



*City of*  
**Joondalup**

**NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Joondalup will be held in the Council Chambers, Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 14 August 2001 at 7.00 pm.**

**LINDSAY DELAHAUNTY**  
**Chief Executive Officer**  
**8 August 2001**

## ***PUBLIC QUESTION TIME***

*Council allows a 15 minute public question time at each Council meeting which is open to the public.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.*

*The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.*

*The following general rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

## ***DEPUTATION***

*Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only.*

*A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputations shall not exceed five (5) persons in number and only three (3) of those persons shall be at liberty to address the Elected Members and to respond to questions raised. Deputation sessions are, however, open to the public and other persons may attend as observers.*

## ***MOBILE TELEPHONES***

*PERSONS ATTENDING MEETINGS are reminded that the use of Mobile Telephones during meetings is not permitted.*

*PLEASE ENSURE that mobiles are switched off before entering the Council Chamber.*

*\* Any queries on the agenda, please contact Council Support Services on 9400 4369.*

# CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chambers, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 14 AUGUST 2001** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY  
Chief Executive Officer  
8 August 2001

Joondalup  
Western Australia

## AGENDA

### OPEN AND WELCOME

### APOLOGIES AND LEAVE OF ABSENCE

### PUBLIC QUESTION TIME

**The following questions, submitted by Mr M Sideris, Mullaloo were taken on notice at the Council Meeting held on 24 July 2001:**

*In relation to the calling of tenders:*

*Q1 The total value of expenditure for the fiscal year in question.*

A1 The total contract expenditure for 2000/01 was \$13,018,367.42.

*Q2 In relation to a previous question on the 8.8% increase for Chubb Security, the answer gave details of the additional cost being administration, staffing etc. Can you give me a breakdown for each portion of that answer?*

A2 No. Information providing a percentage breakdown of each portion of the listed costs in the previous answer is 'commercial in confidence'. It has been provided to the City on the basis that it is kept 'in confidence' and that it is to be used only to substantiate the increase of 8.8%.

**The following question, submitted by Ms A Malorgio, representing 3 Beam Road, Ocean Reef was taken on notice at the Council Meeting held on 24 July 2001:**

*Q1 Can Council assure us that in future all variations or amendments made to an original plan be marked in red or some other distinguishing mark and that they be signed and dated by the person altering the plan?*

A1 Attachment plans provided with agenda items (for elected members' information) may be embellished to provide a clear picture of the relevant details, to highlight aspects of an application that are discussed within a report, or to complement photos which may be added to describe the issues in the report. The supplementary information shown in the attachment forms part of the background information that Council may use to adopt its resolution.

In future, the administration will endeavour to make a clear distinction between the applicant's original plan and the supplementary information provided on that plan.

**The following question, submitted by Mr T O'Gorman, MLA was taken on notice at the Council Meeting held on 24 July 2001:**

*Re: Retrospective Approval in relation to Satellite Dishes:*

*Q1 I have been asked to reiterate the question asked earlier in the meeting, in regard to the retrospective planning approval. The answer was not sufficient to explain what is meant.*

A1 The application which the Council dealt with was for town planning approval and not for a building licence. Under the provisions of the Local Government Act 1995, it is not considered that a building licence is required for this satellite dish. Where a dish has a support which is an integral part of a building and the building requires structural alteration, or where the dish would be subject to significant wind loading, a building licence would be required. If a building licence was required, then retrospective approval could be achieved through an appeal to the Minister for Regional Development and Local Government or the existence of the structure could be acknowledged by the City. An actual building licence would not be issued in these circumstances.

**DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST**

*Cr Kimber stated his intention to declare a non-financial interest in Item CJ277-08/01 - Proposed Land Exchange - Location 11898 (273) Hepburn Avenue, Padbury (Reserve 43210 - Fire Station Site) and Location 12223, (12) Blackwattle Parade, Padbury (Reserve 43717 - Community Purpose Site) - as he is employed by Fire and Emergency Services Authority (FESA).*

## CONFIRMATION OF MINUTES

### MINUTES OF COUNCIL MEETING, 24 JULY 2001

#### RECOMMENDATION

**That the Minutes of the Council Meeting held on 24 July 2001 be confirmed as a true and correct record.**

### MINUTES OF SPECIAL COUNCIL MEETING, 8 AUGUST 2001

#### RECOMMENDATION

**That the Minutes of the Special Council Meeting held on 8 August 2001 be confirmed as a true and correct record.**

## ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

## PETITIONS

### PETITION OPPOSING THE PROPOSED MODIFICATION TO HILLARYS STRUCTURE PLAN TO INCLUDE MIXED SITES ON THE CORNERS OF HEPBURN AVENUE/WHITFORDS AVENUE AND WHITFORDS AVENUE/ANGOVE DRIVE – [16047]

A 17-signature petition has been received from Hillarys residents opposing the proposed modification to Hillarys Structure Plan.

The petitioners give the following reasons for opposing the proposal:

- mixed use sites will increase traffic flow as they are already busy spots;
- will increase the number of youths who frequently hang around these areas, particularly at night;
- in addition, there are already too many stores, restaurants and offices within two kilometres of the proposed mixed sites, at Hillarys Marina, Sorrento and a new shopping centre is due to be built this year on the corners of Flinders Avenue and Waterford Drive, Hillarys.

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

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**CJ255 - 08/01 TENDER FOR SUPPLY OF LEGAL SERVICES TO  
THE CITY OF JOONDALUP - TENDER NO 046-00/01  
- [58264]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 1

**SUMMARY**

The Council at its meeting held on 24 April 2001 resolved to:

- “1 REFER the matter of accepting the tenders from Minter Ellison, Kott Gunning, McLeod and Co and Watts and Woodhouse for the supply of legal advice to the City of Joondalup to the Audit Committee for further consideration;**
- 2 REQUEST the Audit Committee to review the processes used by Council staff to obtain legal opinions and advice from legal firms.”**

The existing agreements with the City’s current legal advisers (Clayton Utz, Watts and Woodhouse, McLeod and Co and Mallesons Stephens Jaques) are due to expire on 23 April 2001.

Tenders were invited in February this year inviting qualified legal firms to make a submission to provide the City of Joondalup with legal advice for a four year period.

Seven confirming tenders were submitted and evaluated against a selection criteria. It is recommended that the following four firms be appointed:

- Kott Gunning
- Minter Ellison
- McLeod and Co
- Watts and Woodhouse

The appointed firms will not solely concentrate on one category of law, but will be able to provide advice on all the issues facing the City of Joondalup.

The issue in relation to tender for the supply of legal services to the City was considered by the Audit Committee at its meeting held on 12 July 2001.

**BACKGROUND**

The Council at its meeting held on 24 April 2001 resolved to:

- “1 REFER the matter of accepting the tenders from Minter Ellison, Kott Gunning, McLeod and Co and Watts and Woodhouse for the supply of legal advice to the City of Joondalup to the Audit Committee for further consideration;**



**2 REQUEST the Audit Committee to review the processes used by Council staff to obtain legal opinions and advice from legal firms.”**

Item No CJ104-04/01 refers, and is attached to this report.

Following the statewide advertisements, there were 35 copies of the Tender Information Document (TID) supplied, with a total of eight tenders being received. The following firms submitted tenders:

- A D M Lindsey
- Bruce Harilch and Associates
- Gibson Tovey Mills
- Ilberys
- Kott Gunning
- McLeod and Co
- Minter Ellison
- Watts and Woodhouse

The expression of interest submitted by A D M Lindsey was declared non-confirming and incomplete, as the required information relating to the TID was not addressed and the submission was more for seeking a retainer rather than complying any of the tendering conditions.

The Audit Committee met on 12 July 2001, where it was recommended:

**That Council:**

**1 in accordance with the general conditions of tendering (Tender No 046-00/01) ACCEPTS the tenders from the following legal firms for the supply of legal advice to the City of Joondalup for a period of four years in accordance with the conditions of tendering:**

- Minter Ellison
- Kott Gunning
- McLeod and Co
- Watts and Woodhouse

**2 ENDORSES the current legal services guidelines attached to this Report.**

**COMMENT/FUNDING**

The recommendation is to engage a panel of four firms to supply legal advice to the City, with no set ‘categories.’ This will allow more freedom when seeking legal advice, and not restrict those that advice can be obtained from. There, however, is likely to be some of the firms that are more specialised in areas of law than the others.

It is therefore recommended that the Council endorse the recommendation from the Audit Committee.

## **RECOMMENDATION**

### **That Council:**

- 1** in accordance with the general conditions of tendering (Tender No 046-00/01) **ACCEPTS** the tenders from the following legal firms for the supply of legal advice to the City of Joondalup for a period of four years in accordance with the conditions of tendering:
  - **Minter Ellison**
  - **Kott Gunning**
  - **McLeod and Co**
  - **Watts and Woodhouse**
  
- 2** **AUTHORISES** in accordance with the provisions of Regulation 20(1) of the Local Government (Functions & General) Regulations 1996, a minor variation prior to entering into the contract as detailed in (1) above, in order for the proposed contract to commence 1 September 2001 and unless terminated earlier, to remain valid until 31 August 2005;
  
- 3** **AUTHORISES** the execution of the contract under Common Seal.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf070801.pdf](#)*

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## **CJ256 - 08/01 PUBLIC QUESTION TIME - COUNCIL MEETINGS AND BRIEFING SESSIONS - [01122] [08122] [02154]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 2

### **SUMMARY**

Following a request, a report was presented to the Briefing Session held on 3 July 2001 on the current procedures for public question time at both Council meetings and Briefing Sessions. Following that Briefing Session, a further report was requested detailing procedures.

The Local Government Act 1995 states that every local government is to include a minimum period of 15 minutes question time at the commencement of:

- Ordinary meetings of the Council;
- Special meetings of the Council; and
- Committee meetings where delegated authority was to be exercised.

There is no legislative requirement for a period of public question time at informal environments such as Briefing Sessions.

Previous periods of public question time have had the tendency for members of the public using the time to make statements rather than ask questions. This report provides for a revised set of procedures for public question time for Council's consideration.

### **BACKGROUND**

A request was received that a report be prepared reviewing the current procedures relating to public question time. This report has been prepared detailing a revised set of procedures for public question time.

The current procedure for public question time is as follows:

*Council allows a 15 minute public question time at each Council meeting which is open to the public.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.*

*The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.*

*The following general rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

A majority of the questions asked of the Council are done so verbally at the Council meeting. It is not common practice for residents to submit questions in writing as per the current procedure.

## **DETAILS**

The Local Government Act 1995, gazetted and implemented on 1 July 1996, made significant changes to the way local government undertakes its business. One of those changes required all local governments to include a minimum period of 15 minutes question time at the commencement of:

- Ordinary meetings of the Council;
- Special meetings of the Council; and
- Committee meetings where delegated authority was to be exercised.

Where questions are asked by the public at either a special meeting of the Council or at a committee meeting where there is delegated authority being exercised, those members who constitute either the special Council meeting or the committee are not to answer any questions that do not relate to either the purpose of the special meeting or the function of the committee. The City of Joondalup does not have any committee that exercises delegated authority.

For those meetings where the legislation allows for members of the public to ask questions, there are some additional requirements that are to be followed:

- The minimum period of public question time is 15 minutes;
- Public question time must occur prior to any business/decisions of that meeting taking place;
- If all the questions have been asked, and the allotted period of 15 minutes has not elapsed, then the meeting may proceed to other matters before it;
- The person presiding at the meeting, or where a majority of the members present at the meeting disagree with the person presiding, shall determine the procedures relating to the asking and responding to questions asked by members of the public; and
- Each member of the public who wishes to ask a question at a meeting as detailed above is to be given a fair and equal opportunity to ask the question and receive a response.

There is no legislative requirement to allow members of the public to ask questions in an informal environment such as briefing/information sessions.

As a matter of comparisons, the following is a summary of how some local governments manage their public question time.

### City of Stirling

The City of Stirling allows for questions to be asked verbally or in writing, questions are preferred in written form, so the question can be more clearly understood for an answer to be given.

Discussions with the City of Stirling eluded that it was not subject to many questions at Council, but would only allocate the 15 minute question time period. The time limit may be extended slightly depending on the circumstances. There is no second period of public question time.

### City of Swan

The City of Swan has three sections of public question time:

- questions relating to reports on the agenda;
- questions in writing not relating to reports;
- verbal questions not relating to reports.

The City of Swan advised that where questions were of a complex nature and the member of the public requires an answer at the Council meeting (Wednesdays), it must be submitted by 5 pm the Friday before.

Members of the public are entitled to ask a question during each of the three sections, if they have more than one question, they are to wait until everyone has had an opportunity, and if time permits may ask further questions. This may vary on the circumstances, and if public question time is extended, it is generally done in five minute intervals.

There is no second period allocated for public question time at the end of the meeting.

### City of Perth

The City of Perth allows a period of 15 minutes with questions being preferred to be in writing prior to the meeting. Discussions with the City of Perth could not recall using the entire allotted period for public questions.

The following procedure is followed by the City of Perth for the asking of and responding to questions raised by members of the public at a meeting:

- (a) a member of the public who raises a question during question time is to state their name and address;

- (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
- (c) questions are to be answered by the member or employee nominated by the presiding person;
- (d) questions may be answered orally or in writing, at the determination of the presiding person, but the presiding person may determine that any complex question requiring research be answered only in writing; and
- (e) no discussion of a question or answer is to take place.

There is no second period allocated for public question time at the end of the meeting.

### City of Melville

The City of Melville allows a period of 15 minutes and requests all questions to be made in writing prior to the meeting. Discussions with the City of Melville could not recall using the entire allotted period for public questions.

The following procedure is followed by the City of Melville for the asking of and responding to questions raised by members of the public at a meeting:

- 1 Question Time will be limited to fifteen (15) minutes and be the first item of business immediately following Apologies at the commencement of the meeting.
- 2 Questions must relate to the ordinary business of the City of Melville, function of the Committee or the purpose of the Special Meeting as appropriate.
- 3 A question must be submitted in writing and placed in the Question Tray prior to the commencement of the meeting.
- 4 Her Worship the Mayor or the person presiding at the meeting may, at their discretion:
  - Accept or reject the question
  - Nominate a member of the Council and/or Officer to answer the question; or
  - Determine that any complex questions requiring research of a question not relating to an item in the Agenda will be answered in writing as soon as possible.
- 5 Please note that no debate or discussion will be permitted on any question or answer.
- 6 All questions (except those rejected) and a summary of the response will be recorded in the minutes.
- 6 Elected Members and Officers of the Council are usually available following the closure of Council/Committee meetings to answer any other questions.

## City of Subiaco

The City of Subiaco conducts a “Public Address/Statement Time” in addition to the statutory required period of public question time.

During Public Address/Statement Time, each member of the public is entitled to address the Council via a statement. Each member of the public is allocated a maximum time to make their statements (currently two minutes), with the total time period allocated for statement time being at the presiding members discretion.

Public question time follows public statement time on the order of business of the agenda. There is no time limit for public question time, with the presiding person responsible for the procedures. It should be noted that during public question time, there is no repetition of statements made earlier, and questions are asked in groups based on topics.

Prior to the commencement of the meeting, a staff members explains the rules to the members of the public. If during either period, the rules/procedures are not being fairly administered, elected members may bring the inconsistency to the attention of the meeting.

There is no second period allocated for public question time at the end of the meeting.

Of the larger metropolitan local governments who are operating briefing sessions, the Cities of Perth and Swan, those sessions are not open to the public.

## **Suggested amended procedure**

The following amended procedure is suggested for Council meetings and Briefing Sessions:

*“Council allows for public question time at each Council meeting or Briefing Session which is opened to the public.*

*Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the ‘question tray’ prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked, but a limit of two (2) verbal questions per member of the public will be allowed and the period of time for verbal questions will be limited to fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.”*

## **COMMENT**

The introduction of the Local Government Act 1995 was to provide for greater community participation in decisions and affairs of a local government. The introduction of public question time at Council meetings is only one of many ways in which a local government is required to allow the public to participate in its affairs.

It would be fair to say that public question time over recent times has been difficult to control, with some members of the public taking the opportunity to make statements about the dealings of the Council. While it is fully appreciated that members of the public are entitled to have their say, and it is part of the democratic process, there however needs to be a fair degree of control when members of the public are asking questions during public question time.

With the emphasis being placed on members of the public to submit their questions in writing, this will allow for the question to be better understood and for a direct response to be provided. This will also minimise the number of statements being made during public question time, allow a more fairer and equitable way for people to ask questions rather than the time being dominated by the few and also allows the opportunity for those people to ask a question who may be intimidated in speaking publicly in such a forum.



It should also be noted that the request to have questions submitted in writing two days prior is reasonable as the agenda papers are available both electronically and in hard copy by the Thursday morning prior to the Council meeting. The proposed change in procedures does not in any way affect or restrict the ability of a member of the public to ask a question of the Council. All members of the public are still entitled to ask questions as required by legislation, however the revised procedures require those questions to be in writing.

## RECOMMENDATION

**That:**

**1 Council TRIALS the following procedure for public question time at Council Meetings and Briefing Sessions for a period of six months;**

*“Council allows for public question time at each Council meeting or Briefing Session which is opened to the public.*

*Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the ‘question tray’ prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked, but a limit of two (2) verbal questions per member of the public will be allowed and the period of time for verbal questions will be limited to fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
  - *questions should properly relate to Council business.*
  - *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
  - *questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
  - *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.”*
- 2 the standard advertisement in the local paper advertising the forthcoming Council meetings and Briefing Sessions be amended to include a summary of the procedure to ask questions;
- 3 at the conclusion of the six (6) month trial as detailed in (1) above, Council REQUESTS a further report evaluating the revised procedures relating to public question time.

## **CJ257 - 08/01 SECURITY & PATROL SERVICES CONTRACT (018-00/01) - ISSUE OF SUB-CONTRACT - [09763] [50061]**

**WARD** - All

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CJ010807\_BRF.DOC:ITEM 3

### **SUMMARY**

At the Council meeting of 24 April 2001 (C29-04/01 refers), it was requested for the Audit Committee to consider the tender awarded to Chubb Protective and its subcontractor Seth Holdings Pty Ltd. Subcontracting is a normal and an acceptable practice in contracting. As a part of the Chubb tender the City received information about the proposed subcontracting arrangement between Chubb Protective and Seth Holdings Pty Ltd. The City's tender evaluation recognised the sub contracting arrangement between Chubb Protective and Seth Holdings Pty Ltd as good risk management and was accepted. Chubb Protective has not assigned its contract with the City to Seth Holdings Pty Ltd.

The issue in relation to the Security and Patrol Services Contract was considered by the Audit Committee at its meeting held on 12 July 2001.

### **BACKGROUND**

The Council at its meeting held on 24 April 2001 agreed to have the Audit Committee consider the Chubb tender for security patrol services and the sub-contracting of the tender.

### **DETAILS**

A report was presented to the meeting of the Audit Committee held on 12 July 2001 where it was resolved:

**“That in respect of Council’s acceptance of all future tenders that the full council meeting at which it is proposed to accept the tender, that all elected members be advised who the sub-contractors are and that such a list of sub-contractors be appended for information.”**

### **COMMENT/FUNDING**

The subcontracting arrangement of Chubb Protective ensures the City receives the skills, back up, training, protection and goodwill from Chubb Protective. The City is protected from the risks in the contract if any, through adequate insurance and contracting arrangement with Chubb Protective directly. The City will not be responsible for any failings of Seth Holdings Pty Ltd, as Chubb Protective is legally obliged and responsible to provide the provision of services to the City.

