Legal Advice on Public Comments Relating to the Standing Committee on Public Administration and Finance and Chief Executive Officer Employment related matters;

C221-10/03 – Confidential – Standing Committee on Public Administration and Finance – Legal Expenses.

PERSONAL EXPLANATION – CR HOLLYWOOD

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

“Mr Mayor, I would like to make it known that I strongly disagree with our lawyer's opinion on this item and I will be seeking my own legal advice tomorrow, and also approaching the Parliamentary Inquiry Committee lawyer to see if I can make the statements I made to the Committee that has already been made in public and I can speak to the Press about them.”

COUNCIL DECISION – EN BLOC RESOLUTION NO 1

Cr O'Brien requested that Council first deals with certain Items by EN-BLOC method.

Mayor Carlos advised it was more appropriate that each Item be considered individually.

**CJ226 - 10/03 TENDER NUMBER 001-03/04 - ARCHITECTURAL
CONSULTANCY AND DESIGN SERVICES FOR THE
DEVELOPMENT OF THE NEW WORKS DEPOT –
[76544]**

WARD - All

PURPOSE

To seek approval to accept the tender submitted by James Christou and Partners Architects (JCPA) to provide the architectural consultancy and design services for the Development of the New Works Depot.

EXECUTIVE SUMMARY

Tender No 001-03/04 for the Architectural Consultancy Services for the Development of the New Works Depot was advertised through statewide public tender on Wednesday 9 July 2003 and closed on Wednesday 30 July 2003.

It is recommended that Council:

- 1 *ACCEPTS the tender from James Christou and Partners Architects, Contract No 001-03/04 for the architectural consultancy and design services for the development of the New Works Depot in accordance with the Fee Schedule and Fee Scale Curve.*
- 2 *AUTHORISES the commencement of works subject to Council approval of the concept design and the project construction budget.*
- 3 *NOTES, subject to item 2 above the appointment of sub consultants by James Christou and Partners. The sub-consultants will include the following disciplines:*
 - *Structural & Civil Engineering;*
 - *Electrical, Communication and Security Services;*
 - *Mechanical Services;*
 - *Fire Protection Service;*
 - *Hydraulic Services;*
 - *Acoustics Engineer;*
 - *Environmental Consultant*
- 4 *AUTHORISES the execution under common seal of the contract document.*

BACKGROUND

As a result of the split of the former City of Wanneroo, The City of Joondalup was required to enter into a lease arrangement to use part of the City of Wanneroo's Depot in Ashby until a permanent facility was established.

The Works Depot is required to support the City's outside workforce, which is responsible for the maintenance of roads, drainage, council buildings and other infrastructure. The Depot is used for storage of plant and equipment, storage of materials and the assembly and direction of worker's tasks.

The establishment of depot facilities will provide security of tenure and a location from which the City can manage its external maintenance operations. The community will benefit from increased business opportunities arising from the workforce being located in the City.

The proposed land is situated within the Joondalup City Centre, with the northern-most point being the intersection of Joondalup Drive and Grand Boulevard/Hodges Drive (Attachment 1).

The area is situated to the southeast of the existing Joondalup Business Park, located to the north is Hodges Drive and The Gateway mixed business area to the south. The Edith Cowan University is located adjacent to the subject area, on the northeastern side of Joondalup Drive. The residential suburb of Edgewater is located to the east, with rear property fences abutting the Joondalup Drive road reserve. To the west is the Mitchell Freeway.

A Request for Tender (No. 001-03/04) for Architectural Consultancy Services was advertised by the City of Joondalup on Wednesday 9 July 2003.

DETAILS

The Tender period closed on Wednesday 30 July 2003.

Proposals were received from:

- Bollig Design Group;
- GHDA Architects;
- Hames Sharley;
- Holton Connor Architects and Planners;
- James Christou & Partners Architects;
- Jones Coulter Young Architects; and
- Palassis Architects.

Under the City's Contract Management Framework, the tenders were assessed by the evaluation committee using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

As set out in the brief, the proposal assessment was undertaken in 3 stages:

- Stage 1 - Assessment of contractual conditions and conflicts of interest, with complying proposals proceeding to the next stage.
- Stage 2 - Assessment of weighted criteria.
- Stage 3 - Assessment of non-weighted criteria (fees).

Stage 1

All proposals were deemed to be in compliance with, and conforming to, the assessment requirements and therefore proceeded to Stage 2.

Stage 2

Each member of the Evaluation Team assessed the Tenderer's first envelope individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel who will be involved in this project for the duration
- Nominate your proposed sub consultants who will carry out the mechanical, electrical, fire, hydraulic, hazardous materials, civil and structural engineering design services and their Qualifications, Skills and Experience
- Equipment and Staff Resources available
- Percentage of Operational Capacity represented by this work
- Financial Capacity
- Compliance with tender requirements – insurances, licenses etc
- Quality Systems
- Time required to Deliver/Complete contract
- Post Contract Services offered

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects. Details of previous projects should include, but not necessarily limited to, description, location, original and final contract/construction amounts, date, duration, client, role on project (e.g. head consultant, project manager, etc). Details of innovative design approaches to reduce cost or enhance the quality of previous similar projects should also be included.
- Past Record of Performance and Achievement with the City of Joondalup
- Past Record of Performance and Achievement with other clients
- References from past and present clients

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- The Potential Social and Economic Effect of the tender on the West Australian community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup
- Value Added items offered by tenderer
- Sustainability/Efficiency/Environmental

Project Methodology

- Highlight key issues in relation to the Services with specific reference to the requirements of the Consultant Brief and outline your approach to addressing these key issues.
- To demonstrate your understanding of the requirements of the Brief, your response should illustrate your approach to design considerations with respect to incorporation of Ecologically Sustainable Design principles and concepts, emphasis on the site's "Gateway" location with respect to aesthetics, and how these issues can be responsibly incorporated into a functional and efficient design for a Works Depot.
- Your response should also focus on key points of difference offered by your firm. Provide examples of previous success in addressing similar issues on previous projects carried out by staff nominated for this project.
- The above methodology should include your proposed consultation plan/strategy as part of the design briefing process.

The two highest ranked tenderers, James Christou & Partners Architects and Jones Coulter Young, were invited to give a presentation on their understanding of the requirements of the brief and clarify their submissions to a joint sitting of the Evaluation Panel and the Executive Management Team.

James Christou demonstrated the greatest understanding of the processes required by the City to arrive at the desired outcome and demonstrated the greatest commitment to a thorough consultation process.

Stage 3

Fees and overall value for money were addressed in this stage.

The brief required tenderers to submit a Fee Schedule and a Fee Curve rather than a lump sum fee. This enables the City to have certainty on consultant fees should the construction budget not be as anticipated. For comparison purposes the following fees were based on a construction value of six million dollars (\$6,000,000):

	Lump Sum Component for Concept Design	Total Fees (inc. sub-consultants and lump sum component)	% (based on \$6m construction cost)
Holton Connor	48,000.00	336,450.00	5.6
GHDA Pty Ltd	34,800.00	348,000.00	5.8
James Christou & Partners	44,000.00	369,581.00	6.15
Jones Coulter Young	45,045.00	422,800.00	7.0
Hames Sharley	63,623.00	461,210.00	7.7
Palassis Architects	150,000.00	505,580.00	8.4
Bollig Design Group	68,350.00	599,160.00	10.0

For a project of this nature it is expected that a reasonable fee range would be from 5 to 8%. The submitted fees range from 5.6 to 10%.

The fee submission from James Christou & Partners at 6.15% is at the lower end of the expected scale of fees.

It was clear to the selection panel that the submission offered by James Christou & Partners was the most favourable to the City for this project based on the demonstrated understanding and requirement of the project and their competitive fee to undertake the project. (Attachment 2 – Fee Schedule.)

POLICY 2.4.6 PURCHASING GOODS AND SERVICES

The City's policy on purchasing goods and services encourages the participation of local businesses in the purchasing and tendering process. None of the Tenderers were local businesses.

Financial Implications:

The total estimated cost of the development of the New Works Depot is \$10,849,900 (inclusive of land) split in the 5 Year Plan as follows:

02/03	Actual	\$13,000
03/04	Budget	\$3,986,900
04/05	Estimate	\$6,700,000
05/06	Estimate	\$145,000
06/07	Estimate	\$5,000
		10,849,900

COMMENT

In evaluating the Tender documents, the weighted matrix, the Fee Proposals, and the interviews, the Evaluation Team recommend that James Christou and Partners Architects be nominated as the preferred consultancy due to:

- Highest rating proposal in relation to the selection criteria;
- Proposal conformance and detail;
- Demonstrated understanding of the City of Joondalup's requirements for the project; and
- A clearer and best suited methodology to the design process.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Fee Schedule and Fee Scale Curve extract

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 ACCEPTS the tender from James Christou and Partners Architects, Contract No 001-03/04 for the architectural consultancy and design services for the development of the New Works Depot in accordance with the Fees Schedule and Fee Scale Curve forming Attachment 2 to Report CJ226-10//03;**
- 2 AUTHORISES the commencement of works subject to Council approval of the concept design and the full project construction budget;**
- 3 NOTES subject to Item 2 above the appointment of sub consultants by James Christou and Partners. The sub-consultants will include the following disciplines:**
 - **Structural & Civil Engineering;**
 - **Electrical, Communication and Security Services;**
 - **Mechanical Services;**
 - **Fire Protection Service;**
 - **Hydraulic Services;**
 - **Acoustics Engineer**
 - **Environmental Consultant**
- 4 AUTHORISES the execution of the contract documents under common seal.**

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf141003.pdf](#)

CJ227 - 10/03 TENDER NUMBER 005-03/04 - SUPPLY AND MAINTENANCE OF BOREHOLE PUMPS AND VERTICAL LINESHAFT PUMPS FOR THE CITY OF JOONDALUP – [85547]

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by Western Irrigation Pty Ltd for the Supply and Maintenance of Borehole Pumps and Vertical Lineshaft Pumps for the City of Joondalup, in accordance with the Schedule of Rates for Tender Number 005-03/04 for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised 6 August 2003 through statewide public tender for the Supply and Maintenance of Borehole Pumps and Vertical Lineshaft Pumps. Tenders closed on 21 August 2003. Three submissions were received from the following, Western Irrigation Pty Ltd, HydroEngineering Pty Ltd and Turbo Master Pumps.

It is recommended that Council ACCEPTS the tender from Western Irrigation Pty Ltd for the Supply and Maintenance of Borehole Pumps and Vertical Lineshaft Pumps in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

BACKGROUND

Turbo Master Pumps have supplied the borehole pumping units to the City of Joondalup for an extended period of time. All three tenderers have had a long-term involvement in the industry.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994 the Tenders were assessed by an evaluation committee using, a weighted multi-criterion assessment system.

The Selection Criteria for this tender was as follows:

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects. Details should include:

- Past Record of Performance and Achievement with a Local Government.
- Past Record of Performance and Achievement with other clients.
- Level of Understanding of tender documents and work required.
- References from past and present clients.
- Ability to provide usage and expenditure information.
- Ability to provide electronic pricing schedules

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

For evaluation purposes, Western Irrigation Pty Ltd, HydroEngineering Pty Ltd and TurboMaster Pumps were assessed based on the information provided in each submission. The unit prices for each tender were totalled to determine the overall value for evaluation purposes. Western Irrigation Pty Ltd ranked first on the qualitative criteria and the quantitative criteria and as a result ranked first overall.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F& G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F& G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received none are located with the City of Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval, the Contract will commence from 27 October 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

Western Irrigation completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Brewer that Council ACCEPTS the tender from Western Irrigation Pty Ltd in accordance with the Schedule of Rates forming Attachment 1 to Report CJ227-10/03 and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf141003.pdf](#)

**CJ228 - 10/03 TENDER NUMBER 006-03/04 SUPPLY & DELIVERY
OF PVC PIPES AND FITTINGS AND SPRINKLERS –
[86547]**

WARD - All

PURPOSE

To seek Council approval to accept the tenders submitted by Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) and Sanpoint Pty Ltd trading as Custom Irrigation for the Supply & Delivery of PVC Pipes and Fittings and Sprinklers in accordance with the Schedule of Rates for Tender number 006-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Supply & Delivery of PVC Pipes and Fittings and Sprinklers. Tenders closed on 21 August 2003. Four submissions were received from: Layogala Pty Ltd trading as Hugall & Hoile (Joondalup), Elliots Irrigation, Sanpoint Pty Ltd trading as Custom Irrigation and Total Eden.

It is recommended that Council ACCEPTS the tenders from Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) and Sanpoint Pty Ltd trading as Custom Irrigation for the Supply & Delivery of PVC Pipes and Fittings and Sprinklers in accordance with the schedule of rates (refer Attachment 1 extract) and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

BACKGROUND

Following the split of the former City of Wanneroo, the City of Joondalup have utilised direct local suppliers in preference to an in-house store facility. This process has proved successful with minimal difficulties being encountered. Two suppliers were awarded the tender to provide access and minimum travel time for the reticulation maintenance employees.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects. Details should include:
- Past Record of Performance and Achievement with a Local Government.
- Past Record of Performance and Achievement with other clients.

- Level of Understanding of tender documents and work required.
- References from past and present clients.
- Ability to provide usage and expenditure information.
- Ability to provide electronic pricing schedules

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

The tenders submitted by Elliots Irrigation and Total Eden offered qualifications, conditions and terms, which were considered alternative tenders by the evaluation team. Under the terms of the Conditions of Tendering '*All alternative tenders must be accompanied by a conforming tender and shall include a fully detailed description and shall state clearly the manner in which it differs from that specified and must be clearly marked Alternative tender*' In each case an conforming tender was not provided.

