



City of
Joondalup

DRAFT AGENDA

FOR ELECTED MEMBERS'

BRIEFING SESSION

TUESDAY, 12 AUGUST 2003

QUESTION TIME

As adopted by Council on the 17 December 2002

Public question time is provided at meetings of the Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions must relate to the ordinary business of the City of Joondalup or the purpose of the special meeting.

Prior to the Meeting/Briefing Session

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

At the Meeting/Briefing Session

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;
- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

The following rules apply to public question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Disclaimer

Responses to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

Second Public Question Time

Clause 3.2 of the Standing Orders Local Law allows the Council to alter its order of business, which may include a second period of public question time.

Where the Council resolves to include a second period of public question time, an additional period of 15 minutes will be allowed.

This time is allocated to permit members of the public to ask questions on decisions made at the meeting.

DEPUTATION SESSIONS

Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Friday prior to a Council meeting.)

A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputation sessions are open to the public.

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on
TUESDAY, 12 AUGUST 2003 commencing at **6.00 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 PUBLIC QUESTION TIME

The following questions were submitted by Mr Ron De Gruchy, Sorrento to the Briefing Session held on 22 July 2003:

Q1 Re: Proposed Redevelopment of Craigie Leisure Centre: When will the report on the outcome of the meeting held three weeks ago and attended by users of Craigie Leisure Centre be made available to ratepayers?

A1 Further consultation is being undertaken and a report will be presented to Council in the near future.

Q2 What has happened to the two petitions presented to the last Council meeting calling for further proposals for the development and including a 50 metre eight lane pool?

A2 A number of petitions and items of correspondence are being considered as part of the consultation process. These have been forwarded to the architects and project managers and will be included in the report to Council.

Q3 What is the current situation regarding the redevelopment of Craigie Leisure Centre?

A3 The Council has arranged for a briefing from the architects to be held prior to 29 July 2003, and it is anticipated that a report will be presented to the August Council meeting.

Q4 Will the public be allowed to attend when the architect makes the presentation?

A4 The session will be closed. Invitations have been sent out to stakeholders and users of Craigie Leisure Centre to attend two workshops which are being conducted on 25 and 26 July 2003.

The following questions were submitted by Mr S Magyar, Heathridge to the Briefing Session held on 22 July 2003:

Q1 Item 3 – Warrant of Payments: Will the City of Joondalup provide information similar to that provided by the City of Wanneroo, to provide better information to its elected members and members of the public regarding expenditure?

A1 The City complies with its requirements under the Local Government Act and in addition makes available all cheques at its Briefing Sessions. The City is unaware of the information provided by the City of Wanneroo but will endeavour to source this and take it into consideration.

Q2(a) Please provide details of the following expenditure:

*Cheque 49594, \$788 to Artseeker Tours;
Who went on the tour and what was it for?*

A2(a) This payment was not made in connection with a tour.

*Q2(b) Cheque 49596, \$19,000 to Bennett Brook Environmental Service;
What was the service provided?*

A2(b) This payment related to services provided in connection with the Joondalup Coastal Reserve Restoration - Whitfords Sector weed control.

*Q2(c) Cheque 49075, \$8,078 to Australian Institute of Management;
What was the service provided, did it involve staff members training and if so who? Did staff members receive any awards or certificates for such training?*

A2(c) The services provided included staff training courses, workshop facilitation and seminars. Staff members involved in the training included, Administration Secretary, Chief Executive Officer and Senior Administration Officer. Staff members attending training sessions were awarded certificates.

*Q2(d) Cheque 49168, \$1,060 to Australian Institute of Management.
What was the service provided, did it involve staff members training and if so who? Did staff members receive any awards or certificates for such training?*

A2(d) The expenditure was incurred on the purchase of an AIM National Salary Survey. No staff training was involved.

Q3 Item 4 - Appointment of Auditor: Some tenderers did not mention grant acquittal audits. Is it fair to consider matters, which are not part of the requirement of the tender?

A3 The prices quoted were for the information requested. Grant acquittal audits were subsequently looked at to test validity but have not been taken into account in the awarding of the tenders.

Q4 It appears that Mr McHarrie is both the internal and external auditor. Is this sound auditing practice?

A4 Mr McHarrie is not the internal auditor. That position is held by Mr B Barsch.

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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9 DATE OF NEXT MEETING

10 CLOSURE

ITEM 1 SUPPLEMENTARY APPOINTMENT OF AUDITOR – [43831]

WARD - All

PURPOSE

The purpose of this report is to advise Council of the retirement of the City's external auditor and to seek Council's approval to appoint a nominated replacement to enable the completion of the 2002/03 audit.

EXECUTIVE SUMMARY

The City's external auditor, Mr Peter Messer of Deloitte Touché Tohmatsu has retired, effective 31 May 2003.

Deloitte have appointed Ms Leanne Karamfiles as partner and nominated her as the auditor for the City of Joondalup.

Council is required to formally appoint Ms Karamfiles as the City's auditor in order to finalise its 2002/03 financial year accounts.

It is recommended that Council:

- 1 In accordance with Section 7.3 of the Local Government Act 1995 appoints Leanne Karamfiles of Deloitte Touché Tohmatsu as auditor to the City of Joondalup for the 2002/03 financial year, with the appointment to be in accordance with the terms and conditions outlined in the Local Government (Audit) Regulations 1996.
- 2 Authorises the affixation of the common seal to and endorses the signing of the contract documents.

BACKGROUND

The Local Government Act 1995 (the Act) requires the accounts and annual financial report of a local government for each financial year to be audited by an auditor appointed by the local government (section 7.2).

At its meeting of 27 June 2000, Council appointed Mr Graham McHarrie and Mr Peter Messer of Deloitte Touché Tohmatsu as the City's auditors for the triennium covering the financial years 1 July 2000 to 30 June 2003.

The above appointment will conclude after the 2002/03 annual financial accounts have been audited and signed off by the auditor.

DETAILS

The City has recently been advised by Deloitte Touché Tohmatsu (Deloitte) that Mr Peter Messer has retired, effective 31 May 2003, and that due to internal policy on partner rotation

between clients, Mr Graham McHarrie is not able to complete the City of Joondalup audit for the financial year ended 30 June 2003.

Deloitte have appointed Leanne Karamfiles as the replacement partner for Peter Messer and are seeking Council's approval to appoint her as the City's auditor, as required under Section 7.2 of the Act.

Deloitte have also confirmed that Leanne Karamfiles is a registered company auditor and is therefore eligible under Section 7.3 of the Act.

Ms Karamfiles was admitted to the Deloitte partnership in July 2003. She is a member of the Institute of Chartered Accountants Australia and has over 10 years auditing experience.

COMMENTS

Ms Karamfiles satisfies all of the audit criteria required under the Local Government Act (1995) and her appointment to complete the audit of the City's 2002/03 financial accounts is recommended to Council.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute majority.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

- 1 in accordance with Section 7.3 of the Local Government Act 1995 APPOINTS Leanne Karamfiles of Deloitte Touché Tohmatsu as auditor to the City of Joondalup for the 2002/03 financial year, with the appointment to be in accordance with the terms and conditions outlined in the Local Government (Audit) Regulations 1996;**
- 2 AUTHORISES the affixation of the common seal to and endorses the signing of the contract documents.**

ITEM 2 APPOINTMENT OF AUDITOR - 1 JULY 2003 TO 30 JUNE 2006 - TENDER 040-02/03 – [43831]

PURPOSE

This report provides details of tenders received from registered company auditors or approved auditors for the supply of Audit Services to the City for the period 1 July 2003 to 30 June 2006.

EXECUTIVE SUMMARY

The current appointment of Council's external auditors – Mr Graham McHarrie and Mr Peter Messer from Chartered Accountants Deloitte Touché Tohmatsu expires on completion of the 30 June 2003 financial accounts.

In accordance with the provisions of the Local Government Act 1995 (Part 7) and the Local Government (Functions & General) Regulations 1996, tenders were called for the provision of audit services for the City for the financial period 1 July 2003 to 30 June 2006.

Five tenders were received from audit partners with the following Chartered Accounting firms:

- Stanton and Partners
- Deloitte Touché Tohmatsu
- Grant Thornton
- Haines Norton
- Joondalup Business Services

The assessment and evaluation of the audit tenders was undertaken by an evaluation panel using a multi-criterion assessment system.

Following the evaluation and assessment of the tenders it is recommended that the City appoints Mr Graham McHarrie and Mr Peter McIver of Chartered Accountants Deloitte Touché Tohmatsu as the City of Joondalup's external auditors for the financial period 1 July 2003 to 30 June 2006.

BACKGROUND

Pursuant to section 7 of the Local Government Act 1995 and the Local Government (Audit Regulations) 1996 the appointment of an auditor to undertake the audit of a Local Government requires that appointees be a registered company auditor or an auditor approved by the Minister under section 7.5 of the Local Government Act 1995.

Section 7.3(1) of the Local Government Act 1995 requires the auditor to be appointed by an absolute majority for a term of not more than five financial years.

The auditor is to examine the annual financial accounts submitted for audit by 30 September of each year, and by no later than 31 December next following the financial year to which the accounts and report relate, prepare a report thereon and forward a copy of that report to:

- the Mayor;
- the Chief Executive Officer; and
- The Minister for Local Government

The auditor's report forms an integral part of the Annual Report to the electors.

DETAILS

Tender No 040-02/03 for the supply of external audit services to the City for the triennium 1 July 2003 to 30 June 2006 closed at 3.00pm on Tuesday 27 May 2003. Five tenders were received as follows:

Tenderer	Locality	Tender Price (ex GST)			
		2003/04	2004/05	2005/06	Total
Joondalup Business Services	Joondalup	\$23,100	\$23,613	\$24,245	\$70,958
Haines Norton	Osborne Park	\$27,000	\$27,800	\$28,600	\$83,400
Stanton & Partners	West Perth	\$26,000	\$28,000	\$30,000	\$84,000
Deloitte Touché Tohmatsu	Perth	\$28,000	\$29,500	\$31,000	\$88,500
Grant Thornton	Perth	\$33,500	\$33,500	\$33,500	\$100,500

Under the City's Contract Management Framework, the tenders were assessed using a weighted multi-criterion assessment system based on the following selection criteria, as specified in the Tender Document:

- Tenderer's Resources (example of specialised Auditors to undertake this audit service as required under Part 7 of the Local Government Act, support services available, resumes of Auditors available and to be dedicated for the proposed Audit Services)
- Tenderer's previous experience in carrying out similar works
- Methodology to be used
- Audit Plan submitted
- Lump sum price

While Deloitte Touché Tohmatsu did not provide the cheapest tender, they clearly ranked ahead of the other tenderers on the qualitative criteria, which gave them the number one ranking overall. Apart from the tenders submitted by Grant Thornton and Stanton Partners, the other tenderers did not include a cost for grant acquittal audits in their quoted prices (this was not a requirement of the tender and is not included in the above prices). However, when this consideration was factored into the price, Deloitte's were still ranked ahead of all other tenderers.

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; one submission was received from a local business, i.e. Joondalup Business Services.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F&G) Regulation 1996*. Section 7.3(1) of the Local Government Act 1995 requires the auditor to be appointed by an absolute majority which is the reason for this tender being referred to Council for approval.

COMMENT/FUNDING

The audit of the City of Joondalup will be carried out in accordance with the requirements of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996 in the provision of an effective financial and compliance audit of the City.

Interim audit procedures will be conducted during the financial year with the final audit timed to ensure internal and external deadlines are met, particularly regarding the conduct of the Annual General Meeting of Electors.

Mr McHarrie is an audit partner in the Perth office of Deloitte Touché Tohmatsu. Both he and Mr McIver are registered company auditors and each has many years of auditing experience.

The hourly rates and number of hours quoted for the Deloitte “audit team” indicates that 250 team hours has been estimated for the interim and annual audits. This appears to be in the mid range of tenderers and provides value for money given Mr McHarrie’s team’s knowledge of the City’s operations and systems.

Mr McHarrie’s audit approach will focus on:

- Audit planning and risk identification
- Testing and audit response to risks
- Resolution of issues and reporting

Deloitte Touché Tohmatsu currently undertakes audits for the following local governments in addition to the City of Joondalup:

City of Belmont
City of Stirling
City of Subiaco
City of Swan
City of Wanneroo
Eastern Metropolitan Regional Council
Mindarie Regional Council

In the past Mr McHarrie has adopted the practice of meeting with the Chief Executive Officer at the conclusion of his audit at which time the results of the audit and the content of his Management Report are discussed. Since the establishment of the Audit Committee, Mr McHarrie has offered his services to explain the role and responsibilities of both external and internal audit.

Deloitte’s tendered prices are quoted on the basis that all records including completed financial statements, prepared in statutory format and supporting trial balances and recommendations are completed and available at the time of audit.

It should be noted that the City is not compelled to use Deloitte for grant acquittal audits and may choose to use another auditor should this prove more cost effective.