It is therefore recommended that the Council endorse the recommendations made by the Audit Committee.

### **RECOMMENDATION**

**That in respect of Council's acceptance of all future tenders, that at a full Council meeting at which it is proposed to accept the tender, all elected members be advised who the sub-contractors are and that such a list of sub-contractors be appended for information.**

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**CJ258 - 08/01 INVITATION FOR HIS WORSHIP THE MAYOR J BOMBAK JP TO ATTEND THE “GOLDEN AUTUMN FOREIGN ECONOMY & TRADE FAIR 2001” IN JINAN, CHINA - [49504]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 4

**SUMMARY**

The Foreign Affairs Office of the Jinan Municipal’s Government has invited His Worship the Mayor J Bombak JP to attend the “Golden Autumn Foreign Economy & Trade Fair”, to be held in Jinan from 22 September 2001 to 26 September 2001.

The objective of this report is to highlight the benefits of the Mayor visiting the Trade Fair with the view of extending friendship towards Jinan. The report reiterates that the progressing of a Sister City relationship between Jinan and Joondalup could have significant development opportunities for the City, especially in the export of education by a key stakeholder of the “Learning City” – Edith Cowan University.

A review of costs is provided and the report recommends that Council accepts the invitation and endorses the attendance by the Mayor for the purpose of providing support of Edith Cowan University’s endeavours in promoting education in China.

**BACKGROUND**

In June 2000, the City of Joondalup welcomed four delegates from Jinan who were visiting Western Australia at the invitation of Edith Cowan University (ECU). A Memorandum of Understanding (MOU) was signed between the two Cities. Subsequent to the adoption of the MOU in July 2000 (Item CJ 183-07/00 refers), a number of invitations have been received by Joondalup to reciprocate with a delegation to Jinan. There is an expectation that such a visit would develop into the formation of a Sister-City relationship between the City of Joondalup and the Municipality of Jinan with mutual benefits.

In, August 2000, an invitation was extended by the Mayor of Jinan for representation from the City of Joondalup at the Jinan Golden Autumn Fair and Twin Cities Meeting. This invitation was declined. (Item – CJ233-09/00 refers.)

In June 2001, Council endorsed the following:

- “1. *ENDORSES the organisation of a public meeting, with co-operation with Edith Cowan University, the WA Chinese Chamber of Commerce and the Chung Wah Association, and the WA Sister-City Association to gauge support, within the broader Joondalup community for the progressing of a Sister-City relationship with the Municipal People’s Government;*
2. *ENDORSES the sending of representatives to attend the WA Sister City Association Conference planned for the end of September 2001 with a view to developing further recommendations as to the appropriate progressing of the Sister-City relationship.”*

(Item – CJ188-06/01 refers.)

## **DETAILS**

A Report to Council in June 2001 has shown that a properly managed relationship between Joondalup, Jinan and ECU may provide mutual benefits. More specifically, a visit by the Mayor to Jinan in support of ECU’s education exports in China would further cement the partnership between Joondalup and the University.

The Business Management (MBA) course that ECU offers, encouraging international student exchange to the Churchlands (ultimately Joondalup) Campus, will also be conducted in Jinan. The Jinan MBA course was launched on 5 July, 2001 where Associate Professor Mellotte of ECU presented the Municipality of Jinan with a gift sent by His Worship the Mayor J Bombak JP on behalf of the City of Joondalup.

Mr Jeff Gunningham, Director ECU International and Commercial, recently wrote to the City saying that the Jinan/Joondalup relationship was a significant and important initiative. He recommended that the invitation to attend the Trade Fair be accepted and said that this activity would have medium to long term benefits to the City of Joondalup. He has indicated that an appropriate ECU representative would accompany His Worship the Mayor J Bombak JP on this visit (Attachment A refers).

The representation of His Worship the Mayor J Bombak JP, at the Jinan Golden Autumn Foreign Economy & Trade Fair 2000 would enhance the standing of ECU in China.

The aim of the visit would be:

- To support ECU in its endeavours to expand its Education exports to China;
- To gauge what opportunities there might be for other exports to Jinan;
- For the Mayor and ECU to consult with Jinan on the feasibility of a “Learning Cities Twin” between Jinan and Joondalup.

**COMMENT/FUNDING**

Costing for airfare is based on standards outlined as per Policy 2.2.3, which states that elected members travelling overseas are entitled to economy class travel. Arrival at Jinan would be on 21 September 2001 and departure would be on 27 September 2001. Subject to airline scheduling an extra night's accommodation may be necessary in China.

The cost is based on 7 days' attendance at the Trade Fair and is estimated to be \$5,000, made up as follows:

Air travel (including airport taxes).	\$1,590.00
Daily allowance (based on \$140.00 per day).	\$980.00
Accommodation - excludes food.	\$1,920.00
Incidentals.	\$665.00
Estimated Total Cost	\$5,155.00

It is recommended that approval is given for the visit on the basis of providing support for Edith Cowan University endeavours in Jinan.

Account No: 11-05-05-052-3302-001  
 Budget Item: Elected Members Conference Expenses  
 Budget Amount: \$50,000  
 Actual Cost: \$5,155

**RECOMMENDATION**

**That Council SUPPORTS Edith Cowan University endeavours in education in China and:**

- 1 ACCEPTS the invitation from Jinan, China for His Worship the Mayor J Bombak JP to attend the “Golden Autumn Foreign Economy & Trade Fair 2001;**
- 2 ENDORSES the representation of His Worship the Mayor J Bombak JP at the “Golden Autumn Foreign Economy & Trade Fair 2001” in Jinan, China, from 21-27 September 2001, at an estimated total cost of \$5,155, with funds being allocated from Account 11-05-05-052-3302-001 – Elected Members Conference Expenses.**

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19agn140801.pdf](#)

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**CJ259 - 08/01 COMMUNITY CONSULTATION PROGRAMME FOR GREENHOUSE GAS EMISSION REDUCTION GOALS AND ACTION PLAN - MILESTONE 2 & 3, CITIES FOR CLIMATE PROTECTION PROGRAMME - [59091] [09717]**

**WARD** - All

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CJ010807\_BRF.DOC:ITEM 5

**SUMMARY**

At the Council Meeting held on 26 June 2001, it was resolved that a community consultation programme be undertaken to assist the Council in determining and endorsing greenhouse gas emission reduction targets, for the City's corporate activities and also the community's activities (*Item CJ195-06/01 refers*).

This report presents for the Council's consideration details of the proposed consultation programme to gauge the community's view on greenhouse gas emission reduction targets and the proposed approach to progress the Cities for Climate Protection programme.

**BACKGROUND**

The City of Joondalup is a member of the Cities for Climate Protection Programme, which assists local governments to reduce greenhouse gas emissions. The Cities for Climate Protection programme comprises of five milestones:

1. Conduct an emissions inventory of current Council and community activity and a forecast of emissions growth in the future (achieved 19 December 2000 *refer CJ362-12/00*).
2. Establish an emissions reduction goal.
3. Develop a local action plan.
4. Implement the local action plan.
5. Monitor and report on the implementation of the local action plan.

Milestone 2 involves the Council consulting with the community to establish a greenhouse gas emission reduction goal. This goal is the amount of greenhouse gases that the Council and the community are committed to reducing from the base forecast base year of 1996. Milestone 3 involves developing a Local Action Plan that documents the types of measures that the Community and Council will undertake to reduce the greenhouse gas emissions.

This plan should consider the type of approach, the costs and benefits, responsible agents, method of measurement and the timing of activities.



At the Council Meeting held on 26 June 2001 (Item CJ195 - 06/01 refers), it was resolved to:

- 1 *NOTES the goal of reducing Corporate greenhouse gas emissions from 2000 levels by 20% by 2010;*
- 2 *NOTES the goal of reducing Community greenhouse gas emissions from 1996 levels by 20% by 2010;*
- 3 *ADVISES the International Council for Local Environmental Initiatives (ICLEI) of Council's concerns on the corporate and community reduction goals;*
- 4 *BE ADVISED on the process of the Cities for Climate Protection (CCP™) programme on a regular basis;*
- 5 *IMPLEMENTS a significant period of public consultation to seek further feedback on this issue;*
- 6 *SEEKS a report from Council staff on the proposed programme of public consultation.*

## **CONSULTATION PROGRAMME**

A six-week community consultation programme is proposed to ascertain the community's view and input on the establishment of greenhouse gas emission reduction targets. The proposed six-week period is consistent with the normal consultation period that the City usually deploys.

As an initial education process, it is proposed that the community consultation programme commences with a four-page feature in the Autumn edition of Council News (distributed 4 September 2001). This feature would discuss greenhouse gas targets and emission reduction actions. The four-page feature will be based primarily on the CCP Milestone 1 report, "Inventory and Forecast of Greenhouse Gas Emissions" which was considered by the Council in December 2000 (Item CJ362-12/00 refers), in conjunction with previous Council reports relating to the Cities for Climate Protection Programme. The feature article will also be placed on the City's web site, with an online feedback form.

As part of the consultation programme, it is also proposed to conduct two community workshops, one workshop will be held in the northern suburbs and a further workshop will be held in the southern suburbs. The business sector will be invited to attend the workshops to address the business issues associated with reduction targets. In addition, the City's Environmental Advisory Committee has formed a working group that will address this issue and would provide another community perspective, as community representatives, on reduction targets and appropriate types of measures.

It is envisaged that the workshops would also take the opportunity to address and seek feedback on the type of measures and approach the community and business sector considers appropriate to achieve the reduction targets. The information and feedback gained would be used as the basis for development of local action plans (Milestone 3).

Following the conclusion of the community consultation programme and workshops, the outcomes and analysis will be presented to the Council regarding the setting of greenhouse gas emission reduction targets. Should the Council endorse a set of corporate and community targets, this will then constitute the completion of Milestone 2 of the Cities for Climate Protection programme.

If the Council endorses a set of greenhouse gas emission reduction targets, a further two community workshops are proposed to consider and develop the greenhouse gas emission reduction local action plan (Milestone 3 of the CCP programme). These workshops will be based on the same composition as the two workshops held during the consultation programme. A workshop is also proposed for the Council and the Executive Management to address the City's corporate activities for a City Administration action plan.

The proposed schedule for the community consultation programme is:

September 2001	Community consultation programme commences with the release of a four-page feature article in Autumn 2001 Council News and on the City's web page;  Two workshops to be held during the month of September;
November 2001	Six-week public consultation period concludes;
December 2001	Review and analysis of community consultation, report to be submitted to the Council, including recommendation on targets setting and action plan;  Two community workshops and a Council/Executive Management workshop held to develop greenhouse gas emission reduction plan;
February 2002	Draft Greenhouse Gas Emission Reduction Action Plan prepared and submitted to the Council for consideration.

## FUNDING

The four-page feature will be included in the Autumn 2001 Council News. To have a four-page feature in the Wanneroo Times would cost approximately \$8,000-\$9,000 which is considered expensive considering that the Council News has a relatively high readership and has proven to be an effective form of communication. The feature will also be included on the City's web site.

It is proposed to advertise the community workshops in the Public Notice section of the Wanneroo Times (\$200). The feature in the Council News is estimated to cost \$1,000 and the cost of the workshops e.g. hall hire, tea, coffee etc. would be approximately \$150. The total cost for the consultation process, excluding staff and administration costs, would be \$1,350.

Account No:	20.22.221.3701.0001
Budget Item:	Advertising
Budget Amount:	\$1,350

## **RECOMMENDATION**

**That Council ENDORSES the proposed community consultation programme for the Cities for Climate Protection Programme, Milestones 2 and 3.**

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## **CJ260 - 08/01      MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING –19 JULY 2001 - [00906]**

**WARD** - All

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CJ010807\_BRF.DOC:ITEM 6

### **SUMMARY**

An informal meeting of the Environmental Advisory Committee was held on 19 July 2001. The minutes of the informal meeting are submitted for noting by Council.

### **BACKGROUND**

The Environmental Advisory Committee meeting held on 19 July 2001 did not achieve a quorum. An informal meeting followed.

The Committee discussed items including;

- A presentation from Mr Martin Brennan, from the International Council for Local Environmental Initiatives, on the Cities for Climate Protection Program.
- Impact of reticulation on the Joondalup water table.
- A discussion on the Tamala Park and the draft resolution prepared as a result of the recent site visit.
- The amalgamation of the Conservation sub committee and the Environmental Advisory Committee.

### **DETAILS**

The minutes of the informal meeting of the Environmental Advisory Committee held on 19 July 2001 have been included as Attachment A.

As the meeting was considered to be an informal meeting as it did not reach a simple majority, no recommendations to Council were made by the Environmental Advisory Committee. After the meeting it was noted that in fact the Committee's quorum is 6 which is 50% of the membership.

## **RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the informal meeting of the Environmental Advisory Committee meeting held on 19 July 2001 forming Attachment A to Report CJ260-08/01.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf070801.pdf](#)*

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## **CJ261 - 08/01 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – JULY 2001 - [45637]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 7

### **SUMMARY**

Meetings of the Joondalup North and South Youth Advisory Councils were held on 16 and 18 July 2001. The unconfirmed minutes of these meetings are submitted for noting by Council.

### **DETAILS**

The unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council held on 16 July 2001 in Conference Room 1 are included as Attachment 1.

The unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council held on 18 July 2001 in Conference Room 3 are included as Attachment 2.

No action is required from these minutes.

### **RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the:**

- 1 Joondalup North Youth Advisory Council meeting held on 16 July 2001 forming Attachment 1 to Report CJ261-08/01;**
- 2 Joondalup South Youth Advisory Council meeting held on 18 July 2001 forming Attachment 2 to Report CJ261-08/01.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3abrf070801.pdf](#)  
[Attach3bbrf070801.pdf](#)

## **CJ262 - 08/01 SKATEPARK COMMITTEE MEETING MINUTES - [08096]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 8

### **SUMMARY**

A meeting of the Skatepark Committee was held on 23 July 2001 and the unconfirmed minutes are submitted for noting by Council.

### **DETAILS**

The unconfirmed minutes of the Skatepark Committee meeting held 23 July 2001 are included as Attachment 1.

### **RECOMMENDATION**

**That Council NOTES the unconfirmed minutes of the Skatepark Committee meeting held on 23 July 2001 forming Attachment 1 to Report CJ262-08/01.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf070801.pdf](#)*

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**CJ263 - 08/01 KIOSK - CRAIGIE LEISURE CENTRE - [08397]****WARD** - Pinnaroo

CJ010807\_BRF.DOC:ITEM 9

**SUMMARY**

Classic Asset Pty Ltd., operator of the kiosk at Craigie Leisure Centre, has requested a reduction in its monthly rent from \$4,000 to \$3,000 for the period of May 2000 to April 2001 inclusive.

Classic Asset Pty Ltd claims that its request was instigated by the uncertainty originating from the tender and market testing of the City's leisure centres and the subsequent affect on patronage of the centre, coupled with the advent of the aquatic facility at the Arena Joondalup complex, which was partly funded by Council.

Attendance figures at Craigie Leisure Centre are down by 6.9% on previous years. The downturn in kiosk sales is significantly higher than the reduction in attendance figures for Craigie Leisure Centre being recorded by the City. The sales figures presented in this report indicate that while there was a downturn between 1999 and 2000, the same result did not occur between 2000 and 2001.

There is no legal requirement for Council to reduce the rent. It is therefore recommended that Council does not reduce the monthly rent for the months of May 2000 through to April 2001 from \$4,000 to \$3,000 per month.

**BACKGROUND**

The Kiosk lease was a result of Council Resolution C5200-12/96 to call for public tenders in order to secure a lease opportunity for the City. The successful tenderer was Australian Kiosk Enterprises Pty Ltd, which submitted a tender price of \$48,000 per year.

The kiosk was leased to Australian Kiosk Enterprises Pty Ltd., in January 1997 and subsequently assigned to Classic Asset Pty Ltd. (Report C538-03/98 refers) The Deed of Assignment was duly executed on 11 May 1998. The Lease inclusive of two five years options, expires in January 2012.

An application for Surrender of the Lease by Classic Asset was received in May 2000 seeking to remove Colin Hursthouse from the original lease and to re-negotiate a new lease with Cara Lynne Hursthouse as the sole proprietor for Classic Asset Pty Ltd. Furthermore the request for a rent reduction from May 2000 to April 2001 was also received and there has been ongoing discussions with the operator in the intervening period. The City sought further information to support and verify the claim. The current operator has since provided audited financial statements in order to demonstrate that there has been a down turn in sales and income since May 2000.



## DETAILS

Examination of Classic Asset Pty Ltd Auditor's certification statement indicates that the kiosk operator has experienced a decline in trade over the period May 2000 to April 2001.

The Auditor's Certification Statement supplied details on the operator's sales figures as follows:

- Sales for the period March 2000 when compared with March 1999, reflect a decline of \$2,245 or 6.34%
- Sales for the period April 2000 when compared with April 1999, reflect a decline of being \$4,188 or 20.77%
- Sales for the period May 2000, when compared to the period May 1999, reflect a decline of \$7,038 or 23.51%
- Sales for the period June 2000, when compared to the period June 1999, reflect a decline of \$13,537 or 55.58%

An analysis of sales for the period July 2000 to June 2001 provided by Classic Asset Pty Ltd is summarised as follows: -

- Sales for the period July 2000 to September 2000 when compared to the same quarter in 1999, reflect a decline in sales of \$16,028 or 21.11%
- Sales for the period October 2000 to December 2000 when compared to the same quarter in 1999, reflect a decline in sales of \$35,027 or 32.00%
- Sales for the period January 2000 to February 2000 when compared to the same period in 1999, reflect a decline in sales of \$27,627 or 32.00%
- Sales for the period March 2001 when compared to the same period in 2000, reflect an increase in sales of \$3,782 or 22.4%
- Sales for the period April 2001 when compared to the same period in 2000, reflect an increase in sales of \$8,962 or 113.2%
- Sales for the period May 2001 when compared to the same period in 2000, reflect a decline in sales of \$3,266 or 22.6%
- Sales for the period June 2001 when compared to the same period in 2000, reflect an increase in sales of \$6,098 or 126.3%

The sales figures presented above were extrapolated from Profit and Loss figures presented to the City.

Overall the analysis of the sales figures and Profit and Loss Statement provided by the Auditors for Classic Asset during the period March 1998 to June 2000 reveals that profits have decreased marginally in some months and significantly in others. The snapshot of information received shows the gross profit position has decreased from 1999 to 2000, however this could be a result of more competition from the Arena Joondalup or any number of environmental influences that can impact on a small business.

However it should be noted that an analysis of sales figures supplied covering the period from March 2001 to June 2001 indicates that there has been an increase in sales for each month with the exception of May 2001.

Attendance figures at Craigie Leisure Centre demonstrate that there has been a downturn of 6.9% on previous years. The downturn in kiosk sales shown previously is significantly higher than the reduction in attendance figures for Craigie Leisure Centre

Under the terms of the Craigie Leisure Centre kiosk lease, the operator has no recourse, however, Council can assist Classic Asset Pty Ltd if it so chooses.

## **COMMENT/FUNDING**

The kiosk has operated successfully over the last few years and the operator has instigated a number of initiatives to boost sales. It needs to be acknowledged however that patronage of Craigie Leisure Centre is an issue beyond the operator's immediate control.

