



**MINUTES OF COUNCIL MEETING
HELD ON 22 FEBRUARY 2000**

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DATE OF NEXT MEETING

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 22 FEBRUARY 2000

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr L A EWEN-CHAPPELL	Lakeside Ward	
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	<i>from 1916 hrs</i>
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	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	L O DELAHAUNTY	
Director, Resource Management:	J B 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	
Community Education Co-ordinator:	N FOXCROFT	<i>to 2000 hrs</i>
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

In Attendance

Mr Chris Baker, MLA	Member for Joondalup	
Ms Renee Slade	National Heart Foundation	<i>to 2000 hrs</i>

The Mayor welcomed Mr Chris Baker, MLA as this evening's invited guest and invited him to say a few words.

Mr Baker offered his congratulations to Mayor, Deputy Mayor and elected members following the recent elections.

He advised he was the local state Member of Parliament for the Joondalup state electorate and gave a brief description of the boundaries encompassed by this area.

Mr Baker advised he was a former Councillor of the Town of Port Hedland and spent a considerable time giving legal advice to various local government authorities in Australia, including the Katherine Town Council, Darwin City Council, Esperence Shire Council, Broome Shire Council and also the Town of Port Hedland.

He advised he would like to continue a close working partnership with the City of Joondalup for the betterment of the people of Joondalup in the future.

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr J Hurst

Apology for anticipated late arrival - Cr P Rowlands

There were 14 members of the Public and 2 members of the Press in attendance.

The Mayor declared the meeting open at 1902 hrs.

PUBLIC QUESTION TIME

The following questions submitted by Mr A Bryant of Craigie, were taken on Notice at the Council Meeting held on 8 February 2000.

Q1 Concerning floodlights erected some time ago on the southern sector of Warrandyte Park to enable Whitford City soccer club to participate in night training. Who erected the towers, the City Council or electrical contractors?

A1 Floodlight installation was funded by Council and installed by a contractor.

Q2 Before their erection, were any directions issued by City Council as to eliminating or substantially reducing overspill of lighting?

A2 Oval lighting is located to provide illumination to the playing surface. Overspill is not normally an issue as the luminary is designed to illuminate the maximum oval area. Overspill lighting affecting a residential property in Spicer Court in Craigie has been reported previously, but no further action resulted following a telephone discussion with the resident as there was no solution to the perceived overspill.

Q3 If directions as to overspill were not given, then was a feasibility study undertaken to ascertain the best positioning of the towers to which the floodlights are attached so as to eliminate or substantially reduce overspill of lighting?

A3 Towers were positioned to maximise lighting to oval surface. Overspill was not considered an issue due to the location of the light poles and the distance from residential properties.

Q4 Who is responsible for turning on the floodlights and turning them off or are they on a programmed time switch?

A4 User groups book the oval for specific times and lighting is set in accordance with oval bookings. Lights operate via a time clock, to start and stop, which is set and monitored by officers of Operations Services.

Q5 On many occasions the floodlights are in operation and not a soul is training on the park – can this be avoided when the lights are not needed for training?

A5 Floodlights can be utilised for purposes other than sporting activities, eg. the floodlights may be operational as a result of a request from the Police or Ranger Services to address a specific security problem. However, in most instances, floodlights are utilised for sporting activities and Council is reliant on the user groups advising Council of any changes in the training schedules, in order that the lighting controls can be adjusted accordingly.

Q6 What control has the City Council over the use of the floodlighting?

A6 Operations Services co-ordinates the lighting as per club bookings for active ovals. Passive lighting operates between 7.00pm-10.00pm, or in accordance with seasonal changes. Extended times are via agreement between Operations Services and ratepayer requests for specific reasons, eg. functions in parks or specific security.

Q7 Does Council have a policy on floodlighting of any of the parks and recreation reserves? I understand there is a policy relating to car parking, so why not for recreation areas?

A7 Policy No 5.2.5 – Floodlighting states:-

The level of lighting at sports fields will reflect the type of sports being played.

Sports where balls are thrown or hit at high speeds (baseball, cricket etc) will require higher levels of lighting than sports where larger balls are thrown or kicked at lower speeds (soccer, football etc).

The installation of any additional floodlights, together with the associated operating and maintenance costs, will be the responsibility of the club or clubs allocated the facility providing the installation of additional lighting is approved by Council and is in accordance with Australian Standard Code 2560.

Clubs proposing to fixture night competition games are required to ensure all lighting requirements for player safety are met prior to commencement of play.

- Q8 Will those responsible for reinstating the paving blocks on crossover where a new roundabout (blister) is being constructed outside the residence 139 Craigie Drive, Craigie, return the approximately 82 surplus paving blocks belonging to that owner which were removed on Friday, 7 January 2000 and used for another purpose at another property (135 Craigie Drive, Craigie). This constitutes stolen property. The paving blocks in question do not belong to the City Council.*
- A8 The owner of 139 Craigie Drive will be contacted by an Operations Services Engineer to determine what paving has been relocated. Replacements will be provided if required.
- Q9 Will those persons responsible also reinstate the verge reticulation system which was pulled up and thrown on the verge at 139 Craigie Drive, Craigie for anyone to steal?*
- A9 All verge reticulation damaged during roadworks will be repaired and checked, in conjunction with the resident.
- Q10 Cannot those persons responsible place any reticulation parts removed within the property concerned, for example put them in the carport rather than leaving them on the verge?*
- A10 Reticulation parts damaged during excavation for roadworks are often unusable. Council will stockpile damaged materials if required by the resident. Damaged reticulation is not normally reused.
- Q11 When a roundabout is proposed to be constructed, does the Council or contractor serve notice on the owner of the property that may be affected and not just whomsoever is in residence at that property?*
- A11 Residents are advised by letter drop of all proposed works.
- Q12 The replaced roadside kerbing at 139 Craigie Drive, Craigie is apparently higher than that originally in place. Each time the owner backs a vehicle out on to the road, the front end fouls the kerb. I can confirm this as my vehicle bumps heavily on the concrete continuous kerbing perhaps because of the repose of the inclining crossover. Reducing the length of the crossover has altered the contour. Can City Council authorise a reduction in the height of the continuous concrete kerbing to alleviate damage to any vehicle using the crossover?*
- A12 Kerbing heights are in accordance with design specifications. Any problem regarding 139 Craigie Drive will be resolved by a reduction in kerb height or tapering of the kerb. The Operations Engineer will resolve this problem.

The following question submitted by Mr M Sideris of Mullaloo, was taken on Notice at the Council Meeting held on 8 February 2000.

- Q1 At the Council meeting of 21 December 1999 I was advised that additional information would be provided in due course. When can I expect copies of that information?*

A1 The information requested by Mr Sideris is contained within the Council newsletters dated February and May 1997, copies of which has been supplied to Mr Sideris, and within the following petitions received by Council:

- 1216 signature petition – February 1997 - from residents from Duncraig, Hillarys, and Padbury requesting Council consider employing a private security firm to patrol streets on a nightly basis, for which the petitioners were prepared to accept an increase in annual rates to provide the service
- 961 signature petition – April 1997 - received from the Ocean Reef Residents Association, and organised by Ocean Reef Neighbourhood Watch requesting Council to implement residential security patrols in the City, with residents/ratepayers signatures from 29 suburbs
- 24 signature petition – April 1997 - received from residents of Duncraig and Hillarys requesting implementation of residential security patrols. Petitioners prepared to have an increase in annual rates to cover the costs. 4 petitioners were pensioners who signed on the basis that the increase in rates would not exceed \$25 per house per annum

Mr Vic Harman, Ocean Reef Residents Association:

Q1 Is there an infringement by power boat owners who park their boats on a verge and flush their engines, causing both noise and smoke emission problems? If there is an infringement, what action can the affected residents take? There are provisions at the Marina for people to flush boat engines.

A1 *Response by Director Community Development:* It would depend upon the particular circumstances. If Mr Harman can provide the details the matter will be investigated.

Response by Chief Executive Officer: The use of the verge is not for such a purpose, therefore if such cases are reported there would be reason for Council to approach the owner and seek that such actions take place on their own property. With regards to the smoke emission problem, unless the situation is on-going and excessive, there is little Council can do unless an officer is on the spot at the time.

Q2 Who should residents contact to report such incidents?

A2 *Response by Chief Executive Officer:* The security service hotline number should be contacted.

Q3 Is it true that Council will seek tenders for the management of Lifestyle Centres next month?

A3 *Response by Director Community Development:* I am unsure when tenders will be sought, but it is a previous resolution of Council to seek tenders for the management of the leisure centres.

Q4 Will Council be responsible for the maintenance of these premises once they are under new management?

- A4 *Response by Director Community Development:* The particular management model for the leisure centres is currently being finalised. The proposal for the maintenance of the facility is as relates to a landlord/lessee arrangement; the landlord in that case will be the City as the owner of those properties.
- Q5 *Will it be necessary for Council to subsidise to maintain current charges?*
- A5 *Response by Director Community Development:* That issue will be addressed during the tendering process.
- Q6 *Will my association still have free use of a room for its AGM?*
- A6 *Response by Director Community Development:* It is anticipated that users of the centres will have continued use under current arrangements for a minimum period of 12 months.
- Q7 *Re: CJ015-02/00. Why was this item not discussed while members of the public were present at the Briefing Session?*
- A7 *Response by Chief Executive Officer:* The item has been discussed on two occasions by the elected members. Not all items at a Briefing Session are required to automatically go forward to Council meetings. The City of Joondalup is not the only Council that runs Briefing Sessions; some Councils only deal with major project issues at Briefing Sessions, and any other decisions go forward to Council. This is similar to the former City of Wanneroo which operated a Committee system, but presented any items of an administrative nature, such as this report, straight to the Council agenda. There is no set rule in this area.

Cr Rowlands entered the Chamber at this point, the time being 1916 hrs.

- Q8 *In respect of certain civic or formal occasions, does the Governor General, the Prime Minister, the Governor of Western Australia or the Premier wear robes? Is this the egalitarian way or a perpetuation of the class system?*
- A8 *Response by Mayor:* I cannot speak on behalf of those persons. This question should be raised directly with them.

Mr A Bryant, Craigie:

- Q1 *Regarding question raised last week relating to floodlighting at Warrandyte Park, answer 7 given on Page (ii) on tonight's agenda indicates that "additional lighting required together with the operating and maintenance cost is the responsibility of the club or clubs requesting same." Who pays for the power used for floodlighting on Warrandyte Park?*
- A1 *Response by Director Infrastructure Management:* Council pays for the operational costs of the floodlighting.

Q2 Regarding Question 8 on Page (iii) of tonight's agenda, relating to paving blocks at 139 Craigie Drive. An employee of the City of Joondalup has contacted the owner of the property at 139 Craigie Drive, Craigie and claims that the paving bricks must have been broken or damaged, therefore would have been disposed of with the rubbish. As far as he was concerned this was the end of the subject. I now expand on the details given in my original question on Page (iii). The paving bricks or blocks were not damaged or broken because when discussing with the owner, by telephone on the 8 January, the fact that they had been completely removed from 139 Craigie Drive, she asked her son to go to 135 Craigie Drive and he there counted 82 complete and unbroken paving bricks laid at that address. I have since personally checked this and his count of 82 should be 54, because he counted some of the owner's paving blocks also. How then could they have been broken or damaged and removed with the rubbish? This appears to be a matter of fobbing off a problem of which the City employees wish to wash their hands. Will the City of Joondalup please return the 54 paving bricks or replace them with those of the same texture, type and colour?

A2 Response by Director Infrastructure Management: I will have the matter further investigated.

Mr Bill Moffett, Kallaroo:

Q1 Prior to the recent election, were the ratepayers of the City of Joondalup made aware of the Mayor's salary package?

A1 Response by Chief Executive Officer: The package that is available to the Mayor and Councillors is outlined in the Local Government Act 1995. This information was outlined in the presentations made with the Electoral Commission to prospective candidates. The package is set by the Council itself, which it is permitted to do under the Act and covers sitting fees for elected members, for attending official Council meetings and also to assist them to attend other meetings representing the Council. There is also an allowance prescribed under the Act for telecommunications, to reimburse elected members for telephone use and an allowance for which they may claim. I believe the fees set by the City of Joondalup are in line with large metropolitan Councils.

Q2 Is the Mayoral position a full time position, and if so, is this to the exclusion of all outside business interest?