Deloitte Touché Tohmatsu demonstrated that they have the ability to provide best value for money based on the selection criteria and outcome of the tender evaluation.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION as submitted to Council on 29 July 2003

That Council BY ABSOLUTE MAJORITY in accordance with the provisions of section 7.3 of the Local Government Act 1995 appoints Mr Graham McHarrie and Mr Peter McIver of Deloitte Touché Tohmatsu as auditors to the City of Joondalup for the triennium 1 July 2003 to 30 June 2006 at a fee of \$28,000 for 2003/2004, \$29,500 for 2004/2005 and \$31,000 for 2005/2006, plus GST. Such appointments to be under the terms and conditions outlined in the Local Government (Audit) Regulations 1996.

ADDITIONAL INFORMATION

At its meeting held on 29 July 2003 (Item CJ164 - 07/03 refers) Council resolved:

“that consideration of appointment of auditors to the City of Joondalup for the triennium 1 July 2003 to 30 June 2006 be DEFERRED until the next meeting of Council scheduled to be held on 19 August 2003.”

COMMENT

Tenders for the supply of audit services were invited through statewide public advertising on Saturday 10 May and closed on Tuesday 27 May. 5 submissions were received and all were deemed complying.

A detailed report was prepared and presented to the Council in time for the Council briefing session of Tuesday 22 July 2003. Following the Council briefing session, further clarifications were requested by certain Councillors relating to the selection process and specifically to the status of the Joondalup Business Services tender submission.

As a result of the requested clarification, a legal opinion obtained from the City’s solicitors on the power of Council in relation to a recommendation from the administration to accept a tender, has been summarised below.

SUMMARY OF ADVICE

Factors to take into account

Council's decision on which tender to accept must be made in accordance with the specific requirements of the Local Government (Functions and General) Regulations 1996 and the invitation to tender.

Under regulation 18(4) of the Local Government (Functions and General) Regulations, Council can only accept a tender which it thinks will be the 'most advantageous' to the City to accept. However, the Council could not, when determining this issue, take any factor into account, only those factors stated in the selection criteria.

Under regulation 14(2a) of the *Local Government (Functions and General) Regulations*, a local government must, **before tenders are publicly invited**, determine in writing the criteria (including any weightings) for deciding which tender should be accepted.

Under regulation 18(4) of the *Local Government (Functions and General) Regulations* a local government must decide which tender is most advantageous to it to accept based on the evaluation undertaken against each of the selection criteria.

Council in determining which tender to accept, could not take into account a factor that was not included in the written criteria determined under regulation 14(2a). Additionally, after a tender has been publicly invited, Council could not amend the criteria for deciding which tender should be accepted.

With regard to the Invitation to Tender (No. 040-02/03) for the Supply of Audit Services, the criteria for deciding which tender should be accepted is clearly set out in clause 2.11 – 'Selection criteria of tenders'. Therefore, the decision on which tender would be the most advantageous for the City to accept would need to be determined in light of the criteria set out in this clause being:

Quantitative Criteria

Lump Sum Price (demonstrated by the price break-up) and other information provided under the Lump Sum Schedule.

Qualitative Criteria

- i) Tenderer's Resources (example of specialised Auditors to undertake this audit service as required under Part 7 of the Local Government Act, support services available, resumes of Auditors available and to be dedicated for the proposed Audit Services).*
- ii) Tenderer's previous experience in carrying out similar works (References may be checked).*
- iii) Methodology to be used.*
- iv) Audit Plan submitted.*

Further, clause 2.10 – 'Evaluation process' of the Invitation to Tender states that:

The tender assessment will be undertaken by an evaluation panel in accordance with AS 4121 –1994 'code of ethics and procedures for the selection of consultants' and AS 4120 –1994 'Code of tendering'.

and

Submissions will be evaluated using the information provided against the [selection criteria] (outlined above) to determine which tender submission provides the City with best value for money.

The Council would be bound to form its decision on which tender to accept or reject based only on the written evaluation prepared by the evaluation panel. The evaluation panel may only prepare its written evaluation with regard to those factors outlined in clause 2.11 of the Invitation to Tender.

Reasonable decision

Any decision by Council with regard to a tender must be considered a reasonable decision and must be made in light of the selection criteria or it could be challenged and ruled invalid. (*Associated Provincial Picture Houses Limited v Wednesbury Corporation (1948) 1 KB 232*, and *Attorney-General (NSW) v Quin (1990) 1670 CLR 1*)

If this were to occur, any contract subsequently entered into by the City based on the Council's decision would also be invalid. The party who had entered into a contract with the City (the 'contractor') could commence legal proceedings against the City for the losses it will suffer as a result of that contract being invalidated.

FUTURE ACTIONS

Should Council wish to have other factors considered in the selection process for public tenders, it is important to have these factors stated in the invitation to tender as part of the selection criteria.

CONCLUSION

Council may only consider a tender and make a decision on a tender in accordance with what was stated in the invitation to tender documents and including:

- The selection criteria;
- The evaluation process.

Any decision Council makes in this regard must be considered a reasonable decision in light of what Council requested in the invitation to tender. Council does not have the ability to assess the tenders subsequent to an assessment completed by the administration, as this is not as detailed in the invitation to tender.

Should Council subsequently resolve to award a tender that may not be considered a reasonable decision, i.e. a decision based on the information requested in the invitation to tender and assessed in accordance with the process outlined in the invitation to tender, the Council may be challenged on this resolution. Should such a challenge be won, any contract the Council has subsequently entered into would be ruled invalid and Council would be subject to potential legal proceedings for losses incurred by that company.

Should the Council choose to award the contract for the supply of Audit Services to a tenderer based solely on the criteria of that organisation being a local supplier then this will expose the

Council to legal proceedings by other tendering organisations on the basis that this decision may be considered unreasonable in light of the complete selection criteria.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY in accordance with the provisions of section 7.3 of the Local Government Act 1995 APPOINTS Mr Graham McHarrie and Mr Peter McIver of Deloitte Touché Tohmatsu as auditors to the City of Joondalup for the triennium 1 July 2003 to 30 June 2006 at a fee of \$28,000 for 2003/2004, \$29,500 for 2004/2005 and \$31,000 for 2005/2006, plus GST. Such appointments to be under the terms and conditions outlined in the Local Government (Audit) Regulations 1996.

ITEM 3 REIMBURSEMENT OF ELECTED MEMBERS ALLOWANCES AND EXPENSES – MAY TO JULY 2003 – [27122]

WARD All

PURPOSE

To provide an account of allowances and expenses incurred by and paid to each Councillor for May 2003 to July 2003.

EXECUTIVE SUMMARY

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

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

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

BACKGROUND

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

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

DETAILS

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

“1 The Chief Executive Officer cause to be published in all future Agendas of Ordinary Council meetings, a detailed report concerning expenses and allowances incurred by/paid to each Councillor and paid for/reimbursed by the City of Joondalup including, but not limited to, the following expenses and allowances:

1.1 Expenses incurred by each Councillor on Conference and Training

- 1.2 *Expenses ostensibly incurred by each Councillor on Travel and Childcare*
- 1.3 *Allowances paid to each Councillor by way of the communication allowance and the “sitting” or “meeting” attendance fee; and*
- 1.4 *Other expenses incurred by each Councillor*
- 2 *The first such report also include a summary of all such expenses and allowances incurred by/paid to each Councillor since the date of their election to Council; and*
- 3 *At the foot of each report there be a recommendation to note each such report there be a recommendation to note each such report”.*

The first report was presented to Council on 1 April 2003. This report covers the period since the Policy for Payment of Fees, Allowances and Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors commenced for the new Council that was elected on the 3 May 2003. Attachment 1 to this Report shows all allowances and expenses reimbursed to the Councillors May 2003 to July 2003.

ATTACHMENTS

Attachment 1 – Expenses for the period May – July 2003.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the information in relation to reimbursements of Elected Members’ allowances and expenses May to July 2003 as contained in Attachment 1 to this Report.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120803.pdf](#)

ITEM 4 LEASE TO MULLALOO COMMUNITY KINDERGARTEN INCORPORATED AT LOT 21, (27) KOORANA ROAD, MULLALOO – [08515]

WARD - Whitfords

PURPOSE

To seek Council's approval for a new lease for Lot 21 (27) Koorana Road, Mullaloo to the existing lessee Mullaloo Community Kindergarten Incorporated.

EXECUTIVE SUMMARY

The lease of the premises at Lot 21 (27) Koorana Road, Mullaloo between the City and Mullaloo Pre-School Committee expired on 31 December 2002. In the interim, the City has been negotiating with the lessee, in addition to examining its management generally of pre-school and kindergarten leases. Presently, Mullaloo Community Kindergarten continues to occupy the premises under the conditions of the expired lease.

In view of the continued requirement for a kindergarten at this location, it is recommended that Council approves a new lease to the Mullaloo Community Kindergarten, now identified as Mullaloo Community Kindergarten Incorporated.

BACKGROUND

The Mullaloo Community Kindergarten Committee has held a lease on these premises since 1 January 1998, for the purposes of conducting a kindergarten. The lease expired on 31 December 2002. The lease has been operating on a monthly basis under the conditions of the previous lease.

The lessee of the expired lease was the Mullaloo Pre-School Committee, however, there was no evidence of incorporation provided. Legal advice received by the City indicated that it would be unusual and unwise for the City to lease premises to a group of individuals rather than an incorporated association. A certificate of incorporation was therefore requested from the Mullaloo Community Kindergarten. The Certificate of Incorporation states that Mullaloo Pre-School Centre was incorporated on 20 October 1980 and on 20 February 2002, under the Associations Incorporation Act 1987, changed its name to Mullaloo Community Kindergarten Incorporated.

Suburb/Location: Mullaloo
Applicant: Mullaloo Community Kindergarten Incorporated
Owner: City of Joondalup
Zoning: **DPS:** 2 Civic & Cultural
MRS: Urban
Strategic Plan: Aligned to objectives 1.1 and 1.3 of the strategic plan as follows:
1.1 To develop, provide and promote a diverse range of lifelong learning objectives.
1.3 To continue to provide services that meets the changing needs of a growing community.

DETAILS

The legal description of the property is Lot 21 on Diagram 63642 Volume 1642 Folio 453 with a land area comprising 0.4916 hectares. The property was acquired in September 1983 together with the improvement of a kindergarten, the building of which was funded by the former City of Wanneroo with State Government assistance. Community based pre-school centre committees have leased the premises since acquisition.

Over a number of years, the former City of Wanneroo purpose built early childhood venues to meet the needs of local people in line with regional development, and these have been leased by community based pre-school centre committees, as is the case with the subject premises.

It is requested that the new lease be granted in line with the City's standard community lease for a five-year term. The essential terms of the agreement are set out as follows:

Lessee	Mullaloo Community Kindergarten Incorporated
Lessor	City of Joondalup
Land	Lot 21 on Diagram 63642 and being the whole of the land in Certificate of title Volume 1642 Folio 453
Premises	The land and the building and all improvements
Lessor's Interest	Owner in fee simple
Term	5 years
Commencement Date	1 January 2003
Expiry Date	31 December 2007
Annual rent payable on the commencement date	Peppercorn rental of \$1.00
Permitted purpose	Community Kindergarten
Special conditions:	<p><u>Use by community associations and others:</u></p> <p>The lessee shall permit community, charitable and recreational associations and bodies and such other associations, bodies or persons as the lessor may approve, to use the premises at all times when the premises are not required by the lessee, and not to charge any fee for such use in excess of the fees fixed by the lessor from time to time.</p> <p>The lessee shall take bookings by all associations, bodies and persons permitted to use the premises and shall enter all such bookings in a register kept for the purpose together with date, name and fees charged details. This register must be kept for the lessor to view. The use of the premises is to be in accordance with City of Joondalup policy and procedure.</p>

The lessee will be responsible for maintenance, structural repairs and outgoings (including insurances for contents and other operational matters) as for the City's standard community lease. The City will complete a pre-lease inspection and provide a report to the lessee in order that a benchmark is set for the management of the property throughout the term of the lease. The City is responsible for any costs associated with proper maintenance of the building structure and for the provision of building insurance.

Funding for the kindergarten is limited to term fees charged, fund raising and voluntary contributions by parents and the clause in the lease “Use by Community Associations and Others” allows the kindergarten to augment this. This clause also provides flexibility in the use of the facility for the good of the overall community.

Statutory Provision:

The lessee and the purpose independently qualify this lease as an exempt disposition under Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*. Consequently, there is no need to comply with the disposal conditions as provided by Section 3.58 of the Local Government Act, 1995.

Financial Implications:

The tenant is responsible for all operational costs associated with the lease.

COMMENT

In view of the continued requirement for the kindergarten and the agreement by the lessee to lease the facility in line with the City’s standard community lease, it is recommended that the application for a new lease by Mullaloo Community Kindergarten Incorporated be approved.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES a new lease for the kindergarten at Lot 21 (27) Koorana Road Mullaloo to Mullaloo Community Kindergarten Incorporated, subject to:

- 1 the term of the lease being for five years commencing 1 January 2003;**
- 2 peppercorn rental of \$1.00 per annum;**
- 3 the premises to be used for the purpose of a kindergarten and ‘use by community associations and others’ as per Item 9 in the schedule of the lease;**
- 4 maintenance, repairs, outgoings and all legal costs associated with the lease being met by Mullaloo Community Kindergarten Incorporated;**
- 5 signing and affixing of the Common Seal to the lease between the City of Joondalup and the Mullaloo Community Kindergarten Incorporated.**

ITEM 5 MODIFICATIONS TO KINROSS NEIGHBOURHOOD CENTRE STRUCTURE PLAN – PORTION OF LOT 9007 CORNER SELKIRK AND CONNOLLY DRIVE, KINROSS – [20514]

WARD - North Coastal

PURPOSE

The Kinross Neighbourhood Centre Structure Plan (Attachment 1) is brought before Council to consider minor modifications required by the Western Australian Planning Commission (WAPC) prior to their certification of the document in accordance with Part 9 of the City's District Planning Scheme No 2 (DPS2).