In order to measure the rates equally the full schedule of rates containing 502 items were totalled.

Clarification was sought from all tenderers to determine that they fully complied with all the requirements under the tender. Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) and Sanpoint Pty Ltd trading as Custom Irrigation confirmed that they fully complied and that they are prepared to hold their current rates for three years subject to a price variation in line with the consumer price index for the extension period of years two and three. The extension period is subject to an annual review and satisfactory performance.

Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) ranked first on the qualitative criteria, and quantitative criteria.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) is located in Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval, the Contract will commence from 27 October 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) and Sanpoint Pty Ltd trading as Custom Irrigation completed the Schedule of Rates and demonstrated that they have the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

An extract from the schedule of rates of the most commonly used items, has been provided under Attachment 1 to this Report.

ATTACHMENTS

Attachment 1 Schedule of Rates extract

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council ACCEPTS the tender from Layogala Pty Ltd trading as Hugall & Hoile (Joondalup) and Sanpoint Pty Ltd trading as Custom Irrigation for the Supply & Delivery of PVC Pipes and Fittings and Sprinklers in accordance with the Schedule of Rates forming Attachment 1 to Report CJ228-10/03 and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3agn141003.pdf](#)

**CJ229 - 10/03 TENDER NUMBER 007-03/04 - GENERAL
MAINTENANCE OF STORMWATER SUMPS –
[87547]**

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by Conquest Earthworks for the General Maintenance of Stormwater Sumps in accordance with the Schedule of Rates for Tender Number 007-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Maintenance of Stormwater Sumps. Tenders closed on 21 August 2003. Three submissions were received from: AUM Services Pty Ltd, Conquest Earthworks and Pondplan.

It is recommended that Council ACCEPTS the tender from Conquest Earthworks for the General Maintenance of Stormwater Sumps in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

BACKGROUND

The Contract involves the maintenance of 199 sumps located throughout the 22 suburbs of the City. This work has traditionally been undertaken by 30% in-house labour and 70% by various specialist contractors. The tender was designed to identify a single contractor to undertake the variety of maintenance involved.

Conquest Earthworks were successful in winning the previous tender 026-00/01. During the term of the contract Conquest Earthworks demonstrated that they have the capability and capacity to provide the required services to the City. All works assigned to Conquest Earthworks were completed within the schedule time and met the City's standard.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a local government
- Past Record of Performance and Achievement with other clients
- Level of Understanding of tender documents and work required
- References from past and present clients

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available
- Compliance with tender requirements – insurances, licenses, site inspections etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record.
- Provide electronic pricing schedules to upload into the City's purchasing system

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

For evaluation purposes, AUM Services Pty Ltd, Conquest Earthworks and Pondplan were assessed based on the information provided in each submission. The unit prices for each tender were totalled to determine the overall value for evaluation purposes. Conquest Earthworks ranked first on the qualitative and quantitative criteria. As a result of the evaluation Conquest Earthworks ranked first overall.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, AUM Services Pty Ltd is located within the boundaries of the City of Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval, the Contract will commence from 27 October 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council ACCEPTS the tender from Conquest Earthworks for the General Maintenance of Stormwater Sumps in accordance with the Schedule of Rates forming Attachment 1 to Report CJ229-10/03 and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf141003.pdf](#)

**CJ230 - 10/03 TENDER NUMBER 008-03/04 - DRILLING,
DEVELOPING AND TESTING OF BORES – [86547]**

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by Wintergreene Drilling for the Drilling, Developing and Testing of Bores in accordance with the Schedule of Rates for Tender number 008-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Drilling, Developing and Testing of Bores. Tenders closed on 21 August 2003. Two submissions were received from Western Irrigation Pty Ltd and Wintergreene Drilling.

It is recommended that Council ACCEPTS the tender from Wintergreene Drilling for the Drilling, Developing and Testing of Bores in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

BACKGROUND

For the past fifteen years Wintergreene Drilling have successfully undertaken drilling and redevelopment of bore holes for the City.

Operation Services install up to 5 new bores as part of the Dry Park Development program and redevelop between 20 to 25 existing bores as part of the annual maintenance program.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a local government
- Past Record of Performance and Achievement with other clients
- Level of Understanding of tender documents and work required
- References from past and present clients

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available
- Compliance with tender requirements – insurances, licenses, site inspections etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record.
- Provide electronic pricing schedules to upload into the City's purchasing system

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup

Tendered Price/s:

- The Price to Supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

For evaluation purposes, Western Irrigation Pty Ltd and Wintergreene Drilling were assessed based on the information provided in each submission. The unit prices for each tender were totalled to determine the overall value for evaluation purposes. Western Irrigation Pty Ltd ranked first on the qualitative criteria, and Wintergreene Drilling ranked first on the quantitative criteria. The percentage scores of the qualitative and quantitative criteria were totalled and as a result Wintergreene Drilling ranked first overall.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, Wintergreene Drilling is located in Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval, the Contract will commence from 27 October 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

Wintergreen Drilling completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Brewer, SECONDED Cr Baker that Council ACCEPTS the tender from Wintergreene Drilling for the Drilling, Development and Testing of Bores in accordance with the Schedule of Rates forming Attachment 1 to Report CJ230-10/03 and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf141003.pdf](#)

**CJ231 - 10/03 TENDER NUMBER 009-03/04 LAYING OF BRICK
PAVERS – [89547]**

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted by Tapps Contracting for the Laying of Brickpavers in accordance with the Schedule of Rates for Tender Number 009-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Laying of Brickpavers. Tenders closed on 21 August 2003. Three submissions were received from: All Style Paving, The Red and The Green and Tapps Contracting.

It is recommended that Council ACCEPTS the tender from Tapps Contracting for the Laying of Brickpavers in accordance with the Schedule of Rates (Refer Attachment 1) and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

BACKGROUND

Tapps Contracting were successful in winning the previous Tender 105B-99/00. In the past three years Tapps Contracting have demonstrated that they provide a quality service. All works assigned to Tapps Contracting have been completed within the schedule time and the works provided have met the City's standard. Each project assigned to Tapps Contracting has come in within the specified budget. Any remedial work has been rectified within the required response time.

DETAILS

The current works program contains a significant brickpaving component and the ability to commence and complete works within a specific time period is essential.

Rates provided by Tapps Contracting

ITEM	DESCRIPTION	UNIT	RATE (\$/m ²)
1	Prepare site (boxing out), supply bedding sand, prepare bedding sand and lay brick pavers in accordance with Specification	m ²	\$19.50
2	Supply bedding sand, prepare bedding sand and lay brick pavers in accordance with Specification	m ²	\$15.00
3	Prepare bedding sand and lay brick pavers in accordance with Specification.	m ²	\$12.50
4	Remove existing brick paving and stack on pallets (pallets supplied by Principal's representative)	m ²	\$7.30
5	Remove existing brick pavers and relay in accordance with Specification (applicable where verge paving to blend with the new level)	m ²	\$26.80

The major portion of work incorporates Items 1 and 2 for new works. Items 3,4 and 5 apply for restoration works within existing paved areas, e.g. City Centre repairs, resurfacing works etc.

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a local government
- Past Record of Performance and Achievement with other clients
- Level of Understanding of tender documents and work required
- References from past and present clients

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available
- Compliance with tender requirements – insurances, licenses, site inspections etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record.
- Provide electronic pricing schedules to upload into the City's purchasing system

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

For evaluation purposes, All Style Paving, The Red and The Green and Tapps Contracting were assessed based on the information provided in each submission. The unit prices for each tender were totalled to determine the overall value for evaluation purposes. All Style Paving ranked first on the qualitative criteria, and Tapps Contracting ranked first on the quantitative criteria. The percentage scores of the qualitative and quantitative criteria were totalled and as a result Tapps Contracting ranked first overall.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, All Style Paving is located within the boundaries of the City of Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval the Contract will commence from 27 October 2003 for a maximum period of three years subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

Tapps Contracting completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

In relation to the above report, which is being considered by Council this evening, the City has evidence that one of the tenderers (All Style Paving) has been in contact with a Councillor in order to put a case in favour of them being awarded the tender.

This is a clear breach of the terms and conditions of tender which states in clause 1.7.14 Canvassing of Councillors -

"If a Tenderer canvasses any Elected Member of Council or Council Staff whether personally or by an agent with a view to influencing the acceptance of any Tender, regardless of the outcome of such influence, the Tenderer will be rejected."

As a result, and from a probity perspective, All Style Paving has disqualified itself, whether intentionally or otherwise, from the tender acceptance process and their tender submission cannot be taken into account by Council.

It should be noted that this will have no direct bearing on the outcome of this tender as the canvassing occurred after the assessment process had taken place and All Style Paving was not the recommended tenderer in any event.

MOVED Cr Baker, SECONDED Cr Mackintosh that Council ACCEPTS the tender from Tapps Contracting for the Laying of Brickpavers in accordance with the Schedule of Rates forming Attachment 1 to Report CJ231-10/03 and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf141003.pdf](#)

PERSONAL EXPLANATION – CR KIMBER

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

"Mr Mayor, I believe my statement is purely one of facts. An error that occurred on my behalf with respect to this, Mr Mayor. The applicant contacted me from advice received and I forwarded all Councillors and staff an email with respect to perhaps reviewing this Item. As a consequence to that, the applicant's tender became disqualified and that was rules new to me and also new to the applicant.

Mr Mayor, for future information, this applicant is a local business, employs local and it is a shame we didn't give him the opportunity to secure this tender."

**CJ233 - 10/03 TENDER NUMBER 011-03/04 - SUPPLY &
INSTALLATION OF PLAY EQUIPMENT
COMPONENTS FOR PARKS – [13548]**

WARD - All

PURPOSE

To seek the Council approval to reject all tenders received for the Supply & Installation of Play Equipment Components for Parks, Tender Number 011-03/04 and recall tenders.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Supply & Installation of Play Equipment Components for Parks. Tenders closed on 21 August 2003. Three submissions were received from: Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment.

It is recommended that Council REJECTS all tenders received from Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment for the Supply & Installation of Play Equipment Components for Parks, Tender number 011-03/04 and recalls tenders.

BACKGROUND

Forpark Australia have been providing the service for the past three years under Contract number 043-99/00. Forpark Australia have met all the requirements during the Contract period.

Under Contract number 043-99/00 the City prepared the sandpits prior to installation of the play equipment, which caused safety and installation issues. Under a variation to the contract during the second and third terms of the Contract Forpark Australia prepared and installed the sandpits.

DETAILS

Under the City's Contract Management Framework and the Code of Tendering AS 4120-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

Performance and Experience of Tenderer in completing similar projects:

- Relevant Industry Experience, including details of similar work undertaken. Tenderers shall submit a Detailed Schedule of Previous Experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a local government

- Past Record of Performance and Achievement with other clients
- Level of Understanding of tender documents and work required
- References from past and present clients

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available
- Compliance with tender requirements – insurances, licenses, site inspections etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record.
- Provide electronic pricing schedules to upload into the City's purchasing system

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup

Tendered Price/s:

- The Price to Supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

In response to the selection criteria contained in the request for tender, each tenderer must specify if the submission complies with the specification contained in the request. Each tenderer failed to provide all the information required under the tender specification. Clarification was sought from each tenderer on whether they fully complied with the specification, in relation to picnic shelters, sandpits, spare parts and warranty. Each tenderer provided prices for the omissions relevant to their submission as a result of the request for clarification by the City. The omissions in each case were of a different nature.

Previous legal advice has supported the decision of the evaluation team to reject all tenders, based on new prices being submitted after the tender closing time and date.

As a result of the new prices submitted after tender closing time and date and during the evaluation of tenders, all tenders are classified as late tenders.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance or rejection of tenders of \$100,000.

COMMENT

The tenders were assessed in accordance with *Regulation 18(4)* of the *Local Government (Functions & General) 1996* and determined by the evaluation team that the tenders submitted did not fully meet the specification in the request for tender. It is proposed to reject all tenders, commence a fresh tender process and provide all parties with equal opportunity to lodge a tender in accordance with the terms and specification of the new request for tender.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Rowlands that Council REJECTS all tenders received from Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment for the Supply & Installation of Play Equipment Components for Parks, Tender Number 011-03/04 and recalls tenders.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

**CJ232 - 10/03 TENDER NUMBER 010-03/04 – DRAINAGE GULLY
MAINTENANCE CLEANING WITHIN THE CITY OF
JOONDALUP – [12548]**

WARD - All

PURPOSE

To seek Council approval to accept the tender submitted Clean Sweep for the Drainage Gully Maintenance Cleaning within the City of Joondalup in accordance with the Schedule of Rates for Tender Number 010-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 6 August 2003 through statewide public tender for the Drainage Gully Maintenance Cleaning Within The City of Joondalup. Tenders closed on 21 August 2003. One tender was received from Asteranch Pty Ltd trading as Cleansweep.

It is recommended that Council ACCEPTS the tender from Asteranch Pty Ltd trading as Cleansweep for the Drainage Gully Maintenance Cleaning within the City of Joondalup in accordance with the schedule of rates and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

BACKGROUND

Asteranch Pty Ltd trading as Cleansweep was successful with the previous contract 034-99/00 for Drainage Gully Maintenance Cleaning and has successfully undertaken the works in accordance with council requirements.

DETAILS

Tender 010-03/04 requires the supplier to provide prices for the inspection and cleaning of drainage gullies.

One tender was received which was assessed using a multi-criterion selection and evaluation process considering the tender price, tender's resources and local content and tender's ability to meet the requirement of the contract.

