



**MINUTES OF COUNCIL MEETING
HELD ON 12 JUNE 2001**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 12 JUNE 2001

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr P KIMBER	Lakeside Ward	
Cr D S CARLOS	Marina Ward	<i>Absent from 2033 to 2037 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2036 to 2039 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	
Cr T BARNETT	South Ward	<i>Absent from 1905 to 1909 hrs</i>
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2026 to 2027 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 2113 to 2115 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2001 to 2014 hrs and from 2111 to 2113 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 1940 to 1941 hrs</i>

Officers:

Chief Executive Officer:	L O DELAHAUNTY	
Director, Resource Management:	J TURKINGTON	
Director, Planning & Development:	C HIGHAM	
Director, Infrastructure Management:	D DJULBIC	<i>Absent from 2113 to 2115 hrs</i>
Director, Community Development:	C HALL	<i>Absent from 2112 to 2115 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	
Manager, Executive Services:	K ROBINSON	
Manager, Council Support Services:	M SMITH	
Co-ordinator, Community Safety And Security:	L CLACK	<i>To 2114 hrs</i>
Publicity Officer:	L BRENNAN	
Committee Clerk:	J AUSTIN	
Minute Clerk:	L TAYLOR	

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr Nixon

There were 19 members of the Public and 1 member of the Press in attendance.

C40-06/01 LEAVE OF ABSENCE – CR J HURST

Cr Hurst has requested Leave of Absence from Council duties for the period 11 June 2001 to 15 June 2001 inclusive.

MOVED Cr Carlos SECONDED Cr Kenworthy that Council APPROVES the Leave of Absence requested by Cr J Hurst for the period 11 June 2001 to 15 June 2001 inclusive.

The Motion was Put and

CARRIED

PUBLIC QUESTION TIME

The following question, submitted by Ms H Kraus, Mullaloo Progress Association, was taken on notice at the meeting of Council held on 22 May 2001:

Q1 *What was this decision (to exclude the North Shore car parks from the Mullaloo Concept Plan and recommendations submitted to Council on 22 May 2001) based on?*

A1 The parking adjacent to Northshore Drive was included only as overflow parking for the area, was a considerable distance from the main centre of activity and was adjacent to residential properties. By contrast, the parking proposals for Tom Simpson Park include only the relocation of parking within the park to improve the utility of the area. This parking is central to the operation of the area, is expected to be used on a daily basis and is, therefore, considered to be more important than the parking that was shown along Northshore Drive.

The following questions, submitted by Mr V Cusack, Kingsley, were taken on notice at the meeting of Council held on 22 May 2001:

Q1 *Would it be possible to put my earlier question again on notice, being:*

“Q8 Is the information contained in the Community Newspaper absolutely correct concerning the eligibility for rebate which states (including rubbish and security charges)? Or is eligibility specifically related to payment of rates alone?”

with a specific request to ring the State Revenue Department to confirm the accuracy of that answer?

A1 The State Revenue Department has confirmed that the City of Joondalup is applying the provisions of the Local Government Act 1995 and the Rates & Charges (Rebates and Deferments) Act 1992 correctly in relation to pensioners.

Section 6.50 of the Local Government Act 1995 requires that amounts relating to rates and service charges are due on a date to be determined by the local government. In this regard this date has been set 35 days from the issue of the rates notice (or on instalment dates if this option is chosen). Pursuant to the provisions of the Rates and Charges (Rebates and Deferments) Act 1992 the general rates portion of a pensioner's rate notice is not due and payable until 30 June of the rate year, whereby other service charges (eg refuse and security charges) remain payable within 35 days of the issue of the rates notice.

In short therefore, the pensioner's refuse and other charges should have been paid by 20 September 2000 with the rates portion payable by 30 June 2001.

Q2 *In relation to my earlier question No 5 (submitted to 22 May 2001 Council meeting) , I requested a breakdown of how many pensioners have short paid their rates, rubbish charge and security charge. Could this breakdown be provided?*

- a) *How many pensioners have short paid their rates?*
- b) *How many pensioners have short paid their rubbish charge?*
- c) *How many pensioners have short paid their security charge?*

A2 a) At 31 May 2001 - 293.
 a) At 31 May 2001 - 275.
 a) At 31 May 2001 - 293.

The following question, submitted by Mr R De Gruchy, Sorrento, was taken on notice at the meeting of Council held on 22 May 2001:

Q1 *In June 2000 I asked questions concerning maintenance and renovations that were planned to be carried out on the Craigie Leisure Centre during the next few years. I was advised that the following matters were listed for the Financial Year 2000/01:*

- *replace sports court box gutters to comply with National Plumbing Code AS/NZS 35.3.2. 1998 Stormwater Drainage – Acceptable Solutions;*
- *replacement of sand in four horizontal pool filters;*
- *replace carpet in foyer and common areas;*
- *replace outdoor pool shade cloth;*
- *replacement of ceiling panels in creche and function room;*
- *refurbishment of outdoor pool slides;*
- *repainting of sports hall, foyer and sports court;*
- *replacement of deteriorating cedar panels in sauna;*
- *cleaning of pool supply and exhaust air-duct work.*

Would you please advise if all of these maintenance matters have been carried out.

A1

	Status/Completion
Replace sports court box gutters to comply with National Plumbing Code AS/NZS 35.3.2. 1998 Stormwater Drainage – Acceptable solutions	Design work is currently being completed
Replacement of sand in four horizontal pool filters	Completed
Replace carpet in foyer and common areas	Anticipated completion date 06.06.01
Replace outdoor pool shade cloth	Completed
Replacement of ceiling panels in creche & function room	Completed
Refurbishment of outdoor pool slides	Completed
Repainting of sports hall, foyer and sports court	Completed
Replacement of deteriorating cedar panels in sauna	Completed
Cleaning of pool supply and exhaust air-duct work	Completed

The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the meeting of Council held on 22 May 2001:

Q1 What was the cost of the roundabout at North Shore Drive and Whitfords Avenue?

A1 The total project cost was approximately \$180,000.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the meeting of Council held on 22 May 2001:

Q1 CJ154-05/01: During the discussion on this item, mention was made of emails sent to Councillors regarding various questions. A Local Government Regulation states that all documents made available for Councillors for a meeting have to also be made available to the public. As emails are regarded as documents, should there be a provision made to comply with the Regulations?

A1 Section 5.94 of the Local Government Act 1995 primarily states that members of the public are entitled to have access to certain documents which are part of the decision making process. The major aim of the 1995 Act was to provide the community with greater access to information about decisions and affairs of local government. Through this section of the Act it is attempted to provide such access.

The specific section of 5.94 refers to members of the public **may inspect** :

- (p) notice papers and agenda relating to any council or committee meeting and the reports and other documents that have been -
 - (i) tabled at the council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting **and** which have been presented at the meeting.

E-mail is a very accepted means of communication these days and it is often used when elected members seek clarification and/or further information on a matter before the Council to ensure an informed decision is made. This occasionally occurs via e-mail in an effort to speed up the communication process. Such e-mails would not fall within the ambit of section 5.94(p) as they were not produced for the 'presentation or were presented at the meeting', they are merely communication between officers and elected members and would not be available to the public.

Following the distribution of the Council agenda, if there is 'additional information' to the report which requires to be presented to the Council meeting, then this is traditionally produced in a memorandum form and distributed to all elected members, members of the public and included within the minutes of that meeting.

The following questions have been submitted by Mr L Arbuckle, Sorrento for the meeting of Council to be held on 12 June 2001:

Re: Proposed Robin Reserve Carpark, Sorrento:

- Q1 A petition of 450 signatures was presented to Council on the 22nd of May, 2001. This petition was against the proposed clearing of bush and development of carpark. When will Council prepare a Report and make it available to local residents?*
- A1 A report will be presented to Council and available to the public either for the Council meeting of the 26th June or the 10th July 2001.
- Q2 Given the overwhelming support by the Sorrento Community AGAINST the carpark proposal, has the carpark been removed from the 5 year Capital Works Program?*
- A2 At this point in time the carpark proposal has not been removed from the Draft Five Year Capital Works Program.
- Q3 If the proposed clearing of bush and carpark development have NOT been removed from the 5 year Capital Works Program, what is Council's intention in regard to the timing of this work?*
- A3 No decision has been made by Council as to whether the project will be included in the final adopted Five Year Capital Works Program. At this point in time the project remains in the draft program subject to a report to Council for its consideration regarding this matter.

The following question, submitted by Mr Steve Magyar, Heathridge was taken on notice at the Special Meeting of Council held on 7 June 2001:

- Q1 Page 34, Safer Community Programme. The amount of \$1.5 million is shown under 'other income'. Will this document be amended to say 'Security Charge' instead of 'other income' or will it be amended so that the document is in conformity to what Council resolved at its last meeting of Council, regarding the referendum, that is that Council resolved to implement the referendum result as soon as possible, and surely that includes question 2 (of the referendum) as well as question 1.*

AI No, the Council has not considered this matter yet as it will be discussed as part of the Budget Workshops. This matter is scheduled for discussion at the Workshop on Wednesday 13 June 2001.

The following questions were submitted by Mr M Baird, Duncraig:

Q1 The Dry Parks & Median/Verge Committee, re-established 13 June 2000, has been unable to bring about any change in the current administration's agenda of prioritising arterial road development at the expense of a fair and rational dry park development programme.

Do the Councillors, particularly those representing Duncraig, Greenwood and Padbury, consider they or the Committee have done their job when:

- The Committee failed to meet until after the 2000-2001 budget was voted on.*
- The Committee has failed to ensure the selection criteria of 'community usage/need' is given the prominence it deserves, and condoned the situation where not even one of the 7 isolated parks, for which residents have submitted petitions, has been listed for development in the next 5 years.*
- The Committee has continued to allow dry parks with nil usage to be reticulated (Buckthorn, Wanbrow, Keppell, Delaware, Oxley) or be prioritised for reticulation (Alder, Killen, Portree, Paveta, Culwalla, Kallaroo).*
- The Committee has made no enquiry as to why a .46 hectare park, with nil community usage or request and not requiring a \$26,000 bore etc., was budgeted last year at a cost comparable to parks more than four times the size and which included the \$26,000 bore/pump/electrical peripherals; eg. Galston (2.25ha) and Adelaide (2.29ha).*
- The total amount allocated to dry park development in the 2000-2001 budget was less than half that spent on beautifying arterial and feeder roads, and the last two budgets have only managed to reticulated 7 parks, compared with 14 in the previous two budget years.*
- The three suburbs of Greenwood, Duncraig and Padbury, which have been paying rates for over 20 years, have half the dry parks in Joondalup City, while suburbs such as Hillarys, Ocean Reef, Kinross, Joondalup and Ocean Reef have almost total park reticulation, and are reduced to whining about inactive fountains in their park duckponds.*

AI The questions raised by Mr Baird were discussed with Operations Manager, Dennis Cluning, at a meeting on 30 May 2001. The issues raised will be referred to the Dry Park & Median/Verge Committee for discussion.

Q2 The Joondalup City administration takes the Nuremberg defence that, once the Councillors vote on the Budget, the Councillors are responsible. Would the Councillors ensure that this year they, and the public, are appraised of all the development proposals and details prior to the final vote, to avoid a repetition of last year's Community newspaper revelations a month or more after the budget was voted on – the Marmion Avenue \$280,000 road median/verge development, the Whitfords Avenue \$220,000 road median/verge development, and the Sorrento million dollar road median/verge development.

A2 *As previously advised to Mr Baird in Council correspondence dated 16 May 2001, the Draft 2001/2002 Five Year Capital Works Program will be available for public viewing at the City's libraries during the period that the Principal Activity Plan is released for public comment, ie. from 9 June 2001 to 20 July 2001. It is also noted that Councillors were made fully aware of all project proposals associated with the 2000/2001 and 2001/2002 Five Year Capital Works Programs as part of the respective annual budget processes.*

Q3 *Wanneroo City is taking their dry park and median/verge development seriously, and is applying a professional and democratic approach to the issue. They have commissioned a Policy & Implementation Plan for Upgrading Distributor & Unirrigated Reserves (Hames Sharley) which is now open to public input as per the relevant legislation.*

Will the Joondalup Councillors obtain a copy, make it compulsory reading, and then review their refusal (24 October 2000) to put the current Dry Parks & Median/Verge Policy to serious review, open to public input and scrutiny as per the Joondalup Town Planning Scheme.

A3 *As Mr Baird is aware, the City of Joondalup has undertaken an extensive review of its Dry Park Development Program. Notwithstanding this, officers have requested a copy of the Draft Policy document and this will be provided to the Dry Parks Committee members when received.*

Q4 *One of the prime criteria for selection of dry parks for development is community usage. The only Joondalup City listing of usage (v:\parks\DryParksCttee\parklist) does not differentiate between degrees of use for dry parks. Almost all dry parks are classified low usage, and this makes a mockery of the selection criteria, and the Committee administering it. The large number of nil-usage parks which have been reticulated (5) or listed for reticulation (6) confirms this view.*

When is an accurate community usage listing going to be formulated and applied by the Dry Parks & Median/Verge Committee?

A4 *Community usage criteria is recognised within Council's existing assessment criteria.*

Q5 *The current policy of selecting dry parks, adjoining other parks, for development, is absurd, and conflicts with the need to prioritise parks in areas which don't have alternative facilities in the near vicinity. The 'Liveable Neighbourhoods' document produced by the WA Ministry of Planning, adopted by the Council 2001 and embraced by the Joondalup City Strategic Plan, recommends the provision of parks within a walkable 400 metres for the ideal neighbourhood. The Wanneroo City draft criteria for park selection acknowledges and conforms with this ideal, and does not prioritise parks within 400 metres of other parks.*

When is the Committee set up by the Councillors in June 2000, going to bring some credibility into the selection process for dry park development?

A5 *The questions raised by Mr Baird were discussed with the Operations Manager, Dennis Cluning at a meeting on 30 May 2001, and he was invited to attend the next committee meeting to address the Councillors in relation to these issues.*

Q6 Currently the allocation of play equipment is not done on a fair or accountable basis. This is obvious:

- *From the failure to prioritise updated equipment to large parks with 20 year old relics, eg. Kanangra (3.35ha) in Greenwood.*
- *When identical parks are treated differently. Example 1; residents petitioned for Wentworth Park (.5ha) February 2000 and the park was allocated in the 2000-2001 budget. Example 2; residents petitioned for Macaulay Park (.63ha) two months later, and the matter was put in the five year plan, with the comment; ‘the provision of additional play equipment at Macaulay Park will only compound the dry park situation as the area is not utilised during summer.’ (CJ095-04/00).*
- *Brazier Park (.67ha) petitioned in November 1997 and was to be allocated play equipment in the 1998-1999 Capital Works programme, but has only received it this year, and it is still not recorded.*
- *Byrne Park (.32ha) has never been the subject of petition and has never had any history of usage, yet was allocated in last years budget.*

When will the Councillors implement a fair and consistent criteria which is open to the public, with selections documented in the relevant budget.

A6 Kanangra Park is listed for replacement equipment in the 2001/2002 Capital Works Program.

Wentworth Park was approved for replacement equipment in February 2000 (see Report No CJ008-02/00).

The items installed into Brazier Park were relocated from the old mobile play trailer. Byrne Park – Ref 1092/34185/39 1994 – Request compiled by local children for the provision of play equipment. This was authorised in the 2000/2001 Capital Works Program.

Q7 A deputation is requested ASAP, involving the Dry Parks & Median/Verge Committee, to put the case for some of the 7 isolated dry parks which have been the subject of petition for development since December 1997.

A7 Mr Baird will be invited to address the issues raised in the correspondence at the next meeting of the Dry Parks & Median/Verge Committee.

Cr Barnett left the Chamber at 1905 hrs.

Mr A Bryant, Craigie:

Q1 I asked on 19 December 2000 in relation to 6a and 6B Stocker Court, Craigie to be advised of the number, times and dates of visits and patrols when the security patrols gave a ‘measurable service’ to these two properties since the introduction of the security scheme for which I pay \$54.00 p.a. Part of the answer to the question was ‘since the introduction of the security service there have been no specific requests or referrals for service received by the City in relation to these properties’. At the Council meeting of 13 February 2001, I queried whether I would have to request service from the Rangers to these properties and was told that this was correct. At the Council meeting held on 22 May 2001, I asked a further question regarding Rangers as referred to in an ABC radio interview with the Mayor and was told, inter alia that

'the target set is to patrol every street within the City once a day as a minimum. It is believed that the answer provided previously is correct.' If this is so, the inference is still that I need to request the service of the Rangers. Why are there conflicting statements in the answers to my questions?

A1 The Director Community Development would be happy to discuss the matter with Mr Bryant. It is correct that the City Watch, rather than the Rangers, have a target of patrolling each street within the City once a day. These are general patrols of each street. The answer to the original question in relation to the specific properties is that unless the City has received a specific request or referral for a property, the answers given are correct.

Q2 *Are Rangers and City Watch one service?*

A2 Since December 2000, the City Watch Service has been operating independently of Ranger Services under an enhanced City Watch model approved by Council.

Cr Barnett entered the Chamber at this point, the time being 1909 hrs.

Mr M Sideris, Mullaloo:

Q1 *Regarding CJ174-06/01 and the City Watch Service continuation options. What is the cost of providing the recommended option, on a weekly basis? The report does not provide details of how much is intended to be charged by Chubb.*

A1 The approximate cost for Chubb to carry out the service it is currently providing is \$17,000 per week. If Council approves the proposed change in reduction of hours, it will be necessary to negotiate that adjustment.

Q2 *I understand the current Chubb service as contracted is \$16,555.68. Is it correct that Chubb intends to apply an 8.8% rate increase due to the change in the minimum wage.*

A2 Yes.

Q3 *Is it correct that Chubb intends to charge extra because of fuel price increases?*

A3 No.

Q4 *If Chubb employs 16 people per shift, I calculate an 8.8% increase to be \$16,945 and not \$17,465. Can you explain why there is a substantial difference?*

A4 This question will be taken on notice.

Q5 *With regard to the modified service, I understand you intend to combine two zones?*

A5 Yes.

Q6 *Why, having recently held a referendum, do you intend a complete change to the service and to not meet the requirements of the referendum?*

- A6 There is a series of options before the Council tonight, one of which is to reduce the hours. The rationale is outlined in the report, indicating that there be no reduction in service.
- Q7 *If two zones are combined over three nights there must be a reduction in service.*
- A7 The report outlines that the provision of service still meets the targets that are set for the service.
- Q8 *If you intend to modify the service why wasn't the modified service initially put into place in December?*
- A8 The Council asked for a review of the service. The review has been carried out and a number of options have been put to Council. The matter is before the Council tonight and will be debated and considered.

Mr L Arbuckle, Sorrento:

- Q1 *450 people have formally petitioned against the proposed car park on Robin Reserve. How many residents have asked for the proposal?*
- A1 This question will be taken on notice.

Mr S Magyar, Heathridge:

- Q1 *The answer to my previous question on access to information referred to Section 5.94 of the Local Government Act. Will you instruct the staff to refer to the correct section of the Local Government Act and regulations, being Section 5.25 and Administration Regulation 14?*
- A1 This question will be taken on notice.
- Q2 *The Principal Activities Plan was advertised in today's Wanneroo Times. I request that the City also provides the 2001/02 Five Year Capital Works Programme on the internet.*
- A2 Every effort will be made to provide this.

Mr M Baird, Duncraig:

- Q1 *Regarding my earlier question 3, my point was that Wanneroo Council has commissioned a 100 page draft document for the reticulation of reserves and arterial roads and also opened this for public input for a 28 day period. I believe the Joondalup Council's document is skeletal and has not been open for public comment. When will the City of Joondalup apply the same public accountability to this policy as the City of Wanneroo?*

- A1 The Dry Parks Development Programme is continually under review and is why the Dry Parks Committee was formed. Any member of the public is able to make a deputation in relation to the programme, and the programme is included in the 5 Year Capital Works which is out for public scrutiny. This year's programme has gone out to the public at the same time as the Principal Activities Plan and is open for a 42 day period.
- Q2 *Why is there a problem in putting such a major budget item out for public input?*
- A2 Your comments will be taken on board.
- Q3 *I am asking for not just the parks selected under the existing criteria to be open for public scrutiny, but that the policy on which the selection is based is open for public scrutiny because this is a major budget item.*
- A3 That was the purpose that Council decided to form a Dry Parks Committee, for an ongoing review of the programme. At any stage the public can make a deputation and raise any concerns or issues with the Capital Works Programme or with the assessment criteria.
- Q4 *I have requested under the Freedom of Information Act the detail of the 2000/01 expenditure on the six parks reticulated. Is there a problem with providing this?*
- A4 No.
- Q5 *Can the 5 Year Capital Works Programme be made available in the Duncraig Library and the Joondalup Library?*
- A5 This question will be taken on notice.

Mr B Moffatt, Kallaroo:

- Q1 *I have raised previously the issue of speeding traffic in Aristrade Avenue, Kallaroo. I have received information that a survey has been carried out. The problem still exists. I am concerned that the proposal to reduce the speed limit to 50 kph within suburbs will not assist the problem in Aristrade Avenue. Can you investigate the issue further?*
- A1 A meeting can be arranged with Mr Moffatt and the City's traffic engineers to look at possible strategies to address the issue.
- Q2 *Is maintenance of footpaths and verges undertaken by contractors?*
- A2 Property owners have the responsibility of maintenance of verges in residential areas. Maintenance on major roads is undertaken by Council. An in-house crew undertakes mowing and maintenance work.
- Q3 *Is this supervised? When works are undertaken the residue is left lying on footpaths?*
- A3 Supervisors are located within the areas. If details of the location are provided this matter will be investigated and Mr Moffatt advised accordingly.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Cr O'Brien declared a financial interest in Item CJ175-06/01 – Creating the Learning, Online and Living City of the Future – An Economic Development Strategy for the City of Joondalup as his son has a commercial interest in the IT industry.

Cr Carlos declared a financial interest in Item CJ183-06/01 as he is a shareholder of Foodland Australia Ltd (FAL).

Chief Executive Officer declared a financial interest in Items C44-06/01 - Recruitment of New Chief Executive Officer and C49-06/01 - Notice of Motion Cr M O'Brien - Appointment of Chief Executive Officer as he is a potential candidate for the position.

CONFIRMATION OF MINUTES**C41-06/01 MINUTES OF COUNCIL MEETING –22 MAY 2001**

MOVED Cr Patterson, SECONDED Cr Kenworthy that the Minutes of the Council Meeting held on 22 May 2001, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

C42-06/01 MINUTES OF SPECIAL COUNCIL MEETING, 7 JUNE 2001

MOVED Cr Baker, SECONDED Cr Kenworthy that the Minutes of the Special Council Meeting held on 7 June 2001 be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**EDITH COWAN UNIVERSITY COUNCIL DINNER**

The City will be hosting a dinner for the Edith Cowan University Council in the Councillors' Lounge on Thursday evening, 14 June 2001.

The dinner and the ECU Council meeting are yet another sign of the close relationship between the City of Joondalup and the University.

The Council is the governing body of the University and I congratulate members on their plans to relocate corporate headquarters to Joondalup by December next year.

ECU's Joondalup Campus currently has about 350 staff and 4000 students. By 2003, this should have risen to 700 staff and 5,500 students.

WORLD ENVIRONMENT DAY

The City recently hosted a World Environment Day event for about 370 primary school students.

Assisted by Edith Cowan University and Ribbons of Blue, students in Years 4 – 7 participated in a number of activities at Neil Hawkins Park.

YELLAGONGA CATCHMENT GROUP

Still on the environment, congratulations to the Yellagonga Catchment Group for winning a \$5,000 Lotteries Commission Grant to plant native trees around Lake Joondalup.

STATE POLITICIAN'S LUNCH

Eleven State politicians from the Joondalup region joined Councillors, senior staff and myself for a working lunch here at the Civic Chambers on Thursday, 7 June 2001.

In what has become a regular event and a valuable forum for the exchange of ideas, the Members of Parliament were supportive of the City's performance.

Among issues discussed were crime prevention and the security role, Joondalup Regional Performing Arts Centre, planning and residential codes and precinct planning.

COUNCIL NEWS

The winter edition of our quarterly newsletter, "Council News" is being distributed to all 55,000 households in the City.

It provides residents with all the latest Council news and information and contacts for their ward Councillors.

PETITIONS

C43-06/01 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 12 JUNE 2001

- 1 PETITION REQUESTING THE PLANTING OF TREES ALONG WALKWAY BETWEEN CHRISTCHURCH TERRACE AND GIFFORD MEWS, CURRAMBINE AND ADDITIONAL SIGNAGE – [29867] [68023]

An 8-signature petition has been received from Currambine residents requesting that eight trees be planted, four on each side of the walkway between Christchurch Terrace and Gifford Mews, Currambine.

The petitioners also request that an additional sign be attached to the Gifford Mews sign, indicating that Gifford Mews is a cul-de-sac and not a through road to Moore Drive.

This petition will be referred to Infrastructure Management for action.

2 PETITION REQUESTING THE UPGRADE OF LARKSPUR PARK, CNR POSEIDON ROAD AND CARIDEAN STREET, HEATHRIDGE – [01488]

A 201-signature petition has been received from residents of the City of Joondalup requesting the upgrade of Larkspur Park on the corner of Poseidon Road and Caridean Street, Heathridge, specifically requesting the installation of reticulation and treatment of prickles to achieve a worthwhile and attractive play environment for the children of the area to use.

This petition will be referred to Infrastructure Management for action.

3 PETITION REQUESTING CONSTRUCTION OF A FOOPATH, FERNLEA STREET, WARWICK – [35014]

Cr O'Brien tabled a 49-signature petition, together with a further petition containing 4-signatures from Warwick residents requesting construction of a footpath on the western side of Fernlea Street, Warwick.

The petitioners state Fernlea Street is one of the oldest streets in Warwick and has been without a footpath for the past 26 years.

These petitions will be referred to Infrastructure Management for action.

4 PETITION REQUESTING OF A BUS SHELTER AND BUSY BAY ON THE INWARD ROUTE ON COCKMAN ROAD BETWEEN MULLIGAN DRIVE AND COBINE WAY, GREENWOOD – [01068]

Cr O'Brien tabled a 6-signature petition requesting construction of a bus shelter and bus bay on the inward route on Cockman Road between Mulligan Drive and Cobine Way, Greenwood.

This petition will be referred to Infrastructure Management for action.

5 REQUEST FOR SPECIAL ELECTORS MEETING – [05378, 42148, 06041, 02134, 05810, 75029]

A 121-signature petition has been received from residents of the City of Joondalup requesting that a Special Electors Meeting be held in Dorchester Hall in Warwick at 7 pm on a weeknight evening convenient to His Worship the Mayor to consider the following Motions:

- (a) That this Meeting of Electors calls upon the City of Joondalup to abandon the permanent closure of Badrick Street, Warwick and any roundabout proposal for the intersection of Barnsbury Road and Dorchester Avenue, and take immediate steps to initiate positive action for the installation of traffic lights at the intersection of Beach Road, Belvedere Road and Badrick Street, in order to lower Beach road traffic speeds and safely allow Warwick electors ingress and egress into Badrick Street via Beach Road;
- (b) Being aware, that the northern boundary line of the City of Stirling and the southern boundary line of the City of Joondalup is demarked at the Southern Property Lines of the lots located on the northern side of Beach Road, this meeting condemns the Commissioners appointed by the previous State Government for spending our ratepayer money and proceeding with a closure of a Warwick Street, namely Badrick

Street, thereby causing major inconvenience to Warwick electors in an attempt to solve a perceived problem, that lies wholly within the municipal boundary of the City of Stirling.

- (c) Any other Business in Order brought forward by the electors present at the Electors meeting.

This petition will be referred to Council Support Services for action.

6 PETITION REQUESTING THE LIMITING OF HOURS OF OPERATION OR RELOCATION OF DANCE STUDIO – BATAVIA PLACE, KALLAROO – [57245]

Cr Mackintosh tabled a 41-signature petition from Kallaroo residents in relation to the dance studio located in Batavia Place, Kallaroo.

The petitioners state the hours of operation are unsuited to a residential location and request that action be taken to limit hours of operation or alternatively the dance studio be relocated to a more appropriate site.

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

MOVED Cr Walker, SECONDED Cr Rowlands that the petitions requesting:

- 1 that eight trees be planted, four on each side of the walkway between Christchurch Terrace and Gifford Mews, Currambine;**
- 2 the installation of reticulation and treatment of prickles to achieve a worthwhile and attractive play environment for the children of the area to use;**
- 3 construction of a footpath on the western side of Fernlea Street, Warwick;**
- 4 construction of a bus shelter and bus bay on the inward route on Cockman Road between Mulligan Drive and Cobine Way, Greenwood;**
- 5 that a Special Electors Meeting be held;**
- 6 that action be taken to limit hours of operation of the dance studio in Batavia Place, Kallaroo;**

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

The Motion was Put and

CARRIED

POLICY**CJ166 - 06/01 APPLICATION AND ANALYSIS OF THE CITY'S
REGIONAL PURCHASING POLICY - [37863] [09763]****WARD - All**

CJ010605_BRF.DOC:ITEM 1

SUMMARY

This report provides background information on the City's Regional Purchasing Policy, the extent to which it is applied during the day to day purchase of materials and services, and some information on the percentage of payments made to businesses within the Region and relevant reference to *Local Government (F&G) Regulations 1996 (amended)* and *Trade Practices Act 1974*.

BACKGROUND

The City's Regional Purchasing Policy, Policy 2.4.6 (refer attachment 1), provides direction on the purchase of goods and services, and how this applies to local business. Local businesses are defined as those within the districts of the City of Joondalup and the City of Wanneroo. It states "the City will ensure that businesses and industries within the region have every opportunity to bid for business and, where competitive, supply the required needs."

DETAILS

The Regional Purchasing Policy is applied where possible by the various Business Units in their day to day purchasing activities. Wherever possible all staff are expected to provide an opportunity for local businesses to quote. These opportunities usually arise when a local business has promoted itself to council by way of advising Council officers of its selling prices, products and services at competitive prices, and has proven to be reliable. Any supplier that approaches the City will be given a fair opportunity to provide details of its products / services, and an opportunity to quote should the need arise. The City provides local businesses opportunities to quote.

Earlier this year the Joondalup Business Association Inc requested details of expenditure with businesses located within the region. The City indicated in its reply that during the financial year up to the end of January 2001 that in excess of 48% of the City's expenditure on materials and services had been spent within the Joondalup Region. On several occasions in past years the City has provided the Joondalup Business Association Inc (or its predecessor) with details of expenditure in relation to local business.

The State Government's Buy Local Policy restricts Metropolitan based organisations from obtaining price advantages while procuring through a public tender. A recent amendment to the *Local Government (Functions and General) Regulations 1996* has incorporated the provision of *Regional Price Preference* for local governments located outside the Perth Metropolitan area:-

“24C A local government located outside the metropolitan area may give a regional price preference to a regional Tenderer in accordance with this part.”

Being located within the metropolitan area the City is therefore not entitled to provide the advantages of Regional Price Preference to the local businesses. Due to the small geographical area of the City and limited availability of the businesses it could be seen as an anti-competitive arrangement pursuant to the provisions of Section 45 of the *Trade Practices Act 1974* if the City were to impose a preference for the businesses located within its district.

In line with its Regional Purchasing Policy, the City undertakes the following:-

- Seeks quotes from the local businesses first
- Provides information on all tenders to the Joondalup Business Association Inc
- Publishes information in local community newspapers relating to all tenders
- Selects tenders based on a multi selection criteria considering a value for money approach rather than a lowest price concept so that the City's local businesses are not disadvantaged due to cheaper prices from businesses outside the region
- Accepts tenders in the tender box only
- Provides the opportunity for on site pre tender meetings.

In conjunction with the 2Cities portal project the City is exploring the development and implementation of an electronic marketplace which will facilitate Business to Business (B2B) and Business to City (B2C) transactions. The proposed Electronic Market Place will be designed to enable easy access by businesses, and in particular easy establishment of catalogues. This will broaden the potential of business to trade locally, not only with major businesses, but access the whole community.

COMMENT/FUNDING

It is to be realised that a fair degree of the City's expenditure for the provision of materials and services is governed by contracts which are publicly tendered. To obtain "value of money" and "best value" the City also uses the CAMS (Contract and Management Service) contract to purchase items. This is permitted by the Local Government (Functions and General) Regulations 1996.

Accepting the above the City does undertake every possible means to promote local business within the framework of the Regional Purchasing Policy and legislative requirements.

Cr Mackintosh left the Chamber, the time being 1940 hrs.

MOVED Cr Rowlands, SECONDED Cr Kenworthy that Council the report in relation to the application and analysis of the City's Regional Purchasing Policy be NOTED.

Discussion ensued.

Cr Mackintosh entered the Chamber, the time being 1941 hrs.

The Motion was Put and

CARRIED

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf050601.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT**CJ167 - 06/01 AUDIT COMMITTEE – MEMBERSHIP - [40738]
[50068]****WARD - All**

CJ010605_BRF.DOC:ITEM 2

SUMMARY

At the Special Council meeting held on 7 May 2001 an Audit Committee was established which comprised the Mayor, Councillors Kenworthy, Carlos, Mackintosh and Baker.

This report recommends that the composition of the City's Audit Committee be amended by expanding the memberships of the Committee to six and appointing Cr Barnett to the Committee.

BACKGROUND

At the Special Council meeting held on 7 May 2001 it was resolved that: -

- (i) an Audit Committee be established with the role of overseeing the internal and external Audit and Risk Management and Compliance functions of the City;
- (ii) appoints the following as members of the Audit Committee: -

Mayor
Cr D Carlos
Cr C Baker
Cr G Kenworthy
Cr C Mackintosh

- (iii) sets the quorum for the Audit Committee at three members.

Cr Barnett who was absent from the meeting at which members were appointed to the Committee has expressed an interest in being a member of the Committee. Cr Barnett has previously been a member of the Committee.

COMMENT

It is considered that the Audit Committee membership should be expanded from five members to six and that Cr Barnett be appoint as a member.

MOVED Cr Baker, SECONDED Cr Kenworthy that Council APPOINTS Cr Barnett as a member of the Audit Committee.

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ168 - 06/01 APPOINTMENT OF NEW MEMBERS TO THE
JOONDALUP SOUTH AND NORTH YOUTH
ADVISORY COUNCILS - [38245]**

WARD - All

CJ010605_BRF.DOC:ITEM 3

SUMMARY

At the Council meeting of 22 December 1998 (Reference – CJ298-12/98), approval was given for the development of a Youth in Government Program for the City of Joondalup.

A component of the Program is the operation of two (2) locally based Youth Advisory Councils. The members of these Councils serve two-year terms, some of which are due to expire in June 2001. For this reason, a number of vacancies on the Councils have arisen. A selection process to fill these vacancies has been completed and appointment of new members to both Joondalup South and North Youth Advisory Councils is required.

BACKGROUND

At the Council meeting held on 22 December 1998, Council resolved to:

- 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 City's Youth in Government Program draws together and integrates the City's Youth Action Plan, the Federal and State Youth Parliament Programs and the State Government's Youth Advisory Council (YAC) Program.