While attendance figures at Craigie Leisure Centre are down on previous years, the downturn in kiosk sales is significantly higher than the reduction in attendance figures. It is considered that the City has in place a commercial arrangement with the Kiosk Operator and it has not been demonstrated that the City, through any of its actions, is solely responsible for the downturn in sales for the Kiosk.

There is no legal requirement for Council to reduce the rent. It is therefore recommended that Council does not reduce the monthly rent for the months of May 2000 through to April 2001 from \$4,000 to \$3,000 per month.

Classic Asset Pty Ltd has currently an outstanding debt of \$9,800 which is over twelve months overdue plus \$1,785 being an adjustment to the rent in accordance with the lease due to movements in the Consumer Price Index. The total debt is \$11,585 which has been outstanding for a considerable time as a consequence of the request to reduce the rent and the need to verify its validity. All current Kiosk financial commitments to the City are being met.

Should Council not accede to the rental waiver as requested by the Kiosk operator, the Director Resource Management will hold discussions with the operator to establish a payment plan to clear the outstanding debt within an acceptable time frame.

Should Council wished to consider reduction of the rent approval must be by absolute majority pursuant to the provisions of Section 6.47 of the Local Government Act 1995. Any write off would be reflected in the Craigie Leisure Centre operations.

## **RECOMMENDATION**

### **That Council:**

- 1 DOES NOT ACCEDE to the request from the lessee of the Craigie Centre Kiosk to waive the rental of \$1,000 per month from \$4,000 to \$3,000 per month for the period of May 2000 to April 2001 inclusive - a total of \$12,000;**
- 2 NOTES that a payment plan will be established to clear the outstanding debt to the City of \$11,585.**

## **CJ264 - 08/01 LEASE RENEWAL - GROVE CHILD CARE CENTRE - [07586]**

**WARD** - South

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CJ010807\_BRF.DOC:ITEM 10

### **SUMMARY**

The City has recently received a request from Aquis Pty Ltd seeking renewal of its lease agreement for the Grove Child Care Centre. The present Lease commenced on 1 September 1991 and expires on 30 August 2001.

This report provides details in relation to the lease, quality of the tenant and nature of the Lease, being specifically for child care purposes. The report recommends that Council should enter into a lease by private treaty pursuant to the provisions of Section 3.58(3) of the *Local Government Act 1995*. The recommendation ensures the continuity of a tenure agreement that will maximise benefit to the community and the City.

The report outlines the reasons for entering into a lease by private treaty in accordance with the provisions of Section 3.58 (3) of the *Local Government Act 1995* as opposed to the public tender process of Section 3.58 (2) of the *Local Government Act 1995*. It is considered more appropriate for the City to enter into a lease by private treaty due to the high standard of tenancy that has been displayed by the existing Lessee over the last 10 years.

### **BACKGROUND**

Aquis Pty Ltd leases from the City of Joondalup the Grove Child Care Centre situated on 6 Dugdale Street, Warwick (refer Attachment A). The Lease currently comprises only the building component of the premises.

At its meeting on 19 December 1990, the former City of Wanneroo resolved to seek expressions of interest from persons wishing to lease the building for child care purposes (Item E41213 refers).

At the time, two **expressions of interest were received** for the right to lease the building for child care purposes. They included Mr and Mrs L Coker of Greenwood and Mr and Mrs D Dougall of Woodvale.

Mr and Mrs Coker were the operators of a child care centre in Bassendean and indicated they were prepared to negotiate a lease with the Council and to undertake any necessary alterations and ongoing maintenance of the building and environs.

The application from Mr and Mrs Dougall indicated that they had no qualifications or licence to operate this type of business, other than practical experience in rearing five children of their own. It was Mrs Dougall's intention to manage the centre herself with the assistance of her husband, however, she was prepared to employ staff should this be necessary.

Mr and Mrs Coker were considered as the preferred operators. The former City of Wanneroo resolved to enter into a lease by private treaty with the Cokers pursuant to Section 267 of the former *Local Government Act 1960*. These provisions provided that a Council may let land for any term and at such rent and conditions as it thought fit, provided the lease was granted by public tender or with the express consent of the Minister. The consent of the Minister was obtained and the then City of Wanneroo entered into a lease with Aquis Pty Ltd for a 5 year term, with an option to renew for an additional 5 years. As the Lease commenced on 1 September, 1991 and the option was exercised, the final termination date is 30 August, 2001.

The initial rental of \$10,500 was set in accordance with the Valuer General's Office (VGO) advice and revalued to market every two years, with no escalations between market valuations. The rental history for this lease demonstrates that the rent has always been paid in full and on time by the tenant. The rental since 01/07/1998 has been \$24,000.

## **DETAILS**

### ***Property and Rental***

The current Lease comprises the building component only of the premises, which has a total area of 1814 square metres. The land component of the premises is legally described as Lot 905 on Diagram 45158 and being the whole of the land in Certificate of Title Volume 1354 Folio 464, which is held by the City of Joondalup. As the property is in freehold title to the City, it does not have to defer to any government department for any leasing disposition which does not have a term longer than 10 years.

The City has received a submission from the Lessee requesting renewal of the lease with similar terms for reasons based on the nature of the child care business. These are summarised as follows:-

1. It is essential to accommodate enrolments which are often months in advance of the actual attendance.
2. There is the necessity to honour current enrolments.
3. Parents have the reasonable expectation of receiving a consistently high level of service from a commercial child care facility.

The Valuer General's Office on 28 May 2001 provided a current market rental value of \$27,500 per annum. Tentative agreement to the new rental was provided to the Lessee on 6 June, 2001.

### ***Inspection Report***

On 18 July, 2001 the premises were inspected and found to be in good repair and well maintained. All areas requiring painting had been freshly painted. Tiles, paint, glass and plastic fixtures in the wet areas were in excellent condition

Aquis Pty Ltd employs eight (8) full time staff, all of whom are qualified in their areas of responsibility. There are also two part-time staff members employed.

In order to assess customer satisfaction several clients of the Centre were interviewed at random by the City's Property Officer. These people were asked for their opinion of the service, standard of child care offered and rates charged. All those contacted had a high degree of praise for the service and standard of child care offered by the current tenant, Aquis Pty Ltd. They were also of the opinion that the fees charged were very reasonable.

The overall assessment of the Lessee is that it is a responsible tenant, fully qualified in the area of child care, has maintained the premises to an exceptionally high standard and has more than fulfilled all obligations under the Lease.

## COMMENT/FUNDING

Although the current Lease is for the building component only, the grounds form an integral part of the facility and therefore should be included as part of the leased premises. This approach would then bring the lease area in line with other City facilities leased as pre-school centres. Leasing the whole of the area which is actually utilised by the Lessee would also avoid any confusion concerning maintenance, repair and insurance issues. Also, any lease should conform to the City's standard commercial lease conditions.

As a lease is covered in the definition of a "property disposition" for the purpose of Sections 3.58(1) and (2) of the *Local Government Act 1995*, ordinarily the City would be required to invite public tenders or dispose of property to the highest bidder at public auction. This course is usual for circumstances such as permanent disposal of property, new leases, when the City is paying for a service, when a tenant has proven to be unsatisfactory, or if it can be shown that use of this Section would clearly be in the best interest of the City.

However, pursuant to Section 3.58(3) of the *Local Government Act 1995*, if considered appropriate, a local government may dispose of property other than by public auction or by the public tender process if before agreeing to dispose of the property it gives state-wide public notice of the proposed disposition:-

- 1 describing the property concerned;
- 2 giving details of the proposed disposition, i.e. names of the parties involved, the consideration to be received, the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition; and
- 3 inviting submissions to be made following at least a 14 day advertising period.

In this instance it is considered that seeking public tenders may have an unnecessary destabilising affect on a business which is both a going concern and providing a service to the community. Any destabilising influence is likely to have a detrimental affect on the level of service delivered and is therefore undesirable. Further, Aquis Pty Ltd has proven to be a valuable and reliable tenant over the past 10 years. During this time there is no record of Aquis having made any demands on the City for maintenance. It has borne the cost of all maintenance and has made substantial improvements to the facility. Initially, the tenants expended approximately **\$25,000** on painting, plumbing, sewerage repairs, a new bore and garden reticulation to bring the premises up to a standard suitable for a child care centre. A further **\$14,500** was then expended over the Lease term by the tenant for a 40 square metre building extension, ongoing maintenance and further minor upgrading of the facility in terms of painting and plumbing.

The City's solicitors have confirmed that in this instance leasing by private treaty pursuant to the provisions of Section 3.58 (3) and (4) of the *Local Government Act 1995*, would be appropriate.

Assessing the situation it is considered appropriate that the City seeks to lease, by private treaty, the property at 6 Dugdale Street, Warwick pursuant to the provisions of Section 3.58 (3) and (4) of the *Local Government Act 1995* to Aquis Pty Ltd, trading as the Grove Child Care Centre, with conditions as follows:-

1. Lease Term be for a period of 5 years.
2. Lease Term commence on 1 September, 2001.
3. The Lease contain one option for the Lessee to renew for a further Term of 5 years.
4. Lease rental be initially set at \$27,500 per annum as per the valuation advice.
5. Rent reviews be annually with market valuations every 3 years (or at the commencement of a further Term) and automatic escalations of 5% in those years when there is no market valuation.

## **RECOMMENDATION**

### **That Council:**

- 1 APPROVES pursuant to the provisions of Section 3.58 (3) and (4) of the *Local Government Act 1995*, leasing the premises at 6 Dugdale Street, Warwick to Aquis Pty Ltd subject to:**
  - (a) giving state-wide public notice of the proposed disposition;**
  - (b) the proposed disposition be by way of a 5 year lease commencing on 1 September 2001 with an option to renew for a further 5 years;**
  - (c) the proposed initial lease rental be \$27,500 per annum with annual escalations of 5% and market valuations every third year and prior to the commencement of a new term;**
- 2 REQUESTS a further report in order to consider any submissions received as a result of advertising pursuant to the provisions of Section 3.58 (3) and (4) of the *Local Government Act 1995*.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf070801.pdf](#)*

## **CJ265 - 08/01      TRANSFER OF SPONSORSHIP - OCEAN RIDGE OUTSIDE SCHOOL HOURS CARE SERVICE - [09761]**

**WARD** - Marina

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CJ010807\_BRF.DOC:ITEM 11

### **SUMMARY**

On 22 August 2000, Council approved the transfer of sponsorship of the Ocean Ridge Outside School Hours Care (OSHC) Service to the YMCA of Perth with effect from the first day of Term 1 2001. Council also approved notifying the Commonwealth Department of Family and Community Services of the City's intention to transfer this service and the offering of redundancy packages to the two staff holding the positions of Playleader at the Service. (Council Report CJ217-08/00 refers)

As notified to Elected Members in the Desk of the CEO of 19 January 2001, the transfer of sponsorship to the YMCA of Perth was delayed due to the detailed assessment of the service that the Chief Executive Officer of the YMCA had wished to undertake. At that time, parents were notified that the service would stay with the City until at least the end of the financial year. The YMCA of Perth has subsequently verbally notified the City that it will not be taking on the Ocean Ridge Service.

Meerilinga Young Children's Services Inc has indicated an interest in taking over sponsorship of the service with effect from the beginning of the October school holidays on 1 October 2001, and has already undertaken a detailed assessment of the viability of the service. Meerilinga is eager to retain the current venue and current staff where appropriate, so that the service will not change for children and families.

In line with the future directions for Community Services outlined in various reports to Council (Reports CJ201-08/00, CJ367-12/00, CJ368-12/00 and CJ245-07/00 refer), this report recommends the transfer of the City's Ocean Ridge OSHC Service to Meerilinga Young Children's Services with effect from 1 October 2001. This transfer will enable Community and Health Services to concentrate its efforts on a role of greater consultation, leadership, coordination and planning and development. It will also enable the City to lobby the Commonwealth and State Governments for funds to meet service needs and to provide services that are not funded, or are poorly funded, by the Commonwealth and State Governments such as services for seniors and for youth.

### **BACKGROUND**

Ocean Ridge OSHC has provided a service for a high number of children over the years, although after school care numbers have decreased gradually since 1996. The vacation care service is traditionally full and the service also caters for quite a large number of children with special needs children.

A report on a review of the service in February 1998 states that the service should be experiencing moderate financial success given its good utilisation rates. However, the review report went on to state that this was not the case due to high Council overheads and other costs such as wages.

Since the review, the service has been promoted within the local community and has remained in the existing building with the facility having been upgraded. Numbers in the vacation care program remain high but the after school care service continues to be under utilised.

## DETAILS

### Service Usage

The current usage of the service is as follows:

	Places Available	Existing Average Attendance	Special Needs Children
After School Care	45	16	4
Vacation Care	40	33	6

The 2001/2002 budget for the centre (after school care and vacation care) appears below:

Income	Expenditure	Council Contribution to Operations
\$77,200	\$124,582	\$47,382

These figures do not include:

- Non operating grants/contributions
- Profit/loss on asset disposal
- Depreciation
- Corporate overheads

Please note that the income includes fees from parents and an amount received from the Commonwealth to subsidise the fees paid by parents. Consequently, the amount received from the Commonwealth varies from year to year and is dependent upon the income levels of families using the service.

### Proposal for Transfer of Sponsorship

In June 1995, Council resolved to support the transfer of sponsorship of Council's OSHC programs to other community based agencies. This decision was in light of the strategic plan that stated that the challenge for the City was to meet best practice standards and to explore alternative avenues of funding and service delivery. Of the nine OSHC services, five were transferred to the YMCA over a period of 12-18 months. Of the remaining four, one was transferred to Anglicare in December 1998, one was closed and one was transferred to the Padbury Education and Child Care Centre Ltd on 22 September 2000 leaving only the Ocean Ridge service remaining to be transferred.



On 22 August 2000, Council approved the transfer of sponsorship of the Ocean Ridge OSHC to the YMCA of Perth with effect from the first day of Term 1 2001. (Council Report CJ217–08/00 refers) The YMCA subsequently verbally notified the City that it would not be taking on the Ocean Ridge Service.

### **Meerilinga Young Children’s Services Inc**

Earlier this year, Meerilinga Young Children’s Services Inc indicated an interest in assuming responsibility for the Ocean Ridge OSHC Service. It subsequently undertook a detailed assessment of the viability of the service. At the meeting of the Board of Governors of Meerilinga Young Children’s Services Inc on Wednesday 18 July 2001, the Board decided that it would indicate its interest in assuming sponsorship and management of the Ocean Ridge Service from the end of Term 3 or 1 October 2001.

Since 1911, Meerilinga has had an association with children and children’s interests groups, including the training of teachers, childcare workers and managers. Today, Meerilinga has grown to become a peak organisation and reference point in the field of children’s development, health and education and now provides a diverse range of professional resources and support to:

- the health, education and child and social welfare sectors;
- parents;
- community; and
- volunteers.

Meerilinga remains abreast of international, national and local research into best practice models of early intervention, prevention and support programs for children and families and is eager to enhance the Ocean Ridge service so that it becomes a model for other outside school hours care services.

Meerilinga currently operates a training college together with family centres, parent links programs and the Winterfold Early Learning Centre. It also offers consultancy services to the non-government and corporate sectors.

The Chief Executive Officer of Meerilinga has a background in special education and is also the Chairperson of the Lansdale Farm School so is keen to continue the service’s focus on the needs of children with disabilities.

Transfer of the City’s Ocean Ridge service to Meerilinga Young Children’s Services Inc offers the following benefits to the families currently using the service:

- The provision of the service by this agency would provide economies of scale which would increase the service’s viability thus ensuring its long term survival;
- The service would continue to be offered at the same venue;
- Most of the same staff would continue to offer the service;
- The service would continue the strong emphasis on inclusion of children with special needs;
- Fees would remain the same or increase only very slightly; and
- Meerilinga has a long history of meeting the needs of young children in a variety of ways.

## **Consultation with parents**

Before bringing this matter to Council for Elected Members' consideration, the Chief Executive Officer of Meerilinga Young Children's Services Inc, the Manager of the City's Community and Health Services and two of the staff from the service met with interested parents on 26 July 2001. The purpose of this meeting was to gain parents' views on the transfer and to identify any concerns that they might have. Invitations to this meeting were issued by phone and letter. Each of the 25 families using the After School Care Service were phoned and invited to attend and the 56 families using the Vacation Care Service were sent a letter of invitation. Both in the phone calls and the letters, parents were offered the opportunity to either attend the meeting or discuss any concerns they might have with the Manager Community and Health Services by phone. Of the families phoned, 9 indicated that they would attend, 5 indicated that they might attend and a further 5 indicated that they had no concerns.

Only three parents and two children attended the meeting and no parents made contact with the Manager Community and Health Services to identify any concerns. The parents who attended the meeting asked questions about:

- The way in which Meerilinga would ensure that the quality of the service was maintained;
- The way in which Meerilinga would ensure appropriate health and safety standards for the service; and
- The level of fees to be charged post the transfer.

These parents indicated that they were satisfied with the answers provided by the Chief Executive Officer of Meerilinga. In relation to the fees issue, the current fees at the service are \$29.50 per day for vacation care and \$11.00 per day for after school care. The Chief Executive Officer of Meerilinga has indicated that fees will remain the same until the end of the year while the utilisation rates of the service are carefully monitored. The fees will be reviewed for 1 January 2002 and, if there were to be an increase, it would not be greater than the additional benefit received by parents under the Child Care Benefits Scheme which had increased benefits from 1 July 2001.

## **Staffing of the Service by Meerilinga and a Redundancy Package for staff**

On 22 August 2000, Council approved the offering of redundancy packages to the two staff holding the positions of playleader at the service. (Council Report CJ217-08/00 refers)

Since this report was written, legal advice and information from the Chamber of Commerce and Industry has been gained in relation to the transfer of services to Community Vision Inc. This advice suggested that the transfer of services constituted a transmission of business and consequently, that the new organisation would have to adopt the conditions under which staff were employed. A similar situation exists with the transfer of this service. Meerilinga is keen to retain the current venue and current staff where appropriate, so that the service will not change for children and families. The staff members are employed under the Child Care (Out of School Care – Playleaders) Award.

The City's vacation care program is staffed using a casual work force. The after school care program currently caters for an average of 16 children per day and, based on a child/staff ratio of one staff member to fifteen children, requires only two permanent staff, the supervisor and a playleader. The supervisor position is currently filled on a casual basis and this staff member wishes to be, and will be, employed by Meerilinga. There are currently two permanent playleader positions. The occupant of one of these positions wishes to transfer with full entitlements to Meerilinga and Meerilinga is eager for this to occur. This is consistent with the approach taken with the transfer of services to Community Vision Inc. The occupant of the second play leader position wishes to take the option of a voluntary redundancy. Other casual staff employed to support children with special needs will be offered the opportunity to continue on a casual basis with Meerilinga.

## COMMENT/FUNDING

Contact has been made with the Commonwealth funding body and it is agreeable to the transfer of sponsorship.

Transfer of sponsorship will involve:

- Transfer of Commonwealth funding under the Commonwealth Child Care Program – this amount varies according to the income of the parents;
- Transfer of existing furniture and equipment as part of the package as outlined in Attachment 1 to this report;
- Subsidised hire of the premises from which the current service operates;
- Transfer of staff provisions for one staff member; and
- A redundancy package for one staff member.

## Transfer of assets

The minor assets currently used by the Ocean Ridge Outside School Hours Care Service have now been identified and a full list of these assets can be found in Attachment 1 to this Report.

