



MINUTES OF COUNCIL MEETING
HELD ON 14 NOVEMBER 2000

INDEX

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	APOLOGIES AND LEAVE OF ABSENCE	2
	LEAVE OF ABSENCE – CR T BARNETT	3
	LEAVE OF ABSENCE	3
	PUBLIC QUESTION TIME	3
	DECLARATIONS OF FINANCIAL\NON FINANCIAL INTEREST	14
C65-11/00	CONFIRMATION OF MINUTES	14
	MINUTES OF COUNCIL MEETING HELD ON 24 OCTOBER 2000	14
	ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	14
	MAYORAL CHAIN	16
	PERFORMING ARTS FACILITIES	17
	STRATEGIC PLAN – REVIEW	17
C66-11/00	PETITIONS	17
	FINANCE AND COMMUNITY DEVELOPMENT	20
CJ299 - 11/00	RECORDS MANAGEMENT ASSOCIATION AUSTRALIA (RMAA) NATIONAL CONVENTION 2000, 3-6 DECEMBER 2000, SYDNEY - [99214]	20
CJ300 - 11/00	LEGISLATIVE REQUIREMENTS - PUBLIC QUESTION TIME - [01122] [08122] [02154]	21
CJ301 - 11/00	URGENT BUSINESS - COUNCIL RECESS - [02154]	28
CJ302 - 11/00	MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 18 OCTOBER 2000 - [00906]	31
CJ303 - 11/00	COMMUNITY FACILITY AT CONNOLLY - [25066]	33
C67-11/00	MOTION TO ADJOURN MEETING	38
C68-11/00	MOTION TO RECONVENE MEETING	38

CJ304 - 11/00	CITY OF JOONDALUP CRIME & COMMUNITY SAFETY STUDY - PROPOSED STRATEGIES FOLLOWING AN EVALUATION OF THE STUDY - [39908]	40
CJ305 - 11/00	SAFER COMMUNITY PROGRAM 1999/00 END OF YEAR REPORT - [41157]	46
CJ306 - 11/00	MINUTES OF JOONDALUP YOUTH ADVISORY COUNCILS MEETINGS – OCTOBER, 2000 - [45637]	49
CJ307 - 11/00	MINUTES JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE - [50027]	50
CJ308 - 11/00	MINUTES JOONDALUP EISTEDDFOD WORKING PARTY - [50027]	51
CJ309 - 11/00	SCHEDULE OF FEES AND CHARGES - BIBLIOGRAPHIC FEES - [09330]	52
INFRASTRUCTURE MANAGEMENT		
CJ310 - 11/00	TRAFFIC TREATMENTS - PACIFIC WAY, BELDON - [02432]	54
CJ311 - 11/00	PARKING RESTRICTION - TWICKENHAM DRIVE, KINGSLEY - [09430]	56
PLANNING AND DEVELOPMENT		
CJ312 - 11/00	REFUND OF CASH-IN-LIEU OF PARKING PAYMENT FOR LOT 510 (5) DAVIDSON TERRACE, JOONDALUP - [13250]	59
CJ313 - 11/00	REVIEW OF DIVIDING FENCES ACT 1961 - [01185]	60
CJ314 - 11/00	PROPOSED CARAVAN PARK (EXTENSIONS AND ALTERATIONS TO CHEROKEE CARAVAN PARK-PARK HOMES, TOURIST CHALETS, CAMPING SITES, WORKSHOP, STORAGE YARDS AND RECREATION HALL) AT LOT 98 (10) HOCKING ROAD, KINGSLEY - [01366]	66
CJ315 - 11/00	PROPOSED TWENTY THREE (23) AGED/DEPENDENT PERSONS' DWELLINGS AT 207-211 LAKESIDE DRIVE, JOONDALUP - [00760]	73
CJ316 - 11/00	PROPOSED CANCELLATION OF PORTIONS OF RESERVE 32299 FORREST RESERVE, (47) FORREST ROAD, PADBURY - [31250] [06514]	80
CJ317 - 11/00	PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN WINSTER CLOSE AND RIPLEY WAY, DUNCRAIG - [42414]	83
CJ318 - 11/00	PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN WARWICK ROAD AND BEGONIA STREET, DUNCRAIG - [43637]	86
C69-11/00	MOTION TO GO BEHIND CLOSED DOORS	88
REPORT OF THE CHIEF EXECUTIVE OFFICER		
C70-11/00	CHIEF EXECUTIVE OFFICER'S ANNUAL REVIEW AND CONTRACT EXTENTION – [02154] [08122]	89
MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		
DATE OF NEXT MEETING		
CLOSURE		

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 14
NOVEMBER 2000

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

CR P KADAK	Lakeside Ward	
Cr L A EWEN-CHAPPELL	Lakeside Ward	<i>from 1912 hrs</i>
Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	
Cr A T NIXON	North Coastal Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	<i>from 1904 hrs</i>
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

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

LEAVE OF ABSENCE – CR T BARNETT

Cr T Barnett has requested Leave of Absence from Council duties for the period 11 – 13 December 2000 inclusive.

MOVED Cr Walker, SECONDED Cr Kenworthy that Council APPROVES the Leave of Absence requested by Cr T Barnett for the period 11 – 13 December 2000 inclusive.

The Motion was Put and

CARRIED

Cr Magyar advised he wished to call a Point of Order as this evening's meeting was held being contrary to the City's Standing Orders, clause 3.2 which states:

“The order of business at an ordinary meeting of the Council shall, unless otherwise resolved by Council, be as near as is practicable, to the following:

Apologies and Leave of Absence
 Public Question Time
 Confirmation of Minutes
 Announcements by the Mayor Without Discussion
 Declarations of Financial Interest
 Questions with Due Notice
 Questions without Due Notice
 Petitions
 Reports of Committees
 Report of the Chief Executive Officer
 Motions of Which Previous Notice has been Given
 Motions for Further Action
 Date of Next Meeting
 Question Time
 Closure”

Cr Magyar requested that the meeting be held in accordance with Council's own local laws, which encourage public participation at council meetings, and provides opportunity for Councillors to perform their functions under section 2,10 of the Local Government Act 1995.

Mayor Bombak stated this was not a Point of Order.

PUBLIC QUESTION TIME

The following question, submitted by Mr Ron De Gruchy, was taken on notice at the Meeting of Council held on 24 October, 2000:

Re: CJ290 - 10/00 - Tender 072-99/00 - Operational Management and Lease, City of Joondalup Leisure Centres:

Q1 What is the amount of depreciation not included in RANS' bid?

- A1 Depreciation of the Leisure Centres is included in the rental that the City charges the centres. The depreciation component of the rent for Craigie Leisure Centre is \$209,000 per annum.

The following questions were submitted by Mr V Cusack, Kingsley:

Q1 Does the security service charge of \$27 equate to the specific cost of providing the security service delivery?

A1 Yes

Q2 Is Council aware that it is currently not meeting the principles enshrined within the legislation for the provision of the security service charge?

A2 The Council is meeting the principles enshrined in the Local Government Act 1995.

Q3 Now that each Councillor has been fully briefed on the different legal opinions relating to the security charge as applied by the City of Joondalup (See minutes 10 October):

- (a) Does Council intend to remove the legal uncertainty by funding the community initiatives such as graffiti control, mural arts, safety house and urban design programmes from general rates rather than part of the security service charge?*

A3(a) There is no legal uncertainty.

- (b) Does Council intend to consider funding the entire 'safer community programme' from general rates rather than under a security service charge?*

A3(b) The Council has given no indication that it wishes to pursue this method of funding.

The following questions were submitted by Mr M Sideris of Mullaloo:

Can you please:

Q1 Advise how many City of Joondalup Security Officers attended the incident at Mullaloo Surf Club Saturday evening 4th November.

A1 Four.

Q2 If any attended, what time they arrived and departed.

A2 Approximately 12 midnight and departed at 12.30 am.

Q3 Why the lights at associated park have not been fixed and operate after dark to act as a deterrent to anti social behaviour by youth even though local residents have requested action by this Council for many months.

- A3 Lights within the Mullaloo Foreshore Tom Simpson Park operate from 8.00pm to 12.00pm nightly. During December, January and February the operating time is extended to 2.00am. All lights have been checked (Monday 13 November 2000) and are operational.

The carpark lighting directly North of Tom Simpson Park is set to operate between 7.00pm to 4.00am daily.

Park lights were not operational for a period of 4-6 nights recently due to electrical fault. This fault has now been rectified.

The following questions were submitted by Mr V Harman of Ocean Reef:

Re: Public Question Time: Tuesday 14th November 2000 – CJ300-11/00

- Q1 Where did the request for the report emanate from, Elected Members or the Administration?*
- A1 A request was received from elected members for a report to be prepared detailing the legislative requirements for public question time.
- Q2 What further erosion of the Democratic Process to the Community can be expected? The closure of all Council meetings to the Public?*
- A2 The Local Government Act 1995 does not allow for ordinary meetings of the Council to be closed to the public, with the specific exception of certain matters which are prescribed. This also applies to committee meetings where decisions are made under delegated authority of the Council.
- Q3 Is it to be Council Policy that the community be cultivated like mushrooms and kept in the dark and fed manure?*
- A3 Not at all, the City is committed to community involvement where ever possible.
- Q4 If the public are to be excluded from the briefing sessions, how can they have sufficient time to prepare a deputation submission under the proposed time frame?*
- A4 The agenda for the ordinary meeting of the Council will continue to be distributed on the Wednesday, the week prior to the Council meeting. This allows members ample time to request deputations, and/or public questions.
- Q5 If the length of Council Ordinary meetings is of concern, why not delete the practice of inviting Guest Speakers?*
- A5 The introduction for special guests to attend Council meetings is a new initiative. The time the guest speaker comments is very short and consumes a very small percentage of the overall Council meeting time.

- Q6 As Council is now assured of a non-critical media, why are elected members so sensitive to the attendance of the few members of the public who attend the Ordinary Council meetings and the, even fewer, at the Briefing Sessions?*
- A6 The Council is not sensitive to critical media. Members of the public are entitled to ask questions of the Council at ordinary Council meetings. There is no legislative requirements for briefing sessions or committee meetings to be open to the public where no decisions are to be made.
- Q7 Would Elected Members take note that the City of Swan gives the opportunity of three sections of public question time for verbal questions?*
- A7 This is noted and detailed in the report before the Council for consideration.
- Q8 By what criteria has the maturity of the elected members and their familiarity with operating of the business of the City of Joondalup been judged?*
- A8 The Council has a better understanding of the business operated by the City of Joondalup as a result of experience in the decision making since its election in December 1999 and is anxious to trial any procedures which may assist the decision making process to become better informed and run more efficiently.

The following questions were submitted by Angela Harman of Ocean Reef:

Re: Public Question Time: Tuesday 14th November 2000 – CJ300-11/00

- Q1 With regard to the Friday deadline, will answers to the questions submitted be prepared on the following Monday?*
- A1 That is a decision for the Council to decide. The agenda for the upcoming Council meeting will continue to be distributed on the Wednesday prior to the scheduled meeting. Questions are required to be submitted by the Friday, allowing members of the public two days to submit questions.
- Q2 If answer is Yes, can deadline be extended to 8 am Monday?*
- A2 See response to Question 1.
- Q3 Why has the 15 minute question time period not been adhered to at all past Council meetings.*
- A3 The Local Government Act 1995 and the Administration Regulations provides for a minimum of 15 minutes public question time which is to precede the discussion of any matter that requires a decision to be made by the Council.

Procedures for asking and responding to questions raised shall be determined by the person presiding at the meeting.

Cr Ewen-Chappell entered the Chamber, the time being 1912 hrs.

The following questions were submitted Mr & Mrs O'Brien of Warwick:

- Q1 In an article on Page 1., of the "WANNEROO TIMES" dated Monday 3 September 1991 it was stated that Wanneroo City Council had an "investment" of FOUR MILLION SIX HUNDRED DOLLARS (\$4,600,000.00) "frozen" in an account with the "collapsed" Permanent Building Society. Was the article an accurate indication of the Council's monies speculated with the Permanent Building Society at that time?*
- A1 At the time of liquidation of the Permanent Building Society the former City of Wanneroo had invested net funds of \$4.76 million in "authorised trustee investments" as permitted by the Local Government Act 1960 and the Trustees Act. At that time the matter was fully investigated by the Council. The City's financial records were subject to scrutiny by the City's appointed auditor.*
- Q2 Was the "Investment" a "minuted" decision of the Council sometime before Monday 3rd September 1991?*
- A2 All investments at that time were undertaken by the then City, through the City's Treasury Department and reported monthly to Council in the monthly Financial Reports and Warrant of Payments. Those reports were adopted by the City on a monthly basis. These investments were "minuted" in March, April and June 1991 and others in September 1991.*
- Q3 If so what was the date and the minute reference of any such decision of the Council?*
- A3 Refer Question 2.*
- Q4 If the decision to pay the \$4,600,000.00 to the Permanent Building Society, was a decision of the Councillors, has there been any "Loss" of the Ratepayers monies in relation to this matter?*
- A4 The liquidation of Permanent Building Society is still continuing through the liquidator Tony Woodings of Taylor Woodings Chartered Accountants. The former City of Wanneroo wrote off \$1,000,289 in 1991/92 and 1992/93.*
- Q5 If there has been a "Loss", were any Councillors surcharged in relation to this matter?*
- A5 No.*
- Q6 If there was not a "minuted" decision of the Council, was the decision to "Place" the Municipal Money with the Permanent Building Society a decision of an Officer of the Municipality?*
- A6 In the absence of a policy relating to investments the decision to invest funds was at the discretion of the then Revenue Accountant, under the authority of the City Treasurer. In making these investment decisions these officers were required to comply with the provisions of the then Trustees Act which required local governments to only invest in "authorised trustee investments". Permanent Building*

(including those with PBS) were approved by Council through the monthly Financial Reports and Warrant of Payments.

Q7 If the decision to “Place” the Municipality’s money with the Permanent Building Society was that of one of the Municipality’s Officers, who was the Officer?

A7 The Revenue Accountant with authority from the City Treasurer.

Q8 If there was any “Loss” of Municipality money in this matter how much was the “Loss”?

A8 The former City of Wanneroo wrote off \$1,000,289 in 1991/92 and 1992/93.

Q9 Have any of the Municipality’s Officers, past or present, been surcharged in relation to any such “Loss”?

A9 No.

Q10 Was there then, and is there now, a “Fidelity Fund” that covers any such “Loss” of the Municipal Ratepayer’s money, held and/or speculated by Municipality?

A10 No.

Q11 How much of the \$4,600,000.00 (if that was the correct figure), has been recouped?

A11 The former City of Wanneroo recouped \$3,667,726 through dividend payments. An amount of \$95,266 still remains invested as the liquidation has not been finalised.

Q12 If there was a “Loss” in relation to this matter, is any such “Loss”, equally shared by the City of Joondalup and the City of Wanneroo, as a result of the Minister for Local Government’s decision to split and divide the Municipality into two separate entities?

A12 The loss incurred was written off in 1991/92 and 1992/93 well before the division of the former City of Wanneroo. In the allocation of Assets and Liabilities by the Commissioners the City of Joondalup was allocated Asset - Investment PBS (in liquidation) \$95,266.

Q13 Will the Municipality provide the Wanneroo Times and any other interested media with a Full Statement of the present position, in regard to this matter as a matter of transparent accountability to the Ratepayer (Taxpayers) of both municipalities, if both Municipalities are still affected?

A13 As mentioned in Answer 12 above only the City of Joondalup has an interest in this matter as it holds an asset of \$95,266. The relevant information could be made available if considered appropriate.

Mr A Bryant of Craigie:

Q1 With regard to Annual Rate notices 2000 – 2001, when may I expect a rate notice for my jointly owned property at 6A Stocker Court Craigie - Property No 154764: Lot 1 Strata Plan 8750? I received a rate notice for my property at 6B Stocker Court Craigie and paid my rates by cheque through the post on 24 August 2000. A cheque was sent for rates amounting to \$558 on 11 September 2000 for the property at 6A Stocker Court Craigie, an amount then estimated to be due. I assume this was the correct amount, but to date I have not received any rate notice.

A1 All rate notices were issued early August 2000. I am unaware as to why you have not received a notice in relation to 6A Stock Court, Craigie. I will take this question on notice.

Q2 In regard to floodlighting Warrandyte Park and I would like to thank Mr Dennis Cluning of your staff for his co operation. I refer to my questions to Council Meeting on 25 July 2000, and thank Council for planting 3 Eucalyptus trees at the entry from Stocker Court into Warrandyte Reserve. On 6 April 2000, Council correspondence from the Director Infrastructure of Management indicated a redirection of luminaires could solve the problem. Could this now be done?

A2 I believe there may be a problem with the actual direction of the luminaires. As I understand it, if the luminaire is redirected, it will not be affective in relation to the requirements of the club using the grounds.

Mr K Zakrevsky, Mullaloo:

Q1 I refer to Item CJ300-11/00 and also other items which indicate access to the Briefing Sections by the Public are to be curtailed, in fact made not possible. Bearing that in mind, why is the word “require” in the recommendation before Councillors tonight when this would mean the only questions that the Public could ask would have to be in writing because the meaning of require in the MacQuarie National Dictionary is “obligatory” and other Councils such as the City of Melville and the City of Perth use the word “request”? Is the intention of the word “require” to remove question time in Council Chambers totally and then all questions and answers would appear in the agenda. Is the intention that people preferring to variably ask their questions be denied their basic right because of whatever reason? Many of us feel more comfortable speaking because we may be blind or near blind, be dyslexic or illiterate or a non-English background and prefer to just simply ask questions verbally.

A1 There is no real reason why the word “require” was used. If it is the wish of the Council to change it to the word “request”, then that is a decision of the Council.

- *With regard to affairs of Council, Mr Zakrevsky asked that the public not be stifled, and that the interest expected from the public be reflected in how the public are treated.*

Mr Ron DeGruchy, Sorrento:

Re: Item CJ290-10/00 – Tender of Leisure Centres

Q1 What is the total cost of staff wages for 1999 – 2000 for staff employed at:

(a) Ocean Ridge Leisure Centre

(b) Craigie Leisure Centre

(c) Sorrento/Duncraig Leisure Centre

A1 This question will be taken on notice.

Q2 Will RANS who have been nominated as the preferred tenderer, have to pay corporate overheads and governance to the City of Joondalup?

A2 RANS pays its own corporate overheads in relation to the operation of its own organisation, and will not be paying overhead costs associated with the City.

Q3 Will RANS if successful in their tender, continue the current practice of selling books of tickets to the gymnasium and pool at a discount?

A3 That matter has been discussed with RANS by the Tender Evaluation Committee, and will be the subject of a report to the next Council Meeting.

Q4 Currently four personal trainers utilise the gymnasium with their clients. Will this continue under the proposed takeover by RANS?

A4 I am not aware of any intention to change that arrangement.

Q5 Will the proposed new operator of the Craigie Leisure Centre also take over the controls and operations of the kiosk located at the Craigie Leisure Centre?

A5 That is subject to a separate lease agreement.

Q6 The paragraph dealing with corporate overheads mentions the possibility of additional costs associated with managing the Leisure Centre contract. When will the nature and extent of these additional costs be determined?

A6 This will be based on initial experience over the first couple of months and then built into Council's Budget for subsequent financial use.