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

- Operation of two Youth Advisory Councils;
- A Youth Council Program;
- Participation in State Youth Parliament;
- Participation in Federal Youth Parliament.

Report CJ25-06/99 refers to the appointment of the Councils.

The main objectives of the Youth in Government Program are:

- To provide an opportunity for young people throughout the City of Joondalup 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.

Promotional Strategies

A key objective of the Program is to encourage participation from all sectors of the youth community and this has been reflected in the promotional strategies to recruit members. These strategies included:

- Detailed letters and promotional materials to school principals;
- Detailed letters and promotional materials to youth service providers in the local area;
- School visits;
- Liaison with disability support groups and service providers;
- Promotional materials sent to local employment agencies.

Current members of the Youth Advisory Councils have been active in distributing nomination forms and promotional materials through their networks such as University, TAFE and Youth Groups.

Promotional materials have also been distributed through the HYPE Youth Outreach Program.

Advertisements were placed in the Community Newspaper on 8 and 15 May 2001, inviting young people to apply for membership of the Youth Advisory Councils.

In addition, nomination forms and promotional materials were distributed at a local shopping centre as part of the Youth Advisory Council's promotional carwash on Saturday 19 May 2001.

DETAILS

Term of Office

Initially, members of the Youth Advisory Councils were selected to serve a one or two year term. The purpose of this was to ensure that there is a continuity of experience through the Youth Advisory Councils. In June 2001, the term of office of a number of Youth Advisory Council members will expire. In addition to this, a number of members resigned or became ineligible for membership to the Youth Advisory Council during the previous year. This was due to reasons such as fulltime work, moving out of the district or other commitments. This situation accounts for the fact that each Youth Advisory Council will have vacancies for more than half (8) of its membership. Of the 16 places available on each of the Committees, Joondalup South Youth Advisory Council has 13 vacancies and the Joondalup North Youth Advisory Council has 10 vacancies to be filled.

The outgoing members of the Youth Advisory Councils are listed below.

JOONDALUP SOUTH		JOONDALUP NORTH	
Name	Suburb	Name	Suburb
Steven Baron	PADBURY	Tara Lee Brayshaw	EDGEWATER
Amanda Benfall	KINGSLEY	Phillipa Brown	MULLALOO
Hayley Brooks	WARWICK	Emma Dee	CURRAMBINE
Ryan Clapp	KINGSLEY	Joshua King	HEATHRIDGE
Rachel Curtis	PADBURY	Lauren Kotze	CURRAMBINE
Heidi Delaney	HILLARYS	Tim Lee	EDGEWATER
Garrath Dingley	DUNCRAIG	Natalie Marsh	BELDON
Robert Harwood	PADBURY	Tracey McDonald	OCEAN REEF
Andrew Logan	CRAIGIE	Sara McMillan	OCEAN REEF
Jayne Miller	HILLARYS	Emma Nolan	EDGEWATER
Natasha Newman	GREENWOOD	Aman Pabla	OCEAN REEF
Andrew Wallis	WARWICK		

Selection Process

16 nominations were received for the 13 available places on the Joondalup South Youth Advisory Council. Eight nominations were received for the 10 available places on the Joondalup North Youth Advisory Council. A further abridged recruitment process will be conducted in the near future to attract another two young people to the latter Council. A three-member panel consisting of two council staff and a Youth Advisory Council representative was intended to assess nominations. Unfortunately, the Youth Advisory Council member was forced to withdraw from the panel at the last minute due to other commitments.

A staff panel reviewed the nominations for each Council. Nominations were reviewed based on selection criteria including age, residential address, school attended, employment status, community involvement and understanding of youth issues. These criteria were developed in order to ensure that there was a wide representation of young people and that one group was not over-represented. A recommendation is made to appoint suitable applicants to the Youth Advisory Councils.

Terms of Reference

The Terms of Reference for the Youth Advisory Councils are currently being reviewed. A recommendation regarding appropriate changes to this document will be submitted for consideration by elected members in the near future.

Future Directions

Following appointment to the Councils, the Youth Advisory Councillors will begin meeting on a monthly basis.

JOONDALUP SOUTH			JOONDALUP NORTH		
<u>Current Members</u>			<u>Current Members</u>		
Name	Suburb		Name	Suburb	
1 Enid Chua	KINGSLEY		1 Suzanne Akila	CONNOLLY	
2 Ryan Kukura	DUNCRAIG		2 Jennifer Dedman	OCEAN REEF	
3 Luke Williams	GREENWOOD		3 Anna Kim	BELDON	
			4 Viet Nguyen	OCEAN REEF	
			5 John Saratsis	OCEAN REEF	
			6 Adam Wade	JOONDALUP	

<u>New Members</u>			<u>New Members</u>		
4 Elizabeth Benporath	HILLARYS		7 Luke Crosby	CURRAMBINE	
5 Andrew Cameron	GREENWOOD		8 Chrystal Goemans	OCEAN REEF	
6 Aled Cunnah	SORRENTO		9 Annique Lynch	JOONDALUP	
7 Kylie Davies	DUNCRAIG		10 Alice Ostrowski	HEATHRIDGE	
8 Kerry Hill	KALLAROO		11 Anne Rosser	KINROSS	
9 Kate James	WOODVALE		12 Kate Sinagra	EDGEWATER	
10 Astrid Lee	KINGSLEY		13 Jasmine Singh	KINROSS	
11 Kate Maasen	KALLAROO		14 Matthew Wright	MULLALOO	
12 Trent Mackay	KINGSLEY				
13 Janice Mattaboni	KINGSLEY				
14 Megan Nicholl	GREENWOOD				
15 Katrina Welch	DUNCRAIG				
16 Alison Williams	KINGSLEY				

The age ranges of the nominees for Joondalup Youth Advisory Councils are as follows:

JOONDALUP SOUTH		JOONDALUP NORTH	
Age	Frequency	Age	Frequency
15 Years	3	15 Years	3
16 Years	7	16 Years	5
17 Years	2	17 Years	2
18 Years	1	18 Years	2
19 Years	2	19 Years	1
20 Years	1	20 Years	1
21 Years		21 Years	

MOVED Cr Kadak, SECONDED Cr Walker that Council:

- 1 REMOVES and THANKS the following outgoing members of the Youth Advisory Councils:**

Joondalup South

**Steven Baron
Amanda Benfall
Hayley Brooks
Ryan Clapp
Rachel Curtis
Heidi Delaney
Garrath Dingley
Robert Harwood
Andrew Logan
Jayne Miller
Natasha Newman
Andrew Wallis
Jared Robb**

Joondalup North

**Tara Lee Brayshaw
Philippa Brown
Emma Dee
Joshua King
Lauren Kotce
Timothy Lee
Natalie Marsh
Tracey-Lee McDonald
Sara McMillan
Emma Nolan
Aman Pabla**

- 2 APPOINTS the following nominees as members of the Joondalup Youth Advisory Councils:**

Joondalup South

**Elizabeth Benporath
Andrew Cameron
Enid Chua
Aled Cunnah
Kylie Davies
Kerry Hill
Ryan Kukura
Kate James
Astrid Lee
Kate Maasen
Trent Mackay
Janice Mattaboni
Megan Nicholl
Katrina Welch
Alison Williams
Luke Williams**

Joondalup North

**Suzanne Akila
Luke Crosby
Jennifer Dedman
Chrystal Goemans
Anna Kim
Annique Lynch
Viet Nguyen
Alice Ostrowski
Anne Rosser
John Saratsis
Kate Sinagra
Jasmine Singh
Adam Wade
Matthew Wright**

- 3 THANKS all nominees who nominated for membership of the Joondalup Youth Advisory Councils;**

4 SETS the following quorum for Joondalup Youth Advisory Councils.**Joondalup South Youth Advisory Council at eight.****Joondalup North Youth Advisory Council at seven.****The Motion was Put and****CARRIED BY AN
ABSOLUTE MAJORITY****CJ169 - 06/01 THE LOCAL GOVERNMENT WEEK 2001
CONVENTION – SUBMISSION OF MOTIONS FOR
ANNUAL GENERAL MEETING – [85012]****WARD - All**

CJ010605_BRF.DOC:ITEM 4

SUMMARY

The Local Government Week 2001 Convention will be held at the Burswood Convention Centre from 5 to 7 August 2001. The Annual General Meeting of the Local Government Association (LGA) is to be held on Sunday 5 August 2001 and member Councils are invited to submit motions for inclusion on the Agenda for consideration by the 2001 LGA Annual General Meeting.

The closing date for submission of motions is Friday 15 June 2001.

BACKGROUND

The Local Government Week 2001 Convention, incorporating the Annual General Meeting of the Country Urban Councils Association (CUCA), the Local Government Association (LGA) and the Country Shire Councils' Association (CSCA), and the Local Government Week Conference will be held at the Burswood Convention Centre from 5 to 7 August 2001.

The conference schedule is as follows:

Sunday 5 August

CUCA Annual General Meeting:	1.30 pm – 5.00 pm – Kestrel Room
LGA Annual General Meeting:	1.30 pm – 5.00 pm – Ballroom East
Local Government Week Conference (Day 1):	5.30 pm – 7.30 pm – Showroom
Cocktail Reception:	7.30 pm – 8.30 pm – Ballroom Foyers

Monday 6 August

Local Government Week Conference (Day 2):	9.00 am – 5.00 pm – Showroom
Local Government Week Gala Dinner:	7.00 pm – 11.00 pm – Showroom

Tuesday 7 August

CSCA Annual General Meeting: 9.00 am – 12.30 pm – Showroom

Further details will be contained in the registration brochure to be distributed by the Local Government Association to Councils in May followed by the full Conference programme to be distributed in July.

DETAILS

Member Councils of the LGA are invited to submit motions for inclusion on the agenda for consideration by the 2001 LGA Annual General Meeting. Motions should be submitted to the Chief Executive Officer of the Western Australian Municipal Association.

The closing date for submission of motions is Friday 15 June 2001. Having regard to the LGA's obligation to provide the completed Agenda papers to all its members at least thirty days before the date of the Annual General Meeting, it will not be possible to include motions received after the closing date in the agenda.

The following guidelines should be followed by members in the formulation of Annual General Meeting motions.

- Motions should focus on policy matters, rather than issues which could be dealt with by the Executive within policy and with minimal delay.
- Due regard should be given to the relevance of the motion to total membership. Some motions of a sectional interest nature might be better handled through other forums or through specific industry associations.
- Due regard should be given to the timeliness of the motion – will it still be relevant come Local Government Week or would it be better handled immediately by the Association through the Executive?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to members – ie does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by members Councils must be accompanied by fully researched and documented supporting comment.

Submission of Motions – Cr M O’Brien

The following Notices of Motions from Cr M O’Brien were submitted to the Council meeting held on 22 May 2001:

ITEM 1: NOTICE OF MOTION – CR M O’BRIEN – LOCAL GOVERNMENT WEEK 2001 CONVENTION

“That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

‘That section 2.8(1) of the *Local Government Act 1995* be amended by inserting after the word president, first occurring, the following;

“is by virtue of being elected, the Chief Elective Executive Officer of a Municipality and;”

and,

that section 1.4 of the *Local Government Act 1995* be amended by deleting the words, ‘ “CEO” means the chief executive officer’

and inserting in lieu,

‘ “CAEO” means the chief appointed executive officer’

and,

that all other references to the word “CEO” in the *Local Government Act 1995* shall be replaced by the word “CAEO”.

ITEM 2: NOTICE OF MOTION – CR M O’BRIEN – LOCAL GOVERNMENT WEEK 2001 CONVENTION

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum:

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

‘That section 6.28(1) of the *Local Government Act* be amended by deleting the words, “The Minister is to” and inserting in lieu “The Local Government is to” ‘.

and

‘That section 6.28 (2) of the *Local Government Act* be repealed’.

ITEM 3: NOTICE OF MOTION – CR M O’BRIEN – LOCAL GOVERNMENT WEEK 2001 CONVENTION

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That section 6.32(1)(c) of the *Local Government Act* be repealed”.

ITEM 4: NOTICE OF MOTION – CR M O’BRIEN - LOCAL GOVERNMENT WEEK 2001 CONVENTION

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That section 6.38 of the *Local Government Act* be repealed”.

ITEM 5: NOTICE OF MOTION – CR M O’BRIEN - LOCAL GOVERNMENT WEEK 2001 CONVENTION

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That regulation 53 of the *Local Government (Financial Management) Regulations 1996* be amended by deleting “\$200” and inserting in lieu “\$25”.

ITEM 6: NOTICE OF MOTION – CR M O’BRIEN - LOCAL GOVERNMENT WEEK 2001 CONVENTION

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That regulation 54 of the *Local Government (Financial Management) Regulations 1996* be withdrawn”.

ITEM 7: NOTICE OF MOTION – CR M O’BRIEN LOCAL GOVERNMENT WEEK 2001 CONVENTION

Resulting from the overwhelming predominance of the Electors and Ratepayers rejection of “Flat Taxing” in the recent Municipality of Joondalup’s Referendum;

That the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

“That section 106(1) of the *Health Act 1911* be amended by deleting the words, “rubbish or refuse,” and the words “or other receptacle”,

and;

that section 106(2) of the *Health Act 1911* be amended by deleting the words, “or other receptacle”.

Council Decision 22 May 2001

At the meeting held on 22 May 2001 Council resolved:

“that the Notices of Motion in respect of Items 1 to 7 inclusive, be DEFERRED until the next ordinary meeting of Council scheduled to be held on 12 June 2001.”

It is considered appropriate that these motions be considered in conjunction with this report.

Background information and relevant extracts from the Act has been prepared to assist elected members and forms Attachment 1 hereto.

OFFICER’S RECOMMENDATION: That Council GIVES consideration to submitting Motions for inclusion on the Agenda for the 2001 Local Government Association (LGA) Annual General Meeting.

MOVED Cr O’Brien, SECONDED Cr Baker that the City of Joondalup submits as an agenda item for the Annual General Meeting of the Local Government Association, for adoption as a Policy;

‘That section 2.8(1) of the *Local Government Act 1995* be amended by inserting after the word president, first occurring, the following:

“is by virtue of being elected, the Chief Elective Executive Officer of a Municipality and;”

and,

that section 1.4 of the *Local Government Act 1995* be amended by deleting the words, ‘ “CEO” means the chief executive officer’

and inserting in lieu,

‘ “CAEO” means the chief appointed executive officer’

and,

that all other references to the word “CEO” in the *Local Government Act 1995* shall be replaced by the word “CAEO”.

Discussion ensued. Chief Executive Officer referred to guidelines in the formulation of Annual General Meeting motions.

The Motion was Put and

LOST

MOVED Cr O'Brien, SECONDED Cr Hollywood that Notices of Motion Items 1 to 7 inclusive as submitted by Cr O'Brien for consideration be REFERRED to a Briefing Session for further debate.

The Motion was Put and

CARRIED

ADDITIONAL INFORMATION

Item No. CJ169-06/01 contained on the agenda for the Council meeting scheduled to be held on 12 June 2001 includes a report that considers possible motions to be submitted to the AGM of the Local Government Association which is scheduled to be held on 5 August 2001.

At the briefing session held on 5 June 2001, discussion ensued regarding the proposed single association to represent local governments across the state. It was agreed that a motion would be drafted along the lines discussed at the briefing session relating to the proposed representation of the North Zone on the proposed single association. It is suggested that the motion read as follows:

That the following motion be put to the AGM of the Local Government Association scheduled to be held 5 August 2001:

‘That the Local Government Association SUPPORTS the request from the North Zone that it be provided three (3) delegates on the proposed State Council.’

Contact has been made with the Cities of Stirling and Wanneroo and there is general agreement that the current North Zone should have three delegates from the commencement of the single association.

At the most recent meeting of the North Zone, it was agreed that the CEO's of each of the local governments meet and prepare a report on the possibility of remaining a member of WAMA, but examining options of engaging the services of a professional lobbyist to act on behalf of those local governments. It is suggested that if the proposed motion is not successful at the AGM, then a further report can be prepared examining Council's future options regarding its association with WAMA. The outcomes of the report as requested by the North Zone will also be known.

MOVED Cr Kadak, SECONDED Cr Carlos that the Local Government Association SUPPORTS the request from the North Zone that it be provided three (3) delegates on the proposed State Council.

Discussion ensued. Chief Executive Officer provided an update on recent negotiations in relation to this issue.

Cr Hollywood believed this Motion should be considered later in the meeting.

MOVED Cr O'Brien, SECONDED Cr Hollywood that the issue pertaining to a possible motion for Annual General Meeting of Local Government Association to be held on 5 August 2001 be CONSIDERED later in the meeting.

Cr Baker requested that the Motion be put.

The Motion was Put and

CARRIED

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf050601.pdf](#)

**CJ170 - 06/01 MINUTES JOONDALUP FESTIVAL AND SUMMER
EVENTS COMMITTEE - [05019]**

SUMMARY

A meeting of the Joondalup Festival and Summer Events Committee was held on 9 May 2001 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 9 May 2001 are included as Attachment 1.

The Terms of Reference have been amended for the Joondalup Festival and Summer Events Committee to include membership of three Councillors and are included as Attachment 2.

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 NOTES the unconfirmed minutes of the Joondalup Festival and Summer Events Committee meeting held on 9 May 2001 forming Attachment 1 to Report CJ170-06/01;**
- 2 APPROVES the amendment to the Joondalup Festival and Summer Events Committee Terms of Reference to include three Elected Members, forming Attachment 2 to Report CJ170-06/01.**

Cr Kadak gave an overview of the detailed research and results of the Joondalup Festival event.

The Motion was Put and

CARRIED

Appendices 2 and 2(a) refer

To access this attachment on electronic document, click here: [Attach2brf050601.pdf](#)
[Attach2abrf050601.pdf](#)

Cr Kenworthy left the Chamber, the time being 2011 hrs.

**CJ171 - 06/01 SKATEPARK COMMITTEE MEETING MINUTES -
[09019]**

WARD - All

CJ010605_BRF.DOC:ITEM 6

SUMMARY

A meeting of the Skatepark Committee was held on 23 May 2001 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the Skatepark Committee meeting held 23 May 2001 are included as Attachment 1.

The Terms of Reference have been amended for the Skate Park Committee to include membership of seven Councillors and are included as Attachment 2.

MOVED Cr Hollywood, SECONDED Cr Rowlands that Council:

- 1 NOTES the unconfirmed minutes of the Skatepark Committee meeting held on 23 May 2001 forming Attachment 1 to Report CJ171-06/01;**
- 2 APPROVES the amendment to the Skatepark Committee Terms of Reference to include seven Councillors, forming Attachment 2 to Report CJ171-06/01.**

The Motion was Put and

CARRIED

Appendices 3 and 3(a) refer

To access this attachment on electronic document, click here: [Attach3brf050601.pdf](#)
[Attach3abrf050601.pdf](#)

Cr Kenworthy entered the Chamber, the time being 2014 hrs.

CJ172 - 06/01 MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 16 MAY 2001 - [00906]

WARD - All

CJ010605_BRF.DOC:ITEM 7

SUMMARY

A meeting of the Environmental Advisory Committee was held on 16 May 2001 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

BACKGROUND

The Environmental Advisory Committee meeting held on 16 May 2001 achieved a quorum and considered business items arising from the previous meeting held on 19 April 2001.

Election of the Committee chairperson was deferred until the Committee meeting to be held in June 2001 Committee meeting. Councillor J Hollywood adopted the role of Acting Chairperson.

The Committee discussed a range of items including:

- The minutes of the Conservation Advisory Committee held on 18 April 2001.
 - The establishment of the Conservation Advisory Committee as a sub-committee of the Environmental Advisory Committee.
 - Guidelines for preparing business items by working groups and sub-committees were adopted by the Committee.
 - The need for replacement community representatives on the committee.
 - Other business items.

Minutes of the Conservation Advisory Committee meeting held on 18 April 2001 were noted. The minutes were referred back to the Conservation Advisory Committee, with further information and justification sought regarding the motions put.

DETAILS

The minutes of the Environmental Advisory Committee held on 16 May 2001 are included as Attachment A.

The following motions were put and carried:

That the Environmental Advisory Committee;

- 1 establishes the Conservation Advisory Committee as a sub-committee to the Environmental Advisory Committee;
- 2 appoints the following sub-committee members;
 - Mr D Cluning (Manager Operations).
 - Mr K Armstrong (Conservation Officer).

Group	Member	Deputy	2nd Deputy
Friends of Korella Park	M Zakrevsky	K McKenzie	W Woods
Friends of Hepburn Heights	R Henderson	T Morald	S Magyar
Friends of Yellagonga	D Hancock	H Jacob	J Treloar
Friends of Warwick Bushland	J Brundrett	K Clarke	TBA
Friends of Warwick High School Bushland	R McElroy	TBA	TBA
Friends of Craigie Bushland	J Wood	C Wood	TBA

MOVED Mrs J Richards SECONDED Dr R France that the Environmental Advisory Committee:

- (1) adopts the Guide for the City of Joondalup Environmental Advisory Committee (attachment 3).
- (2) Refers the guide to working groups and sub-committees of the Environmental Advisory Committee.

MOVED Mrs J Richards SECONDED Dr R France that an advertisement be prepared seeking nominations for community representatives for the Environmental Advisory Committee.

The Committee recently called for expressions of interest from the public. Accordingly, it is proposed that the Committee considered and simply nominated a person to the vacant position.

MOVED Cr Baker, SECONDED Cr O'Brien that Council:

- 1 NOTES the unconfirmed minutes of the Environmental Advisory Committee meeting held on 16 May 2001 forming Attachment 1 to Report CJ172-06/01;**
- 2 NOTES the establishment of the Conservation Advisory Committee as a sub-committee to the Environmental Advisory Committee and the appointment of the following sub-committee members:**
 - (a) Mr D Cluning (Manager Operations);
Mr K Armstrong (Conservation Officer);**

(b) community group members:

Group	Member	Deputy	2nd Deputy
Friends of Korella Park	M Zakrevsky	K McKenzie	W Woods
Friends of Hepburn Heights	R Henderson	T Morald	S Magyar
Friends of Yellagonga	D Hancock	H Jacob	J Treloar
Friends of Warwick Bushland	J Brundrett	K Clarke	TBA
Friends of Warwick High School Bushland	R McElroy	TBA	TBA
Friends of Craigie Bushland	J Wood	C Wood	TBA

The Motion was Put and

CARRIED

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf050601.pdf](#)

CJ173 - 06/01 CITY WATCH REVIEW - [00513]

WARD - All

CJ010605_BRF.DOC:ITEM 8

SUMMARY

The City Watch Review Report, reviewing the performance of the service to date is at Attachment A. This review details the structure and operation of the service, its performance against key performance indicators set by the City, use of the service by the Community and its performance against the objectives of the service.

BACKGROUND

The City of Joondalup enhanced City Watch Service was introduced in November 2000 as part of the City's commitment to its Safer Community Program. The enhanced service model has replaced the security function of the dual function Ranger/ Security Patrols previously provided by the City.

The enhanced service model was endorsed by Council, with a review to be conducted prior to the end of the financial year. The review of the service has taken two forms, the first a referendum of community views, and the second a review of the service performance. The community referendum was held on 5 May 2001, and the result indicated 68% support for the continuation of the City Watch Service. The City Watch review document (attached), forms the Service Review component of the review.

DETAILS

The City Watch program has the specific objectives of:

- Providing a highly visible presence within our community;
- Reporting incidents to the Police Service and other statutory/voluntary organizations;
- Targeting trouble spots within the City;
- Increasing protection and surveillance of the City's assets;
- Acting as the eyes and ears for the community, improving safety and security for our residents.

The service provides twenty-four (24) hour coverage, seven (7) days a week, with a total of 1,036 patrolling hours per week. The City is divided into six (6) designated zones, with Officers designated responsibility for specific zones. The objective is to patrol each street once a day, travelling a minimum of 200kms, and provide a fast, efficient, service response time.

The service is operated on a split internal/external service provision model. The administrative and management component, as well as two of the operational zones are operated internally by the City. The remaining four zones are operated externally by private contractor, Chubb Security.

The performance of the City Watch Service against key performance indicators set by the City are reviewed in the report.

Of particular note from the Executive Summary of the report is the following information on the first five months of service provision:

- The service has travelled over 250,000 kms, providing a highly visible service.
- The service has responded to 5,765 customer security referrals, improving safety and security for our residents.
- The service has increased internal reporting on issues that impact on public amenity, acting as the 'eyes and ears of the community and the City'. This increase allows the City to provide a higher level of neighbourhood amenity by addressing issues as they occur.
- The service is providing an efficient, responsive service, with 82.11% of all incidences responded to within 10 minutes.

COMMENT

There is strong support for the continuation of the City Watch Service component of the Safer Community program, based upon this review and the results of the community referendum.

The performance of the service in key areas indicates that the service meeting its specific objectives of:

- Providing a highly visible presence within our community;
- Reporting incidents to the Police Service and other statutory/voluntary organizations;
- Targeting trouble spots within the City;
- Increasing protection and surveillance of the City's assets;
- Acting as the eyes and ears for the community, improving safety and security for our residents.

The performance of the contractor, and options for future service provision are reviewed in the report 'City Watch Service Continuation – Options'.

MOVED Cr Baker, SECONDED Cr Kenworthy that Council NOTES the City Watch review report dated May 2001.

The Motion was Put and

CARRIED

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf050601.pdf](#)

CJ174 - 06/01 CITY WATCH SERVICE CONTINUATION - OPTIONS - [00513]

WARD - All

CJ010605_BRF.DOC:ITEM 9

SUMMARY

At the Council meeting held on 22 May 2001, Council requested a report detailing an extensive review and options for the continuation of the security patrol service. This report forms that review, and presents several options for the continuation of the City Watch Service. It is presented for Council's consideration.

BACKGROUND

The City of Joondalup's enhanced City Watch Service was introduced in November 2000 as part of the City's commitment to its Safer Community Program. The enhanced service model has replaced the security function of the dual function Ranger/Security Patrols previously provided by the City.

At the Council meeting held on 22 May 2001, Council resolution stated that Council:

“RENEWS the Chubb Protective Service contract for Provision of Security and Patrol Services (Contract 018-00/01) on a monthly basis at a cost of \$17,465.28 per week commencing 1 July 2001, until a further decision is made on the future operations of the Service.”

“REQUESTS a report detailing an extensive review and options for the continuation of the Security Patrol Service including but not limited to an analysis of the merits of:

- 1 calling for fresh tenders from the private sector to provide the service;*
- 2 providing the service in house;*
- 3 having the security patrol service personnel appointed as special constables under the Police Act following consultation with the WA Police Union, the Minister for Police and the Commissioner of Police;*

such report to be presented at the 12 June 2001 Council meeting.”

This report forms that review, and presents several options for the continuation of the City Watch Service and is presented for Council’s consideration.

The enhanced service model was initially endorsed by Council, with a review to be conducted prior to the end of the financial year 2000/2001. The review of the service takes two forms: the first a referendum of community views, and the second a review of the service performance. The community referendum was held on May 5 2001, and the result indicated 68% support for the continuation of the City Watch Service.

The City Watch service has the specific objectives of:

- Providing a highly visible presence within our community;
- Reporting incidents to the Police Service and other statutory/voluntary organizations;
- Targeting trouble spots within the City;
- Increasing protection and surveillance of the City’s assets; and
- Acting as the eyes and ears for the community, improving safety and security for our residents.

The service provides twenty-four (24) hour coverage, seven (7) days a week, with a total of 1,035 patrolling hours per week. The City is divided into six (6) designated zones, with Officers designated responsibility for specific zones. The target is to patrol each street once a day, travelling a minimum of 200kms, and provide a fast, efficient, service response time.

The service is currently operated on a split internal/external service provision model. The administrative and management component, as well as two of the operational zones are operated internally by the City. The remaining four zones are operated externally by private contractor, Chubb Protective Services, which sub-contracts to Seth Holdings.

DETAILS

REVIEW OF OPERATIONS

The current hours of operation for the City Watch Service are 24 hours a day, 7 days a week, a total of 1,035 patrolling hours per week.

Each of the six zones has a vehicle patrolling around the clock. In addition, the CBD of Joondalup is specifically patrolled during trouble periods from Thursday to Saturday 8:00pm to 5:00am.

In evaluating the current level of service provision it is useful to evaluate two aspect of the service:

1. The need for the service;
2. Use pattern of the service.

The need for the service can be addressed by looking at the objectives of the service.

The City Watch program has the specific objectives of:

- providing a highly visible presence within our community;
- reporting incidents to the Police Service and other statutory/voluntary organizations;
- targeting trouble spots within the City;
- increasing protection and surveillance of the City's assets; and
- acting as the eyes and ears for the community, improving safety and security for our residents.

To provide a highly visible presence within our community, make relevant reports and acting as the eyes and ears of the community, the service is most effective during daylight hours and early evening when people are more active and the patrolling vehicle will be most visible.

To address the other issues it is useful to consider when incidents are occurring by assessing both crime rates and call rates.

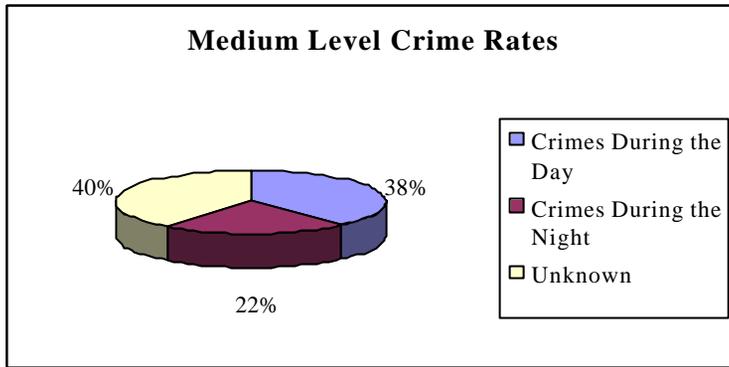
Anecdotal evidence from both the Police and City Watch Officers indicates that the majority of incidences relating to property security in residential areas occur during weekdays. Additionally, incidences of anti social behaviour are occurring during the night of Thursday, Friday and Saturday.

CRIME RATES

There are a great many influences on crime rates over which the City Watch Service will have no impact. The City Watch Service recognises that factors such as population increases, seasonal fluctuations and recidivist (one who lapses into crime) offenders will influence the crime rate that the service will not be able to impact upon.

Although impacting on these crimes is not a specific aim of the City Watch Service, the expectation of the community is that property based surveillance will be a consideration in the determination of the service model.

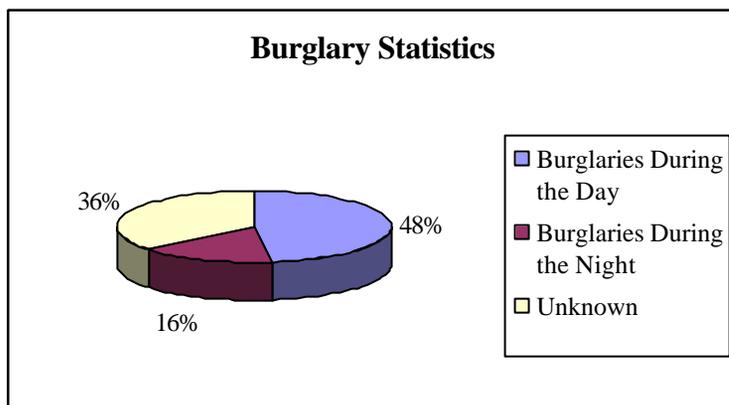
Current crime rates for the City demonstrate the current timing for crimes occurring:



The above graph refers to medium crime rates, which mainly include property crime such as burglary and motor vehicle theft. This graph shows that the majority of property crime occurs within the City.

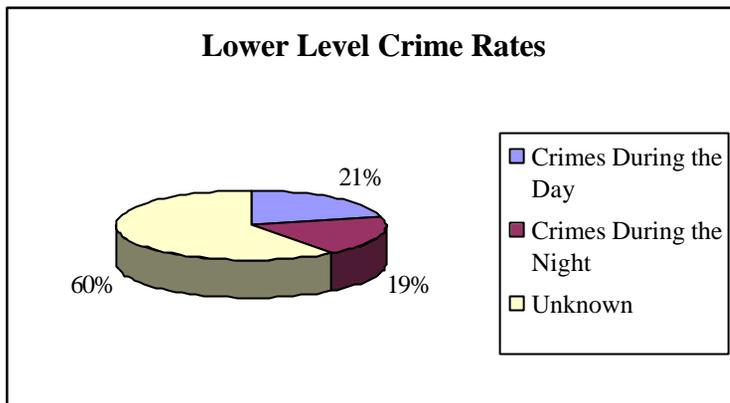
In all of the graphs detailed, anecdotal evidence from the Police Service suggests that this unknown figure consists mainly of offences committed in empty homes during holiday periods such as Christmas and Easter. Residents reporting the offence when returning home after an extended period away are unable to account for the timing of the incident.

Additionally, as shown below, home burglaries have a high occurrence during the day, with 48% of burglaries occurring during the day.



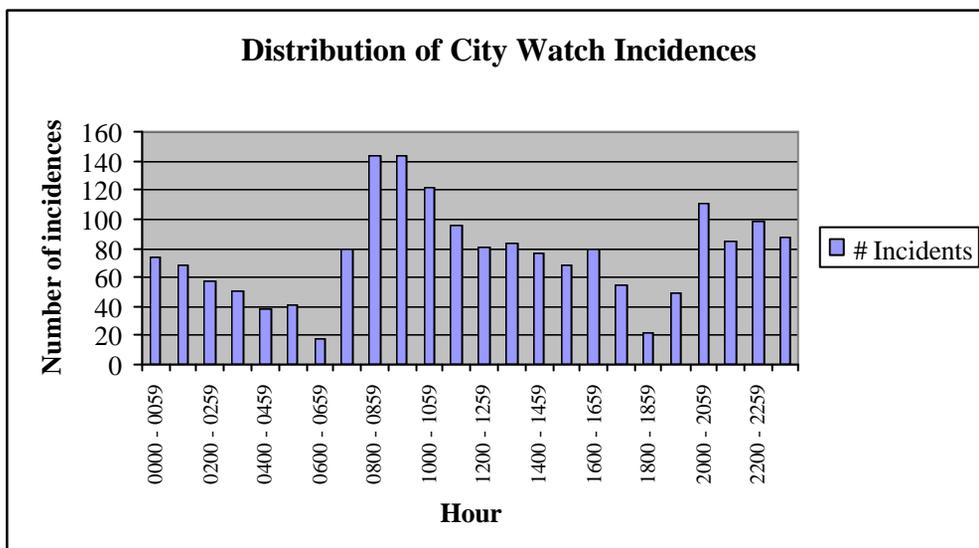
Lower level crime rates include incidences such as disturbing the peace and graffiti. These statistics are a good indicator of the anti social behaviours on which the City Watch Service aims to impact, as these lower level crimes often occur congruently with anti-social behaviour.

This indicator gives no clear indication of when incidences are occurring over a 24-hour period. As previously discussed, anecdotal evidence from both the Police and the City Watch officers indicate that a large majority of these incidences are thought to occur on Thursday, Friday and Saturday nights.



