



**MINUTES OF COUNCIL MEETING
HELD ON 23 OCTOBER 2001 AND 13 NOVEMBER 2001**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
23 OCTOBER 2001 AND TUESDAY 13 NOVEMBER 2001.

OPEN AND WELCOME

The Mayor declared the meeting open at 1902 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	<i>to 2302 hrs; Absent from 1944 hrs to 1952 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2124 hrs to 2129 hrs</i>
Cr A NIXON	North Coastal Ward	<i>to 2302 hrs; Absent from 1953 hrs to 1955 hrs and from 2243 hrs to 2253 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>to 2302 hrs</i>
Cr A WALKER	Pinnaroo Ward	<i>Absent from 2036 hrs to 2038 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>to 2302 hrs; Absent from 1947 hrs to 1950 hrs</i>
Cr M O'BRIEN, JP	South Ward	<i>to 2302 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>to 2215 hrs; Absent from 2025 hrs to 2027 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2003 hrs to 2004 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2125 hrs to 2126 hrs</i>

Officers:

Chief Executive Officer:	D SMITH	
Director, Resource Management:	J TURKINGTON	
Director, Planning & Development:	C HIGHAM	
Director, Infrastructure Management:	D DJULBIC	
Director, Community Development:	C HALL	<i>Absent from 1943 hrs to 1945 hrs; and from 2130 hrs to 2301 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	
Manager, Executive Services:	K ROBINSON	
Manager, Council Support Services:	M SMITH	
Manager, Corporate Finance:	A SCOTT	
Manager, Organisation & Strategic Development:	J KIRTON	

Manager, Contract Management:	B DUTTA	<i>from 2139 hrs</i>
Coordinator, Waste Management & Environmental Services:	P HOAR	<i>to 2132 hrs</i>
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

In Attendance

Mr Steven Linden, Probity Auditor, Stanton Partners *from 2139 hrs*

There were 47 members of the Public and 1 member of the Press in attendance.

APOLOGIES AND LEAVE OF ABSENCE

Apologies: Crs Kadak and Barnett

Leave of absence previously approved:

Cr A Walker - 10 – 31 October 2001 inclusive

C111-10/01 LEAVE OF ABSENCE – CRS D CARLOS, A WALKER AND P KADAK

Cr Carlos has requested Leave of Absence from Council duties for the period 12 – 26 November 2001 inclusive.

Cr Walker has requested Leave of Absence from Council duties for the period 19 – 26 November 2001 inclusive.

Cr Kadak has requested Leave of Absence from Council duties for the period 29 October – 5 November 2001 inclusive.

MOVED Cr Hurst, SECONDED Cr Nixon that Council APPROVES the following requests for Leave of Absence:

- **Cr Carlos for the period 12 - 26 November 2001 inclusive**
- **Cr Walker for the period 19 – 26 November 2001 inclusive**
- **Cr Kadak for the period 29 October – 5 November 2001 inclusive**

The Motion was Put and

CARRIED

C112-10/01 SUSPENSION OF STANDING ORDERS

MOVED Cr Baker, SECONDED Cr Hurst that Clause 4.2.6 of the City's Standing Orders Local Law be suspended to allow debate on the following motion proposed by Cr Baker.

The Motion was Put and

CARRIED

C113-10/01 VOTE OF SUPPORT – CR PAUL KIMBER

MOVED Cr Baker, SECONDED Cr Hurst that the elected members of the City of Joondalup hereby declare their strong support for Cr P Kimber and recognise his valuable contribution to the betterment of the Joondalup community and that given time constraints each elected member be permitted to speak for a period of five minutes.

Cr Baker referred to an article appearing in the Joondalup Community newspaper Thursday 18 October 2001 edition with reference made to a comment by a member of the public at the Annual General Meeting held on 15 October 2001 in respect of Cr Kimber.

Discussion ensued with elected members expressing their support for Cr Kimber.

The Motion was Put and

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

The following questions, submitted by Mr Des Matthews, Director of Wanneroo Basketball Association were taken on notice at the Council Meeting held on 9 October 2001:

Re: Wanneroo Basketball Stadium - Lease.

- Q1 What firm financial commitment will the City of Joondalup undertake to provide to the Wanneroo Basketball Association in relation to the construction of a new basketball facility within the City of Joondalup?*
- A1 Until there is a firm proposal for the development of a basketball facility for Council to consider no financial commitments can be made to ensure that the sport of basketball is provided for in the long term. The City will however continue to support the delivery and development of basketball as a sport.
- Q2 To what extent does the City of Joondalup propose to compensate the Wanneroo Basketball Association for not exercising the second five-year lease option?*
- A2 There is no binding obligation upon the City to compensate the Wanneroo Basketball Association for not supporting the Association's preference to exercise its option for a second five-year extension of the lease term. Until there is a firm proposal for the development of a basketball facility with a known time frame for development Council is unable to consider this issue.
- Q3 How can the City of Joondalup specifically assist the Wanneroo Basketball Association between now and any proposed relocation to new premises? For example, will the City of Joondalup meet the cost of and provide the resources for accessing advice, developing business plans, developing sketch plans and arranging for finance?*

A3 The City will provide the same level of assistance as it does for any sporting club seeking to develop new facilities. This assistance includes advice on the development of building and business plans, assistance with the development of sketch plans, facilitation of meetings with interested stakeholders and advice on grant submissions.

Q4 *Will the City of Joondalup agree to the formation of a working committee?*

A4 Dependent upon the presentation of a facility development proposal, and the City having a clear indication of the areas in which it may support the Wanneroo Basketball Association the City would assign appropriate officers to work with the Association.

The following question, submitted by Mrs M MacDonald, Mullaloo was taken on notice at the Council Meeting held on 9 October 2001:

Q1 *Re: Mullaloo Precinct Plan. On 26 June 2001, I asked a question about the unresolved issues with respect to the vacant residential blocks owned by the Council at Merrifield Place, Mullaloo.*

Given the fact that land at Merrifield Place, Mullaloo was included in the Precinct Plan as a park and withdrawn because of unresolved issues, and that many residents are concerned about this land, will the Council state what are its plans with respect to the land and when does it intend to make its decision?

A1 At this stage, the Council has no plans for the land in question, and until the issues referred to in previous responses have been addressed, it would be premature for the Council to make a decision on the future of the land.

The following question, submitted by Mr R Phillips, Currambine was taken on notice at the Council Meeting held on 9 October 2001:

Q1 *Given the Joondalup Council's decision not to extend Mr Delahaunty's contract, the previous vote of no confidence against him and last week's vote of no confidence by ratepayers against the Stirling Council, what can the Mayor do to help the administration at the City of Stirling?*

A1 At the Annual General Meeting of Electors held on 18 December 2000, the following motion was carried by those 43 members of the public present:

“MOVED Mr O'Brien, SECONDED Mr Sideris that this Annual Meeting of Electors of the City of Joondalup assembled on this Monday 18 December 2000, affirms that it has lost confidence in the Office of the Chief Executive of this municipality and calls upon the Minister for Local Government to immediately intervene and inquire into the City of Joondalup's current administrative performance, with particular emphasis on the loss of morale among the employees of our City.

The Motion was Put and

CARRIED”

The motion refers to a ‘loss of confidence in the Office of the Chief Executive Officer’ and not the Chief Executive Officer specifically.

The Local Government Act 1995 requires that all decisions made at an electors meeting are to be considered by the Council at the next ordinary meeting where practicable. The motion as detailed was presented to the Council at its meeting held on 13 February 2001 (Item CJ004-02/01 refers) where it was agreed to defer the matters. At that meeting a committee was established to discuss the various concerns raised by residents at that Annual General Meeting. After a number of meetings by the committee, the matter was presented to the Council at its meeting held on 27 March 2001 (Item CJ075-03/01 refers). In response to the motion carried at the Annual General Meeting, the Council resolved:

“MOVED Cr Carlos, SECONDED Cr Walker:

12 Motion 12 – Administration Performance:

That Council:

- (a) notes “Motion 12 – Administration Performance”, as moved at the Annual General Meeting of Electors held on 18 December 2000, and the information subsequently received from Mr O’Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;*
- (b) as there appears to be insufficient grounds on Mr O’Brien’s claims for the Council to approach the Minister for Local Government, advises Mr O’Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions.*

The Motion was Put and

CARRIED”

It is evident that the Council of the City of Joondalup did not support the motion carried by those present at the Annual General Meeting of Electors on 18 December 2000.

The following questions, submitted by Mr V Cusack, Kingsley were taken on notice at the Council Meeting held on 9 October 2001:

Q1 Regarding the response given to my earlier question, can Council provide an itemised breakdown of the fees, charges and service provided by Freehills for the total cost of \$18,943?

A1 Since the previous answer stating the total legal fees of \$18,943, a further account for \$1,743.50 has been received. This takes the total legal cost to \$20,687.23. The costs involved relate to the two distinctly different phases of the process.

The first phase included discussions with the sub committee and Salaries and Allowances Tribunal relating the former CEO Mr Delahaunty’s contract.

Costs of the first phase of the process involving Mr Delahaunty was \$16,831.73 as detailed below:

	GST	Fee	Total
Cheque No: 28491 Date: 18/01/01 Taking instructions, reviewing award, research Local Government Act and Regulations, providing advice and preparing correspondence.	\$625.19	\$6,251.92	\$6,877.11
Cheque No: 29319 Date: 21/02/01 Attend meetings, taking instructions, providing advice and preparing correspondence.	\$184.05	\$1,840.45	\$2,024.50
Cheque No: 30842 Date: 19/04/01 Taking instructions, research award, superannuation, Motor vehicle, and FBT matters. Discussions with Salaries and Allowances Tribunal, providing advice, correspondence and attending Council meeting.	\$720.92	\$7,209.20	\$7,930.12
Sub Totals	\$1,530.16	\$15,301.57	\$16,831.73

The second phase of the process included negotiation, preparation and finalisation of the new CEO Mr Denis Smith's contract. The legal costs for this phase were \$3,855.50. Payment details were:

Cheque No: 34561 Date: 20/09/01 Taking advice, liaison with Recruiters Australia, preparing and perusing contract	\$192.00	\$1,920.00	\$2,112.00
Invoice dated 27 September 2001 Reviewing Local Government Act and Regulations and Freedom of Information Act. Prepare draft agreement and contract.	\$158.50	\$1,585.00	\$1,743.50
Sub Totals	\$350.00	\$3,505.00	\$3,855.50

The combined costs of both phases equals the
Total Legal Fees of: \$1,880.66 \$18,806.57 \$20,687.23

- Q2 Regarding the reports in the Wanneroo Community Newspaper dated 9 October and particularly the full media statement as reportedly released by the City. Was that media statement released on behalf of the City or was it a personal statement by Mayor Bombak?*
- A2 Section 2.8 of the Local Government Act 1995 provides that the Mayor speaks on behalf of the local government. The statement was released by the City.

Q3 If it was made by Mayor Bombak, can the City of Joondalup make a statement to the newspaper clearly stating that those comments were a personal statement by the Mayor and in no way reflect the views of the City of Joondalup?

A3 As detailed in the answer to question 2 above, under Section 2.8 of the Local Government Act 1995, the Mayor is the spokesman for the City.

Q4 What guidelines are currently in place to ensure that the City's views and interests are properly represented by all media releases?

A4 The Mayor and CEO regularly brief the Publicity Officer who composes the wide publicity received by the City. You can be assured that the City's interests are being very well served.

The following question, submitted by Mr S Magyar was taken on notice at the Council Meeting held on 9 October 2001:

Q1 How many times has the Audit Committee met since the formation of the City of Joondalup and how many times have all the resolutions of the Audit Committee been sent to Council for the resolution of Council?

A1 The establishment of the Audit Committee occurred at the 14 March 2000 Council meeting. Since May 2000, this committee has had occasion to meet eight times.

None. Where a recommendation from the Audit Committee has required a Council decision; the item has been submitted to Council for consideration under a separate report.

The following question, submitted by Mr M Sideris, Mullaloo was taken on notice at the Council Meeting held on 9 October 2001:

Q1 Regarding my earlier questions which were taken on notice, why in the previous CEO's salary package was there an FBT allowance of \$7,450 pa, yet in the new CEO's salary package FBT is not mentioned?

A1 The FBT allowance is in the motor vehicle figure of \$16,000 as stated on page 3 of the agenda.

Q2 What is the FBT breakdown on that particular item?

A2 The FBT is estimated at \$3,500.

Mr M Baird, Duncraig:

Q1 At the Council meeting 8 August 2001 (JSC43-08/01) it was stated that only one submission was received from the public on the Principal Activities Plan – from Mr R de Gruchy.

Given that I submitted 6 items for consideration in a letter dated 20 July 2001, and a further 16 pages of submission and clarification to the Dry Parks & Median/Verge Committee at their meeting 20 July 2001 I would request clarification on:

- *Just how accurate is the information on public participation in the budget process.*
- *If the Councillors, many of whom would be aware of my input, vote on a motion that “Notes that one submission was received on the Principal Activities Plan” just how credible is the Councillors’ overview of the administration’s recommendations.*
- *How many other public submissions did the Council receive on the Principal Activities Plan which aren’t on the public record.*

A1 Mr Baird provided a list of enquiries to the City on 20 July 2001. These enquiries were directed to the Manager, Operations Services. The enquiries related in the main to Dry Parks.

A Dry Parks, Median and Verge Committee was convened early so the enquiries could be dealt with specifically by the committee and any amendments or clarifications could be made to the City’s Five (5) Year Capital Works Program.

The letter/enquiry to the City did not specify it was a submission to comment on the Principal Activities Plan, thus was determined to be appropriately dealt with by the Dry Parks, Median and Verge Committee.

In summary, the advertisement requested all submissions on the Principal Activities Plan be addressed to the Executive Manager, Strategic Planning, City of Joondalup. Mr Baird’s enquiry was not formally addressed to any specific person, therefore it was considered suitably appropriate for the enquiries to be directed to the Dry Parks, Median and Verge Committee in keeping with the content of the submission.

Q2 *Can the Council put on the public record the matters I raised by letter regarding the Principal Activities Plan 2001-02, namely:*

- *Why has the \$84,446 surplus from the 2000-01 works programme for development of dry parks and associated median and verges (v:parks/dryparksccttee/2001/worksprog00’01) not been applied to additional work in the 2001-02 budget, as per the response to my question to the Council meeting 24 October 2000, i.e. “If surplus funds become available at the end of these projects, they will be utilised to irrigate the next park listed in the Capital Works Program, or as determined by the Dry Park & Median Committee”.*
- *Cinq Ports Park was completed at Main Roads expense in 2000. It was budgeted for this year in the 2000-01 Budget and 5 Year plan at \$46,920. Why is there no replacement park mooted this year for these funds, and instead the number of parks has been reduced from 7 to 6, and budgeted funds have been reduced by \$44,163 (from \$310,226 in the 2000 projection down to \$266,063).*

- *In the 2000-01 budget and 5 Year Plan, Poynter Park was set for development this year at \$64,300. In this year's draft Capital Works Plan, Portree Park (previously budgeted for 2003-04) has been substituted, at a cost of \$68,340.*
 - *Why should Portree Park, which has no indicators of any usage by the public, get priority over Poynter Park, which has had new play equipment in situ for 5 years among other indicators of community usage.*
 - *What circumstances have increased the costing of Portree Park from \$47,353 in 2000 to \$68,340 this year – an increase of over 44%. An increase all the more incredible given that no other park estimate has risen at all.*
 - *Given that this is probably yet another error, the net effect on the budget is a real reduction from the \$310,226 to \$245,076, fully \$65,150 down on the projected expenditure from the 2000-01 Capital Works Plan. How is this 21% decrease in the dry park budget justified.*
- *Given that 60% of Council capital works are undertaken by tender, why has none of the dry park reticulation work been open to contract since 1997, apart from piecemeal sections of the work. The current approach is giving rise to the following situation:*
 - *Parks are being budgeted for phantom bores (e.g. Cinq Ports and Killen)*
 - *Reticulation and trenching work for a .47 hectare park is costed the same as parks five times the size*
 - *A section of horizontal drilling for 6 driveways is costed at \$13,200.*
- *In April 2000, residents petitioned for Macaulay Park to have upgraded play equipment, to replace that installed over 20 years ago. The request was to be referred for inclusion in the draft 5 Year Capital Works Plan (CJ095-04/00).*
 - *Why is it still not listed.*
 - *How does this omission fit when an identical park which petitioned two months earlier was allocated new play equipment in the 2000-01 budget and other parks are having much younger equipment replaced.*
- *The incomplete cycleway on Grenfell and Macaulay Avenues and the lack of even rudimentary footpaths was to “be inspected and listed for budget consideration, if appropriate” (response to public questions Council meeting 27 February 2001.) Why is it still not listed and why was the section of Infrastructure Management, responsible for such planning, not even made aware of the public request.*

Q3 Can the Council put on the public record and respond similarly to the matters I raised at the Dry Park & Median/Verge Committee meeting which relate to the 2001-02 Principal Activities Plan, namely:

- *Why Killen Park, a small .5 hectare wasteland with no evidence of community usage, is to be reticulated this financial year. And incredibly is costed at \$38,825 when the Council's own reticulation formula is \$9,500 per hectare. And given that three larger parks, with high community usage and for which petitions have been presented, are not considered when a \$38,000 budget would do any one of them.*
- *Why the policy and criteria applied in the selection of dry parks for reticulation, has never been open to public scrutiny and input, but was instigated at the time of the Commissioners' control of the City. Given that Wanneroo City has this year commissioned a report and Draft policy and Information Plan for*

Upgrading Distributor Roads and Unirrigated Parks for consideration by the public, Joondalup City's reliance on a 140 word fragment of policy is an anachronism and overdue for contemporary review and public scrutiny.

- *The 2001-02 selection of dry parks for development again includes parks with nil community usage. Given that community usage and need are the most important criteria for the selection of dry parks for reticulation when is the Joondalup Council going to introduce the same comprehensive and contemporary primary and secondary criteria that Wanneroo City is in the process of establishing.*
- *Wanneroo City's draft policy has as one of its main tenets that "All distributor roads, both medians and verges, be developed without the use of irrigation, other than establishment watering by watertruck or temporary mains water supply". So when is Joondalup City going to realise its vision of a reticulated and grassed Marmion Avenue and tributaries is flying in the face of environmental reality. And at the same time stop selecting dry parks on the basis of proximity to such major road reticulation projects.*

A2&3 The questions and comments submitted by Mr Baird are on public record and were addressed at the Dry Parks, Median and Verge Committee meeting held on 20 July 2001.

The Chairman, Cr P Kimber welcomed Mr Baird to the meeting at 5.30pm and his written and verbal comments were received and responses given by the committee. Cr Kimber confirmed with Mr Baird that he had the opportunity to present his concerns and that the information provided to him has been in accordance with his requests. Mr Baird left the meeting at 6.30 pm.

The Minutes of the Dry Parks, Median & Verge Committee meeting were reported to Council on 11 September 2001.

Mr S Magyar, Heathridge:

Q1 Does the Local Government Act 1995 or Regulations have any qualification regarding the Order of Business at a Council meeting?

A1 Yes, the Standing Orders and the Local Government Act state the Order of Business.

Q2 Does the Local Government Act 1995 or Regulations specify anything in regard to the Order of Business that may be transacted at a Council meeting? In particular, does the Local Government Act 1995 or Regulations allow the Council to make a decision prior to public question time?

A2 No, public question time should come before any decision of the Council.

Q3 What happened before under the suspension of Standing Orders, was that a decision made by Council?

A3 Yes, that was the decision of the Council.

Q4 Which level of law is higher, the Local Government Act 1995 and Regulations or Standing Orders? That is, does Standing Orders overrule an act of Parliament?

A4 The Local Government Act 1995 prevails.

Mr M Baird, Duncraig:

Q1 In clarifications to the answers given on the matters I raised, the list of inquiries I provided to the City were in an envelope directed to the Executive Manager, Strategic Planning as per the advertisement. The letter was delivered to Reception by hand and the letter was headed “Comment on 2001/02 budget 20 July 2001.” Will the Council review its answer having given that clarification?

A1 Yes, the responses will be looked at. It was our understanding that the letter did not specify that it was a submission in relation to the Principal Activities Plan. This will be checked.

Q2 In respect of one of the budget meetings held by Council in which Crs Baker and Kimber moved and seconded a motion for Balanus Park to jump 11 other parks in the current Five Year Plan and to be bought forward to this budget year. I am not aware of any public submission either to the 2001/02 budget or through any other public document requesting that Balanus Park get some sort of preference. Who were Crs Baker and Kimber representing when they asked for that particular park to be a higher priority within the Five Year Plan?

A2 Cr Baker advised he was representing his constituents as Balanus Park falls into the suburb of Heathridge which comes within the Marina Ward.

Mr J McNamara, Sorrento:

Q1 Will there be a second public question time this evening?

A1 It is not listed on the agenda.

Q2 Could I have clarification for the benefit of members of the public here as to what the procedure is. As a result of my question, a Councillor has advised that it is his intention to move that way. Is that the procedure?

A2 There is no public question time listed on the agenda. The Councillor will be given the opportunity to move a motion for a second public question time.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST AFFECTING IMPARTIALITY

Mayor Bombak declared an interest that may affect his impartiality in Item CJ370-10/01 as he is a patron of the Joondalup Brothers Rugby Union Club.

Cr Baker declared an interest that may affect his impartiality in Item CJ370-10/01 as he is associated with the Joondalup Brothers Rugby Union Club.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ370-10/01 as he is associated with the Beaumaris Sports Association.

CONFIRMATION OF MINUTES

C114-10/01 MINUTES OF COUNCIL MEETING, 9 OCTOBER 2001

MOVED Cr Walker, SECONDED Cr Nixon that the Minutes of the Council Meeting held on 9 October 2001, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

NEW CHIEF EXECUTIVE OFFICER

Good evening and welcome everyone to the first full Council meeting with new Chief Executive Officer, Mr Denis Smith.

I welcome Denis, who as you know, hails from Warringah in New South Wales, and I know we will give him a warm West Australian welcome.

Denis assures me he is keen to take up the challenge of his new position and I believe he was on the job at 6.00 am this morning with our outside staff. With commitment like that, just the man to guide the City of Joondalup into our new era.

