



City of Joondalup

MINUTES OF COUNCIL MEETING HELD ON 28 MARCH 2000

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CITY OF JOONDALUP

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
28 MARCH 2000**

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent 1926 hrs to 1927 hrs</i>
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	<i>Absent 2042 hrs to 2044 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A A WALKER	Pinnaroo Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>Absent 2041 hrs to 2043 hrs</i>
Cr G KENWORTHY	South Coastal Ward	
Cr J A HURST	Whitfords 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, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 31 members of the Public and 1 member of the Press in attendance.

The Mayor declared the meeting open at 1903 hrs.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence – Cr Rowlands 26 March – 8 April 2000 inclusive

C11-03/00 REQUEST FOR LEAVE OF ABSENCE – CR T BARNETT

Cr Barnett has requested Leave of Absence from Council duties for the period 28 March to 30 March 2000 inclusive.

MOVED Cr Walker, SECONDED Cr Wight that Council APPROVES the Leave of Absence requested by Cr T Barnett for the period 28 March to 30 March 2000 inclusive.

The Motion was Put and

CARRIED

PUBLIC QUESTION TIME

The following questions, submitted by Mr A Bryant of Craigie, were taken on notice at the Council meeting held on 14 March 2000:

Q1 Regarding Tamala Park and the issue of recycling, I have been informed by a reliable source that recycled articles from the collection by the City Council are dumped in a landfill hole. Such articles are not used for recycling. Would you please confirm or otherwise as to this point?

A1 No, the recycling materials collected by kerbside recycling collection service are not disposed of directly into landfill. The collected recyclables are sorted at a materials recovery facility and marketed for the best possible price.

However, there is a small fraction of this stream that indirectly finds its way to landfill. These include grossly contaminated recyclables that cannot be marketed and out of specification product that the processor of the recyclables will not accept due to changes in market place.

Q2 Re 139 Craigie Drive: I refer to questions taken on notice at the Council meeting held 8 February 2000:

(a) Verge reticulation was removed on 7 January 2000, with the promise that it would be reinstated. As of this evening, it has not been reinstated and the lawn has died. When can the owner expect the replacement of the reticulation and in view of the fact that the lawn has died, will Council also replace the lawn?

A2(a) Council officers have met with the tenant on site and resolved the outstanding issues as follows:

Reticulation reinstated and tested;

Turf will be monitored to determine regrowth with additional water and fertiliser.

Q2 (b) When will the 54 paving bricks be returned to the owner as referred to in Question 2 at Council meeting held on 22 February 2000?

A2(b) Replacement bricks have been provided.

The following questions, submitted by Mr M Sideris, were taken on notice at the Council meeting held on 14 March 2000:

Q1 Please advise how many security patrols were in action on Saturday, 11 March 2000?

A1 On Saturday 11 March 2000, 8 Rangers were on duty who in total travelled 1192 kilometres patrolling the City. The Rangers were rostered on shifts to cover the full 24 hour period.

Q2 I note with interest the response given to the user pay principle and its applicability to the security levy. Please advise how this was determined, or arrived at in respect to the response given at the Council meeting held on 22 February 2000?

A2 The Local Government Act 1995 at Section 6.38 and Regulation 54 of the Local Government (Financial Management) Regulations 1996 permit the levying of a flat universally applied service charge for prescribed services. Property Surveillance and Security is one of those prescribed services.

The flat or 'user pays' charge for prescribed services is determined by estimating the total expenditure (in the case of Property Surveillance and Security is \$1,490,763) and dividing it by the number of properties (54,515). This resulted in a charge for Property Surveillance and Security of \$27 per property for the 1999/00 year. This process effectively creates a mini balanced budget for that service. As mentioned by the CEO at the Annual General Meeting of Electors this approach was considered a fairer way of imposing the charge rather than including the costs within the overall budget and recovering the cost through the normal valuation system where properties with high values bear a disproportionate rate burden.

The following questions, submitted by Ms Bethany, were taken on notice at the Council meeting held on 14 March 2000:

On Friday, 10 March 2000 near the corner of Hodges Drive and Constellation Drive Ocean Reef a Norfolk Island pine was bulldozed to the ground. I would estimate the tree was approximately 10 metres tall and a metre in circumference. The person in charge told me the reason for the tree being bulldozed was because its roots were lifting the concrete path which was nearby. On approaching the City of Joondalup, its officers had no knowledge of the tree being bulldozed. I was advised by the Chairman of the Ocean Reef Residents Association that residents had not been consulted or informed regarding the Council's decision to bulldoze the tree. In this regard:

Q1 Does the City of Joondalup have a policy aimed at preserving large trees in this locality? In this case, a tree originally planted and maintained by this local government. If a policy does exist, how is this policy implemented in this case?

A1 The tree in Hodges Drive was removed due to constant damage to the footpath. Root pruning rendered the tree unstable and due to the existence of cap rock in the soil, a deep root structure for this tree was not likely.

Trees affecting infrastructure are removed at an early stage once a problem is identified. Often these trees are planted by others prior to the installation of a dual use path or underground service. Unfortunately subsequent removal is the only option.

Q2 With regard to the beauty and practical benefits such as shade which the bulldozed tree provided to the residents of Ocean Reef, does the City of Joondalup intend to replace the bulldozed tree with another similar advanced tree?

A2 Verge trees are planted within a specific, designated verge alignment. Species are selected in order to minimise damage to existing or future services. Problems have occurred where existing trees affect existing paths, particularly where dual use paths are installed, due to the increased path width to accommodate cyclists. Trees are removed as a last resort.

Replacement with a similar tree is not an option due to the available area within the verge tree alignment.

The following questions were received from Mr M Nelson of Joondalup:

Q1 Council policy is to reduce traffic flow in local residential areas where possible. Why has Council, or its officers, allowed Derwent Meander to be connected to Windemere Circle by a new road to be constructed by Heath Developments. This new road creates a short cut from Joondalup Drive via Brienz Drive to Windemere Circle and all joining roads and will result in increased through traffic on Derwent Meander, which is currently a cul-de-sac. The addition of a set of bollards as currently exists on Derwent Meander is a cheap and easy solution to prevent this new road being used as a short cut.

A1 This new subdivision will provide a through connection between Derwent Meander and Windemere Circle and it is estimated that the volume of traffic in Derwent Meander may increase by up to 2000 vehicles per day. At present much of this traffic is forced to use Windemere Circle and the new connecting road will reduce traffic in this particular residential street. Both Derwent Meander and Windemere Circle have a 6 metre wide pavement and 15 metre wide road reserve and are considered suitable for the likely traffic volumes. There is no intention to prohibit vehicle access between Windemere Circle and Derwent Meander.

The following questions were submitted by IR & EF Marshall:

- Q1 After 25 years of Commercial Zoning why did IR and EF Marshall, formerly of Carine Glades Squash Academy, have to lose their commercial zoning when they could supply all the parking required for their redevelopment?*
- A1 IR and EF Marshall requested, in writing (letter dated 21 March 1996), the rezoning of their property as part of an agreement between themselves and their neighbour. At that time the property was zoned Commercial and developed with squash courts. Parking provision did not comply with the minimum requirements of Council's Town Planning Scheme and would not have satisfied the requirement for the commercial use of the site. The change in the zoning provided a mechanism for IR and EF Marshall to provide parking at a lesser than commercial rate to enable the redevelopment of their site and was instrumental in gaining agreement for access across the adjoining site to their development which is an essential component of the redevelopment and use of their site.
- Q2 How did the owner of the Carine Glades Shopping Centre get approval to extend the shopping centre by 500 square metres and take out 33 car bays and not have easements in gross in place as required by Planning Report TP159 July 1996? Please refer to the attached letters from Lindsay Delahaunty dated 10 September 1996 (30/129 – 5828, 626383) and 12 February 1997 (30/129).*
- A2 The reduction in parking bays was approved by the Council by exercising discretion at the time of approval. The easement in gross is being put in place by the Council's solicitors.
- Q3 The Council has clearly established precedent by offering a range of commercial type zones to other properties within the municipality (as per accompanying letter). Can the Council immediately reinstate the Commercial Zoning previously enjoyed for 25 years by IR and EF Marshall?*
- A3 The City has sought to provide a range of alternative business zoning options under its proposed District Planning Scheme No 2. The options of Business or Mixed Use zone in District Planning Scheme No 2 are not considered appropriate to this situation, because they do not address the parking and access issues peculiar to this site. The current zone under TPS1 which is the outcome of an agreement between IR & EF Marshall and the adjoining landowner, does address these issues. The Council cannot immediately change the zoning as, even if the Council agreed to initiate such a change, it would be subject to the normal statutory process.
- Q4 With all that has transpired, would it be in the Council's interest to place a caveat on the Carine Glades Shopping Centre until an easement in gross is in place as we have heard that the shopping centre could now be placed on the market in the near future?*

A4 Generally a caveat can only be placed on a title by someone with a proprietary interest in the property. The easement in gross is a condition of planning approval, the planning approval and conditions go with the land. If there is a change of ownership of the property the planning approval will remain valid and all conditions of planning approval will have to be complied with by the new owner. It is not considered that further measures are necessary to protect the City's interests in this matter.

Mr A Bryant, Craigie:

- *Mr Bryant thanked Council for the assistance received on issues of concern he has raised over the last three months.*

Q1 On 11 April 1997 I wrote to Council regarding new floodlights installed in Warrandyte Park and the overspill therefrom. Council replied on 19 September that on inspection "floodlight overspill assessed to within accepted level for traffic". What is the accepted level for overspill from floodlighting in recreational parks?

A1 Response by Director Infrastructure Management: This question will be taken on notice.

Q2 Does the present Council have a policy for controlling such overspill, if not, why not?

Q3 If not, will the Council formulate a policy when reviewing its policies and by-laws next June?

Q4 In response to my Question Number 4 raised at the 8 February 2000 Council meeting, it is stated, inter alia, that lights operate via a timeclock to start and stop, which is set and monitored by officers of Operations Services. As the times of 'stop' and 'start' vary frequently during any one week, could you supply me with the schedules of times as set by officers of Operations Services?

Q5 It would appear that for Warrandyte Park there is a great lack of communication between users and Council. Can this be investigated so as to alleviate the use of the floodlights when they are not needed, as they are on when the park is not being used.

A2-5 These questions will be taken on notice.

Mr Graeme Jenkinson, Duncraig:

Q1 In relation to the Carine Glades Commercial Centre and the questions from IR and EF Marshall. The answer to Question Number 2 states that the reduction in parking bays was at the discretion of the Council at the time of approval. Why weren't the Marshalls given the same benefit of the discretionary parking?

A1 *Response by Director, Planning and Development:* I believe that has been the case, but I will take this question on notice as the issue is complex.

Q2 *Apparently there has been a reduction of three bays recently. What is the basis of approval for this?*

A2 This question will be taken on notice.

Mr M Sideris, Mullaloo:

Q1 *As a result of last night's Coast Care Forum Meeting, and the proposed Precinct Planning Focus Group, can you advise what format Council will use to seek involvement and nomination from community interest groups?*

A1 *Response by Director, Planning and Development:* The process has not been formulated at this time, but once consultants have been appointed, this issue will be discussed with the consultants and Ward Councillors to establish the appropriate process to select the Focus Group. It is intended that the Focus Group be a small group, of between 8 – 10 members, including the Ward members, with representatives from local interest groups, local business and residents groups. Once the process has been finalised, this information can be made available.

Q2 *Will the proposed meeting for 29 March 2000 be proceeding?*

A2 *Response by Director, Planning and Development:* The meeting will not be proceeding at this stage. A revised timetable will be prepared.

Q3 *With regard to the response received at last Council meeting on the interpretation of the term 'user pay principle', the response does not answer the question. The question is how was that determined, how did Council arrive that a user pay principle is a flat charge. How does a flat, universally applied service charge become a user pay charge?*

A3 *Response by Director Resource Management:* I cannot elaborate more than has been advised previously, that the levying of a flat charge is reached by adding up all expenses and dividing by the number of services provided.

Q4 *I understand how the amount was arrived at, but I am seeking to know how does a flat, universally applied service charge become a user pay principle.*

A4 *Response by Director Resource Management:* This question will be taken on notice.

Q5 *Regarding Report CJ065-03/00, and my interest in the security audit, I note that the recommendation is for an executive summary to be made available to the public. I seek a complete copy for my perusal, which I will return to Council for inclusion in the local library.*

A5 *Response by Executive Manager, Strategic Planning:* A copy will be made available to Mr Sideris.

Mr B Moffett, Kallaroo:

Q1 *On behalf of some residents in Aristrade Avenue, Kallaroo, I have been asked if it is possible that action be taken on speeding traffic in Aristrade Avenue? The problem is particularly bad during late afternoon and evenings and we believe there may soon be a serious accident or a fatality.*

A1 *Response by Director Infrastructure Management:* The matter will be investigated and a report submitted to Council.

Mr Spraggon, Duncraig:

Q1 *I am a representative and owner in the Carine Glades Squash Centre. Regarding the first question from Mr Marshall given earlier in the meeting and the answer given, is the Mayor aware of the background to the request in writing. They were forced into that position and only came into an agreement between the shopping centre owners and Council because of an illegal fence which had been placed around their premises restricting its use and would not have been removed. Is the Mayor also aware that a legal offence had occurred and that the Council was in a position to have that fence removed by forcible means or otherwise, and that nothing was done about that and that it was at the recommendation of the Council that the Marshalls agreed to the lower zoning.*

A1 *Response by Mayor:* I am not aware of what occurred at that time. All I can do is look at the reports presented to me. A meeting of the representatives from the four adjoining landowners has been arranged for next Wednesday, 5 April 2000. In answer to your question of whether I was aware of what transpired previously and whether there was any merit in what you say, my answer is that I do not know.

