



MINUTES OF COUNCIL MEETING
HELD ON 13 FEBRUARY 2001

INDEX

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	APOLOGIES AND LEAVE OF ABSENCE	2
	REQUEST FOR SECOND PUBLIC QUESTION TIME	2
	PUBLIC QUESTION TIME	3
	DECLARATIONS OF FINANCIAL\NON FINANCIAL INTEREST	16
C01-02/01	CONFIRMATION OF MINUTES MINUTES OF COUNCIL MEETING HELD ON 19 DECEMBER 2000	16
	ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION	17
C02-02/01	PETITIONS	19
	POLICY	
CJ001 - 02/01	REVIEW OF POLICY AND DELEGATED AUTHORITY MANUALS - [07032] [26176] [13399].....	21
CJ002 - 02/01	ONLINE SERVICES POLICY - [47938].....	29
CJ003 - 02/01	PROPOSED POLICY – PEDESTRIAN ACCESSWAYS - [57155].....	36
	FINANCE AND COMMUNITY DEVELOPMENT	
CJ004 - 02/01	ANNUAL GENERAL MEETING OF ELECTORS - [55264].....	41
CJ005 - 02/01	OCEAN REEF BOAT LAUNCHING FACILITY – REPORT ON APPLICABILITY OF SECTION 3.59 TO VESTING ARRANGEMENTS - [04171].....	56

CJ006 - 02/01	YELLAGONGA REGIONAL PARK DRAFT MANAGEMENT PLAN, REVIEW OF PUBLIC SUBMISSIONS - [03370].....	58
CJ007 - 02/01	WARRANT OF PAYMENTS FOR THE PERIOD ENDING 31 DECEMBER 2000 - [09882].....	64
CJ008 - 02/01	FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2000 - [07882]	66
CJ009 - 02/01	PLANT TENDER 034-00/01 - PURCHASE OF SIX 2WD RIDE ON MOWERS AND DISPOSAL OF FOUR 2WD RIDE ON MOWERS - [52152].....	67
CJ010 - 02/01	MINUTES OF JOONDALUP YOUTH ADVISORY COUNCILS MEETINGS – DECEMBER 2000 AND JANUARY 2001 - [45637] [57199].....	71
CJ011 - 02/01	MINUTES JOONDALUP FESTIVAL AND SUMMER EVENTS COMMITTEE - [50027] [12169].....	72
CJ012 - 02/01	MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 20 DECEMBER 2000 - [00906].....	73
CJ013 - 02/01	MINUTES OF THE CONNOLLY COMMUNITY FACILITY COMMITTEE MEETING - [25066].....	74
CJ014 - 02/01	NOMINATIONS TO THE INTERIM BOARD OF THE NEW COMMUNITY BASED ORGANISATION - [40958].....	76
CJ015 - 02/01	VETERANS' HOME CARE SERVICE AGREEMENT - [54017].....	78
CJ016 - 02/01	YOUTH ADVISORY COUNCIL ACTION PLAN 2001 - [57199]	81
	INFRASTRUCTURE MANAGEMENT	
CJ017 - 02/01	'ROADS TO RECOVERY' PROGRAM – FUNDING - [09480].....	84
CJ018 - 02/01	TENDER NO 032- 00/01 - SUPPLY OF GRAFFITI CONTROL SERVICES & COATINGS TO THE CITY'S INFRASTRUCTURE - [52151]	89
CJ019 - 02/01	PETITION - VERGE TREE 142 WATERFORD DRIVE HILLARYS - [08429]	92
	PLANNING AND DEVELOPMENT	
CJ020 - 02/01	NEW URBANISM CONGRESS RMIT UNIVERSITY, MELBOURNE - [09557].....	95
CJ021 - 02/01	PRECINCT PLANNING PROCESS REVIEW - [46597].....	97
CJ022 - 02/01	CLOSE OF ADVERTISING - CAMPUS DISTRICT STRUCTURE PLAN - [52070].....	106
CJ023 - 02/01	PROPOSED 30 METRE HIGH MOBILE PHONE MONOPOLE BEENYUP WATER TREATMENT PLANT: LOT 920 OCEAN REEF ROAD, CRAIGIE - [07092]	110
CJ024 - 02/01	PROPOSED AMENDMENT (NO. 1) TO DISTRICT PLANNING SCHEME NO. 2 – LOT 3 (5) TRAPPERS DRIVE, WOODVALE - [55070]	113
CJ025 - 02/01	TENDER NUMBER 035–00/01 PROVISION OF MICROFICHE COPYING SERVICES - [53152].....	121
CJ026 - 02/01	CHANGE OF USE - VEHICLE REPAIRS AT LOT 9 (33) WINTON ROAD, JOONDALUP - [41713].....	125

CJ027 - 02/01	REQUEST TO PURCHASE PORTION OF TRAILWOOD DRIVE, WOODVALE -[18715] [09618].....	131
CJ028 - 02/01	CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN WARWICK ROAD AND BEGONIA STREET, DUNCRAIG - [43637]	134
CJ029 - 02/01	DELEGATED AUTHORITY REPORT - [07032].....	142
	REPORT OF THE CHIEF EXECUTIVE	142
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	142
	DATE OF NEXT MEETING	142
	CLOSURE	143

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 13 FEBRUARY 2001

OPEN AND WELCOME

The Mayor declared the meeting open at 1908 hrs.

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

CR P KADAK	Lakeside Ward	<i>Absent from 2054 to 2055 hrs</i>
Cr L A EWEN-CHAPPELL	Lakeside Ward	
Cr D S CARLOS	Marina Ward	<i>Absent from 2144 to 2145 hrs</i>
Cr S P MAGYAR	Marina Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2206 to 2207 hrs</i>
Cr A A WALKER	Pinnaroo Ward	<i>Absent from 2055 to 2057 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>Absent from 2035 to 2037 hrs</i>
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>to 2205 hrs; absent from 2155 to 2158 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2158 to 2200 hrs</i>
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	L O DELAHAUNTY	
Director, Planning & Development:	C HIGHAM	
Director, Infrastructure Management:	D DJULBIC	
Director, Community Development:	C HALL	<i>Absent from 2034 to 2037 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	
Acting Manager, Executive Services:	P McQUE	
Manager, Council Support Services:	M SMITH	
Manager, Corporate Finance:	A SCOTT	
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

In Attendance

Supt I G Calderwood, APM - Joondalup District Police Office *To 2104 hrs*

The Mayor welcomed Superintendent Ian Calderwood, of the Joondalup District Police Office as tonight's invited guest.

Superintendent Calderwood expressed his thanks for being invited to attend this evening's meeting. Superintendent Calderwood advised he commenced his position in the Joondalup District in November 2000 and stated he had resided in the district for the past 14 years. His role, handed to him by Commissioner Barry Matthews, is to continue the good work undertaken by his predecessor, Darryl Lockhart. Superintendent Calderwood believed that it was important that the police work closely with the local governments and all civilian entities, and stated he looked forward to a close working relationship with the City of Joondalup.

APOLOGIES AND LEAVE OF ABSENCE

There were 32 members of the Public and 2 members of the Press in attendance.

REQUEST FOR SECOND PUBLIC QUESTION TIME

Cr Magyar called a point of order in that Clause 2.4 of the City's Standing Orders Local Law states that a further 15-minute segment of public question time is allowed at the end of each Council meeting, and asked for confirmation that this public question time will be allowed at the end of this meeting.

MOVED Cr Magyar SECONDED Cr Hollywood that, in accordance with Clause 2.4 of Standing Orders Local Law, an additional segment of 15-minutes public question time be held at the end of this meeting to allow the public to ask questions on the items on the agenda.

Discussion ensued in relation to the relevant clauses of the City's Standing Orders Local Law.

The Motion was Put and

LOST

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

In favour of the Motion: Crs Kadak, Walker, Hollywood, Magyar, Carlos and Mackintosh.

Against the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson, Wight, Barnett, Ewen-Chappell and Rowlands.

Mayor Bombak requested the Chief Executive Officer to comment on Clauses 2.4 and 3.2 of Standing Orders Local Law. The Chief Executive Officer referred to the legal

opinion obtained that the Council may, under Clause 3.2, from time to time change the order of business. He stated that the current order of business at Council meetings does not allow for a second public question time, and a motion would be required to include a second public time at a meeting. The Chief Executive Officer stated that the Standing Orders Committee had reviewed the Standing Orders on a number of occasions and would meet again prior to submitting a document to Council for consideration.

MOVED Cr Hollywood that a second public question time be included in the City's Standing Orders Local Law.

Mayor Bombak advised he could not accept this motion.

PUBLIC QUESTION TIME

The following question, submitted by Mr A Bryant of Craigie, was taken on notice at the Annual General Meeting of Electors held on 18 December 2000:

Q1 In Financial statements to the 30 November 2000, Government grants seem to be lagging some \$4.5 million against budget. Are they clamping down on this Council?

A1 This question refers to the financial statements at 30 November 2000 which were presented to 19 December 2000 meeting of Council. The government grants received on a YTD basis of \$3.078m are in line with YTD budget estimates. Compared however with the total annual budgeted estimates for 2000/01 of \$7.6m there is an apparent shortfall of \$4.5m. This represents the government grants to be received from 1 January 2001 to 30 June 2001.

The following questions, submitted by Mr A Bryant of Craigie, were taken on notice at the Meeting of Council held on 19 December 2000:

Q1 Property No 154764 Lot 1 Strata Plan 8750 being 6A Stocker Court Craigie and Property No 154765 Lot 2 Strata Plan 8750 being 6B Stocker Court Craigie

I ask that I be advised of the number of visits, patrols, the times and dates the Security Rangers gave a measurable service to these two properties, since the introduction of this "security" scheme for which I pay \$54 per annum as a levy charge come flat tax?

Since the introduction of the security charge there have been no specific requests or referrals for service received by the City in relation to these properties

A1 Normal patrols of the suburb of Craigie were conducted during the 1999/2000 financial year. A total of 346 different graffiti tags were reported in 59 graffiti reports, 54 field reports of suspicious activities were recorded and a total of 101 requests for service for security related matters were made by the community. In addition, 25 infringements for various matters were issued in this area.

Normal patrols of the suburb of Craigie have also been conducted during the 2000/2001 financial year. A total of 10 different graffiti tags have been reported in 5 graffiti reports, 19 field reports of suspicious activities have been recorded and a total of 40 requests for service for security related matters were made by the community. In addition, 12 infringements for various matters have been issued in this area.

Q2 Regarding floodlighting established in Warrandyte Park Craigie, to assist in sport training. I asked that I be advised of the weekly cost of electricity supplied by the City Council to these high powered luminaries particularly as ratepayers are paying the total cost having cognisance of the fact that they are operative for many hours when there is no one training.

A2 Operational costs are calculated at .20cents per hour per luminaire. Council normally provides two luminaries per pole for sports training.

Warrandyte has six poles and 12 luminaries.

Sports Lighting:

Winter sports commence on the second weekend in March (one month of pre-season training included); and terminates on the last weekend in September, ie:-

28 weeks @ 3 nights per week, 4 hours per night
 12 luminaries @ 4 hours per night = 48 hours
 48 hours per night x 3 nights = 144 hours per week
 one unit of power per light/hour
 144 units per week @ .20 cents = \$28.80 per week during the sports season.

Special Lighting For Security:

Floodlights are operating at various locations due to resident's requests to minimise vandalism, eg. Seacrest, Blackall, Mirror, Warrandyte. This is not an ongoing occurrence, however, security lighting was operating at Warrandyte Park over the two week Christmas/New Year break as follows-

Friday, Saturday & Sunday nights between the hours of 7.30pm – 2.30am.
 6 nights @ 6.5 hours per night
 12 luminaries @ 6.5 hours per night = 78 hours
 78 hours per night x 6 nights = 468 hours
 On Peak Charge – 180 hours per night @ 17.39 cents = \$31.30 per night
 Off Peak Charge – 288 hours per night @ 5.37 cents = \$15.46 per night (Hours 10.00 pm to 8.00 am)

Christmas Period Weekly Cost -	On Peak - \$31.30 x 3 = \$93.90
	Off Peak - \$15.46 x 3 = \$46.38
	Total \$140.28

Apart from the above operating times, the lighting is on to coincide with the requested sports training times at the park.

The following question, submitted by Ms M McDonald of Mullaloo, was taken on notice at the Meeting of Council held on 19 December 2000:

Q1 This evening the Council approved the allowing of dogs to use the dual use path from Hillarys to Ocean Reef. Have Council officers considered whether or not the Council's public liability insurance will cover the City when the bylaw forbids dogs on that path. If there were to be an accident during the trial period, would the Council's public liability cover any action brought against them?

A1 Council's Insurers have advised that the Council's public liability insurance will cover the City during the trial period of dogs being allowed on a lead on the foreshore dual use path.

The following question, submitted by Mr M O'Brien of Warwick, was taken on notice at the Meeting of Council held on 19 December 2000:

Q1 Most of the development in Warwick was about 28 years ago, would there still be records of those funds that were contributed by developers there?

There wouldn't have been any developers funds contributed at that time in fact I would be very surprised.

I can assure you there were developers from 1977 onwards that contributed. Those funds were put into reserve funds.

A1 Council financial records are not retained for that length of time.

At that time prepaid private works for subdivisional footpath construction were paid into the former Shire (and later City) of Wanneroo's Trust Fund and recouped to the Municipal Fund when works were undertaken.

Also, at that time the Council was undertaking works within the Greenwood area through the Town Planning Scheme No. 6 - a resumptive development scheme pursuant to the provisions of the Town Planning & Development Act 1928 (as amended). The subdivisional roads, public open space development and related works in this area were undertaken between 1972 and 1994.

The funds for the works were held in a discreet account "Town Planning Scheme 6" and were used to facilitate proper planning and development of the scheme area in accordance with the scheme text.

The scheme was finalised and wound up in 1994. No funds remain in this account.

There are no funds currently held in Council's Trust Fund for Prepaid Private Works for subdivisional construction. Likewise Council does not currently have Reserve Accounts for this purpose.

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

Q1 When will Council stop misleading its Ratepayers?

For example, all of the recommended responses to the motions passed at the Annual General Meeting appear to be just an attempt to quieten the genuine concerns held by the Ratepayers.

A1 The Council has not mislead the ratepayers in its response to the Annual General Meeting of Electors. All the recommended responses to the 12 motions passed at the Annual General Meeting of Electors have genuinely attempted to address the concerns raised.

The Council offers positive steps to clarify on going issues and is keen to work closer with the community in delivering its service. It hopes that the recommended responses will assist in addressing the concerns raised by Electors at the Annual General Meeting.

Q2 Why were the main reasons, provided by the electors for the motions, not included in the minutes?

A2 The Act requires minutes to include:

- those present;
- movements of those members in and out of the meeting;
- details of each motion moved, the mover and the motions outcome;
- details of each decision made at the meeting;
- summary of each question raised by the member of the public; and
- any disclosure of an interest (financial or other).

The minutes of the general meeting of electors held in December of last year contained such information. It must be appreciated that minutes of the Council are not verbatim in the form of Hansard.

If there are issues you feel have been overlooked, the Council is happy to follow up on these matters when detail is supplied.

Q3 I cannot accept the answer provided to my motion. (No 8) It was carefully worded and in fact I made it clear that it was the precise wording of a letter, sent to me from the Department of Local Government (DLG). The criteria, is even more explicitly stated in the DLG newsletter "Update" of March 1999 p 7.

Furthermore, the latter part of the motion quoted 6.38 (4) directly, which the Council is clearly not meeting, and this view is supported by the DLG. As such I wish to resubmit the entire motion for proper consideration with particular emphasis on the following questions.

A3 The Council considers that the response provided to Motion 8 satisfactorily addresses the imposition of a security charge under the Financial Management Regulations of the Local Government Act 1995.

The CEO today had discussions with the Department of Local Government and was advised that the Department is of the view that the City is complying with Section 6.38 and Regulation 54 of the Local Government Act 1995.

Q3b Can Council provide detailed empirical evidence, which clearly demonstrates how it is meeting the specific criteria referred to above?

A3b The criteria (guidelines) referred to above are:

- the Council must be providing a service; - It is providing a service of property surveillance and security through its Safer Community Programme.
- the service must be provided to the land upon which it is proposed to levy the service charge; - It is providing the service to the land in the district.
- the cost of the service delivery to that land must be measurable ; - The total cost of the security service provided is calculated at \$2,003,289. Details of the allocation of expenditure and funding are outlined on pages 22 and 23 respectively of the City's 2000/2001 Budget.
- the service charge imposed must relate to the cost of service delivery. - The program will be funded by Government Grants of \$194,644, transfer of unexpended funds of \$320,864 and \$1,487,781 raised through the property surveillance and security charge.

When an interpretation as would be expected in the other categories listed in Regulation 54, ie Bushfire service, is applied, it is considered Council meets all the criteria.

Q3c Can Council please explain how on the one hand, it repeatedly states that it is meeting the requirements and conditions contained in S 6.38 while on the other, its submission to the Minister, DLG and WAMA seeks support for "broadening the powers of the Local Government Act 1995 in relation to the expenditure of funds raised from Services Charges"?

A3c Based on its interpretation, the City meets the requirements of Section 6.38. The City considers that the interpretation of Section 6.38 and Regulation 54 should be consistent to all categories listed under Regulation 54. The interpretation of the legislation has not been consistently applied and this has caused confusion in the industry.

Council has sought a broad interpretation and definition to clarify the legislation and prevent the confusion that has arisen.

Q3d Can Council also explain its admission contained in the submission that it is not meeting the requirements of the original intent of the legislation, as detailed in the criteria noted above and listed in the submission on page 3?

A3d The City’s submission to the Department of Local Government does not state that it is not meeting the requirements of the legislation. The City has indicated in the absence of a definition by the Department of Local Government and in applying its broad interpretation to Regulation 54 (d) “property surveillance and security”, it satisfies the requirements of the Act.

Q4 Council would be aware that the amendment now labelled 54 (d) was included following the request by the City of Swan for “security services” to the suburb of Ellenbrook. As already stated the DLG applied the specific criteria, which it viewed could be met by the City of Swan. The DLG is already on public record as stating that property services should principally be derived from general rates.

- *Is it not time for the Council to come clean and admit that it got it wrong and should not have chosen S 6.38 as this was, never intended to apply to such a large area as the entire City of Joondalup?*

A4 It is not known from where the City of Swan example was sourced.

Section 6.38 (1) of the Act “Service Charges” reads in part as follows:

“A local government may impose on – (a) owners; or (b) occupiers, of land within the district or a defined part of the district.....”

From the above extract, it is clear that a Service Charge may be imposed by a local government to all or part of its district. The current application by Council is correct and is supported in practice by other councils such as Stirling, Wanneroo and Melville.

Q5 Does Council stand by the comments attributed to the CEO in The West Australian 20 December, 2000 p 34 that commercial properties spend big amounts of money on private security and alarms?

- *If so, why should this consideration only apply to commercial properties and not to ordinary ratepayers who have also spent large amounts on security systems and alarms or indeed pensioners who may be less able to pay?*

- A5 The Council accepts that the comments of the CEO reported in The West Australian on 20 December 2000, were part of the statement made by the CEO on this matter. The CEO advised that commercial properties such as the Whitfords City Shopping Centre would contribute approximately \$51,797 if the cost of the service was raised through general rates. This would equate to a large cost subsidy of providing the service without the equivalent service provision. In addition to security systems and alarms, Whitfords City shopping Centre already employed security guards and would not receive a greater service than other property owners.

The following questions were submitted by Mr V Parin:

- Q1 Why have the officers failed to inform Councillors of the report by FM McGrath dated 17 April 1998 in Report CJ144-06/00?*
- A1 The Councillors were informed of the report by FM McGrath dated 17 April 1998 in the report to Council dated June 2000. The report CJ144-06/00 contains a background section summarising the events that had transpired to that time. The background section refers to the McGrath report in the following terms:
- “17/4/98 Independent report found for departures from the approved plans. The most serious departure found related to the lack of a balcony wall which was intended to prevent access to a tiled roof area, thereby causing a major overlooking problem. The report omitted any mention of the handrails in question, but did allude to other minor unauthorised work.”
- Q2 Whilst the report itself said the document was very sensitive, why was it placed on the Website?*
- A2 The reference to “sensitivity” was particularly aimed at the possible impact of the issues discussed in the report, on the impending court proceedings, and the possible prejudicing of the options to be put to the Council. After the briefing session, the document was intended to be included in the agenda for the 13 June 2000 meeting. The retention of the paragraph referring to the advice in the report as “sensitive” was intended to be deleted. The failure to do so was an administrative oversight.
- Q3 Why did Council choose to ignore our legal advice as per our request to remove it from the Website?*
- A3 Most of the Councillors, as at June 2000, had very little knowledge of the complex set of circumstances associated with the prosecution in respect of the handrail on the house at Lot 560 Manakoora Rise. The report was intended as an account of the case which was sufficient to enable the Council to consider the available options to deal with the case. As a report to Council it was, as a matter of course, included in the agenda for the 13 June 2000 meeting.

Section 5.94 of the Local Government Act 1995 allows any person the right of access to notice papers and agendas and reports produced for and presented at a meeting. As part of its commitment to open government and customer service, the Council has adopted a practice of placing all those public documents on the Website, and the placing of the report in the present case on the Website occurred in those circumstances.

Q4 What are the legal costs of this action including our defence costs?

A4 The City's legal costs of the action to the time of the Court's decision were \$6,135. The Defendant's legal costs are not known. It is likely that the Magistrate will order the City to pay some part of the defence costs, which is likely to be based on the scale in the Official Prosecutions (Defendants' Costs) Act, and that amount is not known.

Q5 Is this a cost to ratepayers or will Council be claiming for professional negligence?

A5 In a Court of Petty Sessions all elements of a prosecution need to be proved beyond reasonable doubt. Failure to prove any fact to that high standard does not justify a conclusion that the fact would not be established on the balance of probabilities in a civil action. Nor does it justify the conclusion that there is any negligence in undertaking the prosecution. The defendant in a prosecution does not need to disclose any part of its evidence or arguments until the prosecution has concluded its evidence. The Council and its representatives cannot know the full strength of a Defendant's case until the evidence and arguments are concluded.

The Magistrate's decision was made after he had heard the defence evidence and arguments. There was sufficient doubt and complexity in the case for the Magistrate to take approximately six months to make his decision, which was based very much on the evidence given before him, and significantly the defence evidence. Further, considering that the Minister for Local Government had dismissed the defendant's appeal to him against the notice, which was fundamental to the prosecution, and fundamental to the Magistrate's decision, there can be no question of negligence. If there was to be a finding of negligence every time a Council prosecution fails, the impact on the administration of local government laws would be profound.

In the circumstances, the legal costs of the prosecution will be a cost to ratepayers.

Q6 Why did the Mayor display a degree of arrogance in my questions by not allowing us to fully submit my questions?

- A6 It is considered that the Mayor was firm, but it is denied that he displayed any arrogance. The subject matter of the questions was understood by the Mayor to relate to judicial proceedings pending in the Court of Petty Sessions. The subjudice rule limits comment and disclosure relating to judicial proceedings, in order not to prejudice the issue or influence the Court. The proceedings before the Council are generally public and subject to reporting in the media, and concern for the subjudice rule was a necessary precaution.
- Q7 *As of Council meeting 13 June 200, does the dwelling at Lot 560 (3) Manakoora Rise comply with all aspect (sic) of the building licence?*
- A7 As no final inspections are done by Council on single residences, the Council cannot confirm that the dwelling complies with all aspects of the Building Licence. Some minor departures disclosed by the McGrath Report were not considered to be of sufficient significance to justify enforcement action. The handrail issue was raised by a neighbour's complaint.
- Q8 *Does it comply with the Building Codes of Australia?*
- A8 As no final inspection is carried out on single dwellings, it is impossible to answer this question with confidence. The handrail is lower than the Australian Standard requires, and the space between the wall and the handrail exceeds the 125mm allowed by the Australian Standard. It should be noted, however, under the Building Code of Australia a handrail is not required along the edge of a non-trafficable roof.
- Q9 *Did Mr Delahaunty, in reply to a question by Audrey Hine, confirm that the building fully conforms?*
- A9 A search of Council records has been unable to identify a question regarding this matter being asked by Mrs Hine. If further specific details of the question can be made available to Council, a response will be prepared.
- Q10 *What is the accepted tolerance level on a three storey building by the industry, Council and MBA as follows:*
- (a) *siteworks;*
(b) *each floor?*
- A10 Technically, there is no tolerance. The builder is required to build in accordance with the Building Licence. In practice, minor tolerances may be permitted is supported by properly amended plans, endorsed by the Council as an amendment to the approval plans. The Council can only comment on its own requirements under the legislation.
- Q11 *Is it normal industry/building practice to calculate the height of walls based on brick courses?*

A11 For practice purposes, brick courses are used as a rule of thumb indication of height. Compliance with height dimensions is ultimately determined by a measurement of height, as shown on the approved drawings, not by counting brick courses.

Mr A Bryant, Craigie:

Q1 I understood that the security service provided to the City of Joondalup was to cover every street. Following on from the response given to my question in relation to the security service, do I have to make a specific request for security, or will the service patrol the area without being called?

A1 The patrols are continually circulating within the six zones, 24-hours a day, seven days a week. A patrol may not visit an individual property unless it has been called for a specific problem. The patrols have gone to various residences in response to calls, but at the address you have nominated, no emergency calls have been received.

Q2 The three disabled parking bays at the Whitford Library, outside the Senior Citizens Centre, require attention as the line marking is almost invisible.

A2 This request will be attended to.

Mr R De Gruchy, Sorrento:

Q1 In relation to the proposal to construct a performing arts centre, initial enquiries indicate that the cost of such a building would be somewhere in the vicinity of \$30-50 million. Could Council consider including the question on whether ratepayers are agreeable to the construction of a performing arts centre, at such a huge cost, in the Referendum on security charges in the May elections for Council?

A1 That is a decision for the Council to make, and the suggestion will be taken on board. The performing arts centre is a facility that Council has for some time had as a future project. The costings have only recently been prepared by consultants and a committee, and there is no definite commitment that the project will proceed. The Council will no doubt consider community consultation as the estimated cost is far greater than was originally anticipated.

Mr V Harman, Ocean Reef Residents Association:

Q1 I have received an invitation to the presentation to be made by Professor Jan Gehl on the City Life and Economic Success. Has an invitation been extended to Centre Managers?

A1 The guest list is approximately 150 persons and an invitation has been sent to Centre Managers.

Mr V Cusack, Kingsley:

Q1 Why do the City's officers respond to questions at Council meetings?

A1 Standing Orders provides for the asking of public questions and the Chairman is responsible for the conduct of question time. Questions should relate to the business of the Council and should not be in the form of a statement or personal opinion. The Mayor chairs the public question time and passes the question to the appropriate person to provide the response. Normal practice with this Council, and also other Councils, is that a response may be given by an officer or a Councillor, whoever the Mayor considers is the most appropriate person to answer the question.

- *In relation to CJ027-02/01 – Request for Purchase of Trailwood Drive, Woodvale, Mr Cusack requested elected members to indicate whether they had viewed the land in question. Elected members indicated by a show of hands.*

Q2 The Council keeps repeating that it is meeting the requirements and conditions of Section 6.38. In your submission to Government it says “seeks support for broadening the powers of the Local Government Act 1995 in relation to the expenditure of funds raised from service charges when this legislation is next reviewed”. Could we have an explanation on that?

A2 As you are aware, Clause 54(d), which is the security surveillance section, has not been used by many Councils. There has been, at the admission of the Executive Director of the Department of Local Government, some variations on the interpretation as to the expenditure of funds raised from that area. Since then, there has been many discussions between the Councils, and the WA Municipal Association has asked the Department of Local Government to clarify the grey areas, as has happened in a number of other areas under the new Local Government Act where points of clarification have been made. The Department is pursuing this and since the December meeting of Council there have been meetings of officers who have prepared some guidelines. Advice was today received that those officers are conscious of the situation at the City of Joondalup and at other Councils, and when it is known who the new Minister is, those guidelines will go forward for determination by that Minister. The City has been advised by the Department that the legal opinion obtained from the Crown Solicitor, which agrees with the advice received from the City's solicitors, states that on current interpretations the way in which this City uses that regulation is legally sound. Whether that is the way in which they wish all Councils to use them in the future is not known and will be a decision of the new Minister.

Q3 If there is a change to regulations, that would be tabled in Parliament. If there is a change to legislation it has to go through Parliament. Currently that has not happened?

A3 That is correct.

Q4 We are concerned at the way the City has decided to apply the funds. Why do we keep getting the answer that the City is meeting the requirements of Section 6.38?

A4 An email message was sent to Mr Cusack today giving a contact name at the Department with whom to discuss the matter. The decision of the Department is that Council is currently meeting that section of the Act and Regulations. The reason for the submission on the broadening of powers is because the guidelines for that section have been under review, and it is believed that other Councils have made a submission, and the WA Municipal Association has also been involved, in trying to influence how that may be interpreted. It has been suggested that it be interpreted the same as the other categories listed in that same clause.

Mrs M Zakrevsky, Mullaloo:

With reference to the advertisement in the West Australian on 20 January 2001 for a Community Buildings Officer:

Q1 Is this a new position?

A1 Yes, it is a new position approved through Council's normal budget process.

Q2 Why is there a need for this position considering that the City is reducing its role in managing community buildings by leasing out its three largest community centres to a private organisation, namely RANS?

A2 The City is of the belief that support is needed through this position to ensure that the present community facilities available to the public are used to the maximum advantage and believes that this role will facilitate in the coordination of achieving that objective.

Q3 Is the identified need "to promote the use of community buildings" due to the cost that non-profit organisations and groups have to try to meet when wanting to avail themselves of these facilities?

A3 There are a number of community facilities within the City currently not being used to their maximum advantage and if community groups can use those then we need to be able to promote this to those groups.

Q4 Does that mean that the price to non-profit local community groups may come down from the present fairly high charges, most places costing between \$30-34 for a two hour meeting?

A4 The City has a practice of calculating community rates for the use of community buildings where those buildings are used particularly for not-for-profit organisations.

- *Mrs Zakrevsky commented that in view of the fact that the City is funding this officer, which will create more use of community buildings and provide increased income, Council could look at not increasing costs by CPI each year for non-profit organisations, and possibly reducing the cost of rental.*

Mr M Sideris, Mullaloo:

Q1 What is the cost for commissioning Professor Jan Gehl, and are there any further related costs?

A1 The cost is approximately \$100 per hour for between 6-7 hours, and no other costs are being met by the City. This presentation is in relation to the ongoing precinct plan and the purpose of the visit is to encourage the business and residential communities to think further about the whole process and how centres can be better utilised and made into proper neighbourhood or community centres.

Q2 In relation to CJ004-02/01. Why is this report not a clear, complete and concise record of events which occurred at the Annual General Meeting of Electors in that it does not outline those persons who spoke for or against various resolutions and does not give a summary or overview of the discussions which took place? In comparison with minutes of Council meetings, there is a difference in the recording of the Annual General Meeting of Electors.

A2 The record undertaken was the same record as is kept for Council meetings. All meetings are recorded on tape. The minutes record the resolutions at the meeting and are not verbatim, and are prepared in accordance with the normal requirements.

- *Mr Sideris suggested that Councillors obtain a copy of the taped record of the meetings and compare this against the written record.*

Mr P Dougherty, Padbury:

Q1 Is Council aware that before the City of Bayswater decided to introduce a security patrol, each ratepayer received a letter with their rate notice seeking their views on the matter? Is this not the ultimate survey?

