



City of
Joondalup

DRAFT AGENDA

FOR ELECTED MEMBERS'

BRIEFING SESSION

TUESDAY, 4 JUNE 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.*

DEPUTATION SESSIONS

Elected Members will conduct an informal session at the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputation sessions are open to the public.

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on
TUESDAY, 4 JUNE 2002 commencing at 6.00 pm

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 PUBLIC QUESTION TIME

The following questions, submitted by Mr Steve Magyar, Heathridge, were taken on notice at the Briefing Session held on 14 May 2002:

Q1 The City's internet page for Committees lists ten committees. Are these all of the City's current committees?

A1 The City currently has 23 committees. The list of all Council's committees can be located on the City's webpage.

Q2 The most recent committee agenda available on this internet site is for the meeting of the Strategic Advisory Committee - Seniors Interest scheduled for 15 May 2002. Are there any other committee meetings for which committee members have been provided with agendas that are not listed on this website?

A2 Yes. Some delays are being experienced in the placement on documents on this internet site.

Q3 Item 3 – Review of Investment Advisors to the City – Expressions of Interest No 028-01/02: Does the Local Government Act or Regulations place any restrictions on how or where the local government invests ratepayers' money?

A3 No.

Q4 If so, why does the City need outside investment advisors if there are restrictions?

A4 The Prudent Persons requirement of the Trustees Amendment Act requires a prudent person approach to be taken to investment advice. The City does not have sufficient internal resources to make sure it can adequately meet the needs so it takes advice from a professional association such as Grove Financial Services. Grove has been used for a number of years.

Q5 Item 17 – Minutes of the Dry Parks, Median and Verge Committee: In relation to recommendation 5, what part of the \$500,000 will be spent on road verges and median strips?

A5 The recommendation from the Dry Parks Development Programme was in relation to the development of dry parks. In this case, it is believed the intention was for the funds to be spent on dry park development.

Q6 *Were any of the reports on this agenda submitted to the Strategy Session held on 7 May?*

A6 A discussion paper was submitted on Sharing Administrative Functions at Lower Costs, and a presentation was made to elected members on this item.

3 DEPUTATIONS

4 APOLOGIES AND LEAVE OF ABSENCE

5 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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9 DATE OF NEXT MEETING

10 CLOSURE

ITEM 1 REVIEW OF THE CORPORATE POLICY MANUAL - [07032, 26176, 13399]

WARD - All

PURPOSE

To review and make the necessary changes to the City's Policy Manual.

EXECUTIVE SUMMARY

In accordance with past practice, a review has been undertaken of the Policy Manual, the last review being approved by Council in February 2001.

This report details suggested changes to the Policy Manual which requires consideration by the Council.

BACKGROUND

There is no requirement under the Local Government Act 1995 for a Local Government to review its policies, however it is good practice that the policies of the Council are reviewed regularly to ensure they reflect the current focus of the Council.

The last review of the Policy Manual was submitted to Council for adoption on 13 February 2001 (Item CJ001-02/01 refers)

DETAILS

A review has been undertaken of the City's Policy Manual and the following amendments are submitted for approval. The amended policy documents, showing the proposed revisions, form Attachment 1 hereto.

Policy	Nature of Change Required
Policy 2.1.6 - Staff Uniforms	A minor amendment is required to remove reference to Leisure Centre Staff
Policy 2.2.6 - Council meetings - Electronic Sound Recording	Amendments are required to include electors' meetings and to clarify the recording of confidential items.
Policy 2.2.13 - Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors	<ul style="list-style-type: none"> • An amendment is required to include costs for licence plate transfer. • Travel allowance has been increased in line with CPI.

Policy 2.3.7 - Tendering	This new policy is submitted for inclusion in the Policy Manual.
Policy 2.4.1 - Accounting Policy	Various minor amendments are required.
Policy 2.4.2 - Investment Policy	Various minor amendments are required.
Policy 2.4.3 - Setting Fees and Charges	Various minor amendments are required.
Policy 2.4.4 - Rates Charges	Various minor amendments are required.
Policy 2.4.5 - Budget Timetable	Various minor amendments are required.
Policy 2.5.3 - Council Vehicles - Mayor and Council officers	Various minor amendments are required – including amendment to vehicle changeover as a result of recently adopted Total Employment Costs (TEC).
Policy 2.6.4 - Environmental, Social and Economic Sustainability	Various minor amendments are required.
Policy 3.1.8 - Advertising of Development Proposals	This Policy may now be deleted as this issue is covered by District Planning Scheme No 2.
Policy 4.2.1 - Library and Information Service	Various minor amendments are required.
Policy 5.3.2 - Sand Drift Control	An amendment is required to change of authority from Chief Executive Officer to the Director Infrastructure and Operations.
Policy 5.4.1 - Tennis Court Lighting Standards (attachment only)	An amendment to required to the attachment to this policy in relation to Warwick Open Space, Warwick, plus the inclusion of Harbour View Park, Hillarys.

COMMENT

The suggested changes that are detailed within this report require adoption by the Council. This review will ensure that the Council has a Policy Manual that reflects the focus of the elected Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 **ADOPTS the new Policy 2.3.7 - Tendering, as detailed in Attachment 1 to this Report;**
- 2 **AMENDS the following Policies as detailed in Attachment 1 to this Report:**
 - Policy 2.1.6 Staff Uniforms;**
 - Policy 2.2.6 Council Meetings - Electronic Sound Recording;**
 - Policy 2.2.13 Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors;**
 - Policy 2.4.1 Accounting Policy;**
 - Policy 2.4.2 Investment Policy;**
 - Policy 2.4.3 Setting Fees and Charges;**
 - Policy 2.4.4 Rates Charges;**
 - Policy 2.4.5 Budget Timetable;**
 - Policy 2.5.3 Council Vehicles - Mayor and Council Officers;**
 - Policy 2.6.4 Environmental, Social and Economic Sustainability;**
 - Policy 4.2.1 Library and Information Service;**
 - Policy 5.3.2 Sand Drift Control;**
 - Policy 5.4.1 Attachment 1 - Tennis Court Lighting Standards**
- 3 **DELETES Policy 3.1.8 - Advertising of Development Proposals.**

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf040602.pdf](#)

ITEM 2 REVIEW OF THE CORPORATE DELEGATED AUTHORITY MANUAL - [07032]

WARD - All

PURPOSE

To review and make the necessary changes to the City's Delegated Authority Manual.

EXECUTIVE SUMMARY

The Local Government Act 1995 requires that, at least once each financial year the delegator reviews its delegations. The Council last reviewed its delegations in February 2001 to meet the legislative requirements.

This report details the suggested changes to the Delegated Authority Manual, which require consideration by Council.

BACKGROUND

The Local Government Act 1995 requires the delegator (in most cases either the Local Government or the Chief Executive Officer) to review each of its delegations at least once each financial year. The review of the Delegated Authority Manual for the last financial year was submitted to the Council meeting held on 13 February 2001 (Item CJ001-02/01 refers).

DETAILS

A review has been undertaken of the City's Delegated Authority Manual. An explanation of the proposed changes is provided on Attachment 1 hereto. Attachment 2 to this Report hereto gives the relevant pages of the Delegated Authority Manual, with revisions marked.

Many of the changes are of an administrative nature, arising from the organisation restructure that came into effect on 1 March 2002.

COMMENT

As previously stated, the Local Government Act 1995 requires each delegator to review its delegations at least once every financial year. As required by the Act, the Chief Executive Officer has also reviewed his delegations and made the necessary amendments.

The suggested changes that are detailed within this report require adoption by the Council. This review will ensure that the Council has a Delegated Authority Manual that reflects the focus of the elected Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 REVIEWS its delegations in accordance with the Local Government Act 1995;**
- 2 BY AN ABSOLUTE MAJORITY, AMENDS the Delegated Authority Manual as outlined on Attachment 2 to this Report.**

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf040602.pdf](#)

ITEM 3 REQUEST FOR THE REVIEW OF POLICY 3.2.7 - PEDESTRIAN ACCESSWAYS – [57155]

WARD - All

PURPOSE

The purpose of the report is for Council to consider the review of Policy 3.2.7 ‘Pedestrian Accessways’.

EXECUTIVE SUMMARY

Council adopted the ‘Pedestrian Accessways’ (PAW) Policy at its meeting on 24 April 2001 (CJ101-04/01) after it was trialed in the assessment of a PAW closure between Warwick Road and Begonia Street, Duncraig (CJ003-02/01).

At its meeting on 12 March 2002 Council considered a report on the proposed closure of the PAW between Carron Rise and Rossiter Heights, Hillarys. Council resolved in light of a deputation held earlier that evening that the policy be reviewed with the weighting factors as provided to the various issues for closure of pedestrian accessways being reassessed.

A review of the policy has been undertaken and careful consideration has been given to concerns raised by Council. It is felt that the policy has good composition and is well balanced in addition provides an analytical assessment to determine PAW applications.

It is acknowledged that the policy is new and that some adjustment may be required to improve both the analysis of community responses to public consultation and interpretation of the weighting factors in the urban design assessment, however this could be achieved by improving the way each assessment criteria is documented and interpreted.

It is recommended that the PAW Policy not be modified, however where there is ambiguity in the analytical assessment of the assessment criteria and to improve transparency, additional details will be provided in italics.

BACKGROUND

Suburb/Location:	City of Joondalup
Applicant:	City of Joondalup
Owner:	N/A
Zoning:	DPS: N/A
	MRS: N/A
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

Previous Council Decision

Council adopted the ‘Pedestrian Accessways’ (PAW) Policy at its meeting on 24 April 2001 (CJ101-04/01) after it was trialed in the assessment of a PAW closure between Warwick Road and Begonia Street, Duncraig (CJ003-02/01).

At its meeting on 12 March 2002, Council considered a report on the proposed closure of the PAW between Carron Rise and Rossiter Heights, Hillarys. Council resolved in light of a deputation held earlier that evening that the policy be reviewed with the weighting factors as provided to the various issues for closure of pedestrian accessways being reassessed.

At the same Council meeting where a report was considered on the closure of the PAW between Barracuda Court and Lancett Court, Sorrento, the recommendation was overturned and the following reasons were given for departing from the Officer’s recommendation:

- 1 the proponent highlighted during the deputation session earlier in the evening that the urban design assessment was originally incorrect in the report and has found that the urban design assessment is low;
- 2 the accessway is not on the Bike Plan, or a school route and does not impact on the public accessing community assets;
- 3 anti-social behaviour.

DETAILS

The policy recognises that people living adjacent to PAWs may experience a variety of problems but also recognises that they provide important non-vehicular movement through the area for the benefit of the local community.

To achieve the objectives, the policy provides guidance on the:

- 1 inclusion and design of PAWs in new subdivisions;
- 2 assessment criteria for closure of a PAW.

In assessing applications to close PAWs, the City recognises that due consideration must be given to the arguments provided both for and against closure. The data received via questionnaires is collated, evaluated and assessed. Assessment is as per the attachment to the policy, which provides a guide to define each of the assessment criteria - Urban Design, Nuisance and Community Impact, as high, medium or low.

During the assessment process, some ambiguity arises particularly where the assessment does not strictly fit into one of the assessment levels, high, medium or low. In situations where this occurs, it is difficult to determine which assessment level the proposal is better suited to and therefore could be open to debate. This is not necessarily a fault of the policy, but the fact that the permutations with regard to the assessment results are unbounded. A policy is a guide and to be workable requires a degree of flexibility and resulting element of judgement.

Assessment Criteria

The Community Impact Assessment examines the information provided by surrounding residents to determine a PAW's level of use. Greater consideration is given to the users of the PAW. It needs to be noted that many users of the PAW do not necessarily live in close proximity to the actual PAW itself, but use the PAW for various reasons.

Access through a PAW that links two cul-de-sacs that may appear on a plan as relatively isolated from community facilities could well be used for visiting relatives or friends. This information is often added by the user on the returned questionnaires but in an effort to summarise as much of the information as possible, is not mentioned specifically.

If consideration is given predominantly to the residents in close proximity to the PAW, it may be they are not elderly, disabled, or school children that tend to rely more so on PAW's. Accordingly consideration is given to users of the PAW.

The Urban Design Assessment is also known to have caused some concerns previously. For example at the Council meeting on 12 March 2002 a report was considered on the closure of the PAW between Barracuda Court and Lancett Court, Sorrento. The recommendation was overturned and the following reasons relating to the Urban Design Assessment provided:

- 1 The proponent highlighted during the deputation session earlier in the evening that the Urban Design Assessment was originally incorrect in the report and has found that the Urban Design Assessment is low;
- 2 The accessway is not on the Bike Plan, or a school route and does not impact on the public accessing community assets.

As mentioned previously in the report, there will be cases where there is some ambiguity in assessment. In this case, the officer's assessment of a medium rating can be justified, as can the proponents. It should also be noted that in this case the proponent door knocked and presented a petition that highlights the negativities, that is, vandalism, littering, toileting and antisocial behaviour. In contrast the City's questionnaire is mailed to households and completed at the householders' leisure whilst providing general questions and the ability to provide additional comments.

COMMENT

A review of the policy has been undertaken and careful consideration has been given to concerns raised by Council. It is felt that the policy has good composition and is well balanced and in addition provides an analytical assessment to determine PAW applications.

It is acknowledged that the policy is new and that some adjustment may be required to improve both the analysis of community responses to public consultation and interpretation of the weighting factors in the Urban Design Assessment, however this could be achieved by improving the way each assessment criteria is documented and interpreted.

It is recommended that the PAW Policy not be modified, however where there is ambiguity in the analytical assessment of the assessment criteria and to improve transparency, additional details will be provided in italics. In addition, it is suggested that where it is considered additional information is required or further clarification sought, that the matter be deferred. This allows for submissions and petitions submitted by proponents to be further analysed and a response provided to Council, should it be so desired.

RECOMMENDATION

That Council ACCEPTS the change to the reporting style with regard to the closure of pedestrian accessways applications to the effect that where there is ambiguity in the analytical assessment of the assessment criteria and to improve transparency additional details be provided in italics.

ITEM 4 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 06.05.02 to 24.05.02, not previously listed.

Document:	Withdrawal of Caveat
Parties:	City of Joondalup, Water Corporation and Silkchime P/L
Description:	Lot 965 Ellersdale Avenue, Warwick
Date:	06.05.02
Document:	Memorandum of Understanding
Parties:	Cities of Joondalup and Stirling
Description:	Skatepark at Carine Open Space
Date:	07.05.02
Document:	Lease
Parties:	City of Joondalup and Northern Warriors Veterans Football Club
Description:	Forrest Park Changerooms
Date:	07.05.02
Document:	Legal Deed
Parties:	City of Joondalup and Roulen Investments
Description:	Cash-in-Lieu - Hans Cafe
Date:	07.05.02
Document:	Lease
Parties:	City of Joondalup and Minister for Education
Description:	Davallia Pre-School
Date:	08.05.02
Document:	Copyright
Parties:	City of Joondalup and Marie MacDonald
Description:	Recording of historical importance
Date:	08.05.02
Document:	Notification
Parties:	City of Joondalup and J A Boden and T Boden
Description:	Notification under Section 70A ancillary accommodation to Lot 409 (9) Peninsula Avenue, Heathridge
Date:	14.05.02

- Document: Notification
Parties: City of Joondalup and M H Duncan & C A Duncan
Description: Notification under Section 70A ancillary accommodation to Lot 29,52 Marine Terrace
Date: 14.05.02
- Document: Copyright
Parties: City of Joondalup and Beverley Ann Walker
Description: Recording of historical importance
Date: 16.05.02
- Document: Copyright
Parties: City of Joondalup and Pat Baker
Description: Recording of historical importance
Date: 16.05.02
- Document: Copyright
Parties: City of Joondalup and Vince and Jean Baker
Description: Recording of historical importance
Date: 16.05.02
- Document: Notification
Parties: City of Joondalup and Frederick Alan Jowers
Description: Notification under Section 70A ancillary accommodation – 10 Logan Court, Padbury
Date: 16.05.02
- Document: Legal Deed
Parties: City of Joondalup/Roman Catholic Archbishop of Perth and Davidson Pty Ltd
Description: Easement created pursuant to Section 136C of the Transfer of Land Act 1893 – Deposited Plan 31007
Date: 16.05.02
- Document: Legal Deed
Parties: City of Joondalup/Roman Catholic Archbishop of Perth and Davidson Pty Ltd
Description: Easement created pursuant to Section 136C of the Transfer of Land Act 1893 – Deposited Plan 31008
Date: 16.05.02
- Document: Deed
Parties: City of Joondalup and Duncraig Shopping Centre
Description: Variation to Deed – Duncraig Shopping Centre
Date: 20.05.02
- Document: Copyright
Parties: City of Joondalup and Barbara and Berseford Hanney
Description: Recording of historical importance
Date: 20.05.02

Document: Copyright
Parties: City of Joondalup and Graham and Thelma Berry
Description: Recording of historical importance
Date: 20.05.02

Document: Copyright
Parties: City of Joondalup and June McFarlane
Description: Recording of historical importance
Date: 20.05.02

Document: Deed
Parties: City of Joondalup and P J Corp Pty Ltd
Description: Reassignment of Legal Agreement – Medical Centre, Belridge
Date: 20.05.02

Document: Caveat
Parties: City of Joondalup
Description: Withdrawal of Caveat – Pt Loc 928 Connolly Drive, Currambine
Date: 22.05.02

Document: Caveat
Parties: City of Joondalup
Description: Withdrawal of Caveat – 179 - 199 Joondalup Drive, Edgewater
Date: 22.05.02

Document: Copyright
Parties: City of Joondalup and Nim Bergman
Description: Recording of historical importance
Date: 24.05.02

Document: Copyright
Parties: City of Joondalup and Anne Kennett
Description: Recording of historical importance
Date: 24.05.02

Document: S.70A
Parties: City of Joondalup and Dorothy and Steven Winters
Description: 16 Marion Court, Beldon – ancillary accommodation
Date: 24.05.02

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

ITEM 5 NOTICE OF MOTIONS – ADMINISTRATIVE PROCEDURES - [02154] [08122]

WARD - All

PURPOSE

To outline a process for ensuring that all decisions of the Council are made in a fully informed and considered environment.

EXECUTIVE SUMMARY

At its meeting held on 9 April 2002, Council resolved:

“That:

- 1 Council expresses concern at the use of notice of motions whereby Council funds are being committed without the benefit of a detailed report from the City’s administration being prepared;*
- 2 the CEO be requested to prepare a detailed report outlining a process for ensuring that all decisions of Council are made in a fully informed and considered environment;*
- 3 Councillors intending to proceed with Notice of Motions involving a considerable monetary commitment, ensure that the relevant area of City of Joondalup administration has had the opportunity to prepare a report detailing the impact and/or benefit to the City of Joondalup overall.”*

The guide prepared by the Department of Local Government and Regional Development supports the practice that any notice of motion be accompanied by the appropriate officer’s comments.

Current practice of Council is where a notice of motion is submitted, officer’s comments are prepared to ensure professional advice is provided prior to a decision being made. It is recommended that this practice continue.

BACKGROUND

At its meeting held on 9 April 2002, Council resolved:

“That:

- 1 Council expresses concern at the use of notice of motions whereby Council funds are being committed without the benefit of a detailed report from the City’s administration being prepared;*
- 2 the CEO be requested to prepare a detailed report outlining a process for ensuring that all decisions of Council are made in a fully informed and considered environment;*

- 3 *Councillors intending to proceed with Notice of Motions involving a considerable monetary commitment, ensure that the relevant area of City of Joondalup administration has had the opportunity to prepare a report detailing the impact and/or benefit to the City of Joondalup overall.”*

The guide for producing agendas and minutes that has been prepared by the Department of Local Government supports the practice that any notice of motion be accompanied by the appropriate officer’s comment.

Current practice of the Council is where a notice of motion is submitted, officers comments are prepared to ensure professional advice is provided prior to a decision being made. It is recommended that this practice continue.

DETAILS

Statutory Provision:

Section 5.41 of the Local Government Act 1995, details the following as one of the CEO’s functions:

- ensure that advice and information is available to the Council so that informed decisions are made;
- cause Council decisions to be implemented.

In 1997 the Department of local Government and Regional Development commenced a review of all local governments’ minutes and agendas documentation. This project produced a guide for local governments titled “The Preparation of Agendas and Minutes – Version 2”. This guide has been one of the base documents used for the drafting of the City’s new Standing Orders Local Laws.

One of the guide’s driving principle is for the agendas to be well structured, that lead to Council meetings that are efficient and effective in that they produce good decisions that are made following analysis of sound advice.

The guide promotes an order of business for Council meetings to follow. Within that order of business there is an item of business for ‘elected members motions of which previous notice has been given’. This allows members to submit notices of motions that they wish debated at a meeting.

The guide includes the following statement:

“It is recommended practice, and should be a requirement, that any notice of motion be accompanied by the report of an appropriate officer when advice of the motion is sent to the Council members.”

The City’s current Standing Orders Local Law requires members to give at least seven (7) clear days for notice of a motion. With Council meetings being held on the Tuesday, notices of motions are required to be submitted on the Monday the week prior.

The agenda for the Council meeting is normally distributed on the Wednesday prior; this leaves two (2) days to prepare officer’s comments relating to the notice of motion. Current

practice is that where a notice of motion has been submitted, then where it is appropriate officer's comments are prepared and included with the distribution of the agenda.

However, with the tight time frame from the close of notices of motion and the distribution of the agenda, and the complexity of some notices of motion, it is not always possible to accurately research and present officer's comments providing advice on the proposed motion in order for the comments to be distributed with the agenda.

COMMENT

The need to ensure that adequate advice and information is provided to the Council to enable informed decisions to be made for the benefit of the entire City of Joondalup community is paramount to good government.

Over the past decade, the focus of all manner of business has been concentrated on improved customer service. This relates as much to local governments as any other business, as our customers increasingly expect an improved quality of service.

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

The document prepared by the Department of Local Government "The Preparation of Agendas and Minutes" state:

"A well functioning local government is an excellent example of the elected body and the supporting administration working together to produce the best results for those that they serve, the community, the elected body and the administration come together at meetings of the Council where the elected members knowledge and experience, and the advice from staff to make decisions.

With a well structured decision making process, this will lead to the elected body having efficient and effective meetings in order that they produce good decisions that are made following analysis of sound advice and constructive debate."

It is acknowledged that elected members may feel the need to present a motion to Council by giving due notice in accordance with Standing Orders. However, to ensure that the motion is considered in conjunction with sound professional advice from officers also needs to be acknowledged.

In an effort to better inform Council prior to considering a notice of motion it is suggested the elected member would seek a report at a Briefing Session on a particular matter. This would allow officers to adequately research the matter and furnish Council with a report to ensure informed decisions are made in the best interests of the community.

It is therefore recommended that where a notice of motion is submitted, appropriate comments from officers are provided. Where these comments are not able to be prepared and distributed with the agenda for the meeting of Council, then officers comments will be distributed after that point in time, but prior to the Council meeting.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council SUPPORTS and ACKNOWLEDGES the need and importance of officers comments to accompany those motions of which ‘due notice has been given’ which have been submitted in accordance with the Standing Orders Local Laws of the City.

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ITEM 6 REVIEW OF PUBLIC QUESTION TIME AT COUNCIL MEETINGS AND BRIEFING SESSIONS - [01122] [02154] [23184] [08122]

WARD - All

PURPOSE

To review the trial procedure agreed to by the Council at its meeting held on 14 August 2001, relating to public question time at Council meetings and Briefing sessions.

EXECUTIVE SUMMARY

The Council at its meeting held on 14 August 2001 adopted a revised set of procedures relating to public question time. Those revised procedures were in place for a trial period of six (6) months. This report brings the matter back to the Council as required by the resolution carried on 14 August 2001. The revised procedures adopted on 14 August 2001 made minimal change to the then current practice of public question time for the Council.

The Local Government Act 1995 provides the entitlement for members of the public to ask questions at:

- Ordinary meetings of the Council;
- Special meetings of the Council;
- Committee meetings where delegated authority is to be exercised.

Questions need not to be answered where they do not:

- affect the local government;
- relate to the purpose of the Special meeting of the Council;
- relate to the function of the committee exercising the delegated authority.

This report evaluates public question time since the inception of the trial procedure and offers an alternative for consideration by the Council.

BACKGROUND

Prior to August 2001, the following procedure related to public question time:

The current procedure for public question time is as follows:

Council allows a 15 minute public question time at each Council meeting which is open to the public.

To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.

The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.

The following general 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 are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

The Council at its meeting held on 14 August 2001 (CJ256-08/01 refers) resolved as follows:

“1 Council TRIALS the following procedure for public question time at Council Meetings and Briefing Sessions for a period of six months;

“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.*
- 2 *the standard advertisement in the local paper advertising the forthcoming Council meetings and Briefing Sessions be amended to include a summary of the procedure to ask questions;*
- 3 *at the conclusion of the six (6) month trial as detailed in (1) above, Council REQUESTS a further report evaluating the revised procedures relating to public question time.”*

The adopted revised procedure made minimal changes to the current practice of the day (changes above have been underlined).