Ms Sandra Carr, Duncraig:

Re: CJ318-11/00 – Proposed closure of pedestrian accessway between Warwick Road and Begonia Street, Duncraig:

I refer to the petition that has been lodged in support of closing the accessway, which conflicts with the previous petitions to keep the accessway open. With regard to child and pedestrian safety:

Q1 How can Council encourage pedestrians to access this accessway when there is no footpath on Begonia Street, yet there is one on Currajong Road? I would like to know how the Council can encourage pedestrians to use the accessway to cross Warwick Road at a busy uncontrolled T-Junction where several car accidents have occurred. The accessway also has a significant slope down to Warwick Road, which encourages users to ride their bikes, skateboards, and scooters down there - it is an accident waiting to happen. The Begonia Street end of the accessway has three driveways that all converge onto the entrance of the accessway so that owners are forced to back out almost on top of the accessway. I would like to know what would be Council's defence if a pedestrian or child is injured or worse while accessing this pedestrian accessway when we have been asking for it to be closed? Whilst speaking with neighbours recently they sighted cases of a four year old child that had been found half way down that accessway on more than one occasion they were very concerned about that child's safety. I am aware that questions regarding child safety were asked last week at the Briefing Meeting, and I would like to know what action did the Council take to address these concerns?

A1 The Councillors are aware of the additional petition which has been submitted. In fact we have circulated to elected members a copy of a plan which shows which residences have opposed the closure and which residents are supporting the closure. I think there is about eight households which have changed their minds in this process, and the suggestion from myself to them, is because there is a conflict with the two petitions now, that it is perhaps advisable to defer the matter and allow the City to conduct its own survey, and that survey would allow the City to gather sufficient data other than just the fact that people have signed petitions. This matter is before Councillors this evening. Some of the other matters certainly have been raised and discussed with the Councillors at the last Briefing Session.

Mr D Davies, Connolly:

Re Item CJ303-11/00 - Community Facility at Connolly:

Q1 Before voting on this long thoughtful issue, that the Administration recommend that you vote to decline joint funding, are you aware that I made a written request for a deputation to fill in some of the holes in the administration's report and answer any questions to enable you to vote on this issue after hearing both sides of the story. The request was declined and I was not advised. Mr Mayor can you give me a reason why the deputation was declined as it appears to be a denial of natural justice.

- A1 I felt that there was no new information. There was quite adequate information covered in the report, and not only that, it is somewhat difficult to have a large enough contingent of Councillors along to these deputation sessions to warrant your cause. I felt that it was probably in your best interest to contact your Ward Councillors.

Response by Mayor Bombak: Mr Davies, let me apologise to you in the first instance for not getting back to you. I have been very busy.

- Q2 *Are the Councillors aware that in the report, under details in the second chart of organisations and comments, it lists Connolly Residents Association and Safer WA as no comment to date. I physically delivered both comment documents to Martine Baker on Thursday 2 November 2000. Why is this date - no comment?*

- A2 I cannot offer an explanation for that. I am unaware that a document was delivered. I will certainly look into that as soon as I am able.

- Q3 *Lawnkeepers and Gardeners of Connolly Association is listed as no preference for Connolly – untrue. Mr Allan Llufrío, the Chairman of this group, never stated “no preference for Connolly”. Why is it wrongly stated and are there any other misleading references?*

- A3 The process that was undertaken to obtain those comments was in two ways, one was a request in writing and the other was to talk to the people concerned. Those comments where they were provided verbally were noted. I can only state that they were the comments that were provided to the City.

Mr Cusack, Kingsley:

- Q1 *Is it correct that Council have \$320,864 over from the monies raised by the \$27 security charge last year?*

- A1 \$320,864 was the figure carried forward from the old year to the new year.

- Q2 *Is the answer provided to my question in this evening’s agenda still correct?*

- A2 Yes.

- Q3 *There is \$320,864 over from last year; residents were all charged \$27. How does this equate to a \$27.00 fee. It does not add up?*

- A3 The amount carried forward from last year was \$320,864 as you rightly say. Added to that is the figure that the City levied this financial year. The total of those two amounts equate to the expenditure for this year 2000-2001.

- Q4 *Re: CJ311-11/00 - Parking Restrictions on Twickenham Drive. Were the motorists who park there interviewed to determine where they live and why they have to drive to the station?*

- A4 I am not sure if the motorists were actually surveyed - I believe they probably were not. It is our understanding that for people who have parked there; it is a matter of convenience. If they park there, they can just walk across the bushland across the ramp and into the Train Station site and that is as we understand it.
- Q5 *Are there any measures planned to encourage a greater use of buses to the Train Station, for example more bus shelters around the suburbs again, I have noticed with other Wards raised before and I know its related to advertising.*
- A5 There is discussion at a State level to increase the capacity of the carpark as I understand it by in excess of 100 car bays and that will extend in a southerly direction from the existing carpark. As to the timing of that it is unknown at this stage.
- Q6 *If the recommendations go ahead regarding Public Question Time, CJ300-11/00 as written, does Council intend to continue with its current policy that was voted on recently, of not reading out the questions in full from the public?*
- A6 The written questions are to be summarised as they are supplied to the public in full. This is done so the maximum opportunity can be given to those that attend the meeting to ask questions during the question time.
- Q7 *Well that's exactly my point. If it goes ahead as written, and again it comes back to what the ward require, does that mean we are not allowed to ask verbal questions?*
- A7 You are referring to the report that suggests all questions be in writing. That is a consideration by the Council this evening. I cannot preempt what that decision may be.

Mr Sideris, Mullaloo:

- Q1 *Why did the Security Officers only attend the incident at the Mullaloo Surf Club between the hours of 12 midnight and 12.30am when there was something in excess of 150 – 200 youth there that night, when there were three patrol cars, 4 paddy wagons and youth did not disperse until well after 1.30am that night?*
- A1 The security rangers were requested by the police to attend and to assist the police. They arrived at midnight, by 12.30 am riot police arrived and our Rangers were advised that they were no longer required by the police to be present in attendance.
- Q2 *Can the hours of light operation in the northern carpark be extended?*
- A2 The timing of the lights can be extended and these will checked to see that they are functional.

Mrs M Zakrevsky, Mullaloo

- Q1 *With regard to CJ302-11/00 (Minutes of the Environmental Advisory Committee) on page 11, there were six persons who were formally appointed and yet in the recommendation to Council on page 12 only four names are stated and the names of J Profumo and C Wood have been omitted. Could I ask why their names have been*

- A1 There were a number of people that expressed an interest in being committee members on the Environmental Advisory Committee. The Committee itself did make a number of recommendations as has been indicated. The report coming to Council this evening has suggested that in fact a lesser number be appointed to the Environmental Advisory Committee on the basis that while all parties had skills and interests, some were more appropriate for the strategic level that the Environmental Advisory Committee operates at and that perhaps others would be possible candidates for some of the other Committees or projects that the Environmental Committee has an interest in.
- Q2 *Is it purely the Councillors who should make that decision? If the recommendation went through from that Committee, that should be the six people, surely it should be Council that should make that decision?*
- A2 That is correct, the Council will make the decision.
- Q3 *CJ303-11/00 - Community Facility at Connolly. In the Table on page 15, in the fourth box down on the extreme right, the suburb Connolly does not appear but the word or suburb Joondalup does. On page 16 the suburb of Connolly does not appear but Clarkson does. This is referring to a letter to Chris Baker from the Playgroup in which the suburb Connolly does feature. So why are they making a reference when Connolly is there but in the actual notes Connolly does not appear in either of them and two other suburbs appear. I am asking why has the suburb Connolly been substituted in two different places by two other suburbs?*
- A3 There is a table that refers to correspondence in the report that talks about the Playgroup Association and that mentions currently used parks located not essentially in Connolly Group mainly from Currambine, Iluka and Joondalup.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C65-11/00 MINUTES OF COUNCIL MEETING – 24 OCTOBER 2000

MOVED Cr Magyar, **SECONDED** Cr Mackintosh that the Minutes of the Council Meeting held on 24 October 2000, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

CITY OF JOONDALUP SCOOPS STATE AWARDS

The City of Joondalup has scooped the pool in WA's most prestigious Local Government Awards.

At the Gala Presentation night, the City of Joondalup won the award for the State's top Council.

The City is very pleased to have done so well.

The City won awards in every category – and topped off the night by winning the Award For Best Practice in Local Government and the top award – “Leadership In Best Practice”.

The Leadership Award is the pinnacle achievement award in Western Australian Local Government.

The Award is not given out every year – only when the judges feel a municipality has demonstrated the kind of leadership that sets an example for all in the local government industry.

This year that municipality was Joondalup.

I congratulate Chief Executive Officer Lindsay Delahaunty and his professional staff and call on him to make comment.

COMMENTS BY CHIEF EXECUTIVE OFFICER

“Chief Executive Officer advised the awards are due recognition of the achievement of all the staff for a dedicated and loyal effort over recent years. There has been a number of changes made to the way in which the administration does business, and a conscious effort has been made for it to be what is considered to be leading edge in most cases, hence this has been recognised as Best Practice.

The WAMA Best Practice Awards have recognised the progress and achievement of Joondalup as a leader in the industry and will do a great deal to lift staff morale and to spur the staff on to bigger and better things in the future.

The Awards won by the City of Joondalup were in the following categories:

- Leadership in Best Practice Award;
- Best Practice in Local Government (whole of organisation) Award;
- Process Management Award – Approvals Services Process Management;
- Process Management Award – Developing Local Laws & supporting information for customer-focused enforcement;
- Performance Management Award – Monthly key performance Indicator reporting;
- Innovation – Business Plans Online;
- Innovation – Child & Youth Respite & Disability Restructure;
- Innovation – Contract Management framework;
- Innovation – Record Document Management Systems;
- Innovation – Youth Services for all Young People;
- Customer Service – Innovative customer service.

The list of awards is certainly impressive and is a credit to all in the organisation, especially when you consider how new our City is.

The awards put the City on the map as the most progressive and a leader in Local Government services in this State.

Congratulations to all the staff.”

COMMENTS BY MAYOR

The City of Joondalup’s performance in the Awards was praised by the Western Australian Municipal Association President, Cr Ian Mickel as “outstanding”.

Cr Mickel was also quoted as saying: “it is just fantastic to see the enthusiasm of the people at Joondalup – the way they lead and inspire their Community and each other is an example to us all”.

The City of Joondalup’s aim is to be a major regional community for the 21st Century, a viable alternative to Perth City is certainly on the road to being successfully achieved.

We certainly are “creating the future”, which is our motto and congratulations to all concerned.

MAYORAL CHAIN

You may have seen articles in the Newspapers about the Mayoral Chain of the former City of Wanneroo not being returned by the new City of Wanneroo to its rightful custodian – the local history collection at Joondalup Regional Library.

I stress that while trying to resolve this dispute sensibly, I was approached for comments by the newspapers and issued a press release in response in an effort to disclose the full facts.

After many attempts to have the chain returned (which was lent in good faith), I considered publicity our last resort and did not wish this episode to reach the public arena if at all possible.

In fact I have tried to downplay this embarrassing episode, mindful of the damage it could cause to the future relationship between the two cities.

The facts have now been placed on the Public Record, stating exactly how Mayor Kelly and his Deputy, Salpeitro gained possession of the Mayoral Chain and how they retained possession; contrary to their initial agreement.

It should be left to others, Councillors to judge how their actions have constituted a breach of trust during this unfortunate process.

PERFORMING ARTS FACILITIES

The City has now received a Final Draft of the Feasibility Study into the proposed Performing Arts Facility.

These results are to be used to approach Local, State and Federal Government officials for funding support for this key regional project.

STRATEGIC PLAN – REVIEW

A review of the City' Strategic Plan has commenced.

The new Strategic Plan will guide the City in planning for the future.

Councillors and the Executive Management Team are working together to produce the initial Draft.

Advertisements will then be placed in the local newspaper inviting community groups, individuals, the business sector and stakeholders to participate in the public consultation process.

PETITIONS

C66-11/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 14 NOVEMBER 2000

1 PETITION OBJECTING TO UNSIGHTLY APPEARANCE AND CONDITION OF VACANT LAND – TOPANGA PASS, ILUKA – [59099]

A 10-signature petition has been received from residents objecting to the unsightly appearance and condition of 5 Topanga Pass, Iluka.

The residents raise concerns in relation to unclean fill which has been placed on this land and growth of weed and winter grass which will constitute a fire hazard in summer months.

This petition will be referred to Infrastructure Management/Operation Services for action.

2 PETITION OBJECTING TO THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN WARWICK ROAD AND BEGONIA STREET, DUNCRAIG – [43637]

A 48-signature petition has been received from residents of Duncraig objecting to the closure of the pedestrian accessway between Warwick Road and Begonia Street, Duncraig.

The petitioners state that closure of the accessway would cause inconvenience to a great number of residents that use the accessway at various times of the day.

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

3 PETITION OPPOSING DEVELOPMENT OF BEER GARDEN, CARINE GLADES TAVERN – [05518]

A 40-signature petition has been received from Duncraig residents expressing opposition to the development of a beer garden at the Carine Glades Tavern.

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

4 PETITION REQUESTING CITY OF JOONDALUP TO MANAGE NATURAL AREAS – [07377]

Cr Magyar submitted a 253-signature petition from residents of the City of Joondalup requesting the City to:

- 1 ensure all natural areas (conservation areas, bush remnants and coastal dunes) within the City of Joondalup are all prioritised for an effective maintenance program;
- 2 increase budget allocation and employ personnel qualified in the care and rehabilitation of natural vegetation areas.

The petitioners are concerned that:

- (a) lack of management of bushland areas is allowing weed invasion to reduce the quality of the bushland, reducing the educational, passive recreational, aesthetic and natural heritage values of the bushland;
- (b) the City employs very few people with the bush rehabilitation skills to maintain the natural values of our bushland compared to other comparable local government authorities;
- (c) the financial benefits of lower maintenance costs of well-managed bushland compared to turf maintenance, are currently being foregone to the cost of all ratepayers.

Cr Magyar requested that this matter be referred to the Environmental Advisory Committee for a report to be submitted to Council.

5 PETITION SUPPORTING THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN WARWICK ROAD AND BEGONIA STREET, DUNCRAIG – [43637]

A 57-signature petition has been received from residents of Duncraig supporting the closure of the pedestrian accessway between Warwick Road and Begonia Street, Duncraig.

The petitioners support the closure of the accessway in the interests of security and safety of the children and families in the local community.

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

6 PETITION REQUESTING A CHANGE IN COUNCIL BY-LAWS TO ALLOW DOG OWNERS TO WALK THEIR DOGS ON LEADS ON THE BEACH RESERVE PATHWAY FROM MULLALOO BEACH TO HILLARYS BOAT HARBOUR – [04132] [02111] [16988] [08496]

A 713-signature petition has been received requesting a change in Council by-laws to allow dog owners to walk their dogs on leads on the beach reserve pathway from Mullaloo Beach to Hillarys Boat Harbour.

This petition will be referred to Community Development for action.

MOVED Cr Ewen-Chappell, SECONDED Cr Kadak that the petitions:

- 1 **objecting to the unsightly appearance and condition of 5 Topanga Pass, Iluka;**
- 2 **objecting to the closure of the pedestrian accessway between Warwick Road and Begonia Street, Duncraig;**
- 3 **expressing opposition to the development of a beer garden at the Carine Glades Tavern;**
- 4 **requesting the City to:**
 - (a) **ensure all natural areas (conservation areas, bush remnants and coastal dunes) within the City of Joondalup are all prioritised for an effective maintenance program;**
 - (b) **increase budget allocation and employ personnel qualified in the care and rehabilitation of natural vegetation areas;**
- 5 **supporting the closure of the pedestrian accessway between Warwick Road and Begonia Street, Duncraig;**
- 6 **requesting a change in Council by-laws to allow dog owners to walk their dogs on leads on the beach reserve pathway from Mullaloo Beach to Hillarys Boat Harbour;**

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

The Motion was Put and

CARRIED

FINANCE AND COMMUNITY DEVELOPMENT
--

**CJ299 - 11/00 RECORDS MANAGEMENT ASSOCIATION
AUSTRALIA (RMAA) NATIONAL CONVENTION
2000, 3-6 DECEMBER 2000, SYDNEY - [99214]**

WARD - All

CJ001107_BRF.DOC:ITEM 1

SUMMARY

In 1997, the City began the implementation process of an automated records document management process. To assist with the implementation, the services of a qualified Records Manager were engaged. As part of their on going professional development and the proposed move to further automate the document management system it is recommended that the Records Project Manager attend the Records Management Association Australia (RMAA) National Convention to be held in Sydney between 3 to 6 December 2000.

BACKGROUND

The convention is the 17th National Convention of the RMAA bringing together practitioners from the private and public sector to discuss issues of importance and increase knowledge and awareness of new technology. The City is preparing to implement a fully electronic document management system in 2001 after the passing of the amended Evidence Act. The convention presents an opportunity to interact with other records managers facing the same challenges.

DETAILS

The theme of the convention is “Bridging the Gap”. Three major gaps have been identified for Records Managers:

1. The gap between technology and records managers
2. The gap between management and records management
3. The gap between traditional records management and modern records management.

Sessions of particular interest to the City include ‘E-Commerce including digital signatures and record keeping requirements’, ‘Theory of Change Management’, ‘Implementing Best Practice record keeping’ and ‘Web content management’.

COMMENT/FUNDING

It is recommended that the Records Project Manager attend because of the high relevance of the subject matters and the relationship to current and future issues that are currently challenging the Council. The Records Project Manager attended the national conference of the Institute of Information Management (IIM) last year, and has been invited to present a paper at next year’s conference due to be held here in Perth detailing the City of Joondalup’s solution to document management.

Her attendance to this year's RMAA conference will enable the Records Project Manager to keep up to date with the changes in corporate record keeping practices at a national level. This will be particularly relevant with the proposed move by the City to implement a fully automated document management system. With the move to an electronic document management system, and with public bodies in the Eastern States progressing along that path, attendance at the Conference will allow the Records Project Manager to network with interstate Records Managers to compare and contest changed management techniques.

Attendance at this conference is considered cost effective as such training is not available readily in this state and as the sessions are generally of a technical nature it is considered that the attendance of an elected member not warranted.

Account No:	10 13 134 3302 0001
Budget Item:	Conference Expenses
Budget Amount:	\$3000
Actual Costs:	\$
Accommodation	\$780.00
Air Fares	\$670.34
Registration	\$852.50
TOTAL	\$2302.84

Sufficient funds exist within the Record Services budget.

MOVED Cr Magyar, SECONDED Cr Mackintosh that Council AUTHORISES the attendance of the Records Project Manager, Ms T Dent, at the Records Management Association Australia National Convention 2000 to be held in Sydney from 3-6 December 2000, at an estimated cost of \$2303, such funds being allocated from Account Number 10 13 134 3302 001 – Conference Expenses.

The Motion was Put and

CARRIED

**CJ300 - 11/00 LEGISLATIVE REQUIREMENTS - PUBLIC
QUESTION TIME - [01122] [08122] [02154]**

WARD - All

CJ001107_GRN.DOC:ITEM 1

SUMMARY

A report has been requested to explain the legislative requirements relating to public question time at Council meetings. This report details that members of the public are entitled to ask questions at:

- Ordinary meetings of the Council;
- Special meetings of the Council; and

Questions need not be answered where they do not:

- affect the local government;
- Relate to the purpose of the special meeting of the Council; and
- Relate to the function of the committee exercising the delegated authority.