A1 I am unsure of the situation with the City of Bayswater security service, which was introduced some years ago. At that time, officers from this City met with the Mayor and Council officers of Bayswater and discussions have continued with them. The issue was initially considered by the elected Council of the former City of Wanneroo and consultation was undertaken to ascertain the needs of the community, and much research done. I do not recall a letter drop being undertaken of every elector.

DECLARATIONS OF FINANCIAL INTEREST

Mayor Bombak declared a non-financial interest in CJ006-02/01 – Yellagonga Regional Park Draft Management Plan, Review of Public Submission as he resides within close proximity to the Park.

Cr Kadak declared a financial interest in CJ006-02/01 – Yellagonga Regional Park Draft Management Plan, Review of Public Submission as he resides adjacent to the Park.

Cr Ewen-Chappell declared a non-financial interest in CJ015-02/01 – Veterans’ Home Care Service Agreement as she was a member of the Royal Australian Air Force and is still involved with the RAAF Association.

Cr Carlos declared a financial interest in CJ24-02/01 – Proposed Amendment (No 1) to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale as he owns shares in Foodland Australia Ltd.

Cr Ewen-Chappell declared a non-financial interest in CJ026-02/01 –Change of Use – Vehicle Repairs at Lot 9 (33) Winton Road, Joondalup as she owns a business in the business park.

Cr Hollywood declared a financial interest in CJ29-02/01 – Delegated Authority Report as:

- *he is the applicant for the development at 27 Regents Park Road, Joondalup;*
- *the applicant for 35 Regents Park Road, Joondalup is a neighbour.*

CONFIRMATION OF MINUTES

C01-02/01 MINUTES OF COUNCIL MEETING – 19 DECEMBER 2000

MOVED Cr Rowlands, SECONDED Cr Magyar that the Minutes of the Council Meeting held on 19 December 2000, be confirmed as a true and correct record subject to the record of public attendance being adjusted to read approximately 120.

Mayor Bombak sought clarification of the numbers of public recorded as being in attendance at the Council meeting held on 19 December 2000, as it was felt there was approximately 120 people in attendance, not 67 as recorded.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

VISIT FROM KUCHING, MALAYSIA

Officers from Kuching City Hall, Malaysia, will visit Joondalup Wednesday 14 February 2001.

The officers include Directors, Architect, Planning Officer, Technicians and Health Inspectors.

They are interested in management, planning and development issues, tourism development, and management and maintenance of the City's infrastructure.

CITY WATCH SCHOOL TOURS

City Watch officers and Joondalup Rangers will be attending primary school assemblies as part of the City's Community Education program.

It is hoped that students and teachers will take an active interest in safety programs such as "safer routes to school" and "Junior Rangers" which the City is promoting in schools through Education 2001.

PARKING – JOONDALUP CBD

The City has commissioned consultants, Uloth and Associates to prepare a plan for public parking in the Joondalup Business District.

This will enable the City to put in place an effective parking management system.

A public meeting for those interested will be held in the Civic Centre Wednesday 14 February 2001 commencing at 7.30 pm.

REGIONAL RECYCLING FACILITY

The City of Joondalup has been a major player in the recent recycling agreement with the Cities of Swan and Wanneroo.

The agreement is for joint use of the materials recovery facility in Motivation Drive, Wangara.

This can be seen as a unique opportunity to strengthen our regional ties.

It involves the upgrading of the Motivation Drive facility to enable it to accept recycling materials from the three Councils.

It is anticipated that the upgrade will be completed in time for the facility to be fully operational for the forthcoming financial year.

The City of Joondalup currently enjoys one of the lowest compulsory refuse standard charges in the metropolitan area.

It is hoped that the economies of scale gained via this Tripartite Agreement will enable the City to maintain this position for the foreseeable future.

WOODVALE HYPE PROJECT

The Woodvale Hype Project, based at Woodvale Shopping Centre has been extended for a further 12 weeks and will see the project run until May 2001.

The program is funded by Shopping Centre Management and the City employs three youth workers on a Friday evening, who take a co-operative approach with Police, centre security and business owners to foster improved relationships with young people and resolve issues of anti-social behaviour.

COMMUNITY CONSULTATIONS

Four community consultations are about to take place:

- Launching of jetskis – Pinnaroo Point
- Proposed dog adventure playground – Granadilla Park
- Future of horse exercise area – Hillarys animal exercise area
- Foreshore dual use pathway – access for dogs on leads

A series of one-page advertisements in the Joondalup Community News is proposed to commence on 22 February 2001.

These advertisements will be run over four weeks to provide ample opportunity for the community to comment.

Letter drops will also be occurring at residences around Granadilla Park, Duncraig (adventure playground for dogs) and around Pinnaroo Point, Hillarys (jetskis).

DEBORAH CONWAY CONCERT

Don't forget the Deborah Conway concert in Mawsons Park, Hillarys next Saturday, 17 February 2001 – 6.00 pm to 8.30 pm. It promises to be a great show.

PETITIONS**C02-02/01 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 13 FEBRUARY 2001****1 PETITION SUPPORTING THE PURCHASE OF A PORTION OF TRAILWOOD DRIVE, WOODVALE – [18715, 19618]**

A 14-signature petition has been received in support of the purchase of a portion of Trailwood Drive, Woodvale.

The petitioners state that the purchase of the portion of road reserve will reduce the antisocial behaviour within the area.

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

2 PETITION OBJECTING TO THE CLOSURE OF RIGHT OF WAY – MINCHIN RESERVE – [41156]

A 46-signature petition has been received from residents of Buchanan Way, Minchin Court and King Place, Padbury, objecting to the proposed closure of the right of way between Buchanan Way and Marmion Avenue. The petitioners advise this right of way is required as it provides access to local bus stops.

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

3 PETITION OBJECTING TO DRAFT ILUKA STRUCTURE PLAN AND DEVELOPERS DEMOLISHING BUSHLAND IN AND AROUND SIR JAMES McCUSKER PARK, ILUKA – [07631]

Three petitions of 60, 41 and 16-signatures respectively have been received from residents within the City of Joondalup objecting to the draft Iluka Structure Plan and developers demolishing bushland in and around Sir James McCusker Park, Iluka.

The petitioners state the proposed construction of five story buildings, will obstruct ocean views, devalue surrounding homes and lead to urban sprawl up the coast.

At the Council meeting, the Chief Executive Officer tabled an additional petition containing 144-signatures, with Cr Hurst tabling a petition of 29-signatures; giving an overall total of 290-signatures.

These petitions will be referred to Planning and Development Services for action.

4 PETITION OBJECTING TO PROPOSED SINGLE HOUSE: PARAPET WALL EXCEEDING BUILDING ENVELOPE – 16 VOLANTE ELBOW, OCEAN REEF – [37326]

An 18-signature petition has been received from residents objecting to the development of a residence and parapet wall which exceeds the building envelope at 16 Volante Elbow, Ocean Reef.

The petitioners raise several objections to the proposal in relation to the building envelope, building construction, excavation/foundation works, building purpose and noise.

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

5 PETITION REQUESTING CONSTRUCTION OF A SUPERVISED PURPOSE BUILT SKATEPARK IN KINROSS – [08096]

A 122-signature petition has been received from Dianne Guise, Labor Candidate for Wanneroo on behalf of residents of the City of Joondalup requesting construction of a supervised purpose built skatepark in Kinross.

This petition will be referred to Community Development for action.

6 PETITION REQUESTING REPAIR/MAINTENANCE OF FOUNTAIN LOCATED IN SMALL LAKE, CENTENNIAL GARDENS, JUNCTION OF FLINDERS AVENUE AND BROADBEACH BOULEVARD, HILLARYS – [01525]

A 30-signature petition has been received from Hillarys residents requesting repair/maintenance of the fountain located in the small lake, Centennial Gardens at the junction of Flinders Avenue and Broadbeach Boulevard, Hillarys.

The petitioners express their concern at the state of disrepair of the fountain and the fact that it has not been operational for several months.

This petition will be referred to Infrastructure Management for action.

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

- 1 **in support of the purchase of a portion of Trailwood Drive, Woodvale;**
- 2 **objecting to the proposed closure of the right of way between Buchanan Way and Marmion Avenue;**
- 3 **objecting to the draft Iluka Structure Plan and developers demolishing bushland in and around Sir James McCusker Park, Iluka;**

- 4 **objecting to the development of a residence and parapet wall which exceeds the building envelope at 16 Volante Elbow, Ocean Reef;**
- 5 **requesting construction of a supervised purpose built skatepark in Kinross;**
- 6 **requesting repair/maintenance of the fountain located in the small lake, Centennial Gardens at the junction of Flinders Avenue and Broadbeach Boulevard, Hillarys.**

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

The Motion was Put and

CARRIED

CJ001 - 02/01 REVIEW OF POLICY AND DELEGATED AUTHORITY MANUALS - [07032] [26176] [13399]

WARD - All

CJ010206_BRF.DOC:ITEM 1

SUMMARY

The Local Government Act 1995 requires that, at least once each financial year, the delegator reviews its delegations. The Council reviewed its policies and delegations in June 2000 to meet the legislative requirements for the 1999/00 financial year. When reviewing the policies and delegations at that time, the Council requested that the Audit Committee conduct a more detailed review.

A report was presented to the Audit Committee where it was agreed to hold a series of workshops involving all elected members. This report details the suggested changes to the manuals following those workshops, which require consideration by the Council.

BACKGROUND

The former City of Wanneroo's policy and delegated authority manuals, were adopted by the City of Joondalup on 1 July 1998.

As the Local Government Act 1995 (The Act) requires the delegator (in most cases either the Local Government or the Chief Executive Officer) to review each of its delegations at least once each financial year. There is no requirement under the Act for a Local Government to review its policy, however it is good practice that the policies of the Council are reviewed regularly to ensure they reflect the current focus of the Council. The Local Government Act 1995, made some significant changes to the operations of a Local Government. A major change was that it clearly defined the roles of the Council, Mayor, Deputy Mayor, Councillor and the Chief Executive Officer.

The Act states that the Chief Executive Officer is responsible for the day to day operations of the Local Government, including the responsibility of employment, management, supervision, direction and dismissal of employees.

Following the adoption of the former City of Wanneroo’s manuals, the Joint Commissioners of the City of Joondalup undertook an extensive review of both manuals. The reviews generally found that:-

- A number of the policies were in fact corporate procedures;
- There were some statutory policies missing; and
- Some of the policy statements were inconsistent with the Act

Following the review, the Joint Commissioners adopted the extensively revised corporate policy and delegated authority manuals on 22 June 1999.

Two reports were submitted to the Council at its Ordinary Meeting held on 27 June 2000, (Items CJ147-06/00 and CJ148 – 06/00 refer).

Item CJ147-06/00 resolved to:

“NOTE that Council has reviewed the delegations made in accordance with the Local Government Act 1995;

REFER the review of delegated authority to the Audit and Risk Management Committee to develop an on-going program of review of delegated authority and associated policy and procedural matters;

REQUIRE the Audit and Risk Management Committee to report back to Council once it has found a satisfactory balance between delegating authorities and the requirements of Section 2.7(2) of the Local Government Act 1995.”

Item CJ148-06/00 resolved to:

“DELETE the following policies:

Policy 3.1.9.1 - Variation to Policy 3.1.9

Policy 3.1.9.2 - Additions to Variations to Policy 3.1.9

Policy 5.2.1 - Advertising on Public Open Space

Policy 5.2.3 - Playground Equipment

AMEND the following policies as detailed in Attachment 2 to Report CJ148-06/00:

Policy 2.3.2 - Communications

Policy 2.3.3 – Use of Common Seal and the Signatories for Contract Execution

Policy 2.4.1 – Accounting Policy

Policy 2.4.3 – Setting Fees and Charges

- Policy 4.2.1** – **Library Services**
- Policy 5.1.1** – **Waste Management**
- Policy 5.2.2** – **Council Reserves and Parks**
- Policy 5.2.4** – **Memorial Plaques**
- Policy 5.2.5** – **Floodlighting**
- Policy 5.2.6** – **Median and Road Reserve Landscaping Undeveloped Future Road Reserves.**
- Policy 5.3.1** - **Verge Treatments – Protective Devices**
- Policy 5.3.2** - **Sand Drift Control**
- Policy 5.3.3** - **Vehicle Crossing – Construction and Maintenance**
- Policy 5.3.4** - **Removal of Graffiti and Repair of Vandalism**
- Policy 5.3.5** - **Roadworks – Opening up**
- Policy 5.4.1** - **Tennis Court Lighting Standards**
- Policy 5.4.2** - **Stormwater Drainage into Wetlands**

REFER the review of the Corporate Policy Manual to the Audit and Risk Management Committee as part of its review of delegated authority to develop an on-going program of review of delegated authority and associated policy and procedural matters;

REQUIRE the Audit and Risk Management Committee to report back to Council once it has found a satisfactory balance between Section 2.7(2) (a) and (b) of the Local Government Act 1995 and Regulation 5 of the Local Government (Finance Management) Regulations 1996.”

A report was presented to the Audit Committee where it was agreed that, due to the complexity of the task and the need to involve all elected members, a number of workshops be held. These workshops were held during the month of November 2000.

DETAILS

The policy manual is divided into five (5) sections, which reflect the corporate structure of the organisation. As part of the workshops, each directorate provided an overview and explanation of the policies and associated delegations.

In an effort to ensure that the development of these policies are in fact policies and not procedures, the following definition of the term “policy” has been developed:

“Policy represents a statement of purpose to describe the overall intentions of the Council in relation to a broad issue. It does not address the mechanisms for implementation of the chosen direction.”

During the workshops, elected members were invited to make comment on the policies and delegations. Following the workshops, these are the suggested amendments to the relevant policies and delegations of authority:

POLICY ITEMS

Policy 2.1.1 Employment

Last paragraph to refer to Section 5.37 not 5.27. Section 5.37 is the correct section of the Act.

Policy 2.1.2 Equal Employment Opportunity

Policy to include statement that Council is proactively undertaking training for disadvantaged persons.

Policy 2.2.2 Elected Members Training

The policy to include relevant training courses:-

- University of Canberra – Elected Members Course
- Training courses relevant to meeting procedures.

Policy 2.2.3 Travel/Accommodation – Elected Members and Staff

A query was raised of the need for elected members and staff to acquit travel allowances granted to them. Legal advice was sought and the Act authorises the City to reimburse a member “who incurs” an expense of a prescribed kind. The Act requires a member to incur expenses and for these expenses to be reimbursed. It does not permit an allowance to be paid regardless of whether or not expenses are incurred.

Therefore no change to the Policy is suggested.

Policy 2.2.7 Acknowledgment of Service – Elected Members

Suggested change to reflect that the value of a gift based on continuous years of service be \$120 per annum Councillor, and \$150 per annum Mayor.

It was requested that information be obtained from the Cities of Swan, Melville, Stirling and Perth as to their policies in relation to acknowledgment of service of Elected Members. This information is outlined below:

City of Swan

Years of Office	Gift
Less than 4 years:	<ul style="list-style-type: none"> • Certificate of Appreciation
Greater than 4 years & up to 8 years:	<ul style="list-style-type: none"> • Certificate of Service • gift to the value of \$200
Greater than 8 years & up to 12 years:	<ul style="list-style-type: none"> • Certificate of Service • gift to the value of \$300
In excess of 12 years:	<ul style="list-style-type: none"> • Certificate of Service • gift to a maximum value of \$400.

City of Melville

Retiring Mayors and Councillors receive a gift, as determined by the House Committee, of \$80 per annum of continuous service of a Councillor and \$100 per annum of continuous service of a Mayor.

A City of Melville Plaque and Retired Members Badge is also presented to retiring members.

City of Stirling

As a guideline, the City of Stirling has a rate of \$25 per year of service as of June 1976, based on CPI movements. The amount now equates to \$105 per year of service. The policy does not differentiate between the Mayor or Councillor as the Mayor is elected by the Council.

City of Perth

The City of Perth advises it has no policy for acknowledgement of service.

Policy 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City

Under the heading “Ceiling on Assistance” be altered from \$3000 to \$5000, in accordance with a proforma policy released by the Department of Local Government.

Reference to the “Delegated Authority Manual” is to be made under the heading “Related Documentation at the end of the policy.

Policy 2.2.9 Elected Members’ Advertising

The sample advertisement to reflect the change from the City of Wanneroo to the City of Joondalup.

Policy 2.2.10 Elected Members

The policy is to be amended to allow flexibility to allow discretion with the individual elected member if they are to claim only part or none of the attendance fee.

Policy 2.2.11 Coat of Arms (Council Crest) and Corporate Logo

The title and the detail of the policy to delete any reference to the “Coat of Arms (Council Crest)”.

Policy 2.2.12 Reimbursement of Expenses

The policy to be amended to allow claims to be paid as long as the claim is submitted within two (2) clear calendar months after the month in which the expense was incurred.

Policy 2.4.1 Accounting Policy

The policy to be amended to include the Manager Strategic Finance as a signatory to the Advance Account.

Policy 2.4.5 Budget Timetable

The policy to be amended to reflect required changes to the budget timetable.

Policy 2.5.4 Official Vehicles – Use of

The policy to be amended to include reference to the use of the Mayoral car.

Policy 3.1.3 Alfresco Dining (Planning) – Joondalup City Centre

It was suggested that this policy should be looked at as a whole over the City of Joondalup. This matter will be referred to Planning and Development Services for consideration.

No change is required to the policy.

Policy 3.1.8 Advertising of Planning Proposals

The policy name to be amended to read “Advertising of Development Proposals”.

Policy 5.3.3 Vehicle Crossing – Construction and Maintenance

No change is required to the policy.

Policy 5.3.4 Removal of Graffiti and Repair of Vandalism

No change is required to the policy.

Policy 5.4.1 Tennis Court Lighting Standards

The attachment of the policy requires updating.

COMMENT

As previously stated, the Local Government Act requires each delegator to review its delegations at least once every financial year. As required by the Act, the Chief Executive Officer has also reviewed his delegations and made the necessary amendments.

The corporate policy and delegated authority manuals, and suggested amendments, focus more on the strategic policies for the City of Joondalup and allows for the day to day operations to be captured by the Administrations via the delegations and incorporate in the corporate procedures manual.

Following the series of workshops for elected members, the suggested changes that are detailed within this report require adoption by the Council. This review now ensures that the Council has both a Policy and Delegated Authority Manual that reflect the focus of the elected Council. Both corporate manuals will continue to be reviewed, with policies and delegations being submitted to the Council where necessary. An annual review will continue to occur.

Since the workshops were conducted reviewing the corporate Policy and Delegated Authority Manuals, District Planning Scheme No 2 has been gazetted. Throughout some policies and delegations reference is made to Town Planning Scheme No 1. The impact of the change from TPS No 1 to DPS No 2 on those policies and delegations is not known and will require a further review and report to the Council.

OFFICER'S RECOMMENDATION: That Council:

- 1 AMENDS the following policies as detailed in Attachment 1 to Report CJ001-02/01:
 - Policy 2.1.1 Employment
 - Policy 2.1.2 Equal Employment Opportunity
 - Policy 2.2.2 Elected Members Training
 - Policy 2.2.3 Travel/Accommodation – Elected Members and Staff
 - Policy 2.2.7 Acknowledgment of Service – Elected Members
 - Policy 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City
 - Policy 2.2.9 Elected Members' Advertising
 - Policy 2.2.10 Elected Members
 - Policy 2.2.11 Coat of Arms (Council Crest) and Corporate Logo
 - Policy 2.2.12 Reimbursement of Expenses
 - Policy 2.4.1 Accounting Policy
 - Policy 2.5.4 Official Vehicles – Use of
 - Policy 3.1.3 Alfresco Dining (Planning) – Joondalup Centre
 - Policy 3.1.8 Advertising of Planning Proposals
 - Policy 5.4.1 Tennis Court Lighting Standards
- 2 NOTES that it has reviewed the delegations made in accordance with the Local Government Act 1995;
- 3 SEEKS a further report on the impact of District Planning Scheme No 2 on relevant policies and delegations of the Council.

MOVED Cr Magyar, SECONDED Cr Carlos that Council:

- 1 AMENDS the following policies as detailed in Attachment 1 to Report CJ001-02/01:
 - Policy 2.1.1 Employment
 - Policy 2.1.2 Equal Employment Opportunity
 - Policy 2.2.2 Elected Members Training
 - Policy 2.2.3 Travel/Accommodation – Elected Members and Staff
 - Policy 2.2.7 Acknowledgment of Service – Elected Members
 - Policy 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City
 - Policy 2.2.9 Elected Members’ Advertising
 - Policy 2.2.10 Elected Members
 - Policy 2.2.11 Coat of Arms (Council Crest) and Corporate Logo
 - Policy 2.2.12 Reimbursement of Expenses
 - Policy 2.4.1 Accounting Policy
 - Policy 2.5.4 Official Vehicles – Use of
 - Policy 3.1.3 Alfresco Dining (Planning) – Joondalup Centre
 - Policy 3.1.8 Advertising of Planning Proposals
 - Policy 5.4.1 Tennis Court Lighting Standards
- 2 NOTES that it has reviewed the delegations made in accordance with the Local Government Act 1995;
- 3 SEEKS a further report on the impact of District Planning Scheme No 2 on relevant policies and delegations of the Council;
- 4 AFFIRMS its commitment to public participation as stated in Council’s Strategic Plan, page 5, where the guiding principles of elected members and staff are based on a commitment to:

“create effective two-way communication with the community, with opportunities for the community to participate in Council planning and decision-making.”
- 5 DOES NOT amend Policy 2.4.5 – Budget Timetable and allows public participation in the budget process.

Discussion ensued in relation to public participation in the budgetary process.

The Motion was Put and

LOST

MOVED Cr Wight, SECONDED Cr Rowlands that Council:

- 1 **AMENDS** the following policies as detailed in Attachment 1 to Report CJ001-02/01:
 - Policy 2.1.1 **Employment**
 - Policy 2.1.2 **Equal Employment Opportunity**
 - Policy 2.2.2 **Elected Members Training**
 - Policy 2.2.3 **Travel/Accommodation – Elected Members and Staff**
 - Policy 2.2.7 **Acknowledgment of Service – Elected Members**
 - Policy 2.2.8 **Legal Representation for Present and Former Elected Members and Staff of the City**
 - Policy 2.2.9 **Elected Members’ Advertising**
 - Policy 2.2.10 **Elected Members**
 - Policy 2.2.11 **Coat of Arms (Council Crest) and Corporate Logo**
 - Policy 2.2.12 **Reimbursement of Expenses**
 - Policy 2.4.1 **Accounting Policy**
 - Policy 2.4.5 **Budget Timetable**
 - Policy 2.5.4 **Official Vehicles – Use of**
 - Policy 3.1.3 **Alfresco Dining (Planning) – Joondalup Centre**
 - Policy 3.1.8 **Advertising of Planning Proposals**
 - Policy 5.4.1 **Tennis Court Lighting Standards**
- 2 **NOTES** that it has reviewed the delegations made in accordance with the Local Government Act 1995;
- 3 **SEEKS** a further report on the impact of District Planning Scheme No 2 on relevant policies and delegations of the Council.

The Motion was Put and

CARRIED

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf130201.pdf](#)

CJ002 - 02/01 ONLINE SERVICES POLICY - [47938]

WARD - All

CJ010206_BRF.DOC:ITEM 2

SUMMARY

At the Council meeting held on 19 December 2000, the Online Services Policy (CJ361-12/00 refers) was presented to Council for adoption.

At the meeting, Council raised a number of concerns requiring clarification. The issues of concern raised at the meeting include:

- Security and confidentiality;
- Newsgroups and other online facilities; and
- The impact of the Online Services Policy on the Online Services Provision 4.2.2.

Also outlined as of concern were:

- Who has access to Councillors' emails;
- When are emails accessed;
- Confidentiality; and
- The Freedom of Information Act.

BACKGROUND

The Online Services Policy was presented to Council as a Green Paper on 21 November 2000 and for adoption at the 19 December 2000 Council meeting. At this meeting it was resolved that Council:

- “1 ADOPTS the Online-Services Policy to be Item 2.3.5 of the City of Joondalup Policy Manual pending a report as detailed in Point 2 (c) below;**
- 2 SEEKS a report:**
 - (a) on the implications of allowing Council representatives to access approved newsgroups or other on-line facilities that may be useful to Council or assists in the professional development of the individual user;**
 - (b) on the impact of Policy 2.3.5 on Policy 4.2.2 – On-line Service Provision;**
 - (c) regarding the concerns and issues raised at this meeting, particularly relating to the security of the email facility.”**

(Item CJ361–12/00 refers)

The major issues of concern at the 19 December meeting were based on the security and confidentiality of emails.

Other concerns that were mentioned include:

- When are emails accessed;
- Confidentiality;
- Are Councillors' email subject to the Freedom of Information Act.

DETAILS

The Online Services policy aims to provide all Internet and Email users at the City of Joondalup with a common set of clear and concise guidelines for the proper and acceptable use of online information services, using both internal and external networks, being the Internet and email.

At the 19 December 2000 meeting a number of concerns were raised by elected members with respect to:

- 1) Newsgroups and other online facilities;
- 2) The impact on Policy 4.2.2 – Online Services Provision;
- 3) Implications and cost of enabling Councillors or Senior Staff to encrypt email under certain situations;
- 4) Security of the email facilities:
 - 4.1 Are Councillors’ email subject to the Freedom of Information Act;
 - 4.2 When are emails accessed;
 - 4.3 Confidentiality.

Clarification of these concerns are discussed below.

1. News groups and other Online Facilities

Newsgroups are another classification of a live chat line, of which there are approximately 40,000 sites. Newsgroups allow the user to post a discussion on a variety of topics while other unknown users post a reply to the discussion topic. In many cases these topics could be of good nature and be beneficial to business purposes, however even on reputable sites there are references to topics, which are of a discriminatory nature, due to the lack of monitoring and security.

Newsgroups are not considered, within the business field, as a serious forum. Any person is able to post or respond to a discussion topic. The majority of comments or responses are personal opinions of those who are unable to offer technical or professional advice, therefore the comments or response lack credibility.

Within the Online Services Policy the use of Newsgroups is not permitted. However the Newsletters subscription from professional bodies is permitted when used for organisational and professional development of Council Representatives.

In order for a staff member to gain subscriptions to a newsletter they must seek authorisation from their supervising Manager. At any time the supervising Manager can revoke permission of subscribing to the newsletter.

Under the Online Services Policy all Council Representatives at the City of Joondalup are able to participate in discussion forums. Discussion forums are similar to a chat line, however they are included in reputable organisations' web sites, for example the Conservation and Land Management web site includes a discussion forum on Yellagonga. These discussion forums are secure, controlled and monitored by the Organisations to prevent any offensive or inappropriate material being submitted. These discussion forums are only permitted for business purposes. The development program for the City's own site provides for a discussion forum.

2. Impact of the Draft Online Services Policy on the Online Service Provision.

The impact of the Online Services Policy (impacts on Council Representatives) on the Online Services Provision (designed for Public use) is moderate. All of the changes to the Online Services Provision Policy are a result of the development of the Online Services Policy. The modified Online Services Provision Policy is shown as Attachment 1 (with tracked changes).

The purpose of the Online Service Provision is to ensure that the Joondalup Libraries provide the public with an effective and efficient online services facilities, while ensuring the Council is not legally compromised by its public provision.

This revised Online Services Provision addresses what the public's responsibilities are and the conditions they must adhere to when using the online facilities.

3. Implications and cost of enabling Councillors or Senior Staff to encrypt E-mail under certain situations

An encryption is a means of disguising the contents of an email through scrambling the content to an unidentifiable code. In order for the message to be read the intended recipient must unscramble the encryption. Encryption requires special software, which is expensive.

Encryption of emails is not permitted for any Council Representative. When emails are encrypted they are unable to be scanned for viruses or other computer bugs which could cause devastation to the City's computer network.

The clear intent of the Local Government Act 1995 was for the legislation to provide for good, open and accountable government. Members of public office, both at an elected and administrative level, requiring emails to be encrypted may not necessarily be interpreted as adhering to the intent of the Local Government Act 1995.

4. Security of the Email Facility and other Issues

At the Council Meeting on 19 December 2000 the Council raised the following concerns:

- Security of the email facilities;
- When are emails accessed;
- Confidentiality;
- Are Councillors' email subject to the Freedom of Information Act

Security of the Email Facilities.

The provision and management of the email system is similar to that of other organisations. Emails are created by the user, and sent via the network, through a server, to the receiver. This system requires management to ensure it operate efficiently and effectively, not unlike a manual records system. Some 14,000 emails are transmitted on the system each week.

There are only five staff within the Information Services Department who may have access to the email server, these include the NT Administrator, Network Administrator, Help Desk Coordinator and the two Help Desk Officers. These are professional Officers who are engaged to manage the City's Information Technology Systems.

In managing the system, the NT Administrator and Network Administrator are the only two officers who are responsible and have permission to generate an email-tracking register. On most occasions these tracks only occur when there is a problem with the email system and are not carried out on a frequent basis. When the NT Administrator and Network Administrator carry out tracks they do not have access to the content of the email, they are only provided with:

- The time the email was sent,
- The destination,
- Whether the recipient received, and
- The email and the message identification.

Hence email tracking is only useful in recording the event that a message was sent and received.

When an individual user is experiencing difficulties with emails it may be necessary to access the email system to determine and rectify the problem. In these cases the NT Administrator, Network Administrator, Help Desk Coordinator and Help Desk Officer may have access to the users email systems.

When are emails accessed?

There are only two reasons why Council Representatives' emails will be accessed. These are

- Due to email system difficulties
- Individual user email system difficulties

Firstly, the NT Administrator and Network Administrator are able to generate an email-tracking register, which have been discussed above. Lastly the NT Administrator, Network Administrator, Help Desk Coordinator and Help Desk Officers are permitted to view a Council representative's email system when they are experiencing a problem, which is usually at the Council Representative's request. When these officers access a mailbox, view an email or any contents of an email they are at all time bounds by

confidentiality. These officers take this aspect of their employment very seriously especially as it impacts on prospects for future employment. An audit trail of all mailbox access by user other than the mailbox owners is provided by the systems event log of the email server.

Further emails when forwarded to other recipients carry all the email transactions, thus allowing the recipient to read all content from the construction of the email.

Confidentiality

The above-mentioned Council representatives who have access to emails takes confidentiality and security of the system very seriously.

The email facility is not a secure place to send sensitive or confidential information due to the ease of forwarding messages to other recipients. A message could be intended only for the next recipient, however the recipient may believe the information would be beneficial for others hence forwarding the message on, allowing for others to view the email transactions.

Are Councillors' emails subject to the Freedom of Information Act?

Where emails are exchanged between persons (electors, residents, staff etc) and an elected member in their official role of a Mayor or Councillor under the Local Government Act 1995, such emails would be regarded as a corporate record of the City and would be subject to Freedom of Information application and other relevant Inquiries.

When an application for Freedom of Information is submitted to the City of Joondalup, it is the responsibility of the Freedom of Information Officer to arrange all information relating to the topic, including electronic and hardcopy, to be gathered and prepared.

When an application has been made for information that may affect a third person, then due process is followed under the legislation with the third party being consulted. However this appeal process must be approved by the Freedom of Information Officer and needs to be validated.