Q2 *Council used discretion and pooled the extra parking that the Marshalls purchased beyond the shopping centre, and with the combined pool parking there was enough for the shopping centre to have its extension and for the commercial development to go ahead. The approval for the shopping centre was granted, completed and occupied prior to the land being purchased, so it was more than a little discretion on the part of the Council. The easement still is not in place and Council has seen fit to exercise its discretion and approve a further three bays for the extension to the small restaurant at the rear. Why is the Council giving so much discretion to one owner and making it so difficult for another?*

A2 *Response by Director Planning and Development:* All the issues will be addressed at the forthcoming meeting to be held on Wednesday, 5 April 2000.

Q3 If someone does buy the shopping centre, and without the easement in gross in place, as owners of the centre we are unprotected by a future owner perhaps refusing our right to use the parking area as a pooled parking area. As it was part of that agreement some three years ago, why are we still waiting?

Cr Kadak left the Chamber at this point, the time being 1926 hrs.

A3 Response by Director Planning and Development: The matter of the easement has been put in the hands of Council's solicitors to pursue. With regard to whether or not a new owner takes over the land, the planning approval remains with the land and does not go with the previous owner of the land, so those conditions remain with the land.

Mr Mark Nelson, Joondalup:

Q1 Regarding the proposal is to make Derwent Meander into a through road to Satoma Village and Windermere Circle, have Council officers found that by allowing Satoma Village to go ahead has vastly increased the traffic in Windermere Circle? If so, why didn't Council plan to ensure there was adequate access to Satoma Village? If the road goes through, the route will not only be used by people from Satoma Village, but also by those from Windermere Circle as it will be the shortest route to Joondalup Drive. Council officers has advised that 2000 additional vehicles a day will use Derwent Meander which is currently a cul-de-sac. When purchasing the land approximately four years ago, residents were told that the road would always be a cul-de-sac which is not the case. If Councillors were living in a cul-de-sac, would they like 2000 additional vehicles going through?

A1 Response by Director Infrastructure Management: Derwent Meander is part of a new subdivision and is a through road which will service local traffic from the subdivision to the north-east. There are approximately 200 lots in the subdivision and the assumption is that all of the 200 lots will be utilising the through road. In our previous answer we indicated that there is possibly an extra 2000 vehicles per day which may be generated from those lots, but it is highly unlikely that this will occur and may only be 50% of that figure. The road is six metres wide and can cater for the extra traffic loading. The route is for local traffic and it is difficult to see there will be any through traffic from outside the local precinct.

Cr Kadak entered the Chamber at this point, the time being 1927 hrs.

Q2 Using that argument, whilst the figure could be 50% less, it could also be 50% more.

A2 Response by Mayor: The figures are based on the average movement of vehicles from a driveway, multiplied by the 200 lots. Main Roads WA has prepared figures which state that the average household has 10 movements per driveway per day. Many households do not make 10 movements per day, hence it could be less.

Response by Director Infrastructure Management: This was the calculation used, and a worst-case scenario was taken.

Q3 As well as the 200 lots in Satoma Village, it also becomes a short-cut for the lots in Windermere Circle which has another 200 lots, so there may be as many as 4000 vehicles per day.

A3 Response by Director Infrastructure Management: I am not sure of the accuracy of the number of lots but I can check this information. I am advised that the total catchment area was in the vicinity of 200 lots.

Mr Spraggon, Duncraig:

Q1 Could you explain the parameters in exercising discretion over Council approval for the minimum parking bays required for the shopping centre?

A1 Response by Director Planning and Development: The Town Planning Scheme currently requires eight parking bays per 100 square metres of retail floor space and it has been shown over time that in the order of six parking bays per 100 square metres is probably closer to the needs of the shopping centre. Discretion has been exercised on that basis in the past, where the centre has come down to 6.1 bays per 100 square metres.

Q2 Has there been a further reduction with the new restaurant facility?

A2 Response by Director Planning and Development: I would need to take this question on notice, but the three bays may be within the six bays per 100 square metres overall.

Response by Mayor: These figures are being considered and the issues raised at the meeting next Wednesday.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C12-03/00 MINUTES OF COUNCIL MEETING – 14 MARCH 2000

MOVED Cr Walker, SECONDED Cr Hurst that the Minutes of the Council Meeting held on 14 March 2000, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

C13-03/00 MINUTES OF SPECIAL COUNCIL MEETING – 20 MARCH 2000

MOVED Cr Kadak, SECONDED Cr Ewen-Chappell that the Minutes of the Special Council Meeting held on 20 March 2000, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**JOONDALUP FESTIVAL 2000**

The Joondalup Festival 2000 held over the weekend of 25-26 March 2000 was a great success.

The highlights – the street parade and the fireworks finale – went off without incident and were very much appreciated by the big crowd.

All events at the Festival were well patronised.

In its second year, the reputation of the Joondalup Festival is obviously growing.

Our dedicated Leisure and Cultural Services staff report that although final attendance numbers are still being assessed, the crowd was bigger than last year. There was a steady stream of visitors right throughout the two days of the Festival.

Congratulations to all who put in so much effort to make this event yet another big success.

BUSINESS ASSOCIATION BREAKFAST

The North West Metro Business association conducted its monthly breakfast on Tuesday, 21 March 2000.

As guest speaker, I highlighted the City's commitment to the development of Joondalup, and in particular, the economic challenges facing this region.

Examples of the City's commitment included strong relationships with stakeholders like the North West Metro Business Centre and Edith Cowan University, support for new business including the relocation of the Police Academy to Joondalup, the establishment of the call centres and involvement with the establishment of the business incubator proposal.

Approximately 60 people attended the breakfast and the City's support for the business community was well received.

WORKSHOP – CITY’S INTEGRATED WASTE MANAGEMENT PLAN

In October 1999, the then Joint Commissioners agreed in principle to the development of an Integrated Waste Management Plan for the City of Joondalup.

The initiative was discussed by the newly elected members at the Briefing Session held on 11 January 2000.

Progress has been made on the plan and it is now at a stage to be examined further.

A workshop is scheduled to be held on 19 April 2000 at 6.30 pm in Conference Room 1. Public comment will be sought during the month after the workshop.

GST WORKSHOPS

On 1 March 2000, Federal Treasurer, Peter Costello, gazetted Division 81 of the Goods and Services Tax (GST) Act.

This lists the taxes, fees and other Local Government charges which are to be exempt from GST.

Local Government rates, regulatory and licensing services, together with fines and penalties are several which will be GST-free.

The Division 81 list of GST-free Government fees and charges is not set in stone.

Local Government has been assured that it is a living document to which amendments can be made at any time.

To help implement the GST, workshops for staff are being held by Chartered Accountants, Arthur Anderson.

GRANNY SPIERS COMMUNITY HOUSE FUNDING

On 23 March 2000, the Director of Community Development, Chris Hall and myself went with a delegation to the Minister for Family and Children’s Services, June van de Klashorst.

The meeting included Chris Baker MLA, Dr Mal Washer MP, representatives from Granny Spiers Community House and the Department of Family and Children’s Services.

The Minister offered \$3,315 per annum for three years to help Granny Spiers operate an Occasional Child Care Program.

In addition to this, the Minister offered Departmental help to review Granny Spiers’ operations, finances and management.

It is hoped that with this agreed action, the problems experienced by Granny Spiers Community House will be resolved.

PETITIONS

C14-03/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 28 MARCH 2000

- 1 PETITION REQUESTING THE RETICULATION OF MACAULAY PARK, DUNCRAIG AND THE PROVISION OF UPGRADED PLAY EQUIPMENT – [07635]

An 80-signature petition has been received from Duncraig residents requesting the reticulation of Macaulay Park, Duncraig and the provision of upgraded play equipment.

This petition will be referred to Infrastructure Management for action.

- 2 PETITION EXPRESSING CONCERN AT DERWENT MEANDER, JOONDALUP BECOMING A THROUGH ROAD – [47712]

Cr Kadak presented a 15-signature petition and letter on behalf of Joondalup residents expressing concern at the decision made by the former Joint Commissioners to allow Derwent Meander, Joondalup which is currently a cul-de-sac to become a through road as proposed by the developers.

This petition will be referred to Planning and Development (Urban Design and Policy Services) for action.

- 3 PETITION REQUESTING THE INSTALLATION OF PARKING RESTRICTIONS IN THE SOUTHERN SECTION OF METHUEN WAY, DUNCRAIG BETWEEN BRECHIN COURT AND THE FREEWAY – [06123]

Cr Patterson presented a 16-signature petition on behalf of Duncraig residents requesting the installation of “No Parking 9 am to 5 pm, Monday to Friday” restriction signs in the southern section of Methuen Way on both sides of the road between Brechin Court and the Freeway.

This petition will be referred to Infrastructure Management for action.

MOVED Cr Hurst, SECONDED Cr Magyar that the petitions:

- 1 **requesting the reticulation of Macaulay Park, Duncraig and the provision of upgraded play equipment;**

- 2 **expressing concern at the recent decision made by the former Joint Commissioners to allow Derwent Meander, Joondalup which is currently a cul-de-sac to become a through road as proposed by the developers;**
- 3 **requesting the installation of “No Parking 9 am to 5 pm, Monday to Friday” restriction signs in the southern section of Methuen Way on both sides of the road between Brechin Court and the Freeway;**

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

The Motion was Put and

CARRIED

POLICY

**CJ055-03/00 REVIEW OF STANDING ORDERS LOCAL LAW -
[01369] [05885]**

WARD - All

Summary of Purpose and Effect (was read aloud at the Council Meeting)

The first action in the process of adopting a local law, requires a summary of the purpose and effect to be read aloud by the Mayor. The summary is as follows:

“The purpose of this local law is to:

provide a set of enforceable procedures to assist in the good conduct of Council, committee and electors meetings.

The intent of this local law is to:

result in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.”

SUMMARY

This report covers the first of two parts of the process to be followed in adopting the proposed new Standing Orders Local Law 2000. The process is in accordance with section 3.12 of the Local Government Act 1995. (The Act) The first part involves:

- *reading aloud the purpose and intent of the proposed local law, at the meeting*

- the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:
 - (i) the purpose and effect of the local law;
 - (ii) advice that copies of the proposed local law can be obtained from the local government; and
 - (iii) inviting submissions for six weeks after giving the notice.

This process is outlined in greater detail in the background section of this report.

The report outlines the objectives applied to the review of the Standing Orders Local Law, which provides a set of enforceable procedures to assist in the good conduct of Council, committee and electors meetings.

The report also recommends that the proposed adoption of the local law be advertised to seek public comment, in order to progress making of the local law.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The Local Government Act 1995 required that local governments review their local laws. The review of the City's Standing Orders Local Law will complete this requirement.

The proposed Standing Orders Local Law has been developed in consultation with the CEO, Directors, plus Managers and staff responsible for conduct of meetings and recording of meeting proceedings. Recently adopted Standing Orders Local Laws of other local governments have also been researched and bench marked against the City's with the view to include relevant clauses in the City's proposed local law.

The following objectives have been applied to preparation of the Standing Orders Local Law:

- 1 ensure the local law complies with the Local Government Act 1995 and other applicable legislation;
- 2 make the local law easier to read and understand by:
 - using plain English;
 - breaking down lengthy, complicated clauses into a series of appropriate sub clauses;
 - applying a more modern format;

3 make the local law more relevant to current needs.

DETAILS

Compliance with Local Government Act 1995

The Local Government Act 1995 and Administrative Regulations made under that Act, detail much of what a local government must comply with in conducting its meetings. It is a requirement under the Act, that no local law is to be inconsistent with the provisions of the Act.

The proposed local law has been further reviewed to identify and remove any clauses or sub clauses that were a duplication of a section of the Act or Administrative Regulations. This action was taken following recent legal advice on the matter and will avoid opportunity for any inconsistency or misinterpretation.

The Department of Local Government has also produced a booklet titled, “The Preparation of Agendas and Minutes – a Guide for WA Local Governments”. Each of these documents has been extensively referenced to ensure compliance with the Act and to apply recommended processes that assist in producing a sound local law that meets legislative requirements.

Shaded Areas not Local Law

In many instances, extracts from the Local Government Act 1995 and Administrative Regulations have been included in the proposed operating local law and are lightly shaded. These extracts are effectively footnotes. As they are extracts from higher level legislation (an Act of parliament) than a local law, they will not be included in the formal local law that will be gazetted. However, the shaded areas will remain in the operating copies of the local law. Their inclusion will reduce the need to refer to the Act to clarify requirements in these instances.

Using Plain English

Many former local laws were couched in legal and complicated terminology that tended to add to their confusion and make their interpretation by the general public more difficult. The modern approach applied to local laws is for them to be expressed in plain English to assist in their comprehension without the need for some legal training. This approach has been applied to make the local law easier to read and understand.

Replace Lengthy Complicated Clauses with Sub Clauses

In the past, it was common to see lengthy clauses covering a number of aspects of one matter in local laws. The use of lengthy clauses frequently complicated these matters as accent was placed on including all aspects in one clause. In many instances the content of these lengthy clauses is still relevant to the requirements of the current Act and proposed local law. Where possible, these clauses have been broken down into sub clauses containing the relevant

information. The use of sub clauses will assist in making the local law easier to read and understand.

Apply Modern Format

The format applied to all new local laws is similar to that of an Act of Parliament, and combines with the other initiatives of using plain English and breaking down complicated clauses. The more open format with distinct clause headings, better clause numbering and the general improved set out has resulted in a far less cluttered document. As such, it is easier to read and an improvement on previous local law formats.