This report also discusses the issue of closing to members of the public the briefing sessions held the week prior to the ordinary Council meeting.

It is recommended that all questions asked at Council meetings be in writing and that briefing sessions be closed to the public for a trial period, with it to be reviewed in March 2001.

The papers associated with the briefing sessions will be circulated to elected members only and will not be made available to members of the public.

BACKGROUND

There has been a request that a report be prepared detailing the legislative requirements relating to public question time at Council and committee meetings and briefing sessions. There have been some instances in the recent past where the Council, in accordance with clause 3.2 of the standing orders local law, has by resolution altered the order of business at the ordinary meeting of the Council. Clause 3.2 of the Standing Orders Local Law includes a second public question time prior to the close of a meeting of the Council. It has been suggested that the period of public question could be better structured.

There has been a further request to review the current status of allowing members of the public to attend the briefing sessions which are held the week prior to the ordinary meeting of the Council.

The Council at its meeting held on 23 May 2000 resolved to hold two ordinary meetings of Council per month, on the second and fourth Tuesdays, supported by two informal briefing sessions held on the Tuesday prior to the ordinary meeting of the Council. The resolution at that meeting also allowed for a period of public question time to be included in the briefing sessions. This decision set the Council meeting dates until April 2001.

DETAILS

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

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

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

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

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

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

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

City of Stirling

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

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

City of Swan

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

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

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

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

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

City of Perth

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

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

City of Melville

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

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

The Council at its meeting held on 23 May 2000 set its meeting dates until April 2001, after considering various options of possible decision making processes. The ordinary meetings of the Council are held on the second and fourth Tuesday of the month, with the briefing sessions being held on the first and third Tuesday.

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

Since briefing sessions were opened to the public, there has been a total of 62 members of the public attend these sessions, at an average of 3.4 per session.

COMMENT/FUNDING

In an effort to achieve a better structure to the period allocated for public question time, to ensure that the questions asked are clear and concise and are able to be answered, it is suggested for questions from members of the public who require an answer to those questions at the Council meeting, are requested to submit them in writing by close of business on the Friday prior to the Council meeting.

Where questions are asked after that deadline, there is no obligation for an answer to be provided, though where it is possible to provide an answer, one will be given.

With the requirement of public questions to be made in writing, this will make it easier for the question to be better understood and for a direct response to be provided. This will also minimise the number of statements being made during public question time.

The issue of briefing sessions being open to the public is one that is to be addressed by the Council. Elected members must be cognisant that in operating a business the size of the City of Joondalup, not all forums can be conducted in front of the public.

The closing of briefing sessions to members of the public would not be a contravention of the Local Government Act. The intent of the Act is that decisions of the Council are to be made in a public forum. Closed briefing sessions would not contravene the Act, as there are no decisions made. The sessions are used to ensure all elected members are adequately briefed on matters before the Council to ensure an informed decision is achieved and to discuss matters of a strategic nature. Closed briefing sessions will allow for a more conducive environment for elected members to seek further information without being publicly scrutinised.

It would be fair to say that the newly elected Council has matured and is more familiar with operating the business of the City of Joondalup.

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

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

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

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

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

OFFICER'S RECOMMENDATION: That Council:

- 1 **REQUIRES** all questions asked by members of the public to be made in writing;
- 2 **revokes** its decision made on 23 May 2000 being:

 “that a period of public question time be included in briefing sessions.”
- 3 **EXCLUDES** members of the public from its informal briefing sessions that are held the week prior to an ordinary meeting of Council;
- 4 **REQUESTS** a further report to be presented to the March 2001 meeting of the Council evaluating the trial period of written questions, and closed briefing sessions.

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1 AFFIRMS its commitment to its residents, given in its Strategic Plan 1999-2003, in the “Guiding Principles of Elected Members and staff” to create “effective two-way communication with the community, with the opportunity for the community to participate in Council planning and decision making” by turning the aforementioned words into the following actions:
 - (a) providing a second public question time at its ordinary meetings of Council;
 - (b) keeping its Briefing Sessions open to the public;
 - (c) continuing to allow Public Questions Time at its Briefing Sessions;
 - (d) continuing to make copies of the Briefing Session agendas available to the public at the same time the agendas are made available to Councillors;
- 2 REQUESTS the Standing Orders Review Committee to develop new rules to include in the new Standing Orders that the presiding member may use to control public question time to ensure that all members of the public wishing to ask questions are given an equal opportunity to ask questions whilst managing public question time effectively.

AMENDMENT MOVED Cr Mackintosh, SECONDED Cr Hurst that Council REQUESTS that lengthy in-depth questions where possible to be submitted in writing; short spontaneous questions may be made verbally.

Cr Magyar advised his willingness to accept Cr Mackintosh’s amendment as an additional Point 3 to his Motion.

Discussion ensued. Mayor Bombak sought clarification as to whether it was intended the amendment be referred to both Briefing Sessions and Council meetings. Cr Mackintosh indicated her wish for this to apply to both.

The Amendment was Put and**CARRIED**

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

In favour of the Motion: Crs Kadak, Ewen-Chappell, Carlos, Magyar, Nixon, Hollywood, Walker, Rowlands, Barnett, Hurst and Mackintosh

Against the Motion: Mayor Bombak and Cr Kenworthy

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1 AFFIRMS its commitment to its residents, given in its Strategic Plan 1999-2003, in the “Guiding Principles of Elected Members and staff” to create “effective two-way communication with the community, with the opportunity for the community to participate in Council planning and decision making” by turning the aforementioned

- (a) providing a second public question time at its ordinary meetings of Council;

The Motion was Put and

LOST

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

In favour of the Motion: Crs Rowlands, Walker, Hollywood, Nixon, Magyar and Carlos

Against the Motion: Mayor Bombak, Crs Kadak, Ewen-Chappell, Barnett, Kenworthy, Hurst and Mackintosh

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1 **AFFIRMS its commitment to its residents, given in its Strategic Plan 1999-2003, in the “Guiding Principles of Elected Members and staff” to create “effective two-way communication with the community, with the opportunity for the community to participate in Council planning and decision making” by turning the aforementioned words into the following actions:**

- (b) **keeping its Briefing Sessions open to the public;**

The Motion was Put and

CARRIED

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

In favour of the Motion: Crs Kadak, Carlos, Magyar, Nixon, Hollywood, Walker, Rowlands, Barnett, Kenworthy, Hurst and Mackintosh

Against the Motion: Mayor Bombak and Cr Ewen-Chappell

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1 **AFFIRMS its commitment to its residents, given in its Strategic Plan 1999-2003, in the “Guiding Principles of Elected Members and staff” to create “effective two-way communication with the community, with the opportunity for the community to participate in Council planning and decision making” by turning the aforementioned words into the following actions:**

- (c) **continuing to allow Public Questions Time at its Briefing Sessions;**

The Motion was Put and

CARRIED

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

In favour of the Motion: Mayor Bombak, Crs Kadak, Carlos, Magyar, Nixon, Hollywood, Walker, Rowlands, Barnett, Kenworthy, Hurst and Mackintosh

Against the Motion: Cr Ewen-Chappell

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1** **AFFIRMS** its commitment to its residents, given in its Strategic Plan 1999-2003, in the “Guiding Principles of Elected Members and staff” to create “effective two-way communication with the community, with the opportunity for the community to participate in Council planning and decision making” by turning the aforementioned words into the following actions:
- (d) continuing to make copies of the Briefing Session agendas available to the public at the same time the agendas are made available to Councillors;

The Motion was Put and**CARRIED UNANIMOUSLY****MOVED Cr Magyar, SECONDED Cr Nixon that Council:**

- 2** **REQUESTS** the Standing Orders Review Committee to develop new rules to include in the new Standing Orders that the presiding member may use to control public question time to ensure that all members of the public wishing to ask questions are given an equal opportunity to ask questions whilst managing public question time effectively.

Discussion ensued. Chief Executive Officer gave an explanation of the requirements in relation to public question time with reference to the Local Government Act and Administration Regulations.

Chief Executive Officer advised the Standing Orders Local Law was currently under review by the Standing Orders Review Committee.

The Motion was Put and**CARRIED****CJ301 - 11/00 URGENT BUSINESS - COUNCIL RECESS - [02154]****WARD - All**

CJ001107_BRF.DOC:ITEM 2

SUMMARY

With the exception of January 1998, the Council of the former City of Wanneroo had in the past recessed during the month of January and established a committee to deal with matters of urgent business during that recess.

The City of Joondalup at its meeting held on 23 May 2000 established its meeting cycle up to April 2001. This agreed meeting cycle did not include any meetings for the month of January 2001.

With the introduction of the Local Government Act 1995, greater flexibility allows for the delegation of powers and duties to a committee. It is agreed that the number of items that require a decision of the Council in January is far less than during the normal calendar year. January recess is also opportune for elected members to have a break from their demanding meeting schedule. It is therefore recommended that if a decision is required of the Council during January 2001, the Chief Executive Officer convene a Special Meeting.

BACKGROUND

In previous years, with the exception of January 1998, the Council of the former City of Wanneroo did not meet during the month of January. At the meeting of Council held on 23 May 2000, the meeting cycle for the next twelve months was established. This meeting cycle did not reflect a meeting of the Council during the month of January 2001.

DETAILS

It is acknowledged that during the January recess (being the period from the last Council meeting scheduled for 19 December 2000 to the first meeting of the New Year, being Tuesday, 13 February 2001), the number of items of business required to be dealt with by the Council are fewer than during the course of a calendar year. However, in the event of a decision being required during the recess, it is necessary to determine how that decision will be made.

With the introduction of the Local Government Act 1995, more flexibility is allowed when delegating power to a committee or an officer, in comparison to the rigid provisions of the Local Government Act 1960.

There is a number of options available:

Option 1

To establish a committee comprising of Council members only and delegate the appropriate power to it. The Act allows for various types of committees to be established, however, the type of committee determines the type of power that is able to be delegated.

Section 5.17 states that a committee comprising of council members only can have any of the Council's powers or duties delegated to it under the Act, except:

- any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
- any other power that is prescribed.

Any committee of the Council that has been delegated any power or duty should have its meetings open to the public and be advertised locally, and include public question time as required by the Local Government Act 1995.

Option 2

To establish a committee comprising of Council members and employees and delegate the appropriate power to it. The Act allows for a committee comprising of Council members and employees to be delegated the following powers and duties (the same as delegating direct to the CEO):

A local government cannot delegate to a CEO any of the following powers or duties -

- any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- any of the local government's powers under section 5.98, 5.99 or 5.100;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in section 9.5;
- any power or duty that requires the approval of the Minister or the Governor; or
- such other powers or duties as may be prescribed.

Option 3

To convene a special meeting of the Council to deal with matters of urgent business. The Act allows for a special meeting of the Council to be called and convened where necessary. The Act does not require the CEO to give notice within a certain time frame when calling a special meeting of the Council, however it does require for it to be advertised, where practicable.

COMMENT

The Local Government Act 1995 allows greater flexibility when delegating powers and duties. As there will be times during the January recess that will require a decision of the Council, direction is required on how that decision is arrived at.

Section 6.8 (1)(c) allows for the Mayor (Chairman) to authorise in advance the expenditure from the Municipal fund where no budget allocation exists, in the case of an emergency.

It would be simpler to allow the City of Joondalup to continue to operate on a day to day basis, but if necessary have the Chief Executive Officer convene a special meeting of the Council where required to obtain a decision. This would allow for notice of the meeting to be served on all elected members. This offers greater flexibility than delegating the powers and duties to a committee and involves all elected members in the decision making process, as it has been practised throughout the year.

MOVED Cr Carlos, SECONDED Cr Rowlands that Council REQUESTS that the Chief Executive Officer convene a Special Meeting of the Council when required to deal with matters of urgent business over the January 2001 recess.

**CJ302 - 11/00 MINUTES OF THE ENVIRONMENTAL ADVISORY
COMMITTEE MEETING – 18 OCTOBER 2000 -
[00906]**

WARD - All

CJ001107_BRF.DOC:ITEM 3

SUMMARY

A meeting of the Environmental Advisory Committee was held on 18 October 2000 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

BACKGROUND

The Environmental Advisory Committee meeting held on 18 October 2000 achieved a quorum and considered business items arising from the previous meeting held on 20 September 2000.

Discussions centered around an update of a report on Liquefied Petroleum Gas (LPG) vehicles, presentations to the committee by Community Representative nominees to the committee, and a review of three documents issued by the Minister for the Environment, regarding the protection of wetlands.

DETAILS

The minutes of the Environmental Advisory Committee held on 18 October 2000 are included as Attachment A.

The following motions were put and carried:

That the community representative nominees comprising Dr R Frank, Mr S Hawkins, Mr C Merry, Mrs J Richards, Mrs C Wood and Mr J Prefumo be recommended to Council to be formally appointed to the Environmental Advisory Committee in the role of Community Representatives.

That Mr D Cluning be recommended to Council to be appointed as an officer to the Environmental Advisory Committee.

COMMENT

Following the presentations given by the community representative nominees, it is considered that all except two community representative nominees should be appointed to the Environmental Advisory Committee. The most suitable community representation can be achieved by the appointment of Dr R Frank, Mr S Hawkins, Mr C Merry and Mrs J Richards. The nominees proposed to be appointed to the committee demonstrated a wide range of environmental knowledge and experience, academic qualifications, experience in community groups and also demonstrated an ability to consider a broad range of issues.

The Operations Manager Mr Dennis Cluning will also attend the Environmental Advisory Committee for staff input on matters that relate to conservation and operational issues. Previously Mr Cluning was a member of the Conservation Advisory Committee which is proposed to be a sub-committee of the Environmental Advisory Committee. A report on this matter is being prepared.

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the unconfirmed minutes of the Environmental Advisory Committee meeting held on 18 October 2000 forming Attachment A to Report CJ302-11/00;
- 2 APPOINTS Dr R Frank, Mr S Hawkins, Mr C Merry and Mrs J Richards as community representatives;
- 3 APPROVES
 - (a) the necessary modifications to the Environmental Advisory Committee membership and meeting quorum;
 - (b) the Administration to advise community representative nominees of the decision of Council in relation to their nomination for the Environmental Advisory Committee.

Director, Planning and Development left the Chamber, the time being 2025 hrs.

MOVED Cr Magyar, SECONDED Cr Ewen-Chappell that Council:

- 1 NOTES the unconfirmed minutes of the Environmental Advisory Committee meeting held on 18 October 2000 forming Attachment A to Report CJ302-11/00;
- 2 APPOINTS Dr R Frank, Mr S Hawkins, Mr C Merry, Mrs J Richards, Mrs C Wood and Mr J Prefumo as community representatives;
- 3 APPROVES:
 - (a) the necessary modifications to the Environmental Advisory Committee membership and meeting quorum;
 - (b) the Administration to advise community representative nominees of the decision of Council in relation to their nomination for the Environmental Advisory Committee.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf071100.pdf](#)

CJ303 - 11/00 COMMUNITY FACILITY AT CONNOLLY - [25066]**WARD - Marina**

CJ001107_BRF.DOC:ITEM 4

SUMMARY

During public question time at the Council Meeting of the 26 September 2000, the Connolly Residents Association raised a number of matters which were taken on notice, concerning its submission for a facility at Connolly and matching funding. The Council, at its meeting in February 1999, resolved not to provide matching funding for a facility at Connolly, however the Association has continued to pursue this matter (Item CJ44-02/99 refers). Since February 1999, two other reports have been considered by Council reaffirming the issue that matching funding or the development of a facility at Connolly is not supported as no substantiated need had been identified (Items CJ062-30/00 and CJ184-07/00 refer). The discussion at the meeting of 25 July 2000 was that the matter be deferred pending further consideration by elected members (CJ184-07/00 refers).

In September 2000, the Association provided a list of groups that had expressed interest in using a facility at Connolly (Attachment 1 refers). No supporting information about the actual group-requirements, such as frequency of use or type of accommodation required was provided to the City to enable an assessment to be made on requirements.

At a meeting with the Association on 14 September 2000 to discuss the need for further information, the City offered to contact the groups, however the Association declined this support, as they wanted to survey the groups independently. To assist, the City delivered to the Association sufficient copies of the Needs Assessment questionnaire (and a disk copy) for each group to complete (Attachment 2 refers). The Association initially advised that they would provide details to the City when the information was collected. Connolly Residents Association President David Davies subsequently advised that they were of the opinion the Council should vote on the matter and not conduct a needs analysis.

At a Council briefing meeting on 3 October 2000 the Administration was directed to undertake the needs survey for a facility using the list of interested groups provided by Connolly Residents Association.

This report provides a brief history and context of the project and State Government Grant associated with the Connolly facility, the continual assistance provided by the City, and the results to date from the needs survey.

The results of the survey indicate that there is insufficient need identified for a facility and, with the proximity to other facilities, it is recommended that match funding is not provided.

BACKGROUND

A grant of \$200,000 was made direct to the Connolly Residents Association in 1996 as part of a State Government election promise to compensate the residents for restricted access to the golf course, which was sold in the early 1990's. These funds are held by the original

landowner, LandCorp, who is responsible for the grant acquittal. Council has never had a direct involvement with the acquisition or conditions of this State Grant.

The Association has continually sought matching funding from the City to support the establishment of a facility at Connolly. In 1997, the former City of Wanneroo endorsed a process to assess the need for a facility at Connolly and in 1998 the Association undertook a Needs Assessment. The City assisted with the design and analysis of the survey in which there were 30 individual household responses received out of approximately 1,200 questionnaires distributed.

A report to Council in February 1999 recommended that no matching funding be provided to the Residents Association as there was no significant need identified for a facility and Connolly is a short distance from a range of existing community services and facilities. It was further agreed to work with the Connolly Residents Association, and other relevant parties, to identify appropriate uses for the expenditure of the State Government grant (Item CJ44-02/99 refers).

The City agreed to assist the Association by preparing concept design and brief for a facility with the aim of keeping within the State Government grant of \$200,000. The Association proposed a design costing \$450,000 which would not fit on the Community Purpose Site at Connolly. A smaller design, to keep within the grant funding arrangement, was proposed by the City however the Association rejected this concept.

An appropriate design for a facility can only be determined and prepared when all requirements have been identified and substantiated. The Association was asked to provide contact details to the City of craft groups and other groups that were proposed for the facility to determine needs; however no details were provided. In July 2000, the Association called for groups interested in making use of a hall and on 1 September 2000 provided a copy of their Needs Survey listing 19 groups (Attachment 1 refers). No supporting information about the actual group-requirements in terms of frequency of use, type of accommodation required or any specific needs was provided to the City.

Endeavours by the City to establish a bona fide need for the construction of a facility have been lengthy due to time taken in obtaining information from the Association. A Needs Survey was undertaken by the Administration in October 2000 of the interested groups provided by the Association, and the results are discussed in this report.

DETAILS

Only 18 of the organisations listed could be contacted to distribute the needs survey questionnaire.