A2 Response by Chief Executive Officer: There is no stipulation under the Act as to hours that may be put in by a Mayor or Councillors. The hours would be as required by the job. There are various duties undertaken, particularly by the office of Mayor, that range over a number of hours both day and night. It normally would not be a full time position.

Mr Mitch Sideris, Mullaloo:

Q1 On 6 January this year, I handed a memo to the Council regarding the incorrectly calculated overdue rate notice and sought to have my rate records corrected. Can you advise when I might expect a response and confirmation that this has occurred?

A1 This question was taken on notice.

- Q2 Following my deputation session, I received some information from the Director Resource Management, dated 11 February 2000. Is this the sum total of the information to be provided by Council?*
- Q3 If so, can you advise why no information has been supplied regarding my concerns on the motion passed at Council and the use of the term 'levy', which I still believe is outside the bounds of the Local Government Act?*
- A2-3 Response by Chief Executive Officer: There is more information to be provided. Mr Sideris will be provided with a summary of a legal opinion received, and we are awaiting a response from the Local Government Department which he will also be advised of.*
- Q4 At the deputation session the Chief Executive Officer clearly indicated that legal advice on the security initiatives had been obtained by the Minister for Local Government. Can you advise when the information will be provided? I understand from the Chief Executive Officer that this information is forthcoming. Is that correct?*
- A4 Response by Chief Executive Officer: That is correct.*
- Q5 Can you explain why as early as 2 November the doubts expressed by the Department of Local Government and the subsequent recommendations for the City to seek legal advice on this issue has been ignored? A statement from it reads: "If a property does not receive a service for which funds are being appropriated, eg: graffiti, lighting etc, then the Department doubts the validity of the service charge. In this regard it is suggested that the City obtain legal advice in this respect to the doubts being raised by the Department". This goes back to questions I have asked and my concerns from last September. I believe that will be explained in the forthcoming notice to me?*
- A5 Response by Chief Executive Officer: We have been in continual dialogue since that letter, with officers of the Department of Local Government. Being a new Act there are a number of areas that legal opinions will clarify. As I elaborated at the deputation session, the categories that are under service charges are new and, I believe, under review. The legal opinion which we have received and passed to the Department of Local Government confirms that the charge is quite legal and the fact that the term 'levy' was used rather than 'charge' does not invalidate the charge.*
- Q6 Can I have copies of the legal advice, together with the associated correspondence?*
- A6 Response by Chief Executive Officer: Mr Sideris will be advised of the contents of the legal advice. A copy of the legal advice cannot be supplied as Council has a policy that legal opinions remain confidential.*
- Q7 I understand Cr Magyar has requested this information. Will he be denied access to that also?*
- A7 Response by Chief Executive Officer: Cr Magyar, as an elected member, has access to legal opinions.*
- Q8 With reference to the security reports provided to me, I assume that the reported alarms are for Council buildings. Can you advise what procedure the Council has*

implemented to deal with the large number of alarms that are activated by staff error at the City of Joondalup Administration building?

A8 *Response by Chief Executive Officer:* Action has been taken for alarms within the Chamber and Administration buildings to be handled by an officer internally, and removed from the responsibility of security officers.

Q9 *In a response given at the AGM to Mr Bill Moffett on his concerns with the levy and the Council's use of the term, the term 'user pay principle' was used. Can you explain how this relates to the imposition of the security levy and what is meant by the term.*

A9 *Response by Chief Executive Officer:* The idea of a user pay principle is that there is virtually a mini-budget formed to cover all of the costs. As an example, in the situation of the rubbish rate, this covers landfill cost and the full cost of running the service, and the cost is divided up amongst households and levied as a flat rate.

Ms Jane Axford, Ocean Reef:

On behalf of residents in Ocean Reef concerned about the large increases in Council rates for the current financial year, Ms Axford presented a 74-signature petition seeking a review of the method used in collecting rates. She advised that the names on the petition represent only a portion of residents who received increases in their rates for the 1999/00 financial year.

Mr Ron De Gruchy, Sorrento:

Q1 *Could you advise if any households have experienced large reductions in GRVs in excess of 25% reductions. I am referring to a comparison between the years 1998/99 and 1999/00. I would appreciate any information including the addresses of the properties, if any, involved and the old and the new GRVs.*

A1 *Response by Director Resource Management:* A search of the database is required to obtain this information, but in general terms, there has been no major reductions in GRVs as a consequence of the revaluation.

Q2 *Some months ago when I met with the Director Resource Management, a snapshot of different suburbs in the City was provided to me, with 6-7 households shown in each suburb. This showed the biggest reduction being about 5%, however I have now become aware that some households experienced larger reductions. Could this issue be looked at again?*

A2 *Response by Director Resource Management:* This will be clarified.

Mr Tony Clarke, Sorrento:

Re CJ030-02/00 - Closure of a pedestrian accessway in Hodge Court, Marmion.

Q1 *Who would be financially responsible for damage caused to a residential property as a result of vandalism in the accessway?*

- A1 *Response by Director Planning and Development:* If vandalism occurs on public land, this will be the responsibility of Council. If vandalism occurs on private property, this would be the responsibility of the private landowner.
- Q2 *The report mentions that further investigations for the parking problems of the landowners are to be carried out. When will these investigations taken place?*
- A2 *Response by Director Planning and Development:* The parking investigation has been held pending the outcome of Report CJ039-02/00. If the recommendation as printed is carried, further investigation will then take place on the parking.
- Q3 *Who is responsible for the fence which divides the public property from the private property?*
- A3 *Response by Director Planning and Development:* If the damage occurs on the public side, this is the responsibility of the Council.
- Q4 *Who can I contact to discuss the issue?*
- A4 *Response by Director Planning and Development:* I will be happy to be contacted on this.

Mr Vic Harman, Ocean Reef Residents Association:

- Q1 *In obtaining Mayoral robes, has any consideration been given to the difference of build of future Mayors?*
- A1 *Response by Mayor:* It is anticipated that the Mayoral robes would be adjusted to fit the various physical sizes of the future Mayors.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C5-02/00 MINUTES OF COUNCIL MEETING – 8 FEBRUARY 2000

MOVED Cr Carlos, SECONDED Cr Magyar that the Minutes of the Council Meeting held on 8 February 2000, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

HEART FOUNDATION AWARDS

I would introduce two awards this evening for the City's Community Development Directorate.

These awards are for the City's Healthy Hearts Program, developed through our Community Connections project.

The success of the Healthy Hearts program is due to the collaborative effort of a number of local organisations such as North Metropolitan Health Service, Easy Beat Program, 21 pharmacists in the district, Edith Cowan School of Nursing and the Glengarry Hospital maternity ward.

The amount of community support and participation has been tremendous. An example of some of the statistics were:

- over 150 people participated in fun run/walk/crawl on Sunday 2 May 1999;
- over 800 blood pressures were taken by Edith Cowan nursing students.

I would welcome Ms Renee Slade from the National Heart Foundation to this evening's meeting. Ms Slade will present the City of Joondalup with the Local Government State Award for 1999 and also a national participation award.

Ms Slade advised the Heart Foundation introduced the Local Government Healthy Hearts Awards in 1992, recognising local Councils who were in a unique position to encourage healthy lifestyles to residents within their authority.

I would ask Ms Nicole Foxcroft, the City's Community Education Co-ordinator, who co-ordinated the project to accept the award on behalf of the City.

VISIT BY THE PRIME MINISTER

I would announce the Prime Minister, John Howard, will be visiting the City of Joondalup tomorrow evening, Wednesday 23 February 2000.

Mr Howard's visit is believed to be the first to Joondalup by a Prime Minister; certainly the first Prime Ministerial visit since the City has been proclaimed.

Mr Howard will attend a civic reception to be conducted at the Civic Centre which will be attended by Mayors and Councillors of both the Cities of Joondalup and Wanneroo, together with prominent members of the community.

Mr Howard's visit represents a great chance to showcase our City and the astounding growth it has undergone in the past decade.

RATES WORKING PARTY

The City's Rates Working Group has held its first meeting to investigate the City's rating framework.

The Group is examining policies and procedures and the longer term issue of alternative rating methodologies.

The Western Australian Municipal Association (WAMA) is also establishing a Land Valuation Working Party, with representatives from Councils, the Valuer General's office and the Local Government Department.

The Council Rating Group will be forwarding comment for consideration by the WAMA Group, where the whole local government industry may be affected.

PERFORMING ARTS CENTRE

Australian Pacific Projects have been appointed to conduct a feasibility study for a proposed performing arts centre.

An important part of this study is community consultation and audience surveys will be carried out at the Limelight Theatre in Wanneroo and at the last two concerts of the City's Summer Events Program.

A further survey will be sent to 300 randomly selected ratepayers.

A public meeting will also be held at the Civic Centre on 16 March 2000.

PETITIONS

C6-02/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 22 FEBRUARY 2000

1 PETITION OBJECTING TO LOCATION OF PROPOSED REDEVELOPMENT OF THE GREENWOOD SHOPPING CENTRE – [14949]

A 21-signature petition has been received from Greenwood residents objecting to the location of the proposed redevelopment of the Greenwood Shopping Centre.

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

2 PETITION REQUESTING CLOSURE OF PORTION OF CHESSELL DRIVE, DUNCRAIG – [05470, 14064]

A 138-signature petition has been received from Duncraig residents requesting the closure of portion of Chessell Drive, Duncraig from approximately the centre of Chessell Drive where Percy Doyle Reserve or the soccer oval ends. A further two signatures were presented to be included in the petition, making a total of 140 signatures.

This petition will be referred to Infrastructure Management for action.

3 PETITION EXPRESSING CONCERN IN RELATION TO GROSS RENTAL VALUE, SECURITY LEVY AND POOL INSPECTION FEES – [07125, 43198, 23458]

Ms J Axford of Ocean Reef presented a 74-signature petition from ratepayers of the City of Joondalup expressing concern in relation to gross rental value, security levy and pool inspection fees.

This petition will be referred to Resource Management for action.

4 PETITION RELATING TO FUNDING FOR CRECHE WORKER, GRANNY SPIERS COMMUNITY HOUSE INC – [37505]

Cr Hollywood presented a 316-signature petition of behalf of residents of the City of Joondalup requesting that the City not cease to provide annual funding for the creche worker at Granny Spiers Community House.

This petition will be referred to Community Development for action.

MOVED Cr Magyar, SECONDED Cr Walker that the petitions:

- 1 **objecting to the location of the proposed redevelopment of the Greenwood Shopping Centre;**
- 2 **requesting the closure of portion of Chessell Drive, Duncraig from approximately the centre of Chessell Drive where Percy Doyle Reserve or the soccer oval ends;**
- 3 **expressing concern in relation to gross rental value, security levy and pool inspection fees;**
- 4 **requesting that the City not cease to provide annual funding for the creche worker at Granny Spiers Community House.**

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

The Motion was Put and

CARRIED

FINANCE AND COMMUNITY DEVELOPMENT**CJ013-02/00 INSTITUTE OF MUNICIPAL MANAGEMENT (IMM)
NATIONAL CONGRESS AND EXPO 28 - 31 MAY 2000
- [09557]**

WARD - All

SUMMARY

The Institute of Municipal Management (IMM) National Congress and Expo is to be held in Melbourne, 28 – 31 May 2000. The National Congress is the premier conference for the local government industry and attracts speakers and delegates from all over Australia and overseas. The theme of the Conference is “Interactive 2000 -Strategies for a New Era”. This report recommends that the Mayor, Deputy Mayor and Director Community Development be authorised to attend the conference.

BACKGROUND

The 2000 Institute of Municipal Management National Congress and Expo is to be held in Melbourne, 28 – 31 May 2000. The theme of the Conference is “Interactive 2000 - Strategies for a New Era”. Speakers from both the public and private sector from within Australia and overseas will address delegates on a range of issues relating to management and governance.

DETAILS

The Director Community Development has been invited to present a paper at the conference on “Community Policing – A Council Role”. It is considered that the opportunity to present on the initiatives being undertaken by the City of Joondalup at this prestigious conference should be accepted. The Chief Executive Officer will be attending the conference as one of two Western Australian representatives from the IMM National Office. The CEO’s airfares, registration and accommodation expenses will be met by the IMM.

Given the significance of the conference it is also considered beneficial if the Mayor and Deputy Mayor also attend.

The total estimated cost for the Mayor, Deputy Mayor and Director Community Development to attend the conference including airfares, registration, accommodation expenses and travel allowance is approximately \$3,500 per person.