As a Council we have expressed our confidence in Denis and as Mayor, I look forward to working closely with Denis Smith as we put into action the vision for Joondalup as Perth's second major CBD.

There is much to do, but I have the confidence that Denis is the right man to do the job; as we put aside negativity and get on with the positive future that lies ahead of us.

ANNUAL GENERAL MEETING

I note with disappointment the report of our Annual General Meeting in the latest edition of the Joondalup Community Newspaper.

Such squabbling over points of order and public question times damages the image and working effectiveness of our Council meetings.

It paints everyone in an unfavourable light. If that is the purpose of such behaviour, then unfortunately it has been achieved.

Elderly members of the Warwick Bowling Club were appalled at the lack of respect by a tiny minority for meeting procedure. As were members of the Eisteddfod committee, also in attendance. They supported me in my actions to control the small handful who always seem intent on making trouble.

Politics first – merits of an argument second. You have to ask yourself what is behind their continual outbursts.

As you know Councillors, and members of the public, from our surveys that as much as 90% of our residents are satisfied or more than satisfied with the services which this Council provides and most residents who regularly attend Council meetings do so out of civic interest and responsibility. But it seems to me that a small handful of others have a hidden agenda, to try to harm the image of this Council at any cost and to make mischief.

As Mayor, I will not tolerate any such destructive behaviour and I don't think the community if it knew the full truth of the matter would tolerate it either.

So I reaffirm our policy of striving to answer genuine questions from residents to the best of our ability. But I point out that mischief making for destructive political purposes is far from welcome in this Chamber.

If you have genuine questions that will assist this Council and the community in the affairs that affect them, you are most welcome to make them.

If not, please at least while you are in this Chamber, refrain from behaviour that will reflect badly on the City as a whole.

PETITIONS

C115-10/01 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 23 OCTOBER 2001

1 PETITION – MELALEUCA DRIVE, GREENWOOD – [19486]

Cr O'Brien tabled a 14-signature petition has been received from residents of Melaleuca Drive, Greenwood requesting Council to undertake action to reduce the width of the right angle bend on Melaleuca Drive (close to Bottlebrush Drive) to reduce the incidents of vehicle burnouts. The residents further request that the said corner be marked with lines to clearly show motorists the correct road positioning.

This petition will be referred to Infrastructure Management for action.

2 PETITION REQUESTING SKATE PARK IN WINTON ROAD, JOONDALUP – [09019]

A 205-signature petition has been received from the Joondalup City Church Inc, on behalf of business proprietors in the Joondalup Business Park requesting Council approval for a skate park in or near to Winton Road, Joondalup.

This petition will be referred to Community Development/Leisure and Ranger Services for action.

3 PETITION REQUESTING SKATE PARK IN HILLARYS – [09019]

A 47-signature petition has been received from young residents of Hillarys requesting a skate park in the Hillarys area.

This petition will be referred to Community Development/Leisure and Ranger Services for action.

MOVED Cr Hollywood, SECONDED Cr Baker that the petitions requesting:

- 1 Council undertakes action to reduce the width of the right angle bend on Melaleuca Drive (close to Bottlebrush Drive) to reduce the incidents of vehicle burnouts;**
- 2 Council approval for a skate park in or near to Winton Road, Joondalup;**
- 3 requesting a skate park in the Hillarys area;**

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

The Motion was Put and

CARRIED

PETITION STRONGLY OPPOSING CONSTRUCTION OF A MOBILE TELEPHONE COMMUNICATIONS TOWER, FORMER SERVICE STATION SITE LOCATED ADJACENT TO BELDON SHOPPING CENTRE – [08550]

Cr Baker tabled a 135-signature petition of behalf of electors of the City of Joondalup who strongly oppose construction of a mobile telephone communications tower, Beldon Shopping Centre site; opposite the Beldon Primary School.

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

MOVED Cr Walker, SECONDED Cr Kimber that the petition strongly opposing construction of a mobile telephone communications tower, on the old service station site located adjacent to the Beldon Shopping Centre be received and referred to Planning and Development for action.

Cr Walker indicated she had received correspondence from Hutchison advising the application to construct a communication tower at the Beldon Shopping Centre had been withdrawn.

Cr Baker advised approximately 2,500 signatories had signed petitions to date in relation to this issue and it may well be for this reason that the application had now been withdrawn.

The Motion was Put and

CARRIED

C116-10/01 REQUEST FOR SECOND PUBLIC QUESTION TIME

MOVED Cr Hollywood, SECONDED Cr Rowlands that, in accordance with Clause 3.2 – Order of Business of the City’s Standing Orders Local Law, a second public question time be permitted.

The Motion was Put and

CARRIED

FINANCE AND COMMUNITY DEVELOPMENT

**CJ356 - 10/01 SCHEDULE OF DOCUMENTS EXECUTED BY
MEANS OF AFFIXING THE COMMON SEAL -
[15876]**

WARD - All

CJ011016_BRF.DOC:ITEM 1

SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 29.08.01 to 4.10.01, not previously listed:

Document: Contract
Parties: City of Joondalup and Mr Denis Smith
Description: Employment Contract - Chief Executive Officer
Date: 29.08.01

Document: Assignment of Copyright
Parties: City of Joondalup, City of Wanneroo Father Patrick Doyle
Description: Important Oral History Recording for Local studies Collection
Date: 11.09.01

Document: Contract
Parties: City of Joondalup and Minter Ellison
Description: Supply of Legal Services – Contract number 046A-00/01
Date: 12.09.01

Document: Contract
Parties: City of Joondalup, West Zone Corp Pty Ltd and Community Vision
Description: Supply and delivery of Meals Services – Contract number 046A-00/01
Date: 12.09.01

Document: Agreement
 Parties: City of Joondalup and Fairman
 Description: Conditions of Approval DA01/0355, Notification 70A Land Transfer – Lot 578 Plan 20289
 Date: 14.09.01

Document: Agreement
 Parties: City of Joondalup and Family and Children's Services
 Description: Provision of Financial Counselling Service for period ending 30.9.2004
 Date: 18.09.01

Document: Assignment of Copyright
 Parties: City of Joondalup, City of Wanneroo and Mr Derek Gibbs
 Description: Important Oral History Recording for Local studies Collection
 Date: 20.09.01

Document: Agreement
 Parties: City of Joondalup
 Description: District Planning Scheme No 2 – Amendment No 7
 Date: 26.09.01

Document: Agreement – Withdrawal of Caveat
 Parties: City of Joondalup, Water Corporation and Silkchime Pty Ltd
 Description: Registration of Water Corporation Easement – Lot 965/95 Ellersdale Avenue, Warwick
 Date: 3.10.01

Document: Contract
 Parties: City of Joondalup and City of Wanneroo
 Description: Lease part of Wanneroo Works Depot, Part of Reserve No 27366
 Date: 3.10.01

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

The Motion was Put and

CARRIED

CJ357 - 10/01 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – SEPTEMBER 2001 – [38245]

WARD – All

CJ011016_BRF.DOC:ITEM 2

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 17 and 19 September 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 17 September 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 19 September 2001 in Conference Room 1 are included as Attachment 2.

No action is required from these minutes.

MOVED Cr O'Brien, SECONDED Cr Walker that Council NOTES the unconfirmed minutes of the:

- 1 Joondalup North Youth Advisory Council meeting held on 17 September 2001 forming Attachment 1 to Report CJ357-10/01;**
- 2 Joondalup South Youth Advisory Council meeting held on 19 September 2001 forming Attachment 2 to Report CJ357-10/01.**

The Motion was Put and

CARRIED

Appendices 1(a) and 1(b) refer

To access this attachment on electronic document, click here: [Attach1abrf231001.pdf](#)

[Attach1bbrf231001.pdf](#)

**CJ358 - 10/01 URBAN ANIMAL MANAGEMENT COMMITTEE -
[08096]**

WARD – All

CJ011016_BRF.DOC:ITEM 3

SUMMARY

A meeting of the Urban Animal Management Committee was held on 24 September 2001 and the unconfirmed minutes are submitted for noting by Council. (Attachments one and two refer)

The Committee has recommended to Council the following:

- 1 that it participates in the Delta Dog Safe™ Programme and list funds of \$7,000 in the 2002/03 draft budget to implement this programme;
- 2 that it lists funds of \$3,000 in the 2002/03 draft budget to provide incentives to dog owners to attend a recognised dog obedience course;
- 3 that it lobbies the State Government for changes to the Dog Act to enable local governments to provide discounts on dog registrations for dog owners to attend a recognised dog obedience course; and
- 4 that it endorses the Urban Animal Action Plan - Cats. (Attachment Three refers)

BACKGROUND

At its meeting of Council held 19 December 2000, it was resolved to endorse the Urban Animal Action Plan. The Action Plan included a proposal to offer discounts on dog registrations if the owner is able to demonstrate recent participation in a recognised dog obedience course.

The Delta Dog Safe™ Programme was presented at the 10th National Conference - Urban Animal Management attended by Cr Mackintosh and the Manager Leisure and Ranger Services. A report on the conference proceedings is attached to the minutes as attachment two. (Item CJ203 - 06/01 refers)

The Urban Animal Committee has now begun to consider issues other than the management of dogs and has developed an Urban Animal Action Plan for Cats that will assist the City in the care and control of cats.

DETAILS

Discount on Dog Registrations

The City explored the potential to offer discounts on dog registrations and was advised by the Department of Local Government that the City is unable, under the Dog Act, to offer discounts on the prescribed fees under the Dog Act regulations for dog registrations. It is open to the City however, under the Local Government Act, to offer refunds or make a donation to people as it sees fit.

The Committee considered that the cost however of making refunds to dog owners who have participated in a recognised dog obedience course, or City of Joondalup seminar, would be financially prohibitive due to the administrative costs associated with drawing cheques. It has been estimated that it costs approximately \$28 to draw a cheque for this type of purpose.

The Committee has therefore proposed to provide alternative incentives to dog owners to attend recognised dog training courses as a means of promoting responsible dog ownership. These incentives could include providing vouchers for say a week's supply of pet food to dog owners. The Committee has also proposed that the Dog Act be amended to provide local governments with the ability to promote responsible dog ownership by offering discounts to dog owners who have participated in a recognised dog obedience course.

Delta Dog Safetm Programme

The Delta Dog Safe Programme provides education to children and adults to reduce the incidence of dog bites in local communities. Following recent successful trials on primary school children, Delta Australia has developed a comprehensive package incorporating a training seminar, lesson plan, teachers resource kit, early childhood kit, community brochure and the Delta Dalmatian. The Delta Dog Safe Programme can be structured to meet the needs of regions and may be run by local councils and health professionals.

The Delta Dog Safe Programme targets pre primary and primary school age children who comprise the age group that is most at risk of dog attack. It aims to teach young children about dog behaviour and how they should behave around dogs to minimise the risk of being attacked.

It is considered that this would be a very worthwhile programme in which the City could become involved. It would assist children to handle dogs better and minimise the risk of dog attack. It would also provide an opportunity for a significant level of positive publicity. It could easily be incorporated into the Community Connections Junior Ranger programme that already works with a large number of primary schools. The estimated cost of the programme is \$3,500 for the Delta Dog Safe package, the training costs to bring an accredited Delta Trainer to Perth to train Council staff to operate the programme would be approximately \$3,000 and there is an ongoing maintenance fee of \$500 per annum.

It is proposed that funds of \$7,000 be listed in the 2002/03 draft budget to implement this programme.

Urban Animal Action Plan - Cats

The Urban Animal Action Plan - Cats focuses on three key areas as follows:

- Partnerships
- Management Strategies
- Education Strategies

The Action Plan emphasises the need for community education strategies to encourage responsible cat ownership and also identifies strategies to ensure that an appropriate legislative framework is established to facilitate effective control and management of cats.

The Action Plan also notes that in Western Australia, there is no Cat legislation as is the case for dogs. The Committee considered that before consideration is given to establishing local laws to control cats in the City, it would be much more effective, and have less chance of a public backlash, if the WA State Government introduced similar laws. This would be a consistent approach to that for dogs and provide uniformity across the State.

There are no additional costs to Council for the implementation of the Urban Animal Action Plan - Cats.

COMMENT/FUNDING

The proposed initiatives will further enhance the City's control and management of urban animals and facilitate responsible pet ownership in the City.

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 1 NOTES the unconfirmed Minutes of the Urban Animal Management Committee meeting held on 24 September 2001, forming Attachments 1 and 2 to Report CJ358-10/01;**
- 2 PARTICIPATES in the Delta Dog Safetm Programme and LISTS funds of \$7,000 for consideration in the 2002/03 draft budget to implement this programme;**
- 3 LISTS funds of \$3,000 for consideration in the 2002/03 draft budget to provide incentives to dog owners to attend a recognised dog obedience course;**
- 4 SEEKS a further report and legal advice clarifying whether or not a local government may provide discounts on dog registrations for dogs that attend a recognised dog obedience course;**
- 5 ENDORSES the Urban Animal Action Plan – Cats forming Attachment 3 to Report CJ358-10/01.**

AMENDMENT MOVED Cr Patterson, SECONDED Cr Carlos that consideration of the Urban Animal Action Plan – Cats be referred back to the Urban Animal Management Committee for further review.

Mayor Bombak advised he could not accept this as an amendment as it negated the original motion.

Discussion ensued. It was requested that each part of the motion as Moved by Cr Mackintosh, Seconded Cr Rowlands be voted upon separately.

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 1 NOTES the unconfirmed Minutes of the Urban Animal Management Committee meeting held on 24 September 2001, forming Attachments 1 and 2 to Report CJ358-10/01;**

The Motion was Put and

CARRIED

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 2 PARTICIPATES in the Delta Dog Safetm Programme and LISTS funds of \$7,000 for consideration in the 2002/03 draft budget to implement this programme;**

The Motion was Put and

CARRIED

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 3** **LISTS funds of \$3,000 for consideration in the 2002/03 draft budget to provide incentives to dog owners to attend a recognised dog obedience course;**

The Motion was Put and

CARRIED

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 4** **SEEKS a further report and legal advice clarifying whether or not a local government may provide discounts on dog registrations for dogs that attend a recognised dog obedience course;**

The Motion was Put and

CARRIED

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 5** **ENDORSES the Urban Animal Action Plan – Cats forming Attachment 3 to Report CJ358-10/01.**

The Motion was Put and

LOST

MOVED Cr Patterson, SECONDED Cr O'Brien that consideration of the Urban Animal Action Plan – Cats forming Attachment 3 to Report CJ358-10/01 be:

- 1** **REFERRED to the Urban Animal Management Committee for further review;**
- 2** **presented to Council for a further review;**
- 3** **presented to Council for a final decision on the matter.**

Discussion ensued.

The Motion was Put and

CARRIED

Appendices 2(a), 2(b) and 2 (c) refer.

To access this attachment on electronic document, click here: [Attach2abrf231001.pdf](#)

[Attach2bbrf231001.pdf](#)

[Attach2cbrf231001.pdf](#)

Director, Community Development left the Chamber, the time being 1943 hrs.

CJ359 - 10/01 MINUTES OF HOUSE COMMITTEE MEETING – 19 SEPTEMBER 2001 - [28456] [59064]

WARD - All

CJ011016_BRF.DOC:ITEM 4

SUMMARY

A meeting of the House Committee was held on 19 September 2001 and the unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

BACKGROUND

The unconfirmed minutes of the House Committee meeting held on 19 September 2001 are included as Attachment 1.

At the meeting the following matters were discussed:

Council Lounge Alterations
Corporate gifts
Hospitality functions
Plans for Christmas 2001
Appreciation function for Emergency Service Volunteers
Sundowners

MOVED Cr Mackintosh, SECONDED Cr Rowlands that Council:

- 1 NOTES AND ADOPTS the recommendations contained in the unconfirmed minutes of the House Committee meeting held on 19 September 2001, forming Attachment 1 to Report CJ359-10/01;**
- 2 AGREES to hold one Christmas function at an appropriate venue for 150 guests on 15 December 2001 at an estimated cost of \$95 per person with associated costs to be charged to Account 11 05 05 053 4111 0001;**
- 3 APPROVES the guest list for the function detailed in 2 above as follows:**
 - The Mayor, Councillors, Chief Executive Officer, Directors and their partners;**
 - Each Councillor to be permitted to invite 2 guests and their partners from the community;**
 - The Mayor may invite 4 guests and their partners;**
 - Each Director be permitted to invite one City of Joondalup community representative and their partner;**
 - Elected heads of Council and Chief Executive Officers from the Cities of Wanneroo, Stirling, Swan and Bayswater and the Shire of Gingin;**

- 4 **AGREES to present each elected member with an Xmas hamper to the value of \$120 and each elected member's partner be presented with a gift to the value of \$30 with associated costs being charged to Account 11 05 05 051 3799 0001;**
- 5 **AGREES to hold an appreciation function for representatives of the Voluntary Marine Rescue Services of Whitfords and Two Rocks, representatives of the Joondalup/Wanneroo State Emergency Service and community representatives on Council Committees;**
- 6 **ALTERS the Terms of Reference of the House Committee to reduce the Committee to five members and to reduce the quorum from four to three.**

The Motion was Put and

CARRIED

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf231001.pdf](#)

Cr Carlos left the Chamber, the time being 1944 hrs.

CJ360 - 10/01 MINUTES OF THE OCEAN REEF DEVELOPMENT COMMITTEE – 4 OCTOBER 2001 – [04171]

WARD – Marina

CJ011016_BRF.DOC:ITEM 5

SUMMARY

The Ocean Reef Development Committee held a meeting on 4 October 2001. The unconfirmed minutes of this meeting are submitted for the Council's noting.

DETAILS

Mike Maloney and Jim Pelc from LandCorp were invited to address the Committee on their experience with the development of the Mandurah Ocean Marina. The processes and tasks involved were outlined to the Committee, as well as advice on how the City could proceed with the Ocean Reef development.

The Agreement for the vesting of the Ocean Reef Boat Launching Facility was noted by the Committee. It was agreed that the execution of the Agreement proceed, subject to those Committee members with concerns being briefed and agreeing to the terms and conditions of the Agreement.

The Committee requested that a commercial property developer be invited to brief the next meeting on the Ocean Reef development.

MOVED Cr Baker, SECONDED Cr Kimber that Council NOTES the unconfirmed Minutes of the Ocean Reef Development Committee held on 4 October 2001, forming Attachment 1 to Report CJ360-10/01.

The Motion was Put and

CARRIED

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf231001.pdf](#)

CJ361 - 10/01 MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE MEETING 20 SEPTEMBER 2001 - [00906]

WARD - All

CJ011016_BRF.DOC:ITEM 6

SUMMARY

A meeting of the Environmental and Sustainability Advisory Committee was held on 20 September 2001 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

BACKGROUND

The Environmental and Sustainability Advisory Committee meeting held on 20 September 2001 discussed a range of items including:

- Endorsement of the Conservation Advisory Committee recommendations;
- Updates from committee working groups;
- Greenhouse gas emission reduction target setting, Community consultation;
- “Sustainability and Local Government” paper;
- Sustainable Development Officer – position title change for Mr Goldsmith;
- National General Assembly of Local Government Greenhouse Abatement motions;
- Environmental and Sustainable Development fund – City of Joondalup Community Funding Program;
- Toronto Declaration.

DETAILS

The minutes of the Environmental and Sustainability Advisory Committee held on 20 September 2001 are included as Attachment 1.

Endorsement of Conservation Advisory Committee Recommendations

The committee endorsed the recommendations of the Conservation Advisory Committee meetings held on the 9 August 2001 and 13 September 2001.

MOVED Cr Hollywood, SECONDED Cr Mackintosh that Council:

- 1 NOTES the minutes of the Environmental and Sustainability Advisory Committee meeting 20 September 2001 forming Attachment 1 to Report CJ361-10/01;**
- 2 APPOINTS Cr O'Brien as a deputy to Cr Nixon on the Environmental and Sustainability Advisory Committee;**
- 3 NOTES the resignation of committee member Dr Roy France.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf231001.pdf](#)

CJ362 - 10/01 VISIT TO THE MUNICIPALITY OF JINAN, SHANDONG PROVINCE, CHINA BY THE MAYOR, J BOMBAK AND EDITH COWAN UNIVERSITY OFFICIALS – [49504]

WARD - All

CJ011016_GRN.DOC:ITEM 2

SUMMARY

Between 21 and 26 September 2001, His Worship Mayor Bombak JP, with Edith Cowan University (ECU) officials, visited the Municipality of Jinan in the Chinese Province of Shandong. The objective of the visit was the Mayor's attendance of the Jinan Autumn Trade Fair as one step towards developing a relationship of friendship and trust that simultaneously supports ECU's provision of student services to the Jinan Municipal Government. The four formal receptions with Jinan's most senior Communist Party and Municipal officials indicated the importance with which the visit by the Mayor in the company of Mrs Bombak (expenses met privately) was viewed.

Jinan's leaders and officials affirmed the crucial role that modern management education will play in developing the managerial and entrepreneurial expertise required by emerging private and reforming public enterprises in China. The current program of MBA upgrade (valued at \$A21,000 per student) being delivered by ECU to 50 managers in Jinan's public enterprises was also cited as playing an important role in the Municipality of Jinan's continued reforms. Mayor Bombak's visit has further progressed Jinan officials' consideration of further student intakes into this program beyond the next 2002 academic year and has enhanced ECU's position in a rapidly growing through increasingly competitive Chinese education marketplace.

The collaboration between the City of Joondalup and ECU in developing a "Learning City" was seen by Jinan Municipality and education officials as a worthwhile model to follow. This was among a number of possible areas of collaboration that could be further discussed with a likely visit of a delegation from Jinan anticipated in late October or early November 2001. An additional benefit resulting from Mayor Bombak's visit is the likelihood of the Jinan delegation being accommodated within Joondalup and conferring direct financial support for, and indirectly promoting, the City's tourism and hospitality industry.

The 'Chinese way' of doing business is the gradual deepening of friendship towards the cementing of mutual trust among the parties involved. This report concludes with consideration for an appropriate reciprocal reception by Council for the Jinan delegation anticipated in late October or early November 2001 as another step in the development of that relationship between the two municipalities and solidifying a partnership between Joondalup and ECU.