At the time of completing this report six organisations had responded to the questionnaire as follows:

Organisation	Group Size	Size & Requirements	Comments
Connolly Primary School	<ul style="list-style-type: none"> Class size Audience (250) 	<ul style="list-style-type: none"> Class Stage 	<ul style="list-style-type: none"> Dance lesson – 8 weeks for two hours. Needs basis – vary. Currently use school facilities
Fairway Circle Retirement Village	<ul style="list-style-type: none"> 50 	For bowls, dancing, bingo	<ul style="list-style-type: none"> Small hall onsite is inadequate
Joondalup City Church	<ul style="list-style-type: none"> 200 50 	<ul style="list-style-type: none"> Stage Youth meeting 	Seating floor space up to 300 persons. Currently use ECU Sports Centre.
Lawnmowing/Gardeners of Connolly	<ul style="list-style-type: none"> 6 	<ul style="list-style-type: none"> Meeting room 	<ul style="list-style-type: none"> Use participants homes
Playgroup Association of WA	<ul style="list-style-type: none"> 23 children, 15 parents 	<ul style="list-style-type: none"> Meeting room 	<ul style="list-style-type: none"> Currently use parks. Location not essentially in Connolly. Group mainly from Currabine, Iluka and Joondalup
Nursing Mothers Group	<ul style="list-style-type: none"> 20 children, 10 adults 		<ul style="list-style-type: none"> Currently use private homes. Members reside in Joondalup, Kinross, Heathridge, Kallaroo, Ocean Reef, Woodvale and Kingsley.

Both Connolly Primary School and City of Joondalup Church use existing facilities and both had a requirement for a stage and seating capacity of approximately 250 persons. The Community Purpose site at Connolly would not be able to cater for such a need. In addition, a Performing Arts Centre is planned for development over the next six years that will contain two performance stages that would suit the needs of the two organisations.

When the organisations were initially contacted by the Administration, various comments were noted and some correspondence is provided which clearly indicates the community groups were contacted initially by the Connolly Residents Association to gain their support (Attachment 3 refers). Quite a number (10) of the groups stated they were not concerned about the physical location of the facility, provided they had access to one.

The following table is a summary of the information obtained from the telephone conversations held with each organisation.

Organisation	Location in Connolly Essential	Location in Connolly Not Essential	Comments
Connolly Residents Association	✓		No comment to date.
1 st Joondalup Scouts		✓	Participated in Currabine Needs Assessment.
Connolly Retirement Village (Fairway Circle)	✓		Want a large facility in Connolly.
Connolly P&C Association	✓		Currently meet at the school and would prefer an alternative venue.
Connolly Primary School	✓		Require a venue with a stage for concerts, etc.
Northside Calisthenics		✓	Based in Quinns Rock
Rainbow Toy Library	✓		Require a large storage space. Currently operate from Edgewater

Organisation	Location in Connolly Essential	Location in Connolly Not Essential	Comments
Joondalup Lions		✓	Do not require a facility. Did not complete the survey.
City of Joondalup Church		✓	Require a stage and seating capacity for up to 300 persons.
Woodturners Association		✓	No comment provided. Participated in Currambine Needs Assessment.
Joondalup Guides		✓	Is a regional group.
Australian Jordanian Friendship Association		✓	Would prefer a facility at Currambine due to transport access.
Nursing Mothers Group		✓	Location not important. Participants from Karrinyup to Quinns Rock.
Playgroups WA		✓	Specified a need definitely for Currambine, Clarkson and Iluka. Supporting letter written to Mr Davies and Chris Baker MLA.
Lawn Keeper/Gardeners of Connolly Association		✓	No preference for Connolly.
Northern Suburbs Karate		✓	Group satisfied with venue at Craigie High School. Would use another facility if cheaper
Mary Henry Yoga		✓	Was not concerned if a new facility was built.
Safer WA	✓		No comment to date.
Total	6	12	

As identified 66% (12) of the organisations contacted stipulated a facility did not have to be located in Connolly. The majority of these groups currently meet in alternate facilities. Eleven percent of the contacted organisations did not provide a comment.

Some of the organisations were not concerned if an additional facility was built or not in Connolly. The needs for some of the groups will also be met with the development of Currambine Community Centre.

Attached is an up-to-date report indicating the usage of facilities in a 5km radius to Connolly (Attachment 4 refers). As shown in these figures there are under utilised facilities that could be used by some of the community groups expressing an in interest in a facility.

The Administration will make further contact with the various organisations to determine whether their needs can be met by using existing facilities.

COMMENT/FUNDING

Since 1999, the City at all times has tried to provide assistance to the Association and community to identify the appropriate type and need for a facility and to ascertain the group-requirements to be able to design a facility that could be built within the State Government amount of \$200,000.

An appropriate design of a facility can only be determined when all the requirements have been established and substantiated. The Needs Assessment questionnaire provided to the Association for each group to complete would provide the necessary information to determine need and requirements. The questionnaire provided to the Association is a shortened version of the City's Formal Assessment Process form, which is submitted by organisations seeking support from the City for facilities and /or funding support.

The result of the recent survey does not provide sufficient evidence to support funding for the development of a facility at Connolly. However, if the Association wishes to pursue the construction of a facility on the site with the \$200,000 they have received from the State Government, then lease arrangements will need to be developed for the facility addressing term of lease, lease fees, payment of rates and the Association's responsibility for on-going operational costs.

Director, Planning and Development entered the Chamber, the time being 2027 hrs.

OFFICER'S RECOMMENDATION: That Council **ADVISES** the Connolly Residents Association that:

- 1 matching funding for the development of a community facility is not approved as:
 - (a) no significant need has been identified;
 - (b) Connolly is located at a short distance from a range of existing and proposed community services and facilities;
- 2 should the Association wish to develop a facility on the Community Purpose site at Lot 404 Glenelg Place, Connolly at its own cost, lease arrangements would need to be developed for the facility addressing term of lease, lease fees, payment of rates and the Association's responsibility for on-going operational costs.

MOVED Cr Magyar, SECONDED Cr Carlos that Council:

- 1 **ADVISES** the Connolly Residents Association that matching funding for the development of a community facility is approved:
 - (a) as a need has been identified;
 - (b) lists in the 2001/2002 draft budget \$200,000 for the matching contribution for the construction of the Connolly Community Facility;

2 ESTABLISHES BY ABSOLUTE MAJORITY the Connolly Community Facility Committee, comprising of the two ward Councillors, two representatives of the Connolly Residents Association, and two staff members as nominated by the Chief Executive Officer;

3 SETS the Terms of Reference of the Committee as:

“To verify the needs of the residents of Connolly and surrounding suburbs for the Connolly Community Facility and then oversee the design of the facility to meet the needs of the local community.”

Discussion ensued. Executive Manager, Strategic Planning clarified certain anomalies raised by Cr Magyar in relation to the report.

The Motion was Put and

LOST

MOVED Cr Ewen-Chappell, SECONDED Cr Hollywood that:

- 1 Council DOES NOT have dollar for dollar funding for the development of a community facility at Connolly;
- 2 a significant need has been identified in Connolly;
- 3 Connolly is located at a short distance from a range of existing and proposed community services and facilities;
- 4 should the Association wish to develop a facility on the community purpose site at Lot 404 Glenelg Place, Connolly at its own cost, lease arrangements would need to be developed for the facility addressing term of lease, lease fees, payment of rates and the Association’s responsibility for on-going operational costs.

MOVED Cr Hurst, SECONDED Cr Kenworthy that the matter pertaining to the provision of a community facility at Connolly be DEFERRED.

C67-11/00 MOTION TO ADJOURN MEETING – [02154] [08122]

MOVED Cr Ewen-Chappell, SECONDED Cr Hollywood that in accordance with clause 5.1 of the City’s Standing Orders that the meeting be adjourned for seven (7) minutes, the time being 2043 hrs, reconvening at 2050 hrs on 14 November 2000 in order to provide appropriate wording for the Motion in relation to CJ303-11/00 – Community Facility at Connolly.

The Motion to Adjourn was Put and

CARRIED

In accordance with clause 5.1 of the City's Standing Orders, the following members had spoken on the Motion proposed; Moved by Cr Ewen-Chappell, Seconded by Cr Hollywood:

Cr Ewen-Chappell
Cr Magyar
Cr Hurst
Cr Kenworthy
Cr Hollywood
Cr Mackintosh

Mayor Bombak advised he would again adjourn the meeting for a further five minutes, reconvening at 2055 hrs.

C68-11/00 MOTION TO RECONVENE MEETING – [02154] [08122]

The meeting reconvened, the time being 2055 hrs to further consider an appropriate Motion in relation to CJ303-11/00 – Community Facility at Connolly.

MOVED Cr Ewen-Chappell, SECONDED Cr Hollywood that Council:

- 1 ESTABLISHES the Connolly Community Facility Committee, comprising of the two ward Councillors, these being Marina Ward, two representatives of the Connolly Residents Association, and two council staff members as nominated by the Chief Executive Officer:**

the terms of reference being:

“To oversee the design of the facility and meet the needs of the local community.”

- 2 CONSIDERS a contribution towards the development of the council community facility once the project has been fully costed.**

Cr Ewen-Chappell gave the following reasons for her departure from the original Officer's Recommendation:

- 1 a need had been identified;
- 2 did not agree to the dollar for dollar matching funding

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf071100.pdf](#)

CJ304 - 11/00 CITY OF JOONDALUP CRIME & COMMUNITY SAFETY STUDY - PROPOSED STRATEGIES FOLLOWING AN EVALUATION OF THE STUDY - [39908]

WARD - All

CJ001107_BRF.DOC:ITEM 5

SUMMARY

In 1999, a Crime and Community Safety Study was commissioned to conduct a security audit of the City. The final report was received by the City in January 2000 and a report was presented to the Council on 28 March 2000, outlining an evaluation process to address priorities and to suggest strategies from the consultants' study.

This report provides information on the Study following an evaluation process and lists the proposed strategies and programs for the 2000/01 City of Joondalup Safer Community Program.

BACKGROUND

On 28 March 2000, a report was presented to the Council on the Crime & Community Safety Study which provided an overview of the consultants' study (Item CJ065-03/00 refers). From that report the following resolution was adopted:

- 1. NOTES the Study from the Matrix Consulting Group and Behavioural Science Investigative Consultancy on the City of Joondalup Crime and Community Safety Study;**
- 2. PROVIDES a copy of the Study to the Joondalup District Police Office and the Safer WA Joondalup Committee for evaluation and feedback, places copies in the City's Libraries and makes copies of the Executive Summary available to members of the public when requested;**
- 3. DETERMINES opportunities for joint development of strategies with the City of Wanneroo;**
- 4. REQUESTS that the Western Australian Municipal Association develops an industry position with the State Government defining Local Government's role in community security and safety;**
- 5. SEEKS a further report on the Study's proposed strategies, benefits and implementation implications following an evaluation of the Study."**

The report was distributed in accordance with the Council resolution and copies were also made available to the City's Executive Management Team and key officers who developed part of the initiatives and programs of the City of Joondalup Safer Community Program.

DETAILS

Following the distribution of the Study to the various organisations and locations, and after allowing time for assessment, no comments or feedback have been received from external agencies to report to Council.

The Study confirms the direction of the City's Safer Community Program and provide guidance for the on-going development of the Safer Community Program.

In the Executive Summary of the Study, the consultants provided 24 highlights which range in the provision of specific statistical information collated to an analysis of community survey data. Some key points that the Study highlights are:

- There is substantial variation in rates and types of crime across the City;
- The most frequently occurring crimes across the City are property offences such as stealing, burglary, damage and motor vehicle theft;
- The place of offences varies considerably by the nature of the offence;
- A key factor with offending behaviour by youth in the City is that it tends to be localised;
- There is an apparent level of fear of crime among residents that is far greater than the actual levels of reported crime in the City;
- Residents were most concerned about home invasions, home burglary and alcohol/drug related offences and when out and about in public places residents reported being most fearful of assault or robbery and intimidation by groups of young people;
- Residents suggested a range of strategies to address crime and community safety problems with the majority requesting more Police patrols. Other strategies included a range of specific crime related programs similar to those currently being carried out in the City's Safer Community Program;
- The City of Joondalup plays a significant role in reducing crime and improving community safety;
- Partnerships that have been developed by the City with organisations such as the Police and Safer WA are considered to be effective and there is greater scope to become involved;
- The crime and community safety problems in the City involve young people in a variety of crime related matters and anti-social behaviour.

The study identified five (5) priority areas a number of strategies for consideration, by the Council to do either on its own or in partnership with others. These priority areas have now been considered and assessed by Officers of the City. A total of 94 strategies have been suggested by the consultants for consideration and these will continue to be evaluated by Council officers throughout all Directorates and will be incorporated as part of the considerations for the Strategic Planning review process.

These priorities identified in the Study for action were supported within the City's major directions in the Safer Community Program, being:

- Partnership;
- Urban Design;
- City Watch;
- Graffiti Control.

In addition, five (5) Priorities for Action were outlined for consideration. Those being:

1. Ensuring safer public places for the whole community.

- The desired outcome is to create more supportive, inclusive and friendly environments for children, young people, families and residents by designing more liveable neighbourhoods and suburbs and supporting and developing early intervention and prevention.

In addressing this particular issue the Council will be identifying various locations throughout the City as part of the Urban Design component of the Safer Community Program that require improvements for better utilisation and safe access of public property and public facilities. Urban Design provides for improved lighting and landscaping design and public accessways and infrastructure safety.

2. Targeting resources at the most common offences, trouble spots, those persons most likely to offend and those at risk to extract maximum value from available resources and existing approaches.

- The desired outcome is to ensure an increased visible deterrence, a faster response to residents' concerns, and other initiatives to reduce opportunities for crime and increase the risk and difficulty of offending.

The City of Joondalup has recognised improvements are needed for the current security patrol service, known as City Watch. In the 2000/01 financial year the Council will be making significant changes to the existing service and staffing operational model which will increase the visibility of the City Watch Officers, through a new dedicated "zone" operation, and improve overall customer service for the community.

3. Reducing fear of crime.

- The outcome is to ensure a more informed and aware community with a realistic understanding of crime and community safety issues.

In recognising this particular issue the City's Community Connection Project provides a number of education programs and strategies throughout the 2000/01 financial year which also involves community groups and other organisations on security and safety

participation programs will be provided along with educational plays for young students at many schools.

4. Tackling the causes of crime and community safety problems by developing preventative strategies to address key causal risk factors.
 - Preventive strategies focusing on risk factors associated with participation in offending behaviour have rarely been implemented with the necessary commitment, resources and timeframe. Preventive work requires considerable commitment to the fostering of partnerships with community and government agencies to achieve specific results. Many of these agencies are not often directly included in crime prevention initiatives.

The Council recognises the importance of participating with the various agencies that share a common goal in the prevention of crime. Part of this is reflected in such programs in the 2000/01 financial year as the Cities Elder Protection Network, Stop Burglary Campaign and Protective Behaviour Workshops.

5. Managing, co-ordinating and achieving partnerships within and outside Council to ensure all stakeholders are working together to achieve common goals.
 - The outcome to be achieved is to develop local partnerships focussed on agreed outcomes.

The City of Joondalup recognises the importance of working together in partnership with our volunteers, volunteer organisations, agencies and government departments. In the 2000/01 financial year the City will continue to work closely and support organisations such as Neighbourhood Watch, the Safer WA District Committee, WA Police Service, and Local Government aimed directly at crime prevention strategies.

COMMENT/FUNDING

Discussions were held with the City of Wanneroo to determine any opportunities for the joint development of strategies between the two local authorities. Preliminary discussions have revealed that there is no opportunity to provide any joint programs at this point in time as the City of Wanneroo are currently in the process of developing their own Safer Citizens Program. The City's Strategic Coordinator Community Security & Safety will continue to liaise with the City of Wanneroo and other local authorities through the External Local Government Working Group on Community Security & Safety.

As part of the community consultation process with the Study residents suggested a range of strategies to address crime and community safety problems. The majority requested more police patrols. Other strategies included problem-oriented policing (i.e. targeting a specific crime such as house burglary) and more preventive/proactive programmes to deal with issues such as truancy, poor parenting practices, activities targeting 'at-risk' youth, and reducing neighbourhood disturbance problems.

Activities Council could undertake included: the provision of services to youth and working with organisations to encourage employment opportunities, employment training and education, and the provision of security services such as patrols and static guards at public facilities.

There were also suggestions for utilising environmental design strategies for area beautification and crime prevention. This included better and additional lighting in streets, parks and other public areas frequented by residents at night, more streetscaping (e.g. planting of turf, trees and shrubs along street curtilages), the painting of public buildings and the elimination of walkways

In view of the suggestions made by the community and the recommendations made by the consultant's, the Safer Community Program will continue along the same holistic approach that provides a comprehensive and integrated package of strategies within the four (4) key components of the program. These being:

City Watch - The program continues to primarily involve the mobile security patrols and surveillance and security awareness initiatives.

This service has now been operating since 8 December 1997, initially on a pilot basis and has proved to be a vital component of the Safer Community Program.

At the beginning of the 1999/00 financial year the Council provided a number of Security Rangers to patrol throughout the City with a focus on "hot spots" as well a number of zone patrolling methods. Many positive acknowledgments have been received from members of the community who have had reason to use the service and at times the demand and expectations from the community has been high in terms of service delivery.

- Research and feedback has shown that the community has high expectations for a security operation in the City that provides maximum visibility and a fast responsive service. Additional resources have been employed to meet service demands and a new operational model is soon to be put in place for the balance of the 2000/01 financial year.

Partnerships – Education will continue through schools, community participation, specific community development projects and initiatives and providing funding to organisations such as Neighbourhood Watch, Constable Care, Safety House and providing support for the Safer WA Joondalup Committee.

Graffiti Control - This involves the service of reporting and removing graffiti from private and public property and education programs.

Urban Design - Improvements to street lighting, public accessways, landscaping, building design and infrastructure safety.

Safer WA Community Security Program 2000/2001 Funding Round

The City of Joondalup submitted ten applications for funding to the Department of Local Government for a variety of initiatives and projects and the following were approved for funding:

- A Junior Ranger Program, focusing on primary aged students and encouraging them to become positively involved in the safety and security of themselves, their school and their local community;

- Stop Burglary Program, to co-host an Anniversary Breakfast and information session to acknowledge the success of the program and encourage further involvement;
- Elder Protection, to develop an innovative social marketing campaign to increase active membership and community participation in the City's Elder Protection Network;
- Protective Behaviours, to implement the second phase of this existing project by providing 14 intergenerational protective behaviours workshops.

These initiatives, which form a major part of the "Partnerships" area of the Safer Community Program, have been developed from information provided in the Crime & Security Safety Study and assessed and submitted by Council Officers. This process of the information assessed by the Council officers will continue as an on-going development process for the program.

The consultants' report that the City currently plays a significant role in reducing crime and improving community safety. It has been active and should continue to be active in working with the police, local residents and government departments through groups such as Safer WA.

The majority of Council's activities can be considered to be opportunity-reduction strategies. That is they are designed to prevent crime by making it more difficult, risky and less rewarding. Strategies include mobile security patrols, Neighbourhood Watch, graffiti control and environmental design.

These are attractive and useful strategies because if they are effective at reducing crime they produce relatively quick results and are highly visible. For example, the Hillarys Youth Program Enquiry (HYPE) provides a successful program which is addressing anti-social and potential crime. However, the issues of reducing the supply of offenders or those at-risk of offending, by addressing factors that affect participation in crime and anti-social behaviour, need greater attention in the City.

By contrast these strategies do not generally produce immediate results and are less visible. They require resources to be committed over a longer period of time. They also require the involvement of many sections of the Council working together towards a common and agreed outcome and that the City works with established government and community agencies. There is greater scope for the Council to support and participate in such preventative initiatives.