The Selection Criteria for this tender was as follows:

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects. Details should include:
- Past Record of Performance and Achievement with a Local Government.
- Past Record of Performance and Achievement with other clients.
- Level of Understanding of tender documents and work required.
- References from past and present clients.
- Ability to provide usage and expenditure information.
- Ability to provide electronic pricing schedules

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure
- Qualifications, Skills and Experience of Key Personnel
- Equipment and Staff Resources available

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community

Tendered Price/s:

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Asteranch Pty Ltd trading as Cleansweep has the capacity to undertake all works required and complied with all requirements of the Request for Tender.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F&G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders of \$100,000.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; no tender was received from a business located in Joondalup.

Financial Implications:

Expenditure is in accordance with the Operations Services annual Maintenance Budget and Capital Works Budget as authorised by Council.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval, the Contract will commence from 27 October 2003 for a maximum period of three years, subject to satisfactory annual performance reviews. A Contract review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review, an extension in increments of twelve-month periods will be awarded to a maximum, comprising a three-year term.

Gully cleaning is undertaken throughout the year, with major emphasis on the period February/March/April/May.

ATTACHMENTS

Attachment 1 Schedule of Rates Extract

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Kimber that Council ACCEPTS the tender from Asteranch Pty Ltd trading as Cleansweep for the Drainage Gully Maintenance Cleaning within the City of Joondalup in accordance with the Schedule of Rates forming Attachment 1 to Report CJ232-10/03 and subject to annual performance reviews for a maximum period of three years commencing on 27 October 2003 to 26 October 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf141003.pdf](#)

CJ234 - 10/03 2002/2003 ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS - [55264]

WARD - All

PURPOSE

To endorse the 2002/03 Annual Report and Audited Financial Statements and set a date for the Annual General Meeting of Electors.

EXECUTIVE SUMMARY

The City's auditors, Deloitte Touche Tohmatsu, have completed the audit of Council's records for the 2002/2003 financial year.

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

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

The most appropriate date for the holding of the Annual General Meeting of Electors is Monday 17 November 2003 at 7.00 pm.

BACKGROUND

The City's auditors, Deloitte Touche Tohmatsu, have completed the audit of Council's records for the 2002/03 financial year.

Both the Annual Report and the Financial Report reflect on the City's achievements during 2002/03 and focus on the many highlights in a busy year.

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

It was resolved by Council on 27 March 2001 to ensure that Annual General Meetings were held no later than the third week of November as follows:

“endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.”

DETAILS

Statutory Provision:

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

The most appropriate date for the convening of the Annual General Meeting of Electors has been determined to be Monday, 17 November 2003 at 7.00 pm.

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

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

- Attendances and Apologies
- Contents of the 2002/2003 Annual Report
- General Business

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

Strategic Implications:

Strategy 4.1 of the City's Strategic Plan (2003 – 2008)

“To manage the business in a responsible and accountable manner.”

COMMENT

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2002/2003 and convenes the Annual General Meeting of Electors for Monday, 17 November 2003.

ATTACHMENTS

Attachment 1	2003 Annual Report
Attachment 2	Financial Accounts

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Gollant that Council:

- 1 ACCEPTS the 2002/2003 Annual Report and Financial Reports of the City of Joondalup forming Attachments 1 and 2 to Report CJ234-10/03;**
- 2 CONVENES the Annual General Meeting of Electors on Monday, 17 November 2003 at 7.00 pm in the Council Chambers;**
- 3 ADVERTISES by public notice that the City of Joondalup's 2002/2003 Annual Report will be available from the Civic Administration Building from approximately 1 November 2003.**

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendices 17 & 17(a) refer

*To access this attachment on electronic document, click here: [Attach17agn211003.pdf](#)
[Attach17aagn211003.pdf](#)*

CJ235 - 10/03 FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2003 – [07882]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

The August 2003 report shows a variance of \$2.0m when compared to the budget for the year.

This variance can be analysed as follows:

- The total **Operating** position shows an actual operating surplus of \$42.3m compared to a budgeted operating surplus of \$40.9m at the end of August 2003, a difference of \$1.4m. The total operating surplus arises due mainly to delays in commencing and completing works which resulted in a YTD underspend of \$1.0m.
- **Capital Expenditure** for the year is \$0.0m which is a timing related matter.
- **Capital Works** expenditure for the year to date amounted to \$0.3m against a budget of \$0.8m, an under spend of \$0.5m as at the end of August 2003. This is mainly due to delays in expending funds against capital works projects.

DETAILS

The financial report for the period ending 31 August 2003 is appended as Attachment A to this Report.

ATTACHMENTS

Attachment 1 Monthly Financial Report for the period ending 31 August 2003.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker, SECONDED Cr Mackintosh that Council NOTES the Financial Report for the period ending 31 August 2003.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Appendix7brf141003.pdf](#)

Cr O'Brien declared a financial interest in CJ236-10/03 - Warrant of Payments – 30 September 2003 (Voucher No 58718 - Chubb Electronic Security) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber at this point, the time being 2207 hrs.

**CJ236 - 10/03 WARRANT OF PAYMENTS – 30 SEPTEMBER 2003 –
[09882]**

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

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

DETAILS

FUNDS		AMOUNT
Municipal	000435 - 000440	\$39,618,433.91
Director Corporate Services & Resource Management Advance Account	058311 - 058926	\$6,059,648.36
Trust Account	-	-
	TOTAL	\$45,678,082.27

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 September 2003, the amount was \$680,826.29

The cheque register is appended as Attachment A & B

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$45,678,082.27 which is to be submitted to each Elected Member on 21 October 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 \$45,678,082.27 was submitted to Council on 21 October 2003

.....
Mayor Don Carlos

ATTACHMENTS

Attachment A – Warrant of Payments for Month of September
Attachment B – Municipal Fund Vouchers

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Brewer, SECONDED Cr Baker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 September 2003, certified by the Mayor and Director Corporate Services & Resource Management and totalling \$45,678,082.27.

FUNDS	VOUCHERS	AMOUNT
Municipal	000435 - 000440	\$39,618,433.91
Director Corporate Services & Resource Management Advance Account	058311 – 058926	\$6,059,648.36
Trust Account	-	
	TOTAL	\$45,678,082.27

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf141003.pdf](#)

Cr O'Brien entered the Chamber at this point, the time being 2208 hrs.

CJ237 - 10/03 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETINGS - 25 JUNE, 23 JULY AND 27 AUGUST, 2003 – [12168]

WARD - All

PURPOSE

The Minutes of the Conservation Advisory Committee meetings held on 25 June (Attachment 1), 23 July (Attachment 2) and 27 August 2003 (Attachment 3) are submitted for consideration by Council.

EXECUTIVE SUMMARY

The Conservation Advisory Committee meetings held in 25 June 2003, 23 July 2003 and August 2003 discussed a range of issues associated with conservation and natural areas management within the City. Some of the topics discussed included a proposed Draft Tree Management Guidelines, Fire management on the Iluka foreshore reserve and herbicide application in the City's Bushland reserves.

There were no motions passed at the June and July meetings.

The following motion was passed at the 27 August 2003 meeting in relation to the Beaumaris Land Sales Ltd proposal to construct a drainage basin within the foreshore reserve adjacent to Burns Beach Road, Iluka, close to the St James approach intersection. Representatives from Beaumaris Land Sales and its Engineering Consultants attended the meeting and provided an overview of the proposal. Members of the Joondalup Community Coast Care Forum, as invited guests, also attended the meeting.

The motion reads:

“That any future subdivisional development proposals be rejected by Council if they contain drainage plans that allow drainage water to enter natural area reserves managed by Council. It is considered that allowing drainage water to be emptied into Bushland and coastal reserves is not compatible with sustainability principles contained in the City's Strategic Plan.”

Moved: S Magyar

Seconded: R Henderson

CARRIED

In line with the City's commitment to sustainability principles, the motion not to allow drainage water to enter the City's reserves containing natural bushland, has merit. However, it is considered that there are a number of planning and approval conditions that involve other Authorities.

It is recommended that Council:

- 1 NOTES the Minutes of the Conservation Advisory Committee held in 25 June 2003, 23 July 2003 and 27 August 2003 forming Attachments 1, 2 and 3 to this Report, which were accepted as a true and correct record for each meeting;

- 2 NOTES the motion carried at the 27 August, 2003 Conservation Advisory Committee that “Any future subdivisional development proposals be rejected by Council if they contain drainage plans that allow drainage water to enter natural area reserves managed by Council. It is considered that allowing drainage water to be emptied into Bushland and coastal reserves is not compatible with sustainability principles contained in the City’s Strategic Plan”;

DETAILS

The motion that Council does not allow drainage water from subdivisional developments to enter natural area reserves managed by the City was passed at the 27 August 2003 meeting of the Conservation Advisory Committee.

The Committee hosted a presentation by Beaumaris Land Sales Ltd, on behalf of the developers of the Iluka Subdivision. The presentation outlined a proposed plan to allow drainage water to enter the coastal heathland contained in the Bush Forever Iluka foreshore reserve adjacent to Burns Beach Road. Committee members felt that the water that has already entered the reserve has badly damaged the native vegetation and the construction of a drainage swale within the reserve would introduce more weeds and the strong possibility of the introduction of water born plant diseases that could decimate plant populations. The committee also strongly felt that to allow drainage water to enter a Bush Forever reserve is not compatible with the environmental strategies contained in the City’s Strategic Plan.

COMMENT

The issue of drainage water being piped into or allowed to flow into Bushland or coastal reserves is being increasingly opposed by people interested in or professionally associated with natural area management.

Drainage water has a deleterious effect on native plant populations. This is because native plants have evolved with low nutrient and moisture needs.

Native vegetation that is inundated with drainage water, quickly becomes weed infected, banksias trees will die very quickly and serious plant disease can be established. Also the City does encourage water sensitive urban design principles for stormwater discharge.

In line with the City’s commitment to sustainability principles, the motion not to allow drainage water to enter the City’s reserves containing natural Bushland, has merit. However, it is considered that there are a number of planning and approval conditions that involve other Authorities.

It should be noted that the Western Australian Planning Commission (WAPC) is the responsible authority for determining all subdivision applications under the provisions of Part III of the Town Planning and Development Act. The Western Australian Planning Regulations prescribe the procedures for submission and determination of subdivision applications.

Where a subdivision forms part of a project of reasonable size and involves staged development, it is generally necessary to prepare and lodge a structure plan to guide the development in the subject locality. The structure plan covers many aspects of any subdivision, including drainage.

A subdivision proposal is referred for comment to the local government and to affected public bodies or Government agencies, and these bodies are required to respond within 42 days. It is not possible for Council to reject a proposal as referred to in the motion, it can only recommend to the WAPC that the application not be supported and provides reasons. In considering any application the WAPC will take into account any regional scheme provision, local town planning scheme provision, together with any relevant planning policies and practices. It should be noted that the applicant has a right of appeal.

Also the City's natural areas are managed on behalf of the Department of Land Administration. On this basis, it is recommended that Council notes the motion put forward from the Conservation Advisory Committee.

ATTACHMENTS

Attachment 1 - 25 June 2003 Minutes of the Conservation Advisory Committee

Attachment 2 - 23 July 2003 Minutes of the Conservation Advisory Committee

Attachment 3 - 27 August 2003 Minutes of the Conservation Advisory Committee

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr Brewer that Council NOTES the:

- 1 Minutes of the Conservation Advisory Committee held on 25 June 2003, 23 July 2003 and 27 August 2003 forming Attachments 1, 2 and 3 to Report CJ237-10/03, which were accepted as a true and correct record for each meeting;**
- 2 motion carried at the 27 August, 2003 Conservation Advisory Committee that “Any future subdivisional development proposals be rejected by Council if they contain drainage plans that allow drainage water to enter natural area reserves managed by Council. It is considered that allowing drainage water to be emptied into Bushland and coastal reserves is not compatible with sustainability principles contained in the City's Strategic Plan”.**

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf141003.pdf](#)

CJ238 - 10/03 RUBBERISED UNDER SURFACING FOR PLAY EQUIPMENT – [17849]

WARD - All

PURPOSE

During the Draft Budget Committee meeting of 26 June 2003 Councillors requested a report on the requirements for soft fall under surfacing of play structures.

This report provides information for Council's consideration regarding under surfacing of play equipment for combination units, individual items and designated playgroup locations with white sand or recycled rubber.

EXECUTIVE SUMMARY

To upgrade all existing sand undersurfacing to a rubberised standard would cost approximately \$2.1M. This cost is prohibitive to undertake in one stage and a phased implementation would be a more practical approach over a five to 10 year period.

It is recommended that Council LISTS the staged implementation of rubberised undersurfacing for the City's play equipment for inclusion in the 2004/05 Draft Budget considerations.

BACKGROUND

Undersurfacing is any material that is placed under and around playground equipment that absorbs or attenuates the energy associated with a child's fall. Undersurfacing does not need to be expensive or made from wetpour rubber: it can be bark or mulch, or in some cases grass or sand. What you use for undersurfacing depends to a large degree on the specifics of your particular play space. Equipment height has the biggest influence on the type and performance requirements of the undersurfacing required for a particular play space.

The need for undersurfacing is supported by a significant body of scientific and medical research. Such research indicates that the frequency and severity of playground injuries, resulting from falls from playground equipment, are substantially reduced where an adequate impact absorbing under surface is provided.

Concerns were raised during the Budget Committee's considerations of the 2003/04 draft budget preparation pertaining to sand undersurfacing and associated risks to health and injury due to undesirable objects that may be present within the sand pit.

Further detail on the cost to provide rubberised soft fall undersurfacing for the City's play equipment was sought by the Council.

DETAILS

Council currently has 145 combinations play structures that vary significantly in size. E.g. Mawson Park structure encompasses an area of 2025 sq metres, Windermere Park 220 sq metres and Manapouri Park 144 sq metres.