INCIDENT OCCURRENCE TIMES

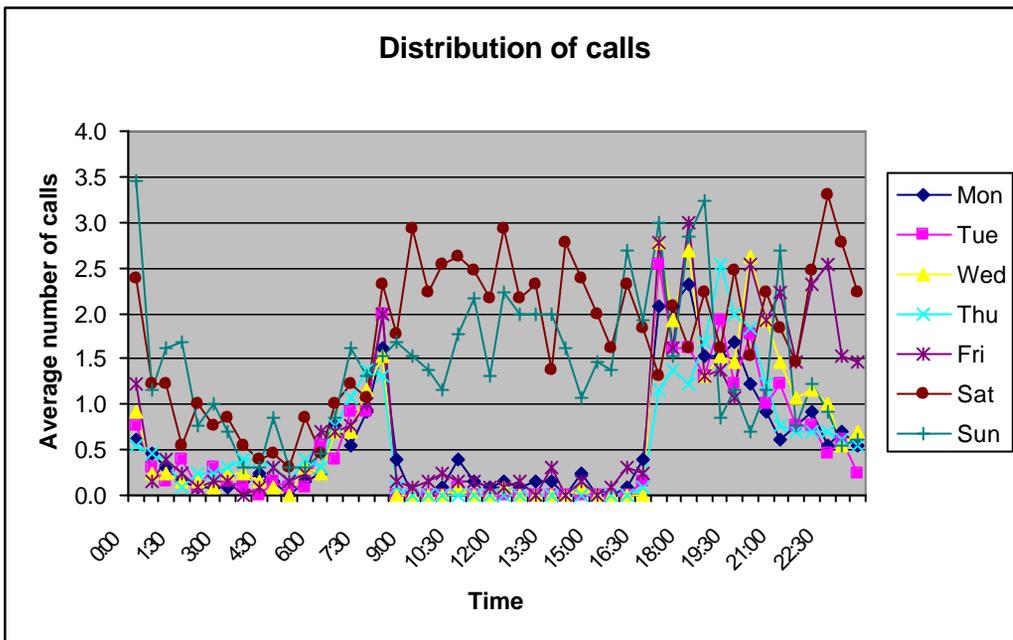
The following graph demonstrates the distribution of incidents that City Watch Officers attend without receiving a customer call over a 24 hour period. For example, these include incidents that the City Watch Officer may notice whilst out on patrol. The detail listed here is taken from the sample months of February and March 2001.



The distribution of incidences occurs mainly during the daytime, with a decrease during night-time hours. The peak in the calls between ten (10) pm and midnight are attributable to calls regarding anti-social behaviour on Thursday, Friday and Saturday nights.

CALL TIMES TO THE 1300 655 860 NUMBER

The following information details the use of the service by the community. The information on the calls to the 1300 number have been provided by the after hours service at the Water Corporation.



From the information detailed, the customer use of the service is limited during the night, from anecdotal evidence; this is especially true on Sunday to Wednesday nights.

Overall, both the need for the service (crime rates) and use of the service (call figures) indicate that the majority of incidents occur during the day, and on Thursday, Friday and Saturday nights.

Anecdotal evidence from both the Police and City Watch Officers indicates that the majority of incidences relating to property security in residential areas occur during weekdays. Additionally, incidences of anti-social behaviour are occurring during the night on Thursday, Friday and Saturday nights.

Several of the specific objectives of City Watch relate to providing a highly visible presence within our community, make relevant reports and acting as the eyes and ears of the community. Based upon these objectives, the service will be most effective during daylight hours and early evening when people are more active and the patrolling vehicles will be most visible.

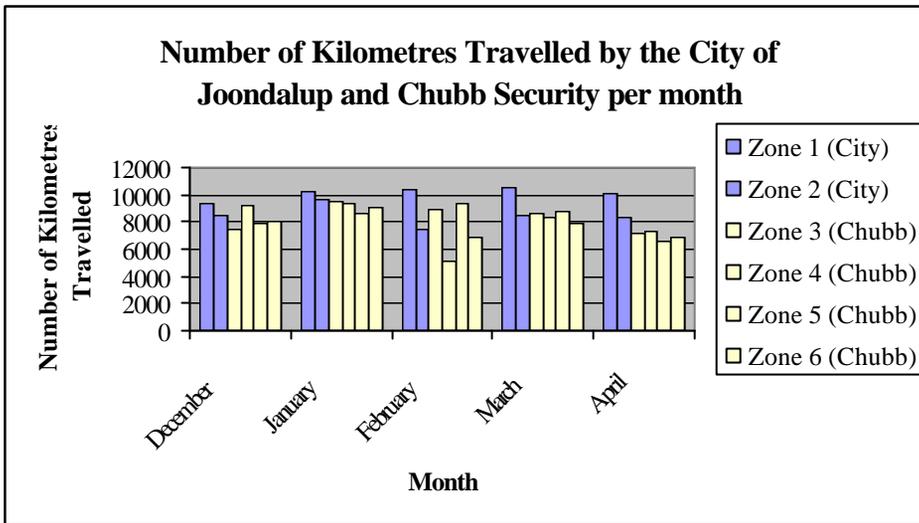
It is recommended that service provision be reduced on the nights of Sunday, Monday Tuesday and Wednesday. Two zones could be combined into one during this time. This collapsed service structure would still provide 24 hours coverage, 7 days a week and allow City Watch Officers to attend incidences quickly and efficiently over these night shifts.

Service provision would then reduce from 1,008 patrolling hours per week plus 27 CBD hours, to 912 patrolling hours per week plus 27 CBD hours.

PERFORMANCE OF THE SERVICE UNDER THE SPLIT-PROVIDER MODEL

The following information details the performance of each service provider under the split provider model for City Watch against key performance indicators.

TOTAL KILOMETRES TRAVELLED BY THE SERVICE



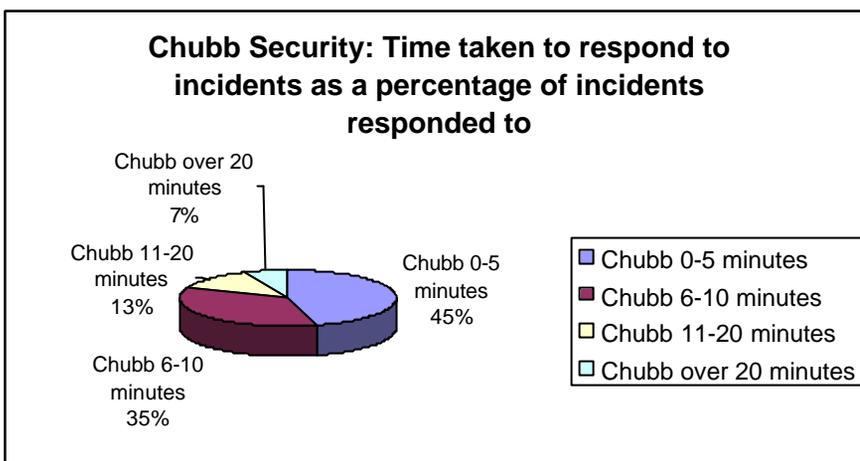
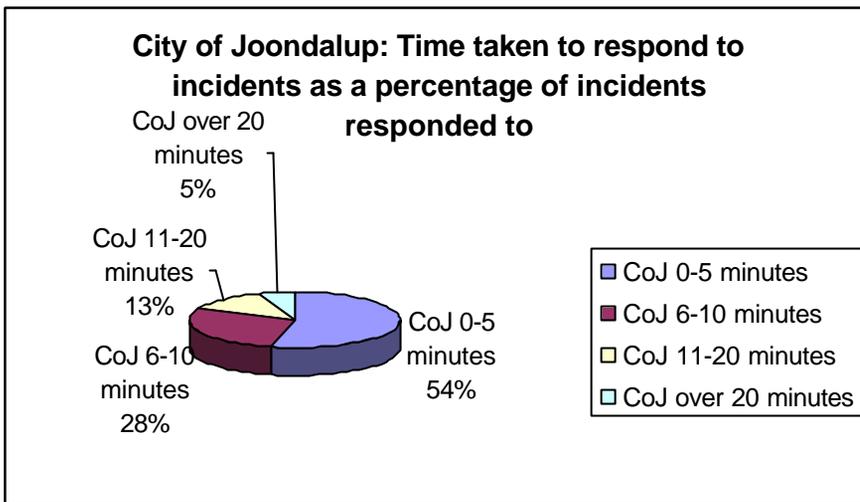
One of the objectives of the City Watch Service is to provide a highly visible patrolling presence. Although the number of kilometres travelled by the service is only one indicator that can be used to measure this, it is still an excellent indicator of the visibility of the service within the community.

The differences in the number of kilometres travelled under each mode of service provision shown are visible in the above graph. The greater amount of time spent on patrols by the City of Joondalup staff is offset by the time spent by Chubb Protective Services undertaking foot patrols.

AVERAGE RESPONSE TIME

Average response time is a measure of efficiency in the service. The overall average response time indicates that 82.11% of all calls to the City Watch Service are responded to within the target response time of ten minutes. Responses within this time bracket indicate a fast, efficient, responsive service.

The following graphs compare the response times of the City of Joondalup and Chubb Protective Services.



The City of Joondalup is providing a faster response time to incidences overall, with more responses within the 0-5 minute bracket.

KEY PERFORMANCE INDICATOR REPORTS

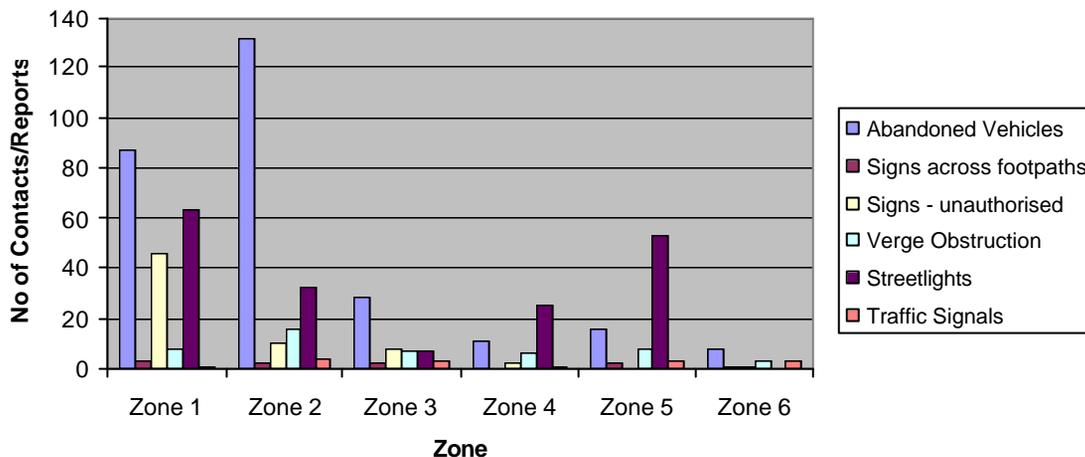
When the enhanced City Watch Service was introduced, a series of key performance indicators were developed as part of the reporting structure. These indicators report on the objectives of the City Watch Service and are classified into the five areas of:

1. Property and Public Surveillance;
2. Public Amenity;
3. Law, Order and Public Safety;
4. Animal Control;
5. Customer Service and Education.

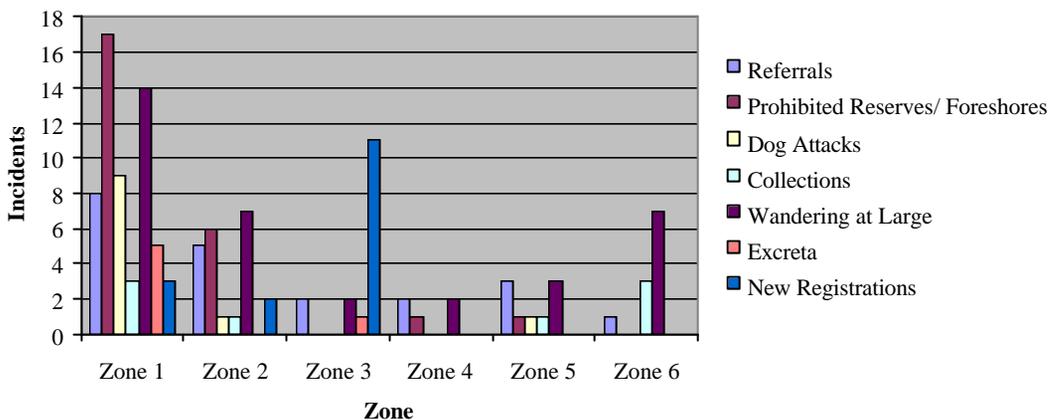
The five graphs shown below demonstrate the performance in each of these areas. The first four relate to the reporting functions of the service. Across these 4 areas, the City Watch Officers employed directly by the City of Joondalup are reporting more issues than their Chubb Protective Services employed counterparts. These self-explanatory reporting indicators measure many of the ‘value added’ eyes and ears aspect of the service to the City.

Zones one (1) and two (2) are City of Joondalup operated zones, the remainder are operated by Chubb Protective Services.

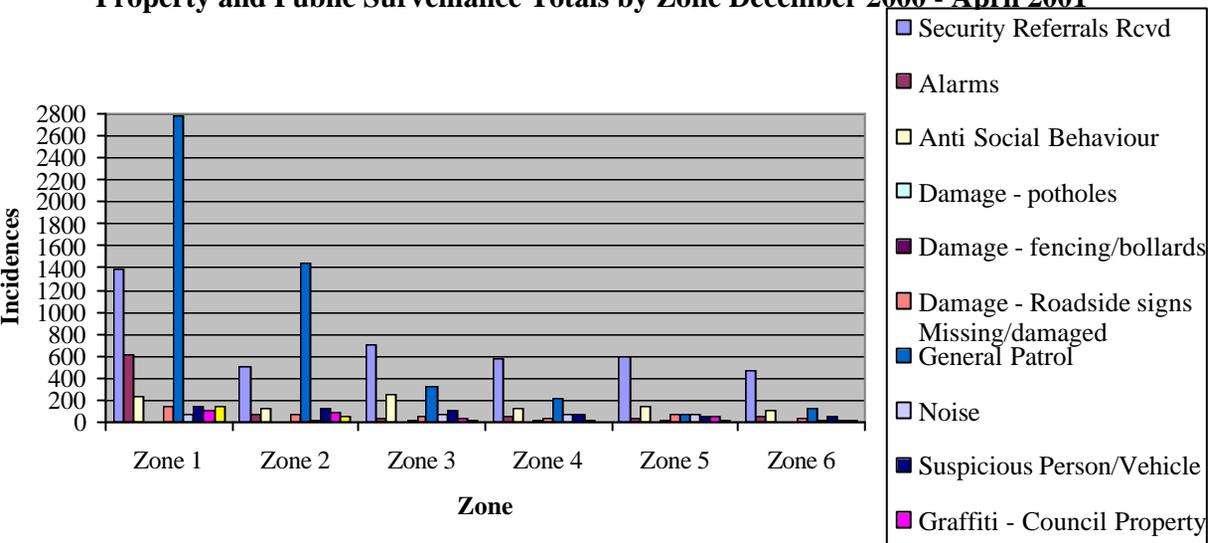
Public Amentity Totals by Zone December 2000 - April 2001



Animal Control Totals by Zones December 2000 - April 2001



Property and Public Surveillance Totals by Zone December 2000 - April 2001

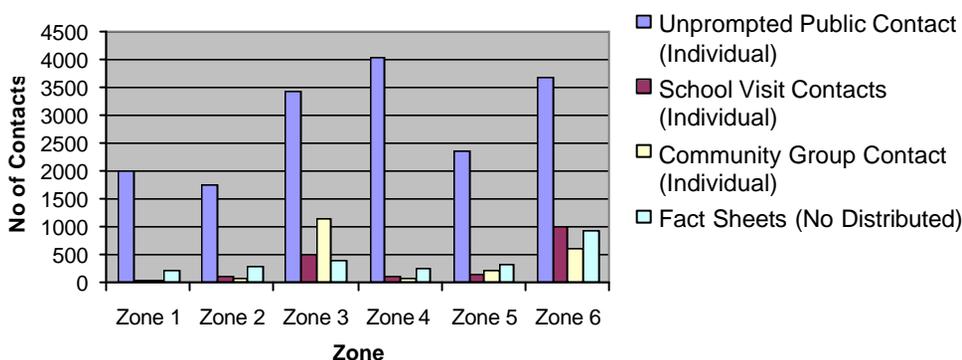


The high incidence of alarms in Zone 1 in the above graph, relates to the Civic Centre alarm system.

The graph below relates to customer service, and shows the zones operated by Chubb Protective Services reporting a high number of unprompted public contacts, possibly generated as a result of foot patrols conducted.

In a separate analysis, the compliments to the City as a result of the actions of a City Watch Officer are evenly spread across all zones

Customer Service and Education Totals by Zone December 2000 - April 2001



CONTRACT MANAGEMENT

The following issues have been identified for consideration as part of the service provision. Some of the issues raised are not necessarily a current issue with the contractor; they are instead an issue that is likely to occur across the industry, or of value to consider as part of this process.

- Staff turnover Contracted staff currently have a very high turnover rate. Almost half of the contract staff initially trained as City Watch Officers have been replaced since the introduction of the new model. This high turnover rate is standard across the security industry. However, it does have extensive implications for training conducted by the City of Joondalup as well as staff performance. For example, an analysis of reports revealed that reporting on public amenity issues in the zones operated by Chubb Protective Services had reduced steadily over the term of the contract. When compared to reporting in the zones operated by the City, the decrease could possibly be attributed to the changeover in staff and a lack of understanding of the role of Local Government.
- Timeliness of reports Currently, the timeliness of reports coming through on a daily basis is an issue after the weekend. These reports are forwarded through to the City after compilation by Chubb Protective Services for entry into our database. The reports are picked up from the zone every morning by a Chubb Protective Services representative, driven to the head office, prepared, and emailed back. This process can sometimes be an issue after the weekend, when the number of reports to compile may take until late afternoon. If the reports arriving late have an issue that requires follow up action by the City Watch Co-ordinator, the follow up may not be completed in a timely manner. Additionally, the double handling of reports in this system can create issues with reporting accuracy and consistency. The original reports are open to interpretation, and during that process information sometimes valuable to follow up can be lost.
- Number of kilometres travelled With the rising price of petrol the City needs to be aware that in the future a fixed price contract to provide a service to service specifications, without cutting into the profit margin of the contract, may not be providing the highest level of visibility possible on the street. Daily kilometres and visibility may never be as high as a service provided directly by the City of Joondalup.
- Reduced performance management One of the issues associated with the current model of service provision is that the City of Joondalup is only buying the hours off Chubb Protective Services, not the staff. The provision of the service does not allow for the same level of performance management processes that can be utilised by the City with their own staff. In relation to the standards for annual performance reviews, the targets for the officers employed by Chubb Protective Services or the sub-contractor are lower than the standards expected of the City of Joondalup.

Discussions have been held with Chubb Protective Services concerning the exercising of the option to extend the contract a further year. Proposed variations to the agreed tender price were considered as major variations by the contract management team, and as such the contract will need to go once again to tender.

ADVANTAGES AND DISADVANTAGES OF EACH SERVICE PROVISION MODEL

Contracted private security services:

Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ The service is evaluated and managed according to the service provided. 	<ul style="list-style-type: none"> ▪ Buying hours, not staff. There is a reduced opportunity for performance management by the City under this arrangement.
<ul style="list-style-type: none"> ▪ Specific expertise and insurance specific to the security industry. 	<ul style="list-style-type: none"> ▪ Reduced level of supervision.
<ul style="list-style-type: none"> ▪ The contractor is responsible for filling any shifts unfilled due to staff absence. 	<ul style="list-style-type: none"> ▪ Staff employed on state based workplace agreements. This contributes significantly to staff turnover rates.
<ul style="list-style-type: none"> ▪ Increased flexibility for service provision. 	<ul style="list-style-type: none"> ▪ The City has very little to do with the selection of staff for the role. It provides training. However this can be an issue if staff turnover is high.
<ul style="list-style-type: none"> ▪ No transmission of business implications if the service remains external. 	<ul style="list-style-type: none"> ▪ The service provision is based upon maintaining a profit margin, which may impact on additional kilometres travelled.

For in-house security these issues are:

Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ Greater control to the City of Joondalup. 	<ul style="list-style-type: none"> ▪ Lack of flexibility in meeting additional resource requirements.
<ul style="list-style-type: none"> ▪ “Added value” through greater understanding of the importance of the eyes and ears role – resulting in higher levels of reporting. 	<ul style="list-style-type: none"> ▪ Costs associated with absenteeism.
<ul style="list-style-type: none"> ▪ Direct control over personnel selection and discipline. 	<ul style="list-style-type: none"> ▪ Higher employee costs currently (this is likely to change with the changes to the state based workplace agreement proposed for September 2001).
<ul style="list-style-type: none"> ▪ A better relationship with the local Police service as they are only sharing their information with the local government rather than the local government and a contractor. 	<ul style="list-style-type: none"> ▪ Higher costs associated with staff turnover, administrative burden of recruitment and selection.
<ul style="list-style-type: none"> ▪ Lower staff turnover, resulting in greater continuity for the community. 	<ul style="list-style-type: none"> ▪ There are significant transmission of business implications if the service is provided internally and outsourced later.

Both of these models have advantages and disadvantages which need to be carefully considered as part of the service provision model. Further comments on the current split service provision model are contained in the comments section of this report.

OPTIONS FOR SERVICE PROVISION

The following information presents six separate options for service provision.

These options are as follows:

1. Option 1.0: Status quo (Internal and external service provision).
2. Option 1.1: Status quo with collapsed zones during off peak times.
3. Option 2.0: Internal service provision and current patrolling hours
4. Option 2.1: Internal service provision and collapsed zones during off peak times.
5. Option 3.0: External service provision and current patrolling hours.
6. Option 3.1: External service provision and collapsed zones during off peak times.

Each of the options has the option of both the current service provision hours and the collapsed zones during off peak times. The operating times in each of these options change marginally - instead of a full 6 zone operation every night, Sunday to Wednesday nights are collapsed into 3 zones. This represents a saving of 48 patrol hours per week. Joondalup CBD will operate from 8.00pm to 5.00am Thursday, Friday and Saturday. The reduction in hours during these weeknights are supported by the information on the use of the service and crime rates. The implications of this change to service provision include:

- The service will be more cost effective, whilst still providing 24 hour coverage.
- There will be a decrease in the kilometres travelled every month.
- The expected increased cost in service provision for the next financial year will be absorbed by the decrease in hours, resulting in a similar budget to this year.

The following information details options for service provision.

OPTION 1.0 – STATUS QUO

The Service currently operates 24 hours per day, 7 days per week a total of 1,035 patrolling hours per week. Each of the six zones has a vehicle patrolling around the clock. In addition, the CBD of Joondalup is specifically patrolled during trouble periods from Thursday to Saturday 8:00pm to 5:00am.

The City of Joondalup employs eight (8) City Watch Officers plus temporary officers as required, operating two of the six City zones. The remainder of the zones are outsourced to private contractor Chubb Protective Services. Sixteen (16) City Watch Officers plus temporary officers are employed by Chubb Protective Services. All officers are trained to Certificate II level, and have also undertaken a week of training conducted by the City of Joondalup.

The implementation of this model allows continuity for the City in its service. The implications are:

1. It will allow the City to still maintain detailed reporting functions such as entering every security request to the Pro-Claim System whilst having the flexibility of an external service provider.
2. It maintains a degree of direct operational control over the service.
3. The split provider model creates some coherence issues which would need addressing, for example differences in reporting and timeliness of reports.

OPTION 1.1 – STATUS QUO WITH COLLAPSED ZONES DURING OFF PEAK TIMES

This option involves two zones and CBD operated internally, whilst four zones are operated by an external service provider with collapsed zones from six (6) to three (3) during the night shifts of Sunday to Wednesday. The reduction in hours during these weeknights are supported by the information on the use of the service and crime rates.

Again, the implementation of this model allows continuity for the City in its service provision whilst providing a cost saving during off peak times. The implications of this model are discussed above.

OPTION 2.0 – INTERNAL SERVICE PROVISION & CURRENT PATROLLING HOURS

This version is based upon all 6 zones and the Joondalup CBD being operated by internal staff only. All 6 zones operating 24 hours a day over the entire week, providing 1,008 patrolling hours plus 27 hours in the CBD.

The implementation of this model allows the City the advantages listed under the internal service provision model, including the 'value added' from providing the service internally.

Implications of this model are:

1. Reduced flexibility in staffing.
2. Increase in quality control over service provision.
3. Increase in the number of kilometres travelled.
4. Performance management of staff.

Two additional issues need to be considered as part of this option. Firstly the administrative burden on other areas of the City will increase greatly as a result of bringing the service in house. In an industry such as security, it is standard for staff turnover to be very high, resulting in increases in costs of training and recruitment. The possibility of outsourcing recruitment and training should be considered if this model is a preferred option.

Secondly, the issue of transmission of business needs to be considered. Essentially, transmission of business implications means that once someone works directly for the City, should the service be outsourced at a later date, and the contractor may need to incorporate the same pay or conditions if their duties do not change. This is still relevant even if the

contractor advertises the position and the staff member applies, and is employed as part of a separate recruitment process.

This means that once the City takes the service in-house, if an external contractor can do the same job in a more cost-effective manner in future years, the options of the City are limited. Staff costs will not be able to be reduced without changing the staff of the service completely, and jeopardising continuity of service provision. Temporary employment agreements or an in-house tender with employment attached to the term of the tender does not reduce the transmission of business implications.

Although based on impending industrial changes it is not likely that there will be a significant cost saving in outsourcing the service under the current state government, the situation may change with future state or federal government changes.

OPTION 2.1 – INTERNAL SERVICE PROVISION & COLLAPSED ZONES DURING OFF PEAK TIMES

This option is based upon an entirely internal operation, with collapsed zones on nights shift Sunday to Wednesday.

As discussed above, the implementation of this model allows the City the advantages listed under the internal service provision model, including the 'value added' from providing the service internally, as well as the implications of transmission of business and an additional administrative burden to other areas of the City. It also provides a cost saving of 48 patrol hours during off peak times, whilst still maintaining the incident response service to customers.

OPTION 3.0 – EXTERNAL SERVICE PROVISION & CURRENT PATROLLING TIMES

This version is based upon a total external service provision. This version is based upon all 6 zones and the Joondalup CBD being operated by contract staff. All 6 zones operating 24 hours a day over the entire week. Joondalup CBD will operate from 8.00pm to 5.00am Thursday, Friday and Saturday.

It should be noted that in the modelling for this service option contract management is only costed out as .5 FTE, and additionally there is no administrative support for the service. Incidents would not be able to be logged in the Pro Claim system, and any reports required on service performance would need to be negotiated with the contractor as part of the tender process.

The advantages of this model are discussed in the external service provision discussion.

The implications of this model are:

1. Greater flexibility in service provision for the City.
2. Reduced reporting capabilities.
3. Security industry expertise.

OPTION 3.1 – EXTERNAL SERVICE PROVISION & COLLAPSED ZONES DURING OFF PEAK TIMES

This version is based upon external service provision with collapsed zones night shift Sunday to Wednesday.

The advantages of this model are discussed in the external service provision discussion.

The implications of this model are discussed above. It also provides a cost saving of 48 patrol hours during off peak times, whilst still maintaining the incident response service to customers.

COMPARISONS / COSTING

The costings of each of these versions are detailed below.

PROPOSED INDUSTRIAL CHANGES

It should be noted that with the recent change in State Government there are a variety of proposed changes to the State Workplace Agreement Legislation. The proposed legislation is currently under investigation. However, it is expected that it will come into place during September 2001. The legislation will have a dramatic impact on wages in many industries in Western Australia. Changes have not yet been finalised as they are still being negotiated with the Chamber of Commerce and Industry. All industries will then be given six months to comply with the new legislation. The impact of this on the Security Industry is an expected increase of between 20% and 25% on staff costs. Any contractor appointed will have the right to pass on any increases in staff costs directly to the City of Joondalup.

It has been advised that the City Watch Officers employed directly by the City of Joondalup are under an Australian Workplace agreement based upon a Federal Award, and as such should not be affected.

The projected costings for the service based upon these legislative changes are also detailed below. It should be noted that in both projections, the internally operated City Watch Service is competitive on cost.

It needs to be emphasised here that these costs have been modeled to give indicative prices only of costings before and after the proposed legislative changes for each of these options. The internal costs are not inclusive of CPI or a variety of cascade and insurance costs that need to be considered prior to arriving at a final price. Additionally the rising price of petrol may impact significantly on the final price.

The current external pricing structure has been based upon indicative industry prices with an additional 8.8% increase in minimum wage conditions recently introduced, and potential for added costs after changes in the tender specification. The after legislation costs have been based on the same information with an anticipated 20% increase in staff costs across the security industry.

City Watch Patrol Options	Prior to legislative changes	After legislative changes
1.0: Internal & External Current patrolling hours	\$1,664,959	\$1,805,229
1.1: Internal & External, collapsed zones during off peak times	\$1,439,753	\$1,545,860
2.0 Internal, Current patrolling hours	\$1,624,517 (\$67,500 of this is capital cost for vehicle purchase)	\$1,624,517 (\$67,500 of this is capital cost for vehicle purchase)
2.1: Internal, collapsed zones during off peak times	\$1,347,747 (\$67,500 of this is capital cost for vehicle purchase)	\$1,347,247 (\$67,500 of this is capital cost for vehicle purchase)
3.0: External, current patrolling hours	\$1,594,593	\$1,814,614
3.1: External, collapsed zones during off peak times.	\$1,394,739	\$1,584,058

*** Costings in this table are indicative only*

The projected income for the 2001/2002 financial year for the Safer Community program from grants and the property surveillance and security charge or rates income is \$1,560,000. Approximately \$1,500,000 is available for the patrol service. The issue of funding of the service is a budget issue and as such will be addressed as a part of the budget process.

CALLING OF FRESH TENDERS FOR SERVICE PROVISION

Of the options addressed above, the information provided on the performance of the service indicates a slight 'value added' advantage to providing the service in-house, in addition to an apparently competitive price structure. This advantage however, may be offset by the potential cost implications of internal service provision. In addition, discussions have been held with Chubb Protective Services concerning the exercising of the option to extend the contract a further year. Proposed variations to the agreed tender price were considered as major variations by the contract management team, and as such the contract will need to go once again to tender.

For the information to be considered fully, and to be based on accurate figures, it is recommended that a fresh tender be called for the provision of Security Patrol Services for the City of Joondalup under the collapsed zone structure, and that the 'in-house' team be invited to apply.

IMPLEMENTATION PLAN

To implement a tender process with the opportunity for the 'in-house' team to prepare a submission a number of stages will need to be carried out. These stages include:

- Review tender specifications;
- Prepare tender documentation;
- Engage assistance to prepare an 'in-house' bid (5 week contract basis);
- Advertise tender;
- Tender period;
- Analyse tenders;
- Report and recommendation to Council on the appointment of a service provider;

- Award contract;
- Start up time for service provider, including recruitment of personnel and training;
- Commencement of the service.

The need to engage assistance to prepare an 'in-house' bid is because the City Watch Co-ordinator position has been vacant as of 18 May 2001. A permanent appointment to this position will be subject to the success of the in-house bid.

The timing for this process is expected to take approximately nineteen (19) weeks.

BUDGET CONSIDERATIONS

The City has included the Safer Community Program as a principal activity within the City's Draft Principal Activities Plan 2001/02 – 2005/06.

At this time, the Safer Community Program is costed at \$2,013,000. Funding for the program is shown as Property Surveillance and Security Charge at \$27 per property contributing \$1,500,000, Grants totalling \$60,000 and funding from General Rates of \$453,000.

Council recently undertook a Referendum in relation to the City Watch Service and received responses from 24,123 voters. Voters indicated a preference for the continuance of the City Watch Service and that this program should be funded from General Rates instead of a Property Surveillance and Security Charge.

Financial modelling undertaken indicates that an increase in the General Rate would be approximately 0.2713 cents in the dollar to raise the same funds previously to be collected through the Property Surveillance and Security Charge.

Attachment 1 indicates properties likely to be affected by the elimination of the flat \$27 charge per property and the implementation of an additional increase in the General Rate in the Dollar by 0.213 cent:

POLICY CONSIDERATIONS

The following information should inform policy in considering this matter:

- Crime figures in the area indicate that the majority of crime and anti social behaviour takes place either in homes (47%) or public places (10%), only 22% of the reported incidences occurred in commercial premises.
- The majority of commercial premises take significant steps towards providing additional security including alarms, additional private patrols and security guards. The insurance industry indicates that 90% of commercial premises take additional precautions in ensuring their safety, whilst the number of residences that take additional precautions are lower than 50% of residences (it should be noted that security screens have not been included as an additional precaution in this measure).
- The increase in rates will be passed directly onto businesses. This increase may create an impost for businesses, especially in the case of large shopping centres, or small business in our CBD area.

- The majority of residents, if paying less under the general rates, would pay marginally less than the current \$27 charge. Commercial premises however, may be paying significantly more. For example, a service station would pay approximately an additional \$600 per year if the Safer Community program was funded through the general rates. Whitfords City shopping centre would pay an additional \$50, 000.

The City of Joondalup has a responsibility to all aspects of its community, not just to its residential population. The potential impost of funding the Safer Community Program under the general rates rather than under a service charge to the business community needs to be carefully considered prior to implementing any change in the current funding arrangement. The information in this section is provided for information and consideration only at this stage, as the funding of the program will be considered as part of the impending budget.

OTHER LOCAL GOVERNMENT AREAS

Of the nine local government areas currently providing community security patrols, three (3) are currently funding the service through the general rates and a further six (6) are funding the service via a property based charge. A table showing the current funding situation across all local government areas and the types of programs provided is at Attachment 2.

CITY WATCH OFFICERS & SPECIAL CONSTABLE POWERS

The matter of City Watch Officers being appointed as Special Constables was raised at Council on 22 May 2001. The suggestion seems to emanate from the view that City Watch Officers are powerless and that appointment as Special Constables would provide them with appropriate powers. Preliminary investigation with the Offices of the Minister for Police, Ministry for the Premier and the Cabinet, the Police Union and WAMA reveals the following.

The incorporation of Special Constables into the City Watch Service would be a major change in direction from the current surveillance status of the City Watch Officers. In effect, Special Constables are police officers.

The Police Act enables the Commissioner of Police to appoint Special Constables who have the same powers as a Police Constable. Such officers are then subject to the Police Regulations and internal disciplinary procedures leaving little control to the City.

Similar powers are provided under the Government Railway Act to Railway Police. Here the process provides for the Commissioner of Railways to appoint Special Constables with the approval of the Governor. Railway police are empowered in matters relating to Westrail property.

CURRENT SITUATION

The current style of providing community security patrols has occasionally drawn criticism from bodies such as the Police Union for being ‘toothless tigers’ and a pretend Police Service. The current marketing of the City Watch Service has emphasised that the Service is not a substitute for the Police Service, it is instead a service that supports the Police and the Community on issues of Community Safety and Security by taking up the tasks that they do.

The holistic Safer Community Program has taken the strategic direction of providing local solutions to local problems utilising a preventative approach. By pursuing Special Constable Powers for City Watch Officers, the program will shift strategic focus to include an enforcement role.