EXECUTIVE SUMMARY

The Structure Plan has been prepared to determine the overall detailed land use and form of development within the Centre (Attachment 1). The subject land is divided into three land use areas being, Residential, Civic and Cultural and Commercial. Specific objectives and criteria are proposed to guide the rationale and framework for future subdivision and development of the land.

The Structure Plan was considered by Council at its meeting on 12 February 2002 where it was resolved to adopt it for the purposes of advertising for public comment.

The Structure Plan, together with submissions received during the advertising period, was considered by Council at its meeting on 23 April 2002 where it was resolved to grant final approval to the document with modification and to submit it to the WAPC for adoption and certification.

The WAPC has advised that it notes the submissions made on the Structure Plan, dismisses the submissions that raise objection to the Structure Plan and endorses the Structure Plan subject to bus stops and main street areas being annotated on the development plan of the Structure Plan.

Clause 9.4.1 states that advertising of Structure Plans subject to minor modifications may be waived at the discretion of the Council. Given the WAPC required modifications are considered to be minor in nature, Council's discretion to waive advertising of the WAPC requested modifications is therefore considered appropriate.

It is recommended that Council resolves that the modifications to the Kinross Neighbourhood Centre Structure Plan are satisfactory and advises the WAPC accordingly.

BACKGROUND

Suburb/Location: Kinross
Applicant: Taylor Burrell Barnett on behalf of Peet & Co
Owner: Burns Beach Management Pty Ltd

Zoning: **DPS:** Residential (R40), Business (R20), Commercial (R20), Civic and Cultural (R20)
MRS: Urban

Strategic Plan: Strategy 2.1 – Rejuvenate our suburbs.
 Strategy 2.7 – Encourage the provision of a range of innovative and quality facilities, services and recreational activities, which achieve the physical, social, cultural and intellectual well-being of the community, both locally and regionally.

Council at its meeting on 12 February 2002 (CJ024 – 02/02 refers) resolved:

(That Council)

1. *Pursuant to Clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Kinross Neighbourhood Centre Structure Plan and make it available for public comment for a period of twenty eight (28) days;*
2. *FORWARDS a copy of the Kinross Neighbourhood Centre Structure Plan to the Western Australian Planning Commission for comment.*

Council at its meeting on 23 April 2002 (CJ091 – 04/02 refers) resolved:

(That Council)

- 1 *Pursuant to Clause 9.6 of the City of Joondalup District Planning Scheme No 2, RESOLVES that the Kinross Neighbourhood Centre Structure Plan is satisfactory subject to the following modifications and submits it to the Western Australian Planning Commission for adoption and certification:*

(a) inserting the following new provision 6.1.2 xx as follows:

“Bus bays shall be provided on Selkirk Drive in the vicinity of the Centre and existing bus stops on Selkirk Drive shall be relocated where necessary in accordance with the Department of Transport’s requirements and to the City’s satisfaction.”

(b) Provision 6.1.2 xix being modified to read as follows:

“On-street parking shall be provided along Selkirk Drive to the satisfaction of the City and may be credited to the Commercial Centre’s parking requirement.”

- 2 *Subject to certification of the Structure Plan by the Western Australian Planning Commission, ADOPTS the Kinross Neighbourhood Centre Structure Plan as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.*

DETAILS

The WAPC via correspondence dated 8 February 2003 advised the City that they require two modifications to the Structure Plan. The required modifications relate to annotations being

placed upon the development plan to include bus stops and areas where ‘main street’ form of development is to be provided.

Clause 9.4.1 (a) states that advertising of Structure Plans subject to minor modifications may be waived at the discretion of the Council. Given the WAPC required modifications are considered to be minor in nature, Council’s discretion to waive advertising of the WAPC requested modifications is therefore considered appropriate.

Statutory Provision:

Part 9 of the City’s DPS2 relates to the preparation and adoption of Structure Plans. Clause 9.6.3 (c) states:

If the Commission requires modifications to the Structure Plan the proponent shall make the modifications in consultation with the Council and resubmit the Structure Plan for consideration under clause 9.4.

Strategic Implications:

- 3.1.2 - Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup;
- 3.4.2 - Align use of land and modes of transport.
- 3.5.2 - Assist the facilitation of local employment opportunities.

The redesign and relocation of the Kinross Neighbourhood Centre will increase its exposure and ensure that it reflects current urban design principles, particularly main street forms of urban design, thereby creating economic and lifestyle benefits.

The proposed modifications will facilitate the certification and subsequent finalisation of the Structure Plan.

COMMENT

The WAPC required modifications are considered minor and shall facilitate increased clarity for all users of the document.

The proposed modifications have already been included within the Structure Plan document as written text requirements. The WAPC has sought inclusion of the modifications on the accompanying Development Plan in order to increase transparency and assist in the usability of the document.

ATTACHMENTS

Attachment 1 – Structure Plan

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 EXERCISES its discretion under Clause 9.4.1 (a) of the City’s District Planning Scheme No 2 to waive advertising of the modifications;**
- 2 Pursuant to Clause 9.6 of the City of Joondalup District Planning Scheme No 2, RESOLVES that the Kinross Neighbourhood Centre Structure Plan as per Attachment 1 is satisfactory and submits it to the Western Australian Planning Commission for adoption and certification;**
- 3 Subject to certification of the modified Structure Plan by the Western Australian Planning Commission, ADOPTS the Kinross Neighbourhood Centre Structure Plan as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120803.pdf](#)

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ITEM 6 EDUCATIONAL ESTABLISHMENT (HOSPITALITY TRAINING CENTRE – WEST COAST COLLEGE OF TAFE) LOT 500 (35) KENDREW CRESCENT, JOONDALUP – [01875]

WARD - Lakeside

PURPOSE

The proposal is referred to Council, as the subject site is highly prominent having an important location within the Campus District of the Joondalup City Centre.

EXECUTIVE SUMMARY

An application has been received for the construction of a Hospitality Training Centre on the West Coast College of TAFE site in Joondalup. The proposal includes an educational establishment, the operation of a café, restaurant, delicatessen (take away food store) and the occasional usage of a function hall – these uses are affiliated with the TAFE course in Hospitality.

The proposal is part of the West Coast College of TAFE program to relocate the hospitality training facility from its current location in Carine to Joondalup.

The proposed complex will be located between the future Joondalup Regional Performing Arts Centre and the existing TAFE campus, with the proposed building having an outlook over the existing lake and boardwalk. Main vehicle access will be obtained from the recently approved access/main entry off Grand Boulevard (yet to be constructed).

The development proposal has been submitted to the City in order to provide a recommendation to the Western Australian Planning Commission, which is the determining authority for this proposal.

The proposal expands the existing TAFE campus, which is in keeping with the Joondalup City Centre Development Plan and Manual (Campus District). The proposal is therefore recommended for approval.

BACKGROUND

Suburb/Location: Lot 500 (35) Kendrew Crescent, Joondalup
Applicant: Jones Coulter Young Architects on behalf of the Department of Education and Training
Owner: Landcorp
Zoning: **DPS:** Centre
MRS: Central City Area

The site is bounded by Lakeside Drive, Kendrew Crescent, Grand Boulevard to the west and Central Park. The site has a total lot area of 10.4445ha. The proposed Hospitality Training Centre will be constructed on a portion of the site, which currently comprises of bushland and

abuts the existing boardwalk on the southern edge of the lake. The existing TAFE complex is located to the east of the proposed Hospitality Training Centre.

A location plan is shown at Attachment 1 to this Report and the development plan is shown at Attachment 2 to this Report.

Strategic Plan:

The Hospitality Training Centre will provide the City with another key focal point within the CBD and Learning Precinct. The Strategic Plan 2003-2008 outlines several strategies that support the development of the facility, these include:

- 1.1.1 Continue the development of the City of Joondalup as a Learning City – plan for student growth.
- 1.1.2 Continue the development of leaning precincts and relationships with local stakeholders and service providers.
- 1.1.3 Support whole-of-life learning and creation of knowledge opportunities.
- 1.2.1 Continue to enhance and create new cultural activities and events.
- 1.2.2 Create cultural facilities.
- 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.
- 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.
- 3.2.1 Create and promote cultural tourist attractions.
- 3.5.1 Develop partnerships with stakeholders to foster business development opportunities.
- 3.5.2 Assist the facilitation of local employment opportunities.

Furthermore, the proposal abuts the future Joondalup Regional Performing Arts Centre.

DETAILS

Proposal

The proposal includes the construction of a single storey Hospitality Training Centre of approximately 2000m². The centre will include the following elements:

- Teaching and staffing facilities, including staff office area, skills kitchens, theory rooms and stores;
- A bistro/restaurant with an alfresco area which has an outlook over the lake;
- A boutique wine bar;
- A function/banqueting area, which includes the capacity for an outdoor/marquee setting;
- Citrus grove;
- A delicatessen/mixed food outlet, which will operate as a takeaway outlet for the sale of produce prepared within the kitchen. The delicatessen will also include a small external setting area with tables and chairs; and
- The construction of 20 parking bays, which include two disabled bays.

The centre is proposed to have the following student/staff number:

- Full time students – 163
- Apprentices – 144 attending one of Monday, Tuesday, Wednesday each week
- Part time students – 80 attending evenings, starting at 5pm
- Part time teachers – 5
- Full time teachers – 16
- Administration (support) – 1
- Stores (support) – 6
- Other staff – 1 x cleaner (kitchen)

It should be noted that the access arrangements for the TAFE site which include a new access point off Grand Boulevard were approved by the City on 30 December 2002 and are not included within this application.

Applicant's Justification

The applicant has provided the following information (summarised) in support of the proposed Hospitality Training Centre:

- The proposed Hospitality Training Centre on the Joondalup Campus of West Coast Collage of TAFE provides an opportunity for the Northern Metropolitan Region. The centre will be of significant benefit to the Hospitality and related industries in Western Australia;
- The new centre is being proposed to replace that at the Carine Campus of TAFE. There are a number of reasons behind the proposed RL 50 for the complex. These include the following:
 - (a) the level is consistent with the level taken approximately half way across the lot;
 - (b) the intention is to remove earth from the southern side of the site and place it on the northern half of the site to achieve the required level;
 - (c) operationally, a consistent level from loading dock and stores through to all kitchens and outlets has been seen as a high priority; and
 - (d) the elevated position of the café, restaurant and function space also assists with both views over the lake and with controlling licensed areas.
- The proposal will be designed and checked in accordance with the provision of the Building Codes of Australia (BCA). This will be completed at building licence stage;
- The proposed development will not result in the removal of any existing trees along the boardwalk, as these trees are not located within the subject land.

Statutory Provision:

The subject land is located within the "Centre Zone" of DPS2. DPS2 itself does not contain specific land use or development control provisions for the Centre zone. Instead, the Scheme

requires development to be in accordance with an approved Structure Plan. In this case, the relevant approved Structure Plan is the Joondalup City Centre Development Plan and Manual (JCCDPM). Comment in relation to the specific requirements of the JCCDPM is outlined below.

Consultation:

No advertising of the proposal is considered necessary as no discretionary approval is being sought. It is not considered that the proposed development will have any negative impact on adjoining or surrounding properties, as the proposal does not have any road frontage and is consistent with the existing TAFE College.

COMMENT

Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject land is located within the “Campus” district of the JCCDPM (hereafter referred to as the “plan”). The plan broadly outlines the relevant built form and land use requirements for the land. In relation to the TAFE site, the plan requires development on Grand Boulevard to be guided by the provisions outlined for the “Central Business” district, when assessing frontage to Grand Boulevard. Given that the proposal does not have road frontage, the requirements of the plan in relation streetscape and frontage to Grand Boulevard are not relevant in this case.

An aspect outlined within the JCCDPM is that buildings provide active frontages to provide opportunity for activity and interaction for pedestrians. In the case of this proposal, the northern edge of the building fronts onto the boardwalk for Central Park. It is considered that the proposal should address the boardwalk adequately to provide appropriate interaction with pedestrians.

The plan for this part of the Campus District does not provide any guidance or standards in relation to future development, other than that preferred development should be related to educational uses.

Site works – proposed levels

The subject site slopes downward from the existing parking area abutting TAFE Building Block B (which is at RL50.00) towards the boardwalk (which is at RL47.48). The proposal incorporates substantial site works that involves filling the site to maintain RL50.00 for the entire centre – in accordance with the existing levels of Block B. This will result in the centre being between 2 and 2.5 metres above the boardwalk level. The deck is setback 3.5 metres from the boardwalk (1.5 metres to the lot boundary) and 1.2 metres to the Parks and Reserves land (Central Park).