The City is also subject to other inquires, which may require the City to provide all information regarding a specific issue. A hypothetical example is a complaint pertaining to corruption could be submitted, initiating an inquiry. Some inquiries have the powers of a Royal Commission and can intervene and require that all information (including electronic) on the topic is provided to the appropriate inquirers. In this situation there are no appeal processes and the Councillors and the City of Joondalup must adhere to the request.

5. Changes to the Draft Online Services Policy

The changes to the Online services Policy, represented below, are the consequence of the above mentioned concerns.

Under section 3 of the Policy as sub section 3.1.4

‘Council Representatives are permitted to subscribe to newsletters and authorised newsgroups from a professional body when used for organisational and professional development.

In order for a staff member to gain subscription to a newsletter they must seek authorisation from their supervising Manager. At any time the supervising Manager can revoke permission of subscription for any purpose’.

‘All Council Representatives at the City of Joondalup are able to participate in discussion forums included in reputable organisations’ web sites. These discussion forums are only permitted for business purposes’.

Another change to the Online Services Policy 2.3.5. is that it is recommended that a referencing link is displayed to Policy 4.2.2 the Online Services Provision (Attachment 2)

COMMENT

At the 19 December 2000 Council meeting the Online Services policy (CJ361–12/00) was presented to Council for adoption. During the adoption a number of issues were raised.

- 1) Newsgroups and other online facilities;
- 2) The impact on Policy 4.2.2 – Online Services Provision;
- 3) Implications and cost of enabling Councilors or Senior Staff to encrypt E-mail under certain situations;
- 4) Security of the email facilities:
 - 3.1 When are emails accessed;
- 5) Confidentiality;
- 6) Freedom of Information Act.

All of these concerns have been addressed above and the appropriate changes have been made to the Online Services Policy. It is recommended that Council endorses the incorporation of the amendments relating to the use of newsgroup and discussion forums in the Online Services Policy 2.3.5.

The amendments to the Online Services Provision Policy 4.2.2 reflects public responsibilities in the usage of the online facilities, where as the Online Services Policy only relates to Council representatives providing the rules and guidelines for using the online facilities.

OFFICER’S RECOMMENDATION That Council ADOPTS:

- 1 the revised Online Service Provision Policy 4.2.2 forming Attachment 1 to Report CJ002-02/01;
- 2 the amendments to the Online Services Policy 2.3.5 forming Attachment 2 to Report CJ002-02/01.

MOVED Cr Magyar, SECONDED Cr Barnett that Council ADOPTS:

- 1 the revised Online Service Provision Policy 4.2.2 forming Attachment 1 to Report CJ002-02/01;
- 2 the amendments to the Online Services Policy 2.3.5 forming Attachment 2 to Report CJ002-02/01 subject to the last paragraph of Clause 3.2 (Use of the Internet and Electronic Mail) being amended to read as follows:

“The Web and Systems Administrator may apply an interim revision to the policy as necessitated by changing business requirements. These changes to be advertised in the Desk of the CEO publication, with all Council representatives being informed via E-Mail. The interim revision of this policy must be presented to the next meeting of Council for adoption by Council of the revised policy.”

Discussion ensued.

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agn130201.pdf](#)

**CJ003 - 02/01 PROPOSED POLICY – PEDESTRIAN
ACCESSWAYS - [57155]**

WARD - All

CJ010206_BRF.DOC:ITEM 20

SUMMARY

A draft policy entitled ‘Pedestrian Accessways’ has been prepared for Council’s consideration.

The policy aims to ensure that a safe, convenient and legible pedestrian movement network is provided and maintained, whilst minimizing any anti-social behavior that may be associated with pedestrian accessways (PAWs). The policy is intended to apply to all future subdivision and developments that include PAWs in their design and for applications requesting closure of a PAW.

It is recommended that the draft policy be adopted to enable it to be advertised for public comment.

BACKGROUND

PAWs are an important element to providing a safe, convenient and legible movement network, particular in suburban locations designed with cul-de-sacs. They have, however, also been associated with anti-social behavior and are considered by many people to facilitate criminal activity.

Because of the important role PAWs play in facilitating pedestrian movement in suburban locations, a policy that considers the establishment of new PAWs and maintenance and assessment of existing PAWs is required to ensure that a safe, convenient and legible pedestrian movement network is provided and maintained.

A working party that consisted of City Councillors and staff was established in early May 2000 to discuss issues that the policy will attempt to address. After several meetings the following points were identified:

Policy would need to:

- Maintain a legible and safe pedestrian network.
- Provide a framework that would ensure that new PAWs are designed to be safe and convenient for users and designed to minimise opportunities for criminal activity or anti-social behavior in the neighbourhood.
- Provide a framework that would ensure the assessment for requests to close existing PAWs are based on performance measures derived from principles of urban design and planning and in particular recognise the importance PAWs can have to the overall movement network.
- Provide a framework that would encourage alternatives to closure by improving the use, amenity and security of existing PAWs where they are considered to be important to the overall movement network.

Under the following headings the draft policy attempts to address these issues:

- Provision of PAWs in new subdivisions.
- Closure of Pedestrian Access Ways
- Alternatives to Closure

The policy is structured to ensure that assessment of new or existing PAWs is provided on a case by case basis. The merit of each application is determined by an assessment based on the needs of the community as a whole and sound urban design and planning

principles. By adopting this approach the policy attempts to move away from past practices which may have tended to concentrate on the process with little assessment criteria on which to base a decision.

DETAILS

The draft policy (Attachment 1 refers), entitled ‘Pedestrian Access Ways Policy’, aims to ensure that a safe, convenient and legible pedestrian access movement network is provided, whilst minimising any anti-social behaviour that may be associated with PAWs. The policy attempts to achieve this objective through the introduction of subdivision and development guidelines for new PAWs and provides an assessment criteria for applications requesting closure of existing PAWs. The policy provides guidance both to the design of PAWs and development-abutting PAWs where they are proposed in new subdivisions. The criteria for assessing the closure of PAWs will apply to all existing PAWs.

Provision of PAWs in new subdivisions

The introduction of guidelines aims to improve the development of new PAWs to enhance their use and to maximise the outlook onto and casual surveillance of PAWs from adjoining properties and streets. The resulting increase in casual surveillance of PAWs should achieve a noticeable improvement in actual and perceived safety in these areas compared to previous practices, and compliments Council’s initiatives relating to community safety and security.

The intended role of PAWs is to provide users with a safe and convenient method of non-vehicle transport to access community facilities. Members of the community have however questioned the use of PAWs, as they are seen to solicit anti-social behaviour and criminal activity. It is therefore important that new PAWs are designed in a manner to enhance use and limit any opportunity for criminal activity.

The policy has the following requirements:

- The PAW must be designed in a way to minimise any opportunity for crime and anti-social behaviour.
- The length of the PAW must be limited to a maximum length of 70 metres and minimum width of 5 metres.
- Design and finishing of the PAW is to be at the applicant’s expense and in a manner which makes them attractive and convenient. This includes treatments such as landscaping, lighting and paths.
- Design of the PAW should encourage pedestrian and bicycle movement in a way not to disrupt the amenity of surrounding properties (i.e bollards placed at both ends of the PAW to slow bicycle movement while entering and exiting the PAW).
- The PAW should be integrated with the local pedestrian movement network where possible.

The development of land adjacent to PAWs in new subdivisions shall be detailed through the creation of detailed guidelines. Detailed guidelines for these lots should address, dwelling layout (main living ensuring view of adjoining PAW), building facades (major openings to rooms encourage to face PAW to avoid blank walls), and fencing (visually permeable fencing to be provided).

- Consideration must be given to the gradient of the Paw, particularly its impact on users, safety and security.

Closure of PAWs

Where an application is received requesting the closure of a PAW, the policy provides a framework for assessment which considers both the problem that may be experienced by people living adjacent to PAW, and the importance the PAW provides to the community. In the past, guidelines for closure of a PAW ensured that proper procedures were followed for assessment of applications, however, the guidelines provide little by way of an assessment guide, particularly in terms of practical and technical issues associated with the function of the PAW. This has often left many decisions to be based largely on the quality and number of public submissions received, with little consideration given to the importance of the PAW to the movement network and greater community.

The draft policy has purposely been developed to include detailed assessment criteria, that considers a mixture of social and urban design issues. The assessment criteria has been divided into three categories; Urban Design Assessment, Nuisance Assessment and Community Impact Assessment.

Urban Design Assessment

The following issues are examined under this assessment:

- *Access to community facilities* – Where a PAW provides an important pedestrian link to community facilities, closure is generally not supported.
- *Availability of alternative routes* – A safe, reasonable alternative pedestrian route must exist.
- *Relationship to pedestrian network, Bike Plan and ‘Safe Routes to School’* – Closure not supported if PAW is part of stated networks.
- *Assessing changes to level of access* – Assessment using ‘Ped-shed’ analysis to determine the number of lots accessible to community facilities, Town Centre or Major Transit Terminal (eg rail station).

Nuisance Assessment

Under this assessment the evidence demonstrating that the PAW may have attributed to anti-social behaviour is examined. To determine the degree of anti-social behaviour being experienced, an assessment will be conducted examining the following:

- Frequency of occurrence;
- Number of offences;
- Nature of offences.

Community Impact Assessment

To determine the amount of use that the PAW is subject to, surrounding residents within 400 metres of the PAW will be informed via questionnaire, during the statutory advertising period, and given 30 days in which to respond (see attachment 2).

Final Assessment

The results of each assessment will enable a final determination to be made via a cross-analysis of each category. The urban design assessment is considered most important, with the outcome of this assessment having a more significant impact on the final decision (see attachments 3 & 4).

Alternatives to Closure

Where a determination is not to support an application requesting closure, which was submitted on the grounds of anti-social behaviour, upgrade of the PAW may be considered. Such improvements may include lighting, appearance, fencing, security patrols.

Relevant Legislation

Clause 8.11 of the City of Joondalup's District Planning Scheme No.2 allows Council to prepare planning policies relating to planning or development within the Scheme Area. Under the City's Town Planning Scheme a policy shall only become operative after the following steps have been taken:

1. Draft policy to be prepared and adopted by Council.
2. Draft Policy to be advertised for public comment for at least 21 days.
3. Council to review draft policy in light of any submissions made and then resolve to either finally adopt the draft policy with or without modifications; or not proceed with draft policy.
4. Notice of final adoption of policy to be published in a newspaper circulating in area.

The Department of Land Administration (DOLA) has produced a set of Administrative Guidelines for closing accessways. The document details a series of administrative steps that need to be accomplished before a decision can be made by DOLA. This is a separate document to the policy being created and must be undertaken by Local Councils before DOLA will consider an application to close an accessway.

Both the policy and DOLA's Guidelines complement each other as the policy outlines the City's approach to assessing PAW's which forms part of the overall assessment procedure outlined in the Administrative Guidelines.

COMMENT

PAWs are an important part of the pedestrian movement system as they provide a method of linking residents directly and safely to major activity centres such as recreation facilities, commercial centres, educational establishments and public transport. They are particularly important in residential suburbs with cul-de-sac design. Despite the function provided by PAWs, many residents living close to them believe they contribute to criminal activity and provide an arena for anti-social behavior such as graffiti and loitering. Through considering a number of design issues which include the development of lots abutting PAWs the policy attempts to encourage the design of new PAWs in a manner that would reduce any opportunity for criminal activity and anti-social behavior.

When considering existing PAWs the policy provides a comprehensive assessment criteria that considers both the concerns raised to the operation of the PAW and the importance of the PAW to the community as part of the overall movement network.

Where closure is not supported the policy considers alternatives to improving the design of the existing PAW.

MOVED Cr Rowlands, SECONDED Cr Patterson that Council in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2 ADOPTS the attached draft policy entitled, 'Pedestrian Accessways' forming Attachment 1 to Report CJ003-02/01, and makes it available for public comment.

The Motion was Put and

CARRIED

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf130201.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT

CJ004 - 02/01 ANNUAL GENERAL MEETING OF ELECTORS - [55264]

WARD - All

CJ010206_BRF.DOC:ITEM 3

SUMMARY

The City's Annual General meeting of Electors was held on 18 December 2000 in accordance with Section 5.27 of the Local Government Act 1995. The Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council. This report details each of the motions passed at the

Electors' Meeting and provides comments and a suggested response to each matter raised.

BACKGROUND

The City's Annual General Meeting of Electors was held on 18 December 2000 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by approximately 43 members of the public with a total of 12 motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. Like recommendations made at Council committee meetings, they are not binding on the Council. However, the Council must consider them.

Section 5.33 of the Local Government Act 1995 detailed below covers this matter:

Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

DETAILS

The motions passed at the Annual General Meeting of Electors are set out in *italics* followed by a comment and suggested course of action as to how each matter should be dealt with.

MOTION 1 RECEIVING OF THE 1999/00 ANNUAL REPORT AND FINANCIAL STATEMENTS

MOVED Mr Gannon, SECONDED Mrs Wood that the 1999/2000 Annual Report and Financial Statements not be received and be referred to the State Attorney General and the State Auditor General to verify the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land. The Minister for Local Government has stated on public record that Councils do not have the power to raise a levy.

The Motion was Put and

CARRIED

Section 5.54 of the Local Government Act 1995 requires that the Council is required to accept an annual report prior to the 31 December of each year. There is no requirement for the annual report to be submitted to the annual meeting of electors for 'receiving'. Local Government (Administration) Regulations 1996, regulation 15, states that the matters to be discussed at a general electors meeting are firstly, the contents of the annual report for the previous financial year and then any other general business.

The Council is governed by the Local Government Act 1995 which does not recognise any power from the State Attorney General and State Auditor General in relation to the motion under consideration.

Legal advice was sought in response to ongoing concerns raised by some members of the public questioning the legality of the security charge, due to the words 'security levy' being used in the Council resolution. The legal advice received was that it was evident from the Council resolution that the Commissioners intended to, and did, impose a service charge under section 6.38 of the Act. Section 6.38 was specifically referred to in the resolution and the decision to impose a service charge, which was incorrectly referred to as a levy in adopting the budget, does not invalidate the charge.

The Hon Minister for Local Government has correctly stated in Parliament that Councils' do not have the power to raise a levy, however, he also acknowledges that Councils' do have the power to raise service charges.

Recommended Response

It is recommended that the Council notes the above motion, and seeks a further legal opinion from an alternative legal firm, or from Queens Counsel.

MOTION 2 RATING 2001/02 FINANCIAL YEAR

MOVED Mr de Gruchy, SECONDED Mr Gannon that taking into account the \$12,000,000 plus surplus due at the end of the 2000/2001 financial year, the City of Joondalup aims for a decrease in the amount of Council rates levied upon ratepayers for the 2001/2002 year, referring to the rate levied by Council on the gross rental value as determined by the Valuer General's department.

The Motion was Put and

CARRIED

The Local Government Act 1995 requires that where a local government wishes to set aside money for a purpose in a future financial year, it is to establish a reserve account for each such purpose.

There are specific requirements relating to the use of such funds held in these reserves. Any change in the purpose of the funds held is to be disclosed in the annual financial report for the year in which the change occurs.

The \$12,254,170 is the estimated balance in the City's Reserve accounts at 30 June 2001. The City's Reserve accounts are set aside for specific purposes. Amongst these is the \$6.5 million in the Asset Replacement Reserve, which is allocated to assist with the acquisition and provision of a City depot. Other reserves are 'tied reserves', i.e. cash in lieu of providing car parking and public open space, which are for specific purposes in specific locations.

RESERVE	ESTIMATED BALANCE AS AT 30.6.01
	\$
Asset Replacement	6,559,585
Cash in Lieu of Parking	389,986
Cash in Lieu of Public Open Space	656,786
Domestic Cart Refuse Collection	662,209
Heavy Vehicles Replacement	386,077
Hodges Drive Drainage	167,211
Light Vehicles Replacement	550,531
Joondalup City Centre Public Parking	402,007
Ocean Reef Boat Launching Facility	47,806
Performing Arts Facility	1,000,000
Plant Replacement	484,811
Section 20A Land	27,000
Town Planning Scheme No 10 (Revoked)	920,161
TOTAL	12,254,170

Recommended Response

A series of workshops will be held with Elected Members to develop the 2001/02 Budget during which, consideration will be given to the rates to be levied in the 2001/02 financial year. It is recommended that the Council takes into consideration the above motion, during the 2001/02 budget workshops.

MOTION 3 **CITY OF JOONDALUP LEISURE CENTRES - OPERATIONAL MANAGEMENT AND LEASE**

MOVED Mrs Wood, SECONDED Mr de Gruchy that the Motion CJ337-11/00 - Operational Management and Lease, City of Joondalup Leisure Centres be RESCINDED and that the matter be referred to:

- 1 *the Minister for Local Government for a ruling;*
- 2 *the Minister for the Environment for a ruling;*
- 3 *the Minister for Lands for a ruling;*
- 4 *the Minister for Planning for a ruling;*

5 *the Australian Securities and Investments Commission regarding RANS' eligibility in Western Australia.*

The Motion was Put and

CARRIED

Motion CJ337-11/00 – Operational Management and Lease of City of Joondalup Leisure Centres was:

“THAT Council:

- 1 DECLINES all previous tenders for Tender 72-99/00, Operational Management and Lease of the City's Leisure Centres;
- 2 AWARDS the Lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ 290-10/00 and Report CJ337-11/00;
- 3 AUTHORISES the execution of the Lease from 1 February 2001 for a period of 5+5 years for the Management and Lease of City of Joondalup Leisure Centres under the common seal;
- 4 pursuant to the provisions of Section 6.11(1) of the Local Government Act 1995 CREATES a new Reserve Account titled Leisure Centre Capital Improvements for the purpose of Capital Improvements to the City's Leisure Centres operated by RANS Management Group;
- 5 NOMINATES Crs Wight and Carlos as representatives to the Leisure Centre Strategic Management Group;
- 6 as detailed in (2) above awards the lease to RANS, SUBJECT to confirmation being obtained that awarding the lease will not be in contravention of Section 3.59 of the Local Government Act 1995 and Sections 18 and 46 of the Land Administration Act 1997, should those sections apply”

A Council decision cannot be rescinded once acted upon. A Council decision can also not be rescinded by Electors at an Annual General Meeting.

The Council is currently inviting public comments on the Business Plan for the leasing of the three leisure centres Craigie, Sorrento/Duncraig and Ocean Ridge. The closing date for submissions on the Business Plan is 2 February 2001. The Council has also given public notice of its proposal to dispose of the three leisure centres by a lease. The closing date for submissions is 9 February 2001.

Officers have been liaising with the Departments of Land Administration and Local Government concerning the proposed lease of the City's leisure centres to RANS Management Group. The Department of Land Administration has approved in principle the lease agreement for the leisure centres and the lease when ready will be submitted to the Minister for Lands for endorsement.

Legal advice has been received that the lease does not contravene Sections 18 and 46 of the Lands Administration Act.

The Department of Local Government has advised that the business plan for the proposed lease of the leisure centre meets the requirements of the Local Government Act 1995.

Only leases on reserves, which exceed 10 years, require the approval of the Minister for Planning under Section 20 of the Town Planning Act. Bushplan does not apply to buildings. The Ministry of Planning has advised that it has an interest in the area only if the area is vegetated and there are proposals to clear the vegetated land.

The Department of Environmental Protection has advised that it would only become involved in this type of matter if it was referred to it by the Ministry for Planning.

The Australian Securities and Investments Commission have advised that RANS Management Group are registered with the Commission and are able to trade anywhere within Australia.

Recommended Response

It is recommended that the Council notes the motion and considers future options in conjunction with the public submissions received and its existing contractual obligations.

MOTION 4 COMBINED RESIDENTS GROUP

MOVED Mr Davies, SECONDED Mrs Zakrevsky that the combined residents group has monthly meetings commencing in February 2001 with the Mayor, the Chief Executive Officer and any interested Councillors at a date and time to be discussed.

The Motion was Put and

CARRIED

The City has requested Mr Davies to provide details of the membership of the Combined Residents Group, and are still waiting for final details.

Recommended Response

It is recommended that the Council notes the above motion and authorise the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the groups intended Terms of Reference, and report back to the Council with further detail.

MOTION 5 DATE OF ANNUAL GENERAL MEETING OF ELECTORS

MOVED Mrs Zakrevsky, SECONDED Mrs Axford that Council changes the Annual General Meeting date to a more appropriate date if this is possible.

The Motion was Put and

CARRIED

The Financial Statements have to be audited before an Annual General Meeting can be held, and this can sometimes delay the holding of the Annual General Meeting. Where possible, the City always endeavours to hold the Annual General Meeting as soon as practical. For example, the 1999 Annual General Meeting was held on 7 December.

Recommended Response

It is recommended that the Council notes the above motion, and endeavours to hold future Annual General Meetings as early as possible where practical.

MOTION 6 COMMUNITY CONSULTATION

MOVED Mrs Zakrevsky, SECONDED Mr Zakrevsky that Council improves the spread and the clarity of communication with the community in their notification of:

- 1 special meetings;*
- 2 matters of general and special interest;*
- 3 “calls for submissions” when planning for amenities, both new and upgrading. Large, clearly worded billboard type advertising signs erected for a minimum period of 42 days on all sites where changes are contemplated or proposed or under review, e.g. changes in use or size or management and every home and business within a kilometre of the site receive an individual notice of the above, inviting comments.*

The Motion was Put and

CARRIED

The Council currently advertises and seeks community input on a range of matters, far in excess of its legislative requirements. However, the Council is always reviewing ways it can improve its communications and interaction with the community. Means of communication the Council currently use is advertising in the West Australian and Wanneroo Times, the Council News publication, the Joondalup website, displays at the Whitfords Customer Service Centre, displays at the recreation centres and libraries, and letter drops where appropriate.

The Council is currently in discussions with the Wanneroo Times in relation to its circulation of the Joondalup district. The Wanneroo Times are currently running at 98% distribution based on regularly audited figures by Ernst and Young, who in turn submit their findings to the circulation audit board.

The Council will advertise major new initiatives through appropriate mediums in the future. As an example, all major works for the Year 2001 will be featured in a full page advertisement in the Wanneroo Times in the coming weeks. It is also proposed to display all public notices and adverts at the Whitfords Customer Service Centre in the near future.

It is worth noting that in a representative survey of City of Joondalup residents in May 2000, only 15% indicated they were not satisfied with the way the Council made information available.

Recommended Response

It is recommended that the Council notes the above motion and seeks a report examining further innovative ways it can improve its communications and interaction with the community on specific issues.

MOTION 7 COMMUNITY PARTICIPATION

MOVED Mr Zakrevsky, SECONDED Mr de Gruchy that Council takes note and acts on motions and studied recommendations from committees, ratepayers associations and individual ratepayers on the following points:

- 1 promotion of local industry;*
- 2 allocation of personnel numbers referring to:*
 - (a) Ranger and Security Services;*
 - (b) Leisure Centres;*
 - (c) Bush and dune regeneration and dry parks maintenance;*
 - (d) volunteer groups*

The Motion was Put and

CARRIED

The City is actively involved with many committees and ratepayers associations throughout Joondalup. Advice received from associations and committees are always considered by the Council, prior to the Elected Members making an informed decision which in their opinion is in the best interests of the whole community.

In relation to promotion of local industry, the City adopted the Regional Purchasing Policy in July 1999, annually contributes financially to the North West Metro Business Association, and also hosts the Joondalup Stakeholders Group.

In addition, the City is working in conjunction with the City of Wanneroo to develop an 'Online Portal' which will further promote local industry through the electronic community.

Recommended Response

It is recommended that the Council notes the above motion and continues to encourage community participation wherever possible, and continues to consider advice received from the community prior to making decisions. It is also recommended that the Council reinforces its commitment to local industry through its Strategic Plan and Regional Purchasing Policy.

MOTION 8 **SECURITY CHARGE**

MOVED Mr Cusack, SECONDED Mr Sideris that the electors of the City of Joondalup hereby require that:

- 1 *Council applies the service charge Section 54 (d) “property surveillance and security” of the Local Government (Financial Management) Regulations 1996 in accordance with the strict guidelines and criteria contained in Section 6.38 of the Local Government Act 1995, the specific criteria established by the Department of Local Government for the inclusion of Section 54 (d) was and is as follows:*
 - (a) *the proposed service is to be provided to, or onto land;*
 - (b) *the proposed service is to be same for each property. To determine this, the nature of the service needs to be clearly defined. The description of the nature of the service to be provided should also establish that there is a clear relationship between:*
 - (i) *the work to be done and the charge to be levied; and*
 - (ii) *the benefit to be derived by the land owner in relation to the work done and the charge levied;*
- 2 *the cost of providing the proposed service will be the same, or approximately the same, for each property or, if not the same, is capable of being calculated on a fair and equitable basis and will relate to the charge to be levied;*
- 3 *if the same service is one for which funding options are available under other legislation then, as a general rule, those options should be used by the local government (or amended under that legislation to suit the needs of the proposal);*

Section 6.38 (4) states that “a local government may only use the money raised from a service charge:

- (a) *to meet the cost of providing the specific service for which the service charge was imposed;*

We the electors of the City of Joondalup hereby expect Council to fund all the important initiatives such as graffiti control, neighbourhood watch, constable care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

The Security Charge has been imposed pursuant to the provisions of Section 6.38 of the Local Government Act 1995 and Regulation 54 of the Local Government (Financial Management) Regulation 1996. The prescribed service of property surveillance and security, branded as the Safer Community Program, meets all the statutory requirements of Part 5, Rates and Services charges, Local Government (Financial Management) Regulations 1996 and Section 6.38 of the Local Government Act 1995.

The Council at its meeting of 8 August 2000, adopted the budget for the Safer Community Program and imposed the \$27 Security Charge to meet this budget. The Safer Community Program, is considered to be a comprehensive approach to the provision of property security and surveillance, and includes initiatives such as partnerships, graffiti control, neighbourhood watch, constable care and urban design. In adopting the program, the Council considered that all these initiatives provided a benefit to all property owners.

The Council elected to fund the Safer Community Program through a security charge rather than the general rate based on the principle that all properties in the district would receive the same benefits of the service, while the general rate creates a subsidisation scenario.

Recommended Response

It is recommended that the Council notes the motion, reaffirms its commitment made to the security referendum and indicates that the time to consider any future funding for property surveillance and security should be considered in conjunction with the adoption of the annual budget.

MOTION 9 REFUND OF SECURITY CHARGE

MOVED Mr Sideris, SECONDED Mr Cusack that this Annual General Meeting of Electors of the City of Joondalup directs the Council to:

- 1 *return to all ratepayers within 30 days the security levy monies appropriated without law in 1999/2000;*
- 2 *return to all ratepayers within 30 days the security charge monies appropriated without due and proper process in the 2000/2001 Budget;*
- 3 *provide an apology within 30 days by way of personal letter to all ratepayers who have not paid either the levy or service charge or who have had their short paid rate payment manipulated to be in default of the Local Government Act.*

The Motion was Put and

CARRIED

The prescribed service of property surveillance and security, branded as the Safer Community Program, meets all the statutory requirements of Part 5, Rates and Services charges, Local Government (Financial Management) Regulations 1996 and Section 6.38 of the Local Government Act 1995.

It must be noted that 42 properties from over 55,000 properties have not paid the \$27 security charge from the 1999/2000 financial year.

Recommended Response

It is recommended that the Council states that there are no valid grounds available to accede to this request.

MOTION 10 SECURITY CHARGE - LEGISLATION

MOVED Mr Sideris, SECONDED Mr O'Brien that this Annual General Meeting of Electors of the City of Joondalup directs the Council to advise the Department of Local Government, Western Australian Municipal Association (WAMA) and the Minister for Local Government that the electors of the City of Joondalup do not support;

- 1 the broadening of the power of expenditure associated with monies appropriated by service charges;*
- 2 the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include street-scaping and the like;*
- 3 reject the principle of imposing additional taxes including flat taxes.*

The Motion was Put and

CARRIED

The interpretation and application of service charge legislation was addressed last year. The Council resolved in part that “a submission be compiled to the Minister for Local Government, WAMA and the Local Government Department with a view to broadening the powers of the Act in relation to the expenditure of funds raised from the Security Charge”.

This submission was forwarded in August 2000 and has the support of the North Zone, Local Government Association and WAMA Executive. It is also understood that WAMA have raised the matter with the Minister for Local Government and Local Government Department. The City’s submission together with all relevant documents will be discussed with the Minister prior to a final position being established.

Recent discussions with officers of the Department of Local Government have indicated that a draft policy paper has been prepared. In view of the forthcoming election, this matter will now be progressed with the Minister following the formation of government. Departmental officers have made a firm commitment to clarify the matter with a view to defining more precisely the requirements.

Recommended Response

It is recommended that the Council notes the above motion, and seeks a further definition from the Department of Local Government on the prescribed service of property surveillance and security, and the expenditure areas such funds may be utilised.

MOTION 11 PUBLIC QUESTION TIME

MOVED Mr Sideris, SECONDED Mr Zakrevsky that this Annual General Meeting of Electors of the City of Joondalup directs the Council:

- 1 during public question time to read submitted questions in full;*

2 to include a second public question time at the conclusion of the meeting.

The Motion was Put and

CARRIED

Previously all questions received in writing together with the response from the Administration were read in full during public question time. All responses were also provided in hard copy and made available to all members of the public prior to the meeting, time permitting.

The practice of providing hard copy answers to all questions submitted in writing continues to operate. In order to make more effective use of public question time and given that copies of the questions and answers are available to all members of the public, only a summary of the question is read aloud at the meeting. The Joint Commissioners also adopted this practice in an effort to reduce time wastage, and to offer the opportunity for other members of the public to ask questions. It is considered that the above practice is working effectively, however, if thought appropriate by Council, all questions and answers can be read out aloud by the Chief Executive Officer. This course of action however is not preferred and it is recommended that the current practice be maintained.

In relation to the second public question time, this issue has been raised previously and the current standing orders do enable a second public question time at the end of the meeting if the Council resolves accordingly.

Recommended Response

It is recommended that the Council notes the above motion, and that this request be considered in conjunction with its review of the Standing Orders Local Law.

MOTION 12 ADMINISTRATION PERFORMANCE

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

The Motion was Put and

CARRIED

The Director Resource Management contacted Mr O'Brien in relation to his comments to ascertain the basis of his opinion covering staff morale. Mr O'Brien made reference to two former elected members of the former City of Wanneroo many years ago, but was unable to substantiate his newer claims against the current Administration.

The Chief Executive Officer has also made contact with the Executive Director of the Department of Local Government, and was advised that no complaints have been received from the community in relation to the continued performance of the City of Joondalup.

The City will take on board the above comments. The City has been on a path of continuous improvement since it was created in 1998, and it is always reviewing and assessing ways it can improve its service delivery to the community.

Last year the City of Joondalup won the WAMA Leadership in Best Practice Award. This is the highest award that can be won in local government in Western Australia. This award recognises the achievements that the City has gained during the past year, and serves to demonstrate that we are attempting to provide a high quality service to our community.

Independent market research has also been conducted over the past few years, with the level of satisfaction with the Council's services continually rising.

The Council is currently working on the development of a new Strategic Plan, which will further enhance exactly what the City hopes to achieve, and how it intends to achieve these outcomes during the coming years. There has been extensive public consultation with the development of this Plan, and it will provide a sound document upon which the community can assess the Council's performance.

In relation to morale of the staff, the City is continuously examining ways in which to make the City of Joondalup a better place to work. The current Strategic Plan details the Council's commitment to Organisational Culture. The City has recently adopted an Enterprise Bargaining Agreement, and is currently developing a Performance and Rewards System for staff.