Relevance to Current Needs

The majority of the proposed local law consists of rules that facilitate opportunity for thorough and informed decision making on all matters requiring a Council decision. These rules also provide for the professional, logical and orderly progression of Council meetings, structured in a way that meets Council's responsibilities under the Local government Act 1995 and Administration Regulations. It is therefore considered that the proposed local law will effectively meet the current needs of the Council in this respect.

While many improvements have been made when compared with the current local law, there were several areas where it was necessary to concentrate on removing the confusion or opportunity for misinterpretation. Two of these areas relate to the need to disclose any interest in matters being considered at meetings and the revocation of resolutions. Both these matters have received increased attention from the Department of Local Government and are subject of report in the Annual Statutory Compliance Return.

It is likely that an amendment will be made to the Local Government (Administration) Regulations 1996 to strengthen the requirements concerning revocation of resolutions, similar to what has been included in the proposed local law.

Changes in focus

Over the past decade, the focus of all manner of business has been concentrated on improved customer service. This relates as much to local governments as any other business, as our customers increasingly expect an improved quality of service. In addition, the provisions of the Local Government Act 1995 require local governments to be more open and accountable in their dealings and that the public have access to more information.

In an attempt to achieve best practice principles, a modern approach that meets these requirements and effectively provides better customer service, has been adopted by many local governments. The modern approach involves the introduction of Briefing Sessions coupled with two Council meetings each month. The application of such meeting processes, provides the opportunity for all elected members to be equally informed, initially on an informal basis at the Briefing Session, where matters can be thoroughly discussed before any formal decision is to be made by full Council.

Greater Public Participation

Two Council meetings each month provides Council's customers with increased opportunity to take advantage of a relatively quick decision making process. This decision making process is also seen as a significantly enhanced service in the eyes of Council's customers. In addition, those customers or interested public have the opportunity to attend just one briefing session where matters are informally considered before a formal decision is made by Council. Under the usual committee system operated by local governments, Council members and its customers would need to attend several meetings in order to obtain the same information that is available at one briefing session.

By having two Council meetings each month, those customers or interested public who attend the meetings have the same opportunity to ask questions of the Council that was previously available by having public questions at the beginning and end of one Council meeting. Two Council meetings each month also increases the opportunity for customers to make deputations or presentations to Council.

Informed decision making

The Order of Business of meetings does not include any heading for late and urgent business. Making decisions at a meeting without the benefit of a thoroughly prepared report is considered to be a highly dangerous practice that must be avoided at all times. It is difficult to identify any matter that could not be held over to the next meeting, particularly as Council meets twice monthly. Alternatively, a special meeting could be held if necessary in order for a report to be provided and any decision being made on an informed basis. This approach is in keeping with responsible government management that is expected by the community.

All matters that are subject of a report to Council should require a decision. All reports must include recommendations outlining the action that the reporting officer considers most appropriate for Council to take. This process enables Council to effectively use the professional advice that is provided by its employees and contractors. Where Council chooses to amend those recommendations, a suitable notation explaining the reason for the amendment must be provided in the minutes of the meeting.

Benefits of the modern approach

The overall effect of having the two informal Briefing Sessions each month and two formal Council meetings is:

All Council members can be equally informed at Briefing Sessions before having to make decisions at formal Council meetings;

Council can make decisions for its customers in half the time of a committee and one Council meeting process; and

The opportunity for public participation in the decision making process is significantly enhanced.

Changes to Standing Orders

In an effort to assist elected members to be able to differentiate between the changes in the draft Standing Orders local law to that of the existing local law, the major changes have been identified below with an explanation. These changes have also been identified in italics throughout the Standing Orders local law document.

Clauses 1 (Title); 3 (Content and intent) and 4 (Repeal)

In accordance with the new local law format, each new local law is required to include an ‘intent clause’. Clause 4 details the repeal of the existing Standing Orders local law that was adopted by the former City of Wanneroo. This clause is legally required as it is not possible to have two laws covering the same matter.

Clause 10 (Public access to unconfirmed minutes of Council and committee meetings)

This clause reaffirms the requirement of the Local Government (Administration) Regulations 1996 to ensure committee and Council minutes are made available to the public within the prescribed times.

Clause 14 (Order of business)

The order of business has been amended to better reflect the modern approach that the Council has taken with its decision making. The order of business has removed the antiquated ‘procedural’ motions, such as:

- Questions with due notice
- Questions without due notice
- Reports of Committees
- Reports of the CEO
- 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' be included in the order of business. A Notice of motion 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.

Clause 17, (Part 2) (Confirmation of minutes)

This clause reaffirms the requirement of the Local Government Act 1995 for the person presiding at the meeting to certify the minute book.

Clause 18 (Announcements by the Chairman without discussion)

Even though this part of the agenda is not new, this clause allows the ability for the Chairman to make announcements on the operations of the City without discussion.

Clause 20 (Disclosure of non-financial interest)

The amendment of the Local Government Act 1995 required every local government to include in its Code of Conduct the requirement for elected members and employees to declare interests of a non-financial nature. To ensure open and accountable local government, this clause has been included in the Standing Orders.

Clause 21 (On-going disclosure required)

This clause reaffirms the requirement for those persons who have an interest to declare that interest on an on-going basis, as required by legislation.

Clause 24 (Part 1) and (Part 2) (Reports)

This clause now reflects that reports can be presented to the Council whether they be from a committee or the administration. It was felt that there was no need to distinguish between reports of committees or employees in the order of business as they would fall within the one category 'reports'. This clause allows for the CEO to present reports of a late and urgent nature.

Clause 26 (Meeting closure)

The order of business reflects that the last item of business is to close the meeting. The existing Standing Orders do not specify the procedure.

Clauses 28 (Members seating); 29 (Distinguished visitor seating) and 30 (Media attendance and seating)

Clause 28 determines that the CEO is to allocate each member with a seat within the Chamber following each ordinary election. Clause 29 states that the chair to the right of the Mayor will be reserved for the special guest and that the Deputy Mayor shall occupy a seat on the Chamber floor. This is common practice amongst local governments as the Deputy Mayor is elected by the people of a particular Ward. The Standing Orders now stipulate the rules applicable to the attendance of media at the meeting and that seating will be allocated.

Clause 31 (Recording of meetings)

The current policy of the Council allows for meetings of the Council to be recorded for the purposes of minute taking. This clause stipulates that no other person is to record the proceedings of a Council or committee meeting without the permission of the Chairman.

Clause 44 (Part 2) and (Part 3) (Personal explanation and correction of fact)

This clause now allows for either elected members or employees to seek permission to correct any fact during debate. This will further assist the Council to making better informed decisions.

Clause 47 (Preservation of order – members of the public)

There may be some occasions during a meeting where a member(s) of the public interrupts the proceedings of a Council or committee meeting. This clause now allows the Chairman to take the necessary action to ensure the meeting is not interrupted.

Part 5 (Motions and Amendments)

This Part of the local law has not been substantially amended, merely better structured for the ease of interpretation.

Clause 55 (Limitation on members speaking)

This clause has been amended by the addition of part (a) which clarifies when the mover of a motion or an amendment is to speak to the motion or amendment.

Part 6 (Revocation Motions)

The Local Government Act 1995 introduced a number of changes to the operations of local government, one being the revocation of motions. This Part details the procedures to be followed when there is the requirement to revoke a previous decision of the Council.

Clause 67 (The motion be deferred)

Part 7 of the proposed Standing Orders deals with procedural motions. Clause 66 has been included to reflect that a 'motion be deferred' be a procedural motion. This clause details the procedure to be followed when a deferral motion is moved and amended.

Clause 78 (Member attending committee as observer)

It is practice amongst local governments that elected members attending a meeting of a committee of which they are not a member are to sit in an area separate from committee members. They may sit at the committee table and speak on a matter if invited to do so. This allows for the members of the committee to be clearly recognised by the Chairman and members of the public to ensure proper meeting procedures are followed.

Clause 79 (Disclosure by members who are observers at committee meetings)

This clause has been included to ensure the requirements of the Local Government Act 1995 are adhered to. The requirement to disclose interests for members of a committee that comprises 'other persons only' (being not elected members, employees) is not necessary.

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12 (1)** In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.

- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given , give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

The proposed local law includes the repeal of the current Standing Orders Local Law carried over from the former City of Wanneroo, being:

City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette - 30 October 1997.

The repeal of the current local law coincides with the coming into operation of the proposed local law.

The City’s solicitor has reviewed the proposed local law to ensure that the content is within the bounds of operation of the Local Government Act 1995.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

OFFICER’S RECOMMENDATION: That Council, in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Local Law 2000”, in order to seek public comment.

MOVED Cr Carlos, SECONDED Cr Patterson that Council, in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Local Law 2000”, in order to seek public comment.

Discussion ensued.

The Motion was Put and

LOST

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

- 1 DEFERS further consideration of the proposed local law “City of Joondalup Standing Orders Local Law 2000” until such time as a Councillors’ Standing Orders Review Committee presents Council with its report on the proposed local law;**
- 2 FORMS a Standing Orders Review Committee;**
- 3 ENDORSES the formation of the Standing Orders Review Committee consisting of:**

**Mayor
Deputy Mayor
Cr S Magyar
2 Councillors
Chief Executive Officer**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

FINANCE AND COMMUNITY DEVELOPMENT**CJ056-03/00 JOONDALUP FESTIVAL – [36775]****WARD - All**

SUMMARY

A meeting of the Joondalup Festival Committee was held on 1 March 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

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

MOVED Cr Ewen-Chappell, SECONDED Cr Kadak that Council NOTES the minutes of the Joondalup Festival Committee held on 1 March 2000 forming Attachment 1 to Report CJ056-03/00.

The Motion was Put and**CARRIED**

Appendix 1 refers – Click here: [Attach1mins280300.pdf](#)

CJ057-03/00 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – FEBRUARY, 2000 – [38245]**WARD - All**

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 21 and 23 February, 2000 and the minutes of both meetings are submitted for noting by Council.

DETAILS

The minutes of the Joondalup North Youth Advisory Council held on 21 February, 2000 at Anchors Youth Centre are included as Attachment 1.

The minutes of the Joondalup South Youth Advisory Council held at Joondalup Library on 23 February, 2000 are included as Attachment 2.

No action is required from these minutes.

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

- 1 the Joondalup North Youth Advisory Council meeting held on 21 February, 2000 forming Attachment 1 to Report CJ057-03/00;**
- 2 the Joondalup South Youth Advisory Council meeting held on 23 February, 2000 forming Attachment 2 to Report CJ057-03/00.**

The Motion was Put and

CARRIED

Appendix 2 refers – Click here: [Attach2mins280300.pdf](#)

CJ058-03/00 CONSERVATION ADVISORY COMMITTEE - [12168]

WARD - All

SUMMARY

A meeting of the Conservation Advisory Committee was held on 29 February 2000 and the minutes are submitted for noting by Council.

DETAILS

The minutes of the Conservation Advisory Committee held on 29 February 2000 are included as Attachment 1.

Councillor S Magyar was elected as Chairperson and a number of new members also attended the meeting.

The following motions were put and carried:-

1. Moved M Zakrevsky, Seconded R McElroy that Cr S Magyar be nominated for the position of Chairperson.
2. Moved P Robertson, Seconded D Pike that the following amendments to previous minutes be adopted -

Item 2.1 be amended to read *“That the City of Wanneroo consider allowing the Friends of Koondoola Bushland to use space in one of the City’s building facilities to collate a herbarium.”*

Item 5.9 be amended to read “*D Cluning replied that this method of weed control had not been budgeted for in the current financial year.*”

3. Moved P Robertson, Seconded M Zakrevsky that the Conservation Advisory Committee:

- remains a combined committee of the City of Joondalup and the City of Wanneroo for a period of six months;
- examines joint strategic issues;
- meets on a monthly basis.

MOVED Cr Magyar, SECONDED Cr Mackintosh that Council:

1 NOTES the minutes of the Conservation Advisory Committee meeting held on 29 February 2000, forming Attachment 1 to Report CJ058-03/00;

2 ENDORSES the recommendation that the Conservation Advisory Committee examines joint strategic issues;

3 ENDORSES the recommendation that the Conservation Advisory Committee meets on a monthly basis.

The Motion was Put and

CARRIED

Appendix 3 refers – Click here: [Attach3mins280300.pdf](#)

**CJ059-03/00 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 29 FEBRUARY 2000 - [09882]**

WARD - All

SUMMARY

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

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	019517-020271	4,289,144.28
Municipal	000192-000196	4,289,144.28
Trust		-
Reserve Account		-
	TOTAL	\$ 8,578,288.56

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 February 2000, the amount was \$682,966.61.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$8,578,288.56 which is to be submitted to each Councillor on 28 March 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 \$8,578,288.56 submitted to Council on 28 March 2000 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Walker, SECONDED Cr Kenworthy that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 29 February 2000, certified by the Mayor and Director of Resource Management and totalling \$8,578,288.56:

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	019517-020271	4,289,144.28
Municipal Trust Reserve Account	000192-000196	4,289,144.28
		-
		-
	TOTAL	\$ 8,578,288.56

The Motion was Put and

CARRIED

Appendix 4 refers – Click here: [Attach4mins280300.pdf](#)

CJ060-03/00 FINANCIAL REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2000 - [07882]

WARD - All

SUMMARY

The monthly reports for the 8 months ending 29 February 2000 are appended as Attachment A.

The February reports reveal underspending against budget:

- Operating Budgets show an overall surplus of \$3.1m at the end of February, an increase of \$2.5m on the previous month primarily due to the phasing of revenue receipts against budget. Grants revenue for the third quarter has, in the main, been received where budget is phased over three months to the end of March.
- Capital Expenditure Budgets show a surplus of \$2.4m on budget against \$2.1m in the previous month, primarily due to late acquisitions of vehicles & plant, furniture and computer equipment planned in the adopted budget.
- Capital Works budgets show a surplus of \$10.8m on budget against \$9.9m in the previous month. This surplus comprises the planned cost of the Joondalup Depot of \$5.4m which will not now proceed this year, together with the non receipt of “stage of completion” invoices from the City of Wanneroo for capital works projects being undertaken through the Service Level Agreement.