COMMENT/FUNDING

Budget Item ‘Governance Costs: Elected Members – Conference Expenses’, and ‘Community Development – Conference Expenses/Training’, includes sufficient funds to cover the expenditure.

MOVED Cr Wight, SECONDED Cr Carlos that Council AUTHORISES the:

- 1 attendance of the Mayor, Deputy Mayor and Director Community Development at the Institute of Municipal Management (IMM) National Congress in Melbourne 28 – 31 May 2000;**
- 2 estimated total expenditure of \$3,500 per person to be charged to budget item Governance Costs: Elected Members – Conference Expenses’ and ‘Community Development – Conference Expenses/Training’.**

The Motion was Put and**CARRIED**

**CJ014-02/00 ORDER OF BUSINESS AT ORDINARY MEETINGS
OF THE COUNCIL – [03169, 05885, 02154, 08122]**

WARD - All**SUMMARY**

A notice of motion has been received from Councillors Hollywood, Magyar, Carlos, Walker and Kadak requesting the Council to reconsider the order of business at ordinary meetings of the Council. The Joint Commissioners resolved to alter the order of business to better reflect the more modern form of decision making that had been introduced. The major alterations to the order of business was the deletion of some rarely used procedural motions. It is suggested that the order of business at ordinary meetings of the Council be considered with the overall review of the City’s Standing Orders Local Law.

BACKGROUND

A request has been received from Councillors Hollywood, Magyar, Carlos, Walker and Kadak seeking to rescind the resolution made at the Special Meeting of the Council held on 1 July 1998, which altered the order of business at the ordinary meetings of the Council. The notice of motion received from the elected members is as follows:

“Notice of motion to rescind part resolution JSC10-07/98 – Setting of Meeting dates and Timetable.

“Moved Cmr Rowell, Seconded Cmr Buckley that the Joint Commissioners set the order of business at the ordinary meeting of the Council for the City of Joondalup as follows:

- Apologies and Leave of Absence*
- Public question time*
- Declarations of financial interest*
- Confirmation of Minutes*
- Announcements by the Mayor/(Chairman) without discussion*
- Petitions*
- Policy items*
- Finance and Community Service items*

- *Technical Services items*
- *Planning and Development Services items*
- *Report of the Chief Executive Officer*
- *Date of next meeting*
- *Closure*

The Motion was put and

CARRIED”

This motion is submitted subject to suspension of Part Standing Orders 4.4 namely that “The notice of motion with the required signatures shall be delivered to the Chief Executive Officer at least seven (7) clear days prior to the meeting at which it is proposed to be moved”. In the event that the motion to allow suspension of part Standing Order 4.4 failing, then this letter is to be taken as a notice to rescind for the next ordinary meeting of Council.

Should this rescission motion succeed, then it is intended to move that this meeting and all subsequent ordinary meetings be held in accordance with section 3.2 of Standing Orders.”

DETAILS

The Joint Commissioners at their inaugural meeting held on 1 July 1998 resolved to alter the order of business of the ordinary meetings of the Council from that contained with the Standing Orders Local Law. The standing orders detail that the order of business of an ordinary meeting of the Council shall, unless otherwise resolved by Council, be as near as 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

The resolution of the Council at its meeting held on 1 July 1998 set the order of business as follows:

- Apologies and Leave of Absence
- Public question time
- Declarations of financial interest
- Confirmation of Minutes
- Announcements by the Mayor/(Chairman) without discussion
- Petitions

- Policy items
- Finance and Community Service items
- Technical Services items
- Planning and Development Services items
- Report of the Chief Executive Officer
- Date of next meeting
- Closure

The change to the order of business from the standing orders to the decision of 1 July 1998 was the deletion of:

- Questions with Due Notice
- Questions without Due Notice
- Reports of Committees
- Motions of Which Previous Notice has been given
- Motions for Further Action
- Question Time

Questions with Due Notice

This section of the order of business allows for an elected member to ask a question at a meeting and the member shall give notice of the question to the CEO, at least ten hours before the commencement of the meeting. Both the question and the answer are to be recorded in the minutes. Every question and answer shall be submitted as briefly and as concisely as possible and no discussion shall be allowed.

The use of such a procedure is rare and achieves little as the answer is typically in a yes or no response.

Questions without Due Notice

This procedure is not defined under the current standing orders local law. It is understood that it is a period allocated on the agenda where members may ask questions at a meeting, however answers may not necessarily be provided. If the question is taken on notice, then a response is to be provided at the next ordinary meeting.

Again, such a procedure is rarely used.

Reports of Committees

The Council of the day resolved to convene two ordinary meetings of the Council per month and disbanded the structural committees. Therefore there was no need to have a specific section on the agenda to discuss reports of committees and it was agreed that the reports presented be dealt with in the four specific categories.

Motions of Which Previous Notice has been given

Clause 3.12 of the standing orders allows for a member to bring forward at a meeting such business as that member wishes in the form of a motion. Such a motion must be given in writing to the CEO either at the previous meeting or at anytime thereafter being no less than seven clear days before the meeting at which it is to be brought forward.

The Chairperson may rule a notice of motion that is beyond the jurisdiction of the Council out of order. A notice of motion shall lapse unless the member who gave the notice or a member authorised by the mover, in writing, is present to move the motion at the meeting.

The Council has recently resolved to trial the current meeting cycle of two Council meetings per month, which are supported by two briefing sessions. As it has been stated before, there is a general trend to move to this type of decision making structure within local government.

The success of the briefing sessions allows for elected members to raise matters that require detailed reports to be prepared to ensure that the Council makes the most informed decision as possible. Motions of which notice has been given can lead to the Council making decisions without the benefit of a thoroughly prepared report. This is a practice that should be highly discouraged.

It has been suggested in the draft review of the standing orders local law that the item of business 'Motions of which Previous Notice has been given' should be forwarded to the CEO fourteen (14) clear days prior to the meeting at which it is to be discussed. This will enable the appropriate report to be prepared so that an informed decision is made by the Council.

Motions for Further Action

This is not defined within the current standing orders; however, it was seen that this item of business was a form of 'general business'. It allowed elected members to near the end of a meeting to address the Council on matters for further action, which could range from a number of issues.

A publication produced by the Department of Local Government stated that 'general business' should not be listed as an agenda item as it allows for agenda items to be raised on the spot without adequate background information. Such requests from elected members can be forwarded to the relevant directorate on a 'Councillor's Request' form or raised at a briefing session.

Question Time

This allowed for members of the public to ask a second lot of questions of the Council following the decisions of the reports presented to the Council. The Local Government Act 1995, states that the Council shall hold a period of 15 minutes at the commencement of each meeting to allow for members of the public to ask questions.

It is suggested that with two Council meetings per month, deputation periods prior to each Council meeting and the briefing sessions being open to the public, it would be fair to say that the members of the public are now able to be party to the decision making process more now than in the past.

A publication produced by the Department of Local Government – 'The Preparation of Agendas and Minutes' lists the order of business as:

1. Disclaimer
2. Declaration of Opening/Announcement of Visitors
3. Record of Attendance/Apologies/Leave of Absence (previously approved)
4. Response to Previous Public Questions Taken on Notice

5. Public Question Time
6. Applications for Leave of Absence
7. Petitions/Deputations/Presentations
8. Confirmation of Minutes of Previous Meetings
9. Announcements by Presiding Member without Discussion
10. Reports of Committees and Officers
11. Elected Members Motions of which Previous Notice has been Given
12. New Business of an Urgent Nature Introduced by Decision of Meeting
 - (a) Elected Members
 - (b) Officers
13. Close of Meeting

COMMENT/FUNDING

As stated before, the City is attempting to adopt a modern decision making approach to effectively provide better customer service to its customers. The application of the revised meeting process also for quicker decisions to be made, and also allow elected members to be adequately informed.

The City has recently completed the review of all its local laws, with the exception of standing orders. The review of this local law is scheduled to come before the Council in the near future and it would be opportune time for the Council to consider the appropriate order of business for ordinary meetings of the Council at that time.

OFFICER'S RECOMMENDATION: That Council:

- 1 **RETAINS** the current order of business as per the resolution of the Council made on 1 July 1998 as follows:
 - Apologies and Leave of Absence
 - Public question time
 - Declarations of financial interest
 - Confirmation of Minutes
 - Announcements by the Mayor/(Chairman) without discussion
 - Petitions
 - Policy items
 - Finance and Community Service items
 - Technical Services items
 - Planning and Development Services items
 - Report of the Chief Executive Officer
 - Date of next meeting
 - Closure
- 2 **FURTHER CONSIDERS** the order of business for ordinary meetings of the Council as part of the overall review of the City's standing orders local law.

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1 RESCINDS, BY AN ABSOLUTE MAJORITY, the decision of 1 July 1998, Item JSC10-07/98, viz:

“that the Joint Commissioners set the order of business at the ordinary meeting of Council for the City of Joondalup as follows:

- *Apologies and Leave of Absence*
- *Public question time*
- *Declarations of financial interest*
- *Confirmation of Minutes*
- *Announcements by the Mayor/(Chairman) without discussion*
- *Petitions*
- *Policy items*
- *Finance and Community Service items*
- *Technical Services items*
- *Planning and Development Services items*
- *Report of the Chief Executive Officer*
- *Date of next meeting*
- *Closure”*

- 2 sets the order of business at this ordinary meeting of Council and future ordinary meetings of Council in accordance with Section 3.2 of the Local Law Standing Orders, 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

3 records the reason for this decision as:

“the agenda for ordinary meetings set by the Commissioners on 1 July 1998, JSC10-07/98, limited the formal ability of Council and Councillors to perform their duties under Sections 2.7 and 2.10 of the Local Government Act 1995, in an open and accountable manner, accordingly this Council decided to not limit its, and its members’ ability to perform their statutory functions and responsibilities.”

Discussion ensued with a number of members speaking for and against the proposed motion.

The Motion was Put and

LOST

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

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

Against the Motion: Mayor Bombak, Crs Mackintosh, Kenworthy, Patterson, Wight, Carlos, Ewen-Chappell and Kadak.

MOVED Cr Wight, SECONDED Cr Patterson that Council:

1 RETAINS the current order of business as per the resolution of the Council made on 1 July 1998 as follows:

- **Apologies and Leave of Absence**
- **Public question time**
- **Declarations of financial interest**
- **Confirmation of Minutes**
- **Announcements by the Mayor/(Chairman) without discussion**
- **Petitions**
- **Policy items**
- **Finance and Community Service items**
- **Technical Services items**
- **Planning and Development Services items**
- **Report of the Chief Executive Officer**
- **Date of next meeting**
- **Closure**

2 FURTHER CONSIDERS the order of business for ordinary meetings of the Council as part of the overall review of the City’s standing orders local law.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Rowlands that Point 1 of the Motion be amended to RETAIN the current order of business as per the resolution of the Council made on 1 July 1998, together with the inclusion of the following point – “Motions of which previous notice has been given” immediately after Report of the Chief Executive Officer.

Discussion ensued.

The Amendment was Put and CARRIED

The Motion as Amended was Put and CARRIED

CJ015-02/00 UPDATE: COAT OF ARMS AND MAYORAL ROBES- [45514J]

WARD - All

SUMMARY

A briefing paper was submitted to elected members on 31 January 2000 relating to a Coat of Arms, mayoral chain and mayoral robes. While it was agreed to progress with the mayoral chain, further information was requested on the mayoral robes and the implications of keeping the current logo, or replacing it with an alternative logo or a Coat of Arms.

It is suggested that mayoral robes be purchased which can be used by the current Mayor and future Mayors at their discretion. This allows Council to meet community expectations at official functions attended by the Mayor.

It is also suggested that the City of Joondalup retains the existing logo in preference to developing and registering a new Coat of Arms. The logo is instantly recognisable as Joondalup, and there are significant cost implications if the City needs to replace the current logo with a new Coat of Arms.

BACKGROUND

A briefing paper was submitted to elected members on 31 January 2000 relating to a Coat of Arms, mayoral chain and mayoral robes. While it was agreed to progress with the mayoral chain, further information was requested on the mayoral robes and the implications of keeping the current logo, or replacing it with a Coat of Arms.

DETAILS

City of Joondalup Logo / Coat of Arms

Further details were requested relating to the current City of Joondalup logo, specifically:

1. How long does the City of Joondalup retain the licence from LandCorp to use the logo?
2. When would LandCorp finally hand over the trademark, where it becomes wholly owned by the City of Joondalup?
3. What does the logo depict?
4. What are the cost implications of replacing the existing logo with a new Coat of Arms?