Other initiatives to assist staff morale is the establishment of a training and development program, grievance procedures, and a personal e-mail box to the CEO to register any concerns. It should be noted that there has also been no industrial disputation at Joondalup in the last 18 months.

An internal staff survey was conducted in December 2000 amongst volunteering staff members. Over 138 completed staff surveys were returned. The survey asked staff to rate their level of overall satisfaction with the service provided by other staff members. This includes the willingness to help others, and being responsive to other staff members needs and enquiries. Whilst still being finalised, initial figures demonstrate a 74% satisfaction rate for internal service which indicates a high standard.

Recommended Response

- 1 It is recommended that the Council notes the above motion and the information subsequently received from Mr O'Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;**
- 2 There appears to be insufficient grounds on Mr O'Brien's claims for the Council to approach the Minister for Local Government, and it is recommended that the Council advise Mr O'Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions.**

OFFICER'S RECOMMENDATION: That in response to the Annual General Meeting of Electors held 18 December 2000:

1 Council:

- (a) NOTES Motion 1 of the Annual General Meeting of Electors and seeks a further legal opinion on the legality of the security charge from an alternative legal firm, or from Queens Counsel;
- (b) NOTES Motion 2 of the Annual General Meeting of Electors, and takes the motion into consideration during the 2001/02 budget workshops;
- (c) NOTES Motion 3 of the Annual General Meeting of Electors, and considers future options for the Operational Management and Lease of the Leisure Centres, in conjunction with the public submissions received and its existing contractual obligations;
- (d) NOTES Motion 4 of the Annual General Meeting of Electors, and authorises the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Groups to discuss the groups intended Terms of Reference, and report back to the Council with further detail;
- (e) NOTES Motion 5 of the Annual General Meeting of Electors, and endeavours to hold future Annual General Meetings of Electors as early as possible where practical;
- (f) NOTES Motion 6 of the Annual General Meeting of Electors, and seeks a report examining innovative ways that it can improve its communications and interaction with the community on specific issues;
- (g) NOTES Motion 7 of the Annual General Meeting of Electors, and continues to encourage community participation where possible and continues to consider advice received from the community prior to making decisions; and that the Council reinforces its commitment to local industry through its Strategic Plan and Regional Purchasing Policy;
- (h) NOTES Motion 8 of the Annual General Meeting of Electors, reaffirms its commitment to the security referendum and indicates that the time to consider any future funding for property surveillance and security should be considered in conjunction with the adoption of the annual budget;
- (i) STATES that there are no valid grounds available to it to return the security charge funds raised to ratepayers in 1999/00 and 2000/01;

- (j) NOTES Motion 10 of the Annual General Meeting of Electors, and seeks a further definition from the Department of Local Government on the prescribed service of property surveillance and security, and the expenditure areas such funds may be utilised;
- (k) NOTES Motion 11 of the Annual General Meeting of Electors, and considers this request in conjunction with its review of the Standing Orders Local Law;
- (l) ADVISES Mr O'Brien that there is insufficient grounds on which it can approach the Minister for Local Government in relation to his claims of Motion 12, and that Mr O'Brien be advised that he has a right to approach the Minister direct should he feel that he has matters to warrant such action;
- (m) NOTES Motion 12 of the Annual General Meeting of Electors and the information subsequently received from Mr O'Brien, and continues to develop new initiatives and programs to assist with staff morale where possible;

2 the mover and seconder of each motion of the Annual General Meeting of Electors be advised of the relevant outcomes, with the appropriate actions to be taken.

MOVED Cr Carlos, SECONDED Cr Walker that the matter pertaining to various issues arising as a result of the Annual General Meeting of Electors held on 18 December 2000 be DEFERRED pending further consideration by elected members.

AMENDMENT MOVED Cr Patterson, SECONDED Cr Hollywood that an additional point be added to the Motion as follows:

2 **that Council forms a committee consisting of three Councillors, being Crs Magyar, Carlos and Walker to meet with community representatives to address the concerns raised by ratepayers at the Annual General Meeting.**

Discussion ensued.

The Amendment was Put and

CARRIED

The Original Motion as amended was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix25 refers

*To access this attachment on electronic document, click here: [Attach25brf130201.pdf](#)
[Agm181200.pdf](#)*

**CJ005 - 02/01 OCEAN REEF BOAT LAUNCHING FACILITY –
REPORT ON APPLICABILITY OF SECTION 3.59
TO VESTING ARRANGEMENTS - [04171]**

WARD - Marina

CJ010206_BRF.DOC:ITEM 4

SUMMARY

At its meeting of 28 November 2000, Council considered and endorsed a Report proposing the transfer of vesting of the Ocean Reef boat launching facility (groynes) from the Water Corporation and Department of Transport to the City (Report CJ335-11/00 refers). Council also resolved:

“to seek a further report on the requirements of complying with Section 3.59 of the Local Government Act 1995 in regard to the possible development of the Ocean Reef Marina.”

This report provides advice received from the City’s solicitor and the Department of Local Government that Section 3.59 does not apply to the proposed vesting agreement and therefore the City is not required to prepare a business plan before entering into the transfer arrangement.

BACKGROUND

The Council resolution in relation to Report CJ335-11/00 of 28 November 2000, sought a further report on the issue of whether the City is required to prepare a business plan as stipulated in Section 3.59 the Local Government Act 1995 prior to entering into the transfer of vesting of the Ocean Reef facility.

Advice was sought from both the City’s Solicitor and the Department of Local Government, as to whether the proposed transfer of vesting is subject to the provisions of Section 3.58 (Disposing of property) or Section 3.59 (Commercial enterprises by local governments) of the Local Government Act 1995. Both confirmed that in their opinion the transfer arrangements are not subject to these provisions and therefore the City was not required to prepare a business plan on this matter.

DETAILS

The following advice was provided by the City’s Solicitor on the question of Sections 3.58 or 3.59 applying to the proposed transfer arrangements at Ocean Reef:

“I refer to your letter of 15 December 2000 and to our subsequent discussions concerning the question whether the agreement is dealt with by either section 3.58 or section 3.59 of the Local Government Act 1995.

I confirm my advice that section 3.58 does not apply to the proposed agreement because the agreement does not involve the “disposing” of the City’s property. Pursuant to the proposed agreement, the control and management of the Crown reserves referred to will be vested in the City but this does not involve any disposal of property by the City.

With respect to section 3.59, I also confirm that, in my view, the proposed agreement does not constitute either a “land transaction” or a “trading undertaking”.

Under the proposed agreement, whilst the control and management of the reserves will be vested in the City, the City will not be acquiring “an interest in land” and the reserves will remain in the ownership of the Crown. I also confirm your instructions to me that the proposed agreement does not involve the City carrying on an activity “with a view to producing profit to it” and it follows, in my opinion, that the proposed agreement does not involve a “trading undertaking” as defined by section 3.59(1).

I would conclude therefore that section 3.59 does not apply to the agreement and the City is not required to prepare a business plan before entering into the agreement.”

The Department for Local Government commented that “I do not believe that Sections 3.58 and 3.59 apply in this case. Section 3.58 applies to the disposal of property only and section 3.59 applies to land transactions involving consideration. You advised that there is no consideration involved in changing of vesting.”

The Council should be aware that it will be necessary to consider its obligations under Sections 3.58 and Section 3.59 of the Local Government Act 1995 when planning the development of Lot 1029 and adjacent land at Ocean Reef.

OFFICER’S RECOMMENDATION: That Council NOTES the advice received on this matter in that the City is not required to prepare a business plan before entering into the transfer of vesting agreement on Ocean Reef.

Cr Hollywood sought clarification of the comment that the City would not be acquiring “an interest in land” and the reserves would remain in the ownership of the Crown.

Chief Executive Officer advised the reserves in question were below the high water mark and as such are reserves of the actual formations that are in the ocean itself. These are Crown reserves and the purpose of the exercise is these will be vested for the control by Council, but are not freehold.

Director, Community Development left the Chamber at 2034 hrs and returned at 2037 hrs.

Cr Rowlands left the Chamber at 2035 hrs and returned at 2037 hrs.

Executive Manager, Strategic Planning gave an overview of the groynes area and advised he would provide details of costings to elected members.

MOVED Cr Carlos, SECONDED Cr Rowlands that the matter relating to vesting arrangements for the Ocean Reef Boat Launching Facility be DEFERRED to the next meeting of Council scheduled to be held on 27 February 2001 in order that a business plan may be presented for consideration by elected members.

AMENDMENT MOVED Cr Patterson, SECONDED Cr Kenworthy an additional point be added to the Motion as follows:

- 2 that Council forms a committee consisting of three Councillors to examine the issues in relation to the vesting arrangements for the Ocean Reef Boat Launching Facility, in particular the creation of a business plan.

Discussion ensued.

The Amendment was Put and

LOST

The Original Motion was Put and

CARRIED

Cr Kadak declared a financial interest in CJ006-02/01 – Yellagonga Regional Park Draft Management Plan, Review of Public Submission as he resides adjacent to the Park.

Cr Kadak left the Chamber, the time being 2054 hrs.

Mayor Bombak declared a non-financial interest in CJ006-02/01 – Yellagonga Regional Park Draft Management Plan, Review of Public Submission as he resides within close proximity to the Park.

**CJ006 - 02/01 YELLAGONGA REGIONAL PARK DRAFT
MANAGEMENT PLAN, REVIEW OF PUBLIC
SUBMISSIONS - [03370]**

WARD - All

CJ010206_BRF.DOC:ITEM 5

SUMMARY

The preparation of the Yellagonga Regional Park Draft Management Plan has been a four-year phased project coordinated by the Department of Conservation and Land Management (CALM) culminating in a draft document and analysis of public submissions. The management plan is strategic in nature with the purpose of providing broad direction for the planning, management and development of the Yellagonga Regional Park.

CALM has forwarded a copy of the draft Yellagonga Regional Park Management Plan and the draft Analysis of Public Submissions (Attachment 1 refers) for consideration and comment by the City and Council. Comments from Council will assist CALM in finalising the documents, which will then be released by the Minister for the Environment. CALM has requested Council's response by 22 February 2001.

This report seeks Council's endorsement to the comments on the draft management plan as detailed in Attachment 2 and that CALM be advised accordingly.

BACKGROUND

The preparation of the Yellagonga Regional Park Draft Management Plan was coordinated by a consultancy team led by Plan E, in conjunction with the managers of Yellagonga Regional Park, CALM, City of Wanneroo and City of Joondalup. The plan was prepared in five phases over a period of four years. The draft management plan notes that the "plan provides statutory direction over all lands and waters of the Park vested in the National Parks and Nature Conservation Authority (NPNCA) and managed by the Department of Conservation and Land Management". The draft plan further notes that; "The proposals contained in this plan have not been endorsed by the Cities of Joondalup and Wanneroo. Following public comment on the Plan, the respective Councils of Joondalup and Wanneroo will consider formal endorsement of the Final Management Plan".

As the management plan is strategic in nature providing broad direction, the strategies proposed are aimed at addressing planning, management issues and concerns only. The management plan does not provide the detailed implementation plans to address each of the strategies. Such implementation plans will be required to be developed separately, through the establishment of joint working parties representing the relevant agencies and council, prior to any operation or activity being undertaken within the park.

The Yellagonga Regional Park Draft Management Plan was released by CALM on 17 April 2000 for public comment with the period closing on 29 July 2000. Since the close of submissions CALM has been analysing the responses. The draft management plan notes that the Cities shall, jointly with CALM, consider the submissions made on the Draft Plan and consider why changes should be made in the light of those submissions.

Copies of the management plan, and CALM's analysis of public submissions has been distributed separately to Councillors and with a copy also available in the Councillors reading room. The draft management plan has not been amended in light of the public submission. This will occur at a later stage.

Discussions on proposed modification of the draft management plan were held between CALM and the City's administration, on 4 January 2001. The process for finalising the Yellagonga Regional Park Management Plan was noted as follows;

- City of Joondalup staff to review the Analysis of Public Submissions, with issues to be discussed with CALM.

- Staff to report to Council, seeking consideration and comment on the draft management plan and analysis of public submissions.
- Comments from Council will be utilised in finalising the draft analysis of public submissions and the management plan. Comments to be forwarded to CALM by 22 February 2001.
- CALM and City of Joondalup to continue to liaise in finalising the plan. CALM will forward proposed final draft plan for comment by City of Joondalup.
- The Hon. Minister for the Environment will release the plan.
- Final management plan to be submitted to the City of Joondalup Council, for endorsement (relevant strategies from the plan such as future tenure arrangements, will be submitted for Council endorsement, when requested by CALM).

Following this meeting members of the Environmental Advisory Committee were asked to provide comment on the proposed amendments of the draft management plan and actions.

The discussion between the City and CALM on 4 January also reviewed the future tenure arrangements for selected areas within Yellagonga Regional Park. Selected portions of the Yellagonga Regional Park are proposed to be transferred from the Western Australian Planning Commission to CALM;

Area 22	(Northern portion of Lake Goollelal)
Area 23	(North western portion of Lake Goollelal)
Area 25	(Eastern portion of Lake Goollelal)

The extent of each of the above areas are identified in Attachment 3 (Figure 4- Management Zones and Areas, page 10 of management plan). Such transfers rationalise the number of management agencies operating in the area.

DETAILS

The Yellagonga Regional Park Draft Management Plan and the Yellagonga Regional Park Analysis of Public Submissions have been reviewed by City of Joondalup in addition to members of the Environmental Advisory Committee. Committee members have informally considered the documents and as a result, have not provided a formal recommendation to Council. Comments on the documents are summarised below:

General Comments

In general, CALM's responses to the public submissions are supported.

The City is supportive of CALM's proposed changes to the draft management plan in response to public submission, for;

Section C, Conservation, 19 – Midge and Mosquito Control. CALM proposes to amend the draft management plan to refer to vegetation buffers, to assist in managing mosquito and midges.

Section D, Recreation, 26 – Recreation Sites and Facilities. Most public submissions were supportive of the draft plan. CALM proposes some amendment to the plan to clarify issues concerning the Recreation Masterplan (including Figure 10, page 35 of management plan).

Section D, Recreation, 29 – Signs. No public submissions commented on signage. Suggestions from the City regarding improved signage are provided in Attachment 2.

Section E, Leases and Commercial Operations, 32 – Commercial Operations and Leases. CALM has proposed amendments to reflect community comment on development proposals, removal of a Botanic Park proposal at Duffy Terrace, and various amendment relating to Basic Raw Materials, legislative requirements and a mining policy for Yellagonga Regional park.

Section H, Plan Implementation, 39 – Community Involvement. CALM does not propose to amend the draft management plan in the light of public submissions. This approach is supported.

Numerous public submissions have referred to relatively minor editorial changes. CALM has indicated that relevant amendments to the plan will be made.

Public Submissions

There are a number of public submissions that were considered by members of the Environmental Advisory Committee and the City to be not adequately reflected in the revised CALM document.

In some cases, public submissions have been considered by CALM to be beyond the scope of the management plan and therefore no amendments to the draft management plan are proposed.

Public submissions have also identified a number of omissions within the draft management plan. CALM's consideration of such submissions have in some cases led to no proposed changes of the management plan. Public submissions also raised valid points regarding off-site issues. It is considered that the public submission comments are valid and that the management plan should be revised. These submissions are considered below together with proposed modifications to the draft management.

The public submissions include:

- No 1. Section 14 – The Lakes and Wetlands. A discussion on the application of buffer zones around wetlands has not been included. Proposed amendment to the management plan include a discussion of buffer zones and guidance for landowners on how to minimise their impact on the regional park.
- No 2. Section 18 – Fire. The draft management plan does not discuss the role of the Perth Air Quality Management Plan in relation to the management of the regional park. Some discussion of the Perth Air Quality Management Plan should be included.
- No 3. Section 14 – The Lakes and Wetlands. The draft management plan contains insufficient quantitative data regarding water quality. It is proposed that such information be included, together with a discussion of water quality standards.
- No 4. Section 5 – The Vision for the Park. The public submission considers that the goals of the vision of the park have been written in an excessively broad manner. Goals should be reviewed to ensure that goals are meaningful
- No 7. Section 28 – Park Access and Circulation. CALM proposes to modify the draft management plan to allow access to watercraft to Lake Goollelal. This proposed modification is not supported and requires further consideration.
- No 13. Section 14 – The Lakes and Wetlands. A public submission proposed controls relating to fertiliser use on recreation areas adjacent or near to the regional park. CALM considers this beyond the scope of the plan. The management plan needs to be amended to recognise off-site factors such as fertiliser management in near-by areas.

Detailed comments on the above public submissions are included as Attachment 2. Additional comments are also included, relating to improvements to the presentation of the management plan and comments regarding signage.

Lake Goollelal Management Plan

The draft Yellagonga Regional Park management plan refers to the Draft Lake Goollelal Management Plan. This report was deferred pending the completion of the Yellagonga Regional Park Management Plan (report CJ276-12/98 refers). Issues included car parking and the provision of toilet facilities. Management of Lake Goollelal has now been proposed to be adopted by CALM. The concerns raised by residents relating to the provision of facilities will need to be addressed by CALM. The City of Joondalup therefore will not need to proceed with the Lake Goollelal Management Plan. The Yellagonga Regional Park management plan should be amended to recognise the

management role of CALM, and reference to the Draft Lake Goollelal Management Plan deleted.

OFFICER'S RECOMMENDATION: That Council:

- 1 ADVISES the Department of Conservation and Land Management of the comments presented in this report, forming Attachment 2 to Report CJ006-02/01, in relation to the Yellagonga Regional Park Draft Management Plan and the Analysis of Public Submissions;
- 2 NOTES that the final Yellagonga Regional Park Management Plan will be provided by the Department of Conservation and Land Management, for endorsement by Council;
- 3 THANKS the Department of Conservation and Land Management for the opportunity to review public submissions and to provide comment on the Yellagonga Regional Park Draft Management Plan and Analysis of Public Submissions;
- 4 SEEKS further discussion with the Department of Conservation and Land Management concerning the program for the development of implementation plans to support the management plan strategies.

MOVED Cr Rowlands, SECONDED Cr Hollywood that Council:

- 1 ADVISES the Department of Conservation and Land Management of the comments presented in this report, forming Attachment 2 to Report CJ006-02/01, in relation to the Yellagonga Regional Park Draft Management Plan and the Analysis of Public Submissions;
- 2 NOTES that the final Yellagonga Regional Park Management Plan will be provided by the Department of Conservation and Land Management, for endorsement by Council;
- 3 THANKS the Department of Conservation and Land Management for the opportunity to review public submissions and to provide comment on the Yellagonga Regional Park Draft Management Plan and Analysis of Public Submissions;
- 4 SEEKS further discussion with the Department of Conservation and Land Management concerning the program for the development of implementation plans to support the management plan strategies;
- 5 SEEKS a meeting with Department of Conservation and Land Management to endorse the report in order that the Management Plan can be commenced as soon as possible.

The Motion was Put and

LOST

MOVED Cr Magyar, SECONDED Cr Wight that Council:

- 1 ADVISES the Department of Conservation and Land Management of the comments presented in this report, forming Attachment 2 to Report CJ006-02/01, in relation to the Yellagonga Regional Park Draft Management Plan and the Analysis of Public Submissions;**
- 2 NOTES that the final Yellagonga Regional Park Management Plan will be provided by the Department of Conservation and Land Management, for endorsement by Council;**
- 3 THANKS the Department of Conservation and Land Management for the opportunity to review public submissions and to provide comment on the Yellagonga Regional Park Draft Management Plan and Analysis of Public Submissions;**
- 4 SEEKS further discussion with the Department of Conservation and Land Management concerning the program for the development of implementation plans to support the management plan strategies.**

Discussion ensued.

The Motion was Put and

CARRIED

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf130201.pdf](#)

Cr Kadak entered the Chamber, the time being 2055 hrs.

Cr Walker left the Chamber, the time being 2055 hrs.

**CJ007 - 02/01 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 31 DECEMBER 2000 - [09882]**

WARD - All

CJ010206_BRF.DOC:ITEM 6

SUMMARY

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

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	027556-028233	5,075,760.56
Municipal	000234-000240	5,075,760.56
	TOTAL \$	10,151,521.12

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 December 2000, the amount was \$810,856.82

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$10,151,521.12 which is to be submitted to each Councillor on 13 February 2001 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$10,151,521.12 submitted to Council on 13 February 2001 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Rowlands, SECONDED Cr Patterson that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 December 2000, certified by the Mayor and Director of Resource Management and totalling \$10,151,521.12.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	027556-028233	5,075,760.56
Municipal	000234-000240	5,075,760.56
	TOTAL \$	10,151,521.12

Cr Walker entered the Chamber at 2057 hrs.

Cr Magyar sought clarification of Cheque No 27561 for \$277.28, issued on 5 December 2000 to Cr Kenworthy.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Ewen-Chappell that an additional Point be added to the Motion as follows:

- 2 REFERS all elected members claim forms and previous claims already submitted to the Audit Committee for detailed examination and verification of costs.**

The Amendment was Put and CARRIED

The Motion as amended was Put and CARRIED

Appendices 4 (a) and (b) refer. To access this attachment on electronic document, click here: [Attach4aag130201.pdf](#) [Attach4bag130201.pdf](#)

Superintendent Calderwood, Joondalup Police District left the Chamber, the time being 2104 hrs.

CJ008 - 02/01 FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2000 - [07882]

WARD - All

CJ010206_BRF.DOC:ITEM 7

SUMMARY

The monthly financial report for the period ending 31 December 2000 is appended as Attachment A.

The December report is the sixth financial report for the 2000/2001 financial year. The report shows a variance of **\$5.5m** when compared to budget for the year to date. This underspend can be analyzed as follows:

- Operating Budgets shows a variance of **\$3.7m** at the end of the month as compared to budget due to underspending in Employee Costs of **\$0.5m** and Materials & Contracts of **\$3.2m**.
- Capital Expenditure Budgets shows a variance of **\$1.1m** at the end of the month as compared to budget primarily due to purchases of Computer and Communication Equipment and Plant & Light Fleet that had not been undertaken by the end of the month.

- Capital Works Budgets show a variance of **\$0.7m** at the end of the month as compared to budget. However, the City has currently committed expenditure of approximately **\$0.8m**. Inclusion of this committed expenditure indicates that the Capital Works Program compares favourably against YTD budget.

The City will be undertaking a mid-year budget review at the end of December 2000 that will identify potential savings or deferral of expenditure.

MOVED Cr Kadak, SECONDED Cr Ewen-Chappell that the Financial Report for the Period Ended 31 December 2000 be NOTED.

The Motion was Put and

CARRIED

Appendix 5 refers. To access this attachment on electronic document, click here:
[Attach5brf130201.pdf](#)

**CJ009 - 02/01 PLANT TENDER 034-00/01 - PURCHASE OF SIX
2WD RIDE ON MOWERS AND DISPOSAL OF
FOUR 2WD RIDE ON MOWERS - [52152]**

WARD - All

CJ010206_BRF.DOC:ITEM 8

SUMMARY

The City's 2000/01 budget provided for the purchase of plant, as detailed in the Plant Replacement Programme. The shortfall between the purchase price and the trade in for the purchase of four units, is to be funded from the Plant Reserve Account. The purchase of the additional two units was approved as a New Initiative and is to be funded from the New Initiatives Capital Programme.

The City's 2000/01 budget provided for the purchase of six 2WD Mowers with the trade of the following plant items:

- Plant Number 98487 TORO Mower allocated to Operations Services
- Plant Number 98489 TORO Mower allocated to Operations Services
- Plant Number 98490 TORO Mower allocated to Operations Services
- Plant Number 98499 TORO Mower allocated to Operations Services

This report outlines the submissions received in relation to Tender 034-00/01. It recommends the trade of the plant items listed above, on the purchase of six TORO 325-D ride on mowers from Tom's Garden Machines, at a changeover cost of \$131,460.

The Chief Executive Officer has delegated authority to accept tenders up to a figure of \$100,000. However, as Tender No 034-00/01 exceeds that figure, it requires approval of the Council.

BACKGROUND

Tender No 034-00/01 pertaining to these acquisitions was advertised on Saturday 2 December 2000 and closed on Tuesday 19 December, 2000. The four plant items to be traded were presented for inspection on 7 December 2000, and were evaluated by all prospective tenderers.

DETAILS

There were seven submissions received for the supply and trade of ride on mowers as per Tender No 034-00/01. Two suppliers offered alternative tenders.

Details of all submissions are shown on Attachment A.

Whole of life costing was carried out on the Models offered utilizing a common depreciation rate. Fuel consumption figures are not provided by manufacturers and can vary substantially depending on work conditions. Consequently, fuel consumption was not considered in the whole of life evaluation.

With a common depreciation rate used to estimate resale value at end of life, the whole of life results matched the changeover costs in ranking order. Therefore in this evaluation, the lowest to highest cost tender order is similar to the whole of life order.

All submissions were examined and compared to the Specification as outlined in Schedule A1 of the Tender document. The lowest cost tender was the Alternative tender as submitted by E. & M.J. Rosher on the Great Dane 61-25 KOH, however the unit offered did not meet the tender specification in the following areas:

- 1 The unit has a cut width of 1.6m compared to the specification calling for 1.8m. The smaller cutting width would decrease productivity.
- 2 The unit has a petrol motor compared to the specification calling for a diesel engine. The petrol motor is not suitable for heavy-duty operations.
- 3 The unit has a manual raise cutting deck compared to the specifications calling for a hydraulic lift. The manual changing of the deck height adds greater stress to the operator and is consequently disliked for long duration operation.
- 4 The unit has a side discharge chute compared to a rear discharge called for in the specifications. The side discharge is not suitable for the City's operations.

Considering all of the above, the Great Dane 61-25 KOH unit is not recommended for purchase.

The second lowest tender was submitted by Boya Equipment on the Kubota F2560E, however the unit offered did not meet the tendered specification in the following areas:

- 1 The unit has one belt for the cutters compared to the specifications requiring three belts. The one belt system has been found to be less than satisfactory due to total cutter failure if the belt breaks and past experience has proven that the longer one belt system has a shorter operating life than the three belt system. The three belt system can also be repaired in the field easier than the single belt system.
- 2 The unit does not have jack-mounting positions and is not fitted with a transmission guard. Both of these features were required in the specifications to assist in servicing and to protect the machine from under body damage.
- 3 The mounting of the cutter deck to the drive unit sub frame is considered to be less than satisfactory and could cause problems with excessive wear and movement at the point of connection.

Considering all of the above, the Kubota F2560E unit is not recommended for purchase.

Tom's Garden Machines submitted the third lowest tender for the TORO Groundsmaster 325-D which met all the required specifications. In addition, TORO machines have been used successfully by the City over many years and have a two-year warranty compared to one year offered by all the other tenderers.

It is recommended that the tender for the supply of six 2WD TORO ride on mowers from Tom's Garden Machines together with the disposal of plant items #98487, #98489, #98490 and #98499, for a net change over figure of \$131,460, be accepted.

COMMENT/FUNDING

Based on the Tom's Garden Machines tender the financial position is:

Plant Number	Recommended Tender- Changeover	Budget Provision	Budget Surplus/(Shortfall)
98487	\$20,280	\$12,488	(\$7,792)
98489	\$19,760	\$12,488	(\$7,272)
98490	\$20,430	\$12,488	(\$7,942)
98499	\$20,130	\$11,811	(\$8,319)
Additional	\$25,430	\$25,000	(\$430)
Additional	\$25,430	\$25,000	(\$430)
Total	\$131,460	\$99,275	(\$32,185)

Accepting this, the overall 2000/01 budget shortfall on tender 034-00/01 is \$32,185. The higher than expected budget shortfall is due to price increases on the new supply due to the falling Australian dollar and a higher budget expectation for the value of the trade units:-

Plant Number	Budget Purchase	Budget Trade	Actual Purchase	Actual Trade	Variance Purchase	Variance Trade	Total Variance
98487	\$22,706	\$10,218	\$25,430	\$5,150	(\$2,724)	(\$5,068)	(\$7,792)
98489	\$22,706	\$10,218	\$25,430	\$5,670	(\$2,724)	(\$4,548)	(\$7,272)
98490	\$22,706	\$10,218	\$25,430	\$5,000	(\$2,724)	(\$5,218)	(\$7,942)
98499	\$21,474	\$9,663	\$25,430	\$5,300	(\$3,956)	(\$4,363)	(\$8,319)
Additional	\$25,000	N/A	\$25,430	N/A	(\$430)	N/A	(\$430)
Additional	\$25,000	N/A	\$25,430	N/A	(\$430)	N/A	(\$430)
Total	\$139,592	\$40,317	\$152,580	\$21,120	(\$12,988)	(\$19,197)	(\$32,185)

It is proposed to fund this shortfall by utilising \$10,758 available from the postponement of the replacement of turf roller #98329 and \$23,063 from the postponement of the replacement of elevating work platform #98430. Although both units have reached replacement age they are in sound mechanical condition and are not expected to decrease in value or incur additional repair costs over the additional 9 months of retention. It is considered that the deferment of the replacement of these two items would incur negligible extra cost to the City compared to the deferment of the replacement of one of the mowers, as the mowers are in need of substantial rebuilding work. Council officers have given approval and recommend this course of action.

GST IMPACT

GST can be claimed as a full 100% tax credit on the new supply and 1/11th of the Trade Valuation must be remitted to the Tax Office

GST IMPACT

GST can be claimed as a full 100% tax credit on the new supply and 1/11th of the Trade Valuation must be remitted to the Tax Office

	Without GST	With GST	Claim GST	Tax Credit
New Supply	\$152,580	\$167,838	YES	\$15,258
				Tax Debit
Trade	\$21,120	\$23,232	NO	\$2,112

MOVED Cr Ewen-Chappell, SECONDED Cr Barnett that Council in accordance with the General Conditions of Tendering ACCEPTS the tender from Tom's Garden Machines for the supply of six 2WD TORO ride on mowers and trade of plant items #98487, #98489, #98490 & #98499 at a net change over figure (without GST) of \$131,460 as detailed in Tender No 034-00/01.

The Motion was Put and

CARRIED

Appendix 6 refers. To access this attachment on electronic document, click here:
[Attach6brf130201.pdf](#)

CJ010 - 02/01 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCILS MEETINGS – DECEMBER 2000 AND JANUARY 2001 - [45637] [57199]

WARD - All

CJ010206_BRF.DOC:ITEM 9

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 11 and 13 December 2000 and on 15 and 17 January respectively. The minutes of these meetings are submitted for noting by Council.

DETAILS

The minutes of the meetings of the Joondalup North Youth Advisory Council held on 11 December 2000 and 15 January 2001 in Conference Room 1 are included as Attachments 1 and 3.

The unconfirmed minutes of the informal meetings of the Joondalup South Youth Advisory Council held on 13 December 2000 and 17 January 2001 are included as Attachments 2 and 4. As a quorum was not reached at either of these meetings, informal meetings were held.

No action is required from these minutes.