Currently the City has 420 individual freestanding items, e.g. swings, slides and climbing frames. Provision of surfacing to the current playgroup facility locations has not been calculated as all differ in area and complexity.

Provision of accurate cost estimates will require individual site visits and may involve rationalisation of existing free standing items to ensure costs are realistic. Council at present uses washed white sand underneath and around existing play equipment to a minimum depth of 300 mm.

Notwithstanding this, a preliminary costing to provide a rubberised under surface to all of the City's play equipment units is summarised in the table below, and a comparative cost is also highlighted for sand undersurfacing.

Item	Value per m ²	Average Size Under-surfacing area	Total	Total Combination Units Cost		Number of Units
				Sand under-surfacing	Rubberised under-surfacing	
Parks - White sand under Surfacing	\$14 m ²	144 m ²	\$2,016	\$292,320		145
Parks - Rubberised under Surfacing	\$80 m ²	144 m ²	\$11,520		\$1,670,400	145
Buildings - Playgroup Areas	\$80 m ²	170 m ²	\$13,600		\$421,600	31
Total cost to City for Rubberised Undersurfacing					\$2,092,000	

From the above table the total cost to provide rubberised undersurfacing for Park and Playgroup areas is approximately \$2.1M.

As can be seen it is cost prohibitive to install rubberised undersurfacing in one stage, however consideration can be given to a stage implementation over a five to ten year period.

The following table outlines the advantages and disadvantages for the two options under consideration:

Sand Undersurfacing:

Advantages

Soft surface, ideal for play.
Relatively low cost.
Fire resistant.
Good drainage.
Easy to spread.

Disadvantages

Can become compacted with use.
Can be high maintenance.
Can be displaced.
Can become fouled with excrement.
Not suitable for disabled access
Undesirable objects not visible

Rubberised Undersurfacing:

Advantages

Soft surface, ideal for play.
Fire resistant.
Low maintenance.
Good drainage.
Many different colours.
Suitable for disabled access.
Undesirable objects visible.
Easy to clean.

Disadvantages

Initial high cost.
Can become hot during summer.
Can be vandalised.
Moving/impact equipment can cut material.

COMMENT

The current maintenance practice associated with sand pit undersurfacing involves weekly visual inspections by the Area Park Attendant. Quarterly sand levelling and raking is undertaken to remove any grass growth or litter build-up and approximately every 3 to 5 years the sand is removed and replaced.

If undesirable objects are discovered within the sand pit then the sand is raked either manually or by machine, or in some circumstances, the contaminated sand is replaced.

Machine cleaning has been recently trialled at approximately 12 locations where concerns exist with the sand quality. The cost to clean each pit is approximately \$216 at approximately \$1.50 per square metre.

The City of Wanneroo has recently engaged a contractor to undertake annual cleaning via machine at approximately \$0.90 per square metre. With the average sand pit size being approximately 144 square metres, this would translate to a cost of approximately \$130 per pit per clean.

A weekly cleaning regime would translate to approximately \$6,750 per pit per annum, which in turn would translate into a total cost per annum for all the City's sandpits of approximately \$1.2M.

It is noted that the above costing exercise is preliminary in nature and is an approximation only. Notwithstanding the above, it can be seen that to maintain the pits to a standard that minimises the risk to injury from undesirable objects is a costly exercise.

Feedback from the Operations area reveals that broken glass is becoming more prevalent within sand pits and the optimum approach in mitigating the risk of injury would be to install undersurfacing to a rubberised standard.

To upgrade all existing sand undersurfacing to a rubberised standard would cost approximately \$2.1M. This cost is prohibitive to undertake in one stage and a phased implementation would be a more practical approach over a five to ten year period.

Therefore it is recommended that the City lists for consideration as part of the 2004/05 draft budget deliberations, the staged implementation of rubberised undersurfacing for the City's play equipment. Development of an assessment criteria to determine location priority would be essential to ensure high risk areas are addressed initially.

e.g. Utilisation of play equipment
Occurrence of undesirable objects
Need for play equipment

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Prospero, SECONDED Cr Brewer that Council LISTS the staged implementation of rubberised undersurfacing for the City's play equipment for inclusion in the 2004/05 Draft Budget considerations.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

CJ239 - 10/03 PETITION REQUESTING MODIFICATION TO MERMAID WAY, HEATHRIDGE – [09363]

WARD - South

PURPOSE

The following report gives details of the existing traffic flow conditions and presents the possible future works planned along Mermaid Way for consideration.

EXECUTIVE SUMMARY

In April 2003, the City received a 89 signature petition from street residents seeking the construction of traffic treatments along Mermaid Way, Heathridge. The petitioners are concerned with the speed at which vehicles travel along Mermaid Way.

Mermaid Way is one of several roads listed for funding consideration and possible future modification as part of the City's Five Year Capital Works Program.

Future enhancement of Mermaid Way featuring a flush red asphalt median, intermittent landscaping and raised traffic islands at junctions is currently listed in 2004/05 year of the City's Local Road Traffic Management Program.

It is envisaged that when completed, the uniform treatment of this road may cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for all road users.

This report recommends that Council:

- 1 *LISTS for consideration the future enhancement of Mermaid Way as part of the City's 2004/05 Draft Five Year Capital Works Program;*
- 2 *LISTS for consideration the installation of a roundabout at the intersection of Mermaid Way and Squire Avenue as part of the City's 2004/05 Draft Five Year Capital Works Program;*
- 3 *ADVISES the petitioners accordingly.*

BACKGROUND

Mermaid Way runs between Marmion Avenue and Poseidon Road. It is currently classified under Main Roads WA Metropolitan Functional Road Hierarchy as a 'local access road'.

Mermaid Way has previously been identified by Council Officers as one of several 10-metre wide local distributor roads that may benefit from treatment as part of the City's pro-active traffic management program.

Accordingly, future modification of Mermaid Way was listed for consideration as part of the City's Five Year Capital Works – Local Road Traffic Management Program.

The proposal features enhancement features a flush red asphalt median, intermittent landscaping and raised traffic islands at junctions similar to that on Cockman Road, Greenwood.

Essentially, the reduced carriageway width and modified road environment are intended to reduce overall vehicle speeds and improve safety for all road users along Mermaid Way.

A before and after comparison of modified roads has shown that this type of treatment has been successful in reducing overall vehicle speeds by around 5-10km/h.

The future enhancement of Mermaid Way is currently listed in 2004/05 year of the City's Local Road Traffic Management Program.

Similar treatment of Prince Regent Drive, Poseidon Road and Conidae Drive in Heathridge are also listed for future consideration as part of the City's Local Road Traffic Management and Local Road Enhancement Programs.

It is envisaged that when fully completed, the uniform treatment of these roads throughout Heathridge may cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for all road users.

The priority for these projects will be reviewed as part of the City's 2004/05 Budget process.

DETAILS

A detailed analysis of traffic data recorded along Mermaid Way by the City in September 2003 indicated that the traffic volume ranges between 1150 vehicles per day (VPD) south of Pelican Place and 1590 VPD east of Marmion Avenue.

The 85th percentile speed of vehicles (*the speed at or below which 85 percent of vehicles are travelling*) recorded at mid-block of Mermaid Way was 59km/h during peak flow periods.

In the 3-year period to December 2002 there have been 2 crashes recorded along Mermaid Way. Both crashes were out of control that occurred at mid-block. The severity of the crashes included hospitalisation of the injured and property damage (non-medical).

Previous traffic surveys carried out by the City in 1997 and June 2003 showed comparatively similar results for both traffic volume and speed.

Overall the data suggests that Mermaid Way is functioning as would be expected for a road of this type, albeit at a higher operating speed.

As part of the overall assessment of the road, a sight distance evaluation was carried out at the intersection of Squire Avenue and Mermaid Way. The visibility from Squire Avenue is restricted due to it intersecting on the inside of the horizontal curvature of Mermaid Way and the construction of a roundabout or other treatment at this location can be listed for consideration by Council in the 2004/05 Five Year Capital Works Program.

The recorded traffic volume on Squire Avenue was 750 vehicles per day (VPD) and in the 3-year period to December 2002, no crashes have been recorded at this intersection.

Strategic Implications:

The planned enhancement of Mermaid Way remains consistent with the cost-effective treatment of other local distributor roads throughout the municipality.

COMMENT

Mermaid Way is one of several local roads listed for funding consideration as part of the City's Five Year Capital Works Program.

Future enhancement of Mermaid Way featuring a flush red asphalt median, intermittent landscaping and raised traffic islands at junctions is currently listed in 2004/05 of the City's Local Road Traffic Management Program.

Similar treatments of Prince Regent Drive, Poseidon Road and Conidae Drive in Heathridge are also planned as part of the City's future Local Road Traffic Management and Local Road Enhancement Programs.

When fully completed, the uniform treatment of local distributor roads throughout Heathridge are anticipated to cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for local residents.

More importantly, this proposal remains consistent with the treatment of all other local distributor roads throughout the municipality.

The City will continue to monitor traffic flow along Mermaid Way and will reconsider the treatment of Mermaid Way as part of the review of the City's 2004/05 Draft Five Year Capital Works Program.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Brewer, SECONDED Cr Baker that Council:

- 1 LISTS for consideration the future enhancement of Mermaid Way as part of the City's 2004/05 Draft Five Year Capital Works Program;**
- 2 LISTS for consideration the installation of a roundabout at the intersection of Mermaid Way and Squire Avenue as part of the City's 2004/05 Draft Five Year Capital Works Program;**

3 ADVISES the petitioners accordingly.

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

CJ240 - 10/03 AGED OR DEPENDENT PERSON'S DWELLING (ROOM ADDITION EXCEEDING PLOT RATIO) TRINITY VILLAGE, RES 41177 (7) BEDDI ROAD, DUNCRAIG – [29194]

WARD - South Coastal

PURPOSE

The purpose of the report is to request Council's determination of an application for a room addition to an existing aged or dependent person's dwelling. The proposed room addition will exceed plot ratio under the provisions of the Residential Design Codes 2002 (R-Codes).

EXECUTIVE SUMMARY

An application has been received to erect a room addition in the place of an existing patio at unit 25 of Trinity Village for the Aged. Trinity Village is owned and managed by Catholic Homes Incorporated and is classed as 'Aged or Dependent Persons' Dwellings'.

The room addition is 15.6m² in size (4m x 3.9m) and will increase the plot ratio of the dwelling to 135.9m². The maximum plot ratio permitted under the R-Codes is 100 m². The application was not advertised as it was considered that no persons beyond the site boundaries would be directly affected by the proposal.

After taking into account the District Planning Scheme No 2 (DPS2) and the provisions of the R-Codes, it is recommended that the application be refused, as the room addition will increase the plot ratio of the dwelling to an unacceptable level.

BACKGROUND

Suburb/Location:	7 Beddi Road, Duncraig
Applicant:	Perth Home Improvement Centre
Owner:	Catholic Homes Incorporated
Zoning:	DPS: Residential R20
	MRS: Urban

The subject site is 1.6687 hectares in size with 35 units, 7 hostel buildings, a community centre building and two staff houses. The site is accessed via Beddi Road and also adjoins Burregah Way and Marmion Avenue. No access is available via Burregah Way or Marmion Avenue. The site location is shown in Attachment 1 and the site layout is shown in Attachment 2.

In February 2003, an application was made for a 27.9m² additional bedroom and ensuite for the subject unit. The bedroom and ensuite increased the plot ratio of the dwelling from 92.4m² to 120.3m², requiring a variation under the R-Codes to exceed the maximum plot ratio of 100m² for Aged or Dependent Persons' units. This proposal was subsequently granted approval by Council and is currently being constructed. This new application is to erect a further room addition of 15.6m², which will result in the dwelling having a plot ratio of 135.9m². Plans of the proposed addition are shown in Attachment 3.

Although the addition may be small in terms of the overall development of the site, the resulting non-compliance with the R-Codes is considerable. For this reason, it has been assessed that the room addition will increase the plot ratio of the dwelling to an unacceptable level.

The application was circulated to Ward Councillors for comment. A Councillor has requested that if the development is recommended for refusal at Delegated Authority, the application be referred to Council for determination. The recommendation to the City's Delegated Meeting was for refusal; therefore the application is referred to Council for determination.

DETAILS

Statutory Provision:

District Planning Scheme No 2

The site is located in the Residential zone of the DPS2, with a density code of R20. Clause 3.2 of this scheme lists 'Aged or Dependent Persons' Dwellings' as a D Use, which is only permitted if Council grants its approval. In this instance, the Aged or Dependent Persons' dwellings are existing, having been granted approval in 1989/90 by Council for an 'AA' use under the District Planning Scheme No 1. An 'AA' use under this scheme was only permitted after approval has been granted by Council.

Residential Design Codes 2002

The R-Codes set out the acceptable development criteria for developments. Where development varies from these acceptable development criteria, clause 2.3.4 permits Council to exercise discretion pursuant to the performance criteria, and the relevant provisions of the Scheme and any local planning policy.

The 'Aged or Dependent Persons' Dwelling' provisions in the R-Codes are provided to *'encourage the development of small-scale specialised housing within local communities, as an alternative to larger scale, relatively segregated complexes'*. As these dwellings are generally smaller than conventional dwellings and the occupants do not usually have a high car ownership ratio, reductions in site area and carparking standards are provided for as acceptable development under the Codes.