This report evaluates the trial of the revised procedure relating to public question time, from the previous to the new.

DETAILS

Statutory Provision:

Section 5.24 of the local Government Act 1995 states:

Question time for the public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at –
 - (a) every ordinary meeting of a Council; and
 - (b) such other meetings of Council or committees as may be prescribed.

- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at Council or committee meetings are to be in accordance with regulations.

Local Government (Administration) Regulations 1996 state:

Question time for the public at certain meetings – s.5.24 (1) (b)

- 5 For the purposes of section 5.24 (1) (b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are –
- (a) every special meeting of a Council;
 - (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum question time for the public – s.5.24 (2)

- 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of Councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for question time for the public – s.5.24 (2)

- 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined -
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the Council or committee present at the meeting disagree with the person presiding, by the majority of those members,
having regard to the requirements of subregulations (2) and (3).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the Council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

- (4) Nothing in subregulation (3) requires -
- (a) a Council to answer a question that does not relate to a matter affecting the local government;
 - (b) a Council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.

In an effort to differentiate the procedures prior to the trial and during the trial, the following statistics are provided:

	Period August 2001 to May 2002	Period February 2001 to July 2001
Questions raised at Council meeting and answered	466	297
Taken on Notice	233	36
Questions submitted in writing	243	95
Questions asked verbally	456	238

As a matter of comparisons, the following is a summary of how some local governments manage their public question time.

City of Stirling

The City of Stirling allows for questions to be asked verbally or in writing, questions are preferred in written form, so the question can be more clearly understood for an answer to be given.

Discussions with the City of Stirling eluded that it was not subject to many questions at Council, but would only allocate the 15 minute question time period. The time limit may be extended slightly depending on the circumstances.

City of Swan

The City of Swan has three sections of public question time:

- questions relating to reports on the agenda;
- questions in writing not relating to reports;
- verbal questions not relating to reports.

The City of Swan advised that where questions were of a complex nature and the member of the public requires an answer at the Council meeting (Wednesdays), it must be submitted by 5 pm the Friday before.

Members of the public are entitled to ask a question during each of the three sections, if they have more than one question, they are to wait until everyone has had an opportunity, and if time permits may ask further questions. This may vary on the circumstances, and if public question time is extended, it is generally done in five-minute intervals.

City of Perth

The City of Perth allows a period of 15 minutes with questions being preferred to be in writing prior to the meeting. Discussions with the City of Perth could not recall using the entire allotted period for public questions.

The following procedure is followed by the City of Perth for the asking of and responding to questions raised by members of the public at a meeting:

- (a) a member of the public who raises a question during question time is to state their name and address;
- (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
- (c) questions are to be answered by the member or employee nominated by the presiding person;
- (d) questions may be answered orally or in writing, at the determination of the presiding person, but the presiding person may determine that any complex question requiring research be answered only in writing; and
- (e) no discussion of a question or answer is to take place.

City of Melville

The City of Melville allows a period of 15 minutes and requests all questions to be made in writing prior to the meeting. Discussions with the City of Melville could not recall using the entire allotted period for public questions.

The following procedure is followed by the City of Melville for the asking of and responding to questions raised by members of the public at a meeting:

- 1 Question Time will be limited to fifteen (15) minutes and be the first item of business immediately following Apologies at the commencement of the meeting.
- 2 Questions must relate to the ordinary business of the City of Melville, function of the Committee or the purpose of the Special Meeting as appropriate.
- 3 A question must be submitted in writing and placed in the Question Tray prior to the commencement of the meeting.
- 4 Her Worship the Mayor or the person presiding at the meeting may, at their discretion:
 - Accept or reject the question
 - Nominate a member of the Council and/or Officer to answer the question; or
 - Determine that any complex questions requiring research of a question not relating to an item in the Agenda will be answered in writing as soon as possible.

- 5 Please note that no debate or discussion will be permitted on any question or answer.
- 6 All questions (except those rejected) and a summary of the response will be recorded in the minutes.
- 6 Elected Members and Officers of the Council are usually available following the closure of Council/Committee meetings to answer any other questions.

City of Subiaco

The City of Subiaco conducts a “Public Address/Statement Time” in addition to the statutory required period of public question time.

During Public Address/Statement Time, each member of the public is entitled to address the Council via a statement. Each member of the public is allocated a maximum time to make their statements (currently two minutes), with the total time period allocated for statement time being at the presiding members discretion.

Public question time follows public statement time on the order of business of the agenda. There is no time limit for public question time, with the presiding person responsible for the procedures. It should be noted that during public question time, there is no repetition of statements made earlier, and questions are asked in groups based on topics.

Prior to the commencement of the meeting, a staff members explains the rules to the members of the public. If during either period, the rules/procedures are not being fairly administered, elected members may bring the inconsistency to the attention of the meeting.

COMMENT

It is acknowledged that the Local Government Act 1995 provides the right to members of the public to ask questions of its local government under certain circumstances. The regulations, however, provide that the asking of and responding to questions raised by members of the public are to be determined:

- by the person presiding at the meeting; or
- in the case where the majority of members of the Council or committee present at the meeting disagree with the person presiding, by a majority of those members.

With the number of verbal questions asked at recent Council meetings, there appears the need for the Council to review its procedures following the trial. The number and sometimes complexity of verbal questions asked of members and officers where responses are given without the opportunity to adequately research the response does not lead to ‘good government’ and may in fact lead to ill informed decisions being made of the Council.

In an effort to establish order into public question time at Council meetings and Briefing sessions, the following procedure is suggested:

Suggested amended procedure

The following amended procedure is suggested for Council meetings and Briefing Sessions:

“Council allows for public question time at the commencement of 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) working 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, where practicable, be provided in hard copy form at that meeting.

Verbal questions may be asked, but a limit of two (2) verbal questions per member of the public will be allowed and the period of time for verbal questions will be limited to twenty (20) minutes.

The time period allocated for public question time may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total.

The Mayor or presiding person shall decide to:

- *accept or reject the question and his/her decision is final;*
- *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 a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately answers the question, there is no obligation to further justify the response;*

- *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.”*

The suggested procedures provides every member of the public with a fair and equal opportunity to ask a question and receive a response, as required by the regulations. The suggested procedure by no way limits the number of questions that can be asked by members of the public, but places a procedure in which they can be asked. Having questions submitted in writing will better clarify the ‘actual question’ being asked to better enable a more informed response to be given.

The requirement that questions be submitted two (2) working days prior to the Council meeting will allow informed and properly researched responses to be given which may in fact lead to more informed decisions being made by the Council as the questions asked may relate to an item to be considered by the Council.

The introduction of the Local Government Act 1995 was to provide for greater community participation in decisions and affairs of a local government. The introduction of public question time at Council meetings is only one of many ways in which a local government is required to allow the public to participate in its affairs.

It would be fair to say that public question time over recent times has been difficult to control, with some members of the public taking the opportunity to make statements about the dealings of the Council. While it is fully appreciated that members of the public are entitled to have their say, and it is part of the democratic process, there however needs to be a fair degree of control when members of the public are asking questions during public question time.

With the emphasis being placed on members of the public to submit their questions in writing, this will allow for the question to be better understood and for a direct response to be provided. This will also minimise the number of statements being made during public question time, allow a more fairer and equitable way for people to ask questions rather than the time being dominated by the few and also allows the opportunity for those people to ask a question who may be intimidated in speaking publicly in such a forum.

The modern role of the elected body is to set policy and strategy and provide goals and targets for the local government. The employees have the task of implementing the decisions and dealing with operational issues of the local government. While the role of the elected member is to communicate with the residents is acknowledged, where members of the public have concerns with operational matters, they should be encouraged to deal directly with the administration. Where such concerns are received, the administration would deal with the issues raised within established policies of the City.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council **ADOPTS** the following revised procedure relating to public question time at Council meetings and Briefing sessions that are open to the public:

“Council allows for public question time at the commencement of 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) working 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, where practicable, be provided in hard copy form at that meeting.

Verbal questions may be asked, but a limit of two (2) verbal questions per member of the public will be allowed and the period of time for verbal questions will be limited to twenty (20) minutes.

The time period allocated for public question time may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total.

The Mayor or presiding person shall decide to:

- accept or reject the question and his/her decision is final;**
- 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 a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately answers the question, there is no obligation to further justify the response;**

- **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.”**

ITEM 7 FINAL DIVIDEND FROM PERMANENT BUILDING SOCIETY (IN LIQUIDATION) – [22884]

WARD - All

PURPOSE

The purpose of this report is to advise Council that the fourth and final payout of dividends from the liquidator of the Permanent Building Society (In Liquidation) has been received, and that the surplus dividend is to be shared equally with the City of Wanneroo.

EXECUTIVE SUMMARY

The City received the fourth and final dividend from the liquidator of the Permanent Building Society (In Liquidation), Mr Anthony Woodings, of Taylor Woodings Chartered Accountants on 16 May 2002.

Pursuant to Clause 8 of the Joondalup and Wanneroo Order 1998, the Joint Commissioners determined that:

- 1 All personal property owned by or invested in the former City of Wanneroo, not the subject of an earlier determination by the Commissioners, is transferred to the City of Joondalup and the new City of Wanneroo as tenants in common in equal shares; and
- 2 All liabilities of the former City of Wanneroo, not the subject of an earlier determination by the Commissioners, are subject to the City of Joondalup and the new City of Wanneroo jointly.

The estimated final payout from Permanent Building Society (In Liquidation) was expected to be \$95,265.62, being 2 cents in the dollar however the fourth and final dividend was 4.38 cents in the dollar, an additional \$113,366.08.

In view of the above determination the City of Joondalup is obliged to share the return above \$95,265.62 with the new City of Wanneroo, this amounts to \$56,683.04 being half of the addition dividends received.

BACKGROUND

The Permanent Building Society (In Liquidation) went into liquidation on 30 August 1991, at which time the former City of Wanneroo had a net investment of \$4,763,281.10 with the Society as follows:

Municipal Fund	\$2,715,388.31
Wangara Industrial Estate	<u>\$2,137,006.04</u>
	\$4,852,394.35
Less Loans (Right of set off)	<u>\$ 89,113.25</u>
Net funds outstanding	<u>\$4,763,281.10</u>

Mr Anthony Woodings of Taylor Woodings Chartered Accountants was appointed as the liquidator of the Society and has over a period of time endeavoured to recover as much of investors' funds as possible. The liquidator has advised that this is the fourth and final dividend.

DETAILS

The following details outline the history of financial settlements over the past ten years:

Permanent Investment Building Society (In Liquidation)

	Municipal Fund	Wangara Industrial Estate	Total
	\$	\$	\$
Total Funds Invested at 30/08/1991	2,715,388.31	2,137,006.04	4,852,394.35
Less Loans (Right of set off)	<u>89,113.25</u>	<u>-</u>	<u>89,113.25</u>
Net Funds Outstanding	<u>2,626,275.06</u>	<u>2,137,006.04</u>	<u>4,763,281.10</u>
Less Dividends Received			
61c in the \$ paid 1992	1,602,027.79	1,303,573.68	2,905,601.47
13c in the \$ paid 1992	341,415.77	277,810.79	619,226.56
03c in the \$ paid 1994	<u>78,788.25</u>	<u>64,110.18</u>	<u>142,898.43</u>
Previous Dividends Received	<u>2,022,231.81</u>	<u>1,645,494.65</u>	<u>3,667,726.46</u>
Less Write Off's of Debt			
13c in the \$ 17/06/92	341,415.76	277,810.78	619,226.54
08c in the \$ 27/04/93	<u>210,101.99</u>	<u>170,960.49</u>	<u>381,062.48</u>
Total Previously Written Off Debt	<u>551,517.75</u>	<u>448,771.27</u>	<u>1,000,289.02</u>
Invested funds held by the City at 30/06/2001 Being 02c in the \$1	<u>\$ 52,525.50</u>	<u>\$ 42,740.12</u>	<u>\$ 95,265.62</u>
Fourth and Final Dividend			<u>\$ 208,631.70</u>
Surplus to be shared equally between City of Joondalup/City of Wanneroo			<u>\$ 113,366.08</u>

COMMENT

The fourth and final dividend of 4.38c in the dollar was \$208,631.70, this is 2.38c in the dollar more than expected and the City's share of \$56,683.04 will be treated as additional interest on investments.

The Commissioners final report dated 7 December 1999 "UNCERTAIN ASSETS AND LIABILITIES OF THE FORMER CITY OF WANNEROO – JOONDALUP AND WANNEROO ORDER 1998, CLAUSE 8 DETERMINATION", covers the additional return on investment.

That report requires that:

- 1 All personal property owned by or invested in the former City of Wanneroo, not the subject of an earlier determination by the Commissioners, is transferred to the City of Joondalup and the new City of Wanneroo as tenants in common in equal shares; and
- 2 All liabilities of the former City of Wanneroo, not the subject of an earlier determination by the Commissioners, are subject to the City of Joondalup and the new City of Wanneroo jointly.

In view of the above determination the City of Joondalup is obliged to pay the new City of Wanneroo \$56,683.04, being half of the addition dividends received.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 ACCEPTS the fourth and final dividend payout from the Liquidator of the former Permanent Building Society (In Liquidation) of 4.38c in the dollar as final settlement;**
- 2 PAYS to the City of Wanneroo \$56,683.04 being its 50% share of the additional dividend received;**
- 4 AUTHORISES the Chief Executive Officer to sign any documents that may be required by the Liquidator to effect the final settlement.**

ITEM 8 TENDER NUMBER 021-01/02 - SUPPLY OF CONTRACT LABOUR – [12518]

WARD - All

PURPOSE

This report recommends acceptance of the tender submitted by Lo-go Appointments and Employment National trading as Oz Jobs as per the schedules of rates for Tender No 021-01/02 Supply of Contract Labour and endorse signing of the Contract Documents.

EXECUTIVE SUMMARY

Tender No 021-01/02 Supply of Contract Labour within the City of Joondalup was advertised state wide 23 January 2002. Thirteen Tenders were received and this report recommends acceptance of the tender submitted by Lo-go and Oz Jobs for Contract No 021-01/02 in accordance with the schedule of rates see attachment. 1

The Scope of Works is specific in the labour types and the Tender is required to supplement the outside workforce within the budget allocation for permanent wages staff.

This report therefore recommends that Council:

- 1 *ACCEPTS the tender from Logo Appointments and Oz Jobs as per the schedule of rates as shown in attachment 1 pages 1 –2. For Tender Number 021-01/02 – Supply of Contract Labour. This Contract is to commence from 1 June 2002 and remain in place for a period of 12 months to 30 April 2003. Clause 27 provides for a 2 x 12-month extension period subject to agreement of both parties;*
- 2 *SELECTION of a service provider shall be based on availability of suitably experienced labour, price and particular job requirements;*
- 3 *ENDORSES signing of the contract documents.*

BACKGROUND

Operation Services Business Unit has a workforce of 151 permanent employees. The Contract to supply supplementary labour was developed to assist administration of the short-term labour requirements during periods where an employee is unavailable to the Business Unit. Logo Appointments are the current suppliers of contract labour and they have held the contract for 3 years. Previously this labour supply has been via Integrated Workforce and Blue Collar Workforce.

Contract Labour has been utilised for the following periods of employee absence:

- 1 Long Service Leave
- 2 Extended Sick Leave
- 3 Leave Without Pay (special)
- 4 Supplementary supply following resignation
- 5 Workers Compensation

In the majority of cases contract labour is utilised to fill vacant positions following the resignation of staff, or as a result of staff being on workers compensation, or on leave without pay.

It is noted that the Operation Business Unit comprises of 151 F.T.E.s and at any one time may hire three to five contract labour personnel to meet the labour needs for the outside workforce.

This represents approximately 3% of the labour requirements and is considered commensurate for the size of the workforce employed. It is also noted that any expenditure related to contract labour hire is contained within the budget allocation for permanent wages staff.

DETAILS

The selection criteria listed in the tender document required Tenderers to address specifically the following:

- a) Price
- b) Demonstrated previous experience in supplying contract labour.
- c) Demonstrated resources, Safety Management, Administration Processes and ability to meet the requirements of the contract.
- d) References
- e) Encouragement of local economy

Thirteen submissions were received at the close of tenders, and are listed below:

Tenderer	Address
Monodelphus	1-3 Sleat Rd, Applecross
I.P.A Personnel	44 St Georges Tce, Perth
Benchmark Recruiting	10 Nash Street, Perth
Lo-go Appointments	74 Hay Street, Subiaco
Win Technical Resources	87 McLarty Ave, Joondalup
Oz Jobs	19 Boas Ave, Joondalup
Municipal Contractors	51 Collingwood Street, Osborne Park
Integrated Workforce	44 Kingspark Rd, West Perth
Drake Australia	190 St Georges Tce, Perth
Challenge Recruitment	771 Albany Hwy, Victoria Park
B.D.S. Recruit	33 Colins Street, West Perth
Actsom Consulting	328 Albany Hwy, Victoria Park
Westaff	174 Roe Street, Northbridge

A Summary Schedule of prices from all tenderers is provided in attachment 2 to this Report.

The prices submitted for the designated work functions are very competitive. Logo Appointments have submitted the lowest hourly rates for overall labour supply. They have submitted an explanation note on the schedule of rates provided regarding the fixed price clause.

They have submitted Schedule price A to apply from commencement of the contract and apply until the new legislation pertaining to minimum wage levels comes into effect anticipated for August 2002.

Oz Jobs

Located within the Joondalup CBD and are currently listed in the panel of suppliers for Contract No 015-01/02 Temporary Contract Labour (inside staff). The prices submitted by Oz Jobs pertaining to the outside staff labour force associated with this contract are lower in various categories and the documentation supports their inclusion in particular following the anticipated adjustment of the minimum wage levels in August 2002.

Financial Implications:

A comparison of cost with the previous contract reveals that for a level 3 employee there exists a price increase of 35%. However it is noted that the new contract labour rate for this position is less than the City standard labour rate of \$23.06 for the equivalent position in the 2002/03 draft budget.

Policy 2.4.6 Purchasing Goods and Services

The City's Policy on purchasing goods and services encourage participation of local business in the purchasing and tendering process. Of the thirteen tender submissions two were from businesses within Joondalup. Of these two Oz Jobs has been recommended for awarding the contract jointly with Logo Appointments and whilst Win Technical Resources are located within the City their prices submitted are higher than the recommended suppliers.

It is also noted that whilst Logo Appointments are not located within the City, they have indicated that the majority of their contract labour reside within the Joondalup region.

COMMENT

Awarding this tender to two suppliers provides Operation Services with an opportunity to maintain its labour supply in a cost effective manner and utilise a local supplier where appropriate, and give the City flexibility in minimising cost increases in labour rates following the anticipated minimum wage adjustments later this year.

Access to short term labour via tender process has reduced the administration cost associated with labour selection, interviews and payroll calculations. Information provided by other local authorities revealed that contract labour is utilised to varying degrees. For example the Shire of Kalamunda utilise contract labour for the majority of its parks section on the basis that it is more cost effective. Cities of Swan, Canning and Melville utilise contract labour for similar reasons as the City of Joondalup. It is considered that the utilisation of contract labour provides the City with the flexibility to manage its workforce levels in a cost effective and efficient manner in keeping with industry best practice.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That:

- 1 Council ACCEPTS the tender from Logo Appointments and Oz Jobs as per the schedule of rates as shown in attachment 1 pages 1 –2to this Report. For Tender Number 021-01/02 – Supply of Contract Labour. This Contract is to commence from 1 June 2002 and remain in place for a period of 12 months to 30 April 2003. Clause 27 provides for a 2 x 12-month extension period subject to agreement of both parties;**
- 2 SELECTION of a service provider shall be based on availability of suitably experienced labour, price and particular job requirements;**
- 3 Council ENDORSES signing of the contract documents.**

Appendices 3 & 3a refer.

To access this attachment on electronic document, click here: [Attach3brf040602.pdf](#)

[Attach3abrf040602.pdf](#)

ITEM 9 SHENTON AVENUE: DUAL CARRIAGEWAY ROADWORKS PONTIAC WAY INTERSECTION LAYOUT OPTIONS – [02998] [04115] [07056] [86512]

WARD – Lakeside/Marina/North Coastal

PURPOSE

The purpose of this report is to inform Council of the results of the Traffic and Pedestrian Study pertaining to the Shenton Avenue and Pontiac Way intersection and to seek the Minister for Planning and Infrastructure's support on the study outcomes.

EXECUTIVE SUMMARY

At a meeting with the Minister for Planning and Infrastructure on 13 February 2002, it was reaffirmed by the Minister that no funding was available for the Shenton Avenue rail tunnel extension.

Following this meeting, City Officers met with Senior Management at Main Roads WA and agreed to investigate alternative design solutions for the intersection of Shenton Avenue and Pontiac Way.

The City commissioned Connell Wagner Engineers to investigate alternative design solutions that may be acceptable to key stakeholders.

Following a meeting with key stakeholders on 10 May 2002, the preferred option was the four-way dual lane roundabout option which requires the rail tunnel to be extended.

In the interim the stakeholder group resolved to accept an option to construct a four-way signalised intersection until the State Government extended the Mitchell Freeway and as part of these works carry out the extension to the rail tunnel and construct the four-way dual lane roundabout.

This report therefore recommends that Council:

- 1 RECEIVES the Connell Wagner report on Traffic and Pedestrian Study – Pontiac Way and Shenton Avenue dated 17 May 2002;*
- 2 SEEKS the minister for Planning and Infrastructure's approval to install a four way signalised intersection (Option 6) at Shenton Avenue / Pontiac Way as an interim solution;*
- 3 REQUESTS the Minister for Planning and Infrastructure to include as a high priority, the Shenton Avenue Rail Tunnel extension works and construction of a roundabout at Pontiac Way as part of the future Mitchell Freeway extension project, from Hodges Drive through to Shenton Avenue.*

BACKGROUND

In anticipation of the Mitchell Freeway extension in 2004 to 2006 Council on 28 November 2000 made the following resolutions.

- 1 *Makes a written submission to the State Minister for Transport (then M.J. Criddle) for funding assistance for the extension of the Shenton Avenue Rail Bridge.*
- 2 *Seeks a deputation with the State Minister for Transport to present the report.*

Following this report there was a change in State Government early in 2001. Consequently an application was re-submitted to the new Minister for Planning and Infrastructure on 28 February 2001.

The City subsequently received a response on the 2 October 2001 indicating that State Government had no funds available to construct the tunnel.

On 18 December 2001 Council accepted the Tender No. 019- 01/02 Shenton Avenue Dual Carriageway Roadworks from R.J. Vincent. As part of this contract the City included a Stage 2 (Separable Portion, Part 2) which was subject to funds being approved in the 2002/2003 Council Budget. This (Separable Portion, Part 2) was included in the contract, due to the rejection of funds for the rail tunnel extension at Pontiac Way by the State Government. The exclusion of the tunnel extension precluded the construction of the dual lane roundabout.

This Separable Portion included an (450 metre long) alternative option which still provided a dual carriageway (with narrow median island) adjacent Pontiac Way, however provided only a Left in – Left out intersection arrangement at this intersection.

This proposed option was deemed unacceptable to the Joondalup Business Association, The Arena and The Lake Joondalup Baptist College.

As a consequence Council at the same meeting held on the 18th December 2001 resolved in part to:

- “3 *writes to the Minister for planning and Infrastructure urging the decision regarding the funding of the Shenton Avenue Rail Tunnel extension be reconsidered, expressing the Council’s clear disappointment at any decision not to fund it now. The reasons including the inevitable increase in cost should the tunnel extension be held off any longer, community demand for the project and the unnecessary and costly duplication of works that would be required in the future should the tunnel extension funding not be forthcoming now;*
- 4 *REAFFIRMS that Council’s preferred option is to complete dualling of Shenton Avenue with the construction of a roundabout at Pontiac Way within the one project and by the end of 2002/2003. And that this can only occur once the tunnel extension works are completed;*
- 5 *RECOGNISES the importance of the Pontiac Way roundabout project to the community – including Joondalup Arena, Lake Joondalup Baptist College and the Joondalup Business Park, and RECOGNISES the negative impact of a delay in its construction;*

- 6 *should there still be a refusal to fund the Shenton Avenue Tunnel Extension REQUESTS the Minister for Planning and Infrastructure to include as a high priority, the Shenton Avenue Rail Tunnel extension works and construction of roundabout at Pontiac Way as part of the future Mitchell Freeway extension project, from Hodges Drive through to Shenton Avenue.”*

A meeting with the Minister was organised by Local Member – Tony O’Gorman on 13 February 2002, where the City made a claim for the State Government to fund the tunnel extension costs. At this meeting the Minister responded.

- That the State Government had no funds available. However the Minister was prepared to look at other design options without giving any firm commitment. The Minister requested that alternative design solutions be investigated for this intersection.
- The City also put forward a pre-funding option to the Minister, however the Minister was not interested in the pre-funding option at that stage.

DETAILS

Since the meeting with the Minister on 13 February 2002, City Officers have met with Senior Management at Main Roads WA and agreed to investigate alternative design solutions. As a result of this meeting the City commissioned Connell Wagner Engineers to investigate alternative design solutions that may be acceptable to the key stakeholders.

