



MINUTES OF COUNCIL MEETING
HELD ON 11 JUNE 2002

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 11 JUNE 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP *Absent from 1945 hrs to 1947 hrs; and from 2331 hrs to 2333 hrs*

Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2348 hrs to 0008 hrs</i>
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	<i>Absent from 2058 hrs to 2059 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 2001 hrs to 2004 hrs</i>
Cr A NIXON	North Coastal Ward	<i>To 2246 hrs; Absent from 2023 hrs to 2035 hrs and from 2134 hrs to 2135 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	<i>Absent from 1947 hrs to 1950 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	<i>To 2337 hrs; Absent from 1933 hrs to 1935 hrs; from 1955 hrs to 1956 hrs; and from 2103 hrs to 2104 hrs</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>To 2230 hrs; Absent from 2047 hrs to 2059 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2003 hrs to 2005 hrs; from 2040 hrs to 2042 hrs; and from 2245 hrs to 2249 hrs</i>
Cr J HURST	Whitfords Ward	<i>Absent from 2010 hrs to 2012 hrs; and from 0001 hrs to 0004 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	<i>Absent from 2000 hrs to 2004 hrs</i>

Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Corporate Services and Resource Management:	A SCOTT

Manager, Marketing, Communications & Council Support:	M SMITH
Manager Project Policy & Planning:	R HARDY
Manager Approval Planning & Environmental Services:	C TERELINCK
Acting Coordinator, Urban Design & Policy:	S VELJANOSKA
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 27 members of the Public and 1 member of the Press in attendance.

In Attendance

Mr Nick Manifis, Walman Software

Invited Guest

Pastor John Finkelde, North City Christian Life Centre

The Mayor welcomed Pastor John Finkelde as this evening's invited guest.

Pastor Finkelde advised the North City Christian Life Church was located in Padbury and consisted of a congregation of approximately 800 people.

Like so many churches in Australia today, the average ages of attendees at this church is 25-26, with attendees being comprised of young people, as well as children.

Pastor Finkelde felt in recent years there has been a heightened interest in spiritual matters and on behalf of his church thanked the Council for the work it does within the City of Joondalup and its association with churches in the northern suburbs.

He commented on the amount of co-operation that exists amongst churches nowadays, as opposed to some 20-30 years ago when churches fought amongst themselves.

Pastor Finkelde opened the meeting with a prayer.

PUBLIC QUESTION TIME

The following questions, submitted by Ms Sue Hart, Greenwood, were taken on notice at the Council meeting held on 21 May 2002:

Q1 What does the City understand by the term "community consultation"?

A1 No operating definition currently exists. A definition will be determined from the input received from key stakeholders – namely, the community and Council -upon completion of the Community Consultation Guidelines Project.

Q2 Why does the City think that the community wants community consultation?

A2 Numerous Joondalup residents, including yourself, have expressed a desire for community consultation following some recent development projects of Council.

Q3 *What does the City think that the barriers are to community consultation?*

A3 There are many barriers to community consultation. Some may be as follows:

- Resources. Costs of community consultation including market research and analysis, advertising, design and printing of questionnaires and publications, hire of venue facilitation costs, consultant advisers with specialist information on the topic, equipment hire, overtime for key personnel etc
- Time. Some members of the public have limited time to get involved in community consultation processes. Some issues are driven by decisions of State and Federal Governments with limited time for consultation before deadlines.
- Lack of community knowledge about the role and functions of Council and the formal processes of engaging with Council. Lack of public interest in the topic upon which consultation is sought

This question will be more fully explored during the Community Consultation Guidelines Project.

Q4 *What does the City think the barriers have been in the past to community consultation?*

A4 The City has not considered this matter previously.

Q5 *What does the City think it will need in the way of resources to carry out effective community consultation?*

A5 Resourcing requirements will be determined from the input received from stakeholders upon completion of the Community Consultation Guidelines Project.

Q6 *What does the City think effective community consultation is?*

A6 This question cannot be answered until completion of the Community Consultation Project.

Q7 *On what issues does the City feel they should consult with the community?*

A7 The range of consultation issues will be explored in the consultation workshops.

Q8 *Is the City aware that there are Community groups and Associations throughout the City that take an interest in local government, environmental and social issues?*

A8 Yes, there are numerous groups. The City's web site provides details of some of these under Living/Community Groups.

Q9 *If yes, who are these groups?*

A9 See answer to Question 8. Refer to website.

Q10 If the plans for the tavern/development goes ahead, and residents lose the amenity of ocean views, will these people be compensated, either by the City who allows these changes, or compensation by the builders, developers or owners?

A10 There is no provision under Town Planning legislation for compensation for loss of views.

Q11 What were the percentage, and the dollar figure contributed by the developer of the Greenwood primary school site?

A11 The question is unclear and therefore it is not possible to provide an answer

Q12 What was this money spent on precisely, and where? And when?

A12 Refer to answer above.

Q13 Does the City own the land at the site of the Coolibah Plaza Shops in Greenwood?

A13 No.

Q14 Does the City own the YMCA After School Care building and land? This is situated in Calectasia Street, opposite Greenwood Village Shopping Centre.

A14 The City owns 5 (lot 930) Calectasia Street, however it should be noted that this land is annotated local reserve public use under the City's District Planning Scheme No.2 and therefore can only be used for public purposes.

Q15 Is there any reason that the suburb of Greenwood could not have a Community Hall built where the Scout Hall stands now?