Overall, the City of Joondalup has a year to date surplus of \$16.3m against budget.

Areas still to be resolved include:-

- the acquisition of vehicles and plant to date, for which tenders have been sought and will be accounted for over the next two months;
- the position on City of Wanneroo capital works invoices;
- and the finalisation of processing of profit and loss on asset disposal.

MOVED Cr Wight, SECONDED Cr Mackintosh that Council that the Financial Reports for the period ended 29 February 2000 be NOTED.

The Motion was Put and

CARRIED

Appendix 5 refers – Click here: [Attach5mins280300.pdf](#)

**CJ061-03/00 INVITATION TO JOIN STEERING COMMITTEE -
CONSERVATION AND INTERPRETATION OF
LUISINI'S WINERY KINGSLEY - [46271]**

WARD - South.

SUMMARY

The Luisini Winery at Lakeway Drive, Kingsley, is a Heritage listed property vested with the Ministry of Planning. The National Trust of Australia (WA) has agreed to take over responsibility for the property and has accepted the challenge of conserving and interpreting the Luisini Winery with funding support from the Western Australian Planning Commission through the Ministry. The Trust has extended an invitation to Council to assist in facilitating this project by becoming members of the initial Steering Committee to guide the project through the feasibility and public consultation to “sign-off” stage. This report recommends the nomination of a Councillor delegate and deputy from South Ward and also an officer to the Steering Committee for the conservation and interpretation of Luisini’s Winery.

BACKGROUND

The Luisini Winery is located on Lots 41–45 Lakeway Drive, Kingsley and is within the boundaries of Yellagonga Regional Park (Attachment 1 refers). The land is currently vested in the Ministry for Planning, however processes are underway to transfer vesting to the National Trust. The Luisini Winery was established by Mr Ezio Luisini in 1929 and continued operation until its closure in the mid 1980s.

In May 1995 the Council of the former City of Wanneroo resolved to ‘*endorse in principle its involvement in the on-going planning process for Luisini Winery*’ (Item CS74-05/95 refers) and in November 1996 agreed to part fund a Feasibility and Management Study to identify options for use of the buildings (Item CS188-11/96 refers).

Following on from this study the Western Australian Planning Commission requested the City in 1998 to undertake business studies necessary for the restoration and re-use of the Winery and to seek expressions of interest from potential tenants. The proposal from the Ministry was that it would fund the refurbishment of the winery at a cost of approximately \$1 million and for the City to accept vesting of the property and to manage the venue. Council's initial endorsement of the project in principle was on the basis of it being at no cost to Council. Council had reservations concerning the development of the site as a Cultural Recreation Centre as it did not, at that stage, have community acceptance and the previous feasibility studies did not support the claim that it would be financially viable.

In 1998 Council resolved not to proceed with the project or to take on vesting of the property (CJ271-12/98 refers) and advised the Western Australian Planning Commission to find a new use for the winery that would:

- protect the heritage values of the site;
- upgrade the building quality and services to allow commercial rental of individual areas for appropriate uses;
- protect and enhance the landscape.

The National Trust (WA) has agreed to take over responsibility for the property and has accepted the challenge of conserving and interpreting the Luisini Winery with funding support from the Western Australian Planning Commission through the Ministry.

DETAILS

In December 1999 the Luisini Winery Heritage Project was the subject of a meeting held by the National Trust with the Italian community, members of the Luisini family and other key stakeholders. The vision for the project is to conserve and interpret Luisini's Winery as a premier educational, tourism and heritage facility. It has been suggested that the project incorporate a cultural centre, café/restaurant, function centre and a museum to demonstrate the contribution of the Italian community to the development of Western Australia.

The Trust is now at the stage of forming a Steering Committee for the project to facilitate a community-based consultative process and has sought Councillors' involvement on the committee. The Terms of Reference for the committee are currently being prepared by the Trust.

The Trust has advised that they are also seeking representation from the following groups to be part of the Steering Committee:

- Local community;
- Italian community and other interested parties;
- Ministry for Planning;
- CALM; and
- Friends of Yellagonga Regional Park.

The Chairperson of the Steering Committee is Ms Pat Bartlett and it is envisaged that meetings would be held quarterly. The first meeting is scheduled for 23 March 2000 at the Trust's Headquarters, The Old Observatory, 4 Havelock Street, West Perth.

Once the Steering Committee's work is completed and the project's concept and design has been "signed-off" it is proposed that another committee be formed to address the implementation and management phase of the project.

COMMENT/FUNDING

As the National Trust (WA) has agreed to take over responsibility for the property and would be managing the Project and on-going operation of the facility once complete, there would be no interest or financial liability that could be made against the Council for its involvement on the Steering Committee. Council's involvement on the Steering Committee and the project should be on the basis of it being at no cost to Council.

Normal Development Approval processes would apply to the Luisini Winery Heritage Project and Councillor involvement on the Steering Committee is not seen as a potential conflict in this matter. It is believed that Council's involvement on the Steering Committee would ensure that appropriate community consultation is undertaken and views taken into account and could also ensure that the overall project is financially viable.

Local residents have raised concerns in the past about development of the Winery and property. The development of the property as a tourist attraction would impact on the local residents and traffic management issues would need to be addressed as part of the project design and approval process.

Council's involvement in the second implementation and management committee is not recommended as this is regarded as a commercial operation and not appropriate. Council, if it became a member of this committee, may be liable for the on-going operational expenses of the facility.

As Luisini's Winery is located within South Ward it is recommended that one Councillor from this Ward be nominated, together with a deputy, and an administrative officer with technical skills in this matter. Ward Councillors have indicated an interest to be nominated to this Steering Committee.

OFFICER'S RECOMMENDATION: That Council:

- 1 **ENDORSES** its involvement in the Steering Committee for the Luisini Heritage Project;
- 2 **NOMINATES** the following representatives to the Steering Committee:

1 Councillor as delegate

1 Councillor as deputy
1 Officer

- 3 ADVISES the National Trust that an appropriate community consultation phase must be included as part of the Steering Committee deliberations.

The Mayor advised that Cr Barnett had indicated a wish to be nominated as delegate to this Committee, with Cr Wight as deputy. The Officer position would be filled by Mr J Kirton, Manager Strategic Development.

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

- 1 ENDORSES its involvement in the Steering Committee for the Luisini Heritage Project;

- 4 NOMINATES the following representatives to the Steering Committee:

Cr T Barnett as delegate
Cr A Wight as deputy
J Kirton, Manager Strategic Development

- 3 ADVISES the National Trust that an appropriate community consultation phase must be included as part of the Steering Committee deliberations.

The Motion was Put and

CARRIED

CJ062-03/00 COMMUNITY FACILITY AT CONNOLLY - [25066]

WARD - Marina

SUMMARY

In the early 1990's the Joondalup Golf Course was sold by the State Government. This took away access to the course that local residents previously enjoyed. Lobbying resulted in the Government making funds available for use in Connolly.

As a result, in 1997 the State Government made provision for \$200,000, which is being held by LandCorp, towards a community facility in Connolly. In addition, the State Government allocated a further \$300,000 for verge and landscaping treatment for Connolly. During 1997/98 the Administration worked with the Residents Association to assess the needs for a community facility. Following the outcome of a community needs assessment, a report to Council in February 1999 concluded that matching funding support should not be provided as there was no significant need identified for a facility. Also Connolly is a short distance from a range of existing community services and facilities.

At a subsequent meeting with the Association it was agreed that the Administration would assist by preparing the design concept options and a brief for a facility with the aim of keeping within the State Government grant of \$200,000. Options explored included a development to utilise the funding similar to the Yanchep Community Centre, which could be built for less than \$200,000. The Association rejected this and provided a revised sketch plan, which was estimated by Council to cost \$450,000. In addition, the revised plan would not fit on the community purpose site at Connolly.

In November 1999, at a further meeting with the Association, the Administration agreed to re-evaluate the request for matching funding support for a facility provided that a submission was made under the Facilities Funding Assessment process. The Administration's assessment did not support the Connolly Residents Association submission for a community facility.

In recent correspondence the Local Member suggested that if Council did not contribute on a dollar for dollar basis for a small community centre that the State Government's contribution be permitted to be expended upon verge or suburb enhancement proposals as determined by the Connolly residents.

BACKGROUND

LandCorp developed the suburb of Connolly in the 1980's with the feature of the development being a golf course, which was available to residents in the estate. In the early 1990's the golf course was sold and access to the course was restricted.

In 1997 the State Government made provision for \$200,000, which is being held by LandCorp, towards a community facility in Connolly. A community purpose site considered for a facility is Lot 404 (2429m²) Glenelg Place, Connolly, between the local shopping centre and Hodges Drive (Attachment 1 refers).

In August 1997 the former City of Wanneroo Council endorsed a process to assess the need for community facilities in Connolly prior to the development of any facility (Item TS255-08/97 refers). During 1998 a community needs assessment was undertaken to determine the need for and uses of a community facility. The Residents Association also sought matching funding from Council for the facility.

The Administration worked with and assisted the Residents Association with the design and analysis of the community survey during 1998.

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

keeping within the State Government grant of \$200,000. The Yanchep Community Centre was proposed as a model. However, this was rejected by the Association proposing a revised larger design estimated to cost \$450,000.

Endeavours by the Administration to establish a bona fide need for the construction of a facility have been lengthy due to the need to clarify matters and the time taken in attaining information from the Association.

In November 1999 at a further meeting with the Association, the Administration agreed to re-evaluate the request for matching funding support for a facility.

Landscaping and verge treatments have been made in Connolly and the remaining \$58,000 is held by LandCorp for future improvement projects that may be identified by the Residents Association.

DETAILS

During 1999, the Administration at all times tried to provide assistance to the Association and community to progress the development of a facility within the State Government amount of \$200,000.

Concept drawings of Yanchep Community Centre were forwarded to the Association for comment (Attachment 2 refers) and an indicative quote obtained for construction (\$185,000).

This option was rejected and the Association provided a revised sketch plan (Attachment 3 refers), which was estimated by Council to cost \$450,000 to construct. In addition, the revised plan would not fit on the community purpose site at Connolly.

Also considerable time and effort was spent in discussions with Australand, the developers who were trying to redevelop the Connolly Shopping Centre with the owners, in an endeavour to make it a viable concern and to provide other possible options for the development of a community facility. Australand however withdrew attempts to reconfigure the shopping centre.

As part of the assessment of the Association's submission an investigation and a review of the original community needs assessment was undertaken. Further discussions were held in January 2000 with the Resident Association's President and the Secretary to try to establish the need for and use of a facility to determine size and possible configuration. The groups that were identified included the Scouts, childcare, craft and general meeting rooms.

A meeting was held with the 1st Joondalup Scout Group, to discuss potential use of the facility for the group. The group has Cubs, Scouts and a Venturers unit and meets on Tuesday (6.45 pm to 8.15 pm) and Wednesday (7.00 pm-9.00 pm) at Beaumaris Primary School. The Group has operated at the school since 1992 and has also built a shed (20m x 30m) that it shares with the school for storage needs. The Scout requirements are for a facility capable of active games in the hall and lighting for Scout activities outside the

facility. A large shed would be required to accommodate the group's trailer and other storage needs.

It is considered that the site would not be suitable for a Scout group, as it is situated in a shopping area and adjacent to an aged persons housing. In addition, the nearest public open space is some distance from the site. The site would also not be able to accommodate a shed for the group's storage needs.

In relation to childcare the Department of Family and Children's Services were consulted and they confirmed that they did not regard Connolly as an area in need of such services. There is also a general under utilisation of childcare facilities in the area.

The Residents Association was asked to provide contact details of the craft and other groups that were proposed for the facility to determine needs, however Council has not received details to date to enable the matter to be considered. It is understood the Association proposes undertaking a further survey to establish needs for the facility.

A review of current usage rates of facilities surrounding Connolly supports the view that there is sufficient capacity to meet the community's needs and the building of a large facility is questionable. Also with the services now available at Lotteries House, Boas Avenue, Joondalup, the community's need for support services would be adequately catered for at this facility.

An appropriate design of a facility can only be determined when all the requirements have been established and substantiated. Based on the above review it is difficult to substantiate the construction of a facility.

COMMENT/FUNDING

The Residents Association's request for matching funding is in effect a request for funds and use of the City's Community Purposes site at Glenelg Place, Connolly. Based on the information provided to date it is considered that the need for a facility is still not substantiated. Apart from the suggested use by a Scout Group, which is not supported, no other groups have been identified or other uses substantiated for a facility. It is considered that there are sufficient community facilities surrounding Connolly to meet the community's needs for meeting facilities. Further, Council is developing a Community Centre in the adjacent suburb of Currambine that will provide additional venues for residents from Connolly to access.

The Local Member of Parliament, Mr C Baker MLA, has approached Council on a number of occasions with the view of progressing the construction of a community facility in Connolly. In correspondence (8 March 2000) from Mr Baker it is suggested that in lieu of funding for the community centre the State Government's commitment to Connolly be permitted to be expended upon verge or suburb enhancement proposals as determined by Connolly residents. This is acceptable, subject to such proposals going through the normal approval processes.

OFFICER'S RECOMMENDATION: That Council ADVISES the Connolly Residents Association and the Local Member of Parliament Mr C Baker MLA that:

- 1 matching funding or the development of a community facility is not approved as:
 - (a) no significant need has been identified;
 - (b) Connolly is located at a short distance from a range of existing community services and facilities;
- 2 it will consider proposals from the Connolly Residents Association which utilise the State Government's funding commitment to Connolly for the upgrading of verge and suburb enhancement subject to the normal approval processes.