MOVED Cr Kadak, SECONDED Cr Hurst that Council NOTES the:

- 1 Minutes of the Joondalup North Youth Advisory Council meeting held on 11 December 2000 forming Attachment 1 to Report CJ010-02/01;**
- 2 unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council meeting held on 13 December 2000 forming Attachment 2 to Report CJ010-02/01;**
- 3 unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council meeting held on 15 January 2001 forming Attachment 3 to Report CJ010-02/01;**

- 4 unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council meeting held on 17 January 2001 forming Attachment 4 to Report CJ010-02/01.**

The Motion was Put and

CARRIED

Appendix 7 refers. To access this attachment on electronic document, click here:
[Attach7brf130201.pdf](#)

**CJ011 - 02/01 MINUTES JOONDALUP FESTIVAL AND
SUMMER EVENTS COMMITTEE - [50027]
[12169]**

WARD - All

CJ010206_BRF.DOC:ITEM 10

SUMMARY

A meeting of the Joondalup Festival and Summer Events Committee was held on 13 December 2000 and the confirmed minutes are submitted for noting by Council. A meeting of the Joondalup Festival and Summer Events Committee was held on 24 January 2001 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Joondalup Festival and Summer Events Committee meeting held 13 December 2000 are included as Attachment 1 and the minutes of the 24 January 2001 meeting are included as Attachment 2.

No action is required from these minutes.

MOVED Cr Hurst, SECONDED Cr Kadak that Council NOTES the:

- 1 minutes of the Joondalup Festival and Summer Events Committee meeting held on 13 December 2000 forming Attachment 1 to Report CJ011-02/01;**
- 2 unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 24 January 2001 forming Attachment 2 to Report CJ011-02/01.**

Cr Kadak advised that five of the Summer Events had so far been successfully held, with attendances in excess of last year.

The Deborah Conway Concert is scheduled for Saturday 17 February 2001 and contingency plans have been organised with regard to traffic flow, parking and weather conditions.

The Motion was Put and

CARRIED

Appendices 8(a) and (b) refer

*To access these attachments on electronic document, click here: [Attach8abrf130201.pdf](#)
[Attach8bbrf130201.pdf](#)*

**CJ012 - 02/01 MINUTES OF THE ENVIRONMENTAL
ADVISORY COMMITTEE MEETING – 20
DECEMBER 2000 - [00906]**

WARD - All

CJ010206_BRF.DOC:ITEM 11

SUMMARY

A meeting of the Environmental Advisory Committee was held on 20 December 2000 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

BACKGROUND

The Environmental Advisory Committee meeting held on 20 December 2000 achieved a quorum and considered business items arising from the previous meeting held on 15 November 2000.

The Chair welcomed the newly appointed community representatives to their first committee meeting.

The committee discussed a wide range of items including:

- the minutes of the Conservation Advisory Committee,
- proposed meeting schedule for the Environmental Advisory Committee during 2001,
- a petition requesting the City of Joondalup to manage natural areas,
- considerations relating to limestone cliff hazards,
- a work plan for the Environmental Advisory Committee for 2001,
- an update on the Liquefied Petroleum Natural Gas Vehicles report,
- recycling programmes for business,
- Council News,
- the Cities for Climate Protection Programme,

- incorporation of community groups,
- Perth Air Quality Management Plan,
- Local Agenda 21 Officer's role in the Australian Geographic Magazine 2001 Calendar.

No motion providing recommendations to Council was made by the Environmental Advisory Committee.

The committee meeting was the first meeting at which the Conservation Advisory Committee reported its minutes to the Environmental Advisory Committee. No motion providing recommendations to Council was made by the Conservation Advisory Committee; hence none are reported in this Council report.

DETAILS

The minutes of the Environmental Advisory Committee held on 20 December 2000 are included as Attachment A.

MOVED Cr Magyar, SECONDED Cr Mackintosh that Council NOTES the:

- 1 unconfirmed minutes of the Environmental Advisory Committee meeting held on 20 December 2000 forming Attachment 1 to Report CJ012-02/01;**
- 2 unconfirmed minutes of the Conservation Advisory Committee held on 23 November 2000 forming Attachment 2 to Report CJ012-02/01.**

The Motion was Put and

CARRIED

Appendices 9(a) and (b) refer. To access these attachments on electronic document, click here: [Attach9abrf130201.pdf](#) [Attach9bbrf130201.pdf](#)

CJ013 - 02/01 MINUTES OF THE CONNOLLY COMMUNITY FACILITY COMMITTEE MEETING - [25066]

WARD - Marina

CJ010206_BRF.DOC:ITEM 12

SUMMARY

The Council at its meeting in November 2000 resolved that it:

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

“To oversee the design of the facility and meet the needs of the local community.” (CJ303-11/00 refers)

The inaugural meeting of the Connolly Community Facility Committee was held on 25 January 2001 and the minutes of the meeting are provided for noting by Council.

Cr Magyar was elected as Chairman of the Committee.

The meeting considered two items of business, namely the proposed Terms of Reference of the Committee and background information relating to the proposed Connolly Community facility.

Two resolutions were made:

1. That Council endorses the adoption of the amended Terms of Reference of the Committee. (Attachment 2).
2. That a sub-committee comprising Mr Davies and Mr Albones be established to contact 4-5 potential user groups to develop a brief for the facility.

MOVED Cr Magyar, SECONDED Cr Mackintosh that Council:

- 1 NOTES the minutes of the Connolly Community Facility Committee Meeting held on 25 January 2001, forming Attachment 1 of Report CJ013-02/01;**
- 2 ENDORSES:**
 - (a) the adoption of the modified Terms of Reference forming Attachment 2 to Report CJ013-02/01;**
 - (b) a sub-committee comprising Mr Davies and Mr Albones to contact 4-5 potential user groups to develop a brief for the facility.**

The Motion was Put and

CARRIED

Appendix 10 refers. To access this attachment on electronic document, click here:
[Attach10brf130201.pdf](#)

CJ014 - 02/01 NOMINATIONS TO THE INTERIM BOARD OF THE NEW COMMUNITY BASED ORGANISATION - [40958]

WARD - All

CJ010206_BRF.DOC:ITEM 13

SUMMARY

On 19 December 2000 Council approved the establishment of a new community based service delivery organisation and the transfer of a number of the community services currently provided by the City to that new organisation effective from 1 July 2001 (Report CJ368-12/00 refers). Council also approved work proceeding in line with the implementation action plan contained in Attachment 2 of Report CJ368-12/00. Part of the implementation action plan requires the establishment of an Interim Board of Management with membership to include one Elected Member. This report requests the nomination of one Elected Member and the Manager of Community and Health Services to the Interim Board of the new organisation.

BACKGROUND

In order to meet the transfer date of 1 July 2001, it is necessary for the Interim Board of the new organisation to be established quickly and for it to commence its oversight of the implementation process.

Via an advertisement placed in The Joondalup Community Newspaper on 11 January and The Wanneroo Times Community Newspaper on 16 January 2001, expressions of interest were sought from residents to nominate for membership of the Interim Board.

As the Board will need to represent a wide cross-section of the community, expressions of interest were sought from people able to demonstrate the following competencies:

- Professional experience/qualifications in Human Resources, Financial Management, Legal/Industrial, Child Care/Family Day Care or Aged and Disability; **or** be an interested community member and/or service user;
- Commitment to operating as a member of a Board in an entrepreneurial, creative and innovative organisation;
- Well developed interpersonal and communication skills;
- Commitment to attending Board and sub-committee meetings;
- Preparedness to support an organisational change model of operation;
- Commitment to working as a member of an effective team;
- Preparedness to effectively market and promote the services provided by the organisation; and
- Experience in operating as the member of a successful Board is desirable but certainly not essential.

Expressions of interest closed on 30 January 2001 with a view to holding the first meeting of the Interim Board on Wednesday 14 February 2001.

DETAILS

Council Report CJ368-12/00 outlined legal advice as to any legal risks the City might face with the development of the new organisation. According to this advice, the Elected Member and the employee who accept a role on the Board will be doing so in a personal capacity. For example, Section 42 of the Associations Incorporation Act provides that if a member of the Committee (Board) “*fails to take all reasonable steps to secure compliance by the association with its obligations*” under the Act then the member commits an offence. Accordingly, all members of the committee (Board) need to be conversant with the statutory compliance requirements of the association. This will be incorporated into the implementation process.

COMMENT

The role of Board members will initially be to assist in the recruitment of the Director, in setting up the new non-government organisation and in establishing a constitution for the new organisation. The ongoing role will be to work with the Director to ensure the effective planning and management of the continuing operation of the organisation maintaining the efficient and effective utilisation of human, financial and physical resources.

The inclusion of an Elected Member and the Manager Community and Health Services on the Interim Board will assist with the successful implementation of this exciting project.

Cr Rowlands indicated an interest in nomination for membership on the Board.

OFFICER’S RECOMMENDATION That Council **NOMINATES** an Elected Member and the Manager Community and Health Services to the Interim Board of the new community based organisation to be established by the City under the Associations Incorporations Act 1987.

MOVED Cr Rowlands, SECONDED Cr Patterson that Council NOMINATES Cr Rowlands and the Manager Community and Health Services to the Interim Board of the new community based organisation to be established by the City under the Associations Incorporations Act 1987.

Cr Carlos sought to defer this item and advised he was in possession of a motion to rescind Item CJ368-12/00, for consideration at the Council meeting on 27 February 2001.

Discussion ensued. Following a question as to why three tenants had left Lotteries House, the Director Community Development advised he would provide this information to elected members.

The Motion was Put and

TIED

There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion

CARRIED

Cr Ewen-Chappell declared a non-financial interest in CJ015-02/01 – Veterans' Home Care Service Agreement as she was a member of the Royal Australian Air Force and is still involved with the RAAF Association.

**CJ015 - 02/01 VETERANS' HOME CARE SERVICE
AGREEMENT - [54017]**

WARD - All

CJ010206_BRF.DOC:ITEM 14

SUMMARY

This report seeks Council's approval to enter into a Service Agreement with the Commonwealth Department of Veterans' Affairs to provide Regional Assessment and Coordination functions for the North Metropolitan Region of Western Australia. The Agreement involves the sub-contracting of some functions to the Cities of Subiaco, Wanneroo and Stirling and includes a clause allowing for the agreement to be novated.

Council is asked to approve the City entering into a Deed of Novation with the Commonwealth Department of Veterans' Affairs as advised by the Commonwealth in correspondence of 22 January 2001. This action was also recommended in separate legal advice received by the City on 19 January 2001. The novation is essential as the community services staff who will be delivering the VHC program are all scheduled to be transferred to the proposed new community-based organisation planned for 1 July 2001. Therefore the City will not have the skills nor capacity to continue providing the VHC program.

BACKGROUND

The Commonwealth Department of Veterans' Affairs (DVA) has developed a new programme of community support for veterans across Australia. The City was interested in the Veterans' Home Care (VHC) programme as the City currently provides seniors and people with disabilities a similar assessment and coordination service through the Home and Community Care programme (HACC). The VHC model is seen as a blueprint for the future allocation of services to the community and therefore it was desirable that the City submit a tender.

The City was advised on 13 December 2000, that it was the preferred tenderer for the provision of assessment and co-ordination services for eligible veterans in the North Metropolitan Region of Perth. With permission, the City also proposed to utilise the

Local Government Authorities of Subiaco, Stirling and Wanneroo under a sub-contractual relationship for those veterans who lived in and would benefit from services through their local network.

To avoid any risks and liabilities associated with sub-contracting, the City plans to enter into Agreements with each of the Sub-contractors, modeled on its current service delivery approach and expertise, to ensure that Sub-contractors meet the City's and the VHC program's standards and requirements. The sub-contractors proposed by the City each have expertise in assessment and coordination of services to veterans, including staff employed with similar expertise and skills as the City's community services staff.

The tender required a high level of detail for tenderers proposing to utilise sub-contractors, and in selecting the City as preferred tenderer, DVA have supported the model put forward by the City to ensure coverage of the North Metropolitan Region.

DETAILS

A national 1300 number set up by DVA would direct veterans and referring agents to their local Regional Assessment and Coordination agency. Upon receipt of the referral veterans would receive the Veterans' Home Care Assessment via the telephone to establish their eligibility and home support needs. Home visits/face-to-face contact with veterans would be available in circumstances where veterans could not explain their needs or effectively use a telephone. This service has been estimated to be required by approximately 90 veterans.

Once the veteran's assessment and care plan has been logged by the City onto the Department of Veterans' Affairs VHC programme, \$100 per veteran referral per annum will be forwarded to the City for the assessment and any ongoing coordination activities that may arise.

DVA, in developing their home care assessment and coordination model has, across Australia, actively encouraged organisations to work together to provide a consistent and collaborative approach to the care and support of veterans. The City submitted to VHC a model of subcontracting the assessment and/or the coordination function for an eligible veteran to their local government authority. The City is currently preparing sub-contracting agreements for negotiation with the local government authorities of Wanneroo, Stirling and Subiaco. These local government authorities have staff trained in assessment who can achieve the standards set by VHC.

A key factor in the City's submission was the proposed development of the not-for-profit community based organisation and the City's intention to transfer aged and disability services staff and functions to the new organisation. DVA is clear about this intention and have advised that it "would be likely to favourably consider such a request [novating of the VHC Services Agreement] from the Contractor provided the changed arrangements do not compromise the Commonwealth's (including the Department) interest in any way, or impact on levels of service delivery."

COMMENT/FUNDING

The Service Agreement is for a period of three years, but the City would be seeking to novate the Agreement once the new community-based organisation is a legal entity in its own right. In legal advice obtained from the City's solicitors, the required deed of novation is explained as "a document under which the City is released from its obligations and rights, and, as between the Commonwealth and the new incorporated association those obligations and rights are assumed by the new incorporated association..."

The legal advice received has also confirmed that the proposed agreement between the City and VHC, and subsequent novation, will not be subject to the provision of Section 3.59 of the Local Government Act, or Regulation 30 of the Local Government (F&G) Regulations or Regulation 11(2) of the Local Government (F&G) Regulations.

The value of the Agreement is \$100 per veteran per annum and could be up to \$90,000 per annum based on DVA's internal modelling of the take-up rate of the programme by the veteran community. The cost breakdown of the service is \$39.00 for assessment, \$39.00 for coordination and \$22.00 for the administration relating to each veteran. The City is not intending to employ additional staff to deliver these services.

The program is cost-neutral for Council and will add to the security and stability of the proposed new community-based organisation.

MOVED Cr Rowlands, SECONDED Cr Walker that Council APPROVES the:

- 1 signing and affixing of the Common Seal to the Veterans' Home Care Services Agreement between the City and the Commonwealth Department of Veterans' Affairs to undertake Regional Assessment and Coordination functions in the North Metropolitan Region of Western Australia for a period of 3 years;**
- 2 City entering into Agreements to sub-contract with the Local Government Authorities of Subiaco, Stirling and Wanneroo;**
- 3 City entering into a Deed of Novation with the Commonwealth once the new community-based organisation is a legal entity in its own right in order to release the City from its obligations and rights and for the new community-based organisation to assume those obligations and rights.**

Director, Community Development stated he was asked prior to the meeting to clarify the meaning of North Metropolitan Region and advised the region covered the local government authorities of Wanneroo, Stirling and Subiaco. In addition, the areas of Nedlands, Cambridge, Mosman Park, Cottesloe and Claremont were also covered under this region. The City would be providing services directly to veterans residing in those local authorities subject to entering into appropriate agreements with each of these local authorities.

The Motion was Put and

CARRIED

CJ016 - 02/01 YOUTH ADVISORY COUNCIL ACTION PLAN 2001 - [57199]

WARD - All

CJ010206_BRF.DOC:ITEM 15

SUMMARY

Members of the Joondalup Youth Advisory Councils participated in a planning session on 18 December, 2000 at Woodvale Community Centre. The outcomes of the session were formulated into an action plan to guide the Joondalup Youth Advisory Councils in 2001. The purpose of this report is to present the Joondalup Youth Advisory Council Action Plan for endorsement by Council.

BACKGROUND

At the Council meeting held on 22 December 1998, it was resolved that the Council:

- 1 ENDORSE in principle the Youth in Government Program as put forward in Report CJ298-12/98;**
- 2 DISBAND the Junior Council in its current form and replace it with the Junior Council Program as put forward in Report CJ298-12/98.**

The Youth in Government Program includes a range of initiatives that incorporate:

- the development of two Youth Advisory Councils;
- a Youth Council program to be conducted yearly in July;
- participation in State Youth Parliament;
- Participation in Federal Youth Parliament.

The main objectives of the Youth in Government project are:

- To provide an opportunity for young people throughout the City to raise, discuss and advocate on issues that are of significance to them;
- To provide opportunities for young people to learn about and participate in the decision making process of all levels of Government;
- To implement a meaningful and effective youth advisory council structure that is accessible to the wider youth community.

Since the inception of the Youth in Government Program, the forward planning of Youth Advisory Council activities has been conducted by staff in consultation with Youth Advisory Council members. Previously, this planning process had been integrated into the program of the Induction camp conducted in May at the beginning of the Youth Advisory Councillors' terms of appointment.

However, Elected Members, staff and Youth Advisory Councillors recently expressed concerns about the effectiveness of this planning process. In addition, concerns were raised about the perceived lack of direction or purpose of the Youth Advisory Councils and the lack of awareness of the program amongst Elected Members, staff and within the community.

Following these concerns, a review of the planning process was requested. It was determined that a review of the program incorporating a planning session with Youth Advisory Council members should be conducted as soon as possible. Catriona Cameron, a consultant with previous experience working with Youth Advisory Councils in the metropolitan area, was engaged to conduct the review and action planning session.

The action plan was developed as a result of interviews with key staff members and the planning session held with Youth Advisory Council members on 18 December 2000.

DETAILS

In the process of developing the action plan, four key areas of youth advisory council activity in 2001 were identified. These identified areas were:

- Representation;
- Promotion;
- Activities and services;
- Coordination of the Youth Advisory Councils.

The goals corresponding to these key areas are:

1. To be an active voice for young people in the City of Joondalup, and to represent young people at a local, state and national level;
2. To promote a positive image of the Youth Advisory Councils and young people in the City of Joondalup;
3. To support, promote and coordinate a range of activities and services for young people in the City of Joondalup;
4. To coordinate a Youth Advisory Council that is effective and recognised by the Council and community.

The planning session was held on Monday 18 December 2000 and 17 Youth Advisory Council members attended the session. Both Youth Advisory Councils were equally represented at the session. The agenda covered the following topics:

- Achievements of Youth Advisory Councils;
- Role and Purpose of Youth Advisory Councils;
- SWOT Analysis (strengths, weaknesses, opportunities and threats);

- Where to in 2001? (Plans for 2001);
- The 2001 Action Plan (Development of the plan/calendar of implementation).

Following the session, the outcomes of this planning session were collated by Council staff and forwarded to the consultant for formulation into the Youth Advisory Council Action Plan for 2001. The resulting document is submitted to Council as Attachment 1 to this report. It covers both Youth Advisory Councils in the City and subsequent to endorsement by Council, will be effective immediately.

The plan contains a number of strategies to achieve the goals of the Youth Advisory Council for 2001 as listed above. Timeframes and resource needs are listed against each strategy and each strategy is directly linked to the yearly calendar of activities. This will allow members to track progress of the plan at each meeting.

The plan also contains a diary of events / workshops / programs that Youth Advisory Councils will be involved in during the course of 2001. The involvement of Youth Advisory Councils in these events will range from being involved as a reference group in the planning process to initiating and implementing the event or workshop.

The Action Plan also contains a strategy to evaluate the Youth in Government Program. This evaluation strategy will provide an overview of the effectiveness of Youth Advisory Council as a representative body for young people in the City. The key groups in this process will be:

- Young people of the City of Joondalup;
- Youth Advisory Council members;
- Councillors and Staff of the City of Joondalup;
- Schools and other youth organisations.

The various components of the evaluation will be conducted throughout the year. It is intended that the final evaluation of the Youth in Government Program will be completed yearly in December.

COMMENT

The 2001 Youth Advisory Council Action Plan is a comprehensive document which addresses all of the concerns that have been previously expressed regarding the Youth in Government Program. It identifies achievable goals for the year and strategies to achieve those goals. In addition, it places those strategies in an achievable timeframe that clearly defines responsibility for implementation. The result is an Action Plan that can be easily implemented and tracked for progress by Youth Advisory Council members throughout the year.

It is evident from the planning session that a high level of enthusiasm for this document has been developed amongst Youth Advisory Council members. The strategies contained in the plan will foster a sense of ownership of, and commitment to, the Youth in Government Program by members, and provides a direction and purpose for 2001. It is

envisaged that, as a result of the strategies contained in the plan, commitment amongst elected members, staff and community members will also be fostered.

MOVED Cr Kadak, SECONDED Cr Mackintosh that Council ENDORSES the 2001 Youth Advisory Council Action Plan forming Attachment 1 to Report CJ016-02/01.

Cr Kadak commended both the Joondalup North and South Advisory Councils for the work they were undertaking in reaching the youth within the City of Joondalup.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf130201.pdf](#)

INFRASTRUCTURE MANAGEMENT

**CJ017 - 02/01 'ROADS TO RECOVERY' PROGRAM – FUNDING
- [09480]**

WARD - All

CJ010206_BRF.DOC:ITEM 16

SUMMARY

The Federal Government has announced a new program to provide an additional \$1.2 billion for local roads starting immediately and running to July 2005. The program will provide the City of Joondalup with an additional \$866,367 per year for 4 years to be expended on road infrastructure.

BACKGROUND

On 27 November 2000, the Federal Government announced a new program to boost road funding across Australia. Designated the “Roads to Recovery” Program, the additional funding amounts to \$1,200,000,000 over four years with funding to each local government authority determined by the existing Local Government Grants Commission formulae. The program is in addition to existing Federal Financial Assistance Grants (FAG) but is tied to preservation of the road network. At this time, the conditions of expenditure and acquittal of the grants are incomplete with details forthcoming late January or early February.

The program is a 4 year payment program within a 5 year time frame. Western Australian Municipal Association (WAMA) believes that this will enable the Minister or Government of the day some flexibility on payments in the third and fourth years of the program.

It is proposed that in 2000/2001, the funds from this new program be used to provide additional preservation works associated with Traffic Management Schemes such as Camberwarra Drive, Bridgewater Drive, Coolibah Drive and Glengarry Drive.

DETAILS

The City received \$3,465,835.88 in 2000/2001 from the Federal Government in the form of Financial Assistance Grants (FAGs). These funds comprise \$2,269,215.56 for general purposes and \$1,196,620.32 for local roads. Although both allocations are completely untied and may be expended on any Council program or function, the road component has been directed specifically to roads for road resurfacing or road rehabilitation purposes. It is not intended to change this direction as a result of the Roads to Recovery (RTR) Program and in fact it is a condition of the RTR Program that existing road funding levels be maintained. The FAG funding allocations are derived from the Local Government Grants Commission's formula and applied Australia-wide. The RTR Program funds are determined in a similar manner, with the City of Joondalup's allocation to be \$866,367/year. The conditions of the RTR program funding are still to be confirmed but are briefly:

- The funds are to be used on roads expenditure;
- The funds are to properly accounted for;
- Existing Council road expenditures be maintained over the life of the program;
- Each project funded under this program is to have project site signage;
- Breaches of the conditions require the recipient to repay the grant;
- The funding recipient to comply with guidelines determined by the Minister.

The definition of a road includes any of the following associated with a road:

- a) A traffic sign
- b) Traffic control equipment
- c) Street lighting equipment
- d) A vehicular ferry
- e) A bridge or tunnel, including a bridge or tunnel for the use of pedestrians
- f) A path for the use of persons riding bicycles

The definition of Roads expenditure means expenditure on the construction, upgrade or maintenance of roads

Another condition of the RTR Program is that details of the works proposed to be undertaken need to be provided to the Federal Government prior to the first payment in early 2001. It has developed electronic pro-formas so that Council contact and bank account details can be recorded to enable electronic funds transfer. The first payment will be delayed until the pro-formas and works schedule is completed.

COMMENT/FUNDING

As a result of Council's changing Capital Works Program, it has become clear that the synchronisation of particular projects across various programs is necessary to improve project outcomes and reduce inconvenience to the community. In particular, the major traffic schemes have required extensive resources and in cases additional funds to create and maintain a standard commensurate with the community need and asset requirements for traffic management and infrastructure preservation needs. Those schemes completed recently include Cockman Road – Warwick Road to Hepburn Avenue, Blackall Drive – Cockman Road to Allenswood Road, Allenswood Road, Craigie Drive and Gradient Way. These schemes have delivered a high quality treatment in accord with community needs which provide capital appreciation for residents properties and safer roads for all road reserve users.

The continuation of this style of traffic scheme is proposed for Davallia Road, Glengarry Drive from Warwick Road to Doveridge Drive, Coolibah Drive/Blackall Drive – Allenswood to Protea Street, Camberwarra Drive – full length and Bridgewater Drive – full length.

Of the above group of projects, Davallia Road is now fully funded as a result of 2000/2001 State Blackspot Grant of \$106,000 as well as Council budgeted funds. The remaining four projects require additional funds for completion and it is proposed that the RTR Program be used for this purpose. Details are shown on the spreadsheet at Attachment 1 and as follows

Coolibah Drive/Blackall Drive – Allenswood Drive to Protea Street, Greenwood

As part of the City's traffic management program, it undertook the installation of median traffic islands with a red asphalt surface in this section of Blackall/Coolibah Drive in 1998/99. As a result of surface investigation in 1999/2000, the road was considered a possibility for resurfacing using Main Roads WA (MRWA) funding assistance under the Metropolitan Regional Road Group (MRRG) Program. It was subsequently submitted and approved by MRWA for the 2000/01 Budget. Further site investigation has now indicated that the existing kerbing is in very poor condition with, shoving from existing crossovers, inadequate kerb height and extensively spalled and broken. The amount of kerb replacement allowed in the MRRG funding submission is insufficient to replace all the kerb. If only partial kerb replacement was undertaken the overall treatment and finished effect would be spoiled by the retention of older cracked kerb that would need replacement prior to a future resurfacing. It is recommended that all the kerbing adjacent to resurfacing be replaced and the project completed in a similar manner to Cockman Road and Allenswood Road. This work will involve resurfacing the full width including the recently resurfaced red asphalt median. The estimated cost of this additional new kerbing work is \$94,000. (Refer to Attachment 2 depicting a locality plan for the proposed works)

Camberwarra Drive, Craigie

The installation of a traffic management scheme for this road is listed in the 2000/01 Traffic Management Program – Precinct Traffic Management - Camberwarra Drive - installation of flush red asphalt central median with landscaping, raised intersection islands and pedestrian islands - \$285,300. The resurfacing of this road was also submitted to MRWA under the MRRG Program to tie in with the Traffic Management Program but it was not successful. However, because of the problems experienced with the Coolibah Drive project where a traffic scheme is installed causing a good deal of disruption to residents, then it is funded for resurfacing at a later date because it meets the criteria, causing more disruption at that time, it is proposed that Camberwarra Drive be resurfaced now as part of the Traffic Scheme. Experience with constructing these traffic schemes is showing that the kerbing should also be replaced in total to complement the scheme. Damaged, flatter unsafe sections and cracked and spalled kerbing if not replaced detracts in a highly visible way from the scheme, especially if all the remaining road components are new. As well it is likely that the kerbing would need replacement prior to being resurfaced in the future causing more disruption to the residents. The cost of resurfacing and new kerbing for Camberwarra Drive is estimated at \$388,500. (Refer to Attachment 3 depicting a locality plan for the proposed works)

Bridgewater Drive, Kallaroo

This project exactly parallels Camberwarra Drive in circumstances. The installation of a traffic management scheme for this road is also listed in the 2000/01 Traffic Management Program – Precinct Traffic Management – Bridgewater Drive - installation of flush red asphalt central median with landscaping, raised intersection islands and pedestrian islands - \$179,010. The project was also submitted for resurfacing as part of the MRRG program but was unsuccessful. It was proposed that the resurfacing be included in the traffic management scheme but the points score did not meet MRRG program criteria. Therefore, it is also proposed to resurface and rekerb the road in its entirety as part of the traffic scheme. The end result will match that obtained at Allenswood Road and Cockman Drive. The estimated cost of resurfacing and new kerbing for Bridgewater Drive is \$294,000. (Refer to Attachment 3 depicting a locality plan for the proposed works)

Glengarry Drive, Duncraig

This project is listed in the 2000/01 Road Resurfacing Budget - Glengarry Drive - Warwick Road to Doveridge Drive - Asphalt overlay - \$67,840. Since Budget adoption, a traffic scheme to resolve ongoing problems with parking, speeding and turning movements in Glengarry Drive has been prepared. This scheme will result in a similar effect to Allenswood Road where an existing unmarked two lane dual carriageway will be converted to a single lane dual carriageway. The existing carriageways will be converted to a 2.4m parking embayment, 1.5m bicycle lane and 3.5m traffic lane. This will reduce speeds, provide a bicycle friendly road environment near the school and shops and enable on street parking for residents. The additional cost of the scheme above the budget allowance is estimated at \$88,500. (Refer to Attachment 2 depicting a locality plan for the proposed works)

As a result of the above project costings, a surplus of \$1,367 remains from the total Roads to Recovery fund of \$866,367. It is recommended that this amount be added to the Glengarry Drive project. The final cost allocation of Roads to Recovery funds is as follows :

Coolibah Drive/Blackall Drive (Allenswood Drive to Protea Street, Greenwood)	\$ 94,000
Camberwarra Drive, Craigie	\$388,500
Bridgewater Drive, Kallaroo	\$294,000
Glengarry Drive (Warwick Road to Doveridge Drive, Duncraig)	\$ 89,867
Total	\$866,367

MOVED Cr Rowlands, SECONDED Cr Patterson that Council:

- 1 AUTHORISES expenditure of the Roads to Recovery Program funds as follows, and advises the Federal Government accordingly;**

Coolibah Drive/Blackall Drive (Allenswood Drive to Protea Street, Greenwood)	\$ 94,000
Camberwarra Drive, Craigie	\$388,500
Bridgewater Drive, Kallaroo	\$294,000
Glengarry Drive (Warwick Road to Doveridge Drive, Duncraig)	\$ 89,867

TOTAL \$866,367

- 2 ADVISES the Federal Government that Council accepts the conditions of the Roads to Recovery Program including providing details of Council's banking arrangements to facilitate electronic funds transfer.**

The Motion was Put and

CARRIED

Appendix 13 refers.

To access this attachment on electronic document, click here: [Attach13brf130201.pdf](#)

CJ018 - 02/01 TENDER NO 032- 00/01 - SUPPLY OF GRAFFITI CONTROL SERVICES & COATINGS TO THE CITY'S INFRASTRUCTURE - [52151]

WARD - All

CJ010206_BRF.DOC:ITEM 17

SUMMARY

This report examines the tender submissions and assessment method for the award of contract for the Supply of Graffiti Control Services & Coatings to the City's Infrastructure Tender No 032-00/01 and recommends the acceptance of the tender from Kleenit in consideration of the schedule rate submitted.

BACKGROUND

Graffiti is a significant issue for the wider community of the City of Joondalup as in all other local government communities, is an increasing social and economic concern. The City has implemented and commenced a rigorous program aimed at building a broader understanding of graffiti issues and to better coordinate responses to these issues at all levels.

The City has implemented various initiatives to remove graffiti being:

- The establishment of the Joondalup Graffiti Campaign; and
- Contract provisions for the Removal of Graffiti from Council Buildings

The City has entered into a partnership arrangement with the State Government Graffiti Program to assist property owners to remove graffiti from private walls and fences adjoining public areas such as roads, parks and accessways. The partnership arrangement is funded through the Security Charge and has a 1999/00 budget of \$143,287.

In addition the City has also entered into a contract with a service provider for the Supply of Graffiti Control Services to Council Buildings from the 15 December 1999 to the 30 June 2001 (Report CJ429–12/99 refers). The Contract provides for the removal of graffiti and anti-graffiti sealing and coatings on the City's Buildings and is funded directly from the operational maintenance accounts for each building.