BACKGROUND

In June 2000, the City of Joondalup received a delegation from the Municipality of Jinan, Shandong Province on China's eastern seaboard. Sponsored and incorporated within Edith Cowan University's (ECU) efforts in marketing its overseas student services to China, a Memorandum of Friendship was signed between Jinan and the City of Joondalup.

Subsequent to the adoption of the MOU, invitations were received from Jinan to attend the Jinan Autumn Trade Fair in October 2000, which the City of Joondalup declined. Another invitation was received to attend the October 2001 Fair. On 14 August 2001, Council endorsed the attendance by Mayor Bombak to the Jinan Fair in the context of a delegation involving Edith Cowan University officials in the promotion of courses delivered to students in Jinan as well as Jinan students in the Perth campuses of ECU. The motion carried by Council was as follows:

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;*

3 *REQUESTS a report on the benefits achieved for the City of Joondalup as a result of the visit after the Mayor's return from Jinan.*

(Item CJ258 - 08/01.)

The issue of whether or not a Sister-City relationship should be further developed from the current Memorandum of Friendship was also subject to a conference of the Australian Sister-City Association (ASCA) which took place between 30 September and 3 October 2001 in Bunbury. A separate report is being prepared by the City of Joondalup delegation to the conference and will be presented for Council's consideration in November 2001.

DETAIL

The Mayor and Mrs Bombak (Mrs Bombak's expenses were met privately), were accompanied by Associate Professor Yvonne Melotte representing Edith Cowan University, Mr David Xu, China Adviser to the faculty of Business and Public Management at ECU, Dr Glenn Watkins, Director of the Australasia Institute of Business and Technology (AIBT) and Mrs Anne Watkins. (The AIBT is a private education provider working in association with the Faculty of Business and Public Management at ECU to recruit students from China to study at ECU in Perth. AIBT also delivers courses in China to students intending to proceed on to degree studies at ECU in Perth). Mr Xiang Shan, Foreign Liaison Department was appointed as Interpreter for the Mayoral visit.

During the visit, over the period 21 to 26 September 2001, Mayor Bombak and delegation were received at four formal receptions by:

- Mr Sun Shuyi, Chinese Communist Party Secretary, Municipality of Jinan
- Mr Sun Chang Yin, Chairman, Jinan Committee of Peoples Political Consultative Conference
- Mr Xie Yu Tang, Mayor of Jinan
- Mr Xu Huadong, Vice-Mayor of Jinan

Also present at formal Mayoral receptions and meetings were:

- Mr Wang Wen Gang, Deputy Secretary General Jinan Municipal Peoples' Government
- Mdm Wang Bao Ling, Vice Director, Jinan Peoples' Congress Standing Committee
- Mr Xu, Director, Jinan HR Department
- Mr Liu Yuan Gang, Director, Jinan Education Bureau.
- Mdm Li Min, Foreign Affairs Department
- Ms Chen, Director of Adult Education
- Mr Du, Adult Education (Coordinator ECU Program) Administrator, Adult Education.

Itinerary of the Delegation

Thursday 20 September 2001

The Mayor and Mrs Bombak were met by Associated Professor Melotte, Mr David Xu, Dr Glen Watkins and Anne Watkins. The plane from Beijing to Jinan diverted to Qingdao due to fog. The remainder of the journey to Jinan was made overland by bus and was met by Jinan official Government limousines after crossing the Municipality's border.

Friday September 21, 2001 – Qing Do to Jinan

The delegation's arrival in Jinan was met by:

- Mr Wang Wen Gang Deputy Secretary General Jinan Municipal Government
- Mr Liu Yuan Gang, Director, Jinan Education Bureau.
- Mdm Li Min Foreign Affairs Department
- Ms Chen Director of Adult Education
- Mr Du Adult Education (Coordinator ECU Program)
- Mr Xiang Shan (Frank) Foreign Affairs Dept (Translator)

A reception for the Mayor and delegation was hosted by Mr Sun Chang Yin, Chairman of the Jinan Committee of the Peoples Political Consultative Committee (who holds Ranks No.2 in Communist Party Structure in Jinan). Also present were: Mr Wang Wen Gang Deputy Secretary General Jinan Municipal Government; Mr Liu Yuan Gang, Director Jinan Education Bureau; Mdm Li Min Foreign Affairs Department; Mr Xiang Shan (Frank) Foreign Affairs Dept (Translator) together with the Mayoral delegation.

Mr Sun Chang Yin welcomed the Mayor and his delegation and presented an outline of Jinan and environs pointing out its historical legacy and economic attributes.

Mayor Bombak responded stressing the importance of Joondalup as the alternative focus of Perth. He referred to the location of the city in the North and attributes such as quality environment, emphasis in development of the blend between commercial development and retention of the natural environment, Joondalup's 16 kilometres of pristine beaches as well as its location in the same time zone as Jinan.

Mayor Bombak also outlined the alliance that the City of Joondalup was forging with ECU and other education institutions to establish a 'Learning City' as a means of integrating economic, social and cultural development of Joondalup. The reception concluded with an exchange of gifts and was followed by lunch hosted by Mr Sun Chang Yin.

Mayor Bombak and the delegation also met Mr Sun Shuyi, the Communist Party Secretary of Jinan the top ranking official within the Communist Party Structure in Jinan. Also present at the meeting were: Mr Wang Wen Gang Deputy Secretary General Jinan Municipal Government; Mr Liu Yuan Gang, Director, Jinan Education Bureau; Mdm Li Min Foreign Affairs Department; Mr Xiang Shan (Frank) Foreign Affairs Dept (Translator) together with the Mayoral delegation. Mr Sun Shunyi welcomed the Mayor and his delegation and spoke about Jinan's history and growth prospects.

Mayor Bombak responded referring to the symbolism in the City's logo and colours and identifying the City's place in the greater Perth area and prospects for growth. Meeting concluded with an exchange of gifts. A dinner hosted by Mr Sun Shunyi followed this meeting.

Saturday 22 September 2001 Opening Ceremony of the Trade Fair and Tour of the Fair.

A colourful opening ceremony for the Fair involved all Mayors from adjacent areas in Shandong Province together with the Mayor from Jinan's linked cities in Europe. Mayor Bombak participated in the ceremony with other members of the delegation in attendance.

A ceremony involving the Chinese Mayors jointly cutting an opening ribbon was followed by a tour of the Trade Fair.

The Fair encompassed three levels of displays and information booths promoting an impressive range of Jinan products from motor cycles and dune buggies to cosmetics, computers to tourism, clothing and footwear to household products. There was also a show casing of Jinan's high-tech technology park. Mayor Bombak was interviewed for Chinese television during the tour of the Fair.

Mr Xu, Director Jinan HR Department hosted lunch for Mayor and delegation. Also present were Mr Liu Yuan Gang, Director, Jinan Education Bureau; Ms Chen Director of Adult Education; Mr Du Adult Education (Coordinator ECU Program) Mr Xiang Shan (Frank) Foreign Affairs Dept (Translator) and Mdm Wong, Adult Education. Mayor Bombak also addressed students from the Jinan Staff and Workers University.

The Mayor and Mrs Bombak also visited Baotou Springs in Jinan.

A reception for the delegation with Mr Xie Yu Tang, Mayor of Jinan, Mrs Xie, Mr Xu Huadong Vice-Mayor, Mdm Wang Bao Ling Chairperson HR Department, Mr Liu, Mdm Chen, Mr Xiang Shan followed. Mr Xie welcomed the Mayor and the delegation and outlined Jinan's history and growth prospects. Mayor Bombak responded referring to the symbolism of the City of Joondalup logo and colours and identifying the City's place in the greater Perth area, as well as the prospects for economic growth. The meeting concluded with an exchange of gifts. This reception was followed by a dinner hosted by Mr Xu Huadong with: Ms Chen Director of Adult Education; Mr Xiang Shan (Frank) Foreign Affairs Dept (Translator); Mdm Wang Bao Ling Chairperson HR Department and the Mayoral delegation in attendance.

Mayor Bombak also met with the Lord Mayor David Chater of Coventry in the UK, which established a sister-city relationship with Jinan in 1983. He also met with Mr Tapani Makinon, the 1st Vice Chairman of the City Board, City of Vantaa in Finland.

A brief meeting was also held with a Mayoral party from a nearby city which anticipates a visit to Western Australia, in particular Joondalup next year. Mayor Bombak extended the hospitality of the City during their visit.

Sunday 23 September 2001

The delegation made a visit to Qu Fu, Confucius' birthplace as well as to Confucius Forest nearby. The day concluded with a dinner hosted by Madam Wong Bao Ling, Vice Director, Jinan Peoples' Congress Standing Committee.

Monday 24 September 2001

The Mayor and Mrs Bombak visited the Xiao Ya ('Little Duck') Group which manufactures an extensive range of whitegoods for which an export market was sought in Australia. The delegation also toured the Yu Qing Reservoir and the Jinan Water Supply Corporation.

Tuesday 25 September 2001

The Mayor and Mrs Bombak made day trip to Mount Tai and Tai'an City in the company of officials from Jinan. Tai'an also has a sister-city relationship with McArthur in New South Wales.

Wednesday 26 September 2001

Mayor Bombak re-visited the Jinan Autumn Trade Fair, particularly to view the Jinan High-Tech Development Zone. The remainder of the time in China comprised a private visit and tours of Beijing by the Mayor and Mrs Bombak.

CONCLUSION – BENEFITS FOR CITY OF JOONDALUP

The objective of the visit was the Mayor's attendance of the Jinan Autumn Trade Fair as one step towards developing a relationship of friendship and trust that simultaneously supports ECU's provision of student services to the Jinan Municipal Government. The four formal receptions with Jinan's most senior Communist Party and Municipality officials indicated the importance with which the visit by the Mayor, in the company of Mrs Bombak, was viewed. To an extent, this visit demonstrates that the strategic promotion of Joondalup, as a supplier of world class education services to rapidly growing markets in Asia, can be cost-effectively achieved in a collaborative partnership with a key stakeholder in Joondalup's future as a Learning City.

Jinan's leaders and officials affirmed the crucial role that modern management education will play in developing the managerial and entrepreneurial expertise required by emerging private and reforming public enterprises in China. The current program of MBA upgrade (valued at \$A21,000 per student) being delivered by ECU to 50 managers in Jinan's public enterprises was also cited as playing an important role in the Municipality of Jinan's continued reforms. Mayor Bombak's visit has further progressed Jinan officials' consideration of further student intakes into this program beyond the next 2002 academic year and has enhanced ECU's position in a rapidly growing through increasingly competitive Chinese education marketplace. As ECU moves its main campus to Joondalup, benefits from its enhanced commercial international activities include local employment multipliers generated from increased demand for student housing, expanded household and associated retail, as well as by growing the regional 'critical mass' in support of Joondalup's hospitality and personal services industries.

The collaboration between the City of Joondalup and ECU in developing a Learning City was seen by Jinan Municipality and education officials as a worthwhile model to follow. This was among a number of possible areas of collaboration that could be further discussed with a likely visit of a delegation from Jinan anticipated in late October or early November 2001.

An additional benefit resulting from Mayor Bombak's visit is the likelihood of the Jinan delegation being accommodated within Joondalup and conferring direct and immediate financial support for, and indirectly promoting, the City's tourism and hospitality industry. Such a visit is also timely in the context of an expected downturn in international as well as interstate air travel. The presence of a visiting Chinese delegation may present an opportunity for the local and regional tourism industry to promote its offerings to the local if not Perth metropolitan marketplace as a viable destination for the coming holiday season and beyond.

As noted in previous reports to Council regarding a proposed sister-city relationship between Jinan and Joondalup, the Chinese way of doing business is the gradual deepening of friendship towards the cementing of mutual trust among the parties involved. Whilst Mayor Bombak's visit to Jinan represented an important 'building block' in laying that foundation of friendship, the same can be noted of the official visit by the delegation anticipated from Jinan in late October or November 2001. The holding of a formal reception for the expected delegation from Jinan will cement the developing partnership between the City of Joondalup and ECU in the short term while simultaneously laying the foundation for the City and University's future international and commercial prosperity for the medium-to-longer term.

MOVED Cr Baker, SECONDED Cr Kimber that Council NOTES Report CJ362-10/01 and ENDORSES the holding of a formal reception in honour of the expected delegation from the Municipality of Jinan.

The Motion was Put and

CARRIED

**CJ363 - 10/01 NORTH WEST METRO SMALL BUSINESS AWARDS
2002 - [03082 07151]**

WARD - All

CJ011016_BRF.DOC:ITEM 8

SUMMARY

Joondalup Business Association is once again hosting its annual Awards night in recognition of small businesses in the North West Metropolitan Region, and the City of Joondalup has been invited to co-sponsor the event for the year 2002.

It is recommended that the City supports this event at a cost of \$2,500.00 (including GST).

BACKGROUND

The awards, now in their tenth year, continue to recognise and reward excellence in small and medium business enterprises within the City of Joondalup and the City of Wanneroo.

The City of Joondalup was category sponsor for The 250 Club North West Metro Small Business Awards 2001 and was the major sponsor in 1999.

DETAILS

Through its strategic plan, the City seeks to encourage sustainable growth and business opportunity, and to increase local employment. Support of the business awards is one way this can be done.

Entrance for the awards assists small businesses to focus on key aspects of their business and encourages them to assess their structure, staff and the direction of their business.

Other benefits are the opportunity to receive promotion and gain community recognition for the hard work and dedication of the small business proprietor.

Co-sponsorship of this event will provide benefits to the City including significant media

exposure, inclusion in visual displays, acknowledgement in newsletters and the Business Community Directory, acknowledgement throughout the awards evening and the opportunity of nominating a judge for the regional judging panel.

COMMENT/FUNDING

In participating in the Awards evening, it is proposed that the City will receive significant advertising and promotional exposure as follows:

1. significant media exposure;
2. acknowledgement of the City on all promotional material before, during and after the event;
3. prominent display of the City's promotional material at the Awards ceremony with an opportunity to hand out fliers and brochures;
4. acknowledgement as co-sponsor of the event and supporter of small businesses throughout the Award night;
5. acknowledgement as co-sponsor on programmes, menus, place cards, table plans and certificates;
6. complimentary tickets for two representatives to attend the Awards ceremony;
7. opportunity to nominate a judge for the Awards regional judging panel;
8. reimbursement of the amount paid by the City if the Awards ceremony is not held.

The sponsorship amount being sought is \$2,500.00 inclusive of GST. There is \$2,000.00 available in the Sponsorship Fund. However, sufficient funds are available in the Donations Fund and money from that fund could be used to sponsor the event.

Account No: 11.20.21.213.4402.0001
 Budget Item: Donations Fund
 Budget Amount: \$8,000.00
 Actual Cost: \$2,500.00

MOVED Cr Baker, SECONDED Cr Kimber that Council:

- 1 APPROVES sponsorship of the North West Small Business Awards 2002 in accordance with the proposals contained in Report CJ363-10/01;**
- 2 AUTHORISES sponsorship of the event at a cost of \$2,500.00 (including GST) from the Donations Fund (Account No 11.20.21.213.4402.0001).**

The Motion was Put and

CARRIED

**CJ364 - 10/01 TENDER 014-01/02 - JOONDALUP WEEKEND
 MARKETS - [16972 65510]**

WARD - Lakeside.

CJ011016_BRF.DOC:ITEM 9

SUMMARY

In August 2001, the Council resolved to invite tenders for the operation and organisation of the Joondalup Weekend Markets for a period of three years, 2001/02 through to 2003/04 (*CJ286-08/01 refers*). Tenders for the Joondalup Weekend Markets closed on 3 October 2001, with two tenders being received. This report recommends that the tender for the Joondalup Weekend Markets be awarded to the two companies, Big Splash Events and Future Systems for a period of three years, commencing 1 November 2001 under a Licence Agreement.

BACKGROUND

The Joondalup Night Markets were established in 1998 to meet the following objectives:

- to create and develop a vibrant Joondalup Central Business District;
- to assist in developing an economically sustainable Joondalup Central Business District;
- to increase awareness and promotion of the Joondalup Central Business District.

Brian Laurance and Associates' contract for the operation of the Joondalup Markets expires 4 November 2001 and Mr Laurance has advised the Council that he does not wish to exercise his option to renew the contract for a further three years. Tenders were therefore called for the Joondalup Weekend Markets, closing 3 October 2001.

DETAILS

The tender document detailed that the City was seeking an entrepreneurial and innovative operator to manage the Joondalup Markets. A Tender Evaluation Panel was established to evaluate the tenders received. The selection criteria established for the tender evaluation are below:

- Relevant skills and demonstrated experience in promotion and operation of night and/or weekend markets;
- Preparedness to capital invest in the venture through media organisations i.e. advertising, radio, television, local media (details of proposed budget);
- Demonstrated financial capability, projections, fee structure and marketing plan - innovation of proposed market programme, entertainment, themes, i.e. special events and stall holders mix (details of proposed budget);
- Demonstrated management structure, organisational capacity in people management, safety management, and safety record in working in public operations;
- Demonstration ability to provide reporting schedules on promotional budgets, number of stallholders, and estimated crowd for each market.

A total of two tenders were received from Andrew Wharram and from Big Splash Events/Future Systems. An evaluation of the two tenders by the Panel found that the Big Splash Events/Future Systems tender was the more comprehensive and detailed document, and clearly demonstrated a better understanding and ability to undertake the management of the Joondalup Weekend Markets.

Details of Mr. Andrew Wharram's Tender

Mr. Andrew Wharram is an Ocean Reef resident who has previously had experience in managing the Canning Vale Sunday Markets for an Eastern States firm for a period of seven years. He is no longer involved with the Canning Vale Markets.

The tender submitted by Andrew Wharram provided very limited information and did not address the selection criteria as required. There were no details provided on projected expenditure and revenue budgets, entertainment, promotion and advertising, fee structures and reporting structures. The tender submitted did not demonstrate that the Tenderer has understood and is able to fulfil the objectives of the Joondalup Weekend Markets.

Details of Big Splash Events/Future Systems Tender

Big Splash Events and Future Systems are two separate businesses who have jointly submitted a tender for the Joondalup Markets. Big Splash Events will represent both companies in dealings with the City of Joondalup.

Big Splash Events has had ten years' experience in running markets, expositions and shows around Perth. Big Splash Events has a database of over 100 stallholders and has been responsible for organising the Psychic Expo at Hillarys Boat Harbour over the last four years. A referee check on Big Splash Events with the Centre Manager from Hillarys Boat Harbour confirmed that this business has the ability and commitment required to undertake the organisation and management of the Joondalup Weekend Markets.

Future Systems is the other business in this tender, and it is involved in the music and entertainment aspect. Future Systems has been developing entertainment for festivals and shows around Perth for a number of years and is heavily involved with the Buskers Club. Future Systems has a database of entertainers and musicians, with an entertainment budget of \$200 allocated for each Market.

Big Splash Events/Future Systems have estimated a start up level of 70 stalls and 5,000 people, rising to 100 stalls and 7,000 people at a later stage. The proposed fee structure for stallholders is staggered, ranging from \$10 to \$20 depending on the number of nights booked ahead. A number of stalls will be allocated free, for use by community groups.

Advertising and promotion is planned through Community News, XPress Magazine, Channel 31 and the Sunday Times. Entertainment is proposed to be organised through the Buskers Club. An advertising and promotional budget of \$300 per Market is proposed.

Big Splash Events/Future Systems have undertaken to actively promote the Markets through various mediums and networks. As part of this awareness campaign, they propose to develop a web site and undertake customer market surveys.

Big Splash Events/Future Systems propose to report monthly to the City of Joondalup on the operation of the Joondalup Weekend Markets.

Waiving of In-Kind Costs

The Conditions of Tendering require the proposed Market Operator to be responsible for road closure application fees. Road closure application fees cost \$110 for each Market held. The proposed budget submitted by Big Splash Events/Future Systems does not include costs for the above mentioned item. If the costs identified above were to be incorporated into their budget, it would make the venture an unviable proposition, and it would also prevent them from having an advertising and entertainment budget.

Their proposed budget is based on achieving 70 stallholders a night. Based on this proposal, it is estimated that revenue will be \$1,085 and that expenditure will be \$500 per Market. As was reported to Council in August 2001, the number of stallholders fell in 2000/01 ranging from a low of 28 through to a high of 55, with the average being 36 stalls. Should Big Splash Events/Future Systems not be able to meet their expectations, it may quickly turn the management of the Joondalup Markets into a loss-operating venture for the operators.

It is recommended that the Council authorises a minor variation in the tender specification before entering into the Licence, in accordance with Tendering Regulations, and considers waiving the road closure application fees, to support a Market Operator in undertaking this venture. This was also previously done with the former Market Operator, Brian Laurance and Associates. The funding for the road closure application fees will be provided from the Economic Development budget.

This will ensure that the City is able to secure a Market Operator who is committed to ensuring that the Joondalup Markets are a successful operation in the short and long term.

COMMENT/FUNDING

The Panel met with Mr Steve Farey from Big Splash Events on Wednesday, 10 October to clarify its tender submission. Mr Farey expressed a willingness and commitment to undertake the organisation and management of the Joondalup Weekend Markets in line with the City's objectives. Mr Farey undertook to operate the Markets on a weekly basis, and to hold the Markets during Festival of Joondalup events.

Mr Farey has also committed to an advertising budget and promotional program, which is considered essential for the Markets to become a successful venture once again. Mr Farey expressed his intention to commence the Markets in late November/early December, and to operate the Markets for approximately three months thereafter.

There was only one other tender received, indicating that there is very little interest in managing the Markets. It is therefore considered that the Council should support the operators of Big Splash Events and Future Systems, and award the tender for a period of three years under a Licence Agreement.

Account No:	11-20-21-213-4420-0001
Budget Item:	Community Funding Program
Budget Amount:	\$22,800
Actual Cost:	\$1,500

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 AWARDS THE TENDER for the organisation and operation of the Joondalup Weekend Markets to Big Splash Events and Future Systems;**
- 2 AUTHORISES the execution of the Licence under common seal, for a period of three years, commencing 1 November 2001, in accordance with the Conditions of Tendering;**
- 3 AUTHORISES a minor variation before entering into the Licence and waives all road closure application fees for Big Splash Events and Future Systems.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Director, Community Development entered the Chamber, the time being 1945 hrs.

