



City of
Joondalup

NOTICE IS HEREBY GIVEN THAT THE NEXT
ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP
ON TUESDAY, 21 MAY 2002 AT 7.00 PM

DENIS SMITH
Chief Executive Officer
15 May 2002

PUBLIC QUESTION TIME

Council allows for public question time at each Council meeting or Briefing Session which is opened to the public. Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.

The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.

To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.

Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the 'question tray' prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.

The Mayor or presiding person shall decide to:

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

The following rules apply to question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

** Any queries on the agenda, please contact Council Support Services on 9400 4369.*

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CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 21 MAY 2002** commencing at **7.00 pm**.

DENIS SMITH
Chief Executive Officer
15 May 2002

Joondalup
Western Australia

AGENDA

1 OPEN AND WELCOME

Invited Guest - Pastor Gerard Keehan, Senior Minister, Sunset Coast Christian Life Centre

2 PUBLIC QUESTION TIME

The following questions, submitted by Ms Paula Clark, Greenwood, were taken on notice at the Council meeting held on 23 April 2002:

Q1 Who was responsible for instigating the meeting between the Mayor, Chief Executive Officer and Minister for Local Government?

A1 Mayor Bombak.

Q2 Who invited the Hon Ken Travers to attend this meeting?

A2 The City.

Q3 Who prepared the agenda for the meeting?

A3 Chief Executive Officer.

Q4 Who placed the issue of Special Electors' meetings on the agenda?

A4 Chief Executive Officer in consultation with Mayor Bombak.

- Q5 Who put forward the proposal to amend the Local Government Act to increase the number of electors required to sign a petition to call a Special Electors' meeting to 1% of electors.*
- A5 Chief Executive Officer.
- Q6 At the time of the meeting with the Minister for Local Government, did the Mayor or Chief Executive Officer consider that 100 electors being able to call a Special Electors' meeting was too low a figure for the City of Joondalup and if so why?*
- A6 Yes.
- Q7 Do the Mayor or Chief Executive Officer still consider that 100 electors being able to call a Special Electors' meeting is too low and if so why?*
- A7 This matter was considered by Council at its meeting held on 23 April 2002.
- Q8 Do the Mayor and Chief Executive Officer still believe that the number of electors required to call a Special Electors' meeting should be 1% of electors and if so why?*
- A8 Not relevant.
- Q9 If the answer to question 8 is no, what do the Mayor and Chief Executive Officer consider to be the appropriate figure?*
- A9 Not relevant.
- Q10 Do the Mayor or Chief Executive Officer believe that any of the four Electors' meetings requested this year have been called for any reason other than that contained in the petition and if so what do they believe to be the other reasons?*
- A10 Not relevant.
- Q11 Do the Mayor or Chief Executive Officer believe anyone had malicious reasons for requesting any of the four Electors' meetings called this year?*
- A11 Unable to answer.
- Q12 What further action do the Mayor or Chief Executive Officer intend to take to try and have the number of electors changed from 100 to a higher figure?*
- A12 Not relevant.

The following questions, submitted by Mr Michael Baird, Duncraig, were taken on notice at the Council meeting held on 23 April 2002:

- Q1 There was \$84,446 surplus from the 2000/2001 works programme for development of dry parks and associated median and verges, and there will probably be a similar surplus this year. Council has given two distinctly different answers on the reallocation of such surpluses:*

- *24 October 2000 – “If surplus funds become available at the end of these projects, they will be utilised to irrigate the next park listed in the Capital Works Program, or as determined by the Dry Park & Median Committee.”*
- *25 July 2001 – “Surplus funds are carried forward only where works are incomplete. All unexpended funds at completion of works return to General Revenue for reallocation.”*

Which is the correct answer, and why the confusion?

A1 Any surplus within a designated program can be utilised within that program to undertake the next project listed within the Five Year Capital Works Program.

All unexpended funds at the completion of the program are returned to general revenue for redistribution by Council.

Q2 *Why was there no replacement park in the 2001/2002 Budget for Cinq Ports park, which was completed at Main Roads expense early 2000. The number of parks previously budgeted for reticulation in 2001/2002 went from 7 to 6 and funding was reduced from \$310,226 down to \$266,063?*

A2 As previously advised, this park was reticulated in conjunction with the Hodges Drive duplication project.

Q3 *Why the dramatic increase in the budgeted cost for Portree Park from \$47,353 in 2000 up to \$68,340 in 2001 – a staggering increase of 44%, all the more amazing given that no other park estimate increased at all?*

A3 Portree Park was increased to provide irrigation supply to Glengarry Drive median.

Q4 *Why was Killen Park a small .5 hectare wasteland with no evidence of community usage or request for improvement prioritised for reticulation in the 2000/2001 Budget when other larger parks (which have a history of community usage and have presented petitions for improvement) could have been reticulated for a corresponding \$38,000 figure – for example Macaulay and Wentworth parks?*

A4 Killen Park is listed for irrigation due to its close proximity to Sycamore Park Duncraig, in accordance with criteria adopted by Council.

Q5 *Why was Killen Park budgeted for \$38,825 when it is proposed to use an existing bore literally over the road? A \$38,825 estimate to complete this work is nonsense.*

A5 Killen & Sycamore Parks have a combined budget of \$86,180 for provision of a bore and pumping unit and in ground reticulation to both parks.

Q6 *When is Joondalup Council going to introduce a comprehensive and contemporary Policy for Upgrading Distributor Roads and Unirrigated Parks similar to that established by City of Wanneroo last year?*

A6 The City of Joondalup does have programs in place for the progressive upgrading of dry parks and major roads as evidenced in its Five Year Capital Works Program.

Q7 *A main tenet of the City of Wanneroo's policy is that:*

"All distributor roads, both median and verges, be developed without the use of irrigation, other than establishment watering by watertruck or temporary mains water supply."

When is City of Joondalup going to realise its present vision of a reticulated and grassed Marmion Avenue and its tributaries is unrealistic, and concentrate the reticulated grass in neighbourhood parks where it will at least be walked on.

A7 This is a matter for Council to determine.

Q8 *If Council does not have the time to investigate the anomalies/errors in budget estimates, such as the phantom bores for Wanbrow and Cinq Ports parks, the 44% cost increase in Portree park, the \$13,200 cost for horizontal boring associated with Wanbrow park and the \$38,825 costing for Killen park. Can Infrastructure Management Services provide me the detail to substantiate these figures in conjunction with the contract figures already in the public domain:*

- *The work performed and costed by Underground Services associated with Wanbrow park.*
- *The materials and trenching work associated with Wanbrow park and the Marri park extension.*
- *The materials and trenching work (estimated and actual) associated with Portree park.*
- *The materials, horizontal boring and trenching work (estimated and actual) associated with Killen park.*

A8 This matter will be referred to the Dry Parks, Median and Verge Committee to review.

Q9 *Can Council explain how play equipment was allocated for Wentworth and Tuart parks in the 2000/2001 Budget but is not even on the horizon for Macaulay park:*

- *Residents petitioned for Wentworth park (.5 hectare) February 2000, and the park was allocated play equipment in the 2000/2001 budget.*
- *Tuart park (.46 hectare) has no record of any community request, but was allocated new equipment in the 2000/2001 budget.*
- *Residents petitioned for Macaulay park (.63 hectare) April 2000, but it remains not even on the 5 year plan, with a 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'.*

- A9 Council at its mid year budget authorised old equipment replacement for Wentworth Park as there was pine log existing play equipment in need of constant repair.
- Tuart Park also had small items of treated pine equipment that had to be replaced and therefore received funding. Macaulay Park has play equipment and will be considered as part of the annual budgetary considerations of Council.
- Q10 Can a policy for allocation of play equipment be established, so that such anomalous treatment doesn't arise in the future, with consideration given to community request/need, age and quality of existing facilities and proximity of alternative facilities.*
- Q10 The items you list are currently taken into consideration when assessing provision of new equipment or replacing existing items.
- Q11 The last minutes, on the public record, of the Dry Parks, Median & Verge Committee is for the meeting 20 July 2001. Has the committee met since and, if so, why have the minutes not been put on the public record.*
- A11 The Dry Parks Median & Verge Committee met on Wednesday 13 March 2002. Minutes are listed for 21 May 2002 Council meeting.
- Q12 How does Council feel that their actions in the last several months reflect the warm, fuzzy ideals of the Strategic Plan 2000/2005 – 'effective communication...public participation...involvement...consultation' etc.*
- (a) *the proposal to require 1000 ratepayer signatures for special meetings.*
- A12 (a) *There has never been any formal proposal by the City to require 1000 signatures to convene a special electors meeting. The Council has recently resolved to agree with the requirements of the Local Government Act 1995 in relation to special electors requirements.*
- Q12 (b) the proposal to institute 'Strategy' meetings behind closed doors;*
- A12 (b) *The revised decision-making process adopted by the City does include a strategy session which is not open to the public. There will be no decisions made at these sessions, as they are not properly constituted 'meetings' of the Council.*
- Q12 (c) the proposal to limit the public record of Committee meetings;*
- A12 (c) It is unsure what is meant by this part of the question.
- Q12 (d) the proposal for ratepayers to finance defamation actions of Councillors and staff.
- A12 (d) A notice of motion was submitted for the Council to discuss the review of the City's current policy relating to legal representation. This proposed motion was not supported by the Council.

The following questions, submitted by Mr R de Gruchy, Sorrento, were taken on notice at the Council meeting held on 23 April 2002:

Q1 The contract signed by the City of Joondalup and RANS Management Group refers to a Strategic and Capital Improvement plan that is to be prepared by RANS each year in February and presented to the City of Joondalup within 21 days after the end of February. Has this been done? Has the Leisure Centre Strategic Management Group been made aware of it? Could I have access to it please?

A1 (a) A strategic and capital improvement plan has been completed by RANS and was presented to the Leisure Centre Strategic Management Group on 21 March 2002.

(b) A consultant on behalf of the RANS Management Group prepared the "Craigie Leisure Centre Redevelopment Opportunity Review" document. The document is the property of RANS and therefore any request to view the information should be forwarded to RANS themselves.

It is anticipated that the City will be extending an invitation to the RANS Management Group to make a presentation to the Council regarding the report and its proposals.

Q2 The Business Plan allows RANS to increase fees at Sorrento, Duncraig and Ocean Ridge Leisure Centres by a maximum of 5% on 1 July 2002. Why have RANS increased fees from 8 April 2002?

A2 There has been an increase in the cost of the term 2 programme offered by the RANS management group at the Sorrento Duncraig and Ocean Ridge Leisure Centres. The costs of these courses are not included in the fees and charges schedule as they are costed on a programme by programme basis. The fees for term programmes are determined according to associated costs such as instructors.

The fees and charges for all the recreation centres including Warwick Leisure Centre have been listed in the City of Joondalup's 2002-2003 fees and charges document. The reviewed fees and charges will be in place for July 2002 as per the agreement with the City.

Q3 The reply to a question asked by me on 26 March 2002 stated that a consultant engaged by RANS made a presentation to the City outlining their plans for a \$1M extension to the gym area at the Craigie Leisure Centre. Has this been presented to Councillors (in particular the Leisure Centre Strategic Management Group Councillors)? When will it be available for examination by the public?

- A3 (a) The draft report by the consultant engaged to develop a capital development plan for the Craigie Leisure Centre was presented to the Leisure Centres Strategic Management Group on 21 March 2002. It is proposed that the capital development plan will be presented to a Council meeting in the near future.
- (b) The proposals developed by the consultant have been developed as a result of extensive market research. The RANS management groups approach to further consultation of this project is not stipulated within the agreement between RANS and the City however the possibility of seeking comments from the community will be raised with RANS by the City.
- Q4 The Business Plan clearly shows an official opening date of March 2002 for the extension to the gym area at Craigie, however, the contract signed by the City of Joondalup and RANS states no later than 31 January 2003. Why has this extension been allowed? Were Councillors aware of this change?*
- A4 (a) The change in the opening date for first of the two capital projects to be undertaken at Craigie Leisure Centre by the RANS management group was acceded to by the Council at its meeting 24 October 2000 through the resolution: that the -
- “CEO and the Director Community Development together with the Tender Evaluation Committee to continue to negotiate with the RANS Management Group regarding the issues detailed in the report and recommendations CJ290-10/00”.
- (b) The change of the opening date for the capital project was negotiated between RANS and the Tender Evaluation Committee. The outcomes of the negotiation process by the Tender Evaluation Committee are reflected in the final lease agreement.
- Q5 The business plan refers to a bond of \$184,000 that is clearly intended to remain in force for the duration of the term of the lease. Why is it then that the contract signed by the City of Joondalup and RANS stipulates that this bond is to be repaid to RANS not later than 14 days after the completion of Project 1 which is to be no later than 31 January 2003? What safeguard will the City of Joondalup have in place that will be a substitute for the \$184,000 bond?*
- A5 Whilst the City will return, the bond of \$184,000.00 upon completion of the first of two capital projects. The safeguard for the City will be a \$1 million capital investment in the Craigie Leisure Centre.
- Q6 Attendance figures for the last 6 months of 2000 and 2001 show a decrease in numbers of 104819. This represents a drop in patronage of 29.48%. Would Council please supply a breakdown of both figures into the various categories (ie spectators, swim, gym, basketball, aerobic etc) to pinpoint exactly where attendances have dropped off?*

- A6 The total attendance figures produced by the City of Joondalup for the period June to December 2000, is difficult to compare with the figures for the same period in 2001 produced by RANS. Whilst the overall totals show a difference in the attendances the method of data collection or attendance categories is vastly different between the City of Joondalup and RANS thus rendering any direct comparison unreliable (Appendix 18 refers – click here) - [Atach18agn210502.pdf](#)
- Q7 *The Business Plan indicates a rental income of \$7876 in its first year of operation. In answer to a question I raised on 26 February 2002 I was advised that only \$1704 had been collected to date. Would Council please advise the current total amount of rent received from RANS for the three leisure centres?*
- A7 The City has presently received \$1,704 from RANS, records show that to 31 March 2002 RANS have been invoiced \$5,123.76.
- Q8 *When is Council going to repair the fire damage to the two meeting rooms that occurred 9 months ago to the Sorrento Duncraig Leisure Centre?*
- A8 The work commenced on repairing the Sorrento/Duncraig fire damage in the week commencing 22 April 2002. A completion date of 10 May 2002 is anticipated.

The following question, submitted by Mr A Bryant, Craigie, was taken on notice at the Council meeting held on 23 April 2002:

- Q1 *Warrant of Payments Attachment A , Page 6 of 11 – Item 14 March 2002 - \$140.00 to Lakeside Orthodontist Centre and Page 10 of 11 – Item 19 March 2002 - \$9,431.12 to Wanneroo Caravan Centre. Can Council explain why these amounts have been paid?*

- A1 Cheque No 38440, 14 March 2002 \$140.00 Lakeside Orthodontic Centre

This cheque was for a payment on behalf of a ratepayer in severe financial hardship. Council offers a Financial Counselling Service to ratepayers with severe financial difficulties. This service is funded by grants received from the Lotteries Commission and Family & Community Services for emergency relief reasons for clients in severe financial hardship.

Cheque 38545, 19 March 2002 \$9,431.12 Wanneroo Caravan Centre & Steel Fabricators

This cheque was payment for steel fabrication work including construction and installation of a bus shelter at Whitfords Library Senior Citizens, supply of zinc plates, door sheets, splash backs, roller door, vents to various clubrooms owned by the City of Joondalup.

The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Council meeting held on 23 April 2002:

Q1 Has the City received my submission on the parks and reserves policy?

A1 The City has received a copy of a standard letter which contains your signature.

Q2 Why was the meeting with the Minister attended by the Mayor and Chief Executive Officer called 'informal'?

A2 To reflect the general informal nature of the discussions.

Q3 Is the City concerned with the fact that a lot of ratepayers attend Special Electors' meetings and the costs for staging such meetings?

A3 No.

Q4 Is it the City's policy to videotape Special Electors' meetings?

A4 No.

Q5 Can you tell me what a full-page advertisement costs to put into the Community News in relation to the three full-page advertisements that the City put into the paper during the precinct planning issue?

A5 In relation to advertisements placed in the local newspapers, 2 full-page advertisements and 1 ½ page advertisement were placed, the costs being as follows:

One full-page insert in the Wanneroo Times	\$2,310.35 plus GST
One full-page insert in the Joondalup Community	\$1,512.49 plus GST
One ½ page insert in the Joondalup Community	\$ 756.24 plus GST

Q6 Why was I not told at our Greenwood meeting that Mullaloo was not under precinct plan?

A6 The Minutes of the Greenwood meeting do not record a question along those lines being asked.

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Council meeting held on 23 April 2002:

Q1 Please advise when the height restriction of three storeys for commercial zoned properties at property sites was amended and what are they today?

A1 Investigations reveal that no specific height restriction existed for development on commercially zoned land. There is no current building height restriction for commercially zoned land. Draft Amendment 10 includes a proposal for building height limits, however, this has not yet been adopted.

Q2 When did the Mullaloo Precinct Plan not become a precinct plan?

A2 The Mullaloo investigations and dialogue were undertaken as a pilot project, which was commenced before the wider precinct planning work. The Council's view has been that the Mullaloo Concept Plan is a project of small scale, with easily identified design objectives, to upgrade existing facilities, compared to the precinct action planning programme which focussed on generating local employment, housing choice and major issues associated with revitalisation of centres and their immediate surrounds.

The following question, submitted by Mrs M Zakrevsky, Mullaloo, was taken on notice at the Council meeting held on 23 April 2002:

Q1 Regarding last Thursday's one hour information session on public reserves which I attended. Is an information session, the words that was used in the letter, deemed a workshop?

A1 The session was labelled as an information session, however, regardless of the label given to the session, the intention was to allow the opportunity for dialogue with those who had lodged individual submissions to collect further information.

3 APOLOGIES AND LEAVE OF ABSENCE

4 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 23 APRIL 2002

RECOMMENDATION

That the Minutes of the Council Meeting held on 23 April 2002 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

7 PETITIONS

8 REPORTS

CJ094 - 05/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD – All

PURPOSE

To provide a listing of those documents executed by affixing the Common Seal for noting by Council.

EXECUTIVE SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 08.04.02 to 02.05.02, not previously listed.

Document: Agreement TPS 2
Parties: City of Joondalup
Description: Amendment 10 to District Town Planning Scheme No 2
Date: 08.04.02

Document: Withdrawal of Caveat
Parties: City of Joondalup and P J Corp P/L
Description: Lot 656 Eddystone Avenue
Date: 15.04.02

Document: Agreement
Parties: City of Joondalup and R V Pritchard and C A E Pritchard
Description: Ancillary Accommodation – 205 Timberlane Drive, Woodvale
Date: 15.04.02

Document: Agreement
Parties: City of Joondalup and Asphaltech Pty Ltd
Description: Supply & laying of Bitumenous Concrete Seal – Contract 022-01/02
Date: 24.04.02

Document: Copyright
Parties: City of Joondalup and Ron Ewen
Description: Recording of historical importance – Ron Ewen
Date: 24.04.02

Document: Lease
Parties: City of Joondalup and Community Vision
Description: Kingsley Family Day Care Centre
Date: 02.05.02

Document: Copyright
Parties: City of Joondalup and Anne Knokene
Description: Recording of historical importance – Anne Knokene
Date: 02.05.02

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

CJ095 - 05/02 HERITAGE COLLECTIONS, FORMER CITY OF WANNEROO MAYORAL CHAIN – [38634]

WARD - All

PURPOSE

The City of Joondalup has previously proposed to the City of Wanneroo that an independent magistrate be appointed to mediate on the former City of Wanneroo Mayoral Chain dispute. The City of Wanneroo subsequently resolved that it considered an independent magistrate inappropriate, instead proposing the establishment of a Joint Advisory Committee to advise on issues relating to the ownership and custodianship of the local studies collection and artefacts.

Following a meeting with the Minister for Local Government and Regional Development, the City of Joondalup has since received notice that the Cities of Wanneroo and Joondalup can both refer this dispute to the Minister for resolution.

This report recommends that the City of Joondalup requests the City of Wanneroo to agree to this matter of dispute being referred to the Minister for Local Government and Regional Development for resolution.

EXECUTIVE SUMMARY

The matter of the mayoral chain and the City of Joondalup's suggestion that an independent magistrate mediate on the current impasse between the Cities was considered by the City of Wanneroo at its meeting of 19 March 2002. As a result, the City of Wanneroo has advised that it does not support use of an independent Magistrate to mediate on the matter but favours the establishment of a Joint Advisory Committee with the City of Joondalup. The reasons given for this approach are that:

- (a) the mayoral chain is only a small part of the Joint Heritage Collection that requires consideration in terms of management and custodianship;
- (b) A Joint advisory Committee is considered to be a better option for the purpose of mediation as envisaged by the JOINT Commissioners.

BACKGROUND

When the former City of Wanneroo was abolished in 1998, Commissioners were appointed to both new local governments replacing the elected Councillors. The Commissioners were referred to as the "Joint Commissioners". One of their main responsibilities was to oversee the equitable division and allocation of assets of the former City of Wanneroo to the two new local governments.

At the Council meeting on 7 December 1999 the Joint Commissioners assigned the responsibility for the Local History Collection and items located and on display at Joondalup, to the City of Joondalup (including the former City of Wanneroo Mayoral Chain) and the Artefacts Collection to the City of Wanneroo. In reaching this decision the Joint Commissioners considered that both the Local History Collection and the Artefacts Collection of the former City of Wanneroo were too difficult to divide equitably between the new local governments, due to these collections being highly relevant to the history of both and therefore should be treated as regional resources that should be in joint ownership.

The Joint Commissioners at the same meeting also endorsed the establishment of the Heritage Collections Advisory Group (HCAG) consisting of Senior Officers from both local governments to attend to management and operational matters of the collections.

The Mayoral Chain, at the time of the Commissioners' determination was in the custodianship of the City of Joondalup, was classified as memorabilia and therefore it was to be maintained in the care and control of the City of Joondalup on behalf of both local governments. The Mayoral Chain was located in safe custody in the Office of the Mayor and was to be placed in a showcase for its display. The Mayoral Chain was frequently accessed by both local governments for display purposes under agreement between the Mayors of both Cities. That agreement included the Mayoral Chain being returned after each use.

An impasse developed between the Cities when the Mayoral Chain was not returned to the City of Joondalup after being borrowed by City of Wanneroo. The Mayoral Chain has been retained by the City of Wanneroo and there is opposing views as to where it should be housed and the relevance it is to each City. The City of Wanneroo also favours the complete division of all items that comprise the Heritage Collections, whereas the City of Joondalup has maintained the position adopted by the Joint Commissioners, being of joint ownership and co-operative management.

DETAILS

The resolutions made by the City of Wanneroo at its meeting on 19 March 2002, concerning this matter are outlined as follows:

“That Council:

- 1 *ADVISE the City of Joondalup that it does not consider the proposal for an Independent Magistrate to mediate on the issue of the former City of Wanneroo Mayoral Chain as being appropriate for the following reasons:*
 - (a) *The issue of the Mayoral Chain is only a small part of the Joint Heritage Collection that requires consideration in terms of management and custodianship.*
 - (b) *A Joint Advisory Committee is considered to be a better option for the purpose of mediation as envisaged by the Joint Commissioners.*
- 2 *OFFER to establish a Joint Advisory Committee with the City of Joondalup to advise on issues relating to the ownership and custodianship of the Local Studies Collection (including memorabilia) and Artefacts. The committee is to comprise:*

- (a) *An independent chair to be appointed by agreement between the Councils.*
 - (b) *Five elected members from each Council.*
 - (c) *The Chief Executive Officers of each Council.*
- 3 *NOMINATE Cr Newton, Cr Monks, Cr Blencowe, Cr Cvitan and Cr Salpietro to represent Council on the Committee.*
 - 4 *REQUESTS that the Chief Executive Officer of the respective Councils meet to prepare Terms of Reference and to put forward nominations for an independent chairperson.*
 - 5 *ACKNOWLEDGE the joint ownership of the former City of Wanneroo Mayoral Chain, however, determine that the City of Wanneroo must have its custodianship, unless otherwise agreed between the Cities after receiving advice from the Joint Advisory Committee, because of its historical significance to the Wanneroo Community.*
 - 6 *RECOGNISE the historical significance of the Mayoral Chain by publicly displaying it in the Civic Centre”*

The Mayor and Chief Executive Officer recently met with the Minister for Local Government and Regional Development and discussed the Mayoral Chain issue. The Minister has subsequently advised the following:

“Section 9.63 of the Local Government Act 1995 provides that if a dispute arises between 2 or more local governments, and if the Act does not provide a means for resolving the dispute, if the local governments agree, they may refer it to the Minister for resolution.

The Minister is to hear and determine the dispute as the Minister thinks fit and give directions for disposing of the matter. The decision of the Minister is final and effect is to be given to it by the local governments concerned.

This means that both local governments that are in dispute need to agree to refer the dispute to the Minister for resolution.

One of the local governments in a dispute is not able to independent refer the matter to the Minister under the provisions of section 9.63 of the Act”.

COMMENT

The Mayoral Chain is but one item of the Heritage Collection assets that provide an important historical record of the former City of Wanneroo. The former City of Wanneroo encompassed the whole area of the new Cities of Wanneroo and Joondalup and as such was contributed to by residents of both Cities and represents the history of both areas.

While it must be recognised that the two Cities currently hold opposing views on custodianship and management of the Heritage Collections and particular items, the current impasse must be resolved for the good of all concerned.

It is therefore recommended that the City of Joondalup request the City of Wanneroo to agree to the matter of the Mayoral Chain being referred to the Minister for Local Government and Regional Development for resolution.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council REQUESTS the City of Wanneroo to agree to the dispute over the City of Wanneroo Mayoral Chain being referred to the Minister for Local Government and Regional Development for resolution.

**CJ096 - 05/02 REVIEW OF INVESTMENT ADVISORS TO THE
CITY - EXPRESSION OF INTEREST NUMBER 028-
01/02 – [69520]**

WARD - All

PURPOSE

To obtain Council's endorsement to seek further tenders for the services to provide investment advice for the three years commencing 1 July 2002 following an Expression of Interest.

EXECUTIVE SUMMARY

The City of Joondalup seeks ongoing independent investment advice to ensure that it meets the Prudent Persons requirements of the Trustees Amendment Act 1997 and to assist the City in achieving the best return on its invested funds.

The City has utilised Grove Financial Services Pty Ltd to provide independent investment advice since May 1998. Changes in the investment advisory market indicates that alternative suppliers exist and the City is seeking to appoint a suitable investment advisor for the next three years.

As the anticipated fees for such services over a three-year period will exceed \$50,000, the City is required to seek public tenders for this service. The approach adopted was to seek "Expressions of Interest for the Provision of Ongoing Investment Advice" by advertising in The West Australian on Saturday 9 March 2002 and thereafter to seek tenders from the respondent organisations only. This approach meets the requirements of Regulation 21 of the Local Government (Functions and General) Regulations 1996.

Grove Financial Services Pty Ltd, Hartley Poynton and PricewaterhouseCoopers were the only respondents. The City has revised its service specifications to include electronic processes or tools that will result in internal efficiencies to the City in undertaking the investment transactions and in receiving reports.