A15 The existing Scout Hall is meeting a community need at present and the City would be reluctant to alter this situation until a viable alternative was available for the community.

Community groups such as the Scout Association, Red Cross and a community Toy Library currently utilise this building for regular and ongoing day and evening bookings 6 days per week.

Q16 Is the City aware that the water trucks and the maintenance trucks are digging up our parks from driving through them? Especially Mamo Park in Greenwood.

A16 Water trucks are required to access parks during the summer months to water trees and shrubs during their two year establishment phase. Often this creates wheel rut damage in dry parks and these areas are repaired during the next winter period.

Q17 Will the City find a solution to this problem, as the trucks are churning up the grass not giving it a chance to grow?

A17 The recent dry winter periods have impacted on turf restoration during winter in dry parks.

Planting of trees and shrubs has been restricted to irrigated parks in 2001 and 2002 to minimise water truck impact.

Q18 At what stage is the Parks and Reserve Policy?

A18 The Draft Preservation of Public Reserves Policy has been advertised for public comment. Once these comments have been considered the draft and recommended changes will be forwarded to Council for determination. At this stage it is unknown at what Council meeting it will be considered.

Q19 Can this policy be put on hold until our Community Consultation Policy is developed, put out for public comment and adopted by Council?

A19 No, the draft policy has been advertised in accordance with the requirements of the District Planning Scheme, initially for a 21 day period and then extended for a further 21 days at the request of a submitter. The submissions are being assessed and as a result changes recommended to the draft policy. Given how far this policy has progressed and the extent of advertising it is felt that this matter could be dealt with prior to the finalisation of the Community Consultation Policy.

Q20 If no, why not?

A20 Refer to comments above.

Q21 Is Council aware that secret Strategy Sessions make a mockery of the Public Consultation Policy?

A21 As previously stated, Strategy sessions are to ensure elected members are adequately informed on various matters that are of a strategic nature to the City.

Q22 Is no, why not?

A22 See answer to Question 21.

Q23 Does the City have a Tree Policy?

A23 No.

Q24 Why was I told at the Senior Citizens Electors' meeting that a consultation policy was currently being developed?

A24 At the Special Electors Meeting held at Whitfords Senior Citizen's Centre on March 25, 2002 the motion was put and moved by Sue Hart and seconded by Ken Zakrevsky that: "...the City of Joondalup develop a public consultation policy that is put out for public comment for a period of not less than 60 days." According to the Minutes of that meeting the "Chief Executive Officer advised this issue had already been resolved by Council and was currently progressing."

The matter of community consultation processes was previously resolved at a meeting of Council on 12 February 2002: *“That Council...establishes a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers...”*

Q25 Why have ratepayers not seen it?

A25 As discussed in these answers a community consultation process is underway to prepare guidelines. These guidelines will complement the Public Ratepayer Policy.

Q26 Will you give us a copy of the draft if there is one (Consultation Policy)?

A26 The Public Participation Policy 2.6.3, is available on the web site. The community consultation guidelines will be made available for public comment when they have been formulated.

Q27 Why have the community been invited to a Workshop for Community Consultation at the end of this month, when logically one should seek the communities’ input and expectations first?

A27 The workshop is one strategy of the Community Consultation Project for obtaining input and expectations into the development of the guidelines which have not yet been written. Information from all the Community Consultation Project’s communication strategies including the stakeholder workshops, online discussion forum, and online and hotline surveys will be analysed by an independent research company to determine the major requirements of the stakeholders for the guidelines.

Feedback on the analysis will be provided at a further public workshop in June 2002 along with information provided on various models of community consultation that are able to meet the community’s requirements. The models considered most effective at the second workshop will then be used for developing draft guidelines. The draft guidelines will be published for comment for 60 days. Opportunities for comment will include an online survey and a hotline.

Q28 Will this workshop go along the lines of the Parks and Reserves Workshop, a claytons consultation again?

A28 The principal aim of the workshop is to obtain answers to the survey questions regarding community consultation through group discussion and consensus. To ensure that the information is captured in its entirety the workshop will be video taped and audio recorded. There will also be a transcript on the consensus findings which will be recorded as presented. This information will form part of the total pool of stakeholder input.

As mentioned previously, the input will be analysed by an independent research company to identify the major requirements of the stakeholder groups. This will inform Council on the type of model or elements of models of community consultation most likely to meet the Community’s requirements.

Q29 Will you supply this meeting with an agenda for the Community Consultation Workshop?

- A29 No. The program for the workshop will focus on answering the survey questions on community consultation following group discussion and consensus.
- Q30 *Why was I not told that this draft policy was being developed when I asked the question at the public question time prior to the Whitfords electors' meeting?*
- A30 This question is unclear.
- Q31 *Can a motion be voted on twice at an Electors' meeting, or is that in breach of the act?*
- A31 This question has been previously asked by Ms Hart and responded to on 26 March 2002.
- Q32 *Is it the Chairman's role at an Electors' meeting to ask for a seconder after a motion has been put forward?*
- A32 All meetings of electors for the City of Joondalup are governed by the City's Standing Orders Local Laws. Those Standing Orders requires a seconder to any motion prior to that motion being debated.
- Q33 *Is this in breach of the Act?*
- A33 The question is unclear here in regards to what or who has breached the Act.
- Q34 *Is it proper for the Chairman to ignore a motion, and allow the meeting to carry on after a motion has been put forward?*
- A34 The order of debate at a meeting that is governed by the City of Joondalup's Standing Orders rests with the Chairman.
- Q35 *Is this in breach of the Act?*
- A35 Again, the question is unclear.
- Q36 *Why was my question "out of order" the last time I asked for clarification on the word "note" as used in the City's reports?*
- A36 Your question to provide you with a definition of the word 'note' has been previously answered.
- Q37 *Can the City be more forthcoming and explanatory when questions are asked at public question time?*
- A37 Questions are answered during public question time where a response can be provided - where questions require research in order to provide a response, those questions are taken on notice. It would greatly assist the City in responding to questions from the public if those questions could be provided to the Council in writing two (2) days prior to the Council meeting.
- Q38 *Is the City aware that one word answers, eg 'possibly' does nothing to build confidence with ratepayers, or give the City any credibility?*