POTENTIAL USE FOR SPECIAL CONSTABLE POWERS

The possible situations where City Watch Officers may utilise Special Constable powers are as follows:

1. *An offence in progress.* It is worth noting that City Watch officers can already arrest without warrant any person who is, or whom he suspects, on reasonable grounds, to be, in the course of committing an arrestable offence. This power is available to all and is commonly called Citizen's Arrest. This power is covered in training and in the City Watch procedure manual. Special Constable Powers would allow officers to arrest and detain.

A second point of note is that the Joondalup City Watch Service has direct communications links with the Joondalup and Warwick Police Stations. Should officers be in a situation where an offence is in progress they can use the radio link to alert the Police immediately for their attendance. This attendance is usually very timely as the Police are aware that a City Watch Officer is at the scene and has assessed the situation.

2. *Noise Complaints.* The City Watch Officers are frequently called to noisy parties. Currently, their role is to observe and report, and situation dependent, are able to ask the hosts to reduce the noise level. The City of Joondalup and Joondalup Police District Office have developed a set of guidelines outlining the role of each organisation in dealing with noisy parties. Police Officers, Special Constables and Environmental Health Officers are able to either close the party down or issue noise infringements.

Police Officers and Special Constables are able to make an evaluation by observation, and environmental health officers by taking a measurement of the noise. Other local government areas providing community security patrols have trained their community security officers in issues associated with noisy parties, the community security officer then files an observation report with Health Services and a noise infringement can be issued after the fact. This option could be investigated for the City of Joondalup.

3. *Taking the names and addresses of suspicious persons.* City Watch Officers on occasion may utilise Special Constable powers to request the name and address of an individual. It should be noted that City Watch Officers can currently request the name and address of an individual, however, the person is not obliged to give these details. In the case of a suspicious person, the City Watch Officer can complete a descriptive report for entry into the Police Information Database, which will usually provide sufficient information.

RESOURCING IMPLICATIONS

The appointment of Special Constables proposal has immediate implications for training, insurance provision, resourcing, response times and the broader issue of Local Government's role, which appear prohibitive to the implementation of any such powers.

The following issues need to be considered:

- Special Constables are required to work in pairs at all times. This has resource and cost implications. The cost of providing the City Watch Service to the community could either almost double, or the level of service provision would be halved, resulting in slower response times and limit the ability of the City Watch Officers to meet the service aim of providing a highly visible service to the community. To demonstrate the cost implications of pursuing this matter, the costs have been explored in the Options Section of this report.
- An intensive 12-week training-course is required to provide an operative with Special Constable powers. Not only would this require almost 12 times the current cost allocated to training, but it also would have remuneration implications as the City Watch Officer positions may then be translated to a higher pay level with the change in duties.
- Both the Police and Railway organisations also have sophisticated controls in place and internal disciplinary boards to deal with breaches by staff. Should City Watch Officers be awarded this power such a mechanism would need to be set up within the Local Government Industry.
- The City of Joondalup will have a duty of care to any individuals City Watch Officers detain. This may have implications for the level and cost of the Public Liability insurance carried by the City. This is also the case with the insurance and liabilities should the City Watch Officers need to transport any individuals arrested or detained to the Police Station. Additionally, the current vehicles operated by the service would need to be investigated for suitability.

For City Watch officers to have Special Constable status the Commissioner of Police would need to make the appointment or Parliament would need to enact appropriate legislative changes to the Local Government Act allowing the local government to provide the Officer with delegated authority as a Special Constable. It is extremely doubtful that in the current political climate either of these options would be implemented.

THE POSITION OF OTHER RELEVANT BODIES ON THE ISSUE OF SPECIAL CONSTABLE POWERS

Minister for Police and Local Government, Michelle Roberts, MLA.

The Minister for Police and Local Government, Michelle Roberts has made no policy statements since being appointed regarding the role of Local Government Community Security Patrols. The Ministry of the Premier, and the Cabinet in conjunction with the Department of Local Government has commissioned an independent study of Local Government Community Security Patrols, to be conducted by Edith Cowan University. The report is due out in June 2001, and the Minister will consider the results of the report prior to making any position statement on either the issue of Community Security Patrols or on the powers of the officers. The report will evaluate the effectiveness of community security patrols under different models, the training of officers, and the role of the service.

In the Minister's previous role as opposition spokesperson on Crime Prevention, the Labor Party direction statement dated March 2000 states:

“ Labor is also concerned that private security patrols could be used as a means to devolve police powers, such as to make arrests, to detain, to question and so on. Labor will continue to oppose the devolution of police powers.”

Police Union Spokesperson, Michael Dean.

The Police Union has made it clear in the past with its 'counterfeit cops' campaign that it does not support the introduction of community security patrols as it is concerned about the devolution of police powers and reduction of police resourcing levels. The current position of the Police Union in relation to the introduction of the service has been a neutral one. Should the City of Joondalup pursue special constable powers for the City Watch Officers it is a likely outcome that the Police Union would campaign against this, and possibly against the service.

Police Commissioner

The office of the Police Commissioner advises that it is not currently investigating the possibility of appointing any Local Government Officers as Special Constables and is not likely to unless a formal approach is made by the City. However, should it be pursued it would require significant liaison with the current State Government Minister for Police, Michelle Roberts.

It is also interesting to note that the role of Special Constable is in the process of being axed in New South Wales by the Police Commissioner in office. He is cited as saying there is no need for people outside of the Police Service to have those powers, and that the role is not meeting it's intent. The legislative changes necessary to change this role are currently underway.

Western Australian Municipal Association

The position taken by the Western Australian Municipal Association on the role of security services provided by Local Government is to lobby the government to *Ensure that no policing powers are devolved to Local Government, (including powers of arrest).*

Safer WA

The State Government Safer WA initiative is a partnership arrangement between state agencies, the police service, local government and the community. In 1999, the Western Australia Police Service Crime Prevention Bureau in conjunction with key local government stakeholders developed '*Safer WA Guide for the Establishment of Local Government Security Patrols*', these guidelines were revised in 2000.

The guidelines state that in the event of an offence occurring, the role of the security officer is to immediately report the offence to the relevant authorities. The guidelines also state: *“The primary function of a security officer is to watch, guard and protect property. It is not recommended that security officers detain individuals against their will.”*

It is interesting to note that the stakeholder group, whilst developing the guidelines investigated the issue of special constable powers, and the powers of arrest for local government security officers. There were no recommendations for the implementation of these powers from this process. From these guidelines, the current Safer WA position is not supportive of local government security officers having special constable powers.

Other Local Government Areas

The other Local Government areas involved in the evaluation process for Local Government Community Security Patrols are the Cities of Stirling, Melville, Canning, Bayswater, and Belmont. All of these Local Governments are not interested in pursuing special constable powers at the current time as they are concerned about the potential implications. The main points of concern are:

1. Special constable powers will impact on resource levels and therefore the level of service able to be provided.
2. The remuneration and training implications does not make the change financially viable.
3. Any changes may have a negative impact on the close relationships that each service has built with the Police.
4. The changes are likely to have a negative impact on the relationship of the service with the community it serves.
5. The service recruitment process may attract the “wrong type of people” if special constable powers are available.

OTHER IMPLICATIONS

There are a variety of other implications for the City Watch Service that should be considered as part of this process:

- The implementation of special constable powers may diminish the community liaison and interaction focus of the service. One of the successes of the current City Watch Service is the way in which the service interacts with the community. An example of this is the involvement of City Watch Officers in the highly successful HYPE program. The implementation of special constable powers may change community perception to an enforcement focus, in turn limiting the effectiveness of City Watch Officers in programs such as HYPE.
- Increased enforcement has not been successful in overseas trials, in enhancing community safety and security. In fact it has been detrimental to the community and resulted in a higher crime rate. One of the most famous examples of this is New York City’s zero tolerance policy, which trebled police and security numbers.
- The implementation of a service with special constable powers may result in a lower allocation of state police resources in the area in favour of other areas without a local government security patrol with powers of arrest.

Pursuing the issue of special constable powers for City Watch Officers is not currently recommended. Should any further investigation be taken, it should be undertaken in conjunction with other local government authorities after the evaluation report on local government community security patrols is released.

COMMENT/FUNDING

SERVICE PROVISION - HOURS

In the current service provision model each of the six zones has a vehicle patrolling around the clock. In addition, the CBD of Joondalup is specifically patrolled during trouble periods from Thursday to Saturday 8:00pm to 5:00am.

Both the need for the service (crime rates) and use of the service (call figures) indicate that the majority of incidents occur during the day, and on Thursday, Friday and Saturday nights.

Anecdotal evidence from both the Police and City Watch Officers indicates that the majority of incidences relating to property security in residential areas occur during weekdays. Additionally, incidences of anti social behaviour are occurring during Thursday, Friday and Saturday nights.

Several of the specific objectives of the City Watch Service relate to providing a highly visible presence within our community, make relevant reports and acting as the eyes and ears of the community. Based upon these objectives, the service is most effective during daylight hours and early evening when people are more active and the patrolling vehicle will be most visible.

It is recommended that service provision be reduced on the nights of Sunday, Monday Tuesday and Wednesday. Two zones could be combined into one during this time. This collapsed service structure would still provide 24 hours coverage, 7 days a week and allow City Watch Officers to attend incidences quickly and efficiently over these night shifts.

Service provision would then reduce from 1,008 patrolling hours per week plus 27 CBD hours, to 912 patrolling hours per week plus 27 CBD hours.

PERFORMANCE OF THE INTERNAL AND EXTERNAL SERVICE PROVIDERS

In discussions with Chubb Protective Services, the initial issue of extending the contract for provision for Security Services was approached. Proposed variations to the agreed tender price were considered as major variations by the contract management team, and as such the contract will need to go once again to tender.

The information on the advantages and disadvantages of each service provision model is presented for information and consideration.

It is recommended that should the service be re-tendered the contract specifications be reviewed by the City of Joondalup to revise the following provisions:

- 1 Revised financial penalties should the service specifications not be met.
- 2 Revised service specification, now that the City Watch enhanced model has been implemented and clarified, including information on ‘added value’ to the service.
- 3 Revised targets and performance measures.

SPECIAL CONSTABLE POWERS

Pursuing the issue of special constable powers for City Watch officers is not currently recommended. Should any further investigation be undertaken, it should be done in conjunction with other local government authorities after the evaluation report on local government community security patrols is released.

OPTIONS FOR SERVICE PROVISION

The information on Service Provision is presented for the Council’s information and evaluation. Considering budget limitations and the findings on hours of operation in this report, it is recommended that only the options with the collapsed zones during ‘off-peak’ times be considered. Of these options, the information provided on the performance of the service indicates a slight ‘value added’ advantage to providing the service in-house. This advantage however, may be offset by the potential cost implications of internal service provision. For the information to be considered fully, and to be based on accurate figures, it is recommended that a tender be called for the provision of Security Patrol Services for the City of Joondalup under the collapsed zone structure, and that the ‘in-house’ team be invited to apply.

A tender process with the opportunity for the ‘in-house’ team to prepare a submission needs to be conducted over a nineteen (19) week process. As a result, it is recommended that the Council authorises the continuation of the current service provision arrangement, with an adjustment to the collapsed zone structure recommended. The continuation of the current service providers will act as an interim arrangement, to ensure service continuity for the duration of the tender process.

OFFICER’S RECOMMENDATION: That Council:

- 1 **AUTHORISES** the change in patrol arrangements for the City Watch service with the collapse of the zones from six (6) to three (3) during the night shifts of Sunday, Monday, Tuesday and Wednesday, to maintain a 24 hour, 7 day a week patrol service to the City to be effected immediately;
- 2 **AUTHORISES** the renewal of the Chubb Protective Services’ contract for provision of Security and Patrol Services (Contract 018-00/01) on a month by month basis, with amended patrol arrangements as described in 1, pending the outcome of calling of tenders and implementation of the revised service;
- 3 **AUTHORISES** that a tender be called for the provision of Security Patrol Services for the City of Joondalup and that the ‘in-house’ team be invited to apply.

MOVED Cr Baker, SECONDED Cr Kenworthy that Council AUTHORISES the renewal of the Chubb Protective Services' contract for provision of Security and Patrol Services (Contract 018-00/01) on a month by month basis, pending the outcome of calling of tenders and implementation of the service.

Discussion ensued.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Patterson that Council AUTHORISES that a tender be called for the provision of Security Patrol Services for the City of Joondalup and that the 'in-house' team be invited to apply.

Discussion ensued.

The Motion was Put and

CARRIED

MOVED Cr Kimber SECONDED Cr Baker that Council AUTHORISES the tender process based on the status quo of the current format of Security Patrol Services.

The Motion was Put and

CARRIED

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15ag120601.pdf](#)

Cr O'Brien declared an financial interest in Item CJ175-06/01 – Creating the Learning, Online and Living City of the Future – An Economic Development Strategy for the City of Joondalup as his son has a commercial interest in the IT industry.

Cr O'Brien left the Chamber, the time being 2026 hrs.

CJ175 - 06/01 CREATING THE LEARNING, ONLINE AND LIVING CITY OF THE FUTURE - AN ECONOMIC DEVELOPMENT STRATEGY FOR THE CITY OF JOONDALUP (2001-2005) – [43458]

WARD - All

CJ010605_BRF.DOC:ITEM 10

SUMMARY

Joondalup's current business profile and local employment generation rests on the two pillars of construction and retail. Finance, sales and clerical services are also key 'exports' (outside of Joondalup) sustaining employment among the City's dormitory workforce.

The City's construction-related local employment base is experiencing a longer-term structural decline while also feeling the shorter-term effect of a more generalised downturn in

the housing industry. It is also unlikely that the local retail industry, the region's largest employer, will be able to take up the rising unemployment 'slack' that is also being experienced.

A short-to-medium term need to diversify the skill base of Joondalup's workforce is combined with the medium-to-longer term issues centred on the ageing of Joondalup's population. Accordingly, the economic development strategy outlined in the paper seeks to activate key elements of the City of Joondalup's Strategic Plan (2001-2005) in order to:

- Accelerate the development of Joondalup as a Learning City so as to enhance and diversify the knowledge and value-added skill base among Joondalup's current students and school leavers aged between 15 and 19 years of age, and to expand the career and lifestyle choices of those aged between 40 and 54.
- Facilitate flow-on, knowledge-based, local and regional employment through the establishment of Joondalup as an onLine City with the specific aim of maximizing business and resident access to a diverse range of competitively priced connection to high-speed, broad band, digital networks.
- Assist with the development of Joondalup as a Living City with a focus on flow-on localized employment, that capitalizes on the Learning and onLine City strategies into industries including health, tourism, hospitality, leisure, recreation and personal services.

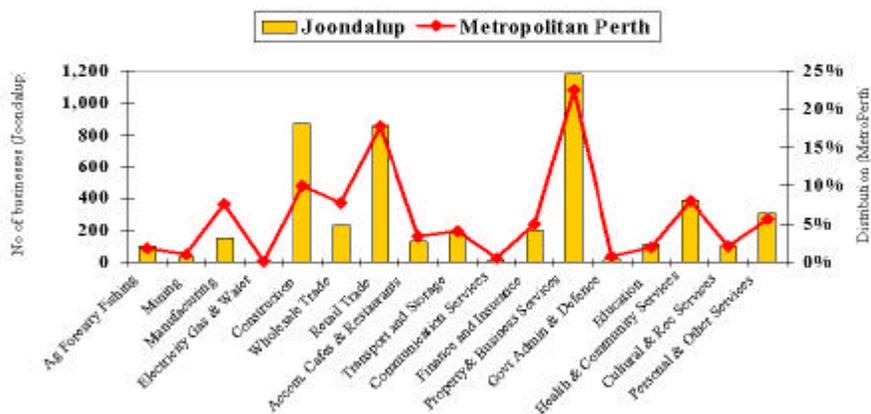
This economic development strategy will also capitalise on the counter-traffic surplus capacities that characterise the region's freeway and rail transport system and seeks to create a self-sustained regional 'employment soak' centred on Joondalup being cross-promoted and developed in synergy as a Learning, an onLine and Living City.

BACKGROUND

1 Joondalup's Existing Business & Workforce Profile

The North Metropolitan Region's 'construction front' remains a key pillar of the local Joondalup business profile. In 1998, construction represented 18 percent of Joondalup's business registrations compared to 10 percent for metropolitan Perth. The important role played by this cluster of activities to Joondalup's local economy is further highlighted by property related business services representing another 24 percent of Joondalup's registered businesses (in comparison to 23 percent for metropolitan Perth).

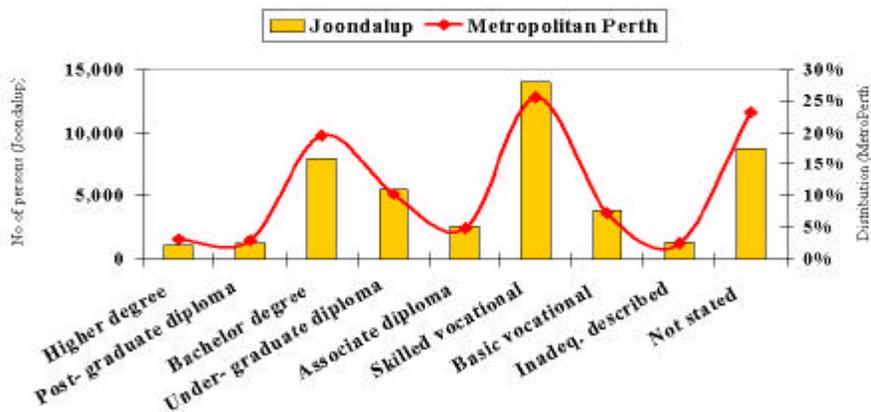
1 Registered Business by Industry (1998)



Source: ABS

The significance of the construction to the local business profile is also reflected in the over-representation of skilled vocational qualifications within the Joondalup workforce. Skilled vocational qualifications account for 30 percent of formal qualifications recorded while the corresponding number for Metropolitan Perth is 26 percent. Again, this characteristic profile reinforces the significance of construction (and office administrative) occupational base of Joondalup’s resident population.

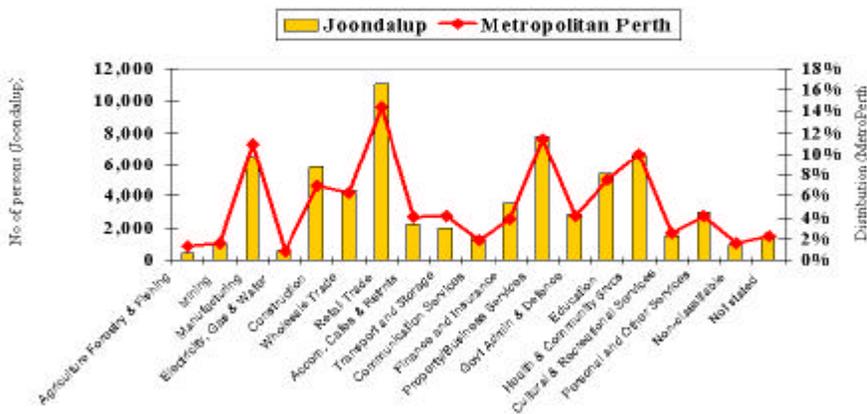
2 Workforce Distribution by Qualification (1996)



Source: ABS

The significance of building and construction to Joondalup’s local economy is also reflected in the sectoral distribution of its resident workforce. While construction accounts for 7 percent of Metropolitan Perth’s workforce, the corresponding proportion is 8.5 percent for Joondalup. Retail trade is, however, the largest local employer of accounting for 16 percent of Joondalup’s resident workforce in contrast to the 14 percent for Metropolitan Perth.

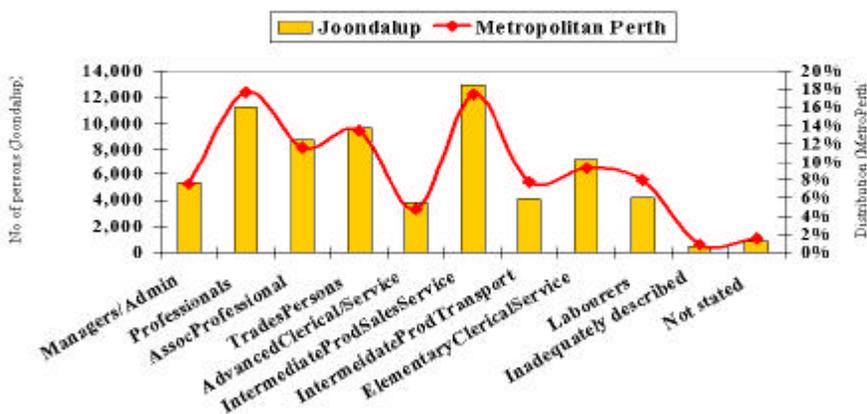
3 Workforce Distribution by Industry (1996)



Source: ABS

The significant representation of the finance and insurance industry as an employer of Joondalup’s workforce, relative to that of Metropolitan Perth, is also reflected in this workforce’s occupational profile. While intermediate production/sales services highlight the importance of Joondalup’s retail industry, the significant representation of elementary clerical services is also characteristic of the City’s ‘export’ of such services from its dormitory population base to the Perth CBD.

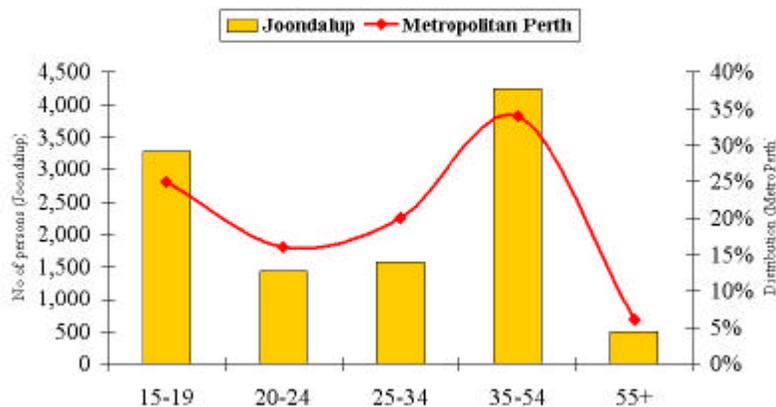
4 Workforce Distribution by Occupation (1996)



Source: ABS

When examining the largest employer of the Joondalup workforce, it is clear that retail is a key employer of those aged between 15 to 19 within the City. Among those employed in retail, 30 percent are aged between 15 and 19 in comparison to 25 percent for Metropolitan Perth. This profile also points to a relatively higher concentration of outlets being operated by the larger supermarket, hardware, department store and fast-food chains that combine the employment of young casual workers of both gender, on the one hand, with older supervisory (female) workers and (male) managers, on the other.

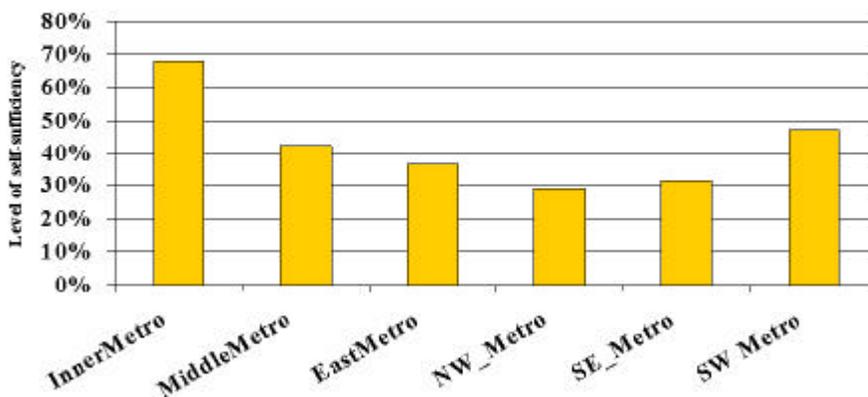
5 Distribution of Retail Industry Workforce by Age (1996)



Source: ABS

Clearly, the development of Joondalup has been led by the twin pillars of construction and retail as drivers of local employment while clerical and sales related occupations outside of Joondalup – particularly in or near the Perth CBD - have also been significant employers of Joondalup residents. This pattern of ‘employment export’ also corresponds with the North West Metropolitan sub-region’s low (29 percent) level of employment self-sufficiency.

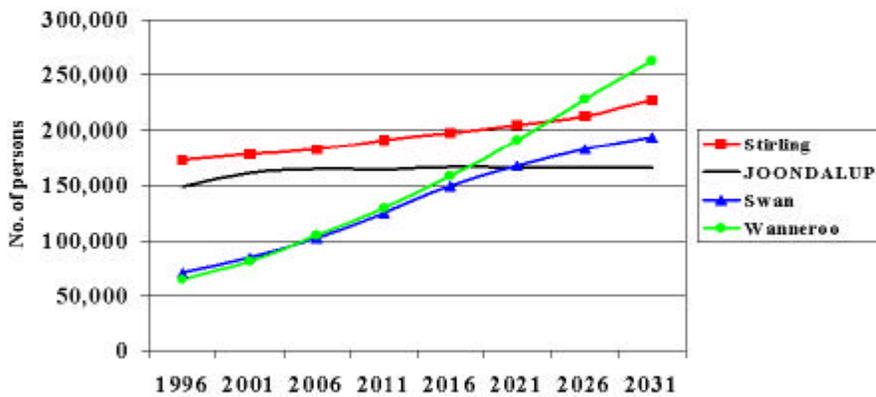
6 Employment Self Sufficiency in Metropolitan Perth (1996)



Source: Ministry of Planning

While the retail industry will continue to expand to service the still rapidly growing north and north-east metropolitan region of Perth, retail itself will not be sufficient to reduce Joondalup (and the North West metropolitan) low level of employment self-sufficiency. As can be seen from Chart 5, the casualised nature of retail jobs provide constricted pathways for continued employment once workers progress beyond 19 years of age. This employment slow-down will be compounded by Joondalup’s stabilising population, as well as the consequent movement of the ‘construction front’ to Joondalup’s north and east.

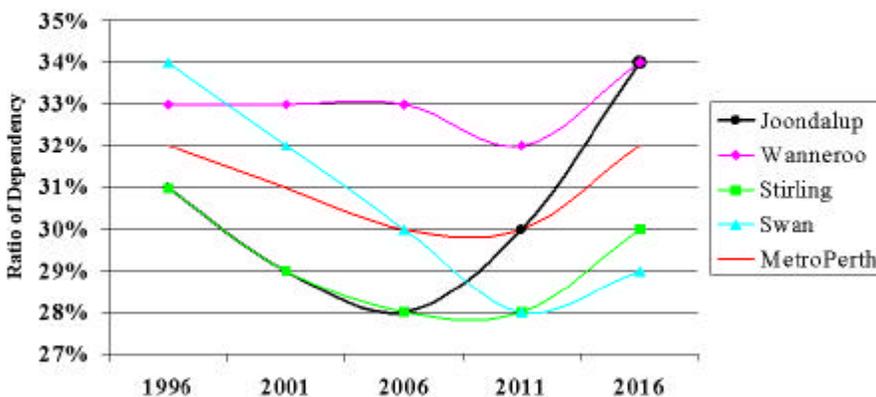
7 Stirling, Wanneroo, Swan & Joondalup Population Growth



Source: Ministry of Planning

The stabilisation in Joondalup's population growth combined with the ageing of its resident population relative to the rest of Metropolitan Perth, is another issue that requires addressing. From 2011 Joondalup's resident population dependency ratio (that proportion of the population aged 14 years and younger combined with those aged 65 years and older) is expected to exceed that of Metropolitan Perth as a whole.

8 Population Dependency Ratio by Selected Local Government Authorities



Source: Ministry of Planning

Apart from increasing residential densities to accommodate greater rate of population growth, one strategy to retard the economic impact of an ageing population is to increase its ratio of knowledge-based workers. Knowledge-based (and some service-industry) workers are more likely to have the capacity to extend their working life beyond the current retirement age of 65.

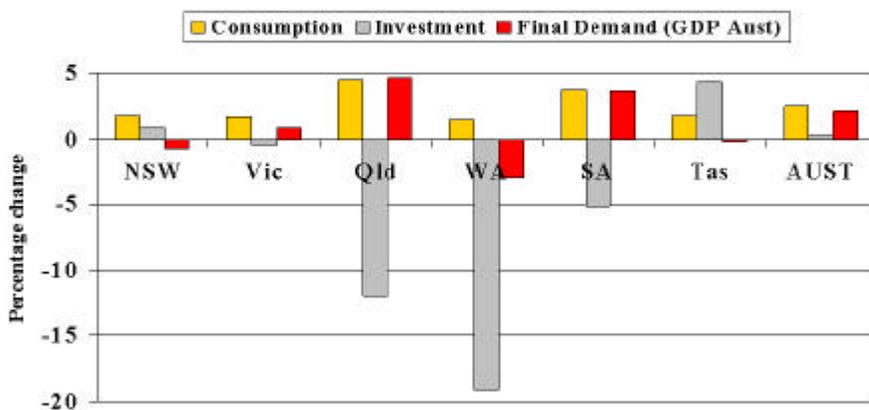
Before outlining the strategies to facilitate the development of a more diversified knowledge-based workforce beyond the current pillars of construction, retail and administrative/clerical

occupations, the next chapter will examine the more immediate outlook facing Joondalup's working population.

1 Regional Structural Economic & Employment Outlook

In addition to the movement of the 'construction front away to its north and east, a broader context for the City of Joondalup is the significant downturn experienced in the Western Australian economy. At the broadest level, this includes a recent downturn in the local, interstate and international investments that have underpinned Western Australia's mineral, oil and gas boom over the last decade.

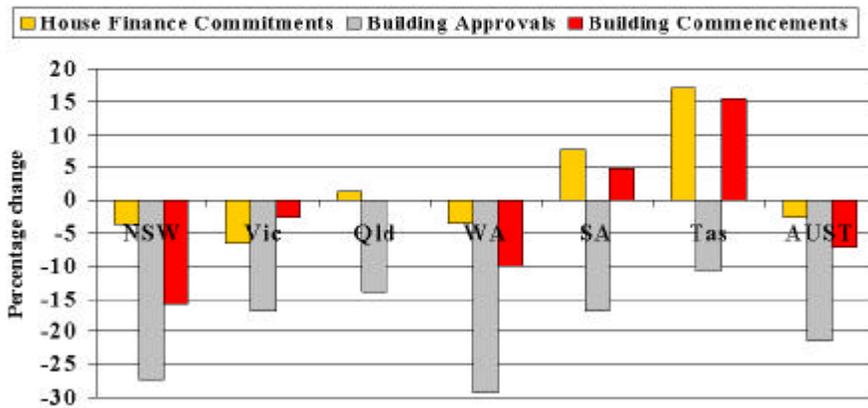
9 Key Indicators from December Quarter 1999 to December Quarter 2000



Source: IRIC

More specifically, in the residential housing industry, Western Australia experienced a significant percentage downturn for building approvals and commencements compared to the remainder of Australia, particularly for building approvals. This condition in the industry has been exacerbated by the pre-GST building boom, and subsequent post-GST building 'bust', the consequences of which are still being felt across Australia.

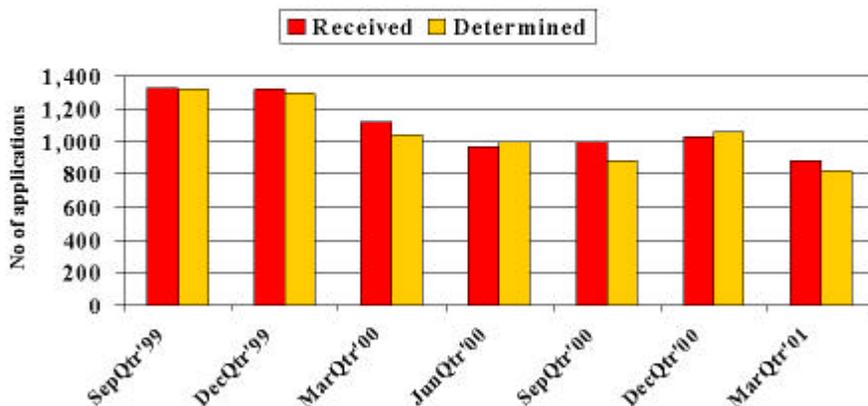
10 Dwelling Industry Indicators in the Year to January 2001



Source: WA Treasury

The current downturn is also directly felt within the City of Joondalup. For example, the number of building applications decreased by 29 percent in the three-quarters to March 2001 in comparison to the three-quarters to March 2000. With the movement of the 'construction front' to Joondalup's north and east (as well as retro-fitting and residential infilling in the City of Stirling to the south) Joondalup's construction-related industries are also likely to experience a structural decline as generators of local employment.

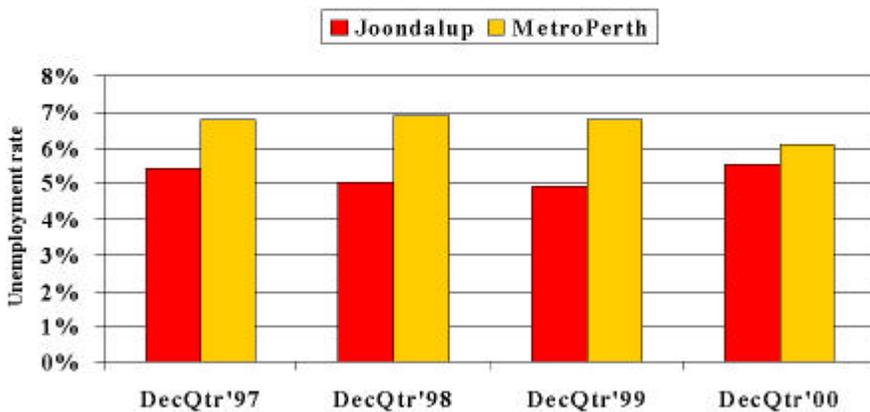
11 Joondalup Building Applications September Qtr 1999-March Qtr 2001



Source: City of Joondalup

A cyclical and structural downturn in the City's construction industry has also resulted in a noticeable increase in the level of Joondalup's rate of unemployment relative to that of Metropolitan Perth. Again, it would be unrealistic to expect the retail sector to take up the unemployment 'slack' given both construction and retail industries are themselves vulnerable to broader economic swings elsewhere in the general economy.

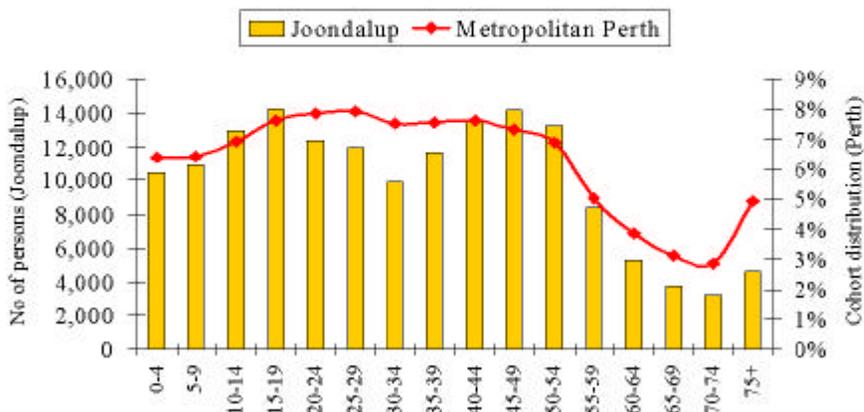
12 Unemployment Rate for December Quarters 1997 to 2000



Source: DEWRSB

In the short to medium term, the economic downturn will directly impact the two significant age cohorts that comprise the current Joondalup resident population. The first include those students and school leavers currently aged between 15 and 19 years of age, for whom the retail sector is a key pathway into the workforce. The second group encompasses those currently aged between 40 and 55, vulnerable to structural unemployment, and who may be seeking to expand their career, life skills or lifestyle choices.