The City's Officers will continue to investigate and evaluate initiatives and programs for the benefit of all in the community, to reduce crime and eliminate the fear and perception of crime, to help make the City of Joondalup a more safer and secure place to both live and work.

MOVED Cr Rowlands, SECONDED Cr Hollywood that Council:

- 1 **NOTES** the evaluation and information of the Crime & Community Safety Study as outlined in Report CJ304-11/00;
- 2 **CONSIDERS** and further addresses the following strategies outlined in the Study as part of the current Strategic Plan review process:
 - **Continue to work in partnership with the Police and all key Government and community agencies;**
 - **Ensuring safe public places for the whole community;**
 - **Targeting specific problem locations (trouble & hot spots);**
 - **Develop education programs that target crime, security & safety issues in general (e.g. safety at home and shopping centres and in public places);**
 - **Supporting or funding cultural programs for youth “at risk”;**
 - **Ensuring a high level of community awareness and involvement in crime and safety initiatives and programs;**
 - **Develop a “whole of Council” approach that ensures crime and community safety is considered in all Council activities.**

Discussion ensued.

The Motion was Put and

CARRIED

CJ305 - 11/00 SAFER COMMUNITY PROGRAM 1999/00 END OF YEAR REPORT - [41157]

WARD - All

CJ001107_BRF.DOC:ITEM 6

SUMMARY

The purpose of this report is to provide the end of year statement to the Council on the initiatives undertaken and achievements made under the City’s Safer Community Program for the financial year 1999/00.

Throughout the financial year the City of Joondalup was awarded a Best Practice Innovation Award for its Community Security & Safety Program.

The Local Government Innovation Award developed by the Western Australian Municipal Association recognises local authorities which can demonstrate Best Practice in:

- planned improvement initiatives;
- step change or dramatic improvement;
- the process used to identify and deploy an innovative solution and measurability of improvement.

The Community Security and Safety Study was completed and refers to the collection and analysis of information required to determine the nature and extent of crime in the community, the residents' perceptions of crime, how they are affected by it and information about the environment of the community.

The overall results of the past financial year have demonstrated the amount of work that has been committed towards making the City a more safer and secure environment through a variety of initiatives and programs (Attachment 1 refers).

BACKGROUND

In July 1999, the City launched the Safer Community Program which encompasses a range of initiatives, part of which includes mobile security patrols (City Watch). The program was funded by an additional charge of \$27.00 per rateable property to the normal rates in the 1999/2000 budget.

The Safer Community Program is divided into four major programs. These programs include:

- **Partnerships:** The Partnerships program involves educational sessions through schools, communities participating in specific community development projects and initiatives, and the provision of funds to organisations such as Neighbourhood Watch, Constable Care, Safety House and providing support for the Safer WA Joondalup Committee;
- **Graffiti Control:** This program involves the reporting and removing of graffiti from private and public property (walls and fences) and education programs;
- **Urban Design:** This program involves improving street lighting, public accessways, landscaping, building design and infrastructure safety;
- **City Watch:** This program primarily involves the mobile security ranger patrols and general security awareness initiatives.

Initiatives were developed to address the objectives of each of the four components of the Safer Community Program as outlined in Attachment 1.

DETAILS

Since the inception of the Safer Community Program the City has been actively involved in many initiatives and programs all designed in line with community security and safety issues.

Some of the highlights of the programs have been:

- the increased participation of the Council in Neighbourhood Watch and the Safer WA District Committee.

- statistics provided by the Joondalup District Office of Police indicate the instances of crime, except for motor vehicle theft, have been reduced over the years;
- the Community Education programs such as the Junior Ranger Program, Constable Care, Elder Protection and Stop Burglary programs;
- a decrease in reported graffiti and removal;
- urban design improvements through improved street lighting and public accessways and;
- the provision of a mobile security patrol service.

COMMENT

Marketing and Public Relations

The City's Strategic Co-ordinator Community Security & Safety has provided an extensive marketing campaign to reach the community with news and information about the Safer Community Program. Throughout the financial year:

- a number of advertorials were placed in the local community newspapers;
- the City featured in a special supplement on community security in the West Australian newspaper;
- a Safer Community Program information and fridge magnet pamphlet was distributed to all households in the City;
- an information and display marquee was erected as part of the City's Festival celebrations and activities.

A security review of the Joondalup CBD was carried out to investigate the possibility of installing a CCTV system, due to feedback from the business community.

Based on the information provided by the consultants the initial costs to establish a CCTV system in the central business district would be in the vicinity of \$500,000 with on-going operational and maintenance costs of approximately \$150,000 per year. With the success of the security patrol operations there appears to be little justification to proceed with such a system at this point in time.

Central Business District security patrols were introduced in November 1999 to address the concerns being expressed by the business community in terms of vandalism and graffiti. These patrols have proven to be very successful and continue to be provided as part of the security operations.

The Strategic Co-ordinator Community Security & Safety will continue to monitor and investigate this particular project in relation to security operations and other options for the CBD.

Market research and community feedback clearly show that crime and security is the highest priority facing the community and the Council has embraced this by providing the services of the Safer Community Program.

Whilst the program is a long term strategy and has only been in full operation for the past 12 months and may be considered to be in its infancy stage, the Council continues to monitor, evaluate and make the necessary changes to meet the community's needs and requirements and help make the City of Joondalup a more safer and secure environment for all members of the community.

MOVED Cr Ewen-Chappell, SECONDED Cr Walker that Council NOTES the information contained in Report CJ305-11/00 on the work carried out on the City's Safer Community Program for the 1999/2000 financial year.

The Motion was Put and

CARRIED

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf071100.pdf](#)

CJ306 - 11/00 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCILS MEETINGS – OCTOBER, 2000 - [45637]

WARD - All

CJ001107_BRF.DOC:ITEM 7

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 16 and 18 October, 2000 and the unconfirmed minutes of both meetings are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Joondalup North Youth Advisory Council held on 16 October, 2000 at Joondalup Library are included as Attachment 1.

The unconfirmed minutes of the Joondalup South Youth Advisory Council held at Joondalup Library on 18 October, 2000 are included as Attachment 2.

No action is required from these minutes.

MOVED Cr Kadak, SECONDED Cr Hollywood that Council NOTES the unconfirmed minutes of:

- 1 the Joondalup North Youth Advisory Council meeting held on 16 October, 2000 forming Attachment 1 to CJ306-11/00 Report;**

- 2 the Joondalup South Youth Advisory Council meeting held on 18 October, 2000 forming Attachment 2 to Report CJ306-11/00.**

The Motion was Put and

CARRIED

Appendices 4(a) and 4(b) refer

To access these attachments on electronic document, click here: [Attach4abrf071100.pdf](#)
[Attach4bbrf071100.pdf](#)

CJ307 - 11/00 MINUTES JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE - [50027]

WARD - All

CJ001107_BRF.DOC:ITEM 8

SUMMARY

A meeting of the Joondalup Festival and Summer Events Committee was held on 18 October 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 18 October 2000 are included as Attachment 1.

Due to changes in staff it is necessary to amend the membership of the Joondalup Festival and Summer Events Committee, deleting the former Cultural Development Coordinator from the committee membership and appointing James Boyd who has recently been appointed Cultural Development Coordinator with the City.

MOVED Cr Kadak, SECONDED Cr Hurst that Council:

- 1 NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 18 October 2000 forming Attachment 1 to Report CJ307-11/00;**
- 2 DELETES from the membership of the Joondalup Festival and Summer Events Committee, Di Shaw;**

3 APPOINTS to the Joondalup Festival and Summer Events Committee membership, James Boyd, Cultural Development Coordinator.

Cr Kadak gave an update of forthcoming events associated with the summer program and the Joondalup Festival.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf071100.pdf](#)

**CJ308 - 11/00 MINUTES JOONDALUP EISTEDDFOD WORKING
PARTY - [50027]**

WARD - All

CJ001107_BRF.DOC:ITEM 9

SUMMARY

A meeting of the Joondalup Eisteddfod Working Party was held on 12 October 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Joondalup Eisteddfod Working Party meeting held on 12 October 2000 are included as Attachment 1. All matters arising at the meeting were of an administration nature and would be handled by the City's administration.

It has been noted that, due to an administrative oversight, Mrs J Ruscoe was not included as community representative on the Eisteddfod Working Party, at the time the committee was last established.

It is therefore necessary for Council to formally appoint Mrs J Ruscoe to this Working Party.

MOVED Cr Rowlands, SECONDED Cr Barnett that Council:

1 NOTES the minutes of the Joondalup Eisteddfod Working Party held on 12 October 2000 forming Attachment 1 to Report CJ308-11/00;

2 APPOINTS Mrs J Ruscoe as community representative on the Eisteddfod Working Party.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf071100.pdf](#)

CJ309 - 11/00 SCHEDULE OF FEES AND CHARGES - BIBLIOGRAPHIC FEES - [09330]

WARD - All

CJ001107_BRF.DOC:ITEM 10

SUMMARY

The statewide Interlibrary Loans System enables access to materials not in stock at the requesting library. Requests for those items which cannot be directly provided may be satisfied with a photocopy for which the Library and Information Service of Western Australia (LISWA) charges a fee. This fee is subsequently passed on to the library client. This report outlines changes to the LISWA charging structure and recommends Council's Schedule of Fees and Charges be amended to ensure the full cost is recouped from Council library clients.

BACKGROUND

The provision of public library services in Western Australia is undertaken on a joint basis by State and Local Government. The State Government is responsible for the provision of the majority of library stock. Local Government has responsibility for the provision of library buildings, equipment and staff. This partnership is governed by a formal Agreement which commits both parties to the ongoing delivery of a free statewide core library and information service, including a reciprocal interlibrary lending scheme.

The primary method of satisfying a request for materials not in library stock is through the loan of a copy of the item from another library. A small percentage of client requested information cannot be obtained from within the Statewide circulating public library stock. The Library and Information Service of Western Australia (LISWA) endeavours to obtain this information from external sources. On occasion, the item containing the information required by the client is not able to be sent directly to the client. This can be as a result of the value of the item to the owning institution, the fragility of the item, or other reasons. In such cases it may be possible to obtain photocopies of the relevant information for the requesting client. Such copies then become the property of that client. To cover the costs of the photocopying service a charge has always been applied by LISWA to the local government authority, this charge is then passed on to the client.

DETAILS

Following the implementation of the Goods and Services Tax, LISWA has recalculated the fees for the provision of the photocopy service. Public libraries have been advised of the revised schedule of charges. As this is a service additional to the free core public library service, it is recommended that the City follow such changes in order to ensure the full cost of this service is passed on to the individual clients that receive the benefit. It should be noted that the level of demand for this service is very low. In 1999/2000, only two clients used this service involving a total monetary value of \$30.00. Occasionally a researcher will use the service regularly at which time there will be a significant increase in this amount. Although demand is low this service is important to the client needing the specific information.

The City's current schedule of charges are aligned to the previous LISWA structure as follows:

		GST	TOTAL
1 to 30 Pages	\$4.00	10%	\$4.40
31 or More Pages	\$8.00	10%	\$8.80

LISWA recently amended its schedule of charges as follows:

		GST	TOTAL
1 to 30 Pages	\$6.00	60¢	\$6.60
Up to and including each subsequent 10 pages	\$3.00	30¢	\$3.30

The LISWA charging structure has the ability to limit the costs and be more closely tied to the actual outputs. Should Council retain its current schedule of charges, a client receiving 200 pages would only pay \$13.20, whereas the City would be required to pay LISWA \$62.70, thereby creating a relatively high liability to Council. In response to a City of Joondalup email requesting information, twenty other local government authorities advised the LISWA increase is being passed onto their clients.

It is recommended that Council amend the Schedule of Charges to reflect the LISWA Schedule of Charges.

MOVED Cr Rowlands, SECONDED Cr Hurst that Council:

- 1 AUTHORISES, pursuant to the provisions of Section 6.16 of the Local Government Act 1995, the following amended charges:**

Bibliographic Fees

	GST	TOTAL
\$6.00 for up to and including the first 30 pages	60¢	\$6.60
\$3.00 for up to and including each subsequent 10 pages	30¢	\$3.30

- 2 in accordance with Section 6.19 of the Local Government Act 1995, GIVES local public notice of the proposed charges;
- 3 INTRODUCES the Schedule of Charges for Bibliographic Fees effective 1 January 2001.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY

INFRASTRUCTURE MANAGEMENT

**CJ310 - 11/00 TRAFFIC TREATMENTS - PACIFIC WAY, BELDON
- [02432]**

WARD - Pinnaroo

CJ001107_BRF.DOC:ITEM 11

SUMMARY

A 30-signature petition has been received from Beldon residents seeking the installation of traffic calming devices to control traffic speed on Pacific Way, Beldon.

Evaluation of the traffic situation indicates that additional traffic treatment of this road would complement the recent treatments of similar roads such as Gradient Way and Craigie Drive. The upgrading of the existing red asphalt median to include landscaping and raised intersection islands is recommended for funding from surplus funds available from the Local Area Traffic Precinct works.

BACKGROUND

In June 2000, Council received a 30-signature petition “Make Pacific Way Safer” from Beldon residents seeking the installation of traffic calming devices to control traffic speed on Pacific Way, Beldon.

Essentially the petitioners are requesting that consideration be given to the installation of speed humps, chicanes or additional roundabouts if appropriate to reduce the likelihood of vehicle accidents (crashes) involving young children and other motor vehicles.

Nearby roads including Craigie Drive and Gradient Way have recently been extensively traffic treated. Treatment of these roads was initiated following an area traffic study that involved a high level of community consultation in 1997.

DETAILS

Pacific Way is a 10 metre wide local collector road in Beldon. Its main function is to act as a local distributor road for traffic from the local road network including Gradient Way.

The roadway adjacent to Beldon Primary School is subject to a 40km/h School Speed Zone during morning and afternoon peak periods. The school frontage also has on street parking, a controlled pedestrian crossing and raised pedestrian islands to enhance the low speed environment.

A survey of traffic flow on Pacific Way in July/August 2000 indicates that the current traffic volume on average is 1500 vehicles per day (VPD) with higher a volume recorded near Ocean Reef Road of 2100 VPD. This volume is in keeping with the intended function of this road.

The traffic volumes on the side roads are 830 VPD on Ensign Way, 610 VPD on Monument Drive and 700 VPD on Tasman Road.

The recorded 85th percentile speed of vehicles midway along Pacific Way is 55km/h during peak flow periods. Incidences of excessive speed were recorded during the survey, however the data indicates that they are more likely to occur during non-peak time when vehicle volumes are lowest. Typically these occur between 10pm and 5am. The recorded speed data suggests however that the majority of motorists travel well within a range (plus or minus 10km/h) of the 60km/h speed limit.

A previous traffic survey carried out by the City in 1996 on Pacific Way shows comparatively similar results for both traffic volume and speed which indicates traffic flow patterns are well established in the area.

Over the three-year period to December 1999 there have been 8 recorded vehicle crashes on Pacific Way. Two crashes were actually recorded along Pacific Way with the remaining being recorded at the intersections with Ocean Reef Road (3) and Gradient Way (3). The most severe of the two crashes which the driver(s) or occupant(s) required medical attention was a rear end crash which occurred 450m south of Ocean Reef Road.

In anticipation of the future traffic management strategy, Pacific Way has an existing flush red asphalt central median. This was completed when Pacific Way was resurfaced as part of the road rehabilitation and resurfacing Programme.

The proposed upgrading of Pacific Way will feature a flush red asphalt central median (existing) with intermittent landscaping. Raised traffic islands are provided at junctions to regulate vehicle-turning movements and at high pedestrian crossing points to improve safety at these locations. The central landscaping allows existing residential access to be maintained while creating a Boulevard effect and improving the visual amenity for a given length of road.

The reduced carriageway width in combination with the change in the road environment through central landscaping effectively reduces overall vehicle speeds. The restricted intersection widths may also lessen the likelihood of some antisocial driver behaviour such as 'burnouts'.

A plan showing the extent of the proposed treatment is shown as Attachment 1.

COMMENT/FUNDING

Whilst the installation of physical traffic control devices is an option, the short length of Pacific Way and lower traffic volumes does not warrant major treatments at this stage. A more passive approach to traffic treatment on this 10m wide, local collector road to achieve

The upgrading of the existing red asphalt median to include landscaping and raised intersection islands is supported. The estimated cost for these works as shown on Attachment 1 is \$30,000. This work can be undertaken through surplus funds available from the Local Area Traffic Precinct Programme.

Account No	6132
Budget Item	Gradient Way
Budget Amount	\$61,475
Actual Cost	\$30,000
Surplus Funds	\$31,475

MOVED Cr Ewen-Chappell, SECONDED Cr Rowlands that Council:

- 1 APPROVES, the construction of the traffic islands and landscape treatment on Pacific Way, Beldon;**
- 2 ADVISES, the petitioners and residents of Pacific Way, Beldon accordingly.**

The Motion was Put and

CARRIED

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf071100.pdf](#)

**CJ311 - 11/00 PARKING RESTRICTION - TWICKENHAM DRIVE,
KINGSLEY - [09430]**

WARD - South

CJ001107_BRF.DOC:ITEM 12

SUMMARY

The use of Twickenham Drive for commuter parking associated with Whitfords Rail Station has been ongoing for a period of time. The City has been monitoring the impact of all day commuter parking in Twickenham Drive on a regular basis since 1998. Parking restrictions are now proposed on a section of Twickenham Drive to effectively manage commuter parking on this street. The proposed parking restrictions are presented for consideration.

BACKGROUND

The City has been monitoring the impact of all day commuter parking in Twickenham Drive on a regular basis since 1998. Liaison with local residents has also been ongoing during this period.

In November 1999, due to increasing local concerns that parking on the verge and road opposite Stockwell Way may pose a risk to other road users, a trial parking restriction which banned verge and road parking was implemented.

During the trial period 44 cautions have been issued by Ranger Services. Generally the trial has successfully deterred motorists from parking at this location, however the effectiveness of using warnings on a regular basis is diminishing.

On this basis, Ranger Services has requested that Council formally adopt the prohibition.

At a meeting with local residents in August 2000, residents requested that the City also consider implementing a restriction adjacent to the pedestrian underpass on the northern sweeping bend on Twickenham Drive.

DETAILS

Twickenham Drive is a 7.4m wide local collector road. The location of Twickenham Drive within the local road network and its proximity to the Whitfords Rail Station are shown on Attachment 1. Traffic data for this road indicates that it is functioning normally for road of this type.

The monitoring of parking patterns in Twickenham Drive (north) has established that commuter parking occurs on the non-residential side of this road. The majority of parking occurs adjacent to the pedestrian access and the informal 'track' created by rail users to directly access the station.

Historically, parking in this street can be linked to the perceived lack of available parking at the Whitfords Rail Station. This is common along the northern rail line.

However, the majority of parking now occurs on local roads like Twickenham Drive due to ease of access, convenience and close proximity to the commuters place of residence.

In the long term, it is likely that construction of the Greenwood Rail Station will provide a more attractive alternative for commuters, particularly those that originate from Kingsley south and lessen the likelihood of commuters parking in local streets like Twickenham Drive. The latest available information from the Minister for Transport suggests that the Greenwood Station, including 600 parking bays, is scheduled for October 2003.