A38 Questions asked of the Council are responded to with the most appropriate answers.

The following questions, submitted by Mrs B Bail, Heathridge, were taken on notice at the Council meeting held on 21 May 2002:

A Mr Michael Walker, the husband of Cr Allison Walker is distributing business cards for his business "Identibadge" nominating his wife's Council email address as his business email address. (Note: Mrs Bail provided a copy of the business card).

Q1 Can a Councillor's spouse use that Councillor's Council email address and Council issued laptop computer for business or private purposes?

Q2 Will you investigate this matter and provide a written report to ratepayers?

Q3 Has Cr Walker breached Council policy or Council's Code of Conduct for Councillors by allowing her spouse to do this?

Q4 If so, what disciplinary measures will the Council apply to Cr Walker?

A1-4 A report on this issue is to be considered under "Report of the Chief Executive Officer".

The following questions, submitted by Ms M Macdonald, Mullaloo were taken on notice at the Council meeting held on 21 May 2002:

Q1 On 19 December 2000 Council passed an Amendment No.3 to the DSP2 which related to 9 shopping centres. Has planning approval been given for any development to these shopping centres since? If the answer is yes which ones?

A1 There have been four development approvals issued since December 2000 that relate to the centres in Amendment No.3. They are:

Greenwood Village: extension to air lock for existing supermarket;

Adelia Street: liquor store and upper floor addition;

Adelia Street: Restaurant, Fast Food Outlet and toilets; and

Kingsley Village: car park upgrade, turret and verandah additions.

Q2 During the advertising period for the Amendment, was there a sign erected on the Coolibah Plaza that indicated a proposal to increase the shopping area from 1500 square metres to 4500 square metres, and were people who live in the area notified of that fact?

A2 As previously advised in relation to the proposed changes to the maximum net lettable area for centres under Amendment No.10 no signs were erected on site. However public advertising was in accordance with the statutory requirements and the amendment was advertised for a period of 42 days.

Q3 Were the functions of the village explained to the people in that area?

- A3 The City's Centres Strategy defines the hierarchy of centres which includes the village centre.

The draft Centres Strategy was advertised for public comment for 42 days by way of a notice in the Wanneroo Times on 7 and 14 October 1999 and the West Australian on 16th October 1999. Copies of the document were made available for public inspection at all of the City's libraries and customer service centres.

The draft Centres Strategy was adopted as policy in November 2000.

The following questions, submitted by Ms B Williams, Greenwood were taken on notice at the Council meeting held on 21 May 2002:

Q1 Could the lights in the park from Kurrajong Street, to the High School park, be switched on at 6.00 am to assist walkers.

A1 Calectasia Park lighting will be adjusted to 5.30 am for the winter period.

Q2 Could the path be repaired in Mamo Place leading to the bus stop. The stones are sharp on this path, and also the path leading to the Greenwood Shopping Centre.

A2 The asphalt footpath has been listed for replacement in the footpath replacement program. Asphalt paths will be undertaken on completion of the slab replacement program. In the interim maintenance repairs will be undertaken to address any immediate safety concerns.

Q3 Can 'dog-poo' bags and bins be provided in Mamo Park, Blackall Park, and the park behind the Greenwood High School.

A3 The request for bags has been received from all areas in Council. Council's Urban Animal Committee has a 12 month trial in progress with 6 parks to identify usage and anticipated costs for the service to be extended to all major parks.

Q4 Is there any reason for the spotlight in the Tuart Road Park to be on all night?

A4 Sheoak Park lighting is operating all night at the request of local residents and Warwick Police, due to antisocial activities.

The following questions, submitted by Mr R de Gruchy, Mullaloo were taken on notice at the Council meeting held on 21 May 2002:

Q1 I refer to the response given to my first questions asked at the last Council meeting and refer to paragraph 3.2 of the contract between the City of Joondalup and RANS which says "during the month of February each year the lessee shall cause a representative of the lessee's management to meet with the lessor's representative to discuss the preparation and content of the strategic plan to the premises for the following financial year". Paragraph 3 says "within 21 days after the end of the month of February each year the lessee shall deliver to the lessor a copy of the strategic plan". In my view, the lessor is the City of Joondalup, not the Leisure Centre Strategic Management Group. Once that strategic plan is presented to the City of Joondalup I would believe that document becomes the property of the City of

Joondalup and therefore can be made available to members of the public. Could you please advise if this assumption is correct?

Q2 In relation to my question 4 submitted to the previous meeting, were Councillors aware of the change in the date from March 2002 to 31 January 2003 for the extension to the gym area at Craigie?