The removal of graffiti from other infrastructure such as roads, footpaths and play equipment, currently falls outside the scope of the abovementioned initiatives, which has required the City to obtain three quotes to engage a contractor to undertake the works. This process has a high administrative cost and has increased removal times. Quotes received from service providers are based on a lump sum cost rather than a rate per square metre.

To improve the removal times and reduce the administrative cost, Council Officers have prepared an annual tender for the removal of graffiti from the City's Infrastructure based on a rate per square metre schedule of rates.

DETAILS

Tender Submissions

Public invitations to tender were issued through a statewide advertisement on 2 December 2000 with a technical specification and scope of works to remove graffiti from the City's infrastructure such as concrete bus shelters, footpaths, underpasses, play equipment as well as roads. Tenders closed on 19 December 2000 and opened immediately after the closing schedule in front of public. The proposed contract is based on fixed price "schedule of rates".

Tenders were received from:

- All Proof Industries Pty Ltd
- Dalecoast Pty Ltd trading as Graffiti Systems Australia
- Kleenit
- The Pressure King

Graffiti Systems Australia currently is the Contractor for graffiti removal from the City's buildings.

Contract term

The proposed contract has been structured with the term commencing on 1 March 2001 and terminating on 28 February 2002 (12 months). The City has the option to extend the term by mutual agreement and subject to Council's approval, for a further two twelve month terms (a total option period of 24 months). The contract term was established to allow a Contractor to be engaged for the removal of graffiti from the City's infrastructure as soon as possible.

Tender Evaluation Method

The conditions of tendering specified that tenders would be assessed against the following criteria:

- Price (Schedule of rates) submitted
- Type of product and anti graffiti coating life
- Tenderer's ability to carry out services at short notice
- Tenderer's resources
- Tenderer's previous experience; and
- Tenderer's safety management policy, Material Safety Data Sheets of chemicals and products.

The tender evaluation also considered:

- Tenderer's references; and
- Conformity with tender documents

Under the City's Contract Management Framework and AS 4120, tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system. Each of the above criteria for the tenders submitted was evaluated accordingly.

Evaluation results

Each respective tender was evaluated by an evaluation committee against the weighting established for each of the above selection criteria. This accounted for not only the schedule of rates but also included criteria such as the ability to undertake the works, resources and previous experience.

The schedule of rates submitted in each conforming tender has been highlighted in Attachment 1. All Proof Industries Pty Ltd was not a conforming tender as some of the required forms were not submitted.

The Contractors previous experience, the ability to undertake the work and resources available were also evaluated and weighted accordingly. Kleenit was evaluated to provide the best results having available equipment, materials and resources to undertake the works. Kleenit currently undertakes removal of graffiti and coatings from the Infrastructure within the City of Melville.

COMMENT/FUNDING

The consideration for this contract is for services performed against the schedule of rates. The funding for these considerations is available in the maintenance budgets for each particular facility and not funded out of the Security Charge.

The scope of this Contract has been carefully considered against the scope of the existing Contract for the removal of graffiti from the City's buildings and the Joondalup Graffiti Campaign. As the removal of graffiti from the remaining infrastructure of the City falls outside the scope of both the existing contracts for Council Buildings and the Joondalup Graffiti Campaign, the need for a formalised Contract is warranted.

In the 1999/00 financial year, it is estimated that the removal of graffiti from the City's Infrastructure cost in the vicinity of \$52,000.

The items within the schedule of rates between the supply of graffiti control services to the City's infrastructure and the supply of graffiti control services to Council buildings, are the same. Kleenit on average can supply the items in the schedule of rates approximately 13% cheaper than the rates within the existing contract for the City's buildings.

By applying the above evaluation method, it is recommended that Kleenit be awarded Contract No 032-00/01 – Supply of Graffiti Control Services and Coatings to the City's Infrastructure, on the basis that they have available equipment, resources and materials to undertake the works in the most responsive manner.

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 ACCEPTS the tender in accordance with the price schedule submitted and conditions of tendering, from Kleenit for the Supply of Graffiti Control Services and Coatings to the City's Infrastructure from 1 March 2001 to 28 February 2002 with an option to extend for 2x12 months subject to satisfactory performance and Council's approval;**
- 2 AGREES to the execution of contract document;**
- 3 ADVISES the unsuccessful tenderers.**

The Motion was Put and

CARRIED

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf130201.pdf](#)

CJ019 - 02/01 PETITION - VERGE TREE 142 WATERFORD DRIVE HILLARYS - [08429]

WARD - All

CJ010206_BRF.DOC:ITEM 18

SUMMARY

Council has received a petition from six residents in Waterford Drive, Hillarys requesting removal of a verge tree in front of 142 Waterford Drive, Hillarys.

The petitioners concerns relate predominantly to leaf litter generating from the tree and the impact from the leaves on surrounding verges and properties.

The resident located at 142 Waterford Drive, Hillarys has requested that the tree be retained for environmental and aesthetic benefits.

Council Officers have inspected the tree and recommend that the tree be retained in its existing form as it is structurally sound and healthy and contained within the verge area of 142 Waterford Drive, Hillarys.

DETAILS

Council records indicate a long term ratepayer conflict between the owners of 142 and 144 Waterford Drive, Hillarys. Various issues have resulted in legal actions and Council has been involved regards a Building License BA 00\2209 File Number 03458. Council has been requested to inspect the property fence installation as it extends across the verge to the footpath (See Attachment 1).

The tree is centrally located on the road reserve verge area approximately 600mm from the property frontage boundary (See Attachment 2).

The petitioners state that the tree is illegally planted and while it is accepted that it is off the standard alignment it would not be deemed illegal.

Waterford Drive, Hillarys has a 28 metre road reserve with 6 metre verge area. The verge is significantly wider than the current standards for new subdivisions.

The tree is a *Eucalyptus camaldulensis* (River Gum) and was planted early 1980's by the resident. Its growth has been uniform and the structural form is very good. This tree species was used extensively in the suburbs of Duncraig, Greenwood and Warwick and is readily available from local nurseries.

The species is not currently listed as a verge tree by Council due to its large growth form and the reduction in verge widths in new subdivisions has restricted its use.

The species has been used previously by Council in road verges, medians and Public Open Space.

This species is known for its heavy leaf and flower fall and this occurs due to:

- (i) Leaf size is small
- (ii) Prolific flower habit

Flowering occurs October/November and leaf fall predominantly is December/January. This coincides with the coastal wind cycle eg. South Westerly or Summer morning Easterly and leaf litter is blown onto adjoining properties and across the road pavement.

The residents concerns are similar to those expressed in various locations and Operations Services have adopted a uniform approach to the problem. Leaf litter is not a justifiable reason for initiating removal or pruning of a verge tree.

The criteria for assessing removal or heavy pruning of a verge tree is:

1. Dead, Diseased or Dying
2. Structurally Unsound
3. Causing Structural Damage to Property

As the tree is located on the road verge Council is totally responsible.

Legal Aid W.A. has produced a pamphlet “Encroaching Branches & Roots – Know Your Rights” and this document states:

“Trees are a highly desirable part of the landscape and a certain amount of inconvenience which they may cause should be tolerated”.

Legal action should be seen as a last resort as it is likely to make relations between neighbours worse. The information within the pamphlet is designed for branches overhanging private property and the associated problems. There are no overhanging branches from the verge tree of 142 Waterford Drive, Hillarys.

Site inspections undertaken by the Manager Operations Services on 13 December and 27 December 2000 indicate leaf litter was dispersed over properties 144 and 141. The amount of leaf litter equates to the tree size and health. The resident of 141 is affected by the South Westerly wind and 144 by the Easterly wind. These residents have open grass frontage.

The resident of 142 has predominantly native shrubbery and grass. Inspection of other verge trees in Waterford Drive indicates predominantly Eucalypt species in existence. Within this general area there are very few verge trees and this may be attributed to the ocean views or residents preference for palms and grass.

Therefore the petitioners requests for removal or severe pruning is not supported. The site inspections and assessment criteria recommend that the tree be retained in its current form and that the petitioners be advised of Council’s determination.

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

- 1 SUPPORTS retention of the verge tree located at 142 Waterford Drive, Hillarys in its current form;**
- 2 ADVISES the petitioners of its determination.**

Cr Mackintosh spoke in support of retention of the tree.

The Motion was Put and

CARRIED

Appendices 15(a) and (b) refer

To access these attachments on electronic document, click here:
[Attach15abrf130201.pdf](#) [Attach15bbrf130201.pdf](#)

PLANNING AND DEVELOPMENT

**CJ020 - 02/01 NEW URBANISM CONGRESS RMIT
UNIVERSITY, MELBOURNE - [09557]**

WARD - All

CJ010206_BRF.DOC:ITEM 19

SUMMARY

A Congress and Workshop of New Urbanism is to be held at RMIT University Melbourne from 26 to 29 April 2001. The content of the Congress and Workshop is considered relevant to the City's Precinct Planning projects and it is recommended that a Councillor and the Manager Urban Design and Policy Services attend.

BACKGROUND

Australian and New Zealand cities face difficult challenges as they confront the 21st Century. New suburbs have become anonymous. Environmental and social costs have become high. Citizens are highly dependent on cars. Insufficient local employment forces long commutes to work. Newly built environments are poorly suited to the challenges of the global economy.

The practice of New Urbanism in Australia and New Zealand is providing practical answers to these challenges.

New Urbanism brings together developers, regulators and designers in a comprehensive approach to create sustainable liveable communities. It addresses integrated development solutions to promote these communities at the regional, district, local neighbourhood, street and building scales. Liveable communities will generally feature a range of housing types to accommodate diverse populations. They tend to be more compact and site-responsive, reducing land take and supporting biodiversity. A liveable community will include compatible integrated local employment and be pedestrian-friendly taking advantage of public transport to reduce vehicle usage and support social cohesion.

The methods and practices of the New Urbanism are applied to both greenfields development and to restructuring and revitalising of existing cities, centres and suburbs.

DETAILS

An organising committee of Australian and New Zealand practitioners is seeking to further the understanding, influence and practice of New Urbanism by holding the First Australia and New Zealand New Urbanist Congress. Multi-disciplinary professionals, developers, regulators, politicians, community members and students are invited to

participate in this Congress on the New Urbanism. Knowledge, ideas, values and experiences will be shared.

The Congress will be held in two consecutive parts

Part 1: The Main Congress Thursday 26 & Friday 27 April, 2001

An overview of urban challenges and the contributions that New Urbanism can make, together with examples of leading New Urban projects in Australia and New Zealand. Several international keynote speakers have been invited, including Will Fleissig, the planner and developer of mixed use projects, including conversion of an American stand-alone enclosed shopping mall into a mixed use town centre. For those not participating in Part 2, post-Congress tours will be offered on Saturday 28 April to key Melbourne New Urbanist projects including Beacon Cove, Kensington Banks and Waterford Green.

Part 2: In-depth Workshop Saturday 28 & Sunday 29 April, 2001

Practitioners, developers and regulators are invited to stay for a further workshop to share knowledge with each other in much more depth. There will be specialist presentations on topics such as regulatory impediments, development feasibility, building in employment with more sustainable retail and mixed use town centre structuring, project presentations and critiques, mixed with healthy debate and helpful suggestions. To enable in-depth interaction, numbers to the Workshop will be limited, and early registration is required.

It is proposed that the Congress be attended by a Councillor and the Manager Urban Design and Policy Services. The congress is still in the organisation phase and final costs have not been determined. Registration of interest has been invited.

Approximate costs per person for the congress have been estimated at:

Airfare	\$1,424.02
Registration	\$ 500 - \$1000
Accommodation	\$ 750
Incidental Expenses (Policy 2.2.3)	\$ 360
Total	\$3,568 - \$4,068

COMMENT

The content of the Congress is considered to be very relevant to the Precinct Planning exercise that the City is currently undertaking and will provide a unique opportunity to develop a greater depth of understanding of the principles and issues involved.

Funding has been allocated in the following accounts:

- 11-05-05-052-3521-0001 (Elected Members – Conferences)
- 11-40-43-431-3302-0001 (Urban Design & Policy Services – Conferences)

Crs Patterson and Kadak indicated an interest in attending this Congress and Workshop.

OFFICER’S RECOMMENDATION That Council ENDORSES the attendance of a Councillor and the Manager Urban Design and Policy Services at the New Urbanism Congress and Workshop to be held at the RMIT University, Melbourne, from 26-29 April 2001 at an approximate cost of up to \$4000 per person with the associated costs being charged to Accounts 11-05-05-052-3521-0001 (Elected Members – Conferences) and 11-40-43-431-3302-0001 (Urban Design & Policy Services – Conferences) respectively.

Cr Ewen-Chappell nominated Cr Kadak.

Cr Kenworthy nominated Cr Patterson.

MOVED Cr Ewen-Chappell, SECONDED Cr Kenworthy that Council ENDORSES the attendance of Councillors P Kadak and A Patterson and the Manager Urban Design and Policy Services at the New Urbanism Congress and Workshop to be held at the RMIT University, Melbourne, from 26-29 April 2001 at an approximate cost of up to \$4000 per person with the associated costs being charged to Accounts 11-05-05-052-3521-0001 (Elected Members – Conferences) and 11-40-43-431-3302-0001 (Urban Design & Policy Services – Conferences) respectively.

The Motion was Put and

CARRIED

**CJ021 - 02/01 PRECINCT PLANNING PROCESS REVIEW -
[46597]**

WARD - All

CJ010206_BRF.DOC:ITEM 21

SUMMARY

City of Joondalup Strategic Plan

Lifestyle – Strategy 2.1 Develop and Implement Community Plans

To do this we will:

- Identify precincts of common interest or focus;
- Involve each community in developing Precinct Action Plans;
- Enhance standards of infrastructure to meet changing community needs and expectations; and
- Implement the *Lifezone Marketing and Activities Program* to promote a healthy lifestyle and to meet the changing needs of the community.

While the program reviews precincts, it is focused on revitalisation. The title “Precinct Action Planning” is proposed to be adopted for the program.

Precinct Planning is a generic term for planning, management and delivery of services through an integrated, place based and community responsive approach. It varies from the increasingly inappropriate and often controversial approach of delivery by standards without community consultation and input.

The program has been trialled through the precinct planning of Mullaloo and Sorrento. A comprehensive internal review of the 'Focus Group Approach' to precinct planning has endorsed the objectives and general process, but led to a recommendation that future processes be more inclusive and transparent. Feedback from the community appears to strongly support this.

A revised process has been developed using a range of successful techniques from local and international practice. They have been put together here in a unique way to ensure maximum community involvement and a rigorous and multi-disciplinary approach to developing and implementing outcomes. The process has an objective, or vision setting phase (Value Management), and a schematic design or Concept Design phase (Enquiry by Design). Together, with the development phase, implementation phase, and other steps in the program, they form a process entitled 'Precinct Action Planning'.

This report outlines the resources and phasing for Precinct Action Planning across Joondalup. The process is estimated to take 18 months to examine the City and propose Concept Plans for the Non- Regional / Neighbourhood Centres of the City. Implementation will take a number of years and guide the *Principle Activity Plan* after 2002.

NOTE

For the sake of expediency, Local Centres, Neighbourhood Centres and Village Centres, under the Centres Strategy, are all referred to as Neighbourhood Centres. They all have a significant neighbourhood focus.

BACKGROUND

Definition

Precinct Planning (Precinct Action Planning) is an integrated, place based multi – disciplinary, community driven approach to change management in the urban environment.

Precinct Planning brings together a range of stakeholders and assists them through the provision of specialists, to examine the role of the place and then shape programs and initiatives to assist in maximising the benefits inherent in change and regeneration

What are the Benefits?

Planning

- Organisational efficiency
- Streamlining of effort
- Effective community participation
- Reduction of project duplication
- Proper assessment of community need and appropriate response

Awareness and understanding

- Revelation of local knowledge
- Two-way education of issues and constraints
- Greater variety of ideas and more innovative outcomes

Community Partnerships

- Early involvement
- Building mutual trust and respect
- Focus on needs and setting of objectives
- Support for change

Ownership

- Transparency of decision making
- Understanding of benefits
- Shared ownership of outcomes (support and promotion)

Precinct Planning is undertaken with a range of objectives in mind but focused on realising improvements in quality of life through urban form that is responsive to environmental sustainability, economic viability and social vitality. It is particularly relevant to the City of Joondalup as its suburbs were designed to very strongly reflect a set of values held in the 1970's and 1980's. They have not been comprehensively considered since and few of the residents living here have had an opportunity to be involved in their development or the shaping of their future.

Review of Pilot Project Planning

March 2000 – January 2001

Objectives

The objectives of the project were first stated in the Strategic plan and then in the *Precinct Planning Report* to Council on 23 March, 2000. While comprehensive and inclusive, these objectives have not been discussed in detail nor ratified by local communities.

Resources

Budgets were approved for the project but internal resources and other government resources were not identified. Internal resources have been utilised during the process on an 'as needed' basis. This would have the potential to disrupt normal programs if a more intensive program of precinct planning was undertaken. It is important that the program retains key external consultants to bridge the gap when internal staff are unable to take on the additional work load. If this does not occur delays in programs could result.

Approach

The pilot projects for Mullaloo and Sorrento looked to achieve a highly efficient and fast-track approach through the use of a focus group. The intention was that the group would encapsulate the breadth of local knowledge and values. They would work with a consultant to develop a vision for the future of the area and a concept plan for public discussion.

The process has been, as is often the case with the focus group approach, exposed to criticism. Some of the perceived problems include:

- **Limited Dissemination of Understanding** - The process does not guarantee a broad and well-developed understanding of either the objectives of the project or of individual stages of the project. Much of the information remains with one part of the community and with certain sections of the community. Many design decisions are made by a consultant who, if not retained, is not responsible for explaining the rationale for making them.
- **Vision & Strategic Thinking** - The visions tend towards an outline of desirable public infrastructure spending, little integration with private spending, and analysis of the feasibility of Council covering the cost of these projects.
- **Innovation and Use of Expertise** - Innovation has been very restrained with limited input by City staff and outside specialists.
- **Reality Checks** - Projects may far exceed available funding and realistic expectations and fail to develop a spending strategy focused on revitalisation of centres and therefore not realising the interrelated benefits this would provide.
- **Consensus and Ownership** - Use of Focus Groups could antagonise special interest groups who believe that the focus group should consist of their representatives rather than individuals without a particular affiliation.

The review of the Focus Group approach and recent developments in the approach to precinct planning, internationally, have lead to a revision of the preferred process for Precinct Planning in Joondalup. The background and revised process outline is detailed below.

DETAILS

Background to Precinct Planning

Precincts are, through their individual characters and internal relationships, perceived to be unique and related to a specific community of common interest. In many ways the City itself is a precinct and may be broken down into precincts at district scale with related town centres (e.g. Joondalup City, Warwick and Whitfords City). Within these districts are precincts that operate at suburban scale where the local community's sense of identity is based on proximity to a local neighbourhood centre. The defining difference between Precinct Planning and other approaches to planning is that Precinct Planning recognises the importance of local identity, needs and approaches in supporting and

sustaining local business and community relationships. It encourages the use of these unique local attributes in developing strategies that are place-based and responsive to local issues. It brings together works programs, development guidance and approvals programs in a way that as the public domain is enhanced, private development is encouraged to respond in appropriate ways.

Pilot Process Review

The pilot projects can be considered a success in that they have outlined the need for a more inclusive, and open process, with greater partnershiping focused on the integrated delivery of outcomes within available resources. Advertising of the concept plans, accompanied by statements assuring the public that these plans are conceptual only, should ensure the Council is provided with a strong foundation for assessing the projects.

Development of Revised Process

Through extensive background research and a program of internal consultation, a revised process has been developed. It has broad organisational support and there is a high degree of commitment to support and work with the process as a means of working with the community and testing needs and proposed programs.

Benefits of Revised Process

The proposed Precinct Action Planning process builds on the experience of Pilot Precinct Planning processes for Sorrento and Mullaloo to develop a City-wide approach that includes:

- A systematic review of centres to see how they are performing;
- A process of testing the strategic plan and tailoring it to apply to specific places;
- An inclusive process for creating agreed concepts to assist in enhancing the area and managing change; and
- An opportunity to bring together the deployment of infrastructure works and community development programs for best results.

Outline of the Revised Process

(For a Plan of the proposed City Districts for the purpose of consultation See Attachment 1)

Project Scoping

Project Scoping provides an outline of the objectives of the project, the critical success factors and the available resources and commitments supporting its success. It consults with local expertise and reviews existing information to the extent needed to provide a firm understanding of the project.

See Attachment 2

Stakeholder Partnership Development

(November 2000 – January 2001)

As Precinct Planning is concerned with the integrated delivery of private and public programs and projects, the early stages of the undertaking involves the development of internal then external partnerships. Project Scoping assesses the resources available for the project, and the level of interest and commitment to its success.

Precinct Centres Analysis

(November 2000 – January 2001)

The *Precinct Centres Report* is a working document that seeks to compile a selection of indicators from a broad array of studies as well as undertake an initial on-site analysis of Centres. Precinct Planning commences with background research into the City using standard, demographic data and assessment of a centre through standard urban design evaluation measures. Particular emphasis is paid to the centres and their performance in terms of social, economic and environmental benefit. Information is gathered to assist in understanding impending changes, with the expectation that the area of greatest need and most dramatic forces of change, will be the precincts where planning will be undertaken first.

Urban Sustainability Principles Assessment

An important part of the project scoping is the investigation of principles and strategies for revitalisation of centres. The principles need to be in line with the Council's Strategic Plan, Council and other Government policies and in accordance with current Community Values.

Analysis of City trends and approaches reveals an increasingly strong relationship between the City's strategic direction and the Ministry for Planning's policy on residential development. The Liveable Neighbourhoods Community Design Code has been reviewed and appears to offer significant guidance.

Neighbourhood Value & Identity Studies

Neighbourhood Value and Identity Studies reveals the nature of the place and the perceptions people have of it. It also raises awareness of the issues facing the area and distils from stakeholders a set of values to guide future decision making.

See Attachment 3

Value Management

(Mid March 2001 - Late April 2001)

Outline

Value Management is the process by which the community will be involved in reviewing the strategic plans and their own values to develop a "Charter" or localised strategic plan for their district. It establishes the degree of support for a program of managing change

in partnership and as a mechanism to establish the level of support for turning the ageing retail centres into mixed use community centres (micro urban villages).

NOTE

A district is established as a series of suburbs around a regional centre or other major focal points (Attachment). Suburban boundaries are ignored in favour of identification of the communities of the district. Research indicates that these communities usually develop in association with a neighbourhood centre (See Attachment 1)

Community Assisted Neighbourhood Audit

(February 2001 – May 2001)

Community and neighbourhood mapping is the recording of a broad array of information about the neighbourhood, on maps and plans.

Outline

The Neighbourhood Audit develops a comprehensive record of local information recorded on a map (spatial mapping of themes – or thematic mapping). This will be the first time the City of Joondalup has undertaken the process of mapping information on works programs, community needs, urban character, landscape forms, traffic volumes and other issues in a way that can be understood, interpreted and used across the organisation and by the community. These spatial maps form the reference for urban design, structure planning and the co-ordination of private and public development at all levels.

The Neighbourhood Audit includes community evaluation of the local environment through on-site audits and through various techniques for revealing local perception of place and meaning. It will also include a study of the usage of public space in and around the centres with a view to prioritising areas to address in the Concept Plan.

CONCEPT PLANNING

Concept Planning takes the values, principles and in depth understanding of the place that has been developed through the Neighbourhood Values and Identity process and developed a scheme to which planning and development in the area should fit. It is as much an agreement as a design and public participation is essential to its development and deployment.

See Attachment 4

Development of Best Practice Neighbourhood Designs

(April 2001 – May 2001)

Principles and models for best practice neighbourhood design will be presented and tested through the trial Enquiry by Design process. Enquiry by Design is an open, inclusive and iterative process where ideas are developed through successive stages of design and design review. The design team includes internal and external design experts and specialists with local knowledge and members of the community are welcome to

comment and critique proposals at the end of each design session. The process occurs over several sessions and principles are agreed in advance.

The Enquiry by Design process will be applied to two precinct centres to be designed in the 2000 – 2001 financial year. The trial will be used to test whether this is the correct process for concept planning of neighbourhood centres after July 2001. The process will provide an example of the approach and the type of proposals that might be put forward to benefit the social, economic and environmental success of these Centres and neighbourhoods.

Publicity (Advertising of Project)

(May - June 2001)

An intensive marketing program for Precinct Action Planning Program will highlight the work undertaken up to this stage and the importance of the Concept Planning stage.

A program that allows for 100% ‘potential for involvement’, provides site boards, and is supported by a web site, mail drops and a video along with a media campaign to ensure broad awareness in the community. Precinct Planning involved the representation of what might appear to be quite dramatic and radical concept plans. These may reveal great opportunities for the future of the area, however, without prior notification and awareness building, negative reactions are likely to prevail.

Concept Plan Development

(July to December 2001)

Concept planning is the development and documentation, in words and images, of an ‘in principle’ agreement about the future of a Neighbourhood and its Centre. This forms the foundation for further detailed design and the development of policies and initiatives for securing the agreed outcomes.

Concept planning is a process, by which issues and opportunities are considered, discussed, resolved and agreed to in principle. The ‘in principle’ agreement, recorded in words, draft structure plans and indicative sketches is non-binding but becomes a reference for what is possible in the area. After concept planning, structure plans, policies and some rezoning may be advertised for endorsement. Investors may be encouraged by the opportunities and the community may see how a range of ideas can be successfully integrated. Some works may follow the concept planning stage but only if they are minor or unlikely to negatively affect any group.

Sense of Place Project

(December 2001 – Feb 2002)

The *Sense of Place Project* is the development of an element of street art symbolising the place and the community’s sense of identity and aspirations for the future. It is recognised that without a physical change occurring to commemorate the process and indicate commitment to realising its outcomes, there is likely to be a high degree of scepticism. The visualisation project is a living art (usable piece of urban furniture or attraction) that both celebrates the values of the area and announces the commencement

of the first step in revitalising the area – recognising its current value and the desirable characteristics it currently has.

MASTER PLANNING

(December 2001 onwards)

Master planning is the conversion of schematic concept plans into designs that can be costed, developed into working drawings and implemented. Master planning co-ordinates the work of Council departments and other public sector agencies to deliver the outcomes it has agreed to as part of its partnership with the community. Master Planning helps provide additional direction and detail to the 5 year Capital Works Program. Budgetary adjustments will be undertaken to accommodate the outcomes. It is at this stage that the level of detail where individual car parks and trees are show and consultation occurs with those immediately affected to minimise impact and maximise benefit.

See Attachment 5

COMMENT

The approach outlined in this report is likely to surprise many people who are accustomed to working in and with Local Government. Traditionally Local Government finds it easier to act as a series of specialised businesses, delivering well-proven products, than to work on integrated focused outcomes. In addition State Government, Local Government and the community are not used to working together and often appear wary of each other's intentions. The process would require these stakeholders to believe in working together and sharing the credit. Such an approach requires additional up-front resources and funding but results in significant down-the-line savings from integration of programs and projects. Moreover, there would be additional rewards in greater skill sharing, enhanced decision making certainty, greater attraction of funding, positive media coverage, expanded opportunities for success and demonstrated leadership in the field.

For the City of Joondalup, revitalising neighbourhood Centres is likely to be a monumental challenge. Many of its Centres do not benefit from highly accessible street layouts or pre-existing street-front development on both sides of the street. In many areas resurfacing the road and planting a few trees may be sufficient to attract new investors and garner Council accolades. Many of the challenges facing these Centres are virtually intractable. Added to this, is the fact that some members of a community have specifically chosen to live in Joondalup suburbs due to their dormitory-like nature. These people may question any intervention in these areas at all. There is a line of thought that these dormitory suburbs are beyond help in a physical sense, that the best that can be done is to continuously treat problems of isolation, unemployment, boredom, crime and reckless driving with community activity and education projects. No doubt these measures add tremendously to the community but currently, they are being undermined by an urban pattern, that does not support local business and social vitality, which in turn does not encourage environmentally sustainable lifestyles.

The Value Management phase of the project may well result in a clear message from the community that they value single density, detached housing and suburbs that exclude non-residents over local centres and lifestyle opportunities. Even if the community strongly supports a strategy bringing the vitality back to their Centres, there will be factions in the community that think they can get the best outcome by pushing a narrow agenda outside the open discussion that others are engaged in.

Joondalup City may prove itself capable of being a world leader in revisiting the performance and future of the 1970's and 1980's suburbs. It is, however, unlikely to succeed without an inclusive and well researched program of review, vision setting, concept development and integrated plans for physical works aimed at applying physical changes in support of the City's community and business development programs.

MOVED Cr Wight, SECONDED Cr Patterson that Council:

- 1 ENDORSES the process outlined in Report CJ021-02/01 and undertakes Precinct Planning in two centres using the Enquiry by Design process to further refine the process;**
- 2 PROCEEDS with the Value Management workshop program and thematic mapping;**
- 3 RECEIVES a report on the results of this program prior to finalising the 2001 – 2002 budget.**

The Motion was Put and

CARRIED

Appendix 17 refers. To access this attachment on electronic document, click here:
[Attach17brf130201.pdf](#)

**CJ022 - 02/01 CLOSE OF ADVERTISING - CAMPUS DISTRICT
STRUCTURE PLAN - [52070]**

WARD - Lakeside

CJ010206_BRF.DOC:ITEM 22

SUMMARY

A structure plan for the southeast portion of the Campus District as identified in the Joondalup City Centre Development Plan and Manual was received by Council on 6 September 2000. The Structure Plan was adopted by Council at its meeting on 28 November 2000 (CJ359-11/00 refers) and was advertised for public comment for a 28-day period, which closed on 4 January 2001.

A mixed response was received with some submissions objecting to the proposed structure plan on grounds of devaluation of property values and loss of security, whilst other submissions raised issues that concerned engineering and traffic details along Lakeside Drive and vehicle and non-vehicle links from Edgewater to Lakeside Drive.

Some of the concerns raised are unsubstantiated and are not addressed by the structure plan, whilst issues concerning engineering and traffic details and non-vehicle links to Edgewater are addressed by the structure plan and can be considered more closely during implementation.

The Joondalup Development Plan and Manual has been adopted as the Structure Plan for the Centre Zone and this addition to the Manual will provide the framework for the progressive development of the subject land. Adoption of the Campus District Structure Plan is recommended.

BACKGROUND

Proposal

On 6 September 2000, Taylor and Burrell on behalf of Landcorp, submitted a structure plan for the southeastern portion of the Campus District as identified in the Joondalup City Centre Development Plan and Manual, for the City's consideration (see Attachment 1).

The Campus District structure plan will be an addition to the Joondalup Development Plan and Manual, which is the adopted structure plan for the Centre Zone under District Planning Scheme No.2. The Campus District Structure Plan will provide the framework for the progressive development of the subject land and provides particular guidance with respect to the subdivision/development of a portion of land within the southeast section of the structure plan area referred to as the 'University Village'. This area is mainly for residential purpose but includes a small mixed use/residential area located on the corner Lakeside Drive and Joondalup Drive (see Attachment 2).

The campus district was originally intended to be for general use for TAFE and University purposes, however it has been realised that a mixed use and residential component be incorporated into the site.

Previous Council Decision

At its meeting on 28 November 2000, Council adopted the structure plan and it was advertised for public comment for 28 days, concluding on 4 January 2001.