Consideration has been given to the age, status and condition of all of the City's minor assets (furniture and equipment) used by the Ocean Ridge Outside School Hours Care Service. The written down value of these assets at 31 July 2001 is \$1,292 as follows:

Description	Written Down Value as at 31 March 2001
1 Desk top computer Asset Number 14070	\$1,292
All other listed minor assets	Nil

This figure will be adjusted to provide for the written down value as at 28 September 2001 and will then be included as a loss on disposal of asset of the written down value of the assets in the City's 2001/2002 accounts.

Meerilinga will take full responsibility for the ongoing maintenance and replacement program for all of these assets.

### **Subsidised premises hire charge**

The request is that the City subsidise the hire of the venue to the extent of \$5,901 during 2001/2002 which will effectively provide Meerilinga with a peppercorn hire for the first nine months of operation. From 2001/2002, Meerilinga will be charged the established community rate thereafter by RANS in accordance with the established agreement.

The subsidised hire charge will reduce the operating deficit of the service in the short term. This will provide the service with the opportunity to build numbers in after school care to enable long term viability.

Savings to Council from the proposed change of sponsorship will easily meet the cost of staff severance payments.

### **Transfer of Staff Provisions**

As indicated, once transferred to Meerilinga Young Children's Services Inc, the Ocean Ridge Outside School Hours Care Service will initially have 2 permanent staff members. Of these, one is currently a permanent employee with the City. The dollar value of the entitlements to be transferred for this staff member is approximately \$4,734.52 broken down as follows:

Annual leave	\$2,503.15
Long service leave	\$806.96
Sick leave	\$1,424.41

The City has cash backed provision accounts for the annual and long service entitlements. However, no similar provisions have been made for sick leave. The annual and long service leave entitlements of \$3,310.11 will be transferred to Meerilinga Young Children's Services Inc with a provision account established in the City's books for sick leave entitlements of \$1,424.41 to accommodate future claims. This may change because an estimate only can be made for the full period to 28 September 2001.

### **Redundancy Package**

Under the Enterprise Bargaining Agreement 1999, a redundancy package includes:

1. 3 weeks pay for each completed year of service up to a maximum payment of 52 weeks;
2. 4 weeks pay in lieu of notice of 1 week in the case of employee over 45 years of age;
3. Pro-rata long service leaves for employees who have worked in excess of five years.

Whilst the playleader is not covered by the Umbrella Agreement, to be consistent and to maintain an equitable outcome for all staff, it is proposed that the City offer the playleader a redundancy package as outlined above. As at 28 September 2001, the cost of the redundancy packages is calculated as follows:

- Total Redundancy and Notice – \$6,696.63
- Annual Leave Accrued – \$1,967.37
- Long Service Leave Accrued – \$180.99
- TOTAL COST – \$8,844.99

## **Benefits to Council**

Transferring the Services will result in annual financial savings of \$47,382. As indicated, this will enable Community and Health Services to concentrate its efforts on a role of greater consultation, leadership, coordination and planning and development. It will also enable the City to lobby the Commonwealth and State Governments for funds to meet service needs and to provide services that are not funded, or are poorly funded, by the Commonwealth and State Governments such as services for seniors and for youth.

## **Date of transfer**

It is proposed that the service be transferred from Monday 1 October 2001 (the beginning of the Term 3 school holidays). This would ensure a smooth transition.

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

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25 (e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

*If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.*

*If supported by one-third of the members, then any decision to revoke a resolution of the Council if required to be passed by an Absolute Majority.*

Prior to giving consideration to the following recommendation, elected members are required to give the **support of one-third of their members**, and such support is to be recorded in the minutes of this meeting.

## **RECOMMENDATION**

### **That Council:**

- 1 BY AN ABSOLUTE MAJORITY RESCINDS Points 2 and 4 of its decision of Item CJ217-08/00 of 22 August 2000, viz:**
  - “2 APPROVES the transfer of sponsorship of the Ocean Ridge Outside School Hours Care Service to the YMCA of Perth with effect from the first day of Term 1 2001;**
  - 4 OFFERS staff holding the positions of Senior Playleader and Playleader at Whitfords and the two staff holding the positions of Playleader at Ocean Ridge redundancy packages calculated as outlined in Report CJ188-07/00 but adjusted to take account of the date at which the services cease to be operated by the City.”**

- 2 **APPROVES** the transfer of sponsorship of the Ocean Ridge Outside School Hours Care Service to Meerilinga Young Children’s Services Inc with effect from 1 October 2001;
- 3 **NOTIFIES** the Commonwealth Department of Family and Community Services of the City’s intention to transfer its Ocean Ridge Outside School Hours Care service;
- 4 **OFFERS, BY AN ABSOLUTE MAJORITY**, one staff member holding the position of Playleader at Ocean Ridge a redundancy package at an estimated \$6,696.63 in total redundancy and notice and an estimated \$2,148.36 in accrued annual leave and long service leave;
- 5 **APPROVES, BY AN ABSOLUTE MAJORITY**, the transfer of staff annual and long service leave entitlements of \$3,310.11 (as adjusted at 28 September 2001) to Meerilinga Young Children’s Service Inc;
- 6 **CREATES, BY AN ABSOLUTE MAJORITY**, a provision account of \$1,424.41 (as adjusted at 28 September 2001) for sick leave (Meerilinga Young Children’s Services Inc) in its books of account at 30 September 2001.
- 7 **APPROVES** the transfer of ownership of the minor assets listed in Attachment 1 to Report CJ265-08/01 to Meerilinga Young Children’s Services Inc.
- 8 **APPROVES, BY AN ABSOLUTE MAJORITY**, the subsidisation of hire of the Service’s premises by paying RANS the full community hire charge of \$5,901 during 2001/2002.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf070801.pdf](#)*

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## **CJ266 - 08/01      WARWICK OPEN SPACE CLUBROOM - KITCHEN UPGRADE - [14151]**

**WARD** - South

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CJ010807\_BRF.DOC:ITEM 12

### **SUMMARY**

Warwick Recreation Association has requested that Council approves an upgrade to the kitchen at Warwick Open Space Clubrooms. Under the lease conditions, Council has to approve any alterations to the building.

Council at its meeting on 24 October 2000 agreed to list funds in the draft 2001/02 budget for the proposed kitchen upgrade and office extensions when considering Community Sport and Recreation Facilities Fund (CSRFF) grant applications in the 2000 funding round. (Item CJ291-10/00 refers)

The kitchen upgrade is primarily to install a grease trap, which will enable the kitchen to be classified as a commercial kitchen and enable the Association to prepare food on site for sale to members.

It is recommended that Council approves the alterations to the kitchen.

### **BACKGROUND**

Warwick Recreation Association occupies the Warwick Open Space Clubrooms, located on Warwick Regional Open Space. The Association consists of three member clubs; Warwick Bowling Club, Greenwood Tennis Club and Perth Outlaws Softball Club. The Association has a lease that has been executed by all parties and is currently awaiting endorsement by the Head Lessor, Ministry for Planning.

Under its lease with the City, Warwick Recreation Association is required to obtain approval from Council before making any alteration to the building.

### **DETAILS**

In October 2000, the Warwick Bowling Club with the endorsement of the Warwick Recreation Association applied for a grant through the Community Sporting and Recreation Facilities Fund for a kitchen upgrade, office extension and machinery shed. Council, at its meeting on 24 October 2000, resolved to list \$15,396 for consideration in the draft 2001/02 Budget, for the proposed office extension and kitchen upgrade only. (Item CJ291-10/00 refers)

In February 2001, the Ministry of Sport and Recreation WA advised that the Warwick Bowling Club was successful with its CSRFF application and was granted \$20,460 for this project

## COMMENT/FUNDING

Upgrade of the existing kitchen for commercial use is essential for the Association, as it provides an opportunity to increase revenue for that organisation, via hiring the facility for functions and social activities and the preparation of meals on site for sale to members. This will maximise the facility's use and enhance the financial viability of the Association.

The City's contribution towards funding the upgrade and the extension has been allocated in the 2001-2002 budget. The following table details funding arrangements for the entire project:

<b>Funding Source</b>	<b>Amount</b>
City of Joondalup	\$15,396
Ministry of Sport and Recreation WA	\$20,460
Warwick Bowling Club	\$44,821
<b>TOTAL</b>	<b>\$80,677</b>

Should Council agree to the Association's request, the Association will then be able to submit a development application to the City for approval and, once the funds are available, commence and complete the necessary works.

## RECOMMENDATION

### That Council:

- 1** pursuant to clause 3.21 of the City's lease of the Warwick Open Space Clubrooms to the Warwick Recreation Association, **APPROVES** the Warwick Bowling Club's application to undertake alterations to the kitchen area of the Warwick Open Space premises;
- 2** **ADVISES** the Warwick Recreation Association that development approval is required prior to commencement.



## **CJ267 - 08/01 CLOSURE OF BEACH ACCESS ROAD PINNAROO POINT HILLARYS - [22513] [05885]**

**WARD** - Whitfords

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CJ010807\_BRF.DOC:ITEM 13

### **SUMMARY**

Council resolved at its meeting on 22 May 2001 to continue to keep open the access road to the beach at Pinnaroo Point for the launching of water craft in accordance with the City's Local Government and Private Property Local Law pending further consultation with interested sections of the community to develop a management plan to control vehicle access to the beach at Pinnaroo Point.

Further consultation has taken place with relevant stakeholders concerning the access road, in particular, Department of Transport (Marine Safety) - Hillarys Boat Harbour and Whitfords Bay Sailing Club (which are traditional users of the beach access). Attempts were made to contact Pinnaroo Point Amateur Angling Club, which also uses the access road, but to date no response had been received. Discussions were also held with interested individuals who have used the access road for a long period of time.

Following the consultation, a management plan to control vehicle access on the beach via the access road at Pinnaroo Point has been drafted and it is recommend that Council endorse the management plan which includes the following proposed actions:

- 1 Removal of the boulders on the beach as soon as practical;
- 2 Amend the City's Local Government and Public Property Local Law to include graduating fines for re-offenders of driving vehicles onto the beach;
- 3 Closure of the beach access road at Pinnaroo Point to public vehicle access with private access granted to the Whitfords Bay Sailing Club subject to the following:
  - The Club being responsible for control of vehicle access to the beach;
  - The Club to have public liability insurance for 10 million dollars;
  - The Club to be involved in the determination of the type of barrier installed to control access;
  - The City retains the option to permanently close the access way if vehicle access to the beach continues to be a problem;
  - The City will be responsible for the cost and erecting the barrier at the beach access way and maintenance of the access way;
  - The City be responsible for the publicity concerning the closure of the access way; and
  - The City to be responsible for additional signage at the installed barrier;
- 4 Conduct a review of the beach access road closure 12 months from implementation.

## BACKGROUND

Pinnaroo Point is a section of beach located between Whitfords Beach and Hillarys Marina. It is part of the protected Marmion Marine Park and a section of reef borders the length of the beach making it a sheltered area for all types of beach related recreational activities. North of the point in the bay there is a dedicated waterskiing area and the Hillarys Animal Exercise Area is to the south.

Other uses of the area include beach walking, swimming, diving (snorkeling and scuba), fishing, small boating (crayfishing), sailing, windsurfing and kite surfing. There are two other boat launching facilities in the City of Joondalup; one situated at Hillarys Marina and the other at Ocean Reef Marina.

The City has an access road to the beach at Pinnaroo Point, Hillarys. This access road has been in use for many years and provides access to the beach for people to launch small boats.

There have been difficulties experienced for many years with vehicles accessing the beach reserve and driving up and down the beach, between other users and into the dune areas, causing environmental damage and safety hazards.

Following a request to close the access road at Pinnaroo Point in 1998 a public consultation process was conducted. Subsequently, Council at its meeting on 11 August 1998 resolved the following:

- To not close the access road;
- To include in the review of the City's Local Laws the matter of preventing the launching of jet skis from the beach;
- To increase the patrolling service and improve signage to stop four-wheel driving/parking and jet skiing at Pinnaroo Point Beach; and
- To review the Management Plan for Pinnaroo Point by discussing it with appropriate users of the beach.

(Report CJ67-08/98 refers)

A limestone rock barrier was installed approximately twelve months ago in an attempt to reduce the number of vehicles driving up and down the beach. This has had some success in reducing the number of vehicles gaining access to the beach and has generally been supported by people using the beach.

Council, at its meeting 19 December 2000, endorsed the implementation of a public consultation process to establish community views on vehicle access at Pinnaroo Point and the impact of jet ski use at Pinnaroo Point, Hillarys. (Report CJ366-12/00 refers)

Council resolved at its meeting on 22 May 2001 to continue to keep open the access road to the beach at Pinnaroo Point for the launching of water craft in accordance with the City's Local Government and Private Property Local Law pending further consultation with interested sections of the community to develop a management plan to control vehicle access to the beach at Pinnaroo Point. (Report CJ150-05/01 refers)

It was also resolved by Council at its meeting held 22 May 2001 that a further report be submitted to Council outlining the options, process and timeframe of increasing the fine for unauthorised vehicles on Pinnaroo Point from \$100 to \$1,000.

## **DETAILS**

### **Community Consultation**

#### Department of Transport (Marine Safety) - Hillarys Boat Harbour

The Department of Transport (Marine Safety) at Hillarys Boat Harbour expressed support for the closure of the beach access road as it will assist its officers in controlling the waters off Hillarys.

#### Whitfords Bay Sailing Club

Issues arising from the discussion with Whitfords Bay Sailing Club were as follows:

- The access way and beach launching area is vital to the club. The type of watercraft used and how they are launched into the sea requires beach launching facilities;
- Its members were responsible towards and supportive of protecting the beach environment at Pinnaroo Point and their vehicles were always parked back up in the carpark and not driven past the designated launching area;
- The Club was concerned over the placement of rocks on the beach that were being covered up with the tides and sand causing navigational safety concerns. The Club considered that the rocks were not being as effective a deterrent for driving further down the beach as intended. Four wheel drives were manoeuvring over or around them.
- The club was willing to take over responsibility for the beach launching area subject to the following conditions:
  - The Club participated in the decision on the type of barrier that were used to close the beach access to the public so that the most effective and practical barrier is installed;
  - The City to be responsible for the maintenance of the access road;
  - The City to promote the closing of the access way to vehicles to assist in reducing confrontations with members of the public;
  - The City to provide signs to the effect "Private Access Way" or "No Unauthorised Vehicle Access" and no parking or keep clear in front of any barrier erected.
  - Ranger Services / City Watch assist when requested on the Saturdays during December to February to ensure unauthorised vehicles do not persist with gaining access when the club opens the barrier for their boats.

#### Pinnaroo Point Amateur Angling Club

Numerous attempts have been made to meet with the Club including the forwarding of a letter. To date, a response has not been received.

## **COMMENT/FUNDING**

### **Management Plan for Control of Vehicle Access at Pinnaroo Point**

The City's concerns regarding the access road involves the breach of the City's Local Government and Public Property Local Law, environmental damage and safety issues caused by vehicles driving on the beach past the designated launching area at Pinnaroo Point. Ranger Services regularly patrol the area and have been enforcing the local law. However, vehicles driving on the beach continues to be a problem. In the last twelve months, there have been 4 complaints, 4 cautions and 9 infringements issued for this offence at Pinnaroo Point.

For boat owners, the ramps at the two Marinas are sufficient to launch most types of watercraft. However, these facilities do not cater favourably for wind driven craft in particular sailing boats, which depending on weather conditions, need to be launched at different angles and sailed usually in sheltered waters.

The City has consulted with the relevant stakeholders concerning the access road closure, in particular the Whitfords Bay Sailing Club to whom the closure may be of real detriment. The Club has been operating out of Pinnaroo Point for 27 years and there is no other area in the City for the Club to relocate and have beach access for launching.

The method of closing the access road off to the general public has been discussed with the Sailing Club and agreed to by it. Due to the location of the access road near to sand and salt, bollards installed into the ground would result in frequent maintenance problems. Boom gates would be easily pushed apart by four wheel drive vehicles. It is therefore intended to narrow the access way and use a heavy chain enclosed in an aluminium tube that would be attached to steel posts embedded in concrete in the ground. A walk access way would be established along side one of the steel posts. This method is also extremely cost effective at an estimated price of \$145.

In total, costs associated with implementing the management plan are estimated at \$4,345. The cost of implementing the management plan (Attachment one refers) can be met within existing operational budgets in the current financial year.

The access road to Pinnaroo Point is not a gazetted road. The City can, therefore, control access to the road as it considers necessary without having to conduct a formal road closure.

### **Increase Infringement for Vehicles Illegally Being on Beach from \$100 to \$1,000**

It is considered that it would be unlikely that the Joint Standing Committee on Delegated Legislation would approve an amendment to the City's Local Government and Public Property Local Law to increase the infringement for vehicles that were illegally on the beach from \$100 to \$1,000. This amount would significantly exceed any other on the spot fines in place and it is understood would be greater than that of many fines determined by the courts. It would also ensure that almost every infringement would be taken to court and involve the City in considerable more expense through legal fees. It is estimated that the average cost of each court case resulting from the issue of an infringement would exceed the fine.

An alternative approach that may be acceptable to the Joint Standing Committee on Delegated Legislation would be a graduated fine system that could be implemented as follows:

- First offence \$100
- Second offence \$250
- Third Offence \$500
- Fourth and subsequent offences \$1,000

If Council were to endorse this approach, it would require amendment of the City's Local Government and Public Property Local Law to change the modified penalty for this offence. This process is the same for amending a local law as for making a new local law. That process is outlined in Section 3(12) of the Local Government Act 1995. The time frame for amending the Local Government and Public Property Local Law would take at least three months.

## **RECOMMENDATION**

### **That Council:**

- 1 ENDORSES the closure of public access to the access road at Pinnaroo Point, Hillarys;**
- 2 ENDORSES the management plan for control of vehicle access via the beach access road at Pinnaroo Point, Hillarys as detailed in Attachment One to Report CJ267-08/01;**
- 3 ENDORSES a graduated system of infringements subject to a further report to Council detailing the proposed amendment to the City's Local Government and Public Property Local Law as follows:**
  - First offence \$100**
  - Second offence \$250**
  - Third Offence \$500**
  - Fourth and subsequent offences \$1,000**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf070801.pdf](#)*

## **CJ268 - 08/01 TENDER NO 051-00/01 - SUPPLY OF ELECTRICAL MAINTENANCE SERVICES - [53009]**

**WARD** - All

CJ010807\_BRF.DOC:ITEM 14

### **SUMMARY**

This report examines the tender evaluation for the contract to supply electrical maintenance services to the City, and recommends acceptance of the tender from Wanneroo Electric Pty Ltd for entering into a contract for the consideration based on the submitted Schedule of Rates (refer Attachment 1) from 1 August 2001 to 30 June 2002, with an option for 2 x 12 month extensions under the Terms and Conditions of the contract (Clause 24).

### **BACKGROUND**

Wanneroo Electric Pty Ltd has undertaken the supply of electrical maintenance services to the City of Joondalup and former City of Wanneroo since 1962.

Council, at its meeting of 22 May 2001, resolved that Contract 059-99/00 Supply of Electrical Maintenance Services not be extended and called for tender.

Documentation was prepared and the tender was advertised in accordance with Council guidelines.

### **DETAILS**

A public statewide invitation to tender was issued on Saturday, 2 June 2001. Tenders closed on Tuesday 19 June 2001.