CJ365 - 10/01 WARRANT OF PAYMENTS FOR THE PERIOD ENDING 30 SEPTEMBER 2001 – [09882]

WARD - All

CJ011016_BRF.DOC:ITEM 10

SUMMARY

This report details the cheques drawn on the funds during the month of September 2001. It seeks Council's approval for the payment of the September 2001 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	034270-034851	5,895,819.35
Municipal	000279A-000283	26,449,532.38
Trust	-	0
	TOTAL \$	32,345,351.73

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

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of September 2001, the amount was \$343,764.80.

The cheque register is appended as Attachment A.

CERTIFICATE OF THE ACTING DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$32,345,351.73 which is to be submitted to each Councillor on 23 October 2001 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY
Manager Accounting Services

A SCOTT
Acting Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$32,345,351.73 submitted to Council on 23 October 2001 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Walker, SECONDED Cr Kimber that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 September 2001, certified by the Mayor and Acting Director of Resource Management and totalling \$32,345,351.73.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	034270-034851	5,895,819.35
Municipal	000279A-000283	26,449,532.38
Trust	-	0
	TOTAL \$	32,345,351.73

The Motion was Put and

CARRIED

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn231001.pdf](#)

CJ366 - 10/01 WARRANT OF PAYMENTS - BUSINESS INFORMATION –SEPTEMBER 2001 - [37863]

WARD - All

CJ011016_BRF.DOC:ITEM 11

SUMMARY

At its June 2001 meeting Council resolved that a report be provided detailing monthly expenditure categorised by location of the supplier.

This report details the expenditure for the month of September 2001. It indicates that during August the City paid in excess of 70% of its 'discretionary' expenditure to businesses located within the Joondalup / Wanneroo region.

BACKGROUND

At its meeting on 12 June 2001 Council sought a monthly report showing payments made within the City of Joondalup or the City of Wanneroo:

"MOVED Cr Baker, SECONDED Cr Kimber that the monthly report to Council concerning Warrant of Payments for the relevant month include:

- 1 *a summary of the total payments to businesses for goods and services purchased by the City of Joondalup;*
- 2 *a summary of the said total payments to businesses located in the City of Joondalup;*
- 3 *a summary of the said total payments to businesses located in the City of Wanneroo."*

DETAILS

All payments made by the City during September 2001 are shown on Attachment 1. This report shows all items shown in the September 2001 Warrant of Payments except for one cancelled cheque which relates to August 2001, and amounted to \$2500.00

The payments have been dissected into the following categories:

- **Joondalup** - Supplier payments made to businesses located within the City of Joondalup.
- **Wanneroo** - Supplier payments made to businesses located within the City of Wanneroo.
- **Outside J/W**- Supplier payments made to businesses located outside the Cities of Joondalup and Wanneroo.
- **Mandatory** – Payments made to providers where the City has no discretion on supplier, ie Western Power.
- **Contracts** - Payments made to suppliers where Council has a contractual obligation, and are outside the Cities of Joondalup and Wanneroo.
- **Consulting** – Payments to consultants not within the Cities of Joondalup and Wanneroo.
- **Non-Supplier** – All payments other than supplier payments (ie Payroll, Councillor payments etc).

Expenditures within the 'Joondalup' and 'Wanneroo' categories comprise both contractual and discretionary expenditure. The 'Outside J/W' category comprises only discretionary expenditure. Suppliers with whom the City has contracts (other than those located within the Cities of Joondalup and Wanneroo) are shown under the 'Contracts' category.

COMMENT/FUNDING

The analysis at Attachment 1 for the month of September 2001 indicates that 78% of discretionary expenditure was within the Joondalup/Wanneroo Region. 22% was paid to businesses outside the Joondalup/Wanneroo region:-

Joondalup	12%	\$127,338
Wanneroo	66%	\$731,325
Regional Total	78%	\$858,663
Other	22%	\$242,535

A further \$531,601 paid in September was paid to 'mandatory' or sole supplier organisations, ie Western Power, Alinta Gas etc. Further payments totalling \$2,659,181 were made for 'non supplier' organisations, ie payroll. In this category there are minor payments to Real Estate Agents and property owners for rate refunds, albeit that they reside within the City.

Compared to the month of August 2001, the table below shows that the level of expenditure within the Joondalup/Wanneroo Region expressed as a percentage has increased slightly.

	August 2001	September 2001	August 2001	September 2001
Joondalup	14%	12%	\$122,950	\$127,338
Wanneroo	63%	66%	\$560,961	\$731,325
Regional Total	77%	78%	\$683,911	\$858,663
Other	23%	22%	\$203,456	\$242,535

The City is currently finalising the review of its Buy Local Policy which was developed following discussions with the Joondalup Business Association.

MOVED Cr Rowlands, SECONDED Cr Walker that Council NOTES the Warrant of Payments – Business Information Report - September 2001.

Cr Baker queried the current status in relation to the draft “Buy Local” policy.

Director, Resource Management advised the draft policy would be available for distribution within a 2-3 week timeframe.

Cr Kimber congratulated staff on the fact that 78% of expenditure has occurred locally.

The Motion was Put and

CARRIED

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf231001.pdf](#)

CJ367 - 10/01 FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2001 - [07882]

WARD - All

CJ011016_BRF.DOC:ITEM 12

SUMMARY

The financial report for the month ending 30 September 2001 is appended as Attachment A.

The September 2001 report is the second financial report for the 2001/2002 year. The report shows a variance of **\$1.6m** when compared to the Adopted Budget for the year to date. This variance can be analyzed as follows:

- The Operating position shows a variance of **\$1.4m** to budget at the end of September 2001 due to revenue not received of **\$0.4m** and the major underspending is in Materials & Contracts of **\$0.9m**.
- Capital Expenditure for the year-to-date is **\$0.1m** and is slightly below the year-to-date budget of **\$0.2m**, a variance of **\$0.1m** at the end of September 2001.
- Capital Works for the year-to-date amounted to **\$1.8m** against a year-to-date budget of **\$1.9m**, a variance of **\$0.1m** at the end of September 2001.

MOVED Cr Rowlands, SECONDED Cr Walker that the Financial Report for the month Ended 30 September 2001 be NOTED.

The Motion was Put and

CARRIED

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf231001.pdf](#)

CJ368 - 10/01 TELECOMMUNICATION LEASES - TAMALA PARK - [41196]

WARD - All

CJ011016_BRF.DOC:ITEM 13

SUMMARY

VodaFone Network Pty Ltd currently leases 130 m² of Tamala Park and seeks to:-

- a) increase its lease area to 150 m² by incorporating a further 20 m²; and
- b) assign its enlarged lease to Crown Castle Australia Pty Ltd.

Other telecommunications companies have made the following related applications:-

- a) Hutchison Telecommunications (Australia) Limited (Orange) has applied for a 30 m² site, which is adjacent to the VodaFone lease, on which to construct a telecommunications shelter; and
- b) Optus Mobile Pty Limited has applied for a site within the VodaFone lease on which to construct a telecommunications shelter.

Tamala Park is jointly owned by the Cities of Joondalup, Perth, Stirling and Wanneroo and Towns of Vincent, Cambridge and Victoria Park. The City of Perth has been acting as the co-ordinator for all the joint owners in the above matters. In its capacity as co-ordinator, the City of Perth has requested that a report for each of the local governments involved be prepared for consideration to their respective councils.

This report recommends that the City of Joondalup:-

- a) supports the lease applications of VodaFone, Hutchinson Telecommunications (Orange) and Optus;
- b) supports an amendment of area to the Mindarie Regional Council lease by excising an area of 1,095 m²;
- c) supports the proposed assignment of Lease from VodaFone to Crown Castle Australia and to grant licences to Vodafone, Optus and Telstra for co-location; and
- d) authorises the City of Perth to act on behalf of the joint owners in matters relating to the advertising requirements of the provisions of Section 3.58 of the *Local Government Act 1995*, subject to a further report to Council to consider any submissions resulting from the advertisement.

BACKGROUND

Tamala Park is described as Lot 118 on Plan 28300 and is held jointly in Certificates of Title by the Cities of Joondalup, Perth, Stirling and Wanneroo and Towns of Vincent, Cambridge and Victoria Park.

Approximately 251 hectares of Tamala Park is leased to the Mindarie Regional Council for the principal purpose of refuse disposal is shown cross hatched on Attachment A. On 8 October, 1998 an area of 130 m² was surrendered by the Mindarie Regional Council to enable that land to be leased to VodaFone Network Pty Ltd (VodaFone). On 1 November, 1998 the joint owners entered into a lease with VodaFone for the 130 m² of Lot 118 (Tamala Park) as shown hatched black on Attachment B (locality plan) shown as Area 1 on Attachment C (site plan). The lease is for a term of 5 years plus options for two further terms each of five years with the total lease term expiring on 31 October 2013.

The lease commenced at a rental of \$8,000 per annum with indexed increases of 5% per annum and provision to review the annual rental to market rental at the take up of each of the further five year terms, ie on 1 November 2003 and 1 November 2008.

On behalf of the joint owners the City of Perth has been co-ordinating the following telecommunication issues:

- 1) the amendment to VodaFone's lease area;
- 2) sub-leases for existing carriers on the VodaFone site;
- 3) the request for assignment of the whole of the VodaFone lease to Crown Castle Australia Pty Ltd (CCA);
- 4) the application by Hutchison Telecommunications (Australia) Limited (Orange) to lease land adjoining the VodaFone site for co-location on the VodaFone tower; and
- 5) there is a requirement, as a consequence of agreeing to the lease applications, to obtain a Deed of Surrender for the portion of the existing Mindarie Regional Council Lease affected by the current and possible future applications.

These issues must now be considered, agreed upon and resolved on an individual basis by each of the owner councils.

DETAILS

Amendment of lease area to:

An inspection of the site showed that Vodafone had fenced off a total area of 150m² representing an encroachment of 20m² shown as Area 2 on Attachment C onto land currently leased to the Mindarie Regional Council. The fenced area, combined Area 1 and 2, reflects the final approval to Vodafone for the site whilst the plans attached to the Lease show the lease area as 13 metres by 10 metres, a total of 130m².

It was considered appropriate to seek consent from the Mindarie Regional Council to surrender the additional 20m² from its lease area by means of a Deed of Partial Surrender of Lease, in order to amend the Vodafone lease to reflect the current fenced site. Vodafone has agreed to meet all costs associated with amending the Lease Plan.

Sub-leases for existing carriers on site.

Under the terms of the lease Vodafone is required to enter into appropriate sub-leases with the existing carriers on the leased site, Telstra and Optus which require the joint owners' consent. These sub-leases are currently in preparation by Vodafone and will need to be finalised prior to the assignment to CCA.

Assignment of Lease from Vodafone to CCA

In February 2001 the Cities were notified that CCA had taken an option to purchase the Vodafone towers, and in the letter of 13 March 2001, Evernet Pty Limited acting for Vodafone sought the owners' consents to the assignment of the lease.

Crown Castle Australia has advised that it agrees with the terms and conditions of the Vodafone lease, including clause 3.12 relating to assignment. On assignment, it will take on all of the rights and obligations under the lease, as lessee. Crown Castle will operate by licensing space on the tower and subletting the shelter areas to the carriers on the site. Crown Castle will need to grant a sub-lease to Vodafone for its shelter site. In accordance with the terms of the lease, the licences and sub-lease will require the joint owners consent. A draft Deed of Assignment of Lease prepared by Deacons, solicitors acting for CCA, has been provided for the joint owners' approval. Deacons will prepare the licences and sublease agreement for the joint owners' consent.

Clause 3.12 (Assigning and Subletting) of the Lease provides that if the Lessee wishes to assign the whole of the premises under the lease, the City shall not unreasonably withhold consent to such an assignment if:

- 1) The proposed assignee is a respectable, responsible and solvent person;
- 2) The proposed assignee first executes a Deed of Assignment of Lease at the cost of the lessee;
- 3) The lessee is not in breach of any of the terms and conditions of the lease;
- 4) The assignee undertakes to take on all the lessee obligations under the lease;
- 5) The lessee meets all costs incurred by the City in relation to the assignment;
- 6) The lessee withdraws any caveat lodged on the title to the land; and
- 7) The Directors and/or substantial shareholders of the assignee provide personal guarantees for the performance of all obligations of the lease by the assignee.

CCA is the Australian subsidiary of Crown Castle International Corp of the USA, one of the world's largest telecommunications infrastructure and wireless telephone mobile tower owners.

The financial papers provided by CCA and the company details obtained from the Australian Securities & Investments Commission have been examined and appear satisfactory. It is therefore recommended that following completion of the amendment to the lease area, the assignment of the lease from VodaFone Network Pty Ltd to Crown Castle Australia be approved.

Request by Orange to lease a portion of Lot 118 adjoining the VodaFone lease area with co-location of cabling and antennae onto the VodaFone tower.

The joint landowners received a proposal from Orange in March 2001 requesting a ground lease for a shelter location with provision for co-location of cabling and antennae to the VodaFone tower. The proposed shelter site lease is 30 m² (5m x 6m), shown as Area 3 on Attachment C.

CCA has confirmed that it will permit Orange to co-locate on the tower by way of a licence and has provided a draft licence document for the joint owners' consent.

The proposed lease between the joint owners and Orange has been negotiated with the following key terms and conditions:-

Term of Lease:	5 years plus 3 options of 5 years each (on the proviso that the lease will terminate on 31 October 2013 if access to the tower is not available beyond this date)
Commencement date:	1 January 2002, or as agreed with joint owners
Rental:	\$15,000 per annum and increased by 5% compounding annually on each anniversary of the commencement date.
Rent Review:	On the commencement date of each of the further 5 year terms, the rent shall be reviewed to market rental. Additionally the lease will provide that the annual rental at the commencement of each of the 5 year terms cannot be less than the annual rent in the previous year.
Outgoings	All rates, taxes, charges and outgoings levied on the leased area to be the responsibility of the Lessee. In addition a separate electricity meter will be installed by the Lessee at its cost.
Right of Access	Lessee to have right of access 24 hours per day, 7 days per week.
Legal costs	Lessee responsible to a maximum fee of \$2,000.

CCA has confirmed that it will permit Orange to co-locate on the tower by way of a licence and has provided a draft licence document for the joint owners' consent.

Section 3.58 of the Local Government Act 1995 states that a local government can dispose (includes leasing) of a property other than by way of public auction or public tender if, before agreeing to dispose of the property:-

- (a) *it gives State-wide public notice of the proposed disposition –*
- (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *It considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

The following details must be included in the State-wide Public Notice:-

- 1 the names of all other parties concerned;*
- 2 the consideration (rental) to be received by the local government; and*
- 3 the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

Advertising of the proposed lease pursuant to section 3.58 is therefore recommended to be undertaken by the City of Perth, on behalf of the joint owners.

Deed of partial surrender of lease by the Mindarie Regional Council.

To accommodate the amendment to the VodaFone lease, the proposed ground lease to Orange for its shelter site and to provide additional land for lease to future carriers, the Mindarie Regional Council has agreed to surrender from their lease a 1095m² portion of land surrounding the VodaFone site. This additional land will provide an overall telecommunications site on Lot 118 of 1225m² (i.e 35m X 35m) is shown bordered with dashes on Attachment D. The surrender of this area and will allow more flexibility for the joint owners to grant leases to other carriers who may wish to co-locate on the existing tower in the future.

COMMENT/FUNDING

On 12 September, 2000 Council resolved to place a moratorium on the installation of further telecommunication facilities, whether low or high impact, throughout the City of Joondalup. The VodaFone facility at Tamala Park is not located within the City of Joondalup and therefore is excluded from the above moratorium. Tamala Park has been considered by the joint owners as a site appropriate for use by telecommunication companies given its distance from residential areas and its current purpose of waste disposal. Council may need to consider whether Tamala Park should fall within the ambit of the moratorium.

Council may further consider that an opportunity exists to centralise Telecommunication operations to this particular site and hence alleviating the pressure from the City of Joondalup to accommodate future requests.

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council APPROVES, in accordance with the provisions of Section 3.58(3) and 3.58(4) of the *Local Government Act 1995*, the City of Joondalup with the other owners of lot 118 Tamala Park entering into agreements by private treaty:

- 1 subject to the City of Perth undertaking advertising of the proposed Leases of portion of Lot 118 pursuant to Section 3.58(3) and 3.58(4) of the *Local Government Act 1995*;
- 2 subject to a further report being submitted to Council to consider any submissions received as a result of advertising pursuant to Section 3.58(3) and 3.58(4) of the *Local Government Act 1995*;
- 3 to amend the Lease with Vodafone Network Pty Ltd in respect of portion of Lot 118 to provide for a total lease area of 150m² subject to Vodafone meeting all associated costs;
- 4 to consent to Crown Castle Australia Pty Ltd granting licences to Vodafone Network Pty Ltd, Optus and Telstra for co-location on the tower and a sub-lease to Vodafone Network Pty Ltd in respect of the shelter site within the leased area;
- 5 to agree to the proposed Assignment of Lease in respect of portion of Lot 118 from Vodafone Network Pty Ltd to Crown Castle Australia Pty Ltd, following amendment to the Vodafone Lease and completion of the sub-leases granted by Vodafone to Telstra & Optus respectively; and
- 6 to enter into a Deed of Partial Surrender by Mindarie Regional Council for 1,095m² of its Lease to accommodate the amendment to the Vodafone Lease, the proposed shelter site lease to Orange and to provide additional land for lease for future carriers.

The Motion was Put and

CARRIED

Mayor Bombak requested he be recorded as voting against the Motion.

Appendix 10 refers.

To access this attachment on electronic document, click here: [Attach10brf231001.pdf](#)

CJ369 - 10/01 SHIRE OF WANNEROO AGED PERSONS' HOMES TRUST INC - MANAGEMENT COMMITTEE MEMBERSHIP – [13275]

WARD - All

CJ011016_BRF.DOC:ITEM 14

SUMMARY

An elected member has requested that a report be prepared recommending to Council that the City seek to have representation on the Management Committee of the Shire of Wanneroo Aged Persons' Homes Trust Incorporated, currently trading as Elderbloom Community Care Centres. This report provides background information to this request and, in doing so does not support the proposal that the City seeks representation on the Trust's Management

Committee. Rather, this report recommends that the City adopts a more strategic approach to support the development of aged care residential facilities and services for seniors in the City.

BACKGROUND

An elected member has requested that a report be prepared recommending to Council that two elected members from the City be nominated as members of the Management Committee of the Shire of Wanneroo Aged Persons' Homes Trust Incorporated, currently trading as Elderbloom Community Care Centres. The request is based on an understanding that there are currently two vacant positions for City of Joondalup nominees on the Management Committee of the Trust.

Eldbloom is a community-based organisation providing care and specialised support for elderly people in the greater Wanneroo Region. It exists to enrich the lives of the elderly through home-based services and residential accommodation. Currently, it operates four community centres:

- Belgrade Park Village (192 one and two bedroom units) situated in Belgrade Road Wanneroo;
- Jacaranda Lodge (65 bed frail aged hostel including a 15 bed special dementia unit) also located in Belgrade Road Wanneroo;
- Wanneroo Community Nursing Home (40 bed, full nursing home care facility) situated in Amos Road Wanneroo; and
- Barridale Lodge (24 bed frail aged hostel) situated in Barridale Road Kingsley.

Barridale Lodge, built by the Trust, is situated on Crown land on reserve 41582 that is vested in the City of Joondalup for the purpose of an aged persons' hostel. In 1991, the former City of Wanneroo entered into a 21 year lease arrangement with the Trust for the land. Accordingly, the City of Joondalup has a lessor tenant relationship with the Trust in relation to this property.

Eldbloom was established in 1979 as the then Shire of Wanneroo Aged Persons' Homes Trust Inc. The Trust has provided a short history of the Trust's establishment and its operation for the period 1979 to 1987 (See Attachment One). This historical background information has been written by Councillor O'Brien who was the inaugural Chairperson of the Trust for the period 1979 to 1987 and who is currently an Honorary Life Member of the Trust.

The Trust's original constitution includes various clauses that require the "Shire of Wanneroo" to exercise certain functions for the Trust such as appointing the auditor and authorising the borrowing of funds. The constitution provides that it cannot be amended without the approval of the "Shire of Wanneroo".

Both the City of Joondalup, during the term of the Joint Commissioners, and the current City of Wanneroo had requested on several occasions, that the Trust review its constitution to reassess its relationship with both Cities and to reflect more contemporary and appropriate business principles, practices and procedures. This review was completed with the adoption of a new constitution at the Trust's AGM held on 29 August 2001. The new constitution is now awaiting the formal approval of the City of Wanneroo prior to submission for incorporation.

Clause 20 (a) of the original constitution of the Trust stated:

The Management Committee shall consist of fifteen (15) members of whom no more than four (4) shall be members of the Council (Shire of Wanneroo) appointed by the Council, three (3) shall be members of the Residents Committee appointed by it and three (3) may be officers of the Council (Shire of Wanneroo) and appointed by it, such officer not be appointed to an executive position of the Trust...

From the incorporation of the Trust in 1979 to 30 June 1998, elected members and certain staff of the former Shire of Wanneroo, and later the former City of Wanneroo, were members of the Management Committee.

From the abolition of the former City of Wanneroo on 1 July 1998, by virtue of the Joondalup and Wanneroo Order 1998, until 30 June 1999, one staff member of the City of Joondalup was appointed by the Joint Commissioners as a member of the Management Committee.

From 1 July 1999 until December 1999, there was no person appointed by the Joint Commissioners on the Management Committee. This followed a letter from the City to the Trust advising it that the Joint Commissioners had reviewed the representation on external committees which no longer fall within the boundaries of the City and that, in view of the Committee falling within the City of Wanneroo, there would be no further representation by the City of Joondalup on the Trust's Management Committee.

Following the elections for the two new Cities in December 1999, two elected members of the City of Wanneroo were members of the Management Committee. There were no members of the Management Committee from the City of Joondalup. This is the present situation.

DETAILS

Following receipt of the request for the City to have representation on the Trust's Management Committee and with an understanding that the Management Committee was in the process of preparing a new constitution for the Trust, correspondence was forwarded to Elderbloom's Chief Executive Officer requesting advice as to the Management Committee's intention in relation to any future representation by the City of Joondalup on the proposed governing body of the Trust. Advice was also sought on the expected timeframe for the adoption of the Trust's revised constitution.