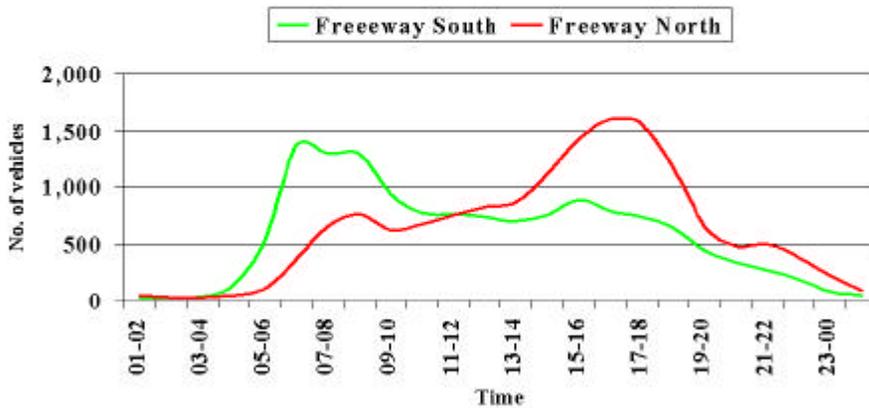
13 Population Distribution by Age Cohort as at 2001



Source: Ministry of Planning

In addition to reversing the north west metropolitan region’s low level of self sufficiency, a strategy to generate employment centred on the Joondalup CBD also seeks to utilise the ‘counter traffic’ surplus capacity that is a chronic feature of the North Metropolitan’s rail and freeway transport infrastructure.

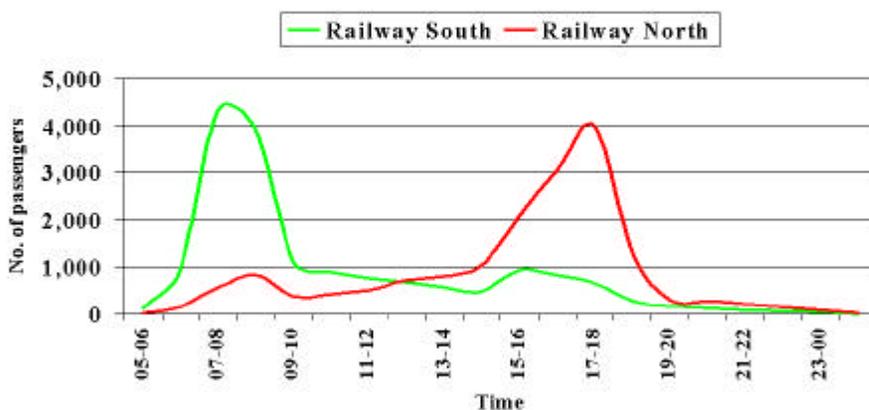
14 Weekday Freeway Traffic Flow by Time/Direction (1998)



Source: WA Dept of Main Roads

The creation of a knowledge-intensive and services-based 'employment soak' in the Joondalup Strategic Regional Centre is also designed to take advantage of a new range of new information technologies that will make possible the establishment of post-industrial 'recombinant' workplaces. These are workplaces that are both geographically and technologically re-constituted to take advantage of given technologies and access to skilled workers.

15 Weekday Train Passenger Flow by Time/Direction (1998)



Source: WA Dept of Transport

In addition to the expansion and consolidation of globalized networks of production, new digital technologies will also have local and regional effects. One consequence will be geographical re-organisation of corporate offices, call centres or professional works places across urban areas such as Metropolitan Perth to maximise access to cost-effective high-

Within the timeframe defined by the Strategic Plan (2001-2005), this Economic Development Strategy seeks to:

- Accelerate the development of a Learning City to enhance and diversify the knowledge and value-added skill base among Joondalup's current students and school leavers aged between 15 and 19 years of age, and to expand the career and lifestyle choices of those aged between 40 and 54.
- Facilitate flow-on knowledge-based local and regional employment through the establishment of an onLine City with the specific aim of maximising business and resident access to a diverse range of competitively priced connection to high-speed, broad band, digital networks.
- Assist with the development of Joondalup as a Living City with a focus on flow-on localized employment, capitalizing on the Learning and onLine City strategies into industries including health, tourism, hospitality, leisure, recreation, personal, community services, environment and waste management.

3.1 Joondalup as a Learning City

The Learning City will target the two significant demographic cohorts within Joondalup's resident population (see Chart 13) facing short term rising unemployment and a longer-term structural decline in the City's construction industry base. It also seeks to consolidate the relocation of Edith Cowan University's main campus to Joondalup as well as capitalize on Joondalup's education precinct, with the opening of the WA Police Academy in 2002.

A Learning City Working Group has already been established with representation from education stakeholders, local business and community groups. Proposals for consideration as key enablers underpinning Joondalup as a Learning City include:

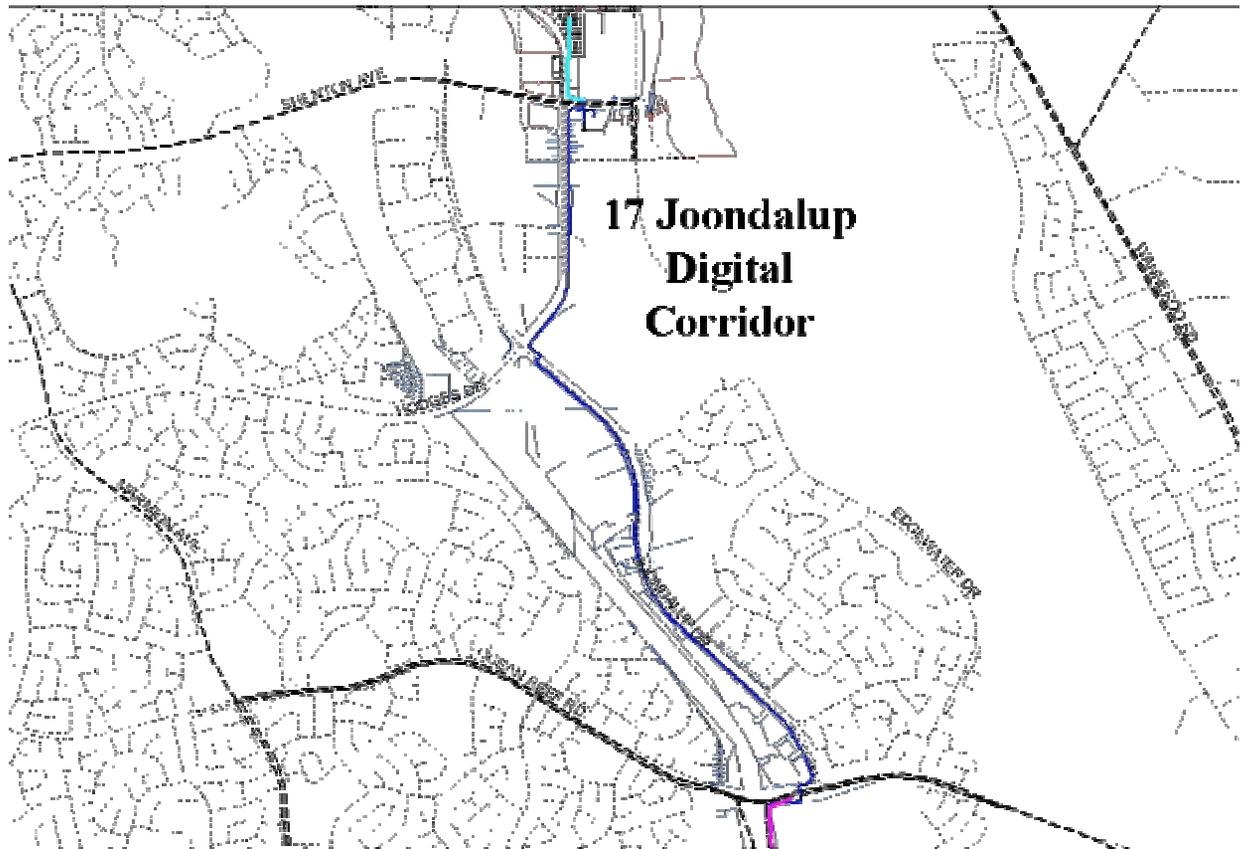
- A Learning City Internet Portal to promote and bring together Joondalup's learning stakeholders as well as showcase developments in onLine learning. It is further intended that the Learning City portal will be an 'anchor tenant' on the North Metropolitan (www.2cities.com) regional portal, a joint development involving the Cities of Joondalup and Wanneroo, their respective business associations and Edith Cowan University.
- A Lifelong Learning Centre comprising a physical space within the CBD that will provide multiple functionality of:
 - Promoting lifelong learning and other offerings from Learning City stakeholders to Joondalup residents;
 - Providing learning space for adult education and small group seminars;
 - Show casing and providing demonstrations for online learning and related technologies.
- Employment of a Learning City Co-ordinator to manage the Lifelong Learning Centre and co-ordinate its use and maintenance among Joondalup's various community-based learning associations.
- Networking affiliation by Joondalup to an emerging national and global network of learning cities and towns. This includes the Learning Towns network in Victoria, the Learning Towns and Cities network in the United Kingdom and the European Union.

- A ‘Learning Council’ and ‘learn locally’ policy where staff training by the City of Joondalup administration include Learning City stakeholders as the ‘first port of call’.
- The establishment of Business Networking Groups designed to link graduate skills with local business experience and requirements in priority sectors encompassing, information and communication technologies, health, tourism, hospitality, leisure, recreation, personal and community services, environment and waste management.
- Examine ways in which a network of Lifelong Learning Centres may be developed as key components of neighbourhood centres outside of the Joondalup CBD.

3.2. Joondalup as an onLine City

In addition to facilitating employment opportunities demanded by Learning City graduates, the development of Joondalup as an onLine City seeks to capitalise on the existing surplus capacities of available high bandwidth telecommunication infrastructures. Focussing on the high-bandwidth fibre-optic cabling already laid, this strategy will seek to establish a ‘digital corridor’ within the existing commercial zone along Joondalup Drive. Proposed mechanisms to be examined to underpin Joondalup as an onLine City include:

- A ‘digital corridor; planning zone and ‘smart building’ code that will have the effect of publicising to land and building owners, or developers, the advantages of ‘pre-wiring’ and connecting to nearby high-bandwidth communication infrastructure.
- Working with key telecommunications carriers, and consulting with Joondalup’s key education and medical users of high bandwidth networking, to develop optimal means of lowering the cost of access and connectivity by small business and residents.
- Utilising the City of Joondalup Administration’s own future connection as a leverage to reticulate high bandwidth connectivity throughout the CBD using ducting already laid by Landcorp.
- Examine ways in which businesses and residents outside of the Joondalup CBD may benefit from high-bandwidth connectivity.
- Working with the Department of Commerce and Trade to establish a demonstration project for a ‘recombinant workplace’ to be trialled for the WA public service.
- Utilizing Joondalup CBD’s high bandwidth access as a key geographical hub to demonstrate online business and community networking for the North Metropolitan www.2cities.com regional portal.
- The linking of the Business Networking Groups established as part of the Learning City project to examine synergies to be created through the onLine City for priority sectors encompassing, health, tourism, hospitality, leisure, recreation, personal and community services, environment and waste management.
- Examining the feasibility of strategic neighbourhood centres of onLine excellence outside of the Joondalup CBD incorporated within the City’s Precinct Planning exercise.



3.3 Joondalup as a Living City

Apart from maximizing the services-based employment potential of the skills generated from the Learning and connectivity created by the onLine City, Joondalup as a 'Living City' is also consistent with the vision of the Strategic Plan (2001-2005) seeking to:

“Develop a unique City Centre which is:

- A vibrant, living place, filled with people day and night, with employment, entertainment, shopping, restaurants, arts, culture and university life
- A high technology business environment, taking advantage of leading-edge opportunities to stimulate economic growth
- A viable alternative to CBD Perth.”

Underpinning the development of the Living City will be the adoption of relevant parts of the WA Government's Project Mainstreet in the Joondalup CBD (bordered by Boas Ave, McLarty Avenue, Shenton Way and Lakeside Drive) as an already established 'tool-kit' to engage local business stakeholders to jointly fund and employ a Promotions Manager to:

- Develop a marketing identity for the area, including online and direct customer promotion for local entertainment, recreational and retail dollars that currently 'leak' to other parts of Metropolitan Perth;
- Co-ordinate with City of Joondalup's scheduled events and festivals to maximise stakeholders' capture of event participants and to further develop customer loyalty;
- Co-ordinate a program of small business development training for stakeholders through the Joondalup Business Enterprise Centre (BEC);

- Develop a business plan to fund the Promotions Manager and marketing program on an on-going basis beyond the first year of (Federal Government and City of Joondalup) seed funding;
- Utilise the on-going networking support and resources afforded by the Department of Commerce and Trade's Mainstreet Project training program; and
- Where appropriate provide stakeholder input into a proposed plan for streetscape design and improvement focussed on the area's Central Walk.

If successful, it is envisaged that the CBD commercial promotions project will be utilised as both a demonstration and networked resource to be deployed, where appropriate, for the development of neighbourhood centres outside of the Joondalup CBD as part of the Neighbourhood Precinct project.

It is anticipated that the success of the CBD Promotions Manager project will be the key leverage for the Living City to attract the development of a major department store and specialist boutiques to complement the Lakeside shopping centre, and the Central Walk entertainment/hospitality precinct.

Finally it is envisaged that the proposed Performing Arts Complex in the Joondalup CBD would be a key component of the Living City. Cultural industries will increasingly become important economic and employment generators for Joondalup as the "City of the Future".

COMMENT

The information contained in this report will provide the basis for the City's promotion, development and economic opportunities in the City of Joondalup. The information will be made available on the web site and by publishing brochures/leaflets, and in promotional articles in the City's publications.

MOVED Cr Kadak, SECONDED Cr Mackintosh that Council ENDORSES the economic development strategies for promoting Joondalup as a Learning, On-Line and Living City.

The Motion was Put and

CARRIED

Cr O'Brien entered the Chamber, the time being 2027 hrs.

CJ176 - 06/01 SUPPLY OF A LOCAL GOVERNMENT LAND INFORMATION SYSTEM – PROCLAIM SYSTEMS – ASSIGNMENT TO TECHNOLOGY ONE (CONTRACT 122-97/98) - [05815] [10253]

WARD - All

CJ010605_BRF.DOC:ITEM 11

SUMMARY

This report seeks Council's approval to assign the contract for Provision of a Local Government Land Information System (Proclaim) Contract (122-97/98) from Proclaim Software Pty Ltd to Technology One Ltd.

BACKGROUND

The City entered into a contract with Proclaim Software Pty Ltd following the outcome of public tendering in September 1998. The deliverables under the Contract have been provided and the City currently has a maintenance agreement with Proclaim Software Pty Ltd. The City has procured the Proclaim Systems in accordance with the Government Information Technology (GITC) version 1.2 Contract, under which (Clause 48) the Contractor is not permitted to assign in whole or in part, its benefits under the Contract without the prior written consent of the City.

Proclaim Software Pty Ltd has written to the City seeking its approval to assign the Contract to Technology One Ltd.

DETAILS

The Supply and Installation of the Proclaim System has been completed in accordance with the terms and conditions of contract (122-97/98). The maintenance and upgrade of this system is similar to any software system and is a continuous process. Currently the City obtains such services from Proclaim Software Pty Ltd (A.C.N 064 925 604). Proclaim Software Pty Ltd has reported that Technology One Ltd (A.C.N 010 487 180) has bought its total assets and liabilities and Proclaim Software Pty Ltd is currently working as a subsidiary of Technology One Ltd. Proclaim Software Pty Ltd has advised that after completion of amalgamation effect, from December 2001 the Proclaim Software Ltd will cease to operate on its own. Reportedly, most of the Proclaim customers have already approved such assignments. The effect of the proposed assignment is to continue the procurement of the updates and support from Technology One Ltd for its Proclaim System under the same contractual terms. It is better risk management to execute an assignment through a Deed of Assignment involving three parties: City of Joondalup, Proclaim Software Pty Ltd and Technology One Ltd.

COMMENT/FUNDING

A Deed of Assignment will be prepared in accordance with the Terms of Contract. Deeds require sealing by each party.

MOVED Cr Kenworthy, SECONDED Cr Patterson that Council:

- 1 APPROVES the assignment of the Contract for the Supply of a Local Government Land Information System (No 122-97/98) from Proclaim Software Pty Ltd to Technology One Ltd;**
- 1 AUTHORISES the Manager Contract Management to develop a Deed of Assignment.**
- 3 AUTHORISES the execution of the Deed of Assignment under common seal.**

The Motion was Put and

CARRIED

**CJ177 - 06/01 REPORT ON REQUEST FROM FAWN HOLDINGS
FOR RENEWAL OF THE JOONDALUP CIVIC
FUNCTION CENTRE LEASE - [05180]**

WARD - Lakeside

CJ010605_BRF.DOC:ITEM 12

SUMMARY

The City has recently received a submission from Fawn Holdings Pty Ltd trading as Spices Catering seeking renewal of its 5 year lease agreement with the City of Joondalup which will expire on 30 June 2002.

This report provides details in relation to the lease and recommends that Council should enter into a public tendering process pursuant to the provisions of Section 3.58 of the *Local Government Act 1995* in order to determine the future lease of the facility.

BACKGROUND

The former City of Wanneroo invited public tenders in the month of April 1996 for the lease of the Joondalup City Centre function rooms and associated areas (No 142-95/96, Council Reports OC 16-95/96 and OC 23-08/96 to refer). No tender was received. Subsequently a further tender was advertised in February 1997 (Tender No 149-96/97) and tenders from NorthWest Metro Function Centre, Fawn Holdings and Star Catering (Café Marina) were received. The former City of Wanneroo at its meeting of 23 April 1997 resolved to accept the tender from Fawn Holdings Ltd for a single five year period (Report OC20-04/97 refers).

Fawn Holdings Pty Ltd leases from the City of Joondalup the function centre and the Chapel area in the Joondalup Administration Centre situated on Lot 507 Boas Avenue, Joondalup. The property Lease is comprised of the portions of the building within the areas hatched on the attached plan (refer Attachment 1). The Lease is for a single 5 year term commencing 1 July 1997 and terminating on 30 June 2002. Effective 1 February 2000, a Deed of Variation was entered into to include the chapel area. This increased the leased area from 775m² to 835.45m² for the remainder of the Lease term.

Contained within the Lease is a service contract for catering, which was advertised through the public tendering process and subsequently awarded to Fawn Holdings Pty Ltd (Lessee) . The Lease provides reduced charges for the City to utilise the leased areas from the Lessee for City functions including discounted room hire charges, discounted catered function charges, and standard hire charges for function rooms and prefunction lobby and also allows the Lessee to take bookings from persons and bodies other than the City for the purpose of promoting community awareness of the venue as well as generating an income stream for both the City and the Lessee.

DETAILS

Due to the nature of the catering business, where it is essential to accommodate bookings which are often a year in advance of the actual event, the City has received a submission from the Lessee requesting:-

1. clarification as to what it should do regarding bookings required beyond the lease expiration date; and
2. a statement as to the City's position concerning extending the term of contract or negotiating a new catering service contract.

The Lessee further indicated in its submission that it would like to begin negotiations for further tenure at the Joondalup Civic Function Centre.

Pursuant to the Lease Agreement the City's rental income entitlement when the annual turnover is less than \$500,000 is as follows:

- Year 1 – 1/7/1997 to 30/6/1998 – 9% of turnover;
- Year 2 – 1/7/1998 to 30/6/1999 – 11% of turnover;
- Year 3 – 1/7/1999 to 30/6/2000 – 12% of turnover;
- Year 4 – 1/7/2000 to 30/6/2001 – 13% of turnover;
- Year 5 – 1/7/2001 to 30/6/2002 – 13% of turnover

When the turnover exceeds \$500,000 the City's rental income entitlement is 15% of the annual turnover.

COMMENT/FUNDING

The table below indicates the rental income received from Spices Catering over the last two years.

Financial Year	Annual Rental Income Received
1999/2000	\$ 9,320
2000/2001 (to 30-April)	\$14,254

Given trends over recent times the income anticipated over the next five years indicates that the return to the City would be in the vicinity of \$76,500.

Councillors will be aware that pursuant to Sections 3.58(1) and (2) of the *Local Government Act 1995* local governments are required to invite public tenders or dispose of property to the highest bidder at public auction when 'disposing of property'. A lease is deemed a 'disposal of property' under this section.

Pursuant to Section 3.58(3) of the *Local Government Act 1995*, if considered appropriate a local government may dispose of property other than by public auction or by the public tender process if before agreeing to dispose of the property it gives statewide public notice of the proposed disposition:-

- 1 describing the property concerned;
- 2 giving details of the proposed disposition, ie names of the parties involved, the consideration to be received, the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition; and
- 3 inviting submissions to be made following at least a 14 day advertising period.

Assessing the options it would appear appropriate that the City seeks public tenders for the lease of the function centre and Chapel area.

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council:

- 1 DEVELOPS an appropriate tender specification to enable the City to call tenders in accordance with the provisions of Section 3.58 of the *Local Government Act 1995* for the Lease of the Joondalup Civic Function Centre and Chapel area;**
- 2 NOTIFIES the current Lessee, Fawn Holdings Pty Ltd, of Council's intention to advertise the catering contract by public tender;**
- 3 ENTERS into negotiations with Fawn Holdings Pty Ltd to develop a business continuity plan to provide a solution to the bookings received beyond the expiration date while the tender process is being undertaken.**

The Motion was Put and

CARRIED

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf050601.pdf](#)

CJ178 - 06/01 NORTHERN WARRIORS VETERANS FOOTBALL CLUB (INC) - LEASE OF FORREST PARK CHANGEROOMS - [31250]

WARD - Pinnaroo

CJ010605_BRF.DOC:ITEM 13

SUMMARY

Northern Warriors Veterans Football Club (Inc) has requested a lease of a portion of Reserve No 46489, shown hatched black on Attachment A which it utilises within Forrest Park Changerooms, Forrest Road Padbury. This portion of the reserve comprises only 50 square metres, which is the changerooms building less the public toilets section.

A review of usage patterns of the facility indicates that granting a lease to the Club will not impact on any existing club or organisation now, or in the foreseeable future. There are sufficient community facilities accessible to meet the needs of other recreation organisations within the immediate vicinity of the changerooms.

It is recommended that Council approves the granting of a lease to the Northern Warriors Veterans Football Club (Inc) based on the established rate of one percent of the current replacement value of the premises, excluding the portion of the premises that incorporates the public toilets.

BACKGROUND

In 1998, the City was faced with the dilemma of overuse of the ovals at McDonald Park when in a quest to relieve the pressure on these facilities, the Northern Warriors Veterans Football Club (Inc) was encouraged to relocate to Forrest Park, Padbury.

The changerooms at Forrest Park were basically unused at the time due to the small number of user groups on the adjacent junior sized oval. The relocation of the Club assisted the City to decrease the over utilisation of McDonald Park, initiate increased usage of Forrest Park whilst providing the Club with a permanent 'home' that meets its needs, including storage facilities.

In agreeing to the City's request, the Club established the previously unused venue as its home ground in the Super Rules WA competition whilst retaining its affiliation with the Whitford Amateur Football Club, and continued to support the associated Whitford Junior Football Club.

The Club sought approval from Council in November 1998 to undertake a major renovation of the premises that included, at no expense to Council:

- Relocation of hand basin and urinal in the male toilet to create a double shower alcove;
- Supply and installation of two instantaneous hot water systems to encompass showers and storeroom and electrical sub-meter to enable Club to be billed for subsequent usage;
- Construction of a colourbond patio in front of the changeroom area; and

- Removal of existing dividing walls and bricking up an area to provide secure storage area.

Council endorsed the Club's request to upgrade the facilities on the basis that the Club met all associated costs, all work undertaken was overseen by a registered builder and that they agree in writing to maintain the proposed hot water system. (Report CJ260-11/98 refers)

The extensions were subsequently undertaken and the Club began to discuss the merit of seeking greater security of tenure for their investment of \$25,000 in a community facility.

DETAILS

Prior to any consideration being given to the option of a lease, the Management Order for the reserve required scrutiny to ascertain if it was feasible to lease the land in question.

When the concept of a lease for the Club was initially mooted, it was discovered that Forrest Park was a Section 20A Public Recreation Reserve, which is a park created as a condition of sub-division in accordance with Section 20A of the Town Planning and Development. The Department of Land Administration (DOLA) seeks to preserve the public's right to enjoy recreation on such land through measures such as excluding leasing powers from Management Orders over public recreation reserves, thus preventing exclusive use.

Advice from the Senior Project Manager of DOLA was sought and the following information received in response to the City's enquiry.

“DOLA’s policy on 20A reserves precludes the leasing of these reserves because they are for the use by the general public and not an exclusive club. However, the problems with creating and managing large reserves for active recreation are appreciated. Accordingly, provided DOLA is made aware of the intended use of any 20A land for active recreation from the outset and provided any lessee clubs have membership open to the general public (within realistic workable numbers) and not an exclusive group, then DOLA would not oppose the leasing of these reserves.” (DOLA 19.4.99).

Consequently, small excisions may be agreed to on 20A reserves if it is complementary to the use of the reserve.

Advice from DOLA has been received that the clubrooms have been excised from Reserve 32299 and is now Reserve 46489, Swan Location 14028 (Crown Diagram 95411). Management, with power to lease for periods of up to 21 years, has been granted to the City of Joondalup (Refer to attached diagram).

Lease

The Club is an incorporated body, a pre-requisite for an organisation to enter a lease arrangement.

It does not wish to lease the entire facility, simply the changeroom and storage areas which comprise a total of 50 square metres only. Consequently, any lease rental should reflect only the portion in question, coupled with the financial contribution by the Club to the existing facility. Whilst the Club has a good rapport with the other user groups, it acknowledges that although it may gain approval to lease a portion of the building, it is still a community asset and needs to be available to other organisations, if and when feasible.

An equitable rental can be attained in accordance with Council practice by establishing a replacement cost of the entire facility; depreciating this figure over 40 years (2½% per annum); proportioning the area leased and financial contribution to this proportion, then halving the 2½% to 1% to incorporate the public good component, subsequently utilising this figure to determine the annual rental.

The following table encompasses the replacement cost of Forrest Park changerooms as follows:

Replacement cost of building	\$130,150
Proportion occupied by Club	45%
Cost of building occupied by Club	\$ 58,568
Contribution by Club	\$ 25,000
Proportion contributed by Club	43%
Contribution by Council	\$ 33,568
Standard Lease Rental	\$ 586
Annual Club Lease Rental	\$ 336

COMMENT/FUNDING

There are a number of advantages to both the Club and the community should Council endorse the proposed lease.

- Prior to the relocation of the Northern Warriors Veterans Football Club to the premises on Forrest Park Reserve, the changerooms were basically unused;
- Council instigated the relocation due to the need to reduce over-utilisation of McDonald Park;
- The Club agreed to Council's relocation request and subsequently invested \$25,000 upgrading the Forrest Park facility to accommodate its needs, part thereof consisting of the installation of two new hot water systems;
- Granting of a lease for the portion of the facility occupied by the Club endorses and rewards the Club for adopting the principles and concept of 'self-help';
- Leasing the portion of the facility occupied by the Club will not effect any of the other three organisations that utilise the adjacent oval: Whitfords Junior Football Club or the summer users being the Wanneroo/Joondalup Tee Ball Club and the Australetes-Marching Club; and
- The Club has a growing membership and if it has a degree of tenure with the facility, can adopt plans for the future with a degree of confidence and financial stability.

Leasing community facilities to community groups benefits both the City and community groups as follows:

- Securing tenure that enhances the opportunity to purchase equipment;
- Providing organisations with an opportunity to generate income;
- Assisting organisations with establishing an identity and degree of ownership;
- Improving opportunities to access sponsorship; and
- Enabling organisations to be autonomous.

The adjoining public toilet block will not become part of the lease and will continue to be maintained by Council as it is to remain accessible to the general public.

In order to determine the cost of this proposal it is necessary that the opportunity cost be calculated. The opportunity cost of an action is defined as the benefit foregone by pursuing an alternative course of action.

The City's Resource Management staff have recently indicated that the rent applying to the Forrest Park Clubrooms would be \$5,000 per annum. As the Club will only have exclusive possession of 45% of the property the applicable rent is \$2,250 per annum. This results in an opportunity cost of \$1,914 in the first year. This is shown below:

Property	Area (M ²)	Market Rental	Community Rental Rate	Opportunity Cost per year
Forrest Park Clubrooms	50	\$2,250	\$336	\$1,914

The above table shows the opportunity cost to the city for the first year of renting with renting the clubrooms at the community rental rate. The cost will increase each year due to annual escalations in rent, which would be the equivalent of CPI (Perth Index) per annum.

The rent payable by Northern Warriors Veterans Football Club will be subject to an annual rent review based on movement in the Consumer Price Index.

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council APPROVES entering into a lease with the Northern Warriors Veterans Football Club (Inc) for the 50 square metre portion of Reserve No 46489 shown hatched black on Attachment 1 to Report CJ178-06/01 subject to:

- 1 the lease term being for five years commencing 1 July 2001;**
- 2 the rental being for \$336 per annum with annual rental reviews;**
- 3 the Minister for Lands granting approval to the lease with the Northern Warriors Veterans Football Club (Inc); and**
- 4 the signing and affixing of the Common Seal to the Deed of Lease between the City of Joondalup and the Northern Warriors Veterans Football Club (Inc).**

The Motion was Put and

CARRIED

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf050601.pdf](#)

PLANNING AND DEVELOPMENT**CJ179 - 06/01 PRECINCT ACTION PLANNING : POST -
COMMUNITY VISIONING - PROGRESS UPDATE -
[46597]****WARD - All**

CJ010605_BRF.DOC:ITEM 14

SUMMARY

This report provides an update on the Precinct Action Planning program at the completion of the Community Visioning phase. The organisation and outcomes of the five district workshops are described and the facilitators report on the process is contained in Attachment 2.

The workshops were extensively promoted and a total of 275 residents participated in setting out their values and visions for their areas. District vision brochures will be prepared and distributed and associated papers and reports will be available for information and comment on request.

It is proposed that the community vision spelled out by this exercise be used as a basis for the concept planning phase of the program proposed in the 2001/2002 financial year and as a guide to decision making on issues affecting districts.

It is recommended to continue the Precinct Action Planning process.

BACKGROUND

The City's Strategic Plan contains vision statements regarding the creation of a sustainable community with local neighbourhood precincts which have their own distinctive character, identity and community spirit with easy access to high quality services. Reference is made to creating effective two-way communication with the community with opportunities for the community to participate in Council's planning and decision making.

In line with this strategic direction, Council considered a report at its meeting of 14 March 2000 proposing to undertake pilot projects in the localities of Mullaloo and Sorrento. Council resolved :

1 *PROCEEDS with the overall Urban Design Study and the pilot precinct projects at Mullaloo Beach and The Parade (sic) Shopping Centre Sorrento, as detailed in Report CJ049-03/00; ...and,*

3 *INVITES all interested groups to participate in a study or such meetings which may take place.*

Draft concept plans were presented to Council at its meeting on 19 December 2000 which Council noted, together with the proposed consultation programs. The concept plans were the subject of a comprehensive consultation program involving meetings, on site displays, advertising and on site open days.

These programs and the process was reviewed in the report to Council at its meeting on 13 February 2001 in which a number of areas for improvement were identified and a revised program for Precinct Action Planning outlined. Council resolved:

- 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 revised Precinct Action Planning program seeks to accommodate community discussion in a more open and collaborative environment. In addition the organisation, in reviewing, these projects had identified numerous benefits that could be realised through a more organisation wide “Corporate Project” approach. Community Visioning responded to these needs by being a community driven process and by working across the organisational through a multi disciplinary team structure.

A further report providing an outline of the work undertaken in the preparation of the Identification of Centres Study (Precinct Centres Review) was considered by Council at its meeting held on 27 February 2001. The Review provided background to determine which Centres within the City are most under pressure and likely to benefit from Precinct Planning. The Centres were classified into three levels of appropriateness to Precinct Planning and two Centres were recommended for further investigation. Council resolved:

- 1 *NOTES the Precinct Centres Report as a working document;*
- 2 *PROCEEDS with the preparation of Concept plans through an Enquiry by Design process for the Heathridge (Caridean) and Boulevard Plaza (Moolanda) Centres.*

It was intended that the Enquiry by Design process proceed concurrently or immediately after Community Visioning. At the Community Visioning workshops it became evident that the consultation on the pilot projects was becoming confused with the Community Visioning consultation process.

The promotion and management of the Enquiry by Design projects has therefore been delayed until after the presentation of this report, to limit confusion and to enable the Enquiry by Design process to respond to the Community Vision.

As the Enquiry – by – Design on the two centres has been delayed it will not be possible to report on this process prior to the determination of the 2001-2002 budget. So far only the level of public support gauged from the visioning workshops can be commented on.

The Precinct Action Planning process was presented at the Community Visioning workshops for comments. Feedback indicated that there was concern that if Precinct Action Planning did not progress Community Visioning would by and large have been a waste of time for the Community. Conversely strong interest was shown by the Community in being involved, should Precinct Action Planning proceed. Almost all attendants and survey respondents provided their names and contact details and indicated a desire to be involved in further stages of the process.

This report outlines the processes used, the responses received and seeks Council endorsement on the next steps in the process.

DETAILS

Outline

In conducting the Community Visioning exercise, the City undertook an extensive promotion campaign to invite stakeholders from across the City to gather together at workshops to form a Vision for the future. To assist in this process, the City was divided into five Districts to enable the public to talk about issues on a more local level as a Community.

A range of presenters were invited to outline the Economic, Social (Community) and Environmental issues and to suggest approaches that might be used to address trends that had or might in the future undermine quality of life, if not addressed. This was done to assist participants to critically evaluate the facts and then form their own conclusions. The presenters papers are available for information on request.

Participants worked in teams to identify the key elements of their Vision for the future and to identify the Strategies (Building Blocks) that would be needed to create this Vision. An experienced, independent, outside facilitator was engaged to ensure that everybody could participate and express their ideas in an environment of equality and respect.

A detailed description of the workshop process is contained in Attachment 1.

The following table contains details of the location, date, and attendance of each of the five workshops.

Location	Date	Attendance
Sorrento	Wed, 28 March	140
Kingsley	Mon, 2 April	36
Padbury	Wed, 4 April	40
Ocean Reef	Mon, 9 April	38
Joondalup	Wed, 11 April	21
TOTAL		275

The Facilitator reviewed all the written and drawn information from the workshops, and the surveys that were received, to extract the fundamental issues and ideas. The outcomes, have been expressed as broad Values and Strategies so that they can be published as a Vision Statement for each District. The facilitator's report of the outcomes of the process forms Attachment 2 to this report.