Seven tenders were received:-

	<u>Registered Office</u>	<u>Operational Address</u>
High Speed Electrics Pty Ltd	Mt Lawley	East Perth
Wanneroo Electric Pty Ltd	Edgewater	Edgewater
Regnaud's Electrics Pty Ltd	Ballajura	Ballajura
SSL Asset Services Pty Ltd	Mt Hawthorn	Mt Hawthorn
Farad Holdings Pty Ltd - trading as AARAT Electrical Services	West Perth	Maddington
Nilsen Electric (WA) Pty Ltd	Bibra Lake	Bibra Lake
Electrical Construction & Maintenance Australia Pty Ltd	Canning Vale	Canning Vale

Wanneroo Electric Pty Ltd has been the City's contractor for electrical maintenance since 1962 and the Schedule of Rates submitted for 2001/2002 is the same as the previous 1999/2000 schedule.

High Speed Electrics Pty Ltd carry out street lighting maintenance in the Joondalup City Centre under contract 042-99/00.

## **COMMENT/FUNDING**

The supply of electrical maintenance services is a Schedule of Rates contract. The total consideration for the tender evaluation is calculated by multiplying the number of occurrences of particular items by the scheduled rates for those items and determining a total of all extended sums. The Contract Sum is paid from the maintenance accounts for Buildings, Parks and Engineering.

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted, multi-criterion assessment system. The criteria provided in the Tender Information Document were:-

- Price offered for the services (Schedule of Rates)
- Tenderer's demonstrated ability to rectify a site problem at short notice.
- Tenderer's resources (eg. specialised equipment, skill inventory and financial capacity).
- Tenderer's previous experience in carrying out similar works.
- Safety Management Policy including safety records for the last two years.

These criteria effectively fall into two distinct parts, "price" and "quality". "Quality" includes the ability to attend to problems at short notice.

Weightings for all criteria were agreed prior to the Tender Evaluation Committee meeting. The weightings remained unaltered throughout the evaluation process for each tender, thereby maintaining the integrity of the tender evaluation process.

To enable the comparison of rates, and given that the intention was for the contract to cover 11 months of the 2001/02 financial year, invoices for the first 11 months of the 2000/01 financial year were examined to determine the number of occurrences of each rate in that period. The number of occurrences were then applied to the rates supplied by each tenderer and a notional total for each tenderer was determined. The weighting for the price offered was then applied and a "price offered" score for each tenderer determined.

There was a significant price variation between the tenderers and this is illustrated by the extraction of the labour rates from the detailed Schedule of Rates submitted with the tender submissions.

The "quality" criterion was assessed by applying the agreed weighting to a score assigned by the Tender Evaluation Committee against each criteria for each tenderer. The aggregate of the weighted quality scores for each tenderer was then added to the weighted "price offered" score to determine a total score for each tenderer. This total score represents the perceived value for money achieved by each tenderer from the evidence presented in their tender.

The assessment of tenders has determined that the best value to the City of Joondalup can be achieved by accepting the tender from Wanneroo Electric Pty Ltd for Contract 051-00/01 Supply of Electrical Maintenance Services for the scheduled rates for a period of 12 months, with the option to extend to two subsequent terms of 12 months, subject to any negotiated rate increases not exceeding the movement of the Consumer Price Index and to Council's approval.

### **Analysis of Trial**

Council previously decided not to extend this contract and call for tenders on a trial basis to determine what the market has to offer. In analysing the previous 12 months invoices pertaining to this contract, the following comparisons were made in relation to price fluctuations:

- The lowest priced tender is Wanneroo Electric, which is Council's current contractor. Its submitted prices remain the same as in the previous contract.
- In relation to the other 6 tenderers, the price increases range from approximately 16% through to 267%, relative to the lowest priced tenderer, which translates to an average price increase of approximately 90%.

From this trial, it can be concluded whilst the recommended tenderer's prices remain the same as in the previous contract, there was a significant across the board increase in prices submitted.

In hindsight, it would have been more cost effective to extend the previous contract than recall tenders.

### **RECOMMENDATION**

#### **That Council:**

- 1 ACCEPTS the tender from Wanneroo Electric Pty Ltd for Tender No 051-00/01 Supply of Electrical Maintenance Services, according to the Schedule of Rates forming Attachment 1 to Report CJ268-08/01 for 11 months from 1 August 2001 to 30 June 2002 with the option for two subsequent terms of 12 months, subject to a negotiated rate increase not exceeding the movement of the Consumer Price Index, at the discretion of Council;**
- 2 AUTHORISES execution of contract documents.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf070801.pdf](#)*



## **CJ269 - 08/01      TENDER NO. 052-00/01 - PAVEMENT MARKING WITHIN THE CITY OF JOONDALUP - [48029]**

**WARD - All**

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### **SUMMARY**

Tenders were advertised state-wide for Pavement Marking. In accordance with the Conditions of Tendering supplied, tenders closed on Wednesday, 11 July 2001. Three tenders were received as follows:-

- Municipal Contractors      Osborne Park
- Road & Traffic Service      Bayswater
- Linemarking Professionals      Marmion

This report recommends acceptance of the price schedule submitted by Roads & Traffic Services in accordance with the condition of tender.

### **DETAILS**

The Scope of Works under this contract is to provide pavement markings associated with Council's parking facilities and marking of the roads, roundabouts and traffic islands as a part of Council's new construction works.

This contract will basically involve the contractor in marking new car parks, recreation centres, community areas, pathways, boating ramps and embayments. Most of the road markings of new construction works, either from traffic management works or resurfacing works, were normally completed by the Main Roads Department at its own expense. Council only takes responsibility for marking the roads under black spot funded projects.

The current contract with Country Linemarking expires on 31 August 2001. Council did not wish to extend the contract due to unsatisfactory performance by the company. Country Linemarking also did not tender for the new contract.

Municipal Contractors has completed work for Council before and its ability to deliver services was satisfactory during past years. Municipal Contractors has a high tender pricing compared to its competitors in some of the most frequently used items. Road & Traffic Services has also experience and resources to perform a similar kind of job. The tender submitted by Linemarking Professionals does not indicate a great deal on its experience and resources. Road & Traffic Services currently has a 10 year contract with the Main Roads Department for maintenance and upgrading of all signalised intersections.

### **Contract Period**

Subject to Clause 29 (Termination), this contract will commence from 1 September 2001 and will remain in place for a period of 12 months, to 31 August 2002.

Subject to the satisfactory performance of the Contract and under the provision of following sub clause 28.3, *the Principal may consider to extend the contract further for 2 x 12 months or a part thereof*. Such extension of the Contract is not an automatic right for the Contractor and shall be in accordance with the same terms and conditions, including Schedule of Rates, or with negotiated price adjustments not exceeding the changes in CPI as published by the Australian Bureau of Statistics for the last 12 months, or any lower value as negotiated by the Principal and shall be at the discretion of the Principal.

Subject to Clause 28.2 the Contractor shall notify the Principal in writing at least 90 days prior to the expiry of this contract, expressing its intention to be considered for renewal of the Contract.

The Contractor and the Superintendent will develop a contract review process which would include a formal meeting and recording of the Contract progress. Such formal meeting shall occur at least once every three months. The Superintendent will provide the copy of the Contract Review Report to the Director Infrastructure Management and the Contractor.

It appears there is no sub-contracting involved in all three tenders submitted.

## COMMENT

The contract for Pavement Marking is a Schedule of Rates contract and the contract sum is paid from the maintenance accounts as required.

Under the City's Contract Management framework, the tenders were assessed by an evaluation committee using a weighted, multi-criterion assessment system. The criteria provided in the Tender Information Document was:-

- Price offered for the services (Schedule of Rates)
- Tenderer's demonstrated ability to rectify a site problem at short notice.
- Tenderer's resources (*eg.* specialised equipment, skill inventory and financial capacity).
- Tenderer's previous experience in carrying out similar works.
- Safety Management Policy including safety records for the last two years.

This criteria effectively falls into two distinct parts, being "price" and "quality". "Quality" includes the ability to attend to problems at short notice.

Weightings for all criteria were agreed prior to the Tender Evaluation Committee meeting. The weightings remained unaltered throughout the evaluation process for each tender, thereby maintaining the integrity of the tender evaluation process.

To enable the comparison of rates, the weighting for the prices offered was distributed among the submitted items depending on the nature of works and frequency of occurrence. The weighting for each of them was applied and a "price offered" scope for each tender submitted.

Road & Traffic Service achieved the highest score during the tender evaluation process and it is therefore recommended that Council accept its tender, in accordance with the Schedule of Rates.

The Schedule of Rates and Scope of Works documentation were totally redeveloped prior to advertising this tender.

The Schedule of Rates Attachment 1 provides an itemised listing for various work functions. Evaluation of the costs associated with a specific project is as follows:

<i><b>PROJECT</b></i>	<i><b>COMPANY</b></i>		
	<b>Road &amp; Traffic Service</b>	<b>Municipal Contractors</b>	<b>Line Marking Professionals</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Line marking of 60 bay car park	581	865	607
Line marking 1 km of road	998	1,339	1,027

Works performed is predominately related to line marking associated with car parks and minor road pavement marking.

Comparison with the 2000/2001 contract rates for equivalent items is as follows:-

<b>Item</b>	<b>2000/2001 Country Line Marking</b>	<b>2001/2002 Road &amp; Traffic Service</b>
No Standing 300mm high	\$12.00	\$12.50
Staff Only 300mm high	\$10.00	\$12.00
Exit 900mm high	\$20.00	\$12.00
Entry 900mm high	\$20.00	\$12.00
Numerals 1.2mtr high	\$ 5.00	\$ 4.00

All expenditure is via the Operations Annual Maintenance account or the Capital Works Project accounts.

## **RECOMMENDATION**

### **That Council:**

- 1 ACCEPTS the tender submitted by Road & Traffic Service as per the lump sum Price Schedules 1 and 2 and Schedule of Rates, shown as Attachment 1 to Report CJ269-08/01 for Tender No 052-00/01 Pavement Marking Within the City of Joondalup, in accordance with the Conditions of Tender, for 12 months from 1 September 2001 to 31 August 2002, with an optional two 12 month extension periods;**
- 2 AUTHORISES execution of the contract.**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf070801.pdf](#)

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## **CJ270 - 08/01      TENDER NO. 053-00/01 - SWEEPING OF URBAN AND ARTERIAL ROADS - [49029]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 16

### **SUMMARY**

Tenders were advertised state-wide for Sweeping of Urban and Arterial Roads, in accordance with the Conditions of Tendering supplied. Tenders closed on Wednesday 11 July 2001. Two tenders were received as follows:-

- |                             |           |
|-----------------------------|-----------|
| • Clean Sweep               | Midvale   |
| • Coastal Sweeping Services | Two Rocks |

This report recommends acceptance of the tender submitted by Coastal Sweeping Services, in accordance with the Conditions of Tendering for the consideration of the Lump Sump Price Schedule, from 1 September 2001 to 31 August 2002.

### **DETAILS**

The scope of works for this contract incorporates sweeping of all urban and arterial roads and residential streets within the suburbs of the City of Joondalup. Council maintains a separate contract for sweeping the Joondalup City Centre area.

Two separate contracts were applied to reflect the specific differences in the scope of works. Arterial road sweeping requires a significantly larger unit to maximise performance and to reduce travel time per load. The sweeping program is undertaken on a suburb-by-suburb basis and, where possible, follows the bulk pick up.

The City of Joondalup received two tenders from Coastal Sweeping Services and Clean Sweep. Clean Sweep is the current contractor for the Sweeping of Urban and Arterial Roads until 31 August 2001.

Coastal Sweeping Services is the City of Joondalup's contractor for sweeping streets in the Joondalup City Centre. Its performance was satisfactory last year and Council recently extended the contract for another year from 1 September 2001 to 31 August 2002 (Contract No 108-99/00). Coastal Sweeping Services recently purchased a larger sweeping machine that is capable of sweeping local roads and arterial roads. It has demonstrated the operation of the machine for Council officers and the outcome was satisfactory. Coastal Sweeping Services also informed Council that it is in the process of buying another machine and employing additional operators to build up its resources further to satisfy other agencies' contractual obligations.

The contract is a Lump Sum Price Schedule for each suburb and arterial roads in Council area, however, it is at Council's discretion to include or exclude by suburb for sweeping at any frequency for the entire period of the contract depending on the condition of the road and funding allocations (refer Attachment 1, Schedule of Rates).

The Schedule of Rates submitted by Coastal Sweeping is lower than the 1999/2000 contract by \$9,154. This reduction has been confirmed with the tenderer to ensure that the Schedule of Rates submitted is correct.

The Schedule of Rates submitted by Clean Sweep contains a significant increase on the 1999/2000 contract rate.

Additional sweeping is undertaken on an hourly rate for works associated with Council's Capital Works Program for Road Surfacing and Preservation.

Clean Sweep was Council's sweeping contractor last year and rejected the option to extend the contract. Clean Sweep's tender was significantly higher than its 1999/2000 contract price and also the Schedule of Rates submitted by Coastal Sweeping Services.

Clean Sweep currently undertakes sweeping for the major portion of local authorities within the metro area.

**Contract Period:**

Subject to Clause 29 (Termination), this contract will commence from 1 September 2001 and will remain in place for a period of 12 months, to 31 August 2002.

Subject to the satisfactory performance of the Contract and under the provision of following sub *clause 28.3, the Principal may consider to extend the contract further for 2 x 12 months or a part thereof.* Such extension of the Contract is not an automatic right for the Contractor and shall be in accordance with the same terms and conditions including Schedule of Rates, or with negotiated price adjustments not exceeding the changes in the CPI, as published by the Australian Bureau of Statistics for the last 12 months or any lower value, as negotiated by the Principal, and shall be at the discretion of the Principal.

Subject to Clause 28.2 the Contractor shall notify the Principal in writing at least 90 days prior to the expiry of this contract expressing its intention to be considered for the renewal of the Contract.

The Contractor and the Superintendent will develop a contract review process, which would include a formal meeting and recording of the contract progress. Such formal meeting shall occur at least once every three months. The Superintendent will provide the copy of the Contract Review Report to the Director Infrastructure Management and the Contractor.

This contract is a standard maintenance contract and Coastal Sweeping Services has not nominated any sub-contractor.

## COMMENT

The contract sum is paid from the maintenance accounts for Operations Engineering Section and Projects as required.

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted, multi-criterion assessment system. The criteria provided in the Tender Information Document was:

- Price offered for the services (Schedule of Rates)
- Tenderer's demonstrated ability to rectify a site problem at short notice.
- Tenderer's resources (eg. specialised equipment, skill inventory and financial capacity).
- Tenderer's previous experience in carrying out similar works.
- Safety Management Policy including safety records for the last two years.

These criteria effectively fall into two distinct parts; "price" and "quality". "Quality" includes the ability to attend to problems at short notice.

Weightings for all criteria were agreed prior to the Tender Evaluation Committee meeting. The weightings remained unaltered through the evaluation process for each tender, thereby maintaining the integrity of the tender evaluation process.

To enable the comparison of rates, the weighting for the prices offered was equally divided into three parts (total lump sum price for all the roads in urban areas, total lump sum price for all arterial roads and hourly rate for additional sweeping). The weighting for each of them was applied and a "price offered" scope for each tender determined.

Coastal Sweeping Services achieved the highest score during the tender evaluation process and it is therefore recommended that Council accept its tender, in accordance with the Schedule of Rates.

## RECOMMENDATION

### That Council:

- 1 ACCEPTS the tender submitted by Coastal Sweeping Services as per the lump sum Price Schedules 1 and 2 and Schedule of Rates as shown as Attachment 1 to Report CJ270-08/01, for Tender No 053-00/01 Sweeping of Urban and Arterial Roads, in accordance with the Conditions of Tender, for 12 months from 1 September 2001 to 31 August 2002, with an optional 2 x 12 month extension;**
- 2 AUTHORISES execution of the contract documentation.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf070801.pdf](#)

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## **CJ271 - 08/01      TENDER NO. 054-00/01 - REMOVAL OF ASSORTED STUMPS - [50029]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 17

### **SUMMARY**

Tenders have been invited for the removal of assorted stumps in all road reserves and public open space on Council buildings and facilities City wide. The successful tenderer is required to co-ordinate all in-ground service locations prior to commencement of any works.

An evaluation of the tender submissions was carried out and Geoff's Tree Services Pty Ltd is recommended as the preferred tenderer.

### **BACKGROUND**

As part of Council's maintenance works programme, trees that endanger property or the public are removed from road reserves, reticulated parks, dry parks and Council controlled buildings and facilities. The remaining stump is removed by stump grinding. This contract has been successfully undertaken by Geoff's Tree Services Pty Ltd during the period 1998 to 2001. Prior to this, the work was undertaken by Woodies Stump Removals Pty Ltd 1996 to 1998. Accordingly a public tender was advertised and subsequently closed on 11 July 2001.

### **DETAILS**

At close of tenders, four had been received from the following contractors:

- Geoff's Tree Service Pty Ltd                      Nowergup
- Woodies Stump Removals Pty Ltd              Greenwood
- Stump Out    Karrinyup
- W A Stump Grinders                              Thornlie

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system. The criteria provided in the Tender Information Document were:

- Price offered for the services (Schedule of Rates)
- Tenderer's demonstrated ability to rectify a site problem at short notice
- Tenderer's resources (*e.g.* specialised equipment, skill inventory and financial capacity)
- Tenderer's previous experience in carrying out similar works.
- Safety Management Policy including safety records for the last two years.

Weightings for all criteria were agreed prior to the Tender Evaluation Committee meeting. The weightings remained unaltered through the evaluation process for each tender, thereby maintaining the integrity of the tender evaluation process.

### **Contract Period**

Subject to Clause 29 (termination), this contract will commence from 1 September 2001 and will remain in place for a period of 12 months to 31 August 2002.

Subject to the satisfactory performance of the Contract and under the provision of following sub *clause 28.3, the Principal may consider to extend the contract further for 2 x 12 months or a part thereof.* Such extension of the Contract is not an automatic right for the Contractor and shall be in accordance with the same terms and conditions including Schedule of Rates, or with negotiated price adjustments not exceeding the changes in CPI as published by the Australian Bureau of Statistics for the last 12 months or any lower value as negotiated by the Principal, and shall be at the discretion of the Principal.

Subject to Clause 28.2 the Contractor shall notify the Principal in writing at least 90 days prior to the expiry of this contract expressing its intention to be considered for the renewal of the Contract.

The Contractor and the Superintendent will develop a contract review process which would include a formal meeting and recording of the Contract progress. Such formal meeting shall occur at least once every three months. The Superintendent will provide the copy of the Contract Review Report to the Director Infrastructure Management and the Contractor.

### **COMMENT**

The tenders submitted by Geoff's Tree Services Pty Ltd and Woodies Stump Removal are very competitive, while the tenders submitted by Stump Out and W A Stump Grinders are over double the lowest price. There is no subcontracting component within the contract.

The Schedule of Rates identifies a range of stump sizes to be priced as follows:

#### **SCHEDULE OF RATES**

<b>COMPANY</b>	<b>\$ per stump 100 – 300mm</b>	<b>\$ per stump 300 – 450mm</b>	<b>\$ per stump 450 – 500mm</b>	<b>\$ per stump 500 – 800mm</b>
Geoff's Tree Services	10	15	25	35
Woodies Stump Removal	8	15	20	30
Stump Out	30	35	40	50
W A Stump Grinders	20	30	40	60

Council's records indicate an annual removal of approximately 1,340 stumps of varying sizes and locations.