Concerns are raised in relation to the potential impact the height difference will have on the pedestrian environment along the boardwalk, as the proposed decking area of the centre will be above pedestrian eye level.

The applicant has indicated that the deck area will be treated sensitively, with the building being cantilevered over natural grasses so the pedestrians are not confronted by retaining wall (the retaining wall will be setback). The effect is to create a light pavilion structure in a natural grassland setting. The proposed level is to provide some privacy for the outdoor eating area and provide views to the lake.

It is considered that the differences in levels will have a negative impact on the pedestrian environment and will not provide appropriate interaction between the proposed centre and the boardwalk. This is contrary to the intent of the JCCDPM, which requires interaction between land uses and pedestrian corridors.

The justification of obtaining views over the lake, amongst other reasons, is not considered acceptable. It is recommended that the level of the Hospitality Training Centre be reduced to RL49.00. The reduced level would result in a height difference of between 1 metre and 1.5 metres, thus providing improved pedestrian interaction with the centre and enable the centre to obtain an outlook over the lake.

Car parking

The application proposes car parking areas to accommodate approximately 20 bays abutting the proposed centre. The Department of Education and Training is presently commissioning Jones Coulter Young to review the campus Masterplan (inclusive of parking). This will result in a strategy for campus parking and a future direction for the management of car parking within the Education Precinct. It is unknown when the results of the parking study and the implementation of any required works will be completed.

The JCCDPM does not indicate the provision for parking. As a guide, the City's District Planning Scheme No.2 outlines the following provision for parking for the various uses:

District Planning Scheme No 2 (DPS2) parking Calculation

Use	DPS Provision	Parking	Area/No of Students	Required Bays
Tertiary College	1 bay per 3 students		163 Full Time	54
Café/Bar	1 bay per 5m ² or 1 bay per 4 guests (which ever is greater)		60 people (based on the information provided within the application)	15
Restaurant	As Above		80m ²	16
Delicatessen	7 bays per 100m ²		25m ²	2
Total				87 bays
Function Centre	1 bay per 4 guests		200	50

It should be noted that the above parking calculations do not take into account the 80 part time students and the 144 apprentices who will attend the centre. These figures may not impact greatly on the centre, as the part time students attend in the evenings and the apprentices attend once per week, either on a Monday, Tuesday or Wednesday.

A figure has been provided for the function centre, which has 4 theory rooms, which can be converted to a function centre to cater for large gatherings. It is assumed that the functions would not take place regularly and would take place during the evenings or weekends, therefore may not impact on the parking for the TAFE campus.

In relation to Scheme parking provisions, the proposed addition to the campus will require 87 bays. The application indicates the addition of only 20 parking bays.

It is noted that the TAFE campus does provide 332 bays, with a further 118 bays included as part of the approval issued by the City in December 2002. In September 2002, it was indicated that the Joondalup campus of TAFE had a student population of 1129. With the decommissioning of the Carine campus of TAFE and the construction of the new Hospitality Training Centre, the student population will exceed 2000. This will impact on the parking provision for the site and may result in the Joondalup campus being inadequately provided with car parking spaces.

Concerns are raised in relation to the potential for parking problems to emerge as a result of the various activities that will take place as part of the Hospitality Training Centre. The review of the Masterplan for the campus will be vital in determining the parking provision for the site and it is suggested that the review takes place and be implemented prior to the Hospitality Training Centre being occupied. This would clarify the parking situation for the Joondalup campus and make provisions to provide additional bays, if required.

Frontage to the proposed Joondalup Regional Performing Arts Centre

The site to the west of the proposed Hospitality Training Centre will comprise the future Joondalup Regional Performing Arts Centre. On the western elevation, the Hospitality Training Centre is proposed to have a blank façade and a setback of approximately 7 metres to the boundary. A nature strip is proposed within the setback area.

Ideally a blank façade is not considered to be appropriate, however the design of the Performing Arts Centre is unknown. In addition, it is considered that the proposed western elevation of the building will front the rear of the Performing Arts Centre, which will be designed to have frontage onto Grand Boulevard. It is envisaged that the rear of the Performing Arts Centre will comprise the loading area, which maybe designed to incorporate a portion of the 7 metre setback area to the Hospitality Training Centre.

Overall, the proposal will provide an important addition to the TAFE facilities and will provide a complementary activity to the proposed Performing Arts Centre.

Subject to the floor level of the site being reduced and the provision of car parking being reviewed, the development is supported.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RECOMMENDS to the Western Australian Planning Commission that the application dated 26 June 2003 submitted by Jones Coulter Young Architects of behalf on the owner(s) – Joondalup TAFE, for a Hospitality Training Centre on Lot 500 (35) Kendrew Crescent, Joondalup, be APPROVED, subject to the following conditions:

- 1 The proposed level of the Hospitality Training Centre being reduced to RL 49.00 in order to improve the interface between the proposed use and the pedestrian corridor;**
- 2 The completion of the Masterplan (car parking strategy) for the campus and the provision of additional parking bays to accommodate any car parking shortfall generated by the Hospitality Training Centre, if required as a result of the review, prior to the Centre being occupied;**
- 3 The existing trees along the boardwalk being retained;**
- 4 Submission and implementation of a Refuse Management Plan for the Hospitality Training Centre to the satisfaction of the City;**
- 5 The Hospitality Training Centre addressing disabled access to the satisfaction of the City;**
- 6 The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standards for Offstreet Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**
- 7 All stormwater must be contained on-site to the satisfaction of the City;**
- 8 Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;**
- 9 Bin areas shall consist of a concrete floor that grades evenly to an industrial floor waste that is connected to sewer and hose cock;**
- 10 The lodging of detailed landscape plans, to the satisfaction of the City, for the development site prior to the commencement of works. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100.**

Footnotes:

- 1 The applicant is reminded of their obligation to comply with the requirements of the Environmental Protection Act in relation to dust control.**
- 2 In relation to condition (d) and (e), plans and relevant documents are to be submitted to the City for assessment prior to the commencement of the development.**
- 3 The proposal complying with the requirements of the Health (Food Hygiene) Regulations 1993;**
- 4 Submission of plans and specification of all food areas for approval and classification prior to any works commencing**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf120803.pdf](#)

ITEM 7 PROPOSED BED & BREAKFAST: LOT 555 (9) LAGUNA RISE, MULLALOO - [27431]

WARD - Whitfords Ward

PURPOSE:

The purpose of this report is to request Council's determination of a development application to allow a Bed and Breakfast (B&B) to operate from 9 Laguna Rise, Mullaloo.

EXECUTIVE SUMMARY

The proposed B&B business intends to cater for a maximum of 4 guests at any time, which would require that two car bays be provided for guests in addition to the two car parking bays that are required for the residents. All car parking will be provided in the existing double garage and driveway.

Following an advertising period of 21 days with a sign on site and letters to adjoining property owners, a total of 14 submissions and one petition with 29 signatures opposing the proposal was received. Of the 29 signatures on the petition, 20 are from individuals who have also submitted written statements of objection.

The proposal was considered under Delegated Authority, however, the application was 'called in' by an Elected Member for determination by Council.

It is recommended that the proposed B&B business be approved as it is considered that its scale will not have a negative impact on the residential character of the area.

BACKGROUND

Suburb/Location: Lot 555 (9) Laguna Rise, Mullaloo
Applicant: Lisa Michelle Elder
Owner: Lisa Michelle Elder
Zoning: **DPS:** Residential
MRS: Urban

DETAILS

Proposal and Applicant's Justification

The applicant has provide the following information (summarised) in support of the proposed B&B business:

- Bedrooms 3 & 4 are to be used to accommodate the B&B patrons.
- The maximum number of B&B guests at the premises at any one time is 4.
- Guests will be staying for a duration varying from 1 day to 6 days.
- Guests will be arriving/departing between the hours of 8am and 8pm.
- The only meal that will be provided is breakfast.
- A sign 20cm x 20cm is proposed to be erected at the front of the property.

- Car parking is provided on the driveway (8 metres wide) and in the garage (3 cars in the driveway and 1 in the garage).
- The width of the existing driveway is to be increased to accommodate 3 bays
- The pool and outdoor area will not be accessible to B&B guests.

Statutory Provision:

District Planning Scheme No 2 (DPS2)

A B&B is a 'D' use in a Residential area. 'D' use means:

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

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

6.8 Matters to be considered by Council

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

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

Historically when exercising this discretion for a B&B, the City has granted the approval for a limited period of time only, generally 12 months. A new application is required following that period.

Associated Policies

There are no Council Policies associated with B&B accommodation.

Consultation:

The proposal was advertised to nearby owners by means of a letter and a sign on site for a period of 21 days.

A total of 14 submissions and one petition with 29 signatures opposing the proposal were received. Thirteen of the submissions are objections to the proposal and one is a statement of no objection. Of the 29 signatures on the petition, 20 are from individuals who had also submitted written statements of objections

The grounds for the objections can be summarised as follows:

Submissions Received	Technical Comments
1 A commercial activity such as a B&B is out of character with the residential nature of the area.	1 Due to its limited scale, the proposed B&B is considered to be consistent with expectations for a residential area.
2 Currently Laguna Rise is an area with a strong community sense, with neighbours knowing each other and children being able to move freely from home to home. The introduction of a B&B venture will introduce strangers and transient people into the area putting safety and security at risk.	2 There is no substantiation for this objection. The four transient people that will be attracted to the area by the proposed B&B are not considered to be any different from any other non-resident of the area (friends or business associates) visiting any one of the other 15 properties in Laguna Rise.
3 The street is a cul-de-sac and largely carries local traffic. The residents feel that a main road, such a Mullaloo Drive, rather than a cul-de-sac is a better location for a B&B.	3 While this view may have merit in instances where the B&B activity is on a large scale, the proposed B&B will generate a maximum of two additional cars, which is not considered to be an excessive load for a cul-de-sac.
4 There is a large number of young families living in the street, with many young children playing in the front yards of the homes and spilling into the street	4 See comment 3 above
5 A commercial venture such as a B&B will attract traffic that is not used to local conditions thereby endangering the families living in the area.	5 See comment 3 above
6 A primary school is located at the end of the cul-de-sac which results in traffic congestion and parking problems in Laguna Drive at times and the introduction of a B&B would exacerbate the problem.	6 The proposed B&B would attract a maximum of two additional cars that will be required to be parked within the property boundary.

Submissions Received	Technical Comments
7 For the past 7 years the application site has been a rental. During this time there has been a number of incidents with the applicant relating to unruly behaviour and noise issues at the subject site (parties until late in the night). There has been a history of confrontation with this neighbour and adjoining neighbours are concerned that this owner will operate without regard to adjoining properties and therefore that an approval of a B&B venture would exacerbate the problems, with holiday makers on different time zones being at the property all year round.	7 Noted. However, this is not relevant to the current B&B application
8 The pool at the subject site is inadequately fenced.	8 City Officers inspected the pool area and found that it complies with the requirements.
9 There is concern as to how the City will be able to police that the pool is not used by guests.	9 The property owner has a responsibility to operate within the conditions of approval.

COMMENT

The City does not have any DPS2 standards or Policy guiding the development of B&B establishments. Each proposal is therefore considered on its merit.

As the proposed use does not require any physical building works to be carried out, the application only requires that discretion in regard to the land use be exercised.

Likely impact of the B&B on the residential appearance of Laguna Rise

The proposed Bed & Breakfast will accommodate a maximum of 4 guests at any time increasing the total number of people in the dwelling to a maximum of 5 persons. This number of persons is in line with usual expectations of residential properties.

The proposed B&B will result in two additional vehicles being parked on site, with the maximum number of vehicles at the premises not exceeding 4. This number is not considered to be excessive for a residential property as this situation can easily arise when children of driving age still reside at home. Unlike other situations, the concerns relating to additional cars on site is further improved given that specified car parking spaces are provided on site.

Car parking will be provided in an existing driveway and the additional B&B use will not result in any structural changes being made to the dwelling. If approved a condition will be applied to ensure all parking associated with the B&B occurs on the driveway and garage and not on the verge.

As such the current residential appearance of the dwelling will be retained and given that the scale of the proposed use is limited, it is considered that the B&B will not have a negative impact on the residential appearance of Laguna Rise.

Likely impact of the B&B on the residential character of Laguna Rise

From the comments of the adjoining neighbours it appears that Laguna Rise has a strong sense of community spirit, which has promoted the current sense of safety and security that the residents fear they may lose with the introduction of a B&B.

Given the temporary nature of occupiers of rental properties, it can safely be assumed that most of the community spirit stems from the owner-occupiers in the street.

The subject site has been a rental property over the last 7 years. The owner is returning to the property as an occupier and will be depending on the B&B to generate an income. This is likely to improve the current level of stability of tenancy at the property.

Notwithstanding the above, the proposed B&B activity is considered to be a low-key activity. It is not considered that the scale of the activity is excessive for a residential area, given all characteristics of a residential property will remain.

It is therefore not considered that the B&B will compromise the residential character of the area.

Traffic Implications from the B&B

Located in close proximity to the primary school, Laguna Rise is already being used by school traffic.