COMMENT

Underlying Trends

As noted previously - the workshop participants were generally evenly spread between men and women and many attendees came as a couple. The predominant age varied but tended to consist of those who had been in the area the longest. In some ways the Vision Statements also reflect this with the areas that have been most stable, with the longest term residents being least willingness to accept change other than beautification.

This reveals, for Council, a dilemma as some areas that are oldest and most likely to experience radical pressure for change are also those which were least accepting of change. However, those that developed the Vision may not be residing in these areas in 10 - 20 years time. If they are it could be that they are most likely to be better provided for if there were alternative housing opportunities.

Areas of Broad Agreement

Over all there is strong support for working together in a spirit of partnership to enhance the quality of life. There were very different views as to where emphasis should be placed in different Districts but this was one of the principles shared by all.

Participants at the workshops expressed a strong desire for a balance between local neighbourhood centres and the regional centres so that each neighbourhood had its own hub of community life. Along with this there was a desire to see the neighbourhoods become safer, more attractive and more enjoyable.

On the whole, the tone of the workshops was that people felt that many of the relationships, urban qualities and values that provide the foundation for quality of life have been decreasing. It was felt that changing things now was the only way of improving it and that the process must involve the community if it is going to be a success.

Internal and External Partnerships

The approach outlined in the PRECINCT PLANNING REVIEW REPORT (CJ021-0201) is uncommon in 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 Precinct Planning Process requires stakeholders to believe in working together and sharing the credit and benefits. 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. Community Visioning has shown the potential for this to occur. Interest has been shown from all areas of the community, from other Local Governments, Professional Practitioners, State Agencies, Universities and other Education Institutions. In addition a request has been made for supporting material to assist in the preparation of a speech to Parliament by a Local MLA.

Feedback

In recognition of the enthusiasm and cooperation shown by the participants in the workshops, it is important to provide feedback on the process. It is therefore intended to prepare vision statement pamphlets for distribution, summarising the facilitator's report and make the background papers and facilitator's report available for information on request. It is also intended to welcome any additional comment or input on the district value and vision statements up to concept planning stage.

Implementation

An item has been included in the 2001/2002 budget for the Precinct Action Planning program. It is intended to put together an experienced design team to work with the community in a collaborative way to produce concept plans for each of the five districts.

The concept plans will concentrate on identifying opportunities at precinct centres, zoning and coding proposals, public domain enhancements, transport, community and economic development proposals.

It is considered to be more efficient and a better response to community involvement and expectations to complete all the concept planning with one team within a limited timeframe. It may be difficult to manage outcomes and community expectations if more than one team is involved or if there is an extended period between the completion of concept plans for different areas.

Concept plans are important also as a basis for advising landowners and developers expressing interest in opportunities at precinct centres as a result of the City's programs so far.

Challenges

Responding to the Community Vision and its outcomes, including revitalised neighbourhood centres, is likely to be a significant challenge for the City of Joondalup. Many Centres do not benefit from highly accessible street layouts or pre-existing street-front development on both sides of the street. In some areas an enhanced public domain (streetscape upgrade) may be sufficient to attract new investors and a revitalised local economy and community life.

Many of the challenges facing these Suburbs and Centres are, however, virtually intractable without more extensive change. Many residents may have specifically chosen to live in Joondalup suburbs due to their dormitory-like character. These people may question any intervention in these areas at all. Therefore, any change proposed will need to enhance the choices people can make not undermine those they have already made.

There is an argument 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 formalised social events planning and community education projects. These measures add tremendously to the community but currently they are being undermined by an urban pattern that does not support local business, employment and social vitality, and which also does not encourage environmentally sustainable lifestyles.

The City of Joondalup may prove itself capable of being a world leader in revisiting the performance and future of the 1970's and 1980's suburbs. The first step in this process will be carefully developed and well-supported Concept Plans, developed in consultation with the community to help guide the future of these areas.

Conclusion

In conclusion the visioning program has demonstrated that the community is inherently aware of their limited lifestyle options. There is an awareness that this is in part due to the specific design of the suburbs they live in and the way they are serviced and treated. Community programs can respond to some communities needs but as society faces new challenges it will become harder and harder for these to relieve the stresses that are developing. A long term plan for managing change and enhancing these suburbs is needed. The costs of doing nothing could be significant.

Two things are essential to the success of any attempt to address this problem. One is the involvement of the Community and the other is the need to focus on Quality of Life and Sense of Community. These qualities can be found in an urban environment that provides for choice and opportunity. Integrating this back into suburbs requires us to think once again about what it is that makes for neighbourhoods where local economy and local community can be sustained, without the waste of resources and energy that has tended to mark the last 30 years of urban development.

Perhaps the comment that received the single most amount of applause in any of the workshops was a statement made by one of the participant teams at the end of the Whitfords workshop. It seemed to capture both the values of the group and their expectations of Council.

“We all want and hope for the same in our values: Quality of Life, Sense of Community and need a process that provides the opportunity to be heard and to help bring our dreams to fruition.”

MOVED Cr Rowlands, SECONDED Cr Barnett that Council:

- 1 THANKS and congratulates those who participated in Community Visioning and reinforce its commitment to working with the Community in planning and shaping the future of the City;**
- 2 SUPPORTS the publication and promotion of the Community Visioning outcomes, as outlined in Attachment 2 to Report CJ179-06/01, as a VISION STATEMENT for the future of each District to review during further stages;**
- 3 SUPPORTS the use of the VISION STATEMENTS as an essential part of assessing the City's works and other programs undertaken under the STRATEGIC PLAN to refine them to the needs and values of each District and gives appropriate consideration in the 2001/ 2002 budget;**
- 4 ENDORSES its support for the next stage of PRECINCT ACTION PLANNING which will work with the community to map local issues and neighbourhoods and develop Concept Plans to guide the evolution of these areas, with the community and in response to the communities expectations;**

- 5 INVITES key Government, Community and Private Enterprise Stakeholders to participate in discussions as to how they can assist the Community in realising its Vision;**
- 6 SUPPORTS the use of the Vision Statements as a guide to the Enquiry by Design process being used to prepare Local Precinct Plans at Heathridge Shopping Centre and Kingsley Boulevard Shopping Centre.**

The Motion was Put and

CARRIED

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf050601.pdf](#)

CJ180 - 06/01 PROPOSED ADDITION OF FUNCTION ROOM TO GREENWOOD HOTEL: LOT 835 (349) WARWICK ROAD, GREENWOOD - [16122]

WARD - South

CJ010605_BRF.DOC:ITEM 15

SUMMARY

An application has been received from Oldfield Knott Architects Pty Ltd for proposed extensions to the Greenwood Hotel to allow for a function room. The purpose of the function room is to cater for conferences, weddings and similar. The Hotel currently does not have such a facility.

The proposal involves the conversion of the existing caretakers unit, the addition of 103m² of floor area, as well as a new service yard of 10m². As a result of the proposed additions, 4 car bays are lost. The applicant is seeking dispensation on carparking on the basis of existing reciprocal rights carparking agreements with the adjoining Greenwood Village Shopping Centre.

The proposal was advertised by means of letters to adjoining property owners, an advertisement in the local paper and a sign on site. Seven submissions, of which five are objections, were received. The principal concerns raised by objectors relate to the potential increase in noise, pollution and antisocial behaviour with this additional facility, which, it is feared, will further impact negatively on the lifestyles of the residents on the adjoining residential areas.

BACKGROUND

Lot No	Lot 835 P9775 Vol 1959 Fol 201
Street Address	349 Warwick Road Greenwood
Applicant	Oldfield Knott Architects
Owner	Greenwood Village Pty Ltd
Zoning MRS	Urban
Lot Area	1.8084 ha
Zoning	Commercial
Use Class	Hotel
Permissibility	P

Site History

1974:	Construction of the hotel
1981:	Addition of TAB office
1988 – 1996:	Various fitouts and additions including a drive-through bottleshop.
December 1989:	Reciprocal carparking agreement between the Shopping Centre, Hotel and City
24 November 2000:	Receipt of Application
19 January 2001:	Close of advertising

DETAILS

Development Proposal

The proposal includes:

- ♦ The creation of a function room with own entrance by:
 - The addition of 103.5m² to the existing building; and
 - The conversion of the existing care-takers flat
- ♦ Deletion of 5 car parking bays and the creation of 1 parallel bay.
- ♦ The creation of a new terrace of 12.6m² accessible via new bi-fold doors from an existing lounge. The new terrace is not intended to be used for alfresco dining.

The function room is designed to accommodate a maximum of 99 guests.

The Hotel is currently 2,014.39m² in extent, which includes basement, ground floor, terraces and all outdoor dining areas. The only openings for the new function room along the western elevation are the entry and timber bi-fold windows which open onto a terrace. The new terrace for the existing lounge is also located along the western elevation.

Car parking and vehicle access at the Hotel is subject to an agreement for reciprocal car parking and access with the adjoining Greenwood Shopping Centre owners. The City is a party to that agreement.

Ultimately 622 bays will be available at the shopping centre side, all of which can be used by the Hotel under this agreement.

Currently 113 car parking bays are provided on site. This number includes quick-stop bays that are provided for the drive-through bottle shop.

A new function room is proposed to accommodate 99 visitors. The new function room requires 25 additional carbays at a rate of 1 bay/4 persons accommodated.

As the new terrace outside the lounge room is not intended to be used for alfresco dining, no additional carparking is required for this area.

Local Context of Application Site

The Greenwood Hotel is part of the Greenwood Village complex. The complex comprises four lots and includes a shopping centre, hotel, service station and an office complex. Warwick Road and Coolibah Drive border the hotel along its southern and western boundaries and the professional centre and the shopping centre along its northern boundary. It abuts residential properties along its eastern boundary and there are also residential properties located on the other sides of Warwick Road and Coolibah Drive, opposite the Hotel.

Relevant Legislation

The zoning of the subject site under the District Planning Scheme No 2 (DPS2) is 'Commercial'.

Under the use class table the proposed addition is a 'Hotel' which is a permitted ('P') use in the Commercial zone.

Advertising

The proposal was advertised by means of:

- ♦ An advertisement in the Wanneroo Times on 26 December 2000 and 2 January 2001 and the Joondalup Times on 11 January 2001. (Prior to the Joondalup Times' introduction at the beginning of the year, the Wanneroo Times was circulated in the Joondalup area.)
- ♦ A sign on site.
- ♦ Letters to 32 adjoining property owners.

Seven (7) submissions were received including 5 objections. The objections to the proposal are based on the fear that an increase in activity at the Hotel site will lead to an increase in noise, littering and anti-social behaviour already experienced in the area as a result of the Hotel.

4 of the objectors live on residential properties that abut the Hotel site along its eastern boundary. The other objector is located in Coolibah Drive diagonally opposite the subject site.

COMMENT

Parking

Over many years, agreements have been struck with the adjoining landowners, including the owners of the Shopping Centre and the Professional Centre, to secure reciprocal parking access. On the basis of the reciprocal parking agreement the Council has accepted a shortfall in car parking on the subject lot for a number of years, as follows:

Date	Car parking required under TPS1	Bays provided on site	Shortfall/surplus of bays under TPS1
Up to 1995	226	128	Shortfall 98 bays

With the introduction of DPS2 different car parking ratios apply, which has resulted in a reduced number of bays being currently required. The number of carbays reflects the total number currently available on site. Demand for the existing development, if assessed under DPS2, is as follows:

Date	Car parking required under DPS2	Bays provided on site	Shortfall/surplus of bays under DPS2
Present day	188	118	Shortfall 70 bays

With the proposal incorporated there, the car parking demand is increased by 25 bays, requiring a total of:

Date	Car parking required under DPS2	Bays provided on site	Shortfall/surplus of bays Under DPS2
With proposed addition	213	114	Shortfall 99 bays

The shortfall in car parking that would result with the proposed addition is marginally greater (1 bay) than the shortfall previously approved. The City has no record of any parking problems having been experienced at the Greenwood Village Complex.

A planning approval was granted in March 2000 for renovations at the shopping centre which is located on the adjoining land. That proposal provides for 622 carbays, although DPS2 requires 546 bays be provided for the shopping centre. An excess of 76 car bays is therefore available at the shopping centre.

On the subject lot, the function room is likely to be used largely after hours, when, with the exception of Thursday night until 9:00 pm, the shopping centre does not generate substantial parking demand. The principle of reciprocal parking with the shopping centre can be applied in this instance.

According to Council's Security Services, no complaints have been received regarding the Hotel. However many problems in regard to anti-social behaviour at the shopping centre are reported. These seem to mainly involve school children with offences being committed after school hours.

Noise and increase in antisocial behaviour

The residents' fear that noise levels and antisocial behaviour will increase with the proposed facility is difficult to substantiate.

The subject site has a commercial zoning and the proposed use is a permitted use within that zoning. The current facilities at the Hotel have a capacity to accommodate approximately 600 people. With the proposed facility, the capacity is increased by approximately 17%. However, the facility and its openings face west with the only potentially affected residential properties being located on the opposite side of Coolibah Drive and Warwick Road. It is therefore not considered that any additional adverse impacts will occur with the addition of the function room.

An acoustic consultant's report for this has been checked and was found to be acceptable.

Summary

In summary the proposal is supported for the following reasons:

- ♦ The proposed use is a permitted use in the Commercial zone.
- ♦ The proposal does not represent a significant addition in the overall context of the existing hotel development.
- ♦ The resulting carparking shortage is only marginally greater than that previously accepted.
- ♦ The acoustics consultants' report demonstrates that noise levels can be contained to be within acceptable levels.

MOVED Cr Barnett, SECONDED Cr Mackintosh that Council:

1 APPROVES the application submitted on 24 November 2000 by Oldfield Knott Architects Pty Ltd for a function centre addition to the Greenwood Hotel on Lot 835 (349) Warwick Road subject to the following conditions:

2

- (a) the granting of an easement in gross (at the cost of the owner) in favour of the City of Joondalup over the proposed parking bays and vehicular access ways in order to facilitate reciprocal vehicle access and carparking between Lot 2(18) Calectasia Street and Lot 835 (349) Warwick Road;**
- (b) the materials and finishes of the proposed addition shall match the existing development;**
- (c) the parking bays, driveways to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City as part of the building programme;**
- (d) all stormwater must be contained on site to the satisfaction of the City;**
- (e) the disabled carbays is to be a minimum width of 3.2 metres. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);**
- (f) the existing vegetation is to be upgraded. The lodging of detailed landscape plans to the satisfaction of the City for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**

- (i) the location and type of existing and proposed trees and shrubs within the carpark area;
 - (ii) all existing and proposed lawns;
 - (iii) those areas to be reticulated;
- (g) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (h) the development is to be constructed in accordance with the recommendations of the acoustic consultant's report so that the development is capable of containing all noise emissions in accordance with the Environmental Protection Act. All design measures to be shown on the building Licence;
- (i) the bin storage area is to be designed and equipped in accordance with the City's Local Laws relating to refuse enclosures to the satisfaction of the City;

2 EXERCISES discretion and determines that a shortfall of a total of 99 carbays is appropriate in this instance in view of the reciprocal carparking agreement between lot 2(18) Calectassia Street and Lot 835 (349) Warwick Road;

3 ADVISES submitters of the determination.

Footnotes:

- (a) A demolition licence is required with respect to all structures intended to be demolished as part of this building programme;
- (b) The existing site levels and design levels of all proposed development are to be shown on the building Licence submission.

The Motion was Put and

CARRIED

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf050601.pdf](#)

**CJ181 - 06/01 PROPOSED SHOWROOMS/OFFICE/RETAIL
DEVELOPMENT: LOT 5 (15) DWYER TURN/
DAGLISH WAY AND LAWLEY COURT,
JOONDALUP - [40009]**

WARD - Lakeside

CJ010605_BRF.DOC:ITEM 16

SUMMARY

An application has been received for a Showroom/Office/Retail building at Lot 5 (15) Dwyer Turn/Daglish Way and Lawley Court, Joondalup.

The subject site is currently vacant and is subject to the requirements in the Joondalup City Centre Development Plan and Manual (JCCDPM), which allows for a variety of land uses. The preferred use of the above site, which is located within the Western Business District, was identified as Regional Shopping Centre, when the Plan and Manual were prepared.

This application was considered at the 10 April 2001 Council Meeting (CJ099-04/01 refers), when it was resolved to advertise this proposal to gauge public opinion.

The applicant has requested a variation to the provisions of the JCCDPM to allow the proposed Showroom/Office/Retail land uses and associated car parking standards.

The key elements of the proposal are:

- ♦ the proposal comprises two large single storey buildings, which have been designed to face two of the three streets surrounding the development;
- ♦ buildings have been designed to break the building bulk with the introduction of contrasting colours and architectural treatments to the building facades;
- ♦ adequate car parking bays provided in accordance with the proposed uses;
- ♦ pedestrian connectivity with the existing footpath network in the area.

The public submission period resulted in two submissions being lodged, neither of which contained objections to the proposal. Having regard to the merits of the proposal, it is recommended that Council exercise discretion under District Planning Scheme No 2 (DPS2) and the relevant provisions of the JCCDPM to allow the proposed development to proceed in this instance.

BACKGROUND

Lot	5
Street Address	15
Applicant	Greg Rowe & Associates
Land Owner	Joondalup Commercial Centre (Lakeside) Pty Ltd
DA No	DA00/0547
MRS Zoning	Central City Area
DPS2 Zoning	Centre
Preferred Use	Regional Shopping Centre
Lot Area	9800m ²

The site is located within the Western Business District in the Central City Area bounded by Dwyer Turn, Dalglish Way and Lawley Court, Joondalup. The site is currently vacant and slopes in a north to south-west direction towards Dalglish Way and Lawley Court. The current preferred use for the above site in the Western Business District is for Regional Shopping Centre use.

The above proposal was considered by Council on 10 April 2001, where it was resolved to advertise the development for a period of 28 days in accordance with the provisions of Clauses 4.5.2 and 6.7.1 of DPS2. Advertising was to include newspaper advertising and the erection of signs on the site.

Adjoining landowners have also been consulted in accordance with the requirements of Clause 6.7.1 of DPS2.

At the close of the 28 day advertising period on 23 May 2001, a total of two submissions of non-objection/support of the development proposal were received. The comments raised in the submissions are as follows:

- ♦ the change of designation to General City Use is appropriate for the subject site;
- ♦ details of retaining and screen wall to the north-east, colour and height need to be considered;
- ♦ dense landscaping needs to be provided to screen service yard;
- ♦ concern relating to service traffic impacting on vehicles travelling to Lakeside Shopping Centre by way of Shenton Avenue bridge;
- ♦ consideration of aesthetic treatment of the proposed development as it fronts the major entry to Lakeside Shopping Centre.

DETAILS

Description of the Proposal

The proposal consists of two large buildings with a combined floor area of 3987m² in area. One of the tenancies is proposed to be taken up by "Officeworks" while other tenancies are still being finalised. The breakdown of the floor areas for the proposed buildings are as follows:

- ♦ **Tenancy 1**
Officeworks Showroom with a total area of 2337m².
- ♦ **Tenancy 2**
Retail with a floor area of 860m² and showroom/office with a floor area of 790m².

One crossover is proposed to each of the adjoining roads, in addition to three new footpaths, which are to be connected to the existing footpath network.

The applicant has provided the following points in support of the application:

- ♦ *156 car parking bays, inclusive of disabled car bays, have been provided in accordance with the proposed uses.*
- ♦ *The development has been designed to address each street façade, wherever possible.*

- ◆ *Adequate colour mix is proposed for all external elevations to achieve a contrast between both proposed buildings to allow them to be identified as separate identities.*
- ◆ *Three pedestrian linkages have been provided, including a verandah for most of the building interface.*
- ◆ *As the development faces three streets, facades have been designed to minimise potential visual impact from public thoroughfares.*

Additional details below have been submitted by the applicant in relation to the matters raised in the public submissions:

- ◆ *Service vehicles will represent no greater traffic on the road network than any other showroom/commercial development. Main tenant deliveries will be “off-peak” periods ie early in the day or prior to main trading hours. The frequency of service access requirements is low and the surrounding access/service areas have been designed to facilitate easy access and in accordance with required engineering standards.*
- ◆ *A number of changes have been made to external facades to adequately address the external appearance of the buildings.*

Site Location

The Joondalup City Centre Development Plan and Manual (JCCDPM) is principally used to guide the future form of development within the City Centre and allow a range of land uses. The subject lot was part of a larger area within the Western Business District identified as Regional Shopping Centre. However, with recent subdivisions occurring in the area and the provision of infrastructure, this particular lot has now been separated from the shopping centre land by access roads resulting in a stand-alone lot with 3 road frontages and the railway reserve.

COMMENT

Issues

The main aspects of the proposal requiring consideration of variations are as follows:

- ◆ showroom and office land uses, which require a variation to the JCCDPM. The structure plan ordinarily requires Regional Shopping Centre as the preferred land use;
- ◆ the application of the car parking provisions applied to General City Uses (1 bay per 30m² of floor space), as opposed to the regional shopping centre requirement (1 bay per 16.66m² of floor space).

Since the preparation of the JCCDPM in late 1995, this district has been transformed with a variety of retail and commercial activity in response to market forces, in conjunction with the subdivision and release of land. The JCDPM is designed to allow that flexibility.

The above site is rather unique in the sense that it has been separated from the Lakeside development, as a result of new roads being introduced in the area. The change in use is not likely to compromise the existing retail uses in the area and would be compatible and complimentary to other developments within the precinct.

With the above change in uses, it is recommended that the carparking standards used in other parts of the Central City Area for General City Uses (1 carbay per 30 m²) be applied, in lieu of the car parking standard of (1 carbay per 16.66m²) applied to the Regional Shopping Centre.

On that basis parking demand would be assessed as 132 bays in total. The proposal exceeds that requirement comfortably (ie by 24 bays).

Although the submissions do not raise any objection to the proposal, issues in regard to landscaping, retaining and screen walls were raised. Appropriate conditions of Development Approval can adequately address these minor matters.

The applicants have also addressed the visual impact of the proposed development by way of contrasting colours and architectural treatments of façades.

Conclusion

The variations requested will not adversely impact upon any adjoining uses. Allowing the land uses in this location provides recognition that the subject land is effectively isolated from the regional shopping centre itself. The proposed development will provide for businesses where convenience of access and high visibility are equally important. Although the scale of the building may seem unusual in this location, it is equivalent to that reasonably expected if a building of shopping centre scale were erected. The proposal also incorporates provision for other tenancies that would provide additional choices for business that may come to Joondalup as a preferred option.

The request for a variation to the Regional Shopping Centre car parking standard also recognises the range of land uses provided in this proposal.

The development has been designed to be orientated towards the main streets with a robust introduction of colours and architectural improvements to the elevations so as to break up the building bulk. The proposed design satisfies the main objectives and requirements of the JCCDPM in terms of design, car parking and pedestrian movement for Regional Shopping Centre location development, that are applied in other parts of the City Centre.

The proposed variations to the JCCDPM to accommodate the proposal would contribute positively to the development of the Joondalup City Centre in providing a variety of uses and products for the increasing residential population within the City of Joondalup.

The development would also reinforce investor confidence and attract more business and employment opportunities to the City.

MOVED Cr Kimber, SECONDED Cr Baker that Council:

1 EXERCISES discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No 2 to vary the requirements of the Joondalup City Centre Development Plan and Manual in respect to the following:

- (a) allowing a change of use from Regional Shopping Centre to General City Uses for Lot 5 (15) Dwyer Turn/Daglish Way/Lawley Court, Joondalup;**
- (b) car parking being calculated for General City Uses at (1 carbay per 30 m²) instead of Regional Shopping Centre in this instance;**

- 2 RESOLVES to approve the application and revised plans received on 3 April 2001 submitted by Greg Rowe & Associates on behalf of the owner, Joondalup Commercial Centre (Lakeside) Pty Ltd for Showroom/Office/Retail at Lot 5 (15) Dwyer Turn/Daglish Way/Lawley Court, Joondalup, subject to the following conditions:**
- (a) the parking bays, driveways and point of ingress and egress to be designed in accordance with the Australian Standards for off-street car parking (AS2890) and the plan and manual as appropriate. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (b) an on-site stormwater drainage system with a capacity to contain 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. Alternatively, the stormwater can be disposed of via the City's existing stormwater disposal system. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (c) the driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of buildings;**
 - (d) carbay grades are generally not to exceed 6% and disabled carbays are to be a maximum grade of 2.5%;**
 - (e) the existing crossovers not required as part of this development being closed, the kerbline reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied;**
 - (f) all retaining and screen walls to the north east to be to the satisfaction of the City;**
 - (g) the lodging of detailed landscape plans, to the satisfaction of the City for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**
 - (i) the location and type of existing and proposed trees and shrubs within the carpark area;**
 - (ii) any lawns to be established;**
 - (iii) those areas to be reticulated or irrigated;**

- (h) landscaping and reticulation be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (i) any roof-mounted or free-standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (j) should the development be staged, temporary landscaping and fencing must be installed to the undeveloped portion, prior to the development being occupied, to the satisfaction of the City;
- (k) submission of a construction management plan, prior to commencing construction, detailing phasing of construction, access, storage of materials, protection of pedestrians, footpath and other infrastructure, to the satisfaction of the City;
- (l) the boundary walls and/or parapet walls being of a clean finish and made good to the satisfaction of the City.

Footnotes

- 1 Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge any owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunity Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disability Services Commission 53 Ord Street, West Perth, Telephone 9426 9200;
- 2 The existing site levels and design levels of all proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building Licence Application.

AMENDMENT MOVED Cr Kadak, SECONDED Cr Carlos that an additional Point 2 (m) be added to the Motion as follows:

“2(m) the eastern elevation of the building being modified to incorporate glazing and measures to introduce the opportunity for a more interactive frontage to Lawley Court.”

Cr Kadak advised Lawley Court which is the eastern road of this site is a significant pedestrian accessway from the City North area of Joondalup north of Shenton Avenue down to Lakeside Shopping Centre. It has been recognised throughout the Joondalup City Centre the need for active street frontages in terms of developing the City Centre environment.

The Amendment was Put and

CARRIED

The Original Motion, as amended, BEING:

- 1 EXERCISES discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No 2 to vary the requirements of the Joondalup City Centre Development Plan and Manual in respect to the following:**
 - (a) allowing a change of use from Regional Shopping Centre to General City Uses for Lot 5 (15) Dwyer Turn/Daglish Way/Lawley Court, Joondalup;**
 - (b) car parking being calculated for General City Uses at (1 carbay per 30 m²) instead of Regional Shopping Centre in this instance;**

- 2 RESOLVES to approve the application and revised plans received on 3 April 2001 submitted by Greg Rowe & Associates on behalf of the owner, Joondalup Commercial Centre (Lakeside) Pty Ltd for Showroom/Office/Retail at Lot 5 (15) Dwyer Turn/Daglish Way/Lawley Court, Joondalup, subject to the following conditions:**
 - (a) the parking bays, driveways and point of ingress and egress to be designed in accordance with the Australian Standards for off-street car parking (AS2890) and the plan and manual as appropriate. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (b) an on-site stormwater drainage system with a capacity to contain 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. Alternatively, the stormwater can be disposed of via the City's existing stormwater disposal system. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (c) the driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of buildings;**
 - (d) carbay grades are generally not to exceed 6% and disabled carbays are to be a maximum grade of 2.5%;**
 - (e) the existing crossovers not required as part of this development being closed, the kerbline reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied;**
 - (f) all retaining and screen walls to the north east to be to the satisfaction of the City;**

- (g) the lodging of detailed landscape plans, to the satisfaction of the City for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:

 - (i) the location and type of existing and proposed trees and shrubs within the carpark area;
 - (ii) any lawns to be established;
 - (iii) those areas to be reticulated or irrigated;
- (h) landscaping and reticulation be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (i) any roof-mounted or free-standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (j) should the development be staged, temporary landscaping and fencing must be installed to the undeveloped portion, prior to the development being occupied, to the satisfaction of the City;
- (k) submission of a construction management plan, prior to commencing construction, detailing phasing of construction, access, storage of materials, protection of pedestrians, footpath and other infrastructure, to the satisfaction of the City;
- (l) the boundary walls and/or parapet walls being of a clean finish and made good to the satisfaction of the City;
- (m) the eastern elevation of the building being modified to incorporate glazing and measures to introduce the opportunity for a more interactive frontage to Lawley Court;

Footnotes

- 1 Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge any owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunity Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disability Services Commission 53 Ord Street, West Perth, Telephone 9426 9200;

- 2 The existing site levels and design levels of all proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building Licence Application.**

Was Put and

CARRIED

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf050601.pdf](#)

**CJ182 - 06/01 PROPOSED GROUPED DWELLINGS: LOT 221 (9)
GRAND BOULEVARD, JOONDALUP - [56210]**

WARD - Lakeside

CJ010605_BRF.DOC:ITEM 17

SUMMARY

An application has been received from Farid Popal, the applicant, on behalf of the owners, Farid Popal and John Sayed, to construct 6 grouped dwellings and two studio units on the subject property.

The subject property is designated for General City Use under the Joondalup City Centre Development Plan and Manual (JCCDPM). Developments are required to be constructed with a nil setback from the front property boundary. The applicant proposes a minimum front setback along Grand Boulevard of 1.5m and a maximum of 4.8m. As such, a variation to the provisions of the Development Plan and Manual is sought, to maintain a consistent building line along this section of the road.

It is considered that the front setback provided complements the existing developments on both adjoining properties and it is therefore recommended that this proposal be supported.

BACKGROUND

Lot No	Lot 221 P 22008 Vol 2105 Fol 630
Street Address	9 Grand Boulevard Joondalup
Applicant	Farid Popal
Zoning MRS	Urban
DPS 2	City Centre Zone
Lot Area	1340m ²

The subject site forms part of the City North precinct and is situated in a prominent position fronting onto Grand Boulevard, adjacent to Piccadilly Circle.

The lot is in close proximity to the Colosseum Health Club, near the intersection of Grand Boulevard and Joondalup Drive. The lots on the east side of Grand Boulevard are intended to be developed with a strong urban wall that would complement the formal public open space area in nearby Piccadilly Circle.

DETAILS

Development Proposal

The proposal is for 6 grouped dwellings. Two of the dwellings include two studio units, which are to be used as ancillary accommodation in association with the occupancy of each dwelling. The units have been designed for residential purposes.

The finished floor levels of certain portions of each unit are such that access for disabled persons can be provided thereby providing the potential for non-residential use in conjunction with residential use in the future, should this become economically viable.

The development includes parapet wall on both side boundaries.

Twelve(12) on-site car parking have been provided, which is in accordance with the JCCDPM. There is adequate space to allow one of the car bays to be converted to a bay for disabled persons in the future.

Access to the studio units is provided via the garage of the respective grouped dwelling and the studio units are not fitted with laundry facilities, which is provided in the respective grouped dwelling.

Relevant Legislation and Structure Plan

The site is part of the Joondalup City Centre. In terms of the District Planning Scheme No 2 this area is subject to the provisions of a structure plan being the Joondalup City Centre Development Plan and Manual. The property is designated for General City Uses, which has the following specific requirements:

Land Use	<i>Preferred Uses: Office, Retail, Accommodation, Residential, Leisure and Entertainment, Cultural Facilities, Community Facilities and Medical Suites</i>
Plot Ratio	<i>Maximum plot ratio of 1.0</i>
Car Parking	<i>Residential only: 2 bays per unit Residential & Non-residential Mix: 1 bay per 30m² for the non-residential component 1 bay per dwelling</i>
Setbacks	<i>Front: 0 metre Side and Rear: In accordance with the Building Code of Australia</i>
Heights	<i>Max three storeys. In exceptional circumstances higher development may be considered. Roof spaces can be utilised to provide additional accommodation</i>

COMMENT

The subject site fronts onto Grand Boulevard and is currently vacant. The proposed development complies with the requirements of the Structure Plan with the exception of the proposed front setback. The JCCDPM encourages a strong relationship between buildings and the street, particularly within the General City Use precincts where a nil setback is stipulated.

Both adjoining properties are also designated for General City Use. The properties have been developed and include residential units in each instance. Variations to front setbacks have been approved in both instances.

Along its north-western boundary the subject site abuts Lot 220, which accommodates a gym and two residential units. While the gym achieves the nil front setback requirement, the two grouped dwellings have been approved with a front setback of a maximum of 2.136 metres. The grouped dwelling immediately adjacent to the subject site has a front setback of 0.8 metres.

Along its eastern boundary the subject site abuts Lot 1 (previously Lots 222 and 223). This property is developed with 10 grouped dwellings. A maximum front setback of 5.6 metres has been approved which applies to the grouped dwelling that is situated immediately adjacent to the subject site.

It is considered that the proposed development will integrate well into the existing urban streetscape. The dwellings incorporate small balconies overlooking Grand Boulevard, which add interest to the front elevation.

Given that the adjoining dwellings are not developed with a nil setback, from a streetscape perspective, the proposed 1.5 metre – 4.8 metre setback assists the proposed dwellings to blend with the adjoining properties and provides a consistent yet interesting street frontage.

The proposal is therefore supported.

MOVED Cr Kimber, SECONDED Cr Patterson that Council:

- 1 EXERCISES discretion under Clause 4.5 of District Planning Scheme No 2 and determines that a front setback of 1.5m to 4.8m in lieu of a 'nil' setback is appropriate in this instance;**
- 2 APPROVES the application submitted on 9 January 2001 and amended plans dated 10 May 2001 by Farid Popal for 6 grouped dwellings on Lot 221 (9) Grand Boulevard, Joondalup subject to the following conditions:**
 - (a) the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**

- (b) car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;
- (c) an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (d) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:

The location and type of existing and proposed trees and shrubs within:

- carpark area
- any lawns to be established
- those areas to be reticulated or irrigated

Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

- (e) the footpath treatment in the adjoining road reserve to be continued to the property boundary in a design with a finished floor level that matches the existing paving and at a grade 2% rising from the kerbline, prior to the development first being occupied;
- (f) any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from Piccadilly Street or Grand Boulevard;
- (g) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure to be submitted as part of the Building Licence;
- (h) all fencing to be designed and constructed in accordance with the Joondalup City Centre Plan and Manual and thereafter maintained to the satisfaction of the City;
- (i) all fencing being installed in accordance with the City's Fencing Local Laws 1999 prior to the occupation of the dwellings;
- (j) the studio units can only be used as an ancillary use to the grouped dwelling development herein approved. The studio unit component of this development is not to be subdivided, strata titled, let or occupied for any other purpose than is allowed under the definition of a dwelling and in conjunction with the respective grouped dwelling;

- (k) suitable capping is to be provided to the satisfaction of the City along the eastern and western boundary so that any gap between the existing wall of the adjoining developments on the joint boundary and the proposed parapet walls of this development is closed. The capping is to be painted to match the development;
- (l) each dwelling is to be provided with an adequate area that is screened from view for clothes drying or alternatively be provided with clothes drying facilities within the unit;
- (m) the bin storage area shall be constructed of material compatible with the overall development to the satisfaction of the City and shall be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock;
- (n) retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practicing Structural Engineer must be submitted for approval.