In reply to this correspondence, the Chief Executive Officer advised that the Trust was in the final stages of seeking comment from its members regarding a proposed new constitution for the Trust with a view to holding its Annual General Meeting on 29 August 2001, at which it would be proposed that the new constitution be adopted.

The Trust's CEO further advised that the new constitution would make provision for two members of the Board to be nominated by the City of Wanneroo only and that, in the view of the Management Committee, the City of Joondalup would need to pass a resolution that it wished to be involved with the Trust prior to the Trust taking any action in respect to representation by the City on the Board under the new constitution.

Legal advice was sought prior to the Trust's AGM from the City's solicitors in relation to the Trust's proposal to amend its constitution and whether the City of Joondalup was entitled at law to any involvement in the process.

Based on the understanding that the City of Joondalup is not a member of the Trust (and nor is the City of Wanneroo or the former Shire of Wanneroo), the legal advice is that the City of Joondalup has no interest or standing, in a legal sense, which would have entitled it to challenge or prevent the amendment of the constitution by the Trust's members. This would have applied even where it is said that the constitution required the approval of the Council of the City of Joondalup and that approval has not been sought.

The advice received is that the fact that the Trust's constitution makes reference, in various clauses, to the Council of the former Shire of Wanneroo, does not, by itself, have the effect of conferring any contractual rights on the Shire (or its successors). At best, the constitution may confer rights as between the Trust and its members.

COMMENT/FUNDING

Based on the legal advice received, if Council wishes to have representation on the new governing body of Elderbloom, then it is considered that the most appropriate way to progress this matter would be for the City to write to the Trust to express its interest in having such representation.

The City, and the Trust, would need to consider the advantages and disadvantages of seeking involvement with the Trust in this capacity. Factors which would need to be taken into consideration by Council include, but are not limited to:

- The majority of the Trust's facilities and services are situated within the boundaries of the City of Wanneroo;
- The Trust promotes its services as being available to the "greater Wanneroo Region";
- The Trust has indicated that it has no current plans to further expand its services and facilities within the boundaries of the City of Joondalup;
- The Trust considers that, following the division of the former City of Wanneroo, its links are primarily with the City of Wanneroo;
- The question of whether or not Council should be on any governing bodies of aged care organisations given the highly competitive nature of the industry and the resultant possible perception of bias or favouritism towards any one organisation;
- The value to Council of being seen to be involved in supporting the provision of aged care in the City through representation on such bodies;
- The question of whether or not representation on governing bodies is the best way for Council to show its involvement and support for aged care, or whether this would best be achieved through the provision of technical support, or both; and
- The question of whether or not Council would be better placed to utilise the majority of its resources to assist already established organisations with planning for new aged care residential facilities within the City of Joondalup.

In consideration of the above issues, and 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), it is not considered appropriate that the City position itself to be aligned with one aged care provider operating within the City. Rather, it is recommended that the City adopt a more strategic approach to support the development of aged care residential facilities and services for seniors in the City.

Currently, it is understood that there are in excess of some sixteen facilities catering for the accommodation needs of older people within the City. Approximately half of these facilities are operated as retirement villages or complexes for independent living, which may also provide high care facilities or services for frail residents. The remaining facilities provide a mix of hostel and/or nursing home care. A mix of church based, community based and private organisations operate these facilities.

The Aged Care Industry currently confronts a number of critical issues, such as:

- Increased facilities operating costs arising from the Commonwealth Government's accreditation requirements;
- Recruitment and retention of suitably skilled staff;
- Growth in the numbers of seniors; and
- Shortage of accommodation for frail aged people in not for profit nursing homes and hostels.

Against this background, it is considered appropriate that the City take several steps to address the immediate and longer term accommodation needs of seniors in the Joondalup community. These could include, but are not limited to:

- Bringing together the various aged care service providers with a view to help inform the City of future residential facilities and services requirements; and
- Undertaking consultation with the Commonwealth and State Governments with a view to ascertaining their future plans for the provision of residential facilities and services.

With this information, and information available to the City through means such as the City's community needs survey, the City would be better positioned to determine the role it will perform in meeting the accommodation needs of seniors in the community.

Council at its meeting held on 9 October 2001 agreed to establish a Strategic Advisory Committee – Seniors Interests (CJ345-10/01 refers). It is therefore proposed that the issues highlighted in this report be referred to that committee for consideration and subsequent advice to Council.

OFFICER'S RECOMMENDATION: That Council:

- 1 DOES NOT SEEK to have representation on the Board of the Shire of Wanneroo Aged Persons' Homes Trust Inc;
- 2 ADOPTS a more strategic approach to support the development of aged care residential facilities and services for seniors in the City through means such as those detailed in Report CJ369-10/01, and refers the issues raised in this report to the Strategic Advisory Committee – Seniors Interests

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

- 1 SEEKS to have representation on the Board of the Shire of Wanneroo Aged Persons' Homes Trust Inc and NOMINATES Cr A Nixon as the City's representative on the Board;
- 2 ADOPTS a more strategic approach to support the development of aged care residential facilities and services for seniors in the City through means such as those detailed in Report CJ369-10/01, and refers the issues raised in this report to the Strategic Advisory Committee – Seniors Interests.

Discussion ensued with a number of questions being raised in relation to proposed changes to the constitution of the Shire of Wanneroo Aged Persons' Homes Trust Inc and the appropriateness of the City having representation on this Board.

During discussion:

Cr Rowlands left the Chamber at 1947 hrs and returned at 1950 hrs.

Cr Carlos entered the Chamber, the time being 1952 hrs.

Cr Nixon left the Chamber at 1953 hrs and returned at 1955 hrs.

The Motion was Put and

LOST

MOVED Cr Kenworthy, SECONDED Cr Walker that the matter pertaining to the Shire of Wanneroo Aged Persons' Homes Trust Inc be DEFERRED.

The Motion was Put and

CARRIED

Appendix 11 refers. To access this attachment on electronic document, click here:
[Attach11brf231001.pdf](#)

Mayor Bombak declared an interest that may affect his impartiality in Item CJ370-10/01 as he is a patron of the Joondalup Brothers Rugby Union Club.

Cr Baker declared an interest that may affect his impartiality in Item CJ370-10/01 as he is associated with the Joondalup Brothers Rugby Union Club.

Cr Hollywood declared an interest that may affect his impartiality in Item CJ370-10/01 as he is associated with the Beaumaris Sports Association.

**CJ370 - 10/01 COMMUNITY SPORT AND RECREATION
 FACILITY FUND 2001/02 FUNDING ROUND -
 SUBMISSION PRIORITISATION - [22209]**

WARD - All

CJ011016_BRF.DOC:ITEM 15

SUMMARY

The Minister for Sport and Recreation has allocated \$9 million from the Community Sport and Recreation Facility Fund (CSRFF) for the 2001/02 round of applications. Council is requested to assess, rank and rate all applications received from sporting and community groups located within the City.

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

Rank	Applicant	Rating
1	Beaumaris Bowling Club	Well planned and needed by the City
2	Warwick Bowling Club (lighting only)	Well planned and needed by the City
3	Marmion Squash and Social Club	Needed by the City, more planning required
4	Kingsley Junior Football Club	Needed by applicant, more planning required
5	Sorrento Tennis Club	Well planned and needed by applicant
6	Joondalup Brothers Rugby Union Club	Not recommended

BACKGROUND

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

CSRFF grants are available in one of two categories:

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

Annual grants will be given to projects of a less complex nature, which have a total project value between \$3,000 and \$150,000. Grants in this category must be claimed in the next financial year.

Forward Planning grants will be given to projects of a more complex nature, requiring a period of between one and three years to complete, and which have a total project value of \$150,001 and over. Grants given in this category can be claimed in either the first, second or third year of the triennium in which the funds were allocated.

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

The Minister for Sport and Recreation will announce the successful applications in February 2002. The grants will become available in the 2002/03 financial year or in another financial year nominated by the applicant.

DETAILS

All applications were assessed by the Council's Formal Facilities Assessment Group.

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

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

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

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

COMMENT/FUNDING

Applications were received from six community groups within the City of Joondalup with details as follows:

Beaumaris Bowling Club

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

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

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

It is in Council's interest to encourage sporting groups to share clubrooms and pay ongoing operating and maintenance costs. Additional lighting will enhance the potential to increase physical activity of people playing lawn bowls. It will also expand the ability of the Club to use the greens and increase use and patronage of the clubrooms. This will assist in making the Association and its member clubs financially viable and able to fund future development themselves, independent of Council support.

Funding details are as follows:

State Government Contribution (CSRFF)	\$9,133
Local Government Contribution	\$9,134
Applicant Cash Contribution	\$9,133
Total Project Cost	\$27,400

It is proposed that Council list \$9,134 for consideration in the 2002/03 draft budget on the proviso that the Beaumaris Bowling Club is granted \$9,133 from CSRFF and that the Beaumaris Bowling Club agrees to meet the operating costs of additional floodlights.

Warwick Bowling Club

This application is for the conversion of two greens from natural grass to a synthetic surface suitable for the playing of bowls all year round. It also incorporates the installation of floodlighting sufficient for the two greens.

Warwick Bowling Club is located on Warwick Regional Open Space and is a member club of Warwick Recreation Association, which manages the Warwick Open Space Clubrooms. The Warwick Recreation Association consists of three member clubs, Warwick Bowling Club, Greenwood Tennis Club and Perth Outlaws Softball Club. The Warwick Recreation Association supports the proposed project by Warwick Bowling Club.

There are two components to this project, one of which is considered to be supportable by Council with the other seen as not a practice of Council to fund.

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

It is considered, however, that Council should not financially support the two synthetic surface conversions, as it has not been a practice of Council to fund any development of lawn bowling facilities in addition to the basic provision - the first two bowling greens. This has been seen as the responsibility of the Club concerned, as the former City of Wanneroo, at its meeting on 13 July 1994, agreed to contribute to the development costs of the first two bowling greens at Warwick Regional Open Space (Item I40411 refers). It is understood that Warwick Bowling Club, to complete the bowling greens to its required standard, contributed an additional \$20,000. It is considered, nevertheless, that Council should strongly support this application, as this will benefit the Club in terms of member participation and financial

viability. This application, in terms of the synthetic surface conversion proposal, is well planned and needed by the applicant.

It is in Council's interest to encourage sporting groups to share clubrooms and pay ongoing operating and maintenance costs. Additional lighting will enhance the potential to increase physical activity of people playing lawn bowls. It will also expand the ability of the Clubs to use the greens and increase use and patronage of the clubrooms. This will assist in making the Association and its member clubs more financially viable and more able to fund future needs themselves without support from Council.

Funding details are as follows:

State Government Contribution (CSRFF)	\$90,000
Local Government Contribution	\$11,670
Applicant Cash Contribution	\$162,330
Voluntary Labour	\$6,000
Total Project Cost	\$270,000

It is proposed that Council list \$11,670 for consideration in the 2002/03 draft budget on the proviso that the Warwick Bowling Club is granted \$11,670 from CSRFF and that funding provided by the City is used specifically for the floodlighting proposal only and that Warwick Bowling Club agrees to meet the operating costs of additional floodlights.

Marmion Squash Club

This application is for the construction of a new squash facility built onto the existing Fleur Freame Pavilion located in MacDonald Reserve, Padbury. It incorporates 8 squash courts, changerooms, clubroom, bar and kitchen area, and office/storage space.

This application has arisen from the immediate need for Marmion Squash Club to relocate from its current premises at 4 Warburton Avenue, Padbury (approximately 800 metres south of the proposed facility). These premises have recently been rezoned for commercial use, with the owner planning to redevelop the entire facility. The relocation to MacDonald Reserve will have minimal impact on other squash centres as the catchment area, for members and players, will still be the same. Additionally, squash as a sport, is increasing in its level of participation, with all existing nearby centres operating to maximum capacity. These existing squash centres are unable to fully accommodate the Marmion Squash Club and its programs, including an extensive junior development program that has doubled the number of junior players within the last two years.

Historically, the development and ownership of squash centres has been regarded as a commercial venture. However, commercial enterprise is not developing squash centres and is closing existing centres where greater financial returns can be generated through other commercial opportunities. Given this scenario, it becomes an appropriate role for local government to consider providing financial support to squash clubs to develop facilities in the same way as many other community sport and recreation groups. Recent developments, such as those facing the Marmion Squash Club, suggest that local government authorities may become increasingly responsible for the funding of squash court facilities.

Table 1 - Local authority provision of squash facilities

Centres	Scenario	No of Courts	Club arrangement	Club Usage	Other Details
Hartfield Park Recreation Centre, Shire of Kalamunda	Local authority managed recreation centre	4	No Clubs / casual usage	Nil	
Narrogin Recreation Centre, Town of Narrogin	Local authority managed recreation centre	3	Regular hire/booking at minimal rate	High	Additional 2 squash courts and aquatic facility proposed
Park Recreation Centre, Town of Victoria Park	Recreation Centre leased to Leisure Co-WA	3	No Club / casual usage		
Leeming Recreation Centre, City of Melville	Local authority managed recreation centre	7 (Club uses 4 courts, 3 nights/week)	Regular hire/booking	Low (approx 25% of time)	<u>USAGE</u> Peak time–44% Off Peak–27%
Tom Price and Paraburdoo, Shire of Ashburton	Local authority managed recreation centre	2 and 2	One club in each town that only play intraclub games	Low	Tom Price-2 courts converted into a gym. Paraburdoo-downsize in town

Table 1 illustrates that there are no apparent comparable examples of local authority and “not for profit” sporting clubs being involved in the management and operation of squash facilities. The precedent highlighted in the above table demonstrates that in the circumstances where squash facilities are provided by a local authority that they are invariably within a council managed and operated facility and not within leased premises as proposed at MacDonald Reserve.

Marmion Squash Club intends to manage the proposed MacDonald Reserve facility with a community-based perspective, resulting in all monies generated flowing back to the Club. It is proposed that the major sporting users of the facility, Whitfords and Districts Senior Cricket Club, Whitfords and Districts Junior Cricket Club, Whitford Amateur Football Club, Whitford Junior Football Club and Whitford Hockey Club join with the Marmion Squash Club to form a “Sports Association” in the same manner as Beaumaris Sports Association and Warwick Recreation Association.

The “Sports Association” would have to agree to enter into a lease arrangement with the City, to be phased in over a five-year period. This includes paying a lease fee based on 1% of the current replacement value of the building as well as being responsible for operating and maintenance costs of the complex.

MacDonald Reserve is regarded as a “district facility” and as such offers broader benefits to the community in terms of usage all year round by numerous sporting groups. The Sports Association will facilitate all the above sporting groups to work together to manage the clubrooms. It is in the City's interest to encourage sporting groups to share clubrooms and pay ongoing operating and maintenance costs. This will encourage increased use and patronage of the clubrooms, resulting in making the “Sports Association”, and its member clubs, better equipped to fund future development needs, independent of Council support.

The application is needed by the City, however more planning is required to ensure the following:

- that the needs of all existing user groups including non sporting groups are catered for;
- that an appropriate management arrangement is developed and agreed to by the Clubs concerned;
- suitable arrangements for the phasing in of a lease of the facility;
- that future development plans of all user groups based at MacDonald Reserve are considered and addressed in a “Master Plan” for MacDonald Reserve.

It is considered that should all the above be achieved, Council should financially support this application by contributing up to one-third of the costs.

Funding details are as follows:

State Government Contribution (CSRFF)	\$325,000
Local Government Contribution	\$325,000
Applicant Cash Contribution	\$88,000
Donated Material	\$237,000
Total Project Cost	\$975,000

It is proposed that Council list \$325,000 for consideration in the 2003/04 draft budget on the following provisos:

- that the Marmion Squash Club is granted \$325,000 from CSRFF;
- that the Club quantifies its non cash contribution to the City's satisfaction;
- that the needs of all existing user groups, based at MacDonald Reserve, including non sporting groups, are catered for;
- that an appropriate management arrangement is developed and agreed by the clubs concerned;
- suitable arrangements are put in place for the phasing in of a lease of the facility; and
- that the future development plans of all user groups based at MacDonald Reserve are considered and addressed in a “Master Plan” for MacDonald Reserve.

Kingsley Junior Football Club

This application is for the construction of additional changeroom facilities at Kingsley Park, Kingsley.

The application is made on behalf of the four major sporting groups that utilise Kingsley Park. These are: Kingsley Junior Football Club, Kingsley Amateur Football Club Kingsley/Woodvale Junior Cricket Club, and Kingsley/Woodvale Cricket Club. The additional changeroom facilities will be used by the above four clubs as their “home” team changeroom and training facility. They will incorporate the changeroom, first aid room, umpire’s changeroom, shower and toilet facilities, and a multi-use room.

The project also includes redeveloping the existing two smaller, inadequate changerooms into one workable and practicable facility to be used by the “visiting” teams. The current changerooms were originally constructed for junior usage, with no shower facilities and the capacity to only cater for fourteen children.

This application is needed by the applicant, however more planning is required. Costings need to be considered in terms of a commercial/industrial facility rather than a domestic nature. Additionally, it is considered that retaining walls would also need to be constructed, which has not been included in the club’s submission. The clubs have estimated that the cost of the proposed development is \$45,000, which is accurate for a domestic style of development. Council officers have assessed the cost of the development to a commercial standard with appropriate retaining walls will cost approximately \$210,000. The estimated cost of construction is being disputed by the clubs. It is considered that Council should defer consideration of this project so that the cost of the project, including retaining walls, can be reassessed and that the Clubs can then consider if their proposed funding strategy remains viable.

Sorrento Tennis Club

This application has a total project cost of \$48,728 for improvements and upgrades of various areas within the boundaries of the Sorrento Tennis Club, situated at the Percy Doyle Reserve complex at Duncraig. It incorporates landscaping and improved lighting to the front entrance of the Club, two new tennis court surfaces and improved security. This application is well planned and needed by the applicant.

The Sorrento Tennis Club, a not for profit club, currently leases the facility at Percy Doyle from the City. It is considered that Council should not financially support this application, as the Sorrento Tennis Club is responsible for all maintenance and improvements of the leased premises. The terms set out in Clauses 2(i) and 2(w) of the lease clearly outline the Club’s obligations regarding the premises.

“The Lessee HEREBY COVENANTS with the Lessor as follows:

- 2(i) to keep the demised premises and all buildings improvements and fixtures thereon, including all fences, playing surfaces, court lighting, paths and paved areas, door, windows, plumbing and electrical installations now thereon, in good and tenantable repair and condition and clean and in good order to the satisfaction of the Lessor;
- 2(w) that all buildings, playing surfaces and other improvements to be constructed erected or made and all works to be carried out or executed on the demised premises by the Lessee shall be constructed erected made carried out and executed at the cost of the Lessee under the supervision and to the satisfaction of the Lessor’s Building Surveyor and in the event of any dispute the certificate of the said Building Surveyor shall be final;”

It is therefore seen as appropriate that the Sorrento Tennis Club be advised that the improvements to its facilities at Percy Doyle Reserve are the responsibility of the Club.

Joondalup Brothers Rugby Union Club

This application is for the construction/erection of changerooms and toilet facilities at MacNaughton Clubrooms in Kinross. It incorporates four changerooms, two multiple shower blocks, lockable alarmed security storeroom, and external male and female disabled toilets.

Joondalup Brothers Rugby Union Club is currently accommodated with facilities, on and off field, at Iluka District Open Space, under the auspices of the Beaumaris Sports Association. Iluka facilities include showers, changerooms and toilets.

This application is not recommended, as the Club has access to appropriate facilities at Iluka. Council may be aware that there has been a ground allocation dispute between clubs based at Iluka. It is understood that Joondalup Brothers Rugby Union Club is not happy with the current arrangements and wishes to develop separate facilities on its own.

It is considered any long-term plan of the Joondalup Brothers Rugby Union Club to permanently be accommodated at MacNaughton Clubrooms is not viable, due to the permanent and long-term basis with which various community groups currently utilise the facility.

Should Council support a move for Joondalup Brothers Rugby Union Club, it would set an undesirable precedent that may be followed by any number of other clubs. A significant number of clubs could seek single purpose facilities that could result in the City being unduly burdened with requests for financial support for capital and operating expenditure as well as a breakdown of long-term planning strategies which have been established that benefit the wider community.

It has been Council's recent practice to encourage sporting clubs to form associations and share facilities rather than be a single user; support of this proposal would go against this practice. Any proposal for facilities should at least have the support and involvement of both a summer and a winter sport to ensure maximum use and enhance the financial viability of the project. This proposal from Joondalup Brothers Rugby Union Club does not include involvement from any other clubs. Should Council support this proposal, it would result in duplication of facilities and result in Council contributing to facilities that are not needed. It is considered that it is in the best interests of the City and Joondalup Brothers Rugby Union Club for the Club to remain at Iluka Open Space and that the Club be advised that Council does not support its proposed relocation to MacNaughton Park, Kinross.

OFFICER'S RECOMMENDATION: That Council:

- 1 **FORWARDS** the following Community Sport and Recreation Facilities Fund applications to the Department of Sport and Recreation with the following rankings and ratings:

Rank	Applicant	Rating
1	Beaumaris Bowling Club	Well planned and needed by the City

- | | | |
|---|--------------------------------------|---|
| 2 | Warwick Bowling Club (lighting only) | Well planned and needed by the City |
| 3 | Marmion Squash and Social Club | Needed by the City, more planning required |
| 4 | Kingsley Junior Football Club | Needed by applicant, more planning required |
| 5 | Sorrento Tennis Club | Well planned and needed by applicant |
| 6 | Joondalup Brothers Rugby Union Club | Not recommended |
- 2 LISTS for consideration \$9,134 in the 2002/03 Draft Budget on the proviso that Beaumaris Bowling Club is granted \$9,133 from CSRFF and that the Beaumaris Bowling Club agrees to meet the operating costs of additional floodlights;
- 3 LISTS for consideration \$11,670 in the 2002/03 Draft Budget on the proviso that Warwick Bowling Club is granted \$11,670 from CSRFF and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights;
- 4 LISTS for consideration \$325,000 in the 2003/04 draft budget on the following provisos:
- that the Marmion Squash Club is granted \$325,000 from CSRFF;
 - that the Club quantifies its non cash contribution to the City’s satisfaction;
 - that the needs of all existing user groups at MacDonald Reserve, including non sporting groups, are catered for;
 - that an appropriate management arrangement is developed and agreed by the clubs concerned;
 - suitable arrangements are put in place for the phasing in of a lease of the facility; and
 - that future development plans of all user groups based at MacDonald Reserve are considered and addressed in a “Master Plan” for MacDonald Reserve.
- 5 DEFERS consideration of the Kingsley Junior Football project for 12 months in order that the cost of the project, including retaining walls, can be reassessed and that the Clubs consider if their proposed funding strategy remains viable;
- 6 ADVISES the Sorrento Tennis Club that no financial contribution will be granted for the improvements and upgrades to its facilities at Percy Doyle Reserve, as under the terms of the Club’s lease, all improvements are the responsibility of the Club;
- 7 ADVISES Joondalup Brothers Rugby Union Club that its proposed relocation is not supported and that no financial contribution will be granted towards the development of new facilities at MacNaughton Park, Kinross.