The proposed B&B will generate two additional vehicles, for which parking is provided on site. The B&B therefore is not expected to create car parking problems in the area, nor is the additional traffic flow considered to be excessive in the context that Laguna Drive regularly carries the traffic of 16 residential properties, two of which accommodate two grouped dwellings.

Pool Security

Officers of the City have inspected the security fencing for the pool provided at the premises and have found it to be in compliance.

The applicant has excluded the use of the pool from the B&B operation as its inclusion would require that the pool comply with the Health (Public Swimming Pool) Regulations 1964 and be approved by the Executive Director of Public Health.

Conclusion

Many of the concerns raised by adjoining neighbours stem from previous experience at the subject site with the current owner and the potential adverse impact on the character of the residential area.

While the claims of the neighbours in regard to past activities at the subject site are noted, these claims are not associated with the operation of a B&B.

It is not considered that the proposed B&B will change the residential character of the area nor have an adverse impact on traffic flow into the area. However, given the concerns of the neighbours, it is appropriate to limit the approval for a period 12 months. This will allow the operation of the B&B to be reassessed after that period.

ATTACHMENTS

Attachment 1 Location Plan

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council APPROVES the application dated 30 April 2003 submitted by Lisa Elders, the applicant and owner, to conduct a Bed & Breakfast on Lot 555 (9) Laguna Rise, Mullaloo, subject to the following conditions:

- 1 The maximum number of B&B guests not to exceed 4 persons at any one time.**
- 2 Guest arrival/departures to be between the hours of 8am and 8pm only.**
- 3 This approval is valid for a period of 12 months from the date of the approval letter.**
- 4 Car parking bays to be 5.4m in length and a minimum of 2.5m wide.**
- 5 A maximum of 2 cars associated with the B & B guests are permitted on the site at any one time.**
- 6 The driveway/crossover to be a minimum width of 7.5m and all parking of vehicles associated with the B&B is to occur on the driveway and garage only.**
- 7 The pool is not to be used by the B&B guests.**
- 8 The advertising sign not to exceed 20cm x 20cm in dimensions.**

Footnote:

- 1 Please be advised that you are required to comply with the requirements of the Food Hygiene Regulations. An application to conduct food-handling activities from the residential premises is required to be lodged and approved by the City prior to commencement of operations.**
- 2 With reference to condition (c) please note that the approval is required to be renewed if the Bed & Breakfast operation is to be continued prior to the expiry of this approval. A new application with fees is required to be lodged with the City in this regard.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120803.pdf](#)

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ITEM 8 COMMUNITY FUNDING PROGRAM – AMENDMENTS TO COMMUNITY FUNDING POLICY AND GUIDELINES – [39290]

WARD - All

PURPOSE

The purpose of this report is to recommend changes to the Community Funding Program Policy and Guidelines for 2003-2004.

EXECUTIVE SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit organisations that operate within the City in support of a range of community development initiatives consistent with the City's strategic objectives.

The Community Funding Program consists of a policy and funding guidelines for each funding category of the policy.

The Program has been successfully implemented for four financial years. As part of the annual review of the Community Funding Program, this report recommends improvements and enhancements to the Policy and Guidelines, which provide greater alignment with the City's Strategic Plan 2003-2008.

The Policy changes recommended are:

- That the Environmental and Sustainable Development Fund and the Economic Development Fund be amalgamated and renamed as the Sustainable Development Fund to better reflect the City's Strategic Plan and the Environmental, Social and Economic Sustainability Policy No. 2.6.4, (June 2002).
- Projects considered part of a school's normal curriculum to be considered ineligible for funding.
- Canvassing of Councillors/Council officers will disqualify.
- A requirement that successful applications provide details of all advertising, promotion and any media publicity to the satisfaction of Council.

An additional objective is recommended to the guidelines for Community Services Fund to support groups that provide services to members of the community who may be considered marginalised.

BACKGROUND

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

At the Council meeting of 14 September 1999, the Community Funding Program Guidelines were adopted (Report CJ304-09/99 refers) together with various amendments to the Community Funding Policy (Report CJ303-09/99 refers).

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

At the Council meeting of 11 April 2000, the outcomes of the first year of administering the Community Funding Program were reported to Council (Report CJ077-04/00 refers). It was noted that a further report would be provided to Council proposing certain enhancements to the Community Funding Program.

The Community Funding Program was further developed following a report to Council in September 2000 (Report CJ247-09/00 refers) and a revised Community Funding Policy was adopted.

Further amendments to the Community Funding Policy were recommended and adopted by Council at the meeting of 11 September 2001 (Report CJ298 - 09/01 refers).

DETAILS

An annual review of the Community Funding Program was conducted in July 2003, by the administering officers of each fund category under the program, coordinated by a project officer.

The proposed amendments to the Community Funding Policy are shown in the amended policy statement included as Attachment 1. The proposed amendments to the Community Funding Program Guidelines are shown in the amended guidelines included as Attachment 2. The amendments are shown with the wording, where a change is proposed, struck through and any additional wording underlined.

The major amendments and their rationale are as follows:

POLICY

Sustainable Development Fund (Scope and Points 2.3 and 2.5)

The Environmental and Sustainable Development Fund and the Economic Development Fund have been amalgamated and have been renamed as the Sustainable Development Fund. This will better reflect the City's Strategic Plan and the Environmental, Social and Economic Sustainability Policy No. 2.6.4, (June 2002).

It was considered that including “Environment” in the name of the ‘Environment and Sustainable Development Fund was unnecessary and that the amalgamation with the Economic Development Fund will more accurately reflect the term ‘sustainability’ by bringing together each of the disciplines of the triple bottom line (environmental, social and economic). Accordingly, throughout the Policy and Guidelines any reference to “environmental sustainability” and the “Economic Development Fund” have been removed.

As a result of this amalgamation, the total funds available for the renamed Sustainable Development fund for the 2003/04 financial year will be \$40,000 (\$20,000 from the Environmental and Sustainable Development Fund and \$20,000 from the Economic Development Fund).

It should be noted that the funds remaining available in the Economic Development Fund to be transferred to the Sustainable Development Fund for disbursement in the 2003/04 financial year is now \$10,000 due to a grant being made to the Joondalup Business Incubator. (Report C125-07/03 refers). As a result, the total funds available for the Sustainable Development Fund for the 2003/04 financial year is now \$30,000.

4.2 Ineligible Projects, Activities or Events

4.2.7 projects considered part of a school’s normal curriculum;

The costs incurred in conducting projects which form part of the normal school curriculum are considered to be recurrent operational costs. Therefore, these projects would be ineligible for funding under this program in accordance with point 4.2.2 of the policy. The program administrating officers considered that this point should be highlighted in both the policy and guidelines.

This point has also been included in the Community Funding Program Guidelines under “What projects, Events and/or Activities are Eligible”, Council will not fund the following, point 7.

4.4 Other

4.4.6 Canvassing of Councillors/Council officers will disqualify.

7.1 Reporting Requirements

7.1.4 Provide details of all advertising, promotion and any media publicity to the satisfaction of Council.

GUIDELINES

Community Services Fund

The following objective has been added to the Community Services Fund:

4. To support groups that provide services to members of the community who may be considered marginalised.

The purpose of this objective is to broaden the range of community organisations which are eligible to apply for funding under this category while maintaining an emphasis on Youth and Seniors within the community.

Sustainable Development Fund

The objectives and priorities of the former Economic Development Fund and the Environment and Sustainable Development Fund have been amalgamated to form the objectives and priorities for the new Sustainable Development Fund.

COMMENT

The amendments to the existing Community Funding Policy and Guidelines which are included in this report are proposed with a view to enhance the current Policy and to re-align the policy to the newly adopted Strategic Plan 2003-2008.

The Community Funding Program Guidelines will be updated to reflect the amended Community Funding Policy.

At the Council meeting of 29 July 2003, a motion was passed to establish a Policy Manual Review Committee (Item C145-07/03 refers). It is requested that the review of the Community Funding Policy not be held over to the next meeting of the Policy Review Committee as this would delay the advertising of the 1st funding round of the Community Funding Program. If the review of this policy was delayed beyond the Council meeting of 29 August 2003, it would not be possible to arrange distribution of funding prior to Council going into recess over the Christmas period.

ATTACHMENTS

Attachment 1 Community Funding Policy

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council REVOKES existing Policy 4.1.1 – Community Funding – and replaces it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to this Report .

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120803.pdf](#)

ITEM 9 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETINGS – WEDNESDAY, 16 JULY 2003 – [55511]

WARD - All

PURPOSE

The purpose of this report is to submit to Council the unconfirmed minutes of the meeting of the Seniors Interests Advisory Committee held on Wednesday, 16 July 2003.

SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on Wednesday, 16 July 2003. The unconfirmed minutes of the meetings are submitted for noting by Council.

DETAILS

The minutes of the Seniors Interests Advisory Committee held on 16 July 2003 at the City of Joondalup are included as Attachment 1 to this Report.

The Committee acknowledged the sad passing of Jane Heilkema.

It was recommended that Margaret March, who is the Deputy Community Representative, fill the Community Representative position held by Jane Heilkema.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held
16 July 2003

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday, 16 July 2003 forming Attachment 1 to this Report;**
- 2 APPOINTS BY AN ABSOLUTE MAJORITY Margaret March to fill the Community Representative position previously held by Jane Heilkema.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120803.pdf](#)

ITEM 10 CONSULTANCY SERVICES FOR THE PROVISION OF CORPORATE TRAINING COURSES – TENDER NUMBER 043-02/03 – [23545]

WARD - All

PURPOSE

To seek Council approval to accept the tenders submitted by Australian Institute of Management (AIM), West Coast Training Solutions and CBS Training – Centre for Business Solutions for the Supply of Consultancy Services for the Provision of Corporate Training Courses in accordance with the terms and conditions provided under Tender Number 043-02/03, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

The City invited tenders through statewide public notice on 4 June 2003 for Consultancy Services for the Provision of Corporate Training Courses. Tenders closed on 18 June 2003.

Thirteen submissions were received from the following:

APMM Group Pty Ltd; Aragon & Associates Pty Ltd	Lifelong Learning Press;
Australian Institute of Management	Maitland Consulting Group Pty Ltd
CBS Training – Centre for Business Solutions	Spherion; Education
Compet Pty Ltd; Drake Training	West Coast Training Solutions
Dynamic Improvements	West Coast Training Solutions (additional submission specific to the supervisor/coordinator training course)
Jolin Consulting Human Resources Services	

It is recommended that Council accept the tenders submitted by the following Consultants to provide Corporate Training Courses:

Consultant	Corporate Training Courses
Australian Institute of Management	Word 2000 Introductory
	Word 2000 Intermediate
	Word 2000 Advanced
	Excel 2000 Introductory
	Excel 2000 Intermediate
	Excel 2000 Advanced
	Power Point Introduction/Intermediate
	Power Point Advanced
	Front Page Introduction/Intermediate
	Outlook Intermediate
	Access Introduction/Intermediate

Consultant**Corporate Training Courses**

Time Management

Project Management

Dealing with Difficult People

Strategic Thinking

Negotiation Skills

Contract Management

Effective Public Speaking

Workplace Training – Training Small
Groups

West Coast Training Solutions

Report Writing

CBS Training – Centre for Business
SolutionsSupervisor/Coordinator
Programme

Training

in accordance with the terms and conditions, provided under Tender Number 043-02/03, for a maximum period of three years, subject to an annual review and satisfactory performance.

BACKGROUND

Over the past 12 months the City has undertaken two key surveys of the organisation, Training Needs Analysis – July 2002 and Culture Survey – November 2002. The information collected from these surveys, and subsequent staff focus groups, has provided valuable information that underpins the development and implementation of many of the “Employer of Choice” projects, particularly training and development.

Based on the results of the Training Needs Analysis, the City developed a structured Interim corporate training plan, which aimed to:

- Address specific and somewhat urgent training and development requirements of staff;
- Utilise existing budget resources for remainder of financial year in a structured manner;
- Get staff accustomed to operating under structured corporate training plan.

The Interim corporate training plan commenced in February 2003, with training scheduled through to June 2003. Further to the success of the Interim corporate training plan, a twelve-month plan was developed and costed. The twelve-month plan included training courses included in the Interim Plan, with additional courses, such as negotiation skills, effective public speaking and dealing with difficult people. In addition to these course, a specific programme was identified for supervisors / coordinators. The supervisor / coordinator training programme will assist in areas of people management and communication skills. Ideally all supervisors / coordinators will attend this course, which will run over a 12 week period with participants attending one day a fortnight. The program will run a number of times allowing all supervisors / coordinators to attend.

It is proposed that the Corporate Training Program will provide a comprehensive employee training service for the delivery of courses, covering all aspects of workplace training to support and enhance employees’ skills within the organisation.

DETAILS

Under the City's Contract Management Framework, the Code of Tendering AS 4120-1994 and Code of ethics and procedures for the selection of consultants AS4121-1994, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system.