It is proposed that Council lists Grove Financial Services Pty Ltd, Hartley Poynton & PriceWaterhouseCoopers as the acceptable tenderers (Regulation 23[4]) and seeks closed tenders from them. Following the evaluation and selection of the preferred tenderer, Council will be requested to appoint the successful contractor for a period of three years commencing 1 July 2002.

BACKGROUND

In December 1997 the former City of Wanneroo formulated a policy on the investment of surplus funds in accordance with the provisions of the trustees Amendment Act 1997. In May 1998 (Report FA91-05/98) Grove Investment Services Pty Ltd were appointed as the independent funds advisor.

The City benefits in the use of an independent financial advisor such as Grove Financial Services Pty Ltd, as it provides expert advice and assistance with funds management. Although Grove Financial Services Pty Ltd are based in Sydney they make regular visits to Perth and provide a free call service.

The service provided by Grove Financial Services Pty Ltd is free (Grove negotiates commissions with the financial institutions with whom it deals) and includes an individually designed investment portfolio for the City.

All investments institutions operate under Eastern Standard Time.

DETAILS

The City advertised in the West Australian Newspaper on Saturday 9 March 2002 calling for expressions of interest for the “Provision of Ongoing Investment Advice”.

From the submissions the City would select a list of acceptable tenderers.

At the close of the submission period at 3.00pm on Tuesday 26 March 2002 the following three submissions were received:

- 1 Grove Financial Services Pty Ltd
- 2 Hartley Poynton
- 3 PricewaterhouseCoopers

The selection criteria included the following:

- Professional Expertise
- Experience
- Risk Management
- Customer Services
- Code of Ethics
- Performance Measures
- Local Community Needs

The evaluation indicated that all respondents were able to meet the needs of the City and that the City could optimise its internal processes by revising its specifications before seeking tenders from all respondents.

COMMENT

The successful tenderer will be required to review the City’s investment strategy on an ongoing basis to ensure that performance is in line with budget expectations.

One of the main requirements will be that the successful tenderer will provide an online all-in-one administration, transaction and reporting service at no cost and designed to meet the needs of the City, allowing discretionary choice of investments.

This will reduce the workload of the City's staff and provide up to date reporting at a low cost, and importantly retain control over the choice of the City's investments, supported by the specialist advisory services.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council in accordance with Local Government (Functions & General) Regulations 1996 INVITES tenders from Grove Financial Services Pty Ltd, Hartley Poynton and PricewaterhouseCoopers as the acceptable tenderers for the provision of ongoing Investment Advice for a three-year period commencing 1 July 2002.

CJ097 - 05/02 MINIMUM PAYMENTS OF RATES – [21458] [78515]**WARD - All**

PURPOSE

The purpose of this report is to advise Council on the outcome of legal advice received from the City's solicitors on Rate Minimum Payments levied in the 2000/01 and 2001/02 financial years.

EXECUTIVE SUMMARY

A recent financial audit undertaken by the Chartered Accounting firm, Haines Norton identified that the City had imposed minimum payments in the 2001/02 financial year which were not in compliance with the provisions of Section 6.35 of the Local Government Act 1995.

On researching this matter it was discovered that the same error had occurred in the 2000/01 financial year.

The City's Audit Committee was appraised of this matter at its meeting on 14 March 2002 and advised that legal advice was being sought. The legal advice indicates that Council has the power to make the necessary adjustments to comply with the provisions of Section 6.35 of the Local Government Act 1995.

This report recommends that Council, by Absolute Majority, revokes its previous decisions JSC18-08/00 and JSC58-08/01 and makes amendments to the rate records to reflect the refunds of \$68,904 for 2000/2001 and \$94,428 for 2001/2002 for previously imposed Commercial/Industrial minimum payments.

This effectively aligns all minimum payments for both Residential and Commercial/Industrial properties at \$401 and \$435 for 2000/2001 and 2001/2002 respectively.

BACKGROUND

Pursuant to the provisions of Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 the Chief Executive Officer, Denis Smith, commissioned a review of the appropriateness and effectiveness of the financial management systems and procedures of the City. The Chartered accounting firm, Haines Norton was engaged to undertake this independent review.

Overall this review was a rigorous 'health check' of the City's finances and it concludes that the controls are sound and appropriate. As with any review of this nature it did find several matters which required attention.

One such matter was:

In respect of the 2001/02 rating year, Council did not impose minimum payment amounts in accordance with the provisions of Section 6.35(2) of the Local Government Act 1995.

The auditor's comment is as follows:

This occurred as Section 6.35(2) of the Act causes the minimum rate of \$801 charged on Commercial property to become the general rate. As this rate was only levied on 246 properties out of 8,707 minimum rated properties (2.8%) it does not comply with Section 6.35(3) which requires the local government to ensure the general minimum is imposed on not less than 50% of the number of separately rated properties (on which a minimum payment is imposed).

Council cannot rely on Section 6.35(6)(c) of the Act, as it did not levy differential general rates. No distinction can be drawn between properties classed as residential or commercial properties.

To help ensure compliance with the Act, we recommend Council review its current system of rate imposition prior to adopting next year's budget.

The City's Audit Committee, at its meeting on 14 March 2002, considered a report on this overall review - refer Appendix A of this Report. The matter of the non-compliance with the provisions of Section 6.35 of the Local Government Act 1995 was explained, in particular the impact on affected ratepayers. It resolved to seek legal advice on how this could be remedied.

In researching this matter it was discovered that the same error occurred in the 2000/01 rating year.

The City has now received legal advice in relation to this matter. The advice indicates that the minimum payments imposed by the City for 2000/2001 and 2001/2002 were in conflict with the provisions of Section 6.35(2) of the Local Government Act 1995.

Section 6.35 of the Local Government Act 1995 provides for the striking of minimum payments:

- “6.35
- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
 - (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
 - (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than 50% of the number of separately rated properties in the district on which a minimum payment is imposed.*

- (4) *A minimum payment is not to be imposed on more than the prescribed percentage (50%) of the number of separately rated properties in the district unless the general minimum does not exceed the prescribed amount (\$200).*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.”*

When setting its Minimum Payments for the 2001/02 financial year the City created two Minimum Payments:

- one for the Commercial/Industrial Properties, at \$801
- the other for Residential properties, at \$435

These minimum payments were not imposed in compliance with the provisions of Section 6.35(3) of the Local Government Act 1995, ie the general minimum payment is to be imposed on not less than 50% of the number of separately rated properties on which the minimum is to be imposed [Section 6.35(3)].

Additionally, a lesser minimum may be imposed [Section 6.35(2)].

The City’s legal advice is to the effect that if the general minimum was the Minimum Payment for Commercial/Industrial properties the 50% rule under Section 6.35(2) of the Local Government Act 1995 should have applied. The Minimum Payment struck by the City only applied to 2.8% (246 in number) of the properties.

If, on the other hand, the general minimum was the Minimum Payment for Residential properties, then the Minimum Payment for the Commercial/Industrial properties was not a “lesser” minimum and therefore contravenes Section 6.35(2) of the Local Government Act 1995.

A similar scenario applied to the 2000/2001 year also however the details were:

Commercial/Industrial	\$763
Residential	\$415

The legal advice explored the following alternatives open to the City.

Alternative 1

“Section 9.64 - Rectification of omissions and irregularities by the Governor

- (1) *This section applies if through an impediment or accidental omission anything required to be done by or under this Act is not done, or is not done in the prescribed time, manner of form.*

- (2) *If this section applies, the Governor for the purpose of giving effect to the intention and purposes of this Act, may by order take such measures as are necessary for rectifying the omission or removing the impediment.*
- (3) *The order may validate anything which has been done otherwise than in the prescribed time, manner, or form.”*

This alternative was considered inappropriate, as it was doubtful the failure to address the requirements of Section 6.35 of the Local Government Act 1995 could be properly described as an impediment or accidental omission. Further, as it was considered that the general minimum would be that imposed on Residential land - then a decision would be required as to what was to be done with the ‘higher’ minimum payment applied to Commercial and Industrial land. The possibilities are as follows:

- 1 The general minimum of \$435 could be applied to both Residential land, and to Commercial and Industrial land.
- 2 A minimum payment could be imposed on Commercial and Industrial land that is a **lesser** amount than \$435.
- 3 There could be **no minimum payment for Industrial and Commercial land** with the minimum payment simply applying to Residential land.

As the decision as to which of these possibilities is suitable is a decision of the Council, it is doubtful an order by the Governor to take “such measures as are necessary for rectifying the omission or removing the impediment” would be appropriate.

Alternative 2

“Section 6.82 - Appeal to Land Valuation Tribunal

Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may appeal to a Land Valuation Tribunal to have the question resolved.”

The legal advisor indicated that on first examination this section would appear to enable the City to appeal to the Land Valuation Tribunal to determine the question of the validity or invalidity of the minimum payments.

However, it is not clear whether a minimum payment can properly be described as a “rate” for the purpose of section 6.82(1).

In any event, one would question the need to appeal when it is apparent to the City and to the City’s accountants and legal advisor that the minimum payments were imposed contrary to Section 6.35.

Alternative 3

Correction of a decision made by Council

In addressing the correction of the decision of the Council the City's solicitor advises as follows:

“Clearly this is a situation where the City readily acknowledges that the exercise by it of the power to impose the minimum payments was incorrect and the City is desirous of rectifying the position.

The correction of errors in the performance of certain statutory powers is dealt with by Section 55 of the Interpretation Act 1984.

Section 55 is in the following terms:

‘55 Exercise of power may be corrected

Where a written law confers a power or imposes a duty upon a person to do any act or thing of an administrative or executive character or to make any appointment, the power or duty may be exercised or performed as often as is necessary to correct any error or omission in any previous purported exercise or performance of the power or duty, notwithstanding that the power or duty is not in general capable of being exercised or performed from time to time.’

In my view, the power to impose rates and minimum payments is a power of an “executive character”. It is a power which the Council exercises according to its notions of what represents good government, equity and so on of a policy nature. It is of an executive character rather than of an administrative, judicial or legislative character.

It follows then in my view that Section 55 would enable the Council to, once again, exercise the power to impose the minimum payments in order to correct the error in its previous purported exercise of that power. It is also clear from Section 55 that the Council may do so notwithstanding that the power to impose a minimum payment is a power to be exercised under Section 6.32 “when adopting the annual budget” and is not expressed to be a power exercisable from time to time.”

To rectify this matter, the City's solicitor recommends that Council by Absolute Majority adopts resolutions which:

- 1 acknowledges the errors made in the previous imposition of the minimum payments;
- 2 re-exercises the power to impose minimum payments in accordance with the principles set out in Section 6.35 of the Local Government Act 1995.

COMMENT

Having due regard to the advice from the City's solicitor Council needs to consider what is the most appropriate decision in relation to minimum rates.

There is no doubt that the minimum payment applied to Residential land was intended to be the 'general' minimum in both the 2000/01 and 2001/02 years. A decision is required on what minimum (the same, a lesser amount or no minimum) is to be applied to the Commercial/Industrial land.

Accepting these options the following emerges for both years:

The same Minimum Payments for both Residential and Commercial/Industrial.

This option is equitable and generally in the spirit of Council's intent.

A lesser Minimum Payment for Commercial/Industrial.

If this option is considered, then a decision is required on the amount of the minimum.

No Minimum Payment for Commercial/Industrial.

This option is considered inappropriate in that there is considered a minimum cost of providing services to each property and this should be reflected as a minimum payment. While the exact cost is difficult to quantify it would seem appropriate that all minimum payments be aligned.

Given the above it would seem appropriate that the minimum payments for both Residential and Commercial/Industrial properties be aligned.

Financial modelling using the following minimum payment parameters has been undertaken:

	2000/01 Year		2001/02 Year	
	Imposed \$	Proposed \$	Imposed \$	Proposed \$
Residential	415	415	435	435
Commercial/Industrial	763	415	801	435

The modelling indicates that in each year there will be a reduction in amounts payable in the Commercial/Industrial. In aggregate this is as follows:

2000/01	\$68,904
2001/02	<u>\$94,428</u>
	<u>\$163,332</u>

Individual details are:

2000/01 Year

198 properties - \$68,904
Refund \$348 per property
Refer Appendix B

2001/01-02 Year

258 properties - \$94,428
Refund \$366 per property
Refer Appendix C

Should Council agree with the recommendation to correct its decision then the following steps need to be put in place:

- Amendments to the rate record pursuant to Section 6.39(2) of the Local Government Act 1995
- Reassess the rates payable and give notice to the owner of the land pursuant to Section 6.40(1) of the Local Government Act 1995
- Give the owner the option to receive a refund or allow a credit of the overpayment (if paid) against future liabilities for rates or service charges in respect to the land pursuant to Section 6.40 of the Local Government Act 1995

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

1 REVOKES its decision JSC18-08/00:

“that Council in accordance with the provisions of Section 6.32 and 6.35 of the Local Government Act 1995, IMPOSES the 2000/01 minimum rates as follows:

GRV

- *Each Residential Lot or other piece of rateable land - \$415.00*
- *Each Commercial and Industrial Lot or other piece of rateable land - \$763.00*

UV

- *Each Residential and Rural Lot or other piece of rateable land - \$415.00”*

2 REVOKES its decision JSC58-08/01:

“that Council in accordance with the provisions of Section 6.35 of the Local Government Act 1995, imposes the 2001/02 minimum payments as follows:

GRV

- *Each Residential Lot or other piece of rateable land - \$435*
- *Each Commercial and Industrial Lot or other piece of rateable land - \$801*

UV

- *Each Residential and Rural Lot or other piece of rateable land - \$435”*

3 IMPOSES the 2000/01 minimum payments as follows:

- **each Residential, Commercial and Industrial lot or other piece of rateable land - \$415**

4 IMPOSES the 2001/02 minimum payment as follows:

- **each Residential, Commercial and Industrial lot or other piece of rateable land - \$435.**

5 MAKES the necessary amendments to the rate records of the City to effect the refunds/credits to the properties concerned and the respective owners of affected land as detailed in Report CJ097-05/02, pursuant to the provisions of Section 6.39 and Section 6.40 of the Local Government Act 1995.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf140502.pdf](#)

CJ098 - 05/02 WARRANT OF PAYMENTS – 30 APRIL 2002 – [09882]**WARD - All****PURPOSE**

The Warrant of Payments as at 30 April 2002 is submitted to Council to be noted.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of April 2002. It seeks Council's approval for the payment of the April 2002 accounts.

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	038880-039644	5,017,323.65
Municipal	0000304A-0000316	9,218,940.73
	TOTAL \$	14,236,264.38

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of April 2002, the amount was \$510,936.66.

The cheque register is appended as Attachment A of this Report.

CERTIFICATE OF THE ACTING DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$14,236,264.38 which is to be submitted to each Councillor on 21 May 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT	DENIS SMITH
Acting Director, Corporate Services & Resource Management	Chief Executive Officer

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$14,236,264.38 submitted to Council on 21 May 2002 is recommended for payment.

.....
 Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 April 2002, certified by the Mayor and Acting Director Corporate Services & Resource Management and totalling \$14,236,264.38

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	038880-039644	5,017,323.65
Municipal	0000304A-0000316	9,218,940.73
	TOTAL	\$ 14,236,264.38

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf140502.pdf](#)

CJ099 - 05/02 FINANCIAL REPORT FOR THE PERIOD ENDING 30 APRIL 2002 – [07882]

WARD - All

PURPOSE

The April 2002 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The April 2002 report shows a variance of \$5.2m when compared to the Revised Annual Budget for the year to date. This variance reflects differences attributable to the timing of revenue and expenditure and does not represent net savings for the year.

This variance can be analysed as follows -

- The **Operating** position shows an Operating surplus of \$1.7m to budget at the end of April 2002 due to revenue received in arrears of \$0.7m and the underspending in Labour and Materials & Contracts of \$2.4m.
- **Capital Expenditure** for the year-to-date is \$0.9m and is below the year-to-date budget of \$1.5m, a variance of \$0.6m at the end of April 2002.
- **Capital Works** expenditure for the year-to-date amounted to \$7.4m against a year-to-date budget of \$10.3m, a variance of \$2.9m at the end of April 2002. However, the City has committed expenditure through raised purchase orders of \$2.79m. A number of high value projects, including the Council depot land and design (\$3.2m), Currambine community centre construction (\$0.9m), and Collier Pass road works (\$0.6m) may not be commenced in the financial year.

DETAILS

The financial report for the period ending 30 April 2002 is appended as Attachment A

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Financial Report for the ten-month period ending 30 April 2002 be NOTED.

:

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf140502.pdf](#)

**CJ100 - 05/02 REPORT ON MAYORAL ACTION TO APPROVE AN
EXPENDITURE UNDER SECTION 6.8 (1) OF THE
LOCAL GOVERNMENT ACT 1995 -
REINSTATEMENT OF 43 BEDDI ROAD, DUNCRAIG
– [00302] [09763]**

WARD – South Coastal

PURPOSE

To seek Council's endorsement on Mayoral action authorising an expenditure of \$134,920 inclusive of GST under section 6.8 (1) (c) of the *Local Government Act 1995*, to repair fire damaged building at 43 Beddi Road, Duncraig under insurance claim.

EXECUTIVE SUMMARY

That the Council under the provision of section 6.8(2)(b) of the *Local Government Act 1995* resolves to note this Report on the Mayoral Action exercised under section 6.8(1)(c) of the *Local Government Act 1995* authorising a contract with Barclay Group for repairing the fire damaged building at 43 Beddi Road, Duncraig for an estimated expenditure of \$134,920 inclusive of GST with the provision to recover under insurance claim.

BACKGROUND

The City of Joondalup has leased a Child Care Facility at 43 Beddi Road, Duncraig to Family and Children's Services, Government of Western Australia. A fire damaged the roof on 4 March 2002. The City's Insurer Allianz appointed its loss adjuster GAB Robbins to estimate the loss and assessed an estimated \$134,920 inclusive of GST to be paid to the City under the provision of City's Municipal Industrial Special Risks Insurance Policy (No 76-11100600-IAR) instead of entering into any contract with a third party contractor for a building owned by the City. The Loss Adjuster GAB Robbins acting on behalf of Allianz Insurance have nominated the building contractor as a specialist contractor to reinstate fire-damaged building.

Suburb/Location: Duncraig / 43 Beddi Road
Owner: City of Joondalup

DETAILS

The former City of Wanneroo has leased the Community Building at 43 Beddi Road, Duncraig to Family and Children's Services (FACS) for a period of twenty-one (21) years commencing 12 March 1991 on a consideration of \$1 per annum. The building roof caught fire on 4 March 2002. The outcome of the fire has made the building unsuitable for use and the condition at current state is dangerous to public safety. The City's Insurer Allianz Insurance appointed its loss adjuster to assess the losses. Under the provision of City's Municipal Industrial Special Risks Insurance Policy (Policy No 76-1110060-IAR) the insurer is to replace like for like with an option to pay out the estimated losses subject to the loss assessed by its loss adjuster and payment of excess of \$2,500. The Insurer opted to pay the

City the cost of reinstatement and asked the City to enter into a contract with a nominated specialist builder- Barclay Group Pty Ltd. The building was made in 1984 and when repaired, requires complying with Building Code of Australia. The City has requested the Insurer to appoint Connell Wagner being its current engineering consultant, to superintendent the construction with the understanding that under the provision of insurance policy. The cost for superintendence of the capital works contract incurred by Connell Wagner is expected to be reimbursed by the Insurer. Allianz Insurance through its Loss Adjuster has agreed to pay the cost of superintendence subject to approval of the quote from Connell Wagner.

Under the provision of regulation 11.1 of the Tendering Regulations, the City is to seek public tenders for procuring goods or services exceeding \$50,000 unless exempted under regulation 11.2.

Expert opinions have determined the nature of damage to the building is endangering to public safety if left at its current state. Therefore, a case of emergency arises to reinstate the building.

Due to the emergency of the situation His Worship Mayor has exercised his authority under section 6.8 of the Act and regulation 11.2(1) of the Tendering Regulations authorised the Chief Executive Officer to enter into a contract with Barclay Group Pty Ltd to reinstate the building at 43 Beddi Road, Duncraig for an estimated expenditure of \$134,920 inclusive of GST without seeking a public tender. Legal opinion has confirmed that the application of section 6.8 (1)(c) of the Act to exempt the requirement of a public tendering under regulation 11.2(1).

Statutory Provision: Exemption of a public tender under Regulation 11.2(1) of the *Local Government (Functions and General) Regulations 1996* and section 6.8 (1) (c) and 6.8(2)(b) of the *Local Government Act 1995*.

Extract of section 6.8 of the Act is reproduced:

Expenditure from municipal fund not included in annual budget

- 6.8.** (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
* *Absolute majority required.*
 - (c) is authorised in advance by the mayor or president in an emergency.

(1a) In subsection (1) —

“**additional purpose**” means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1) (a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1) (c), it is to be reported to the next ordinary meeting of the council.
[Section 6.8 amended by No. 1 of 1998 s.19.]

Extract of the Regulation 11(2)(1) is reproduced:

- (1) Tenders do not have to be publicly invited according to the requirements of this Part if
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;

Policy Implications:

Due to emergency the Council's Policy 2.3.4 does not apply.

Financial Implications:

Account No:
Budget Item: Not a budget item
Budget Amount: \$ Nil
YTD Amount: \$ Nil
Actual Cost: \$ 134,920 inclusive of GST (estimated) to be claimed back under insurance less excess.

COMMENT

The expenditure towards capital construction is recoverable from the Insurance Company under ISR claims less excess. The rebuilding of the roof will enhance the life of asset. The City will meet its community obligations as a local government by restoring the Duncraig Child Care Centre Building.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council under the provision of section 6.8(2)(b) of the Local Government Act 1995 RESOLVES to note Report CJ100-05/02 on the Mayoral Action exercised under section 6.8(1)(c) of the *Local Government Act 1995* authorising a contract with Barclay Group for repairing the fire damaged building at 43 Beddi Road, Duncraig for an estimated expenditure of \$134,920 inclusive of GST without going through a public tender under regulation 11.2(a) of the Tendering Regulations.

CJ101 - 05/02 REVIEW OF LOCAL GOVERNMENT GRANTS ACT 1978 – [30712]

WARD - All

PURPOSE

To seek Council's endorsement of a submission to the Department of Local Government and Regional Development on the Review of the Local Government Grants Act 1978.

EXECUTIVE SUMMARY

The Western Australian Local Government Grants Act 1978 provides for the establishment, operation and membership of the Western Australian Local Government Grants Commission (WA LGGC). Section 20 of the WA legislation requires the responsible Minister to carry out a review of the operation of the Act every five years.

The Department of Local Government and Regional Development will be conducting this review and have invited the City of Joondalup, along with other local governments, to participate in the review.

A discussion paper on this review has been distributed to all City of Joondalup Business Unit Managers and their comments are reflected in this submission as shown in Attachment 1 to this Report.

The key areas that have been considered are:

- the effectiveness of the operations of the WA LGGC;
- the need for the continuation of the functions of the WA LGGC; and
- other matters relevant to the operation and effectiveness of this Act.

The main recommendations submitted to the review are as follows:

- reduce the number of members of the WA LGGC;
- introduce an independent expert on to the WA LGGC;
- the need for ongoing reviews of the processes within the WA LGGC
- the need to review the way that the WA LGGC is funded.

This report recommends that Council:

- 1 *ENDORSES the City of Joondalup's submission on the Review of Local Government Grants Act 1978 – Discussion Paper as shown at Attachment 1 to this Report;*
- 2 *FORWARDS the submission to the Department of Local Government and Regional Development and THANKS the Department of Local Government and Regional Development for the opportunity to provide the submission.*

BACKGROUND

The WA Local Government Grants Commission is a statutory body established under the Local Government Grants Act 1978. The Local Government Grants Act 1978, as amended in 1985, 1988 and 1997, requires that a Commission be appointed comprising a Chairman, Deputy Chairman and three other members.

The current members of the Commission are:

Mr John Lynch	Chairperson
Mr Ian Cowie	Deputy Chairperson, Department of Local Government and Regional Development Representative
Cr Christine Hardwick, JP	representing Country Shire Councils Association
Cr Rosanne Pimm, OAM JP	representing Country Urban Councils Association
Cr Linton Reynolds, JP	representing Local Government Association

The purpose of the WA LGGC is to make recommendations to the State Minister for Local Government on the distribution of Commonwealth financial assistance grants to local governments. Once accepted by the State Minister, the recommendations are referred to the Federal Minister for Local Government for approval.

In 2001, the City of Joondalup put forward a submission reviewing the Local Government (Financial Assistance) Act. This was presented at a public hearing on 19 March 2001, to discuss concerns regarding the inequities of grant allocations across the nation and proposed a number of changes to this process. The recommendations made in the submission were not successful and the minimum grant provision remains unchanged.

This current review seeks to examine the Local Government Grants Act 1978 and deals only with matters relevant to the operation and effectiveness of the Act and the functions of the Commission, not the grant allocation process.

DETAILS

The Department of Local Government and Regional Development will be conducting this review and has prepared a discussion paper to seek the views of local government about the Act and the operation of the WA LGGC.

Consultation:

The City of Joondalup's submission on the Review of Local Government Grants Act 1978 has been developed based on input from Officers of the City of Joondalup. The City's submission is shown as Attachment 1 to this report.

The main recommendations from the City of Joondalup towards the review are as follows:

Reduce the Number of Members of the Commission

Due to the formation of the single representative organisation for local government (WALGA) it is now feasible to reduce the number of local government members on the Commission.

Introduce an Independent Expert on to the Commission

The appointment of an independent technical expert will provide a balance between State and local government representation and will also bring commercial and academic skills, knowledge and abilities to the Commission. This independent technical expert would need to be qualified to comment equally on the needs of both indigenous and mainstream Western Australia.

It should be noted that Ian Cowrie from the Department of Local Government is currently considered to be an independent expert, however it may be more transparent to have an additional member that has no affiliation with Local Government.

Appointment of Members to the Commission

Appointment of members should be based on pre-determined selection criteria. Members should not automatically be eligible for re-election at the end of their term and should go through a selection process first. The application of human resource recruitment and selection industry practice should be applied to both the appointment and re-appointment process.

The need for ongoing Reviews of the Processes within the Commission

Recommendations have been made in regard to the review the re-appointment process for members, for the WA LGGC to provide grant advice in accordance with the City's budgetary cycles and for the review of the submission process. Further use of E-Commerce and web technology has been suggested to streamline processes between Local Government Authorities and the WA LGGC.

Funding of the Commission

The City's submission proposes that Local Government Authorities should contribute towards the operating costs of the WA LGGC through an increase or apportionment from the Commonwealth grant allocation for the funding to the Commission.

It also suggests that the WA LGGC charge for the supply of information to enable it to operate commercially and raise its own revenue to reduce the contribution needed from Local Government Authorities.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ENDORSES the City of Joondalup’s submission on the Review of Local Government Grants Act 1978 – Discussion Paper as shown at Attachment 1 to Report CJ101-05/02;**
- 2 FORWARDS the submission to the Department of Local Government and Regional Development and THANKS the Department of Local Government and Regional Development for the opportunity to provide the submission.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf140502.pdf](#)

CJ102 - 05/02 DRAFT PRINCIPAL ACTIVITIES PLAN FOR 1 JULY 2002 TO 30 JUNE 2007 – [13020]

WARD - All

PURPOSE

To seek Council approval of the draft Principal Activities Plan 2002 to 2007 for public distribution and comment as required under the Local Government Act (1995)

EXECUTIVE SUMMARY

Under the Local Government Act 1995 Section 5.57 (2) a Principal Activity Plan is to be made available for public consideration for 42 days after local public notice is given.