However, “to prevent these concessions being abused to increase density for standard housing without re-coding an area, the concessions are subject to three constraints:

- ***There is a limit on the size of such dwellings; [emphasis added]***
- *They must be purpose designed;*
- *They are subject to a legal agreement to restrict occupancy.”*

Clause 4.1.2 (A2) sets out the criteria for these dwellings. These are as follows:

- “i a maximum plot ratio area of:
 - in the case of Single Houses or Grouped Dwellings – 100m²
 - in the case of Multiple Dwellings – 80m²
- ii *a minimum number of five dwellings within any single development;*
- iii *all dwellings to incorporate the standards set out in AS4299 (Adaptable Housing) to the Adaptable House class B standard;*
- iv *at least one wheelchair-accessible parking space for the exclusive use of each wheelchair-accessible dwelling provided;*
- v *visitors’ car spaces at the rate of one per four dwellings, with a minimum of one space; and*
- vi *at least one occupant is disabled or physically dependent person or aged over 55...”*

Given that the proposal is an addition to an existing unit on an established site, all criteria have been met with the exception of the maximum plot ratio. The proposed room addition will increase the plot ratio of this dwelling to 135.9m², exceeding the 100m² maximum.

Consultation:

The proposed room addition is located at the rear of unit 25 adjoining Marmion Avenue to the west and the adjacent “Lady McCusker Anglican Homes” to the north. The proposal was not advertised, as it is considered that no adjoining owner(s) would be directly affected by this proposal. Catholic Homes Incorporated are the owners of the complex and have signed the MRS Form 1. They have also provided a letter of support for the proposal on behalf of the prospective new residents.

COMMENT

In April 2003, an additional 27.9m² bedroom and ensuite was granted development approval by Council. This proposal increased the plot ratio of the dwelling from 92.4m² to 120.3m², exceeding the permitted maximum plot ratio. The new sunroom/sitting room addition of 15.9m² will again increase the size of this dwelling (to 135m²) and exceed the acceptable development criteria under the R-Codes.

The prospective residents of this dwelling believe that the existing dwelling is inadequate for their needs. Hence the recent bedroom/ensuite addition, and now the new proposal for an additional sun/sitting room. The residents have provided reasons for their requirement for the new sun/sitting room as follows:

The room addition will be *“utilised as a sunroom/sitting room and will be used as additional space to frequently accommodate (bi-weekly or more) the visitations of the resident couple’s grandson who has an intellectual and non-verbal disability. The prospect of an auxiliary enclosed area offers additional and invaluable space to accommodate their grandson and his family during such visits, as the remaining portion of the unit does not have adequate room for these purposes.”*

It is recognised that the applicant has special needs for the size of the dwelling due to the frequent visits of their disabled grandson, and the extension would provide valuable additional space to accommodate these visits. As these are unique circumstances, it is also considered that this is likely to be an isolated situation.

The intent of the provisions relating to ‘Aged or Dependent Persons’ Dwellings’ is to allow for future incorporation of features that are required to serve the special needs of aged or dependent persons. Examples such as ramps, wider doorways, wheelchair accommodation and handrails are given. The objectives, however, do not provide for the increased size of dwellings, and in fact, specifically limit the size of the dwellings in these complexes.

The intent of the R-Codes is to encourage small-scale specialised housing for aged or independent persons. Discretion can be exercised to allow increases in the size of dwellings if the performance criteria are met. However, the further dwelling size is increased beyond the permitted 100m², the more likely it is that the intent of these provisions will not be met.

In this case, the City granted a discretion under Element 4.1.2 of the Codes in April 2003 for a relatively large increase in plot ratio in an effort to provide for differing resident needs. This application is requesting a further discretion increasing the plot ratio from 120.3m² to 135.9m². The proposed increase, although perhaps small in itself, brings the total plot ratio well above that anticipated in the R-Codes and is departing from the intent the Codes outline for aged development.

For this reason, it is considered that in this case, the addition will increase the plot ratio of the dwelling to an unacceptable level. The dwelling will exceed the plot ratio of most, if not all of the existing dwellings/units on the site (not including the hostels and community centres which are part of the complex).

The Performance Criteria of Clause 4.1.2 do not specifically address the plot ratio requirement but the introduction to the rules clearly sets out the intention of the provisions and includes the maximum plot ratio relating to aged and dependent persons’ dwellings. The intention is to ensure the concessions given for aged or dependent persons’ dwellings are not used as a way to increase density of the site. The limit has been set at 100m² and therefore this proposed increase is considered excessive in these terms. Taking into account the recently approved additional bedroom/ensuite for the dwelling, it is considered that the dwelling is already capable of providing for the needs of aged or dependent persons and will, without this further addition, meet the Australian Standard for Adaptable Housing (AS 4299) as required under this clause.

CONCLUSION

Although it is recognised that the prospective residents of the dwelling have a grandson with special needs who visits regularly, it is considered that the increase in plot ratio is excessive in terms of the provisions of the Residential Design Codes. The dwelling has an existing plot ratio of 120.3m² and it is proposed to increase this to 135.9m² (35.9m² in excess of the acceptable development standards). The size and design of the existing dwelling is considered capable of meeting the special needs of the elderly, allowing for ‘aging in place’ as intended by the R-Codes. The increase in plot ratio proposed by the new sunroom/sitting room is therefore not recommended for approval.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site Layout Plan
Attachment 3	Plans of Proposal

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council REFUSES the application submitted by Perth Home Improvement Centre, the applicant, on behalf of the owners, Catholic Homes Incorporated for a room addition on Res 41177 (25/7) Beddi Road, Duncraig, for the following reasons:

- 1 The proposal would be contrary to the proper and orderly planning of the locality.
- 2 The proposal would be excessive in terms of the acceptable plot ratio for aged or dependent persons’ dwellings exceeding the plot ratio of most, if not all of the existing units on the site.
- 3 The proposal does not comply with Clause 4.1.2 of the Residential Design Codes.

Footnote:

- (a) Approval has been granted recently for an addition to the dwelling which will ensure that the dwelling will be more than adequate to cater for the needs of aged or dependent persons, including meeting the Australian Standard for Adaptable Housing (AS 4299) as required under the R-Codes

MOVED Cr Gollant, SECONDED Cr Kenworthy that Council:

- 1 **EXERCISES discretion in accordance with clause 2.3.4 of the Residential Design Codes 2002, and determines that the proposal is considered to meet the performance criteria under clause 4.1.2 and therefore the additions resulting in the aged and dependent persons’ dwelling having a maximum plot ratio of 135.9m² in lieu of a maximum plot ratio of 100m² is appropriate in this instance;**

- 2 APPROVES the application submitted by Perth Home Improvement Centre, the applicant, on behalf of the owners, Catholic Homes Incorporated for a room addition on Res 41177 (25/7) Beddi Road, Duncraig, subject to the following:**

Footnote:

- (a) The applicant shall maintain compliance with the natural light and ventilation requirements of the Building Code of Australia.**

Cr Gollant gave the following reasons for her departure from the Officer's Recommendation:

- Applicants wish to increase the size of the living areas to include an enclosed patio
- Applicants required additional space to care for their disabled grandson
- Dwelling is unique due to its placement on block (corner)
- The addition will not impact on any of the other units

Cr Gollant advised she was supporting this Item due to the placement of the dwelling on the block, not on the emotive issues involved.

Discussion ensued.

The Motion was Put and

CARRIED (13/1)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf141003.pdf](#)

CJ241 - 10/03 SINGLE HOUSE (RETROSPECTIVE APPROVAL FOR SATELLITE DISH): LOT 43 (6) TABARD STREET, GREENWOOD – [39857]

WARD - South

PURPOSE

The purpose of the report is to request Council's determination of an application for the Retrospective approval of a satellite dish, which does not comply with the Scheme and the provisions of the R-Codes.

EXECUTIVE SUMMARY

An application has been received for the retrospective approval of a satellite dish to the rear of the existing single storey dwelling. The subject site is flat and is comprised of typical vegetation cover. The satellite dish is erected on a 4.5 metre high pole to the south western (rear) portion of the existing house. The satellite dish itself has a 1.6 metre radius on top of

the 4.5 metre pole. The location of the dish is approximately three metres from an adjoining property.

The original application was advertised to the surrounding landowners and one objection was lodged. Due to the potential impacts of the proposal and the apparent lack of alternative options, the application was referred to Ward Councillors with a recommendation of refusal via the delegated authority process. As no response was received by the ward councilors, the application was formally refused on 24 July 2003 under delegation of Council.

Subsequent to the refusal, the Ward Councillors advised the City that they opposed the refusal. Given that the decision has undergone proper process and the decision had been issued, it was suggested that a new development application be lodged, which could then be called into Council for determination.

The revised application was not re-advertised to the surrounding landowners as it was exactly the same as the previous application. The application has been assessed according to the performance standards of the Residential Design Codes 2002 (R-Codes) and is recommended for refusal, subject to the structure being removed within 30 days of the date of the decision to address the concerns of the immediate adjoining landowner.

BACKGROUND

Suburb/Location: Tabard Street, Greenwood
Applicant: X Le
Owner: X Le
Zoning: **DPS:** Residential R20
MRS: Urban

The location of this site is shown in Attachment 1 and the details of the structure are shown in Attachment 2 to this Report. The site is currently developed with a single storey dwelling.

The proposal aims to gain retrospective development approval of a satellite dish that has been installed without approval of the City. The owner wishes the City to consider leaving the dish in its current location so that they can receive TV reception from overseas.

On 14 February 2003, Council received an application for the retrospective approval of the satellite dish following a complaint being submitted in relation to the subject structure. The City proceeded to contact the subject landowner and requested a development application to be lodged to determine the status of the unauthorized satellite dish. The application for retrospective approval was advertised to the surrounding landowners and one objection and six no objections were received.

It was attempted to resolve the matter by shifting or lowering the structure to increase the distance and decrease the likely view of the structure from the objector's property. It was apparent that other adjacent landowners did not support the structure being shifted towards their boundary. The installer of the dish also advised that the dish could not be lowered below the gutter level of the dwelling, as this would obstruct reception. Given the lack of alternatives, the application was tabled at a delegated meeting with a recommendation of refusal. The application was then referred to the Ward Councillors due to the refusal recommendation.

Given that no comments were received on the proposed refusal, the application was formally refused on 24 July 2003 and the owners were advised that the dish would have to be removed within 30 days of the date of that decision.

A Ward Councillor subsequently contacted the City's officers and advised of their objection to the refusal. Given that the decision had already been issued, it was suggested that a fresh application be lodged that could be requested to be referred to Council. On 4 September 2003 Councillor Hart requested the item to be referred to Council for determination.

DETAILS

The proposal is for the retrospective approval of a 1.6 metre radius satellite dish that has been erected on a 4.5 metre high pole to the rear southwestern portion of the existing single storey dwelling. The pole and dish would be approximately 3 metres from the boundary of an adjoining landowner. The dish is primarily used to gain TV reception from an international channel.

Statutory Provision:

District Planning Scheme No 2 (DPS2)

Clause 6.1.3(b) of the DPS2 outlines that planning approval is required for a mast or antenna of greater than 2 metre dimensions. Given that the pole on which the 1.6 metre radius dish is erected is 4.5 metres in height, approval was required. The pole and dish have been installed without approval of the City and hence retrospective approval is sought.

Clause 6.6.2 of DPS2 requires that the Council, in exercising its discretion to approve or refuse an application, has 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 of 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 for 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.*

Residential Design Codes

Development, which is in compliance with the acceptable development provisions of the R-Codes, does not require planning approval, or the exercising of discretion. When a development varies from the acceptable development provisions of the R-Codes, the variations can be considered pursuant to the ‘performance criteria’.

Clause 2.3.4 of the R-Codes permits Council to vary the provisions of the Codes if it is determined that the variations comply with the ‘performance criteria’ of the R-Codes.

Clause 3.10.2 of the R-Codes requires satellite dishes, antennae and the like to not be visible from the street pursuant to the acceptable development provisions of the R-Codes. The intent of the R-Codes is to minimise impacts or detrimental outcomes to adjoining landowners, however, in this instance particularly to the streetscape. Given the elevation of the dish on the 4.5 metre pole, the dish is visible from side aspects of the streetscape. On this basis the proposal is required to be considered under the performance criteria, which aim to ensure that such external fixtures do not detract from the visual amenity of residents or neighbouring properties.

Applicant’s Justification

The applicant has outlined that they would like the dish to remain to permit them to view international television in their leisure time. They have approached their neighbours who do not object to the structure. (These are summarised comments from the applicant. Notwithstanding this, the City has received one objection).

Consultation:

Submission	Technical Comment
<ul style="list-style-type: none"> • They do not object to the satellite dish in principle, just its current location. • The dish has little or no impact to the owners, however, it is in full view from their rear yard. • The dish should not impact adjoining landowners and therefore should be located on the ground. 	<ul style="list-style-type: none"> • Noted. • This statement is supported. Refer to photos attached of satellite dish.

COMMENT

Development Standards under (DPS2/R-Codes)

The unauthorised satellite dish has been assessed pursuant to DPS2 and the R-Codes, and comments have been sought from adjoining landowners. Predominantly, they do not object to the location and structure, apart from one owner. Lowering the structure would not be possible, as it would affect the reception of the dish. Relocation has also been discussed with other adjoining landowners who have not objected. They have, however, all indicated that they would be opposed to the structure being shifted closer to their boundaries, and they only not object due to its current siting on the lot, which is intrusive to one owner.

Having taking into consideration the interests of the locality and the amenity of the residents, the statement by the applicant, provisions of DPS2 and R-Codes as well as submission raised on the proposal pursuant to clause 6.8 of DPS2, it has been assessed that the application be refused. Given the lack of options to resolve the situation to address every parties' concerns, it is recommended that the offending dish be removed within 30 days of the date of the decision.

If the development were to be approved by the City discretion would need to be exercised pursuant to clause 6.12 of the City's District Planning Scheme (approval of existing developments). Furthermore, given that the pole on which the satellite dish has been erected exceeds 2 metres in dimension, discretion would also need to be exercised pursuant to clause 6.1 of the Scheme. In doing so, the City would need to have regard to the provisions of clause 6.8 (matters to be considered by Council). A further discretion would be required under clause 3.10.2 of the Residential Design Codes 2002, given that the satellite dish is be visible from the street.