A1&2 Prior to providing further detailed answers to the questions related to RANS agreement, it is proposed to undertake an audit of the various resolutions of the Council leading up to the agreement, the terms of the signed agreement and the current status of the various obligations of both parties pertaining to the agreement. This process may involve seeking some legal advice on interpretations of aspects of the agreement, however, it will enable the detail matters raised by Mr De Gruchy to be answered with greater accuracy and confidence. Following the audit process a report will be presented to the Council through the Leisure Centre Strategic Management Group.

The following questions, submitted by Ms C Woodmass, Kingsley were taken on notice at the Council meeting held on 21 May 2002:

Q1 During the Council meeting of 9 October 2001 funds were set aside for precinct action planning in the 2001/2002 budget. How much was set aside, how much was spent, how much is left and what will these remaining funds be used for?

A1 The 2001/2002 budget for Precinct Planning was \$160,000. As at 31 May 2002 a total of \$57,472.00 has been spent from that budget, leaving a balance of \$102,528.00. A portion of the remaining funds will be spent to undertake the Community Consultancy process referred to the resolution of the Council Meeting on 12 February 2002.

Q2 During the same meeting the City of Joondalup took on the implementation responsibility of liaising with investors. Who are the investors and how far did you get with the negotiations?

A2 Investors referred to in the report are the owners and operators of commercial properties in the local centres and the discussions related to the investigation of utilising existing developed commercial properties and undeveloped commercial properties for mixed residential and commercial purpose.

Q3 Is it possible that these investors would be interested in precinct planning in the other 18 suburbs within the City of Joondalup?

A3 The resolution of the Council at the meeting on 9 October 2001 resolved to note Precinct Action Planning Programme as outlined in the Officers Report. The programme related to the Precinct Action Planning Programme of the whole City.

Q4 In the press release of 22 January 2002 you said that some people want to whip up emotional protests and they are alarming residents with misclaims and misinformation. Can you explain the continuing misinformation which is being presented to ratepayers on this issue?

A4 The press release of 22 January 2002 was to inform residents on the various issues.

The following question, submitted by Ms P Floate, Kingsley was taken on notice at the Council meeting held on 21 May 2002:

Q1 I refer to a question I raised at the Kingsley Special Electors' meeting of 11 February regarding precinct planning workshops. Attachment 3 of Council minutes of 9 October 2001 stated the role of the Mayor. Is this an accurate reflection of the Mayor's involvement with the workshops?

A1 No.

The following questions, submitted by Mr V Cusack, Kingsley were taken on notice at the Council meeting held on 21 May 2002:

Q1 Can Council confirm if the Director Planning and Community Development, and Cr Kadak, attended the Royal Australian Planning Institute National Congress in Wellington, New Zealand on 8 to 12 April 2002, at a cost of \$4,620 approximately each?

A1 Both Cr Kadak and the Director of Planning and Community Development attended a Royal Australian Planning Institute conference in New Zealand with the full endorsement of the Council.

Q2 Can the cost be confirmed at a later stage?

A2 A total cost to the City as at 31 May 2002 for both Councillor Kadak and the Director of Planning and Community development to attend the conference was \$7929.99

Q3 Did part of the justification, in the report to Council on 13 November 2001, relate to precinct planning?

A3 Yes.

Q4 Can Council please confirm if Cr Kadak, Cr Patterson and the Manager Urban Design and Policy Services attended a congress and workshop of New Urbanism in Melbourne on 20 – 29 April 2001 at a cost of approximately \$4,000 each? Why was it considered necessary to send two Councillors and a staff member to that congress? Was a written report compiled for the benefit of all Councillors and if not, why not?

A4 Cr Kadak, Cr Patterson and the Manager Urban Design and Policy Services attended the above congress and workshop at a total cost of \$8291.00

At Council Meeting of 13 February 2002 it was resolved to endorse the attendance of the two Councillors and the Urban design and Policy Services Manager.

A written report was not compiled, as this was not a requirement of the Council.

Mr R Krakowski, Joondalup:

Q1 Has the Council recently received a complaint about Cr Hollywood's conflict of interest as a Councillor and a businessman and if so, can you confirm or deny that these issues have been referred to the Anti-Corruption Commission for investigation? Can you please report to ratepayers on this issue.

- A1 The City has received an allegation in respect of an elected member and the matter has been referred to the appropriate authority.

The following questions were submitted by Mr S Grech, Ocean Reef:

I refer to the Community's strong opposition to closed meetings and secret meetings and the community's ongoing calls for open, accountable and transparent decision making by local government:

Q1 Will Council's report and decision concerning Cr Walker's alleged misuse of her Council email address and laptop computer be released to the public?

- A1 An allegation was made relating to Cr Walker regarding a possible breach of the City's Code of Conduct relating to the use of her City of Joondalup email address. The Code requires that any investigation relating to a breach is to be treated in the strictest confidence. As the report to the Council is part of the investigation, it has been presented to the Council under confidential cover.

Clause 7.2 of the Standing Orders Local Law deals with procedures relating to confidential matters dealt with behind closed doors. All matters dealt with behind closed doors shall not be disclosed to any other person without the authority of the Council. Therefore the decision of whether to release the report is for the Council to determine.

Clause 5.6 of Standing Orders requires the chairperson to read out the resolution passed by the Council whilst it was proceeding behind closed doors, and details of any voting recorded. As required by this clause, the resolution relating to this item will be read aloud upon the meeting resuming with open doors.