MOVED Cr Ewen-Chappell, **SECONDED** Cr Carlos that consideration of matching funding for the development of a community facility at Connolly be **DEFERRED** to the next Council meeting scheduled to be held on 11 April 2000 pending further consideration by elected members.

The Motion was Put and

CARRIED

**CJ063-03/00 PERFORMING ARTS VENUE REFERENCE GROUP –
[14977]**

WARD - All

SUMMARY

The Performing Arts Reference Group is assisting Council in the planning and development of the proposed construction of a performing arts centre in Joondalup. The group is currently overseeing a Feasibility Study which is testing the assumptions of previous studies, that performing arts facilities are needed in Joondalup. If these assumptions prove correct then the Consultants conducting the study are required to determine what this means in terms of facility development and management.

It is recommended that an Elected Member be appointed to the Performing Arts Reference Group.

BACKGROUND

The proposed Joondalup Performing Arts Centre has always been seen as an important initiative for the City in terms of establishing itself as a strategic regional centre and becoming a focal point for the northern suburbs.

Council began working towards the establishment of the Centre in 1992 with the development of the report – “Joondalup a Cultural Plan” which identified the importance of establishing a Performing Arts Complex in the Joondalup Central Business District. The report also identified the enormous potential for partnerships with professional arts and education industries to both benefit and foster training and to inspire involvement in the arts by the growing local young community.

DETAILS

At a meeting of key regional stakeholders held in October 1998 to discuss the proposed Performing Arts Complex it was agreed that a Reference Group should be formed to include interested organisations to assist Council in the planning and development of the proposed complex. Organisations represented on the Reference Group are as follows:

- Edith Cowan University;
- WA Performing Arts Academy, Edith Cowan University;
- Ministry for Arts and Culture;
- West Coast TAFE;
- Joondalup Joblink;
- Education Department
- Parents and Citizens Association, Woodvale Senior High School;
- Ministry of the Premier and Cabinet; and
- Council Officers from Strategic Planning, Community Development and Leisure Services.

The Reference Group subsequently recommended that a Feasibility Study should be conducted before proceeding with the project. The Feasibility Study is currently in the data acquisition stage with community surveys and public meetings currently being conducted.

It would be appropriate, given the significance of this project to the development of the Joondalup Central Business District, that an Elected Member be appointed to the Reference Group.

The Reference Group meets on an as needed basis, however it is anticipated that with the conduct of the Feasibility Study it will meet every six weeks. Meetings are generally scheduled on Thursdays commencing at 10.00am.

OFFICER’S RECOMMENDATION: That Council **NOMINATES** an Elected Member Representative and to sit on the Performing Arts Reference Group.

Cr Ewen-Chappell nominated Cr Carlos as Elected Member representative, with Cr Hollywood as Deputy.

Cr Patterson nominated Cr Kenworthy as Elected Member representative.

There being two representatives nominated, the Mayor called for a show of hands, following which the Mayor declared Cr Carlos the preferred representative.

MOVED Cr Walker, SECONDED Cr Wight that Council NOMINATES Cr D Carlos as Elected Member Representative and Cr J Hollywood as Deputy to sit on the Performing Arts Reference Group.

Discussion ensued.

The Motion was Put and

CARRIED

CJ064-03/00 TENDER 073-99/00 TWO 2WD DIESEL TRACTORS - [48603]

WARD - All

SUMMARY

The City's 1999/00 budget provided for the purchase of two 2WD Diesel Tractors, as detailed in the Plant Replacement Programme, the funding of which is from the Municipal Fund.

The following plant items were offered as trade:-

- Plant Number 98428 Case Tractor 2WD
- Plant Number 98441 Landini Tractor 2WD

Both items of plant are allocated to Operations Services.

This report outlines the submissions received in relation to Tender 073-99/00. It recommends the purchase of two tractors from Wanneroo Agricultural Machinery, one a 2WD and the other a 4WD. As a consequence of this a budget shortfall of \$12,532 will be incurred as the City's 1999/2000 Budget provided to purchase 2 x 2WD tractors.

Following an assessment of the City's beach cleaning needs it was considered that a 4WD tractor would be more appropriate than a 2WD due to its superior traction when working in sand conditions.

A review of the Plant Replacement Programme has indicated that a Kubota Tractor (Plant Number 98402) scheduled for replacement in the 1999/2000 Plant Replacement Programme is in sound condition and not in need of replacement this year. This deferral will release funds to partly fund the over expenditure on the plant items 98428 and 98441; the shortfall residue (\$3,532) is expected to be funded through savings generated later in the year.

BACKGROUND

Tender number 073-99/00 pertaining to these acquisitions was advertised on Saturday 5 February 2000 and closed on Tuesday 22 February 2000. The two plant items to be traded were presented for inspection on 10 February 2000, and were evaluated by all tenderers.

DETAILS

Seven tender responses were received for Tender 073-99/00 which have been summarised per **Attachment A**. Three submissions provided for a 2WD with a 4WD option with trade-in of existing vehicles; two for a 2WD option with trade-in of existing vehicles; one the supply only of two 4WD tractors and one submission for the outright purchase of the Landini tractor.

At the time of tender advertising it was requested that tenders be sought for 2WDs with the option of 4 WD to be quoted as there was a need for the superior traction of the 4WD when working in sand conditions. Prior to the split of assets the City had access to two 4WD tractors and two beach cleaning units which provided adequate backup however, as a consequence of the split each local government retained one complete unit. Operation Services has since October 1999 undertaken beach cleaning work and the requirement for a support 4WD tractor unit has been identified given its superior traction. There was however doubt as to the City's capacity to fund the 4WD option given that there was no budget funds.

On assessment of the tenders on Tender 073-99/00 the Case CX 70 2WD and 4WD tractors were found to be the lowest cost items offered after trade of the City's tractors. A whole of life cost comparison with other vehicles was not possible due to difficulties in determining the expected resale value of the tractors after 5 years.

Clause 12 of the general conditions of tendering allows the City to accept a part tender and to combine with the part of another tender, to achieve the best outcome for the City.

Wanneroo Agricultural Machinery submitted different trade-in prices for the two trade-in vehicles depending on whether a 2WD or 4WD was to be purchased. Due to the differing trade values offered on the 2WD or the 4WD option the City will receive maximum trade value if it accepts a specific trade-in against the vehicle to be purchased.

COMMENT/FUNDING

An assessment of the utilisation of the current plant indicates the following:-

Plant Number 98867 Landini 8880 Tractor

1 x 4WD 80HP

Currently utilised for -

beach cleaning (8 months)

verge mowing (2 months)

oval top dressing (2 months)

Plant Number 98441 Landini Tractor

4 x 2WD 60HP

Gang mowing attachment - Park mowing (12 months).

Plant Number 98543 Massey Ferguson 4225 Tractor

1 x 2WD 60HP

Turf Aerating (3 months)

Verge Slashing (3 months)

Spare unit for mowing.

Plant Number 98498 Case IH3230XL Tractor

1 x 4WD 60HP (with loading bucket)

Goal post installation and removal (2 months)

Joondalup City Centre (6 months)

Smudge boarding (1 month)

Rotary hoe/new grass (3 months)

The current 4WD tractor for beach cleaning is experiencing mechanical problems and Operations Services has been hiring a unit from Wanneroo Agricultural Supplies to ensure the beach cleaning is not interrupted.

Purchase of an additional 4WD unit will provide an alternative unit from the existing tractor fleet.

At the time of budget preparation the Plant Replacement Programme listed replacements as 2WD units. However, following assessment Operations Services now recommends the purchase of one 4WD tractor to ensure efficiency of the beach cleaning operation.

A review of the Plant Replacement Programme has also indicated that a Kubota Tractor (Plant Number 98402) scheduled for trade in the 1999/2000 Plant Replacement Programme is in sound condition and not in need of replacement this year. It is recommended therefore that this trade/purchase be deferred.

The acceptance of the Wanneroo Agricultural Machinery tender indicates that a budget shortfall of \$12,532 would occur, calculated as follows:-

Plant No	Recommended Tender - Changeover	Budget Provision	Budget Savings/(Shortfall)
98428	\$ 32,250	\$ 30,000	(\$ 2,250)
98441	\$ 34,282	\$ 24,000	(\$10,282)
TOTAL	\$ 66,532	\$ 54,000	(\$ 12,532)

This over expenditure of \$12,532 would be part funded from the savings generated as a consequence of the decision to defer purchase of Plant Number 98402 Kubota Tractor.

The following table indicates the position:-

Plant No	Recommended Tender - Changeover	Budget Provision	Budget Savings/(Shortfall)
98428	\$ 32,250	\$ 30,000	(\$ 2,250)
98441	\$ 34,282	\$ 24,000	(\$10,282)
98402	Deferred to 2000/2001	\$9,000	\$ 9,000
TOTAL	\$ 66,532	\$ 63,000	(\$ 3,532)

It is recommended that the tender, as submitted by Wanneroo Agricultural Machinery to supply two Case CX 70 tractors, one 2WD and one fitted with 4WD, be accepted at a total changeover cost of \$ 66,532.

Based on the acceptance of Wanneroo Agricultural Machinery tender, the financial position is:

Account No: 11-60-71-713-6761
 Budget Item: Plant
 Budget Amount: \$63,000
 Actual Cost: \$66,532

In accepting this tender and the deferral of the purchase of plant 98402, the overall 1999/00 budget shortfall is \$3,532. This is expected to be funded through savings in other purchases in the Plant Replacement Programme later in the year.

The CEO has delegated authority to accept tenders up to a figure of \$100,000. As the gross purchase price of this tender exceeds that figure, it requires the approval of the Council.

MOVED Cr Magyar, SECONDED Cr Carlos that Council:

- 1 ACCEPTS the tender from Wanneroo Agricultural Machinery for the purchase of two tractors at a net change over figure of \$66,532 after trade in, as detailed in tender 073-99/00;**
- 2 NOTES the deferral until the 2000/01 financial year, of the trade-in of Plant number 98402 - Kubota Tractor.**

The Motion was Put and

CARRIED

CJ065-03/00 CITY OF JOONDALUP CRIME & COMMUNITY SAFETY STUDY – [39908]

WARD - All

SUMMARY

In 1999, a Crime and Community Safety Study was commissioned to conduct a security audit of the City. The final report was received by the City in January.

The Study confirms the direction of the City's Safer Community Program and provides guidance for the on-going development of the Safer Community Program. This report outlines an evaluation process to address priorities and suggests strategies from the consultants' Study.

BACKGROUND

In March 1999, the City of Joondalup and the then Shire of Wanneroo commissioned consultants from the Matrix Consulting Group and Behavioural Science Investigative Consultancy to conduct a community security and safety Study or security audit to identify crime and community safety issues for both the City of Joondalup and Shire of Wanneroo.

Funds were made available to all local authorities through the Safer WA Community Security Program in which \$20,000 was received from the State Government towards this Study and contributions of \$17,000 from the City of Joondalup, and \$10,000 by the Shire of Wanneroo were made respectively. Study reports have been prepared for the Cities of Joondalup and Wanneroo. The Study consists of over 100 pages and the comprises data, coloured graphs, comments and strategies.

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

DETAILS

The main objective of the Consultant's brief was to identify crime and community safety problems including crime prone areas and suburbs, review current strategies and suggest enhancements, and assist with a whole-of-council action plan. The Study covered the following activities :

- Analysis of police data;
- Review of Council activities;
- Public consultation – which included a residents' survey and sought residents' experience of crime and views concerning crime. Neighbourhood Watch managers and other community groups were also included in the survey process;
- Agency and local expert consultation;
- Consultation with government agencies;
- Identification and assessment of problem areas;
- Development of a Council action plan and strategies.

The consultants advise there was difficulty in obtaining complete information, particularly from the Police Department and that they have relied on interpretation and obtained data from other sources in preparing the Study.

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

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

COMMENT/FUNDING

The Study identifies crime related issues in the City of Joondalup. A key issue in the implementation of proposed strategies is that clarification of the roles of Local Government, Police Department State Government and various agencies is necessary. Approaches at an officer level have been made to the Western Australian Municipal Association (WAMA) asking that they address this matter. To date little progress appears to have been made.

Council could formally request WAMA to progress this matter and in addition, seek support for this matter at the meeting of the North Metropolitan Zone of WAMA.

A complete control copy of the Crime and Community Safety Study has already been distributed to the Elected Members and Mr Colin Penter from Matrix Consulting attended the Elected Members' Briefing Session on Tuesday 21 March 2000, to provide elected members with a presentation and overview of the Study.

Elected Members will note from the Study that the following five (5) Priorities for Action have been outlined for consideration. These being:

1. Ensuring safer public places for the whole community;
2. Targeting resources at the most common offences, trouble spots, those persons most likely to offend and those at risk to extract maximum value from available resources and existing approaches;
3. Reducing fear of crime;
4. Tackling the causes of crime and community safety problems by developing preventative strategies to address key casual risk factors;
5. Managing, coordinating and achieving partnerships within and outside Council to ensure all stakeholders are working together to achieve common goals.

The five priorities identified in the Study for action by the consultants support the City's major directions in the Safer Community Program of:

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

This Study should be seen as a useful tool and guide in the future development and enhancement of the City's Safer Community Program. From these five priority areas a number of strategies have been suggested by the consultants for consideration by the Council to do either on its own or in partnership with others.

It is proposed to circulate the Study to other key stakeholders and seek their comments on the appropriateness of the strategies. It would also be useful to make the Study available to the public. This could be done by making the Executive Summary available upon request and placing a copy of the Study in the City's Libraries. The feedback provided will be considered in conjunction with the City's evaluation process in which the Council administration will address, evaluate and consider the strategies and recommendations of the Study for the on-going development of the Safer Community Program.