Connell Wagner Engineers prepared seven options to be considered. (see Attached report: Traffic and Pedestrian Study: Pontiac Way and Shenton Avenue: Attachment 1 to this Report).

A meeting to discuss these options was held on 10 May 2002 to seek comment and feedback from the key stakeholders. The meeting included representation from the Joondalup Business Association, the Arena, Joondalup Baptist College and the City of Joondalup.

After consideration of the proposed Options the key stakeholders unanimously supported the option 5 as their preferred option i.e., four way roundabout including extension to rail tunnel. (Refer Attachment 2 to this Report)

As an interim option the group recommended option 6 – four way signalised intersection (Refer Attachment 3 to this Report)

All other options were not deemed to be acceptable solutions for all key stakeholders concerned.

It is noted that although Option 6: Four way Signalised Intersection will still involve delays during the evening peak on Pontiac Way, the Group thought Option 6 was still the preferred interim option.

It is recognised that if Option 6: Four way Signalised Intersection is implemented that the long-term arrangement (Once the Rail Tunnel has been extended) could result in a fully traffic signalised intersection rather than the four way roundabout. This alternative ultimate treatment would be determined only when and if the Rail Tunnel was to be extended.

COMMENT/FUNDING

As part of the 2001/2002 and 2002/2003 Metropolitan Regional Road Program the City was successful in obtaining grant funding from M.R.W.A. for the duplication of Shenton Avenue from Joondalup Drive through to Marmion Avenue. The State Government funding program allows for a two third contribution from the State on the basis that the local government contribute one third.

The total project funds available for Shenton Avenue duplication works is \$3,000,000.

To enable the rail tunnel extension matters associated with the Shenton Avenue / Pontiac Way intersection to be resolved during the execution of the Shenton Avenue duplication works the contract was split into two stages.

The first stage included the duplication of Shenton Avenue from Marmion Avenue through to the Freeway reserve and was to be undertaken during the 01/02 budgetary period.

The second stage was to be undertaken during 02/03 and involved the duplication of the outstanding section of Shenton Avenue from the Freeway Reserve through to Joondalup Drive.

At this point in time the contract allows for a mini dual to be constructed over the existing rail tunnel as part of the stage two works due to the State Governments rejection of funding the rail tunnel extension works at Pontiac Way. The mini dual design only allows for left in / left out at the Pontiac Way intersection.

In order for Option 6 to proceed as an interim solution, ie, the provision of a signalised 4-way intersection, it is estimated that the cost for this work would be in the order of \$350,000 and could be treated as a variation to the contract.

The total project revenue / expenditure statement is detailed below:

Revenue:

State Government contribution	\$2,000,000
City's contribution	\$1,000,000
	<hr/>
Total Project Funds	<u>\$3,000,000</u>

Expenditure:

Design and Construction costs associated with Stage one and two contracted works	\$2,633,939
Estimated Variation for 4 way signalised intersection @ Pontiac Way	\$350,000
	<hr/>
Total Project Cost	<u>\$2,983,939</u>

As can be determined from the above project revenue / expenditure statement sufficient funds exist to enable the 4 way signalised intersection proposal at Pontiac Way to proceed as part of stage 2 of the Shenton Avenue duplication works.

On that basis it is recommended that the City seeks the Minister's endorsement for the four way signalised intersection proposal to proceed at the intersection of Shenton Avenue / Pontiac Way as an interim solution and request the Minister to include as a long term solution, the Shenton Avenue Rail Tunnel extension works and construction of roundabout at Pontiac Way as part of the future Mitchell Freeway extension project, from Hodges Drive through to Shenton Avenue.

RECOMMENDATION

That Council:

- 1 RECEIVES the Connell Wagner report on Traffic and Pedestrian Study – Pontiac Way and Shenton Avenue dated 17 May 2002;**
- 2 SEEKS the Minister for Planning and Infrastructure's approval to install a four way signalised intersection (Option 6) at Shenton Avenue / Pontiac Way as an interim solution;**
- 3 REQUESTS the Minister for Planning and Infrastructure to include as a high priority, the Shenton Avenue Rail Tunnel extension works and construction of a roundabout at Pontiac Way as part of the future Mitchell Freeway extension project, from Hodges Drive through to Shenton Avenue.**

Appendices 4 & 4a refer.

To access this attachment on electronic document, click here: [Attach4brf040602.pdf](#)

[Attach4brf040602.pdf](#)

ITEM 10 STATE EMERGENCY SERVICE TRIENNIAL BUDGET PROPOSAL [45934]

WARD - All

PURPOSE

This report provides information and makes recommendations on a proposed funding extension arrangement for the Wanneroo State Emergency Service.

EXECUTIVE SUMMARY

The Wanneroo State Emergency Service has recently submitted a Triennial Budget Proposal for the 2002-2005 period.

The previous funding arrangements are due to expire by June 2002 and the Service is seeking a new three-year agreement with both the Cities of Joondalup and Wanneroo.

This proposed funding extension has been determined based on the previous Funding Guidelines for the Wanneroo State Emergency Service adopted by the City of Joondalup.

This report therefore recommends that Council:

- 1 APPROVES the contribution to a maximum of \$86,520 of the proposed Wanneroo State Emergency Service Triennial Budget Proposal for the 2002-2003 period in line with current dual-funding agreement with the City of Wanneroo to be reviewed annually by the City;*
- 2 ACKNOWLEDGES the contribution made to the local community by the SES in relation to emergency management and response;*
- 3 REQUIRES from the Wanneroo State Emergency Service submission of Annual and Mid Year reports during the life of the Triennial Funding Programme detailing, costs, expenditure and key performance indicators relevant to the Unit.*

BACKGROUND

In January 1998, the former City of Wanneroo engaged Metri Services to undertake a review of Wanneroo's volunteer emergency services-Volunteer Bush Fire Brigade, Wanneroo State Emergency Service and the St John Ambulance Wanneroo Operations Division.

The review included an examination of current funding levels, financial management and accountability arrangements.

The review was undertaken as an extension of the former City of Wanneroo's reform agenda to ensure better accountability and financial management, and improved services to the City's customers.

The City has had a long tradition of providing financial and other direct in-kind support to the Wanneroo Volunteer Emergency Service. As a result of recommendations arising from Metri

Services review, the Wanneroo SES became more self-sufficient and assumed greater administrative responsibility of their own operations.

Since 1998, the City has provided an annual subsidy to the Wanneroo SES based on a more formal purchaser-provider funding arrangement of which the City of Joondalup provides 70% of the total annual funding submission. The remaining 30% is received from the City of Wanneroo.

Future studies will be undertaken in the future to determine whether the 70%-30% ratio contribution will need to be varied in line with the population growth of both the Cities of Joondalup and City of Wanneroo respectively.

DETAILS

The Wanneroo State Emergency Services Organisational details and Budget request is shown on attachment 1 to this Report.

It is the intention of the City of Joondalup to continue to support the Wanneroo State Emergency Service. This proposed funding extension has been determined in accordance with the previous funding guidelines approved by Council (Item CJ327-09/99 refers).

Financial Summary:

Account No: 11.60.683.4401.0001

Proposed Budget Amount (over 3 years)

	Year 2002-03	Year 2003-04	Year 2004-05	Triennial Agreement Total Cost
Budget	\$123,600	\$120,800	\$122,500	\$366,900
City of Joondalup contribution 70%	\$86,520	\$84,560	\$85,750	\$256,830

COMMENT

The City has supported the Wanneroo State Emergency Service over a long period and currently provides an annual subsidy of 70% of the Services Annual Budget. The extension of the funding for a further three years is supported.

Attachment 2 to this report details the W.A. State Emergency Service's organisation and structure, Attachment 3 and 4 detail organisation's objectives, powers and strategic plan. Attachment 5 provides explanatory notes pertaining to various funding requests and Attachment 6 depicts a breakdown of the Triennial budget proposal 2002/2005.

It is noted that the Audited Financial Statement shows a total of \$44,562.89 in the bank.

To maintain operational readiness the Unit requires an estimated total of \$20,000, which is carried over and ensures that the SES is sufficiently funded at times when funding delays are experienced.

It has been agreed that any future annual funding will be reduced in proportion to the amount of cash held at bank by the Unit.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 APPROVES the contribution to a maximum of \$86,520 of the proposed Wanneroo State Emergency Service Triennial Budget Proposal for the 2002-2003 period in line with current dual-funding agreement with the City of Wanneroo to be reviewed annually by the City;**
- 2 ACKNOWLEDGES the contribution made to the local community by the SES in relation to emergency management and response;**
- 3 REQUIRES from the Wanneroo State Emergency Service submission of Annual and Mid Year reports during the life of the Triennial Funding Programme detailing, costs, expenditure and key performance indicators relevant to the Unit.**

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf040602.pdf](#)

ITEM 11 PROVISION OF PATH IN JANTHINA CRESCENT, HEATHRIDGE – [36397]

WARD - Marina

PURPOSE

The purpose of this report is to resolve issues with the construction of a footpath in Janthina Crescent, Heathridge.

EXECUTIVE SUMMARY

In January 2002 the residents of Janthina Crescent were advised of the City's intention to construct a path on the western and southern sides of the street. Several residents subsequently queried which side of the street the path should be constructed, as there had apparently been some expectation that it would be constructed on the eastern side of the street.

To assist in resolving the matter and establishing the level of community support for the two paths a questionnaire was distributed to residents and property owners in Janthina Crescent. Unfortunately, this resident survey was inconclusive with approximately equal support for and against the provision of a path. There was similarly equal support for the path to be constructed on the eastern and western sides of the street.

In order to determine what pedestrian volumes could be expected within the street a pedestrian survey was undertaken. Unfortunately, the survey revealed unexpectedly low volumes of pedestrian traffic for the two days surveyed though children made up approximately 40% of the pedestrians counted. It should be noted, however, that the provision of path facilities would be expected to create an induced demand and pedestrian usage would increase.

As neither pedestrian nor traffic volumes are large and there is not overwhelming support for the proposal it is considered that the east-west section of the proposed path should be constructed, to augment the existing path along Ocean Reef Road, and the north-south section of path be omitted at the present time.

This report therefore recommends that Council:

- 1 APPROVES the construction of a path along the east-west section of Janthina Crescent, Heathridge at an estimated cost of \$5,000;*
- 2 ADVISES residents accordingly.*

BACKGROUND

Funds of \$7,088 were allocated in the 2001/02 Capital Works Budget for the provision of a path in Janthina Crescent.

In January 2002 the residents of Janthina Crescent were advised of the City's intention to construct a path on the western and southern sides of the street and that it would be

constructed immediately behind the kerb thereby minimising the impact on existing verges. Construction had been programmed to commence during February.

Correspondence was received advising that several residents had raised concerns with the proposal and in particular the side of the street that had been proposed. It was requested whether the path could be constructed on the eastern, rather than western, side of the street, or alternatively, both sides of the street.

A response was sent advising that the western and southern sides of the street were preferred because:

- a) the streetlights were located on the western side
- b) the proposed route avoided the path to cross the street
- c) it would minimise the number of resident's verges affected

It was also noted that there would be difficulty justifying a path on both sides of the street, as traffic volumes were low.

To resolve the issues surrounding the proposal a survey of local residents and a pedestrian traffic survey were undertaken.

The location of the proposed footpath in Janthina Crescent is shown in Attachment 1 to this Report.

DETAILS

To assist in resolving the matter and establishing the level of community support for the two paths a questionnaire was distributed to residents and property owners in Janthina Crescent. The survey asked whether there was support for the provision of a path and if so which side of the street was preferred. 20 questionnaires were distributed and 9 responses were received. Of these, four residents supported the provision of a path and five did not. With respect to which side of the street was preferred, two favoured the western side, two favoured the eastern side and two did not object to either side. This resident survey was, unfortunately, inconclusive with approximately equal support for and against the provision of a path and similarly equal support for the path to be constructed on the eastern and western sides of the street.

To assist in determining pedestrian demand for the path the City appointed consultants Trancore Pty Ltd to undertake a pedestrian survey to establish existing pedestrian volumes and to review the need for a footpath in Janthina Crescent. The pedestrian survey was conducted over two days, Saturday 23 March 2002 and Wednesday 27 March 2002 for a total of 3.5 hours on each day. The hours of the survey were selected to cover as far as possible the periods when most pedestrian traffic was expected, in particular school children.

The consultant employed a manual observation method, as it is cost effective, but also because it provided the opportunity to observe pedestrian classifications. Only one observation point was required to undertake the survey and the following pedestrian counts were recorded.

Saturday Pedestrian Counts

Time	Number of Pedestrians			
	Children	Adults	Elderly	
7.30-9.00am	0	4	2	6
11.30-12.30pm	1	0	0	1
2.30-3.30pm	0	0	1	1
Total	1	4	3	8

Wednesday Pedestrian Counts

Time	Number of Pedestrians			
	Children	Adults	Elderly	
7.30-9.00am	4	2	0	6
11.30-12.30pm	0	3	0	3
2.30-3.30pm	5	2	0	7
Total	9	7	0	16

Though the overall pedestrian count was low it is noted that children accounted for 40% of the total pedestrian volume over the two days.

The consultant also noted pedestrian origin and destination patterns throughout the survey and it revealed that the greatest patronage was for the east-west section of the proposed path emphasising the impact of through pedestrian traffic along Ocean Reef Road. From the proposed path shown in Attachment 1 it can be seen that the section of path along the southern side of Janthina Crescent would augment the existing path network.

COMMENT

The “Liveable Neighbourhoods” publication developed by the Western Australian Planning Commission highlights the need for better footpath facilities for pedestrians and the disabled to promote high quality living, recreational and working environments within the community. Whilst there are no precise pedestrian and traffic volumes that determine when a path should be provided, Liveable Neighbourhoods suggests that any street with greater than 300 vehicles per day should be provided with a path on one side of the street, and more than 1000 vehicles per day would warrant paths to both sides of a street.

There is some argument that the path in Janthina Crescent is not required due to low traffic volumes. On the basis of the number of lots serviced by Janthina Crescent, it is estimated that there is likely to be of the order of 250 to 300 vehicles per day towards the western end of the street. The provision of the path would, therefore, be marginal on the basis of the Liveable Neighbourhoods planning document.

The results of the resident questionnaire are considered inconclusive with approximately equal support for and against the provision of a path and equal support for both sides of the street. There would not appear to be overwhelming support for the path and in some cases some objection to it.

The results of the pedestrian survey revealed pedestrian volumes much less than expected considering the close proximity of a primary school, a high school and a shopping centre.

On the basis of the resident survey, estimated traffic volumes and existing path facilities it is considered that the proposed path works be limited to the provision of the section of path along the east-west section of Janthina Crescent as depicted in Attachment 2.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 APPROVES the construction of a path along the east-west section of Janthina Crescent, Heathridge at an estimated cost of \$5,000;**
- 2 ADVISES residents accordingly.**

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf040602.pdf](#)

ITEM 12 PETITION OPPOSING PROPOSED FOOTPATH IN SYCAMORE DRIVE DUNCRAIG – [17895]

WARD – South Coastal

PURPOSE

The purpose of this report is to address two petitions which oppose the construction of a footpath in Sycamore Dr, Duncraig.

EXECUTIVE SUMMARY

Two petitions have been received by Council opposing the proposed construction of a footpath in Sycamore Dr, between Tecoma Street and Scadden Street. The petitioners argue that the proposed path would detract from the appearance of the street, would devalue the street, would be an eyesore, was not required and would do nothing to enhance safety.

Due to the level of opposition to the project the footpath construction was deferred pending a pedestrian survey of Sycamore Drive being undertaken.

A consultant was appointed and the pedestrian survey completed. The pedestrian survey recorded in excess of 90 pedestrian movements during a 5.5 hour period of the weekday of the survey. The consultant considered the footpath was warranted and that Council should give serious consideration to the provision of the path. The consultant further suggested that the provision of a path would create an ‘induced demand’ that would increase pedestrian utilisation.

The results of the pedestrian survey and the recommendations of the consulting engineers is considered to further support the provision of the footpath in Sycamore Drive.

This report therefore recommends the Council:

- 1 *APPROVES the construction of the footpath in Sycamore Drive between Tecoma Street and Scadden Street at an estimated cost of \$14,700;*
- 2 *ADVISES the petitioners accordingly.*

BACKGROUND

Several requests had been received by the City for an upgrade to the pedestrian facilities in the vicinity of Scadden Street and Sycamore Drive, Duncraig. In particular, requests had been received for the provision of a section of path across a small area of POS at the eastern end of Scadden Way in order to provide more convenient access to the shared path along the freeway reserve and the Warwick Train Station. It had also been requested that a footpath be provided along Sycamore Dr, again to provide safer and more convenient access to the train station for commuters, some of whom are school children.

After an investigation of the merits of the requests funds of \$9,450 and \$14,700 were allocated in the 2001/02 Capital Works Budget for the provision of paths in Scadden Street and Sycamore Drive respectively.

In October 2001 a letter was sent to the residents and owners of properties in Sycamore Drive and Scadden Street notifying the City's intention to construct footpaths as part its 2001/02 Capital Works Program.

The City received numerous calls from residents in Sycamore Drive objecting to the Sycamore Drive proposal. Two petitions were subsequently received opposing the construction of the footpath. The basis of the objections was the opinion that the footpath would detract from the appearance of the street and was not required.

The location of the proposed footpath and the properties that have objected to the proposal are shown in Attachment 1.

DETAILS

Two petitions have been received by Council opposing the proposed construction of a footpath in Sycamore Dr, between Tecoma Street and Scadden Street. The first was a 20-signature dated 4 November 2002 representing 15 properties. The second was a 30-signature petition dated 5 November 2002 representing 20 properties. Most signatures appear on both petitions and both petitions represent a total of 24 properties. The properties are shown on Attachment 1 to this Report.

The basis of the petitioner's objections is that the proposed path would detract from the appearance of the street, would devalue the street, would be an eyesore, was not required and would do nothing to enhance safety.

The footpath listed for construction in Sycamore Drive is proposed to be 1.5 metres wide, constructed at the back of the kerb and on the northern and western (even numbered) side of the road. Verge obstructions and the desire to minimise the disturbance to reticulation and verge treatments of adjacent properties dictated the positioning of the footpath to the back of the kerb.

Though not part of the original proposal it is considered that the path in Sycamore Drive should extend eastwards along Strathyre Drive as far as Methuen Way to provided safer access to the Warwick Train Station. It is proposed that this additional section of path should form part of a future proposal.

To assist in resolving the matter the City appointed consultants Trancore Pty Ltd to undertake a pedestrian survey to establish existing pedestrian volumes and to review the need for a footpath in Sycamore Drive. The pedestrian survey was conducted over two days, Wednesday 20 February 2002 for a total of 5.5 hours and Saturday 23 February 2002 for a total of 3.5 hours. The hours of the survey were selected to cover as far as possible the periods when most pedestrian traffic was expected, in particular commuters and school children.

The consultant employed a manual observation method, as it was cost effective but also because it provided the opportunity to observe pedestrian classifications. Three observation points were selected, one at each end and one in the centre of the section of Sycamore Drive as shown in Attachment 1 to this Report. The following pedestrian counts were recorded.

Wednesday Pedestrian Counts

Time	Destination in Zones			Destination out of Zones			
7.00-9.00am	0	7	2	13	28	10	60
2.30-6.00pm	4	9	2	2	13	1	31
Total	4	16	4	15	41	11	91

Saturday Pedestrian Counts

Time	Destination in Zones			Destination out of Zones			
7.30-9.00am	0	0	1	0	2	0	3
11.30-12.30pm	1	1	0	1	5	0	8
2.30-3.30pm	0	1	0	0	0	0	1
Total	1	2	1	1	7	0	12

‘Destination in Zones’ refers to pedestrians whose destination point was within the zone of the respective survey station. ‘Destination out of Zones’ refers to pedestrians whose destination point was beyond the bounds of the survey ie Sycamore Drive.

The salient points from the survey data are:

- Wednesday survey was conducted over 5.5 hrs and Saturday over only 3.5 hrs
- Highest pedestrian count occurred at station 3 on Wednesday
- Wednesday morning pedestrian count was greater than afternoon pedestrian count
- Significantly more pedestrian movements occurred on Wednesday than Saturday
- Children accounted for 20% of total pedestrian volumes

Vehicle traffic volumes in Sycamore Drive are in excess of approximately 750 vpd day east of Tacoma Street and 650 vpd south of Ruthven Place. Indicative (85th percentile) vehicle speeds are between 50 and 60kph.

The recently released “Liveable Neighbourhoods” publication developed by the Western Australian Planning Commission highlights the need for footpaths to be constructed on both sides of the street for arterial routes, access streets and neighbourhood connector streets. However, footpaths may be omitted from one side of the street where:

- a) There is no development fronting that part or side of the street; or
- b) Topography or vegetation precludes provision; or
- c) Vehicle speeds are very low, and future traffic volumes will be less than 1,000 vehicles per day.

The “Liveable Neighbourhoods” publication also highlights that in streets where future traffic volumes will be less than 300 vehicles per day, footpaths may be omitted where:

- a) Use of the road is considered safe and comfortable for pedestrian use, including people with disabilities;
- b) The street does not connect or contain land uses that generate high levels of pedestrian activity.

Sycamore Drive is in close proximity to the Warwick Train Station and Davallia Primary School and was considered to be a street that would generate reasonably high levels of pedestrian activity, particularly commuters.

Although there are no thresholds that stipulate where a footpath should be provided, the abovementioned Liveable Neighbourhoods criteria would support the provision of a footpath in Sycamore Drive since it carries well in excess of 300vpd.

COMMENT

The construction of the footpath in Sycamore Drive was considered warranted due to its proximity to the Warwick Train Station and Davallia Primary School and to complement the existing footpath network within the immediate area. It was considered that it would also provide a safer passage for pedestrians to reserves, the Freeway shared path and nearby shopping centre.

The results of the pedestrian survey and the recommendations of the Consulting Engineers add further weight to the argument supporting the construction of the footpath. Whilst there are no defined pedestrian volume thresholds for the justification of paths in residential areas, the observed pedestrian volumes in Sycamore Drive are considered by the consultant to warrant the City's serious consideration for the provision of a path. The Liveable Neighbourhoods document recommends the provision of footpaths in residential streets with traffic volumes greater than 300 vpd. The section of Sycamore Drive in question has approximately 650 to 750 vpd.

There are 42 properties that adjoin Sycamore Drive between Tecoma Street and Scadden Street, and of the 24 properties that have objected to the construction of the footpath, 13 properties will be directly affected.

The proposed footpath is 1.5m in width and located behind the kerb which will minimise the disturbance to the verge areas of adjoining properties and reticulation.

The "Liveable Neighbourhoods" publication developed by the Western Australian Planning Commission highlights the need for better footpath facilities for pedestrians and the disabled to promote high quality living, recreational and working environments within the community.

On the basis of the pedestrian survey and the recommendations of the consulting engineers, the Officers consider that there is sufficient warrant for the provision of the path in Sycamore Drive.

RECOMMENDATION

That Council:

- 1 APPROVES the construction of the footpath in Sycamore Drive between Tecoma Street and Scadden Street at an estimated cost of \$14,700;**
- 2 ADVISES the petitioners accordingly.**

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf040602.pdf](#)

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ITEM 13 PETITION OPPOSING CONSTRUCTION OF PATH IN OLDHAM WAY, HILLARYS – [72492]

WARD – Whitfords Coastal

PURPOSE

The purpose of this report is to address a petition which oppose the construction of a footpath in Oldham Way, Hillarys.

EXECUTIVE SUMMARY

In October 2001 the residents of Oldham Street and Ranford Way, Hillarys were advised of the City's intention to construct paths in the two streets. A seven-signature petition representing four households was subsequently submitted to Council opposing the proposed construction of the footpath in Oldham Way. The construction of the footpaths was deferred pending the resolution of the petition.

The City's Officers met with the author of the petition to discuss the petitioner's concerns to see if the matter could be resolved. A letter was subsequently sent addressing the issues that had been discussed at the meeting, however, the matter remains unresolved.

The petitioners' main arguments were that the proposed path would detract from the appearance of the street and that it was not required.

To establish the level of community support for the two paths a questionnaire was distributed to residents and property owners in both Oldham Street and Ranford Way. Of the 85 questionnaires that were distributed 38 responses were received. Of the 16 responses received from Oldham Street only three residents did not support the path and these were three of the four that had signed the petition. Of the 21 responses received from Ranford Way only four residents did not support the path.

On the basis of the survey of the residents there is general support for the provision of a path in both Oldham Street and Ranford Way.

This report therefore recommends that Council:

- 1 *APPROVES the extension of the footpath in Oldham Street to Ranford Way at an estimated cost of \$3,412;*
- 2 *APPROVES the extension of the footpath in Ranford Way to Lyburner Drive at an estimated cost of \$8,663;*
- 3 *ADVISE the petitioners accordingly.*

BACKGROUND

In 1998 the City received a resident request for the extension of an existing section of path in Oldham Street, Hillarys. There was also an existing section of path in the adjacent Ranford Way and its extension was considered. After an investigation of the merits of the proposals

funds of \$3,412 and \$8,663 were allocated in the 2001/02 Capital Works Budget for the provision of paths in Oldham Street and Ranford Way respectively.