A Licence agreement with LandCorp was stamped on 2 July 1998, with a term of 5 years. The licence therefore expires on 2 July 2003 unless the agreement is terminated prior to that, for breach of contract.

The City of Joondalup has been granted a licence for 5 years to use the trade mark in relation to all services usually provided by a municipal authority in the conduct of their activities, throughout Western Australia. The Licence is non-exclusive, which means that other parties (for example the Member for Joondalup, Chris Baker MLA) have a licence to use the trade mark also. The City is not able to grant permission for other parties to use the trade mark without LandCorp's permission.

LandCorp has previously expressed that it intends to hand over the trademark to the City in due course. In a conversation with the LandCorp Project Manager for Joondalup (8 February 2000), there has not been anything suggested to the contrary. The Mayor is scheduled to meet the LandCorp Chief Executive Officer and the Acting Director for Urban Development on Tuesday 22 February and this will be one of the items for discussion.

The logo combines the imagery of both the built and natural environments. The floral shapes are derived from local native plant species and emanate from the grid pattern which is symbolic of the planned city.

The following is an extract from a booklet produced by the Joondalup Development Corp - "Design Philosophy for a Joondalup Identity".

Logo

"As Joondalup is located within a pocket of vegetation, adjacent to a natural lake, the botanical interpretation of landscape is an appropriate basis for the formation of a Joondalup logo.

Specific plant types from the region which have been selected for their texture, form and colour are:

Zamia Palms (Macrozamia riedlei)

Banksia - menziesii, attenuata, prionotes

Christmas trees (Nuytsia floribunda)

Colour

The Macrozamia provide a source for a strong clear green. The range of yellows and oranges has been derived from the Banksias and Christmas Trees. There may also be a number of plant species introduced to give an additional range of colours.

Texture

Both the Macrozamia and the Banksia (foliage, flowers and fruit) provide a good base from which the interpretations of texture and patterning may be made.

The costs associated with designing and registration of a Coat of Arms would be approximately \$10,000. Significant costs would then be incurred in replacing all instances where the current logo appears – for example, all promotional literature/brochures, all external signage (including buildings, parks, roads, entry statements etc.), internal signage, stationery and administration documentation, flags.

There would need to be a full costing undertaken, but it is expected to run into the many tens of thousands of dollars. It would be unwise from a marketing and branding perspective to introduce a new Coat of Arms – this would ultimately be more confusing to the City's residents and visitors, and would be likely to diminish the identity that the City has built up over the last 18 months. The current logo retains a large amount of goodwill and high awareness amongst the public, being instantly recognisable as Joondalup.

Mayoral Robes

There are certain civic or formal occasions where protocol may dictate that the Mayor dons the formal regalia.

As an example the Mayor is being asked to be part of the official party at the AIUS Graduation Ceremony in March, presenting the diplomas and certificates. In recent correspondence it was requested that 'as all members of the stage party are in academic dress it would be appropriate for Mayor Bombak to wear his mayoral regalia'.

With regard to other civic occasions the wearing of formal regalia should be at the Mayor's discretion. For example, it may be deemed appropriate when conducting citizenship ceremonies.

Robes can be purchased from a number of suppliers, with a cost ranging from \$2,000 to \$4,000.

The recommendation is to obtain Mayoral Robes, as per Option 3 as attached. These are black robes, with dark green satin lapels and gold trimming in the corresponding corporate colours.

The proposed budget is \$3,000, and it is expected that the project would take 3 months to complete.

COMMENT/FUNDING

Upon this further analysis, it is suggested that the Council:

Retains the use of its corporate logo;
Commissions Mayoral Robes to be designed and made

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

- 1 RETAINS the existing corporate logo at this stage which is used under a Licence Agreement with LandCorp, expiring on 2 July 2003;**
- 2 COMMISSIONS Mayoral Robes to be designed and made in accordance with Option 3 as attached to Report CJ015-02/00.**

AMENDMENT MOVED Cr Magyar, SECONDED Cr Wight that an additional Point 3 be added to the Motion:

- 3 REQUESTS the Chief Executive Officer to supply to Council a further report on the possibility of including a referendum on the issue of the City's logo in the election process of the next election of Councillors of the City in May 2001, or other processes of establishing suitable corporate logos and/or coat of arms.

Discussion ensued.

The Amendment was Put and

LOST

The Original Motion was Put and

CARRIED

Appendix 1 refers – Click here: [Attach1min220200.pdf](#)

CJ016-02/00 FORMATION OF ECONOMIC REGION – CITY OF JOONDALUP, CITY OF WANNEROO AND SHIRE OF GINGIN – [43458J]

WARD - All

SUMMARY

The paper seeks to promote the merit in the City of Joondalup pursuing an alliance with the City of Wanneroo and the Shire of Gingin for the purpose of promoting economic development. It is recommended that the respective President, Mayors and CEOs of Gingin, Joondalup and Wanneroo meet for this purpose.

BACKGROUND

There is a common economic development issue between the Shire of Gingin, City of Wanneroo and City of Joondalup in that self-sufficiency is extremely low. Self-sufficiency is defined as the amount of people living and also working in a region.

The Shire of Gingin covers an extremely large area of land equalling 3,325 square kilometres. Within the Shire of Gingin, there are five townsites. The coastal towns of Guilderton, Seabird, Ledgpoint and Lancelin are increasing in popularity as tourist and holiday destinations.

Agricultural pursuits such as beef, sheep and wool production, wheat and other cereal crops, viticulture (wine making), orchards, horticulture, floriculture form the basis of the income from the rural sector of the Shire.

Aquaculture is now becoming a popular venture, with a number of marron farms operating in the area. Rock Lobster fishing offshore from Lancelin, Ledgepoint, and Seabird contribute significantly to the State's economy.

The strong export possibilities of all of the produce sectors make for a strong future for Gingin.

Significant development is expected in the Shire of Gingin with urbanisation development proposed at Moore River. Other long-term developments may include major industrial development, a port facility and an airport.

The City of Wanneroo has a relationship with the Japanese Tokyu Group. In this arrangement, there is an agreement between the City of Wanneroo and the Tokyu group to planning processes and a commitment to solving employment issues. The area in question is Yanchep and Two Rocks. There is some synergy between development in Gingin, Wanneroo and what Joondalup is trying to achieve.

There are benefits for Joondalup in the creation of a relationship with the Shire of Gingin and City of Wanneroo for the purpose of enhancing economic development, small to medium business growth, tourist markets and export potential of the region.

COMMENT/FUNDING

The City's Strategic Plan seeks to promote economic vitality through the establishment of key alliances to identify opportunities to encourage economic growth.

Employment is a key issue for the region. The Local Governments need to pursue opportunities to enhance economic development which leads to employment. The opportunities include working together to develop and promote initiatives, and seek funding for joint projects/initiatives.

There are significant benefits for Joondalup including:

- promotion of Joondalup as the Strategic Regional Centre; and
- enhancement of Joondalup as the centre for regional services, including Education, Health, Cultural and Commercial activities.

The proposal for an economic development alliance could take one of a number of formats including:

- informal coalescing of Council representatives
- establishment of a Regional Economic Development Organisation

These Groups could include political and State Government department representatives.

There needs to be agreement between all members concerned in this triangular relationship. For the proposal to work, there needs to be a commitment from all parties. The best way forward is for the respective Mayors and CEOs of Joondalup and Wanneroo and the President of Gingin to convene to discuss the benefits of establishing an Economic Development forum.

OFFICER'S RECOMMENDATION: That the respective President, Mayors and Chief Executive Officers of the Shire of Gingin, and the Cities of Joondalup and Wanneroo meet to discuss the development of a working relationship to promote economic development in the region.

MOVED Cr Magyar, SECONDED Cr Wight that:

- 1 the respective President, Mayors and Chief Executive Officers of the Shire of Gingin, and the Cities of Joondalup and Wanneroo meet to discuss the development of a working relationship to promote economic development in the region;**
- 2 a reference group of officers and Councillors be formed to advise the Mayor and Chief executive Officer of the City of Joondalup on matters of importance in the formation of the economic region.**

The Motion was Put and

CARRIED

**CJ017-02/00 HOSTING A SAFER WA COMMITTEE EXECUTIVE
WORKSHOP 14 & 15 APRIL 2000 – [41157J]**

WARD - All

SUMMARY

This report provides information of a request from the SAFER WA Committees' Executive Inc. to the City of Joondalup to host a Workshop in Council facilities on 14 and 15 April 2000.

Members of Parliament, many senior government officials and community representatives will be invited to attend. SAFER WA has requested the City's involvement by providing a venue and catering for the two-day workshop.

It is recommended that the City of Joondalup approve the hosting of this Workshop as part of the City's commitment and partnership role in crime prevention and community policing strategies with SAFER WA.

BACKGROUND

The SAFER WA Executive Committee comprises of Chairpersons from all 22 District Committees throughout the State as well as senior Police, other community members and government officials.

SAFER WA Committees have developed many effective crime prevention measures. Their role is to work in partnership with Police, government agencies and local government to enhance local safety, security and crime prevention.

Formerly known as the Community Policing Crime Prevention Committees, 'SAFER WA Committees' have been in existence since 1988. They are at the front line of coordinating activities for community response to preventing crime.

SAFER WA is a whole-of-government and whole-of-community initiative to build a safer living environment. It is a process designed to enable local communities to identify and tackle local law and order problems. Specifically, it provides a forum and structure for a more efficient working partnership between State/Local government agencies and the community on law and order issues.

The key components in the SAFER WA structure are the Cabinet Standing Committee on Law & Order, The SAFER WA Council and a number of Safer WA Local Committees.

The City of Joondalup is a member of the SAFER WA Joondalup District Committee.

The SAFER WA Committees Executive hold three of these workshops each year and provide opportunities for local authorities and agencies from both government and the private sector to host these workshops and to become further involved in crime prevention initiatives and programs.

DETAILS

The SAFER WA Committees Executive generally hold three workshops each year and intends holding its next Workshop on 14 and 15 April 2000. It is anticipated that the Council venue will be required between 12 noon and 5:00pm on the Friday and 8:00am to 4:30pm on the Saturday.

At the Workshop will be a special guest, Ms Bliss Browne from Chicago USA. Ms Browne will be a key speaker and provide delegates with her experience with the "Imagine Chicago Program". This program was developed from leadership opportunities provided through young people. Given the City of Joondalup has a large youth population the SAFER WA Committees Executive have indicated that the City would benefit from the experiences provided by Ms Bliss Browne.

At present the SAFER WA Joondalup Committee is represented by a number of people from the community and government agencies as well as the City's Strategic Coordinator Community Security & Safety and two Elected Member representatives.

SAFER WA Committees Executive will be extending invitations to the Premier, the Leader of the Opposition and Safer WA community representatives from around the State.

Anticipated numbers attending the Workshop are 60 community representatives on the Friday and 120 community representatives on the Saturday.

COMMENT/FUNDING

In relation to catering requirements for the workshop the SAFER WA Committees Executive have requested the following :-

Friday 14 April – afternoon tea then between 6:00pm to 9:00pm light finger food with refreshments to allow networking between community representatives (60 people). The SAFER WA Committee Executive has expressed their interest for Elected Members to be in attendance.

Saturday 15 April – tea and coffee during registration from 8:00am with morning and afternoon tea and lunch (120 people).

For the purpose of providing a suitable facility for the Workshop it is recommended that the Council Chambers be used. This facility is adequate to conduct the workshop for the number of delegates expected to attend and has access to the catering/kitchen facilities.

Once confirmed by the Council an agenda for the two days will be prepared for all attendees and the SAFER WA Committees Executive have requested His Worship the Mayor to officially welcome and open the proceedings for the event.

Council would be aware of the “Partnership” role that has been committed as part of the City’s Safer Community Program and given the ongoing support the City of Joondalup has provided to the SAFER WA Committee it is recommended that this support be continued by accepting to host this workshop.

In addition the Workshop will provide opportunities for media involvement and press releases as a means of informing the community of some of the City’s Safer Community Program initiatives.

Account No:	11 10 16 166 4102 0001
Budget Item:	Promotions
Budget Amount:	\$203,670
Actual Cost:	\$1400.00

Sufficient funds are available in this account to host the Workshop.