ADDITIONAL INFORMATION

Since the Briefing Session on 16 October 2001, correspondence has been received from various parties in relation to the submission received from the Marmion Squash and Social Club for funding under the CSRFF grants scheme. This memorandum provides information in relation to this correspondence and addresses a number of related issues. Copies of the correspondence are available upon request.

Correspondence has been received from the proprietor of the West Coast Squash Centre in North Beach and from the legal company, Ilberys, representing the owner of the business Mullaloo Squash and the registered proprietor of the land from which that business is conducted. Both items of correspondence opposed funding being provided for the construction of new courts and expressed concerns as to the need for the courts used by the Marmion Squash and Social Club to be replaced and the likely impact upon their businesses if the Council were to proceed with a proposal to develop the facilities as suggested at MacDonald Reserve. Specific issues addressed in the correspondence included impact on other squash centres, participation levels and current capacity of other existing centres, development of juniors, role of commercial enterprise, impact on the financial viability of current commercially operated centres, and the inappropriateness of the proposed site for the new courts.

Correspondence also has been received from the President of the Perth Northern Suburbs Branch of the Association of Independent Retirees, Inc and the President of Whitford Wider Vision Club Inc. Both presidents have questioned the suitability of the facilities at MacDonald Reserve to be extended in the manner proposed, have expressed concern as to the benefit to the existing users if the squash courts were to be constructed at the site, and have expressed concern at the inconvenience that would be caused to their organisations during any construction phase.

A letter has also been received from a resident of Hillarys expressing opposition to the application by the Marmion Squash and Social Club based on the high cost per member for the construction of the proposed facility, the limited spectator appeal of the sport of squash, disruption to users of existing facilities at MacDonald Reserve, and the proximity of the Marmion Squash and Social Club to other existing squash facilities.

As part of the development of this project, the owners of the Marmion Squash Centre have agreed to a two and a half year time frame to August 2003, to enable the Marmion Squash and Social Club to make alternative arrangements regarding a playing venue. The City, in conjunction with the Club, unsuccessfully sought to have this period extended to August 2004 to allow time for an overall master plan to be developed for MacDonald Reserve. Given that there is a need to have arrangements in place for the 2003 date, the Club has decided to continue as a club, albeit without a home court, using facilities at North Beach and Stirling.

The project being proposed by the Club has been discussed with Squash WA, the sports governing body. In correspondence received from the governing body that accompanied the Marmion Squash and Social Club's initial application, there was overall support for the maintenance of squash facilities in the Marmion area.

On Monday 22 October 2001, the City forwarded copies of the two letters received from the proprietors of the neighbouring squash centres to Squash WA seeking that body's comment. The next Board meeting of Squash WA coincides with the City's Council meeting on Tuesday 23 October 2001.

Council officers have become aware that that the issues facing the Marmion Squash Centre/Club are not isolated and that there are other facilities in the northern corridor, which face a similar situation. It is therefore important that Squash WA, as the sports governing body, provides strategic leadership as to the facility requirements of the sport. The alignment of the sports strategic plan for facilities, in conjunction with the City's Master Plan for MacDonald Reserve, would provide the opportunity for the City to make an informed decision regarding the development of facilities at MacDonald Reserve.

In undertaking the assessment of the application received from the Marmion Squash Club, the City's officers have been mindful of the needs of the existing users of the facilities at MacDonald Park. The conditions included as part of the recommendation clearly place a strong responsibility upon the Marmion Squash and Social Club to integrate with the other users as part of a sports association and therefore operate as a club in a manner which is beneficial to all parties concerned. This approach is being followed by the City at other major facilities with the Warwick Sports Association and the Beaumaris Sports Association being comparable examples of good practice.

The project as presented by the Marmion Squash and Social Club is a major project, which has implications upon squash as a sport as well as the operation of MacDonald Reserve as a sporting facility. It is also a project that is reliant upon the outcome of the Community Sport and Recreation Facilities Fund grants program. Further development of the planning process and the MacDonald Park Master Plan, in conjunction with the Club, other facility users and the governing body for the sport, as suggested within the report recommendation, would appear to remain a prudent way forward for the City.

MOVED Cr Rowlands, SECONDED Cr Hollywood that Council:

1 FORWARDS the following Community Sport and Recreation Facilities Fund applications to the Department of Sport and Recreation with the following rankings and ratings:

Rank	Applicant	Rating
1	Beaumaris Bowling Club	Well planned and needed by the City
2	Warwick Bowling Club (lighting only)	Well planned and needed by the City
3	Marmion Squash and Social Club	Needed by the City, more planning required
4	Kingsley Junior Football Club	Needed by applicant, more planning required
5	Sorrento Tennis Club	Well planned and needed by applicant

6 Joondalup Brothers Rugby Union Club Not recommended

- 2 **LISTS for consideration \$9,134 in the 2002/03 Draft Budget on the proviso that Beaumaris Bowling Club is granted \$9,133 from CSRFF and that the Beaumaris Bowling Club agrees to meet the operating costs of additional floodlights;**
- 3 **LISTS for consideration \$11,670 in the 2002/03 Draft Budget on the proviso that Warwick Bowling Club is granted \$11,670 from CSRFF and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights;**
- 4 **LISTS for consideration \$325,000 in the 2003/04 draft budget on the following provisos:**
- **that the Marmion Squash Club is granted \$325,000 from CSRFF;**
 - **that the Club quantifies its non cash contribution to the City’s satisfaction;**
 - **that the needs of all existing user groups at MacDonald Reserve, including non sporting groups, are catered for;**
 - **that an appropriate management arrangement is developed and agreed by the clubs concerned;**
 - **suitable arrangements are put in place for the phasing in of a lease of the facility; and**
 - **that future development plans of all user groups based at MacDonald Reserve are considered and addressed in a “Master Plan” for MacDonald Reserve.**
- 5 **DEFERS consideration of the Kingsley Junior Football project for 12 months in order that the cost of the project, including retaining walls, can be reassessed and that the Clubs consider if their proposed funding strategy remains viable;**
- 6 **ADVISES the Sorrento Tennis Club that no financial contribution will be granted for the improvements and upgrades to its facilities at Percy Doyle Reserve, as under the terms of the Club’s lease, all improvements are the responsibility of the Club;**
- 7 **ADVISES Joondalup Brothers Rugby Union Club that its proposed relocation is not supported and that no financial contribution will be granted towards the development of new facilities at MacNaughton Park, Kinross.**

1st AMENDMENT MOVED Cr Mackintosh, SECONDED Cr Walker that the Motion be amended as follows:

- 1 **That Point 1 be amended to read:**

“Marmion Squash and Social Club Not recommended”;

2 That Point 4 be amended by the DELETION of the following dot points:

- that the Marmion Squash Club is granted \$325,000 from CSRFF;*
- that the Club quantifies its non cash contribution to the City's satisfaction;*
- suitable arrangements are put in place for the phasing in of a lease of the facility.*

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 2003 hrs and returned at 2004 hrs.

The 1st Amendment was Put and

CARRIED

2nd AMENDMENT MOVED Cr O'Brien SECONDED Cr Walker that Point 3 of the Motion be amended to read:

“3 LISTS for consideration \$90,000 in the 2002/03 Draft Budget on the proviso that Warwick Bowling Club is granted \$90,000 from CSRFF, for the conversion of two greens to synthetic surfaces, and for the installation of floodlighting for the two greens.”

Discussion ensued.

During discussion:

Cr Patterson left the Chamber at 2025 hrs and returned at 2027 hrs;

Cr Walker left the Chamber at 2036 hrs and returned at 2038 hrs.

The 2nd Amendment was Put and

LOST

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

In favour of the Amendment: Crs Kenworthy, O'Brien and Walker

Against the Amendment: Mayor Bombak, Crs Mackintosh, Hurst, Patterson, Rowlands, Hollywood, Nixon, Carlos, Baker and Kimber.

3rd AMENDMENT MOVED Cr O'Brien SECONDED Cr Kenworthy that Point 5 of the Motion be amended to read:

“5 LISTS for consideration an amount of \$15,000 on the proviso that funding of \$15,000 is granted from CSRFF and that Kingsley Junior Football Club contributes \$15,000, for additional changeroom facilities at Kingsley Park, Kingsley.”

Discussion ensued.

The 3rd Amendment was Put and

CARRIED

Cr Kenworthy advised he wished to move an amendment in relation to Point 6 of the Motion. Mayor Bombak advised that two amendments had been carried to the original motion, and Clause 4.3 of the City's Standing Orders did not permit further amendments to be made to the original motion.

C117-10/01 SUSPENSION OF STANDING ORDERS

MOVED Cr O'Brien SECONDED Cr Baker that, in accordance with Clause 8.1 of the City's Standing Orders Local Law, Clause 4.3 of Standing Orders be SUSPENDED to permit further amendments to be made to Item CJ370-10/01 – Community Sport and Recreation Facility Funding 2001/02 Funding Round – Submission Prioritisation.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

4th AMENDMENT MOVED Cr Kenworthy, SECONDED Cr Patterson that Motion 6 be amended to read:

“6 LISTS for consideration \$16,000 for Sorrento Tennis Club, for the improvements and upgrades to its facilities at Percy Doyle Reserve, subject to equal contributions being made by the CSRFF and the Sorrento Tennis Club.”

Discussion ensued.

The 4th Amendment was Put and

LOST

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

In favour of the Amendment: Crs Kenworthy, Patterson, O'Brien, Baker and Kimber.

Against the Amendment: Mayor Bombak, Crs Mackintosh, Hurst, Rowlands, Walker, Hollywood, Nixon and Carlos.

5th AMENDMENT MOVED Cr Baker, SECONDED Cr Kenworthy that the following words be added at the end of Point 7 of the Motion:

“..... but however advises that the Council, being the lawful true owner and manager of the Public Open Space adjacent to the Beaumaris Sports Association's club rooms, will ensure that the City's only Rugby Union Football Club will have its only Rugby Union playing field relocated back to its position in front of the Beaumaris Sports Association's club rooms and the City will use its best endeavours to facilitate negotiations to have the Rugby Club included as a constituent member of the Beaumaris Sports Association Inc.”

Discussion ensued.

The 5th Amendment was Put and

CARRIED

The Original Motion, as amended, being:

That Council:

1 FORWARDS the following Community Sport and Recreation Facilities Fund applications to the Department of Sport and Recreation with the following rankings and ratings:

Rank	Applicant	Rating
1	Beaumaris Bowling Club	Well planned and needed by the City
2	Warwick Bowling Club (lighting only)	Well planned and needed by the City
3	Kingsley Junior Football Club	Needed by applicant, more planning required
4	Sorrento Tennis Club	Well planned and needed by applicant
5	Marmion Squash and Social Club	Not recommended
6	Joondalup Brothers Rugby Union Club	Not recommended.

2 **LISTS for consideration \$9,134 in the 2002/03 Draft Budget on the proviso that Beaumaris Bowling Club is granted \$9,133 from CSRFF and that the Beaumaris Bowling Club agrees to meet the operating costs of additional floodlights;**

3 **LISTS for consideration \$11,670 in the 2002/03 Draft Budget on the proviso that Warwick Bowling Club is granted \$11,670 from CSRFF and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights;**

4 **ENSURES:**

- that the needs of all existing user groups at MacDonald Reserve, including non sporting groups, are catered for;**
- that appropriate management arrangements are in place;**
- that future development plans of all user groups based at MacDonald Reserve are considered and addressed in a “Master Plan” for MacDonald Reserve.**

5 **LISTS for consideration an amount of \$15,000 on the proviso that funding of \$15,000 is granted from CSRFF and that Kingsley Junior Football Club contributes \$15,000, for additional changeroom facilities at Kingsley Park, Kingsley;**

6 **ADVISES the Sorrento Tennis Club that no financial contribution will be granted for the improvements and upgrades to its facilities at Percy Doyle Reserve, as under the terms of the Club’s lease, all improvements are the responsibility of the Club;**

7 **ADVISES Joondalup Brothers Rugby Union Club that its proposed relocation is not supported and that no financial contribution will be granted towards the development of new facilities at MacNaughton Park, Kinross, but however advises that the Council, being the lawful true owner and manager of the Public Open Space adjacent to the Beaumaris Sports Association’s club rooms, will ensure that the City’s only Rugby Union Football Club will have its only Rugby**

Union playing field relocated back to its position in front of the Beaumaris Sports Association's club rooms and the City will use its best endeavours to facilitate negotiations to have the Rugby Club included as a constituent member of the Beaumaris Sports Association Inc.

Was Put and

CARRIED

Cr Baker left the Chamber at this point, the time being 2124 hrs.

C118-10/01 RESUMPTION OF STANDING ORDERS

MOVED Cr O'Brien SECONDED Cr Hurst that Standing Orders be RESUMED.

The Motion was Put and

CARRIED

INFRASTRUCTURE MANAGEMENT

**CJ371 - 10/01 TENDER NO. 006-01/02 - KERBSIDE RECYCLING
COLLECTION – [05090]**

WARD - All

CJ011016_BRF.DOC:ITEM 16

SUMMARY

The Service Agreement for the Supply of Kerbside Recycling Services between the City of Joondalup and City of Wanneroo expires on 1 January 2002 and to provide for the continuation of the service it was necessary to seek a public tender. Accordingly, a tender for the recycling collection service was advertised on 29 August 2001 and the following six tenders were received:

- City of Wanneroo
- Cleansweep
- Cleanaway
- Koast Corporation

- City of Wanneroo alternate
- Cleanaway alternate

The tender specification had two options. The first option was based on the current format of a separate collection run for bags and a separate run for the carts. The second option was for a co-mingled collection system of a single run for bags and carts. This opportunity for a co-mingled collection system arose because of the current upgrade of the Materials Recovery Facility to a co-mingled system.

The tenders have been evaluated in accordance with the selection criteria and conditions of tendering and it is recommended that the tender submitted by Cleansweep be accepted for the lump sum price for four years with an option for an extension of one year subject to Council's approval.

BACKGROUND

The Service Agreement for the Supply of Kerbside Recycling Services between the City of Joondalup and City of Wanneroo expires on 1 January, 2002. The City of Joondalup is committed to its kerbside recycling programme and requires bags and carts to be emptied and the collected materials delivered to the City of Wanneroo's Materials Recovery Facility (MRF), Wangara.

This tender specification differs from the current service agreement with the City of Wanneroo in that the task for sorting the materials is now covered by a separate agreement. This has been the subject of a previous report to Council (CJ370-12/00) and it essentially relates to the upgrade of the MRF facility to a co-mingled system.

The current collection system requires bags and carts to be collected separately because of the split system MRF. This current separate collection system forms the first option of the tender. The upgrade of the MRF to a co-mingled system presented the City with the opportunity to explore a single co-mingled collection system of collecting bags and carts together (this forms option 2 of the tender). This co-mingled collection format presented the industry with a new challenge and the evaluation committee has paid considerable attention to detail with respect to this issue. After interviews with the tenderers, the evaluation committee considers it is feasible to introduce the one collection system and therefore all tenders have been evaluated, i.e. option 1 and option 2.

DETAILS

A tender for the recycling collection service was advertised on 29 August 2001 and the City at the time of opening the tender box on 20 September, 2001 received the following six tenders:

City of Wanneroo (Option 1)
Cleansweep (Option 2)
Cleanaway (Option 2)
Koast Corporation (Option 1 & 2)

City of Wanneroo alternate (Option 1)
Cleanaway alternate (Option 2)

Tender evaluation method

The tender specification provided the following selection criteria:

- Contract Price: demonstrated by the Lump Sum Price (Option 1 or Option 2 or both);
- Demonstrated performance in similar projects;
- Adequate resources available to carry out works;

- Overall compliance with tender specification and requirements;
- Methodology to service the contract;
- The tenderer to provide details on how it will deliver the service to provide benefit to the local community in terms of local employment and economic development.

The tender specification provides a strict set of performance criteria under which the contract will be assessed.

Following evaluation of the tenders received the Tender Evaluation Committee interviewed each tenderer without prejudice to have a clear understanding on the proposed methodology to be applied on the performance of the contract.

One of the main focuses of attention on the tenders was on option two and the methodology used to collect bags and carts on the same collection run. In detailed discussion with each of the tenderers who nominated this option, it became evident that it was possible for the system to operate. After ensuring that all Occupational Health and Safety issues were addressed and the feasibility of the operation, the Tender Evaluation Committee decided to include option two in the final assessment.

Each tenderer was provided with further details on the uneven spread and number of collections over the two weekly collection period.

Evaluation Results

Cleansweep demonstrated to the Tender Evaluation Committee that although they have had limited experience in the actual collection of recycling bags and carts, their experience in similar work including being a successful contractor to local government, meeting performance criteria, equipment maintenance, training personnel and providing customer service was of the highest order. Cleansweep's current business includes road sweeping, which provides similar synergy of operating slow moving sophisticated vehicles on traffic congested public roads and managing people movement and vehicles. They appeared to be more willing participants in designing a service specifically for the City of Joondalup rather than the City having to fit a system already in place.

Cleanaway submitted a qualified tender with a cost escalation clause whilst the remaining tenderers submitted a fixed and lump sum price for the life of contract. By this offer, Cleanaway negated the City's conditions of tendering and opened uncertainties to determine its future cost to the Council should it be accepted. Cleanaway's second tender (stated as alternative) offered a lower price from its first tender as this was based on the full period of 5 years instead of the specified 4 years with a 1 year extension option. Cleanaway however, withdrew its tenders after discussions with the Tender Evaluation Committee.

City of Wanneroo provided one tender with lump sum price for each year in accordance with the tender specification and one alternative tender with a lump sum price for first year only with cost escalation on negotiated and CPI adjustment for the remaining years.

In the tender evaluation process, for equity reasons, the total cost to the City of Joondalup was determined by providing an extra cost to all tenders, other than the City of Wanneroo, for administration services associated with the contract. This is estimated to cost approximately \$25,000 pa. The City of Wanneroo currently provides this service and included such provision in the contract price and this was recognised in the evaluation of the tendered prices. This factored cost did not change the evaluation outcome.

Tender Prices

The lump sum prices (based on 46,000 bags and 5000-5500 carts for option 1 and 50,000-52,000 bag and carts for Option 2) are as follows:

OPTION 1 (Separate bag and cart pick up)

Lump Sum Prices \$						
Tender Submitted by	Year 1	Year 2	Year 3	Year 4	Year 5 extended	Total in full five years
City of Wanneroo	885,606	967,081	1,053,871	1,142,431	1,239,848	5,288,837
*City of Wanneroo (Alternate)	906,700	*1,026,168	*1,067,215	*1,109,903	*1,154,299	5,344,285
Koast corporation	863,960	881,239	898,864	916,841	935,178	4,496,083

*City of Wanneroo's alternate tender was submitted with a first year lump sum and a formula for a rate based on CPI. Considering the previous 12 months CPI was about 5.9%, the City of Wanneroo's alternative bid for first year was extrapolated with 4% increase for the purpose of tender evaluation and sensitivity analysis. For equity, four percent was used as this was considered to be the highest realistic increase used by the tenderers. A sensitivity analysis indicated that even at 2% CPI increase the recommended tenderer (Option 2) still provides the best value for the City of Joondalup.

OPTION 2 (combined bag and cart pick up)

Lump Sum Prices \$						
	Year 1	Year 2	Year 3	Year 4	Year 5 extended	Total in full five years
Koast Corporation	904,000	922,080	940,522	959,332	978,519	4,704,452
Cleanaway	973,440	992,368	1,012,648	1,032,928	1,053,208	5,064,592
Cleanaway (alternative)	932,880	951,808	970,736	989,664	1,009,944	4,885,032
Cleansweep	716,560	745,222	775,031	806,032	838,273	3,881,118

Based on the current budgeted costs for the current recycling collection contract Cleansweep's tender represents a saving of approximately 28%.

By accepting Cleansweep's tender over the full term of the contract 4 years the contract price is \$3,042,845 and for the extended term, as determined by Council, an extra \$838,273. The contract for the fifth year is subject to Council's approval and satisfactory performance in accordance with terms and conditions of contract. All prices are GST exclusive.

COMMENT/FUNDING

The result from the tender process has produced an excellent outcome for the City of Joondalup. The decision to upgrade the MRF to a co-mingled facility has translated into a number of significant advantages. These include the flexibility to introduce a single collection system with advantages such as less risk of Occupational Health and Safety

incidences and community safety issues. There are the obvious contractual gains for the City of Joondalup from the savings on capital operating costs such as vehicle maintenance, fuel consumption and labour.

Importantly, it addresses the community perception issue that operating one recycling collection system is better than separate collection for bags and carts, especially when the recycling programme is essentially driven by environmental/conservation values.

With respect to the administration services associated with the contract, there will be a need to provide additional in house staff support. This is considered to require the equivalent of a 0.5 FTE Clerical Administration Officer. Whilst the tender includes a customer service component, there is contract administration required with respect to maintenance of bin records and requests for services for residents who call the City of Joondalup directly. The Tender Evaluation Committee has already factored the cost of this requirement into the evaluation of the tenders.

Following Council's endorsement of this contract, the Director Infrastructure Management will develop the performance indicators in detail within the framework provided under the Contract Specification.

Funding for this contract is available in the Environmental Waste Services Operating Budget.

Account No: 11 60 62 651 5301 0001
Budget Item: Environmental Waste Services
Budget Amount: \$4,693,235

The projected savings by adopting the recommended tenderer will have a positive impact on the budget and will mean a greater transfer to reserves.