The conditions of tendering specified that all tenders would be assessed against the pre-determined weighted selection criteria. The selection criteria comprised a set of quantitative and qualitative criteria in the tender documentation. In evaluating the tenders and subject to the Condition of Tendering, the City took into consideration the following criteria:

- 1 Lump Sum Price and other information provided under the Lump Sum Price Schedule.
- 2 Proven experience in providing high quality training programmes;
- 3 Accredited training programmes, where possible;
- 4 Highly skilled and qualified trainers – trainers will need to have at least a qualification at Certificate IV in Workplace Trainer and Assessor and 5 Years relevant training experience;
- 5 Proven experience in customising training programmes to meet client's specific requirements;
- 6 Use quality, relevant up to date training resources and material;
- 7 Tenderers must specify if they are able to deliver the programmes on the dates outlined in the Tender.

The specified courses included in the Tender are as follows:

Word	Introductory, Intermediate, Advanced
Excel	Introductory, Intermediate, Advanced
Power Point	Introductory/Intermediate, Advanced
Front Page	Introductory/Intermediate
Outlook	Intermediate
Access	Introductory/Intermediate
Strategic Thinking	
Time Management	
Project Management	Introduction
Report Writing	
Workplace Training – Training Small Groups	
Dealing with Difficult People	
Negotiation Skills	
Contract Management	
Effective Public Speaking	
Supervisor/Coordinator Specific Programme	

Evaluation Results

Tenders were evaluated based on the information provided in each submission and in accordance with the conditions of tendering, against the pre-determined selection criteria. The weightings remained unaltered throughout the evaluation process, thereby maintaining the integrity of the tender evaluation processes.

Corporate training courses were evaluated individually based on the selection criteria, and a maximum of ten participants attending each course.

Tenderers specified which courses they intend to deliver, with two submissions, AIM and Lifelong Learning Press, specifying all courses.

West Coast Training College's provided a submission for seventeen courses and an individual submission for the Supervisor/Coordinator Training Programme. CBS provided a submission specifically addressing the Supervisor /Coordinator Training Programme.

The overall prices per course submitted range from: \$800 to \$2000 for Information Technology Courses, \$1,500 to \$6,800 for Management & Personal Development Courses and \$6,000 to \$14,700 for the Supervisor/Coordinator Training Programme.

Although AIM did not provide the lowest price for each course submitted, their percentage scores for quality, determined their overall ranking.

Seven submissions offered Corporate Training for the Report Writing programme, West Coast ranked first in the qualitative and quantitative criteria.

Ten submissions offered Corporate Training for the Supervisor/Coordinator Training Programme. CBS Training – Centre for Business Solutions did not provide the lowest price, the percentage scores for the quality, determined their overall ranking.

The tenders received varied in content, clarity and professionalism, however as a result of the assessment the evaluation committee determined the following recommendation.

AIM clearly demonstrated that they have highly skilled and qualified trainers with academic and industry background. They have the proven experience and resources in delivering high quality accredited training courses to a variety of large and reputable organisations.

As a result of the assessment AIM ranked first in the following:

Course Description & Duration	Fee per Course	Number of Courses 03/04
Word 2000 Introductory - (1 day)	\$910.00	3
Word 2000 Intermediate - (1 day)	\$910.00	4
Word 2000 Advanced - (2 days)	\$1,820.00	1
Excel 2000 Introductory - (1 day)	\$910.00	3
Excel 2000 Intermediate - (1 day)	\$910.00	4
Excel 2000 Advanced - (2 days)	\$1,820.00	1
Power Point Introduction/Intermediate (2 days)	\$1,820.00	2
Power Point Advanced - (1 day)	\$910.00	1
Front Page Introduction/Intermediate (1 day)	\$910.00	1
Outlook Intermediate - (1 day)	\$910.00	3
Access Introduction/Intermediate - (1 day)	\$910.00	1
Time Management - (1 day)	\$1,800.00	1
Project Management - (2 days)	\$3,960.00	1
Dealing with Difficult People (1 day)	\$1,800.00	2
Strategic Thinking - (2 days)	\$4,400.00	1
Negotiation Skills - (1 day)	\$2,000.00	1
Contract Management	\$1,800.00	1
Effective Public Speaking (1 day)	\$1,800.00	1

Workplace Training – Training Small \$5,400-\$8,200 (based 3
Groups - (3 days) on two facilitators if
required).

West Coast Training Solutions, demonstrated that they have the experience in customising their programme and a proven track record in designing and delivering Corporate Training Programmes.

West Coast Training Solutions, ranked first to deliver the Corporate Training Programme for Report Writing for a fee of \$1100 per course (duration – 1 day).

CBS Training – Centre for Business Solutions submitted a detailed submission specifically for the Supervisor/Coordinator Training Programme, which offered a nationally accredited training course, which forms part of the competencies required for the BSB50101 Diploma in Business.

CBS Training – Centre for Business Solutions demonstrated that they have a quality product and the expertise to provide the Supervisor/Coordinator Corporate Training Course for a fee of \$8,900 per course (duration 5 days).

Policy 2.4.6. Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local businesses in the purchasing and tendering process. The City provides notification to the Joondalup Business Association of advertised tenders who in turn notify local providers. Tenders received from providers located within the boundaries of the City of Joondalup include, Jolin Consulting Human Resource Services, APMM Group Pty Ltd and West Coast Training Solutions.

Statutory Provisions

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

Financial Implications:

As part of the 2003/2004 budget the City has allocated a corporate training budget of \$100,000 centrally located in the Human Resources budget. The investment for scheduled courses as outlined in the 2003/2004 Corporate Training Plan is \$79,340. Based on this the total investment, for three years, is approximately \$238,020.

COMMENT

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

The Contract will commence from 1 September 2003 for a maximum period of three years subject to annual reviews and satisfactory performance. A formal review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject

to the outcome of each review an extension in increments of twelve-month periods will be extended within the three-year term.

Australian Institute of Management, West Coast Training College and CBS Training – Centre for Business Solutions demonstrated that they have the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tenders submitted by the following Consultants to provide Corporate Training Courses in accordance with the terms and conditions, provided under Tender Number 043-02/03, for a maximum period of three years, subject to an annual review and satisfactory performance:

Consultant

Corporate Training Courses

Australian Institute of Management

**Word 2000 Introductory
Word 2000 Intermediate
Word 2000 Advanced
Excel 2000 Introductory
Excel 2000 Intermediate
Excel 2000 Advanced
Power Point
Introduction/Intermediate
Power Point Advanced
Front Page
Introduction/Intermediate
Outlook Intermediate
Access Introduction/Intermediate
Time Management
Project Management
Dealing with Difficult People
Strategic Thinking
Negotiation Skills
Contract Management
Effective Public Speaking
Workplace Training – Training
Small Groups**

West Coast Training Solutions

Report Writing

**CBS Training – Centre for Business
Solutions**

**Supervisor/Coordinator Training
Programme**

7 REPORT OF THE CHIEF EXECUTIVE OFFICER

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

ITEM 1 CONFIDENTIAL - MOTION TO LIE ON THE TABLE – NOTICE OF MOTION – CR P ROWLANDS – MATTERS RELATING TO THE CHIEF EXECUTIVE OFFICER

At the Council meeting held on 27 May 2003 the following motion was moved in relation to Item C87-05/03:

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

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

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

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

Clause 5.4 states:

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

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

(Note: The Minutes of the Council meeting held on 27 May 2003 recorded that no member spoke on the Notice of Motion submitted by Cr Rowlands)

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

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

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

The Notice of Motion submitted by Cr Rowlands was Marked **Confidential - Not For Publication**

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

ITEM 2 CONFIDENTIAL - NOTICE OF MOTION – CR G KENWORTHY
- POTENTIAL BREACH OF STANDING ORDERS, CODE OF
CONDUCT AND THE LOCAL GOVERNMENT ACT 1995, CR J
HOLLYWOOD - [38535] [53558] [02154] [08122] [42750]

Cr Gerry Kenworthy gave notice of his intention to move a motion at the ordinary meeting of the Council to be held on 27 May 2003. The following elected members indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr G Kenworthy
Cr C Baker
Cr P Rowlands
Cr C Mackintosh
Cr P Kimber
Cr A Patterson

At the Council meeting held on 27 May 2003 it was resolved that the Motion Lie on the Table.

The Minutes of the Council meeting held on 27 May 2003 recorded that no member spoke on the Notice of Motion submitted by Cr Kenworthy.

At the Council meeting held on 8 July 2003, it was resolved that the Motion be taken from the table, however the motion was not moved.

The Notice of Motion submitted by Cr Kenworthy was Marked Confidential - Not For Publication

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

ITEM 3 MOTION TO LIE ON THE TABLE - NOTICE OF MOTION – CR M O'BRIEN – RESCISSION OF USE APPROVAL FOR A THERAPEUTIC MASSAGE CENTRE, LOT 9 UNIT 16 (7) DELAGE STREET, JOONDALUP EX (TP107-05/96)

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

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

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

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

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

and substitutes in lieu therefore;

“That Council:

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

Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded;

- 4 *advises Vincent Leonard Rossi and Cornelia Alida Rossi of 10 Moline Court, CHURCHLANDS WA 6018, Directors of Artist Holdings Pty Ltd, ACN 009 314 765 ABN 89 009 314 765 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded.”*

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

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

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

Clause 5.4 states:

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

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

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

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

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

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

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

Cr Mike O'Brien gave notice of his intention to move the following motion at the Council meeting to be held on Tuesday 29 April 2003. Council did not consider this item at its meetings held on 29 April 2003 and 27 May 2003 and it is therefore resubmitted for consideration at the Council meeting to be held on 17 June 2003.

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

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

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

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

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

and substitutes in lieu therefore;

“That Council:

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

Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded;

- 4 *advises Vincent Leonard Rossi and Cornelia Alida Rossi of 10 Moline Court, CHURCHLANDS WA 6018, Directors of Artist Holdings Pty Ltd, ACN 009 314 765 ABN 89 009 314 765 that the land use approval for Unit 16, 7 Delage Street, JOONDALUP, granted to Artist Holdings Pty Ltd by the former City of Wanneroo ref. TP107-05/96 has been revoked and rescinded.”*

Reason for Motion:

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

- “1 There is no evidence that the former City of Wanneroo Councillors in Decision TP107-05/96 approved “Bawdy House Activities” as a Land Use under City of Wanneroo’s Town Planning Scheme No 1.
- 2 The proprietary company Artist Holdings Pty Ltd as a proprietary company is, according to ASIC Listings, now under External Administration (liquidator appointed) and it seems is no longer a Proprietary Company trading with an interest in Unit 16, 7 Delage Street, Joondalup.
- 3 The City of Joondalup has by its decision in October 2002 decided that “Bawdy House Activities” are not an acceptable Land Use within the boundaries of the Municipality.
- 4 The evidence of the Claim by the Hon Tony O’Gorman MLA, Member for Joondalup, that “Bawdy House Activities” are occurring at Unit 16, 7 Delage Street, Joondalup is “on the balance of probabilities” evidence of enough weight, for Council’s Decision to revoke and rescind the former City of Wanneroo decision of approval to Artist Holdings Pty Ltd.
- 5 Council further reinforced its 15th October 2002 decision, by a unanimous decision on Tuesday 11th March 2003 to prohibit “Bawdy House Activities” as a Land Use in the Municipality, and subsequent to EPA consideration, intends to advertise the amendment to District Planning Scheme No 2. as a Community Consultation, process for 42 days.”

OFFICER’S COMMENTS

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

VOTING REQUIREMENT

Absolute Majority

ITEM 4 NOTICE OF MOTION – CR M O'BRIEN –MUNICIPAL TAX (RATES) - [38634] [20086]

In accordance with Clause 12 of the Standing Orders Local Law, Cr M O'Brien gave notice of his intention to move the following motion at the Council meeting to be held on 27 May 2003:

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

At the Council meeting of 27 May 2003, it was resolved that the Motion Lie on the Table.

The Minutes of the Council meeting held on 27 May 2003 recorded that no member spoke on the Notice of Motion submitted by Cr O'Brien.

At the Council meeting held on 8 July 2003, it was resolved that the Motion be taken from the table, however, the motion was not moved.

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

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

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

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

HEALTH ACT 1911 - SECT 41

41. Sanitary rate

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

Such annual rate shall not exceed –

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

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

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

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

HEALTH ACT 1911 - SECTION 112

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

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

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

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

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

LOCAL GOVERNMENT ACT 1995 - SECT 6.35

6.35. Minimum payment

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

OFFICER'S COMMENT

Domestic Refuse Charge

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

Minimum Payments

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

Recommendation

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

VOTING REQUIREMENT

Simple Majority

ITEM 5 NOTICE OF MOTION – CR M O’BRIEN – ABANDONMENT OF PRECINCT PLANNING

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O’Brien gave notice of his intention to move the following motion at the Council meeting to be held on 29 July 2003:

“That Council EXPANDS its decision (Council Minutes 12 February 2002 refer) and ABANDONS ALL so called Community Visioning Precinct Action Planning Activity Concepts that envisage re-zoning and vehicular and pedestrian access way changes and any interference by residential and/or private enterprise commercial development within Parks and Public Open Space Areas, within the Municipal Boundaries of the whole of City of Joondalup and informs its Planning Department Officers and the Western Australian Planning Commission that, any individual applications for Higher Density will be only considered, individually, in places where there is Full and Demonstrable Community support indicated, after a Full Community Consultation Process has been undertaken, in the whole of the Locality (Suburb).”