The draft Principal Activities Plan for the City of Joondalup has been prepared based on the draft budget documentation and the relevant Directorate and Business Unit submissions. The draft has been considered by the City's Executive and is attached for consideration by Council

It is recommended that Council approves the draft principal activities plan 1 July 2002 to 30 June 2007 for the City of Joondalup for distribution for public consideration in accordance with the provisions of the Local Government Act 1995.

BACKGROUND

Under the Local Government Act 1995 Section 5.57 (2) a Principal Activity Plan is to be made available for public consideration for 42 days after local public notice is given. The Principal Activities Plan addresses the Five-Year Capital Works Programme, principal activities and new proposals for the City. The principal activities included in the draft Plan are those major items of expenditure that total in excess of \$200,000 per annum. The figures provided in the draft Plan are preliminary and based on best estimates and known information at the time of preparation. These forward estimates and source of funding will be further reviewed in the overall budgetary process. The Five-Year Capital Works Programme and new proposals will be reviewed following the development of the budget and input from the community consultative process.

Strategic Plan

Under the Strategic Plan's Key Result Area of Leadership, the City's performance will be measured by the achievement of:

- *The level of community participation, involvement and civic responsibility;*
- *The level of community awareness and understanding of Council's role and functions.*

DETAILS

The draft Principal Activities Plan for the City of Joondalup has been prepared based on the draft budget documentation and the relevant Directorate and Business Unit submissions. The draft has been considered by the City's Executive and is attached for consideration by Council (Attachment A to this Report).

The City is to be involved or continue its involvement in a number of major projects including:

- A significant portion of the budget for 2002 – 2003 has been identified for the continuous upgrade and development of infrastructure for the City.
- Currambine Community Centre.
- Joondalup Regional Performing Arts Complex.
- City depot development.
- Future development of Ocean Reef Groyne.

The City has listed other major principal activities under the following headings:

- Approvals, Planning and Environmental Services
- Library and Information Services
- Community Development Services
- Safer Community Programme
- Infrastructure Management and Ranger Services
- Environmental Waste Management Services
- Operation Services

LEGISLATIVE REQUIREMENTS

Under the Local Government Act (1995) Section 5.56 (Planning for principal activities)

“Each local government is to prepare a plan for the next 4 or more financial years”

Under Section 5.57 (1) of the Act (1995):

“After preparing a plan under section 5.56, the local government is to -

- (a) give local public notice in accordance with subsection (2);*
- (b) make available for public inspection copies of the proposed plan at the local government offices and at each local government library in the district.”*

Section 5.57(2) of the Act (1995) states:

“The local public notice is to contain –

- (a) notification that a plan for the local government's principal activities for the next 4 or more years has been prepared;*
- (b) details of where and when the plan may be inspected; and*
- (c) an invitation for submissions in relation to the plan to be made by members of the public within 42 days of the day on which local public notice was first given.”*

COMMENT

The Five Year Capital Works program has been developed to meet community needs and projects identified by Council. The level of expenditure for this programme is considered sustainable and achievable over the five-year period.

New Proposals to support the City's Strategic Plan have also been included in the Principal Activities Plan for consideration.

The draft Principal Activities Plan will be made available through the City's libraries, on the web site and upon request.

It is also proposed that the draft Five Year Capital Works Program and the draft 2002 – 2003 proposals will be provided in the City's libraries for reference.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the draft Principal Activities Plan 1 July 2002 to 30 June 2007 for the City of Joondalup forming Attachment 1 to Report CJ102-05/02 for distribution for public consideration in accordance with the provisions of the Local Government Act 1995.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn210502.pdf](#)

CJ103 - 05/02 SHARING ADMINISTRATIVE FUNCTIONS AT LOWER COSTS – [63513]

WARD - All

PURPOSE

The purpose of this report is to propose that the City of Joondalup should establish partnerships with the Cities of Wanneroo and Stirling to form a Project Management Team. This group will study the feasibility of shared services within the three local governments and make agreed recommendations to their respective Councils on a model (or models) for shared services that are most suitable to the three Local Government Authorities.

EXECUTIVE SUMMARY

Given that all local governments have a similar structure and that there are duplications of roles, it is possible to develop a shared service strategy. A global benchmarking study undertaken by KPMG Consulting has shown that the combination of purchasing power possible through negotiation of joint agreements has provided substantial time and cost savings.

Twelve councils in NSW have formed the Southern Sydney Regional Organisation of Councils, seven councils in rural WA have formed the North East Wheatbelt Regional Organisation of Councils and six councils in Metropolitan Perth have formed the Eastern Metropolitan Regional Council. All Regional Councils have indicated that there have been benefits due to their joint initiatives.

At the meeting of the North Metropolitan Zone Committee on 4 April 2002, it was decided that a Project Management Team comprising of relevant officers from the Cities of Joondalup, Wanneroo and Stirling should be established. The Project Management Team will investigate the feasibility of sharing of services and present a joint business case to their individual Council.

This report recommends that:

- 1 The City of Joondalup should enter into a partnership with the City of Stirling and the City of Wanneroo to form a Shared Services Project Management Team; and
- 2 Two officers of the City should be appointed as members of the Shared Services Project Management Team

BACKGROUND

At the Council meeting on 9 October 2001 (Item C110-10/01 refers), MOVED Cr Patterson, SECONDED Cr Rowlands that:

“Council DIRECTS the Chief Executive Officer to prepare a business plan on the shared services concept with a view to reducing the costs of administration of the City of Joondalup. The objective of this business plan is to outline how costs associated with corporate services such as information technology, finance and human resources can be shared across a number of interested Councils. The advantage of this would be the reduction of costs for these services across a number of municipalities.”

Initial research was undertaken to determine a concept model and resulted in a report being presented to the North Metropolitan Zone of the Western Australian Local Government Association meeting on 29 November 2001. At that meeting, it was decided:

“That the matter be deferred to enable discussions with the CEOs of the three local governments.”

On 14 March 2002, a PowerPoint presentation, *“Shared Services – Fostering Partnerships for Local Governments”* - was made to the Chief Executive Officers of the Cities of Stirling Wanneroo and Joondalup. Following the presentation, the Chief Executive Officers present there expressed support for the concept of shared services and indicated that the possibility of a joint agreement for the purchase/supply of goods and services could be explored.

A report on sharing administrative costs was presented at the meeting of the North Metropolitan Zone Committee meeting on 4 April 2002. This report recommended that:

“the North Metropolitan Zone of the Western Australian Municipal Association supports the proposal for the North Metropolitan Zone councils examining the opportunities for shared services.”

The North Metropolitan Zone Committee directed that:

“A Project Team of relevant officers be established to investigate the matter and report back to the committee”.

Strategic Plan: One of the Key Result Areas under the City’s Strategic Plan is Leadership. To achieve Strategy 1.1 – *fulfil and maintain a regional co-ordinating role* – the City will:

- *Create partnerships and facilitate networks for the benefit of the region*
- *Display leadership for the region*
- *Research regional needs for services and facilitate their development*
- *Promote and be an advocate for the region.*

By initiating the concept of shared services for our region, the City will be fulfilling its objective to take a proactive leadership role for the region.

DETAILS

Shared Services is an approach towards standardising and streamlining the delivery of common processes in one or several physical locations. These processes are generally transaction – oriented and have common characteristics across business units of organisations. Given that all local governments have a similar structure and that there are duplications of roles, it is possible to develop a shared service strategy.

EXAMPLES OF SUCCESSFUL SHARED SERVICES

Benchmark Studies

1 Global Organisation – KPMG

KPMG Consulting has completed a benchmarking study of 12 leading global companies operating shared services environments (SSEs) which includes a comprehensive review of eight functional areas and over forty processes operated within the study participants' shared service environments.

The study was designed to provide insights into the strategies employed by shared service operations as well as performance levels and benefits associated with the implementation of SSEs.

The following are the key results of the study:

- 1 An average monetary saving of 20% was realised
- 2 Customer Service is critical to sustaining cost savings
- 3 Recognising that there are differences in Strategic Mission is important in maximising the potential benefits of an effective shared service environment.
- 4 Shared services in the areas of e-procurement, joint purchasing and tendering and fleet management services are the most successful.

2 Southern Sydney Regional Organisation of Councils (SSROC) in New South Wales

SSROC, an association of twelve councils, aims to achieve sustainable solutions to the challenges facing the southern Sydney region through the sharing of resources, co-operation in policy development, and regional advocacy.

In accordance with its current Regional Management Plan (1999-2002) SSROC is concentrating on five key result areas:

- Transportation and traffic management
- Resource sharing
- Community development
- Advocacy for and on behalf of the region
- Support for councils

3 North East Wheatbelt Regional Organisation of Councils (NEWROC) in WA

Seven rural authorities in the wheatbelt region faced with the escalation of salinity in the region jointly formed into NEWROC and have adopted a strategy for Natural Resource Management. Having had a very successful partnership in that area, NEWROC started joint tenders for services and supplies and is now investigating the cost-efficiencies of sharing services in other areas.

4 Eastern Metropolitan Regional Council in Perth (EMRC)

The EMRC was constituted in November 1983 and comprises of the Cities of Belmont, Bayswater and Swan, the Town of Bassendean and the Shires of Mundaring and Kalamunda in Western Australia. The area of the member Local Authorities is approximately 2,100 square kilometres or about one third of the Perth Metropolitan Region. The combined population of the six local authorities is approximately 250,000. Initially Waste Management and Disposal was the sole designated function of the EMRC. In 1987, the Constitution was amended to allow the employment of a Safety Officer(s) for the provision of Safety Services to member Councils and in 1993 it was agreed to amend the Constitution to allow for the provision of Environmental Services.

5 Services shared by the City of Joondalup with the Cities of Wanneroo and Stirling

In 1999, the City provided IT support to the City of Wanneroo for 6 months. The Cities of Joondalup and Wanneroo have fee for service agreements currently in place for libraries and waste management. The City has also recently signed an agreement with the City of Stirling for a joint initiative to build a skate park at Carine Open space.

BENEFITS OF A SHARED SERVICE:

- **Cost Savings** - The economies of scale possible through shared services programmes offer the potential to reduce costs and maintain or even improve service levels.
- **Co-ordinated regional approach** – an individual local government may lack the resources to achieve the desired efficiencies and cost- effectiveness. The collaborative partnerships typical of regional approaches can provide the critical mass of users and clients for services or programs to be cost-effective.
- **Benefits to SSROC** – an officer of SSROC has indicated that substantial savings have been achieved which include:
 - An average of 10% savings on road construction materials
 - 12% lower price on general hardware than the State Government
 - 28% lower price on road safety equipment and signs than the State Government
- **Benefits to NEWROC** – a co-ordinated regional approach to the problem of salinity has been achieved and are expecting substantial savings in the area of joint purchasing.
- **Benefits to EMRC** – achieved a pro-active approach to addressing the issues and options related to its designated functions in a way, which benefits all member Councils.
- **Benefits to the Cities of Joondalup, Wanneroo and Stirling**– regional co-operation with benefits flowing to the community.

APPOINTMENT OF A PROJECT MANAGEMENT TEAM

It is proposed that the Cities of Joondalup, Wanneroo and Stirling should join together to form into a structured Project Management Team, which will explore the feasibility of a shared service strategy. This team will then present a joint business case to their individual Councils with the deliverable being a comprehensive report discussing, among others, the following components:

- A Shared Services Vision and Strategy
 - A Shared Service Design options
 - Shared Services issues
 - Detailed benchmarking analysis
 - Cost benefit analysis
 - Implementation approach

Objectives of the partnership

A key factor ensuring the success of the project is that agreements should be developed co-operatively. A framework defining the direction of the partnership would also have to be developed. Some objectives of the partnership that the Project Management Team could consider are:

- to work in co-operation with the partners in the shared services strategy;
- to ensure that the management and administration of the partnership is successful in providing efficient quality services;
- to ensure that the financial management of the partnership is accountable and that the financial viability of the partnership is enhanced by pursuing business opportunities in relation to all activities;
- to support and share the expertise inherent in each of the partners, to enable local government to enhance its service delivery to the community

Consultation:

Officers of the City have consulted Scott Southland from KPMG Consulting who provided details of the benchmarking study that KPMG undertook on shared services.

Officers of the City have also spoken to key officers from local government agencies and their feedback on shared services is detailed below:

- 1 Melissa Gibbs, Executive Director of SSROC has provided the City with the following information:

“Yes, we have made significant savings for councils. Prices have dropped dramatically as a result of the joint purchasing. “

- 2 Ian Landsmeer, Chair of NEWROC has stated that:

“Having had a very successful partnership in that area (of natural resource management) NEWROC started joint tenders for services and supplies. We are now considering sharing services in other areas.”

He has also said that a joint vision is very important for a joint project to succeed.

- 3 Peter Schneider, Deputy Chief Executive Officer of EMRC has told officers of the City that:

“The waste disposal service has proved beneficial to member Councils and EMRC now is providing a range of services such as risk management, tourism promotion, vandalism and graffiti control, disability services and a range of other services.”

He has indicated that the EMRC tries to ensure that the services that it provides in not duplicated by member councils.

POLICY IMPLICATIONS:

Purchasing of Goods and Services 2.4.6 – Local Impact

Under the City’s Policy 2.4.6 (Purchasing of Goods and Services), local businesses will have an opportunity to submit tenders for higher volume purchases. They will continue to be notified of tenders by the City. Provided that they are competitive, new markets will open up within other local government areas, further enhancing economic development for the region.

Financial Implications:

Partnership agreements will have a financial implication and appropriate funding arrangements would have to be made. The options are that current staff could be “borrowed” from partners or that dedicated staff could be employed. (**Note:** NEWROC started its operations using staff and resources already available with the partner councils. They are now in a position to appoint a Chief Executive Officer).

The Project Management Team should consider costs associated with establishment of the partnership, legal advice, tendering, advertising, stationery, on-going costs and other financial requirements. The amount that each council would have to contribute to the partnership should be discussed during meetings of the Project Management Team. Each partner will be required to receive approval from their respective councils on financial contributions prior to the establishment of the partnership.

COMMENT

Risks

The projected combined population of Joondalup, Wanneroo and Stirling will exceed half a million within the next fifteen years. With the three local governments joining together in a shared services strategy, the joint purchasing power possible will provide great benefits to the region and the community. However, a risk associated with this project is that local suppliers may not have the capacity to provide goods and services on required scale.

Key Success Factors

Some factors underpinning the success of the shared service strategy are that:

- There would have to be willingness by member local governments to commit to the concept of shared services while continuing to fulfil their community's expectation for the provision of cost effective high quality services.
- Agreements should be developed in a co-operative manner based on a shared vision and common goals.
- Priority should be given to issues relevant to the promotion of sustainable economic development and job creation in the region
- A co-ordinated approach towards planning for shared services will be required as will an overall leadership framework.
- Project is supported at the corporate level

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That:

- 1 the City of Joondalup should approach the City of Wanneroo and the City of Stirling with the view of forming a partnership in a Shared Services Project Management Team;**
- 2 Two officers of the City should be appointed as members of the Shared Services Project Management Team**

**CJ104 - 05/02 COCKMAN ROAD, GREENWOOD SAFETY AUDIT -
[12345]****WARD - South**

PURPOSE

The purpose of this report is to present the road safety audit findings of Cockman Road, Greenwood.

EXECUTIVE SUMMARY

In view of the recent High Court Decision on the Duty of Care of Highway Authorities concern has been raised with Council's duty of care in the traffic treatment of roads using central traffic islands and tree plantings. Council has requested that a road safety audit of Cockman Road, Greenwood be undertaken by a suitably qualified safety auditor including representation from Main Roads Western Australia and that a report be presented on the audit findings.

Connell Wagner who are recognised as having an experienced senior auditor was commissioned to undertake a formal road safety audit with the team member including a Traffic Services Manager from Main Roads Western Australia.

The audit report has identified eight operational corrective action matters ranging from installation of additional hazard warning boards at the Penistone Road roundabout, installation of reflective raised pavement markers, improvement of intersection line marking and signage at various intersections, relocation of a bus seat to improve sight distance, future rationalisation of commercial driveway access and upgrade of street lighting. These items are being addressed as part of the ongoing monitoring of the project.

In addition in the Audit report two issues have been raised regarding the bus stops and planting of trees.

The Auditors report indicates that as part of the traffic management scheme that has been implemented along Cockman Road, median tree planting and protective timber bollards have been installed to better define the median strip and to provide some level of increased friction along the road to help encourage lower speeds. The bollards appear to be well reflecterised and it is assumed that the trees and the bollards are frangible and will not create a impact zone problem in the future to motorists travelling along Cockman Road.

The conclusions from the safety assessment for bus stops along Cockman Road is to monitor the ongoing accident history, and implement bus embayments if an accident pattern does arise. At present, there is no evidence to suggest that the current on street bus stops are creating a safety problem along Cockman Road.

This report therefore recommends that Council:

- 1 *NOTES the findings of the Road Safety Audit on Cockman Road;*
- 2 *MONITORS the accident pattern in Cockman Road to determine the need for bus embayments.*

BACKGROUND

Following the High Court decision on the abolition of the Highway Rule Council at its meeting of 12 June 2001 considered a notice of motion to place a moratorium on all traffic island, bollard installation and median strip tree planting pending examination of Council's Duty of Care.

It was considered that there was concern of Council's Duty of Care in installing raised kerbing, trees and bollards in the centre of the carriageway with no immunity in place. It was considered to address any concerns that may exist amongst Councillors a safety audit be undertaken of Cockman Road.

Council resolved to:

- 1 Review its practices 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 Case and;
- 2 Undertake a road safety audit of Cockman Road by a suitably qualified safety auditor including representation from Main Roads Western Australia and that a report is presented on the audit findings.

With the High Court decision on abolition of the Highway Rule or non-feasance the question of negligence and liability has arisen where an authority undertakes works. Legal advice indicates that the test is whether the Authority has discharged its duty to design or construct roads or carry out works in a manner which does not create a foreseeable risk of harm to those using the road.

Cockman Road has been treated with raised traffic islands and a painted median incorporating small diameter trees. In addition no provision of embayments has been made at bus stops. Concern has been raised with Council's duty of care in installing raised traffic islands, trees and bollards in the centre of the carriageway. To address these concerns it was resolved to undertake a road safety audit for Cockman Road.

The Road Safety Audit identified eight operational corrective action matters that are being dealt with as part of the monitoring of the project. In addition two issues regarding the median tree planting with protective timber bollards and the safety assessment of bus stops were the subject of a separate detailed safety audit report.

DETAILS

The Audit report considers “*that the solution provided by the City of Joondalup for Cockman Road is an appropriate design, which will assist with overcoming the speed problem along Cockman Road. A median was constructed in conjunction with roundabouts at Sherington Road and Penistone Street. The installation of the median was also supported by the planting of trees along the median. This initiative is also supported in that it provides additional “friction” along the road. The trees will provide some level positive reinforcement of the width restrictions and provides a vertical aspect to the proposed traffic management treatment. This solution is considered to be acceptable if the trees and supporting protection are of a frangible nature and will not constitute a significantly safety risk if a car were to crash into them. The provision of fixed objects along the median does provide a positive reinforcement of the speed environment that is being promoted by the traffic management solution.*

Bus Stops

One of the major features of the design that has raised some concerns was the need to accommodate bus stops along the route, and the potential of buses stopping and blocking traffic along the restricted one lane carriageway that has been produced by the traffic management solution.

The treatment adopted was to restrict the tree planting along the painted median in the vicinity of bus stops to provide the opportunity for vehicles to pass the stopped buses.

Tree planting was restricted in the vicinity of bus stop locations, which then provided a paved area of 6 metres for the parked bus and potential traffic to pass the stopped bus. This width of road pavement is, in theory, sufficient for this passing manoeuvre to occur, but because of the painted nature of the median, there is also the opportunity for passing traffic to stray outside of the median area into the opposite traffic lane. On the positive side, this solution does provide additional “friction”, which will help to slow traffic speeds along Cockman Road and therefore improve the general safety environment along this stretch of the district distributor road. The motoring public would normally reduce speed when approaching a stopped bus and manoeuvre around the bus at a reasonably low speed, and given the available pavement width, would be able to pass the parked bus in a safe manner.

The safety issues that have been raised associated with the Cockman Road Traffic Management Scheme are that vehicles are currently able to pass stationary public transport buses, by crossing a painted median to manoeuvre around these parked buses. Adequate pavement width appears to be available for this manoeuvre, but there is the potential that vehicles undertaking this passing manoeuvre could stray into the opposite oncoming carriageway.

From the accident history collected from the MRWA accident data base, there is currently no evidence to indicate that vehicle passing manoeuvres, particularly in relation to vehicles passing stationary buses, is a sufficient problem along Cockman Road. This is also supported by the accident history of two other district distributor roads within the Perth metropolitan area which have been treated with a similar traffic management solution to that provided at

Cockman Road. The accident history of both Harborne Street in Wembley and Sackville Terrace in Scarborough indicate that although accidents are still occurring along these roads, the safety of these roads is improving and none of the accidents that have been recorded over recent times have involved vehicles manoeuvring around stopped public transport buses.

Anecdotal evidence that has been obtained from other authority Council officers in relation to Harborne Street and Sackville Terrace indicate that not only has the safety history of both these roads improved, but the 85th percentile speeds that were experienced on these roads prior to the Traffic Management Scheme being introduced have significantly reduced as a result of the implementation of the schemes.

From the accident history data, and from traffic Management Schemes applied to other district distributor roads similar to Cockman Road, there appears to be no evidence to suggest that manoeuvring around stopped buses on these roads is creating a safety problem. On the basis of this evidence, Connell Wagner recommends that the current traffic scheme for Cockman Road be maintained and that the accident history along Cockman Road be monitored over the next year or two. If an accident history associated with vehicle manoeuvring past parked buses does start to occur, consideration should be given to embaying the bus stops to provide more pavement for vehicles to pass stopped buses. In making this suggestion, Council should also be cognisant of the potential for increased traffic speed as a result of the possible embayment of bus stops, as the presence of buses along Cockman Road would in itself provide some level of speed restriction associated with traffic demand along to Cockman Road. The potential for increased speed must obviously be weighed up against the potential for bus related accidents when developing a final solution, if required.”

COMMENT

The abolition of the Highway Rule no longer provides any legal immunity of non-feasance but the ordinary principles of negligence will apply. To discharge its duty of care an Authority must take reasonable steps to address risks.

There is concern that the installation of raised kerbing with tree plantings in the central median of roads may be an obstruction with no immunity in place. The traffic treatment of Cockman Road is a well-established standard treatment throughout the municipality and metropolitan area. In addition the treatment of these roads are in accordance with Australian standards and Main Roads Western Australia guidelines and can be the subject of a Road Safety audit by a third party. The treatment of Cockman Road has received no objections from Main Roads Western Australia, Western Australia Police, Fire and Rescue and the Transport Department.

Also these types of treatments have been well received by the public and the City has been requested to treat a number of other streets. The trees used in the central median are of diameter less than 100 millimetres and together with the bollards which are in place as a temporary measure until the trees have established themselves are considered ‘frangible’. The risk of danger to third parties are therefore considered to be at the lower range of potential hazard.

There is concern that as the trees mature and the trunk size increases they can become a fixed hazard. This matter would need to be monitored and a replacement programme instigated as required. With regard to the safety assessment of the bus stops along Cockman Road the accident history will be monitored as recommended in the Audit Report to determine the need for embayments if an accident pattern does arise.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the findings of the Road Safety Audit on Cockman Road, Greenwood;**
- 2 MONITORS the accident pattern in Cockman Road, Greenwood to determine the need for bus embayments.**

**CJ105 - 05/02 REQUEST FOR BUS SHELTER AND BUS BAY ON
THE INWARD ROUTE ON COCKMAN ROAD
BETWEEN MULLIGAN DRIVE AND COBINE WAY,
GREENWOOD - [01068]**

WARD - South

PURPOSE

The purpose of this report is to detail the City's investigation in relation to the installation of a bus shelter and bus bay on Cockman Road, between Mulligan Drive and Cobine Way, Greenwood.

EXECUTIVE SUMMARY

Requests for bus shelters at various locations are received by the City and are investigated to determine if the placement of the shelter would be acceptable to adjoining property owners, the site allowed for its placement and patronage figures support its overall community benefit.

The above actions have been undertaken and it is advised that the installation of a bus shelter and bus bay at this location is not recommended.

A Road Safety Audit which is the subject of a separate report has also addressed the issues of providing bus embayments along Cockman Road.

This report recommends that Council:

- 1 *DOES NOT support at this stage the installation of a bus shelter and bus bay on the eastern side of Cockman Road between Mulligan Drive and Cobine Way Greenwood;*
- 2 *ADVISES the petitioners accordingly.*

BACKGROUND

A 15-year contract is currently in place with Adshel Pty Ltd for the supply and maintenance of glass shelters with an illuminated advertising panel at no cost to the City. This contract has enabled the City's concrete shelters that become surplus to requirements to be relocated to bus stops where the location permits, bus patronage figures support its installation but are not considered by Adshel from an advertising point of view.

The City receives patronage figures from the bus service operator to determine if a shelter is of benefit to bus patrons. Should a bus stop adjoin private property the property owners' comments are taken into consideration as to whether a shelter will be installed. A site inspection is also conducted to determine if the placement of the shelter would cause a sight obstruction for adjoining property owners.

DETAILS

In assessing as to whether a bus shelter should be installed at the stop, patronage figures were obtained from the bus service operator which indicated that an average of two passengers a day boarded a bus at this location.

The City received comments from the adjoining property owners who both expressed concern in regard to a reduction in vision from their driveways, potential vandalism and the need for a shelter due to the numbers of patrons they view board a bus at this stop.

A site inspection was conducted which revealed that the shelter would be required to be placed between the kerb and footpath, which could possibly reduce sight lines for adjoining property owners. No public utility services are affected by its possible installation.

COMMENT

A Road Safety Audit of Cockman Road (which is the subject of a separate report) indicates that the current on-street bus stops are not creating a safety problem.

Requests for a bus shelter at various locations must be investigated to determine if the placement of the shelter would be acceptable to adjoining property owners, the site allowed for its placement and patronage figures support its overall community benefit.

The site inspection conducted by the City highlighted that due to the amount of verge width available, the positioning of a shelter at this location may obstruct sight lines for adjoining property owners. Patronage figures have indicated that the community rarely uses the stop.

The assessment from the Road Safety Audit also does not suggest the need to install bus embayments.