MOVED Cr Ewen-Chappell, SECONDED Cr Rowlands that:

- 1 Council APPROVES the use of the Council Chambers and the provision of catering as the host for the forthcoming SAFER WA Committees Executive Workshop, to be held on 14 and 15 April 2000;**
- 2 the costs associated in hosting the forthcoming SAFER WA Committees Executive Workshop as detailed in (1) above be charged to Account 11.10.16.166.4102.0001.**

The Motion was Put and

CARRIED

**CJ018-02/00 MINUTES JOONDALUP FESTIVAL COMMITTEE -
[36775J]**

WARD - All

SUMMARY

A meeting of the Joondalup Festival Committee was held on 2 February 2000 and the unconfirmed minutes are submitted for noting by Council. The Committee has also recommended amendments to the Terms of Reference of the Committee to include the Summer Events Programme.

DETAILS

The minutes of the Joondalup Festival Committee meeting held on 2 February 2000 are included as Attachment 1.

Amendments to the Terms of Reference (Attachment 2 refers) are recommended to include the Summer Events Programme as the events provide a high profile lead up to the Joondalup Festival. This includes a change of name to Joondalup Festival and Summer Events Committee. The changes in the Definitions and Objectives make reference to the Summer Events Program. The change in the Membership now includes two Councillors instead of a Commissioner. These changes are highlighted in italics in Attachment 2.

MOVED Cr Kadak, SECONDED Cr Carlos that Council:

- 1 NOTES the minutes of the Joondalup Festival Committee held on 2 February 2000 forming Attachment 1 to Report CJ018-02/00;**
- 2 ENDORSES, the change of name for the Committee from Joondalup Festival Committee to Joondalup Festival and Summer Events Committee;**
- 3 ENDORSES the amended Terms of Reference for the Joondalup Festival Committee forming Attachment 2 to Report CJ018-02/00.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 2 refers - Click here: [Attach2min220200.pdf](#)

**CJ019-02/00 MINUTES OF JOONDALUP YOUTH ADVISORY
COUNCIL MEETINGS - NOVEMBER 1999 - [38245]**

WARD - All

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 22 and 24 November, 1999 and the minutes of both meetings are submitted for noting by Councillors.

DETAILS

The minutes of the Joondalup North Youth Advisory Council held on 22 November 1999 at Anchors Youth Centre are included as Attachment 1.

The minutes of the Joondalup South Youth Advisory Council held at Joondalup Library on 24 November 1999 are included as Attachment 2.

No action is required from these minutes.

MOVED Cr Ewen-Chappell, SECONDED Cr Wight that Council NOTES the minutes of:

- 1 the Joondalup North Youth Advisory Council meeting held on 22 November 1999 forming Attachment 1 to Report CJ019-02/00;**
- 2 the Joondalup South Youth Advisory Council meeting held on 24 November 1999, forming Attachment 2 to Report CJ19-02/00.**

The Motion was Put and

CARRIED

Appendix 3 refers - Click here: [Attach3min220200.pdf](#)

**CJ020-02/00 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 31 JANUARY 2000 – [09882]**

WARD - All

SUMMARY

This report details the cheques drawn on the funds during the month of January 2000. It seeks Council's approval for the payment of the January 2000 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	018799-019516	4,722,345.49
Municipal	000188-000191	4,722,345.49
Trust		-
Reserve Account		-
	TOTAL	\$ 9,444,690.98

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of January 2000, the amount was \$327,711.56.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$9,444,690.98 which is to be submitted to each Councillor on 22 February 2000 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$9,444,690.98 submitted to Council on 22 February 2000 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 January 2000, certified by the Mayor and Director of Resource Management and totalling \$9,444,690.98.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	018799-019516	4,722,345.49
Municipal Trust Reserve Account	000188-000191	4,722,345.49
		-
		-
	TOTAL	\$ 9,444,690.98

The Motion was Put and

CARRIED

Appendix 4 refers - Click here: [Attach4min220200.pdf](#)

CJ021-02/00 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 1999 – [07882]

WARD - All

SUMMARY

The monthly reports for the six months ending 31 December 1999 have been completed. They are appended as Attachment A.

The December reports show a reasonably healthy position against budget. Operating Budgets overall are as anticipated at the end of December.

A number of projects, both in terms of Strategic Initiatives and Developments and Capital Works are operating to a later timetable than originally intended in the budget setting process and this has created a major surplus on the bottom line.

Areas still to be resolved include the acquisition of vehicles and plant to date. These have been tendered and will be accounted for over the next two months but are also currently contributing to the bottom line surplus.

It is anticipated that the reports for the January 2000 period will be available in early/mid February 2000.

MOVED Cr Kenworthy, SECONDED Cr Carlos that the Financial Reports for the period ended 31 December 1999 be NOTED.

The Motion was Put and

CARRIED

Appendix 5 refers - Click here: [Attach5min220200.pdf](#)

**CJ022-02/00 FINANCIAL REPORT FOR THE PERIOD ENDING 31
JANUARY 2000 - [07882]**

WARD - All

SUMMARY

The monthly reports for the seven months ending 31 January 2000 have been completed. They are appended as Attachment A.

The January reports again show a reasonably healthy position against budget. Operating Budgets show a marginal surplus overall at the end of January.

A number of projects, both in terms of Strategic Initiatives and Developments and Capital Works are operating to a later timetable than originally intended in the budget setting process and this has created a major surplus on the bottom line.

Areas still to be resolved include the acquisition of vehicles and plant to date, which have now gone to contract and will be accounted for over the next two months this is also contributing to the bottom line surplus.

MOVED Cr Wight, SECONDED Cr Kadak that the Financial Reports for the Period Ended 31 January 2000 be NOTED.

The Motion was Put and

CARRIED

Appendix 6 refers - Click here: [Attach6min220200.pdf](#)

**CJ023-02/00 SUPERANNUATION GUARANTEE CHARGE
INCREASE 1 JULY 2000 - [11123]**

WARD - All

SUMMARY

The Superannuation Guarantee (Administration) Act 1992 provides for organisations to increase by 1% their contributions to the Superannuation Guarantee Charge to 8% of payroll effective July 2000. This increase is mandatory with a further increase scheduled for 1 July 2002.

This report recommends changes to the City's contributory superannuation rate for employees participating in the Local Government Superannuation Plan..

BACKGROUND

In April 1989 the Local Government Officer's Award was amended to incorporate a requirement for each local government to pay, in addition to normal salary, a further 2% of an employee's salary to a complying superannuation fund. This was increased to 3% on 1 December 1989. This was commonly known as "occupational superannuation".

From July 1992 legislation was enacted to make it compulsory for all employers to provide a minimum level of superannuation contribution for employees. This was titled the Superannuation Guarantee Charge. This scheme has as its overall objective, to provide better incomes for Australians in retirement.

The level of contribution varied, depending upon the magnitude of an organisation's payroll. For this City, the contribution levy is:-

<u>Year</u>	<u>% of Payroll</u>
1/7/1992 - 31/12/1992	4%
1/1/1993 - 30/06/1995	5%
1/7/1995 - 30/06/1998	6%
1/7/1998 - 30/06/2000	7%
1/7/2000 - 30/06/2002	8%
1/7/2002 -	9%

By 1 July 2002 all organisations will be required to pay the Superannuation Guarantee Charge to the 9% level.

The Superannuation Guarantee is administered on a self assessment basis, with each employer making the necessary arrangements to satisfy the requirements.

In general terms, the Guarantee applies to any periodical payment made to a person in return for work or services and includes:-

- Commission
- Director's Fees.
- Remuneration for being a member of Federal or State Parliaments, or a member of the Legislative Assembly of a Territory.
- Payments for performing in artistic, sporting and promotional displays or providing services in connection with such displays.
- Payments in connection with the making of any film, tape or disc for any TV or radio broadcast.

Employers do not have to provide superannuation support for some limited categories of employees:-

- Employees paid less than \$450 in a month.
- Employees under 18 years of age working 30 hours, or less, per week.
- Non-resident employees paid for work done outside Australia.
- Resident employees paid by non-resident employers for work done outside Australia.
- Employees aged 65 and over.
- Foreign executives with a class 413 (executive overseas) visa or entry permit under the Migration (1993) Regulations.
- Employees paid to do work of a domestic or private nature for not more than 30 hours a week, eg part-time nanny or housekeeper.

COMMENT/FUNDING

Superannuation contributions by local governments comprise 2 elements:-

(a) **Contributory**

This is based on a contributory scheme with the local government's contribution ranging from:-

<u>Minimum</u>	1 to 1 basis with the employee (ie 5% Local Government 5% employee)
----------------	--

to

<u>Maximum</u>	1½ times the employee's contribution (ie 9% Local Government 6% employee)
----------------	--

The City of Joondalup currently contributes 8% where the employee contributes 6% and 6.5% where the employee contributes 5%.

(b) **Superannuation Guarantee Charge Contribution**

The mandatory Superannuation Guarantee Charge of is 7% and is to rise to 8% with effect from 1 July 2000.

The City of Joondalup contributes 15% (8% contributory and 7% Superannuation Guarantee Charge) of an employee's salary or wage. The City is only obligated to contribute to contributory superannuation where the employee elects to contribute. The City currently makes contributions on behalf of 261 members from approximately 470 full time/part time employees.

When the Superannuation Guarantee Charge increased from 6% to 7% effective 1 July 1998 the Joint Commissioners chose to offset the 1% increase against the City's contribution towards the employees superannuation under the contributory element effectively reducing its contribution to 8% and 6.5%. This approach was adopted by several other local governments.

The increase of the Superannuation Guarantee Charge on 1 July 2000 from 7% to 8% gives the City the opportunity to again offset the 1% increase against its existing contributory contribution thus retaining its superannuation contribution at a maximum 15%:-

Contributory	7%
Superannuation Guarantee Charge	8%

The annual cost to the City of its current superannuation contributions is:-

Contributory	\$649,000
Superannuation Guarantee Charge	\$1,189,000

The additional cost of the 1% Superannuation Guarantee Charge, effective 1 July 2000, would be approximately \$175,000 per annum. Should the City choose to offset the 1% increase in Superannuation Guarantee Charge against the Contributory Contribution there will still be an additional increase of approximately \$80,000 to the City as not all employees are members of the contributory scheme.

If this approach is taken overall the position would be:-

Contributory

Reduce to:-

- 7% (rather than the current 8%) for those employees who contribute 6%,; and
- 5.5% (rather than the current 6.5%) for those employees who contribute 5%

At 30 June 1999 the superannuation contribution level paid by local governments (and other contributors) throughout the State were:-

Employer Overall Contribution Level	Number of Employers
16.0%	1
15.0%	9
14.0%	9
13.5%	8
13.0%	4
12.5%	11
12.0%	36
11.5%	1
11.0%	34
10.5%	7
10.0%	22
9.0%	26
SG (7%) only	4

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that the Local Government Superannuation Plan be advised that with the increase in superannuation guarantee levy to 8% effective 1 July 2000, the City will reduce its contribution from 8% to 7% for those employees who contribute 6% of salary and from 6.5% to 5.5% for those employees who contribute 5% of salary.

The Motion was Put and

CARRIED

**CJ024-02/00 DELEGATION OF AUTHORITY – AUTHORISATION
OF OFFICERS – [01996] [24041]**

WARD - All

SUMMARY

Occasionally there is a need to authorise Officers as permanent replacement staff or on a temporary basis to meet regular commitments or new initiatives of the Council for the purpose of operating the Ranger Services Business Unit. To enable new appointments to be made and for the incumbents to perform the statutory duties they are employed to do, it is preferable that the Chief Executive Officer be delegated authority under section 5.42 of the Local Government Act 1995 to authorise such officers from time to time.

BACKGROUND

The Local Government Act 1995 has made significant changes to the way local government conducts its business. Its general aim is to enable local government to provide good, open and accountable government to its people. One of the changes was the degree of delegated authority available to be passed on to the Chief Executive Officer in order to manage the day to day operations of the City.

Section 5.42 of the Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority.

The various Acts and Regulations that Officers of the Ranger Services Business Unit would be appointed and authorised to enforce, include:

- Local Government Act 1995;
- Dog Act 1976 and Regulations thereunder;
- Bushfire Act 1954 and Regulations thereunder;
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;
- Litter Act 1979 and Regulations thereunder; and
- Spearguns Control Act 1955 and regulations thereunder.

These Officers will receive appropriate on the job training to gain knowledge and expertise required to act under and enforce the relevant Acts and Regulations for which the Business Unit is responsible.