In the short term, Main Roads WA plan to replace the existing Freeway fence with a higher standard fence. This should prevent pedestrian access across the Freeway on ramp and therefore discourage motorists from parking south of Stockwell Way.

An additional 110 parking bays are also proposed by Transport (Westrail) for construction at the Whitfords Rail Station. Information from the Minister for Transport suggests that the additional bays will be completed by mid 2001.

Notwithstanding this, commuters may continue to park for the short term on the northern section of Twickenham Drive, nearest the pedestrian underpass.

As the majority of parking in Twickenham Drive does not directly pose a significant risk to residents or road users, the parking restriction proposal is limited to areas where parking is considered to pose a possible risk or hazard to all road users.

The type and extent of parking restrictions proposed for Twickenham Drive are shown on Attachment 2.

It is also proposed to supplement signposts with a continuous yellow line to delineate the extent of 'NO STOPPING'. This has proved very effective in trial locations throughout the City.

COMMENT

While ultimately commuters should be encouraged to use the parking facilities provided at the Whitfords Rail Station, limited parking may safely be accommodated on the straight section of Twickenham Drive without adversely affecting other road users. However, parking on the curve opposite Stockwell and on the northern bend may pose a risk to other road users and therefore should be restricted.

On this basis, the type and extent of parking restrictions proposed for Twickenham Drive as shown on Attachment 2 are supported.

No additional restrictions are considered necessary at this stage. However monitoring of parking patterns will be ongoing and the possibility of implementing additional restrictions reviewed in consultation with local residents accordingly.

MOVED Cr Barnett, SECONDED Cr Rowlands that Council:

- 1 APPROVES the parking restrictions on Twickenham Drive from Stockwell Way to Harrow Weald Way as shown on Attachment 2 Report CJ311-11/00;**
- 2 ADVISES the adjacent residents of Twickenham Drive accordingly.**

The Motion was Put and

CARRIED

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf071100.pdf](#)

PLANNING AND DEVELOPMENT

CJ312 - 11/00 REFUND OF CASH-IN-LIEU OF PARKING PAYMENT FOR LOT 510 (5) DAVIDSON TERRACE, JOONDALUP - [13250]

WARD - Lakeside

CJ001107_BRF.DOC:ITEM 13

SUMMARY

The applicants for showrooms on Lot 510 (5) Davidson Terrace, Joondalup have requested a refund of a payment for cash-in-lieu of Carparking and Council approval is sought for the refund.

The development was approved in May 1996. In April 1997 negotiations with the City's Engineering Department led to agreement to contribute \$16,200 for cash-in-lieu of 2 carbays that were to be provided on site.

The proponents paid this amount, however, they have subsequently withdrawn from the proposal. A refund of the cash-in-lieu amount is therefore recommended.

BACKGROUND

The cash-in-lieu of Parking Reserve represents funds received from developers in lieu of providing car parking and will be utilised to fund future car parking requirements. As Council resolved to transfer the payment to Reserve in a previous financial year, Council approval is required for the refund.

DETAILS

Joy Tours paid \$16,200.00 on 24 April 1997 for a shortfall of two carbays for an approved development and the funds were transferred to Reserve in 1996/97. The Building Licence, however, has been cancelled and the building will not be proceeding, therefore the applicants have requested a refund of their payment.

The development approval was to have expired in 1998 and, with the cancellation of this application, any new proposal for development of the land will be considered afresh.

The City's 2000/01 budget did not make provision for the refund of this payment, consequently authorisation is required to be made BY AN ABSOLUTE MAJORITY pursuant to the provisions of Section 6.8(1)(b) of the Local Government Act 1995.

MOVED Cr Ewen-Chappell, SECONDED Cr Kadak that Council APPROVES in accordance with the provisions of Section 6.8(1)(b) of the Local Government Act 1995 the refund of \$16,200.00 to Joy Tours, being payment for Cash-in-Lieu of Parking for showrooms on Lot 510 (5) Davidson Terrace, Joondalup, the building of which is not proceeding.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

CJ313 - 11/00 REVIEW OF DIVIDING FENCES ACT 1961 - [01185]

WARD - All

CJ001107_BRF.DOC:ITEM 14

SUMMARY

The Department of Local Government is reviewing the Dividing Fences Act 1961.

The purpose of the review is to examine the various provisions of the current Act and to discuss issues which have been raised during its operative life. The issues are canvassed in the form of questions set out in an Issues Paper to facilitate review and comment, and the City contributed to the preparation of this Issues Paper earlier this year. Other matters which might be considered for inclusion in new legislation are also raised.

The stated aim of the review is to develop new legislation which is easy to understand, and which includes a framework for a simple, accessible approach to the resolution of difficulties for adjoining owners in dividing fence disputes and associated matters.

This report recommends that the initiative to review the Act be supported and that this report and its attachments be submitted on behalf of the City of Joondalup.

BACKGROUND

The *Dividing Fences Act 1961* (“the Act”) was the first attempt to provide the State with comprehensive legislation, suitable to modern conditions, for regulating the rights and responsibilities of neighbouring landowners with respect to the construction and repair of boundary fences.

The current Act is now 40 years old, and in that time, there have been concerns raised about the operation of the legislation and related matters.

Features of the Current Act

1. The Act operates as a common law by imposing a liability on adjoining “owners” whose lands are not divided by a “sufficient fence”, or whose lands are divided by a fence which is in need of repair, to contribute equally (except in the case of negligence) to the construction or repair of the fence.

2. The Act does not interfere with the right of adjoining landowners to enter into a private arrangement between themselves regarding a dividing fence.
3. At present, the Act is structured to help facilitate agreement about fencing matters in three scenarios - private agreement between adjoining landowners; agreement made pursuant to the Act; and resolution through Orders made by the Court of Petty Sessions.
4. The Crown is not bound by the Act, however, local governments are generally liable to contribute to the cost of construction and repair of a dividing fence in respect of their land, with the exception of land vested for public purposes, including reserves and parks.
5. In relation to the construction of a fence, the Act imposes a general liability on adjoining owners to pay half of the cost of a sufficient fence.
6. A “sufficient fence” is defined in the legislation as:
 - any fence which is prescribed as a sufficient fence by a local law of a local government;
 - any fence as agreed to by the adjoining owners and which complies with any local law of a local government; or,

where no such local law or agreement is made,
 - any substantial fence that is ordinarily capable of resisting the trespass of cattle and sheep; or
 - any fence determined to be a sufficient fence by a court of Petty Sessions under this Act.
7. The Act outlines a procedure for ensuring that equitable agreement is reached, that the fence is constructed in a reasonable time and that communication between parties is appropriate. The Act also sets out provisions for situations where the owner(s) of adjoining land cannot be found.
8. Similarly, in relation to repair, the Act outlines procedures to ensure that fences are repaired in a timely and equitable manner and ensures that adjoining owners are adequately informed throughout the repair process. The Act also makes provision and provides protection for owners when urgent repairs are required.
9. In the event that agreement cannot be reached, the Act provides for issues to be independently resolved in the courts, which have the power to make Orders, and whose decision is final.

DETAILS

The issue of dividing fences is one which impacts on many members of the community. The State Government recognises the need for modern and effective legislation in this area and has been requested to give priority to reviewing the existing provisions.

This Issues Paper is an initial opportunity for wide canvassing of the issues and problems relating to dividing fences. It is essential that these be identified so that they may be addressed in the development of proposed new legislation.

The Issue Paper raises a number of questions, and this report and its attachments deals specifically with those issues.

Once submissions have been received and considered by the Department of Local Government, proposals for new legislation will be prepared and there will be further opportunity for public comment at that stage. It is the Government's intention to have proposals for the new legislation finalised in the first half of 2001.

The Issues Paper has been placed in Councillors' reading room for comparison with this report and attachments, if desired.

COMMENT

It should be noted that there is no official body nominated to administer the provisions of the Dividing Fences Act. The Act merely empowers the adjoining owners to carry out certain works. The City's local laws specify the standard of a sufficient fence in various locations depending on such things as zoning and lot orientation. The local laws could notionally be replaced if Council were to consider moving these standards into another type of regulation, ie the Town Planning Scheme, the new Dividing Fences Act, or by a resolution.

Notwithstanding the above, dividing fences have proven to be a time consuming issue that has been difficult for local authorities to deal with in relation to:

- ◆ The authority to act;
- ◆ maintenance of customer relations;
- ◆ exposure to liability;
- ◆ efficacy of intervention.

It is not the provisions of the Dividing Fences Act which are the primary concern, but its inability to deal with the problem most commonly raised with Council Officers, ie variations in levels between properties. It may be considered that this is a separate issue, however the two are inexorably combined in practice. Until legislation is introduced defining responsibilities of property owners in relation to both fencing and retention of cut and fill on or near boundaries, then any changes will have little or no effect on the problems facing property owners, Councils and the Courts.

The following suggested changes to the legislation are based on experience gained by local government officers during direct contact with aggrieved parties and viewing the results of improper practices on site as a result of ignorance or absence of reasonable controls.

Difficulties with Current Legislation

It should be noted that whilst there are controls in Planning and Building legislation that may address some of the issues described, it is generally not practical or possible to implement in an effective preemptive manner.

Understanding the Act

Council Officers are often called upon to provide advice specifically relating to dividing fences and the provisions of the Act.

Council Officers have little or no training in relation to the intricacies of the legislation and are concerned about the liabilities of reliance on their advice. The customer is often referred to the Department of Local Government or the Citizens Advice Bureau, but usually to the pamphlet issued by the Department of Local Government. Understandably, this does not necessarily satisfy most enquiries, particularly if level variations are involved.

Co operation between Property Owners

From a Council point of view, the biggest problem arising from fencing disputes is the lack of cooperation between property owners. This can use large amounts of resources with a frustratingly low-resolution rate. Although the Dividing Fences Act in isolation has proven to be workable, it does not address specific associated issues and its contribution to dispute settlement is very limited in many cases.

Complexity of Concerns

Confusion arises with the various pieces of legislation influencing the structure, style, size and position of fencing and its incorporation in other building structures, such as retaining and walls on boundaries.

This is further complicated by Local Laws and Policies on fences introduced by Councils.

Dependency on a Third Party for Resolution

The Act does outline basic consultative requirements for adjoining neighbours in relation to fences, but because the disagreement often involves other issues (usually variations in levels), the matter is referred to third parties such as the Local Council, Department of Local Government, Legal Aid and the Local Court, often without any real attempt by either neighbour to find a resolution themselves.

There seems to be a perception that an authority (most often the Local Government) will immediately act against a neighbour who is alleged to be causing a problem with the structures on the boundary. Without a detailed assessment of the situation, it is not possible for the Authority to provide accurate and useable advice, suitable for possible court proceedings. This process would be best dealt with by an independent third party which could give clear directions for the arbitration of such disputes.

Solutions

It is never easy to introduce change and even harder to implement it. However, in this particular case, rather than changing the status quo, if it is formulated skillfully, any revised legislation will only reflect and rationalise the current activities in the community whilst allowing existing resources to be used in area they feel more worthwhile.

1 Understanding the Act

The legislation should contain an explanatory attachment that gives the intended meaning and causal effect of each part. This can be further distilled into a document that comprehensively and clearly gives a sufficient understanding of the Act to any person reading it.

No matter how well the Act may be documented, questions will inevitably arise and it is suggested that the most effective and efficient method to deal with enquiries is to establish a centralised telephone advice service.

This 'hotline' could be operated by a small number of highly skilled and knowledgeable personnel giving expert help to enable property owners to understand their rights and responsibilities in relation to common boundary issues.

As a referral service it would release the resources of local authorities and the Department of Local Government to be used in a more efficient manner.

2 Non Co-operation between Property Owners

In order to ensure that reasonable attempts have been made at conciliation, the legislation could contain provisions requiring documentary proof of contact (in a fair and reasonable manner) with adjoining property owners on a number of occasions before the matter is referred to a third party.

If the revised Act contains clear direction of responsibility particularly in relation to the provision of retaining walls, adequate screening and permissible heights, then it should significantly reduce the room for dispute.

3 Complexity of Controls

By providing specific requirements in a revised Act, the need for fencing local laws could be removed. Specific requirements can be incorporated into a revised Act, such as:

- Permissible heights relative to particular locations – eg side and rear boundary fencing to the rear of a building setback line or adjacent to a driveway at a front boundary.
- Types of sufficient acceptable fencing relative to the use of the properties concerned.
- Where the responsibility for the provision of retaining walls lies.

Councils can still control fencing through the planning and building processes and, where necessary, by referral to this Act. In the same way the Act can be referred to in a Council's Town Planning Scheme.

4 Dependency on a Third Party for Resolution

If other measures are incorporated into the revised Act – making the Act easily read and understandable, making adjoining property owners directly responsible (in actions) for conciliation, simplifying the complexity of control by centralising the basic requirements for fencing in the revised Act and addressing the problem of variations in levels between properties, then it should result in more resolutions occurring without reference to third parties.

SUMMARY

The key to successfully implementing any legislation or control is to have it clearly understood and accepted by the parties concerned.

To do this it has to address the interests of all, including the enforcing authorities. Although the Dividing Fences Act 1961 has worked well in its own right, unless it is changed to address the most common elements of dispute between property owners as well as the difficulties experienced by authorities, it will not serve the community as it should.

The legal implications for incorporating controls of property levels in this Act make it essential to ensure that it is compatible with existing and proposed legislation.

Elements of a new Building Act could contain similar clauses for controlling:

- when building approvals are required (defining exemptions);
- protection of adjoining property;
- access to adjoining properties for construction purposes;
- stop work orders;
- enforcement of standards, orders etc.

This could be used (by referral to an “expert panel” to be set up by the State, private Building Surveyor or Local Government under specific conditions) instead of the Courts on a user pay basis.

However, it is important to retain the autonomy of the Act by keeping it as common law, able to be economically used by everyone in the community.

The ideas contained in this submission represent a major change to the current Act. It may also represent a good opportunity to change the name of the Act as a signal of the changes to the community, eg Adjoining Properties Act.

MOVED Cr Rowlands, SECONDED Cr Hurst that Council FORWARDS this report and attachment as its submission on the review of the Dividing Fences Act.

The Motion was Put and

CARRIED

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf071100.pdf](#)

CJ314 - 11/00 PROPOSED CARAVAN PARK (EXTENSIONS AND ALTERATIONS TO CHEROKEE CARAVAN PARK-PARK HOMES, TOURIST CHALETs, CAMPING SITES, WORKSHOP, STORAGE YARDS AND RECREATION HALL) AT LOT 98 (10) HOCKING ROAD, KINGSLEY - [01366]

WARD - South

CJ001107_BRF.DOC:ITEM 15

SUMMARY

An application has been received seeking approval for extensions and additions to the Cherokee Village Caravan Park. This proposal includes the decommissioning of the existing effluent pond and reuse of that land for the development of 24 additional park homes, 7 chalets, a camping site area and the conversion of an existing workshop/shed to a recreation hall.

The key aspects of this proposal are as follows:

- The City has very few regulations in place against which this proposal can be assessed. The former City of Wanneroo Caravan Park Policy was used as a guide in the assessment of this proposal;
- The proposal complies with the City of Joondalup Town Planning Scheme No 1 requirements and represents a logical extension of an existing caravan park;
- The intended occupation of the new park homes is for long term residents but a proportion (28%) of the site will continue to be set aside for short term holiday accommodation, which is consistent with the former Caravan Park Policy.
- There are also environmental benefits associated with the removal of the existing effluent ponds and connection of the entire development to sewer, particularly given that the site is situated within the water catchment area of Lake Goollelal.

The proposal represents an expansion of an existing land use where options for alternative activities are otherwise constrained by the current rural zoning. The development plans were advertised for public comment as a component of the assessment and no objections were received. Approval of the proposal is recommended.

BACKGROUND

Lot	98
Street Address	10 Hocking Road, Kingsley
Applicant	Meyer Shircore Pty Ltd
Land Owner	Maitland House Pty Ltd
DA No:	DA00/0081
MRS Zoning	Rural
TPS Zoning	Rural
Land Use	Caravan Park

- 28/02/00:** A development application was received seeking approval for extensions to the existing caravan park.
- 12/04/00:** The applicants submitted revised plans dated 12 April 2000 addressing an increased setback and fencing along Whitfords Avenue, design of the internal road pattern, size and location of functional open recreational space.
- 27/04/00:** The proposal was advertised to adjoining landowners seeking comments.
- 04/08/00:** Response received from TABEC Engineering consultants including letter from Water Corporation WA relating to connection to main sewer.
- 17/08/00:** The proposal was reviewed by the Director Planning & Development in consultation with the Mayor under delegated authority of the Council where it was decided to defer the proposal to seek further information from the applicant and refer the proposal to Council.

DETAILS

The subject site is located between Hocking Road and Whitfords Avenue; Lake Goollelal and the Yellagonga Regional Park are situated to the west. The Cherokee Village Caravan Park comprises 105 existing caravan sites, an office and caretaker's residence.

Key aspects of the proposed extensions to the caravan park are described in detail below:

New Caravan Park Extensions

The proposal includes:

- 24 prefabricated park homes;
- 7 chalets;
- 4 camping sites to be maintained as tourist sites;
- The conversion of the existing workshop/shed to a recreation hall;
- The new park home sites will partially fund the removal of the effluent pond and connection to sewer. The existing ponds pose a contamination threat to ground water. They also emit an offensive odour and are unsightly;
- New park homes owners would lease land from the current owner of the caravan park. The proposal has not included an application to strata title the land.

Demand for Park Homes

Fleetwood Homes and Cabins are the suppliers of Park Homes and provided the following information in support of the proposal.

The development caters to senior persons and single persons in the community who seek alternative accommodation by necessity and preference. Park Homes are promoted as a retirement lifestyle alternative. The proposed development would provide for the needs of the community for aged accommodation and to a lesser extent people who are by economic necessity seeking this accommodation.

The benefits of this type of accommodation include:

- companionship without losing independence;
- personal security;
- easy home maintenance;
- choice in smaller accommodation;
- leisure and social options through Park facilities;
- an alternative to an early move to a conventional retirement village accommodation; and
- affordable alternative to conventional accommodation

The location of Cherokee Village provides accommodation for older generations of people who move from the surrounding neighbourhood and homes that are too large to maintain or where they do not feel secure or may have lost a partner. The accommodation provides a minimal disruption to social ties in the community. Fleetwood claim that the northern suburbs have a shortage of park home sites and cannot satisfy the demand from enquiries for this area. Public transport, shopping and medical facilities are also nearby.

Fencing Details

The applicant proposes to construct twin side fencing along the lot frontage of Whitfords Avenue and along the remaining portion of the western boundary and stops at the recreation hall. The new park homes would be situated in a position overlooking the proposed fencing. Although the fencing will be partially screened from view by existing vegetation within the road reserve, the applicant needs to give further consideration to fencing details along Whitfords Avenue. The proposed fencing should be redesigned to include solid sections with infill panels, colours and materials that break up the visual bulk of the wall.

Environmental Matters

The subject site is situated within 300 metres of Lake Goollelal, which is an environmentally sensitive area reserved for conservation and protection. Conservation and Land Management (CALM) recently released the Yellagonga Region Park – Draft Management Plan 2000-2010. The purpose of the Management Plan is to provide broad direction for the planning, management and development of Yellagonga Regional Park. The boundary of the regional park follows the western boundary of a market garden lot, which adjoins the caravan park site.