In view of the low patronage usage at this site, site constraints and objections from the adjoining property owners, the installation of a bus shelter and bus bay at this location is not recommended.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 DOES NOT support at this stage the installation of a bus shelter and bus bay on the eastern side of Cockman Road between Mulligan Drive and Cobine Way Greenwood;**
- 2 ADVISES the petitioners accordingly.**

CJ106 - 05/02 METROPOLITAN REGIONAL ROAD PROGRAM 2003/2004 TO 2007/2008 – [06759]

WARDS - All

PURPOSE

This report outlines information about projects to be submitted to Main Roads WA for the 2003/04 Metropolitan Regional Road Program

EXECUTIVE SUMMARY

Main Roads WA has sought submissions for the 2003/2004 to 2007/2008 Metropolitan Regional Road Program for Improvement Projects and Rehabilitation Projects.

This report outlines the guidelines for the assessment of roadworks and recommends projects for consideration by the Metropolitan Regional Road Group.

This report therefore recommends that Council SUBMITS:

- 1 Joondalup Drive – Lakeside Drive to East of Burns Beach Road (City Boundary) for consideration for funding as part of the 2003/2004 – 2007/2008 Metropolitan Regional Road Program and as shown at Attachment 1 and Attachment 3;*
- 2 The projects outlined in Attachment 2 to this report to Main Roads WA for consideration for funding as part of the 2003/2004 – 2007/2008 Metropolitan Regional Road Program.*

BACKGROUND

Each year, Main Roads WA (MRWA) invites project submissions for consideration as part of the Metropolitan Regional Road Program. Main Roads WA (MRWA) requests project submissions up to two years in advance to allow Councils to program approved projects into their Budgets with certainty of grant funding.

The project types are separated into two categories as outlined below:

Road Improvement Projects

Improvement projects are:

- a) those which would involve upgrading of an existing road to a higher standard than currently exists, i.e. pavement widening, new overtaking lanes, traffic control measures, etc.;
- b) new works where a road pavement does not currently exist at the proposed standard, e.g. dual carriageway or new carriageway construction.

A multi-criteria analysis, (taking into consideration road capacity, geometry, accidents, benefits and costs) will be used to prioritise road improvement projects on urban arterial roads within the metropolitan area.

Road Improvement Projects are audited, scored and approved for the first year only (2003/04) with any projects submitted for future years beyond 2003/04 to provide MRWA with information only on possible projects and cash flows.

Road Rehabilitation Projects

Road rehabilitation projects are those proposed for existing roads where the pavement is to be brought back to as new physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning. A one-year programme only is required for submissions – 2003/04

The distribution of the MRRP funds is based on 50% of the pool to Improvement Projects and 50% to Rehabilitation Projects. A limit of around \$1 million per Council per year has been set for Improvement Projects and \$500,000 for Rehabilitation Projects. Funding approval is based on Council's contribution of at least a third to each project.

Strategic Plan

These projects fall under the Lifestyle Key Result Area and the Strategy of Rejuvenation of Suburbs (2.1)

DETAILS

Road Improvement Projects

The proposed Road Improvement Project for 2003/04 is Joondalup Drive – Lakeside Drive to Burns Beach Road East (City Boundary) as detailed on Attachment 1 and shown at Attachment 3 of this Report.

This project is in accordance with the Major Road Construction Program in the Draft 2002/03 Five Year Capital Works Program. All other projects shown in the Major Road Construction Program in the Five Year Capital Works Program will be evaluated and submitted for future MRRP submissions. These projects and other roads are re-evaluated on an annual basis and the five-year MRRP programme adjusted in accordance with the results of the multi-criteria analysis.

Road Rehabilitation Projects – 2003/2004

A road rehabilitation and mechanical study has been undertaken for a number of roads, which provides technical details and recommendations to comply with the criteria for assessing projects. A review is also undertaken on other works such as the traffic management program where traffic islands are located in a red asphalt median on local distributor roads. The resurfacing component of these construction works can be funded via this program. The Road Rehabilitation Program recommended for submission to Main Roads WA for funding consideration in the 2003/2004 financial year is shown at Attachment 2 of this Report.

Statutory Provisions

The funds for these programs come from the State Road Funds to Local Government Agreement. There are no statutory provisions applicable to the funds application but there are procedural requirements as outlined below:

Process for 2003/2004 Metropolitan Regional Road Program

- 1 Project submission to be forwarded to Main Roads WA by 1 May 2002
- 2 Submissions are checked for omissions and errors in computations
- 3 Submissions are audited:
- 4
 - Rehabilitation projects by Material Engineering Branch, Main Roads WA
 - Improvement projects by an independent consultant auditor
- 5
- 6 Audit queries are discussed with affected Councils
- 7 Final audited projects are sent to Main Roads WA for collation and priority listing based on audited points score
- 8 Lists of audited projects distributed to all Councils in August 2001
- 9 The Sub Groups of the Metropolitan Regional Road Group each have technical meetings to discuss and approve projects within the Sub Group only. The Cities of Wanneroo, Joondalup, Stirling and Town of Vincent form the North West Sub Group.
- 10 Recommendations are forwarded to the Technical Members Metropolitan Regional Road Group. The Director Infrastructure Operations from the City is a member of this Technical Group which then recommends the projects to be funded across the metropolitan area to the Metropolitan Regional Road Group.
- 11 The Metropolitan Regional Road Group considers funding submissions in accordance with the guidelines and makes recommendations to the Advisory Committee
- 12 Councils would expect advice of approval of projects during November/December 2002.

Policy Implications

There are no policy implications.

Financial Implications

The successful grant funding of these projects will require Council to allocate funds in the 2003/04 Capital Works Program – Major Road Construction. The grants are provided on the basis of a two-thirds contribution by the State Govt to one third by the City. The maximum annual grant for Rehabilitation Projects is \$500,000 and \$1,000,000 for Road Improvement Projects. Following auditing, some of the Rehabilitation Projects may not be funded in 2003/2004 and will need to be re-evaluated for submission with further projects for funding in subsequent years. It is also possible that the City may not receive funding for the Improvement Project. These circumstances occur because projects from all metropolitan Councils compete for the limited funds each year – approximately \$18M for the total pool and \$9M for each program. The scores of all projects are rigorously audited leading to some projects not achieving the points scores shown in the submissions and being below the funding cut off level for each Council or the program pool.

Strategic Implications

The projects fit into the Strategic Plan for the City by improving infrastructure which leads to an improved lifestyle. Under the Road Improvement Program, the dualling of arterial roads such as Joondalup Drive means that these million dollar plus projects can be undertaken using an external funds source, upgrading junction treatments, installing bus embayments and adding smooth asphalt seal to reduce traffic noise on an existing chip seal carriageway. These projects are also timed to fit in with major developments such as the Mitchell Freeway extension. The major benefit for the community is a more efficient road network as a result of better roads and paths, reduced travel times, less crashes and easier access to facilities. This development of dual carriageways can also facilitate the faster development of adjacent commercial areas.

For Road Rehabilitation projects, roads can be resurfaced also using an external funds source that can offset the prohibitive cost on arterial and major roads. These treatments prolong the life of the road pavement by resurfacing when it is most beneficial to do so rather than waiting until the pavement fails which may require more expensive reconstruction.

COMMENT

The Metropolitan Regional Road Program is administered by the Main Roads Department of Western Australia (MRWA) using well-established formulae, conditions and procedures that are outlined in State Road Funds to Local Government Agreement. The City has received grant funding in the past from the program and subject to priorities and auditing of other projects across the metropolitan area, expects to receive funding for the projects nominated this year.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council SUBMITS:

- 1 Joondalup Drive – Lakeside Drive to East of Burns Beach Road (City Boundary) for consideration for funding as part of the 2003/2004 – 2007/2008 Metropolitan Regional Road Program and as shown at Attachment 1 and Attachment 3 to Report CJ106-05/02;**
- 2 the projects outlined in Attachment 2 to Report CJ106-05/02 to Main Roads WA for consideration for funding as part of the 2003/2004 – 2007/2008 Metropolitan Regional Road Program.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf140502.pdf](#)

CJ107 - 05/02 PETITION REQUESTING MODIFICATION TO GIBSON AVENUE, PADBURY - [07082]

WARD - Pinnaroo

PURPOSE

The following report gives details of the existing traffic flow conditions and presents the possible future works planned along Gibson Avenue for consideration.

EXECUTIVE SUMMARY

In November 2001, the City received a 179-signature petition seeking construction of a service road access to residential properties along Gibson Avenue, Padbury.

The issue of constructing service roads along Gibson Avenue has been considered previously by the Council of the former City of Wanneroo.

However, at that time, this option did not warrant allocation of a higher priority than other treatments already listed in the City's Five-Year Capital Works Traffic Management Program. Based on the available traffic data and poor cost effectiveness, the construction of service roads along Gibson Avenue remains a low priority.

Notwithstanding this, the future staged enhancement of the existing red asphalt median with landscaped islands and trees along Gibson Avenue is listed in the 2002-03/04 years of the Capital Works Programme.

It is envisaged that when fully completed, the uniform treatment of local distributor roads throughout Padbury may cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for local residents.

On this basis, endorsement of the future enhancement of Gibson Avenue is recommended for consideration.

In the interim, the City may request additional Police Surveillance to further reduce overall vehicle speeds along Gibson Avenue.

This report therefore recommends that Council:

- 1 *DOES NOT SUPPORT the construction of service roads along Gibson Avenue, Padbury;*
- 2 *LISTS for funding consideration the staged enhancement of Gibson Avenue in the draft 2002/03 Five Year Capital Works Program;*
- 3 *ADVISES the petitioners and street residents accordingly.*

BACKGROUND

Suburb/Location:

Gibson Avenue provides an access between Whitfords Avenue and Hepburn Avenue, Padbury. It is currently classified under the Main Roads WA Metropolitan Functional Road Hierarchy as a 'local distributor road'.

In accordance with design standards at the time, Gibson Avenue was planned and constructed within a 30 metre road reserve. The road itself features an 11-metre pavement, constructed on an offset alignment to allow for possible future duplication or widening on the eastern side of the road reserve.

Over time however, the warrant for construction of an additional carriageway or widening of the road has not been established.

On this basis and to address local concerns regarding traffic speed the City initiated modification of Gibson Avenue in March 1995.

The modifications ultimately featured construction of three strategic roundabouts, painted median and raised pedestrian islands along Gibson Avenue. The reduced carriageway width and regulated traffic movements were implemented to reduce overall vehicle speed and improve road user safety along Gibson Avenue. The modifications were completed in November 1996 at a total cost of around \$220,000.

At that time, the modification of Gibson Avenue was consistent with treatment of other local distributor roads throughout the municipality.

In September 1997, the issue of service roads was presented to the Council of the former City of Wanneroo, as part of a report detailing suitable verge treatment options along Gibson Avenue (Item No TS280-09/97 refers).

The report was requested by Council to address local concerns that the over-width eastern verge along Gibson Avenue placed an additional maintenance burden on residents.

Due to the extent of works involved the report gave details of 'hard' and 'soft' verge landscaping options for Gibson Avenue.

The 'hard' landscaping option involved brick paving of existing traffic islands and featured construction of service roads adjacent to residential frontages along Gibson Avenue. The extent of the proposed service road treatment is shown on Attachment 1. At that time, a similar modification had been carried out along a section of Eddystone Avenue, Beldon.

The 'soft' landscaping option featured strategic plantings of trees, shrub and ground covers along Gibson Avenue, subject to sight line requirements.

After consideration of this report, the Council of the former City of Wanneroo resolved to prepare a design and construct cost analysis for the landscape (hard and soft) treatment of Gibson Avenue, to be listed for consideration in the 1998/99 draft budget.

Subsequently, the 'soft' landscaping option was listed for funding consideration as part of the City's Five-Year Capital Works Program. This project is part of the current 2001/02 Capital Works Program. The budgeted amount for this project is \$20,000.

However, at that time, given the previous expenditure on traffic treatments along Gibson Avenue and the significant additional cost associated with constructing service roads, the 'hard' landscaping option did not warrant allocation of a higher priority than other projects already listed in the Five-Year Capital Works Traffic Management Program.

Subsequently, this project has failed to attract funding ahead of other projects listed for funding consideration as part of successive Capital Works Programs.

For comparative purposes a revised 2002 preliminary costing for construction of service roads adjacent to properties on the eastern side of Gibson Avenue (only) is \$650,000. The preliminary costing for construction of service roads adjacent to all residential properties on both sides of Gibson Avenue is \$1,500,000.

DETAILS

A detailed analysis of traffic data recorded along Gibson Avenue by the City in January 2002 indicated that the traffic volume ranges between 3500 vehicles per day (VPD) north of Barclay Avenue Drive and 8200 VPD north of Hepburn Avenue.

The 85th percentile speed of vehicles recorded on Gibson Avenue was between 54 km and 68km/h during peak flow periods. Generally the higher vehicle speeds were recorded on the sections of Gibson Avenue adjacent to open space. From December 2001, the designated speed limit along Gibson Avenue has been 50km/h.

In the 3-year period to Dec 2000 there have been thirty-two (32) crashes recorded along Gibson Avenue. Nineteen (19) crashes have occurred at intersections, while mid-block rear end type crashes account for seven (7) of the crashes recorded during this period. The severity of twenty (20) crashes has been recorded as non-medical or below. A summary of recorded crashes supplied by Main Roads WA is shown on Attachment 2.

Previous traffic surveys carried out by the City in 1993, 1998 and 2000 on Gibson Avenue showed comparatively similar results for both traffic volume and speed. A summary of previously collected data is shown on Attachment 3.

Overall, when compared with other local distributor roads, the data suggests that Gibson Avenue is functioning normally.

While Gibson Avenue has been traffic treated in the past, enhancement of the red asphalt (formerly painted) median to include median trees and additional raised traffic islands has been identified as a possible future project. It is anticipated that the enhancement may encourage lower overall vehicle speeds and improve safety and amenity of the area for local residents.

This proposal remains consistent with the enhancement of other local distributor roads including Giles Avenue and Forrest Road in Padbury. Other roads throughout the municipality such as Ellersdale Road, Warwick are also earmarked for enhancement following resurfacing works.

Financial Implications:

A commitment to construct service roads along Gibson Avenue would re-direct a significant amount of funds away from a number of other traffic management projects currently listed within the City's existing Five-Year Capital Works Program.

The, enhancement of Gibson Avenue with traffic islands and trees is listed for \$220,000 on a staged funding consideration as part of the draft 2002/03 Five Year Capital Works Program.

COMMENT

While the recorded 85th percentile speed of vehicles remains a concern, overall the data suggests that Gibson Avenue is otherwise functioning normally as a local distributor road.

Based on the available traffic data and in comparison with other Traffic Management projects, construction of service roads along Gibson Avenue would not be a cost effective treatment.

On this basis, a significant warrant for construction of service roads along Gibson Avenue cannot be established at this stage.

However, enhancement of the existing red asphalt (formerly painted) median to include median trees and additional raised traffic islands has merit. More importantly, this proposal remains consistent with the treatment of all other local distributor roads throughout the municipality.

When fully completed, the uniform treatment of local distributor roads throughout Padbury are anticipated to cost effectively encourage lower overall vehicle speeds and significantly improve the safety and amenity of the area for local residents.

On this basis, endorsement of the future enhancement of Gibson Avenue is recommended for consideration.

In the meantime, to address the existing speed of vehicles the City may request additional Police Surveillance along Gibson Avenue.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 DOES NOT SUPPORT the construction of service roads along Gibson Avenue, Padbury;**
- 2 LISTS for funding consideration the staged enhancement of Gibson Avenue in the draft 2002/03 Five Year Capital Works Program;**
- 3 ADVISES the petitioners and street residents accordingly.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf140502.pdf](#)

CJ108 - 05/02 FUNDING FOR ROUNDABOUT AT WHITFORDS AVENUE/ANGOVE DRIVE, HILLARYS - [72492]

WARD – Whitfords

PURPOSE

To seek Council support for a joint funding arrangement with the Hillarys Estate Subdivision Developer Paltara Pty Ltd for a proposed roundabout at Whitfords Avenue and Angove Drive, Hillarys.

EXECUTIVE SUMMARY

The residential development at Harbour Rise, Hillarys, has now extended to the area directly abutting Whitfords Avenue and Angove Drive. To provide for the continuation of the single lane boulevard treatment for Whitfords Avenue north of Tenerife Boulevard the City considers it beneficial to provide a roundabout at the existing T-intersection in conjunction with the subdivisional development.

Though the provision of a roundabout at the intersection is not a condition of subdivision it is considered warranted to provide a roundabout to accommodate service roads proposed to access lots fronting Whitfords Avenue. It will also accommodate the City's future extension of the two-lane boulevard northwards from Tenerife Boulevard.

The subdivision developer Paltora Pty Ltd proposes that the roundabout be constructed in conjunction with the Subdivisional works and has obtained tender prices for the construction of the roundabout. The tender price for the roundabout is \$67,872 and of this the developer has agreed to contribute \$40,000. The City will be required to contribute the balance of \$27,872. In addition there is a further cost required to extend a median island south of the roundabout to accommodate the future boulevard works. The City is responsible for this cost which has been priced at \$31,861.

The City's officers have negotiated this cost sharing arrangement with the developer and it is considered a fair outcome, particularly as the provision of the roundabout is not a condition of subdivision approval.

The developer will also be constructing the dual use path along Whitfords Avenue between Angove Drive and Hepburn Avenue as part of the subdivision works.

The City has allocated funds of \$35,190 for this dual use path in the current Budget. It is proposed to now allocate these funds for the roundabout and road works. The balance of the funding of \$24,543 is proposed to be allocated from surplus funds available from the Whitfords Avenue and Kingsley Drive traffic signal intersection project.

This report recommends that Council:

- 1 APPROVES the construction of a roundabout at the Whitfords Avenue and Angove Drive intersection;*

- 2 *ACCEPTS the offer from Paltara Pty Ltd for a \$40,000 contribution towards the construction of a roundabout at the intersection of Whitfords Avenue and Angove Drive;*
- 3 *AUTHORISES by an Absolute Majority in accordance with Section 6.8 (1) of the Local Government Act the reallocation of \$35,190 from Whitfords Avenue dual use path Project Number 6323 and \$24,543 from Whitfords Avenue Kingsley Drive Traffic Signals Project Number 6310 as a contribution to the roundabout and roadworks at Whitfords Avenue and Angove Drive;*
- 4 *ENDORSES a contribution of \$59,733 to Paltara Pty Ltd for the roundabout and roadworks at Whitfords Avenue and Angove Drive;*
- 5 *APPROVES Paltara Pty Ltd undertaking the construction contract for the roundabout and roadworks at Whitfords Avenue and Angove Drive.*

BACKGROUND

The structure plan for the Harbour Rise residential development proposes lots fronting Hepburn Ave and Whitfords Avenue that are accessed via service roads. It was the City's understanding at the structure planning phase that the service roads would allow for one-way traffic flow only, similar to other service roads on arterial roads throughout the City.

At the subdivision approval stage the City considered that a roundabout at the Whitfords Avenue/Angove Drive intersection would provide more convenient access to a one way service road and thereby more convenient access to the residents. The City recommended to the Western Australian Planning Commission (WAPC) that a roundabout be provided.

The WAPC could not impose a subdivision condition as the Whitfords Avenue/Angove Drive intersection is outside of the area of the subdivision application. It suggested to the developer, however, that it might wish to discuss the matter further and negotiate a contribution toward the roundabout. If the roundabout was not constructed then an alternative option is a two-way service road.

The proposed layout of the roundabout and the adjacent subdivision is shown on attachment 1.

DETAILS

The City supports the provision of one-way service roads where they abut arterial roads such as Whitfords Avenue and Hepburn Avenue. It should be noted that the developer has also proposed one-way service roads to access lots fronting Hepburn Avenue. It is considered that the provision of a one-way service road is a consistent approach, which reduces any confusion for motorists, particularly visitor traffic that might not be familiar with the particular street layout.

It is acknowledged, however, that the provision of a one-way service road in Whitfords Avenue might make access less convenient for those properties fronting Whitfords Avenue. The provision of a roundabout would, however, resolve this issue.

The provision of a roundabout would provide more convenient access to Whitfords Avenue for traffic from Angove Drive. Furthermore, it provides a traffic calming function in Whitfords Avenue where local residents regularly complain about excessive traffic speeds.

The tender prices were very competitive and the actual cost for the roundabout is \$67,872. Following negotiations, the developer has agreed to contribute \$40,000 if the City contributes the balance. A further \$31,861 would be required for road modifications south of the roundabout to accommodate the extension of the future boulevard and the City is responsible for this cost. The total cost for the City would be \$59,733.

The developer proposes that the roundabout be constructed in conjunction with the Subdivisional works and has included a separable portion in the contract for the Subdivisional works so that the works could be undertaken if Council's endorsement can be obtained.

FINANCIAL IMPLICATIONS

Account No: Project 6323
Budget Item: Whitfords Avenue - Dual Use Path
Budget Amount: \$35190
Contract Amount: \$59733

As shown insufficient funds are available for the City to contribute to the Roundabout and Boulevard works. In order to fund the Project it is proposed that additional funds of \$24,543 be re-allocated from State Blackspot Project Whitfords Avenue / Kingsley Drive. It is anticipated that this project has available funds given the change in scope from a roundabout to traffic signals as detailed in the report to Council on 12 March 2002 (Item CJ055-03/02 refers)

COMMENT

The City's officers have negotiated a cost sharing arrangement with the developer for the construction of the roundabout and it is considered a fair outcome, particularly as the provision of this treatment is not a condition of subdivision approval.

Whilst there are certainly benefits for the developer if the roundabout is provided there are several benefits for the City:

- a) the traffic calming effect of the roundabout on Whitfords Avenue
- b) the improved safety for traffic entering Whitfords Avenue from Angove Drive
- c) a convenient termination for the future staging of the upgrade of Whitfords Avenue
- d) improved safety for traffic accessing the service road

It is recommended that the offer of the \$40,000 contribution from Paltara Pty Ltd is accepted to the roundabout treatment.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council:**

- 1 APPROVES the construction of a roundabout at the Whitfords Avenue and Angove Drive intersection;**
- 2 ACCEPTS the offer from Paltara Pty Ltd for a \$40,000 contribution towards the construction of a roundabout at the intersection of Whitfords Avenue and Angove Drive;**
- 3 AUTHORISES BY AN ABSOLUTE MAJORITY in accordance with Section 6.8 (1) of the Local Government Act the reallocation of \$35,190 from Whitfords Avenue dual use path Project Number 6323 and \$24,543 from Whitfords Avenue Kingsley Drive Traffic Signals Project Number 6310 as a contribution to the roundabout and roadworks at Whitfords Avenue and Angove Drive;**
- 4 ENDORSES a contribution of \$59,733 to Paltara Pty Ltd for the roundabout and roadworks at Whitfords Avenue and Angove Drive;**
- 5 APPROVES Paltara Pty Ltd undertaking the construction contract for the roundabout and roadworks at Whitfords Avenue and Angove Drive.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf140502.pdf](#)

CJ109 - 05/02 MINUTES OF THE DRY PARKS, MEDIAN AND VERGE COMMITTEE HELD WEDNESDAY 13 MARCH 2002 – [42938]

WARD - All

PURPOSE

To submit the Minutes of the Dry Parks, Median and Verge Committee to Council.

EXECUTIVE SUMMARY

The Dry Parks, Median and Verge Committee met on Wednesday 13 March 2002 and the minutes of the meeting are submitted for noting and adoption of a number of recommendations.

BACKGROUND

The Dry Parks, Median and Verge Committee met on 13 March 2002. (See attachment 1 – Minutes of the Dry Parks, Median and Verge Committee)

DETAILS

The Dry Parks, Median and Verge Committee held on Wednesday 13 March 2002 discussed a range of items and the following items are submitted for Council adoption.

Road Verge Review

The Committee considered previous items of business at its meeting held on 12 December 2001 in relation to item 2 – Road Verge Review.

The Committee considered that in the light of recent events associated with the Principal Activities Plan process it would be appropriate to amend clause 2 of the recommendations as follows.

Further considers the beautification of verges through the development of an overall landscape strategy for the City of Joondalup.

This amendment is put on the basis that it is the City's intention to develop an overall landscaping strategy for the City which may consider these issues as part of the overall study.

RECOMMENDATION

That Council:

- 1 *“SUPPORTS active encouragement of verge beautification through an Educational process;*

- 2 *FURTHER CONSIDERS the beautification of verges through the Development of an overall landscape strategy for the City of Joondalup, and*
- 3 *CONSIDERS the improvement of verges in areas as part of the 2002/2003 Budget deliberations.”*

Review of Priority Listing

Cr Kimber spoke on the current expenditure levels for Dry Parks Development and requested that considerations be given to increasing the level of expenditure to accelerate the development program. Cr Hurst and Cr Hollywood supported this approach if achieved without a reduction in other priority projects.

That Council:

List for consideration as a high priority as part of the 2002/2003 Five Year Capital Works – Dry Parks Development Program, increasing the level of program funds to approximately \$500,000 per annum.

Financial Implications

Additional funding is required via the 5 Year Capital Works Program allocated for the Dry Park Development Program. Funding required \$165,483. To achieve the \$500,000 recommended.

COMMENT

The development of dry parks is a high priority for the City's residents. A criteria rating has been developed and the development of all dry parks has been listed on a priority basis.

It is not anticipated that all dry parks will be irrigated, as this would not be environmentally acceptable or sustainable. Some areas have a high percentage of natural remnant vegetation worthy of protection and conservation.

It is also noted that we have just recently experience one of the driest summer periods on record and a very low annual rainfall for that period. As evidenced by the low water levels in the City's wetlands areas, the natural groundwater levels are at their lowest levels.

In considering this, Council needs to take into consideration both the community expectations and the environmental factors in relation to this matter.

It is noted that the Conservation Committee recognised the prevailing environmental issues and have accordingly recommended a moratorium on any new reticulation of median strips within the City. It is considered that a moratorium approach is responsible from an environmental and conservation perspective.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the Minutes of the Dry Parks, Median and Verge Committee held on 13 March 2002 forming Attachment 1 to Report CJ109-05/02;**
- 2 SUPPORTS active encouragement of verge beautification through an Educational process;**
- 3 FURTHER CONSIDERS the beautification of verges through the Development of an overall landscape strategy for the City of Joondalup;**
- 4 CONSIDERS the improvement of verges in areas as part of the 2002/2003 Budget deliberations;**
- 5 LIST for consideration as a high priority as part of the 2002/2003 Five Year Capital Works – Dry Parks Development Program, increasing the level of program funds to approximately \$500,000 per annum.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf140502.pdf](#)

CJ110 - 05/02 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD ON 24 APRIL 2002 – [12168]

WARD - All

PURPOSE

To submit the Minutes of the Conservation Advisory Committee held on 24 April 2002 to Council.

EXECUTIVE SUMMARY

The Conservation Advisory Committee met on the 24 April 2002 and the minutes of the meeting are submitted for noting by Council.

This report therefore recommends that Council NOTES the minutes of the Conservation Advisory Committee meeting held on 24 April 2002, and lists for consideration as part of the 2002/2003 Draft Budget their request for a moratorium on newly reticulated medians.

BACKGROUND

The Conservation Advisory Committee meeting of 24 April 2002 discussed a range of items including:

- Rabbit control in natural bush areas development of baiting options was discussed.
- Coastal dual pathway usage survey discussion regards impact on adjoining foreshore vegetation and facilities.
- Meeting frequency monthly versus bi monthly.
- Ground water consumption impact of development of dry parks and medians.
- Craigie Bushland status of reserve management plan.
- Fire station impact on existing areas of indigenous bushland.