COMMENT

Appointment of Officers to enforce the various Acts and Regulations outlined in this report is essentially an administrative matter. Delegation of the power to authorise Officers to make complaints and enforce the various Acts and Regulations will improve the day to day management of Ranger Services by streamlining the appointment process for Officers of the Ranger Services Business Unit. It will enable Council to be more responsive to community needs by ensuring Officers are properly authorised as quickly as possible so that the Officers can fulfil the various functions of the Business Unit.

MOVED Cr Carlos, SECONDED Cr Rowlands that Council, in accordance with section 5.42 of the Local Government Act 1995 and the Justices Act 1902, DELEGATES to the Chief Executive Officer the power to authorise Officers to make complaints and enforce the various Acts and Regulations for the City as detailed hereunder:

**Local Government Act 1995;
Dog Act 1976 and Regulations thereunder;
Bushfire Act 1954 and Regulations thereunder;
Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;
Litter Act 1979 and Regulations thereunder; and
Sparguns Control Act 1955 and regulations thereunder.**

The Motion was Put and

**CARRIED BY
AN ABSOLUTE MAJORITY**

INFRASTRUCTURE MANAGEMENT

**CJ025-02/00 DIRECT GRANT - ADDITIONAL FUNDS FOR CITY
OF JOONDALUP - [06759]**

WARD – All

SUMMARY

Direct Grant State Road Funds are provided to Councils for the routine maintenance of local roads in the municipality. A determination of the grant allocation of \$220,547 for the City of Joondalup was not received until 1 December 1999. It is proposed that this amount now be listed in the 1999/2000 Budget under Road Resurfacing Program.

BACKGROUND

Each year, the City of Joondalup receives State and Federal Roads Funds (as Grants) to undertake new, rehabilitation and maintenance road works. In the 1999/2000 Budget, these funds were received as shown on Attachment 1.

Correspondence from Main Roads WA detailing the direct grants to the City of Joondalup was not received in time for incorporation into the 1999/2000 budget. This direct Grant allocation of \$220,547 is required to be spent on the local road network and is now to be listed in the 1999/2000 budget for the purposes of road resurfacing.

DETAILS

To assist local government in maintaining its road network, the State Government provides road funds for a number of programs administered by the Road Funding Advisory Committee. This committee, which has representatives from MRWA, WAMA, Local Government Association, Country Shire Councils and Country Urban Councils Associations and Local Government Engineer, oversees and monitors the distribution of State Road Funds to Local Government. Regional Road Groups (RRGs) comprised of Local Government elected members and staff are formed to recommend priorities and monitor implementation of the road funds in their region.

The State Road funds that the City of Joondalup receives each year via RRGs is subject to priorities but is comprised of three project types:

- Road Improvement Projects (RIMPs)
- Road Rehabilitation Projects (RRPs)
- Direct Grants (DGs)

Submissions for RIMPs and RRP are made two years in advance of funding, and is distributed throughout the state on a priority basis, whereas DGs are determined from a formula based on that used by the WA Local Government Grants Commission (WALGGC). These grants are tied in that they are required to be utilised for improvement or rehabilitation of the road network.

The City received advice in December 1999 that \$220,547 was available as a direct grant for road maintenance purposes. This item is not shown as either a revenue or expenditure item in the 1999/2000 budget.

Direct Grant funds are provided for the improvement or rehabilitation of roads to ensure preservation of existing pavements. In this instance the funds will be used for road resurfacing of local roads. An asphalt resurfacing program has been prepared using Council's road asset management system to determine priorities across all wards and localities. This list is shown at Attachment 2 and will use all the funds from the Direct Grant and the remaining funds from Project No. 6058 Road Resurfacing Program – Various Roads. It is planned that this work will be undertaken during March to May, 2000.

The funds have been distributed throughout the City based on the age and condition of the road network. Attachment 2 depicts the recommended roads for resurfacing works and are categorised as follows:

Fully funded project	Sufficient funds exist to undertake the resurfacing of the full road length.
Part funded project	Insufficient funds exist to resurface the full length of road, however, a portion will be resurfaced during the current budgetary period with the intention to complete the outstanding portion as part of the following years resurfacing program, unless surplus funds become available in the current program.
Reserve project	These projects have been nominated on the basis that they will only be undertaken as a result of other projects not proceeding for unforeseen reasons, or if surplus funds become available within the program which will enable these reserve projects to be undertaken.

COMMENT/FUNDING

It is proposed that this direct grant of \$220,547 be listed in the Road Resurfacing Program as shown:

Account No:	To be determined
Budget Item:	Road Resurfacing Program – Various roads to be determined from ROMAN Road Management System
Budget Amount:	\$220,547
Actual Cost:	\$No funds expended to date

MOVED Cr Ewen-Chappell, SECONDED Cr Walker that Council, in accordance with Section 6.8(1) of the Local Government Act 1995, LISTS an amount of \$220,547 in the 1999/2000 Budget under Road Resurfacing Program – various roads as depicted in Attachment 2 to Report CJ025-02/00.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix 7 refers - Click here: [Attach7min220200.pdf](#)

**CJ026-02/00 PROVISION OF PATH IN WILLOW ROAD,
WARWICK - [37673J]**

WARD - South

SUMMARY

Funds were allocated in the 1998/99 Capital Works Budget for the provision of a footpath in Willow Road, Warwick. On notifying residents of the proposed works a petition was submitted objecting to the construction of the path on the eastern side of the road. In order to ascertain whether the provision of a footpath had the support of the Willow Road residents a questionnaire was distributed.

The results of the questionnaire revealed majority support for the provision of the footpath, however, equal objection to the provision of the path on the eastern and western sides of the street was conveyed. It was recommended to the 25 November 1999 Meeting of Joint Commissioners that the footpath be constructed on the eastern side of the street as originally intended and residents were advised in a letter dated 12 January 2000 of the City's intention to proceed with the construction of the path. Further objection was raised and the South Ward Councillors requested that the matter be reviewed and a further report be submitted to Council.

DETAILS

Funds were allocated in the 1998/99 Capital Works Budget for the provision of a footpath in Willow Road, Warwick. Prior to commencing construction residents on the eastern side of the street were advised of the proposed works and several objections were raised. An eight-signature petition was subsequently submitted objecting to the construction of the path on the eastern side of the road. The works were subsequently been put on hold whilst the petition was resolved.

In order to ascertain whether the provision of a footpath had the support of the residents a questionnaire was drafted and distributed to all residents in Willow Road. The level of response to the questionnaire was high with thirty responses out of fifty questionnaires distributed. The questionnaire revealed 70% support for the provision of a footpath, 34% objection to the path being constructed on the eastern side and 36% objection to the construction of the path on the western side. Whilst the questionnaire has established general support for the provision of a footpath, unfortunately, it did not help resolve the issue of which side of the street it ought to be constructed.

It was originally intended that a 1.5 metre wide path be constructed on the eastern side of the street directly behind the kerb. The construction of the path directly behind the kerb was considered to have minimal impact on the aesthetics of the verge. The City's standard is for paths to be a minimum of 1.2 metres wide, however, when placed at the back of the kerb it is widened to a minimum of 1.5 metres.

The eastern side of the road was originally selected, as there are fewer side streets across which the path would have to cross, and therefore, less potential for conflict between pedestrians and vehicles. Furthermore, it avoided the necessity of having the path located on the inside of a 90% bend in the road and adjacent to the kerb that may have been considered hazardous.

The issue of safety has been raised as an argument for the path to be located on the western side of the road. Several driveways from properties on the eastern side of the road are steep and it has been argued that this creates a possible conflict between vehicles reversing out of these driveways and users of the path. There are many examples throughout the City that might be considered more hazardous, particularly where the path is located close to the property boundary. However, whilst it is not considered to be a significant hazard there is nevertheless the potential for conflict.

The advantage in constructing the path on the western side of the street is that this is the side on which the streetlights are located. Whilst, there are several examples of streets where paths are located on the opposite side of the street to the streetlighting it is preferable to locate the path under the streetlights.

There are valid arguments for the path to be located on either side of the street and the City advised residents of this. Having reviewed the issues and taking account of the argument concerning the safety of vehicles reversing from the driveways on the eastern side of the road it is not considered unreasonable that the path be constructed on the western side of the road to address a potentially hazardous situation.

COMMENT/FUNDING

Account No: 11.60.72.724.4230.0505
Project No: 6014
Budget Amount: \$20,000

MOVED Cr Wight, SECONDED Cr Barnett that Council AMENDS the decision of the Joint Commissioners at their 23 November 1999 meeting for the construction of a 1.5 metre wide footpath directly behind the kerb and on the eastern side of Willow Road, Warwick and APPROVES the construction of a 1.5 metre wide footpath directly behind the kerb and on the western side of Willow Road, Warwick.

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT

**CJ027-02/00 ALTERATIONS TO HILLARYS STRUCTURE PLAN -
[16047J]**

WARD - Whitfords

SUMMARY

Modifications to the draft Hillarys Structure Plan were referred to the Western Australian Planning Commission for endorsement following advertising. The Ministry for Planning advised that the agreed Structure Plan omitted provision for a relaxation of private open space to one area within the Plan. A minor change is required to correct this omission.

In the process of drawing up the provisions that apply to the Sorrento Small Lot Residential Precinct, a reference to a relaxation of the private open space requirements to 35% was omitted. The subject proposal aims to restore this reference, as follows:

Modify Clause 6.4.3 of the Hillarys Structure Plan by the inclusion of item (m) to read: 'As 6.2.3 (a) to (j) and (m).'

The change does not alter the intent of the Structure Plan and is recommended to be adopted without advertising.

BACKGROUND

Lot No	Lot 475 and Part Lots 7 and 158
Street Address	Flinders Avenue and Hepburn Avenue
Land Owner	WR Carpenter Properties P/L and Estates Development Company
MRS Zoning	Urban
TPS Zoning	Special Development A and Urban Development
Land Use	Vacant
Lot Area	45.64 hectares

Previous Council Decisions

The Joint Commissioners resolved at their meeting on 23 November 1999 (CJ415-11/99) to adopt, sign and seal the certified Hillarys Structure Plan, the structure plan refers to two areas within the suburb of Hillarys which are Part Lot 7, Swan location 1370, with an area of 45.64ha and Lot 475, Flinders Avenue, with an area of 1.19ha. A small portion of the Structure Plan area, Part Lot 158 Swan location 1315 is located in the suburb of Sorrento on the southern side of Hepburn avenue, north of Seaward Loop (Attachment 1)

The structure plan provides the framework for the progressive development of the subject land. The area is divided into six precincts with different design characteristics, which accommodate predominantly residential land uses.

Modifications were requested to be made to the draft Hillarys Structure Plan, were received by Council on 10 August 1999 (CJ279-08/99) and advertised for public comment for a 30 day period, which closed on 17 September 1999.

At their meeting on 12 October 1999 (CJ357-10/99), the Joint Commissioners resolved that, following advertising, modifications to the Hillarys Structure Plan were satisfactory and to submit them to the Western Australian Planning Commission for adoption and certification.

DETAILS

Current Proposal or Issue

The Hillarys Structure Plan contains provisions that permit the construction of tower structures, which exceed the building height envelope laid down in Council's Policy 3.1.9 - Height and Scale of Buildings within a Residential Area. Among other measures, the modifications to the

Hillarys Structure Plan considered by Council on 10 August 1999, create two additional precincts to buffer surrounding properties, within, which Policy 3.1.9 applies. The provisions for development in these precincts were otherwise intended to be the same as those for the adjoining precincts.

In the process of drawing up the provisions that apply to the Sorrento Small Lot Residential Precinct, a reference to a relaxation of the private open space requirements to 35% which had previously been in place, was omitted. The subject proposal aims to restore this reference, as follows:

Modify Clause 6.4.3 of the Hillarys Structure Plan by the inclusion of item (m) to read: 'As 6.2.3 (a) to (j) and (m).'

A copy of the relevant clauses, revised as proposed, is provided as Attachment 2.

Relevant Legislation

Under the provisions of Part 10.7 of the Scheme, Council may amend an agreed structure plan. Public notice shall be given but *the public notification may be waived when the amendment is considered by the Council to be of a minor nature such as not to materially alter the intent of the Agreed Structure Plan or cause any significant detriment to land within or abutting the Structure Plan area.*

COMMENT

Issues

It is generally accepted that for small lots the R Code provisions for 50% open space are not workable and the intention in the structure plan was that provision (m) should be included in the references from the Sorrento Small Lot Residential Precinct to the Small Lot Residential Precinct.