In October 2001 a letter was sent to residents and owners of properties in both Oldham Street and Ranford Way notifying the City's intention to construct footpaths in the streets as part its 2001/02 Capital Works Program.

A seven-signature was subsequently received opposing the construction of the footpath in Oldham Street. The basis of the objections was the opinion that the footpath would detract from the appearance of the street and was not required.

The location of the proposed footpaths in Oldham Street and Ranford Way and the properties that have objected to the proposals are shown in Attachment 1 to this Report.

DETAILS

The seven-signature petition opposing the construction of a path in Oldham Street submitted to Council represents four households. The properties opposing the proposal are shown on Attachment 1 to this Report.

The basis of the petitioner's objections is that the proposed path would detract from the appearance of the street and was not required.

It is proposed to construct a 1.2 metre wide path on the southern (even numbered) side of Oldham Street on the same alignment as the existing section of path. One of the arguments raised by those objecting is that this will leave an untidy strip of verge between the path and the kerb. Unfortunately, due to the location of existing power poles it is not practical to construct the path at the back of kerb where the disturbance to reticulation and verge treatments of adjacent properties would be minimised.

Whilst the existing section of path in Ranford Way is on an alignment away from the kerb several verge obstructions that make it impractical to continue the path on this alignment. It is proposed, therefore, to extend the path on an alignment directly abutting the kerb and thereby minimise the disturbance to the adjacent verges.

Whilst it is also argued that the paths in Oldham Street and Ranford Way are not required both streets are likely to generate in the order of 300 vehicles per day. The Liveable Neighbourhoods planning document recommends the provision of footpaths in residential streets with traffic volumes greater than 300 vpd. Whilst pedestrian volumes are not known, on the basis of the resident survey, it appears that there is general support for the paths. The close proximity to Lymburner Primary School and Lymburner Park, both of which are likely to generate pedestrian traffic, and in particular children, is further argument for the paths.

COMMENT

Of the 85 questionnaires that were distributed 38 responses were received. Of the 16 responses received from Oldham Street only three residents did not support the path and these were three of the four that had signed the petition. The fourth signatory did not respond, however, it is noted that they are tenants and not the owners of the property. The owner of the property actually supports the proposal. Of the 21 responses received from Ranford Way four residents did not support the proposal and only three of these are actually directly affected.

The “Liveable Neighbourhoods” publication developed by the Western Australian Planning Commission highlights the need for better footpath facilities for pedestrians and the disabled to promote high quality living, recreational and working environments within the community. Whilst there are no precise pedestrian and traffic volumes that determine when a path should be provided Liveable Neighbourhoods suggests that any street with greater than 300 vehicles per day should be provided with a path on one side of the street, and more than 1000 vehicles per day would warrant paths to both sides of a street.

On the basis of the resident survey, estimated traffic volumes and the proximity of the paths to a school and a park the Officers consider that there is sufficient warrant for the provision of paths in both Oldham Street and Ranford Way.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 APPROVES the extension of the footpath in Oldham Street to Ranford Way, Hillarys at an estimated cost of \$3,412;**
- 2 APPROVES the extension of the footpath in Ranford Way to Lymburner Drive, Hillarys at an estimated cost of \$8,663;**
- 3 ADVISE the petitioners accordingly.**

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf040602.pdf](#)

ITEM 14 NEW FINANCIAL MODEL MINDARIE REGIONAL COUNCIL – [03149]

WARD - All

PURPOSE

The purpose of this report is to advise Council and seek its approval of the new financial management arrangements to be adopted by the Mindarie Regional Council (MRC).

EXECUTIVE SUMMARY

The MRC will be committing considerable funds to the second stage landfill and will be finalising the secondary waste treatment processing facility over the next 12 months.

In order to meet the requirements for the significant capital expenditure commitments, it was agreed the MRC should reassess its financial management principles as a whole in order to develop an acceptable framework to address its future funding needs, pricing policy and ‘dividend’ policy.

The model was developed by the MRC with elected members and officers at two workshops held in December 2001 and February 2002.

A new set of accounting precepts and business rules have been developed consistent with the new model.

Importantly, this model is a precursor to the finalisation of the Establishment Agreement for the MRC, the City of Joondalup will be asked to sign the new agreement in due course.

The new model is more appropriate for the future because the model:

- Is based on a commercial approach in relation to land tenure, and separating the funding for operational and capital development;
- Is based upon a “User pays”;
- Provides equity between current users and future users
- Provides certainty for the future planning of the MRC’s business;
- Addresses future revenue sources; and
- Provides a mechanism for funding capital requirements.

Key characteristics of the new model are as follows:

- Member pricing is set at the actual cost of tipping;
- Surpluses are distributed between member Councils in proportion to equity percentages;
- No further application of member’s funds which are set aside as Reserves for future capital works;
- Operational surpluses are either retained by the MRC and converted to loans for member councils, or are distributed to member councils as dividends;
- Funding requirements will be by “borrowing” from member councils (retention of a % of the operational surplus / dividend);

- Member councils are paid a commercial return on retained capital ;
- Rate of return to be set between borrowing and lending rates; and
- Current land lease rental rate is increased towards a more “commercial” arrangement.

This report recommends that Council approves the proposed new financial model for the MRC.

BACKGROUND

The MRC will be committing considerable funds to the second stage landfill and will be finalising secondary waste treatment processing facility over the next 12 months and beyond.

In order to meet the forecasted funding requirements for these significant capital expenditure commitments it was agreed the MRC should reassess its financial management principles as a whole in order to develop an acceptable framework to address its future funding needs, pricing policy and ‘dividend’ policy.

Other than the proposed impacts on cash dividends to the City and funding from the City to the MRC this approach and the benefits of providing certainty to the operations of the MRC, this proposal does not have other strategic implications for the City.

DETAILS

The following table identifies the key characteristics of the current and proposed model:

The Current Model	The Proposed Model
The model is a cost recovery model, consistent with National Competition Policy (NCP) Requirements;	Member pricing is set at the actual cost of tipping, which is consistent with the National Competition Policy (NCP) Requirements;
The model has two key dimensions – a funding component and a cost-recovery component;	The model clearly separates the key funding components – for operational and capital expenditures;
The model recognises the role of equity holders and land owners;	The model recognises the role of equity holders and land owners;
Funding requirements for operations and capital works are highlighted;	Surpluses are distributed between member councils in proportion to equity percentages Funding needs are achieved by “borrowing” (retention of a % of surplus) from member councils; There is no further reserving for future capital works; Increase in the land lease rental towards a more “commercial” arrangement.
Income, from fees and charges, is distributed against a capital cost component i.e. reserves and operating cost component, in a non-segmented manner; and	Operational surpluses are either retained by MRC as notional loans or distributed to member councils by way of a return on capital;
Member council rebates are paid based on the balance of remaining funds following other distributions.	A commercial return on retained capital is paid to member councils; Rate of return to be set between externally available deposit and borrowing rates;

Diagrammatical representations of the proposed financial management models are provided in attachments 1 & 2 to this Report.

Financial Precepts

The current and proposed financial precepts for financial management of the MRC's business are as follows:

Current financial precepts	Proposed financial precepts
Initial capital contributed by member municipalities be regarded as capital and not be subject to interest;	Funds contributed by member councils and retained surpluses will be subject to interest;
Capital requirements and loan funds be regarded as financially self sustaining and as a consequence, MRC be responsible for the raising funds for non generalised purposes. This includes new capital borrowings, payment of interest and the repayment of principal;	Additional funds for capital requirements to be raised either through retention of surplus or external borrowing (including borrowing from member councils), or a combination of each. Timing of repayment of funds contributed, including retained surpluses, will be determined by MRC;
The MRC leases land from member councils. Lease fees prior to 1 July 1994 be retained as capital contributed by the member councils; after this date being paid directly to member councils as a lease rental fee.	Lease costs are to be more commercial
Surpluses arising from the conduct of operations since 1 July 1991 have been distributed to participating local governments on the basis of annual tonnage disposed, with the tonnage of casual users being divided among all member local governments in accordance with the equity entitlement of the local government. Such distribution is credited as a liability to the local governments concerned and paid as and when funds permit, without the accrual of interest. Annual operational surplus is rebated following audit of the accounts of the subject year;	Operational surpluses are distributed to member councils in ownership percentages, subject to the retention of funds for future capital requirements; Where MRC decides to raise funds by the retention of surpluses, member councils may elect to receive the surplus provided the funds are contributed at the required stage.
Excavation costs are amortised over the full capacity of the site, the effect being that users filling "air space" in the future will bear a proportionate cost of excavation	Member's pricing is set at the actual cost of tipping. Where there is a surplus or deficit a model has been developed and is the subject of (e) in the recommendations to this report
Interest attributable to cash back reserves and provisions is excluded from the operational surplus when calculating member rebates, and is retained as part of the accumulated surplus;	
Any profit or loss on the sale of assets is excluded from the operational surplus when calculating member rebates, and is retained as part of the accumulated surplus;	

Associated Financial Business Rules

A set of financial business rules has been developed to support these financial precepts:

- In setting members' prices, the cost of tipping includes interest to the extent that it relates to the funds required for current operations. Costs for the funding of future options are to be excluded from the cost of tipping;
- Interest on member's contributed funds will be set at a rate between externally available deposits and borrowing rates (specific rate yet to be determined);
- Operational surpluses will be calculated in accordance with generally accepted accounting principles;
- An adjustment will be made to the distributable surplus in the case where members' tipping fees differ from actual costs see 3 (e) of the recommendations and for a worked example see attachment 3;
- The operational surpluses will be calculated according to the above precepts.

Conceptual Differences

The main conceptual differences between the two models are:

- Member tipping price set at actual cost with no rebates;
- Casual tipping fees/other income taken to surplus rather than rebated to member councils;
- Land owners receive a more commercial rate for lease of property; and
- Equity owners receive return for invested/retained funds from surplus.

The new model is more appropriate for the future because the model:

- Is based on a commercial approach in relation to land tenure, and separating the funding for operational and capital development;
- Is based upon a "User pays";
- Provides equity between current users and future users
- Provides certainty for the future planning of the MRC's business;
- Addresses future revenue sources; and
- Provides a mechanism for funding capital requirements.

At this time there are no statutory provisions needed, however this model is a precursor to the finalisation of the Establishment Agreement for the MRC and the City of Joondalup will be asked to sign the new agreement.

Policy Implications: None at this time.

Financial Implications:

- The implications will be on the surplus distribution the City receives from the MRC. This may either be held by the MRC with interest being paid on the retained amount or the City may choose to fund future projects from another source;
- In terms of setting the City's rubbish budget, the budgetary forecast from the MRC is one of the factors taken into account in developing the waste budget and the rubbish charge will be adjusted accordingly; and
- The City will receive a more commercial fee for its leased portion of lot 118.

Strategic Implications:

Other than the proposed impacts on cash dividends to the City and funding from the City to the MRC this approach and the benefits of providing certainty to the operations of the MRC, this proposal does not have other strategic implications for the City.

COMMENT

The MRC has conducted two successful financial management workshops. The outcome is the proposed model for future management of the MRC. The MRC has considered the model and agreed to it subject to individual member council approval.

It is now appropriate for Council to consider and adopt the proposal and the precepts of the new financial model. The City of Joondalup and all member councils of the MRC must agree before the model can be adopted and the subsequent development and adoption of the establishment agreement.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 NOTES the work from two financial workshops conducted in December 2001 and February 2002;**
- 2 APPROVES a revised set of financial precepts as follows:**
 - 2.1 Funds contributed by member Councils and retained surpluses will be subject to interest;**
 - 2.2 Additional funds for capital requirements to be raised either through retention of surplus or external borrowing, (including borrowing from member councils), or a combination of each. Timing of repayment of contributed funds, including retained surpluses, will be determined by Mindarie Regional Council;**
 - 2.3 Operational surpluses are distributed to member Councils in ownership percentages, subject to the retention of funds for future capital requirements;**
 - 2.4 Where Mindarie Regional Council decides to raise funds by the retention of surpluses, member Councils may elect not to participate; and**
 - 2.5 Members pricing is set at the actual cost of tipping;**
- 3 APPROVES associated financial business rules as follows:**
 - 3.1 In setting members' prices, cost of tipping includes interest to the extent that it relates to funds required for current operations. Interest on funds held for future requirements is not included in cost of tipping;**

- 3.2 Interest on members' contributed funds will be set at a rate between externally available deposit and borrowing rates (specific rate yet to be determined);**
- 3.3 Operational surpluses will be calculated in accordance with generally accepted account principles;**
- 3.4 To the extent that member tipping fees differ from actual costs, an adjustment will be made to the distributable surplus at individual member Council level;**
- 3.5 The distribution of operational surpluses will be calculated as follows:**

Operational surplus before member tipping fee adjustment	X
Adjustment to member Council tipping charge according to tonnes tipped, where tipping fees differ from actual cost;	X/X
Operational surplus – distributed according to equity ownership percentages	X
LESS: retention for capital requirements as requested by Mindarie Regional Council but at members Councils' option;	(X)
Adjustment to member Council tipping charges according to tonnes tipped, where tipping fees differ from actual cost;	X/X
Amount distributed/(reimbursed);	X/X

- 3.6 Lease fee to be set on a commercial basis;**
- 4 APPROVES the retention of Stage 2 reserve funds, by the MRC, on the basis of actual, rather than equity contributions.**

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf040602.pdf](#)

ITEM 15 JOONDALUP CITY CENTRE – PARKING UPDATE AND PROPOSED PARKING SCHEME AMENDMENTS – [07190]

WARD - Lakeside

PURPOSE

The purpose of this report is to inform Council of changing demands for parking being experienced in the Joondalup City Centre, and propose changes to the parking scheme to help in the short term until additional parking can be provided.

EXECUTIVE SUMMARY

This report provides an update on changes to parking demands being experienced within the Joondalup City Centre due to business growth, new developments and new uses for existing buildings.

Three areas in the City Centre stand out as needing attention in the short term. These are:

- 1 McLarty Avenue, both Parking Stations P1 and P2;
- 2 Boas Avenue and adjacent Parking Stations, east of Grand Boulevard;
- 3 Lakeside Drive between Boas Avenue and Reid Promenade.

This report also outlines some proposed actions to assist with the short term better management of the available parking, to support businesses and meet identified parking demands. These actions include:

- amendments to existing time restrictions and introduce new time restrictions in parking stations within the City Centre;
- proposed encouragement of users to park in currently under used parking stations;
 - identify the location for possible construction of additional at grade off street parking.

It is recommended that Council amends its parking scheme to:

- 1 a two-hour limit to sixteen parking bays in McLarty Avenue Parking Station P1, as shown on attachment 2 of this Report.
- 2 remove the one hour time limit from 23 parking bays in McLarty Avenue Parking Station P2, as shown in attachment 3 of this Report;
- 3 introduce an hour time limit to eight parking bays at the eastern end of Parking Station P2 as shown on attachment 3 to this Report;
- 4 introduce a one-hour limit to 13 parking bays in Lakeside Drive between Boas Avenue and Reid Promenade as shown on attachment 4 to this Report;

- 5 introduce an hour time limit to 46 parking bays in Parking Station T1 as shown on attachment 5 to this Report.

This report therefore recommends that Council:

- 1 *AMENDS the City of Joondalup Parking Scheme in accordance with clause 18 of the City's Parking Local Law 1998, by the:*
 - 1.1 *APPROVAL and APPLICATION of a two hour time restriction being applied to the 16 parking bays in the southern section west side, closest to McLarty Avenue of City of Joondalup Parking Station P1 - McLarty Street No 1 as shown on attachment 2;*
 - 1.2 *REMOVAL of the one hour time limit that currently applies to the 23 parking bays in the western section, (two rows) closest to McLarty Avenue of City of Joondalup Parking Station P2 – McLarty Avenue No 2, to make that unrestricted parking as shown on attachment 3; and,*
 - 1.3 *APPROVES an APPLICATION of a one hour time restriction being applied to the eight parking bays at the eastern end of City of Joondalup Parking Station P2 – McLarty Avenue No 2 as shown on attachment 3;*
 - 1.4 *APPROVES an APPLICATION of a one hour time restriction being applied to the 46 parking bays at the northern, western and southern ends of City of Joondalup Parking Station T1 – Central Walk as shown on attachment 5; and,*
 - 1.5 *APPROVES an APPLICATION of a one hour time restriction being applied to the 13 parking bays on the western side of Lakeside Drive between Boas Avenue and Reid Promenade as shown on attachment 4.*

BACKGROUND

During the early stages of development in the Joondalup City Centre, businesses had the luxury of an excess of parking supply over parking demand. This had the effect of creating an expectation that people wanting to conduct business and use services in the City Centre could usually park outside the place where they wanted to do business. Over the last year in particular, the City Centre has experienced subtle changes with increased developments, increasing occupancy rates of existing buildings and increasing employment, without any corresponding increase in public parking bays. As a result, there has been an increasing number of people visiting the City Centre that have experienced some difficulty in obtaining an on street parking bay outside where they want to park. Many of these customers have complained to the business proprietors who have then advised that parking difficulties are having an adverse impact on their business.

Controlled Parking - A New Dimension

In preparing the recently adopted Joondalup City Centre Public Parking Strategy, a parking occupancy survey (also known as a number plate survey) was taken in January 2001. This survey covered all parking facilities, publicly and privately owned, within the area designated as the Joondalup City Centre. The various parking stations are shown on attachment 1 to this Report. The survey results indicated there was a high long term occupancy rate in McLarty

Avenue Parking Station P2 and a high demand for short term customer parking with the parking bays in adjacent streets heavily used.

Time restrictions of one, two and four hours were considered to be the most appropriate solution to relocate the long term parking in McLarty Avenue Parking Station P2 to other areas not heavily used at that time. The time restrictions were introduced in mid December 2001 and had the effect of freeing up the parking station for high demand short-term customer parking, by relocating vehicles parked for long term to other parking facilities where no time restrictions apply. Changes were also made to reduce parking times in some surrounding on-street parking bays to achieve greater turnover of these higher demand bays.

However, with other influences on parking demand also occurring, there is a need to implement further amendments to the City's parking Scheme. It is to be expected that there will be an ongoing need to make amendments to the parking scheme as the city centre continues to develop.

DETAILS

AREA 1 - McLarty Avenue

This report refers to two areas that need attention and the details of the first area, McLarty Avenue, both Parking Stations P1 and P2, are addressed as follows:

McLarty Avenue Parking Station P1

In January 2001 when the parking occupancy survey was taken, McLarty Avenue Parking Station P1, located adjacent to McLarty Avenue between Shenton Avenue and Reid Promenade was not heavily used. The situation has now changed due to a combination of relocation of some long-term parking from McLarty Avenue Parking Station P2, and increased employment and full occupancy of units in the McLarty Commercial Centre opposite. The latter has significantly increased demand for both long term parking for employees and short term for customers. It is reported that the ten (10) one hour on street bays adjacent the Commercial Centre cannot meet the demand for short-term customer parking.

Business proprietors at the McLarty Avenue Commercial Centre consider they have been disadvantaged, due to long term parking in the McLarty Parking Station P1 and on street, as a result of the relocation of vehicles from McLarty Parking Station P2 since the introduction of the time limits. Business proprietors have advised they receive complaints from customers about the difficulty in obtaining parking close by and have requested that action be taken to rectify this situation.

McLarty Avenue Parking Station No 2

In mid December 2001, time restrictions were introduced in McLarty Avenue Parking Station No 2 to provide for a wide range of customer parking. Motorists requiring parking for long terms were encouraged to relocate to alternative unrestricted areas. These areas included:

- a) McLarty Avenue Parking Station No 1;
- b) Grand Promenade south of Boas Avenue;
- c) Central walk parking Station T1, Corner Boas and Davidson Terrace;
- d) Boas Ave Parking Station P3, between Boas and Reid Promenade;
- e) Davidson Terrace Parking Station P4, between Reid Promenade and Shenton Avenue.

Train commuters were encouraged to use the unrestricted street parking south of Collier Pass in Clarke Crescent off Wise Street.

The constructed parking area behind Justice Night Club and the adjacent development site to the east, are occupied early and used to capacity each day.

The majority of bays in McLarty Avenue Parking Station No 2 are well used particularly those bays closest to the Grand Boulevard. However, from observation the first two rows of one hour parking adjacent to McLarty Avenue are frequently under utilised.

RAC Facility

In addition to concerns expressed by business proprietors from the McLarty Commercial Centre, the RAC will be refurbishing its McLarty Avenue facility and there will be an increase in their call centre staff. This may have the effect of compounding the demand for parking in the McLarty Avenue area.

Proposed Changes for Short Term

To assist in the short term it is proposed to:

- a) introduce a two hour limit in McLarty Avenue Parking Station P1 to apply to the sixteen (16) parking bays in the southern section west side, closest to McLarty Avenue as shown on attachment 2 to this Report;
- b) remove the one-hour limit in McLarty Avenue Parking Station P2 that currently applies to the twenty three (23) bays in the two rows closest to McLarty Avenue as shown on attachment 3 to this Report.

It is expected that the above amendments will have the effect of providing some short-term customer parking in the McLarty Avenue Parking Station P1. This will support businesses located in the McLarty Avenue Commercial Centre opposite and relocate some of the existing long term parking from McLarty Avenue Parking Station P1 to under used bays in McLarty Avenue Parking Station P2.

Other Parking Opportunities

McLarty Avenue north of Shenton Avenue

There are also approximately 27 unrestricted bays in McLarty Avenue north of Shenton Avenue that can be used for all day parking. Being a little further away from businesses, they will be the last to be occupied as people are reluctant to walk.

Shenton Avenue

There is also the opportunity to permit parking on Shenton Avenue in the traffic lanes closest to the street verges. To progress this possibility, it needs to be discussed with Main Roads and other parties that have an interest. The concept of parking on major access roads in inner city areas is accepted and applied through out the State.

In the longer term, it is expected that parking bays could be maximised by providing angle parking protected by a median, within the existing wide verge areas.

AREA 2 - Boas Avenue

The second area of the City Centre that is expected to require some amendment to the Parking Scheme is Boas Avenue east of Grand Boulevard and includes on street bays and adjacent parking stations. The details of why amendments will be necessary are outlined as follows:

Licensing Centre – Boas Avenue

It has been confirmed that the licensing centre located at Warwick will be relocated to the Boas Avenue building previously occupied by the Commonwealth Employment Service. This is expected to take effect in July 2002. The details of expected parking demands to be generated by customers and staff are currently being sought. While some parking bays are available on site, it is anticipated that these will be available for senior staff with some parking for disabled. Parking demands from other staff and customers will need to be accommodated from public parking.

Licensing centres can generate large customer volumes so it is expected that time restrictions will need to be placed in the Central Walk Parking station T1 corner Boas Ave and Davidson Terrace. The application of time restrictions will reduce the number of long-term bays that are provided in this car park which is quite heavily used.

Grand Boulevard Tavern – Corner Grand Boulevard and Boas Avenue

The new Boulevard Tavern has recently opened. The prime location of the building will ensure it receives high exposure to the public. Although there are a small number of parking bays on site, it is expected these will be required for private use. Existing near by parking facilities will be expected to meet the demands for customer parking. This will place additional pressure on the Central Walk Parking station T1.

Grand Boulevard Apartments - Ground Floor Commercial Tenancies

Several of the ground floor commercial tenancies adjacent Grand Boulevard recently began operating or are in the process of being fitted out. These include Han Café at the south west corner of the development which by itself, should generate considerable parking demand. It is recognised that the period of greatest parking demand will probably be in the evening when bays should be available in the Central Walk Parking station T1 within easy walking distance. However, it must be realistically expected that some long and short term parking demand will be generated during the day by customers and staff.

The parking bays located in the protected on street parking embayments in Grand Boulevard immediately adjacent the commercial tenancies and opposite, are currently unrestricted and heavily used for long-term parking. It can be expected that time restrictions will be placed on all of these parking bays to meet short term demands in support of the new businesses. This will also add to the pressure on Central Walk Parking station T1.

Proposed Hotel - Corner Grand Boulevard and Boas Avenue (South east corner)

The developers of the proposed hotel have indicated it is their intention to commence construction of this project towards the end of this year. It can be expected that available parking in Central Walk Parking station T1 will be affected immediately construction commences. Unlike the development of the Apartments next to this site, there is no vacant land that can be used for parking of construction workers vehicles. Construction workers

usually commence work earlier than office workers and frequently store tools in their vehicles requiring them to be close by. It is therefore anticipated that they will arrive early and park in the adjacent car park taking up bays that would otherwise have been used for office workers and visitors.

Central Walk Commercial Premises

With increased pedestrian activity in the area it is hoped that some of the currently vacant premises in Central Walk will be occupied. While this would be a great benefit bringing new businesses to the area and generating more activity, it can be expected that Central Walk Parking station T1 would be viewed as the most likely parking facility to meet customer and staff parking.