A report will be submitted to Council on the outcome of the evaluation process with an action plan and preliminary costings to compliment and enhance the City's Safer Community Program.

The City has not received a copy of the Study prepared for the City of Wanneroo. It would be useful to discover what strategies are in the Wanneroo Report and co-ordinate approaches where possible.

OFFICER'S RECOMMENDATION: That Council:

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

MOVED Cr Patterson, SECONDED Cr Wight that Council:

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

Discussion ensued. Cr Magyar advised he wished to raised a Point of Order in relation to Point 4.6, paragraph 3 of the Standing Orders Local Law in that those present in the Chamber would like to hear Cr Hollywood's statement regarding this matter.

Mayor Bombak advised he was not prepared to accept the Point of Order as proposed by Cr Magyar as standard rules of debate had been followed.

The Motion was Put and

LOST

MOVED Cr Hollywood, SECONDED Cr Kadak that Council:

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

Discussion ensued.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Walker that (a), (b) and (c) be added to Point 5 of the Motion as follows:

- 5 (a) OBTAINS further information regarding the location of the perpetrators of the crime or anti-social behaviour;
- (b) CARRIES out a further study as to what can be done to assist the perpetrators to redirect their energies;
- (c) SEEKS further information as to possible motivations for these perpetrators for their anti-social behaviour.

Discussion ensued.

The Amendment was Put and

LOST

The Original Motion was Put and

CARRIED

INFRASTRUCTURE MANAGEMENT

CJ066-03/00 MAIN ROADS WA - SPEED LIMIT REVIEW - [05094]

WARD - All

SUMMARY

Main Roads WA has sought the City's comments in relation to proposed speed zone changes on arterial roads within the municipality. The proposed changes take into account the need for consistent speed zones on all arterial roads throughout the municipality. The proposed speed zones are presented for consideration.

BACKGROUND

At the Council meeting held on 14 March 2000, it was resolved that consideration of Main Roads WA – Speed Limit Review be DEFERRED to the next Council meeting scheduled to be held on 28 March 2000, pending further consideration by elected members.

Main Roads WA recently completed a speed limit review on Hepburn Avenue, Whitfords Avenue, Northshore Drive, Joondalup Drive, Ocean Reef Road and Wanneroo Road.

The proposed changes are part of Main Roads WA on going review of speed limits in the metropolitan area. The aim of the review is to make speed limits on roads of similar geometry and road function the same consistent speed limit. This approach to speed zoning allows motorists to identify certain speed limits according to the road environment and minimises the confusion that some motorists may have had with a variety of speed limit changes over relatively short lengths of road.

Two examples of the changes already in place are Wanneroo Road north of Carramar Road and Hodges Drive, where one consistent speed limit is now in place.

DETAILS

A brief description of the proposed speed zones are given below with the existing and proposed speed limits shown pictorially on Attachments 1 and 2 to this report.

Whitfords Avenue – reduce from 80km/h to 70km/h from Northside Drive to Belrose Entrance and Trappers Drive to Wanneroo Road. The proposed change will make Whitfords Avenue 70km/h for the entire length. Main roads propose to review the speed limit on Whitfords Avenue between Hepburn Avenue and Marmion Avenue after roadworks are completed on this section. It is likely that a 60km/h speed limit will be supported, which would be consistent with other coastal roads.

Northshore Drive – reduce from 80km/h to 70km/h from Whitfords Avenue to Northshore Avenue. It is also likely this may be reviewed to 60km/h if appropriate changes are made to the road environment in the future.

Ocean Reef Road - reduce from 80km/h to 70km/h from Marmion Avenue to Mitchell Freeway and Mitchell Freeway to Trappers Drive. This is consistent with the recently changed limit on Hodges Drive and the western section of Ocean Reef Road. The section east of Trappers Drive will, due to limited access, remain at 80km/h.

Joondalup Drive - reduce from 80km/h to 70km/h from Wedgewood Drive to Edith Cowan University entrance. This section is the only portion of Joondalup Drive that is not currently zoned at 70km/h. Therefore the change will make the speed limit on Joondalup Drive between the City Centre and Ocean Reef Road consistent and in keeping with the adjacent commercial development.

Wanneroo Road - reduce from 80km/h to 70km/h from Kingsway Drive to San Rosa Road. This change is proposed due to the development adjacent to Wanneroo Road and includes the section between Whitfords Avenue and Ocean Reef Road to ensure a consistent speed zone.

Main Roads WA intend to implement the proposed changes in two stages. The first stage being Wanneroo Road, Joondalup Drive and Ocean Reef Road. The second stage will include Whitfords Avenue and Northshore Drive.

Advanced warning signs will be erected to indicate the change in speed zone for a period of six weeks to advise motorists of the change. In addition, information regarding the changes will be advertised in local newspapers and the West Australian shortly before implementation.

Main Roads WA intend to implement the changes in late March 2000.

COMMENT/FUNDING

It is commonly accepted by traffic engineers that a speed limit should appear to be reasonable to drivers. Consequently, the 85th percentile speed of traffic (*the speed at or below which 85% of vehicles travel*) is often used as a guide when selecting an appropriate speed zone.

However, for this process to result in safe travelling speeds it must be assumed that drivers are capable of making a realistic assessment of the risk of crash involvement and drive accordingly. In reality, the average driver cannot be expected to have a realistic understanding of how the risk of involvement in a casualty crash varies according to the speed at which they

choose to travel. This is particularly so on urban arterial roads such as Wanneroo Road, Joondalup Drive, Ocean Reef Road, Whitfords Avenue and Northshore Drive.

To highlight the relationship between increased speed and casualty crashes the following statistics are presented for consideration.

In 1998, the estimated total cost of crashes in the metropolitan area alone to the Western Australian Community was 775.4 million dollars. In total 66,569 persons were involved in road crashes of which 223 were tragically killed. Speed was recorded as a factor in 32.3% of all fatalities in Western Australia during 1998.

Statistics presented recently at the 1999 Insurance Commission of WA Conference on Road Safety "*Green Light for the Future*" show that risk of crash involvement in a casualty crash, expressed as a risk relative to that of an experienced driver traveling at 60km/h, doubles for the first increase of 5km/h and continues to increase exponentially with each 5km/h increase in speed thereafter.

In this instance the relative risk of a crash at the existing 80km/h speed limit is 19 times greater than if the proposed 70km/h speed zones were in place. Expressed in terms of crashes, studies show that a uniform 10km/h reduction in traveling speed of a vehicle may reduce the possibility of a crash occurring by 42%. The total reduction in casualty crashes would be considerably greater than 42%.

A number of factors contribute to the exponential increase in the risk of involvement in a casualty crash with increasing speed. These include the increase distanced traveled during the recognition and reaction time of the driver, increased braking (stopping) distance, increased impact speed and resultant crash energy. For instance stopping sight distance at 80km/h is 95m as opposed to 70m at 70km/h (AustRoads 1988).

All these factors equate increased speed to a greater risk of first having a crash and secondly greatly increase the chances of injury or death. The increased risk associated with higher vehicle speeds of death or injury for vulnerable road users such as pedestrians or cyclists is even greater.

While the focus has more recently been on reducing the Local Area Built up area (BUA) speed limit to 50 km/h, statistics show that 87.3% of road casualty crashes occurred on main arterial roads compared with 14.2% on local streets.

These findings emphasis the much greater need to control traveling speeds on arterial and main roads rather than local streets.

Inconsistent speed zoning has been highlighted as a concern to local road users for some time. However, while some motorists believe higher speeds zones are more appropriate on some arterial roads, statistics show that even an increase speed by 10km/h can greatly increase the frequency and severity of road crashes.

While the need to have uniform speed limits consistent with the road environment on arterial roads is important, the need to ensure these roads operate at a safe speed for all roads users is even greater.

In view of this, as the proposed speed zones are consistent and more in keeping with the road environment, Main Roads WA proposed speed zone changes on Wanneroo Road, Joondalup Drive, Ocean Reef Road, Whitfords Avenue and Northshore Drive are supported.

In the meantime, the issue of 50km/h speed limits on local roads has been investigated in association with another matter and will be presented in a separate report to Council.

OFFICER'S RECOMMENDATION: That Council:

- 1 **CONCURS** with Main Roads WA proposed speed zone changes on Whitfords Avenue, Northshore Drive, Ocean Reef Road, Joondalup Drive and Wanneroo Road;
- 2 **ADVISES** Main Roads WA accordingly.

MOVED Cr Carlos, SECONDED Cr Wight that Council ADVISES Main Roads WA that it does not support the reduction of the speed limit on Ocean Reef Road from the Freeway to Marmion Avenue.

The Motion was Put and

CARRIED

MOVED Cr Carlos, SECONDED Cr Ewen-Chappell that Council ADVISES Main Roads WA that it believes the reduction of the speed limit from 80 kph to 70 kph on Hodges Drive prior to the opening of the Freeway was unwarranted and that the 80 kph limit should be reinstated.

Cr Carlos spoke in support of the Motion.

The Motion was Put and

CARRIED

MOVED Cr Carlos, SECONDED Cr Hurst that Council ADVISES Main Roads WA that it does not support the reduction of the speed limit on Whitfords Avenue.

The Motion was Put and

CARRIED

MOVED Cr Carlos, SECONDED Cr Patterson that Council ADVISES Main Roads WA that it does not support the reduction of the speed limit on Northshore Drive.

The Motion was Put and

CARRIED

MOVED Cr Carlos, SECONDED Cr Kadak that Council ADVISES Main Roads WA that it supports the reduction of the speed limit on:

- 1 Joondalup Drive from Wedgewood Drive to Edith Cowan University entrance;
- 2 Ocean Reef Road east of Mitchell Freeway to Trappers Drive, Woodvale;
- 3 Wanneroo Road from Kingsway Drive to Santa Rosa Road, Wanneroo.

The Motion was Put and

CARRIED

**CJ067-03/00 PROPOSED 50KM/H URBAN SPEED LIMIT -
QUESTIONNAIRE – [00033]**

WARD - All

SUMMARY

The Institute of Municipal Engineers Australia (WA Division) with the cooperation of the West Australian Municipal Association are conducting a survey of Local Authorities to determine attitudes towards the introduction of a 50km/h general urban speed limit.

Details of the impact of a 50km/h general urban speed limit and a recommended response to its introduction is submitted for consideration.

BACKGROUND

The initial purpose of this report will be to highlight the subtle difference between the current system to implement lower (less than 60km/h) speed zones such as 40km/h and the proposed move towards adopting a statewide or essentially metropolitan area general urban speed limit of 50km/h.

Under the new Australian Road Rules (effective on 1 December 1999), it became possible to implement 50km/h zones much in the same way as the trial 40km/h zone was implemented by Main Roads WA in conjunction with the Shire of Swan in Woodlake Village, Ellenbrook. At the conclusion of the six month trial, Main Roads WA found that while a 4.6km/h reduction (to 52km/h) in vehicle speed was achieved, a significant proportion of drivers continued to exceed the 40km/h limit. The main concern is that this non-conformance of the posted speed limit in this instance may contribute to a general driver disrespect of all posted speed limits. In view of these results, Main Roads WA consider that a 50km/h speed limit may be more appropriate and acceptable on comparable road layouts.

More details on the Ellenbrook Trial will be detailed in a report to Council following a petition received from Burns Beach residents (presented to Council 8 February 2000) to be included in any trials of 40 km/h speed limits.

Notwithstanding, the criteria for the 50km/h zones are likely to be similar to that which exists for 40km/h. As a result, implementation will be limited to a small number of areas as is already the case and the effectiveness of the reduced speed limit will remain questionable.

On this basis, the IMEA (WA Division) and WAMA have been considering the issue of reducing the general urban speed limit (GUSL) to reduce the severity, number and frequency of road crashes on local roads.

In particular the IMEA has supported the need for a reduced GUSL for local roads for many years and views with concern the existing practice of an ad hoc approach to the introduction of 40km/h speed limits on a precinct basis. The IMEA maintains that this approach is contrary to the need to adopt a speed zone that compliments a well defined road hierarchy. The IMEA also claims that the use of 40km/h precinct limits is also having a negative impact on 40km/h speed zones around schools. The IMEA strongly feel that the current situation may be compounded by the use of 50km/h speed zones on a precinct basis, as facilitated by the introduction of the National Road Rules Legislation.

In order to present the views of Local Authorities towards the introduction of a 50km/h general urban speed limit to the State Government, the IMEA in conjunction with WAMA are seeking the City's comments on the issue. Comments are being sought in the form of a questionnaire, which is shown as Attachment 1 to this report. The deadline for returning comments to WAMA is 31st March 2000.

It is envisaged that these comments will be presented to the State Government when it is due to make a determination on this matter.

DETAILS

The issue of reducing urban speed limits on local roads has received much attention in recent times. In fact, concern regarding the appropriateness of a 60km/h has been an issue since the translation of the 35mph (56km/h) limit to 60km/h in the early 1970's.

Recent studies have shown that a reduction in vehicle operating speeds from 60km/h to 50km/h has a significant reducing effect upon the number, frequency and severity of road crashes. Speed is a factor in 1 in 3 serious road crashes and increases braking distances, seriousness of injury and reduces the opportunity to avoid a crash. With a reduced speed limit a 33% reduction in casualty crashes could be expected, with 50% of vulnerable road users (children, seniors, cyclists, motorcyclists and people with disabilities) surviving and nearly 25% avoiding conflict with a vehicle. A conservative estimate presented to the Road Safety Council recently calculated that about two thousand pedestrians have died in Australia since 1974 because 60km/h rather than 50km/h was chosen as the general urban speed limit.