Issues affecting water quality levels in the Yellagonga Wetlands include drainage and stormwater flow, pollution and nutrient inputs from land uses within the catchment area, other land uses in the catchment area and extraction of groundwater.

The main source of potential ground water pollution from the caravan park are the existing effluent disposal ponds. The proposed expansion includes a proposal for the decommissioning of the effluent ponds and connection to sewer. This is expected to further improve the quality of groundwater within the Lake catchment.

The Caravan Park only has a few (3) sites still using groundwater but most of the park is connected to reticulated water. It is the owner's intention to eventually convert the remaining park sites to reticulated water in the future. Groundwater is also used to water the landscaped areas. Groundwater licensing is administered by the Water & Rivers Commission. The City's Environmental Health Officers have reviewed the proposal in detail and concluded that the proposal has manageable environmental impacts and environmental benefits with the park connecting to reticulated sewer.

Notification of Adjoining Owners

The proposal was referred to adjoining owners seeking comments within 14 days. At the close of the 14-day advertising period, no submissions were received.

Government Agency Response

The proposal was referred to Main Roads WA (MRWA) and the Ministry for Planning (MFP) for comment as the site abuts Whitfords Avenue which is a regional road reserve under the Metropolitan Region Scheme. There are no significant environmental impacts that would require this proposal to be referred to environmental agencies. Nevertheless given the nearby proposals associated with the Yellegonga Regional Park, CALM were contacted and confirmed there are no objections to the proposal proceeding.

The MFP in their response states that under Clause 3 of the notice of delegation, MRWA must make comments and recommendations to the City and not the Western Australian Planning Commission. MRWA have no comments or recommendations to make on the above proposal given that there is no direct vehicle access onto Whitfords Avenue.

COMMENT

The proposal was assessed for its conformity with the City of Joondalup Town Planning Scheme No 1, District Planning Scheme No 2 (DPS2) draft and reference was also made to the current Caravan Parks and Camping Grounds Regulations 1997.

Zoning

The use of a caravan park within the Rural Zone is not permitted under TPS1 unless approval is granted by the Council. The Council therefore can consider the application on its merits and decide to either approve the proposal (with or without conditions) or to refuse the proposal. The caravan park use does not align with the types of land uses normally expected within the Rural Zone. The application should be considered in the context of the existing caravan park use and compatibility with surrounding land uses.

The DPS2 (draft) includes a proposal to rezone the subject land from “Rural” under TPS1 to “Private Clubs/Recreation” under DPS2 where a caravan park use would be permitted as of right. DPS2 (draft) recognises the establishment of the existing caravan park village and its suitability in this location.

Adjacent Land Uses

The adjacent land uses include a Christian Centre to the east, special residential lots to the south, a nursery to the north of Whitfords Avenue and a market garden on the adjoining property to the west. The only land use conflict has been caused by noise emissions from the Christian Centre recreational building where caravan park residents have on occasion raised concerns. The City has not received any recent resident complaints. The Christian Centre operation is required to comply with the Environmental Protection (Noise) Regulations 1997. No submissions were received from the adjoining owners including the Christian Centre owner(s) to the proposed development. There is also the potential for spray drift to occur from the adjoining market garden. It is the responsibility of both the market gardener and the caravan park owner/operator to address the potential for spray drift to occur. The market gardener should carry out spraying so as to minimise the disturbance to the caravan park residents. In addition the caravan park owner/operator should notify park residents of spraying occurrence.

Setbacks

Town Planning Scheme No 1 requires minimum setback proposed to Whitfords Avenue is 9 metres, with 4 metres side setback to the western and eastern side boundaries and adequate setback between park homes.

Carparking

The proposal includes provision for 13 visitor car bays which complies with TPS1. Two of the 13 visitor car bays must be allocated as disabled car bays. At least one (1) car-parking bay has been provided for each of the caravan, park homes, chalet and camping sites which is satisfactory.

Access

Vehicle accessibility within the caravan park will be improved with a revised traffic layout, which includes an additional driveway to the south-west of the site onto Hocking Road. One section of the new internal road requires minor modification in the vicinity of the traffic island to the west of site "PH 121". This traffic island should be extended as shown on the revised site plans received 15 September 2000.

Landscaping Area

The Caravan Parks & Camping Grounds Regulations 1997 require a total landscaping area of 10% (3374m² of the lot), of which 2/3rd is to be provided in one area. The amount of open space provided is 3,543m², which is acceptable in terms of size and location. Particular landscaping treatment is recommended along the northern boundary fence to screen the development from Whitford Avenue to the north.

Density

There are no specific density requirements in TPS1 to guide the Council in the exercise of its discretion in determining this proposal. The proposal is however compatible with the existing density of development.

Permanent and Temporary Accommodation

The City's former Caravan Park Policy recognised that caravan parks can accommodate permanent residents and accepted that this is necessary for the economic viability of the park. To ensure that sufficient accommodation was available at caravan parks the former Policy required a minimum of 20% of caravan sites being set aside for tourist and holiday makers. A total of 28% of sites would be set aside for tourist and holiday makers by this proposal. The communal facilities in the form of grassed open grounds, a swimming pool and recreational hall would be a positive attribute to the caravan park village.

Connection to Services

The existing effluent pond is to be pumped out and land is to be decontaminated/filled and built on. The entire site would be connected to sewer including the existing park. The Water Corporation has advised the lot can be connected to the reticulated sewer by using a private pumping station and pressure main to discharge to the reticulated sewer or construction of a sewer main extension and a temporary pumping station. The later option is still under consideration by the Water Corporation.

A geo-technical report is required at the building licence stage to demonstrate that the filled ponds are suitable for the proposed development. All filling should be supervised and only clean fill must be used. A construction management plan is required.

The development also has underground electricity reticulation within the park.

The proposal would provide alternative accommodation to elderly residents living in the area and people seeking an alternative type of living. This would also improve the economic viability of the park. The proposal also is dependent upon the removal of the effluent disposal pond and a connection to sewer. These measures alone will significantly improve the amenity of the caravan park and reduce the likelihood of ground water contamination from the park. The proportion of holiday accommodation sites is considered reasonable having regard to the City's former Caravan Park Policy as a guide only. The proposal complies with TPS1 and is therefore supported.

MOVED Cr Barnett, SECONDED Cr Carlos that Council:

- 1 APPROVES the application and revised plans received on 15 September 2000 submitted by Meyer Shircore and Associates on behalf of the owner Maitland House Pty Ltd for Caravan Park (extensions and alterations including park homes, tourist chalets, camping sites, workshop, storage yards and recreation hall) and connection to the sewer system in accordance with the Water Corporation WA requirements on Lot 98 (10) Hocking Road, Kingsley subject to the following conditions:**
- (a) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (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 programme;**
 - (b) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (c) traffic island adjacent to site "PH121" to be extended as indicated in red on revised plan received 15 September 2000;**
 - (d) a Geo-technical Report covering the area subject of the new park homes being prepared by a suitably qualified person (at the applicant's cost) to the satisfaction of the City prior to the carrying out of any works;**
 - (e) two (2) disabled carparking bays must be located in a position convenient to the main entrance and adjacent to the main recreation area and with a minimum width of 3.2 metres, to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);**

- (f) the submission of an acoustic consultant's report for the proposed sewer pump station demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection (Noise) Regulations 1997;
- (g) a Management Plan must be submitted for the decommissioning of the existing effluent disposal pond and all existing septic tanks. Details to be carried out must include the pump out, removal, backfilling (using clean sand), truck access, soil compacting of all septic tanks and effluent disposal facilities and duration of works;
- (h) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs within the carpark area;
 - (ii) any lawns to be established;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated.
- (i) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (j) the fencing details being modified to include a solid wall with infill panels, with colours and materials that break up the visual bulk of the wall, to the satisfaction of the City;
- (k) the rubbish bin area must be relocated 4 metres away from the western side boundary and designed and constructed to the satisfaction of the City;
- (l) future park tenants/owners must be advised of the potential for spray drift occurring on occasion from the adjoining market garden on Lot 500 Hocking Road.

Footnotes:

1. The existing site levels and design levels of all proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building Licence Application;
2. Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of

the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200;

3. Development must comply with the Caravan Parks and Camping Ground Regulations 1997 and associated Act;
4. Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practicing Structural Engineer, must be submitted for Building Licence approval;

The Motion was Put and

CARRIED

Appendix10 refers

To access this attachment on electronic document, click here: [Attach10brf071100.pdf](#)

**CJ315 - 11/00 PROPOSED TWENTY THREE (23)
AGED/DEPENDENT PERSONS' DWELLINGS AT 207-
211 LAKESIDE DRIVE, JOONDALUP - [00760]**

WARD - Lakeside

CJ001107_BRF.DOC:ITEM 16

SUMMARY

An application has been received for 23 aged/dependent persons' dwellings (APD) at 207-211 Lakeside Drive, Joondalup.

The subject site is an ideal location for the intended occupants. The site is within walking distance to major educational/training institutions, public transport, major retail, and entertainment facilities within the City Centre and to regional recreational areas.

The proposal generally conforms to Town Planning Scheme No 1 (TPS1) and the Joondalup City Centre Development Plan and Manual (Manual). The proposal includes an increase in the residential density from R60 to R100B, which is within the discretion of the Council to approve under TPS1.

The proposed three storey buildings create a continuous urban façade with the adjoining developments at this location within the City Centre. The buildings address the street with window locations and balconies providing natural surveillance of the surrounding areas. The design provides for open space, pedestrian walkways, services and car parking for current and future commercial requirements. The development will be compatible with the surrounding land uses. The ground floors of some of the APDs have been designed to be able to be converted to commercial use should the need and demand arise in the future.

The above site has a current development approval for 23 multiple units. The changes proposed are minimal. Having regard to the merits of the proposal, it is recommended that Council exercise discretion under TPS1 and the City Centre Plan and Manual to vary the requirements relative to residential density in this instance.

BACKGROUND

Lot	514 and 515
Street Address	207-211 Lakeside Drive, Joondalup
Land Owner	Ministry for Housing
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre
Use Class	Aged/Dependent Persons' Dwellings
Lot Area	1202 + 1212 = 2414 m ²
Ward	Lakeside

04/06/98 An application for approval to commence development for 23 multiple dwellings was approved by the Council. The approval was valid for 2 years. The development did not proceed.

31/05/00 A fresh approval to commence development was granted for 23 multiple dwellings.

25/09/00 The City received a new application for approval to commence development for 23 Aged Persons Units. The new application is similar to the recent plans approved by the Council.

The subject site is located on the western side of Lakeside Drive between Reid Promenade and Shenton Avenue. The northern edge of the land is defined by an access easement within adjoining Lots 512 and 513. An easement also runs across the rear of both subject lots, separating a 5.5 metre wide strip at the rear, which is already developed for car parking.

DETAILS

Description of the Proposed Development

The development proposal consists of the following elements:

- 23 aged/dependent persons' dwellings within a 3 storey building;
- The units proposed are made up of single and two bedroom units;
- The proposed residential density is R100B under the R-Codes;
- A total of 36 car parking bays is proposed on site; and
- Elevated walkways connecting each unit and a lift have been provided to facilitate easy access;

The applicant proposes to amalgamate Lots 514 and 515 to facilitate the construction of the 23 APDs on three floors. Five units on each floor front onto Lakeside Drive and the remainder face north to the easement that serves Lots 512 and 513. All units have balconies, which are taken up to the lot boundary line, but the main façade of the building is setback 2.2 metres.

Clothes Drying

Clothes drying areas in front louvered type areas within the balconies are proposed. The applicant advised that in their other aged persons developments, due to very low incomes and financial hardship, they have found that tenants will not use electric dryers because of running cost and will use other methods to hang out clothes to dry. Even communal drying areas have not worked. To stop these practices, the Ministry has found that by screening areas of the balconies they have managed to stop such unsightly methods being used by tenants. The laundries have, however, been designed to accommodate dryers if needed by tenants.

Car Parking, Setbacks, Site Coverage, Plot Ratio and Density

The proposed setbacks are in accordance with the development requirements for the Lakeside District. There is no site coverage requirement. The plot ratio proposed is 0.615 of the site area (maximum plot ratio is 1.0).

The density for the Lakeside District is a minimum R60, however, the Council has the discretion to grant a density bonus of up to R100B, provided that the development would be of an appropriate scale and contribute to the amenity of the City Centre.

Car Parking Table based on TPS1

Current Use	Car Parking Provision	No of Bays Req'd	No of Bays Provided
Aged/Dependent Persons' Dwellings	0.5 spaces per dwelling x 23 or may be increased at the discretion of the Council to 1 space per unit	12 or 23	
Total		23	36
Future Use	Car Parking Provision	No of Bays Req'd	No of Bays Provided
Future Commercial 5 ground floor units	1 car bay per 30 m ² i.e. 356m ² = 12	12	
18 Balance Aged/Dependent Persons' Dwellings	1 car bay per aged persons unit (18)	18	
Total		30	36

From the above table it is clear that there is sufficient car parking for the development proposed and future conversion of ground floor units to commercial activities. Parking would be predominantly in covered carparks on the west, accessed from the easement via Reid Promenade and Davidson Terrace.

Urban Design Analysis

The Central Business District is intended to represent an urban bustling City Centre. The Manual envisages there will be an intensely developed mix of city centre activities within a "pedestrianised" environment where street level retail and entertainment predominate. There is an emphasis on specialty shops, cinemas, personal service establishments, restaurants, alfresco dining, offices and residential accommodation.

The proposed development complies in general with the design requirements of the Manual however the development does not include commercial activity at this stage. The building design will create an active street frontage and would contribute to the existing streetscape by including a continuous facade along Lakeside Drive. This would be achieved by using masonry panels, planter walls and balcony fencing.

The setback of the façade is justified in the short term by the need to distance windows to habitable rooms from passing pedestrians.

Future Commercial Land Use

In the long term, this development could include a colonnade that provides shelter along this façade if conversion to commercial use can be co-ordinated throughout, or it could provide outdoor dining or shop entry space. At ground floor level, the units have a minimum of load-bearing walls internally and in the façade so as to provide the maximum potential for clear floor trading areas and for opening to the street. Service access would be available from the car park at the rear to any commercial space. A subsequent development application will be required for approval of any future conversion to commercial uses.

Relevant Legislation

The applicant has requested the Council to:

- Vary the R-Code density from minimum R60 to R100B; and
- Provision of clotheslines for the drying of clothes within the front balcony area.

The Council has the authority to exercise discretion under Clause 5.9 of TPS1 where it believes that the imposition of such requirement(s) would be unreasonable or undesirable having due regard to the merits of the application and orderly and proper planning principles.

COMMENT

The site is situated within the Central Business District of the Joondalup City Centre, which permits the development of these lots for a wide range of land uses that include accommodation or residential use.

Residential Density

The current application for 23 multiple units is the equivalent density of R100B (100m² minimum lot area per dwelling). This is the same density of development recently approved by the Council for a similar development of 23 multiple units. The residential density was approved on the basis that the design was of landmark proportions and would enhance the overall legibility and amenity of the City Centre. The proposal differs in terms of use but is similar in design to the current approval in terms of number of units, size and height of buildings proposed.

Urban Design

The proposed building is entirely residential since the Ministry does not feel that commercial tenants can be found in this position at present. The land has excellent exposure to Lakeside Drive and the ground floor of units fronting the road should, in time, accommodate commercial uses that contribute to the life and interest of the street. The development would also provide an appropriate edge to the Central Business District and a focus for the community to the east.

Car Parking

The applicant proposes 1 car bay per unit as opposed to the minimum of 0.5 car bays per aged persons' development as stated in the R-Codes, which is acceptable to the City. The development has sufficient car parking surplus to enable the ground floor units (3-7) to convert at a later stage to commercial premises.

Clothes Drying

The proposal to partially screen the balconies of units to accommodate clothes drying, while convenient and low cost for residents could reduce the visual amenity of the area as clothes could still be visible through the screen and open sides of balconies. Where the City has approved multiple dwellings in the past it has been a requirement for each unit to include a clothes dryer. A separate ground floor communal clothes-drying area totally screened at the rear of developments has also been accepted. The drying of clothes on balconies also erodes valuable recreational space for each unit and reduces visual amenity. It is on this basis that the clothes drying area proposed on balconies is not supported. Alternative arrangements can be made for each unit to include a clothes dryer at nominal cost.

Conclusion

The proposal is indicative of the continued interest and confidence in the development of a variety of inner city housing within the Joondalup City Centre. The proposed design satisfies the objectives and the requirements of the Manual in terms of the proportions proposed and active street frontage and orientation.

The development variation proposed (residential density R100B) would contribute positively towards achieving the objectives of inner city living, by adding to the variety of unit types. The development will raise the residential population of the City Centre and maintain the flexibility for future commercial opportunities that will enliven the City. The development will also integrate the City Centre with the residential development occurring in the Lakeside District. This form of development can only reinforce investor confidence within the City Centre and having regard to the above comments is supported.

MOVED Cr Rowlands, SECONDED Cr Ewen-Chappell that Council:

- 1 EXERCISES DISCRETION for Twenty Three (23) Aged/Dependent Persons' Dwellings at Lots 514 and 515 (207-211) Lakeside Drive, Joondalup pursuant to Clause 5.9 of the City of Joondalup Town Planning scheme No 1 to:**
 - (a) increase the number of Aged/Dependent Persons' Dwellings on the properties to 23 dwellings, equivalent to R100B, as opposed to the minimum of R60 under the Residential Planning Codes and the Joondalup City Centre-Development Plan and Manual;**
- 2 APPROVES the application and plans received on 27 October 2000 submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner Ministry for Housing for (23) Aged/dependent persons' dwellings on the above mentioned site, subject to the following conditions:**
 - (a) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the**

- (i) the location and type of existing and proposed trees and shrubs within the carpark area;
 - (ii) any lawns to be established;
 - (iii) any natural landscape areas to be retained;
 - (iv) those areas to be reticulated or irrigated
- (b) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (c) any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (d) no obscure or reflective glazing being used for future possible commercial fronts facing onto Lakeside Drive;
- (e) lots 514 and 515 Lakeside Drive being amalgamated onto one Certificate of Title;
- (f) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard 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 programme;
- (g) all stormwater must be contained on-site to the satisfaction of the City, which could include the option of connection to the City's drainage system;
- (h) the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development (including mechanical plant and equipment) is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (i) the boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City;
- (j) floodlighting being designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible internally directed not to over spill into nearby lots;
- (k) the ground floor units with commercial potential being constructed with minimum load bearing walls, internally and the facade to maintain the potential to convert the units to commercial use in the future;

- (l) the footpath treatment in the adjoining road reserve to be continued to the front of the building in a design with a finished floor level that matches the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
- (m) each residential unit must be fitted with a clothes tumble dryer. No clothes drying is permitted on balconies and the proposed clothes screen must be replaced with balcony railings;
- (n) submission of a Construction Management Plan covering hours of operation, access and other relevant details must be lodged with an application for a Building Licence;
- (o) future residents being notified in writing by the proponent that the Central Business District is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment.

Footnotes:

- (a) The boundary footings of the proposed development must be constructed level with the basement of adjoining development on Lot 516 Lakeside Drive in accordance with the Building Code of Australia (BCA).
- (b) The existing services located immediately east of the existing internal accessway are to be relocated or modified to be level with the accessway.

Cr Hollywood raised his concerns in relation to the fact that only one lift had been allocated within this three storey development. He was of the belief this was insufficient in view of the fact the facility was for elderly residents.