DETAILS

The minutes of the Conservation Advisory Committee held on 24 April 2002 are included as attachment 1 to this Report.

Item 5.3 General Business resulted in the following motion.

That Council:

In the interests of providing good local government the City of Joondalup places a moratorium on any new reticulation of median strip to provide financially responsible government and re allocate a percentage of savings from the moratorium be re diverted to restore the bio diversity of the median strips or other areas.

COMMENT

The enhancement of major road networks median and verges provides aesthetically pleasing entry statements to the City, which is considered to have significant support amongst the local community.

However, it is noted that the City has just recently experienced one of the driest summer periods on record and the groundwater levels are at their lowest levels as evidenced within the City's wetland areas.

In considering this matter a proposed moratorium is considered a responsible approach from an environmental and conservation perspective.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 NOTES the minutes of the Conservation Advisory Committee meeting held on 24 April 2002 forming Attachment 1 to Report CJ110-05/02;**
- 2 LISTS for consideration as part of the 2002/2003 Draft Budget the request of the Conservation Advisory Committee for a moratorium on newly reticulated medians.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf140502.pdf](#)

**CJ111 - 05/02 DELEGATED AUTHORITY REPORT FOR MONTH
OF APRIL 2002 – [07032]**

WARD - All

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 April to 30 April 2002.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ111-05/02.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11agn210502.pdf](#)

CJ112 - 05/02 CURRAMBINE STRUCTURE PLAN - ADOPTION, SIGNING AND SEALING – [11160]

WARD – North Coastal

PURPOSE

The purpose of the report is to consider adoption, signing and sealing of the Currambine Structure Plan.

EXECUTIVE SUMMARY

The modified Currambine Structure Plan was advertised for public comment for a 30-day period, which closed on 16 November 2000. At the Council meeting of 19 December 2000 Council resolved that the Currambine Structure Plan is satisfactory and accordingly the documents were submitted to the Western Australian Planning Commission (WAPC) for adoption and certification

The WAPC has adopted the structure plan subject to Clause 5.2.3 (a) being modified to read as follows:

“a Community Purpose site of 4,500m² is to be allocated in the Precinct, ceded as part of the 10% open space contribution and vested free of cost in the Crown as a reserve for Community Purposes”.

The modification is acceptable. Accordingly it is recommended that Council pursuant to Clause 9.6.5 adopt, sign and seal the modified Currambine Structure Plan (Attachment 1).

BACKGROUND

Suburb/Location:	Currambine
Applicant:	Mitchell Goff & Associates
Owner:	Landcorp
Zoning:	DPS: Centre
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

The Currambine Structure Plan refers to Currambine Estate, which is a portion of Lot 998, Connolly Drive and Moore Drive, Currambine. The Currambine Structure Plan was adopted in order to provide attractive streetscapes in public areas and adequate flexibility for home designers to maximise amenity for new residents. The structure plan determines the overall detailed land use and form for urban development within four areas of Currambine. Delays in negotiating and finalising the Structure Plan have arisen due to concerns over the tenure of a Community Purpose site, although this has been resolved by a recent condition of subdivision approval.

DETAILS

Originally the modifications to the Structure Plan were sought after Landcorp conducted a number of studies on the commercial viability of the identified commercial centre precinct site and further investigations indicated a limited demand for shopping centres with small supermarkets. As a result the modified structure plan presented to WAPC provides for a significantly reduced commercial centre precinct.

The WAPC resolved to adopt the modifications to the Currambine Structure Plan subject to Clause 5.2.3 (a) being modified to read as follows:

“a Community Purpose site of 4,500m² is to be allocated in the Precinct, ceded as part of the 10% open space contribution and vested free of cost in the Crown as a reserve for Community Purposes”.

The current structure plan and the legal agreement between Landcorp and the City refer to the land area being ceded or transferred to the City for community purposes. However, as a result of a condition imposed on the subdivision approval, the site is to be transferred to the crown. In view of this there are no objections to the WAPC’s request.

Statutory Provision:

In accordance with clause 9.6.3(c) of the Scheme, the proponent has made the necessary changes in consultation with Council and has resubmitted the modifications for consideration under clause 9.4. Given the minor nature of the modification, further advertising is not necessary.

Clause 9.6.5 of District Planning Scheme No 2 (DPS2) requires that as soon as practicable after receiving the certified copies of the Structure Plan documents the Council shall adopt, sign and seal the Structure Plan in the form illustrated in Schedule 8, which has been incorporated on the second page of the document.

COMMENT

No objections are raised to the further modification requested by the WAPC. Accordingly the structure plan has been modified (Attachment 1).

It is recommended that the documents be adopted, signed and sealed as per Clause 9.6.5 of DPS2.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, pursuant to Clause 9.6.5 of District Planning Scheme No 2, ADOPTS, SIGNS and SEALS the modified Currambine Structure Plan.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf140502.pdf](#)

**CJ113 - 05/02 SUBDIVISION REFERRALS PROCESSED 1
FEBRUARY – 30 APRIL 2002 – [05961]****WARD - All**

PURPOSE

The purpose of this report is to advise Council of subdivision referrals received by the City for processing.

EXECUTIVE SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 February – 30 April 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

Date	Potential lots	Average Processing Time
1 February – 30 April	216 residential lots and 15 strata lots	18 days

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ113-05/02.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf140502.pdf](#)

**CJ114 - 05/02 BREACH OF LOCAL GOVERNMENT ACT - UNTIDY
LAND: LOT 843 (12) CHERRY HILLS CRESCENT,
CONNOLLY – [02743]**

WARD - Marina

PURPOSE

To seek Council approval to commence legal action against the owner of Lot 843 (12) Cherry Hills Crescent, Connolly for failure to comply with a Notice served under the provisions of the Local Government Act.

EXECUTIVE SUMMARY

A number of complaints have been received from nearby residents concerning the untidy condition of the vacant property situated at Lot 843 (12) Cherry Hills Crescent, Connolly.

Repeated verbal and written requests to the owner to clear rubbish from the property have failed to resolve the situation.

This report recommends that Council requires the owner to remove the items listed in the First Schedule of the Notice served on the owner on 26 March 2002. It is further recommended that, should the items not be removed within fourteen (14) days, legal action be initiated under the Local Government Act.

BACKGROUND

Suburb/Location: Connolly
Owner: Judith A McCormack
Zoning: **DPS:** Residential
 MRS: Urban

DETAILS

The subject property is a vacant house and land that has not (apparently) been lived in for a number of years. An initial inspection on 1 June 2001 revealed that the front yard contained long grass and dead vegetation. The rear yard contained long grass, overgrown and dead vegetation, building materials and scrap metal.

A summary of subsequent events is outlined below:

11 June 2001 A letter was forwarded to the owner requesting that the property be cleared of rubbish within 21 days. An inspection of the site on 3 July 2001 revealed that it had not been cleared as requested.

- 6 July 2001 The owner was contacted by telephone and she stated that she intended to start cleaning the property within the following two weeks. On 23 July 2001 the property was again inspected and found to be in an untidy condition.
- 25 July 2001 A second letter was forwarded to the property owner requesting that the property be cleared of rubbish within 14 days. An inspection on 13 August 2001 revealed that no attempt had been made to clear the overgrown vegetation and rubbish.
- 26 Sept 2001 A further letter was forwarded to the owner requesting that the rubbish be removed from the property by 25 October 2001. A further letter was forwarded to the owner on 30 November 2001 advising that a final inspection would be carried out on 10 December 2001.
- 18 Jan 2002 An inspection was carried out on the site and revealed that the property remained in the same untidy condition.

Legal advice was requested from the City's solicitors in relation to the matter in February 2002 and as a result a Notice under the Local Government Act was served on the owner on 26 March 2002. The Notice required that the property be cleared of overgrown vegetation, dead foliage, and rubbish by 5 April 2002.

An inspection of the site on 17 April 2002 revealed that no attempt has been made to comply with the Notice. The property remains in an untidy condition.

Relevant Legislation

Section 3.25 of the Local Government Act allows a Notice to be served on an owner requiring certain specified actions relating to the land to be done. A person who fails to comply with a Notice commits an offence and is liable for prosecution.

COMMENT

The City has given written and verbal notice to the property owner on numerous occasions requesting the removal of overgrown and dead vegetation, building materials scrap metal and rubbish.

The owner has been afforded a reasonable opportunity to comply with the City's requests and has failed to do so. No approach has been made to the City by the property owner by way of explanation as to why the City's requests have not been complied with.

As the owner has not complied with the City's repeated requests, it is recommended that the owner be given a 14 day period to comply, after which time, should the owner fail to comply, the Director Planning & Community Development be authorised to initiate legal action against the owner.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 REQUIRES the owner of Lot 483 (12) Cherry Hills Crescent, Connolly to comply with the Notice issued under the Local Government Act within fourteen (14) days;**
- 2 ADVISES the owner that failure to comply with this Notice will result in Council initiating legal action pursuant to the provisions of the Local Government Act 1995;**
- 3 INITIATES legal action against the owner where Item 1 above has not been satisfied within the 14 day period.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf140502.pdf](#)

CJ115 - 05/02 CLOSE OF ADVERTISING - MODIFICATION OF JOONDALUP CITY (CAMPUS DISTRICT) CENTRE STRUCTURE PLAN – [52070]

WARD - Lakeside

PURPOSE

The purpose of the report is for Council to consider public submissions following advertising of a number of modifications to the Joondalup City Centre (Campus District) Structure Plan.

EXECUTIVE SUMMARY

Council adopted the Joondalup City Centre (Campus District) Structure Plan at its meeting on 13 February 2001 (CJ022-02/01) and referred the Structure Plan to the Western Australian Planning Commission (WAPC) where it was adopted on 12 December 2001, subject to further modification:

- The inclusion of guidelines for all lots in the Campus District area;
- Amend the plan contained in Part 1 ‘Statutory Planning Section’ to clearly identify the boundaries of the structure plan area;
- The replacement of the indicative subdivision plan in Appendix 3 with the amended plan of subdivision approved by the WAPC on 11 December 2001.

The modifications were adopted by Council on 12 February 2002 (CJ025 – 02/02) and were advertised for public comment for a 42-day period which closed on 21 March 2002.

Eleven individual letters were received which includes eight submissions from various Government agencies. There were no objections however one submission expressed a general concern for the loss of vegetation as a result of future development, a second identified a minor text anomaly and a third submission requested further information regarding a ‘bus lane’ connecting Lakeside Drive to Edgewater Drive.

The removal of vegetation is not directly related to the proposed modifications, however LandCorp has indicated that some native vegetation will be retained in the proposed public open space areas. The minor text anomaly identified in part 1 is to be amended by way of further modification. A ‘bus lane’ connecting Lakeside Drive to Edgewater Drive does not directly relate to the Joondalup City Centre (Campus District) Structure Plan, however the City has been advised by the WAPC that an 8.0 metre wide road reserve is planned for a ‘bus link’.

It is recommended that the Joondalup City Centre (Campus District) Structure Plan be adopted, inclusive of the further modification.

BACKGROUND

Suburb/Location:	Joondalup City Centre
Applicant:	Taylor Burrell Town Planners and Designers
Owner:	LandCorp
Zoning:	DPS: Centre Zone
	MRS: City Centre
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

Previous Council Decision

At its meeting on 12 February 2002, Council resolved to adopt the proposed modifications to the Campus District Structure Plan and advertised it for public comment for a period of 28 days, concluding on 21 March 2002.

DETAIL

Proposal

The additional design standards have been requested as part of the WAPC subdivision approval for the 'University Village' on 11 December 2001 to ensure that the building design on lots abutting Lakeside Drive address both Lakeside Drive and the secondary street frontage. The WAPC has requested inclusions to Part 1 of the Joondalup City Centre (Campus District) Structure Plan as follows:

- Provision of a 1.0 metre minimum and 3.0 metre maximum front setback for all residential lots within the 'University Village'. For lots abutting Lakeside Drive that have dual street frontage, primary frontage is determined as being Lakeside Drive;
- Minimum 2.0 metre setback for carports/garages to streets, with all other buildings having a minimum setback of 1.5 metre;
- Provision that requires all dwellings to have clearly identifiable entrances, with Lakeside Drive lots having entrances for both primary and secondary street frontage. Entrance structures are to have maximum height, width and setback;
- Provision of minimum fencing standards for all lots in the subdivision area and additional standards to address the secondary street frontage for Lakeside Drive lots;
- Inclusion of minimum building height of two storeys for Lakeside Drive lots and maximum height of two storeys for Residential/Mixed Use and Institutional Uses.

The above standards have been included in Part 1 of the Joondalup City Centre Structure Plan (Campus District, (see attachment 1 to this Report) to improve both the administration and application of the guidelines.

The replacement of the 'Indicative Plan of Subdivision' in Appendix 3 with the amended plan of subdivision approved by the WAPC on 11 December 2001 (see Attachments 2 and 3 to this Report) recognises the progress of the subdivision design whilst modifications to the plan in Part 1 (see Attachments 4 and 5 to this Report) identifies the 'University Village' and 'Mixed Use' sites more clearly.

Consultation

The proposed modifications to the Joondalup City Centre (Campus District) Structure Plan were advertised for public comment for a 28-day period, which closed on 21 March 2002. Letters were sent to landowners abutting Lakeside Drive in Edgewater and a sign was erected at the corner of Lakeside Drive and Joondalup Drive. An advertisement was also placed in the local newspaper on 21 February 2002. A total of eleven individual letters (Attachment 6) were received which included eight submissions from various Government agencies.

No submissions objecting to the proposed modifications were received, however, one submission expressed a general concern for the loss of vegetation as a result of future development and a second submission identified a minor anomaly in Part 1 under 'subject area' where the term 'Edith Cowan University' is stated in place of LandCorp. A third submission requested further information regarding a 'bus lane' connecting Lakeside Drive to Edgewater Drive.

Statutory Provision:

The modifications to the Structure Plan have been submitted and assessed in accordance with Part 9 of the Scheme. The WAPC has examined the Joondalup City Centre (Campus District) Structure Plan and resolved to adopt the Structure Plan subject to a number of modifications.

In accordance with clause 9.6.3(c) of the Scheme, the proponent has made the necessary changes in consultation with Council and has resubmitted the modifications for consideration under clause 9.4. Council has adopted the modifications and it advertised for public comment in accordance with clause 9.5 of the Scheme.

Upon completion of advertising Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt the modifications to the Structure Plan or resolve that the modifications to the Structure Plan are satisfactory with or without changes.

COMMENT

The removal of vegetation is not directly related to the proposed modifications, however, LandCorp has indicated that some native vegetation will be retained in the public open space areas proposed in the subdivision plan. The minor anomaly in part 1 will be amended by replacing the term 'Edith Cowan University' with 'LandCorp'.

A 'bus lane' connecting Lakeside Drive to Edgewater Drive does not directly relate to this proposal. The City has been advised by the WAPC that an (abnormally narrow) 8.0 metre wide road reserve connecting Lakeside Drive and Edgewater Drive is proposed in a recently approved subdivision application. In the case of that application the developer is of the view that it is not proposed to construct a vehicle connection in the road reserve. This issue has been previously considered by the Council in detail, and a road connection has continually been revisited. It is proposed that the road not be constructed.

It is recommended that the modifications, inclusive of changes to Part 1 to the Joondalup City Centre (Campus District) Structure Plan, be adopted.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council

- 1** pursuant to clause 9.6 of the City of Joondalup District Planning Scheme No 2, **RESOLVES** that the modifications to the Joondalup City Centre (Campus District) Structure Plan be adopted and submitted to the Western Australian Planning Commission for adoption and certification subject to the following further modification:
 - that under Part 1 ‘subject area’, the term ‘Edith Cowan University’ is replaced with the term ‘LandCorp’;
- 2** **NOTES** the submissions received and **ADVISES** submitters of Council’s decision.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf140502.pdf](#)

CJ116 - 05/02 CLOSE OF ADVERTISING - MODIFICATION TO ILUKA STRUCTURE PLAN – [48934]

WARD – North Coastal

PURPOSE

The purpose of this report is for Council to consider public submissions following advertising of a number of modifications to the Iluka Structure Plan.

EXECUTIVE SUMMARY

Council adopted the Iluka Structure Plan at its meeting on 13 March 2001 (CJ067-03/01) and referred the Structure Plan to the Western Australian Planning Commission (WAPC) where it was adopted on 24 July 2001, subject to a number of modifications.

The City, together with consultants Roberts Day Group, prepared the modifications and they were adopted by Council and advertised for public comment for a 28-day period closing on 26 April 2002.

At the close of the advertising period, four individual letters were received from the Water Corporation, Transperth, Water and Rivers Commission and Department of Health. All four submissions indicated support for the proposed modifications.

It is recommended that the modifications to the Iluka Structure Plan be adopted.

BACKGROUND

Suburb/Location:	Iluka
Applicant:	Roberts Day Group
Owner:	The Roman Catholic Archbishop and Davidson Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

Previous Council Decision

At its meeting on 12 March 2002 (CJ057-03/02), Council resolved to adopt the proposed modifications to the Iluka Structure Plan subject to the proposal being advertised for public comment for a 28-day period.

DETAIL

Proposal

The WAPC adopted the Iluka Structure Plan on 24 July 2001, subject to a number of modifications:

- 1 Following modifications being undertaken to the Structure Plan Map (Figure 1):
 - O'Mara Boulevard and Burns Beach Road being marked as 'special street(s)' and subject to further planning – specifically detailed cross section;
 - A small pocket park being provided in the north-east corner of the Structure Plan area;
 - Inclusion of the road connection to Delgado Parade – as per subdivision approval WAPC Ref: 113905;
 - The land bounded by Silver Sands Drive, Delgado Parade and Sir James McCusker Park being identified as being redesigned in accordance with Liveable Neighbourhoods Policy.
- 2 Inclusion of Road Reserve widths for streets 'AO' and 'AP' (identified as such due to road names not being allocated) in Table 5.4 of the Iluka Structure Plan Traffic Report.
- 3 The words 'to the Crown' being inserted between the words 'free of cost' and 'by the developer' in Section 7 – Parks and Recreation Reserves of Part 1 of the Iluka Structure Plan report.
- 4 16-metre wide road reserves as marked in the Iluka Structure Plan, being modified to incorporate 7-7.5 metre wide pavement widths.
- 5 Additional footpath and dual use paths should be provided, to be consistent with Liveable Neighbourhood Policy.

The proposed changes to Figure 1 of the Iluka Structure Plan have been introduced to highlight the importance of O'Mara Boulevard, Burns Beach Road, and the land abutting James McCusker Park to future planning and development of the area. Minor changes to a road connection in Delgado Parade reflect the road layout approved in the associated subdivision application (WAPC Ref: 113905), whilst the inclusion of additional public open space will improve the distribution of and access to public open space throughout the structure plan area.

Changes proposed to both the Structure Plan Traffic Report and road reserve widths and the inclusion of additional footpaths and dual use paths have been requested to bring the structure plan more in line with standards under Liveable Neighbourhoods. Modifications to Section 7 Parks and Recreation, are minor changes to the Structure Plan aimed at improving its implementation.

Consultation

The proposed modifications to the Iluka Structure Plan were advertised for public comment for a 28-day period, which closed on 26 April 2002. Letters were sent to landowners abutting the Structure Plan area along Naturaliste Boulevard, Delgado Parade and Silversands Drive and an advertisement placed in the local newspaper on 28 March 2002. Five signs were also erected at the corners of Shenton Avenue and Delgado Parade, Marmion Avenue and Ocean Gate Parade, Naturaliste Boulevard and Delgado Parade, and along Burns Beach Road and Sir James McCusker Park.

Four individual letters were received from the Water Corporation, Transperth, Water and Rivers Commission and Department of Health (Attachment 2). The submissions raised no objections.

Statutory Provision:

The modifications to the Structure Plan have been submitted and assessed in accordance with Part 9 of the Scheme. The WAPC has examined the Iluka Structure Plan and has resolved to adopt the Structure Plan subject to a number of modifications the subject of this report.

In accordance with clause 9.6.3(c) of the Scheme the proponent has made the necessary changes in consultation with Council and has resubmitted the modifications for consideration under clause 9.4. Council has adopted the modifications and advertised for public comment in accordance with clause 9.5 of the Scheme.

Upon completion of advertising, Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt the modifications to the Structure Plan or resolve that the modifications to the Structure Plan are satisfactory with or without changes.

COMMENT

The proposed modifications are minor and will improve the viability of the Structure Plan. It is recommended that the modifications to the Iluka Structure Plan be adopted.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup District Planning Scheme No 2 RESOLVES that the draft modifications to the Iluka Structure Plan be adopted and submitted to the Western Australian Planning Commission for adoption and certification;**
- 2 NOTES the submissions received and ADVISES submitters of Council's decision.**

Appendices 16 & 16(a) refer

*To access this attachment on electronic document, click here: [Attach16brf140502.pdf](#)
[Attach16brf140502.pdf](#)*

CJ117 - 05/02 CONSULTATION PROCESS REGARDING SYNTHETIC GRASS PLAYING SURFACES – [13010]

WARD - All

PURPOSE

To consider introducing a policy for the development of synthetic bowling greens within the City of Joondalup and to establish a ratio that sporting and community groups seeking financial assistance, from the City, will have to contribute towards the total cost of capital projects.

EXECUTIVE SUMMARY

The City previously had a policy for funding the development of bowling greens. As this policy is no longer current, a Synthetic Grass Playing Surfaces Workgroup, comprising elected members, appropriate officers from the City and representatives from the respective bowling clubs, have developed a proposed funding policy for the provision of synthetic grass bowling greens.

This reports recommends the following:

That Council:

- 1 NOTES, but DOES NOT SUPPORT the draft policy for the provision of synthetic grass bowling greens, as recommended by the Synthetic Grass Playing Surfaces Workgroup;*
- 2 DEVELOP a report outlining a policy for funding sport and recreation facility capital works projects.*

BACKGROUND

The Council, at its meeting held on 23 October 2001, considered Item CJ370-10/01 “Community Sport and Recreation Facility Fund (CSRFF) 2001/02 Funding Round – Submission Prioritisation”. As part of the CSRFF process the Warwick Bowling Club submitted a funding application for the conversion of two greens from natural grass to a synthetic surface suitable for the playing of bowls all year round and for the installation of floodlighting sufficient for the two greens. Council resolved not to financially support the two synthetic surface conversions, as it has not been a practice of Council to fund the development of lawn bowling facilities in addition to the basic provision - the first two bowling greens. This has been seen as the responsibility of the club concerned.

The following outlines the background to date:

- Council Policy R8 “Development of Greens for Bowling Clubs” is no longer current and has been incorporated into Council Policy R1 Booking Community Recreation Facilities and Reserves. It stated that:

“Council shall contribute full development costs of the first two greens as a basic provision for newly established bowling clubs subject to the submission of a comprehensive financial plan for the ongoing development of club facilities.”

- 13 November 2001 – Council minutes of Item CJ379-11/01 “Annual General Meeting of Electors” detailed the below motion that was MOVED by Mr Tony Kay, SECONDED by Mr Alan Hogarth:

“that the City of Joondalup INTRODUCES a policy for the development of synthetic bowling greens within the City of Joondalup and establish a cost ratio that each party will have to contribute to the total cost to establish these greens.”

The Motion was Put and Carried.

The officer’s comment in response was that a consultation process would be undertaken to establish the requirements for synthetic grass facilities of all tennis, bowling and hockey clubs, and that facility guidance be provided by the respective sports governing bodies. The outcome of this process would be reported to Council as part of the 2002/2003 Budget preparation process.

- 27 November 2001 - Council amended its minutes of the meeting held on 13 November 2001 to nominate elected members from those wards with bowling clubs within the boundaries to partake in a consultation process.
- 18 December 2001 - Item C139-12/01 “Appointment of Ward Members – Consultation Process Regarding Synthetic Grass Playing Surfaces” appointed the following Ward Members, with appropriate officers from the City to undertake the consultative process:

	Member	Deputy
South Ward	Cr M O’Brien	Cr T Barnett
South Coastal Ward	Cr A Patterson	Cr G Kenworthy
North Coastal Ward	Cr J Hollywood	Cr A Nixon

DETAILS

Consultation:

Three meetings occurred as part of the consultative process relating to the Synthetic Grass Playing Surfaces Workgroup have been conducted. As part of the process the clubs collectively developed the following suggested timetable that identifies when each bowling club, located within the City of Joondalup, plans to install synthetic greens:

- Warwick Bowling Club: 2 greens as soon as possible. Application submitted for installation 2002/03 season.
- Beaumaris Bowling Club: 1 green within 4 years and another a few years later.
- Sorrento Bowling Club: 1 green in approximately 5 years with another to follow.

The Workgroup was presented an overview of the construction and maintenance of the synthetic bowling green at Elderbloom Retirement Village in Wanneroo. It has been in use for approximately fifteen years with the playing surface replaced three years ago. Information was also presented in relation to the installation and type of surface that is available in the market.

The North Metropolitan Regional Recreation Advisory Committee considered that given the high number of applications which have been received by member local governments from bowls clubs, the development of a strategic approach was an appropriate platform from which member local authorities could base future funding decisions. As a result of work undertaken by the North Metropolitan Regional Recreation Advisory Committee, the Department of Sport and Recreation are now undertaking consultation with Bowls WA, local authorities and clubs in the development of a strategic approach to the provision of synthetic bowling greens.

Proposed Policy:

Presently the Council does not have an existing policy for the provision of capital works for sport and recreational facilities. However, the current procedure that Council adheres to is aligned to the annual CSRFF process. This involves legally constituted, not for profit sporting clubs and community groups applying for funding to make modifications and additions to existing sport and recreation facilities or to construct new ones. A third of the total cost of the project may be funded by the CSRFF, with it being necessary that grants are matched by the applicant's own cash contribution to the project, with other funding bodies being sourced as required. The City of Joondalup may provide up to one third of the project cost, if the respective application is a feasible and appropriate project in line with the City's strategic direction.

All capital works project applications are assessed by the Council's Formal Facilities Assessment Group against the following key principles:

- Project justification
- Planning approach
- Community input
- Management planning
- Access and opportunity
- Design
- Financial viability
- Co-ordination; and
- Potential to increase physical activity.

With the City of Joondalup's previous policy, R8 "Development of Greens for Bowling Clubs" no longer being current. The Synthetic Grass Playing Surfaces Workgroup have recommended that the following policy, for the provision of synthetic grass bowling greens, be considered by the Council:

“Where a Bowling Club (Club) makes a successful application to the City of Joondalup (C of J) for the provision of synthetic bowling greens, the funding commitment shall be in accordance with the following formula:

<i>First synthetic green -</i>	<i>75% C of J</i>	<i>and 25% Club</i>
<i>Additional synthetic Greens -</i>	<i>50% C of J</i>	<i>and 50% Club</i>
<i>Surface replacement (7 to 10 years) -</i>	<i>25% C of J</i>	<i>and 75% Club</i>

In the event the project receives funds from external State or Federal Government grants, those funds are to be apportioned to the City of Joondalup and the Club at the same percentages of the agreed funding contribution.”