Footnote:

- 1 (a) with reference to condition 2(e) please be advised that infill paving shall be done using Midland “Joondalup Red” pavers;
- (b) in regards to condition 2 (j) above, a ‘dwelling’ is defined in the Residential Planning Codes to mean building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by
 - a single person
 - a single family
 - no more than six (6) persons who do not comprise a single family

AMENDMENT MOVED Cr Kadak, SECONDED Cr Rowlands that an additional Point 2 (o) be added to the Motion as follows:

“2 (o) the front boundary fences being increased to 1800mm (1.8m) in height.”

The Amendment was Put and

CARRIED

The Original Motion, as amended, BEING:

- 1 **EXERCISES** discretion under Clause 4.5 of District Planning Scheme No 2 and determines that a front setback of 1.5m to 4.8m in lieu of a ‘nil’ setback is appropriate in this instance;
- 2 **APPROVES** the application submitted on 9 January 2001 and amended plans dated 10 May 2001 by Farid Popal for 6 grouped dwellings on Lot 221 (9) Grand Boulevard, Joondalup subject to the following conditions:

- (a) the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- (b) car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;
- (c) an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (d) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:

The location and type of existing and proposed trees and shrubs within:

- carpark area
- any lawns to be established
- those areas to be reticulated or irrigated

Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

- (e) the footpath treatment in the adjoining road reserve to be continued to the property boundary in a design with a finished floor level that matches the existing paving and at a grade 2% rising from the kerblines, prior to the development first being occupied;
- (f) any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from Piccadilly Street or Grand Boulevard;
- (g) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure to be submitted as part of the Building Licence;
- (h) all fencing to be designed and constructed in accordance with the Joondalup City Centre Plan and Manual and thereafter maintained to the satisfaction of the City;
- (i) all fencing being installed in accordance with the City's Fencing Local Laws 1999 prior to the occupation of the dwellings;

- (k) the studio units can only be used as an ancillary use to the grouped dwelling development herein approved. The studio unit component of this development is not to be subdivided, strata titled, let or occupied for any other purpose than is allowed under the definition of a dwelling and in conjunction with the respective grouped dwelling;
- (k) suitable capping is to be provided to the satisfaction of the City along the eastern and western boundary so that any gap between the existing wall of the adjoining developments on the joint boundary and the proposed parapet walls of this development is closed. The capping is to be painted to match the development;
- (l) each dwelling is to be provided with an adequate area that is screened from view for clothes drying or alternatively be provided with clothes drying facilities within the unit;
- (m) the bin storage area shall be constructed of material compatible with the overall development to the satisfaction of the City and shall be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock;
- (n) retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practicing Structural Engineer must be submitted for approval.
- (o) the front boundary fences being increased to 1800mm (1.8m) in height.

Footnote:

- 1
- (a) with reference to condition 2(e) please be advised that infill paving shall be done using Midland “Joondalup Red” pavers;
 - (b) in regards to condition 2 (j) above, a ‘dwelling’ is defined in the Residential Planning Codes to mean building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by
 - a single person
 - a single family
 - no more than six (6) persons who do not comprise a single family

Was Put and

CARRIED

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf050601.pdf](#)

Cr Carlos declared an interest in Item CJ183-06/01 as he is a shareholder of Foodland Australia Ltd (FAL).

Cr Carlos left the Chamber, the time being 2033 hrs.

CJ183 - 06/01 PROPOSED AMENDMENT NO 1 TO DISTRICT PLANNING SCHEME NO 2 – LOT 3 (5) TRAPPERS DRIVE, WOODVALE - [55070]

WARD - Lakeside

CJ010605_BRF.DOC:ITEM 18

SUMMARY

A request has been received to:

1. rezone a 354m² 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 (Attachment 1), 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.

At the Council meeting of 13 February 2001 Council resolved that the matter pertaining to District Planning Scheme No.2 – Lot 3 (5) Trappers Drive, Woodvale (Attachment 1) be deferred pending further consideration by elected members.

This paper has been prepared in an effort to explore the issues surrounding the proposal and, in view of the City’s previous decisions, recommends proceeding with the proposal and initiating an amendment to District Planning Scheme No 2.

BACKGROUND

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 4,990m².

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:

- “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 4,990m² and this will need to be further investigated before consideration of the amendment for final approval.

At the Council meeting of 13 February 2001 Council resolved that the matter pertaining to Amendment No.1 to District Planning Scheme No.2 – Lot 3 (5) Trappers Drive, Woodvale (Attachment 1) be deferred pending further consideration by elected members.

DETAILS

Following the Council meeting on 13 February 2001 the City met with the applicant to discuss the issues surrounding the proposal. Issues raised were, formal offer to purchase the land, the arrangements for the provision of parking in the long term, the status of legal

agreements relating to retail floor area permitted at the centre, and the integration of the proposed development with the uses on the community purpose site and adjacent land.

With regard to the need for a formal offer to buy the land, the applicant has indicated concern that Council may not be supportive of its April 1999 resolution. The process is a costly exercise, and the applicant would like confirmation from the Council before undertaking further expenses. The purpose of this paper is to provide additional information in regards to the issues surrounding the proposed amendment. It should also be noted that the area required has been reduced to 354m² from the previous estimate of 539m² (Attachment 2).

Issues

Community Purpose Site

The community purpose site is considered to be under utilised at this stage, resulting in poor amenity, lack of surveillance and concerns in regards to safety. There is no identified additional community purpose need for the site at this stage. However, investigations indicate that there is opportunity to provide an additional general purpose building if the need arises.

Offer to Purchase Land

At this point in time a formal offer to purchase the subject land has not been presented by the proponent. The applicant has, however, advised that he is quite prepared to provide the necessary offer once Council has confirmed its preparedness to proceed with the sale. It is anticipated that the offer will include a surveyed plan and up to date valuation.

Provision of Parking

The creation of an additional 1000m² of retail floorspace at the Woodvale Shopping Centre generates a need for additional 70 car parking bays. In the process of extending the supermarket, 14 existing bays abutting the northern supermarket will be lost, so the total number of bays to be created is 84.

There are two options available to address the issue of provision of additional car parking as follows:

- The land being leased to the proponent, as resolved at the April 1999 meeting, to offer to dispose of 539m² (now reduced to 354 m²) 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 conditions.
- The proponent paying cash-in-lieu for the required number of car parking bays.

It is suggested that the best course of action in this case would be for the proponent to pay Council the required cash-in-lieu amount. This then allows the City to provide the car parking at such time that it is required and retain total control of the remainder of the land.

Integration of Land Uses

It is anticipated that the shopping centre and the nearby community and residential uses will be better integrated as a result of the proposal. By developing the vacant land in between and connecting them by a clearly defined walkway, some improved functional integration would be achieved as well as improved surveillance.

Some of the main advantages of the proposal from an integration and amenity perspective are:

- improvements to the northern mall entry of the centre, involving better definition of entrance and provision of seating, landscaping etc.;
- construction of a covered walkway running westwards from this entry to the retirement village boundary where a pedestrian ramp and stairs would complete the connection between the two sites;
- improved pedestrian connections between the community centre, library and shopping centre, and installation of a new footpath adjacent to the driveway which links the rear of the shopping centre to Trappers Drive;
- addition of parapet ‘noise baffles’ to substantially reduce the existing noise from rooftop refrigeration units on the western side of the supermarket;
- installation of a new cool room for waste storage, also on the western side of the supermarket, to eliminate rubbish odours;
- Provision of a new screen wall to the fruit/vegetable preparation area and box store near the northern mall entry.

These improvements will greatly enhance the utility and appearance of the shopping centre, as well as the amenity of the retirement village to the west. The quality of access between the retirement village and the shopping centre will also be improved to the benefit and convenience of the retirement village residents. In addition, the entire area would, through usage of the car park come under more-or-less constant daytime surveillance, which would greatly enhance security at this location.

Traffic Management

The proponent has previously provided a detailed assessment of traffic, access and parking arrangements in relation to the proposed supermarket extension. The recommended traffic, access and parking system incorporates the following key elements:

- the existing driveway between the shopping centre and the library would be modified to a one-way exit permitting left turn out only at Trappers Drive (reduced width allows construction of a new footpath). This also means that a portion of Council land will now be required for use by service vehicles, accordingly arrangements would need to be made with the proponent in this regard.
- two-way traffic flow would be maintained on the driveway between the community centre and northern property boundary, with provision of a right turn auxiliary lane at its junction with Trappers Drive in order to better facilitate right turns into this driveway from Trappers Drive north;
- Additional pedestrian/cyclist facilities and improved pedestrian and cyclist connections between the shopping centre, retirement village, community centre, library and medical centre.

These features, combined with the proposed enhancement of the northern mall entry, would improve the functionality of the area while greatly improving the physical conditions for pedestrians moving between the various facilities in the area – the increased level of activity would also have benefits from the point of view of pedestrian safety, security and amenity as discussed in the previous section.

Legal Agreement

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 4,990m².

Enquiries made of the applicant indicate that there is no encumbrance or notice on the Title and no previous knowledge of any such agreement.

Shrapnel Urban Planning in the report prepared in support of the proposal nominates the improvements to be undertaken in relation to the proposal, as described above. To secure the modifications to the cyclist/pedestrian facilities, improvements to the amenity of the locality and the maintenance and utilisation of Council land for access it will be necessary for the proponent to enter into a legal agreement with the City.

Pursuant to Section 3.58(3) of the *Local Government Act 1995*, if considered appropriate a local government may dispose of property other than by public auction or by the public tender process if before agreeing to dispose of the property it gives statewide public notice of the proposed disposition:

1. describing the property concerned;
2. giving details of the proposed disposition, ie names of the parties involved, the consideration to be received, the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition; and
3. inviting submissions to be made following at least a 14 day advertising period.

COMMENT

Firstly, Council needs to decide if it is prepared to consider selling a portion of the community purpose site. Foodland undertook the design work and investigations on the basis of the Council's decision to conditionally dispose of a portion of the site. Foodland are now seeking an indication of the direction the Council now wishes to take.

There are three broad options available in regards to the proposal that are considered below:

Option	Advantages	Disadvantages
Maintain status quo	Land remains Council's for public uses	Poor amenity for shoppers Poor continuity between the different uses. Poor security due to low level of surveillance.
Sell land and lease parking area	Funds from sales may be spent on other community facilities or the like. The lease arrangement means that an income is generated.	Removes the option of using the land for other suitable purposes.

Sell land and cash in lieu for parking	Funds from sales may be spent on other community facilities or the like. Payment of cash in lieu means that the car parking may be provided when it is actually needed	Payment of cash in lieu means the City is committed to providing the parking, which may impinge on future alternative uses for the land.
--	--	--

It may be considered that it is possible to allow a small expansion of the commercial facility, with adequate parking and accommodate some additional community facilities. The option proposed by FAL (purchasing 354m²) is considered on balance to provide advantages, which together with the cash in lieu alternative provides significant benefits to the Council facilities and the wider community. In view of Council's resolution of April 1999, it is recommended that the proposal be supported and an amendment be initiated.

OFFICER'S RECOMMENDATION:

That Council:

- 1 ADVISES Foodland Australia Ltd that it supports in principle the proposal to sell 354m² of Lot 3 (5) Trappers Drive, Woodvale subject to:
 - (a) the requirements of the Local Government Act, 1995;
 - (b) a formal offer being made and agreed to by Council;
 - (c) an amount being set for the payment of cash in lieu for the car parking bays;
 - (d) legal agreement being prepared to secure the modifications to the cyclist/pedestrian facilities, improvements to the amenity of the locality and the maintenance and utilisation of Council land for use by the service vehicles;
 - (e) subdivision of the 354m² portion of Lot 3 and its amalgamation into Lot 6;
 - (f) the proponent agreeing that if the relevant development is not proceeded with, the land be returned to the City at cost;
 - (g) the proponent meeting all the costs involved in relation to the above;
- 2 in pursuance of Section 7 of the Town Planning and Development Act 1928:
 - (a) AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of:
 - (i) rezoning a 354m² 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.

ADDITIONAL INFORMATION

Following the briefing session, consideration has been given to alternative ways of progressing the above matter.

Section 3.58 (sections 3 & 4) of the Local Government Act 1995 requires that, where disposing of property:

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

- (a) *it gives Statewide public notice of the proposed disposition –*

- (i) *describing the property concerned;*

- (ii) *giving details of the proposed disposition; and*

- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include:*

- (a) *the names of all parties concerned;*

- (b) *the consideration to be received by the local government for the disposition; and*

- (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

Given the above, it is suggested that an alternative recommendation be proposed. If, following the advertising process, Council agrees to accept the Offer, the other matters referred to in the previous recommendation, including the rezoning, can be initiated.

MOVED Cr Kadak, SECONDED Cr Rowlands that:

- 1 Council ADVISES Foodland Australia Limited (FAL) that if it wishes to pursue the purchase of Lot 3 (5) Trappers Drive, Woodvale, then in order for the Council to comply with Section 3.58 of the Local Government Act, 1995, a formal offer should be made for the Council's consideration;**
- 2 Should an offer be made by FAL as detailed in (1) above, then at no stage should such action be construed as the Council being under any obligation to accept an offer on the land in question.**

Discussion ensued.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf050601.pdf](#)

Cr Baker left the Chamber, the time being 2036 hrs.

Cr Carlos entered the Chamber, the time being 2037 hrs.

CJ184 - 06/01 PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 – TO INCLUDE SHOWROOM AND DRY CLEANING PREMISES AS AN ADDITIONAL USE ON LOT 60 WARBURTON AVENUE, PADBURY - [02730]

WARD - Pinnaroo

CJ010605_BRF.DOC:ITEM 19

SUMMARY

Taylor Burrell, on behalf of Marmion Squash Centre Pty Ltd, has submitted a proposal to amend District Planning Scheme No 2 (DPS2) to include showroom and dry cleaning premises as additional uses on Lot 60 Warburton Avenue, Padbury (see Attachment 1). Under DPS2, both uses are denoted as "not permitted" in the Mixed Use zone.

The showroom and dry cleaning premises uses are proposed to replace a consultancy room that was approved under Town Planning Scheme No.1 (TPS1), in addition to a shop and professional office. The applicant has justified the proposal on the basis that both uses, in terms of hours of business and anticipated traffic volumes, will be the same or even less than that of a consultancy room. Both uses were originally proposed to be included as "permitted uses" under the Mixed Use zone in the draft DPS2, however, were removed along with a number of other uses at the direction of the Minister as being inappropriate in a Mixed Use zone.

Under TPS1, there were many "additional use" or "one-off" zones. The inclusion of the Mixed Use zone in DPS2 also had the objective of removing these additional use zones, and incorporating them into the new Mixed Use Zone. This approach was supported by the Minister, and is considered a more appropriate way of planning for the City's needs.

The City's Centres Strategy contains a number of proposals that will impact on the Mixed Use zone and will provide an opportunity to address this issue in a wider context. The Centres Strategy has been endorsed by Council following public advertising and is currently being assessed by the Western Australian Planning Commission (WAPC).

Whilst some merit may be given to the arguments presented by the applicant, the proposed uses of showroom and dry cleaning premises were changed to "not permitted" in the Mixed Use zone and therefore it is recommended that the amendment to DPS2 not be initiated at this stage. The City will examine more closely the proposal of additional uses such as showroom and dry cleaning premises in the Mixed Use zone in the context of an amendment to DPS2 once the City's Centres Strategy has been adopted by the WAPC.

BACKGROUND

Lot No	60
Street Address	Warburton Avenue, Padbury
Land Owner	Marmion Squash Centre Pty Ltd
MRS Zoning	Urban
TPS Zoning	Mixed Use

Previous Scheme – TPS1

Town Planning Scheme No1 (TPS1) was the operative town planning scheme for the then City of Wanneroo until it was revoked on the approval of District Planning Scheme No2 (DPS2) in November 1999. A large area of Padbury, Duncraig and Hillarys was included in the Special Development A zone. When TPS1 was first approved (1972), this area was just being developed and this zone was used to permit a broad range of land uses in accordance with an approved Concept Plan. Lot 60 Warburton Avenue Padbury (the site) together with all of the surrounding land was included in the Special Residential A zone under TPS1 (Attachment 2).

The site was developed as a Squash Court in the early 1980s, and the land directly across Warburton Avenue and Renou Street is developed for residential. Lot 7, on the corner of Marmion and Warburton Avenues, is developed as a BP service station operating 24 hours a day. The land immediately to the south is a reserve for recreation. All of this land is included in the Special Development A zone.

The squash courts were initially successful however over later years the site was the subject of a number of development proposals. These proposals usually involved a certain amount of controversy and attention from nearby residents.

Current Scheme – DPS2

District Planning Scheme No2 was prepared and advertised for public inspection and comment in accordance with the Town Planning Regulations in 1999. The list of zones included in DPS2 was reduced and simplified. Zones such as Special Development A and

Residential Development were no longer included with land included in the specific Residential, Commercial and other zones, and Local Reserves.

The advertised version of DPS2 included the site in the Residential zone, with the additional permitted use "Squash Courts" in recognition of the existing use. There was a detailed submission relating to the site requesting a change on the grounds that the special Development A zone permitted a range of commercial and other non-residential uses and this opportunity should not be restricted.

The City considered the public submissions and made recommendations regarding the Scheme in accordance with the Regulations, and the City did not propose to change the zoning of the site. The Minister directed a number of changes be made to the Scheme and it be re-advertised. With regard to the site, he directed that the City investigate ways of providing a suite of uses more similar to those that had been available for the site under TPS1.

Upon investigation, the City determined that the most appropriate response would be to create a new (Mixed-Use) zone to accommodate small scale, low impact uses and include the site and a number of others in this new zone. Many of the sites included in this zone were adjacent to commercial areas, and some, such as Lot 60, were freestanding. All of these sites were in close proximity to residential development and intended to accommodate development that would not adversely impact on that use.

Prior to approving DPS2, the Minister determined that a number of uses be changed to "not permitted" in the Mixed-Use zone. These uses were hardware store, launderette, motel, dry cleaning and showroom (see Attachment 3).

At the time DPS2 was being finalised, the City was preparing a Centres Strategy, whereby commercial development in the City was examined and a framework proposed to balance industry and community needs to enable continuing provision of a full range of services. This strategy involves supporting centres of a range of sizes and functions. The City's new Mixed-Use zone complements this strategy.

An application was considered by the Council at the meeting held on 22 May 2001 and conditional approval was granted for beauty parlour, hairdresser, bakery, office, restaurant and consultancy room.

DETAILS

Taylor Burrell, on behalf of Marmion Squash Centre Pty Ltd, has requested DPS2 be amended to permit the uses *showroom* and *dry cleaning premises* to be approved on the site. At this stage, no further development proposal incorporating these additional uses has been lodged.

The applicant has provided supporting documentation, noting that in terms of impact on neighbouring residential areas the proposed additional uses are likely to have less impact in terms of hours of operation and traffic generation. The point is also made that the City previously proposed that both uses should be permitted in the Mixed-Use zone.

Relevant Legislation.

Section 7 of the Town Planning and Development Act 1928 enables local authorities to amend a town planning scheme. The procedure for amendment is set out in the Town Planning Regulations and the first step is for the local authority to determine whether or not to prepare and adopt an amendment to its Scheme. (Attachment 4)

COMMENT

At the time of finalising the DPS2, particularly having regard to the Minister's directions, the City was quite deliberate in establishing the range of uses which could be permitted in the Mixed Use Zone. The concept of the Mixed Use Zone was also intended to reduce the number of "additional use" sites throughout the City.

The arguments presented by the applicant have not been examined in detail at this stage. While they may have some merit, it is considered important that the City examine such changes to its Scheme to ensure a balance between overall consistency in the Scheme and recognising the needs on and adjacent to specific sites.

Such changes to the Scheme which involves commercial centres should be examined in the context of the City's Centres Strategy (yet to be endorsed by the WAPC),

There are a range of options which the Council could take.

Option 1 - Amend Scheme to permit additional uses on this site.

Council could amend DPS2 to include the site in a special zone to permit *showroom* and *dry cleaning premises* as additional uses. As the site is directly opposite residential uses such a response would be contrary to the reasoning behind the Minister's determination. Generally it is intended to minimise the instances of this type of "one-off" provision in the Scheme as it is considered to be overly complicated.

Option 2 - amend Scheme to permit additional uses in this zone.

Council could amend DPS2 to permit *showroom* and *dry cleaning premises* to be approved in the Mixed-Use zone. This would be a direct reversal of the of the Minister's direction on the approval of the Scheme.

Option 3 - Don't amend the Scheme at this stage.

Council could decide that the matter identified in this request can be best dealt with in conjunction with the range of issues arising from the Centres Strategy and should be considered in that context. This will involve an examination of the definition of some uses and appropriate controls for scale of operation. Such an examination would be considered in relation to all Mixed Use Zone locations, and not just Lot 60 Warburton Avenue.

Option 4 - Don't amend the Scheme.

Council could decide that there is no need to amend the Scheme in this manner.

Assessment and Reasons for Recommendation

Whilst some merit may be given to the arguments presented by the applicant, the proposed uses are considered as not being compatible with the land uses and the objectives of clause 3.5 of DPS2 for the Mixed Use zone unless a suitable method of addressing scale and impact on residential amenity is included. It is also a matter which should be considered in the broader context of all Mixed Use Zone locations as well as the Centres Strategy.

It is therefore recommended that Council adopt option 3 and resolve not to initiate the amendment at this stage. The proposal of additional uses such as showroom and dry cleaning in the mixed-use zone can be examined more closely in the wider context of the Centres Strategy.

MOVED Cr Walker, SECONDED Cr Rowlands that Council ADVISES the applicant that it is not prepared to initiate an amendment to District Planning Scheme No 2 to permit the uses Showroom and Dry Cleaning Premises on Lot 60 Warburton Avenue, Padbury at this stage but will examine this matter in detail when preparing the amendment to implement its Centres Strategy.

The Motion was Put and

CARRIED

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf050601.pdf](#)

**CJ185 - 06/01 PROPOSED AMENDMENT NO 8 TO DISTRICT
PLANNING SCHEME NO 2 – PORTION OF PART
LOT 2 (30) DORIAN LOOP, KINROSS (KINROSS
MIDDLE SCHOOL SITE) - [35016]**

WARD - North Coastal

CJ010605_BRF.DOC:ITEM 20

SUMMARY

An application has been submitted to amend District Planning Scheme No 2 (DPS 2) to rezone a portion of Part Lot 2 (30) Dorian Loop, Kinross (Kinross Middle School site) from 'Local Reserve – Public Use – High School' to 'Residential'. (**Attachment 1**)

The rezoning is being sought to facilitate residential subdivision and development of the land.

The rezoning will effectively reduce the size of the Kinross Middle School site from 10 hectares to 7.02 hectares, which is below that recommended by Western Australian Planning Commission (WAPC) policy. The Education Department advises, however, that the land is surplus to its requirements.

An application has been submitted to subdivide the Kinross Middle School site into two lots, one being 7.02 hectares, and the other, 2.80 hectares. (**Attachment 2**) The 7.02 hectare lot is proposed to accommodate the Kinross Middle School whilst the 2.80 hectare lot is proposed for future residential subdivision and is the subject of this rezoning proposal. Council considered the subdivision application at its meeting on the 24 April 2001 (CJ124-04/01) where it resolved to support the application subject to conditions, one of these being the rezoning of the proposed 2.80 hectare lot from “Local Reserve – Public Use – High School” to “Residential” under the City’s DPS 2. The subdivision application has yet to be determined by the WAPC.

The proposed “Residential” zoning is in accordance with the surrounding zoning and is compatible with the reservations of surrounding land.

It is recommended that Council amends DPS 2 for the purpose of rezoning a portion of Part Lot 2 (30) Dorian Loop, Kinross (Kinross Middle School site) from ‘Local Reserve – Public Use – High School’ to ‘Residential’.

BACKGROUND

Land Details

Lot No	Pt Lot 2
Street Address	30 Dorian Loop, Kinross
Land Owner	Burns Beach Management Pty Ltd
MRS Zoning	Urban
TPS Zoning	Local Reserve – Public Use – High School
Land Use	Undeveloped
Lot Area	Area Subject to Rezoning – 2.8 hectares

Site History/Previous Council Decisions

The subject land is located on the corner of Roxburgh Circle and Kinross Drive in Kinross (**Attachment 1**) and was initially intended to form part of the Kinross Middle School site.

Subdivision applications to create a 10 hectare school site over the subject and adjoining land were conditionally approved on the 13 January 1993, 30 April 1993 and the 25 March 1996. The school site, however, was never formally created and exists merely as a portion of freehold land. Notwithstanding this, the site has been reserved ‘Local Reserve - Public Use – High School’ under DPS2 and is designated in the Kinross Structure Plan as a high school site.

A subdivision application has been submitted to subdivide the Kinross Middle School site into two lots, one being 7.02 hectares, and the other, 2.80 hectares. The 7.02 hectare lot is proposed to accommodate the Kinross Middle School whilst the 2.80 hectare lot is proposed for future residential subdivision and is the subject of this rezoning proposal. Council considered the subdivision application at its meeting on the 24 April 2001 (CJ124-04/01) where it resolved to support the application subject to conditions, one of these being the rezoning of the proposed 2.80 hectare lot from “Local Reserve – Public Use – High School” to “Residential” under the City’s DPS 2. The subdivision application has yet to be determined by the WAPC.

DETAILS

The application proposes to rezone a portion of Part Lot 2 (30) Dorian Loop, Kinross (Kinross Middle School site) from 'Local Reserve – Public Use – High School' to 'Residential'.

The rezoning is being sought to facilitate residential subdivision and development of the land as the Education Department has advised that it is surplus to its requirements. It is believed that approximately 33 lots can be accommodated on the land.

In support of their proposal the applicants state that the proposed development:

- is able to be adequately serviced;
- will provide a buffer to the existing lots along Roxburgh Circle and associated traffic and activity;
- will result in an efficient use of the land as it is surplus to the Education Department's requirements;
- will improve the viability of local neighbourhood facilities (shops) by introducing additional population, and in turn, improve their level of service to the community; and
- is supported by an adequate amount of public open space

Current Proposal or Issue

The rezoning proposal will effectively reduce the size of the Kinross High School site from 10 hectares to 7.02 hectares.

The WAPC's Policy DC 2.4 (School Sites) generally recommends a minimum of 8-10 hectares for a high school site but states:

"Where a school site is co-located with public open space, that open space is fully utilised by the school and arrangements are in place to the satisfaction of the local government to provide long-term contributions from the education provider for the management of the open space, the land requirement for the school may be reduced."

Relevant Legislation

The Town Planning Regulations 1967 set out the procedure for amendments to local government's Town Planning Schemes. The procedure is summarised at **Attachment 3** and the current stage of the amendment has been highlighted.

COMMENT

Issues

The rezoning proposal will effectively reduce the size of the Kinross High School site from 10 hectares to 7.02 hectares, which is below that recommended for high school sites in the WAPC's Policy DC2.4 (School Sites). The Education Department advises, however, that the proposed 7.02 hectare site is sufficient for its purposes. The Department advises that the additional 2.8 hectare area is not required as the Kinross High School is structured for Years 6 to 10 students only. The Department advises that the school site adjoins public open space and that the school oval will be located as a joint facility on that public open space. The Department advises that the school will also have 2 storey elements thus reducing site area needs.

As outlined above, the WAPC may allow for high school sites to be less than 8-10 hectares where they are co-located with public open space, that public open space is fully utilised by the school and arrangements are in place for long term contributions from the education provider for the management of the open space.

The Education Department has had discussions with the City with respect to the use of the adjoining public open space. A legal agreement is intended to be entered into with respect to the use of the public open space once the school site has been developed. The City has entered into similar agreements with the Education Department with respect to the use of public open space elsewhere in the City.

The subject land is bound by Residential land to the north and east, public open space to the west and the Kinross Middle School site to the south. The proposed “Residential” zoning is in accordance with the surrounding zoning and is compatible with the reservations of surrounding land.

Accordingly, it is recommended that the Scheme be amended as proposed. The amending text is contained in **Attachment 4**.

MOVED Cr Hollywood, SECONDED Cr Walker that Council:

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No. 2 for the purpose of rezoning a portion of Part Lot 2 (30) Dorian Loop, Kinross (Kinross High School site), from “Local Reserve – Public Use – High School” to “Residential” and ADOPTS Amendment No 8 accordingly;**
- 2 ADVISES the applicant that a legal agreement between the City and the Education Department of Western Australia will need to be finalised with respect to the use of the adjoining public open space prior to the finalisation of the amendment.**

The Motion was Put and

CARRIED

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf050601.pdf](#)

**CJ186 - 06/01 BREACH OF DISTRICT PLANNING SCHEME NO 2 -
UNAUTHORISED FENCE AND FILL: LOT 1 (19)
QUAYSIDE MEWS, HILLARYS - [49077]**

WARD - Whitfords

CJ010605_BRF.DOC:ITEM 22

SUMMARY

On 6 September 2000 the City received a written complaint in relation to the unauthorised fencing and fill at Lot 1 (19) Quayside Mews, Hillarys.

Repeated written and verbal requests to the owner of the site to reinstate the fencing and the fill to its original levels or for the lodgment of a Development Application for the unauthorised work have not been adhered to.

It is recommended that, should the unauthorised fence and fill not be reinstated within 14 days from the Council meeting, legal action be initiated against the owner of Lot 1 (19) Quayside Mews for failing to reinstate the fence and fill at the above site.

BACKGROUND

Lot	1
Street Address	19 Quayside Mews, Hillarys
DPS2 Zoning	Residential R40
Lot Area	305m ²

The subject site has been developed with a single dwelling. An inspection of the site has revealed that related fencing and fill works have been undertaken at the above property without the City's approval. The approval for boundary fencing is required as the subject land is within a Structure Plan area. On 6 October 2000 the owners of Lot 1 (19) Quayside Mew, Hillarys were requested to remove all timberlap fencing and reinstate the front and side fence and fill to the original levels and to be in compliance with the City of Joondalup Hillarys Structure Plan that applies to the above site. A 28 day period was given to rectify the unauthorised work under the previous Town Planning Scheme No 1 (TPS1) (revoked on 28 November 2000), as the City did not have power to consider retrospective approvals under TPSI.

The owners of 19 Quayside Mews have removed the timberlap fence on the north-side of the lot between Lot 1 and Lot 2, however, they have installed a solid wall of approximately 1.8m high on the side boundary up to the front of the lot. The fence height (on the side boundary) within the front setback area is to be 1 metre in accordance with the Hillarys Structure Plan, compared to the 1.8 metre wall as constructed. The front fence has also been increased greater than the 1 metre maximum height.

On 19 February 2001, the City requested that the owners remove the unauthorised structures or lodge a Development Application to allow Council to consider the unauthorised work. The ability to consider the unauthorised work is contained in the new District Planning Scheme

No 2 (DPS2) which was gazetted on 28 November 2000. Clause 6.12 of DPS2 allows the City to consider retrospective approval of existing developments, which do not have the appropriate approval, subject to compliance with DPS2 requirements. An additional 14 days was given to the owners of 19 Quayside Mews to comply with the above requirements. The owners of 19 Quayside Mews came to the City in late March 2001 to submit a Development Application for the above unauthorised structures. As the plans that were to be submitted were insufficient in detail to be assessed, the owners were requested to resubmit the application with all details pertaining to the unauthorised work, including previous and current fill levels.

On 26 April 2001 a letter was issued to the owners of 19 Quayside Mews giving a further 7 days to submit the Development Application for the unauthorised work. The owners were also advised in the letter that the matter was to be referred to the next available Council meeting for possible legal action, should the requested information not be submitted. No response had been received at the end of the 7 day period.

On 24 April 2001, the City received a letter from the Ombudsman's Office requesting details relating to the events leading to the lodgment of the complaint and the steps taken by the City of Joondalup to resolve the matter affecting 19 Quayside Mews. The City has responded to the Ombudsman in a letter dated 14 May 2001 advising that the matter would be considered at the next available Council meeting. The Ombudsman's office was also advised that if legal action were to be taken, it might take some months depending on whether the Council resolve to take legal action and the outcome of any such action in the local courts.

DETAILS

The above subject lot is situated within the City of Joondalup Hillarys Structure Plan No 20. There are specific development requirements relating to fencing as follows:

(b) **Fencing:**

Front: shall not be built forward of the building unless constructed substantially of the same material and finishes as the dwelling and in any case the maximum height of any fence forward of the building shall not exceed 1 metre.

Internal Side: Shall be built substantially of the same materials of the adjoining fences on the same lot and shall be a minimum of 1.8 metres high.

External, Rear and Side: Fences facing an internal road or laneway shall be built substantially of the same material and finishing as the building and shall be a maximum of 1.8 metres high.

Rear fences: Shall be setback 1.2 metres to provide for bin pads and shall allow for a 1.5 metre visibility splay at 45⁰ to garage and fences.

The three main aspects of the unauthorised structures relate to:

- ♦ The side fence between Lot 1 and the adjoining property Lot 2 forward of the property at Lot 1 and the front fence for Lot 1 is greater than 1 metre high as required in the Structure Plan.
- ♦ The area between the house on Lot 1 and the front fence facing Whitfords Avenue has been filled without Council approval.

- ♦ The possible impact on the adjoining Lot 2 as a result of the unauthorised fills on Lot 1 Quayside Mews.

COMMENT

The City has given the owner of Lot 1 (19) Quayside Mews reasonable time to either reinstate the fence and the fill to its original position and level, or make application for Council consideration of retrospective approval. Despite numerous verbal and written requests, the owner of 19 Quayside Mews has failed to comply with the the City's requirements in relation to District Planning Scheme No 2 and the Hillarys Structure Plan affecting the above area.

As the owners have not complied with the numerous Council requests including lodgment of a development application, it is recommended that the owner be given a final 14 day period to reinstate the fences and the fill to its original position and levels after which, should the owner fail to comply, the Director Planning and Development be authorised to initiate legal action against the owner of the above site.

MOVED Cr Mackintosh, SECONDED Cr Patterson that Council:

- 1 REQUIRES the owners of Lot 1 (19) Quayside Mews, Hillarys to reinstate the front fence facing Whitfords Avenue and the north side boundary fence between the house on Lot 1 and the front fence facing Whitfords Avenue to the original height of 1m and the fill to its original levels within 14 days of Council's determination;**
- 2 ADVISES the owner that failure to comply with the final notice in 1 above will result in Council initiating legal action pursuant to the provisions of District Planning Scheme No 2;**
- 3 INITIATES legal action against the owner where item 1 above has not been satisfied within the 14 day period.**

The Motion was Put and

CARRIED

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf050601.pdf](#)

[Attach16abrf050601.pdf](#)

[Attach16bbrf050601.pdf](#)

[Attach16cbrf050601.pdf](#)

[Attach16d050601.pdf](#)

[Attach16e050601.pdf](#)

[Attach16fbrf050601.pdf](#)

Cr Baker entered the Chamber, the time being 2039 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER

Chief Executive Officer declared a financial interest in Item C44-06/01- Recruitment of New Chief Executive Officer as a potential candidate for the position.

**C44-06/01 RECRUITMENT OF NEW CHIEF EXECUTIVE OFFICER
- [20006] [91115] [12879]**

WARD - All

SUMMARY

Recruiters Australia have been engaged by the Council to assist the City in the process to recruit, select and appoint a new Chief Executive Officer. A CEO - Recruitment Committee has also been established to oversee the process for recruiting a new CEO.