Assessment and Reasons for Recommendation

The provisions for the Sorrento Small Lot Residential Precinct ensure that houses in the Harbour Rise development which are built on lots adjacent to existing properties will be in accordance with Council's existing building height policy. The provisions for open space that apply to the other small lot precinct should apply to this precinct.

The proposed change to the draft Structure Plan is considered to be acceptable and to be of a minor nature. It will bring the provisions for the Sorrento Small Lot Residential Precinct in line with those intended for the Structure Plan and no advertising is considered to be necessary.

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that Council, pursuant to Clause 10.7 of the City of Joondalup Town Planning Scheme No 1:

- 1 MODIFIES Clause 6.4.3 of the draft amendment to the Hillarys Structure Plan by the inclusion of item (m) to read: 'As 6.2.3 (a) to (j) and (m)';**
- 2 RESOLVES that the modification is of a minor nature not requiring advertising;**
- 3 SUBMITS the modification to the Western Australian Planning Commission for adoption and certification.**

The Motion was Put and

CARRIED

CJ028-02/00 APPLICATION FOR THE CANCELLATION OF A PORTION OF HAWICK PARK ON RESERVE 35519 (2) HAWKER AVENUE, WARWICK - [44237J]

WARD - South Ward

SUMMARY

Reserve 35519 along with Reserve 38113 as shown on Attachment 1, form part of a linear link of public open space (POS) known as Hawick Park. These Reserves are set aside for Public Recreation with a Management Order issued in favour of the City of Joondalup. Hawick Park was created under Section 20A of the Town Planning and Development Act and is subject to stringent guidelines concerning its use and disposal.

A request has been received from the owner of Lot 591 (4) Hawker Avenue, Warwick for the cancellation and subsequent purchase of a portion of Reserve 35519 (2) Hawker Avenue that adjoins his property. This request is based on the applicant wishing to increase the land area of his property in order to give him the potential to develop a grouped dwelling. The portion of land in question would also provide the access required to the proposed new unit site from Springvale Drive, Warwick.

To approve the cancellation and purchase of a section of Hawick Park without a comprehensive Public Open Space Strategy is considered premature, not in the best interests of orderly and proper planning and sets an undesirable precedent. To reduce Hawick Reserve by approximately 54m² to enable the adjoining landowner development options is not a significant enough reason to support this request for excision.

DETAILS

The applicant has asked to purchase a five-metre strip of land on the southern boundary of Reserve 35519, which if amalgamated with his property may give it grouped dwelling potential. The subject portion of land would also be used as the access to the proposed new dwelling from Springvale Drive. The applicant advised the City that he had been in contact with the Water Corporation as he was aware there was a sewer main traversing the Reserve 35519 and he had received advice that providing a building easement is granted, the Water Corporation had no objection. He also contacted Department of Land Administration (DOLA) for its comments.

The application was referred to the service authorities and the Western Australian Planning Commission (WAPC) for comments. Alinta Gas, Telstra and Western Power have no objection to the proposal as they do not have any service plant within this section of the Reserve.

The Water Corporation's comments reiterated the advice given to the applicant above, along with a further condition regarding the location of new boundaries around the existing manhole. This condition would not apply to this proposal as the existing manhole is not in the area requested to be purchased.

The WAPC has advised that it does not support the application, as the purchase of a portion of the Reserve would result in an undesirable boundary configuration.

Hawick Reserve was ceded by the developer when the land was subdivided and set aside under Section 20A of the Town Planning and Development Act as a reserve for public recreation. Under the Guidelines for the Administration of Section 20A Public Recreation Reserves, it is stated that consideration should be given to the fact that the developer would be justified in thinking that such land would be used for its designated purpose. The Guidelines further state that purchasers of subdivided blocks are frequently influenced in their decisions to acquire land and build by the existence of such reserves and have an expectation that these reserves will remain.

As can be seen from Attachment 2, Hawick is grassed and treed. It is not reticulated and its present size is large enough for limited recreational use.

In the event that Council wishes to consider the application further, the proposal to amend the Reserve would need to be extensively advertised by way of on site signs and a notice in the local newspaper. Residents living opposite or adjacent to the Reserve should also be advised in writing of the proposal to enable them to be given the opportunity to comment.

COMMENT

In general, the DOLA Section 20A Guidelines state that a reserve created under Section 20A is required to be retained for its designated purpose. DOLA will consider amending or cancelling and disposing of a reserve when it can be demonstrated that this action will have minimal impact on the vicinity. This is determined by the results of the public advertising period. When the disposal of a reserve is supported, the funds received from the sale of the land must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

To approve the cancellation and purchase of a portion of Hawick Reserve without a comprehensive Public Open Space Strategy is considered premature and its preparation is not considered a high priority at the present time. Issues that would need to be considered would be whether or not there is an over supply of POS within an area, or which of the Reserves are serving a function and purpose in the community. Approval of this application would also not be in the best interests of orderly and proper planning and would set an undesirable precedent. This request is not supported.

OFFICER'S RECOMMENDATION: That Council DOES NOT SUPPORT the cancellation and subsequent purchase of a section of Hawick Park on Reserve 35519 (2) Hawker Avenue, Warwick as the loss of public open space is not considered to be in the interests of orderly and proper planning, and the ad hoc disposal for private development would set an undesirable precedent.

MOVED Cr Barnett, **SECONDED** Cr Wight that consideration of the cancellation and subsequent purchase of a section of Hawick Park on Reserve 35519 (2) Hawker Avenue, Warwick be **DEFERRED** to the next Council meeting scheduled to be held on 14 March 2000 pending further consideration by elected members, and a possible deputation by local residents.

The Motion was Put and

CARRIED

CJ029-02/00 APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 44173, CUMBERLAND RESERVE, BELDON - [02420J]

WARD - Pinnaroo Ward

SUMMARY

Reserve 44173, Cumberland Reserve is located at (2) Cumberland Way, Beldon and is set aside for Public Recreation with a Management Order issued in favour of the City of Joondalup. (See Attachment 1). Cumberland Reserve was created under Section 20A of the Town Planning and Development Act and is subject to stringent guidelines concerning its use and disposal.

The owners of Lot 605 (4) Cumberland Way, Beldon have applied for the cancellation and subsequent purchase of either a portion of approximately 164m² or the whole of Cumberland Reserve that adjoins their property. The applicants have requested the extra land to enable them to make home improvements.

To approve the cancellation and purchase of the whole of Cumberland Reserve without a comprehensive Public Open Space Strategy is considered premature, not in the best interests of orderly and proper planning and sets an undesirable precedent. To reduce Cumberland Reserve by approximately 164m² to enable the adjoining landowner development options is not a significant enough reason to support this request for excision.

BACKGROUND

In 1994, the City received a request to purchase a portion of Cumberland Reserve from the owners of the property on the corner of Eddystone Avenue and Gradient Way, namely Lot 604 (243) Eddystone Avenue, Beldon. The applicants were experiencing problems in relation to accessing their property. The applicants felt that acquiring a portion of the reserve would allow them to access their property from Gradient Way thus solving the access problems being experienced.

This application was advertised for public comment and the City did not receive any objection. The applicant was also referred to the Ministry for Planning (MFP) for comments and it did not raise any objection to the proposal.

Due to a sewer tunnel traversing this reserve, the Water Corporation objected. The objection was eventually withdrawn as the applicants agreed to grant an easement free of cost in favour of the Water Corporation to enable protection of its plant.

At its meeting of 7 August 1995, Council supported the application and the excised area has since been amalgamated with Lot 604 (243) Eddystone, Beldon. The proceeds from the sale of this land being placed in a reserve account namely "Section 20A Land Reserve." The funds received from the sale of public recreations must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

DETAILS

The owners of Lot 605 (4) Cumberland Way, Beldon have requested to purchase either the whole of Cumberland Reserve or a four metre strip on the southern boundary of their property that adjoins the Reserve. The applicants have stated that the Reserve does not get used to its full potential and they could make good use of the land.

The comments of the servicing authorities and the Western Australian Planning Commission were sought. Comments received from Alinta Gas, Telstra and Western Power indicated that they do not have any plant within the Reserve and therefore do not object. The Water Corporation objected to the proposal due to having a sewer tunnel within the Reserve that requires protection from bore penetration. The objection will be withdrawn if the applicant agrees to grant an easement in favour of the Water Corporation.

The Western Australian Planning Commission (WAPC) has advised that it does not support the purchase of either a portion or the whole of the Reserve. Comments provided are that public open space is provided for the use of the community and the Commission does not support the closure of a reserve for private usage.

Cumberland Reserve was ceded by the developer when the land was subdivided and set aside under Section 20A of the Town Planning and Development Act as a reserve for public recreation. Under the Guidelines for the Administration of Section 20A Public Recreation Reserves, it is stated that consideration should be given to the fact that the developer would be justified in thinking that such land would be used for its designated purpose. The Guidelines further state that purchasers of subdivided blocks are frequently influenced in their decisions to acquire land and build by the existence of such reserves and have an expectation that these reserves will remain.

As can be seen from Attachment 2, the park is treed and maintained though has limited recreational benefit. Reserve 44173 is not reticulated.

In the event that Council wishes to consider the application further, the proposal to amend the Reserve would need to be extensively advertised by way of on site signs and a notice in the local newspaper. Residents living opposite or adjacent to the Reserve would also be advised in writing of the proposal to enable them to be given the opportunity to comment.

COMMENT

In general, the Department of Land Administration (DOLA) Section 20A Guidelines state that a reserve created under Section 20A is required to be retained for its designated purpose. DOLA will consider amending or cancelling and disposing of a reserve when it can be demonstrated that this action will have minimal impact on the vicinity.

This is determined by the results of the public advertising period. When the disposal of a reserve is supported, the funds received from the sale of the land must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

To approve the cancellation and purchase of the whole of Cumberland Reserve without a comprehensive Public Open Space Strategy is considered premature and preparation of such a Strategy is not considered a high priority at the present time. Issues that would need to be considered would be whether or not there is an over supply of public open space within an area, or which of the Reserves are serving a function and purpose in the community. This request is not supported.

MOVED Cr Magyar, SECONDED Cr Walker that Council DOES NOT SUPPORT the cancellation and subsequent purchase of either the whole or a section of Reserve 44173, Cumberland Reserve, Beldon as the loss of public open space is not considered to be in the interests of orderly and proper planning, and the ad hoc disposal for private development would set an undesirable precedent.

The Motion was Put and

CARRIED

**CJ030-02/00 REQUESTED CLOSURE OF PEDESTRIAN
ACCESSWAY BETWEEN LOT 136 (8) AND LOT 137
(10) HODGE COURT, MARMION - [48081J]**

WARD - South Coastal

SUMMARY

The residents of Hodge Court, Marmion submitted a petition to Council requesting the closure of the pedestrian accessway (PAW) between Lot 136 (8) and Lot 137 (10) Hodge Court, Marmion that leads directly to Marmion Primary School (Reserve 23231). See Attachment 1. The request for closure was based on the parking problems being experienced by the residents of Hodge Court due to the actions of some parents when using Hodge Court for delivery and collection of their school children attending Marmion Avenue Primary School. Also the applicants stated that the accessway contributes to vandalism and anti social behaviour for residents in the vicinity.

This PAW provides a direct link to Marmion Primary School, the Pre-Primary block being in close proximity to the PAW on the school site and it also forms part of a network linking the school site to Finney Park (Reserve 35183). As the level of objection confirms, the above accessway is not only used by the people who park in Hodge Court in relation to accessing the primary school but by many other children and parents who appear to walk or cycle to Marmion Primary School.

To close a widely used pedestrian accessway that links directly to a school site due to the actions of a few residents does not benefit the local community at large. A recent investigation into resolving the parking problems in Hodge Court has been suspended pending the outcome of this application. The closure is not supported in this instance. It is therefore further recommended that these investigations now proceed to achieve a more suitable solution rather than closing an important pedestrian accessway.

BACKGROUND

Some parking restrictions are already in place in Hodge Court and the City was investigating any measures which may be taken to alleviate the parking problems being experienced by the residents of Hodge Court. It would appear that some parents of children attending the Marmion Primary School park on driveways, verges and opposite the prohibition signs. The residents of Hodge Court are not satisfied with the results that the parking prohibitions have achieved and therefore submitted a petition requesting the closure of the accessway that leads to the primary school in an effort to solve the problems being experienced.