While the removal amount appears high the figure includes a variety of locations eg: street trees, public open spaces, road reserves. All stumps are removed with this process to minimise the impact to underground services and damage to existing residential lawns or gardens.



Calculating the average removal numbers for 2000/01 works, the following costs would apply:

COMPANY	100 – 300mm \$	300 – 450mm \$	450 – 500mm \$	500 – 800mm \$
Geoff's Tree Services	3,920	8,160	2,900	10,080
Woodies Stump Removal	3,136	8,160	2,320	8,640
Stump Out	11,760	19,040	4,640	14,400
W A Stump Grinders	7,840	16,320	4,640	17,280

## TOTALS

Woodies Stump Removal	\$22,256
Geoff's Tree Services	\$25,060
W A Stump Grinders	\$46,080
Stump Out	\$49,840

Although Woodies Stump Removal is \$2,804 cheaper overall on the price schedule, in other aspects of the selection criteria, the selection committee had concerns regarding the contractor's ability to meet it's obligations. The impact of this would lead to ratepayer concerns due to the delay in completing the works should it occur. This evaluation criteria identified Geoff's Tree Services Pty Ltd as the preferred tenderer and it is therefore recommended that the contract be awarded to Geoff's Tree Services Pty Ltd in accordance with the contract conditions and Schedule of Rates submitted.

## RECOMMENDATION

### That Council:

- 1 ACCEPTS the tender submitted by Geoff's Tree Services Pty Ltd for Contract No 054-00/01 in accordance with the Schedule of Rates, for the period 1 September to 30 August 2001 with option for a subsequent term of 2 x 12 months or part thereof, subject to agreement of both parties.**
- 2 AUTHORISE the execution of contract documents.**

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## **CJ272 - 08/01      CONTRACT EXTENSION - 086-99/00 SUPPLY AND DELIVERY OF PVC PIPE, FITTINGS AND SPRINKLERS - [43655]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 18

### **SUMMARY**

Contract No 086-99/00 was approved at the Council meeting on 23 May 2000. This contract forms part of the City of Joondalup Operations Services contracts and, in accordance with the General Conditions of Contract Clause 24 Contract Period, the City has negotiated an appropriate extension with the current contractor.

### **BACKGROUND**

The supply of irrigation materials was split between two local supply outlets to assist the City's maintenance works.

Elliotts Irrigation of Canham Way Greenwood was selected to supply materials for the suburbs south of Ocean Road; and Hugall & Hoile of Joondalup Business Park was selected to supply materials for the suburbs north of Ocean Reef Road.

### **DETAILS**

Contractor, Elliotts Irrigation, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 086-99/00 Supply & Delivery of PVC Pipe, Fittings and Sprinklers for 12 months, from 1 July 2001 to 30 June 2002.

Contractor, Hugall & Hoile, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 086-99/00 Supply & Delivery of PVC Pipe, Fittings and Sprinklers for 12 months, from 1 July 2001 to 30 June 2002.

Both companies have submitted information supporting a request for a price variation in accordance with contract conditions. A revised price schedule is listed to reflect the current price and the proposed increase in January 2001. Both companies received a price increase for Rainspray and Hunter sprinklers due to the currency exchange rate. Council officers met with both suppliers and resolved the variation, in accordance with Clause 6 Variations of the General Conditions of Contract.

Attachment 1 – Elliotts Irrigation Schedule of Rates.

Attachment 2 – Hugall & Hoile Schedule of Rates.

Both companies receive specific items from Controlled Sprinkler Supplies Pty Ltd, which has submitted written justification for the proposed increase (refer Attachment 3).

Various Councils have been contacted to assess the industry benchmarks. Hunter sprinklers were selected for comparison as they are used extensively by all local authorities. Shown below are the price comparisons between the City of Joondalup and the selected local authorities.

Code	Description	Make	Unit	City of Canning	City of Swan	City of Stirling	City of Wanneroo	City of Joondalup - Elliotts Irrigation	City of Joondalup - Hugall & Hoile
I41-ADS	I41 Adj Sprinkler	Hunter	1	-	-	\$71.61	\$72.59	\$67.35	\$69.00
I41-36S	I41 360 Sprinkler	Hunter	1	-	\$71.45	\$71.61	\$72.59	\$67.35	\$69.00
I20-ADS	I20 Adj Sprinkler	Hunter	1	\$31.00	\$27.83	\$37.80	\$26.17	\$24.42	\$25.80
820-36S	I20 360 Sprinkler	Hunter	1	\$31.00	-	\$37.80	\$26.17	\$24.42	\$25.80

City of Canning – Quote only system.

City of Swan – Annual tender.

City of Stirling – 3 year tender, reviewed annually.

City of Wanneroo – Annual tender.

City of Joondalup – 3 year tender.

## COMMENT/FUNDING

Comparison of price increases for selected items is shown below –

		<u>July 2000</u>	<u>July 2001</u>
1419 Valve Box -	Elliotts Irrigation	\$27.00	\$28.59
	Hugall & Hoile	\$27.00	\$27.00
Solvent –	Elliotts Irrigation	\$10.00	\$10.59
	Hugall & Hoile	\$9.68	10.65
Rainspray 250 FC –	Elliotts Irrigation	\$79.25	\$84.01
	Hugall & Hoile	\$94.49	\$90.77
Toro 340 Stream Rota –	Elliotts Irrigation	\$18.50	\$19.59
	Hugall & Hoile	\$20.15	\$20.15
Hunter I41 S/S Sprinkler –	Elliotts Irrigation	\$60.00	\$67.35
	Hugall & Hoile	\$61.54	\$69.05

The variations proposed are within the CPI increase, currently listed as 5.9% for materials.

Extension of this contract is supported, in preference to recalling of the tender, for the following reasons:

### 1. Cost Benefits

- a new tender will provide an opportunity for significant price increases;
- tender processing costs are estimated at \$4,000-\$5,000;
- comparison prices from other local authorities support the option to extend.

2. Continuity of Supply
  - (a) regular long-term local supply options;
  - (b) current suppliers stock the range of items regularly required by Operations Services.
3. Accessibility
  - (a) the use of two supply outlets reduces travel costs for employees and eliminates the requirement to store items within the Works Depot area.

## **Funds**

All expenditure is via either the Operations Maintenance Budget or Capital Works Program account numbers, as authorised by Council.

## **RECOMMENDATION**

### **That Council:**

- 1 AUTHORISES the extension of Contract 086-99/00 Supply and Delivery of PVC Pipe, Fittings and Sprinklers with Elliotts Irrigation, for a period of 12 months from 1 July 2001 to 30 June 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 2 AUTHORISES the extension of Contract 086-99/00 Supply and Delivery of PVC Pipe, Fittings and Sprinklers with Hugall & Hoile, for a period of 12 months from 1 July 2001 to 30 June 2002, in accordance with the price schedule accepted by Council for 2000/2001 and the application of 10% GST;**
- 3 APPROVES the Contract Schedule of Rates variation submitted by Elliotts Irrigation;**
- 4 APPROVES the Contract Schedule of Rates variation submitted by Hugall & Hoile;**
- 5 AUTHORISES the signing of the contract extension documents.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf070801.pdf](#)*

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## **CJ273 - 08/01 FIRE RISK ASSESSMENT - OCEAN REEF FORESHORE - [04435]**

**WARD** - Marina

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CJ010807\_BRF.DOC:ITEM 19

### **SUMMARY**

At the Council meeting on 10 July 2001, Cr C Baker moved the following motion:-

**“That the dry tree branches, shrubbery and other vegetation positioned on the northern and southern perimeters of the new pathway connecting Mullaloo Beach North with Ocean Reef Road (adjacent to the intersection of Swanson Way, Ocean Reef) be removed because they constitute a dangerous fire hazard and serve no significant purpose whatsoever.”**

An independent fire risk assessment has been undertaken by the Fire and Emergency Services Authority (FESA). This assessment has been received by Council and is attached to this report (refer Attachment 1).

### **BACKGROUND**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 10 July 2001:

**“That the dry tree branches, shrubbery and other vegetation positioned on the northern and southern perimeters of the new pathway connecting Mullaloo Beach North with Ocean Reef Road (adjacent to the intersection of Swanson Way, Ocean Reef) be removed because they constitute a dangerous fire hazard and serve no significant purpose whatsoever.”**

Cr Baker then advised that he wished to defer debate on this Notice of Motion until such time as the independent fire risk assessment from the Fire and Emergency Services Authority had been received.

It was Moved Cr M O’Brien and Seconded Cr A Nixon that the Notice of Motion as submitted by Cr Baker LIE ON THE TABLE. The motion was Carried.

It was Moved Cr C Baker and Seconded Cr D Carlos that Council:

- 1 *SEEKS an independent fire risk assessment from Fire and Emergency Services Authority (FESA) in relation to the nature and extend of works associated with the recent pathway construction in Ocean Reef;*
- 2 *RECEIVES a further report outlining the findings of the independent fire risk assessment.*

## DETAILS

The fire risk assessment has been received by Council. This assessment was carried out by FESA's District Officer Metro North, Mr Shane Nangle and Environmental Officer, Mr Jeff Mustard, accompanied by Council's Conservation Officer, Mr Keith Armstrong. The assessment identified the following items relating to fire risks for the foreshore along constructed pathways :-

- That dead scrub and branches used to prevent access should be limited in height to reduce fuel loading;
- That dead scrub should be moved further away from the path to reduce the likelihood of ignition due to discarded matches or cigarettes etc;
- The width of the pathways offers significant access for emergency vehicles including fire appliances and ambulance.

Following the on site inspection, the concerns raised by FESA have been dealt with, in that the branching height has been reduced and proximity to the fence has been amended in accordance with the advice.

FESA commended Council on its initiatives and efforts in protecting the public from harm.

## RECOMMENDATION

**That Council ENDORSES the actions taken by the officers to date and receives the report provided by the Fire and Emergency Services Authority (FESA) pertaining to the Ocean Reef Foreshore dual use path works.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf070801.pdf](#)*

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## **CJ274 - 08/01      BADRICK STREET, PERMANENT ROAD CLOSURE - [05378]**

**WARD** - South

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CJ010807\_BRF.DOC:ITEM 20

### **SUMMARY**

Badrick Street, Warwick has been closed to vehicular traffic at the intersection with Beach Road since December 1999.

While the July Special Electors meeting suggested that support for the road closure remains divided amongst the wider community, street residents remain strongly in support of the closure. On this basis and given the outstanding success of the road closure in terms of road safety improvement, maintaining the permanent road closure is recommended.

### **BACKGROUND**

The Badrick Street road closure was initiated at the request of local Police in December 1997 to address the casualty high crash rate at the intersection with Beach Road.

In September 1999, following a detailed investigation and public consultation process, the Joint Commissioners supported a trial road closure of Badrick Street at Beach Road.

Essentially the trial closure was used to establish the effects of such a closure on the local road network. In terms of reducing the number of crashes at the former four-way intersection, the trial closure could be regarded as an outstanding success.

Given the outstanding success of the road closure in terms of road safety improvement, Council resolved to seek approval for the permanent road closure of Badrick Street at the intersection of Beach Road from the Minister for Lands (Item CJ276-10/00 refers).

Subsequently, the Department of Local Government confirms earlier advice to Council Officers that formal approval from the Minister is not required.

Accordingly, notice advising formal closure in accordance with the Local Government Act 1995 is pending, subject to adoption of the City's 2001/02 Capital Works Program. The closure remains in effect for safety reasons.

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O'Brien gave notice of his intention to move the following motion at the Council meeting held on Tuesday 12 June 2001:

**“That there be a moratorium on the closure of Badrick St and Beach Road Warwick intersection and any treatment of the intersection of Barnsbury Rd and Dorchester Avenue Warwick, until representations are made to Minister Allannah MacTiernan, proposing Traffic Light installation at the Belvedere Rd, Badrick St and Beach Road intersection and that a meeting be convened between Councillor Sam Popesky, Councillor Peter Rose, accompanied by Engineer Officers from the City of Stirling. Councillor Tanya Barnett, Councillor Mike O’Brien, accompanied by Engineer Officers from the City of Joondalup and Traffic Inspector Collinson from Warwick Traffic Police, with a view to reviewing the Badrick Street closure, the proposed meeting to be at a convenient venue, possibly Dorchester Hall adjacent, together with an on site inspection in order to allay the concerns expressed by local Warwick residents, and further, that Minister MacTiernan’s office be informed and requested to suspend any action until the result of a review become evident.”**

On 12 June 2001, Council received a 121-signature petition calling for a Special Electors meeting to discuss the Badrick Street road closure. As a consequence of the tabling of this petition, it was resolved by Council at its meeting held on 12 June 2001

**“that the matter pertaining to the Moratorium on the Closure of Badrick Street and Beach Road, Warwick: Treatment of Intersection of Barnsbury Road and Dorchester Avenue, Warwick be DEFERRED pending the outcome of the request for a Special Electors Meeting.”**

A Special Meeting of Electors was subsequently scheduled for 11 July 2001 at Dorchester Hall, Warwick.

In the interim, a 36-signature petition from Badrick Street residents and 39 individual submissions seeking that Badrick Street remain closed have also been received.

## **DETAILS**

At the 11 July Special Electors meeting 62 residents attended. Elected members from City of Joondalup and City of Stirling, a representative from the Local Police, Main Roads WA and Council Officers were also in attendance.

A short presentation regarding the background of the Badrick Street road closure was conducted after which a number of speakers for and against the closure registered their concerns.

Main Roads WA representative spoke in favour of the existing closure as the most effective way to improve safety at this location and confirmed that traffic signals was not a desirable option for several reasons but more importantly as signals would be unlikely to address the previous high crash rate. The road closure is regarded by Main Roads WA as the simplest and most cost effective solution to addressing the previously high casualty crash rate at this location.



Whilst the proposed motions submitted by the 121 signature petition lapsed, a show of hands indicated that of those in attendance were equally divided on the issue.

Concerns were raised in relation to the whole issue of Dorchester Avenue between Dugdale Street and Beach Road and in view of these concerns, the establishment of a working group is suggested to investigate options for treatment for this section of road.

A number of residents have registered an interest to take part in a working group and are shown on Attachment 1.

The City of Stirling, in response to questions raised at the meeting, have subsequently advised that they remain supportive of the closure and are not in favour of any other options that may impact on access to Belvedere Road residents and Community Facilities. A copy of the response is shown on Attachment 2.

## **COMMENT/FUNDING**

The Special Electors meeting suggested that support for the road closure remains divided amongst the wider community. However it was clear that the majority of Badrick Street residents who are directly affected by the closure remain strongly in support of the closure. Questions were raised in relation to Council's duty of care in relation to reopening a street at a recognised black spot location and it was suggested that people have bought houses in the interim on the premise that the street will be closed.

In regard to the formation of a working group to discuss options for the intersection of Barnsbury Road and Dorchester Avenue, it has been previously acknowledged that there may be some members of the community that regard the closure as an inconvenience or perceive problems in relation to this intersection.

In addition while there have been no recorded crashes in the previous five year period at the intersection of Barnsbury Road with Dorchester Avenue, in view of the concerns expressed by some residents regarding this intersection, establishment of a working group to discuss options for treatment at this intersection and the section of Dorchester Avenue between Dugdale Street and Beach Road has been suggested.

On this basis, formation of a working group made up of street residents that have registered an interest is supported

In the interim, and noting that no recommendations emanated from the meeting, and given the outstanding success of the road closure in terms of road safety improvement, Council would be best advised to reaffirm its October 2000 resolution to initiate the permanent road closure of Badrick Street at Beach Road.

Accordingly, placement of a notice advising of the formal closure in accordance with the Local Government Act 1995, subject to adoption of the City's 2001/02 Capital Works Program is also recommended for consideration.

**RECOMMENDATION****That Council:**

- 1 MAINTAINS the permanent road closure of Badrick Street at Beach Road in accordance with its October 2000 resolution;**
- 2 AUTHORISES a notice be placed in local newspapers advising formal closure in accordance with the Local Government Act 1995, subject to adoption of the City's 2001/02 Capital Works Program;**
- 3 SUPPORTS the formation of a working group to investigate treatment options for Dorchester Avenue between Dugdale Street and Beach Road and that a further report be presented to Council detailing the findings of these investigations in due course.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf070801.pdf](#)*

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## **CJ275 - 08/01 INVITATION TO ATTEND INTERNATIONAL PUBLIC WORKS (ENGINEERING) CONFERENCE - [09557]**

**WARD - All**

CJ010807\_BRF.DOC:ITEM 21

### **SUMMARY**

The International Public Works (Engineering) Conference will be held in Perth at the Burswood Convention Centre from 26 to 30 August 2001.

It is recommended that an elected member, together with Senior Infrastructure Management staff of the City attend this conference.

### **BACKGROUND**

The International Public Works Conference is held every two years on a rotational basis between the States. This year it will be held in Perth on the 26-30 August, 2001.

The theme for the conference is “Innovation: The Key to the Future”. The conference provides a forum for professionals who plan, design, operate, maintain and manage infrastructure. Topics to be addressed by local and international speakers will include:

- Should Best Value be embraced nationwide ?
- Is Asset Management best left in the hands of accountants ?
- Has Public Sector outsourcing gone too far ?
- What are the major issues confronting the Public Works Engineering profession ?

See Attachment 1 for a copy of the Provisional Program for the Conference.

### **COMMENT/FUNDING**

The cost for one elected member delegate is \$1,320 for full conference registration.

Subject to budget deliberations, funds are available as follows:

Account No:	11 05 05 052 3521 0001
Budget Item:	Elected Members Conference Expenses
Actual Cost:	\$1,320/person

This international conference is held in Perth approximately every decade and three Senior Infrastructure Management staff have been registered to attend this conference. The conference expenses would be charged to Infrastructure Management Administration and Infrastructure Management Services. As there is no travelling or accommodation required

and the conference is being held locally, there is no requirement for Council to formally approve officer attendance provided it is within budget allocations.

Following an article in the Desk of the CEO dated 6 July, 2001 seeking expressions of interest from Councillors, Cr A Walker has indicated an interest in attending this conference.

## **RECOMMENDATION**

### **That:**

- 1 Council ENDORSES the attendance of an elected member to the Perth International Public Works Conference to be held at the Burswood Convention Centre, Perth on 26-30 August 2001;**
- 2 such funds to be allocated from Account 11 05 05 052 3521 0001 - Elected Members Conference Expenses.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf070801.pdf](#)*

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## **CJ276 - 08/01 NATIONAL SPEED AND ROAD SAFETY CONFERENCE - ADELAIDE 23-24 AUGUST 2001 - [13823]**

**WARD - All**

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CJ010807\_BRF.DOC:ITEM 22

### **SUMMARY**

The NRMA Insurance National Speed and Road Safety Conference is scheduled to take place in Adelaide on the 23-24 August 2001.

This conference offers an ideal opportunity for City of Joondalup representatives to take part in a National Road Safety Forum designed to review and discuss appropriate policy and strategic decisions relating to road safety and speed management.

In view of this, a recommendation to endorse attendance by an Elected Member and Council Officer is submitted for consideration.

### **BACKGROUND**

For some time now, Council Officers have co-ordinated Council's Road Safety activities with the assistance of RoadWise, local stakeholders and community groups, with particular focus on road user behavioural change programs to facilitate the development of road safety strategic action plans.