DETAILS

Lot No	Part Lot 5
Street Address	Lakeside Drive and Joondalup Drive
Land Owner	Edith Cowan University
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre Zone

Relevant Legislation

Under the provision of Clause 9.6.1 of District Planning Scheme No.2, Council shall consider all submissions received during the advertising period. After considering all submissions the Council shall either refuse to adopt the structure plan or resolve that the structure plan is satisfactory with or without modifications and shall submit three copies to the Western Australian Planning Commission (WAPC) for adoption and certification.

Advertising and Summary

The Campus District Structure Plan was advertised for public comment for a 28-day period, which closed on the 4 January 2001. Letters were sent to LandCorp, Ministry for Planning, WA College of Advanced Education and residents living in North Edgewater opposite the Campus District site. A total of five submissions were received as a result of advertising and are tabulated in Attachment 3. All submissions received were in the form of individual letters.

One submission objected to the proposed structure plan on the grounds of depreciating property value, increase in noise and decreased security. Issues concerning depreciating property values and requirements for increased security do not relate to any provisions in the structure plan and are not substantiated. Future noise levels are considered to be consistent with the City Centre location.

Two submissions have made a request to provide a pedestrian and cycle link between Edgewater Drive and the Campus District, whilst one submission has made a comment to widen pedestrian and cycle access to the Campus District to enable emergency vehicle access. The structure plan provides a strategy to improve pedestrian and cycle links from Edgewater to Campus District, of which details concerning emergency vehicle entry could be discussed during implementation of the structure plan.

Two submissions have made detailed comment on traffic control and road arrangements, with a third submission objecting to any road link between Edgewater Drive and Lakeside Drive. One submission has also raised concerns over traffic and noise generated from Treetop Avenue, Edgewater Drive and Regatta Drive. Details of traffic control and road arrangements and concerns for traffic and noise from Treetop Avenue, Edgewater Drive and Regatta Drive have been referred to the City's Infrastructure Management Services for further consideration. No road link between Edgewater Drive and Lakeside Drive is proposed.

One submission objects to the provision of commercial development in the area, which is predominantly residential. Commercial development is considered compatible with institutional and service uses proposed in the Campus District area. The small component of residential development proposed in the Campus District will be developed for student accommodation most likely as 'inner city' style dwellings.

One submission has requested that high speed Internet access is provided for all of Edgewater. This request does not relate to the area of the structure plan.

COMMENT

Issues

The Campus District Structure Plan brings together development provisions and guidelines for the southern portion of the Joondalup City Centre. The form and arrangement of the guidelines for the Campus District have been reached following detailed discussions between officers of LandCorp and the Council.

Many of the issues raised during the advertising process are not directly concerned with the structure plan area and can be dealt with separately. Issues that have been raised that consider the need for stronger pedestrian and cycling links between Edgewater and Joondalup Centre and concern road arrangements and traffic details are directly associated with the structure plan and the indicative concept plan that is used as a guide to subdivision. These issues are identified in the structure plan report and can be examined in more detail during the implementation of the structure plan.

The provision of a mixed residential and commercial zone is important to the composition and variety of land uses expected to support a city centre. The mixed use/residential site that is provided in the structure plan is particularly important to Campus District as it will supplement the educational institutions of TAFE and Edith Cowan University and provide an opportunity for a landmark entry to the Joondalup City Centre.

Assessment and Reasons for Recommendation

The Campus District Structure Plan conforms to the requirements of Part 9 of the City of Joondalup District Planning Scheme No.2 and is in keeping with the standards established in abutting districts within the Joondalup City Centre.

The guidelines for Campus District are considered to be a clear and consistent set of rules for the control and administration of the development proposed. None of the public submissions are considered to affect the matters addressed in the structure plan and therefore as a result no amendment of the provisions is considered to be necessary.

MOVED Cr Kadak, SECONDED Cr Wight that Council:

- 1** pursuant to clause 9.6 of the City of Joondalup District Planning Scheme No 2, **RESOLVES** that the draft Campus District Structure Plan is satisfactory and submits it to the Western Australian Planning Commission for adoption and certification;
- 2** **NOTES** the issues raised by the public submissions concerning pedestrian and cycle links from Joondalup City Centre Campus District and Edgewater for consideration in more detail during subdivision assessment.

The Motion was Put and

CARRIED

Appendix 18 refers. To access this attachment on electronic document, click here:
[Attach18brf130201.pdf](#)

**CJ023 - 02/01 PROPOSED 30 METRE HIGH MOBILE PHONE
MONOPOLE BEENYUP WATER TREATMENT
PLANT: LOT 920 OCEAN REEF ROAD,
CRAIGIE - [07092]**

WARD - Pinnaroo

CJ010206_BRF.DOC:ITEM 23

SUMMARY

Optus proposes to construct a new 30 metre high monopole within the Water Treatment Plant landholding owned by the Western Australian Water Corporation. The landholding abuts Ocean Reef Road, the Mitchell Freeway road reserve and the Craigie residential area (to the west).

Council supported a previous similar application in February 2000. Subsequent to Optus receiving that support, the Council adopted a moratorium (in September 2000) on the installation of further telecommunication facilities throughout the City of Joondalup.

This proposal is to **resite** the proposed pole a further 80 metres from the adjoining residential area, so that it is a total of at least 400 metres from any homes. The approved monopole (**if constructed**) would have been 320 metres from the nearest home.

As the subject land is reserved under the Metropolitan Region Scheme, determinative power rests with the Western Australian Planning Commission (WAPC). Notwithstanding the City's moratorium, the City is obliged by legislation to refer applications to the WAPC where its determination is required.

Given that this proposal constitutes a refinement to the proposal approved by Council in February 2000, it is recommended that this application be supported.

BACKGROUND

The previous proposal was originally lodged with the City on 22 December 1999. Optus proposed to erect a 30 metre high monopole on the Water Treatment Plant site. The purpose of the monopole is to extend Optus network coverage in that vicinity. The development is considered a high impact proposal under the telecommunications legislation.

Records indicate that some members of the neighbouring community (based in Craigie) have lodged complaints regarding the use of access ways by commercial vehicles, sometimes very early in the morning. For that reason, the local community are sensitive to the use of the Beenyup Water Corporation landholding.

The pole would not have exacerbated that problem, and secondly was to be located approximately 320 metres away from the nearest homes.

Following the granting of WAPC approval (in early 2000), the applicant was requested to relocate the pole to meet a policy that had been adopted by the Water Corporation. The Water Corporation had apparently adopted a policy requiring mobile telecommunication facilities (MTFs) to be a minimum of 400 metres from residential land. (It is understood that there is no scientific evidence to suggest that a 400 metre threshold be adopted).

In recognition of the Water Corporation policy, Optus then commissioned a fresh application for the location to be moved 80 metres further to the west, thereby increasing separation to 400 metres from residential homes.

In the meantime, the Council has expressed its concern at the MTF debate by resolving to adopt a moratorium. The moratorium was adopted on 12 September 2000, following the consideration of a number of applications for placement of MTFs upon Council reserves and buildings. The moratorium was adopted in the following terms;

“(Council) places a moratorium on the installation of further telecommunications facilities, whether high or low impact, throughout the City of Joondalup”

The moratorium was supplemented by a resolution to discuss the matter with the federal member for telecommunications. It is understood that this dialogue took place in December 2000 and the ramifications are understood to be under investigation by the Western Australian Municipal Association.

The moratorium has not been reviewed or examined since its adoption in September 2000, although considerable work on codes of practice and community consultation and matters such as the health issue have taken place and will be the subject of a further report to Council in March 2001.

DETAILS

This application is one where, due to the town planning status of the land, the determining authority rests with the WAPC. The City is bound to refer applications on such land to the WAPC within 7 days of receipt of the proposal. In this case, the proposal has been referred on for determination by WAPC.

The WAPC are also aware of the City’s moratorium upon the development of MTF infrastructure and will give this due regard. It should be noted however, that the moratorium has no status from a planning point of view, nor under the Telecommunications Act.

The original report from the applicant was for this to be considered as an amendment to the previous approval. The WAPC required a fresh application to be lodged and determined. Under the terms of the Council's moratorium, this proposal could be considered as not being an additional installation over and above those approved of prior to September 2000 (the date of the moratorium).

The proposed relocated site would appear to have no greater or lesser impact than the existing approved site and therefore it is recommended that the Council support the application.

OFFICER'S RECOMMENDATION: That Council ADVISES the Western Australian Planning Commission that it does not object to the relocation of an approved mobile telecommunication facility on Lot 920 Ocean Reef Road, Craigie (Water Corporation Treatment Plant) as described in the application received on 11 December 2000, on the basis that the relocation would increase the separation between residences and the Facility.

MOVED Cr Kadak, SECONDED Cr Rowlands that Council ADVISES the Western Australian Planning Commission that it DOES NOT SUPPORT the location of the monopole, as described in the application received on 11 December 2000, on the grounds that Council has adopted a moratorium (in September 2000) on the installation of further telecommunication facilities, whether high or low impact, throughout the City of Joondalup.

Following a query from Cr Hurst, Director Planning and Development advised this application had been previously approved some 320 metres from residential properties. However, the Water Corporation has since implemented a policy requiring that monopoles be placed some 400 metres from residential areas, and therefore there was a need for a new planning application to be submitted.

Discussion ensued. Director Planning and Development advised the regional local carriers were to hold a meeting in the Civic Centre on Wednesday 14 February 2001 to discuss a number of issues and welcomed interested persons to attend.

The Motion was Put and

CARRIED

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf130201.pdf](#)

Cr Carlos declared a financial interest in CJ24-02/01 – Proposed Amendment (No 1) to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale as he owns shares in Foodland Australia Ltd.

Cr Carlos left the Chamber, the time being 2144 hrs.

CJ024 - 02/01 PROPOSED AMENDMENT (NO. 1) TO DISTRICT PLANNING SCHEME NO. 2 – LOT 3 (5) TRAPPERS DRIVE, WOODVALE - [55070]

WARD - Lakeside

CJ010206_BRF.DOC:ITEM 24

SUMMARY

A request has been received to:

1. rezone a 539m² portion of Lot 3 Trappers Drive, Woodvale, from ‘Civic and Cultural’ to ‘Commercial’;
2. modify Schedule 3 (Commercial and Centre Zones) of the Scheme Text by increasing the maximum retail net lettable area for the Woodvale Boulevard centre at Lot 6 (931) Whitfords Avenue, Woodvale, from 5500m² to 6500m².

The reason for the request is to expand the existing supermarket on Lot 6 Whitfords Avenue.

Council at its April 1999 meeting resolved to offer to dispose of 539m² of Lot 3 Trappers Drive, Woodvale, and lease a further 2508m² for carparking to Foodland Australia subject to conditions. One of these conditions required the rezoning of the 539m² portion of Lot 3 Trappers Drive.

It is recommended that Council amends the City of Joondalup’s District Planning Scheme No. 2 to facilitate the proposed expansion of the existing supermarket on Lot 6 Whitfords Avenue.

BACKGROUND

Lot No	Lot 3 Trappers Drive, Woodvale
Street Address	5 Trappers Drive, Woodvale
Land Owner	City of Joondalup
MRS Zoning	Urban
TPS Zoning	Civic and Cultural
Land Use	Library and Community Care Centre
Lot Area	1.5006ha

Site History

Lot 3 Trappers Drive was created in late 1990 and ceded to the City free of cost for community purposes as a condition of subdivision.

Development approval was issued for the existing library on the property in October 1990.

A legal agreement was entered into by Foodland Property Holdings Pty Ltd and the City of Wanneroo on the 14 May 1992, whereby Foodland Property Holdings Pty Ltd agreed not to build or create any shopping building/complex on Lot 6 Whitfords Avenue which would provide a gross leasable retail floorspace of more than 4,440m².

The City was approached by Foodland Australia Ltd. (FAL) in 1997 with respect to purchasing a 4000m² portion of Lot 3 Trappers Drive for the purposes of expanding the existing supermarket on Lot 6 Whitfords Avenue. Council considered the matter at its October 1997 meeting and, due to concerns about the possible future need for the land, resolved:

“... that Council:

- 1. takes no further action in respect to disposal of a portion of Lot 3 Trappers Drive, Woodvale – Woodvale Community Purpose site and that Council;***
- 2. reaffirms to Foodland Australia Ltd that the subject land is not offered for sale.”***

Development approval was issued for the existing community care centre on the property in July 1998.

The City was approached by FAL again in 1999, this time with respect to purchasing a 539m² portion of Lot 3 Trappers Drive for the purposes of expanding the existing supermarket on Lot 6 Whitfords Avenue and leasing a further 2508m² portion of Lot 3 Trappers Drive for carparking purposes. The Joint Commissioners considered the matter at their April 1999 meeting (CJ140-04/99) where it was resolved to:

“OFFER to dispose of 539m² of Lot 3 Trappers Drive, Woodvale, and lease a further 2508m² for carparking to Foodland Australia Ltd at fair market value of the land in accordance with Section 3.58 of the Local Government Act 1995, subject to the following:

- 1 Rezoning of the subject land to accommodate the use and additional floor space;***
- 2 Subdivision of the 539m² portion of Lot 3 and its amalgamation into Lot 6;***
- 3 The proponent meeting all the costs involved;***
- 4 The proponent agreeing that if the relevant development is not proceeded with, landscaping to the satisfaction of Council will be provided.”***

The City subsequently sought advice from the Ministry for Planning (MfP) with respect to the proposed rezoning of the land and the proposed increase in allowable retail floorspace. The MfP advised that:

- adequate justification would be required for reducing the area of the ‘Civic and Cultural’ zone;
- the total retail net lettable area for the Woodvale Shopping Centre would need to be assessed to determine whether it was within the allowable retail net lettable area specified for the centre under District Planning Scheme No. 2; and,
- the Western Australian Planning Commission’s (WAPC) approval would be required if the centre exceeded 5000m² of net lettable area unless the size of the centre was consistent with a Local Commercial Strategy approved by the WAPC.

Council is party to a legal agreement to limit the retail floor space of this centre to 4,900m² and this will need to be further investigated before consideration of the amendment for final approval.

DETAILS

Location

Lot 3 Trappers Drive is located approximately 280 metres north of the intersection of Trappers Drive and Whitfords Avenue in Woodvale. **Refer to Attachment 1.**

The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Ave) and Woodvale Medical Centre (Lot 7 Trappers Drive) abuts the southern boundary of Lot 3 whilst the Timberside (aged persons) Villas (Lot 500 Timberlane Drive) abuts the western boundary of Lot 3. Several residential lots abut the northern boundary of Lot 3.

Existing Zoning, Development & Landuse

Lot 3 Trappers Drive is zoned Civic and Cultural under the City’s District Planning Scheme No. 2 (DPS 2) and is occupied by the Woodvale Library, a Community Care Centre and associated carparking areas. A portion of the land in its south western corner remains vacant.

The Woodvale Boulevard Shopping Centre (Lot 6 Whitfords Avenue) is zoned Commercial under the City’s DPS 2. Schedule 3 of DPS 2 restricts the retail net lettable area of the centre to 5500m².

The Ministry for Planning surveyed the shopping centre on Lot 6 Whitfords Avenue in 1997 and recorded a retail floor area of 6632m². Subsequent calculations carried out by the City indicated that the shopping centre possessed a retail floor area of 5596m², however these calculations are to be disregarded as they are believed to have been based on outdated data and possibly incorrect interpretations of retail floor space. The WAPC’s survey is considered an accurate account of the existing retail floor area of the centre. No additional retail floor area has been approved since this time.

The Woodvale Medical Centre site (Lot 7 Trappers Drive) is also zoned Commercial under the City’s DPS 2. The Timberside (aged person) Villas (Lot 500 Timberlane Drive) site is zoned Residential and is coded R40 whilst the residential lots to the north of the subject property are zoned Residential and are coded R20 under the City’s DPS 2.

Proposal

The proponents describe the proposal as follows:

“Specifically, it is proposed to amend DPS 2 as follows:

- (1) Rezoning a 539 sqm portion of Lot 3 Trappers Drive Woodvale from ‘Civic and Cultural’ to ‘Commercial’.*
- (2) Modifying Schedule 3 (Commercial and Centre Zones) of the Scheme Text by increasing the maximum retail net lettable area for the Woodvale Boulevard centre at Lot 6 (931) Whitfords Avenue from 5,500 sqm to 6,500sqm.”*

Attachment 2 shows existing & proposed development on Lot 3 Trappers Drive and highlights the area subject to rezoning.

The purpose of the Amendment is to facilitate the proposed northerly expansion (~1000m²) of the existing Action supermarket on Lot 6 Whitfords Avenue. The proposal will not only result in the expansion of the supermarket over Lot 6 Whitfords Ave but also over a portion of Lot 3 Trappers Drive.

Lot 6 Whitfords Avenue is suitably zoned Commercial to enable the proposed expansion to occur however Lot 3 Trappers Drive is zoned Civic and Cultural. Under the Civic and Cultural zone, the proposed expansion could not occur as a ‘shop’ is a prohibited use. The subject portion of Lot 3 Trappers Drive therefore needs rezoning.

The proposed expansion would also result in the retail floor area for the Woodvale Boulevard Shopping Centre exceeding the maximum retail floor area (5,500m²) specified for the centre in Schedule 3 of DPS 2. The maximum retail floor area specified for the centre in Schedule 3 of DPS 2 is therefore also in need of amendment.

The proponent states that the proposal is fully in alignment with the City of Joondalup’s Draft Centres Strategy, in that it classifies the Woodvale Boulevard Shopping Centre as a Small Town Centre with a potential maximum floorspace of 10,000m² net lettable area. The proponent states that the proposed 1,000m² expansion of existing supermarket represents an incremental increase towards the centre’s potential maximum floorspace.

The proponent advises that the existing supermarket is too small to offer and present, in a contemporary format, all reasonably available product lines. The expansion of the existing supermarket is proposed to address this issue and enable the provision of an improved retail service to the community.

The proponent also proposes to provide additional landscaped parking facilities, modify vehicular access arrangements, improve the northern mall entry, provide a covered walkway between the shopping centre and adjoining retirement village, and improve pedestrian connections between the community centre, library and shopping centre. Measures are also proposed to be implemented to reduce noise and odours, and to prevent outlook onto unsightly areas. These proposals attempt to overcome several amenity and

operational issues and to better integrate the shopping centre with the adjoining community and residential uses.

Relevant Legislation

The procedures for amending Town Planning Schemes are outlined in the Town Planning Regulations 1967 and the WAPC's Planning Bulletins. A summary of the procedures is outlined below:

- Council adopts Amendment.
- City forwards Amendment to the Environmental Protection Authority (EPA) for consideration of the need for environmental assessment.
- Environmental review is undertaken if necessary.
- Amendment is forwarded to WAPC for its consent to advertise it. The City may advertise the Amendment without seeking the WAPC's consent subject to the Amendment meeting several criteria.
- WAPC grants consent to advertise the Amendment, if necessary.
- Amendment is advertised for public comment.
- Council considers comments received and adopts Amendment for final approval, with or without modifications. It should be noted that Council may at this point determine not to adopt the Amendment.
- City forwards Amendment to WAPC for consideration of final approval.
- WAPC determines to adopt Amendment for final approval. It should be noted that the WAPC may at this point in time determine not to adopt the Amendment.
- WAPC forwards Amendment to Minister for Planning for consideration of final approval.
- Minister for Planning determines to grant final approval to Amendment. It should be noted that the Minister for Planning may at this point in time determine not to grant final approval to the Amendment.
- Amendment is published in Government Gazette and becomes effective.

One of the criteria of advertising an Amendment without the WAPC's consent is that the Amendment is consistent with any Statement of Planning Policy prepared under Section 5AA of the Act. The WAPC's Statement of Planning Policy No. 9 is such a policy. Due to the proposed Amendment being inconsistent with the policy in that the retail floor area is proposed to exceed that specified for Neighbourhood Centres, the WAPC's consent to advertise the Amendment is required.

Relevant Policies

The Western Australian Planning Commission (WAPC)'s Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Area

The purpose of the WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region.

The Woodvale Boulevard Shopping Centre is not identified as a District Centre and is therefore assumed to be classified as a Neighbourhood Centre under the policy. The policy states with respect to Neighbourhood and Local Centres:

“4.2.5 Neighbourhood and Local Centres

Neighbourhood Centres and Local Centres which range from corner shops to small centres should be promoted as predominantly for convenience retailing and (in the larger centres) weekly food and groceries shopping. Provision should also be made for small offices which serve the local community, as well as health, welfare and community facilities.

Shopping floorspace should generally be confined to 4,500m² unless consistent with a Commission endorsed Local Planning Strategy.

The size and location of Neighbourhood and Local Centres should be identified in Local Planning Strategies, district and local structure plans for new urban growth areas.

Planning controls should support the future of small shops and centres by controlling the size of larger centres and limiting new competing retail development outside local centres defined in the Local Planning Strategies and structure plans.”

The policy states that rezoning amendments and development applications for retail uses which do not comply with the floorspace guide of this policy should be supported with a range of additional information.

City of Joondalup Centres Strategy

An objective of the WAPC’s Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region is to encourage local governments to develop Local Planning Strategies to provide detailed planning mechanisms to implement the objectives of this policy.

The WAPC’s Statement of Planning Policy No. 9 states that local planning strategies will be used as a basis for preparing and amending town planning schemes and assessing development applications.

The City’s Draft Centres Strategy fulfills the purpose of a local planning strategy and was adopted by Council at its meeting on the 28 November 2000. The strategy has now been forwarded to the WAPC for endorsement.

The Woodvale Boulevard Shopping Centre is classified as a Small Town Centre under the City’s Draft Centres Strategy, which is equivalent to a District Centre under the WAPC’s Statement of Planning Policy No. 9. The primary function of a Small Town Centre is to provide weekly retail, service and community facilities. The types of retail facilities appropriate for Small Town Centres include: minor discount department stores,

supermarkets, speciality stores and convenience stores. The shopping floorspace guide being up to 15,000m². A maximum floorspace of 10,000m² however has been specified for the Woodvale Boulevard Shopping Centre.

The Strategy concludes:

“Implicit in the above statements is that expansion of commercial uses (of which retailing as defined in the Metropolitan Centres Policy (1999) is only a part) is a primary objective of this strategy and must be encouraged at all levels of the shopping centre hierarchy.”

“The basis for this recommended strategy is that the Council should be positive and proactive towards expanding the retail and commercial base in the City as a primary means of generating employment.”

COMMENT

The WAPC’s Statement of Planning Policy No. 9 classifies the Woodvale Boulevard Shopping Centre as a Neighbourhood Centre however the centre was identified prior to development and is identified in the City’s Draft Centres Strategy as a District Centre. The Centre already possesses an existing retail floor area of 6632m² which exceeds the maximum retail floor area specified under the WAPC’s Statement of Planning Policy No. 9 for Neighbourhood Centres (i.e. 4500m²). On this basis, the additional information required under the WAPC’s Statement of Planning Policy No. 9, to support the increase in retail floor area beyond that specified for a Neighbourhood Centre is not considered necessary.

Should the proposed extension to the Action supermarket be approved, the retail floor area of the centre would be increased to 7632m². The proponent has requested that the maximum retail floor area for the centre be increased in Schedule 3 of the Scheme from 5500m² to 6500m². It is recommended that this area be increased to 8000m² to accommodate the existing and proposed retail floor area.

The legal agreement relating to the allowable gross leasable retail floorspace for the centre will need to be modified to enable the proposed expansion to occur.

The proposed increase in retail floor area is relatively small in nature and merely involves the expansion of an existing landuse (i.e supermarket) which is considered in the WAPC’s Statement of Planning Policy No. 9 and the City’s Draft Centres Strategy as appropriate within both a Neighbourhood and District Centre.

The Ministry for Planning advised that in pursuing the subject Amendment adequate justification would need to be provided to reduce the community purpose site. Studies have indicated that should the subject portion of Lot 3 be disposed of, there would be still be sufficient land for the construction of a community hall on the site. The City has no plans to build any additional community facilities on the site.

The proposed development will offer the opportunity to integrate pedestrian access between the shopping centre, community care centre and retirement village, and to enhance the appearance of the currently unattractive interface between these uses. The additional carparking area on Lot 3 will also benefit the patrons of the community facilities.

The proponent is aware of the potential concerns of residents from the adjoining Timberside (aged persons) Villas and proposes to take several measures to reduce the impact of the proposed expansion. The City will need to ensure that these concerns are adequately addressed at the development approval stage.

The proponent has provided development plans and details of the proposed traffic, access and parking arrangements in support of the proposed rezoning. A full assessment of the proposed development plans and traffic, access and parking arrangements will be carried out prior to consideration of development approval. Alternative arrangements are possible and any decision to initiate the Amendment is not to be construed as approval of the proposed development plans and traffic, access and parking arrangements.

Council at its April 1999 meeting was advised:

“that it is proposed to secure FAL’s interest in the land by agreement prior to the land being rezoned. This is because the rezoning and subdivision process is likely to take at least 12 months to complete during which FAL’s requirements for the subject land may change. Consequently, Council will need to be assured that the sale of this land to FAL will proceed if it pursues rezoning of the site.”

It is anticipated that FAL’s interest in the land will be secured by an offer and acceptance agreement prior to the subject Amendment being considered for final adoption. It is possible, depending on the value of the land, that the proposed transaction could constitute a Major Land Transaction under the Local Government Act. This issue can be investigated and finalised during the scheme amendment process prior to Council considering the amendment following the advertising period.

It is recommended that Council adopts the proposed Amendment for the reasons outlined above.

The amending text is contained in **Attachment 3**.

OFFICER’S RECOMMENDATION: That Council:

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928:
 - (a) AMENDS the City of Joondalup’s District Planning Scheme No 2 for the purpose of:
 - (i) rezoning a 539m2 portion of Lot 3 Trappers Drive, Woodvale, from ‘Civic and Cultural’ to ‘Commercial’ as indicated on the amending maps;

- (ii) modifying Schedule 3 (Commercial and Centre Zones) by adding “Portion of Lot 3 Trappers Drive (subject to rezoning under Amendment No. 1 to the Scheme)” under the column headed ‘Description of Centre and Commercial Zone’ adjacent to Woodvale (Woodvale Boulevard);
- (iii) modifying Schedule 3 (Commercial and Centre Zones) by increasing the maximum retail net lettable area under the column headed ‘NLA (m2)’ for WOODVALE (Woodvale Boulevard) - Lot 6 Whitfords Avenue from 5500m2 to 8000m2;

(b) ADOPTS Amendment No 1 accordingly;

2 ADVISES the proponent to arrange for the legal agreement, dated 14 May 1992, between Foodland Property Holdings Pty Ltd and the City of Wanneroo, with respect to Lot 6 Whitfords Avenue, Woodvale, to be modified prior to the finalisation of Amendment No. 1 to the City of Joondalup’s District Planning Scheme No 2, to enable the proposed expansion of the supermarket to occur.

MOVED Cr Kadak, SECONDED Cr Wight that the matter pertaining to the proposed Amendment (No 1) to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale be DEFERRED pending further consideration by elected members.

The Motion was Put and

CARRIED

Appendix 20 refers. To access this attachment on electronic document, click here: [Attach20brf130201.pdf](#)

Cr Carlos entered the Chamber, the time being 2145 hrs.

CJ025 - 02/01 TENDER NUMBER 035–00/01 PROVISION OF MICROFICHE COPYING SERVICES - [53152]

WARD - All

CJ010206_BRF.DOC:ITEM 25

SUMMARY

The City has invited a statewide public tender for the supply of Microfiche plan copying services for archived building licence plans. The City holds approximately 25,000 hard copy building licences (issued between 1994 and mid 1998) at the present time. It is proposed to microfiche these plans in a similar format to the remainder of the City’s old plans for ease of data recovery.

Two tenders were received for the provision of the services. Each of the tenderers attended a pre-tender briefing session to gain a full appreciation of the required task.

The Tender Evaluation Committee (TEC) has analysed the tenders and recommends that Gabriels Reprographics be awarded the tender for the consideration of the price schedule attached.

BACKGROUND

The City of Joondalup has a legislative responsibility to maintain records of building licences issued. Given that the City issues in the order of 4,500 licences in a typical year, there is a large volume of data that requires management.

Until 1994, the City had a regular commitment to copy building licences issued to microfiche. The use of microfiche has several advantages in terms of:

1. Saving office floor space;
2. Systematic approach to data management and retrieval (thereby providing efficiency benefits); and
3. Potential to create second microfiche copies (at minimal cost) for safe keeping off site;
4. Risk Management for storage of building plans in a safe and secure place.

Plan copies are often sought by home-owners and designers when preparing plans for alterations to existing buildings.

The Approval Services Business Unit has prepared a business plan relating to microfiche copying activities with the following principles:

1. Building licence data for the old municipality (pre-mid 1998) will be held on microfiche as was previously the case;
2. Building licence data for the City of Joondalup, from mid 1998 onwards will be maintained by scanning and electronic storage;
3. The microfiche copying equipment has been upgraded to provide a suitable standard of plan copies;
4. A schedule has been established to allow for the back-capture of the 1994-98 plans over a 4-year period; and
5. The cost of the back-capture should be recovered by revenue received from Plan copying sales.

It should be noted that the budget projection for 99-00 suggested that the project would be revenue positive in year 1, however, due to the GST downturn and related market activity, this projection requires review.

As a component of the business plan, statewide public tenders were invited for the provision of microfiche copying services (copying the hard copy plans onto fiche). The tender was structured so as to:

- obtain costs per job lot;
- obtain prices for additional numbers of plans per licence;
- determine the value for money from the offers received to the advantage of the City;
- seek quotes for work in forthcoming financial years, with that work being subject to Council's adoption;
- answer market expectations; and
- meet suitable standards of office efficiency.

DETAILS

A public invitation to tender was carried out in accordance with the City's Contract Management framework and in conformation with Regulation 14 and its sub regulations of the Local Government (Functions and General) Regulations 1996.

The advertisement was placed in the West Australian on 2 December 2000. Tenders closed at 3pm on 19 November 2000. The tender was not advertised in the local press, due to the special nature of the services sought and the unlikelihood of a local community supplier being available.

A compulsory pre-tender briefing session was held with potential tenderers to familiarise them with the particular tasks and arrangements of the City's building licence data.

Tenders were received from Hermes Precisa Australia and Gabriels Reprographics. Both tenders were conforming tenders and each tenderer was represented at the compulsory pre-tender briefing on 13 December 2000.

The tenders were evaluated in accordance with the conditions of tendering and using a multi-criteria evaluation matrix as per the City's contract management framework. The selection criteria were:

- lump sum prices as provided in the price schedule;
- tenderer's resources such as specialised equipment, skill, inventory and financial capacity;
- tenderer's previous experience in carrying out similar works;
- tenderer's demonstrated ability to carry the required tasks and to provide quick turnaround; and
- demonstrated risk management planning

The attachment is a copy of the price schedule submitted by Gabriels Reprographics. Sufficient information was provided in order to allow a direct comparison based on Unit Cost, with supplementary advice also being received from one tenderer as to the likely costs for future project years.

EVALUATION SUMMARY

Both tenders were supported by references from contractors with whom effective longstanding relationships have been established. The tender submitted by Gabriels was assessed to have competitive advantages and provide better value for money to the Council meeting the selection criteria. This Report recommends that the tender submitted by Gabriels Reprographics be accepted for a period commencing 1 March 2001 until 31 May 2001 with an option to extend it for the following financial years 2001-02 and 2002-03 subject to availability of funds in the budget and Council's approval.