Financial Implications:

The following is an approximate indication of the financial implications that the Synthetic Grass Playing Surfaces Workgroup recommended policy would have on the City. These figures are based on a May 2001 quotation price of **\$104,800** per green (GST exclusive):

First synthetic green -	75% C of J \$78,600	and 25% Club \$26,200
Additional synthetic Greens -	50% C of J \$52,400	and 50% Club \$52,400
Surface replacement (7 to 10 years) -	25% C of J	and 75% Club

Given that there are three lawn bowling clubs located within the City of Joondalup, all having the capacity for at least four bowling greens, the below table illustrates the potential future capital costs for the installation of synthetic grass bowling greens:

	CoJ 1xClub	Club 1xClub	CoJ 2xClubs	Club 2xClub	CoJ 3xClubs	Club 3xClubs
1st synthetic green	\$78,600	\$26,200	\$157,200	\$52,400	\$235,800	\$78,600
2nd synthetic green	\$52,400	\$52,400	\$104,800	\$104,800	\$157,200	\$157,200
3rd synthetic green	\$52,400	\$52,400	\$104,800	\$104,800	\$157,200	\$157,200
4th synthetic green	\$52,400	\$52,400	\$104,800	\$104,800	\$157,200	\$157,200
TOTAL	\$235,800	\$183,400	\$471,600	\$366,800	\$707,400	\$550,200

(If the Council were to support the funding of two greens, at each of the three bowling clubs located within the City, it would have a cost implication of \$393,000. Two synthetic bowling greens per club is seen as being the most likely scenario.)

COMMENT

It is considered that an overall approach be undertaken in relation to the development of a Council Sport and Recreation Facility Funding Policy. It would be prudent not to develop a funding policy specifically for the provision of synthetic bowling greens, as other sports with specific facility requirements such as hockey and tennis, could individually request a specific policy to cater for their sports.

It is recommended that the current administration practice continues to fund for the provision of sport and recreation facilities in line with the State Government's Community Sport and Recreation Facility Fund (CSRFF). The below table illustrates the potential future capital costs for the installation of synthetic grass bowling greens, if applicants are successfully granted funding through the CSRFF process.

	CoJ 1xClub	Club 1xClub	CSRFF 1xClub	CoJ 2xClubs	Club 2xClubs	CSRFF 2xClubs	CoJ 3xClubs	Club 3xClubs	CSRFF 3xClubs
1st green	\$34,934	\$34,934	\$34,934	\$69,867	\$69,867	\$69,867	\$104,800	\$104,800	\$104,800
2nd green	\$34,934	\$34,934	\$34,934	\$69,867	\$69,867	\$69,867	\$104,800	\$104,800	\$104,800
3rd green	\$34,934	\$34,934	\$34,934	\$69,867	\$69,867	\$69,867	\$104,800	\$104,800	\$104,800
4th green	\$34,934	\$34,934	\$34,934	\$69,867	\$69,867	\$69,867	\$104,800	\$104,800	\$104,800
TOTAL	\$139,736	\$139,736	\$139,736	\$279,468	\$279,468	\$279,468	\$419,200	\$419,200	\$419,200

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 NOTES, but DOES NOT SUPPORT the draft policy for the provision of synthetic grass bowling greens, as recommended by the Synthetic Grass Playing Surfaces Workgroup;**
- 2 DEVELOPS a report outlining a policy for funding sport and recreation facility capital works projects.**

CJ118 - 05/02 SPECIAL MEETING OF ELECTORS - MULLALOO - HELD ON 18 MARCH 2002 – [75029] [48840]**WARD - Whitfords****PURPOSE**

To present the resolutions passed by the electors who attended the special electors' meeting held on 18 March 2002 to Council for consideration.

EXECUTIVE SUMMARY

At the request of electors of the City of Joondalup, a Special Meeting of Electors was held on 18 March 2002. The minutes of the meeting were submitted to Council at its meeting held on 9 April 2002 where it was resolved:

“That Council:

- 1 NOTES the minutes of the Special Meeting of Electors held on 18 March 2002 at Tom Simpson Park, Oceanside Promenade, Mullaloo, forming Attachment 1 to Report CJ072-04/02;*
- 2 SEEKS a further report addressing each of the motions carried at that Special Meeting of Electors as detailed in (1) above.*

BACKGROUND

The specific resolutions of the special electors' meeting, and recommendations are presented within this report together with recommendations for the Council's consideration.

DETAILS

The individual motions passed by the electors who attended the meeting are provided below (in italics) with comments and a suggested course of action for each matter.

MOTIONS ARISING FROM THE SPECIAL ELECTORS MEETING HELD AT TOM SIMPSON PARK ON 18 MARCH 2002

- 1 MOVED Keith Pearce, Joondalup Community Coast Care Forum SECONDED Helen Kraus, 6 Bluewater Rise, Mullaloo, that we the Electors of the City of Joondalup wish to inform the Council that we value the grassed area known as Tom Simpson Park, Mullaloo which currently includes the road reserve and hereby move that Council:*
 - 1 stop the relocation of the central carpark to the grassed area in Tom Simpson Park;*

- 2 *stop the construction of any car park on the grassed area in Tom Simpson Park; and*
- 3 *include the grassed area currently on the unused road reserve into Tom Simpson Park proper.*

The Motion was Put and

CARRIED

Officer's Comment

The revised preliminary Concept Plan shows the central carpark remaining in its present location, and no additional parking on the grassed area in Tom Simpson Park. This is the only option under consideration and is currently on public exhibition.

In relation to extending the boundary of Tom Simpson Park into the road reserve, this matter will need further investigation with regard to future road needs.

The revised concept plan work and associated consultation has raised the issue of redesigning the adjacent portion of Oceanside Promenade, which, notionally, could include realignment within the existing road reserve. Further investigation would be necessary to determine an optimum design.

RECOMMENDATION

That Council:

- 1 **Notes that the revised preliminary Concept Plan currently on public exhibition does not relocate the central carpark to the grassed area or propose any additional parking on the grassed area;**
- 2 **further investigates the reduction of the road reserve of Oceanside Promenade, to enable the unused portion of the road reserve to be incorporated into the Tom Simpson Park reserve.**
- 2 *MOVED Bernadette Fee, 18 Oceanside Promenade, Mullaloo SECONDED Susan Kinsella, 18 Karalundie Way, Mullaloo that Lot 1 Oceanside Promenade, Mullaloo be included into Tom Simpson Park proper.*

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

This land is currently held in freehold by the City, and was purchased for the purpose of Parks and Recreation. In view of this, it would be considered appropriate to include the land in the Tom Simpson Park reserve.

RECOMMENDATION

That Council resolves to incorporate Lot 1 Oceanside Promenade, Mullaloo into the Tom Simpson park reserve and makes any necessary changes to the status and zoning of the land.

- 3 *MOVED Keith Pearce, Joondalup Community Coast Care Forum SECONDED Peter Webb, Laurel Street, Mullaloo that we the Electors of the City of Joondalup wish to inform the Council that some of the elements of the Mullaloo Beach Concept Plan have no clear and demonstrable community support and we hereby move that Council defers the elements of the concept plan for which there is no clear and demonstrable community support and have these issues considered further when an amended plan has been drafted.*

The Motion was Put and

CARRIED

Officer's Comment

The Mullaloo Beach Concept Plan is currently available for public inspection and comment. The purpose of this public consultation phase is to attempt to gauge a representative view as to the degree of community support for the concept plan.

RECOMMENDATION

That Council considers submissions received regarding the Mullaloo Beach Concept Plan, and determines whether the plan or key elements thereof should be deleted if they are considered not to have clear or demonstrable community support or tangible community benefits.

- 4 *MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Keith Pearce, Joondalup Community Coast Care Forum that we the Electors of the City of Joondalup move that Council maintains and preserves all parks and open spaces, school ovals, reserves and beaches in Mullaloo under their existing zones and that there be absolute prohibition on boundary alterations.*

The Motion was Put and

CARRIED

AMENDMENT MOVED Dennys Hayes, 7 Merrifield Place, Mullaloo SECONDED Keith Pearce, Joondalup Community Coast Care Forum that the following words be included at the end of the above motion:

“.... unless such alteration is to increase the size of the parks, open spaces, school ovals, reserves and beaches.”

The Amendment was Put and

CARRIED

Officer's Comment

A similar motion was passed at the Greenwood and Kingsley special elector's meetings. The Council is very aware of community concerns regarding parkland such as are expressed in this motion. The draft Preservation of Public Reserves Policy is intended to reflect those concerns and to guide the agreement of issues where individuals apply to Council for changes to parkland areas. The actual decision however must be made by the Council in response to the circumstances of each particular case.

RECOMMENDATION

That Council considers the concerns expressed by the electors, with particular reference to any consideration given for the alienation of reserves, and the development of the draft Preservation of Public Reserves Policy.

5 *MOVED Helen Kraus, 6 Bluewater Rise, Mullaloo SECONDED Marilyn Zakrevsky, 49 Korella Street, Mullaloo that we the Electors of the City of Joondalup move that the City of Joondalup improve the facilities on the Mullaloo Foreshore Area by:*

1. *completing the cycle path in a location agreed to by the local residents and interested community groups*
2. *Upgrading both of the toilet and change room facilities*
3. *Upgrading the existing pathways and fences*
4. *Upgrading the children's playgrounds, providing shade over the top of the playgrounds and providing equipment suitable for pre-school aged children*
5. *Installing better lighting and barbeques in the area*
6. *Re-configuring the parking bays in each car park so as to maximise the number of parking bays, and also resurface and landscape the car parks*
7. *Improving the park cleanliness and the safety by ensuring that the contracted cleaners remove all glass, bottle tops and cigarette butts with a high powered machine and not by hand.*

The Motion was Put and

CARRIED

Officer's Comment

Individual requests will be considered in future planning for maintenance and improvement to the Park area. The Council will be considering proposals for upgrading works to the park and foreshore as a component of its 2002-03 budget deliberations. Comments regarding the method of cleaning of the areas mentioned have been noted.

RECOMMENDATION

That Council NOTES the concerns mentioned, and gives consideration to the specific requests for improvements to services and facilities in the park area when considering the Mullaloo Concept Plan issue, and the composition of the 2002-03 budget.

- 6 *MOVED Keith Pearce, Mullaloo Coast Care SECONDED Ken Zakrevsky, 49 Korella Street Mullaloo, that we the Electors of the City of Joondalup move that the City of Joondalup proceed with the rezoning of the ten residential lots owned by the Council at Merrifield Place, Mullaloo to virgin beach dune in recognition of the reasons the lots were purchased by a very forward-looking Council all those years ago.*

Was Put and

CARRIED

Officer's Comment

This matter was considered by the Council at its meeting of 13 November 2001 where it resolved the following in relation to the Merrifield Place properties:

“2(e) NOTES Motion 6 of the Annual General Meeting of Electors and TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:

- the stability of the land;
- the effect any development would have on natural beach processes;
- the legal position in relation to the status of the land;
- the environmental/conservation value of the land;
- community attitudes regarding the land; and
- the impact of any decision on the City's assets and operations;
- the Joint Commissioners' determination on the valuation placed on these lots.”

It is considered that until these matters have been addressed, this remains the most appropriate course of action.

RECOMMENDATION

That the Council TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:

- **the stability of the land;**
- **the effect any development would have on natural beach processes;**
- **the legal position in relation to the status of the land;**
- **the environmental/conservation value of the land;**
- **community attitudes regarding the land; and**
- **the impact of any decision on the City's assets and operations;**
- **the Joint Commissioners' determination on the valuation placed on these lots.**

- 7 *MOVED Mitch Sideris, President of Mullaloo Progress Association, SECONDED John Truswell, 12 Sector Place, Mullaloo that we the electors of the City of Joondalup support the current extensions of the Mullaloo Surf Club community centre, which incorporates the local area emergency evacuation centre, furthermore we move that the City of Joondalup retain the essential services by retaining the surf club access for boats and emergency services, retains the heliport evacuation area and retains the disabled parking facility close to the beach.*

The Motion was Put and

CARRIED

Officer's Comment

These elements are addressed in the Mullaloo Beach Concept Plan, which is currently available for public inspection and comment.

RECOMMENDATION

That Council notes that surf club access for boats and emergency services, the heliport evacuation area and disabled parking facility close to the beach are provided for in the Mullaloo Beach Concept Plan currently available for public inspection and comment.

8 *Moved Anne Willis, 4 Marjorie Street, Mullaloo, SECONDED Michael Caiacob, 7 Rowan Place, Mullaloo that we the Electors of the City of Joondalup move that any development approval for the Mullaloo Tavern by the Council firstly:*

- 1 *restrict the height to its existing level;*
- 2 *so as not to aggravate the shortage of parking in the area, all bays other than those that they have already taken for the car park, be provided on site;*
- 3 *that the redevelopment should be in accordance with the Town Planning Scheme No 2 and the Mullaloo Precinct Plan when it is agreed.*

The Motion was Put and

CARRIED

Officer's Comment

The tavern redevelopment application is currently being evaluated, and dialogue with near neighbours continues as a component of that process. The technical evaluation is being supplemented by meetings with neighbours, attended both by elected members and staff, to hear and appreciate the concerns of residents first hand, and to view the likely relationship between the new development and the existing homes, particularly those adjacent to the tavern site. It is suggested that the electors' meeting resolutions should be considered as a component of Council's evaluation of the application for the tavern site redevelopment.

RECOMMENDATION

That Council considers the electors' motion regarding requested limitations on the height and other aspects of the Mullaloo tavern redevelopment proposal, as a component of its deliberation on that Development Application.

9 *MOVED Sue Hart, 24 Mamo Place, Greenwood SECONDED Catherine Woodmass, 25 Calbourne Way, Kingsley that the City of Joondalup develop a public consultation policy that is put out for public comment for at least 60 days.*

The Motion was Put and

CARRIED

Officer's comment

The review of current consultation policy and the development of guidelines is currently underway. Planning the consultation process for the policy is also underway. It is anticipated that public input will be sought by calling for registrations of interest before drafts are finalised. Subsequent to public input into the preliminary stages, a consolidated submission period of at least 60 days can be included in the project time frame, when drafts of final documentation are available.

RECOMMENDATION

That Council NOTES the intention to include members of the public in the development of the proposed public consultation strategy and/or guidelines (by calling for expressions of interest) to workshop ideas that would assist policy and guideline development, and includes further opportunity for public feedback, by incorporating a 60 day public consultation and advertising phase in the project schedule to allow for public review and scrutiny of draft policy/guidelines.

10 MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Sue Hart, 24 Mamo Place, Greenwood that we the electors of the City of Joondalup move a motion to call for a full independent public inquiry and audit of costs into the precinct planning in the entire City of Joondalup.

The Motion was Put and

CARRIED

Officer's Comment

The Local Government Act grants authority to either the Minister for Local Government or the Executive Director of the Department of Local Government to investigate into the operations or affairs of a local government. As a result of the issues and concerns raised at the two special electors meetings relating to the precinct planning exercise and the proposed actions to be undertaken by the Council as identified within this report a independent inquiry is not considered warranted.

RECOMMENDATION

That the Council NOTES the request by the electors to conduct an independent inquiry into the precinct planning project but AGREES that as a result of the actions highlighted within this report such an inquiry is not warranted.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **NOTES** that the revised preliminary Concept Plan currently on public exhibition does not relocate the central carpark to the grassed area or propose any additional parking on the grassed area;
- 2 further **INVESTIGATES** the reduction of the road reserve of Oceanside Promenade, to enable the unused portion of the road reserve to be incorporated into the Tom Simpson Park reserve;
- 3 **RESOLVES** to incorporate Lot 1 Oceanside Promenade, Mullaloo into the Tom Simpson park reserve and makes any necessary changes to the status and zoning of the land;
- 4 **CONSIDERS** submissions received regarding the Mullaloo Beach Concept Plan, and determines whether the plan or key elements thereof should be deleted if they are considered not to have clear or demonstrable community support or tangible planning benefits;
- 5 **CONSIDERS** the concerns expressed by the electors, with particular reference to any consideration given for the alienation of reserves, and the development of the draft Preservation of Public Reserves Policy;
- 6 **NOTES** the concerns mentioned, and gives consideration to the specific requests for improvements to services and facilities in the park area when considering the Mullaloo Concept Plan issue, and the composition of the 2002-03 budget;
- 7 **TAKES NO ACTION** regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo until it has considered matters relating to:
 - the stability of the land;
 - the effect any development would have on natural beach processes;
 - the legal position in relation to the status of the land;
 - the environmental/conservation value of the land;
 - community attitudes regarding the land; and
 - the impact of any decision on the City's assets and operations;
 - the Joint Commissioners' determination on the valuation placed on these lots;
- 8 **INVESTIGATES** the options available for receiving benefit in return for the reservation of the ten lots it owns in Merrifield Place, Mullaloo;
- 9 **NOTES** that surf club access for boats and emergency services, the heliport evacuation area and disabled parking facility close to the beach are provided for in the Mullaloo Beach Concept Plan currently available for public inspection and comment;

- 10** **CONSIDERS** the electors' motion regarding requested limitations on the height and other aspects of the tavern redevelopment proposal as a component of its deliberation on that Development Application;
- 11** **NOTES** the intention to include the public in the development of the proposed public consultation strategy and/or guidelines (by calling for expressions of interest) to workshop ideas that would assist policy and guideline development, and **INCLUDES** further opportunity for public feedback, by incorporating a 60 day public consultation and advertising phase in the project schedule to allow for public review and scrutiny of draft policy/guidelines;
- 12** **NOTES** the request by the electors to conduct an independent inquiry into the precinct planning project but **AGREES** that as a result of the actions highlighted within Report CJ118-05/02 such an inquiry is not warranted.

CJ119 - 05/02 SPECIAL MEETINGS OF ELECTORS – GREENWOOD AND KINGSLEY - HELD ON 7 AND 11 FEBRUARY 2002 – [75029]

WARD - South

PURPOSE

To present the decisions made at the special electors' meetings held in Greenwood on 7 February 2002 and in Kingsley on 11 February 2002 to the Council for consideration.

EXECUTIVE SUMMARY

At the request of electors of the City of Joondalup, two Special Meetings of Electors were held in Greenwood and Kingsley on 7 February 2002 and 11 February 2002 respectively. The minutes of both meetings were submitted to Council at its meeting held on 26 February 2002 where it was resolved:

“That Council:

- 1 ACKNOWLEDGES receipt of the minutes of the special electors' meetings held on 7 February 2002 and 11 February 2002 held at the Greenwood Senior High School and Halidon Primary School respectively forming Attachments 1 and 2 to Report CJ033-02/02;
- 2 SEEKS a further report or series of reports addressing each of the individual motions carried at the special electors' meetings held in Greenwood and Kingsley in February 2002 and the report to comment on each resolution of the electors and recommend actions required to address the issues raised in each resolution;
- 3 CONSIDERS the said report or reports and takes whatever action it deems appropriate in response to the same.”

BACKGROUND

As requested by the electors of the City of Joondalup, two special meetings of electors were convened for 7 February 2002 and 11 February 2002 at the Greenwood Senior High School and Halidon Primary School respectively. These meetings were for members of the Greenwood and Kingsley communities to discuss their concerns about Precinct Action Planning. Approximately 1400 electors attended each of the meetings.

One of the requests made at both of the meetings was for the Council to consider all the decisions made at the special meetings of electors at a special meeting of the Council. It was requested that this special meeting of the Council be held at the Arena Joondalup in order to cater for the anticipated large numbers of the community wishing to attend. Accordingly a report was submitted to the Council meeting held on 12 February 2002 recommending the convening of such a Special meeting of Council (Item C02-02/02 refers). As a result of community concern, an alternative motion was moved at that meeting to determine Council's stance on Precinct Action Planning, as follows:

“That Council:

- 1 hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;
- 2 ESTABLISHES a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;
- 3 NOT consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan;
- 4 AGREES to consider all the decisions made at the recent Special Meetings of Electors held in Greenwood and Kingsley on 7 and 11 February 2002 respectively at its ordinary meeting scheduled to be held on 26 February 2002 at the Council Chambers, Joondalup;
- 5 ENDORSES the Mayor’s views as reported in last Saturday’s 9 February 2002 edition of The West Australian newspaper that in respect of the Kingsley, Greenwood, Warwick and Woodvale draft precinct concept plans “these ideas which staff had put forward will not be going ahead in any way, shape or form.”

In accordance with Point 4 of the above resolution, a report was submitted to the Council meeting held on 26 February 2002 (Item CJ033-02/02 refers). As the Council, within C02-02/02, had determined the future of Precinct Planning for the suburbs of Warwick, Greenwood, Kingsley and Woodvale, Item CJ033-02/02 submitted the minutes of both special electors’ meetings to the Council and recommended that notes the decisions of the electors’ meetings. Following consideration of that report, the Council on 26 February 2002 moved the following amended resolution:

“That Council:

- 1 ACKNOWLEDGES receipt of the minutes of the special electors’ meetings held on 7 February 2002 and 11 February 2002 held at the Greenwood Senior High School and Halidon Primary School respectively forming Attachments 1 and 2 to Report CJ033-02/02;
- 2 SEEKS a further report or series of reports addressing each of the individual motions carried at the special electors’ meetings held in Greenwood and Kingsley in February 2002 and the report to comment on each resolution of the electors and recommend actions required to address the issues raised in each resolution;
- 3 CONSIDERS the said report or reports and takes whatever action it deems appropriate in response to the same.”

In accordance with Point 2 of the above resolution, the individual motions carried at the special electors’ meetings in Greenwood and Kingsley are now submitted for elected members’ consideration.

DETAILS

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

MOTIONS ARISING FROM SPECIAL ELECTORS MEETING HELD IN GREENWOOD SENIOR HIGH SCHOOL, COOLIBAH DRIVE, GREENWOOD ON THURSDAY, 7 FEBRUARY 2002

MOTION NO 1 (GREENWOOD) - AMENDMENT TO NOTICE OF MOTION SUBMITTED BY CR KADAK

MOVED Bob Foston, 15 Mamo Place, Greenwood SECONDED (name and address not given) that, in relation to the proposed Notice of Motion – Cr P Kadak, Point 1 be amended to read as follows:

“That Council:

- 1 NOTES the widespread community concern expressed over the concept plan proposals for the suburbs of Warwick, Greenwood, Kingsley and Woodvale including development adjoining parkland and new road links and high density housing on residential properties;*

The Motion was Put and

CARRIED

Officer’s Comment

As Council’s resolution C02-02/02 of 12 February 2002 abandoned Precinct Action Planning, Cr Kadak’s Notice of Motion, submitted for consideration to that meeting, lapsed. No further action is required in relation to Motion No 1.

RECOMMENDATION

That Council NOTES that Motion No 1 passed at the Special Electors’ Meeting held on 7 February 2002 has been addressed by Council’s resolution C02-02/02 of 12 February 2002.

MOTION NO 2 (GREENWOOD) - HOUSING DENSITY WITHIN GREENWOOD

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Brian Anderson, 4 Blackall Drive, Greenwood that we the electors of the City of Joondalup wish to inform Council that we value the lifestyle in the suburb of Greenwood and wish to preserve the existing level of density housing and hereby move that Council:

- 1 DOES NOT approve rezoning any land in Greenwood from Residential or Local Reserve to Mixed Use, Business or Commercial (keep Greenwood as it is);*
- 2 DOES NOT approve re-coding Residential Density Codes in Greenwood to allow an increase in residential densities greater than what currently exists – (no high density housing);*

- 3 *DOES NOT approve or support any changes to the Building Codes or any other planning or development standards administered by Council that would increase the density of development of the residential areas of Greenwood – (leave leafy Greenwood alone).*

The Motion was Put and

CARRIED

Officer's Comment

- 1 In relation to the Precinct Planning exercise for Greenwood, Warwick, Kingsley and Woodvale, the Council resolved to abandon the current Precinct Action Planning concepts.
- 2 Outside the Precinct Planning exercise, the Council receives, from time to time, applications to rezone land or to amend its District Planning Scheme to allow additional or new uses within existing zones or changes in density. The Council has a statutory obligation to consider these requests. Such requests should be considered on their merits, although the concerns of the community, expressed through the Precinct Planning process, would be taken into consideration. In addition to this statutory obligation, it is not possible for a future Council to be bound by a decision of this Council.
- 3 The Residential Planning Codes and the Building Codes are set by the State Government and the Local Authority is required to adopt and administer them guided by State Government policy, and form a component of the District Planning Scheme. If future changes were sought by a request for scheme amendments, then the Council would be required to consider the request

RECOMMENDATION

That Council:

- 1 **NOTES Motion No 2 passed at the Special Electors' Meeting held on 7 February 2002:**
- 2 **will have strong regard to the communities' concerns when considering any request to rezone land, or when commenting on any changes to either the residential planning codes or building codes proposed by the State Government.**

MOTION NO 3 (GREENWOOD) - CESSATION OF PRECINCT ACTION PLANNING

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED B Moon, 6 Caroo Place, Greenwood that we, the ratepayers of the City of Joondalup move that the precinct action planning concepts and all associated activities, no matter at what stage they are at, be ceased immediately throughout our suburb of Greenwood, and not be revisited, under ANY format, at ANY time in the future. Hear us loud and clear – no putting this concept on hold, we want it stopped, never to return.

The Motion was Put and

CARRIED

Officer's Comment:

It is considered that the substance of Motion No 3 has been adequately addressed by Council's resolution C02-02/02 of 12 February 2002. It should also be noted that the Council does not have the legal authority to bind a future council through a resolution passed at an earlier date.

RECOMMENDATION

That Council NOTES that Motion No 3 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002.

MOTION NO 4 (GREENWOOD) - DIRECTION FOR ELECTORS

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Ron McMillan, 61 Sandalwood Drive, Greenwood that if we are unsuccessful in our quest to have the precinct planning concept binned, the Councillors and officers at the City inform us exactly what we, the electors, must further do to prove to them that we the electors, do not want, do not like, do not approve, and do not ever again want to see concepts like this for our suburb of Greenwood.

The Motion was Put and

CARRIED

Officer's Comment

As Council's resolution C02-02/02 of 12 February 2002 abandoned Precinct Action Planning, this motion has been satisfied.

RECOMMENDATION

That Council NOTES that Motion No 4 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002.

MOTION NO 5 (GREENWOOD)- CONSULTATION POLICY

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Ron Griffiths, 29 Cassandra Way, Greenwood that we, the electors of the City of Joondalup:

I wish to inform Council that the consultation process at the City of Joondalup is totally inadequate;

- 2 *we hereby move that the Council immediately develop a detailed consultation policy, which is advertised for public comment for a period of no less than 60 days, not to include a Christmas period. Please be advised that public comment must for a change be listened to and acted upon appropriately*

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

The review of current consultation policy and the development of guidelines is currently underway. Planning the consultation process for the policy is also underway. It is anticipated that public input will be sought by calling for registrations of interest before drafts are finalised. Subsequent to public input into the preliminary stages, a consolidated submission period of at least 60 days can be included in the project time frame, when drafts of final documentation are available.