A significant amount of funds is also allocated annually to improving the safety and efficiency of the local road and path network as part of the City's Capital Works program.

More recently the City of Joondalup has taken a leading role in supporting, promoting and developing road safety programs at a local community level.

This has resulted in the development of 'School Road Safety' and 'Community Speed Watch' Programs.

In October 2000, the commitment of Council Officers to Road Safety was formally recognised when the City won two of the five categories at the statewide RoadWise / IPWEA 'Excellence in Road Safety' Awards.

The commitment to road safety has continued with such initiatives as promotion of road safety at the Joondalup Festival and production of the RoadSafe Youth Road Safety Video through the RoadSmart Youth Road Safety Grant Program.

## DETAILS

The NRMA Insurance National Speed and Road Safety Conference is the first national road forum dedicated to speed and road safety.

The aim of the conference is to enable road safety professionals, policy makers and community leaders to review and discuss appropriate policy and strategic decisions relating to speed management and road safety. The scheduled program will present a range of relevant current research findings and includes presentations by two international keynote speakers.

Overall the conference agenda will include sessions under the following main headings:

- Speed and the risk of crash Involvement
- Motor Accident Commission 3-year Media Evaluation of Speed Television Advertising.
- Road Transport Industry: Identifying Policy Issues Relating to Travelling Speed and Speed Limits.
- Crash Reductions from Reduced Travelling Speeds.
- Speed Limits and Crash Rates.
- Characteristics of Speeding Behaviour.
- Influencing Speeding Behaviour.
- Working Towards an Effective Integrated Speed Enforcement and Public Education Strategy.
- Enforcement: What Works?
- Public Education: What Works?

Sessions, which involve evaluation of 50km/h speed limits, traffic calming devices and enforcement of speed limits, would be of particular interest to Local Government.

The conference program is shown on Attachment 1.

## COMMENT/FUNDING

This conference is particularly relevant to ensure that Elected Members and officers maintain a high level of knowledge and active participation in local road safety initiatives.

Given the City's increasing involvement and expenditure to provide a safer environment, knowledge gained through attending this type of forum will enable Elected Members and Senior Officers to make more informed decisions in regard to road safety issues.

The recent successes of Council to develop local road safety strategies and promote road safety to the wider community can be attributed largely to the sharing of information collectively with other stakeholders at forums such as the National Speed and Road Safety Conference.

This conference offers an ideal opportunity for City of Joondalup representatives to take part in a National Road Safety Forum designed to review and discuss appropriate policy and strategic decisions relating to road safety and speed management.

The estimated cost for an Officer to attend this conference is:

Registration fee	\$595
Economy class airfare	\$736.24
Accommodation	\$360
Incidentals	\$270
TOTAL	\$1,961.24

The estimated costs for an Elected Member and City of Joondalup officer are as follows:

	Elected Member	Officer	
Registration (before 17 Aug)	\$ 595	\$ 595	
Airfares (Business class)	\$1,300	\$ 736.24 (Economy)	
Accommodation (2 nights @ \$180 per night)	\$ 360	\$ 360	
Incidentals	\$ 270	\$ 270	
Totals	\$2,525	\$1,961.24	
Grand Total			\$4,486.24

Funding for the conference is available, subject to budget considerations, from Account Numbers 11 05 05 052 3521 0001 Elected Members and 11 60 62 621 3302 0001 Infrastructure Management Services.

*Cr Paul Kimber has expressed an interest in attending this Conference.*

## **RECOMMENDATION**

### **That Council:**

- 1 ENDORSES the attendance of an Elected Member and the City's Traffic Project Engineer to attend the NRMA Insurance National Speed and Road Safety Conference in Adelaide on 23-24 August 2001; such funds being allocated from Account 11 05 05 052 3521 0001 - Elected Members Conference Expenses and Account 11 60 62 621 3302 0001 - Infrastructure Management Services;**
- 2 REQUESTS an information report on the outcomes of the NRMA Insurance National Speed and Road Safety Conference.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf070801.pdf](#)*

*Cr Kimber stated his intention to declare a non-financial interest in Item CJ277-08/01 Proposed Land Exchange - Location 11898 (273) Hepburn Avenue, Padbury (Reserve 43210 - Fire Station Site) and Location 12223, (12) Blackwattle Parade, Padbury (Reserve 43717 - Community Purpose Site) - as he is employed by Fire and Emergency Services Authority (FESA).*

**CJ277 - 08/01 PROPOSED LAND EXCHANGE - LOCATION 11898 (273) HEPBURN AVENUE, PADBURY (RESERVE 43210 - FIRE STATION SITE) AND LOCATION 12223, (12) BLACKWATTLE PARADE, PADBURY (RESERVE 43717 - COMMUNITY PURPOSE SITE) - [55022] [57264]**

**WARD** - Pinnaroo

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CJ010807\_BRF.DOC:ITEM 23

## **SUMMARY**

A report was requested in April 2001 on the possible exchange of the community purpose site on Blackwattle Parade, Padbury for the Fire and Emergency Services Authority (FESA) site on Hepburn Avenue, Padbury.

The FESA site is in the care, control and management of the FESA for the purpose of a Fire Station Site. The site is identified as Local Reserves – Public Use under District Planning Scheme No.2 (DPS2). It is proposed to swap this land with 12 Blackwattle Parade, Padbury (Reserve 43717) which is in the care, control and management of the City of Joondalup for Community Purposes (Attachment 1). This reserve was created as a condition of subdivision under Section 20A of the Town Planning and Development Act. The site is zoned Civic and Cultural under DPS2.

The community purpose site is the only opportunity in the area for the provision of a facility for the delivery of community services. There is no clearly defined need at this stage but it is considered the opportunity should be retained. Accordingly, it is recommended that the FESA be advised that the City does not consider a land swap to be an appropriate use of its community purpose site.

## **BACKGROUND**

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

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



A report was requested in April 2001 on the possible exchange of the community purpose site on Blackwattle Parade, Padbury for the Fire and Emergency Services Authority (FESA) site on Hepburn Avenue, Padbury.

#### FESA Site

Street Address	273 Hepburn Avenue, Padbury
Land Owner	Crown – care control and management of FESA
MRS Zoning	Urban
TPS Zoning	Local Reserves – Public Use
Lot Area	0.3000 ha

#### Community Purpose Site

Street Address	12 Blackwattle Parade, Padbury
Land Owner	Crown – care control and management of the City
MRS Zoning	Urban
TPS Zoning	Civic and Cultural
Lot Area	0.3332 ha

### DETAILS

It has been suggested that the FESA site be swapped with the community purpose site adjoining the Hepburn Heights Shopping Centre (Attachment 1). This has been suggested as the FESA site is included in the Bush Forever Site 303 and the land swap is seen as a mechanism by which to retain the bushland on the site.

The FESA site is a crown reserve that has been set aside for the purpose of a Fire Station Site and is identified accordingly under DPS2 as Local Reserves – Public Use under DPS2. The community purpose site was created as a condition of subdivision under Section 20A of the Town Planning and Development Act. The site is zoned Civic and Cultural under DPS2.

### COMMENT/FUNDING

#### Issues

The issue to be considered at this stage is whether the proposal to swap the FESA site with the community purpose site is appropriate.

#### Intentions for Community Purpose Site

Community purpose sites are traditionally located in the ‘heart’ of a community, that is within areas of activity, generally being centres (local, town, district). It needs to be noted that the community purpose site is appropriately located between the Hepburn Heights Shopping Centre to the west and Business zoned lot to the east. Its location, being in close proximity to the immediate community is of great benefit. Further given its location there are a greater number of land uses that may benefit from this location, therefore providing land use flexibility. The subject site is also considered to be of value in terms of the precinct planning that is being undertaken by the City.

The full extent of the community needs in the area is unknown at this stage. There is one community facility in the area being Christian church based, however this would not meet the needs of all residences. The loss of the possibility of a community purpose facility could be detrimental given the high ratio of young people residing in the City and the fact that the area may develop a need for a facility in the future.

### Community Consideration

Given that there is an existing community it is imperative that a public consultation process form part of any proposed land swap arrangement that involves the community purpose site.

### Purpose of Reserves

The purpose of a reserve can be changed under Section 41 of the Land Administration Act 1997 by order of the Minister for Lands and a Council resolution is not necessary; nor is public advertising of the proposal.

To effect a land exchange, the City of Joondalup and FESA would have to be in mutual agreement to proceed and as Reserve 43717 (community purpose site) was created as a condition of subdivision (section 20A reserve) the Western Australian Planning Commission (WAPC) would also have to agree. The City is aware that Reserve 43717 has an easement in favour of the Water Corporation running parallel on its Hepburn Avenue boundary that is approximately five metres wide. Provided that this easement is not built over, it is unlikely that it will be an issue.

If FESA and the WAPC support the proposal the City can request the Minister for Lands to revoke the Management Orders for Reserve 43717 and Reserve 43210 and issue new Management Orders for the appropriate purpose.

Although public advertising is not a condition of a land exchange of this nature, it is recommended that it be carried out prior to any decision to dispose of the site in order to gauge the opinion of the local residents to the proposed use of the community purpose site for a fire station.

### FESA Requirements

FESA advise that any alternate sites need to be within 500 metres of the existing reserve with good access to the Mitchell Freeway and Marmion Avenue. FESA have not advised what their preferred location is at this stage. At an on-site meeting with Council officers, FESA officers advised that the community purpose site would be able to accommodate the proposed development.

### Development Impacts

Consideration needs to be given to the impact of a fire station on the community and adjoining land uses. The community purpose site is surrounded by residential zoned land, the Hepburn Heights Shopping Centre, offices, medium density development including aged person accommodation. It is not usually a preferred option for a land use such as a fire station to be located in such an urban environment due to the potential disturbance and impact on surrounding land uses.

### Access Issues

It should be noted that the community purpose site has a 01 meter pedestrian access way (PAW) on its Hepburn Avenue boundary preventing vehicular access to and from Hepburn Avenue. The community purpose site has been designed to have access from the internal road system. There would be concerns with a community purpose site having direct access to Hepburn Avenue. Generally direct vehicular access to higher order roads is prevented, although occasional emergency vehicle access, under the control of signs and warning lights, may be managed. A formal closure procedure will need to be pursued to allow for the likely FESA preferred direct access onto Hepburn Avenue. Allowing for access onto Hepburn Avenue at this location, which is in close proximity to Walter Padbury Boulevard, will require careful consideration of the vehicle crossover siting and need for a median crossover.

### Bush Forever

The Environmental Protection Authority (EPA) has advised that the FESA site is part of a consolidated area of regionally significant bushland and unsuitable for development on conservation grounds. The FESA has a right to pursue development of their site for the purpose the reserve has been set aside for.

The EPA assessment of the vegetation on the site determined that any development would result in the removal of regionally significant vegetation in excellent to very good condition and seriously compromise the integrity of the existing conservation reserve by increasing edge to area ratios and by introducing and increasing existing disturbance factors. The EPA assessment is not considered to have adequately addressed the situation as it is based on the assumption that there is an alternative suitable site available. Also it does not acknowledge that there is a Western Power site in the immediate vicinity where a similar situation will result when development is pursued.

### **Assessment and Reasons for Recommendation**

Bush Forever is a policy position of the government to guide future decision-making and to protect and manage Bush Forever sites through implementation mechanisms. The significance of the bushland on the FESA site is acknowledged. However the EPA have a broader issue to consider in regards to this site as there is also a Western Power site adjacent to the FESA site as well as other Water Corporation reserves and special use reserves where similar scenarios may occur.

The proposal of the land swap begs the question of what should a community purpose site be used for. Community purpose sites are given up by developers at the subdivision stage and are set aside for community purposes. Traditionally such sites are developed to accommodate public buildings for the delivery of community services. These public buildings are used for a variety of purposes including child care centres, club meeting rooms, meeting places or even to create external urban environments for the community.

In most cases at the time community purpose sites are created the community itself is not in existence. Therefore these sites usually remain vacant until such time that a specific community need is identified or a community needs survey undertaken to determine the need. In this case the full extent of the community needs in the area is unknown. There is one community facility in the area being Christian church based, however this would not meet the needs of all. The loss of the possibility of a community purpose site could be detrimental

given the fact that the area may develop a need for a facility and the high ratio of young people residing in the City.

It is important for community purpose sites to be allocated on an equitable basis. The construction of a public building that can accommodate a variety of community groups is considered to be an equitable arrangement.

The following points need to be considered in regard to any proposed land swap:

- Community purpose sites are given up free of cost by the subdivider for community purposes, traditionally these have not been used for bushland preservation;
- Applying community purpose sites for preservation purposes will set a precedent;
- There may be a community expectation that a community facility will be provided;
- Community purpose sites should be allocated to satisfy community needs;
- The location of the community purpose site in the Bush Forever site will reduce the development capacity and value of the City's resource;
- The community purpose site is appropriately located between the Hepburn Heights Shopping Centre to the west and Business zoned lot to the east. Its location, being in close proximity to the immediate community is of great benefit. Further given its location there are a number of land uses that may benefit from this location, therefore providing land use flexibility;
- The community purpose site has been designed to have access from an internal road system. It is not considered appropriate for the relocated site to have direct access onto Hepburn Avenue.
- The proposal is not really a land swap as the FESA site is not suitable for community purposes even if it can be developed.

The community purpose site is the only opportunity in the area for the provision of a facility for the delivery of community services. There is no clearly defined need at this stage but it is considered the opportunity should be retained. Accordingly, it is recommended that the FESA be advised that the City does not consider a land swap to be an appropriate use of its community purpose site.

### **Recommendation to Council 24 July 2001**

**“That Council:**

- 1 NOTES the Report and takes no further action with regard to a possible land exchange involving the community purpose site on Blackwattle Parade, Padbury;**
- 2 ADVISES the Fire and Emergency Services Authority (FESA) that the City of Joondalup does not consider an exchange of Reserve 43210 (FESA) for Reserve 43717 (COJ) to be an appropriate use of the community purpose site.”**

### **Council Decision of 24 July 2001**

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

### **ADDITIONAL INFORMATION**

Following the Council meeting on 24 July 2001, the City received verbal advice from FESA that FESA intended to initiate a “resumption” of the Council controlled community purpose site and that they would be advising Department of Land Administration (DOLA) in writing. It is understood that instructions have been given to request a change to the Management Order for Reserve 43717 and that this has been verbally conveyed to DOLA. As of Thursday, 2 August 2001, DOLA had not received this request in writing.

DOLA has advised that should such a request be received, they would be very keen to work with the City to ensure that the City is part of the decision-making process. The senior officer from DOLA advised that he could not recall any Management Order being revoked to date and that it would take a good case to convince them, and it would very much depend on Council’s response.

The options open to Council are to:

- 1 maintain the status quo. That is, to advise that the reserve has been set aside for community purposes and until the future needs have been identified, the City will continue to hold the land vacant for those purposes;
- 2 accede to the notion of FESA developing the community purpose site with the knowledge that any future demand for community facilities will not be able to be accommodated on that reserve or in the immediate locality.

Given the advice from FESA, it is highly probable that the Council is going to be placed in a position where it will have to advise DOLA of its position in relation to the current Management Order over the reserve. In these circumstances, it may be of value to canvass the local community over the retention of the reserve for community purposes or its use for a fire station.

Should the community support the latter, then it may be possible for the Council to agree to the change in the Management Order and pursue some form of compensation or alternative site for Council purposes.

### **RECOMMENDATION**

**That Council SURVEYS the local community in the vicinity of the community purpose reserve seeking a response as to whether the reserve should be retained for future community purposes or used for the development of a fire station.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf070801.pdf](#)*

## **CJ278 - 08/01      RETROSPECTIVE APPROVAL FOR FENCES AND FILL FOR A SINGLE HOUSE AT LOT 1 (19) QUAYSIDE MEWS, HILLARYS - [49077]**

**WARD** - Whitfords

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CJ010807\_BRF.DOC:ITEM 24

### **SUMMARY**

On 12 June 2001 (CJ186-06/01 refers) Council considered a report relating to an unauthorised structure erected without approval and resolved to take legal action against the owners of the above site. The above resolution has not been initiated on the basis that the City has now received a development application for retrospective approval of the fences and fill.

The key elements of this proposal are detailed as below:

- ◆ The front fence has been increased in height from 1.55 to 1.88 metres (by way of an additional 0.33 metres of retaining wall) as originally constructed by the developers of the estate. Height of fence has been taken from the top of the existing retaining wall.
- ◆ The side fence (north boundary) between the above Lot 1 and the adjoining block to the north on Lot 2 has been constructed to a height of between 1.5 and 1.8 metres between the house and the front boundary facing Whitfords Avenue in lieu of 1 metre.
- ◆ The area between the house on Lot 1 (19) Quayside Mews and the front fence facing Whitfords Avenue has also been filled by approximately 300 mm.
- ◆ A wooden fence has been erected in lieu of masonry on south boundary adjoining Ern Halliday Recreation Reserve.

The site is the last of residential lots along this stretch of Whitfords Avenue with the adjoining site being the Ern Halliday Recreation Reserve. The constructed fences and fill blend in terms of design and scale with the existing developments within the Structure Plan area applying to the site. The amount of fill and fence height would not affect the streetscape, visual amenity and permeability of lots fronting onto Whitfords Avenue or compromise the development potential of the remaining vacant lots. It is recommended that Council exercise discretion in accordance with the provisions of District Planning Scheme No 2 (DPS2), vary the structure plans requirements and grant retrospective approval for the fences and fill in its current form and location.

It is further recommended that Council rescind the previous resolution relating to initiation of legal action against the owners of the above site dated 12 June 2001 (CJ186-06/01 refers) on the basis of the above recommendation for approval.

**BACKGROUND**

Lot	1
Street Address	19
Applicant	Scott Paterson
Land Owner	Scott, Robert & Denise Paterson
MRS Zoning	Urban
TPS Zoning	Residential R40
Permissibility of Use	P
Lot Area	305m <sup>2</sup>

The subject site has been developed with a single two-storey house. As a result of a written complaint received, a site inspection was undertaken which revealed that the above fences and fill had been constructed without the City's approval. The area is also subject to the City of Joondalup Hillarys Structure Plan No 20.

The unauthorised fences and fill was considered by Council on 12 June 2001(CJ186-06/01) where it was resolved that Council:

- 1 *REQUIRES the owners of Lot 1 (19) Quayside Mews, Hillarys to reinstate the front fence facing Whitfords Avenue and the north side boundary fence between the house on Lot 1 and the front fence facing Whitfords Avenue to the original height of 1m and the fill to its original levels within 14 days of Council's determination;*
- 2 *ADVISES the owner that failure to comply with the final notice in 1 above will result in Council initiating legal action pursuant to the provisions of District Planning Scheme No 2;*
- 3 *INITIATES legal action against the owner where item 1 above has not been satisfied within the 14 day period.*

As a result of the development application submitted by the owners, legal action in relation to Council resolution of 12 June 2001 was not carried out, pending Council's consideration of the development application received for the fences and fill.

The applicant/owner has submitted the following details in support of the proposal:

- ◆ The reason for raising the level was to enable the land to be retained at an even level without having to step the back yard. Due to the small size of the block, the area would have been too small to step as the block size is 305m<sup>2</sup>. The area is now of a size to allow for chairs and table to be placed outside.
- ◆ The fence has been raised to blend in with adjoining fence line and raised by 1 limestone block (0.71 m to 1.04 metre).
- ◆ The height retention provides privacy to both neighbours and is aesthetically correct without the large drop in height.
- ◆ At no time has the north boundary wall been retained and is at its original levels.