At its meeting on 29 July 2003 Council resolved to defer consideration of this item to the Council meeting to be held on 19 August 2003.

OFFICER’S COMMENT

The Council has previously discontinued the precinct planning process due to the weight of submissions received against that process. Sensitivities to the process are well understood by the Council.

The City has an obligation to consider proposals on their merits. Regardless of the adoption of a resolution in the form suggested above, a proponent has a right to lodge and request consideration of planning proposals. Those proposals may be in the form of development applications, rezoning of land or in relation to structure plans.

It is believed that the Council understands the previous concerns made in relation to precinct planning proposals and further that it would exercise sensitivity and caution with proposals to reconfigure commercial centres within the City.

It is respectfully suggested that the above motion is redundant given the previous resolutions adopted by the Council.

VOTING REQUIREMENTS

Simple Majority

ITEM 6 NOTICE OF MOTION – CR P ROWLANDS – HOME LOANS

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr P Rowlands gave notice of his intention to move the following motion at the Council meeting to be held on 29 July 2003:

"That Council invites suitable financial institutions to prepare submissions in relation to supplying City of Joondalup residents with discounted home loans."

At its meeting on 29 July 2003 Council resolved to defer consideration of this item to the Council meeting to be held on 19 August 2003.

Reason for Motion:

Cr Rowlands has provided the following comment in support of the Motion:

“This motion has the potential to significantly benefit our ratepayers with mortgages. A couple with an average \$150,000 loan would save hundreds of dollars per year, in other words, it is like having your rates paid by the bank. This issue is not a traditional area for local government to get involved with but there is no reason that we cannot think outside the square to try help our residents.”

OFFICER’S COMMENT

Officers could develop a shortlist of relevant financial institutions to be invited to submit proposals. This would be a relatively inexpensive process as there is no need to go through a formal expression of interest/tender process in the absence of any financial consideration being involved.

It is envisaged that the invitation would be a moderately simple document stating the City's objective i.e. "supplying City of Joondalup residents with discounted home loans" and requesting appropriate proposals.

VOTING REQUIREMENTS

Simple Majority

ITEM 7 NOTICE OF MOTION – CR P KIMBER – COUNCIL SEATING ARRANGEMENTS

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr P Kimber gave notice of his intention to move the following motion at the Council meeting to be held on 29 July 2003:

“That Council AGREES that:

- 1 the seat to the right of the Mayor within the Council Chamber shall remain available for seating of special guests, at the invitation of the Mayor;*
- 2 the Deputy Mayor shall be allocated a seat on the floor of the Council Chamber next to their fellow ward representative.”*

At its meeting on 29 July 2003 Council resolved to defer consideration of this item to the Council meeting to be held on 19 August 2003.

OFFICER’S COMMENT

It was the practice of the former City of Wanneroo to allow the Deputy Mayor to sit alongside the Mayor during Council meetings. This practice was discontinued with the newly elected Council of the City of Joondalup until recently with the current Mayor agreeing to seat the Deputy Mayor to his right.

The newly constituted City of Joondalup allowed the Mayor to be elected by the people of the City, with the Deputy Mayor being elected by the Council for a two-year term. It is regarded that the Deputy Mayor is the elected head of the Council by their peers, and serves as a Councillor representing their Ward. As the Deputy Mayor represents a Ward, it is agreed that they be allocated a seat on the floor of the Council Chamber. In support of this Notice of Motion, a recommendation from the 2001 Strategic Review into the City of Wanneroo was that the Deputy Mayor be allocated a seat on the floor of the Chamber with their fellow Ward representative.

VOTING REQUIREMENTS

Simple Majority

ITEM 8 NOTICE OF MOTION – CR C BAKER – TRAINING IN MEETING PROCEDURE

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr C Baker gave notice of his intention to move the following motion at the Council meeting to be held on 29 July 2003:

“That in view of the appalling manner in which Mayor Carlos chaired the Ordinary Council Meeting on Tuesday 8 July 2003, the Mayor be stood down from chairing all future Ordinary Council meetings until such time as he has had the benefit of tuition in respect of his role as a chairperson by either an Officer of the Director General of Local Government or a representative from the Local Government Association.”

At its meeting on 29 July 2003 Council resolved to defer consideration of this item to the Council meeting to be held on 19 August 2003.

Reason for motion:

Cr Baker has provided the following comment in support of his motion:

“I have served as a Councillor under three different Mayors in two different Local Government Authorities. I have also served under a Premier as a Member of Parliament and I have acted as a Deputy Speaker for the Legislative Assembly of the Parliament of Western Australia for four years. I am concerned that the Mayor needs help in understanding the duties of a chairman at Council meetings, together with the provisions of the Local Government Act and our City’s Standing Orders Local Law.

We, as Councillors have a duty to help our Mayor in order to assist him in fulfilling his fundamental responsibilities as a chairperson. The fundamental duties of a Mayor under the Local Government Act are to chair Council meetings and liaise with the CEO. The Mayor is currently failing to meet both of these fundamental statutory obligations by any standard.”

OFFICER’S COMMENT

Section 2.8 and 5.6(1) of the Local Government Act 1995 states that part of the role of the Mayor is to preside at meetings in accordance with the Act. Section 5.6(2) of the Act allows for the Deputy Mayor to preside at meetings of the Council, where the Mayor is not available or is unable or unwilling to preside. Section 5.6(3) further states if the Deputy Mayor is not available, unable or unwilling to preside, then the Council is to choose one of the Councillors present to preside at the meeting.

In order for the Mayor to no longer preside at Council meetings, he would have to be either not available, unable or unwilling to do so. If this was to occur, then the responsibility would rest with the Deputy Mayor, and so on as specified by the Act. The Act does not allow for anyone else, other than a member of the Council to preside at Council meetings.

It is suggested that given the stipulations provided by the Local Government Act 1995, the Council may not have authority to make such a decision and it may be reasonable for the Chairperson to rule the Notice of Motion out of order as it is beyond the jurisdiction of the Council, in accordance with Clause 3.12 of the Standing Orders Local Law.

VOTING REQUIREMENTS

Simple Majority

ITEM 9 NOTICE OF MOTION – CR J HOLLYWOOD – ELECTORAL MATERIAL

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr J Hollywood gave notice of his intention to move the following motion at the Council meeting to be held on 29 July 2003:

“That the Council REQUESTS the Minister for Local Government and Regional Development to initiate an amendment to section 4.87 of the Local Government 1995 that requires any person that prints, publishes or causes electoral material to be printed, published or distributed, must have the electoral material authorised by the returning officer of their electorate.”

At its meeting on 29 July 2003 Council resolved to defer consideration of this item to the Council meeting to be held on 19 August 2003.

OFFICER’S COMMENT

Section 4.87 of the Local Government Act 1995 states:

“Printing and publication of electoral material:**4.87**

- (1) A person who prints, publishes or distributes electoral material or causes electoral material to be printed, published or distributed commits an offence unless:
 - (a) the name and address (not being a post-office box) of the person who authorised the electoral material appears at the end of the electoral material; or
 - (b) in the case of electoral material that is printed otherwise than in a newspaper, the name and business address of the printer appears at the end of the electoral material.

Penalty: \$2,000.

- (2) Subsection (1) does not apply to electoral material on an item included in a prescribed class of items.

- (3) In this section:

“electoral material” means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting;

“print” includes photocopy or reproduce by any means.”

Section 4.88 of the Local Government Act 1995 states:

“Misleading, false or defamatory statements:

4.88

- (1) A person who, during the relevant period in relation to an election:
- (a) prints, publishes or distributes deceptive material or causes deceptive material to be printed, published or distributed; or
 - (b) makes or publishes any false or defamatory statement in relation to the personal character or conduct of a candidate in the election or causes such a statement to be made or published,

commits an offence.

Penalty: \$5,000 or imprisonment for one year.

- (2) It is a defence to a charge under subsection (1)(a) to prove that the accused person did not know, and could not reasonably have been expected to know, that the material was likely to mislead or deceive an elector in relation to the casting of the elector’s vote.
- (3) It is a defence to a charge under subsection (1)(b) to prove that the accused person believed the statement to be true and had reasonable grounds for doing so.
- (4) In this section:

“deceptive material” means any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the elector’s vote at the election;

“print” includes photocopy or reproduce by any means;

“publish” includes publish by radio or television;

“relevant period” means the period commencing when notice calling for nominations for the election is published and ending at 6.pm on the election day.”

The recent local government elections for the City resulted in a number of complaints being received by the Electoral Commissioner regarding alleged breaches of Section 4.87 and 4.88 of the Local Government Act 1995. However, it is not known if any prosecutions have occurred as a result of the complaints.

The Act allows for any person to ‘authorise’ electoral material. If the legislation was to require a specific person to formally ‘authorise’ the electoral material, it may reduce the number of complaints. However, at the time of authorising the material the specific person may not be aware of the accuracy of the material and place the person in an awkward position.

VOTING REQUIREMENT

Simple Majority

ITEM 10 NOTICE OF MOTION – CR G KENWORTHY – ELECTRONIC RECORDING OF PROCEEDINGS

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr G Kenworthy gave notice of his intention to move the following motion at the Council meeting to be held on 29 July 2003:

“That Council AMENDS Policy 2.2.6 – Council and Electors Meetings – Electronic Sound Recording – by adding a part (7) as follows:

7 The use of video cameras, electronic recording devices (other than for the express purpose of official minute taking) or still photography to record proceedings of the local government within the Council Chamber shall by a simple majority decision of the Council.”

At its meeting on 29 July 2003 Council resolved to defer consideration of this item to the Council meeting to be held on 19 August 2003.

OFFICER’S COMMENT

There has been a few requests by the media to record the proceedings of the Council. There is no current policy of the Council, nor does the current Standing Orders Local Law detail any procedure on who can grant such authority. Consequently there needs to be a guideline that sets down the practice to follow when such requests are received. An amendment to the policy is suggested as the most appropriate means to achieve this.

It should be noted that if the power to determine such requests rests with the Council, such decision cannot be exercised until after the completion of public question time in accordance with the Local Government (Administration) Regulations 1996, Regulation 7(2).

VOTING REQUIREMENTS

Simple Majority

**ITEM 11 NOTICE OF MOTION – CR A WALKER – TENDER NUMBER
044-02/03 – SORRENTO BEACH REDEVELOPMENT – [68546]**

Cr Allison Walker has given notice of her intention to move the following motion at the ordinary meeting of the Council to be held on 19 August 2003. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr Allison Walker
Cr John Hollywood
Cr Sue Hart
Cr Michael Caiacob
Cr Mike O'Brien

"That Council RESCINDS, BY AN ABSOLUTE MAJORITY its decision of 29 July 2003 – Item CJ194-07/03 – Tender No 044-02/03 Sorrento Beach Redevelopment, viz:

"That Council ACCEPTS the alternative tender from Consolidated Construction Pty Ltd for Tender No. 044-02/03 Sorrento Beach Redevelopment:

- 1 for the lump sum price of \$911,100 exclusive of GST for the main part of the contract;*
- 2 for the lump sum price of \$988,900 exclusive of GST for the separable portion of the contract, subject to funds of \$950,000 being approved in the 2003/2004 Budget;*
- 3 subject to Consolidated Construction Pty Ltd providing a fully certified engineering design of the Tensar Reinforced Earth Retaining Walls and full construction details of the alternative submission for approval by the project designer prior to the commencement of ordering materials for construction."*

And REPLACES it with the following:

"That Council:

- 1 DOES NOT ACCEPT the alternative tender from Consolidated Construction Pty Ltd for Tender 044-02/03 Sorrento Beach development;*
- 2 SHELVES the Sorrento Beach Development Project for a period of two years;*
- 3 WRITES to all the tenderers and thanks them for their input and tenders."*

REASONS FOR MOTION:

Cr Walker has submitted the following in support of her motion:

- “1 the redevelopment of the Sorrento Beach Foreshore is inconsistent with our vision statement for a sustainable City, because the shifting sands up and down the coast will result in consistent and costly maintenance and upkeep.
- 2 No proper Structural Engineering Details or plans have been submitted to Council for the alternative tender. It is irresponsible for Council to approve any project without adequate briefing and submission of specific engineering details, but essentially it is totally irresponsible to approve a beach front project that is not conforming to the specific tender, and which has replaced limestone blocks with rammed earth, without adequate detailed engineering specifications;
- 3 Any upgrade of any foreshore should be the responsibility of the State Government Department of Planning and Infrastructure, and the West Australian Coastal Planning Council, which covers all matters that will occur from the high water mark to 200 metres inland. Council should not even be looking at this project because it is not within our jurisdiction.
- 4 There has been no report regarding any consequence with regard to a native title claim Crown land.
- 5 Council has more pressing and important projects to fulfil before we go off tarding up a beach front.
- 6 With regards to our 5 year forecast, we are living beyond our means and there are things that need to be done – like the building of the Council depot, the construction of the Community Centres, and the reconstruction of the Craigie Leisure Centre, development of Ocean Reef Small Boat Harbour, and there are things that we would like to have, such as the Performing Arts Centre and the redevelopment of the Sorrento Beach. Our needs must take precedence over our wants. We need to cut our coat according to our cloth, and proceed with corporate projects only in line with our ability to fund them, and we need to prioritise them in line with the requirements of the entire community.”