Q2 If not, why not?

- A2 See Answer 1 above.

Q3 Has Cr Walker asked that the report, its findings and Council's decision on this issue be kept from the public and discussed behind closed doors?

- A3 No.

I refer to the Council's preparation of the draft 2002/2003 budget and to those decisions of the Greenwood and Kingsley Special Electors' meeting earlier this year which asked for more money to be spent on local community facilities in these suburbs:

Q4 As part and parcel of the processes of preparing a budget, did Council call for 'special requests' from Councillors for specific expenditure in their wards?

- A4 As part of the budget process, officers sought input from elected members earlier this year in relation to identifying community requests on a City wide basis that needed to be included as part of the 2002/2003 budgetary considerations.

Q5 If so, has Council received any such 'special Councillors request' from the Councillors representing these suburbs for any item or expenditure in these needy suburbs?

A5 As part of the 2002/2003 budget process, no Councillors requests were received from Councillors representing the localities of Kingsley or Greenwood.

I refer to the (quote) 'Star letter of the week' published in last Thursday's edition of the Wanneroo Times Newspaper concerning the draft precinct plans for the suburbs of Kingsley, Warwick and Greenwood that were abandoned by Council over five months ago. I also refer to the importance of the honesty in local government:

Q6 Is it true or false that Council planning to bulldoze the letter writer's house?

A6 False.

Q7 If this allegation in the letter is false, what action will Council take to correct this falsehood and any future falsehoods of a like nature?

A7 The Council has indicated on a number of occasions that the concepts put forward were simply ideas for discussion. The Council has resolved to abandon the Precinct Action Planning process in Greenwood, Kingsley, Warwick and Woodvale.

A letter was sent to Ms Woodmass in February 2002, advising her of the Council's resolution referred to the above and that her property in Kingsley is not affected by the concept plans that were proposed for that area and apologised for any concern that the concept plans may have caused.

I refer to the motion from Cr Carlos to be debated tonight concerning the incorporation of the garbage rate as part of the general rate:

Q8 Can you confirm that this motion, if passed by Council, will result in higher general rates being paid by families in my suburb of Ocean Reef?

A8 At present the refuse service is charged on a user pays system as a separate Refuse Charge. Vacant land, commercial properties and group dwellings that use commercial refuse services are not charged the separate refuse charge.

Incorporating the refuse charge within the general rate will mean that all ratepayers will effectively be charged for the service regardless of whether the service is being used. The impact of the charges are best shown in the attached tables. – Appendix 17 refers. *To access this attachment on electronic document, click here:*

[Attach17min110602.pdf](#)

Q9 If so, how can Ocean Reef residents stop this additional tax on their family home?

A9 This is a decision for Council to make.

Ms M Macdonald, Mullaloo

- Q1 On 12 December 2000, Council put out for public consultation the Mullaloo Foreshore Concept Plan Precinct Planning. The Tavern site was listed on the plan as number 22 and described as “the upgrade of the façade with creation of a maximum of three retail tenancies at ground floor level.” Why was the tavern described like this when the previous month, 28 November 2000, Council had passed the centre strategy identifying the site as a village centre with a maximum of 4,500 square metres of shopping space?*
- Q2 As this concept plan was part of the public consultation process, why weren't we told about the village centre?*
- Q3 Why was the shopping figure for the tavern on Table 3.5 of the Draft Centre Strategy different from the government survey?*
- Q4 Why was this figure inflated from 766 square metres to 1266 square metres?*
- Q5 This puts the tavern in the village category instead of the local shops category. Given that an owner selling a shopping centre would have an advantage in it being a village over that of being local shops, will Council initiate an inquiry into how this mistake occurred?*
- Q6 Was Table 3.5 of the Draft Centre Strategy prepared in-house or did the consultants prepare it?*
- Q1-6 These questions will be taken on notice.*

Mr T Darby-Smith, Joondalup Business Association

- Q1 I refer to Item CJ128-06/02. In anticipation of unanimous support for the recommendations of this Report, I ask if Council is aware that the Joondalup Business Association is currently circulating a parliamentary petition calling on the State Government to make available the funds for the rail/tunnel extension at Shenton Avenue and have collected over 500 signatures to date?*
- A1 This comment was noted.*

Ms C Woodmass, Kingsley

- Q1 Did Councillors receive my letter regarding Amendment 10 and when can I expect to receive a response from them?*
- A1 A response has been drafted and will be sent in the next few days.*
- Q2 Would it be possible to get a response from each of the Councillors please?*
- A2 The response is currently in draft format and the City will be responding with one letter.*

- Q3 Does each Councillor actually understand what Amendment 10 means and would they be able to explain it to the constituents and ratepayers?*
- A3 Cr O'Brien advised he was aware of Amendment 10 but had concerns in relation to its interpretation that he would raise later in the meeting.
- Q4 Can I ask whether or not all of the other Councillors understand what Amendment 10 is and not just the South Ward Councillors?*
- A4 All Councillors I am told have been provided with adequate documentation.
- Q5 Can I ask whether or not those Councillors have read the documents?*
- A5 This question can be raised directly with elected members.