Account No: 11.40.42.422.3740.F120
Budget Item: Microfiche copying
Actual Cost: \$42000

MOVED Cr Rowlands, SECONDED Cr Hurst that Council:

- 1 ACCEPTS the tender from Gabriels Reprographics for the supply of microfiche copying services (Tender No 035-00/01) for a consideration of the price schedule submitted with the tender, with an option to subject to availability of funds in the budget, to roll over in the year 2001-02 and 2002-03 or part thereof, at the Council's discretion;**
- 2 AUTHORISES the signing of the contract document;**
- 3 NOTIFIES the unsuccessful tenderer accordingly.**

The Motion was Put and

CARRIED

Appendix 21 refers.

To access this attachment on electronic document, click here: [Attach21brf130201.pdf](#)

Cr Ewen-Chappell declared a non-financial interest in CJ026-02/01 –Change of Use – Vehicle Repairs at Lot 9 (33) Winton Road, Joondalup as she owns a business in the business park.

CJ026 - 02/01 CHANGE OF USE - VEHICLE REPAIRS AT LOT 9 (33) WINTON ROAD, JOONDALUP - [41713]

WARD - Lakeside

CJ010206_BRF.DOC:ITEM 26

SUMMARY

An application has been received for a change of use from a 'Industry – Service (Workshop) and Associated Office' to 'Vehicle Repairs' at Lot 9 (33) Winton Road, Joondalup. The above site is within the Joondalup Business Park.

The above proposal is a 'D' discretionary use under District Planning Scheme 2 (DPS2). The land use was not previously permissible under Town Planning Scheme 1. The proposal has been advertised for public comment. Objections as well as submissions in support of the proposal have been received.

The proposal has been assessed on the following grounds:

- emissions (vapour, dust), noise, waste water and solvent disposal;
- land use compatibility; and
- distance from residential premises

The matters raised in the submissions are addressed in the technical information submitted by the applicant. It is recommended that Council approve the 'Vehicle Repair' use as the use is proposed in a 'least impact' area in terms of adjoining land uses, would benefit the local business community and would not detrimentally affect the amenity of surrounding residential areas.

BACKGROUND

Lot	9
Street Address	33 Winton Road, Joondalup
Applicant	Brent A Wilson
Land Owner	Brent A Wilson
DA No	DA00/0541
MRS Zoning	Urban
DPS2	Service Industrial
Land Use	Vehicle Repairs
Permissibility of Use	'D'
Lot Area	2045m ²

The subject site is located within the Joondalup Business Park on Winton Road. The existing building has been approved to be used as a Industry – Service (Workshop) and Associated Office. The building has been vacant since built.

The purpose of the Service Industrial zone is as follows:

“The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational development which the Council may consider would be inappropriate in Commercial and Business zones and which are capable of being conducted in a manner which will prevent them being obtrusive or detrimental to the local amenity.”

The definition of Vehicle Repairs is as follows:

“means land and buildings used for, or in connection with, vehicle body repairs, including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle/body filler”

Environmental Code of Practice for Automotive Spray Painting (Department of Environment Protection (EPA)).

The code recommends that new spray painting premises should be located no closer than 150 metres from any residential area. It further states that it is ill-advised to locate spray painting near places where food is prepared or near shops or other commercial premises as odour from the solvents may cause offence.

Advertising

The proposal was advertised for a period of 21 days in accordance with the requirements of District Planning Scheme 2 (DPS2), This included letters to adjoining and affected landowners and an advertisement in the Wanneroo Times. At the close of the advertising period, 6 submissions in support and 2 objections were received. An additional late submission was also received in support of the proposal.

The submissions received in support of the proposal were for the following reasons:

- business would complement the range of automobile services available in the Joondalup area;
- beneficial to the local community;
- business would bring more people to Joondalup, thereby giving a boost to the local economy; and
- support provided the proposal complied with relevant legislation and all wrecks and premises kept tidy and within the lot.

The objections have been considered and the main issues raised are as follows:

- panel beating is an offensive industry with emissions of dust, toxic fumes and noise pollution. Area may become a defacto wrecking yard;
- area has been set aside for retail and service industrial uses and uses such as panel beating and paint shop should not be permitted in the area; and
- the proposal is better relocated to a suitable industrial area such as Balcatta or Wangara.

The applicant provided an accompanying submission with his application. The additional information has provided the following summary:

- the office is to provide administrative service associated with vehicle repair use;
- a vertical gravity separator unit has been installed to ensure no pollutants enter into stormwater drains;
- panel area to be used for bodywork repair;
- paint operation to be conducted in a controlled preparation area and pumped into vertical gravity separator;
- all spray painting conducted in a combined spraybooth and baking oven;
- all dust absorbed by vacuum stands;
- recycled waste solvents reused to ensure no paint or solvents enter into environment; and
- acoustic consultant's report advises that noise from activity would comply with DEP Regulations. Roofing insulation for entire building to be installed

DETAILS

The vehicle repair operation is to be conducted within a recently completed building. The owner currently operates a similar business in Osborne Park. The development consists of the following elements:

Construction of Building

The building has been constructed with tilt-up walls with insulated roof for noise reduction. The front elevation of the building presents a high quality office.

Wash Down Area

The wash-down area is to be used for washing vehicles after repair. A vertical gravity separator unit has been installed to collect all grease, oil and other pollutants, thereby ensuring no pollution enters the stormwater system or contaminates the groundwater. Waste water will also be recycled where possible. All non-recyclable material will be removed off-site in sealed containers.

Panel/Paint Area

The panel/paint area is to be used for repair of bodywork. This includes application of body fillers, straightening of panels and chassis and refitting (trims, seating, etc).

All spray painting will be conducted within spraybooths approved by the DEP and Worksafe that produce little or no emissions (in accordance with Australian Standards AS 4114.1, 4114.2 and 2381.1).

The spraybooths are self contained spray chambers that vent air through filter units and external tanks. The filters effectively remove all airborne particles. All dust is absorbed by vacuum stands. The only vapour produced is from the painting of vehicles.

Noise

Adamson Engineering (Acoustic Consultants) were engaged to determine noise levels from the applicant's current vehicle repair premises in Osborne Park. These were then translated to the above development site. The noisiest item was machining associated with the grinding of metal using hand-held grinders. With the doors closed, the proposal would comply with the DEP regulations. Alternatively, roof insulation could be installed.

COMMENT/FUNDING

The main issues raised by this proposal are as follows:

Land Use Compatibility

The vehicle repair use is proposed on the above site which is zoned 'Service Industrial'. Recent technological advancement in spraypainting booths would ensure that the above use could be accommodated with the Service Industrial zone. The Draft DEP guidelines for automobile spraypainting recommends that the use should have 150 metre separation to the nearest residential area. It is estimated that the nearest residential premises is 150 metres away.

Waste Water, Solvent, Odour and Dust Control

The applicant has demonstrated that all waste water/solvents would be recycled where possible by installation of a vertical gravity separator unit. Remnant waste material would be stored in sealed containers and removed from site and disposed of in compliance with the DEP and Water & Rivers Commission requirements. Vacuum outlets have been fitted for the entire building to control dust emissions.

The spraybooths have been designed to provide little or no emissions in accordance with the relevant Australian Standards (AS). The acoustic report indicates all noise could be contained within the premises through roofing insulation and sound curtains. The applicant will be providing roof installation for the entire building.

Conclusion

The technical documents provided by the applicant indicate that the vehicle repair operation can be operated in a manageable way in accordance with the relevant legislation and standards. The main issues relating to noise and waste water/solvent, noise, dust and vapour emissions have been adequately addressed through vertical separator unit, insulation of building, dust extractors and approved spraybooths.

The proposed land use will be restricted to working on cars only and business activity ought to be confined within the building so as to contain any noise or odour emissions.

The location selected is one of the few areas within the City of Joondalup where there is a buffer distance of approximately 150 metres from residential areas. The applicant has submitted technical evidence that emission levels are within industry standards. The proposal would also contribute another type of service industry for the community.

The detailed submission demonstrates that the proposal, if managed properly, will have no impact on the environment and amenity of the area. The development will contribute to the functioning of the Business Park without compromising the objectives of the Business Park and should be approved on the above basis.

It is recommended that the above ‘vehicle repairs’ use be supported as it is a reasonable distance from residential buildings.

OFFICER’S RECOMMENDATION: That Council:

- 1 APPROVES the application and plans dated 28 November 2000 submitted by Brent A Wilson for a change of use from ‘Industry – Service (Workshop) and Associated Office’ to ‘Vehicle Repairs’ at Lot 9 (33) Winton Road, Joondalup subject to the following conditions
 - (a) all waste disposal occurring in accordance with relevant guidelines and the requirements of the Environmental Protection Act and in a manner to the satisfaction of the City;
 - (b) premises to be adequately designed and capable of containing all noise emission in accordance with the Environmental Protection Act;
 - (c) all cars being repaired within the building;
- 2 ADVISES all those who made submissions of (1) above.

Footnotes

- 1 With respect to condition 1(a) above, all waste products also to be disposed of to the satisfaction of the Water & Rivers Commission, Water Corporation WA and Department of Environmental Protection;
 - (i) Submission of a building fit-out plan and specifications on a Form 2 Building Licence Application for approval;
 - (ii) Vehicle Repair use would need to comply with relevant statutory legislation such as Worksafe and Environmental Protection Act.

MOVED Cr Kadak, SECONDED Cr Carlos that Council:

- 1 APPROVES the application and plans dated 28 November 2000 submitted by Brent A Wilson for a change of use from ‘Industry – Service (Workshop) and Associated Office’ to ‘Vehicle Repairs’ for passenger vehicles only excluding commercial vehicles as defined under District Planning Scheme No 2 at Lot 9 (33) Winton Road, Joondalup subject to the following conditions:**
- (a) all waste disposal occurring in accordance with relevant guidelines and the requirements of the Environmental Protection Act and in a manner to the satisfaction of the City;**
 - (b) premises to be adequately designed and capable of containing all noise emission in accordance with the Environmental Protection Act;**
 - (c) all cars being repaired within the building ;**
- 2 ADVISES all those who made submissions of (1) above.**

Footnotes

- 1 With respect to condition 1(a) above, all waste products also to be disposed of to the satisfaction of the Water & Rivers Commission, Water Corporation WA and Department of Environmental Protection;**
- (i) Submission of a building fit-out plan and specifications on a Form 2 Building Licence Application for approval;**
 - (ii) Vehicle Repair use would need to comply with relevant statutory legislation such as Worksafe and Environmental Protection Act.**

Discussion ensued, with concerns being raised in relation to the definition of a commercial vehicle.

The Motion was Put and

CARRIED

Crs Ewen-Chappell and Walker requested that their names be recorded as voting against the motion.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf130201.pdf](#)

Cr Patterson left the Chamber, the time being 2155 hrs.

CJ027 - 02/01 REQUEST TO PURCHASE PORTION OF TRAILWOOD DRIVE, WOODVALE - [18715] [09618]

WARD - Lakeside

CJ010206_BRF.DOC:ITEM 27

SUMMARY

The owners of Lot 605 (105) Trailwood Drive, Woodvale wrote to the City requesting the closure and subsequent purchase of approximately 167m² of Trailwood Drive, Woodvale that abuts their property (Attachment 1). They state that they wish to acquire the land to create extra space in the garden area for their children to play in. The proposal was submitted to Council on 19 December 2000 (Item No. 389-12/00 refers) and deferred pending further consideration.

This road reserve is surplus to requirements for use as a road, but the area forms part of a continuous vegetation buffer through the western edge of Woodvale. The subject road reserve contains trees and grass and at the time of the site inspection provided an attractive buffer to the Mitchell Freeway reserve. (Attachment 2). However, it is surplus road reserve as opposed to land being provided as Public Open Space as part of the development of the area and the impact overall of the adjoining landowners acquiring this land is likely to be minimal and therefore can be recommended for support.

BACKGROUND

At its meeting of 12 September 2000, (Item CJ245-09/00 refers) this application was submitted to Council for authorisation to advertise the proposal for public comment and Council resolved to agree to this. Advertising was to ascertain if there were any significant community concerns and during the advertising period, one objection was received. However, at the Council meeting of 19 December 2000 a petition of objection was submitted to Council containing eight signatures. Based on this, Council deferred consideration of the request. The City has, since the meeting of 19 December 2000, also received a petition indicating support from fourteen local residents, representing nine homes.

DETAILS

The provisions of Section 58 of the Land Administration Act 1997, state that a local government may request the Minister for Lands to close a road, provided the proposal has been advertised for a period of not less than 35 days. The proposal must also be referred to the Western Australian Planning Commission (WAPC) for its comments and the service authorities to ascertain if any service plant would be affected by the proposed closure.

Comments received from the service authorities indicate there is not any service plant that will be affected by closure of this portion of road. The WAPC advised that the land forms part of undeveloped road reserve, and subject to the service authorities not raising any objection, the WAPC did not object to the proposal.

During the public advertising of this application, the City received one submission from a local resident in objection, and a submission from the applicants in further support of their request.

Petitions

The petition submitted to Council on 19 December 2000 had eight signatures on it though one signature was from a resident that stated his/her address was “Woodvale” and therefore cannot be plotted on the attached plan and another resident resides in Kingsley. The remaining objectors are shown on Attachment 2. The petition’s preamble stated *“The subject portion of Trailwood Drive, Woodvale is a part of the road reserve that is undeveloped and surplus to requirements. However, the subject area is attractive and does serve as a buffer to the Mitchell Freeway road reserve. The owner of Lot 605 has requested to purchase this portion of land to create extra space in his garden area for his children to play in.”*

To summarise the points in the individual objecting submission:

- Council should retain as many of the open space areas as possible, as they add to the beautification of an area;
- the land is of more value to the community than to one person needing a larger backyard;
- it adds to the aesthetic appeal of Woodvale;
- it is used for people walking their dogs;
- the owners have over 900m² which is already a large lot; and
- when the applicant’s children have grown and a large backyard is no longer required, will the land be used for building extensions or subdivision?

The applicants’ submission advised:

- they would not wish to buy the land if it had public utility and in the four years they have lived next door to the subject land, they have rarely seen it used;
- they regularly clean rubbish from the land and the only dog walking they have seen is along the footpath adjacent to the subject land;
- they acknowledge that they have a large backyard, but state they have four children under the age of nine and are a long way from parks or reserves where their children can play in safety;
- if the proposal is supported, they propose to plant a range of creeper vegetation along the fence to reduce the visual impact of an expanse of fibro fencing;
- the area is dark and heavily vegetated and conceals an access to the Mitchell Freeway reserve that is used as a bolthole for anti-social elements.

The petition of support received by the City stated security concerns as the main reason for supporting the proposal advising:

- late night disturbances along the road result in garden lights being broken, letter-boxes ripped out, stones being thrown at garage doors etc, and the vandals, when seen, escape across the subject land, over the Freeway boundary fence;
- the subject land only seems to be used for anti-social purposes, though. fencing the area properly and perhaps installing another light may reduce the temptation for mischief offered by a convenient get-away,

A site inspection revealed some rubbish and a small amount of graffiti on the applicants' fence. The access to the Mitchell Freeway reserve that the applicants refer to in their submission is where some of the mesh wire fence has been broken down in the corner at the point the fence adjoins Lot 605. The mesh wire fence that is damaged could be repaired but, as it is a relatively low fence, it would not necessarily prevent people accessing the Mitchell Freeway reserve.

COMMENT

As can be seen from Attachment 2, the area is quite attractive as it is grassed, contains a number of trees, and it is part of a vegetation buffer to the Mitchell Freeway reserve. However, it is redundant road reserve as opposed to land provided by developers for Public Open Space during the subdivision of the area. The subject portion of land is excess to road requirements and does not present any problems with disposal. Therefore, it is recommended that Council supports this application.

Cr Patterson entered the Chamber, the time being 2158 hrs.

OFFICER'S RECOMMENDATION: That Council SUPPORTS the closure and subsequent purchase of approximately 167m² of Trailwood Drive, Woodvale that abuts Lot 605 (105) Trailwood Drive, Woodvale and authorises a request to be made to the Department of Land Administration to commence formal closure actions.

MOVED Cr Kadak, SECONDED Cr Hurst that Council SUPPORTS the closure and subsequent purchase of approximately 167m² of Trailwood Drive, Woodvale that abuts Lot 605 (105) Trailwood Drive, Woodvale and authorises a request to be made to the Department of Land Administration to commence formal closure actions subject to the purchaser agreeing to fence the southern boundary of the new lot in accordance with Council's Policy 3.2.6 – Subdivision and Development adjoining areas of public space.

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 2158 hrs and returned at 2200 hrs.

The Motion was Put and

LOST

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf130201.pdf](#)

Cr Patterson left the Chamber, the time being 2205 hrs.

**CJ028 - 02/01 CLOSURE OF PEDESTRIAN ACCESSWAY
BETWEEN WARWICK ROAD AND BEGONIA
STREET, DUNCRAIG - [43637]**

WARD - South Coastal

CJ010206_BRF.DOC:ITEM 28

SUMMARY

An application requesting closure of a PAW between Warwick Road and Begonia Street, Duncraig was deferred by Council at its meeting on 14 November 2000 for further consideration due to conflicting public responses received during and after public advertising.

The application has been assessed in accordance with the draft PAW policy that has been prepared for assessment of applications for new PAWs in subdivisions and applications requesting closure of existing PAWs. For applications requesting closure, three assessments are conducted to examine the PAW in terms of its importance to urban design, the level of nuisance experienced and the level of community use of the PAW. Following assessment of the application it was determined that closure is not supported.

The PAW is considered a useful link to public transport, parks and for recreational use and if closure were to take place, the increased walking distances involved for most users particularly those located close to the PAW is considered significant. Alternatives to closure may be considered to improve the security and use of the PAW through increased lighting and security patrols of the area. Residents abutting the PAW may also consider raising the dividing fence height to regulation standards to improve privacy and any incidence of unlawful entry.

BACKGROUND

History

Closure of the PAW between Begonia Street and Warwick Road, Duncraig was requested on 17 February 2000 by four landowners abutting the PAW. The applicants have referred to criminal activity and anti-social behaviour as being the contributing reasons to support closure. A further issue has been raised to child safety with concerns that the PAW has direct access to Warwick Road.

The proposal has been referred to the Western Australian Planning Commission (WAPC), Department of Transport (DOT) and the service authorities for their comment.

The WAPC has conducted an analysis of the impact closure would have on the walkable access to community facilities and has determined that closure will have little impact on local residents. The DOT objects to the proposal citing a resulting increase in walking distance to bus services and sporting facilities along Warwick Road. The only service plant within the PAW is a stormwater drainage line, which if closure was supported, will require the protection of an easement.

The proposal has previously been advertised to the general public with a mixed response received.

On 31 October 2000 a petition signed by 48 people in support of retaining the accessway was submitted. A second petition was submitted on 13 November 2000 signed by 50 people indicated support for closure of the PAW. Included in the second petition were 22 signatures, which had previously signed in support of retaining the PAW.

Previous Council Report

At its meeting on 14 November 2000, Council considered the proposal and in view that two petitions had been received with conflicting views Council resolved to defer the matter pending a further survey and assessment being undertaken of the proposal (see CJ318-11/00).

Draft Pedestrian Accessway Policy

A draft policy has been prepared to guide the design of new PAWs and assessment of applications for closure of PAWs. The PAW closure for Begonia Street and Warwick Road as part of this report is being assessed against the draft policy. The draft policy is being presented to Council concurrently with the closure request and is recommended to be advertised for public comment.

DETAILS

Assessment of Proposal

The draft policy provides a detailed assessment criteria that considers a mixture of social, urban design and usage issues. The assessment criteria has been divided into three categories; Urban Design Assessment, Nuisance Assessment and Community Impact Assessment.

Assessment No.1 – Urban Design Assessment

Access to community facilities

The PAW links Begonia Street with Warwick Road and helps to provide access to community facilities such as Galston Park, Duncraig Primary School and local shops. The operation of the PAW reduces walking time to these facilities.

Availability of alternative routes

A second PAW linking Cooba Court with Warwick Road is located 3 lots west. The effect of closing the Begonia Street PAW may result in pedestrians choosing to use the second PAW. Should both PAWs be closed this will result in longer walks, particularly for residents south of Warwick Road, wishing to travel north.

A second alternative is for pedestrians to move along established pathways in Warwick Road and Lilburne Road. This would result in longer walking distances to community facilities, particularly for those residents living close to the PAW. Maintaining the PAW open provides a more direct route to community facilities.

Relationship to Pedestrian Network, Bike Plan and 'Safe Routes to School'

- The Begonia Street PAW forms part of a path network that links north and south of Warwick Road with Chessell Drive, which provides direct access to Galston park and Percy Doyle Complex. There is no pathway system along Begonia Street that travels directly to Currajong Road.
- The PAW does not form a significant component of the City's Bike Plan.
- The PAW is not designated as a 'safe route to school', however provides a use in facilitating pedestrian movement from Duncraig School to homes south of Warwick Road.

Assessing changes to level of access

Two examinations were conducted to assess the impact before and after closure of the PAW on the number of houses accessible within 400 metres walking distance of Galston Park and Duncraig Primary School.

Examination No.1 – Galston Park

Within a 400-metre radius from the PAW a total of 323 lots are within five minutes walking distance to Galston Park using the PAW. Should the PAW be closed, this would be reduced by eight lots.

Examination No.2 – Duncraig Primary School

With a 400-metre radius from the PAW a total of 178 lots are within five minutes walking distance to Duncraig Primary School using the PAW. Should the PAW be closed, this would be reduced by two lots.

In both cases closure of the PAW will have little impact on walking distances for the majority of properties within 400 metres of the PAW when accessing community facilities such as Galston Park and Duncraig Primary School. This is however largely due to the existence of a second PAW at Cooba Court. However, closure would result in residents from Begonia Street walking further to reach community facilities south of Warwick Road.

Summary of Assessment No.1

The PAW is important for the local movement network helping to facilitate a more direct route to community facilities, such as schools, public transport (bus stops along Warwick Road) and parks. The Begonia Street PAW however is supported by a second PAW, which helps to perform this task. Closure of the Begonia Street PAW will have minimal impact in terms of overall walking distances to major community facilities within 400 metres of the PAW. Its closure raises some concern as to the operation of the second PAW located between Warwick Road and Cooba Court, which will be expected to carry a greater share of pedestrian movement. In the event that closure of the Begonia Street PAW is supported, in the interests of maintaining a direct movement system, the Cooba Court PAW will be required to remain open.

The Begonia Street PAW does provide a safe and convenient route to community facilities and does form part of a pathway network linking properties north and south of Warwick Road. Results of community advertising indicate that 11 households in Begonia Street and nine households immediately north (Currajong Road and Virgilia Street) would be inconvenienced by the closure (see attachment 1) which supports this claim. This is compared to five households who stated they would not be inconvenienced if the PAW were closed. The importance of the PAW is considered medium for this assessment.

Assessment No.2 – Nuisance assessment

The applicant has identified anti-social and criminal behaviour as being the main reasons for seeking closure of the PAW. These include:

- Loud offensive language from rowdy youths;
- Noise from skateboarders;
- Graffiti;
- Rocks being thrown on roofs;
- Bottles smashed;
- Rubbish and syringes in the PAW;
- Cars, garden objects and letterboxes vandalised.

One of the landowners has also raised concerns that the fence height abutting the PAW is too low, enabling pedestrians to view and gain access into backyard space over the fence (attachment 2). Another concern has been raised to safety issues that concern children having direct access to Warwick Road.

Several site inspections have been conducted (Council staff), and reports from the Warwick Police Department and Community Services of City of Joondalup have been used when investigating these claims. The general public has also been consulted to gauge their opinions and experiences of the PAW (examined in community assessment).

Site Inspection

Several site inspections conducted by City staff have revealed little evidence of graffiti, rubbish or fence damage. No evidence was found of syringes. There is not any direct lighting in the PAW however vision through it is reasonable. This could be improved for use at night.

Police Investigation

The Warwick Police Department has been asked to comment on the state of the PAW and report on any incidences of anti-social behaviour that may have been caused by its operation. The senior investigator had the following comments “...*I have visited both locations (PAW at Begonia Street and Cooda Place) in which these access ways are under review and found them to be rather clean with only minimal graffiti visible at the Warwick site. Our Intel Section advises that there is no significant crime or anti-social behaviour at either location that is inconsistent with the suburb in general*”.

Community Services Report (City of Joondalup)

Community Services has reported that the Begonia Street and Warwick Road PAW has been regularly checked (31 patrols) over the past six months and no problems have been encountered other than minor graffiti that has been reported.

Summary of Assessment No.2

Reports from the Warwick Police Department, City of Joondalup Community Services and results of independent site inspections by Council staff does not appear to support any claims to criminal activity or anti-social behaviour being higher than other areas within the suburb.

Results of community advertising indicated that eight submissions out of a total of 67 that commented have witnessed or experienced any anti-social behaviour when using the PAW. Furthermore 22 of 67 submissions received indicated that they had noticed any vandalism when using the PAW. Whilst not conclusive, results of the public survey tend to support the investigations conducted.

Whilst it is appreciated that some concern for child safety can be validated by having the PAW link to a main road, it is considered that the risk would be similar to that expected for all housing in a suburban area which are linked to the road network.

Concerns raised to loss of privacy and security caused by lower fence heights abutting the PAW has been verified by site inspection. Affected landowners have an opportunity to raise the dividing fence height to maximum 1.8 metres in accordance with the Dividing Fence Act to help reduce this problem.

Based on the research findings and public comment from the community survey, it is recommended that nuisance assessment is low.

Assessment No.3 – Community Impact Assessment

To determine the community's use of the PAW, local residents within 400 metres were contacted via a letter and questionnaire.

Residents were given a 30 day period by which to respond to the questionnaire. At the end of the advertising period a total of 136 submissions were received. Five of the questionnaires received were supported with a letter.

Summary of Questionnaire

Submissions received – 136

- 63 support closure.
- 34 are not in favor of closure.
- 39 are neutral of the outcome.

Key results of the questionnaire are summarised below:

- 66 submissions indicated they used the PAW (48%), of which 33 stated closure would be an inconvenience, whilst 33 stated closure wouldn't be an inconvenience.
- Of the 66 people who use the PAW, 20 (31%) use it daily, 20 (31%) use it weekly, 4 (6%) use it fortnightly, 19 (30%) use it monthly.
- For those using the PAW, the most popular reason were for exercise/social reasons accounting for 51% of all users, with access to parks (19%) and transport (17%) also scoring high. Access to shops was (6%) whilst school was negligible at (0.9%).
- Out of a total of 67 submissions that commented eight (11.9%) have witnessed or experienced any anti-social behavior when using the PAW with most citing loitering by youth (drinking, smoking around the PAW), the presence of graffiti and rubbish, and broken glass as the form of anti-social behavior experienced. One submission has commented that PAW assist in burglaries (escape route) and one submission has cited the PAW as a contributor to the School being vandalized.
- Out of a total of 67 submissions that commented 22 (32%) have ever noticed any vandalism when using the PAW. This includes, graffiti, broken glass and rubbish.
- Out of a total of 62 submissions that commented, 16 (25%) believed that the PAW was not clean and well maintained.
- Out of 48 submissions that commented 16 (33.33%) felt that the PAW was adequately serviced with lightning.
- Majority of all submissions received that support closure and households located further away from the PAW (see attachment 3).

Summary letters received:

A total of five letters were received during public advertising, with each letter against closure of the PAW. Each letter is detailed in attachment 4.

Summary of assessment No.3

Public response to the questionnaire was strongly in favor (46%) of closure, (27% neutral and 27% against closure). Of the 136 submissions received 66 indicated they used the PAW with 50% of those submissions indicating they would be inconvenienced if the PAW were closed. The majority of those claiming inconvenience came from close to the PAW, whilst those indicating they would not be inconvenienced were located further away from the PAW (see attachment 1).

A second observation is that only a small proportion of residents have ever witnessed anti-social behaviour when using the PAW with an even smaller minority of residents ever having noticed vandalism and rubbish in the PAW.

Other observations are that the majority of submissions in favor of closure do not provide any further comments to substantiate their decision and most of these submissions came from households further away from the PAW.

Despite the majority of submissions being in favor of closure, many of these are from residents who do not use the PAW. Submissions from households who do use the PAW and support closure are located at some distance from the PAW. In most cases for those using the PAW and supporting closure a convenient alternative route exists to community facilities. These residents are also less likely to be affected by any criminal activity and anti-social behaviour that may be associated with the PAW.

Whilst some residents living close to the PAW have identified anti-social behaviour and are in support of closure, a greater portion of nearby residents have stated they use the PAW and would be inconvenienced by the closure.

After considering all community comments it is determined that community use of the PAW is medium.

Final Assessment

The results of each assessment is detailed below:

- Urban Design assessment – Medium
- Nuisance Assessment – Low
- Community assessment – Medium

A cross analysis of each category indicates that the assessment meets conditions of Case 5 of the Draft Policy, therefore closure is not supported.

COMMENT

Issues

For many residents particularly those in Begonia Street, the PAW is useful to gain access to bus stops along Warwick road, and community facilities such as Galston park, Percy Doyle Complex and the local recreation centre and library. Whilst there are alternative routes available closure of the PAW will have the effect of increased walking distances

for many residents living in the immediate area of the PAW. This would have the long-term impact of weakening the overall pedestrian network for the area. Both the Begonia Street PAW and Cooba Court PAW are an important part of the overall pedestrian network in the area particularly as they link properties from north and south of Warwick Road. In any event should either one of the PAWs be closed, the remaining PAW will be required to remain open as the closure of both would have a significant impact on the area.

During assessment, claims of anti-social behaviour and criminal activity have been investigated with little evidence found to support these activities being higher than for other areas within the suburb. Limited evidence has also been found connecting the PAW to the concerns raised.

Despite a greater number of households supporting closure results from public comment tend to reinforce the importance of the PAW as part of the pedestrian movement network. This is due largely to the majority of those in favor of closure being located further away from the PAW, with a greater portion of households against closure being located closer to the PAW.

Alternatives to closure

Improved visibility from pruning of any overhanging trees and increased security patrols may assist in reducing any anti-social behaviour being experienced. As highlighted by community response the PAW may also benefit from the installation of direct lighting to improve safety and household security at night. Investigations have indicated that a possibility exists for the placement of lighting within the PAW or at either end to increase illumination. The project would be subject to funding from the City's Safer Community Program.

MOVED Cr Magyar, SECONDED Cr Rowlands that Council DOES NOT SUPPORT the closure of the pedestrian accessway between Warwick Road and Begonia Street, Duncraig but will consider this pedestrian accessway for a lighting trial as part of the City's Safer Community Program subject to funds being available.

The Motion was Put and

CARRIED

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf130201.pdf](#)

Cr Hollywood declared a financial interest in CJ29-02/01 – Delegated Authority Report as:

- *he is the applicant for the development at 27 Regents Park Road, Joondalup;*
- *the applicant for 35 Regents Park Road, Joondalup is a neighbour.*

Cr Hollywood left the Chamber, the time being 2206 hrs.

CJ029 - 02/01 DELEGATED AUTHORITY REPORT - [07032]**WARD - All**

CJ010206_BRF.DOC:ITEM 29

SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 December 2000 to 31 December 2000.

MOVED Cr Rowlands, SECONDED Cr Walker that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ029-02/01.

The Motion was Put and**CARRIED***Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf130201.pdf](#)

Cr Hollywood entered the Chamber, the time being 2207 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER

Nil

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 27 FEBRUARY 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2208 hrs; the following elected members being present at that time:

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