OFFICER’S COMMENT

To be provided.

VOTING REQUIREMENTS

Absolute Majority

**ITEM 12 CONFIDENTIAL - NOTICE OF MOTION NO 2 – CR A
WALKER – REIMBURSEMENT OF LEGAL EXPENSES –
CHIEF EXECUTIVE OFFICE**

This Item Is Confidential - Not For Publication

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

9 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **9 September 2003** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

10 CLOSURE

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

OFFICE OF THE CEO

NOTICE OF MOTION NO 1 – CR C BAKER – ENACTMENT OF LOCAL LAW – ex C78-06/02

“2 a report be prepared and presented to Council examining the powers of the City of Joondalup to enact Local Laws:

- (a) compelling cannabis cultivators who reside in the City of Joondalup to secure their cannabis crops in an appropriate manner to prevent young children accessing the same;
- (b) restricting the site or sites where cannabis can be grown within residential or non-residential premises;
- (c) providing for periodic inspections by suitably qualified Council staff of all State Government sanctioned cannabis crops so as to ensure that any such Local Laws are complied with, and;
- (d) providing for any other necessary, related or incidental matter.”

Status: A report will be presented to the Council detailing the Council’s ability to make local laws.

ANNUAL GENERAL MEETING OF ELECTORS – ex CJ307-12/02

2(a) Motion 1 (*requesting Council to make the various changes to public question time*) be considered as part of the further review of the City’s Standing Orders Local Law:

Status: A further review of the Standing Orders Local Law is being undertaken and will be referred to the Standing Orders Review Committee in the near future.

CONTRACT OF EMPLOYMENT FOR THE CHIEF EXECUTIVE OFFICER AND RELATED ISSUES/NOTICE OF MOTION – CR G KENWORTHY – VOTE OF CONFIDENCE IN MR DENIS SMITH – [70544] - ex JSC65-06/03

That the matters detailed within the purpose of the agenda for the Special Council meeting of 4 June 2003 being:

- 1 Contract of employment for the Chief Executive Officer and related issues;
- 2 That the Councillors of the City of Joondalup hereby yet again declare their support for the City’s CEO, Denis Smith and congratulate and thank him for his professional administration of the City

be DEFERRED pending the outcome of the report being prepared by Minter Ellison lawyers, as per the resolution of the Council at its meeting held on 27 May 2003.

MOTION TO LIE ON THE TABLE NO 7 - NOTICE OF MOTION – CR A WALKER – LEGAL ADVICE - ex C132-07/03

“that a report be prepared outlining the advantages and disadvantages of legal advice being reported to the Council in its entirety.”

Status: A report is currently being prepared.

CORPORATE SERVICES AND RESOURCE MANAGEMENT

APPOINTMENT OF AUDITOR – 1 JULY 2003 TO 30 JUNE 2006 – TENDER 040-02/03 – ex CJ164-07/03

“that consideration of appointment of auditors to the City of Joondalup for the triennium 1 July 2003 to 30 June 2006 be DEFERRED until the next meeting of Council scheduled to be held on 19 August 2003.”

Status: This Item will be resubmitted to the Council meeting to be held on 19 August 2003.

STRATEGIC AND SUSTAINABLE DEVELOPMENT

DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - EX CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

Status: Priority has been given to progressing the City’s key corporate projects. As a result, progress with undertaking further research has been deferred.

PLANNING & COMMUNITY DEVELOPMENT

RESPONSE TO PUBLIC COMMENTS ON THE MULLALOO BEACH PROJECT PRELIMINARY CONCEPT PLAN – ex CJ339-12/02

“3 REQUIRES a further report detailing priorities, costing and phasing of the elements comprising the Mullaloo Beach Project Concept Plan to be presented to Council for further consideration, having regard to the detailed comments and suggestions made by the public during the consultation period.”

Status: A report will be presented to Council in due course.

INITIATION OF AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 – PROSTITUTION LANDUSE PROHIBITION – ex CJ031-02/03

“that Council DEFERS initiating and adopting the amendment for the purposes of advertising until the Hon Minister responds to the issues outlined within both the City’s and WALGA’s submissions and further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period.”

Status: Awaiting WAPC’s consideration for consent to advertise.

NOTICE OF MOTION NO 3 – CR C BAKER – ENACTMENT OF LOCAL LAWS – MOBILE PHONE TOWERS – ex C61-04/03

“the Review be the subject of a report to Council for Council’s consideration.

Status: Legal advice has been received on the matter and will be presented to the Strategy Session of 26 August 2003

NOTICE OF MOTION NO 4 – CR M CAIACOB – LOT 1 OCEANSIDE PROMENADE, MULLALOO ex C83-05/03

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

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

Status: A report will be prepared in due course.

COMMUNITY DEVELOPMENT

RANS MANAGEMENT GROUP - ex JSC5-07/02

“requests the CEO to prepare a detailed report on the viability of the management and operation of the Sorrento/Duncraig and Ocean Ridge leisure centres;

Status: The brief was developed and quotes sought from consultants. The closing date for quotes was 30 January 2003. CCS Strategic Management Consultant has been engaged to prepare a feasibility report. A report is due to be presented to Council in October 2003.

PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA– ex CJ338-12/02

“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council”

Comment: The City is awaiting further advice from the Office of Crime Prevention. When this information is available, a report will be presented to Council.

UPDATED REPORT REGARDING THE REDEVELOPMENT OF THE CRAIGIE LEISURE CENTRE – ex CJ074-04/03

“a report regarding the position of the Marmion Squash Club be presented to Council once there has been an opportunity to discuss the project further with the Club’s executive.”

Status: This will be addressed in a report to Council regarding the redevelopment of the Craigie Leisure Centre.

WANNEROO BASKETBALL ASSOCIATION – PROPOSED WRITE OFF OF DEBT TO COUNCIL – ex C57-04/03

“Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;

Status: Report will be prepared in due course.

OUTSTANDING PETITIONS

<p>A 123-signature petition requesting Council consider modification to perimeter road at Craigie Leisure complex to accommodate cycling activities and also a criterium circuit and a 250 metre high banked truck within Treetop Avenue quarry reserve.</p> <p>Comment: The proposal will be considered as part of the Concept Plan.</p>	<p>18 February 2003</p> <p>Director, Planning & Community Development</p>
<p>A 202-signature petition requesting consideration on various infrastructure issues in Currambine.</p> <p>3 Tidying vacant land north of Woolworth's in Currambine;</p> <p>Comment: This has been dealt with administratively and may therefore be removed from the agenda.</p>	<p>18 February 2003</p> <p>Director, Planning & Community Development</p>
<p>An 89-signature petition from residents of Heathridge requesting that Council:</p> <ol style="list-style-type: none"> 1 acknowledges that the visibility for vehicles exiting Squire Avenue to Mermaid Way, Heathridge is limited, therefore creating a dangerous traffic environment; 2 acknowledges that the design of Mermaid Way, Heathridge, with a hill and a bend in the road makes any vehicle exceeding the speed limit more dangerous on Mermaid Way, than a vehicle travelling at the same speed on other similar roads in the City of Joondalup; 3 constructs a roundabout at the intersection of Mermaid Way and Squire Avenue, Heathridge; 4 consults with the residents of Heathridge, with the aim of reducing the speed of traffic on Mermaid Way, Heathridge. <p>Comment: A traffic assessment will be undertaken and a report will be submitted to Council in October 2003.</p>	<p>27 May 2003</p> <p>Director Infrastructure & Operations</p>
<p>An 56-signature petition from residents of Sorrento requesting that Council implement traffic calming works on Seacrest Drive, Sorrento.</p> <p>Comment: An investigation will be carried out and a report will be submitted to Council in October 2003.</p>	<p>17/24 June 2003</p> <p>Director, Infrastructure & Operations</p>

<p><i>A 45-signature petition has been received from Hillarys residents seeking the assistance of Council in addressing various traffic issues, including excessive speeds travelled by motorists in Flinders Avenue.</i></p> <p>Comment: An investigation will be carried out and a report will be submitted to Council in October 2003.</p>	<p>8 July 2003</p> <p>Director Infrastructure and Operations</p>
<p><i>A 34-signature petition has been received from Sorrento residents requesting the City to undertake the following works:</i></p> <ul style="list-style-type: none"> ▪ Close Raleigh Road at junction of Frobisher Avenue (western side) ▪ Create left turn only from Raleigh Road on to West Coast Drive <p>Comment: An investigation will be carried out and a report will be submitted to Council in November 2003.</p>	<p>8 July 2003</p> <p>Director Infrastructure and Operations</p>
<p>Cr Walker submitted a 152-signature petition on behalf of residents of the City of Joondalup requesting the City to delay making a decision on the redevelopment of the Craigie Leisure Centre until further options which include a 50m 8 lane (2.5m width) pool together with a 25m pool and children's aquatic area are presented to Council, complete with costings.</p> <p>Comment: The Council has resolved that further consultation should take place with regards to the redevelopment of the Craigie Leisure Centre. A full report regarding the further consultation will be made to Council in early August.</p>	<p>8 July 2003</p> <p>Director Planning and Community Development</p>
<p>Cr Gollant submitted a 53-signature petition on behalf of members of Westcoast Masters Swimming Club, rejecting Proposals 2-6 for the redevelopment of Craigie Leisure Aquatic facilities, on the basis that the proposals would not meet the needs of the club.</p> <p>Comment: The Council has resolved that further consultation should take place with regards to the redevelopment of the Craigie Leisure Centre. A full report regarding the further consultation will be made to Council in early August.</p>	<p>8 July 2003</p> <p>Director Planning and Community Development</p>

REPORTS/PRESENTATIONS REQUESTED AT BRIEFING SESSIONS

	DATE OF REQUEST - REFERRED TO -
<p>Cr Rowlands requested a report on the possibility/desirability of using small parcels of land adjacent to community centres in Heathridge and Duncraig to help alleviate the land shortage for nursing home type facilities in the City.</p> <p>Comment: Plans prepared. Manager (APES) to arrange briefing with Cr Rowlands.</p>	<p>10 December 2002</p> <p>Director Planning and Community Development</p>
<p>Cr Kimber requested a report on the feasibility of the provision of inner City public transport within the 2004/05 financial year, such report to give consideration to corporate sponsorship, including learning institutions and TransPerth.</p> <p>Comment: A report was presented to Executive on 16 June 2003.</p>	<p>4 March 2003</p> <p>Strategic & Sustainable Development</p>
<p>Cr Hollywood requested a report on the need and possible location of childcare facilities in the North Coastal Ward.</p> <p>Comment: A memorandum was provided to Elected Members, the CEO and Executive Management Team at the end of May 2003.</p>	<p>25 March 2003</p> <p>Director Planning and Community Development</p>
<p>Replacement of Park Sandpits:</p> <p>Cr Prospero requested a report on the feasibility of the replacement of park sandpits with mats, to avoid the danger to children from needles left in the sand.</p> <p>Comment: A report will be submitted to Council in September 2003.</p>	<p>26 June 2003 (Budget Committee Meeting)</p> <p>Director Infrastructure and Operations</p>

<p>Street lighting</p> <p>Cr Prospero requested that a report be submitted to Council on appropriate measures to improve street lighting in older suburbs within the City.</p> <p>Comment: Information regarding this request will be included in a report to Council on Underground Power to be submitted in September, 2003</p>	<p>15 July 2003</p> <p>Director Infrastructure and Operations</p>
<p>Location of Medicare Office within Joondalup CBD</p> <p>Cr Kimber requested that consideration be given on attracting Medicare to open an office within the Joondalup CBD, with a report provided to elected members.</p> <p>Comment: The City has contacted the HIC (Health Insurance Commission) & they will advise how they determine the location of Medicare Offices.</p>	<p>22 July 2003</p> <p>Office of the CEO/ Manager Strategic and Sustainable Development</p>
<p>Cr Kimber requested a copy of the report on the inquiry in the recent incident within the Chamber building, involving Cr Hollywood.</p>	<p>22 July 2003</p> <p>Office of the CEO/ Mayor Carlos</p>
<p>Cr Kimber requested a report, as soon as practicable, on the:</p> <ul style="list-style-type: none"> • Number of public questions asked (over the last three years); • Number of questions requiring investigation; • Amount of staff hours required to respond to questions; • Cost per individual to the City of Joondalup and its ratepayers; • Benefits to the ratepayers of the questions asked by: <ul style="list-style-type: none"> • Mr Ron De Gruchy; • Mr S Magyar; • Mr D Davies; • Mr M Sideris; • Mr V Cusack; • Ms S Hart (prior to election) • Mr M Caiacob (prior to election) • Mr K Zakrevsky; • Ms M Moon; • Ms K Woodmass; • Mr S Grech; • Mrs M Mc Donald. 	<p>22 July 2003</p> <p>Office of the CEO/Manager Marketing Communications & Council Support</p>
<p>Cr Hart requested a report on Community Vision.</p> <p>Comment: A report will be presented to Council in August/September 2003.</p>	<p>22 July 2003</p> <p>Director Planning and Community Development</p>