MOVED Cr Rowlands, SECONDED Cr Carlos that Council:

- 1 APPROVES tender 006-01/02 submitted by Cleansweep for a lump sum price (exclusive of GST) of \$716,560 in first year, \$745,222 in second year, \$775,031 in third year and \$806,032 in fourth year with an option of \$838,273 for the fifth year subject to Council's approval, and its price schedule, for commencing the contract from 1 January 2002;**
- 2 NOTES the establishment of a Waste Management Clerical Administration Officer position;**
- 3 NOTES the economic and environmental gains from changing to a single run collection system;**
- 4 ACCEPTS the request of withdrawal of the tenders by Cleanaway;**
- 5 NOTES the positive outcomes from the decision to upgrade of the Materials Recovery Facility at Wangara;**
- 6 AUTHORISES execution of the contract documents under common seal.**

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT**CJ372 - 10/01 2002 ROYAL AUSTRALIAN PLANNING INSTITUTE
NATIONAL CONGRESS – [09047]****WARD - All**

CJ011016_BRF.DOC:ITEM 17

SUMMARY

The Royal Australian Planning Institute (RAPI) Congress is the peak forum for town planning in Australia. The National Congress is an annual event, and is usually held in October of each year. The October 2000 congress was held in Sydney, and was attended by the Director Planning & Development, and Cr Judi Hurst. The 2001 Congress was held in Canberra, and although budgeted for, was not attended by any representatives of the City of Joondalup. The 2002 National Congress is to be held jointly with the New Zealand Planning Institute, and has been brought forward to April 2002 to be held in Wellington, New Zealand. This is the first joint National Congress, and will cover a number of themes relevant to the City of Joondalup. These themes cover governance, innovation, natural environment and the built environment.

In addition to the Congress, there are a number of projects being undertaken in Wellington and Auckland which parallel with the Precinct Action Planning programme currently being conducted by the City of Joondalup. The Botany Downs town centre in Greater Auckland has also been promoted as a good example of a private, stand-alone, enclosed centre which is changing toward a mixed use town centre. It is proposed that the Director Planning & Development attend the Congress and visit the local councils of Wellington and Auckland to discuss and view relevant projects and programmes. Funding has been allocated within the Planning & Development budget. It is also proposed that, in accordance with Council's practice, a report be prepared on the outcomes of the Congress and the additional visits.

BACKGROUND

The Director Planning & Development and Cr Judi Hurst attended the National Congress of the Royal Australian Planning Institute (RAPI) in Sydney in October 2000. The 2001 Congress in Canberra this year was not attended, although it was budgeted for.

DETAILS

The next National Congress of the RAPI is to be held jointly with the NZPI in Wellington, New Zealand, from 8-12 April 2002. This is the first joint National Congress and will cover a number of themes relevant to the City of Joondalup. Examples of the topics to be covered are:

Governance, including: business, government, the community and the environment; regional planning; getting what you want out of a consultant; and sustainable business.

Innovation, including: technology in planning; innovation in law and process; planning without rules; and strategic planning.

Natural Environment, including: risk management; natural character and landscape values; coastal environments; sustainable tourism; and managing incremental change.

Built Environment, including: urban amenity; managing urban growth; recreation; and sustainable cities.

While the final programme has not been set yet, the information currently available indicated that a key part of the programme will be a focus on local and regional government, examining trends and issues in common, and reviewing new ideas and innovation in environmental management. A special workshop for Councillors is proposed to be held, just prior to the Congress.

In addition to the Congress there are a number of projects being undertaken in Wellington and Auckland, which parallel the Precinct Action Planning programme currently being conducted by the City of Joondalup. Wellington City has commenced a ten year programme for urban centre upgrades, and an outline of the programme is attached.

The Botany Downs Town Centre in Greater Auckland is reportedly a good example of changing a private, stand-alone enclosed centre toward a mixed use town centre. It is proposed to add value to the attendance at the Congress by visiting these centres, and the local Council involved, during, and either prior to or immediately after the Congress.

COMMENT/FUNDING

The Congress is the peak forum for town planning. Attendance at the congress provides an opportunity to listen to the experience of practitioners from Australia, New Zealand and other overseas countries. It is important to learn from these experiences and, where applicable, adapt them for use by the City.

Contact has been made with officers of both the Wellington City Council and the Auckland City Council. With a number of directly relevant projects being undertaken in these Cities, it would be an opportunity to meet with the representatives of these Councils to discuss their projects and issues of common interest.

It is proposed that the Congress be attended by the Director Planning & Development. It is also considered that it would be of value for an elected member to attend. The approximate cost of the conference is as follows:

Airfares:	Perth – Wellington :	\$537.00
	Wellington – Auckland	\$197.00
	Auckland – Perth	\$581.00
Accommodation:	\$1,500.00	
Registration:	\$ 500.00	
Incidental expenses	\$1,120.00	(Policy 2.2.3 allows \$140 per day to be advanced for overseas incidental expenses)
TOTAL	\$4,620.00	

Account No: 11.40.41.411.3302.0001
Budget Item: Conference Expenses
Budget Amount: \$6,000
Actual Cost: \$4,620

Funding has been allocated within the Planning & Development budget. In accordance with Council's practice, it is proposed that a report would be prepared on return from the Congress.

OFFICER'S RECOMMENDATION: That Council:

1 AUTHORISES

- (a) the attendance of an Elected Member and the Director Planning & Development at the RAPI 2002 Joint National Congress to be held in Wellington, New Zealand from 8-12 April 2002, plus an additional two days, either prior to or following the Congress, to visit the Councils of Auckland and Wellington to discuss and visit projects of common interest with the City of Joondalup;
- (b) the estimated expenditure of \$9,240 to be charged as follows:

\$4,620 to Account No. 11.40.41.411 3302.0001;
\$4,620 to Account No. 11.05.05.052.3521.0001.

2 REQUESTS an information report on the outcomes of the RAPI 2002 Joint National Congress.

Mayor Bombak and Cr Kenworthy expressed an interest in attending this conference.

Cr Kimber nominated Cr Kadak.

Cr Carlos nominated Cr Nixon.

Cr Hollywood nominated Cr Walker.

MOVED Cr Hollywood, SECONDED Cr Rowlands that the matter pertaining to the RAPI 2002 Joint National Congress to be held in Wellington, New Zealand from 8-12 April 2002 be DEFERRED.

Discussion ensued.

During discussion, Cr Mackintosh left the Chamber at 2125 hrs and returned at 2126 hrs.

The Motion was Put and

CARRIED

CJ373 - 10/01 PROPOSED AMENDMENT NO 10 TO DISTRICT PLANNING SCHEME NO. 2 – CENTRES STRATEGY - [09030]

WARD - All

CJ011016_BRF.DOC:ITEM 18

SUMMARY

The City of Joondalup Centres Strategy adopted by Council on 28 November 2000 (CJ351-11/00) as a policy sets out a number of objectives and principles for centres in the City of Joondalup. This includes the establishment of a hierarchy according to size and function and recommendations that aim to guide the improvement and expansion of centres to at least 2006.

The initiation of this amendment to District Planning Scheme No.2 (DPS2) is proposed to incorporate recommendations of the Centres Strategy and other incidental amendments as follows:

- Modify the definition of ‘shop’, ‘showroom’ and ‘bakery’.
- Permit ‘shop’ as a discretionary use subject to special conditions in the Business and Mixed-Use zones.
- Include provisions relating to the ‘Development of Centres’.
- Modify the limits and net leasable area (NLA) in accordance with Schedule 3 of the ‘Centres Strategy’.
- Include a definition of ‘Centres Strategy’.
- Delete definitions and references to ‘Road House’, ‘Animal Husbandry’ and ‘Takeaway Food Outlet’.
- Include ‘Dry-cleaning Premises’ as a discretionary use in Mixed-Use areas.
- Modify clauses 3.5, 3.6, 3.7 and 3.11, to enable shopping net lettable area to be distributed to all lots within ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ zones.
- Adjust zoning boundaries of Kinross Local Centre and rezone Lot 199 (163) Kinross Drive, Kinross from ‘Residential’ to ‘Commercial’.
- Modify Schedule 3 to delete references to specific lots.
- Include Lot 60 Warburton Avenue as a Local Centre.

The proposed amendment to DPS2 will provide an improved way of distributing appropriate land uses within centres and will improve the process for the expansion and redevelopment of Centres. The changes proposed to Schedule 3 in DPS2 reflect the Centres Strategy’s recommendations for NLA and will re-affirm the retail floor space distribution and strategic role of each centre in the hierarchy.

The use classes of ‘Road House’ and ‘Animal Husbandry’ are no longer considered relevant to the municipality, whilst the interpretation of ‘Takeaway Food Outlet’ is no longer necessary.

The inclusion of 'Dry cleaning premises' in a Mixed-Use zone will enable this land use to be appropriately located in the scheme area.

The zoning boundaries of the Kinross Drive Local Centre do not align with property boundaries and therefore requires adjustment. Lot 199 (163) Kinross Drive, Kinross was intended to be included in the commercial zone but subdivision did not align with the zoning. The rezoning of this lot from residential to commercial will rectify this matter.

Schedule 3 of DPS2 is proposed to be modified to exclude reference to particular lots but include all land included in the Commercial, Centre, Business and Mixed-Use zones for each Centre. Lot 60 Warburton Avenue is included as a Local Centre.

It is recommended that Council initiates and adopts Amendment No.10 to DPS2. The amendment process provides for a period of public advertising.

BACKGROUND

The Centres Strategy was initiated to examine issues that concerned the location, size and land use mix of centres and to devise a system to promote the incremental expansion of existing low order centres with shopping and employment related development as a consolidation strategy throughout the City.

As part of the examination of the role and function of centres in the City, the strategy identified that a number of the centres were not performing adequately and in some cases this was due to poor location, poor design and mismatch with their trade area in size or services. In an attempt to address some of these issues the Centres Strategy sets out objectives and principles for centres in the City of Joondalup and establishes a hierarchy for each centre according to their size and function. Some of the standards introduced include a strategy to improve the distribution of land uses in centres and a strategy that encourages the future development, expansion and redevelopment of Centres along 'main street' principles.

Council adopted the Centres Strategy on 28 November 2000 as a policy under DPS2.

DETAIL

Following an examination of the objectives, principles and recommendations of the Centres Strategy the following amendments and inclusions to DPS2 are proposed:

Modify Schedule 1 to include 'new' definition for 'shop', 'showroom' and 'bakery' (Attachment 1 – refer to changes in Schedule 1)

The proposal to modify the definitions for 'shop', 'showroom' and 'bakery' in Schedule 1 of DPS2 follows an examination of the interpretation of the definitions and the need to more closely align the definitions with the Model Scheme Text and the Metropolitan Centres Policy.

Under the current definitions there is some distinction between the use classes of ‘shop’ and ‘showroom’ in that the hire of goods is included in ‘showroom’ and that a number of retail items such as ‘foodstuff, beverages and clothing’ are used to characterise ‘shop’ use and are excluded from the definition of ‘showroom’. A problem exists however with the term ‘goods’ in both definitions being ‘loosely defined’ resulting in the distinction between the two definitions being unclear.

Traditionally there was a distinction between ‘shop’ and ‘showroom’ with the later more akin to the sale or wholesale of ‘bulky goods’. The current definitions however fail to make this distinction resulting in the experience of ‘overlap’ between the two definitions when applied. The proposed definitions invoke ‘scale’ and ‘product by example’ as a basis to the definitions. This is strengthened by the inclusion of a list of examples of goods included as part of a ‘showroom’ and the exclusion of a ‘showroom’ from the definition of ‘shop’.

Changes are required to the definition of ‘bakery’ due partly to the changes proposed to ‘shop’ to enable related uses such as ‘hot bread shops’ to be considered under ‘shop’ rather than ‘bakery’.

Modify Table 1 to permit ‘Dry Cleaning Premises’ subject to Council’s discretion in a Mixed-Use Zone (Attachment 1 – refer to changes to table 1)

Currently ‘Dry Cleaning Premises’ is a non-permitted use in the Mixed-Use zone and was considered during the preparation of DPS2 to be included as a discretionary use but was required to be changed prior to approval by the Minister for Planning.

The use class is considered suitable to be located in Mixed-Use without detriment to the amenity of the surrounding area.

Modify clause 3.2.2 and Table 1 to include a new symbol ‘AS’ that would permit a ‘shop’ use in the Mixed Use Zone and Business Zone subject to Council’s discretion (Attachment 1 – refer to changes to part 3).

In an attempt to improve the distribution of shopping floor area throughout the City of Joondalup and at the same time promote diversity of land uses and create mixed-use environments, the Centres Strategy recommends a new definition for local shop. This is as follows:

“Local shops should not exceed 200m² nla with an aggregate of not more than 1000m², and on a separate lot of not less than 1000m² with direct street frontage of not less than 20 metres”.

The Centres Strategy proposes that local shops be permitted in the ‘Business’ and ‘Mixed Use’ zones of the scheme.

To improve the clarity of this provision, instead of providing a new definition titled ‘local shop’ it is proposed that a ‘shop’ use be considered in the Business and Mixed Use zone subject to Council discretion and development standard’s conditioning the size of the lot, the NLA permitted, and street frontage. The proposal will promote the opportunity for greater land use variety in mixed-use areas, and provide for Council discretion to encourage the appropriate mixed-use development to occur.

Modify Part 4 to include a new clause (4.16) ‘Development of Centres’ (Attachment 1 – refer to changes to Part 4).

A key objective of the Centres Strategy is to promote the revitalisation and re-modeling of existing centres, were practical along ‘main street’ principles, as integrated, mixed use, safe, attractive and vibrant centres that provide for a community focus. As part of this objective, a proposal has been prepared to include new development standards in Part 4 of the Scheme that will achieve this aim in summary as follows:

- Acknowledge Table 1 of the City of Joondalup Centres Strategy that provides a strategic guide to the functions that apply to each level in the hierarchy of centres.
- Provide for the compulsory use of structure plans where a new centre is to be developed or an existing centre redeveloped. Promote built form in the ‘main street’ style of development using design principles outlined in Liveable Neighbourhoods (2001).
- Provide for an alternative development standard reflecting ‘main street’ principles where small scale or partial expansion of an existing centre is proposed.

Include in Schedule 1 a definition for ‘Centres Strategy’ (Attachment 1 – refer to changes to Schedule 1).

The inclusion in Schedule 1 of the Scheme a definition for ‘Centres Strategy’ provides legal recognition to the document wherever cited in the Scheme.

Delete the use classes ‘Road House’ and ‘Animal Husbandry’ from schedule 1 and Table 1 and ‘Takeaway Food Outlet’ from Schedule 1, Table 1 and Table 2 (Attachment 1 – refers to changes to Schedule 1, Table 1 and Table 2).

The use classes ‘Road House’ and ‘Animal Husbandry’ are no longer considered relevant to the scheme area due to the urban nature of the City of Joondalup. The proposal for a new definition for ‘shop’ has resulted in ‘Takeaway Food Outlet’ being considered as part of this definition. As a result a separate definition is no longer considered necessary, and there is no change to use permissibility in the zones concerned.

Adjust the zone boundary of Kinross Drive, Centre and include in Schedule 3 as Kinross ‘Local Shop’ (Attachment 2).

The subdivision boundary of the Kinross Drive Centre did not align with the zoning boundary and therefore requires adjustment. Lot 199 (163) Kinross Drive, Kinross was intended commercial zoning. The property is a vacant corner lot used as a sales office and is abutting a lot zoned commercial. The rezoning of this lot from residential to commercial will rectify the matter. The Centres Strategy identifies this lot as a ‘Local Shop’ under Schedule 3.

Modify Schedule 3 to reflect recommendations for net leasable area (NLA) as per ‘Centres Strategy’ (Attachments 3, 4, and 6) and include all lots in each centre.

Centres Strategy

An inconsistency exists between the existing floor area and Schedule 3 of DPS2 in respect to NLA permitted for 9 of the 41 centres in the City (Attachment 3). The figures provided for Schedule 3 of DPS2 at the time the Scheme was being prepared were based on outdated data and in some cases derived from different interpretations of retail floor space. Figures obtained for the Centres Strategy are based on 1997 WAPC survey.

At the Council meeting on 19 December 2000, Amendment No.3 (CJ381-12/00) was initiated to modify Schedule 3 to increase the NLA for the 9 centres. As an interim measure it was proposed to permit development in these centres until the Centres Strategy was approved. The amendment was not processed by the WAPC with advice that it should be included in the Centres Strategy amendment.

It is proposed to replace the current shopping NLA in Schedule 3 of DPS2 with that identified in Schedule 3 of the Centres Strategy (Attachment 4).

Include all properties zoned ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ zones in the calculation of shopping NLA

The proposal to modify Schedule 3 to include all properties zoned ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ in the calculation of shopping NLA for each centre provides a different approach in the Scheme for dealing with the distribution of shopping net lettable area.

Currently Schedule 3 distributes shopping net lettable area to selected lots in ‘Commercial’ and ‘Centre’ zones but not all lots resulting in some lots not being able to be developed for shopping purposes. An example provided is Warwick Grove Shopping Centre.

A maximum 38,000m² NLA is currently permitted over the Warwick Grove Shopping Centre however this is restricted to only a number of lots identified in Schedule 3. The commercial land use survey indicates a total of 25,015m² occupied as shop floor space. This leaves 12,985m² retail NLA available for future expansion of the centre. As NLA distribution is restricted to a number of selected lots that have already been largely developed, the potential for further expansion of shopping net lettable area is restricted.

Accordingly Schedule 3 is proposed to be modified by deleting the column headed ‘Description of Centre and Commercial Zone’ and Clauses 3.5, 3.6, 3.7 and 3.11 (Attachment 1 – refer to changes to Section 3) modified accordingly to enable shopping net lettable area to be distributed to all lots within these zones.

Warburton Avenue

The proposal to include Lot 60 Warburton Avenue (Padbury – Warburton Avenue West) as a ‘Centre’ in Schedule 3 of DPS2 will enable ‘shop’ to be considered as a possible land use for the site.

The land was developed as a Squash Court in the early 1980’s and was initially successful however later years the subject site was the subject of a number of development approvals. Under DPS2 the land is zoned Mixed-Use which accommodates small scale, low impact land uses. An approval has been granted prior to the approval of DPS2 for the site to provide for a number of uses that include shops, office and consultancy room.

The property is well located on the corner of Warburton Avenue and Renou Street (Attachment 5) and is well placed to take advantage of new provisions proposed for DPS2 that permit 'shop' in Mixed-Use zone subject to special conditions. To enable this to occur the property is required to be identified as a 'Centre' under Schedule 3.

Summary

As a result of the number of changes proposed to Schedule 3 of DPS2, it is proposed be replaced by the 'new' Schedule 3 (Attachment 6) that reflects all changes resulting from the proposals outlined in this report.

Relevant Legislation

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) together with Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and set out the process to be followed (Attachment 7).

Provided an environmental review is not requested the proposed amendment is required to be advertised for public comment for 42 days.

COMMENT

The amendment proposes to make the necessary changes to DPS2 to implement the recommendations of the Centres Strategy, and rectify a number of minor issues.

The amendment will lead to an improved distribution of land uses within centres and will provide improved tools to address the future development, and redevelopment of Centres. The modifications to Schedule 3 will re-affirm the shopping floor space distribution and strategic role of each centre within the City.

The inclusion of a new development standard (4.16) will guide the development of Centres along 'main street' principles and provide for structure plans where new centres or redevelopment of existing centres is proposed. The new standard will encourage alternative development for centres and re-affirms the objectives and principles of the Centres Strategy through DPS2.

The use classes of 'Road House', 'Animal Husbandry' and 'Takeaway Food Outlet' are no longer considered relevant to the scheme area. Their removal will improve legibility of the scheme Text.

The boundary re-alignment of the Kinross Drive Centre and rezoning of Lot 199 (163) Kinross Drive, Kinross from 'Residential' to 'Commercial' will rectify misalignment of the subdivision and zoning boundaries.

Accordingly it is recommended that the amendment be adopted.

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1 in pursuance of Section 7 of the Town Planning & Development Act 1928 (as amended) AMENDS the City of Joondalup District Planning Scheme No 2 as follows:**
 - (a) Modify Schedule 1 to include ‘new’ definitions for ‘shop’, ‘showroom’ and ‘bakery’ as per Attachment 1 to Report CJ373-10/01;**
 - (b) Include in Clause 3.2.2 a new symbol and definition ‘AS’ and modify Table 1 to permit ‘shop’ as a discretionary use subject to special conditions in the Business and Mixed-Use zones as per Attachment 1 to Report CJ373-10/01;**
 - (c) Include in Part 4 a ‘new’ Clause 4.16 ‘Development of Centres’ as per Attachment 1 to Report CJ373-10/01;**
 - (d) Include in Schedule 1 a definition for ‘Centres Strategy’ as per Attachment 1 to Report CJ373-10/01;**
 - (e) Delete the use classes of ‘Road House’ and ‘Animal Husbandry’ from Schedule 1 and Table 1 and ‘Takeaway Food Outlet’ from Schedule 1, Table 1 and Table 2;**
 - (f) Rezone Lot 199 (163) Kinross Drive and Pt Lot 2, Kinross Drive to include both lots completely in the Commercial Zone;**
 - (g) Modify Table 1 to permit ‘Dry Cleaning Premises’ as a discretionary use in Mixed-Use Zone;**
 - (h) Modify Clauses 3.5, 3.6, 3.7 and 3.11 to enable shopping net lettable area to be distributed to all lots within ‘Commercial’, ‘Centre’, ‘Business’ and ‘Mixed-Use’ zones as per Attachment 1 to Report CJ373-10/01;**
 - (i) Modify Schedule 3 as per Attachment 6 to Report CJ373-10/01 to:**
 - (1) list net leasable area (NLA) in accordance with Schedule 3 of the ‘Centres Strategy’;**
 - (2) exclude details of specific properties in the calculation of shopping NLA for each centre;**
 - (3) include Lot 60 Warburton Avenue as a Local Centre;**
- 2 ADOPTS Amendment No 10 accordingly;**

3 ADVISES the Western Australian Planning Commission that Amendment No 3 be superceded upon adoption of Amendment No 10.

The Motion was Put and

CARRIED

Appendix 12 refers.