## DETAILS

The lot is situated within the City of Joondalup Hillarys Structure Plan No 20. There are specific development requirements relating to fencing as follows:

(b) **Fencing:**

*Front: shall not be built forward of the building unless constructed substantially of the same material and finishes as the dwelling and in any case the maximum height of any fence forward of the building shall not exceed 1 metre. (Note: This height refers to height taken from top of developer constructed retaining wall).*

*Internal Side: Shall be built substantially of the same materials of the adjoining fences on the same lot and shall be a minimum of 1.8 metres high.*

*External, Rear and Side: Fences facing an internal road or laneway shall be built substantially of the same material and finishing as the building and shall be a maximum of 1.8 metres high.*

### Discretionary aspects of proposal.

- ◆ Retrospective approval of unauthorised fences and fill.
- ◆ Variation to the City of Joondalup Hillarys Structure Plan No 20 in relation to:
  - (a) the front fence has been increased in height from 1.55 metres to 1.88 metres. The increase in the height by 0.33 metres is due to the additional retaining added onto the existing retaining wall.
  - (b) the side fence (north boundary) between the above Lot 1 and the adjoining block to the north on Lot 2 has been constructed to a height of between 1.5 metres to 1.8 metres between the house and the front boundary facing Whitfords Avenue in lieu of 1 metre.
  - (c) the area between the house on Lot 1 and the front fence facing Whitfords Avenue has also been filled by approximately 300mm.
  - (d) Wooden fence in lieu of masonry on south boundary adjoining Ern Halliday Recreation Reserve.

### Advertising

The proposal was advertised to 5 adjoining and affected landowners. At the end of the 14 day advertising period, one objection and two non-objections were received.

### Issues raised in the submission

The objection received is summarised as follows:

- ◆ The above constructed fences are not in compliance with the Structure Plan requirements which require that the maximum height of a fence should be 1.0 metre forward of the building line facing the west and the south of Lot 2(21) Quayside Mews.



- ◆ The increased height of the fence has completely obscured any view the adjoining landowners had facing the south, and thereby creating a tunnel effect regarding their view.
- ◆ Claims that backfill used for the above site Lot 1 (19) Quayside Mews had been taken from Lot 2 (21) Quayside Mews.

The non-objection received states as follows:

- ◆ The comments received from one of the two non-objections states that they were happy with everything as planned.

### Legislative Requirements

- ◆ Clause 4.5 of DPS2 allows Council to vary requirements of the City of Joondalup Hillarys Structure Plan No 20 which has specific requirements for front and side fencing in front of the building setback line.
- ◆ Clause 6.12 of DPS2 allows Council to consider retrospective planning approvals for existing structures and land uses provided the development complies with the provisions of the scheme regarding all matters other than provisions requiring Council approval prior to the commencement of development.

### **COMMENT**

The issues raised by the objector are discussed as follows:

- ◆ The raised fencing on Lot 1 (19) Quayside Mews, facing Whitfords Avenue has been raised from 1.55 metres to 1.88 metres. The difference in height of the front fence on the above Lot 1, which is an increase of 0.33 metres from the developer constructed fence of 2.26 metres, is considered acceptable in this instance. There are other blocks within the Hillarys Structure Plan No 20 where the height of walls and fencing has been raised in a similar fashion. It is noted that loss of view is not normally considered a valid planning consideration in the determination of a development application. The development potential of the adjoining house is unlikely to be affected as each development is determined on individual merit in compliance with the City's requirements. It is to be noted that the fence heights of the above Lot 1 are already higher than the 1 metre height restriction stated in the Structure Plan affecting the area. The increase in the side fencing is also considered not to affect the amenity of the adjoining lot. With ocean views and outlook, this area facing the west is likely to be used for outdoor activity and the increased height in side fencing is considered to offer better privacy to both landowners.
- ◆ The applicant has raised the fill height from the edge of the house to the front of the block to a similar height as the finished floor level of the existing house. The amount of fill is unlikely to affect the amenity or development potential of the Lot 2 (21) Quayside Mews or the other lots in the area in general. The claims that fill had been taken from the adjoining Lot 2 (21) Quayside Mews is unsubstantiated and is a civil matter between the landowners concerned.

The Structure Plan's standards were initiated by the original developers of the estate to control various development aspects relating to residential development within the Hillary's Residential Precinct. Fencing restrictions were incorporated to control the streetscape, material and scale of fencing and to allow building facades to be visible when viewed from Whitfords Avenue. The materials used for the fences are consistent with the requirements of the Structure Plans and similar to other fences in residential developments in the area except for the height. The applicable fences are visually permeable. It is therefore considered that the fencing and fill does not compromise the intent of the Structure Plan.

Based on the above, and comments received from all landowners contacted, it is reasonable to conclude that the above fences and fill, as constructed, are unlikely to affect the streetscape in terms of scale, material and permeability, or affect the visual amenity or development potential of lots in the immediate and surrounding area in general.

It is recommended that Council by Absolute Majority rescinds its previous resolution dated 12 June 2001, requiring initiation of legal action against the owners of the above site. It is further recommended that Council vary the requirements of the Structure Plan affecting the area and approves the fences and fill, as constructed in its current form and location.

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

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25 (e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

*If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.*

*If supported by one-third of the members, then any decision to revoke a resolution of the Council if required to be passed by an Absolute Majority.*

Prior to giving consideration to the following recommendation, elected members are required to give the **support of one-third of their members**, and such support is to be recorded in the minutes of this meeting.

## **RECOMMENDATION**

**1 That Council BY AN ABSOLUTE MAJORITY RESCINDS its previous resolution dated 12 June 2001 as follows:**

***“(a) REQUIRES the owners of Lot 1 (19) Quayside Mews, Hillarys to reinstate the front fence facing Whitfords Avenue and the north side boundary fence between the house on Lot 1 and the front fence facing Whitfords Avenue to the original height of 1m and the fill to its original levels within 14 days of Council's determination;***

***(b) ADVISES the owner that failure to comply with the final notice in 1 above will result in Council initiating legal action pursuant to the provisions of District Planning Scheme No 2;***

*(c) INITIATES legal action against the owner where item 1 above has not been satisfied within the 14 day period.”*

- 2 EXERCISES discretion under clause 4.5 of District Planning Scheme No 2 for the fences and fill to a single house at Lot 1 (19) Quayside Mews, Hillarys to:**
  - (a) vary the City of Joondalup Hillarys Structure Plan No 20 requirements for front and side fencing in front of the building setback line;**
- 3 APPROVES the application dated 12 June 2001 submitted by Scott Paterson for retrospective approval of front/side fences and fill as constructed for as single house on Lot 1 (19) Quayside Mews, Hillarys.**
- 4 ADVISES all those who made submissions of 1, 2 and 3 above.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16agn140801.pdf](#)*

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**CJ279 - 08/01      RETROSPECTIVE APPROVAL FOR SATELLITE  
DISH: LOT 274 (45) HADDINGTON STREET,  
BELDON - [41369]**

**WARD** - Pinnaroo

CJ010807\_BRF.DOC:ITEM 25

**SUMMARY**

The City has received an application for retrospective consideration of a satellite dish that is 3.0 metres in diameter. The satellite dish is mounted on a 2.0 metre high pole in the rear garden of the subject site.

A letter objecting to the satellite dish was received in January 2001, which prompted Council to take action in February 2001, resulting in this application which was received in March 2001.

A smaller satellite dish had previously been erected, and was then replaced with the current dish both without the appropriate approvals. The dish has been the subject of complaint by a nearby landowner.

The item had been scheduled for determination at delegated authority level, but has been “called in” for consideration by all Councillors.

The satellite dish is capable of being appropriately screened from the objecting owners although its height is substantial when viewed from the neighbouring land.

It is recommended that Council exercises discretion under clause 6.12 of District Planning Scheme No 2 (DPS2) to consider the retrospective application, but that the application be refused.

**BACKGROUND**

Lot No	274
Street Address	45 Haddington Street, Beldon
Applicant	Wagieh Youssef
Owner	Wagieh Youssef
Zoning MRS	Urban
Lot Area	702m <sup>2</sup>
Zoning	Residential
Permissibility	D

History

22/2/2001: The City issued the owner a notice that the satellite dish is unauthorised and an application is required.

1/03/2001: Application for Development Approval received.

- 7/03/2001: 14 day advertising period to adjoining property owners commences.  
 April - Site visits and discussions with owner and objectors to try and resolve the  
 May 2001: situation.  
 23/5/2001: Delegated Report.  
 24/5/2001: Deferred by Delegated Authority for comments to be sought from the local  
 Ward Councillors.  
 30/5/2001: No comments received from local Ward Councillors  
 31/5/2001: Application represented to Delegated Authority.  
 4/6/2001: Application requested to be referred to Council for determination

## **DETAILS**

### Proposal & Discretion Sought

The applicant seeks retrospective approval for an existing satellite dish. Council discretion is sought in the following area:

- Discretion under clause 6.12 of the District Planning Scheme to consider the matter retrospectively

The existing satellite dish is made of black mesh and has a diameter of 3.0 metres. It is positioned in the only location that will enable it to receive the satellite transmissions, on a pole that is 1.75m from the southern property boundary of the subject site, at a height of 2.0 metres from ground level. It faces northwest and the owner is prepared to screen it from the objecting owners. The dish will still be visible from Haddington Street (east of the subject lot) and to the south.

In discussions, the applicant provided the following verbal information in regard to the satellite dish:

- 1 *The previous satellite dish needed to be replaced with the larger dish because the satellite services changed from analogue to digital technology.*
- 2 The satellite is in the sky in a north-westerly direction.
- 3 *With the exception of the area in the rear yard where the dish is located; the rear yard is not suitable for locating the dish because the existing house obstructs the signal. An alternative location for reception would be in the front yard.*

DPS2 does not provide specific provisions to regulate the height and scale of satellite dishes. Applications are considered on their merit in relation to the general objectives of the District Planning Scheme.

### Advertising

The proposal was advertised by means of a letter to seven adjoining landowners. The advertising period closed on 21 March 2001. One response in objection (Objector A) was received by the closing date. An additional objection from a landowner approximately 60 metres from the satellite dish (Objector B) was received after the closing date. This owner was not contacted as part of the initial letter drop.

The submission from Objector B raised concern that the satellite dish is unsightly and obstructs their views. The view from the submitter's property was inspected and it was considered that the satellite dish only formed a portion of the overall view. The possibility of screening the dish with landscaping was discussed with both the applicant and Objector B. The owner was prepared to establish screening; however, Objector B felt that this would impact on the view as well.

Other options of relocation and height adjustments were discounted after a site visit and an evaluation of these. Any alternative location would further impact on the amenity of the adjoining owner whom objected as part of the advertising process.

Objector A raises the following issues:

- There are two dishes in the yard, one of which has been there for 2-3 years;
- The size and position of the dish is not suitable in a residential area; and
- The dish is unsightly and stands out "like a sore thumb".

The satellite dish in its current location does not significantly affect the above property, as the dish is located behind some reasonably dense vegetation and the corner of the house tends to face this location. The grounds of objection are common to most satellite dish proposals. The comments section deals with these issues. It is noted that the second satellite dish has been removed.

It is also understood that one of the Ward Councillors has door knocked the immediate locality and did not receive any objections from those owners who were contactable at the time.

### Relevant Legislation

Under District Planning Scheme No 2 (DPS2) a 'Communications Antenna' is a "D" use. Council has the ability to approve or refuse the application given the merits of the proposal and in consideration of the matters raised in Clause 6.8 of DPS2.

The City has not established a policy specifically relating to satellite dishes. Policies of other Councils have been examined in the course of investigating this issue.

Clause 6.12 of DPS2 allows Council to consider retrospective planning approvals for existing structures and land uses.

## **COMMENT**

### Visual Amenity Issues

The ground level of the neighbouring properties, from which the objections were received, is approximately 2.0 metres to 3.0 metres higher than the subject site. This makes the dish obvious at any height as the properties look down on the subject lot. With a diameter of 3 metres, mounted on a 2 metre pole, the total height of the satellite dish when it is upright is approximately 3.5 metres.

The surrounding development is predominantly single storey and the dish is plainly visible amongst the built form of the area.

The applicant was requested to consider alternatives in order to reduce the visual impact of the satellite dish. The City was informed that a reduction of the height of the pole would not be feasible, as the dish would not be able to operate at a reduced height. The applicant is prepared to screen the dish by means of the provision of vegetation. A site inspection has shown that there is no substantial screening landscaping in place at this time.

### Planning considerations under DPS2.

When considering an application for Planning Approval, DPS2, requires that regard be given to the interests of proper and orderly planning, the preservation of amenity, any relevant submissions from the applicant, comments from advertising, any previous Council decisions and/or any other matter which maybe considered relevant. These matters are particularly relevant, as no specific requirements exist under the Scheme for satellite dishes other than the general development standards.

The satellite dish is considered not to be in the interests of the proper and orderly planning and doesn't preserve the amenity of the locality as presently constructed. Council has made numerous determinations on satellite dishes however none have been as highly visible from the surrounding road system as this application.

The applicant has submitted little justification to support the location and height of the dish. The agreement to the screening of the dish, by means of landscaping was only agreed to at the request of the assessing officer. Any screening, would require substantial landscaping, at considerable cost, and would also require regular maintenance.

The comments from objectors have already been considered and addressed. The objections were made on valid planning grounds, however the validity maybe questioned as to the actual impact that the dish has on these objectors. The owners, whom were mostly likely to be impacted upon by the dish's size and location, did not respond to a letter from the City requesting their comments.

In recognition of variation in the submissions from surrounding owners Council may consider other determinations made in similar circumstances. This application would represent the most extreme example of a satellite dish, which is highly visible from the surrounding road system and properties. In previous decisions any approval would have been subject to the overall height of the dish being reduced and the dish being screened from the objectors. Council may wish to consider such a condition if an approval were to be considered.

### Policies of other Councils

Some local authorities have adopted a policy regarding satellite dishes. Those policies were discussed in reports submitted to Council on 24 July 2001.

Of the policies surveyed, this application would either require a variation to adopted policies, or would require approval as a development application.

Each of the policies includes reference to the amenity considerations that the City of Joondalup takes into account through its District Planning Scheme No 2. Notably, the policies do not require consultation with neighbours (a process, which has been undertaken by Council in this instance). The policies are also able to be appealed, or varied by Council resolution to the extent that an application would be allowed in appropriate circumstances.

On balance, the policies do not reveal new information which varies from that considered by the City in evaluating satellite dish issues, except for the attempted policy prohibition of dishes above a certain height in particular areas (3 metres and 3.7 metres are quoted in two of the local authorities sampled).

### Summary

In determining the application Council must balance the rights of an individual to develop their lot and the rights and expectations of the general community in that development.

It is noted that any additional development on the subject site could have some form of visual impact on adjoining properties, as they are relatively higher than the subject site. There is also scope for the adjoining properties to upgrade the landscaping so as to reduce any visual impact.

However, given the size of the dish relative to the surrounding development and the lack of screening of the structure, it is recommended that the application be refused and the structure removed.

## **RECOMMENDATION**

### **That Council:**

**1 REFUSES the application of 1 March 2001 submitted by Wagieh Youssef, the applicant/owner, for retrospective approval of a satellite dish on Lot 274 (45) Haddington Street, Beldon for the following reasons:**

- (a) the overall size of the proposal is inappropriate within the context of the site, resulting in an adverse visual impact on the surrounding area;**
- (b) insufficient information has been provided by the applicant to substantiate that the screening of the satellite dish is possible or practicable.;**
- (c) objections against the proposal have been raised by the local community;**

**2 NOTIFIES the submitters of the above determination.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf070801.pdf](#)*



**REPORT OF THE CHIEF EXECUTIVE OFFICER****MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION – CR A NIXON – HEPBURN HEIGHTS BUSHLAND -[55022, 57264]**

In accordance with Clause 3.12 of Standing Orders Local Law, Cr Andrew Nixon has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 14 August 2001:

**“That Council:**

- 1 NOTES the environmental significance of Hepburn Heights Bushland;**
- 2 NOTES the social and historical significance of Hepburn Heights Bushland;**
- 3 NOTES the lack of proposed uses for the City of Joondalup Community Purpose Site, reserve 43717;**
- 4 ADVERTISES for a period of 28 days the possibility of the land swap of FESA Reserve Loc. 11898 and City of Joondalup Community Purpose site, Reserve 43717 for the purpose of consolidating the Hepburn Heights Bushland Conservation Area;**
- 5 INFORMS the residents of the Hepburn Heights Estate of the consideration of a possible land swap by means of a letter box distribution of flyers within the estate;**
- 6 COMMUNICATES this decision to:**
  - 6.1 Hepburn Heights Residents Association;**
  - 6.2 Fire & Emergency Services Authority of Western Australia;**
  - 6.3 Western Australian Planning Commission;**
  - 6.4 Friends of Hepburn & Pinnaroo Bushland and;**
  - 6.5 The Environmental Protection Authority.**
- 7 LIAISES with the Department of Land Administration regarding the possible revocation of the Management Order on Reserve 43717;**
- 8 RECEIVES a report on the outcome of the public consultation process by the end of October 2001.”**

In support of his Motion, Cr Nixon states:

“Hepburn Heights Bushland is a much loved remnant Bushland area. Many people fought long and hard to prevent its destruction: as many as 18,000 people signed petitions to save the bushland. Some residents even put up their homes as surety to ensure that the Supreme Court ruled on questions of proper planning processes. I do not believe, therefore, that we can progress on this issue without the course of full consultation which I have outlined.”

**MOTION TO LIE ON THE TABLE - NOTICE OF MOTION – CR C BAKER – [23184, 10860, 07963, 05080, 17849, 41676, 08473, 09088]**

At the Council meeting held on 10 July 2001, the following motion was moved:

**MOVED Cr Baker, SECONDED Cr Carlos that the dry tree branches, shrubbery and other vegetation positioned on the northern and southern perimeters of the new pathway connecting Mullaloo Beach North with Ocean Reef Road (adjacent to the intersection of Swanson Way, Ocean Reef) be removed because they constitute a dangerous fire hazard and serve no significant purpose whatsoever.**

The following procedural motion was then moved:

**MOVED Cr O'Brien, SECONDED Cr Nixon that the Notice of Motion as submitted by Cr C Baker LIE ON THE TABLE.**

**The Motion was Put and**

**CARRIED”**

**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 10 July 2001 recorded that no member spoke on the Notice of Motion submitted by Cr Baker.)*

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.

Following the above procedural motion, Council resolved to:

- “1 SEEK an independent fire risk assessment from Fire and Emergency Services Authority (FESA) in relation to the nature and extent of works associated with the recent pathway construction in Ocean Reef;***
- 2 RECEIVE a further report outlining the findings of the independent fire risk assessment.”***

### **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 28 AUGUST 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

### **CLOSURE**

**DECLARATION OF INTEREST FORM, CLICK HERE:**  
[interest.pdf](#)

[declaration\\_of](#)



City of  
Joondalup

**QUESTION TO MEETING OF COUNCIL**

**NAME** .....

**ADDRESS** .....

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**QUESTION** .....

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Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer  
City of Joondalup  
P O Box 21  
Joondalup WA 6919

**NOTE** Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [SEATPLAN.PDF](#)