Cr Kadak queried the guidelines/requirements in relation to this type of development. Director Planning and Development stated there was no requirement for any lift in a building of this size and advised this was an additional facility being provided due to the nature of the occupants.

The Motion was Put and

CARRIED

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf071100.pdf](#)

CJ316 - 11/00 PROPOSED CANCELLATION OF PORTIONS OF RESERVE 32299 FORREST RESERVE, (47) FORREST ROAD, PADBURY - [31250] [06514]

WARD - Pinnaroo

CJ001107_BRF.DOC:ITEM 17

SUMMARY

Cancellations of portions of Forrest Reserve containing the existing changeroom and toilet block area and two existing sump sites on Forrest Reserve, Forrest Road, Padbury are requested. (See Attachment 1). A local football club has requested to lease a section of the changerooms and toilet block that exist on Forrest Reserve and to accommodate this request, it is necessary to excise the land in question from the reserve, allowing a new reserve to be created for the purpose of “Clubrooms.” The City and the Department of Land Administration (DOLA) can then consider the club’s request. With regard to the sump sites, it is appropriate that they should be on land reserved for drainage rather than public recreation, as is the case presently.

The football club was encouraged by the City to relocate to Forrest Reserve from McDonald Reserve, Padbury. The Forrest Reserve changeroom area was small and unused, and the club renovated a section of the building at its own cost so that it is now a well used facility. The club’s request for a lease is considered reasonable. It is recommended that Council support the cancellation of the two sump areas on Forrest Reserve to enable further reserves to be created for the purpose of “Drainage.” Further, that Council support the cancellation of the changeroom and toilet block area on Forrest Reserve to enable a separate reserve to be created for the purpose of “Clubrooms” and endorses in principle the leasing of the changerooms and storage room as shown on Attachment (2).

BACKGROUND

Forrest Reserve was created as a condition of sub-division in accordance with Section 20A of the Town Planning and Development Act. The Reserve is set aside for the purpose of Public Recreation with a Management Order in favour of the City.

Under DOLA’s Guidelines for the Administration of Section 20A “Public Recreation” Reserves, it is stated that *‘as power to lease cannot be given over Public Recreation reserves, small excisions may be agreed which would provide reserved sites complementary to the use of the reserve, these to be vested in the local government with power to lease. Such sites may primarily be used for club buildings needing to be adjacent to large playing fields....’*

With regard to Public Recreation Reserves and their relationship with drainage areas, under the abovementioned Guidelines, it is stated that *“.....in some cases these two land uses may be compatible, but fenced deep sumps must be separately reserved for “Drainage.”*

DETAILS

Forrest Reserve is a Section 20A Reserve with a Management Order in favour of the City of Joondalup for the purpose of Public Recreation. Under the Department of Land Administration (DOLA) regulations, power to lease cannot be given on a Public Recreation Reserve. For leasing arrangements to be considered by DOLA, cancellation of the subject portion is required to take place and a separate reserve created.

Changerooms and toilet block

The Northern Warriors Veterans Football Club was encouraged by the City to relocate to Forrest Reserve, Padbury due to overcrowding at their existing venue at McDonald Reserve, Padbury. The Club proposed renovations to the unused changerooms on Forrest Reserve, which were approved by the Joint Commissioners on 24 November 1998 (Item CJ260-11/98 refers). After the renovations were completed, the Club requested long term tenure to protect its investment and have since received approval for a restricted liquor licence.

The overall building area of the changerooms and toilet block is approximately 118m² and this is the area that would be required to be excised from the Public Recreation Reserve, allowing a separate reserve to be created for the purpose of "Clubrooms." The Club wishes to lease the changerooms section and one of the storage rooms totalling approximately 44m², with the toilets remaining accessible to the public. (Attachment 2 refers).

Drainage Sumps

The two drainage sumps located on Forrest Reserve were constructed in approximately 1972 and their excision is proposed in order for the City to comply with the Department of Land Administration's Guidelines for the Administration of Section 20A "Public Recreation" Reserves. Drainage sumps are not compatible with the Management Order's purpose of Public Recreation, and therefore the City proposes to request the existing drainage sumps to be excised from the Public Recreation Reserve and new reserves created for the purpose of "Drainage."

Referral Process

To comply with DOLA's Guidelines, the City requested the service authorities and the Western Australian Planning Commission (WAPC) to comment on the proposed excisions. The service authorities advised that they had no objection to the proposal. The WAPC advised that it had no objection to the proposed cancellation of a portion of Forrest Reserve for the purpose of clubrooms, as the land will still be used for purposes relating to public recreation. With regard to the proposed excision for the drainage sumps, the WAPC supports the creation of new reserves being created for drainage.

Public Advertising

Changes for Section 20A Public Recreation Reserves must be advertised for public comment. This proposal was advertised by one newspaper notice in a local newspaper and by a sign on site for thirty days during which time the City did not receive any submissions.

COMMENT

Due to overcrowding at McDonald Reserve, the City encouraged the Northern Warriors Veterans Football Club to relocate to Forrest Reserve, Padbury and the Joint Commissioners approved renovations proposed by the football club that have now been completed. The renovations have provided the football club with the storage facilities that it requires and a base. It is considered reasonable to allow the club a lease for the section of the changerooms and toilet block as shown on Attachment 2.

With regard to the existing sumps on Forrest Reserve, DOLA would prefer drainage sumps to be on reserves for their specific purpose and the request to cancel the drainage sump areas from Forrest Reserve and create new reserves for the purpose of drainage is considered a standard procedure.

MOVED Cr Rowlands, SECONDED Cr Barnett that Council:

- 1 **SUPPORTS** the cancellation of a portion of Forrest Reserve, Padbury containing the existing changeroom and toilet block to enable a separate reserve to be created for the purpose of “Clubrooms” and endorses in principle the leasing of the changerooms and one store room to the Northern Warriors Football Club;
- 2 **SUPPORTS** the cancellation of two portions of Forrest Reserve, Padbury, on which existing sump sites are located, one being on the corner of Bannister Road and Forrest Road and the other on the corner of Alexander Road and Forrest Road, and creation of two separate reserves for the purpose of “Drainage.”
- 3 **REQUESTS** the Department of Land Administration to action the cancellation of the three subject portions of Forrest Reserve and create two Drainage Reserves and a Reserve for the purpose of “Clubrooms.”

The Motion was Put and**CARRIED**

Appendix 12 refers

To access this attachment on electronic document, click here [Attach12brf071100.pdf](#)**CJ317 - 11/00 PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN WINSTER CLOSE AND RIPLEY WAY, DUNCRAIG - [42414]****WARD** - South Coastal

CJ001107_BRF.DOC:ITEM 18

SUMMARY

Closure of the pedestrian accessway (PAW) between Winstler Close and Ripley Way, Duncraig has been requested by an adjoining landowner. It is stated that the PAW is very rarely used and closure would mean less possibility of burglary and graffiti. There are five adjoining property owners to the subject PAW, as one of the properties is a duplex development on strata title. One of the unit owners objects to the closure, stating it is used regularly by her family.

The main attractors for pedestrian movement through this PAW would appear to be St. Stephen’s School, the footbridge over the Mitchell Freeway, Glengarry Primary School and Alfreton Park. There is also the location of the proposed new railway station on Hepburn Avenue as shown on Attachment (1) to be considered.

Closure of the accessway would mainly affect the residents of Winstler Close and Ripley Way however, objection has been minimal, as the City has received only one other objection. For Glengarry Primary School and Alfreton Park, there are alternative routes for the Ripley Close residents to take that appear more direct, and the extra distance that the Winstler Close residents would be required to walk to facilities is not considered excessive. Based on this, it would seem that within the network of accessways in this area of Duncraig, the subject PAW is not in a strategic location and therefore it can be considered for closure.

DETAILS

The adjoining landowners of the PAW between Winstler Close and Ripley Way, Duncraig requested the closure of the PAW stating that it is very rarely used and if closed, there would be less possibility of their home being burgled and less chance of graffiti such as that applied to their garage wall. Four out of the five adjoining landowners support the closure and three of them have agreed to acquire the land. There is a duplex development on one of the adjoining lots and one unit owner supports the closure and wishes to acquire a half width of the PAW, whilst the other unit owner objects stating that she and her family uses it regularly. She also states that the PAW will prove even more useful when the proposed Hepburn Avenue Railway Station is developed. Though the unit owner objects, she has stated that should closure be supported, she will not impede her strata neighbour from acquiring the land.

Referral Process

The City referred the application to the Western Australian Planning Commission (WAPC), the Department of Transport (DOT) and the service authorities. The WAPC objected to the proposal, stating closure will result in less convenient pedestrian and cycle access to St. Stephen's School. The WAPC further stated, that although there are other pedestrian routes in close proximity to the subject PAW that would maintain pedestrian accessibility to the school, it is considered that closure of the subject PAW would add pressure and may consequently affect the amenity of the residences abutting these other available PAWS and pedestrian routes.

The DOT objects to the closure stating that the area is serviced by bus route 444, which operates daily in Glengarry Drive servicing Warwick and Whitfords stations where it connects with trains to/from Perth. Closure of this PAW will increase the walking distance for some Winstler Close residents by up to 75 metres.

AlintaGas does not have any plant within the PAW, however, Western Power, the Water Corporation, the City of Joondalup and Telstra do. Western Power requires modification to its plant and the modified plant would also require the protection of an easement.

The Water Corporation advised that it has a water and sewer main within the PAW. Modification to the water main would be necessary if closure was supported, whereas an easement over the entire width and length of the PAW to protect the sewer main would be acceptable.

Telstra has advised that it has communication plant within the PAW and therefore objects to the proposal unless a three metre wide easement is centered over Telstra's network, at cost to the adjoining landowners. Telstra also stated that its network access points (pits) are to remain outside any enclosure proposed.

The three adjoining landowners who have agreed to acquire the land should this proposal be supported have confirmed their acceptance of the costs and conditions associated with its closure.

Advertising Period

During the thirty day advertising period, two public submissions were received both objecting to the proposal. One objection was from the adjoining duplex owner stating again that she and her family use the PAW and therefore they object to closure. The adjoining landowner further stated that should closure of the accessway be supported, she would agree to her strata neighbour acquiring the land and the adjustment to be made to their strata title. The other objector stated that the PAW provides a quick and easy walk and/or cycle access through Winster Close to Doveridge Drive to the Mitchell Freeway cycle path south, the footpath to Glengarry Pre-School and Primary School, Glengarry Shopping Centre and Medical facilities and the rear access to St. Stephen's school and pre-primary facility.

Site Inspection

A recent site inspection of the PAW revealed very little graffiti or rubbish, but a smashed glass bottle had been left in the PAW. Fence damage was not evident and there is a light pole on the Ripley Way end of the accessway. Vision along the PAW was good and one senior school student used the PAW during the inspection.

COMMENT

As can be seen from Attachment (1) the subject PAW does form part of a network of accessways within this area of Duncraig. However, unlike others in the network, it does not appear to be a critical connection. Closure would mainly impact on the Ripley Way and Winster Close residents yet there has been very little opposition, suggesting the PAW is not greatly used. Notwithstanding this, there are alternative routes to facilities for the Ripley Close and Winster Close residents and the extra walking distance is not considered significant. Based on the foregoing information, closure of the pedestrian accessway between Ripley Way and Winster Close could be supported.

MOVED Cr Ewen-Chappell, SECONDED Cr Hurst that Council SUPPORTS the closure of the pedestrian accessway between Winster Close and Ripley Way, Duncraig and authorises a request to be made to the Department of Land Administration to formally close the pedestrian accessway and dispose of the land to the adjoining landowners.

Discussion ensued.

The Motion was Put and

CARRIED

Appendices 13(a) and 13(b) refer

To access these attachments on electronic document, click here: [Attach13abrf071100.pdf](#)
[Attach13bbrf071100.pdf](#)

CJ318 - 11/00 PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN WARWICK ROAD AND BEGONIA STREET, DUNCRAIG - [43637]

WARD - South Coastal

CJ001107_BRF.DOC:ITEM 19

SUMMARY

All four adjoining landowners to the pedestrian accessway (PAW) between Begonia Street and Warwick Road, Duncraig have requested its closure stating they endure various and frequent acts of anti-social behaviour. (See Attachment 1). The PAW is also considered by the applicants to have been the entry and escape route in two burglaries to adjoining homes.

The PAW is a useful link to bus stops, Percy Doyle Complex and Galston Park and if closure were to take place, the increased walking distances involved for the users of the PAW is considered significant and therefore closure is not recommended. However, this PAW is one that could be considered for a lighting trial as part of the City's Safer Community Programme, subject to the necessary funds being available and increased security patrols in the vicinity of the subject PAW could also make a difference to the anti-social activities taking place.

DETAILS

The four adjoining landowners to the PAW between Begonia Street and Warwick Road, Duncraig have requested its closure as it is stated that two of the homes have been burgled and that evidence points to the intruders entering and exiting from the PAW. They also refer to enduring loud offensive language from rowdy youths, noise from skateboarders at all hours, graffiti on adjoining fences and driveways, rocks being thrown on roofs, bottles smashed, items such as beer cans litter the PAW and syringes have been found. They state they have also had their cars, garden objects and letterboxes vandalised and that these types of incidents have made their families feel insecure within their homes. They advise that if closure was supported, it would inconvenience only a very small number of genuine users.

Referral Process

The City referred the application to the Western Australian Planning Commission (WAPC), the Department of Transport (DOT) and the service authorities for their comments. The only service plant within the PAW is a City stormwater drainage line and, if closure was supported, this plant will require the protection of an easement.

The WAPC considered the impact the proposed closure would have on the walkable access to community facilities that exist within the immediate area, especially to bus stops and public open space. It advised that the proposed closure would not have a negative impact on local residents and therefore the WAPC did not object to the proposal.

The DOT objects to the closure stating that the PAW "... provides a shorter route from Begonia Street to Warwick Road which is serviced by bus services 442 and 423. It also provides access to sporting facilities along Warwick Road. By removing the PAW, the walking distance to these facilities will be increased by as much as 500 metres." The City queried the distance quoted of 500 metres and the DOT has since advised that though it still objects to the proposal, the distance of 500 metres quoted was an error, and should read 295 metres. The DOT apologised for any inconvenience caused.

Public Advertising

The proposal was advertised for a thirty-day period by signs on site and one notice in a local newspaper. At the end of the advertising period two supporting submissions were received and eight letters of objection, three objections were from residents of the same household in one case, and two from the same household in another. The City also received a petition signed by 48 residents representing 34 local households; some of the objectors had signed the petition and written a separate letter. One of the objectors does not live within the boundaries as shown on Attachment 1.

The two residents who have supported closure of the PAW would not be directly affected by any anti-social behaviour that takes place in the subject PAW, and in their submissions they requested the closure of other PAWs in the immediate vicinity. They refer to the anti-social behaviour the accessways attract and their need for regular maintenance.

The residents objecting to the closure give details of them using the PAW to access bus stops on Warwick Road and Poynter Drive stating these trips are on a daily basis, therefore for some objectors are as many as 10 times per week. It is stated that the PAW is regularly used to access Percy Doyle Reserve, the local library and recreation centre, to visit family and friends, to access Duncraig Primary School and the Burragah Way doctors. A local Neighbourhood Watch Representative along with other residents objecting, state that they have never encountered any major problems with the PAW, and graffiti and rubbish over the years have been minimal. Two of the objectors stated that there are unnecessary dark areas within the accessway that people could loiter in, caused by overgrown trees from adjoining properties. This information was acted on and the trees have since been cut back.

Site Inspection

A recent site inspection revealed little in the way of graffiti, rubbish or fence damage. There is not any direct lighting in the PAW however vision through it is reasonable. (See Attachment 2). Two people used the PAW during the inspection.

COMMENT

For residents in Arbor Court and most of Begonia Street, this PAW proves a useful link to bus stops on Warwick Road but especially Poynter Drive. It also is a link to Galston Park which has play equipment in it, the Percy Doyle Complex and the local recreation centre and library. Due to its useful location, closing it should not be the first option. Improved visibility from pruning of the overhanging trees and increased security patrols may assist in reducing any anti-social behaviour being experienced. This PAW may also benefit from the installation of direct lighting.

For residents in Arbor Court and most of Begonia Street, and the objectors to closure, the increased walking distances are considered significant and therefore closure is not recommended. However, increased security patrols in the area may assist and as part of the City's Safer Community Programme this PAW could be considered for a lighting trial, subject to the necessary funds being available.

OFFICER'S RECOMMENDATION: That Council DOES NOT SUPPORT the closure of the pedestrian accessway between Warwick Road and Begonia Street, Duncraig but will consider this pedestrian accessway for a lighting trial as part of the City's Safer Community Programme subject to funds being available.

MOVED Cr Kenworthy, SECONDED Cr Rowlands that the matter pertaining to the proposed closure of pedestrian accessway between Warwick Road and Begonia Street, Duncraig be DEFERRED to the Ordinary meeting of Council to be held on 19 December 2000 pending further consideration by elected members.

Discussion ensued. Cr Kenworthy sought to defer this matter as two petitions had been received containing conflicting evidence as to the wishes of the community.

Cr Barnett advised the applicants had intimated they did not wish to seek a deferment.

Director, Planning and Development stated the sign erected on the site was a standard size advising residents there had been a request for closure and seeking appropriate comment on their approval or otherwise.

In view of the fact that two petitions had been received with conflicting views it was appropriate that this matter be deferred pending a further survey being undertaken to address these issues.

Cr Mackintosh stated she supported the closure of the pedestrian accessway.

The Motion was Put and

CARRIED

Appendices 14(a) and 14(b) refer

To access these attachments on electronic document, click here: [Attach14abrf071100.pdf](#)
[Attach14bbrf071100.pdf](#)

C69-11/00 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Magyar, SECONDED Cr Walker that in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting be held behind closed doors to give consideration to Item C70-11/00 relating to the annual review and contract extension of the Chief Executive Officer, the time being 2138 hrs.

The Motion was Put and

CARRIED

The members of the Public and press left the Chamber at this point.

REPORT OF THE CHIEF EXECUTIVE OFFICER
--

C70-11/00

**CHIEF EXECUTIVE OFFICER'S ANNUAL REVIEW AND
CONTRACT EXTENSION – [02154] [08122]**

MOVED Cr Magyar, SECONDED Cr Walker that the Mayor, Deputy Mayor and Cr Barnett be AUTHORISED to seek and obtain independent legal and other advice as required on the terms of the Chief Executive Officer's contract and likely conditions of renewal or otherwise.

The Motion was Put and

CARRIED UNANIMOUSLY

MOVED Cr Magyar, SECONDED Cr Barnett that the meeting be held with the doors open.

The Motion was Put and

CARRIED

Members of the public and press entered the Chamber at this point. In accordance with the Local Government Act 1995, the Chief Executive Officer advised members of the public and press of the item considered behind closed doors and read the above Motion.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 28 NOVEMBER 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2210 hrs; the following elected members being present at that time:

J BOMBAK, JP
 P KADAK
 L A EWEN-CHAPPELL
 D S CARLOS
 S P MAGYAR
 J F HOLLYWOOD, JP
 A NIXON
 A A WALKER
 P ROWLANDS
 T BARNETT
 A W WIGHT, JP
 A L PATTERSON
 G KENWORTHY
 J A HURST