Considering that local roads comprise 70% of Western Australia's road network, the impact of a reduced general urban speed limit (GUSL) would be significant.

Historically, Australia has had a high GUSL compared with most other developed countries. It has been the experience of other countries such as Canada, UK, Sweden, Germany, New Zealand and the United States that reduction of vehicle speeds on local roads has resulted in reductions in the number and severity of crashes.

To date several other states within Australia have successfully implemented 50km/h general urban speed limits. In March 1999, Queensland successfully introduced a 50km/h speed limit in the Southeast Queensland metropolitan area on all local streets. In NSW, a 50km/h speed limit has been applied to local streets across over 30 Local Governments and Victoria has also applied 50km/h speed limits to various local streets over 30 precinct areas.

It is important to understand that the proposed reduced general urban speed limit relates to local roads only, that is, generally roads that provide direct access to residential premises. With this in mind, some roads such as West Coast Drive would be likely to remain at 60km/h.

With the implementation of the new Australian Road Rules into WA's Road Traffic Code there will be scope for the application of various area-wide speed limits onto our roads. Existing legislation only provides for the provision of 40km/h speed limits on a precinct basis provided the precinct meets the strict selection criteria provided by Main Roads WA.

Notwithstanding, the implementation of reduced speed zoning in urban areas would require either:

- OPTION 1 - A statewide reduction to urban speed limits from 60km/h to 50km/h, or
- OPTION 2 - Implementation of individual Local Government area reduced urban speed limits, or
- OPTION 3 - Application of reduced urban speed limits to specific streets within Local Government areas or designated precincts.

Reduced speed zones or precincts could be on an individual local government area basis or in the case of large urban areas, such as the Perth Metropolitan area or regional towns or the entire area could be established as reduced urban speed zone for local streets, as per the Queensland example.

Whilst the new Road Traffic Code will provide the mechanism to introduce individual area-wide speed limits it is important to provide consistently signed speed environments to limit confusion and achieve a satisfactory level of compliance.

Similarly, the physical environment and operating characteristics of a roadway must be supportive of posted speed limits in order to achieve driver compliance. The proposed reduction of urban speed limits will also be important to ensure that speed zoning of major traffic routes is reassessed in order to provide consistency in road network planning and speed zoning. This is in keeping with Main Roads WA current approach to consistently speed zoning similar environment roads to encourage greater driver compliance with sign posted limits.

The implications of adopting a precinct based system, similar to that of the existing 40km/h method are many. For Joondalup in particular, the additional cost burden brought on by the requirement to traffic treat all local roads to achieve the necessary operating speed of 50km/h to satisfy the criteria would be significant.

The existing criteria for the implementation of 40km/h precincts can be best described as confusing to say the least. However, it essentially states that a road must have an operational speed (85th percentile) of around 40km/h before special zoning can be considered. While many roads throughout the City achieve low operating speeds by way of design standards, it is considered that no precinct area will successfully meet the criteria to achieve 40km/h speed zoning without the installation of additional traffic calming devices.

Notwithstanding this, in terms of costs alone, to meet these criteria the City may be expected to treat the majority of roads throughout the municipality. Based on previous experiences, community expectation on the City to facilitate 50km/h speed limits through traffic management may be high to say the least. This may conservatively double the current planned expenditure for traffic management (currently focused on 10m wide roads) which is currently around \$5m over 5years. Clearly this may be unsustainable without generation of additional funding by way a levy to all ratepayers.

The implementation of precinct based 50km/h speed zones would also require installation of additional regulatory speed zone signs.

Preliminary cost estimates (MRWA) for signs associated with the precinct based options, indicate that the introduction of numerous small speed zones would cost approximately double what that of introducing larger scale reduced speed zones throughout the entire metropolitan area. Regulatory signs on local roads are currently funded from the 25% Local Government component of State Road Funds and it is not proposed that individual Local Governments provide additional funding toward the implementation of reduced speed zones. The requirement for additional regulatory signs may add to problems associated with existing signage such as reduced visual amenity ('forests' of signs) and increased vandalism of signs.

COMMENT/FUNDING

Fundamentally there are two issues to be considered. Should the City support a continuation of the current system whereby 50km/h (or 40km/h) speed zones can be implemented subject to meeting the Main Roads WA criteria and face the possible cost burden of traffic treating the majority of local roads or alternatively support implementation of a 50km/h general urban speed limit (GUSL) on all local roads within the metropolitan area.

While it is recommended that the implementation of 50km/h speed zones on local roads be supported, the implications for the introduction of a 50km/h speed limit on a Local Government area or precinct based system within the City of Joondalup are many.

Given the possible cost implications to the City associated with implementation of additional traffic treatments on specific local streets and the additional signage requirement, OPTION 3 is the least favourable option.

Similarly, implementation all local streets within an individual Local Government area, OPTION 2 is not favoured due to the requirement for additional signage and the negative implications associated with this. In addition, if OPTION 2 was adopted driver compliance may be poor due to the possibility of inconsistencies between neighbouring local government areas.

Examples such as the Queensland experience show that implementation of a metropolitan area or statewide 50km/h urban speed limit is the most favourable option not only in terms of cost to each local authority but more importantly in terms of effectiveness as a speed controlling strategy on all local roads.

On this basis, support of the introduction of implementation of a 50km/h urban speed limit on all local streets statewide (OPTION 1) is recommended.

The City has also been requested to comment on its preference for 40km/h rather than 50km/h general urban speed limit. While the lower speed has merit in terms of safety, it is unlikely that a high level of driver compliance would be achieved should a 40km/h GUSL be implemented. In view of this, the IMEA has recommended that the introduction of 40km/h speed limits in specific areas of high pedestrian cyclist activity such as schools hospitals and central business districts only be supported.

On this basis, a 40km/h GUSL is not recommended for support, while it is recommended that the introduction of 40km/h speed limits in specific areas of high pedestrian cyclist activity such as schools hospitals and central business districts only be supported.

The recommended response to the Local Government Survey on the proposed 50km/h urban speed limit questionnaire is shown as Attachment 1 to this report.

OFFICER'S RECOMMENDATION: That Council:

- 1 SUPPORTS, in principle, implementation of a 50km/h general urban speed limit on all local roads within the metropolitan area;
- 2 SUBMITS the response to the Local Government Survey on the Proposed 50km/h Urban Speed Limit Questionnaire as shown on Attachment 1 to Report CJ067-03/00.

MOVED Cr Carlos, SECONDED Cr Kadak that Council:

- 1 **SUPPORTS, in principle, the implementation of a 50 km/h general urban speed limit on all local roads within the metropolitan area, subject to the implementation of an appropriate comprehensive driver education and enforcement campaign undertaken by the State Government;**

- 2 SUBMITS the response to the Local Government Survey on the Proposed 50km/h Urban Speed Limit Questionnaire as shown on Attachment 1 to Report CJ067-03/00.**

The Motion was Put and

CARRIED

Appendix 6 refers – Click here: [Attach6mins280300.pdf](#)

**CJ068-03/00 PROPOSED TOILET CHANGEROOMS - LOT 7 (125)
OCEANSIDE PROMENADE, MULLALOO - [01153J,
36362J, 37362J]**

WARD - Whitfords

SUMMARY

Report CJ106-04/99 examined the construction of beachside public toilets at two car-parks on Oceanside Promenade, Mullaloo in line with the Foreshore Management Plan. This report further examines the siting and design options, and recommends the placement of pre-fabricated automated self-cleaning toilets at the northern carpark but deferring the southern carpark option until an appraisal of the new automated toilets can be conducted.

BACKGROUND

At their meeting of 13 April 1999, the Joint Commissioners of the City of Joondalup considered a report on the siting, design and public opposition to the placement of beachside public toilets at the carparks on Oceanside Promenade opposite West View Boulevard and between Key West Drive and West View Boulevard, Mullaloo (CJ106-04/99 refers). The Joint Commissioners resolved to:

- 1 “APPROVE the location of the proposed toilet/changeroom at the West View Boulevard and Key West Drive carparks, Mullaloo;” and
- 2 “subject to advice from the Crime Operation Unit of the WA Police Service on the design of the facilities to reduce anti-social behaviour, AUTHORISE the preparation of tender documents and calling of tenders for the works.”

Consultation with Inspector Geoff Maloney, Assistant District Officer of the Joondalup Police District took full account of the public safety concerns raised by the public and reported in CJ106-04/99. In brief, these concerns centered on the probable attraction of anti-social, behaviour to the vicinity of the toilet blocks. Other objections related to the toilets being visible from houses on Oceanside Promenade, interrupting otherwise pristine views. One objection to the siting of the West View Boulevard car park toilet raised the issue that it

would not be visible and would therefore invite trouble, and another suggested self-cleaning facilities similar to those used in inner-Sydney parks

Inspector Maloney advised that visibility is a primary concern in public safety, and suggested that the toilets be located as close to Oceanside Promenade as possible, preferably right on the street. He further advised that it is important that people attempting to use the toilets for sexual misbehaviour should be visible having to leave their cars and walk a significant distance in full view, not being able to duck in from an adjacent car parking bay. On the design, he recommended that the space inside the toilets should be small enough to make dual occupancy impossible. This included the removal of shower and changing facilities, opting instead for external showers and no changing facilities. He further noted that if possible, the disabled toilet should be done away with as the space must of necessity be large enough for multiple occupancy.

DETAILS

While Inspector Maloney's comments were being considered and some re-design work was being undertaken, a Victorian firm, WC Convenience Management Pty Ltd, contacted the City to view their product, the *EXELoo*TM automated public toilet at the Public Works Expo held in August 1999. At the time of writing report CJ106-04/99, the only automated self-cleaning public toilets available in Australia were of European manufacture, were very expensive and had inordinate lead times. The *EXELoo* range of products are assembled in Victoria under licence from the New Zealand manufacturer, being suitably priced and containing many features to discourage anti-social behaviour.

Of major importance is *EXELoo*'s compliance with AS1428.1 *Design for access and mobility: General requirements for access – Buildings*, being the statutory access requirements for public buildings. It should be noted, however, that the City of Joondalup's requirements generally are to AS1428.2 *Design for access and mobility: Enhanced and additional requirements – Buildings and facilities*. AS1428.1 caters to the 80th percentile of people with disabilities, while AS1428.2 extends to the 90th percentile. In relation to these toilets, this compliance with the lesser standard's only impact would be a slightly smaller compartment. Refer to Attachment 1 for a plan of the *EXELoo* toilet. Until such time as board walks are provided to the water's edge for wheelchair access to the sea, the smaller compartment is unlikely to cause any difficulty for beach users.

As noted above, the provision of large spaces is seen as an invitation to anti-social behaviour. To counter this, *EXELoo* has an automatic door activated by push button. It times how long people occupy the cubicle. After a pre-set time, a recorded message advises the occupant that their time has expired and asks them to leave. If they don't, after a further period the message is repeated. After a third period the door opens automatically and a very loud alarm sounds to draw attention to the facility. Experience in the Eastern States has shown that anti-social behaviour is reduced.

EXELoo is equipped and programmed to wash itself down three times a day and dry itself before it is re-opened to the public. Units can also be fitted with baby change tables and/or

sharps disposal units as optional extras. WC Convenience Management Pty Ltd through its WA agent offers a maintenance contract on the installations. There are over 300 *EXELoo* installations in Australia, some being in the City of Stirling.

Revised siting proposals are shown on Attachment 2. The location of the northern Key West toilet shown on Attachment 2 page 1 has not changed. While there is a temptation to site the toilet near the Oceanside Promenade boundary, probable resident's objections and likely interference with the limestone pinnacles in the area combine with the visibility of the site from Oceanside Promenade houses to recommend no change.

The West View Boulevard toilet, however, was proposed at the bottom of a bank making it almost invisible from the road. It is therefore proposed to fill an area adjacent to the shoulder of the car park access road, and locate the toilet directly opposite the entrance of the car park. This would then satisfy all concerns over anti-social behaviour. The additional fill would be in an area already considerably disturbed and would therefore be acceptable under environmental planning guidelines.

As the proposal is to replace three pans (two female and one male) and one urinal with *EXELoo* toilets, it is necessary to provide at least two unisex pans. To maintain compliance with AS1428.1, this means two complete toilet installations per site, rather than one single compliant toilet and one double pan toilet. This latter configuration does not comply with AS1428.1 for either wheelchair or ambulatory disabled, and the code requires that a second pan in any installation be suitable for ambulatory disabled with the third pan being non-compliant.

As this installation will be the first automated self-cleaning toilet in the City of Joondalup, and because the northern end of Mullaloo Beach is without toilet facilities, it is suggested that only the installation at the northern Key West Drive carpark (the cheaper of the two options, see below) be constructed at this time, but that pending a favorable review of the toilets' operation, the West View Boulevard carpark site be developed. The *EXELoo* toilets can count the number of people using the toilet. This tool will provide valuable information on usage for planning future requirements.

COMMENT/FUNDING

It is proposed to tender a contract for the supply and placement on site of the complete toilets at the same time as tendering a "head" contract for the total project, and to novate the supply contract as a nominated sub-contract to the head contract after acceptance of the two contracts by Council. Tender documents will be structured accordingly to allow for the novation.

Funding and anticipated expenditure for the two projects is as follows:

Project 4001 Key West Mullaloo toilets;

Budget		\$119,520.00
Supply of 2 <i>EXELoo</i> toilets	\$107,600.00	
2no sharps disposal units @ \$350 ea.	\$ 700.00	
Earthworks	\$ 1,000.00	
Paving	\$ 2,500.00	
Electrical connection	\$ 3,500.00	
External showers and sewer connection	<u>\$ 10,000.00</u>	
Construction sub-total carried forward		\$125,300.00
Consultant's Fees	\$ 3,000.00	
Advertising <i>etc.</i>	\$ 720.00	
Building Licence <i>etc.</i>	<u>\$ 500.00</u>	
Administration sub-total		<u>\$ 4,220.00</u>
Anticipated Total Project Expenditure		<u>\$129,520.00</u>
Position against budget		<u>(\$ 10,000.00)</u>

An additional \$10,000 has been requested for re-allocation from the budget control account in the Half Year Budget Review to cover the shortfall.