RECOMMENDATION

That Council:

- 1 **NOTES Motion No 5 passed at the Special Electors' Meeting held on 7 February 2002 when preparing the comprehensive community consultation process required by Council's resolution C02-02/02 of 12 February 2002;**
- 2 **NOTES the intention to include members of the public in the development of the proposed public consultation strategy and/or guidelines (by calling for expressions of interest) to workshop ideas that would assist policy and guideline development, and includes further opportunity for public feedback, by incorporating a 60 day public consultation and advertising phase in the project schedule to allow for public review and scrutiny of draft policy/guidelines.**

MOTION NO 6 (GREENWOOD)- REVITALISATION OF GREENWOOD

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED John Cameron, 3 McIness Court, Greenwood that this meeting of electors moves that the City of Joondalup can revitalise the suburb by:

- 1 *planting more native trees in parks and verges;*
- 2 *installing better lighting and amenities in parks eg barbecues;*
- 3 *putting more play equipment in parks and upgrading the play equipment we have;*
- 4 *installing more cycle ways;*
- 5 *giving Greenwood a community centre that all ages can use and share; an alternative to that is to revitalise and extend the scout hall;*
- 6 *involving the community in any future plans eg new sheltered bus stops/public library.*

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

The specific elements mentioned in this motion are considered as part of Council's normal provision and maintenance of facilities throughout the City of Joondalup.

RECOMMENDATION

That Council NOTES that the specific items mentioned in Motion No 6 passed at the Special Electors' Meeting held on 7 February 2002 will be considered in Council's normal programs.

MOTION NO 7 (GREENWOOD)- PROHIBITION ON GEOGRAPHIC BOUNDARY REDUCTION

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Paul Petale, 135 Coolibah Drive, Greenwood that we, the electors of the City of Joondalup move that there be an absolute prohibition on geographic boundary reduction of all parks, public open space and reserves. The City's proposed Park Policy is not adequate.

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

The Council is very aware of community concerns regarding parkland such as are expressed in this motion and would give appropriate weight to these concerns. The actual decision however must be made by the Council in response to the circumstances of each particular case.

RECOMMENDATION

That Council NOTES the concern expressed in Motion No 7 passed at the Special Electors' Meeting held on 7 February 2002 with particular reference to any consideration it gives to alienation of reserves.

MOTION NO 8 (GREENWOOD) - VOTE OF NO CONFIDENCE - ADMINISTRATION

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Garry Buttner, 10 Yulan Close, Greenwood that this meeting of electors moves a vote of no confidence in the City of Joondalup planning officers and strongly recommends that they show more respect to their employers, us the ratepayers.

The Motion was Put and

CARRIED

Officer's Comment

The City is not aware of any complaints made against the City's planning staff to either the Department of Local Government or the WA Planning Commission. The City has been on a path of continuing improvement since its creation in 1998 and it is always reviewing and assessing ways it can improve its service delivery to the community. As part of the City's achievements it was successful in being awarded the WAMA Leadership in Best Practice (2000). Independent market research has also been conducted over the past four years, to monitor service delivery and to assist with the continuous improvement philosophy.

RECOMMENDATION**That Council:**

- 1** NOTES Motion 8 passed at the Special Electors' Meeting held on 7 February 2002;
- 2** does not support the vote of no confidence in the City of Joondalup planning officers;
- 3** continues to review and assess ways to improve its service delivery and public consultation with the community.

MOTION NO 9 (GREENWOOD)- TRANSPARENCY AND ACCOUNTABILITY OF COUNCIL

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Valerie Kruszelnicki, 66 Cockman Road, Greenwood that this meeting of electors place all elected members on notice, that we expect and demand a greater respect for the use of our hard earned rates. We demand absolute transparency and accountability from Council and condemn the secrecy and top down decision-making approach.

The Motion was Put and

CARRIED

Officer's Comment

Elected members have acknowledged the concerns expressed by the many electors attending the various Special Electors' Meetings in relation to the precinct planning.

RECOMMENDATION

That the Council NOTES Motion No 9 passed at the Special Electors' Meeting held on 7 February 2002 and the concerns expressed by electors in relation to the precinct planning process.

MOTION NO 10 (GREENWOOD) - DRY PARKS

MOVED Paul Menaglio, 43 Dericote Way, Greenwood, SECONDED Chris Roberts, 39a Dericote Way, Greenwood that the locations be changed in order that all dry parks and smaller parks be included as wet parks.

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

Due to the large number of outstanding Dry Parks to be reticulated, the City has endeavoured to rank the development of these parks based on a criteria which includes park size, proximity to other parks to enable joint use, existence of natural vegetation and park utilisation.

The main thrust of the Dry Park Development Programme was to put in place a programme that enhances the Dry Parks and is affordable to the City. It should also be recognised that not all parks will be reticulated because of their high conservation value in relation to existing remnant bushland areas.

Notwithstanding the above the City will take into consideration the views expressed to provide additional funding towards this programme as part of the forthcoming 2002/2003 budget considerations.

RECOMMENDATION

That Council NOTES Motion 10 passed at the Special Electors' Meeting held on 7 February 2002 and takes the views expressed into consideration within the 2002/2003 draft Budget.

MOTION NO 11 (GREENWOOD)- MULLALOO PRECINCT PLANNING

MOVED Sue Hart, 24 Mamo Place, Greenwood, SECONDED Mitch Sideris, 12 Page Drive, Mullaloo that any precinct planning for Mullaloo be halted in its entirety until such time as the new consultation process policy which is advertised for public comment for a period of no less than 60 days has been implemented.

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

The Mullaloo Beach Concept Plan was considered at the Meeting held on 11 September 2001 where it was resolved :

“That Council:

- 5 NOTES that the Mullaloo Concept Plan, modified by the deletion of the [certain] elements ... , be used as a basis for further design, costing and evaluation, and for discussion purposes regarding the ongoing development of the area;*
- 6 REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan paying specific attention to the points raised by detailed consultation with key community groups and others, particularly the need to ensure that there is no reduction in the recreational functionality and net area of the useable surface of Tom Simpson Park proper.”*

Although a concept plan had been prepared for Mullaloo Beach, it does not form part of the Precinct Action Planning process. Except for the work necessary to comply with the requirements of Council's resolution of 11 September 2001, no work of a precinct planning nature will be undertaken in the Mullaloo area. This is in line with Council's resolution of 12 February 2002 not to *consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan.*

RECOMMENDATION

That Council:

- 1 NOTES that the Mullaloo Concept Plan work does not form part of the Precinct Planning process;**
- 2 RESOLVES not to undertake any precinct planning work for the total Mullaloo area at this time;**
- 3 NOTES that the public consultation process associated with the Mullaloo Concept Plan will be undertaken in line with Council's resolution of 12 February 2002.**

MOTION NO 12 (GREENWOOD)- PEDESTRIAN ACCESSWAY TO GREENWOOD SHOPPING VILLAGE

MOVED Paul Menaglio, 43 Dericote Way, Greenwood, SECONDED Sue Hart, 24 Mamo Place, Greenwood that the pedestrian accessway from Dericote Way through to the Greenwood Shopping Village REMAIN open.

The Motion was Put and

CARRIED

Officer's Comment

Council has considered this matter on two previous occasions in May and November 2000 in addition to a number of deputations and meetings with affected or interested parties. At its meeting on 23 June 2000 (CJ128-05/00) Council resolved that:

"Council supports the application to close the pedestrian accessway between Dericote Way and Greenwood Village Shopping Centre, Greenwood for the following reasons:

- nuisance element to local residents;*
- anti-social behaviour; and*
- anti-social activities occurring in and around this area"*

At its meeting on 28 November 2000 (CJ353 – 11/00) Council resolved to:

- “1 *REAFFIRMS its decision of 23 May 2000 (CJ128-05/00 refers) to support the closure of the pedestrian accessway between Dericote Way and Greenwood Village Shopping Centre, Greenwood for the following reasons:*
- *the conditions next to the pedestrian accessway and back of the shopping centre have not changed;*
 - *conditions will deteriorate with the future expansion of the shopping centre due to commence early 2001,*
 - *attract anti-social behaviour;*
 - *elderly residents in the area support the closure.*
- 2 *ADVISES the Hon Minister for Lands of its decision and that it has examined the pedestrian access from Dericote Way to the shopping centre and believes that no further upgrade to that access is necessary;*
- 3 *REQUESTS the Hon Minister for Lands reconsiders his decision in light of the above resolution.”*

The City has also received advice that the Western Australian Planning Commission (WAPC) is opposed to the closure of the accessway as:

- *It impacts on convenient access to the Greenwood Village Shopping Centre;*
- *It impacts on access to public transport; and,*
- *Alternative routes do not provide suitable or direct alternative access.*

The Department of Land Administration will only progress requests for the closure of an accessway where the local authority request is supported by the WAPC. It is considered likely that this matter will receive further consideration by Council and at that time, the sentiments expressed in Motion No 12 of the Special Meeting of electors held on 7 February 2002, should be considered together with Council’s previous decisions and other matters relating to the accessway.

The WAPC has suggested that the PAW in question be widened to improve natural surveillance and to discourage anti-social behaviour. However, such a proposal would impact on adjoining landowners and is therefore not considered to be a viable option.

RECOMMENDATION

That Council NOTES Motion No 12 passed at the Special electors Meeting held on 7 February 2002 when considering any issue relating to the accessway from Dericote Way to the Greenwood Village Shopping Centre.

MOTIONS ARISING FROM SPECIAL ELECTORS MEETING HELD ON THE HALIDON PRIMARY SCHOOL OVAL, HALIDON STREET, KINGSLEY ON MONDAY, 11 FEBRUARY 2002

MOTION NO 13 (KINGSLEY) - CONSIDERATION OF MOTIONS PASSED AT THE SPECIAL ELECTORS' MEETINGS IN GREENWOOD AND KINGSLEY

MOVED Sue Hart, 24 Mamo Place, Greenwood SECONDED Vincent Cusack, 2 Renegade Way, Kingsley that Council does not pass any motions relating to the Precinct Plans before all the Motions passed at the Special Electors' Meetings held in Greenwood on 7 February 2002 and in Kingsley on 11 February 2002 are considered and voted on at a full Council meeting.

The Motion was Put and

CARRIED

Officer's Comment

The Council at its meeting of 12 February 2002 abandoned Precinct Action Planning. This motion now considers all the motions passed at the two Special Electors' meetings.

RECOMMENDATION

That Council NOTES Motion No 13 passed at the Special electors Meeting held on 11 February 2002.

MOTION NO 14 (KINGSLEY)- LIFESTYLE WITHIN WARWICK PRECINCT

MOVED Brian Fisher, 5 Chauncey Court, Kingsley SECONDED Anne Perryman, 110 Allenswood Road, Greenwood that We, the electors of the City of Joondalup:

- 1 wish to inform Council that we value the lifestyle in the Warwick Precinct, comprising Kingsley, Greenwood, Woodvale and Warwick and wish to preserve the existing level of housing density;*
- 2 move that Council does not approve rezoning any land in Kingsley from Residential or Local Reserve to Mixed Use, Business or Commercial and direct Council to maintain and preserve Kingsley as it is - No erosion of our current lifestyle.*

The Motion was Put and

CARRIED

Officer's Comment

Outside the Precinct Action Planning exercise, Council receives requests to initiate changes to the zone and or code applying to land under its town planning scheme. Council is required to consider such requests for amendments to its scheme, and they should be considered on their merits by the Council of the day. The scheme amendment process is a statutory one

RECOMMENDATION**That Council:**

- 1 **NOTES Motion No 14 passed at the Special Electors' Meeting held on 11 February 2002;**
- 2 **will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of zone or residential density code for land in the Kingsley area.**

MOTION NO 15 (KINGSLEY) - RESIDENTIAL PLANNING CODES WITHIN KINGSLEY

MOVED Brian Fisher, 5 Chauncey Court, Kingsley, SECONDED Sue Hart, 24 Mamo Place, Greenwood that Council does not approve any recoding of residential density codes in Kingsley to allow an increase in residential densities greater than what currently exist - No high density housing in Kingsley.

The Motion was Put and

CARRIED

Officer's Comment

The Residential Planning Codes, which govern residential densities, are set by the State Government and the Local Authority is required to adopt them, apply them through its Town Planning Scheme, and administer them. Council has limited control over the content of the Codes but has a greater degree of control over the densities that apply to particular areas. Also, it is relatively common for actual dwelling densities for an area to be lower than the maximum permitted by the code. Landowners on this situation would have the right carry out further development in accordance with existing codes.

As the codes are applied by the town planning scheme, any change to the codes can only be made through the statutory amendment process which incorporates extensive opportunities for public comment. Such public comment is taken into consideration by both the Council and the Minister for Planning when adopting any town planning scheme or amendment.

Public comments raised during the Precinct Planning process will be taken into account should requests for rezoning be received in the future.

The State Government is currently reviewing the Residential Planning Codes and this process is being monitored closely by Local Government generally. There has been one public submission period which has formed a part of the review, however, the review is yet to be finalised.

RECOMMENDATION**That Council:**

- 1 **NOTES Motion No 15 passed at the Special electors Meeting held on 11 February 2002;**

- 2 will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to the Residential Planning Codes for the Kingsley area.

MOTION NO 16 (KINGSLEY) - RESIDENTIAL DENSITY CODING WITHIN KINGSLEY

MOVED Brian Fisher, 5 Chauncey Court, Kingsley, SECONDED Pauline Floate, 18 Legana Avenue, Kingsley that Council does not approve or support any changes to the Building Codes or any other planning or development standards administered by Council which would increase the density of development of the residential areas in Kingsley - Stop this urban experiment.

The Motion was Put and

CARRIED

Officer's Comment

The Building Codes are set by a committee, acting with Federal Government authority, and cannot be altered by the Local Authority. The Residential Planning Codes, which govern residential densities, are set by the State Government and the Local Authority is required to adopt them, apply them through its Town Planning Scheme, and administer them. Council has limited control over the content of the Residential Planning Codes but has a greater degree of control over the densities that apply to particular areas.

It is relatively common for actual dwelling densities for an area to be lower than the maximum permitted by the code. Landowners in this situation would have the right carry out further development in accordance with existing codes.

Outside the Precinct Action Planning exercise, Council receives requests to initiate changes to the code applying to land under its Town Planning Scheme. Council is required to consider such requests for amendments to its town planning scheme, and they should be considered on their merits by the Council of the day. The scheme amendment process is a statutory one incorporating significant opportunity for public input for consideration by both the Council and the Minister for Planning.

The State Government is currently reviewing the Residential Planning Codes and this process is being monitored closely by Local Government generally. There has been one public submission period which has formed a part of the review, however, the review is yet to be finalised.

RECOMMENDATION

That Council:

- 1 **NOTES Motion No 16 passed at the Special electors Meeting held on 11 February 2002;**
- 2 **will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of residential density coding for land in the Kingsley area.**

MOTION NO 17 (KINGSLEY) - PRESERVATION OF PARKS, OPEN SPACE AND RESERVES

MOVED Cam McCullough, 22 Benbullen Boulevard, Kingsley SECONDED Amanda Kelley, 18 Legana Avenue, Kingsley that We, the electors of the City of Joondalup request Council to maintain and preserve all parks, open space and reserves in Warwick Precinct, consisting of Kingsley, Greenwood, Warwick and Woodvale, under their existing zones and there be an absolute prohibition on boundary alterations.

The Motion was Put and

CARRIED

Officer's Comment

The City is very aware of community concerns regarding parkland such as are expressed in this motion. The draft Preservation of Public Reserves policy is intended to reflect those concerns and to guide Council, where changes may be proposed. The actual decision however must be made by the Council in response to the circumstances of each particular case.

RECOMMENDATION

That Council NOTES the concern expressed in Motion No 17 passed at the Special Electors' Meeting held on 11 February 2002 with particular reference to any consideration it gives to alienation of reserves.

MOTION NO 18 (KINGSLEY) - CESSATION OF PRECINCT ACTION PLANNING

MOVED Cam McCullough, 22 Benbullen Boulevard, Kingsley SECONDED Michael Jobbins, 3 Ashton Rise, Woodvale that We, the electors and ratepayers of the City of Joondalup reject the Warwick Precinct Plan in its entirety and move that the Precinct Action Planning Concepts and all associated activities, no matter what stage they are at, be ceased immediately throughout the Warwick Precinct and not be revisited or resurrected under any other format at any time in the future.

The Motion was Put and

CARRIED

Officer's Comment

It is considered that the substance of Motion No 18 of the Special Meeting of Electors held on 11 February 2002, has been adequately addressed by Council's resolution of 12 February 2002.

RECOMMENDATION

That Council NOTES that Motion No 18 passed at the Special electors Meeting held on 11 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002.

MOTION NO 19 (KINGSLEY) - CONSULTATION POLICY

MOVED Louise Collins, 29 Moolanda Boulevard, Kingsley SECONDED Maree McCrudden, 79 Allenswood Road, Greenwood that We, the electors of the City of Joondalup:

- 1 wish to inform Council that the public consultation process at the City of Joondalup is totally inadequate;*
- 2 hereby move that Council, in consultation with community representatives, immediately develops a detailed public consultation policy which when drafted is advertised through a mutually agreed medium for public comment for a period of no less than 60 days.*

The Motion was Put and

CARRIED

Officer's Comment

Council is aware of the difficulties in achieving a successful level of public consultation which was revealed within this program and has resolved to establish a comprehensive community consultation process.

RECOMMENDATION

That Council NOTES Motion No 19 passed at the Special electors Meeting held on 11 February 2002 when preparing the comprehensive community consultation process required by Council's resolution of 12 February 2002.

MOTION NO 20 (KINGSLEY) - ENHANCEMENT OF KINGSLEY

MOVED Hilda Roberts, 8 Pillapai Court, Kingsley SECONDED Louise Collins, 29 Moolanda Boulevard, Kingsley that We, the electors of the City of Joondalup move that the City can further enhance the suburb of Kingsley in the Warwick Precinct, for example by planting more native trees in parks and verges, install better lighting and amenities in parks, and upgrade playground equipment for our children.

The Motion was Put and

CARRIED

Officer's Comment

The specific elements of landscaping, lighting, amenities and playground equipment mentioned in this motion are considered as part of Council's normal provision and maintenance of facilities right across the City of Joondalup.

RECOMMENDATION

That Council NOTES that the specific items mentioned in Motion No 20 passed at the Special Electors' Meeting held on 11 February 2002 will be considered in Council's normal programs.

MOTION NO 21 - VOTE OF NO CONFIDENCE - ADMINISTRATION

MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Bill Pickering, 49 Claygate Way, Kingsley that this meeting of electors moves a vote of no confidence in the senior administration officers, particularly the Planning Officers, and strongly recommends that they show more respect for their employers, the ratepayers.

The Motion was Put and

CARRIED

Officer's Comment

The Council is aware of the difficulties in achieving successful public consultation, which was revealed within this program and has resolved to establish a comprehensive community consultation process.

The City is not aware of any complaints made against the City's planning staff to either the Department of Local Government or the WA Planning Commission. The City has been on a path of continuing improvement since its creation in 1998 and it is always reviewing and accessing ways it can improve its service delivery to the community. As part of the City's achievements it was successful in being awarded the WAMA Leadership in Best Practice (2000). Independent market research has also been conducted over the past four years, with the level of satisfaction of Council's services continually rising.

RECOMMENDATION**That Council:**

- 1** NOTES Motion 21 passed at the Special Electors' Meeting held on 11 February 2002;
- 2** does not support the vote of no confidence in the City of Joondalup senior administration officers;
- 3** continues to review and assess ways to improve its service delivery and public consultation with the community.

MOTION NO 22 (KINGSLEY) - TRANSPARENCY AND ACCOUNTABILITY

MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Sue Hart, 24 Mamo Place, Greenwood that We, the electors of the City of Joondalup wish to place all elected Councillors on notice that we expect them to fully implement our wishes here tonight, furthermore we demand absolute transparency and accountability from Council and condemn any further attempts to impose unwanted decisions.

The Motion was Put and

CARRIED

Officer's Comment

Elected members have acknowledged the concerns expressed by the many electors attending the various Special Electors' Meetings in relation to the precinct planning.

RECOMMENDATION

That the Council NOTES Motion No 22 passed at the Special Electors' Meeting held on 11 February 2002 and the concerns expressed by electors in relation to the precinct planning process.

MOTION NO 23 (KINGSLEY) - VOTE OF NO CONFIDENCE - MAYOR

MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Andrea Norman, 44 Kanangra Crescent, Greenwood that We, the electors on the City of Joondalup move a vote of no confidence in the Mayor for the manner in which he has presided over the (Warwick) Precinct Plan.

The Motion was Put and

CARRIED

Officer's Comment

It would not be appropriate for an Officer's comment to be made.

RECOMMENDATION

That the Council NOTES Motion No 23 passed at the Special Electors' Meeting held on 11 February 2002, and advises that the Mayor did not preside over the preparation of the Precinct Plans, nor were they endorsed by the Council prior to being advertised.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES that Motion No 1 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;**
- 2 (a) NOTES Motion No 2 passed at the Special Electors' Meeting held on 7 February 2002:**
 - (b) will have strong regard to the communities' concerns when considering any request to rezone land, or when commenting on any changes to either the residential planning codes or building codes proposed by the State Government.**
- 3 NOTES that Motion No 3 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;**

- 4 **NOTES that Motion No 4 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;**
- 5 **NOTES Motion No 5 passed at the Special Electors' Meeting held on 7 February 2002 when preparing the comprehensive community consultation process required by Council's resolution C02-02/02 of 12 February 2002;**
- 6 **NOTES that the specific items mentioned in Motion No 6 passed at the Special Electors' Meeting held on 7 February 2002 will be considered in Council's normal programs;**
- 7 **NOTES the concern expressed in Motion No 7 passed at the Special Electors' Meeting held on 7 February 2002 with particular reference to any consideration it gives to alienation of reserves;**
- 8
 - (a) **NOTES Motion 8 passed at the Special Electors' Meeting held on 7 February 2002;**
 - (b) **does not support the vote of no confidence in the City of Joondalup planning officers;**
 - (c) **continues to review and assess ways to improve its service delivery and public consultation with the community.**
- 9 **NOTES Motion No 9 passed at the Special Electors' Meeting held on 7 February 2002 and the concerns expressed by electors in relation to the precinct planning process;**
- 10 **NOTES Motion 10 passed at the Special Electors' Meeting held on 7 February 2002 and takes the views expressed into consideration when preparing the 2002/2003 draft Budget;**
- 11
 - (a) **NOTES that the Mullaloo Concept Plan work does not form part of the Precinct Planning process;**
 - (b) **RESOLVES not to undertake any precinct planning work for the total Mullaloo area at this time;**
 - (c) **NOTES that the public consultation process associated with the Mullaloo Concept Plan will be undertaken in line with Council's resolution of 12 February 2002;**
- 12 **NOTES Motion No 12 passed at the Special Electors' Meeting held on 7 February 2002 when considering any issue relating to the accessway from Dericote Way to the Greenwood Village Shopping Centre;**

- 13 (a) NOTES Motion No 14 passed at the Special Electors' Meeting held on 11 February 2002;**
- (b) will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of zone or residential density code for land in the Kingsley area;**
- 14 (a) NOTES Motion No 14 passed at the Special Electors' Meeting held on 11 February 2002;**
- (b) will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of zone or residential density code for land in the Kingsley area;**
- 15 (a) NOTES Motion No 15 passed at the Special Electors' Meeting held on 11 February 2002;**
- (b) will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to the Residential Planning Codes for the Kingsley area;**
- 16 (a) NOTES Motion No 16 passed at the Special Electors' Meeting held on 11 February 2002;**
- (b) will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of residential density coding for land in the Kingsley area;**
- 17 NOTES the concern expressed in Motion No 17 passed at the Special Electors' Meeting held on 11 February 2002 with particular reference to any consideration it gives to alienation of reserves;**
- 18 NOTES that Motion No 18 passed at the Special Electors' Meeting held on 11 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;**
- 19 NOTES Motion No 19 passed at the Special Electors' Meeting held on 11 February 2002 when preparing the comprehensive community consultation process required by Council's resolution of 12 February 2002;**
- 20 NOTES that the specific items mentioned in Motion No 20 passed at the Special Electors' Meeting held on 11 February 2002 will be considered in Council's normal programs;**
- 21 (a) NOTES Motion 21 passed at the Special Electors' Meeting held on 11 February 2002;**
- (b) does not support the vote of no confidence in the City of Joondalup senior administration officers;**
- (c) continues to review and assess ways to improve its service delivery and public consultation with the community;**

- 22** **NOTES Motion No 22 passed at the Special Electors' Meeting held on 11 February 2002 and the concerns expressed by electors in relation to the precinct planning process;**
- 23** **NOTES Motion No 23 passed at the Special Elector's Meeting held on 11 February 2002, and advises that the Mayor did not preside over the preparation of the Precinct Plans, nor were they endorsed by the Council prior to being advertised.**

**CJ120 – 05/02 PROPOSAL FOR IMPLEMENTATION OF SALARY
PACKAGING**

WARD - ALL

This Item is

Confidential - Not For Publication

A report has been provided to Elected Members under separate cover and will be considered at the Council meeting on 21 May 2002.

9 REPORT OF THE CHIEF EXECUTIVE OFFICER**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION NO 1 – CR A PATTERSON**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 21 May 2002:

“That Council:

- 1 Council BY AN ABSOLUTE MAJORITY ESTABLISHES a new committee of three elected members with the objective of investigating the feasibility of establishing public-private partnerships to facilitate significant investment in new and existing infrastructure within the City of Joondalup;*
- 2 the committee produces a discussion paper with a series of recommendations to be presented to Council within 6 months of the establishment of the committee.”*

OFFICER’S COMMENT

A public private partnership has been defined as "A public private risk sharing arrangement based on an agreed aspiration to bring about a desired public policy outcome" (Source: 'IPPR Report June 2001'). An example could be a partnership between a developer and a public authority to develop land which the public authority owns. This enables the developer to join its ability and expertise in land development with the expertise and assets of the public authority to obtain the best outcome.

Public Private Partnerships can range from financial arrangements and development projects, through to service provision.

Any proposal for a Public Private Partnership needs to be assessed on its merits. The City is currently considering a number of projects that may be suitable for Public Private Partnerships. For example the development of Lot 118 Tamala Park.

The establishment of a committee would provide an opportunity for the Council to inform itself about Public Private Partnerships. Alternatively, the matter could be addressed at the Strategic Sessions. The latter is the preferred course of action.

VOTING REQUIREMENT

Absolute Majority

NOTICE OF MOTION NO 2 – CR A PATTERSON

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Andrew Patterson has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 21 May 2002:

“That Council SUPPORTS the current campaign for a referendum to amend the Constitution of Australia to include a section that recognises local government councils as independent statutory bodies duly elected by ratepayers and therefore are not subject to dismissal by duly elected state governments.”

OFFICER’S COMMENT

The Australian Constitution can be amended only with the approval of the Australian electorate. Any alteration of the Constitution must be approved by a ‘double majority’; that is:

- A national majority of electors; and
- A majority of electors in a majority of the States (ie at least four of the six)

The ‘double majority’ provision makes alterations to the Constitution difficult. Since Federation, only eight out of 44 proposals to amend the Constitution have been approved. Generally each question is supported with a ‘Yes’ and ‘No’ case.