Mr S Magyar, Heathridge:

- Q1 I refer to Notice of Motion No 6, Cr D Carlos – Refuse Charge. If the motion is successful will there be an overall decrease in the amount of money that each household will pay to the Council and if so approximately how many or what percentage of the households in the City of Joondalup can expect to pay less under this scheme than under the current scheme of refuse charges? Is a particular segment of the community expected to benefit to a great extent from this motion?*
- A1 Cr Carlos advised that approximately 40,000 will pay less. 10,800 pensioners in the City would pay less and some 650 will pay none because they will be able to defer their rates until the property is sold. Cr Carlos advised he would raise these matters later in the meeting.
- Q2 I refer to the deferral of the Public Question Time Report. Has Council made any submissions or communications to the Department of Local Government regarding Public Question Time and if so, have those communications been in accordance with the last Council resolution regarding Public Question Time, which was to affirm the right of ratepayers to ask questions of their Council?*
- A2 The draft report was submitted to the Department of Local Government for examination. The Department will be finalising its guidelines in the near future.

Ms M Zakrevsky, Mullaloo:

- Q1 At the City of Joondalup's Special Meeting of Council on 28 May 2002, the Council resolved to advertise in the local press for residents to nominate for positions on a committee that would look at and make recommendations on motions that were passed at the Special Electors' Meetings in Greenwood, Kingsley and Mullaloo in February and March. The motion point 3 passed by Council on 28 May 2002 states that:*

“all applications for these positions are to meet the customary criteria for community positions on working groups in the City of Joondalup”.

In view of the fact that inquiries to Administration have shown that there are no laid down criteria, should Councillors have been advised of this fact before voting on 28 May 2002?

A1 Cr Patterson advised that a number of procedures have been carried out on a customary basis selecting people to committees. This motion is nothing different to the customary process that is undertaken to select members of the community to sit on a committee, for example selection process for the Environmental and Sustainability Advisory Committee.

Mr V Cusack, Kingsley:

Q1 Regarding Item CJ135-06/02 – Amendment No 12 to District Planning Scheme No 2 – Proposed Rezoning – Lot 63 and a portion of Lot 62 Hocking Road, Kingsley. Was this proposed Amendment put out for public consultation?

A1 The purpose of this report is to recommend that it goes out for public consultation.

Q2 If this Item was carried tonight would the City amend the District Planning Scheme?

A2 No, if Council adopted this recommendation tonight, the Council would be agreeing to forward it to the WA Planning Commission with a recommendation that it be advertised for a period of 60 days.

Q3 Are the Councillors fully aware of what they would be voting on when that Item comes up?

Q3 Yes there is a report in front of the Council.

Mr S Grech, Ocean Reef:

Q1 I refer to Notice of Motion No 6, Cr D Carlos – Refuse Charge. Cr Carlos said that 15,000 ratepayers will be disadvantaged. Can he tell Council which suburbs will be affected by this motion?

A1 Cr Carlos advised that the document is available to ratepayers, subject to Council's approval, but was not available at this evening's meeting.

Q2 Cr Carlos stated there will be no financial gains by implementing this change. Why, if there is going to be no financial gains?

A2 Cr Carlos advised that the item will be revenue neutral. Council will either collect it as a flat tax or collect it by folding it into the general rates, and will still be collecting the same amount.

Q3 If it is still going to be the same amount, why disadvantage 15,000 ratepayers?

A3 Cr Carlos will cover this question during debate on the item.

Mr G Spivey, Sorrento

- *Mr G Spivey referred to the deputation hearing on 4 June 2002 regarding Trading in Public Place. A Councillor at that meeting had asked about the availability of a florist in Hillarys. On further examination Mr Spivey stated that there is no florist in Hillarys.*

APOLOGIES AND LEAVE OF ABSENCE**C70-06/02 REQUESTS FOR LEAVE OF ABSENCE - CR G KENWORTHY 7 CR D CARLOS**

Cr Kenworthy has requested Leave of Absence from Council duties from 17 June 2002 to 7 July 2002 inclusive.

Cr Carlos requested Leave of Absence from Council duties from 12 to 25 June 2002 inclusive.

MOVED Cr Rowlands, SECONDED Cr O'Brien that Council APPROVES the following requests for Leave of Absence:

- **Cr G Kenworthy for the period 17 June 2002 to 7 July 2002 inclusive;**
- **Cr D Carlos for the period 12 to 25 June 2002 inclusive.**

The Motion was Put and

CARRIED

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Mayor Bombak declared a financial interest in Item CJ121-06/02 – Review of the Corporate Policy Manual as Policy 2.5.3 related to the issue of the Mayoral vehicle.

Cr Baker declared a financial interest in Item CJ127-06/02 – Tender No 021-01/02 – Supply of Contract Labour as the tenderers are known to him.

Cr Kimber declared an interest which may affect his impartiality in Item CJ129-06/02 – State Emergency Service Triennial Budget Proposal as he is employed by the Fire and Emergency Services Authority.

Cr Kadak declared an interest which may affect his impartiality in Item CJ137-06/02 – Community Funding Program 2001-2002 Grants Allocations – Second Funding Round as he is a member of one of the organisations listed within the report.

Mayor Bombak declared an interest which may affect his impartiality in “Notice of Motion No 3 – Cr Baker - Special Meetings of Electors – Greenwood And Kingsley - held on 7 and 11 February 2002” (Motion No 23) as it affected him in his role as Mayor.