ATTACHMENTS

Attachment 1	Location plan
Attachment 2	Details of structure

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council REFUSES the application submitted by X Le, the applicant and owner, for a retrospective approval of a satellite dish to the existing dwelling on Lot 43 (6) Tabard Street, Greenwood, for the following reasons:

- 1 The proposal would be contrary to the proper and orderly planning of the locality.
- 2 The unauthorised structure does not comply with clause 3.10.2 of the Residential Design Codes 2002.
- 3 The satellite dish has a detrimental impact upon the visual amenity of the surrounding residents.

Footnote:

- (a) The dish and the pole supporting the dish shall be removed and the site made good to the satisfaction of the City within 30 days of the date of this decision.

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

- 1 EXERCISES discretion in accordance with Clause 6.12 and 6.1 of District Planning Scheme Number 2 and clause 3.10.2 of the Residential Design Codes 2002 and determines that the visual impact of the satellite dish is appropriate in this instance;**
- 2 APPROVES the application and plans submitted by X Le, the applicant and owner, for a retrospective approval of a satellite dish to the existing dwelling on Lot 43 (6) Tabard Street, Greenwood, subject to the structure complying with appropriate structural requirement in the Australian Standard;**
- 3 ADVISES the objectors of (1) and (2) above.**

Cr Hart gave the following reasons for her departure from the Officer's Recommendation:

- Satellite dish cannot be seen from the back entertaining area (patio) of the objector's residence
- Dish cannot be seen from the road

The Motion was Put and

CARRIED (10/4)

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf141003.pdf](#)

**CJ242 - 10/03 REQUEST FOR CLOSURE AND SUBSEQUENT
LEASE OF PORTION OF SHENTON AVENUE
UNDERPASS, CONNOLLY/CURRAMBINE – [07056]**

WARD - Marina & North Coastal

PURPOSE

The purpose of this report is for Council to consider closure of a portion of Shenton Avenue road reserve that contains an existing underpass. The road closure is required to facilitate a lease between the City and the golf course landowner over approximately two thirds of the width of the underpass for its entire length to allow for access whilst maintaining general public access over the other one third (Attachment 1 & 2).

EXECUTIVE SUMMARY

The Department of Land Information (DLI), formerly the Department of Land Administration (DOLA) has previously sought approval from the City to determine the golf club's access through the existing underpass structure. The DLI has advised the City that the most appropriate way to proceed with this matter is for the City to undertake formal road closure actions (as the underpass forms part of the Shenton Avenue road reserve). This then enables the creation of a management order for the purpose of 'underpass' in order that approximately two thirds of the width of the underpass for its entire length can subsequently be leased to the landowner of the golf course and the other one third of the width of the underpass for its entire length can be retained for general public access.

As a result of DLI's advice, road closure actions were initiated, with a notice of road closure placed in the Joondalup Community Newspaper on 23 January 2003, inviting comments on the proposal until 27 February 2003. Upon closure of the advertising period, no submissions were received.

It is therefore recommended that Council resolve to formally close the subject road reserve that forms the underpass in order to allow the DLI to issue a management order for that purpose with power to lease. The City will then be in a position to lease a portion of the underpass to the landowner of the golf course, with the remaining portion being retained for general public access.

BACKGROUND

Suburb/Location: Connolly and Currambine
Applicant: City of Joondalup & Department of Land Information
Owner: Crown
Zoning: **DPS:** Other Regional Roads
MRS: Other Regional Roads
Strategic Plan: No Relevant objectives/strategies

The underpass formed part of, and was subsequently created by, a subdivision approved by the Western Australian Planning Commission (WAPC) on 5 September 1991. The subdivision was granted clearance by the then City of Wanneroo on 7 October 1991.

DETAILS

Current Proposal or Issue

The DLI has advised the City that the most appropriate way to proceed is to undertake formal road closure actions (as the underpass is located under Shenton Avenue road reserve) to enable a management order to be issued for the purpose of 'underpass' with power to lease. Approximately two thirds of the width of the underpass can then be leased to the landowner of the golf course, with the remaining one third being retained for general public access.

Road Closure Process

A request can be made to close a portion of road. A road reserve encompasses land above and below the surface of the road. The service authorities are asked to provide details of any service plant that may be within the road reserve that would be affected by the proposed closure and if it can be modified or removed to accommodate the request. All costs and conditions associated with service plant modification are to be met by the applicant if closure is the outcome.

The proposal is also forwarded to the Department for Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI do not raise any objections that prevent the proposal from advancing, and the applicants have agreed to meet all associated costs and conditions, then the application can be advertised for public comment.

If Council supports a road closure, all relevant documentation is forwarded to the Department of Land Information (DLI), formerly the Department of Land Administration (DOLA) with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

Statutory Provision:

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

Consultation:

Comments were sought from the DPI and the service authorities and the DPI advised it did not object stating that the land is proposed to be vested in the City for the purposes of 'underpass' for public access with power to lease and is considered appropriate to close the portion of road. The DPI's support is granted on the basis that public access will be in perpetuity and any leasing arrangements will not limit such access.

Telstra, Western Power, Water Corporation and Alinta Gas do not have any objections to the proposal, as they do not have plant in the area that would be affected.

The public advertising period took place between 23 January and 27 February 2003 with a notice of road closure placed in the Joondalup Community Newspaper on 23 January 2003, inviting comments on the proposal. Upon closure of the advertising period, no submissions were received.

Policy Implications:

Whilst the City does not currently have a defined road reserve closure policy, the Department of Land Information (DLI), formerly the Department of Land Administration (DOLA) has processes and guidelines to assist in the assessment of such road reserve closures.

A draft 'Preservation of Public Reserves Policy' was prepared and considered by Council at its meeting on 27 November 2001 and was adopted for public consultation purposes. The policy ensures that public reserves are protected and maintained to a standard. The policy applied to all public reserves in the City except pedestrian accessways, which have a separate defined policy.

Due to community concerns at the time relating to reserves being re-developed for residential purposes, which was not the objective of the policy, it was not proceeded with.

COMMENT

The road closure process undertaken by the City is a direct result of advice obtained from DLI in order to facilitate the end aim of creating a management order for the underpass to allow approximately two thirds of the width of the underpass for its full length to be leased to the golf course landowner to ensure access. The other one third of the width of the underpass is required to be accessible to the general public, similar to a pedestrian accessway.

The closure should be supported as it is in the best interests of the community to formalise access arrangements of the existing underpass and it will also benefit the users of the golf course.

It is therefore recommended that the City resolve to formally close portion of Shenton Avenue containing the underpass to facilitate a lease between the City and the golf course landowner to allow for formal access whilst retaining general public access.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Photographs of Underpass

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Kimber, SECONDED Cr Brewer that Council:

- 1 SUPPORTS the closure of portion of Shenton Avenue road reserve containing the underpass structure;**
- 2 REQUESTS the Department of Land Information to formally close portion of Shenton Avenue road reserve containing the underpass structure in order to facilitate the creation of the underpass as a reserve with power to lease on the basis that public access will be in perpetuity and any future leasing arrangements will not limit general public access;**
- 3 COMMUNICATES its decision to the Department of Planning & Infrastructure, Department of Land Information and all servicing authorities.**

The Motion was Put and

CARRIED UNANIMOUSLY (14/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf141003.pdf](#)

**CJ243 - 10/03 APPLICATION FOR CLOSURE OF THE
PEDESTRIAN ACCESSWAY BETWEEN
MACFARLANE RISE AND CASTLEFERN PARK
(RESERVE 38198), DUNCRAIG – [55533]**

WARD - South Coastal

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between MacFarlane Rise and Castlefern Park (Reserve 38198), Duncraig (refer Attachment 1 to this Report).

EXECUTIVE SUMMARY

The City has received a request for closure of the subject PAW from an adjoining landowner. Of the other three adjoining landowners, two are in support and one is without opinion. Justification for closure is repeated incidents of theft, vandalism and anti-social behaviour.

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

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

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and medium respectively. Based on these ratings, the proposal accords with Case 5 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between MacFarlane Rise and Castlefern Park (Reserve 38198), Duncraig not be supported.

BACKGROUND

Suburb/Location:	Duncraig
Applicant:	Two adjoining landowners
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	No relevant objective/strategy within Strategic Plan

DETAILS

Current Proposal or Issue

Two of the adjoining landowners support the closure of the PAW and agree to acquire the land and meet any costs and conditions associated with closure. Owners of the third property are without opinion. The Water Corporation has service infrastructure within the PAW that requires relocation at the applicants cost.

The request for closure is based on incidents of theft, vandalism and anti-social behaviour that adjoining landowners/occupiers advised are associated with the PAW.

Site Inspection

A site inspection revealed that there are clear sight lines through the PAW and it is in good condition. There was no rubbish or graffiti in the PAW. (See Attachment 2 to this report).

PAW Closure Process

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

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

Consultation

The proposal was advertised for thirty days from 16 June 2003 to 16 July 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Attachments 3 and 4 summarise the information from the returned questionnaires in relation to this application.

A total of 71 questionnaires were returned and three (3) separate letters were also received that strongly objected to the closure, stating that children and the elderly use the PAW frequently in particular for exercise, dog walking and access to Castlefern Park.

Policy Implications

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

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

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

COMMENT

Assessment and Reasons for Recommendation:

Urban Design Assessment

From information received in the returned questionnaires, the subject PAW is used to access various community facilities such as the local shopping centre and parks, with its main use being for exercise/social reasons. If the subject PAW is closed, the walking distance to these facilities does not appear to increase significantly.

The main alternative route would appear to be via Cummings Way and comments by some users, particularly those who reside within MacFarlane Rise, indicate that this alternative route is unsuitable. Reasons provided are that it increases the walking distance to the park and encourages walking along and crossing busier roads. The PAW is not a designated 'safe route to school' and is not shown on Bikeplan. Although there are alternative routes for users, 17 of the 36 users (47%) advised they would be inconvenienced if closure is supported. Based on the foregoing, a Medium rating appears the most appropriate:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> PAW provides a route to community facilities but not direct 	<ul style="list-style-type: none"> This is supported
<ul style="list-style-type: none"> An alternative route exists but some inconvenience. 	<ul style="list-style-type: none"> This is supported

<ul style="list-style-type: none"> PAW not designated as a 'safe route to school' or significant with regard to the bike plan. 	<ul style="list-style-type: none"> This is supported
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Nuisance Impact Assessment

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

- Increasing incidents of theft and vandalism in the street;
- Groups of young people kicking and breaking reticulation sprinklers, shaking/breaking street lights and drinking/foul language experienced when such groups pass through the PAW; and
- Closure will increase security and peace of mind.
- The alternative route to Castlefern Park via Cummings Way is the same distance and would be of minimum (if any) inconvenience to local residents.

Police and City Watch Information

City Watch was requested to undertake extra patrols to monitor the level of anti-social behaviour in the PAW. During the two month monitoring period, which was 6 February 2003 to 6 April 2003, 19 patrols were undertaken and there were no incidents recorded.

Police information provided covered a period from January 2003 to 26 August 2003 and no evidence suggests that the level of offences occurring in the area was higher in the vicinity of the PAW than elsewhere in the suburb. Two complaints were received for Macfarlane Rise during the above period, with only one being for antisocial behaviour and this was not related to the PAW in question.

Police and City Watch reports indicate that the problems encountered with the PAW do not appear to suggest that criminal activity or anti-social behaviour in and around the area of the PAW is any higher than other areas within the suburb.

Comments in Returned Questionnaires

Of the 36 users of the subject PAW, 7 had witnessed anti-social behaviour and 10 users had witnessed vandalism. The main form of vandalism recorded was graffiti, property damage and rubbish including broken glass.

Based on the foregoing, it appears that the incidents recorded by the adjoining landowners are similar to that experienced in the surrounding area, with antisocial behaviour complaints mainly being noted. Therefore the Nuisance Impact Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways.

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb. 	<ul style="list-style-type: none"> This appears to be correct
<ul style="list-style-type: none"> Types of offences are limited to antisocial behaviour 	<ul style="list-style-type: none"> This appears to be correct

<ul style="list-style-type: none"> The severity of antisocial behaviour is similar to elsewhere in the suburb 	<ul style="list-style-type: none"> This appears to be correct
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Community Impact Assessment

The proposal was advertised for thirty days from 16 June 2003 to 16 July 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Of the 71 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure is:

Supporters	Objectors	Neutral	Totals
Users of the PAW 12	Users of the PAW 17	Users of the PAW 7	36 Users
Non users of the PAW 15	Non- users of the PAW 0	Non users of the PAW 20	35 Non-users
Total Supporting 27	Total Objecting 17	Total Neutrals 27	71

Attachment 4 to this report indicates the most common use of the PAW is for exercise/social reasons with access to shops and parks also being significant.