The Constitution does not recognise local government and therefore the existence of it is not guaranteed, it is regarded as a ‘creature of the State.’ Chapter five (5) of the Constitution recognises the existence of the ‘States.’

On 3 September 1988, there were four proposals to amend the Constitution based on recommendations made by the Constitutional Commission 1985-88. The third of the four proposals was to recognise local government by adding an additional section (119A).

The question was as follows when it was submitted to the Australian Electorate:

*‘A Proposed Law: To Alter the Constitution to recognise local government.
Do you approve of this proposed alteration?’*

Information supplied by the Australian Electoral Commission (AEC) provides the following summary for the 1988 ‘Yes’ and ‘No’ case:

The ‘Yes’ Case:

- *only recognition in the Constitution will guarantee local government’s role;*
- *the proposal will recognise the important role that local government plays in the public sector;*
- *the proposal will strengthen the system of decentralised community based government.*

The 'No' Case:

- *the proposal could result in local government being replaced by large, impersonal regional government ultimately controlled from Canberra;*
- *the proposal is uncertain and vague;*
- *the proposal will not stop either arbitrary dismissals or amalgamations of local government bodies;*
- *the amendment would allow the federal government to use its 'external affairs' power to intrude into local government by entering into international treaties.*

This referendum was not carried. It obtained a majority in no state and an overall majority of 3 084 678.

State	Number on rolls	Number of ballot papers issued	For	Against	Informal
New South Wales	3 564 856	3 297 246	1 033 364	2 226 529	37 353
Victoria	2 697 096	2 491 183	882 020	1 563 957	45 206
Queensland	1 693 247	1 542 293	586 942	945 333	10 018
South Australia	937 974	873 511	256 421	602 499	14 591
Western Australia	926 636	845 209	247 830	584 863	12 516
Tasmania	302 324	282 785	76 707	202 214	3 864
Australian Capital Territory	166 131	149 128	58 755	88 945	1 428
Northern Territory	74 694	56 370	21 449	33 826	1 095
Total for Commonwealth	10 362 959	9 537 725	3 163 488	6 248 166	126 071

The main stages of a referendum are:

- A Bill setting out the proposed amendment to the Constitution is passed by both Houses of Parliament;
- The Governor-General issues a writ for the referendum which must be held on a Saturday. The referendum must be held in the period between two months and six months after the proposed amendment has been passed in Parliament;
- In the four weeks after the passage of the Bill by Parliament, a majority of those Members and Senators who voted for the proposed amendment may prepare a case for a 'Yes' vote and lodge it with the Electoral Commissioner. Similarly, a majority of those Members and Senators who voted against the proposed amendment may prepare a 'No' case and also lodge it with the Electoral Commissioner. When a proposed amendment is passed unanimously, there is no 'No' case to be prepared;

- Not later than 14 days before voting day, the Electoral Commissioner must have the ‘Yes’ and ‘No’ cases, together with a statement showing the textual alterations and additional proposed to be made to the Constitution, printed and posted to every elector;
- If a majority of all the electors voting and a majority of the electors in a majority of States approve the proposed law, the referendum is carried and the proposed law is given Royal Assent by the Governor-General.

The suggestion to guarantee local government’s role within the Australian Constitution is generally supported.

VOTING REQUIREMENT

Simple Majority

NOTICE OF MOTION NO 3 – CR M O’BRIEN

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 motion at the Council meeting to be held on Tuesday 21 May 2002:

“That in the aftermath of the adverse findings in the City of Perth and the South Perth Inquiries, future meetings of the City of Joondalup Budget Committee shall be held with open doors with the invite for the media and public attendance, in the interest of this Municipality, showing that its decision making is a proper form of open and accountable Government, with the proviso that where a matter has an element of commercial or personal sensitivity, the Committee may by simple majority vote decide to sit behind closed doors for that item only.”

OFFICER’S COMMENT

This matter is at the discretion of Council.

VOTING REQUIREMENT

Simple Majority

NOTICE OF MOTION NO 4 – CR M O’BRIEN

Cr Mike O’Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 21 May 2002. The following elected members have indicated their support as required by Clause 4.4 of the City’s Standing Orders Local Law:

Cr Chris Baker
Cr Don Carlos
Cr Allison Walker
Cr John Hollywood

“That, resulting from any restrictions and/or perceived restrictions on Council’s current Budget Committee, Council RESCINDS its decision CJ434-12/01 (Minutes Council Meeting Tuesday/Wednesday 18/19 December 2001 refer) and sets the amount of rate revenue to be raised, in order to make up the budget deficiency, for the 2002-2003 year, pursuant the provisions of Section 6.32 of the Local Government Act 1995, at a maximum of Forty Million Dollars (\$40,000,000) and requires the Budget Committee to keep the Section 6.32 Rate Revenue within the \$40,000,000 limit in its recommendations to Council.”

OFFICER’S COMMENT:

The relevant section of the Local Government Act 1995 reads as follows:

Section 6.32 (1) When adopting the annual budget, a local government –

- (a) in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either –
- (i) uniformly; or
 - (ii) differentially

* - Absolute majority required

At the Council meeting 18 December 2001, report “CJ434 – 12/01 Budget 2002/03 High Level Review” refers, Council resolved as follows:

“MOVED Cr Kenworthy, SECONDED Cr Rowlands that Council:

- 1 CONFIRMS the following key assumptions to enable the development of the 2002/03 budget and 2002/03 5-year financial plan;

<i>Revised Financial Forecast</i>	<i>Revaluation year</i>			<i>Revaluation year</i>	
	<i>2002/03</i>	<i>2003/04</i>	<i>2004/05</i>	<i>2005/06</i>	<i>2006/07</i>
<i>Inflation</i>	<i>3.5%</i>	<i>3.5%</i>	<i>3.5%</i>	<i>3.5%</i>	<i>3.5%</i>
<i>Internal Savings</i>	<i>(1%)</i>	<i>(1%)</i>	<i>(1%)</i>	<i>(1%)</i>	<i>(1%)</i>
<i>Salary & Wages increases</i>	<i>4%</i>	<i>4%</i>	<i>4%</i>	<i>4%</i>	<i>4%</i>
<i>Interest Rates</i>	<i>4.5%</i>	<i>5.0%</i>	<i>5.0%</i>	<i>5.0%</i>	<i>5.0%</i>
<i>Growth in number of properties</i>	<i>400</i>	<i>400</i>	<i>400</i>	<i>400</i>	<i>400</i>
<i>Rates increase (total rates levied)</i>	<i>4.5%</i>	<i>3%</i>	<i>3%</i>	<i>3%</i>	<i>3%</i>

- 2 as part of the 2002/03 budget preparations, REVIEWS increases in total rates levied together with savings or deferment of expenditure in operations, capital works and proposals.”

The 2002/03 budget has been prepared using the guidelines resolved by Council report CJ434 – 12/01. The draft 2002/03 budget estimates includes rates income of \$41,311,779. The proposition is that rates be capped at \$40,000,000, a reduction in estimated income of \$1,311,779.

Following the Budget Committee meeting held on Tuesday 7 May 2002, the revised surplus before Councillors' requests is \$1,084,000. By capping the Rates at \$40m will require a further income or a reduction in expenditure of \$311,779 to be found.

It may be possible to accommodate the \$311k income:

- revise the estimated carried forward surplus to \$2.811m
- in light of a further review of the Building Completions (Interim Rates) revenue estimations calculations. The original estimates were for income of \$112k per annum, however it should be recognised the revised income remains an estimate and that an upper limit of \$5-600k should be used until further investigations are undertaken. This project should also be commenced as soon as possible to ensure the earliest turn around is possible by the Valuer General.

VOTING REQUIREMENT

Absolute Majority

NOTICE OF MOTION NO 5 – CR D CARLOS

Cr Don Carlos has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 21 May 2002. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr D Carlos
Cr A Walker
Cr J Hollywood JP
Cr M O'Brien JP
Cr A Nixon

“That resulting from the adverse findings regarding “Non-Formal” Council Meetings in the report of the inquiry into the City of South Perth, Council BY AN ABSOLUTE MAJORITY RESCINDS its decision (CJ062 – 03/02 Minutes Council Meeting Tuesday 26 March 2002 refer) and:

- 1 Council ADOPTS a system of Three Standing Committees for an 11-month trial period commencing with the election of the Standing Committees tonight Tuesday 21 May 2002;*
- 2 there is one Councillor from each Ward as a member of each Standing Committee and the other Councillor from that Ward as the deputy member representing that Ward;*

- 3 *the term of office for the membership of the Standing Committees to be normally for a period of twelve (12) months and shall be reviewed at the Special Meeting of Council, Monday 5 May 2003;*
- 4 *the Mayor be ex officio a member of each Standing Committee;*
- 5 *the Chief Executive Officer be charged with the responsibility of channelling the system of Officer reporting to each of the Standing Committees;*
- 6 *the Council SETS the meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup as:*

First Tuesday of each month

Meal *6.00 pm*

Engineering (including Works)

Committee Room 1 *6.30 pm*

Tuesday 4 June 2002

Tuesday 2 July 2002

Tuesday 6 August 2002

Tuesday 3 September 2002

Tuesday 1 October 2002

Tuesday 5 November 2002

Tuesday 3 December 2002

Tuesday 4 February 2003

Tuesday 4 March 2003

Tuesday 1 April 2003

Second Tuesday of each month

Meal *6.00 pm*

Planning Committee

Committee Room 1 *6.30 pm*

Tuesday 11 June 2002

Tuesday 9 July 2002

Tuesday 13 August 2002

Tuesday 10 September 2002

Tuesday 8 October 2002

Tuesday 12 November 2002

Tuesday 10 December 2002

Tuesday 11 February 2003

Tuesday 11 March 2003

Tuesday 8 April 2003

Third Tuesday of each month

Meal 6.00 pm

Finance Committee

Committee Room 1 6.30 pm

Tuesday 18 June 2002

Tuesday 16 July 2002

Tuesday 20 August 2002

Tuesday 17 September 2002

Tuesday 15 October 2002

Tuesday 19 November 2002

Tuesday 11 December 2002

Tuesday 18 February 2003

Tuesday 18 March 2003

Tuesday 15 April 2003

Fourth Tuesday of each month

Meal 6.00 pm

Full Council

Council Chambers 6.30 pm

Tuesday 25 June 2002

Tuesday 23 July 2002

Tuesday 27 August 2002

Tuesday 24 September 2002

Tuesday 22 October 2002

Tuesday 26 November 2002

Tuesday 17 December 2002

Tuesday 25 February 2003

Tuesday 25 March 2003

Tuesday 22 April 2003

Special Council

Meal 6.00 pm

Council Chambers 6.30 pm

Tuesday 30 July 2002 – Budget

Tuesday 6 May 2003 – Special Council

- 7 Council AGREES to hold informal deputations in conjunction with the appropriate Standing Committees and/or Special or Full Council meetings;
- 8 Public Question Time be scheduled before the reports commence at Standing Committee meetings and that the Standing Committee shall have the right to meet with the public excluded where “confidential matters” are required to be so treated;

- 9 *Pursuant to the provisions of the Local Government Act 1995, PUBLIC NOTIFICATION is given of the schedule in (6) above.”*

OFFICER’S COMMENT

The Council at its meeting held on 26 March 2002 (C37-03/02 refers) considered a Notice of Motion submitted by Cr M O’Brien which was primarily the same as this Notice of Motion submitted by Cr Carlos.

At that Council meeting that Notice of Motion submitted by Cr O’Brien was defeated 9 votes to 4 votes. At that same meeting, the Council adopted a revised decision making process based on a ‘rolling’ three week cycle comprising of a strategy session, briefing session and ordinary meeting of the Council.

Report CJ062-03/02 provides detailed comments relating to the review of the Council’s decision-making process.

The need to provide good government for the residents of the City of Joondalup is acknowledged. In achieving good government, the City needs to be conscious that its decisions are made in the best interests of the community, following the analysis of sound advice through well constructed reports. The Local Government Act 1995 was structured in that the day to day management was the responsibility of the Chief Executive Officer, while the elected Council was to focus on policy and strategic related issues.

The South Perth Council was criticized throughout the recent published Inquiry for the way in which it arrived at agreement relating to the structure required to administer the local government (Section 5.2 Local Government Act 1995).

The Inquiry report into the City of South Perth did not make any ‘adverse finding’ or make any ‘recommendation’ relating to the ‘non-formal’ or ‘informal’ meetings held by the City of South Perth. The Inquiry Report did include comments that were critical of the process followed by the City of South Perth in achieving ‘decisions’ on certain matters.

As stated above, the criticism leveled upon the City of South Perth was that it appeared that decisions were made which lacked key elements of good government. It needs to be noted that there is no intention for decisions to be made in any other forum other than a properly constituted meeting (special or ordinary) of the Council as required by the Local Government Act 1995. The Strategy Sessions have been designed to allow elected members the opportunity to ensure they are adequately informed on issues of a strategic and policy nature.

The Notice of Motion suggests one Council meeting per month supported by four ‘standing committees’ In a report previously presented to the Council, this decision-making process was similar to that used by the former City of Wanneroo. That report highlighted the following advantages and disadvantages:

Advantages

- Allows elected members to be specialized in certain aspects of the City's operations.

Disadvantages

- slower decision-making time for the customer;
- can lead to longer Committee and Council meetings, as there is a tendency for all elected members to attend committee meetings, speak on matters but not be able to vote, and then speak again on the matter at the full Council;
- requirement to formally minute the meetings of the committee which leads to increased costs in administration expenses;
- less conducive environment for elected members to ask questions due to the more formal structure of the committee system;
- does not allow for all elected members to be briefed at the same time;
- may lead to elected members becoming specialized in certain aspects of the City's operations and not being aware of other functions;
- if any of the committees are held on the same evening, if a member is unable to attend then there may be a difficulty to place a deputy as the other Ward member will be attending the other committee;
- requires additional sessions to be held in order to brief elected members in an informal environment on strategic matters or issues of a 'green' nature.

The Council at its meeting held on 26 March 2002 reviewed its decision-making process. The report presented to that meeting highlighted the following disadvantages/advantages of the adopted 3-weekly rolling cycle:

Advantages

- all elected members and the public are briefed at the same time on all issues on notice paper items;
- allows the administration to brief members on issues of a strategic nature in a conducive environment;
- does not tailor elected members into specialized access of the Council's operations ex expert in Technical Services items etc;
- no greater in meeting times (over period of the month) for elected members.

Disadvantages

- slower decision-making times for the customers, deferred items are delayed by a minimum of three weeks and not the current delay of a fortnight;
- may be an increase in late and urgent business;
- potentially longer Council meetings;
- no 'spare' Tuesdays to deal with other matters that may arise.

It must be noted that if the Council was to adopt the proposed motion, it would be required to rescind its decision of 26 March 2002, by an absolute majority.

It needs to be further noted that the Local Government Act 1995 (Section 5.10 (4)) requires that where the Council is appointing membership to a committee, and the Mayor requests to be a member, the Council shall appoint the Mayor to the Committee. Therefore, the motion would need to be amended to deleted Point (4), as the term ‘ex officio’ is from the previous Local Government Act and is no longer applicable. When appointing a committee, the Mayor must inform the Council at that time if he wishes to be a member.

VOTING REQUIREMENTS

Absolute Majority

NOTICE OF MOTION NO 6 – CR D CARLOS

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Don Carlos has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 21 May 2002:

“That in accordance with Sections 41, 112, 112A and 113 of the Health Act 1911, there be set for the 2002/2003 year an annual rate of 1.0647 cents in the dollar on the gross rental value, pursuant Section 41(a) of the Health Act 1911.”

OFFICER’S COMMENT

Council’s Domestic Refuse Charge is set at \$119 per property. This principle recognises that the refuse service provided is not related to the value of property but is a standard service provided equally to all properties.

The proposition is that the charge should be related to the value of the property. The effect being that significantly different costs apply to the same service. Applying a Rate in the Dollar of 1.0647 cents to the current valuations of \$599,853,075 would raise approximately \$6.387m. The draft 2002/03 budget estimates income of \$6.39m. Note that 2002/03 is a revaluation year and that property values will change.

The Heath Act 1911 as amended indicates the following:

“41 Sanitary rate

Every local government may from time to time, as occasion may require, make and levy as aforesaid and cause to be collected an annual rate for the purpose of providing for the proper performance of all or any of the services mentioned in section 112, and the maintenance of any sewerage works constructed by the local government under Part IV.

Such annual rate shall not exceed —

- (a) 12 cents in the dollar on the gross rental value; or
- (b) where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple:

Provided that the local government may direct that the minimum annual amount payable in respect of any one separate tenement shall not be less than \$1.

Provided also, that where any land in the district is not connected with any sewer, and a septic tank or other sewerage system approved by the local government is installed and used upon such land by the owner or occupier thereof for the collection, removal, and disposal of nightsoil, urine, and liquid wastes upon such land, the local government may by an entry in the rate record exempt such land from assessment of the annual rate made and levied under this section, and, in lieu of such annual rate, may, in respect of such land, make an annual charge under and in accordance with section 106 for the removal of refuse from such land.

[Section 41 amended by No. 5 of 1933 s.2; No. 38 of 1933 s.2; No. 25 of 1950 s.5; No. 113 of 1965 s.4 (1); No. 2 of 1975 s.3; No. 76 of 1978 s.51; No. 14 of 1996 s.4.]

“112. Local government to provide for removal of refuse and cleansing works

- (1) A local government may, and when the Executive Director, Public Health so requires, shall undertake or contract for the efficient execution of the following works within its district, or any specified part of its district: —
 - (a) The removal of house and trade refuse and other rubbish from premises;
 - (b) The supply of disinfectants for the prevention or control of disease, and pesticides for the destruction of pests;
 - (c) The cleansing of sanitary conveniences and drains;
 - (d) The collection and disposal of sewage;
 - (e) The cleaning and watering of streets;
 - (f) The providing, in proper and suitable places, of receptacles for the temporary deposit of refuse and rubbish collected under this section;
 - (g) The providing of suitable places, buildings, and appliances for the disposal of refuse, rubbish and sewage;
 - (ga) The construction and installation of plant for the disposal of refuse, rubbish and sewage;
 - (h) The collection and disposal of the carcasses of dead animals:

Provided that it shall not be lawful to deposit nightsoil in any place where it will be a nuisance or injurious or dangerous to health.

- (2) Any local government which has undertaken or contracted for the efficient execution of any such work as aforesaid within its district or any part thereof may by local law prohibit any person executing or undertaking the execution of any of the work undertaken or contracted for within the district or within such part thereof as aforesaid, as the case may be, so long as the local government or its contractor executes or continues the execution of the work or is prepared and willing to execute or continue the execution of the work.

- (3) After the end of the year 1934 no nightsoil collected in one district shall be deposited in any other district, except with the consent of the local government of such other district, or of the Executive Director, Public Health.

[Section 112 amended by No. 17 of 1918 s.11; No. 30 of 1932 s.17; No. 45 of 1954 s.3; No. 38 of 1960 s.3; No. 102 of 1972 s.9; No. 28 of 1984 s.45; No. 14 of 1996 s.4; No. 28 of 1996 s.8.]

112A. Local government may prescribe part of district in which occupier of premises shall not remove rubbish without permission

- (1) Where a local government undertakes or contracts for the efficient execution within its district or any part of its district of the work specified in section 112 (1) (a), every occupier of premises within a prescribed part of that district or of that part of the district of the local government as the case may be shall —
- (a) not, unless he is authorised by the local government so to do, remove any house and trade refuse and other rubbish from the premises;
 - (b) pay to the local government or its contractor, as the case may be, for the removal, the prescribed charge or the charge according to the scale published in accordance with section 113.
- (2) The local government may in writing authorise the occupier of premises within its district to remove or dispose of house and trade refuse and rubbish from or on the premises if —
- (a) the refuse and rubbish on the premises is not available for removal at regular periods and is of such a nature or quantity as to be unsuitable for removal by the local government or its contractor; or
 - (b) there is installed on the premises efficient apparatus for the destruction of the refuse and rubbish and the apparatus is used to dispose of the refuse and rubbish on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.
- (3) Where any refuse and rubbish is removed from the premises under a written authority of a local government, the person removing it shall —
- (a) dispose of it at the place set apart by the local government for the disposal of refuse and rubbish; and
 - (b) pay to the local government the prescribed fee for the disposal.
- (4) Any occupier of premises who, whether with authority granted under subsection (2), or not —
- (a) disposes of any house or trade refuse or other rubbish on those premises; or
 - (b) causes or permits any house or trade refuse or other rubbish to be disposed of on those premises,

in such a manner as to cause a nuisance or to permit the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause a nuisance to persons, commits an offence.

[Section 112A inserted by No. 45 of 1954 s.4; amended by No. 52 of 1968 s.3; No. 14 of 1996 s.4.]

VOTING REQUIREMENT

Absolute Majority

NOTICE OF MOTION NO 7 – CR M O’BRIEN

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 motion at the Council meeting to be held on Tuesday 21 May 2002:

“That due to the success of the “Logo Vote” system, congratulations are expressed to the Administration and Information Technology Sections, and in future, the recording of all votes of Councillors be recorded in the Minutes of Council Meetings, in order to save Councillors having to call the recording of divisions.”

OFFICER’S COMMENT

At the conclusion of each vote on a motion, it will be standard practice to record in the Minutes the numbers of votes for and against the motion. eg CARRIED 9/5, LOST 4/10, CARRIED BY ABSOLUTE MAJORITY 11/3.

This approach is in keeping with best practice in Council Minute Recording and is recommended by the Department of Local Government and Regional Affairs.

It is considered that recording the names of all Councillors and how they voted on each motion should be kept for specific matters where such a record is requested. This will avoid unnecessary recording of all names on all items but will clearly indicate the level of support or opposition to the matters considered.

VOTING REQUIREMENT

Simple Majority

NOTICE OF MOTION NO 8 – CR A WALKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Allison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 21 May 2002:

“That Council:

- 1 at the request of the Pinnaroo Ward Ratepayer's Municipal Electors and Residents Association DEFERS any further median and verge enhancement and/or reticulation until all Category 1 and 2 parks within the City have been reticulated;*
- 2 REQUESTS a further report on the condition of the bores in the reticulated parks and expected time frames for replacement.”*

Cr Walker has provided the following in support of the Notice of Motion:

“Our ratepayers expect a certain amenity for themselves to ensue from rates paid. When developers developed the suburbs, the reason there were such small house blocks was because they created urban green areas, and many small house blocks in the close proximity to parks, where communities could play - so they didn't need to have big yards. Parks are uninviting if they are not reticulated - particularly in the drier months of the year.

Rates are supposed to provide amenity for all the people in the district. Amenity is defined as "agreeable features" We must look after the agreeable features in our suburbs. Ratepayers and residents are being denied the facility to play in their parks because the ground is dry and the grass is dead, while at the same time the medians - where no-one can play or would want to play - are lovely and green, with robust grasses and plants.

It is reasonable to expect that it would cost just as much to reticulate a median as it does to reticulate a park, it would take just as long, and utilise just as much manpower. eg - \$207,000 to reticulate the median between Marmion and Endeavour on Whitfords could be better spent in reticulating 4 dry parks in the district. Once a median is reticulated, it would be anticipated that it would need to have just as much attention and maintenance as a park does.

If we are going to put all this effort into a reticulation and maintenance program, we need to be putting our efforts into places that are going to provide the best amenity for our ratepayers in our suburbs and not into aesthetics on main roads - particularly in these times of dwindling \$ and escalating costs.

If we are going to try to keep the rates down, then we need to focus on the essentials and forgo the desires until such a time as we either recognise a surplus, we manage to get a grant, or all the essentials are fulfilled. We need to look after the amenity of our ratepayers first.

Our Vision Statement implies that we are trying to create a place where people would choose to live

- **Offering a wide range of opportunities for leisure**

Playing in a neighbourhood park is a free leisure activity that is being denied to our ratepayers and our children because 136 of our parks are dry and uninviting. Instead these people find other pursuits - playing Nintendo or computer pursuits, watching television, playing on the road, or costing money in travelling to high tech sporting facilities, swimming pools, etc.

According to our vision statement, we are also supposed to be offering

- A safe and healthy place to live
- A place in balance with the natural environment
- a place where people have the opportunity to achieve their potential
- A place where people have a strong community spirit and sense of belonging.

With local neighbourhood areas which have

- Their own distinctive character, identity and community spirit
- Easy access to high quality local services
- Neighbourhood design that encourages walking, cycling, jogging - where it's easy to get around and enjoy a healthy lifestyle.

Who would choose to live near a dry park?

How is a dry park indicative of a healthy place to live? - it is dead for half the year!!!

How does a neighbourhood dry park encourage a healthy lifestyle - are we trying to encourage our residents to jog and play on the medians of the main roads? Is this considered to be healthy?

Is a dry park considered to be a high quality local service provided by the Council?

Our Mission is to develop partnerships to enhance growth, economic vitality and diversity of lifestyle, through leadership.

Our primary concern should be to develop a sound partnership with our ratepayers and residents.

Reticulating parks will go a long way towards producing economic vitality, as it will raise the stature of the neighbourhood areas, raise the property values, and it will offer further diversity of lifestyle, through the inclusion of more places for people to play which will in turn offer opportunities for communities to develop strong bonds of community spirit.”

OFFICER'S COMMENT

The City's Five Year Capital Works Program incorporates the Major Road Median and Verge Enhancement Works Program, which provides for the on-going enhancement of medians and verges that form part of the City's major road network.

The enhancement of the major road networks, median and verges will provide aesthetically pleasing entry statements to the City in the form of reticulated landscaped areas.

The Dry Park Development Program does provide funding towards joint utilisation of the bore and pumping units where it can be utilised jointly to enhance major roads, medians and verges which are within close proximity to dry parks being developed.

Whilst the Dry Parks Development and the Major Road Median and Verge Enhancement Programs are aligned to take advantage of joint utilisation of bores, the programs are not necessarily dependent on one another. That is, any moratorium placed on the median and verge enhancement program will not prevent the Dry Parks Development Program from continuing.

The reticulation of the medians and verges can always be undertaken at a later time.

Notwithstanding this, it is noted that the City has just recently experienced one of the driest summer periods on record, and a very low annual rainfall for that period. As evidenced by the low water levels in the City's wetland areas, the natural groundwater levels are at their lowest levels also.

In considering this matter, Council needs to take into account both the community expectations and the environmental considerations. It is considered that a moratorium approach at this point in time is responsible from an environmental and conservation perspective.

In relation to the bores and pump units that service our parks and medians, the City has an annual maintenance program whereby the pumps are removed, serviced and reinstalled during the winter period.

Every pump is serviced on an approximate six to seven year cycle, and the bores redeveloped only when required to ensure the required supply of water is maintained.

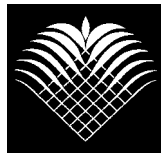
VOTING REQUIREMENTS

Simple Majority

11 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 11 JUNE 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

12 CLOSURE



City of
Joondalup

QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

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QUESTION

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Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer
City of Joondalup
P O Box 21
Joondalup WA 6919

NOTE Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

DECLARATION OF INTEREST FORM, CLICK HERE: [declofininterestsept2001.pdf](#)

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [seatplan.pdf](#)