DETAILS

The petition to close the above PAW by the residents of Hodge Court advised of the concerns regarding the ongoing parking issues within their street. Applicants believe that parents who park in Hodge Court when delivering and collecting their children, should park in either

Telford Road or Radbourne Road that also adjoin the school. They believe there is a very real chance of an accident occurring due to cars and pedestrians, many of whom are children, making their way through this small enclosed street. Also that parking prohibitions overall will be inadequate as they consider that the parents will continue to ignore the signs and Ranger Services monitoring of the situation will not prove to be a long term deterrent.

The applicants have also advised the City that the accessway is used as an escape route for vandals damaging the school and teenagers under the influence of drugs and alcohol have been seen to loiter in the accessway. They state that closure of this PAW will have little impact on the walking distances to the school grounds. The tenant of Lot 136 (8) Hodge Court has advised that his fence has recently been damaged along with his sprinklers being removed. He also advises that he frequently finds beer bottles in the garden.

Following receipt of the petition requesting closure, the owners of the two properties adjoining the PAW were notified of the procedures involved in closing the accessway including the requirement for them to purchase the land and meet the costs and conditions associated with closure. Both adjoining property owners have agreed to meet any costs and conditions should closure be approved.

The proposed closure was referred to the service authorities, the Department of Transport and the Ministry for Planning for comments. The servicing authorities did not raise any objection as there is not any service plant within the PAW that would be affected by the proposal. The Ministry for Planning advised that it does not object as it considers that the accessway does not form a vital link for pedestrians to access amenities within the area. The Department of Transport also stated that it did not object provided that the PAW linking Hodge Court with Parnell Avenue remained open.

The proposal was referred to the principal of Marmion Primary School requesting his comments however a response was not received by the City.

The installation of a guard controlled crossing is imminent at the inter-section of Parnell Avenue and Sheppard Way (shown on Attachment 1). This new facility is likely to have a bearing on the future pedestrian use of the two PAWS in Hodge Court, affirming their importance as a link to the local primary school.

Advertising

The proposed closure was advertised for a period of thirty days by way of on site signs and a notice in the local newspaper. At the close of the advertising period individual letters from eight households were received objecting to the closure along with a petition signed by 124 residents. The petition represents 99 households, though 32 are not within the area shown on Attachment 1, due to residing in suburbs in areas in the City of Joondalup not shown on the plan or living in suburbs within the City of Stirling. These signatories may be from areas which fall within the catchment area for Marmion Primary School.

The submission with the petition expresses objection to the closure of the accessway as well as requesting the City to implement policies ensuring the parking and surrounding roadways are parent friendly for the conveyancing of school children. It provides scanned photographs indicating Hodge Court to be very busy with both cars and pedestrians but states it is only for approximately fifteen minutes during the morning and afternoon on school days.

Several of the residents who wrote an individual letter objected to the closure on the grounds that they use the accessway when walking to the primary school site. The objectors consider that Hodge Court is a safe road for parents to deliver their children to school and that the alternative roads, Radbourn Street and Telford Street are too dangerous because of the amount of traffic and the number of parents trying to park.

A site inspection of the accessway revealed that the accessway to be clean and tidy with no obvious signs of vandalism. Thirty-eight pedestrians used the PAW walking to the school, this being a combination of parents and younger children, and on the return trip, a total of 87 pedestrians were recorded, many of whom were school children cycling and walking home from school without being escorted by parents. The remainder being parents collecting young children from the school. At the time of the inspection six cars were parked at the top of the cul-de-sac where there are parking restrictions along with cars parked on the side of Hodge Court where restrictions do not apply. One vehicle was left parked on a driveway crossover. Many of the drivers remained in their cars awaiting their children though some parents left their cars unattended.

COMMENT

The parking problems being experienced in Hodge Court are only likely to be taking place for short time frames during the morning and afternoon on school days. On a continual basis this is obviously proving to be frustrating for the residents of Hodge Court who may wish to access or leave their property and find a parked car prohibiting them from doing so. However, this PAW does not just serve the parents who park in Hodge Court.

It is evident by the level of written objection received during the advertising period and the number of children and parents witnessed by a Council officer using the accessway that this PAW, due to its location, has a high incidence of use. Closing this well used community facility would not appear to benefit the majority of local residents. This application is not supported as it is not considered to be the most suitable solution to the parking problems being experienced by residents in Hodge Court, however, further investigation is warranted in an effort to achieve a suitable outcome.

MOVED Cr Magyar, SECONDED Cr Rowlands that Council:

- 1 DOES NOT SUPPORT the closure of the pedestrian accessway between Lots 136 (8) and 137 (10) Hodge Court, Marmion;**
- 2 further INVESTIGATES the parking problems being experienced by the landowners in Hodge Court in relation to access to Marmion Primary School.**

The Motion was Put and

CARRIED

**CJ031-02/00 RECONSIDERATION OF THE REQUEST TO CLOSE
THE PEDESTRIAN ACCESSWAY BETWEEN
SHEPPARD WAY AND CHARLSLEY CRESCENT,
MARMION - [33195J]**

WARD - South Coastal

SUMMARY

An application to close the pedestrian accessway (PAW) between Sheppard Way and Charsley Crescent, Marmion was submitted to the Joint Commissioners meeting of 29 September 1999 and not supported for closure. Following the meeting of 29 September 1999, one of the adjoining landowners sought a deputation with the Joint Commissioners and requested reconsideration of the proposal. He presented a petition containing 124 signatures as new evidence to support his request. He also stated that due to the excessive gradient of the PAW it was unsafe and the City had a duty of care to close it.

This PAW links Braden Park to the local shopping centre. The alternative route to these facilities, should this PAW be closed is longer and less direct. There is a footpath across Braden Park linking to the PAW. During the second 30-day advertising period, the City received 45 letters of support, as well as petition containing 14 signatures. Objections to closure were by way of two petitions of objection, one containing 188 signatures and the other 19 signatures. There were also 27 letters of objection.

The main reasons put forward for the closure of this PAW by adjoining landowners are unacceptable levels of anti-social behaviour and the gradient of the PAW is so steep it is considered dangerous. The level of anti-social behaviour being endured may be able to be alleviated by requesting more frequent Ranger patrols to take place, especially on Friday and Saturday evenings. In relation to the steep nature of the PAW, it would appear from the contents of the letters of objection that the gradient is not so steep that it is deterring local residents from using it. However, there is a section at the end of the accessway towards Sheppard Way that regrading of the PAW would improve.

The strategic location of this PAW makes it one that appears to be well used by local people. The concerns the adjoining landowners have regarding this PAW could be allayed without closing the accessway. Council could consider investigation into the regrading of the pedestrian accessway and incorporating it into the Five Year Capital Works programme. Further, more frequent Ranger patrols may assist with the anti-social behaviour taking place. Based on the foregoing, support should not be given to this application.

BACKGROUND

All four of the adjoining landowners to the PAW between Sheppard Way and Charsley Crescent, Marmion were involved in the original application to close this PAW.

Incidents of anti-social behaviour attributed to residing next to an accessway were the grounds put forward for closure. Adjoining landowners stated that the PAW is under used in the day and acts as a shortcut at night when parties turn out on to the streets and inebriated guests make their way to the local park. The application was submitted to the Joint Commissioners meeting of 29 September 1999 and was not supported for closure due to the level of objection received and the location of the PAW in relation to the park and shopping centre.

During the thirty-day public advertising period the City received twenty-seven letters of objection, and one submission of support was received from one of the adjoining landowners to the PAW who advises that he felt this PAW is dangerous. This is due to the fact that the PAW has a steep slope down towards Sheppard Way. The adjoining landowner stated that there is a very real danger that children on bicycles or small children on wheeled toys using the PAW may be placed in the position of losing control on the slope and consequently speeding towards Sheppard Way and end up in the road.

Objectors' main concerns were that the PAW is used regularly as a safe route to the local shopping centre and Braden Park. It is also alleged that local school children use the PAW to access Marmion Primary School avoiding the walk down Charsley Crescent, which does not have a footpath. It was not evident during a site inspection by a Council officer that children attending Marmion Primary School used the PAW. Students mainly choosing to cross at the pedestrian crosswalk at the corner of Sheppard Way and Rountree Way and walk or ride up Rountree Way on the footpath.

DETAILS

All four adjoining landowners have applied for this closure stating that over the years they have had to endure graffiti, theft from vehicles, a car being turned over on its roof causing major damage and a brick thrown through a window. Further, when police are called to incidents in the shopping centre, if the offenders do not leave in cars, they make their escape through this PAW. Instances of police chasing criminals across the adjoining landowners' gardens are further alleged.

Contact with the servicing authorities revealed that Western Power, Telstra and Alinta Gas do not have any service plant within the PAW and therefore do not object to the proposal. As the Water Corporation has a sewer main within the PAW it has asked that if closure takes place, consideration for new property boundaries is given in relation to existing manholes. The City has a drainage facility located within the PAW and has requested its protection by an easement. Three of the adjoining property owners have agreed to meet all associated costs and conditions in respect of closure. The WAPC has no objection to the proposal and the DOT advised that it had no comment to make.

Public Advertising Period

Reconsideration was granted to the applicants provided the proposal was advertised for a further thirty-day period. During the second advertising period, the City received 45 letters of support as well as a petition containing 14 signatures. Objections to closure were by way of two petitions of objection, one containing 188 signatures and the other 19 signatures and 27 letters.

The letters of objection repeated the argument that was originally put forward, that the PAW is well used by many local residents who walk, often across the park, to the shopping centre. It is stated that it is their shortest and safest route. Many of the objectors state that noise from youths late at night and other acts of anti-social behaviour is endured by many local residents and it is not grounds enough for closing this community asset.

The letters of support were all of a pro-forma nature whereby a paragraph could be ticked if the supporter agreed with it. In summary the points were unacceptable levels of anti-social behaviour after dark, litter and broken glass, the gradient is too steep for elderly people and people pushing prams, no crosswalk at the bottom to assist children crossing, an easy escape route for criminals from the shopping centre, its existence is not necessary due to the minor inconvenience to locals if they used the alternative routes. Not all of the paragraphs were ticked in every case and in some cases there were none ticked. Additional supporting comments were provided on some of the letters.

A recent site inspection revealed that the PAW did not have any litter of note, there was minor evidence of graffiti and fences were in good order. There is a light pole on the Charsley Crescent end of the PAW only. The PAW does have a steep gradient towards Sheppard Way.

COMMENT

Examination of Attachment 1 reveals that some signatories to petitions have either signed both for and against the proposal or perhaps there has been a difference of opinion amongst family members. Not all objectors and supporters reside in the area that the Attachment covers.

One of the reasons put forward for support for closure is that the PAW is too dangerous for the elderly and mothers with prams to use it. However, it is evident from the information contained in some of the letters of objection, that the PAW is indeed used by these members of the community and they wish it to remain due to its direct link to the shopping centre. It would appear that the gradient is not so steep that it is deterring local residents from using it, however there is a section at the end of the accessway towards Sheppard Way that regrading of the PAW would improve.

The level of anti-social behaviour being endured may be able to be alleviated by requesting more frequent Ranger patrols to take place, especially on Friday and Saturday evenings.

In making a decision on the future of a pedestrian accessway, consideration is obviously given to the reasons put forward by adjoining landowners for closure, however, one of the important factors is the overall effect the decision to support or not has on the community at large. A decision cannot be based alone on how vigorously objectors and supporters conduct a campaign and every endeavour must be maintained to look at all of the relevant factors objectively.

The location of this PAW and the level of use it appears to have are quite significant and the reasons put forward for closure can hopefully be dealt with without closing this local facility. This application for closure is not supported, however, consideration be given to include the regrading of this PAW in the Five Year Capital Works Programme.

MOVED Cr Kadak, SECONDED Cr Rowlands that Council DOES NOT AGREE to the closure of the pedestrian accessway between Sheppard Way and Charsley Crescent, Marmion due to its strategic location and level of use by local residents.

The Motion was Put and

CARRIED

CJ032-02/00 DELEGATED AUTHORITY REPORT - [07032]

WARD - All

SUMMARY

This report provides a resumé of the development applications processed by Delegated Authority from 1 January 2000 to 31 January 2000.

MOVED Cr Rowlands, SECONDED Cr Carlos that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ032-02/00.

The Motion was Put and

CARRIED

Appendix 8 refers - Click here: [Attach8min220200.pdf](#)

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 14 MARCH 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 2053 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
A T NIXON
J F HOLLYWOOD, JP
A A WALKER
P ROWLANDS
T BARNETT
A W WIGHT, JP
A L PATTERSON
G KENWORTHY
C MACKINTOSH