The Community Impact Assessment falls between a medium to low rating, however medium appears more appropriate and generally satisfies the criteria stipulated under Policy 3.2.7 as it states:

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> Medium portion of respondents not in favour of closure (over 30%) 	<ul style="list-style-type: none"> <i>Of the 71 respondents, 17 (approximately 24%) objected</i>
<ul style="list-style-type: none"> Moderate level of households using the PAW 	<ul style="list-style-type: none"> <i>Of the 71 questionnaires received, 36 (approximately 51%) residents/families use the PAW</i>
<ul style="list-style-type: none"> Moderate portion of users inconvenienced by closure of the PAW (30-50%) 	<ul style="list-style-type: none"> <i>Of the 36 users, 47% advised they would be inconvenienced by closure</i>

As a comparison, the following table is a list of criteria under the ‘low’ heading of Policy 3.2.7;

Policy Parameters - Low	Analysis Results
<ul style="list-style-type: none"> High number of residents in favour of closure (Over 75%) 	<ul style="list-style-type: none"> <i>Of the 71 respondents, 27 (38%) support closure</i>
<ul style="list-style-type: none"> Low number of households using the PAW 	<ul style="list-style-type: none"> <i>Of the 71 questionnaires received, 36 (approximately 51%) residents/families use the PAW</i>

<ul style="list-style-type: none"> • Few users inconvenienced by closure (Less than 30%) 	<ul style="list-style-type: none"> • <i>Of the 36 users, 47% advised they would be inconvenienced by closure</i>
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Final Assessment

The applicant has lived next to the subject PAW for a number of years and over that period of time, numerous break-ins to cars and homes have occurred.

Comments by other supporters in the returned questionnaires are that if the adjoining landowners are experiencing any anti-social behaviour as a result of living by a PAW then it should be closed. Some supporters comment that all PAWs are a security risk and should be closed.

Four (4) of the local residents that wished to remain neutral passed comments on their returned questionnaires with one acknowledging the usefulness of the PAW to access the park, two (2) recognising that PAWs can be a problem for adjoining landowners and one (1) comment with respect to the likely increase in anti-social behaviour in other nearby PAWs if this particular PAW was closed.

Objections raised are that the PAW was included in the sub-division originally for the benefit of the local community and it does assist with convenient access to the shopping centre, to visit friends or access the park. Some objectors consider that PAWs are important for the young, the elderly and those that do not have private transport. Alternative routes, especially Cummings Way, may not be suitable for younger children due to traffic safety concerns. Based on the information in the returned questionnaires, on balance, the PAW does appear to be an asset overall to the local community.

The result of each assessment is detailed below:

- Urban Design Medium
- Nuisance Impact Low
- Community Impact Medium

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case 5, which states that closure is not supported where Urban Design Assessment for the PAW is considered of medium importance and both nuisance is considered medium or low and use is medium. Therefore it is recommended that the application to close the PAW between MacFarlane Rise and Castlefern Park (Reserve 38198), Duncraig not be supported.

ATTACHMENTS

- Attachment 1 Site Plan
- Attachment 2 Photographs of PAW
- Attachment 3 & 4 Summarised information of returned questionnaires

VOTING REQUIREMENTS

Simply Majority

MOVED Cr Hart, SECONDED Cr Caiacob that Council:

- 1 DOES NOT support the closure of the pedestrian accessway between MacFarlane Rise and Castlefern Park (Reserve 38198), Duncraig;**
- 2 REQUESTS extra City Watch patrols are undertaken in the vicinity of the pedestrian accessway;**
- 3 ADVISES the adjoining landowners of the pedestrian accessway and landowners within MacFarlane Rise of Council's decision.**

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

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf141003.pdf](#)

CJ244 - 10/03 APPLICATION FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN CAMM PLACE AND COHN PLACE, HILLARYS – [58535]

WARD - Whitford

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Camm Place and Cohn Place, Hillarys (refer Attachment 1).

EXECUTIVE SUMMARY

The City has received a request for closure of the subject PAW from an adjoining landowner with two other adjoining landowners supporting the application and the fourth adjoining landowner not supporting the application. Justification for closure is repeated incidents of unwanted nuisances/anti-social behaviour.

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

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

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and low respectively. Based on these ratings, the proposal accords with Case 4 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Camm Place and Cohn Place, Hillarys not be supported.

BACKGROUND

Suburb/Location:	Hillarys
Applicant:	Four adjoining landowners
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	No relevant objective/strategy within Strategic Plan

DETAILS

Current Proposal or Issue

Three out of the four adjoining landowners support the closure of the PAW and agree to acquire the land and meet any costs and conditions associated with closure.

The request for closure is based on repeated incidents of unwanted nuisances/anti-social behaviour that adjoining landowners/occupiers advised are associated with the PAW.

Site Inspection

A site inspection revealed that vision through the PAW is good, providing clear sight lines and the condition of the PAW was also good. At the time of the inspection there was no graffiti or rubbish. (See Attachment 2 to this report).

PAW Closure Process

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

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

Consultation

The proposal was advertised for thirty days from 16 June 2003 to 16 July 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Attachments 3 and 4 summarise the information from the returned questionnaires in relation to this application.

A total of 48 questionnaires were returned and one (1) separate letter that strongly objected to the closure, stating that the PAW was an appealing factor in purchasing the property as it gives better access to Hillarys Marina and relatives and friends in the nearby 'Harbour Rise' residential subdivision.

It should also be noted that two (2) questionnaires were returned after the closure of the advertising period and were not included within Attachment 3. Both questionnaires stated that they did not use the PAW, and were neutral in their opinion with respect to its closure.

Policy Implications

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

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

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

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

From information received in the returned questionnaires, the subject PAW is primarily used to access community facilities such as Hillarys Marina and local parks, with its main use

being for exercise/social reasons. If the subject PAW is closed, the walking distance to these facilities does not appear to increase significantly.

The main alternative route would appear to be via Angove Drive and comments by some users, particularly those who reside within Cohn Place, indicate that this alternative route is unsuitable. Reasons provided are that it increases the walking distance and encourages walking along and crossing a busier road. The PAW is not a designated 'safe route to school' and is not shown on Bikeplan. Although there are alternative routes for users, 5 of the 13 users (38%) advised they would be inconvenienced if closure were supported. Based on the foregoing, a Medium rating appears the most appropriate:

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

Nuisance Impact Assessment

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

- The PAW does not significantly enhance pedestrian access to Hillarys Marina or beach areas as the route along Angove Drive to West Coast Highway would be equidistant.
- Closure of the PAW would not significantly affect access in the other direction to Conica Park.
- Access from the Harbour Rise precinct to the shops on Flinders Avenue currently under construction would be similar along Ewing Drive to Waterford Drive; the PAW does not significantly affect walking distance to these shops.
- With Hillarys Marina operating nightclub facilities, the PAW will continue to attract unwarranted nuisances which have been continually experienced albeit often not reported by residents of the area.

Police and City Watch Information

City Watch was requested to undertake extra patrols to monitor the level of anti-social behaviour in the PAW. During the monitoring period, which was 21 January 2003 to 7 February 2003, 81 patrols were undertaken and there were no incidents recorded.

Police information provided covered a period from January 2002 to September 2003, with no criminal activity or calls for Police attendance to this area.

Police and City Watch reports indicate that the problems encountered with the PAW do not appear to suggest that criminal activity or anti-social behaviour in and around the area of the PAW is any higher than other areas within the suburb.

Comments in Returned Questionnaires

Of the 13 users of the subject PAW, 1 had witnessed anti-social behaviour and vandalism, however, no comments were made with respect to the nature of anti-social behaviour or vandalism.

Based on the foregoing, it appears that the incidents noted by the adjoining landowners are similar to those experienced in the surrounding area. Therefore the Nuisance Impact Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways.

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> • Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb. 	<ul style="list-style-type: none"> • This appears to be correct
<ul style="list-style-type: none"> • Types of offences are limited to antisocial behaviour 	<ul style="list-style-type: none"> • This appears to be correct
<ul style="list-style-type: none"> • The severity of antisocial behaviour is similar to elsewhere in the suburb 	<ul style="list-style-type: none"> • This appears to be correct

Community Impact Assessment

The proposal was advertised for thirty days from 16 June 2003 to 16 July 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius. Of the 48 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure is:

Supporters	Objectors	Neutral	Totals
Users of the PAW 1	Users of the PAW 8	Users of the PAW 4	13 Users
Non users of the PAW 15	Non- users of the PAW 1	Non users of the PAW 19	35 Non-users
Total Supporting 16	Total Objecting 9	Total Neutrals 23	48

Attachment 4 to this report indicates the most common use of use the PAW is for exercise/social reasons with access to Hillarys Marina and parks also being significant.

The Community Impact Assessment falls between a medium to low rating, however, low appears more appropriate and generally satisfies the criteria stipulated under Policy 3.2.7 as it states:

Policy Parameters – Low	Analysis Results
<ul style="list-style-type: none"> • High number of residents in favour of closure over (75%) 	<ul style="list-style-type: none"> • <i>Of the 48 respondents, 16 (approximately 33%) support closure.</i>
<ul style="list-style-type: none"> • Low number of households using the PAW 	<ul style="list-style-type: none"> • <i>Of the 48 questionnaires received, 13 (approximately 27%) residents/families use the PAW</i>

<ul style="list-style-type: none"> • Few users inconvenienced by closure (less than 30%) 	<ul style="list-style-type: none"> • <i>Of the 13 users, 8 (approximately 61%) advised they would be inconvenienced by closure</i>
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As a comparison, the following table is a list of criteria under the ‘medium’ heading of Policy 3.2.7;

Policy Parameters – Medium	Analysis Results
<ul style="list-style-type: none"> • Medium portion of respondents not in favour of closure (over 30%) 	<ul style="list-style-type: none"> • <i>Of the 48 respondents, 9 (approximately 19%) support closure</i>
<ul style="list-style-type: none"> • Moderate level of households using the PAW 	<ul style="list-style-type: none"> • <i>Of the 48 questionnaires received, 13 (approximately 27%) residents/families use the PAW</i>
<ul style="list-style-type: none"> • Moderate portion of users inconvenienced by closure of the PAW (30-50%) 	<ul style="list-style-type: none"> • <i>Of the 13 users, 8 (approximately 61%) advised they would be inconvenienced by closure</i>

Final Assessment

Comments by supporters in the returned questionnaires are that if the adjoining landowners are experiencing any anti-social behaviour as a result of living by a PAW then it should be closed. Some supporters comment that all PAWs are a security risk and should be closed.

Two (2) of the local residents who wished to remain neutral passed comments in their returned questionnaires with one acknowledging the usefulness of the PAW to access the park and the other recognising that PAWs can be a problem for adjoining landowners.

Objections raised are that the PAW was included in the sub-division originally for the benefit of the local community and it does assist with convenient access to Hillarys Marina, to visit relatives and friends or access nearby parks. Some objectors consider that PAWs are important for the young, the elderly and those who do not have private transport. Alternative routes, especially Angove Drive, may not be suitable for younger children due to traffic safety concerns. Based on the information in the returned questionnaires, on balance, the PAW does appear to be an asset overall to the local community.

The result of each assessment is detailed below:

- *Urban Design* *Medium*
- *Nuisance Impact* *Low*
- *Community Impact* *Low*

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case 4, which states that closure is not supported where Urban Design Assessment for the PAW is considered of medium importance and both nuisance and use is low. Therefore it is recommended that the application to close the PAW between Camm Place and Cohn Place, Hillarys not be supported.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Photographs of PAW
Attachment 3 & 4	Summarised information of returned questionnaires

VOTING REQUIREMENTS

Simply Majority

Cr Baker left the Chamber at this point, the time being 2243 hrs.

MOVED Cr Caiacob, SECONDED Cr Hart that Council:

- 1 DOES NOT support the closure of the pedestrian accessway between Camm Place and Cohn Place, Hillarys;**
- 2 ADVISES the adjoining landowners of the pedestrian accessway and landowners within Camm Place and Cohn Place of Council's decision.**

MOVED Cr Kimber, SECONDED Cr Mackintosh that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table, pending further consideration by Ward Councillors:

“MOVED Cr Caiacob, SECONDED Cr Hart that Council:

- 1 DOES NOT support the closure of the pedestrian accessway between Camm Place and Cohn Place, Hillarys;***
- 2 ADVISES the adjoining landowners of the pedestrian accessway and landowners within Camm Place and Cohn Place of Council's decision.”***

The Motion to Lie on the Table was Put and

CARRIED

.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf141003.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 Cr Mackintosh spoke on the Motion Moved by Cr Caiacob and Seconded by Cr Hart.

**CJ245 - 10/03 MINUTES OF THE SENIORS INTERESTS
ADVISORY COMMITTEE MEETING -
WEDNESDAY, 17 SEPTEMBER 2003 – [55511]**

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meeting of the Seniors Interests Advisory Committee held on Wednesday, 17 September 2003.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on Wednesday, 17 September 2003. The unconfirmed minutes of the meeting are submitted for noting by Council.

DETAILS

The Minutes of the Seniors Interests Advisory Committee held on 17 September 2003 at the City of Joondalup are included as Attachment 1 to this Report.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held 17 September 2003.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Walker, SECONDED Cr Brewer that Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday, 17 September 2003 forming Attachment 1 to Report CJ245-10/03.

The Motion was Put and

CARRIED UNANIMOUSLY (13/0)

In favour of the Motion: Mayor Carlos, Crs Brewer, Caiacob, Gollant, Hart, Hollywood, Kenworthy, Kimber, Mackintosh, O'Brien, Prospero, Rowlands and Walker

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf141003.pdf](#)

Cr Baker entered the Chamber at this point, the time being 2246 hrs.

Cr Walker left the Chamber at this point, the time being 2247 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C223-10/03 MOTION TO LIE ON THE TABLE NO 1 - NOTICE OF MOTION – 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)**

At the Council meeting held on 24 June 2003 the following motion was moved:

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

“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, BALCATTWA 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."*

The Motion to Lie on the Table was Put and *CARRIED BY*
EN BLOC RESOLUTION NO 2 (10/1)

In favour of the Motion: Mayor Carlos, Crs Caiacob, Mackintosh, Gollant, O'Brien, Brewer, Kimber, Prospero, Walker, and Hollywood Against the Motion: Cr Baker

Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table:

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply.

(Note: The Minutes of the Council meeting held on 24 June 2003 recorded that no member spoke on the Notice of Motion submitted by Cr O'Brien)

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Prior to any debate occurring on this item, a motion is required to be carried to take the motion from the table.