Project 4002 West View Mullaloo toilets;

Budget		\$119,520.00
Supply of 2 <i>EXELoo</i> toilets	\$107,600.00	
2no sharps disposal units @ \$350 ea.	\$ 700.00	
Earthworks	\$ 2,000.00	
Paving	\$ 2,500.00	
Electrical connection	\$ 3,500.00	
External showers and sewer connection	<u>\$ 28,620.00</u>	
Construction sub-total		\$144,920.00
Consultant's Fees	\$ 3,280.00	
Advertising <i>etc.</i>	\$ 720.00	
Building Licence <i>etc.</i>	<u>\$ 600.00</u>	
Administration sub-total		<u>\$ 4,600.00</u>
Anticipated Total Project Expenditure		<u>\$149,520.00</u>
Position against budget		<u>(\$ 30,000.00)</u>

An additional \$30,000 has been requested for re-allocation from the budget control account in the Half Year Budget Review to cover the shortfall.

At the Council meeting held on 14 March 2000, it was resolved that “*consideration of proposed toilet changerooms Lot 7 (125) Oceanside Promenade, Mullaloo be deferred to the next Council meeting scheduled to be held on 28 March 2000 pending review of the costs*”

associated with this proposal and to allow elected members the opportunity of a site visit to an existing facility.

To assist consideration of this item, supplementary information has been provided at Attachment 3.

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the revised siting of the proposed toilets at the West View Boulevard car park;
- 2 AUTHORISES the preparation of tender documents and the calling of tenders for the supply self-cleaning automated toilets at the Key West Drive carpark, Mullaloo;
- 3 REQUESTS that a report on the operation of the automated self-cleaning toilets is submitted for consideration after the toilets have been operational for 12 months, the report containing an assessment of the need for a further toilet installation at the West View Boulevard carpark.

Cr Patterson left the Chamber at this point, the time being 2041 hrs and returned at 2043 hrs.

Cr Nixon left the Chamber at this point, the time being 2042 hrs and returned 2044 hrs.

MOVED Cr Hollywood that an additional Point 4 be added to the recommendation as follows:

- “4 the sum of \$3,000 be allocated for an architect to look at a design for a toilet facility and report within one month with a plan and estimated cost of this new facility.”

Discussion ensued.

There being no SECONDER, the Motion

LAPSED

MOVED Cr Hurst, SECONDED Cr Mackintosh that Council:

- 1 **APPROVES the revised siting of the proposed toilets at the West View Boulevard car park;**
- 2 **AUTHORISES the preparation of tender documents and the calling of tenders for the supply self-cleaning automated toilets at the Key West Drive carpark, Mullaloo;**
- 3 **REQUESTS that a report on the operation of the automated self-cleaning toilets is submitted for consideration after the toilets have been operational for 12 months, the report containing an assessment of the need for a further toilet installation at the West View Boulevard carpark.**

Discussion ensued. Cr Mackintosh spoke in support of the motion.

The Motion was Put and

CARRIED

CJ069-03/00 REGIONAL WASTE MANAGEMENT OF GREENWASTE - [36958J]

WARD - All

SUMMARY

The Joint Commissioners agreed in principle to enter into discussions with a view to gaining greater efficiencies through a regional strategy for greenwaste processing and collection at 26 October 1999 meeting, report CJ372-10/99.

The Mindarie Regional Council (MRC) has completed a tender exercise for the receipt and assessment of tenders associated with the regional management of greenwaste. This assessment has identified a preferred tenderer, namely, Grassgrowers on the basis of demonstrated value for money at \$18.75 per tonne subject to Member Council's participation.

The MRC has requested a decision of the Council with respect to participating in the regional greenwaste facility at Badgerup for a three year period.

Council has service level agreements with COW for a period of 5 years from 1 July 1999. The proposal impacts on the bulk refuse – mulching of greenwaste at a cost of \$30 per tonne. COW has indicated that the diversion of this stream will result in the under utilisation of the mulching equipment and there will be a charge of \$6.75 per tonne to compensate. After this addition to the tender price this will still result in a cost savings to Council in the order of \$12 150 per year.

Operation Services also has a quantity of greenwaste generated from their parks and reserves and have indicated the proposal is acceptable.

The tender prices have shown there are efficiencies to be gained even with the cost imposed by COW for the under utilisation of the equipment.

In the event a mulching operation is established at the proposed Beenyup depot, Council will have the option to follow this path at the end of the term of the Service Level Agreement, 5 years as from the 1 July 1999.

BACKGROUND

A major study was commissioned by the MRC for the development of options for a Regional Waste Management Strategy in 1999. One of the recommendations from the report was to establish a co-ordinative approach to greenwaste treatment within the region, through the establishment of a greenwaste treatment facility at either Tamala Park or elsewhere, in conjunction with members of the Regional Council. At the October meeting in 1999 the Joint Commissioners accepted the report and agreed in principle to enter into discussions with a view to gaining greater efficiencies through a regional strategy for greenwaste processing and collection

DETAILS

The MRC approved the invitation of tenders for greenwaste management services from Amazon Soils and Landscaping Supplies and Grassgrowers on 9 December 1999, the tenders closed on 21 January 2000.

A comparative analysis shows that both tenderers provided a plan which utilises the available land at Badgerup Road, Wangara, contains flexibility in terms of tonnages able to be processed, and demonstrates a value added approach to the material. Both tenderers have also provided an alternative method of quantification of waste received i.e. the use of volume measurement and conversion factors. This approach is considered more workable than the reliance upon a range of individual truck drivers to operate the weighbridge electronic facility satisfactorily.

The comparison of prices associated with each tenderer can be demonstrated in tabular form as follows:

Tonnes	Grassgrowers	Amazon
5,000 to 10,000	\$21.00	\$45.00
5,000 to 20,000	\$18.75	\$39.00
5,000 to 32,000	\$16.00	\$36.00

The deduction from this comparative analysis is that Grassgrowers is able to demonstrate a compliance with the MRC specification at a cost which is significantly less than Amazon. In short, Grassgrowers have offered better value for money, within the context of the tender document.

Council has 2500 to 3000 tonnes per annum from the bulk refuse collection and greenwaste from parks and reserves, a conservative estimate on savings is approximately \$12,150. The MRC recommended that the Grassgrowers tender be accepted, subject to confirmation by Member Councils of participation in this project, in order to confirm the tonnages of waste for processing.

The COW has indicated the site is available and is willing to offer a lease to Grassgrowers and is within the estimated price the tender document was based on.

Council is also in need of securing a site for processing its parks and reserves wastes. The current site, the old quarry site off Joondalup Drive, is less than desirable for access and has other ongoing issues with residents, this proposal offers security of tenure for this operation.

COMMENT

The MRC has completed a tender exercise for the receipt and assessment of tenders associated with the regional management of greenwaste. This assessment has identified a preferred tenderer, namely, Grassgrowers on the basis of demonstrated value for money.

Council has a bulk service level agreement with the COW for processing of greenwaste for \$30 per tonne. An annual tender arrangement also exists with Grassgrowers for the intermittent mulching of greenwaste generated from inhouse landscaping maintenance operations to a similar price as the regional tender.

There is also a service level agreement for operating the Badgerup site for week end greenwaste tippers, the two Councils share the operational costs for this site.

The service agreement binds Joondalup for the term of the five year agreement to using COW's Badgerup Facility at the contract tipping rate but this can be changed by mutual agreement.

The spirit of the service agreements would suggest that the two councils co-operate to maximise joint benefits. Indications from COW suggests they intend to offer Council the opportunity to have its bulk greens processed at the regional facility. However, diverting all or most of COW's and Council's bulk greens to the regional facility would significantly reduce the utilisation of the greens shredder and loader reducing the capital recovery and contribution to operating overheads from these items. The equipment will still be needed to service the weekend greenwaste tippers and also provides a contingency (or insurance) if the contractor cannot continue considering the low prices quoted.

It appears that COW will offer a reduced tipping fee that includes an amount to balance the costs from the reduced volume of greens being processed. The cost to COW is estimated at \$6.75 per tonne. Council's current tonnage is 2700 at the agreement rate of \$30 is \$81 000. The preferred tenderers price, for estimated tonnages for the region, is \$18.75 plus the \$6.75 COW's charge (\$25.5 per tonne) is \$68 850, resulting in a saving to Council of \$12 150.

Operations Services will need access to mulched material and in the negotiation stage with the tenderer it may be possible to attain the product at an agreed price.

The tender presents to Council an opportunity to gain efficiencies in the processing of greenwaste and a home for Operations Services greenwaste generated from parks and reserves.

In the long term, Council may wish to pursue an option of chipping greenwaste at the proposed depot, Beenyup. The regional proposal commits Council for three years. The service level agreement requires the service provider to take the greenwaste to the Badgerup site for a five year term, as from 1 July 1999. Council will have the option to review the agreement in light of a site being established at Beenyup after this period.

MOVED Cr Walker; SECONDED Cr Nixon that Council AGREES to the Regional Greenwaste Facility subject to efficiencies being achieved in excess of the service level agreement arrangements.

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT

CJ070-03/00 USE OF RESIDENTIAL PROPERTY AS MOTOR REPAIR STATION IN BREACH OF THE CITY'S TOWN PLANNING SCHEME NO 1: LOT 460 (2) DUMONT COURT, KINGSLEY - [07142]

WARD - South Ward

SUMMARY

The City began receiving complaints concerning the owners using a tin shed on the above property for vehicle repairs in March 1997.

The owners, Mr & Mrs Gullotti, have been requested not to use the lot as a Motor Repair Station in breach of the City's Town Planning Scheme No 1. The property has been visited on numerous occasions.

On 8 March 2000 the property was visited again. Two officers established that a breach of the City's Town Planning Scheme No 1 was taking place.

It is recommended that Council initiates legal action against the owners for use of the property as a Motor Repair Station in breach of the City's Town Planning Scheme No 1.

BACKGROUND

Lot 460 (2) Dumont Court, Kingsley is zoned Residential Development (R20) within the City of Joondalup Town Planning Scheme No 1 (TPS1). The property is 691 m² in area, containing

a single dwelling and shed. The shed on the property is being used to repair motor vehicles belonging to the owners and others in breach of the City's Town Planning Scheme No 1.

DETAILS

Intermittent complaints about the use of the site began in March 1997. The City has received complaints concerning noise associated with vehicle repairs being carried out in a shed on the property. Numerous inspections revealed several vehicles, not belonging to the owners, were being stored on the property. Each time the attending officer was advised that the vehicles on the property were being stored for friends and that no repairs were being carried out. The complainants were adamant, however, that the vehicles were being worked on with engines being tuned. Race cars have been brought to the Gullotti's residence with engines run loudly, creating further noise problems for neighbours.

The City's officers have been called to investigate vehicle repairs within the shed after hours and during weekends during the last three years.

On 8 March 2000 the City received a further complaint of noise and vehicle repairs being carried out in a shed. The City's Liaison Officer visited the property and spoke to a man engaged in working on a car. He advised that the owner had let him use the shed to work on his own vehicle.

On a second visit that day, it was again established that the shed on the property was being used for vehicle repairs in breach of TPS1. Two men were working on the differential of a vehicle, while the owner of the property, Mr Gullotti, was looking on.

The City's Town Planning Scheme No 1 refers to a Motor Repair Station – (A159-23.5.1980) *-means land and buildings used for or in connection with mechanical repairs and overhauls including tyre recapping and retreading. It does not involve any of the functions defined under Smash Repair Stations.*

Smash Repair Stations are a prohibited land use within a Residential Zone as described by TPS1.

COMMENT

The owners of the property have been repeatedly asked not to use the shed on the property for vehicle repairs in breach of the City's Town Planning Scheme No 1. The requests, both written and verbal, have not been acted upon. Generally, it is the City's intention to resolve such issues without the need to resort to legal action. In this case, it is recommended that Council initiates legal action against Mr & Mrs Gullotti for breach of Town Planning Scheme No 1.

MOVED Cr Ewen-Chappell, SECONDED Cr Hurst that Council ADVISES the owners of Lot 460 (2) Dumont Court, Kingsley, Mr Mauro and Mrs Cathy Gullotti that:

- 1 use of the shed on the property as a Motor Repair Station on 8 March 2000 is in breach of the City of Joondalup Town Planning Scheme No 1.**
- 2 Council intends to initiate legal action against them for breach of its Town Planning Scheme No 1;**
- 3 should the motor vehicle repair activity recommence in future, that legal action may be initiated by the Director Planning and Development with no further prior notice to the owners of the property.**

The Motion was Put and

CARRIED

**CJ071-03/00 SUBDIVISION REFERRALS PROCESSED 24
JANUARY - 29 FEBRUARY 2000 – [05961]**

WARD - All

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 24 January 1999 to 29 February 2000. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98). The Chief Executive Officer subsequently delegated to the Manager, Urban Design and Policy Services, the authority to deal with these applications.

DETAILS

The total number of subdivisions processed will enable the potential creation of 8 residential lots, and 6 strata lots. The average processing time taken was 20 days.

MOVED Cr Kenworthy, SECONDED Cr Mackintosh that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ071-03/00.

The Motion was Put and

CARRIED

Appendix 7 refers - Click here: [Attach7mins280300.pdf](#)

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 11 APRIL 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 2050 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
A W WIGHT, JP
A L PATTERSON
G KENWORTHY
J A HURST
C MACKINTOSH