Proposed Actions for Short Term

Central Walk Parking Station T1

This car park, located on the south-west corner Boas Ave and Davidson Terrace is currently well used in meeting both short and long term parking demands. In light of the expected increase in parking demand, it is proposed that the following actions be taken to ensure available parking in close proximity is used to the best advantage.

Following consultation with representatives of the Department of Transport to gain information on customer and staff parking requirements and taking into consideration other expected parking demands, it is proposed that time restrictions be introduced in Central Walk Parking Station T1. It is not expected that all bays would need to be time restricted but sections of the car park located close to businesses generating short term demand would be treated. A specific proposal will be put to Council once more details are known.

The opportunity is also available to extend Central Walk Parking Station T1 on the western side of Lotteries House and towards Boas Avenue. Details are currently being prepared on estimated costs and possible parking bay layouts for this area. If additional parking bays in this location can be financed from the Joondalup City Centre Public Parking Reserve Account, it will help meet the expected increase in parking demand and be of considerable benefit to businesses at this time.

Boas Avenue Parking Station P3

It is proposed that staff and other long term parking users in the area, be encouraged to park their vehicles in Boas Avenue Parking Station P3, located mid block bounded by Boas Avenue, Davidson Terrace, Reid Promenade and Lakeside Drive. This facility is currently under used. It is also expected that Council staff who can not park in the parking facilities adjacent the Administration centre be encouraged to park in this facility.

AREA 3 - Lakeside Drive

The third area requiring attention is the street parking on the western side of Lakeside Drive between Boas Avenue and Reid Promenade. The development along this street block has provided two levels of parking at the rear of the development, but as there are no controls on parking in the area, the street parking is always used first. This has been brought to the City's attention as being to the detriment of some of the businesses and their customers.

A one hour limit to the 13 parking bays in this area will encourage the longer term users to the on-site parking and free up the street bays for high turnover customer use.

Statutory Provision:

Clause 18 of the City's Parking Local Law 1998 provides the authority for Council to amend its Parking Scheme by resolution.

Consultation:

Several meetings have been held with the owners and occupiers of the McLarty Avenue Commercial Centre concerning difficulties they experience with parking in the area and the proposed introduction of time restrictions in McLarty Avenue Parking Station P1 to assist in providing additional short-term customer parking in the area.

Several meetings have also been held with the owners of the Old Bailey Tavern concerning difficulties experienced by staff in finding suitable long term parking and their suggestion that a staff parking permit system be introduced. Correspondence has also been received from the Commonwealth Bank asking for a staff parking permit system to apply to McLarty Avenue Parking Station P2. The introduction of such a scheme would negate the time restrictions and revert the car park back to long term parking making it difficult for customers to park.

Preliminary discussions have also been held with a representative of the Department of Planning and Infrastructure (Transport) to ascertain details of customer volumes and length of stay so that parking demands can be determined and appropriate time restrictions be put in place.

Further consultation must take place with representatives of the RAC to determine the extent of their operations that they are transferring to Joondalup and the resulting parking implications.

Policy Implications:

The Parking Service provided by the City will continue to become more complex and it can be expected that specific policies will need to be developed in the future.

Financial Implications:

Several projects aimed at maximising the number of on street parking bays in keeping with the Joondalup City Centre Parking Strategy have been listed for funding consideration in the City's 2002/03 draft Five Year Capital Works Program.

Construction costs for the suggested extension to Central Walk Parking Station T1 may fall within the criteria of the Joondalup City Centre Public Parking Reserve Account. The estimate for this work of \$83,600 has been included for consideration in the draft Capital Works Program.

Strategic Implications:**Strategy Application**

The City has adopted the Joondalup City Centre Parking Strategy and the proposals to increase the number of parking bays on street and at grade off street, are in keeping with that strategy.

The City may receive pressure to develop a multi level parking facility. This would require careful consideration at this time as such a facility would concentrate parking supply in only one area of the City. The current approach, on the other hand, of maximising on street parking enables the City to progressively prioritise construction of parking bays so they may be increased in close proximity to areas of highest demand.

The construction of a multi level parking facility would most likely require the use of loan funds as the Joondalup City Centre Public Parking Reserve Account is unlikely to contain sufficient funds for such a large expenditure in the foreseeable future should current trends continue.

Enforcement

As the number of parking bays in the City Centre and their use increases, there will be a corresponding need to increase the resources required to ensure successful operation of the parking scheme.

Signage

As indicated in the Joondalup City Centre Parking Strategy the City operates a number of parking stations mid block. As buildings are constructed on the surrounding development sites, the car parks will be hidden from the view of motorists in the streets. The need for appropriately located signs to direct motorists to these car parks will become increasingly important.

COMMENT

A major component of the Parking Strategy involves the maximisation of on street parking in the short term to gain best use of the existing infrastructure at low cost and to defer the need to commit scarce funds to construct high cost multi level parking stations. Alternative funding options will be examined in the ongoing development of the Parking Strategy.

It can be expected that the situation currently being experienced in areas of the City outlined in this report, will be repeated in other areas as new businesses commence and existing businesses expand and increase the number of employees. A pro active approach by the City will therefore be required to ensure the Parking Service is developed to achieve minimal adverse impact on visitors and workers who travel to the City by car.

In the long term it is expected that parking supply (particularly for long term users) will be limited in the City Centre providing an incentive for the use of public transport.

The City, in conjunction with Western Australian Government Railways, intends to provide more parking for commuters. Emphasis must be placed on the need to re locate existing commuters using inner city parking facilities so that more parking bays become available to

meet increased demand from City Centre employees. The proposed works in Collier Pass will provide approximately 120 additional parking bays and these bays should be used to meet much of the demand for long-term commuter parking.

It will be necessary to closely monitor the use of parking facilities throughout the City Centre to enable appropriate and timely response to changes in usage.

Although there is no statutory requirement that the changes be advertised, appropriate public notice will be given.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council AMENDS the City of Joondalup Parking Scheme in accordance with clause 18 of the City's Parking Local Law 1998, by the:

- 1 APPROVAL and APPLICATION of a two hour time restriction being applied to the 16 parking bays in the southern section west side, closest to McLarty Avenue of City of Joondalup Parking Station P1 - McLarty Street No 1 as shown on attachment 2 to this Report;**
- 2 REMOVAL of the one hour time limit that currently applies to the 23 parking bays in the western section, (two rows) closest to McLarty Avenue of City of Joondalup Parking Station P2 – McLarty Avenue No 2, to make that unrestricted parking as shown on attachment 3 to this Report;**
- 3 APPROVES an APPLICATION of a one hour time restriction being applied to the eight parking bays at the eastern end of City of Joondalup Parking Station P2 – McLarty Avenue No 2 as shown on attachment 3 to this Report;**
- 4 APPROVES an APPLICATION of a one hour time restriction being applied to the 46 parking bays at the northern, western and southern ends of City of Joondalup Parking Station T1 – Central Walk as shown on attachment 5 to this Report;**
- 5 APPROVES an APPLICATION of a one hour time restriction being applied to the 13 parking bays on the western side of Lakeside Drive between Boas Avenue and Reid Promenade as shown on attachment 4 to this Report.**

Appendix 10 refers.

To access this attachment on electronic document, click here: [Attach10brf040602.pdf](#)

ITEM 16 AMENDMENT NO 12 TO DISTRICT PLANNING SCHEME NO 2 - PROPOSED REZONING - LOT 63 (30) AND A PORTION OF LOT 62 (38) HOCKING ROAD, KINGSLEY – [47523] [13021] [21456]

WARD - South

PURPOSE

Amendment No 12 to District Planning Scheme No 2 (DPS 2) is brought before Council for consideration of initiation and adopting it for the purposes of advertising.

EXECUTIVE SUMMARY

A request has been received from BSD Consultants on behalf of Meath Care (Inc.) to rezone Lot 63 and a portion of Lot 62 Hocking Road, Kingsley to facilitate the development of aged person's dwellings and facilities as the existing reservation and zoning of the land restricts this.

Amendment No 12 to DPS 2 proposes to rezone Lot 63 and a portion of Lot 62 Hocking Road, Kingsley, from the 'Rural – Additional Use (Fresh Fruit & Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400m2)' zone and the 'Parks and Recreation' Metropolitan Region Scheme (MRS) reserve, to the 'Residential' zone, and to apply a R20 density coding over the land. Refer to Attachments 1 and 2.

The land is subject to an MRS Amendment, which proposes to transfer Lot 63 and the subject portion of Lot 62 Hocking Road from the 'Rural' zone and the 'Parks and Recreation' reserve to the 'Urban' zone. Council resolved to support this Amendment at its 26 February 2002 meeting.

Given the land's access restrictions, its proximity to the Yellagonga Regional Park and surrounding residential land uses, the land is considered suitable for high amenity but low impact land uses such as those proposed.

It is recommended that Council adopts Amendment No 12 to DPS 2 and seeks the Western Australian Planning Commission's (WAPC) consent to advertise it. The normal statutory period for such advertising is 42 days, however given the nature of the rezoning request it is recommended that the Council request the WAPC's agreement to a 60 day advertising period.

BACKGROUND

Suburb/Location:	Lot 63 (30) and a portion of Lot 62 (38) Hocking Road, Kingsley
Applicant:	BSD Consultants on behalf of Meath Care (Inc.)
Owner:	Lot 63 - Meath Care (Inc.) Lot 62 - Department of Planning & Infrastructure
Zoning:	Lot 63 - Rural – Additional Use (Fresh Fruit & Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400m2)
DPS:	

	Lot 62 - Parks and Recreation (MRS).
MRS:	Lot 63 - Rural
	Lot 62 - Parks and Recreation
Land Use:	Lot 63 – Market Garden & Shop
	Lot 62 - Vacant
Land Area:	Lot 63 – 1.54ha
	Subject Portion of Lot 62 – 0.9ha
Strategic Plan:	<u>Key Result Area – Lifestyle</u>
	<i>Strategy 2.1</i> – Rejuvenate our suburbs.
	<i>Strategy 2.6</i> – Promote and enjoy lifestyles that engender environmental, social and economic balance and sustainability.
	<i>Strategy 2.7</i> – Encourage provision of a range of innovative and quality facilities, services and recreational activities, which achieve the physical, social, cultural and intellectual well-being of the community, both locally and regionally.

Context

Lot 63 and the subject portion of Lot 62 Hocking Road are located in the north-eastern section of Kingsley, in close proximity to the intersection of Whitfords Avenue and Wanneroo Road. The land is bound by Whitfords Avenue and the Yellagonga Regional Park to the north, the Cherokee Village Caravan Park to the east, Hocking Road to the south and the Yellagonga Regional Park to the west. A former Recreation and Public Worship Centre (now vacant) is located to the east of the Cherokee Village Caravan Park whilst a Special Residential estate is located to the south of Hocking Road. Refer to Attachment 1.

Whitfords Avenue is reserved as a ‘Primary Regional Road’ and Wanneroo Road is reserved as an ‘Other Regional Road’ under the MRS.

The Cherokee Village Caravan Park and the former Recreation and Public Worship Centre are zoned ‘Private Clubs/Recreation’ under the City’s DPS 2.

The lots to the south of Hocking Road are zoned ‘Special Residential’ under the City’s DPS 2. With the exception of the dwelling on Lot 4 Hocking Road, which lies opposite Lot 63, the dwellings to the south of Hocking Road front and are accessed from alternate roads. The rear boundaries of these lots have been fenced and are screened by shrubs which have been planted within the Hocking Road road reserve.

A dual use path is located on the northern side of Hocking Road extending from Goollelal Drive to Wanneroo Road.

Land to the north and west of the subject portion of Lot 62 is reserved for ‘Parks and Recreation’ under the MRS and forms part of the Yellagonga Regional Park.

Land Use & History

Lot 63 Hocking Road

Lot 63 Hocking Road has been predominantly cleared and is currently used as a market garden and shop. Access to the market garden and shop (which is located on the southern portion of the lot with associated carparking) is obtained from Hocking Road. A brick and

tile dwelling is located in the south eastern corner of the property and this has separate access to Hocking Road.

Lot 62 Hocking Road

Lot 62 Hocking Road has also been predominantly cleared.

The WAPC acquired Lot 62 Hocking Road, which straddles both sides of Whitfords Avenue, in 1975. The WAPC advise that only the portion of Lot 62 north of Whitfords Avenue was proposed for inclusion in the ‘Parks and Recreation’ reservation under the MRS, however the southern portion of Lot 62 was unintentionally reserved for ‘Parks and Recreation’ as part of an amendment to the Scheme in 1992.

The Department of Planning & Urban Development’s Yellagonga Regional Park Final Report (1992) did not include the portion of Lot 62 south of Whitfords Avenue within the Park’s boundaries. Neither did North West Corridor Structure Plan (1992) which identified the portion of Lot 62 south of Whitfords Avenue along with Lots 63, 98 and 99 Hocking Road, Kingsley as ‘Subject to City of Wanneroo Local Structure Planning’.

The Yellagonga Regional Park – Draft Management Plan 2000-2010 which was prepared by the Department of Conservation and Land Management (CALM), National Parks and Nature Conservation Authority (NPNCA), City of Joondalup and the City of Wanneroo, does however include the portion of Lot 62 south of Whitfords Avenue within the Park’s boundaries. The recommendations with respect to the plan are detailed later in this report.

Previous Council Decisions

Council at its 26 February 2002 meeting (CJ041-02/02) considered Amendment No 1037/33 North West District Omnibus (No 5) to the MRS. The Amendment proposes, amongst other things, to transfer Lot 63, the subject portion of Lot 62 and Lots 98 and 99 Hocking Road, Kingsley, from the ‘Rural’ zone and ‘Parks and Recreation’ reservation to the ‘Urban’ zone. Council resolved at this meeting to support the proposed changes.

DETAILS

Current Proposal or Issue

Proposed Aged Persons Dwellings and Facilities

The rezoning is being sought to facilitate the development of aged person’s dwellings and facilities as the existing reservation and zoning of the land restricts this. The development is intended to include Independent Living Units, a Parkinson’s Centre, a Special Dementia Care Facility, an Assisted Living Area, an Easy Care Facility, a Residents Clubhouse, a Hydrotherapy Unit and a Gym Complex. The attached concept plan has been provided in support of the proposed rezoning. Refer to Attachment 3. The applicants state that:

- The Independent Living Units are intended to reflect an R35 density coding. The proposed R20 density coding should accommodate the development once the density bonus for aged persons dwellings is applied.
- The Independent Living Units will be designed with residential frontages onto Hocking Road, thus providing an appropriate interface with the surrounding residential area, especially dwellings to the south of Hocking Road.

- All development proposed for the site is likely to be single storey and as such, will not dominate the surrounding streetscape. The exception may be the proposed hostel, which could be two storeys, depending on the number of beds that are needed to be provided.
- Vehicular parking areas for the proposed aged person's facilities are intended to be provided on site and accessed via a single entrance from Hocking Road
- The development will provide for aged persons dwellings and facilities to meet the needs of the City's ageing population.

The applicants advise that the development application plans may vary from the concept plans.

Services

The applicant advises that the subject land is connected to the reticulated water and power networks, however is not connected to the reticulated sewer network. The applicant envisages that the proposed development will be connected to the reticulated sewerage network.

Access & Traffic Implications

The applicants state the subject land has frontage to both Whitfords Avenue and Hocking Road, however no access is permitted or is desirable to/from Whitfords Avenue. The proposed development is therefore intended to be accessed off Hocking Road.

Main Roads WA advise that a grade separated crossing is intended for the intersection of Whitfords Avenue/Wanneroo Road due to high traffic forecasts and that the median strip on Wanneroo Road is intended to be extended so as to prevent right hand turns into Hocking Road. These traffic management proposals will further restrict access to the site.

The applicants state that the traffic likely to be generated from the proposed development is unlikely to be significantly higher than the traffic that would result from standard residential development given that many of the aged persons residing on the land will not possess vehicles.

Site Contamination

The applicants have reviewed the history of and undertaken soil tests on Lot 63 Hocking Road to determine whether the existing and past land uses have resulted in any contamination. The historical review did not indicate any land uses that may have lead to the land being contaminated, other than its existing use as a market garden. The soil tests found that all recorded levels were below the recommended guideline values, the land was not considered contaminated and was therefore appropriate for residential land use.

Surrounding Market Gardens

The applicants state that there are market gardens in the vicinity of the subject land, however envisage that these will, in the foreseeable future, be redeveloped for urban purposes. The applicants advise that the issue of any spray drift associated with surrounding market gardens will be addressed at the development application stage.

Wetlands

The applicants state that there are no wetland areas on the subject land but that a wetland area exists to the north of the subject portion of Lot 62. The applicants assume that the WAPC have determined the area required to be retained in the 'Parks and Recreation' reserve to accommodate the wetland area and associated buffers as part of the above-mentioned MRS Amendment.

Vegetation

The applicants state that the subject land has been substantially cleared and does not contain any remnant vegetation of significance.

Noise

The applicants advise that any noise issues associated with traffic on Whitfords Avenue will be addressed at the development application stage.

Yellagonga Regional Park

As outlined above, the Yellagonga Regional Park Draft Management Plan 2000-2010 includes the subject portion of Lot 62 within the Park's boundaries. The Plan recommends with respect to the area, located between Whitfords Avenue and Hocking Road, that the bushland areas be rehabilitated and enhanced and that the area be used for informal nature-based recreation.

The Lake Goollelal Management Implementation Plan (July 1998) also includes the subject portion of Lot 62 within the Park's boundaries. The Plan states that the area between Hocking Road and Whitfords Avenue, from Goollelal Drive to about 200m east of the drain (this being located approximately 90 metres west of the subject portion of Lot 62), is Lake Goollelal's linkage to the rest of the Yellagonga Regional Park.

This linkage was discussed at a community workshop where it was considered that the hydrological, ecological and recreational linkages should be researched and strengthened and traffic should be reduced in volume and speed along Hocking and Mooro Roads.

The Plan suggests that a vegetated corridor should be established 50m either side of the drain however states that it would be desirable to re-vegetate a wider corridor in the long-term.

Bush Forever

The State Government's Bush Forever report (December 2000) includes the subject portion of Lot 62 Hocking Road and the remainder of the Yellagonga Regional Park in Bush Forever Site 299. The report endorses the care, control and management of the site for conservation purposes within the Yellagonga Regional Park.

Department of Planning & Infrastructure (DPI) Comments

The MRS Amendment report stated with respect to the land:

- Given the land's constrained access arrangements, proximity of the land to the Yellagonga Regional Park, its location on a visually prominent corner and the

adjoining special residential subdivision, land uses which are low traffic generators and have a high visual amenity would be suitable.

- Lot 63 Hocking Road does not contain any regionally significant vegetation or wetlands.
- The subject portion of Lot 62 does not serve any regional recreational function and is not considered to be of environmental significance at the regional level, and as such its reservation under the MRS for ‘Parks and Recreation’ is not considered appropriate.
- Lot 63 Hocking Road has been used for market gardening purposes. The Department of Environmental Protection has advised that the soil and ground water may be potentially contaminated from such uses. A Site Remediation and Validation Report will need to be prepared for the land at the landowner’s cost prior to a Town Planning Scheme amendment being finalised or at the subdivision stage.
- It is anticipated that a draft structure plan will be formulated for the area, in consultation with the DPI, the City of Joondalup, Main Roads WA and CALM.

Further comments were sought from the DPI, being the owner of Lot 62 Hocking Road, with respect to the subject proposal.

DPI officers believe that the land should be rezoned to the ‘Urban Development’ zone under DPS 2 and that a structure plan should be prepared to guide the subdivision and development of the land. DPI officers also believe that a road reserve should be provided as an interface to the adjoining Yellagonga Regional Park.

Statutory Provision:

The Town Planning Regulations 1967 set out the procedure for amendments to local government’s Town Planning Schemes. The procedure is summarised at Attachment 4 and the current stage of the amendment has been highlighted.

The Town Planning Regulations allow the City to advertise amendments without the WAPC’s consent subject to conditions, one of these being the amendment’s compliance with the MRS. As the proposed amendment is not compliant with the current MRS, the WAPC’s consent to advertise is required in this instance.

Consultation:

Should the WAPC grant its consent to advertise, the amendment will be advertised for public comment for a period of 42 days.

Strategic Implications:

The rezoning is proposed to facilitate residential development and in particular the development of an aged person’s dwellings and facilities to meet the needs of the ageing population and provide a variety of housing choice. The rezoning and subsequent development will also assist in rejuvenating the area. This accords with the City’s strategic plan.

COMMENT

Issues

Proposed Aged Persons Dwellings and Facilities

The proposed development falls within the definitions of Aged or Dependent Person's Dwelling, Nursing Home and Retirement Village under DPS 2 and are uses which may, at the discretion of Council, be approved under the proposed 'Residential' zone.

The applicants advise that the proposed Independent Living Units are intended to reflect an R35 density coding. The proposed R20 density coding for the land should be able to accommodate the proposed development once the density bonus for aged persons dwellings is applied.

The proposed development will be assessed at the time of development application. Support of the rezoning should not be construed however as support of the proposed development.

It should be noted that whilst details of the proposed aged person's dwellings and facilities have been submitted in support of the proposed rezoning, there is no guarantee that the landowners will proceed with the proposal.

Should the existing market garden and shop continue to operate and the land is rezoned as proposed to Residential, these uses will become non-conforming uses.

Services

The applicants advise that the land is not connected to the reticulated sewer network but that the proposed development is expected to be connected to the reticulated sewer network. The Amendment will be referred to Water Corporation with respect to this matter during the advertising period.

Access & Traffic Implications

Due to access restrictions, the land would be suited to low traffic generating land uses such as that proposed. The existing road network is considered sufficient to accommodate any additional traffic from the proposed development.

Site Contamination

The historical review and soil tests indicate that Lot 63 has not been contaminated from past land use activities. Details of the historical review and soil tests will be referred to the Environmental Protection Authority for assessment prior to the Amendment being advertised.

A historical review and soil tests have not been undertaken with respect to the subject portion of Lot 62. It is believed that this should be undertaken prior to the Amendment being finalised due to the possibility of contamination from the adjoining market garden. The applicant believes however that this is unnecessary. The Department of Environmental Protection's advice is intended to be sought with respect to this matter.

Surrounding Market Gardens

The impact of surrounding market gardens on the proposed development will be assessed at the development application stage.

The Amendment is intended to be referred to Agriculture Western Australia for comment during the advertising period. The comments received from Agriculture Western Australia should ascertain whether spray drift from surrounding market gardens is likely to be an issue.

Special Residential Lots

As outlined above, a Special Residential estate exists on the southern side of Hocking Road. The impact of the proposed rezoning on the estate is expected to be minimal as the estate predominantly backs onto and is fenced along Hocking Road. One dwelling (located on Lot 4 Hocking Road) lies directly opposite Lot 63 Hocking Road and fronts onto and obtains access from Hocking Road. This dwelling is likely to be impacted by the proposed rezoning and development.

Wetlands

The subject land does not contain any wetland areas. The proposed rezoning will be referred to the Water and Rivers Commission for comment during the advertising process to assess the impact on adjoining wetland areas.

Vegetation

The subject land has been predominantly cleared and is not believed to contain any significant vegetation.

Noise

Any noise issues associated with traffic on Whitfords Avenue will be addressed at the development application stage. This is not considered to be an issue considering there are other residential developments adjacent to Whitfords Avenue which would be subject to similar levels of noise.

Yellagonga Regional Park

Both the WAPC and CALM advise that the subject portion of Lot 62 Hocking Road was included in the Parks and Recreation reservation under the MRS due to a drafting error. As outlined above the WAPC are amending the MRS to remove the subject portion of Lot 62 from the 'Parks and Recreation' reservation and CALM advises that it intends to modify the Yellagonga Regional Park Draft Management Plan to show the subject portion of Lot 62 outside of the Regional Park.

With respect to the recommendations made in the Lake Goollelal Management Implementation Plan (July 1998), it is believed that a vegetated corridor on either side of the drain to the west of the subject land would still be able to be provided should the rezoning proceed. Traffic along Hocking and Mooro Roads is likely to be increased as a result of the proposed rezoning and subsequent development, however, the existing road network is considered sufficient to accommodate any additional traffic from the proposed development.

The proposed rezoning will be referred to the Department of Conservation and Land Management for comment during the advertising process to determine its impact on Yellagonga Regional Park.

Bush Forever

The inclusion of the subject land within Bush Forever site 299 is no longer considered relevant given that the land is proposed to be removed from the Yellagonga Regional Park.

DPI Comments

A structure plan over the subject lots and Lots 98 and 99 Hocking Road is considered unnecessary as these lots are proposed to be independently developed. Lot 63 and the subject portion of Lot 62 are intended to accommodate aged person's dwellings and facilities, whilst Lot 98 is intended to be continued to be used as a caravan park. The City is unaware of the landowner's plans for Lot 99.

A road interface should be provided along the boundary of the subject land with the Yellagonga Regional Park to ensure that the boundary is clearly demarcated and to provide passive surveillance of the Park. Main Roads WA have advised that an access road in this location would be acceptable. This should be provided prior to the amendment being finalised.

MRS Amendment

The proposed Amendment to the MRS to transfer the subject land from the 'Parks and Recreation' reservation and 'Rural' zone to the 'Urban' zone is currently being considered by the WAPC. The WAPC have advised that the Amendment is not expected to be finalised until late 2002/2003.