The Notice of Motion and the reasons for this motion as submitted by Cr O'Brien, are reproduced below:

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 27 May 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 17 June 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, BALCATTA 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 15 October 2002 decision, by a unanimous decision on Tuesday 11 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

MOVED Cr Hollywood, SECONDED Cr Prospero that the Motion be TAKEN FROM THE TABLE.

The Motion was Put and

LOST (5/8)

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

C224-10/03 **MOTION TO LIE ON THE TABLE NO 2 - NOTICE OF MOTION** **- CR O'BRIEN - PERMANENCY FOR WHITFORD SENIOR** **CITIZENS**

At the Council meeting held on 30 September 2003 the following motion was moved:

MOVED Mayor Carlos SECONDED Cr Baker, that in accordance with Clause 5.4 of the City's Standing Orders Local Law, the following Motion Lie on the Table PENDING the submission of a report on costings to undertake works to the Whitford Senior Citizens Centre:

“MOVED Cr O'Brien SECONDED Cr Hart that Council:

- 1 Reaffirms its decisions referred to in 3 below [CJ043-02/02 ref 26th February 2002 and CJ073-04/02];*
- 2 That Cr Caiacob replaces Former Cr Hurst on any Project Negotiating Team regarding the Library Matter referred to in the previous decisions of Council; and*
- 3 The text of the previous decisions be recorded in this evening's minutes:*
 - Page 23 Minutes Full Council 26th February 2002 - Item CJ043-02/02:*

MOVED Cr O'Brien, SECONDED Cr Carlos that:

- 1 Council NOTES the content of this preliminary report;*

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

AMENDMENT MOVED Cr Baker, *SECONDED* Cr Walker that the following words be inserted after "Cr Carlos" in Point 2 as follows:

"and the executive committee of management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees"

Cr Mackintosh gave an overview of a meeting she attended at the Senior Citizens Centre on 25 February 2002 at the invitation of Mrs B Marsh. The purpose of the meeting was to seek requests and input from senior citizens as to what they would like to see provided for the proposed Senior Citizens Centre.

Discussion ensued, with Cr Mackintosh asking a number of questions of Cr Walker.

MOVED Cr Carlos, *SECONDED* Cr Barnett that the Amendment BE NOW PUT.

The Procedural Motion Was Put and

CARRIED

The Amendment as Moved by Cr Baker, Seconded Cr Walker was Put and

CARRIED

The Original Motion, as amended, being:

That:

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

was Put and

CARRIED

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

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Carlos, Baker and Kadak

Against the Motion: Cr Mackintosh

- *Page 24-25 Minutes Full Council 9th April 2002 - Item CJ073-04/02*

MOVED Cr Walker, SECONDED Cr Rowlands that Council:

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

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

3

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

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

The Motion was Put and

CARRIED

The Original Motion, as amended, being:

That:

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

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

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

was Put and

CARRIED

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

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Carlos, Baker and Kadak

Against the Motion: Cr Mackintosh"

The Procedural Motion to Lie on the Table was Put and

CARRIED (8/3)

In favour of the Procedural Motion: Mayor Carlos, Crs Baker, Brewer, Hollywood, Kenworthy, Mackintosh, Prospero, Walker. Against the Procedural Motion: Crs Caiacob, Hart, O'Brien.

Standing Orders Local Law, Clause 5.4 – The Motion Lie on the Table:

Clause 5.4 states:

If a motion that the motion lie on the table is carried debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.

On a motion for the laying of the motion on the table being carried, a record shall be taken of all those who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion, but this does not deprive the mover of the motion of the right of reply.

(Note: The Minutes of the Council meeting held on 30 September 2003 recorded that no member spoke on the Motion Moved by Cr O'Brien and seconded by Cr Hart).

Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.

A member moving the taking of the motion from the table shall be entitled to speak first upon the resumption of the debate thereon.

Prior to any debate occurring on this item, a motion is required to be carried to take the motion from the table.

The Notice of Motion and the reasons for this motion as submitted by Cr O'Brien, are reproduced below:

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 30 September 2003:

"That Council:

- 1 Reaffirms its decisions referred to in 3 below [CJ043-02/02 ref 26th February 2002 and CJ073-04/02];*
- 2 That Cr Caiacob replaces Former Cr Hurst on any Project Negotiating Team regarding the Library Matter referred to in the previous decisions of Council; and*
- 3 The text of the previous decisions below be recorded in this evening's minutes:*

- *Page 23 Minutes Full Council 26th February 2002 - Item CJ043-02/02:*

MOVED Cr O'Brien, SECONDED Cr Carlos that:

- 1 Council NOTES the content of this preliminary report;*
- 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*
- 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*

- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

AMENDMENT MOVED Cr Baker, SECONDED Cr Walker that the following words be inserted after "Cr Carlos" in Point 2 as follows:

"and the executive committee of management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees"

Cr Mackintosh gave an overview of a meeting she attended at the Senior Citizens Centre on 25 February 2002 at the invitation of Mrs B Marsh. The purpose of the meeting was to seek requests and input from senior citizens as to what they would like to see provided for the proposed Senior Citizens Centre.

Discussion ensued, with Cr Mackintosh asking a number of questions of Cr Walker.

MOVED Cr Carlos, SECONDED Cr Barnett that the Amendment BE NOW PUT.

The Procedural Motion Was Put and *CARRIED*

The Amendment as Moved by Cr Baker, Seconded Cr Walker was Put and *CARRIED*

The Original Motion, as amended, being:

That:

- 1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*

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

was Put and

CARRIED

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

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Carlos, Baker and Kadak

Against the Motion: Cr Mackintosh

- *Page 24-25 Minutes Full Council 9th April 2002 - Item CJ073-04/02*

MOVED Cr Walker, SECONDED Cr Rowlands that Council:

- 1 *NOTES the minutes of the Special Meeting of Electors held on 25 March 2002 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ073-04/02;*
- 2 *REAFFIRMS its decision of 26 February 2002 (Item CJ043-02/02 refers) being that:*
- “1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*

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

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

The Motion was Put and

CARRIED

The Original Motion, as amended, being:

That:

- 1 *Council NOTES the content of this preliminary report;*
- 2 *Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*
- 3 *further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*

- 4 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
- 5 *should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups.*

was Put and

CARRIED

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

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Carlos, Baker and Kadak

Against the Motion: Cr Mackintosh

Reason for motion:

Cr O'Brien has advised that the reason for reaffirming Council's decisions is:

- 1 That the Whitford Senior Citizens and the Pensioners League (RWA) have expressed concerns, that there are allegations and rumours, that some of the City's Officers, have been again advancing the proposition of the Whitford Commercial Shopping Centre being desirous of shifting the Seniors into their Complex.
- 2 The purpose of this Motion is to reaffirm and "put to rest" such rumours and allow the Seniors, the "Comfort and Peaceful Quiet Enjoyment" of their Facility, which was funded by the Commonwealth Government and the Ratepayers of the Municipality as a permanent facility for Seniors.
- 3 To allow the neglected maintenance and minor upgrading to occur with the planning for such, that is in line with the "permanency of the premises".

OFFICER'S COMMENT

The City's officers are not involved in feasibility work as there is no mandate to pursue this project. Note also that the "project team" referred to in the minutes can be disbanded due to the project being previously shelved.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr O'Brien, SECONDED Cr Baker that the Motion be TAKEN FROM THE TABLE.**The Motion was Put and****CARRIED (8/5)****In favour of the Motion:** Crs Baker, Caiacob, Gollant, Hart, Kenworthy, Mackintosh, O'Brien and Rowlands**Against the Motion:** Mayor Carlos, Crs Brewer, Hollywood, Kimber and Prospero**MOVED Cr OBrien, SECONDED Cr Hart that Council:**

- 1 Reaffirms its decisions referred to in 3 below [CJ043-02/02 ref 26th February 2002 and CJ073-04/02];
- 2 That Cr Caiacob replaces Former Cr Hurst on any Project Negotiating Team regarding the Library Matter referred to in the previous decisions of Council; and
- 3 The text of the previous decisions be recorded in this evening's minutes:

Page 23 Minutes Full Council 26th February 2002 - Item CJ043-02/02:

MOVED Cr O'Brien, SECONDED Cr Carlos that:

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

AMENDMENT MOVED Cr Baker, SECONDED Cr Walker that the following words be inserted after "Cr Carlos" in Point 2 as follows:

"and the executive committee of management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees"

Cr Mackintosh gave an overview of a meeting she attended at the Senior Citizens Centre on 25 February 2002 at the invitation of Mrs B Marsh. The purpose of the meeting was to seek requests and input from senior citizens as to what they would like to see provided for the proposed Senior Citizens Centre.

Discussion ensued, with Cr Mackintosh asking a number of questions of Cr Walker.

MOVED Cr Carlos, SECONDED Cr Barnett that the Amendment BE NOW PUT.

The Procedural Motion Was Put and CARRIED

The Amendment as Moved by Cr Baker, Seconded Cr Walker was Put and CARRIED

The Original Motion, as amended, being:

That:

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

was Put and

CARRIED

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

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

Page 24-25 Minutes Full Council 9th April 2002 - Item CJ073-04/02

MOVED Cr Walker, SECONDED Cr Rowlands that Council:

- 1 NOTES the minutes of the Special Meeting of Electors held on 25 March 2002 at Whitford Senior Citizens Centre, Hillarys, forming Attachment 1 to Report CJ073-04/02;*
- 2 REAFFIRMS its decision of 26 February 2002 (Item CJ043-02/02 refers) being that:*
 - "1 Council NOTES the content of this preliminary report;*
 - 2 Council NOMINATES Cr Hurst, Cr Mackintosh, Cr Walker and Cr Carlos and the Executive Committee of Management of the Whitford Senior Citizens Association Inc and the Association of Independent Retirees to form part of the Project Team to negotiate only the relocation of the library service and its contents and that the owners of Whitford City Shopping Centre be informed that Council will not entertain any change in the municipality's ownership of Lot 503, Volume 1551, Folio 105;*
 - 3 further the Whitford City Senior Citizens Association, the Whitford Branch of the Pensioners League, the Self-Funded Retirees Association and any other user groups that use the Whitford Senior Citizens building be informed that Council does not intend to allow any intrusion into Lot 503 which was transferred to Council for community use by National Mutual;*
 - 4 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be converted for the expanding needs for seniors and community group facilities and remain intact on Lot 503;*
 - 5 should negotiations result in the library being relocated into the Shopping Centre, it is Council's intention that that part of the building which would be vacated, shall be subject to refurbishment and minor modification to suit the needs of non-profit community groups."*

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

The Motion was Put and

CARRIED

The Original Motion, as amended, being:

That:

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

was Put and

CARRIED

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

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, O'Brien, Barnett, Walker, Hollywood, Carlos, Baker and Kadak Against the Motion: Cr Mackintosh"

Discussion ensued.

During discussion, the following movements occurred:

Cr Walker entered the Chamber, the time being 2249 hrs;

Cr Prospero left the Chamber at 2252 hrs and returned at 2255 hrs;

Cr Gollant left the Chamber at 2255 hrs and returned at 2258 hrs;

Cr Kenworthy left the Chamber at 2307 hrs and returned at 2309 hrs.

The Motion as Moved by Cr O'Brien, Seconded by Cr Hart was Put and LOST (5/9)

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

C225-10/03 REQUEST FOR SECOND PUBLIC QUESTION TIME – [01122 02154]

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

The Motion was Put and

CARRIED (12/2)

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

Cr Rowlands left the Chamber at this point, the time being 2311 hrs.

SECOND PUBLIC QUESTION TIME

Mr M Sideris, Mullaloo:

Q1 Re: CJ246-10/03 – Community Sports Funding – Can you please advise me why members of the public were denied access to the late additional information associated with that report?

A1 The public were not denied any access, the Councillors were provided with information relating to a revised recommendation, that recommendation came about as deliberations that took place following the Briefing Session last week.

Q2 Re: CJ229-10/03 – Tender No. 009 – Laying of Brick Pavers – Can you please advise me as to why there is no breakdown of what the other tenderers offered in respect to this tender?

A2 This question will be taken on notice.

Mr S Magyar – Heathridge:

Q1 Re: CJ246-10/03 – Community Sport and Recreation Facility Fund – Administration Regulation 14 states that members of the public are to be given access to all documents and reports that are made available to Council at the same time that those documents are made available to the Elected Members. What assurances from Administration can we have that there will be a reasonable attempt to comply with Local Government Administration Regulation 14?

Cr Gollant left the Chamber at 2314 hrs and returned at 2315 hrs.

A1 Every attempt is made to provide the general public with whatever is deemed relevant at the time. Circumstances sometimes prevail on matters that are before Council.

Q2 Re: CJ247-10/03 – The first part of the resolution of Council was: In order to provide good governance, the question of the CEO's qualifications not be pursued. Can I have an explanation as to how this constitutes good governance?

A2 This question will be taken on notice.

Cr Kenworthy left the Chamber at this point, the time being 2315 hrs.

Q3 Re: CJ247-10/03 – Part 2: Can I please be informed as to which statutory law the actual obligation is under, is it the Local Government Act or is it some other government act and to which section of whichever Act this resolution is talking about?

A3 This question will be taken on notice.

Q4 Part 6 referred to legal action being taken against Council – If there is no basis for legal action, which appears to be a reasonable assumption from members of the public regarding events of the last few weeks, how can this item be included?

A4 This question will be taken on notice.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 11 NOVEMBER 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2325 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 J F HOLLYWOOD, JP
Cr A WALKER
Cr S HART
Cr M O'BRIEN
Cr J GOLLANT
Cr M CAIACOB
Cr C MACKINTOSH