At a meeting of the CEO - Recruitment Committee held on 11 June 2001 a proposal was submitted by Mr Reynolds from Recruiters Australia to interview a number of interstate candidates who have expressed an interest in the position. It is proposed that Mr Reynolds together with the Manager Human Resources be authorised to conduct preliminary interviews in Adelaide, Melbourne, Brisbane and Sydney in the week commencing 25 June 2001. It is estimated that the travel, accommodation and miscellaneous costs associated with the interstate preliminary interviews will be approximately \$10,000.

BACKGROUND

At its meeting held on 10 April 2001 the Council resolved to:

- (i) engage recruiters Australia to assist the City in the process to recruit, select and appoint a new Chief Executive Officer with Mr Warren Reynolds overseeing the assignment;
- (ii) allocate the costs associated with the recruitment of a Chief Executive Officer to Account No. 11.10.11.111.4201.0001 - CEO - Administration - Consultancy.

A copy of the Council report CJ092-04/01 dealing with the appointment of Recruiters Australia was provided for elected members' information.

A CEO Recruitment Committee has also been appointed to oversee the recruitment of a new CEO. The Committee met on 11 June 2001 and considered a proposal from Mr Reynolds for a number of candidates who have expressed an interest in the position to be interviewed in Adelaide, Melbourne, Sydney and Brisbane in the week commencing 25 June 2001.

The Committee has resolved to recommend to the Council that Mr Reynolds and the Manager Human Resources be authorised to travel interstate for the purpose of conducting preliminary interviews at an estimated cost of \$10,000.

FUNDING

Funding is available under Account Number 11.10.11.111.4201.0001 - CEO Administration - Consultancy to fund the estimated expenditure.

MOVED Cr Barnett, SECONDED Cr Baker that Council:

- 1 the Council AUTHORISES Mr Reynolds from Recruiters Australia and the Manager Human Resources to travel interstate in the week commencing 25 June 2001 for the purpose of conducting preliminary interviews with candidates who have registered an interest in the position of Chief Executive Officer;**
- 2 the expenditure in (1) above estimated at \$10,000 be charged to Account Number 11.10.11.111.4201.0001 – CEO Administration - Consultancy.**

The Motion was Put and

CARRIED

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICES OF MOTION – CR C BAKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

C45-06/01 NOTICE OF MOTION – CR C BAKER - REVIEW OF “VERGE” LOCAL LAWS

That:

- 1 Council REVIEWS all existing local laws (and its powers to make new local laws) concerning Council’s powers to compel the owners and/or occupiers of rateable land to adequately maintain the verge area between their front property boundary line and the immediately adjacent road surface (proper) in the manner of a reasonable person (“the Review”);**
- 2 the Review be the subject of a report to Council.**

ADDITIONAL INFORMATION

The following additional information is provided to elected members’ consideration in relation to Notice of Motion by Councillor Baker pertaining to a Review of “Verge” Local Laws.

Under the powers of the Local Government Act 1995, the City of Joondalup has local laws relating to verge treatments contained within Part 8 of the Local Government and Public Property section, clauses 48, 49 and 50 (refer to Appendix 18 hereto, detailing the Local Law) which outlines what the property owner can do on the verge, highlighting a number of permissible treatments.

The current Local Law provides for the City to be indemnified by the property owner against all permissible treatments and for the property owner to maintain treatment in a good and tidy condition and not cause an obstruction.

The proposed motion is suggesting that Council compel owners to adequately maintain their property verge in a manner of a reasonable person.

It is questionable whether Council has the powers to compel owners to install and maintain suitable verge treatments.

This is currently discretionary under the City's Local Laws and WAMA's Model Local Laws.

Council officers are not aware of any Western Australian Local Government that compels owners to install and maintain any verge treatments, bearing in mind that the verges are the property of the local government.

If Council wishes to progress this matter further, then it would be necessary in the first instance that the City seek legal advice as to its powers to compel property owners to install and maintain verge treatments to a particular standard.

Before advancing this matter, Council needs to recognise that it should only have a local law if it is prepared to enforce it. In this situation, Council should be mindful of the potential community backlash as it relates to enforcing property owners to be responsible for public property under the care, control and management of the City.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18min120601.pdf](#)

MOVED Cr Baker, SECONDED Cr Kenworthy that:

- 1 Council REVIEWS all existing local laws (and its powers to make new local laws) concerning Council's powers to compel the owners and/or occupiers of rateable land to adequately maintain the verge area between their front property boundary line and the immediately adjacent road surface (proper) in the manner of a reasonable person ("the Review");**
- 2 the Review be the subject of a report to Council.**

Cr O'Brien suggested an amendment to the wording of the Motion in that the word "compel" in Point 1 be replaced with the words "actively encourage". The Mover and Seconder agreed to this suggestion.

Discussion ensued.

The Original Motion, as amended, BEING:

- 1 Council REVIEWS all existing local laws (and its powers to make new local laws) concerning Council's powers to actively encourage the owners and/or occupiers of rateable land to adequately maintain the verge area between their front property boundary line and the immediately adjacent road surface (proper) in the manner of a reasonable person ("the Review");**

2 the Review be the subject of a report to Council.**Was Put and****CARRIED****C46-06/01 NOTICE OF MOTION – CR C BAKER - NEW “BUY LOCAL” POLICY**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

That:

- 1 Council **REVIEWS** its current “Buy Local” Policy (“the Review”) to ensure in so far as it is reasonably practicable, the application of the following criteria in the purchase of all of the goods and services required by our City of Joondalup:
 - (a) that local businesses located in the City of Joondalup are given preferential treatment;
 - (b) thereafter, businesses located in the City of Wanneroo;
- 2 the Review be conducted in conjunction with the local Joondalup Business Association Inc and Business Enterprise Centre;
- 3 the outcomes of the Review be submitted in a redrafted policy, to be included in a report to Council (“the new Policy”);
- 4 Council decides whether to accept, reject or vary the new policy;
- 5 if accepted by Council, the new policy be then reviewed by the Australian Competition and Consumer Commission to ensure that it complies with National Competition Policy before it is implemented by Council.

ADDITIONAL INFORMATION

Cr Baker's set of motions effectively requests the City to review its current Regional Purchasing policy. While such a review will not impact adversely on the City, the redrafted policy may have implications if it contravenes relevant legislation, ie the Local Government (Functions and General) Regulations 1996 (as amended) and the Trade Practices Act 1974.

It is to be noted that the Local Government (Functions and General) Regulations 1996 were amended on 25 February 2000 to give a regional price preference to country areas:-

"24C Regional price preference may be given

A local government located outside the metropolitan area may give a regional price preference to a regional tenderer in accordance with this Part."

Items 1a and 1b appear to contravene the regulations and the Trade Practices legislation.

As such, following the review the City should seek legal advice on the impacts of any amendments to ensure compliance with relevant legislation and National Competition Policy principles.

It is considered appropriate that the Managers of Contract Management and Accounting Services and the Purchasing Coordinator be on the Review Committee.

MOVED Cr Baker, SECONDED Cr Kimber that:

- 1 Council REVIEWS its current “Buy Local” Policy (“the Review”) to ensure in so far as it is reasonably practicable, the application of the following criteria in the purchase of all of the goods and services required by our City of Joondalup:**
 - (a) that local businesses located in the City of Joondalup are given preferential treatment;**
 - (b) thereafter, businesses located in the City of Wanneroo;**
- 2 the Review be conducted in conjunction with the local Joondalup Business Association Inc and Business Enterprise Centre;**
- 3 the outcomes of the Review be submitted in a redrafted policy, to be included in a report to Council (“the new Policy”);**
- 4 Council decides whether to accept, reject or vary the new policy;**
- 5 if accepted by Council, the new policy be then reviewed by the Australian Competition and Consumer Commission to ensure that it complies with National Competition Policy before it is implemented by Council.**

AMENDMENT MOVED Cr Mackintosh, SECONDED Cr Kenworthy that the Motion be amended to include:

- *the following words at the end of Point 1 (a):***

“1 (a) provided the price is competitive”

- *an additional Point 6 as follows:***

“6 where a product or service cannot be obtained in the City of Joondalup it be noted and referred to the Joondalup Business Association for follow up.”

The Amendment was Put and

CARRIED

Discussion ensued.

In response to a query from Cr Hollywood, Chief Executive Officer gave an explanation of the term “region” and suggested the need for a “Business Audit” to be undertaken in the Joondalup area.

To a query from Cr Kimber, Chief Executive Officer advised a further report would require to be submitted to Council for further consideration.

The Original Motion, as amended, BEING:

That:

- 1 Council REVIEWS its current “Buy Local” Policy (“the Review”) to ensure in so far as it is reasonably practicable, the application of the following criteria in the purchase of all of the goods and services required by our City of Joondalup:**
 - (a) that local businesses located in the City of Joondalup are given preferential treatment, provided the price is competitive;**
 - (b) thereafter, businesses located in the City of Wanneroo;**
- 2 the Review be conducted in conjunction with the local Joondalup Business Association Inc and Business Enterprise Centre;**
- 3 the outcomes of the Review be submitted in a redrafted policy, to be included in a report to Council (“the new Policy”);**
- 4 Council decides whether to accept, reject or vary the new policy;**
- 5 if accepted by Council, the new policy be then reviewed by the Australian Competition and Consumer Commission to ensure that it complies with National Competition Policy before it is implemented by Council;**
- 6 where a product or service cannot be obtained in the City of Joondalup it be noted and referred to the Joondalup Business Association for follow up.**

Was Put and

CARRIED

C47-06/01 NOTICE OF MOTION – CR C BAKER - SUPPORT FOR LOCAL BUSINESS

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

That the monthly report to Council concerning Warrant of Payments for the relevant month include:

- 1 a summary of the total payments to businesses for goods and services purchased by the City of Joondalup;**
- 2 a summary of the said total payments to businesses located in the City of Joondalup;**
- 3 a summary of the said total payments to businesses located in the City of Wanneroo.**

ADDITIONAL INFORMATION

The Local Government (Financial Management) Regulations 1996 requires at Regulation 13(1) the following:-

- "1 If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -
- a) the payee's name;
 - b) the amount of the payment;
 - c) the date of the payment; and
 - d) sufficient information to identify the transaction.
- 2 A list of accounts for approval to be paid is to be prepared each month showing -
- a) for each account which requires council authorisation in that month -
 - i) the payee's name;
 - ii) the amount of the payment; and
 - iii) sufficient information to identify the transaction; and
 - b) the date of the meeting of the council to which the list is to be presented."

Given that this is a legislative requirement it is inappropriate that the City changes the Warrant of Payments to accommodate Cr Baker's request.

To produce this information requires additional resources. As such it would seem more appropriate that the request be accommodated by a separate report from the Warrant of Payments and that it be compiled on a quarterly basis.

Cr Kenworthy left the Chamber, the time being 2111 hrs and returned at 2113 hrs..

Director, Community Development left the Chamber, the time being 2112 hrs.

Cr Patterson and Director, Infrastructure Management left the Chamber, the time being 2113 hrs.

Co-ordinator, Community Safety and Security left the Chamber, the time being 2114 hrs.

MOVED Cr Baker, SECONDED Cr Kimber that the monthly report to Council concerning Warrant of Payments for the relevant month include:

- 1 a summary of the total payments to businesses for goods and services purchased by the City of Joondalup;**
- 2 a summary of the said total payments to businesses located in the City of Joondalup;**

3 a summary of the said total payments to businesses located in the City of Wanneroo.

Cr Baker gave an explanation of his reasons for this Notice of Motion.

The Motion was Put and

CARRIED

NOTICES OF MOTION – CR M O’BRIEN – [00561, 20006, 05378, 50074, 15045, 02134, 42148, 06041, 05810, 14179, 07030, 01369]

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O’Brien has given notice of his intention to move the following five motions at the Council meeting to be held on Tuesday 12 June 2001:

Cr Patterson, Director Infrastructure Management and Director Community Development entered the Chamber, the time being 2115 hrs.

C48-06/01 NOTICE OF MOTION – CR M O’BRIEN - FORMAT FOR OATHS AND/OR AFFIRMATIONS (FORMS 5 AND 6)

“That resulting from the recent publicity the Town of Cottesloe received regarding *Local Government Act 1995*, *Local Government (Constitution) Regulations 1998*, *Regulation 13(1)(a)*, the City of Joondalup determines the following shall be the format for its Oaths (Form 5.) and/or Affirmations (Form 6.) pursuant the above regulations;

Form 5.
I,.....
Of.....
Sincerely promise and swear that I will be faithful and bear true allegiance to Elizabeth II, Queen of Australia, her heirs and successors according to law.
So help me God.
Sworn at Joondalup on.....
by.....
Before me.....

Form 6.

I,.....
of.....
solemnly and sincerely affirm that I will be faithful and bear true allegiance to
Elizabeth II, Queen of Australia, her heirs and successors according to law.

So help me God.

Affirmed at Joondalup on.....

by.....

Before me.....

ADDITIONAL INFORMATION

Prior to the Council making an informed decision, the following points in relation to the proposed motion.

The format for both the Oath of Affirmation and Allegiance are prescribed by the regulations that are aligned to the Local Government Act, 1995. Any change to the Act or the Regulations must be undertaken by either the Parliament or the Minister and can not be made by the City of Joondalup or any other local government.

The forms require the name of the reigning sovereign to be inserted after the words ‘solemnly and sincerely affirm/swear that I will be faithful and bear true allegiance to’. When preparing for the swearing ceremony held on 7 May 2001, the Department of Local Government provided advice on how to refer to the reigning sovereign. The Department’s advice was to include the words ‘Queen Elizabeth II’.

Further contact was made with the protocol division of the Governor of Western Australia. They confirmed that when referring to the reigning sovereign, the following was protocol:

- Her Majesty the Queen (verbally); or
- Her Majesty, Queen Elizabeth II.

The Governor’s office made reference to the fact that the reigning sovereign is Queen of the Commonwealth of which Australia and a number of other countries are affiliated to, therefore no country is referred to after the title and the above references are correct.

MOVED Cr O’Brien, SECONDED Cr Hollywood that:

- 1 resulting from the recent publicity the Town of Cottesloe received regarding *Local Government Act 1995, Local Government (Constitution) Regulations 1998, Regulation 13(1)(a), the City of Joondalup determines the following shall be the format for its Oaths (Form 5.) and/or Affirmations (Form 6.) pursuant the above regulations:***

Form 5.

I,.....
Of.....
Sincerely promise and swear that I will be faithful and bear true allegiance to Elizabeth II, Queen of Australia, her heirs and successors according To law.

So help me God.

Sworn at Joondalup on.....

By.....

Before me.....

Form 6.

I,.....
of.....
solemnly and sincerely affirm that I will be faithful and bear true allegiance to Elizabeth II, Queen of Australia, her heirs and successors according to law.

So help me God.

Affirmed at Joondalup on.....

By.....

Before me.....

2 this matter be referred to the Annual General Meeting of the Local Government Association, with Cr O'Brien presenting the case on behalf of the City.

AMENDMENT MOVED Cr Hollywood that the wording format for Oaths (Form 5) and/or Affirmations (Form 6) should be as follows:

“Sincerely promise and swear that I will be faithful and bear true allegiance to Australia.”

There being NO SECONDER, the Motion

LAPSED

The Original Motion was Put and

CARRIED

Chief Executive Officer declared a financial interest in Item C49-06/01- Notice of Motion Cr M O'Brien - Appointment of Chief Executive Officer as a potential candidate for the position.

C49-06/01 NOTICE OF MOTION – CR M O'BRIEN - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

Cr O'Brien states that in order to comply with section 5.36. (4) of the Act, Council will have to make a decision on this matter on or before the 12th June 2001.

“That in compliance with Section 5.36(4) of the *Local Government Act 1995*, the advertisement content for the City of Joondalup's next CEO appointment include as follows ;

Salary - \$135,000.00 per annum,
Council's Contribution to Superannuation, 9% = \$12,150.00 p.a.,
Unlimited use of a Council owned and maintained 6 cylinder Vehicle,
Estimated value \$18,000.00 + 9% F.B.T. \$1,620.00 = \$19,620, therefore estimated approx. Total Package \$166,770.00 per annum.”

MOVED Cr Patterson, SECONDED Cr Kadak that the Notice of Motion in respect to the Appointment of Chief Executive Officer REFERRED to the Committee to Select a New Chief Executive Officer for further consideration.

Discussion ensued.

The Motion was Put and

CARRIED

C50-06/01 NOTICE OF MOTION – CR M O'BRIEN - COMPLIANCE WITH LOCAL LAW S5: STANDING ORDERS (4.1.2 – MEMBERS TO RISE)

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

“That in order that Members of Council shall not be in jeopardy of the provisions of Local Law S5 : Standing Orders – 8.3 (\$5,000.00 penalty), by failing to stand, in compliance with 4.1.2., *Members to Rise*, immediate action be taken to modify the Council Chamber microphone system with possibly, a foot button microphone on/off switch, at each Councillor's Chamber position, and that, the Councillor microphone flexible conduits be lengthened to the appropriate height, with adjustable desk lecterns supplied for each Councillor, similar to those in use in the Ministry of Justice Courts.”

ADDITIONAL INFORMATION

Prior to the Council making an informed decision, it is necessary to raise the following points in relation to the proposed motion.

- 1 To accomplish the best decision making process which meets Council approval, various provisions of the Standing Orders Local Law are frequently breached at Council Meetings, albeit they are of a minor nature. Council Meetings are traditionally run on an informal basis in the spirit of fostering open debate and methods that gain the best results for those involved.
- 2 The need for members to rise when speaking has previously been discussed and it has been agreed by the elected members that it is not a requirement to stand when addressing the chair. Consequently, this provision has not been included in the drafting of the proposed new Standing Orders Local Law.
- 3 Under clause 8.3 the Mayor is charged with enforcement of the various provisions of the Standing Orders Local Law and it has always been contended that only serious breaches of the local law could be prosecuted. There is no record of any prosecution of a member for failing to comply with standing orders, certainly not for failing to stand.
- 4 The use of lap tops, on line voting and recording of minutes and displaying the meeting progress on a screen for public view at Council Meetings are all about to happen in the near future. Making physical changes to equipment in the Council Chamber is not considered necessary at this time. The introduction of this technology will have a significant effect on meetings at least in the initial stages.
- 5 The current Standing Orders is a local law of the former City of Wanneroo. It is the only local law left outstanding for review and to be re badged as the City of Joondalup.

The Standing Orders Local Law has been undergoing review since May 2000 and the new Draft Standing Orders includes many changes that facilitate: use of lap tops, recording on screen meeting progress, modernised terminology to comply with the Act, better use of clause headings and numbers, use plain English and generally apply principles of best practice.

The new Draft Standing Orders Local Law does not include clause 4.1.2 and it is proposed that the **application of any penalty from enforcement be applied to only serious breaches of the local law**. Much of the work has already been done.

Progress on reviewing the proposed new Standing Orders Local Law has previously been slow, as members of the review committee could not agree on several provisions. The Council has appointed new members to the Standing Orders Review Committee and it may now be time to re commence the review process.

MOVED Cr Patterson, SECONDED Cr Walker that the matter pertaining to Compliance with Local Law S5: Standing Orders (4.1.2 – Members to Rise) be REFERRED to the Standing Orders Review Committee for further consideration.

The Motion was Put and

CARRIED

C51-06/01 NOTICE OF MOTION – CR M O'BRIEN - MORATORIUM ON THE CLOSURE OF BADRICK STREET AND BEACH ROAD, WARWICK: TREATMENT OF INTERSECTION OF BARNSBURY ROAD AND DORCHESTER AVENUE, WARWICK:

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

“That there be a moratorium on the closure of Badrick St and Beach Road Warwick intersection and any treatment of the intersection of Barnsbury Rd and Dorchester Avenue Warwick, until representations are made to Minister Allannah MacTiernan, proposing Traffic Light installation at the Belvedere Rd, Badrick St and Beach Road intersection and that a meeting be convened between Councillor Sam Popesky, Councillor Peter Rose, accompanied by Engineer Officers from the City of Stirling, Councillor Tanya Barnett, Councillor Mike O'Brien, accompanied by Engineer Officers from the City of Joondalup and Traffic Inspector Collinson from Warwick Traffic Police, with a view to reviewing the Badrick Street closure, the proposed meeting to be at a convenient venue, possibly Dorchester Hall adjacent, together with an on site inspection in order to allay the concerns expressed by local Warwick residents, and further, that Minister MacTiernan's office be informed and requested to suspend any action until the results of a review become evident.”

ADDITIONAL INFORMATION

In relation to the Notice of Motion submitted by Cr O'Brien pertaining to the Badrick Street closure, it is advised that Infrastructure Management officers would be more than happy to organise a meeting if Council considers this the best way forward to progress this matter.

However, in Council considering this issue, it is important to recognise that this matter was initiated by Main Roads WA (MRWA) in December 1997 at the request of the District Police Office.

MRWA indicated at that time that it had no plans to install traffic signals at this site.

It should be noted that MRWA is the determining authority on traffic signal installation and will only fund these works if it supports the proposal at an estimated cost of approximately \$130,000 to \$150,000, excluding any additional costs to modify the intersection geometry to the appropriate standard. The MRWA Traffic Services Manager for the north metro region confirmed today that the department's position remains unchanged in that the MRWA would not support the provision of traffic signals at this location at this point in time.

As a consequence of MRWA's previous lack of support for traffic signals, the City of Joondalup, in conjunction with City of Stirling and MRWA, investigated a number of alternative solutions. The final preferred solution was the full road closure based on safety and local amenity considerations.

Discussion with the City of Stirling design officer earlier this week revealed that its officers still fully support the closure option. From Stirling's point of view, the current trial closure that has been in place since approximately September 1999 is working well as a T-junction.

However, in light of the Notice of Motion, it is important to take into consideration what the redistribution of traffic flows will do.

City of Stirling officers consider that returning to a 4-way intersection under traffic signals is not viewed as appropriate as it will have a major impact upon adjacent residential dwellings. Widening of the Belvedere Road approach would be required to bring the intersection up to MRWA signalised standard. Property access points, verges and footpaths are likely to be adversely affected.

From the City of Joondalup's perspective, returning to a 4-way intersection with traffic signals may result in Badrick Street becoming the main access into that locality which will greatly alter the local amenity of that street and adjacent residents. Experience would suggest that this proposal would not be well received by the adjacent residents.

It is also worth noting that whilst there are local residents who oppose this closure, there are a number of residents who support the closure.

Council has been successful in attracting 2001/2002 Black Spot funding assistance to a value of \$20,000 based on the closure proposal, and this work involves formalising the current temporary nature of the closure by physically constructing a cul-de -sac in Badrick Street. This work is scheduled to proceed during July/August 2001 when the grant funds become available. Any change in this proposal will place this grant in jeopardy.

This project has been through an extensive study and consultation process, and it is important to note that a temporary closure has been in place since September 1999, the purpose of which is to enhance traffic safety at a location that has had a poor accident history.

MOVED Cr O'Brien, SECONDED Cr Hollywood that there be a moratorium on the closure of Badrick St and Beach Road, Warwick intersection and any treatment of the intersection of Barnsbury Rd and Dorchester Avenue Warwick, until representations are made to Minister Allannah MacTiernan, proposing Traffic Light installation at the Belvedere Rd, Badrick St and Beach Road intersection and that a meeting be convened between Councillor Sam Popesky, Councillor Peter Rose, accompanied by Engineer Officers from the City of Stirling, Councillor Tanya Barnett, Councillor Mike O'Brien, accompanied by Engineer Officers from the City of Joondalup and Traffic Inspector Collinson from Warwick Traffic Police, with a view to reviewing the Badrick Street closure, the proposed meeting to be at a convenient venue, possibly Dorchester Hall adjacent, together with an on site inspection in order to allay the concerns expressed by local Warwick residents, and further, that Minister MacTiernan's office be informed and requested to suspend any action until the results of a review become evident.

Discussion ensued.

Director, Infrastructure Management advised it would be prudent to await the outcome of the Special Electors meeting. He further advised that the accident history is provided by Main Roads WA.

Mayor Bombak queried what works could be undertaken during the 35 day period prior to the holding of the Special Electors Meeting. Director, Infrastructure Management advised the City had received “Black Spot” funding from the Federal Black Spot Program and works would not be undertaken until 1 July 2001.

The Motion was Put and

LOST

MOVED Cr Patterson, SECONDED Cr Barnett that the matter pertaining to the Moratorium on the Closure of Badrick Street and Beach Road, Warwick: Treatment of Intersection of Barnsbury Road and Dorchester Avenue, Warwick be DEFERRED pending the outcome of the request for a Special Electors Meeting.

The Motion was Put and

CARRIED

C52-06/01 NOTICE OF MOTION – CR M O’BRIEN - MORATORIUM ON ALL TRAFFIC ISLAND, BOLLARD INSTALLATION AND MEDIAN STRIP TREE PLANTING

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr M O’Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 12 June 2001:

“That:

1. there be a moratorium on all traffic island, bollard installation and median strip tree planting until Councillors have been supplied with a copy of the High Court Decision in the N.S.W. truck driver bridge case summarised on Page 36 of “The West Australian Saturday June 2 2001” and Councillor’s “Duty of Care” is fully examined, further that, if and when Council lifts the moratorium, Bus Stop Embayments are required to be in place on Bus Routes prior to recommencement in this Municipality, and only line painting may proceed in the interim, where street “lane separation” is planned and;
2. a report be presented to Council on the possibility of the introduction of 40 kmh speed limits, on internal residential street carriageways that are not feeder and arterial roads, as are currently in place in the Town of Cambridge and the City of Geelong, as an alternate cheaper means, of calming residential area motor vehicle traffic speeds.”

ADDITIONAL INFORMATION NO 1

The following comments and background information are provided for Council’s consideration with respect to the Notice of Motion submitted by Cr M O’Brien relating to the recent High Court Decision in Brodie’s Case – Duty of Care of Highway Authorities.

In relation to Point 1, Councillor O'Brien raises an important matter pertaining to a recent development in the law which may affect the prospective scope of liability of local governments. Advice has been sought from the City's solicitor who has summarised the recent High Court decision as follows:

“Until the Brodie decision handed down by the High Court on 31 May 2001, the law in Australia was that, in negligence cases against highway authorities such as local governments, a distinction needed to be made between misfeasance and non-feasance. The purpose of the distinction was that, in non-feasance cases, where liability was alleged to arise due to the failure to repair or carry out works (as distinct from a positive act performed by the local government i.e. misfeasance) the local government would be immune from liability.

The High Court has now rejected the notion of immunity for non-feasance and said that the test to determine the question of negligence and liability is the same for both misfeasance and non-feasance. The test is whether the local government has discharged its duty to design or construct roads, or carry out works or repairs to them in a manner which does not create a foreseeable risk of harm to those using the road”

In light of this decision relating to non-feasance, there is no reason for the City to alter or stop its road works program but the City's administration should review its practice as regards inspecting and addressing potential dangers arising from deterioration of roads in light of the High Court's decisions.

The judgement runs into 149 pages and the above legal advice given is preliminary in nature and further time will be required if Council requires a more detailed explanation and analysis of the High Court decision. It is noted that Council Officers have been advised by the Municipal Liability Scheme that it is seeking advice from its solicitor and will provide a detailed analysis of the High Court decision in due course which will be made available on an industry wide basis.

In the light of the above information, there is no need for Council to place a moratorium on the Capital Works program and prevent any further works proceeding for an indefinite period, as the decision relates to non-feasance, i.e. accidents that have occurred as a result of deterioration to its infrastructure.

However, Cr O'Brien's Notice of Motion has highlighted the need for Council to review its practice regarding the inspection and addressing of potential dangers arising from deterioration of roads in light of the High Court's decisions.

It is therefore suggested that an alternative motion be put as follows:

That:

- 1 Council Review its practice with regard to inspecting and addressing potential dangers arising from deterioration of roads in light of the recent High Court's decision in the Brodie's Case;**
- 2 a report be presented to Council on the review findings.**

In relation to Point 2 of the Notice of Motion pertaining 40 km/hr speed limit, a further report on this matter can be presented to a future meeting of Council as requested.

ADDITIONAL INFORMATION NO 2

This information was given in response to the following email received from Cr O'Brien:

“Further to the brief legal comment, expressed in Dave Djulbic’s email (12.29 pm Fri 8/6/2001) I have examined Brodie v Singleton Shire Council; Ghantos v Hawkesbury City Council (2001) HCA (31 May 2001).

I agree the High Court has abolished the refuge that had been available for Authorities ibn “immunity” for non-feasance under that which was termed the “highway rule” in Buckle v Bayswater Road Boar (1936) CLR 250 and Gorringe v The Transport Commission (Tas) (1950) CLR 357.

However I have some concerns in the questions of “negligence and nuisance” – “Whether nuisance in relation to public authorities subsumed by the law of negligence.”

Hayne J traces the history of highway “obstruction”, “public nuisance” and “free passage of the public along the highway”, both before 1788 and after Russell v The Men of Devon.

The area of Councillor’s “Duty of Care” concerns me in regard to Council installing “raised curbing”, “trees” and “bollards” in the centre of carriageway with no “immunity” in place.

The question arises could such devices for lane separation come under cadigree of “obstructive public nuisance” and we all be on the receiving end of an action in tort if someone is injured when expecting “free passage of the public along the highway”?

I don’t have any difficulty with “line painting” on the road surface, as a means of lane separation, obstacles are for a bit of a worry, I think within the boundaries of parks, a more appropriate place for the planting of trees”.

The treatments Councillor O'Brien refers to such as those in Cockman Road, Blackall Drive, Coolibah Drive, Allenswood Road, Craigie Drive, Gradient Way, Bridgewater Drive, Camberwarra Drive as examples, have been designed in accordance with Austroads and Main Roads WA guidelines and can be the subject of a Road Safety audit by a third party.

For example, Cockman Road treatments received no objections from MRWA, WA Police, Fire and Rescue and Transport Department.

It is also worth noting that to date, it would appear that these types of treatments have been well received by the public. The bollards which are in place are a temporary measure until the trees have established themselves.

The law of negligence is always evolving and in relation to this matter, it may be an over reaction to cease these types of works and retrospectively remove this type of infrastructure at this point in time.

It is not considered that this can be answered until tested in a court of law.

All Council can do is act reasonably and have regard to the best practice of the day that the industry and community allows for at the time.

To address any outstanding concerns that may exist amongst the Councillors, a suggested way forward may be to undertake a safety audit for Cockman Road by a suitably qualified safety auditor with representation from MRWA and report to Council on the audit findings. At which time, Council can reconsider its position in relation to these types of work.

Therefore, the previously suggested alternative action on this matter is expanded to include an additional clause for Council's consideration:

That Council:

- 1 Review its practice with regard to inspecting and addressing potential dangers arising from deterioration of roads in light of the recent High Court's decision in the Brodie's Case;**
- 2 Be presented with a report on the review findings;**
- 3 Undertake a safety audit for Cockman Road by a suitably qualified safety auditor including representation from MRWA and a report be presented to Council on the audit findings.**

MOVED Cr O'Brien, SECONDED Cr Baker that:

- 1 there be a moratorium on all traffic island, bollard installation and median strip tree planting until Councillors have been supplied with a copy of the High Court Decision in the N.S.W. truck driver bridge case summarised on Page 36 of "The West Australian Saturday June 2 2001" and Councillor's "Duty of Care" is fully examined, further that, if and when Council lifts the moratorium, Bus Stop Embayments are required to be in place on Bus Routes prior to recommencement in this Municipality, and only line painting may proceed in the interim, where street "lane separation" is planned and;
- 2 a report be presented to Council on the possibility of the introduction of 40 kmh speed limits, on internal residential street carriageways that are not feeder and arterial roads, as are currently in place in the Town of Cambridge and the City of Geelong, as an alternate cheaper means, of calming residential area motor vehicle traffic speeds.

Director, Infrastructure Management gave an explanation in relation to the placing of a moratorium and commented on advice received from the City's solicitors.

The Motion was Put and

LOST

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

In favour of the Motion: Crs O'Brien, Walker and Carlos

Against the Motion: Mayor Bombak, Crs Mackintosh, Kenworthy, Patterson, Barnett, Rowlands, Hollywood, Baker, Kimber and Kadak

MOVED Cr Patterson, SECONDED Cr Baker that Council:

- 1 reviews its practice with regard to inspecting and addressing potential dangers arising from deterioration of roads in light of the recent High Court's decision in the Brodie's Case;**
- 2 be presented with a report on the review findings;**
- 3 undertakes a safety audit for Cockman Road by a suitably qualified safety auditor including representation from Main Roads WA and a report be presented to Council on the audit findings.**

Discussion ensued.

Chief Executive Officer advised information had been forwarded to elected members via the Desk of the CEO Publication on Friday 8 June 2001 and also made reference to information received from Minter Ellison.

The Motion was Put and

CARRIED UNANIMOUSLY

**CJ169 - 06/01 THE LOCAL GOVERNMENT WEEK 2001
CONVENTION – SUBMISSION OF MOTIONS FOR
ANNUAL GENERAL MEETING – [85012]**

Consideration of this item was deferred from earlier in the meeting.

ADDITIONAL INFORMATION

Item No. CJ169-06/01 contained on the agenda for the Council meeting scheduled to be held on 12 June 2001 includes a report that considers possible motions to be submitted to the AGM of the Local Government Association which is scheduled to be held on 5 August 2001.

At the briefing session held on 5 June 2001, discussion ensued regarding the proposed single association to represent local governments across the state. It was agreed that a motion would be drafted along the lines discussed at the briefing session relating to the proposed representation of the North Zone on the proposed single association. It is suggested that the motion read as follows:

That the following motion be put to the AGM of the Local Government Association scheduled to be held 5 August 2001:

‘That the Local Government Association SUPPORTS the request from the North Zone that it be provided three (3) delegates on the proposed State Council.’

Contact has been made with the Cities of Stirling and Wanneroo and there is general agreement that the current North Zone should have three delegates from the commencement of the single association.

At the most recent meeting of the North Zone, it was agreed that the CEO’s of each of the local governments meet and prepare a report on the possibility of remaining a member of WAMA, but examining options of engaging the services of a professional lobbyist to act on behalf of those local governments. It is suggested that if the proposed motion is not successful at the AGM, then a further report can be prepared examining Council’s future options regarding its association with WAMA. The outcomes of the report as requested by the North Zone will also be known.

MOVED Cr Kadak, SECONDED Cr Carlos that the Local Government Association SUPPORTS the request from the North Zone that it be provided three (3) delegates on the proposed State Council.

Chief Executive Officer gave an explanation in relation to the Local Government Association.

AMENDMENT MOVED Cr Hollywood that the following voting rights be sought in relation to the Local Government Association:

Metropolitan representatives	13
Country representatives	11

Discussion ensued.

There being no SECONDER, the Amendment

LAPSED

The Original Motion was Put and

CARRIED

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 26 JUNE 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
P KIMBER
D S CARLOS
C BAKER
J F HOLLYWOOD, JP
A A WALKER
P ROWLANDS
T BARNETT
M O'BRIEN, JP
A L PATTERSON
G KENWORTHY
C MACKINTOSH