To access this attachment on electronic document, click here: [Attach12brf231001.pdf](#)

CJ374 - 10/01 REQUEST FOR VARIATION OF CONDITION OF DEVELOPMENT APPROVAL FOR PROPOSED ADMINISTRATION BUILDING ECU CAMPUS: KENDREW CRESCENT, (CNR GRAND BOULEVARD), JOONDALUP - [05082]

WARD - Lakeside

CJ011016_BRF.DOC:ITEM 19

SUMMARY

The development of the Edith Cowan University administration building was approved by Council in June 2001.

Evaluation of the Development Application raised many issues regarding the form and function of the structure. The ability to blend in with the intended Grand Boulevard/Kendrew Crescent streetscape (as described in the City Centre plan and Manual) was identified as a major issue of concern.

In recognition, Council resolved to approve the development, subject to the conditions including a requirement for the addition of land uses at ground level to attract streetscape activity. That objective has now been raised with the applicants on many occasions.

The development will be a major landmark in the City Centre. The architectural style combined with the value of the construction will combine to ensure that the impact and presence of the structure is maximised.

The proponent has requested that one of the conditions of development approval (requiring the introduction of an interactive land use in the ground floor level and addressing the street) be rescinded, and that details submitted to satisfy the Council's requirement for landscaping and softening along the frontages be accepted.

It is recommended that the condition seeking interactive land uses at street level be reaffirmed, as this element is important when considered in the context of the Kendrew Crescent level. The proposed streetscape details are considered acceptable.

BACKGROUND

The University campus has been the subject of incremental development over a number of years. At different times, the City has attempted to engage University representatives in its vision for the integration of the Campus precinct with the City Centre proper. It is apparent, however, that common agreement on the preferred form of development has not been reached. The proposal for the ECU administration building has refocused that issue, due to the proposed location of the building at the intersection of Grand Boulevard and Kendrew Crescent. The presentation of an appropriate built form to the streetscape, and the inclusion of activity foci at the street level are goals which provide a context against which to measure the proposal for a new administration building.

The subject land is very important and has high visual exposure along Grand Boulevard.

DETAILS

In recognition of the importance of the site, the scale of the development, and the innovation provided by the University's designers, the proposal for a radical form of development was approved, subject to a number of refinements and the submission of further details. Those details relate to (inter alia) the relationship of the footpath environment to the building, both physically and in terms of land use.

Council's approval of 26 June 2001 (CJ 214, 06-01 refers), contained a number of conditions particularly drafted to require enhancement of the proposal, as follows:

- “(b) *Suitable active land uses being incorporated into the lower level of the building abutting the street frontages to the satisfaction of the City.*
- (c) *streetscape and landscape improvements being designed in consultation with the City and submitted for subsequent approval, such detail to include the introduction of:*
 - (i) *active land uses at the street frontages of the building;*
 - (ii) *glazing and openings to maximise the interactive nature of the street frontage, particularly in regard to the Kendrew Crescent elevations;*
 - (iii) *landscape strategies to screen the upper floors of the admin building (when viewed from the immediate footpath environment);*
 - (iv) *streetscape features to provide for interactive human scale frontages at street level,*

such measures being thereafter installed in accordance with plans approved by the City.”

There has been continual negotiation with the applicant on these issues.

With regard to point (b) it was intended that the new building incorporate active land uses where it meets the plaza area adjacent to the road intersection. Discussions had been held with the applicant over a considerable period to convey the desire for the introduction of a commercial or engaging land use in this area of the building to support sustained activity on the footpath.

The designer has created a plan which provides for substantial interactivity, but that area is concentrated totally behind the façade of the building, oriented towards the graduation quadrangle area.

Condition (c) was split into various parts, intended to ensure the development of a human scale environment at footpath level. The purpose was to encourage the development of surrounding public areas as welcoming spaces and to avoid having the periphery of the building dominated by it to the point where the path is an unattractive space. In other parts of the City, a welcoming footpath environment has been achieved by creating pedestrian refuge points, including colonnades and awnings, with opportunities to step inside buildings from footpath level, and developing at an appropriate human scale.

The falling grade (downwards) along Kendrew Crescent, when combined with the single level of the building ground floor, has necessitated that the ground floor effectively “rises” out of the footpath, thereby separating the lower level from the path environment. There appears to be no answer to this occurrence (given the chosen design brief). Measures have been proposed to mitigate the separation of the building and the public footpath area, including:

- ◆ planter boxes and landscaping on the verge areas;
- ◆ directional signage on the building wall at eye level;
- ◆ screening of ventilation panels serving the under-croft parking area;
- ◆ a proposal for appropriate landscaping and screening;
- ◆ the refinement and documentation of the building spars which effectively project over pedestrian areas.

The attachments provide a verbatim extract of the applicant’s case asking for removal of the conditions, or agreement that the intent is in conformity with the Council’s intention.

COMMENT

In relation to condition (b) (labelled as 2 in the applicant’s submission), the Council’s request for an active land use in this critical part of the building has not been complied with. There appear to be two fundamental reasons why this is the case and these are discussed below:

1. Visual impact - appearance of the central plaza area (see attachments)
The plaza entry defines a movement spine that extends into the campus. A direct line of site (of over 200 metres) will be framed by the building core, with visitors being drawn down to the graduation quadrangle. The primacy of that viewpoint may be compromised if a commercial enterprise was introduced immediately to one side of the entry area and this is acknowledged.
2. Commercial viability of an interactive land use
The proponent suggests that the commercial interactive uses in the quadrangle area will be well used and very attractive areas for visitors. Comparatively, the entry point to the building will not be so attractive and a commercial venture at the street front may not be viable.

Whilst both the above points may be true in the case of a traditional commercial space, such as a coffee shop etc, the situation may not arise if an opportunity is devised for alternate uses. For example, an internal art gallery space in this location could complement external exhibits so as to make the area more intimate and interesting. Such proposals have not been seriously considered to date.

It is recommended that interactivity be required in this area of the building and that the June condition of approval be re-affirmed.

Condition (c) of the development approval called for the introduction of measures along the streetscape with the aim of promoting the appearance of inter-activity. In response, the applicant has detailed glazing and elevation treatments to mitigate the bulk of those requirements and has actively contributed to the landscape strategy on the footpath area to adequately answer the issues as far as possible. Notably, it has been proposed to integrate art forms in the landscaped areas and to place seating areas and planter boxes to both promote easy travel through the area and to provide a place for a break in the pedestrian journey for rest or as a meeting point.

It is recommended that the proposals documented be accepted as adequately meeting condition (c) of the development approval.

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

1 REAFFIRMS condition (b) of its approval for the development of a new administration building for Edith Cowan University passed on 26 June 2001 in the following terms:

“(b) Suitable active land uses being incorporated into the lower level of the building abutting the street frontages to the satisfaction of the City.”

2 CONSIDERS that the measures proposed in the report and correspondence received from the applicant on 4 and 5 October 2001 adequately address condition (c) of the approval granted on 26 June 2001.

The Motion was Put and

CARRIED

Appendix 13 refers.

To access this attachment on electronic document, click here: [Attach13brf231001.pdf](#)

CJ375 - 10/01 BREACH OF LOCAL GOVERNMENT ACT - OPEN STORAGE OF MATERIALS AND RUBBISH: LOT 211 (19) SWANSON WAY, OCEAN REEF - [49291]

WARD - Marina

CJ011016_BRF.DOC:ITEM 20

SUMMARY

Council, at its meeting on 22 May 2001, resolved to initiate legal action against the owners of Lot 211 (19) Swanson Way, Ocean Reef, for failing to remove open storage of building materials, rubble and general rubbish from the site.

A subsequent inspection of the site revealed that some work had been done to remove the materials and tidy the property, however, it was not considered that the area had been improved sufficiently.

The City's Solicitors were instructed to proceed with the prosecution, however, they now advise that as a result of the subsequent action taken by the landowner, a successful prosecution would be unlikely.

On this basis, it is recommended that Council not proceed with this prosecution.

BACKGROUND

Lot	211
Street Address	19 Swanson Way, Ocean Reef
Land Owner	Mr Gordon A Byrne & Tracy K Byrne
DPS2 Zoning	Residential
Lot Area	749m ²

At its meeting held on 22 May 2001, it was resolved that Council:

- “1 *ORDERS the owners of Lot 211 (19) Swanson Way, Ocean Reef to remove the stored building materials, rubble and general rubbish within 14 days of Council's determination;*
- 2 *ADVISES the owner that failure to comply with this final notice will result in Council initiating legal action pursuant to the provisions of the Local Government Act;*
- 3 *INITIATES legal action against the owner where Item 1 above has not been satisfied within the 14 day period”*

DETAILS

In accordance with Council's resolution, the owner of the property was given 14 days to remove building material, rubble and general rubbish from the land. As no action was taken by the owner in regard to this request, the City's Solicitors were instructed to commence legal action.

A further letter from the Solicitors to the owner of the land requesting compliance was issued. From subsequent inspections, the owner of the land then made some attempt to comply with the City's requests, including the erection of a portion of super six fence on the boundary of the property. However, the property was still not considered to be in a sufficiently tidy state, and the Solicitors were requested to proceed with the prosecution.

The Solicitors now advise that (in summary):

- ◆ In a prosecution, the City must prove beyond reasonable doubt that the defendant has failed to comply with the notice issued. It is not an offence to be the owner of untidy land.
- ◆ There is the possibility the Court will find that the notice issued is not specific enough in its terms with respect to the materials required to be removed.
- ◆ The photos show a fibro cement sheet fence has been constructed in the south east corner of the lot to shield from view the building materials and rubble stored behind it. In these circumstances we do not think the Court would be prepared to convict for failing to comply with the notice. This is because the majority of specified things in the notice (ie building materials, rubble and general rubbish) which were untidy have been shielded from view, if not entirely removed from the premises.
- ◆ In so far as the verge goes, the City's powers are somewhat limited as it is part of the road reserve and is under the care, control and management of the City. There is no power to require a landowner to mow or keep tidy a thoroughfare adjacent to their property in a residential area.

COMMENT

Not every initiation of prosecution will lead to a successful outcome. In this instance, the City's Solicitors advise that the property would need to be in a state of untidiness that is greater than that evidenced in the photos.

The owner has made an attempt to improve the property following Council's resolution to proceed with legal action, by erecting a portion of super six fence along the Kaufman Avenue frontage to assist in shielding the property from view.

It must be noted that the City has managed to direct the owner to improve the property substantially from its initial state of untidiness, as evidenced from photos taken in May 2000. The property is substantially improved in appearance with all materials removed from the verge area, although the verge has not been mown.

On balance, given the unlikely success of the prosecution, together with the risk of having costs awarded against the City, it is recommended that no further legal action be pursued.

The issues raised by the Solicitors' advice will be the subject of further investigation in order to overcome (as far as possible) the issues associated with specifying exact measures in formal notices.

MOVED Cr Patterson, SECONDED Cr Mackintosh that in regard to the proposed prosecution of the owner of Lot 211 (19) Swanson Way, Ocean Reef, given the advice of the City's Solicitors, McLeod and Co, NO FURTHER LEGAL ACTION be pursued in regard to the state of the property.

The Motion was Put and

CARRIED

Appendices 14(a) and 14(b) refer.

To access this attachment on electronic document, click here: [Attach14abrf231001.pdf](#)

[Attach14bbrf231001.pdf](#)

CJ376 - 10/01 DELEGATED AUTHORITY REPORT - SEPTEMBER 2001 [07032]

WARD – All

CJ011016_BRF.DOC:ITEM 21

SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 September 2001 to 30 September 2001.

Cr Baker entered the Chamber, the time being 2129 hrs.

MOVED Cr Kimber, SECONDED Cr Walker that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ376-10/01.

To a query raised by Cr O'Brien, Director Planning and Development advised a proposed garage in Kingsley was to be considered at the Delegated Authority meeting to be held on Thursday, 25 October 2001.

The Motion was Put and

CARRIED

Appendix 15 refers.

To access this attachment on electronic document, click here: [Attach15brf231001.pdf](#)

**CJ377 - 10/01 SUBDIVISION REFERRALS PROCESSED 1 – 30
SEPTEMBER 2001 – [05961]****WARD - All**

CJ011016_BRF.DOC:ITEM 22

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 – 30 September 2001. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98 refer).

DETAILS

The subdivision applications processed will enable the potential creation of 15 additional residential lots. The average processing time taken was 33 days.

MOVED Cr Walker, SECONDED Cr Hurst that Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ377-10/01.

The Motion was Put and**CARRIED**

Appendix 16 refers.

To access this attachment on electronic document, click here: [Attach16brf231001.pdf](#)

C119-10/01 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr O'Brien, SECONDED Cr Kimber that in relation to Item CJ378-10/01 – Minutes of the Tender Evaluation Panel – Provision of Security and Patrols Services – Tender 04-01/02, being:

- **a matter affecting an employee or employees;**
- **a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**

Standing Orders be SUSPENDED in accordance with Section 5.23(2) of the Local Government Act 1995, and the meeting be held BEHIND CLOSED DOORS the time being 2130 hrs.

The Motion was Put and**CARRIED**

Members of the public and press left the Chamber at this point, the time being 2130 hrs.

Director, Community Development left the Chamber, the time being 2130 hrs.

C120-10/01 ADJOURNMENT OF MEETING

MOVED Cr Hollywood, SECONDED Cr Kimber that the meeting be adjourned for 5 minutes, the time being 2135 hrs.

The Motion was Put and

CARRIED

RESUMPTION OF MEETING

The meeting RESUMED and was held behind closed doors, the time being 2139 hrs.

Manager, Contract Management and Probity Auditor, Mr Steve Linden entered the Chamber, the time being 2139 hrs.

**CJ378 - 10/01 MINUTES OF THE TENDER EVALUATION PANEL –
PROVISION OF SECURITY AND PATROLS
SERVICES – TENDER 04-01/02 – [55477]**

WARD - All

CJ011016_BRF.DOC:ITEM 7

SUMMARY

The Tender Evaluation Panel, established to consider the tenders for the provision of Security and Patrols Services, Tender 004-01/02, held meetings on 31 July, 14 September, 25 September and 9 October 2001. The confirmed minutes of these meeting are submitted for the Council's noting. The minutes of the meeting of 9 October 2001 have been circulated under separate cover.

DETAILS

At the Tender Evaluation Panel meeting of 9 October 2001, the Panel concluded its deliberations and evaluation of the tenders and endorsed a recommendation to Council on the preferred tenderer for the provision of security and patrol services. The Panel's Report on the tender evaluation process, probity audit certification and recommendation for the preferred tenderer has been provided direct to elected members under separate cover as a confidential memorandum as the proposal may have staff ramifications.

OFFICER'S RECOMMENDATION: That Council:

- 1 **NOTES** the confirmed minutes of 31 July 2001, 14 and 25 September 2001 of the Tender Evaluation Panel forming Attachment 1 to Report CJ378-10/01;
- 2 **CONSIDERS** the recommendation of the Tender Evaluation Panel's memorandum for the appointment of the preferred tenderer circulated under confidential cover.

MOVED Cr Baker, SECONDED Cr Kimber that Council:

- 1 NOTES the confirmed minutes of the 31 July 2001, 14 and 25 September 2001 for the Tender Evaluation Panel forming Attachment 1 to Report CJ378-10/01;**
- 2 ACCEPTS the tender from NGR Pty Limited, trading as NGS Guards and Patrols for contract 004-01/02 – Provision of Security and Patrol Services for the City of Joondalup for the period of three years, commencing 14 November 2001 to 13 November 2004 for a lump sum price in the first year of \$1,585,985 exclusive of GST in accordance with the price schedule submitted;**
- 3 AUTHORISES the execution of the contract documents under Common Seal;**
- 4 NOTES the unconfirmed minutes of the Tender Evaluation Panel meeting of 9 October 2001.**

During discussion:

Cr Patterson left the Chamber at 2215 hrs.

Cr Nixon left the Chamber at 2243 hrs and returned at 2253 hrs.

MOVED Cr O’Brien, SECONDED Cr Hollywood that the matter pertaining to Provision of Security and Patrols Services – Tender 04-01/02 be **DEFERRED** until December 2001 pending further consideration and review by elected members.

The Procedural Motion was Put and**LOST**

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

In favour of the Procedural Motion: Crs O’Brien, Walker, Hollywood, Nixon and Carlos

Against the Procedural Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Rowlands, Baker and Kimber

The Motion as Moved by Cr Baker, Seconded by Cr Kimber was Put and**CARRIED**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Rowlands, Baker and Kimber

Against the Motion: Crs O’Brien, Walker, Hollywood, Nixon and Carlos

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6min231001.pdf](#)

MOVED Cr Kimber, SECONDED Cr Baker that Standing Orders be RESUMED and the meeting be held with the doors open, the time being 2301 hrs.

The Motion was Put and

CARRIED

Director, Community Development entered the Chamber, the time being 2301 hrs.

Nine members of the public entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, Director, Resource Management read the Motion in relation to Item CJ378-10/01 – Minutes of the Tender Evaluation Panel – Provision of Security and Patrols Services – Tender 04-01/02.

REPORT OF THE CHIEF EXECUTIVE OFFICER

Nil

Crs O'Brien, Rowlands, Hollywood, Nixon and Carlos left the Chamber, the time being 2302 hrs.

ADJOURNMENT OF MEETING

In accordance with Clause 3.1.1 of the City's Standing Orders Local Law, the meeting **ADJOURNED** due to a lapse of a quorum at 2306 hrs, the following elected members being present:

J BOMBAK, JP
P KIMBER
C BAKER
A A WALKER
G KENWORTHY
J A HURST
C MACKINTOSH

Mayor Bombak advised that due to the fact that Council did not now have a quorum in the Chamber, the meeting was adjourned.

Mayor Bombak apologised to those persons in the public gallery and stated that no further business was able to be transacted, including the second public question time requested by Cr Hollywood earlier in the meeting.

It was requested that Cr Hollywood apologise to members of the public at the Council meeting scheduled to be held on 13 November 2001 for his early departure from the Chamber prior to the conclusion of the meeting.

RESUMPTION OF MEETING

In accordance with Clause 3.1.1 of the City's Standing Orders, the Mayor declared the meeting of the Council that commenced on 23 October 2001 that subsequently lapsed due to a lack of quorum **RESUMED** at 1902 hrs on **TUESDAY 13 NOVEMBER 2001**, the following persons being present:

Mayor

J BOMBAK, JP

Elected Members:

Cr P KIMBER	Lakeside Ward
Cr P KADAK	Lakeside Ward
Cr C BAKER	Marina Ward
Cr J F HOLLYWOOD, JP	North Coastal Ward
Cr A WALKER	Pinnaroo Ward
Cr P ROWLANDS	Pinnaroo Ward
Cr M O'BRIEN, JP	South Ward
Cr A L PATTERSON	South Coastal Ward
Cr G KENWORTHY	South Coastal Ward
Cr J HURST	Whitfords Ward
Cr C MACKINTOSH	Whitfords Ward

Officers:

Chief Executive Officer:	D SMITH
Director, Resource Management:	J TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Director, Community Development:	C HALL
Executive Manager, Strategic Planning:	R FISCHER
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Manager, Organisation and Strategic Development:	J KIRTON
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr A Nixon
Cr T Barnett

Leave of absence previously approved:

Cr D Carlos 12 – 26 November 2001

There were 20 members of the Public and 1 member of the Press in attendance.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C121 –11/01 NOTICE OF MOTION - CR C MACKINTOSH – [02154]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Carol Mackintosh has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 23 October 2001:

“That where the Council RECEIVES a public submission from a body of people, incorporated club, organisation, residents associations etc as a result of the public consultation process on issues confronting the City, it regards the submission as one submission unless the content of that submission is individually signed with the name and address of each member/person agreeing with the content of the said submission.”

In support of her Motion, Cr Mackintosh states:

“As it is now Council practice to seek public opinion on a wide range of issues; and unlike petitions, submissions are often received by the Council claiming to represent the views of an unknown quantity of persons (whether they be a club, association or residents residing in a street or suburb.

In order for the Council to gauge the weight of feeling for or against an issue or project, I suggest that all submissions be counted as an individual submission unless the document is signed by those persons who wish to be recorded as having the same views and opinions as those conveyed in the document.”

MOVED Cr Mackintosh, SECONDED Cr Hurst that where the Council RECEIVES a public submission from a body of people, incorporated club, organisation, residents associations etc as a result of the public consultation process on issues confronting the City, it regards the submission as one submission unless the content of that submission is individually signed with the name and address of each member/person agreeing with the content of the said submission.

Discussion ensued.

The Motion was Put and

CARRIED

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

In favour of the Amendment: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Rowlands, Baker, Kadak and Kimber.

Against the Amendment: Crs Hollywood, Walker and O’Brien.

SECOND PUBLIC QUESTION TIME

Mr S Magyar, Heathridge:

Q1 Was Cr. Baker's motion C113-10/01 Vote Of Support – Cr. Paul Kimber, done in accordance with Local Government Administration Regulation 7, sub-clause 2, which states:

“The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.”

Q2 I refer to CJ358–10/01 Urban Animal Management Committee's recommendations and the subsequent resolutions of Council. The recommendations regarding control of cats has been referred back to the committee. Can an explanation be given as to why a plan that has no financial cost to council, involves public education and consultation was referred back to the committee as there appears to be no mention in the minutes of the meeting of the 23rd of the reasons why the recommendation was referred back?

Does Council's decision and the process of that decision comply with the Local Government (Administration) Regulation 11(d) in relation to the process used for returning the Urban Animal Management Committee recommendations back to the Committee?

Q3 I refer to CJ378 – 10/01 Minutes of the Tender Evaluation Panel – Provision of Security and Patrols Services. In the time between the briefing session of 16th October and the Council Meeting of 23rd October, have there been any reports prepared either by Council or outside agencies, such as the Department of Local Government, dealing with security services which could provide further information to assist Council to make a well informed decision?

A1-3 These questions will be taken on notice.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 13 NOVEMBER 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 1909 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
P KIMBER
C BAKER
J F HOLLYWOOD, JP
A WALKER
P ROWLANDS
M O'BRIEN, JP
A PATTERSON
G KENWORTHY
J HURST
C MACKINTOSH