The subject Amendment to the City's DPS 2 will be unable to be finalised until the Amendment to the MRS has been finalised as DPS 2 is required to be in accordance with the MRS.

Subdivision

Multiple zonings over a single lot are generally not supported. As only a portion of Lot 62 Hocking Road is intended to be rezoned, the City believes that the rezoning should not be finalised until it is subdivided accordingly.

Assessment and Reasons for Recommendation

Given the land's access restrictions, its proximity to the Yellagonga Regional Park and surrounding residential land uses, the land is considered suitable for high amenity but low impact land uses such as those proposed.

The historical review and soil tests undertaken for Lot 63 Hocking Road indicate that the land is not contaminated and is therefore suitable for the proposed residential land use. A historical review and soil tests need to be undertaken, however, with respect to the subject portion of Lot 62 Hocking Road. This can be undertaken during the advertising process.

To reduce the impact of the proposed development on the Yellagonga Regional Park, it is recommended that a road interface be provided along the land's boundary with the Park. This can be provided as part of the application to subdivide the subject portion of Lot 62 Hocking Road from its remainder. This subdivision being required to prevent multiple zonings over the lot.

For the reasons above, it is recommended that Council adopts Amendment No 12 to DPS 2 and seeks the WAPC's consent to advertise it. The normal statutory period for such advertising is 42 days, however given the nature of the rezoning request it is recommended that the Council request the WAPC's agreement to a 60 day advertising period.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 In pursuance of Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purpose of:**
 - (a) Rezoning Lot 63 and a portion of Lot 62 Hocking Road, Kingsley, from 'Rural – Additional Use (Fresh Fruit & Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400m2)' and 'Parks and Recreation' to 'Residential';**
 - (b) Applying an R20 coding to Lot 63 and a portion of Lot 62 Hocking Road, Kingsley**
- 2 SEEKS the Western Australian Planning Commission's consent to advertise the proposed Amendment for a period of 60 days and recommends that it be referred to the following government agencies for comment during the advertising period:**

Water Corporation, Western Power, Health Department of WA, Department of Conservation and Land Management, Water and Rivers Commission, Telstra, Alinta Gas, Agriculture WA, Main Roads WA.
- 3 REFERS the proposed Amendment to the Environmental Protection Authority for consideration of the need for formal environmental assessment.**
- 4 ADVISES the applicant that it will not be prepared to adopt the amendment for final approval until:**
 - (a) the amendment to the MRS has been gazetted;**
 - (b) the subject portion of Lot 62 has been subdivided from the remainder of Lot 62 and a road interface has been provided along**

the boundary of the subject land with the Yellagonga Regional Park;

- (c) An environmental audit has been undertaken on the subject portion of Lot 62 to determine whether it is contaminated from any existing or past land uses on or adjoining the land.**

Appendix 11 refers.

To access this attachment on electronic document, click here: [Attach11brf040602.pdf](#)

ITEM 17 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN BATAVIA PLACE AND BRIDGEWATER DRIVE, KALLAROO – [47010]

WARD - Whitfords

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) that leads from Batavia Place to Bridgewater Drive, Kallaroo. (Attachment 1 to this Report).

EXECUTIVE SUMMARY

The applicants have requested closure of the above PAW based on grounds of anti-social behaviour. The application was advertised for public comment from 5 November 2001 to 5 December 2001. As part of the advertising process, questionnaires were forwarded to local residents seeking their view on closure of the PAW and this was accompanied by a letter that provided information on the reasons why the applicant was requesting closure.

The City's Pedestrian Accessway Policy requires formal evaluation of the request for closure. This evaluation is composed of three parts, assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAW's level of use.

In this case, the Urban Design Assessment is rated as medium, the Nuisance Impact Assessment is rated low and Community Impact Assessment is rated medium. Based on these ratings, the proposal accords with Case 5 of the Pedestrian Accessway Policy, therefore it is recommended that Council does not support the closure of the PAW between Batavia Place and Bridgewater Drive, Kallaroo.

BACKGROUND

Suburb/Location:	Kallaroo
Applicant:	Mrs G Chester
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

An adjoining landowner has requested closure based on grounds of anti-social behaviour and she advises that she regularly cleans up rubbish and broken glass from the PAW.

The subject PAW contains the City's stormwater drainage and this will need to be protected by way an easement at the cost of the adjoining landowners that agreed to acquire the land. All four adjoining landowners support the application, with one adjoining landowner at each end of the PAW acquiring the land and being liable for the associated costs and conditions if closure is supported.

Site Inspection

A site inspection was carried out. At that time, there was evidence of graffiti and rubbish including numerous bottles. Sight lines could be improved if the overhanging trees were cut back. The overall appearance of the PAW could be improved by general maintenance such as weeding, rubbish collection, etc. (Attachments 2 and 3 to this Report). There is a light pole over the road at each end of the PAW. During the site inspection conducted over a period of approximately 45 minutes, seven residents were seen to use the PAW.

PAW Closure Process

A request can only be lodged by an adjoining landowner and the City's Pedestrian Accessway Policy guides the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities provide details of any service plant within the PAW and if it can be modified or removed to accommodate the closure.

Prior to DOLA considering closure of a PAW, it is necessary for the Department of Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's comments and this is done only if Council supports an application. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

If Council and the DPI do support an application to close a PAW, on receipt of such approvals DOLA will arrange a valuation of the land and commence formal closure actions. Purchase of the land (from DOLA by the adjoining landowners) is then necessary.

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 5 November 2001 to 5 December 2001 and a letter and questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. The letter provided the reasons the adjoining landowner sought closure and the questionnaire requested information from residents on various matters relating to the PAW. Attachments (4) and (5) summarise the information from the returned questionnaires.

Policy Implications:

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare planning policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres of local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

COMMENT**Assessment and Reasons for Recommendation****Urban Design Assessment**

The subject PAW runs between two paved streets that lead in one direction to the local primary school. Near the Bridgewater Drive end of the PAW, there are bus stops and this end of the PAW also leads to Marmion Avenue via Cygnet Street, where there are also bus stops for a different route. This PAW is not part of the "Safe Routes to School" programme, although on the streets at each end of the PAW there are painted "foot prints" associated with the programme. The PAW is not part of the City's Bike Plan.

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres of the quickest walkable distance to local bus stops on both Bridgewater Drive and Marmion Avenue. Batavia Place residents that access public transport on Marmion Avenue will have their walking distance increased to over 400 metres if the PAW is closed.

Under the Urban Design Assessment, it needs to be demonstrated that a safe, clear route exists that provides alternative access to community services and facilities. The PAW that runs along the eastern boundary of the primary school is not considered to be such an alternative (see Attachment 6), particularly for night-time use as the PAW does not have lighting and is in a secluded location. The returned questionnaires indicated that there were 14 night-time users of the subject PAW.

On balance, a medium rating as per Policy 3.2.7 – Pedestrian Accessways is considered appropriate for the Urban Design Assessment of this application.

Medium

- PAW provides a route to community facilities but not direct
The PAW links directly to Cygnet Street, which leads to Marmion Avenue where bus stops are located and bus stops are also in close proximity to the PAW on Bridgewater Drive.
- A safe alternative route does exist but some inconvenience
Adalia Street is an alternative route. The PAW on the eastern boundary of the primary school is not considered an alternative route
- PAW part of a continuous PAW link – i.e., a chain of two or three PAWs and is linked to streets with existing path systems
The PAW links streets that are paved.
- PAW is not designated ‘safe route to school’, or significant re the City’s Bike Plan
This is correct technically though the safe route to school “foot prints” are painted on Batavia Place and Bridgewater Drive near the PAW.

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. The applicant’s justification for closure is that the existence of the PAW contributes to burglaries, drug taking and graffiti. Cars have been stolen, broken into and vandalised. There have been prowlers jumping over her fence and bottles have been thrown on her roof. She regularly cleans up rubbish and broken glass from the PAW.

POLICE AND CITY OF JOONDALUP SECURITY WATCH INFORMATION

Police advise that in a twelve-month period from May 2001 to May 2002 police were called out to Batavia Place on six occasions. The incidents do not specifically relate to the PAW but stealing, burglary/stealing, damage to a motor vehicle, graffiti damage on two occasions and an incident of a suspicious vehicle. The police advised there were also numerous incidents relating to Bridgewater Drive but again they cannot be linked to the PAW.

Extra City Watch patrols that were undertaken in the vicinity of the subject PAW did not produce any incidence of note of an anti-social nature.

Attachment (4) demonstrates responses to the questions relating to any incidents or evidence witnessed with regard to anti-social behaviour. The users of the PAW indicated that they had seen rubbish, broken glass and graffiti in the PAW with varying descriptions as to the frequency and amount.

Based on the foregoing, it appears that the level of anti-social behaviour associated with the PAW is unremarkable compared to the area generally and therefore the Nuisance Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways.

Low

- Occurrence of criminal activity or anti-social behaviour similar to elsewhere in the suburb
The incidents occurring in the area generally are similar to that reported by adjoining landowners
- Types of offences are limited to antisocial behaviour
Vandalism in the PAW is considered to be an offence
- The severity of anti-social behaviour is similar to elsewhere in the suburb
This appears to be correct based on the information received

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAW's level of use and information from Attachments (4) and (5) indicates the reasons for use and frequency of use for the 31 users of the PAW. This PAW appears to be used for a variety of reasons.

Access for Disabled and Seniors

As stated in the PAW Policy, *“The impact of closure on residents in accommodation for the aged or disabled persons located in the vicinity, particularly where the PAW provides access to community facilities or services shall be given special consideration.”*

A disabled person expressed his objection to the closure. He states that should the PAW be closed, the increase in his walking distance to local bus stops would be significant especially to the bus stops on Marmion Avenue. The PAW next to the primary school is not considered to be an option for a person with a disability.

The rating for the Community Impact Assessment falls between medium and high:

High

- Significant portion of respondents not in favour of closure (over 50%)
There are 19.5% of residents that responded objecting
- High portion of household use the PAW regularly
31 users of the PAW could be considered high.
- High portion of users inconvenienced by closure (over 50%)
17 of the 31 users (54%) advised they would be inconvenienced if the PAW is closed

Medium

- Medium portion of respondents not in favour of closure (over 30%)
16 objections to closure (19.5%)
- Moderate level of households using the PAW
31 users of the PAW could be considered high
- Moderate portion of users inconvenienced by closure of the PAW (30-50%)
17 of the 31 users (54%) advised they would be inconvenienced if the PAW were closed

It is fair to consider thirty-one users of a PAW as relatively high use. The residents generally use the PAW daily. Access to public transport (that covers two routes) is one of the main reasons the PAW is used. Based on the foregoing, the Community Impact Assessment is rated medium as per Policy 3.2.7 – Pedestrian Accessways. A medium rating on balance is the most appropriate rating.

Of the 82 questionnaires returned, there are 16 (19.5%) objections to closure and 48 (58.5%) in support, the remaining 18 (22%) being neutral. Overall there are 31 (37.5%) users of the PAW. Of the 48 supporters, 13 (27%) are users. Of the 31 users, 16 (51.5%) object and again of the 31 users, 17 (54.5%) advised they would be inconvenienced if the PAW is closed.

Final Assessment

The result of each assessment is detailed below:

Urban Design	-	Medium
Nuisance Impact	-	Low
Community Impact	-	Medium

The assessment accords with Case 5 of the Pedestrian Accessway Policy and therefore it is recommended that the Pedestrian Accessway between Batavia Place and Bridgewater Drive is not supported for closure.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council DOES NOT SUPPORT the closure of the Pedestrian Accessway between Batavia Place and Bridgewater Drive, Kallaroo.

Appendices 12, 12a & 12b refer.

To access this attachment on electronic document, click here: [Attach12brf040602.pdf](#)

[Attach12abrf040602.pdf](#)

[Attach12bbrf040602.pdf](#)

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ITEM 18 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN KENNEDY WAY AND RESERVE 31511 (SWEENEY RESERVE), PADBURY – [38518]

WARD - Pinnaroo

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) that leads from Kennedy Way to Reserve 31511 (Sweeney Reserve), Padbury. See Attachment 1 to this Report.

EXECUTIVE SUMMARY

The applicant's property on Kennedy Way is undeveloped and his request for closure is based on the anti-social behaviour he experienced when living next to a PAW previously. The application was advertised for public comment from 22 October 2001 to 21 November 2001. As part of the advertising process, questionnaires were forwarded to local residents seeking their view on closure of the PAW and this was accompanied by a letter that provided information on the reasons why the applicant was requesting closure.

The City's Pedestrian Accessway Policy requires formal evaluation of the request for closure. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAW's level of use.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as high, low and medium respectively. Based on these ratings, the proposal accords with Case 1 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Kennedy Way and Sweeney Reserve, Padbury is not supported.

BACKGROUND

Suburb/Location:	Padbury
Applicant:	Mr V Onicas
Zoning:	DPS: Residential
	MRS: Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

One of the two adjoining landowners requested closure based on his experience when living next to a PAW in a previous home. At that time, bottles and rocks were thrown over his fence at his dogs and he also experienced fence damage by youths. The applicant owns a vacant lot abutting the PAW. He is concerned that when he develops his property, he will encounter the same type of activities.

The subject PAW does not have any service infrastructure within in it that requires modification or removal, however, the applicant has agreed to meet all other associated costs and conditions if closure is supported.

Site Inspection

A site inspection carried out by a City officer revealed the PAW to be quite steep (see Attachment 2) and not distinguishable from the applicant's property (Lot 401 (20) Kennedy Way) due to both being undeveloped. The track used as the PAW actually veers off the PAW over Lot 401. Walking along the PAW into the park did not produce any evidence of anti-social behaviour or vandalism.

PAW Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessway Policy helps guide the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to DOLA considering closure of a PAW, it is necessary for the Department of Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view and this is done only if Council supports an application. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

If Council and the DPI do support an application to close a PAW, on receipt of such approvals DOLA will arrange a valuation of the land and commence formal closure actions. Purchase of the land (from DOLA by the adjoining landowners) is then necessary.

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 22 October 2001 to 21 November 2001 and a letter and questionnaire forwarded to residents living within a 400 metre radius of the subject PAW. The letter provided the reasons the adjoining landowner sought closure and the questionnaire requested information from residents on various matters relating to the PAW. Attachments (3) and (4) summarise the information from the returned questionnaires.

Policy Implications:

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare planning policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

The subject PAW is a direct link to a recreation reserve, is part of the "Safe Routes to School" programme but is not significant with regard to the City's Bike Plan. There is a PAW that leads from Sweeney Reserve to Bannister Road and this road leads to the underpass on Marmion Avenue. As can be seen from Attachment (1), the underpass leads to bus stops, Whitfords City Shopping Centre and the library.

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres of local bus stops, the quickest walkable route to the Whitfords City Shopping Centre, the library and Sweeney Reserve. If the PAW was closed, the walking distance to Sweeney Reserve for residents in Kennedy Way would no longer be direct and walking distances to the reserve would increase significantly for most residents. Walking distances to the shopping centre and library would also increase considerably.

The PAW is part of the "Safe Routes for School" programme and is a direct link to a reserve. This reserve is used not only as a pedestrian link to other community facilities but by local children and other residents. The Urban Design Assessment is therefore rated as high as Policy 3.2.7 states as follows (with comments provided in italics):

- PAW provides a direct route to community facilities
Reserve 31511, Sweeney Reserve
- safe, alternative route does not exist
An alternative route does exist to Sweeney Reserve but for many Kennedy Way residents the distance would greatly increase and also to the local shopping centre and library.

- PAW part of a continuous PAW link
There is another PAW leading from Sweeney Reserve to Bannister Road, which has a footpath.
- PAW is a designated ‘safe route to school’ or ‘bike plan’
The subject PAW is a designated ‘safe route to school.’

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour however, it should be noted that the applicant requested closure based on his experience when living next to a PAW previously.

The owner of the other adjoining property to the subject PAW has lived at that address for twenty years and in her submission advised that she has not experienced any problems of an anti-social nature.

Police and City of Joondalup Security Watch Information

Police advice was *“a check of police records has failed to identify any particular incidents of an anti-social nature that can be directly related to the Kennedy Way and Sweeney Reserve pedestrian accessway.”*

Between the period of 25 July 2001 and 4 October 2001 126 patrols were undertaken. Three reports were recorded which related to Sweeney Reserve and other matters.

Attachment (3) demonstrates responses to the questions relating to any incidents or evidence local residents have witnessed with regard to anti-social behaviour. Based on the foregoing, there is no evidence that the PAW causes any current nuisance. Therefore the Nuisance Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

- Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb.
- Types of offences are limited to antisocial behaviour;
- The severity of antisocial behaviour is similar to elsewhere in the suburb

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAW’s level of use and Attachment (4) indicates the reasons for use, and frequency of use for the fifteen users of the PAW. This PAW appears to be used for a variety of reasons and accessed on a daily basis by more than one family member (refer to Attachments 3 and 4).

Of the 53 questionnaires returned, there are 14 (26%) objections to closure and 26 (49%) in support, the remainder being neutral. Overall there are 15 (28%) users of the PAW. Of the 26 supporters only 2 (7%) are users. Of the 15 users, 14 (93%) object and again of the 15 users 12 (80%) advised they would be inconvenienced if the PAW was closed. Of the 53 returned questionnaires, the 12 residents inconvenienced if closure was the outcome equate to 22%.

Medium rating:

- Medium portion of respondents not in favour of closure (over 30%)
26% overall not in favour of closure but 93% if users of the PAW are specifically considered
- Moderate level of households using the PAW
- Moderate portion of users inconvenienced by closure of the PAW (30-50%)
Level of inconvenience to users is 93%

To rate the Community Impact Assessment as medium, higher consideration has been given to the opinions of the users of the PAW. It is fair to assume that for many supporters of PAW closure applications, closure of the PAW would have little or no impact on them accessing local community facilities. With regard to the subject application, this can be determined by examining supporters' location on Attachment (1).

Final Assessment

The result of each assessment is detailed below:

Urban Design -	High
Nuisance Impact -	Low
Community Impact -	Medium

The subject PAW is a direct link to a reserve that has a reasonable level of use on a daily and weekly basis. The Nuisance Impact Assessment demonstrates that there is not a significant level of anti-social behaviour associated with this PAW. Of the 15 users of the PAW, 13 (86%) requested that the PAW be constructed, however, Council will only consider constructing the PAW once the owner of Lot 401 has developed, fenced and retained (if necessary) his property. This assists the City in establishing a finished level for the path and thereby avoiding any retaining issues.

The assessment accords with Case 1 of the Pedestrian Accessway Policy and therefore it is recommended that the Pedestrian Accessway between Kennedy Way and Sweeney Reserve is not supported for closure.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council DOES NOT SUPPORT the closure of the Pedestrian Accessway that leads from Kennedy Way to Reserve 31511, Sweeney Park, Padbury.

Appendices 13, 13a & 13b refer.

To access this attachment on electronic document, click here: [Attach13brf040602.pdf](#)

[Attach13abrf040602.pdf](#)

[Attach13bbrf040602.pdf](#)

ITEM 19 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY FROM PARTLET ROAD TO RESERVE 35545 (LILBURNE RESERVE), DUNCRAIG – [87011]

WARD – South Coastal

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Partlet Road and Reserve 35545 (Lilburne Reserve), Duncraig. (See Attachment 1 to this Report).

EXECUTIVE SUMMARY

The applicants have requested closure based on grounds of anti-social behaviour and the City's poor maintenance of the PAW. The application was advertised for public comment from

30 October 2001 to 29 November 2001. As part of the advertising process, questionnaires were forwarded to local residents seeking their view on closure of the PAW accompanied by a letter advising residents of the reasons closure had been requested.

The City's Pedestrian Accessway Policy requires formal evaluation of the request for closure. This evaluation is composed of three parts assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAW's level of use.

In this case, the Urban Design Assessment is rated as medium and the Nuisance Impact Assessment and Community Impact Assessment as low. Based on these ratings, the proposal accords with Case 4 of the Pedestrian Accessway Policy, therefore it is recommended that Council not support the closure of the PAW between Partlet Road and Lilburne Reserve, Duncraig.

BACKGROUND

Suburb/Location:	Duncraig
Applicant:	Mr R and Mrs B Buzzard
Zoning:	Residential
DPS:	
MRS:	Urban
Strategic Plan:	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

DETAILS

Current Proposal or Issue

One of the two adjoining landowners requested closure based on the grounds of anti-social behaviour, that it is poorly maintained and not well used. There is no service plant within the subject PAW that requires modification. The applicants have agreed to meet all other associated costs and conditions if closure is supported.

Site Inspection

At the time of the site inspection (see Attachment 2 to this Report):

- Very little rubbish/broken glass etc
- No obvious fence damage
- Some graffiti on garage wall
- Overgrown with trees and grass
- No lighting
- PAW almost concealed by large tree and car parked in front of it
- Sight lines would be improved by tree being cut back

PAW Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessway Policy helps guide the assessment process. From the outset, the City must have an indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

The land is purchased from the Department of Land Administration (DOLA) and prior to DOLA considering closure of a PAW, it is necessary for the Department of Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view and this is done only if Council supports an application. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

If Council and the DPI do support an application to close a PAW, on receipt of such approvals DOLA will arrange a valuation of the land and commence formal closure actions.

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 30 October 2001 to 29 November 2001 and a letter and questionnaire forwarded to residents living within a 400 metre radius of the subject PAW. The letter provided the reasons the adjoining landowners sought closure and the questionnaire requested information from residents on various matters relating to the PAW.

Policy Implications:

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare planning policies relating to planning or development within the scheme area. The Policy

provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for closure of PAWs.

As part of the City’s Pedestrian Accessway Policy, when closure of a PAW is requested formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where ratings do not match exactly with the assessment results, comments supporting the chosen rating are provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres of local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW’s level of use.

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

The subject PAW is a direct link to a recreation reserve, is not part of the “Safe Routes to School” programme or the City’s Bike Plan. Lilburne Reserve is a native park and the subject PAW only appears to benefit pedestrians that are accessing the reserve rather than it being part of a continuous link to other community facilities.

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres of Lilburne Reserve, bus stops and the local high school. If closure of the PAW takes place, all of these local facilities are still accessible within 400 metres. Six residents use the PAW and all but one use it for exercise/social purposes. One of the objectors uses the PAW for getting to school, however the walking distance is not greatly increased if the PAW is closed.

The PAW is not part of the “Safe Routes for School” programme but is a direct link to a reserve. The fact that Lilburne Reserve is a passive reserve may account for its low use in this area but it should be considered that low usage could also be attributed to its appearance i.e. concealed by trees and unpaved. The Urban Design Assessment rates between low and medium:

Low rating:

- PAW not linked to any community facility
The PAW is a direct link to Lilburne Reserve.
- a safe, reasonable alternative walkway exists
Walking along Partlet Road is the alternative route to the high school, which does not have a footpath.
- PAW is not part of a continuous link to community facilities
Closure of the PAW does not have an impact on accessing either the local high school or the closest bus stops.

- PAW is not designated as a ‘safe route to school’ or the City's Bike Plan.

Medium rating:

- PAW provides a route to community facilities but not direct
The PAW provides a route to a passive reserve and it is direct
- An alternative route exists but some inconvenience
The alternative route along Partlet Road inconveniences two residents out of six users of the PAW
- PAW not designated as a ‘safe route to school’ or bike plan
This is correct

If the Urban Design Assessment is rated as low under the City’s Pedestrian Accessway Policy, then it can be supported for closure whereas if rated as medium, support is not recommended. On balance, it is reasonable to rate the Urban Design Assessment as medium as it is a direct link to a community facility and though there is an alternative route it does cause some inconvenience to a percentage of the users.

Nuisance Impact Assessment

There are two adjoining properties to the PAW, owners of one being the applicants and the other advising they do not object to the closure. The applicants justification for closure is based on:

- poor maintenance by the City and lack of footpath
- escape route for burglars
- graffiti on carport walls
- broken glass from week-end drinking by youths
- the reserve has an extensive accessible area by properly constructed paths
- drug taking in and around PAW

Police and City Watch Information

The police advised that a site inspection was carried out and it was noticed that the western fence on the PAW had been daubed with graffiti. Further comments from the police were:

“On perusing the offence data supplied by Joondalup D.I.S.C, the offences recorded in the immediate vicinity are not disproportionate to those of other areas in Duncraig. Incidents of recorded anti-social behaviour for the past twelve months are also unremarkable due possibly to the reserve being native and unimproved. From a police perspective, it appears that the closure of the accessway is not essential, however, we would have no objection to this occurring.”

City Watch patrols that were undertaken in the vicinity of the subject PAW did not produce any incidence of note of an anti-social nature.