CONFIRMATION OF MINUTES**C71-06/02 MINUTES OF COUNCIL MEETING, 21 MAY 2002 AND MINUTES OF SPECIAL COUNCIL MEETING 28 MAY 2002**

MOVED Cr Patterson, SECONDED Cr Kenworthy that the following Minutes be confirmed as a true and correct record:

- **Council meeting held on 21 May 2002**
- **Special Council Meeting held on 28 May.**

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

WORLD ENVIRONMENT DAY

Approximately 500 Joondalup students from 12 primary and secondary schools enjoyed a wet and wild day at Neil Hawkins Park on World Environment Day, Wednesday 5 June 2002.

Despite the rain, the students enjoyed displays which included snakes, spiders, indigenous tools and recycling, while they took part in activities with Captain Clean-Up, microscopic bugs and nature walks.

The students were also in the City to see their own displays as part of Joondalup's schools environmental challenge.

The students' work is on display in the Joondalup Library until 18 June 2002.

The public is welcome to come and see the exhibit and vote for their favourite project for a chance to win a night for four people at Hillarys Harbour Resort and a family pass to the Aquarium of WA.

Cr Rowlands left the Chamber at 1933 hrs and returned at 1935 hrs.

WOODVALE TREE PLANTING

More good news on the environmental front with tree planting at Woodvale Waters on Saturday, 8 June 2002.

The planting at a rehabilitation site was a joint venture between the Woodvale Waters Ratepayers Association and the Friends of Yellagonga.

Councillors Paul Kimber, Paul Kadak and I attended the event and I congratulate the community for its commitment to the environment.

COMMUNITY CONSULTATION

The City has received positive feedback from residents involved in the first session to formulate City guidelines for community consultation.

The comments we have received are very encouraging, including "excellent and an outstanding success".

I urge as many residents as possible to take part in this process and approximately 55 members of the public came to the Working Group at the Joondalup Resort.

The next session will again be at the Resort on Wednesday, 3 July 2002.

POPULAR CHOICE ART AWARD

The "People's Choice" in the City of Joondalup's Community Art Award has been declared a draw.

William Huntley of Heathridge for “Odette”, a sculpture of a ballerina, and Joan Roberson of Mullaloo for her pastel “Reflections in Morning Light” share the \$500 prize.

Congratulations to you both.

PETITIONS

C72-06/02 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 11 JUNE 2002

1 PETITION IN SUPPORT OF REDEVELOPMENT OF THE MULLALOO BEACH TAVERN SITE – [02089]

A 1832-signature petition has been received from Perrine Birch Pty Ltd on behalf of patrons of the Mullaloo Tavern requesting that Council:

- Supports the application for approval to commence development for the proposed redevelopment of the Mullaloo Beach Tavern site.
- Ignores the misinformation being circulated against the proposal.
- Recognises that this project will further enhance the family oriented nature of precinct.
- Acknowledges the broad local community support for the project.

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

2 PETITION IN RELATION TO PRECINCT PLANNING ISSUES FOR THE SUBURB OF KINGSLEY – [32515]

Cr O’Brien table a 1950-signature petition on behalf of electors of the City of Joondalup requesting that Council:

- 1 does not approve rezoning any land in Kingsley from residential or local reserve to mixed use, business or commercial;
- 2 does not approve recoding residential density codes in Kingsley to allow an increase in residential densities greater than what currently exists;
- 3 does not approve or support any changes to the Building Codes or any other planning or development standards administered by Council that would increase the density of development of the residential areas in Kingsley.

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

MOVED Cr Rowlands SECONDED Cr Baker that the petitions in relation to:

- 1 development of Mullaloo Beach Tavern;**
- 2 precinct planning issues for Kingsley;**

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

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

C73-06/02 ALTERATION TO THE ORDER OF BUSINESS

MOVED Cr Walker SECONDED Cr Hollywood that:

- 1 in accordance with Clause 3.2 of Standing Orders Local Law, the order of business be altered to consider Item 9 – Report of the Chief Executive Officer – ‘Questions to Council – Code of Conduct’ at this point and this item be considered with open doors;**
- 2 in accordance with Clause 4.5, Cr Walker be permitted to make a personal explanation;**
- 3 the decision of Council be recorded in the Minutes of the meeting.**

Discussion ensued.

The Motion was Put and

LOST (6/9)

Voting: In favour of the Motion: Crs Barnett, Carlos, Kadak, Nixon, O'Brien, Walker. **Against the Motion:** Mayor Bombak, Crs Baker, Hollywood, Hurst, Kenworthy, Kimber, Mackintosh, Patterson, Rowlands.

Mayor Bombak declared a financial interest in Item CJ121-06/02 – Review of the Corporate Policy Manual as Policy 2.5.3 related to the issue of the Mayoral vehicle.

CJ121 - 06/02 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

OFFICER'S RECOMMENDATION: That Council:

- 1 **ADOPTS** the new Policy 2.3.7 - Tendering, as detailed in Attachment 1 to Report CJ121-06/02;
- 2 **AMENDS** the following Policies as detailed in Attachment 1 to Report CJ121-06/02:
 - 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.

MOVED Cr Hurst, SECONDED Cr KIMBER that Council:

1 **ADOPTS the new Policy 2.3.7 - Tendering, as detailed in Attachment 1 to Report CJ121-06/02;**

2 **AMENDS the following Policies as detailed in Attachment 1 to Report CJ121-06/02:**

- 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 2.6.4 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.**

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Mayor Bombak left the Chamber at this point, the time being 1945 hrs. Cr Hurst assumed the Chair.