Information from the six users of the PAW when asked of their experience with regard to anti-social behaviour indicated that none had been witnessed by the two objectors. Of the four supporters of the proposal, graffiti, rubbish and broken glass were mentioned however, only the applicant mentioned drug and sex related evidence. Based on the foregoing, the Nuisance Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

- Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb;
- Types of offences are limited to antisocial behaviour;
- The severity of antisocial behaviour is similar to elsewhere in the suburb

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAW's level of use and frequency of use by users of the PAW. During the advertising period forty questionnaires were returned:

- 31 support closure
- 2 object to closure
- 7 are neutral
- 6 use the PAW
- 34 do not use the PAW

There are six users of the PAW and of the four supporters for closure, three use it monthly for exercise/social reasons and one fortnightly for the same use. The property owners that live opposite object as they use it daily for walking their dog and advise that if the PAW is closed they will have to walk on the road to Duncraig Senior High School oval as Partlet Road does not have a footpath. They also advise that the PAW is used by “*a lot of high school students to get to and from school.*” The only other objector uses it daily for school.

The Community Impact Assessment generally accords with a low rating as per Policy 3.2.7 – Pedestrian Accessways as the rating of low states:

- High number of residents in favour of closure (over 75%)
Overall 77% of residents are in favour of closure
- Low number of households using the PAW
- Few users inconvenienced by closure (less than 30%)
Of the six users, 2 advised they would be inconvenienced if the PAW is closed equating to 33%.

Final Assessment

The result of each assessment is detailed below:

Urban Design	-	Medium
Nuisance Assessment	-	Low
Community Assessment	-	Low

Of the 40 questionnaires returned, there are 2 (5%) objectors to closure and 31 (77%) supporters, 4 of which (13%) use the PAW. There are 6 users of the PAW overall, 2 of whom (33%) object and 2 of the users (33%) advised they would be inconvenienced if the PAW was closed.

A cross section of each category accords with Case 4 of the Pedestrian Accessway Policy and therefore the pedestrian accessway between Partlet Road to Reserve 35545 (Lilburne Park), Duncraig is not supported for closure.

VOTING REQUIREMENTS

Simply Majority

RECOMMENDATION

That Council DOES NOT SUPPORT the closure of the pedestrian accessway between Partlet Road and Reserve 35545 (Lilburne Reserve), Duncraig.

Appendix 14 refers.

To access this attachment on electronic document, click here: [Attach14brf040602.pdf](#)

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ITEM 20 SPONSORSHIP REQUEST – WEST PERTH FOOTBALL CLUB – [05005]

WARD - All

PURPOSE

That Council consideration is given to a sponsorship request by the West Perth Football Club.

BACKGROUND

At a meeting with the West Perth Football Club on Wednesday 17 April 2002, they presented a formal sponsorship proposal to the City of Joondalup for consideration (Attachment 1 is a copy of the full proposal). Through this proposal the West Perth Football Club are seeking cash support of \$10.00 per junior player resident within the City of Joondalup. This financial support is to be reviewed annually but with the understanding that the funding is to be continued into the future.

The City of Joondalup had been involved in ongoing negotiations between the West Perth Football Club and the Sports Centre Trust (Arena Joondalup) regarding the Club's tenure at the Arena Joondalup since October 2001. The City contributed to this process by engaging a consultant to facilitate a working group that included the City of Joondalup, Western Australian Football League, the Club and the Western Australian Sports Centre Trust. Due to the withdrawal of the Club from the working group, this process fell short of achieving its objective of sourcing and developing possible partnerships that would assist the Club in its present financial position. It was stressed to the Club from the outset that direct financial support from the City was unlikely, given the potential precedent that could be established for the large number of sporting clubs within the City.

As part of the process of consultation facilitated through the working party, the Western Australian Sports Centre Trust has offered the Club a number of proposed concessions to assist in its tenure at Arena Joondalup. These have included:

- A reduction in rent from \$58,000 to \$45,000 (this includes the provision of the playing arena and office space).
- An increase in the rebate to the Club on bar turnover from 10% to 15%.
- The opportunity to gain 100% of net profit on all Club functions held at the Arena (apart from the two existing functions being the Breckler Medal and the Players Auction).
- The Arena Joondalup to negotiate with the Swan Brewery with regards to providing the Club with a beer tent facility, to be operated and managed by the Club on match days.
- The provision of the Medallist Club Bar on Thursday Evenings for training nights.
- The opportunity for functions to be run at the Club on Sunday mornings.
- The opportunity for the Club to put memorabilia on show in the function rooms at the Arena.

The \$45,000 rental figure proposed is based upon a median figure of the rental paid by all of the remaining WAFL clubs.

The City of Joondalup previously received a draft sponsorship proposal from the Club in December 2001. Guidance offered to the Club was that a proposal developed around junior development that was inclusive of a partnership between the City, Club and the Western Australian Sports Centre Trust, was more likely to receive the support of the Council than a straight sponsorship request.

At the Council meeting on 26 March 2002 Councillor Baker moved a notice of motion regarding an offer of financial support to the West Perth Football Club. This notice of motion was not successful pending the provision of greater information being made available to the Council through a full report by the City's officers.

DETAILS

The City of Joondalup has received a formal proposal from the West Perth Football Club seeking financial support. The request for \$27,000 is based on \$10.00 per junior player. According to the club, there are approximately 2,700 local children coming through the Club's programme.

The proposal by the club makes claims that the financial support being linked to a partnership between the Club, the Arena Joondalup and the City of Joondalup. These links are not easily identified, with the proposal being a more of an appeal for direct financial support from the City of Joondalup. There is also little evidence from the proposal as to how any investment from the City of Joondalup will enhance the level of sports development that is already being delivered to junior football by the club.

The City of Joondalup undertook as part of the working party arrangement, to engage a consultant to assist the working party. A summarised finding of the consultant's extensive report is:

“That the West Perth Football Club's circumstances vary from other Western Australian Football League Clubs in that the Arena Joondalup is a facility that is owned and managed by a state government entity as opposed to a local authority as is the case with all of the other clubs.

The club is operating in a professional manner and managing their financial outgoings and general business in an appropriate and professional manner. The major problem being experienced by the club is that they have limited opportunity to generate sufficient levels of income”.

A major contributing factor in the problems facing all of the Western Australian Football League Clubs is that the poor on-field performance of the West Coast Eagles and the Fremantle Dockers in season 2001 has translated to a poor financial off-field performance by the Western Australian Football Commission. This poor financial result has meant that all the Western Australian Football League Clubs have had a cut in their Coaching Development Grant of \$50,000. This is a significant loss to all of the clubs. The club has however managed recently to secure a major sponsor for the next two years.

The proposal by the West Perth Football Club offers the City the following sponsor benefits:

- A premium signage package at the Arena including one 5 meter x 3 metre lollipop sign and one 6 metre x 1 metre fence panel sign, clearly advertising Council's support of the club's junior development program.
- City of Joondalup logo on the club letterhead.
- PA announcement at all home games.
- Acknowledgement in all newsletters and Annual Report.
- Joint naming rights and signage at all junior development programs and junior clinics.
- Access to players and coaches for the City's promotional activities.
- VIP box for six people at all home games.
- Six invitations to the President's Luncheon at every home game.

With the ongoing support of the City of Joondalup, West Perth Football Club will immediately commit itself wholly to Arena Joondalup and the region, and will change its name to the Joondalup Falcons from the 2002 season onwards.

COMMENT

The present circumstance is that the City does not presently have funds available to provide financial support other than capital projects to sporting or community based clubs. In order to be able to assist the West Perth Football Club there would need to be provision made within the budget process that establishes a means by which support could be offered to all sporting or community groups.

If the City were to decide to offer the West Perth Football Club sponsorship support it would need to be mindful of the potential for establishing a precedent that could be pursued by other clubs.

Within the City of Joondalup there is a number of clubs who are considered to be district or state league clubs. These would include the Joondalup District Cricket Club Inc, Sorrento Soccer Club, ECU Joondalup Soccer Club, Wanneroo District Basketball Association, West Coast Netball Region (West Coast Warriors State league Netball Team), Joondalup Giants Rugby League Club, Joondalup Brothers Rugby Union Football Club and Joondalup Lakers Hockey Club. Each of these clubs may feel that it has a similar claim to financial support by the City based on its status and the opportunities it provides to the sporting matrix available within the Joondalup area.

Given that there are a number of clubs located within the City who would be looking for financial assistance in the same way as the West Perth Football Club, there is a need to develop a means by which all clubs could seek support from the City. A sporting club support programme could be established using criteria such as sport development, level of membership, sporting success, community profile, financial situation, cost incurred in the delivery of their sport, support from State Sporting Association.

A figure of \$60,000 per annum, based upon suitable applications being received, would be proposed as a reasonable amount of funding to assist a number of the sporting clubs operating within the City's boundaries.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 ESTABLISHES a sporting club support scheme whereby financial support can, upon application, be made available to sporting clubs located within the City of Joondalup in lieu of sponsorship support;**
- 2 PRESENTS a report to Council which outlines procedures and the application criteria for a scheme which, on an annual basis, provides support to major sporting teams located within the City;**
- 3 GIVES consideration to establishing a fund of up to \$60,000 within the budget process for sponsorship support to sporting groups located within the City.**

ITEM 21 COMMUNITY FUNDING PROGRAM 2001-2002 GRANTS ALLOCATIONS - SECOND FUNDING ROUND – [76007] [52219]

WARD - All

PURPOSE

The purpose of this report is to provide information and make recommendations on the provision of further Community Funding Program grants for the 2001/2002 financial year in accordance with the Community Funding Program's policy and guidelines.

EXECUTIVE SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not-for-profit and other eligible organisations. It is intended that support be offered to a range of community development initiatives consistent with the City's strategic objectives.

As part of the initial round of funding in November 2001, Council allocated grants to the value of \$60,604 to assist 35 organisations and community groups in the 2001/2002 financial year (Report CJ411-11/01 refers). The report noted that there was a balance of funds remaining in the program of \$28,736 accordingly, a second funding round was advertised.

Funds will assist organisations and community groups to conduct projects, events and activities in the areas of community services provision, sport and recreation development, economic development, environment and sustainable development and culture and the arts development. There is a particular emphasis on the provision of financial assistance in support of activities associated with the 2001 International Year of the Volunteer objectives.

This is the third consecutive financial year in which the Community Funding Program has been administered. The Program was first introduced in July 1999. If the recommendations in this report are adopted by Council this would mean that, to date, Council has allocated a total of 153 grants through the Program to organisations and community groups in support of the communities of the City of Joondalup at a total value of \$282,645.

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was first adopted to take effect from 1 July 1999 and a further report was sought detailing the initial funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meetings of 14 September 1999 and 26 September 2000, the Community Funding Program Guidelines for the 1999/2000 and 2000/2001 financial years were noted (Reports CJ304-09/99 and CJ252-09/00 refer) and various amendments were made to the Community Funding Policy (Reports CJ303-09/99 and CJ247-09/00 refer).

At the Council meeting of 11 September 2001, further amendments were made to the Community Funding Policy (Report CJ298-09/01 refers). A background report and a copy of

the Program's Guidelines for the 2001/02 financial year were provided to Elected Members at the Briefing Session held on 4 September 2001.

Together, the Policy and Guidelines form the City's Community Funding Program, a program which has been developed to enable the City to provide financial assistance to eligible not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

The overall objective of the Community Funding Program is to provide a framework for the provision of targeted funding, which meets Council's strategic objectives in facilitating community development, in partnership with the community. The Program aims to support the strategic objectives of the City in the areas of sport and recreation development, culture and arts development, economic development, environment development and provision of community services.

Eligible projects, events and activities include:

- Capital projects and items;
- Discrete projects, activities or events;
- Seeding grants for projects, activities or events that can demonstrate independent viability after an appropriate period;
- Projects, activities or events where all other potential sources of funding have been exhausted or are not available.

Council will not fund the following:

- Deficit funding – for organisations which are experiencing a shortfall in cash revenue or anticipated revenue;
- Recurrent salaries and recurrent operational costs;
- Proposals where alternative sources of funding are available;
- More than one request for funding in a twelve month period;
- Individuals, unless they are sponsored by an eligible organisation and are residents of the City;
- Government or quasi-government agencies, with the exception of schools;
- For profit organisations.

The program has five major fund categories as follows:

- Community Services Fund
- Culture and the Arts Development Fund
- Economic Development Fund
- Environment and Sustainable Development Fund
- Sport and Recreation Development Fund

Each of these fund categories has its own specific strategic objectives. In accordance with the Community Funding Policy, guidelines specific to each fund have been developed for the current financial year.

The Program provides the framework for various common funding guidelines, eligibility criteria and accountability requirements that have been applied across the organisation to

assess all applications for funding under the program. Applications were assessed against the following criteria:

- All eligibility criteria for funding are met;
- The application supports the mission statement, values and strategic direction of Council;
- The application addresses the funding objectives and identified priorities of the relevant fund category;
- Value for money;
- Demonstrated need;
- Community support either in cash or kind;
- Appropriate accountability processes being in place;
- Inclusion of all relevant documentation; and
- Compliance with Council's Community Funding Program Policy and Guidelines.

DETAILS

Following the first round of funding in the 2001/2002 financial year, there is a total of \$28,736 available for distribution in the second funding round.

The distribution of funds across each of the funding categories has been based on the percentage of funding requested across all categories in the first funding round in the current financial year. The funds available for distribution are as follows:

Community Services Fund	\$8,217
Culture and the Arts Development Fund	\$8,563
Economic Development Fund	\$3,104
Environment Development Fund	\$2,406
Sport and Recreation Development Fund	<u>\$ 6,446</u>
	\$28,736

The objectives and funding priorities for each fund category for the 2001/2002 financial year are as follows:

Community Services Fund

Objectives

- To support new and unique initiatives which bring identified positive benefits to young people in the City.
- To support local responses to the needs of seniors in the City.
- To increase the volunteer support base of local community groups.

Funding Priorities

Projects, events or activities which:

- Encourage the involvement and interaction of young people with their community;
- Foster a positive image of young people in the community;
- Involve seniors in active involvement in their community;
- Have a clear practical outcome;
- Are sustainable at their completion; and
- Demonstrate a local response to the International Year of the Volunteer objectives.

Culture and the Arts Development Fund

Objectives

- To extend and support the level of participation in cultural activities within the community.
- To increase the number and variety of cultural opportunities in the City.
- To assist in the improvement of community recreation.
- To positively contribute to the well being of the community.
- To increase and enhance the volunteer base of the local community groups.

Funding Priorities

Projects, events or activities which:

- Encourage skills development and greater participation by young people with a particular focus on creating a sense of community; and
- Demonstrate a local response to the International Year of the Volunteer objectives.

Economic Development Fund

Objectives

- To encourage the development of new businesses within the City which do not operate in direct competition to existing business.
- To fill an identified economic need within the community.
- To assist the City in achieving its stated economic strategies.

Funding Priorities

Projects, events or activities which:

- Support strategic economic development within the City;
- Encourage participation of the local business community in partnership arrangements with other business sectors; and
- Are sustainable at their completion.

Environment and Sustainable Development Fund

Objectives

- To encourage ecologically sustainable development.
- To encourage integrated environmental, social and economic development projects.
- To provide opportunities for people to become actively involved in environmental protection and conservation activities.
- To enhance community participation and understanding of sustainable development and environmental issues.
- To provide a positive contribution to the well being of the community.
- To increase or enhance the volunteer support base of the local community groups.

Funding Priorities

Projects, activities or events which:

- Encourage efficient use of renewable energy sources.
- Encourage waste reduction, reuse and recycling.
- Reduce Greenhouse gas emissions.
- Develop eco-tourism opportunities.
- Improve air quality.
- Encourage sustainable forms of transportation (walking, cycling, etc).
- Promote ecologically sustainable business practices.
- Encourage community participation and enhance community awareness of ecologically sustainable development, sustainability and environmental issues.
- Have a clear, practical direction and are sustainable at their completion.
- Support the City's Strategic Plan (2000-2005), including strategy 1.2 (adopt and implement a Local Agenda 21 Plan) and strategy 2.6 (implement projects with a focus on improving environmental, social and economic balance).
- Enhance community sustainability and generate environmental benefits to the community.
- Integrate with other sustainable development initiatives and environmental programmes.
- Represent "seed" projects, readily transferable or adaptable for wider application.
- Demonstrate a local response to the International Year of the Volunteer objectives.

Sport and Recreation Development Fund

Objectives

- To extend and support the level of participation in recreation activities within the community.
- To increase the number and variety of recreation opportunities in the community.
- To assist in the improvement of community recreation.
- To positively contribute to the well being of the community.
- To increase or enhance the volunteer support base of local community groups.

Funding Priorities

Projects, events or activities which:

- Demonstrate significant benefits to the community's overall quality of life;
- Promote active participation in recreational activities;
- Expand the active membership and participation base of sport and recreation organisations; and
- Demonstrate a local response to the International Year of the Volunteer objectives.

The Community Funding Program was advertised locally on 19 March 2002 in the Wanneroo Community Times and 21 March 2002 in the Joondalup Community News. Flyers, consisting of a copy of the paid advertisement, were also sent out to approximately 400 organisations. The closing date for applications was 26 April 2002.

An information package, which contained the Community Funding Program Guidelines and application forms, was posted or emailed to organisations and community groups. The information package was also available electronically via the City's Web.

A Community Funding workshop was advertised locally on 2 April 2002 in the Wanneroo Times and on 4 April 2002 in the Joondalup Community News. The workshop was conducted on 9 April 2002. A number of one to one meetings were held between Council officers and representatives from various organisations and community groups who had expressed an interest in receiving assistance to complete the application forms or obtain additional information about the program.

Each application received was assessed against the generic eligibility and assessment criteria together with the specific funding objectives and priorities for the 2001/2002 financial year, as contained in the Community Funding Guidelines.

Assessment panels, consisting of Council Officers and external community members, were established as follows:

Community Services Fund:

Mitch Pratt – President, Association of Independent Retirees Inc, Perth Northern Suburbs Branch

Kate Maasen - Youth Advisory Council Member

Julie Eaton - Coordinator Community Services, Community Development Services

Karen Blyth - Senior Administration Officer, Community Development Services

Michelle Wolsoncroft - Projects, Policy and Planning Officer

Culture and the Arts Development Fund:

Miv Egan – Community Representative and practicing artist

Marianne Kornaat – Community Representative and practicing artist

Keryn Cooper – Community Representative and practicing artist

Claire Pannell – Arts Project Officer, Community Development Services

Economic Development Fund:

There were no applications for the Economic Development Fund.

Environment and Sustainable Development Fund:

As there was only one funding application for the second round Environmental and Sustainable Development fund, the assessment was conducted administratively by John Goldsmith, Sustainable Development Officer, and Fabian Uzaraga, Coordinator Sustainable Development.

Sport and Recreation Development Fund:

Mr David Ernst, ECU Sports Centre

Mrs Carol Roberts, Joondalup Netball Association

Mr Graeme Hall, Acting Manager Community Development Services

The following chart provides a profile of the number of applications processed:

	Applications Received	Applications Received for Funding <=\$2,500	Applications Received for Funding >\$2,500	Applications Recommended for Full or Partial Funding	Applications referred to Formal Facilities Assessment Process
Community Services Fund	11	8	3	4	0
Culture & the Arts Development Fund	9	6	3	7	0
Economic Development Fund	0	0	0	0	0
Environment & Sustainable Development Fund	1	1	0	1	0
Sport & Recreation Development Fund	8	7	1	4	0
TOTAL	29	22	7	16	0

Attachment 1 to this Report includes a full listing of all applications received and applications recommended for full or partial funding. A number of applications have been recommended for approval subject to the applicants agreeing to meet certain conditions of funding.

Applications from the following 26 organisations have been recommended for funding:

Association of Independent Retirees	North Metro Music Club
Beldon Education Support Unit	Priority Television Network
Beldon Primary School	Relationships Australia
Buzz Dance Company	Sorrento Tennis Club
City Entertainers Community Concert Group Inc.	St Simon Peter Catholic Primary School
Foodbank of WA	Stroke Support Group
Inner City Residents of Joondalup Inc	The Homestead
Joondalup Judo Club	Vasek School of Violin and Strings Tour Group Inc.
Khanya South African Zulu Culture Assn Inc	Wanneroo Joondalup Regional Broadcasting Assn Inc.
Kinross Netball Club	West Perth Football Club
Mater Dei College	Whitfords Junior Cricket Club
Mullaloo Heights Primary School	Woodvale Junior Hockey Club
North City Christian Centre	Woodvale Senior High School

COMMENT

The following chart shows a profile of the funding arrangements for each fund category:

	Balance of Funding included in 2001/2002 Budget	Funding Requested by all Applicant Organisations	Funding Recommended	*Balance of Funds Remaining
Community Services Fund	\$8,217	\$17,696	\$5,919	\$2,298
Culture & the Arts Development Fund	\$8,563	\$41,248	\$13,493	-\$4,930
Economic Development Fund	\$3,104	\$0	\$0	\$3,104
Environment & Sustainable Development Fund	\$2,406	\$2,500	\$2,500	-\$94
Sport & Recreation Development Fund	\$6,446	\$19,371	\$6,616	-\$170
TOTAL	\$28,736	\$80,815	\$28,528	\$ 208
* The balance of funds were redistributed across the fund categories in order to better respond to community need in each category.				

All funds recommended for allocation are inclusive of GST.

In accordance with the provisions of the Community Funding Policy and Guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants will be required to enter into contractual agreements with the City for funds allocated under the Community Funding Program and the City will register the grants allocated. Successful applicants are also required to suitably acknowledge the financial support provided by the City. The nature of such acknowledgement will be negotiated with each successful applicant as part of the process of drafting the required funding agreements.

The Community Funding Policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the applications is made.

Should the recommendations in this report be adopted by Council, this will mean that since the introduction of the City's Community Funding Program a total of 137 grants have been allocated by the City under this program to organisations and community groups with a total value of \$282,646 as follows:

1999/2000	41 organisations	\$62,638
2000/2001	61 organisations	\$130,876
2001/2002	51 organisations	\$89,132

The assistance and advice provided by members of the community who voluntarily participated on the various assessment panels has been invaluable. It is recommended that their contributions be acknowledged by Council.

Arrangements will be made for the Mayor or his delegate to personally present organisations and community groups with their cheques.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 APPROVES the grants recommended for approval under the City of Joondalup's Community Funding Program's second funding round for the financial year 2001/2002 as detailed in this Report;**
- 2 ACKNOWLEDGES and thanks those members of the community who participated on the various assessment panels.**

Appendix 15 refers.

To access this attachment on electronic document, click here: [Attach15brf040602.pdf](#)

ITEM 22 WARWICK BOWLING CLUB – FLOODLIGHTING – [03045] [22209]

WARD - South

PURPOSE

To consider a request by the Warwick Bowling Club that the City of Joondalup provides one-third funding for the proposed installation of floodlighting to two bowling greens at the Warwick Bowling Club.

EXECUTIVE SUMMARY

Council previously resolved at its meeting of 23 October 2001 (Item CJ370-10/01 refers) to list for consideration \$11,670, for floodlighting to two bowling greens, in the 2002/03 draft budget on the proviso that Warwick Bowling Club is granted \$11,670 from the Community Sport and Recreation Facility Fund (CSRFF). The Club was unsuccessful with their CSRFF application, however have now advised the City that they would like to continue with the project but provide two-thirds of the funding themselves.

It is recommended that Council considers including \$11,670 in the 2002/03 budget and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights.

BACKGROUND

In September 2001, the Warwick Bowling Club applied for funding, through the State Government's Community Sport and Recreation Facility Fund (CSRFF), for the conversion of two greens from natural grass to a synthetic surface, as well as the installation of floodlighting sufficient for the two greens.

At its meeting of 23 October 2001, Council resolved to list for consideration \$11,670 in the 2002/03 Draft Budget on the proviso that Warwick Bowling Club is granted \$11,670 from CSRFF and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights (Item CJ370-10/01 refers).

In March 2002, the City of Joondalup and the Warwick Bowling Club were notified, by the Minister for Sport and Recreation, that the club's CSRFF application had been unsuccessful. However in the same round of funding, the Beaumaris Bowling Club were successful with their CSRFF application to install floodlighting to two bowling greens. As a consequence of this, Council will contribute \$9,134 toward the Beaumaris project.

DETAILS

The Warwick Bowling Club has requested that the City consider funding their floodlighting proposal as per the agreed original amount of \$11,670. The Club has advised that it will meet the outstanding balance of \$23,340 for the project.

Additional lighting will enhance the potential to increase physical activity of people playing lawn bowls. It will also expand the ability of the Club to use the greens and increase use and patronage of the clubrooms. This will assist in making the Warwick Recreation Association and its member clubs more financially viable and more able to fund future needs themselves without support from Council.

COMMENT

It is considered that the Warwick Bowling Club's request for funding the installation of floodlighting is reasonable. Even though one third of costs are not forthcoming from the State Government, as part of the CSRFF, the Club itself will now meet this cost. Council's financial position would not be affected, as the previous resolution listed \$11,670 for consideration in the 2002/03 Draft Budget. In addition, the precedence of funding an organisation for a similar project has been established.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council LISTS for consideration an amount of \$11,670 in the 2002/03 budget and that funding provided by the City is used specifically for the floodlighting proposal only and that the Warwick Bowling Club agrees to meet the operating costs of additional floodlights.

ITEM 23 TRADING IN PUBLIC PLACES APPLICATION – [10515]

WARD - All

PURPOSE

To determine an objection against the refusal of an application for a Trading in Public Places Licence, for the operation of a van selling flowers from the Sorrento Surf Lifesaving Club car park, Sorrento.

The application was refused on the grounds of parking and planning issues relating to the need for such a service at the car park.

EXECUTIVE SUMMARY

The City of Joondalup Trading in Public Places Local Law 1999 provides for the regulation, control and management of street traders, street markets, street entertainment and outdoor dining areas in any street or public place within the district. A person is not able to trade on any street or public place unless that person is the holder of a valid and current Trading in Public Places Licence.

An application for the operation of a van selling flowers from the Sorrento Surf Lifesaving Club Car Park, Sorrento, was received by the City. The application was assessed and a decision was made to refuse the application as the proposed activity and place of trading is considered to be undesirable by the City. City staff has delegated authority to administer the Local Laws, by a Delegation of Authority.

The applicant has chosen to object the decision. It is recommended that the objection be dismissed.

BACKGROUND

Suburb/Location: Sorrento
Applicant: Michelle Norman

DETAILS

A Trading in Public Places Application was received by Council on 10 December 2001. The application proposed the selling of flowers operating from a van situated within Sorrento Surf Lifesaving Club Car Park between 8am – 7pm daily. The application nominated two locations for the van, one on the verge and one in a regular car park position (see attached plan and application).

The Sorrento Surf Lifesaving Club Car Park is located on the southern and eastern sides of the Surf Club building situated on West Coast Highway, north of Hocking Parade. The area is the main car park providing access to Sorrento beach.

Determination of Application

In determining an application, the Local Government may grant or refuse the application. The Local Government may refuse the application in accordance with Part 2 (8) of the Local Law, which states:

- 8 (1) The local government may refuse an application for a licence, where:
 - (a) it does not comply with the application requirements under this local law;
 - (b) sub clause deleted;
 - (c) the proposed activity or place of trading is considered by the local government to be undesirable; or
 - (d) the proposed structure, stall, stand, table or vehicle is considered by the local government to be unsuitable in any respect to the activity or location for which the license is sought.

The application was refused under Part 2, 8(c) of the City of Joondalup Local Laws 1999. The applicant was informed of the decision to refuse their application and of their right of appeal on January 2002.

Objection

The applicant lodged an objection to the decision on 27 February 2002. The grounds for objection are based on a survey of occupancy rates for the car park that the applicant conducted between mid December 2001 and the end of January 2002. The survey found that the only period of full occupancy was on Sunday morning while the Surf Club is in progress. The rest of the week between the hours of 9am – 2pm there was a maximum occupancy rate of 52%. Between the hours of 2pm – 6.30pm the daily occupancy rate was 13%. The applicant altered the proposed hours of operation from 2pm to 6pm and confirmed that the van would be located in a normal car park bay.

Notwithstanding the above, concern about the intended use of the car park and the potential for congestion remains.

Statutory Provision:

Dealing with objection

The City of Joondalup Local Laws are made under the Local Government Act 1995 and the Appeal and Objection provisions for the Local Laws are in accordance with part 9 Division 1 of the Act.

- 1 The objection is to be dealt with by the Council of the local government or by a committee authorized by the Council to deal with it.
- 2 A committee cannot deal with an objection against a decision that it made or a decision that the council made.

- 3 The person who made the objection is to be given a reasonable opportunity to make submissions on how to dispose of the objection.
- 4 The objection may be disposed of by —
 - a) dismissing the objection;
 - b) varying the decision objected to; or
 - c) revoking the decision objected to, with or without —
 - i) substituting for it another decision; or
 - ii) referring the matter, with or without directions, for another decision by a committee or person whose function it is to make such a decision.

COMMENT

The car park is located on land reserved for ‘Parks and Recreation’ under the Metropolitan Region Scheme. It is therefore expected that the uses permitted on this land reflect the recreational nature of the reserve. The selling of flowers is a stand alone commercial activity that does not relate to the use of the reserve for recreation purposes.

The Sorrento Beach Car Park is considered to have a high usage. The approval of an activity, which will attract other users not associated with recreational pursuits, is likely to have an impact on the availability of car parks for those users. Given the existing high demand for car parking in the area, the selling of flowers in this location is not considered appropriate.

Other items of note include:

- 1 This car park has high public utilisation and a commercial operator will impact on the available bays for the public.
- 2 Parking adjacent to the road access will effect traffic sight lines.
- 3 Parking on the paved area is prohibited. This is verge and has a water service meter located. Bollards have been installed in a section to restrict unauthorised vehicle parking.

Additionally customer vehicles may park on the road edge when purchasing flowers and this will create an additional hazard. Another concern is that the application could lead to a proliferation of this type of activity along the coast.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council REAFFIRMS its decision (under delegated authority) to refuse the Trading in Public Places application submitted by Michelle A Norman for the operation of a van selling flowers from the Sorrento Surf Lifesaving Club Car Park, Sorrento, on the grounds that the proposed activity and place of trading is considered to be undesirable, in accordance with Part 2(8)1(c) of the Trading in Public Places Local Laws 1999.

Appendix 16 refers.

To access this attachment on electronic document, click here: [Attach16brf040602.pdf](#)

ITEM 24 CITY DEPOT COMMITTEE – MINUTES OF 28 MAY 2002 MEETING – [80513]

WARD – All

PURPOSE

This report provides for Council to note the minutes of the City Depot Committee held on 28 May 2002.

BACKGROUND

On 28 May 2002 the City Depot Committee held its meeting.

DETAILS

This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover and will be considered at the Council meeting on 11 June 2002.

RECOMMENDATION

That Council NOTES the Minutes of the Depot Committee and ENDORSES the recommendations of the Committee as outlined in the Confidential Report.

7 REPORT OF THE CHIEF EXECUTIVE OFFICER

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – CR C BAKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 11 June 2002:

“That in view of the State Government’s recent confirmation of its plans to decriminalise the possession and cultivation of cannabis, the clear link between illicit drugs and crime, and the desire of the City of Joondalup to protect its citizens, particularly our young children, a report be prepared and presented to Council examining the powers of the City of Joondalup to enact Local Laws:

- 1 compelling cannabis cultivators who reside in the City of Joondalup to secure their cannabis crops in an appropriate manner to prevent young children accessing the same;*
- 2 restricting the site or sites where cannabis can be grown within residential or non-residential premises;*
- 3 providing for periodic inspections by suitably qualified Council staff of all State Government sanctioned cannabis crops so as to ensure that any such Local Laws are complied with, and;*
- 4 providing for any other necessary, related or incidental matter.”*

OFFICER’S COMMENT

Certainly an investigation can be undertaken and a report prepared as requested. However, the cultivation, production, use and management of drugs is the responsibility of the State and Federal Governments. Any matter that is included in a local law will require the City to enforce as it is the City’s local law. This would have an immediate impact on the City’s resources and budget.

It may be preferable for the Local Government through the Western Australian Local Government Association to lobby the State Government to put in place effective management processes that are a State responsibility to enforce.

9 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm on Tuesday, 2 July 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

10 CLOSURE

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

OFFICE OF THE CEO

ANNUAL GENERAL MEETING OF ELECTORS – EX CJ379-11/01

“2 (c) (iii) REVIEWS the order of business, including the possible provision of an additional period of public question time prior to the closure of the meeting, as part of the overall review of the proposed draft Standing Orders Local Law;”

Status: A report will be submitted to the Standing Orders Review Committee for consideration.

It is anticipated a report will be submitted to the 2 July 2002 Council meeting.

REQUEST TO SUPPLY SENIORS DETAILS TO THE SELF FUNDED RETIREES ASSOCIATION (INC) – ex CJ407-11/01

“the City DEVELOPS and IMPLEMENTS a policy in relation to the provision of specific information relating to a particular group or groups, or individuals and that such a policy be implemented prior to the 2002/2003 financial year;

the matter be REFERRED to the relevant committee for further consideration”

Status: Policy issues are currently being investigated.

NOTICE OF MOTION NO 3 - CR A PATTERSON - ex C32-03/02

“2 that report requested in (1) above is to address the following issues:

- the amount of money saved by these contracting out activities;
- the reduction in the number of FTEs employed by the Council;
- the increase in money available for improvements to various amenities in the City of Joondalup;
- The positive impact for local business and economic development in the City of Joondalup of such activities.

The report is to be completed by June 2002.”

Status: Arrangements have been made to submit a report to the Council Meeting to be held 2 July 2002.

REVIEW OF CORPORATE CODE OF CONDUCT – ex CJ086-04/02

“2 REFERS the Code of Conduct to the Standing Orders Review Committee for the 2002/03 review, with a further report on the recommendations being submitted to Council for further consideration.”

Status: A review will be undertaken, with a report being presented to the Standing Orders Committee as soon as possible.

HUMAN RESOURCES

TENDER NO 015-01/02 – SUPPLY OF TEMPORARY PERSONNEL – EX CJ426-12/01

“Cr Hollywood requested a report detailing costs to the City of Joondalup for temporary staff for the year.

Mayor Bombak advised this request would be taken on notice.”

Status: A report is currently being prepared and will be tabled at the next Executive Management Team meeting.

CORPORATE SERVICES AND RESOURCE MANAGEMENT

ALTERATIONS TO MULLALOO SURF CLUB, OCEANSIDE PROMENADE, MULLALOO – ex CJ449-12/01

“4 REQUIRES a further report outlining the details of the Deed of Variation to the current lease.”

Status: This will be undertaken following completion of the alterations, to be reviewed June 2002.

INDUSTRIAL SPECIAL RISKS, MOTOR VEHICLES AND PLANT AND ANCILLARY INSURANCES FOR 2002/2003 - ex CJ433-12/01

“2 REQUESTS a report from Local Government Self Insurance Schemes on its proposal for a self insurance property scheme (ISR).”

Status: Feedback from the Local Government Self Insurance Schemes anticipated May/June 2002, at which time a report will be presented to Council.

This information will be communicated to elected members via the News from the Desk of the CEO publication.

PLANNING & COMMUNITY DEVELOPMENT

REQUESTED CLOSURE OF A PORTION OF A ROAD BETWEEN LOT 151 (88) CLIFF STREET AND LOT 113 (31) MARINE TERRACE, SORRENTO – ex CJ193-07/00

“REQUESTS that the Local Housing Strategy is completed and a report presented to Council by November 2000.”

In view of the strong community reaction to precinct planning, and the need for a comprehensive community consultation policy, it is proposed to review this programme. A report on this review originally anticipated for July 2001 is unlikely to be completed before July 2002.

SORRENTO CONCEPT PLAN – ex CJ160-05/01

“REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Sorrento Concept Plan;”

Status: A report that was originally anticipated to be presented to Council following preliminary design work in August 2001, then November/December 2001, then June 2002; is now anticipated to be submitted to Council in August 2002.

MULLALOO CONCEPT PLAN REVISIONS - ex CJ315-09/01

“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 nett area of the useable surface of Tom Simpson Park proper.”

A report anticipated for June 2002 is now expected to be submitted to Council in August 2002.

BREACH OF DISTRICT PLANNING SCHEME NO 2 – STORAGE OF MORE THAN ONE COMMERCIAL VEHICLE IN A RESIDENTIAL ZONE: LOT 89 (19) BULLARA ROAD, CRAIGIE – ex CJ353-10/01

“that a review be conducted in conjunction with the executive of the Joondalup Business Association of the definition for commercial vehicles in relation to the City of Joondalup District Planning Scheme No 2 with a further report being submitted to a future Council meeting.”

Status: It has been agreed to consider amending this definition as part of an Omnibus amendment to DPS2. It is anticipated that this amendment will be initiated in December 2002.

2002 ROYAL AUSTRALIAN PLANNING INSTITUTE (RAPI) NATIONAL CONGRESS – ex CJ395-11/01

“2 REQUESTS an information report on the outcomes of the RAPI 2002 Joint National Congress.”

Status: A report will be presented following attendance at the Congress in April 2002.

NOTICE OF MOTION – CR C BAKER – REVIEW OF “VERGE” LOCAL LAWS – ex C45-06/01

- 1 “Council REVIEWS all existing local laws (and its powers to make new local laws) concerning Council’s powers to actively encourage the owners and/or occupiers of rateable land to adequately maintain the verge area between their front property boundary line and the immediately adjacent road surface (proper) in the manner of a reasonable person (“the Review”)
- 2 the Review be the subject of a report to Council.”

Status: A paper was submitted to Council at its information session held on 2 April 2002. Councillors requested that more information be provided in relation to a landscape strategy prior to being submitted to Council.

CONSULTATION PROCESS REGARDING SYNTHETIC GRASS PLAYING SURFACES – ex CJ117-05/02

“That Council in consultation with the Synthetic Grass Playing Surfaces Workgroup DEVELOPS a report outlining a policy for funding sport and recreation facility capital works projects.”

Status: It is anticipated that policy outlining a policy for funding sport and recreation facility capital works projects be developed before the end of June and forwarded to the members of the synthetic grass playing surfaces committee. Once the consultation process has been completed a report outlining the policy will be forwarded to the Council for endorsement.

COMMUNITY DEVELOPMENT

YOUTH SERVICES INITIATIVES - ex CJ245-07/01

“8 NOTES that a further report will be submitted to Council outlining the Youth Advisory Councils’ views on the Future Directions and Jumping at Shadows documents.”

Status: The Strategic Advisory Committee - Youth Affairs at its meeting held 4 February 2002 resolved to have a joint meeting of the Youth Advisory Councils to identify those projects that will be preferred to be carried out in the 2002/03 Financial Year. This will occur at the Youth Advisory Council’s April meeting.

This issue was discussed at Youth Advisory Council meeting 2 May 2002.

It is now anticipated that this report will be submitted to the Council meeting to be held 2 July 2002.

ANNOUNCEMENT BY CR P KADAK – ex C106-10/01

- 2 REQUESTS a report from the Joondalup North and South Youth Advisory Councils and the Strategic Advisory Committee – Youth Affairs on the conference and its recommendations.

Status: The Youth Advisory Councils are to further consider the report recommendations with a view of determining those recommendations that the City's young people can realistically achieve.

This issue was discussed at Youth Advisory Council meeting 2 May 2002 and a report was anticipated to be presented to Council in June 2002. It is now anticipated that this report will be submitted to the Council meeting to be held 2 July 2002.

SHIRE OF WANNEROO AGED PERSONS' HOMES TRUST INC – MANAGEMENT COMMITTEE MEMBERSHIP – ex CJ410-11/01

“defers any action at present in relation to representation on the Board of the Shire of Wanneroo Aged Persons' Homes Trust Inc until this matter has been referred to the Strategic Advisory Committee – Seniors Interests;

CHARGES the Strategic Advisory Committee – Seniors Interests with the responsibility to Advise Council in regards to those which the Committee considers are the appropriate ways to support the development of aged care residential facilities and services for seniors”

Status: This matter has been presented to the Strategic Advisory Committee – Seniors Interests, and is to be further considered at a SACSI meeting scheduled for May.

A member of the Wanneroo Aged Persons' Homes Trust has been invited to attend the next SACSI meeting 10 July 2002. It is anticipated that a report to Council will follow on 13 August 2002.

INFRASTRUCTURE AND OPERATIONS

WARWICK OPEN SPACE – PUBLIC TOILET FACILITY - ex CJ312-09/01

“That Council DEFERS the removal of the Warwick Open Space public toilet facility and calls a community consultation meeting with the Warwick Open Space Facility User Groups, at the Warwick Recreation Association facility, on site, and requests the Urban Animal Management Committee to inspect and comment on the area, which is a regular area for canine animal exercise, in order to see whether the facility should be upgraded, kept as a community asset and developed as a picnic and barbecue area, adjacent to the Bush Walking Trails with interpreter signage, as there are already shelters, park seats and a car park currently in place.”

Status: A request has been forward to the Chairman of the Skatepark Committee during February 2002 seeking comment and feedback from that Committee in relation to the proposal.

The Skatepark Committee will be meeting in early June 2002 to determine a response to the Warwick Open Space – Public Toilet Facility query.

PETITION – OBJECTION TO INSTALLATION OF GOAL POST, RUTHERGLEN PARK, KINROSS – ex CJ019-02/02

“that the matter pertaining to petition – objection to installation of Goal Post, Rutherglen Park, Kinross be DEFERRED to a future meeting of Council to enable on-site consultation to occur.”

Status: A site meeting was held on 18 March 2002. A report anticipated to be submitted to Council in May 2002 and then in June 2002 will now be submitted to Council in June/July 2002.

TENDER 012-01/02 – LEASE FOR PART OF THE CIVIC CENTRE – ex CJ431-12/01

“3 without impacting the lease and within 60 days of tender acceptance SEEKS a further report addressing the request for improved signage and exposure of the venue.”

Status: This matter is currently being investigated by Infrastructure Management Services in consultation with Fawn Holdings Pty Ltd to identify whether a Council report is required to be submitted to Council in April 2002.

Fawn Holdings Pty Ltd has submitted a plan requesting signage and this is currently being evaluated including costings.

It is anticipated that this report will now be submitted to the July 2002 Council meeting.

The signage has been assessed and directional and building signs will be installed to provide information for the function centre.

URBAN ANIMAL MANAGEMENT COMMITTEE – ex CJ358-10/01

“4 SEEKS a further report and legal advice clarifying whether or not a local government may provide discounts on dog registrations for dogs that attend a recognised dog obedience course;”

“that consideration of the Urban Animal Action Plan – Cats forming Attachment 3 to Report CJ358-10/01 be:

- 1 Referred to the Urban Animal management Committee for further review;
- 2 Presented to Council for a further review;
- 3 Presented to Council for a final decision on the matter.

Status: A report that was anticipated to be presented to Council in May 2002 and then in June 2002 will now be presented in July 2002 as legal advice is currently being sought on this matter.

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

That consideration of request for bus shelter and bus bay on the inward route on Cockman Road between Mulligan Drive and Combine Way, Greenwood be deferred to allow public consultation to occur with the residents in the area, Ward Councillors and officers, with a further report being submitted to the next Council meeting scheduled to be held on 11 June 2002.

Status: **An appropriate meeting time for an onsite meeting is currently being organised between the key stakeholders.**

OUTSTANDING PETITIONS

<p>Petition requesting construction of a wall – Bute Court, Kinross.</p> <p>Comment: This matter is currently being investigated with the Developer and other directorates and a report will be submitted to Council in May 2002. This report will now be submitted to the June 2002 Council meeting.</p> <p>It is now anticipated this report will be submitted to a July 2002 Council meeting.</p>	<p>13 November 2001</p> <p>Director Infrastructure & Operations</p>
<p>A 179-signature petition has been received from residents of the City of Joondalup requesting the City include in its 2001/02 budget the cost of modifying the road design of Gibson Avenue to facilitate easier and safer driveway exiting for residents.</p> <p>Comment: An investigation of the proposed road treatment has been programmed and a report will be submitted to Council in July 2002.</p>	<p>27 November 2001</p> <p>Director Infrastructure & Operations</p>
<p>Petition requesting installation of boom gate, retractable bollards, Neil Hawkins Park, Joondalup.</p> <p>Comment: On completion of investigations, a report will be submitted to Council during July 2002</p>	<p>12 February 2002</p> <p>Director Infrastructure & Operations</p>
<p>Petition requesting installation of watering system to park – Chalcombe Way/Glenmere Road, Warwick.</p> <p>This matter is currently being investigated and a report will be submitted in June 2002.</p> <p>A letter (Ltr No 203781) has been sent to petitioners stating the petition was tabled at the Dry Parks & Median Development Committee meeting on 13 March 2002 and explaining the criteria for assessing dry parks and the budget arrangements for reticulation. The letter also stated that Councillors will be conducting a bus tour on Saturday 8 June 2002 to review the various parks listed for the 2002/2003 program and will also visit various parks where a petition has been submitted requesting development. The letter requests petitioners' comments on the assessment criteria and asks them to contact the City should they require further information.</p> <p>This now completes this issue.</p>	<p>12 February 2002</p> <p>Director Infrastructure & Operations</p>

<p>A 72-signature petition requesting the provision of a skateboard park facility and community access facility to achieve community access to swimming pool at Warwick Senior High School and ancillary matters.</p> <p>Comment: In December 2001, the principal of the Warwick Senior High School, Mr Brian Lindberg, approached the City of Joondalup to discuss the possibility of providing public access to the schools 25m swimming pool.</p> <p>The City’s Recreation Officer visited the school to investigate the opportunities and explore the management and safety issues associated with the facility. On the surface, it was evident that considerable changes would be imperative in order for the Warwick Senior High School pool to meet the strict requirements of a public swimming pool facility.</p> <p>Currently further information is being gathered from the Royal Life Saving Society and costings are being conducted to establish the viability of the project.</p> <p>The request for a proposed skatepark facility is noted and will be forwarded to the Council’s Skatepark Committee for their consideration.</p> <p>The skatepark facility and swimming pool issues are on-going projects.</p> <p>Set Down an Pick up Motor Vehicle Hard Stand Areas. Where Council approval is required, a report will be submitted to a Council meeting for a determination. This matter is to be investigated jointly with the Education Department.</p>	<p>9 April 2002</p> <p>Director Infrastructure & Operations/Director Planning & Community Development</p>
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<p>A 123 signature petition from Mullaloo Squash Centre with the following questions:</p> <ol style="list-style-type: none"> 1 Do you believe the government should use ratepayers money to build a new squash centre for an individual club which would have a damaging effect on the two centres within a close proximity, when numbers clearly show that all players could easily be absorbed within the remaining two centres of Mullaloo and North Beach; or 2 Should the \$900,000 be used to promote squash which would benefit all 32 clubs in WA and the sport as a whole? <p>Comment: A response was sent to the Mullaloo Squash Centre on 22 April 2002 advising that the petition will be presented to the Council meeting of 23 April 2002.</p> <p>The comments in the correspondence have been noted and will be forwarded to the Marmion Squash Working Party for its consideration.</p> <p>The Marmion Squash Working Party is an on-going issue, however, the Mullaloo Squash Centre issued is now closed.</p>	<p>23 April 2002</p> <p>Director Planning & Community Development</p>
<p>A 7 signature petition from residents of Heatherton Mews, Hillarys requesting Council's assistance with speeding traffic.</p> <p>Comment: A detailed analysis of traffic flow data collected on Heatherton Mews has shown that Heatherton Mews is functionally normally as a low speed local road with the majority of traffic travelling in accordance with the speed limit. A letter (Ltr No 212426) has been sent to petitioners advising them of the Community Speed Watch program to target antisocial driver behaviour.</p> <p>No report is to go to Council.</p>	<p>23 April 2002</p> <p>Director Infrastructure & Operations</p>

<p>A 17-signature petition from residents objecting to the proposed dwelling at 50B Southern Cross Circle, Ocean Reef as the dwelling:</p> <ul style="list-style-type: none"> • Is of colourbond construction to walls and roof; • Is of suspended slab, supported on stilts of galvanized steel; • As the block rises from the road, all the undercroft would be visible from the front; • Will be completely out of character with the existing properties in the near vicinity which are of brick and tile construction; • If allowed to proceed, would detract from the general appearance of the area and therefore depreciate the value of existing properties. <p>Comment: This petition is in relation to an application for planning approval.</p> <p>The proposal is for a colour bond dwelling, and does not comply with the setback requirements.</p> <p>The applicant has been advised that the proposal is required to comply with the R-codes. A number of amended plans have been received. The latest plans were received on 24 May 2002, but the proposal still does not comply, and discussions with the applicant are on going.</p> <p>There is no provision in the District Planning Scheme No 2 that limits the use of building materials or states that the construction of a dwelling with colour bond building material is prohibited.</p> <p>The issue relating to this application therefore is the non-compliance with the R-Codes. If the design were to be amended so that the development complies, the City would not be able to refuse to issue an approval .</p>	<p>21 May 2002</p> <p>Director Planning & Community Development</p>
<p>A 79-signature petition from residents requested Council to provide a break in the Warwick Road median strip and facilitate a ‘U’ turn for vehicles travelling west in Warwick Road, between the Coolibah Drive/Warwick Road ‘T’ junction and Dorchester Road/Warwick road ‘T’ junction.</p> <p>The residents state these works will enable residents living on the north side of Warwick Road and the eastern end of Tuart Road, Greenwood to more easily access their properties.</p> <p>Comment: This matter is currently being investigated with Main Roads Western Australia and a report is proposed to be submitted to Council in August/September 2002.</p>	<p>21 May 2002</p> <p>Director Infrastructure & Operations</p>

REPORTS/PRESENTATIONS REQUESTED AT BRIEFING SESSIONS

	DATE OF REQUEST - REFERRED TO -
<p>Cr Hollywood requested that consideration be given to a ‘country town’ relationship.</p> <p>Comment: Investigations into possible country town relationships has commenced. A report will be submitted in due course.</p> <p>Report to be submitted for the Meeting on 23 April 2002. It is now anticipated that this report will be submitted to Council on 21 May 2002.</p> <p>This report will now be presented to council on 2 July 2002.</p>	<p>6 November 2001</p> <p>Manager Strategic & Corporate Planning</p>