MOVED Cr Kimber SECONDED Cr Baker that Council AMENDS Policy 2.5.3 - Council Vehicles - Mayor and Council Officers as detailed in Attachment 1 to Report CJ121-06/02.

The Motion was Put and

CARRIED (13/1)

Voting: In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Nixon.

Appendix 1 refers

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

Cr Walker left the Chamber at this point, the time being 1947 hrs.

Mayor Bombak entered the Chamber at this point, and resumed the Chair, the time being 1947 hrs.

CJ122 - 06/02 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

MOVED Cr Rowlands, SECONDED Cr Mackintosh that Council:

- 1 REVIEWS its delegations in accordance with the Local Government Act 1995;**
- 2 AMENDS the Delegated Authority Manual as outlined on Attachment 2 to Report CJ122-06/02.**

Cr Kimber spoke in support of the motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (14/0)**

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands.

Appendix 2 refers

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

Cr Walker entered the Chamber at this point, the time being 1950 hrs.

CJ123 - 06/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 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

MOVED Cr Patterson, SECONDED Cr Kimber that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

Cr Baker queried whether the Legal Deed - City of Joondalup/Roman Catholic Archbishop of Perth and Davidson Pty Ltd related to the proposed Currambine Community Centre, and if so, requested to be provided with a copy of this deed.

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ124 – 06/02 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

MOVED Cr Patterson, SECONDED Cr Kimber 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.

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker.

CJ125 - 06/02 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.
- 7 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

OFFICER'S 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.”

ADDITIONAL INFORMATION

It is requested that item CJ125-06/02 listed for consideration at the Council meeting to be held on 11 June 2002, be deferred.

The Department of Local Government and Regional Development has advised the City that it is nearing completion of comprehensive guidelines relating to ‘managing public question time.’ A copy of the report listed on the agenda was forwarded to the Department seeking its comment and input.

Advice has been received that the item listed for consideration by the Council be deferred. This will enable the proposed set of procedures to be examined and ensure they are consistent with the guidelines as distributed by the Department.

MOVED Cr Patterson SECONDED Cr Mackintosh that the matter relating to the review of public question time procedures at Council meetings and Briefing sessions be DEFERRED pending receipt of guidelines relating to ‘managing public question time’ to be circulated by the Department of Local Government and Regional Development.

AMENDMENT MOVED Cr O’Brien SECONDED Cr Carlos that the following words be added to the end of the Motion:

“.... and be referred to the Standing Orders Review Committee for consideration.”

Discussion ensued.

Cr Rowlands left the Chamber at 1955 hrs and returned at 1956 hrs.

The Amendment was Put and

CARRIED (8/7)

Voting: In favour of the Amendment: Crs Barnett, Carlos, Hollywood, Kadak, Nixon, O'Brien, Patterson, Walker. **Against the Amendment:** Mayor Bombak, Crs Baker, Hurst, Kenworthy, Kimber, Mackintosh, Rowlands.

The Original Motion, as amended being:

That the matter relating to the review of public question time procedures at Council meetings and Briefing sessions be DEFERRED pending receipt of guidelines relating to 'managing public question time' to be circulated by the Department of Local Government and Regional Development and be referred to the Standing Orders Review Committee for consideration.

Was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

CJ126 - 06/02 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>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>4,110.18</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

Crs Kenworthy and Mackintosh left the Chamber at this point, the time being 2000 hrs.

MOVED Cr Baker, SECONDED Cr Kimber 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;**
- 2 **AUTHORISES the Chief Executive Officer to sign any documents that may be required by the Liquidator to effect the final settlement.**

The Motion was Put and

CARRIED

Cr Baker declared a financial interest in Item CJ127-06/02 – Tender No 021-01/02 – Supply of Contract Labour as the tenderers are known to him.

Cr Baker left the Chamber at this point, the time being 2001 hrs.

CJ127 - 06/02 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 statewide 23 January 2002. Thirteen Tenders were received and this report recommends acceptance of the tender submitted by Logo 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 31 May 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
Logo 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 Collins 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

MOVED Cr Hurst, SECONDED Cr Rowlands 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 –2 to Report CJ127-06/02 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 31 May 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.**

The Motion was Put and**CARRIED (12/0)**

Voting: In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendices 3 & 3a refer

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

Crs Kenworthy and Mackintosh entered the Chamber at this point, the time being 2004 hrs.

**CJ128 - 06/02 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 18 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

Total Project Funds	\$3,000,000

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

Total Project Cost	\$2,983,939

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.

MOVED Cr Kadak, SECONDED Cr Kimber 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.**

Cr Kadak spoke in support of the motion.

Cr Kenworthy left the Chamber at this point, the time being 2003 hrs.

The Motion was Put and

CARRIED (13/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Cr Baker entered the Chamber at this point, the time being 2004 hrs.

Appendices 4 & 4a refer

*To access this attachment on electronic document, click here: [Attach4brf040602.pdf](#)
[Attach4abrf040602.pdf](#)*

Cr Kimber declared an interest which may affect his impartiality in Item CJ129-06/02 – State Emergency Service Triennial Budget Proposal as he is employed by the Fire and Emergency Services Authority.

**CJ129 - 06/02 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.*
- 4 *REQUESTS that a name change for the State Emergency Service be progressed over the next financial period to reflect the City of Joondalup in its title.*

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

Cr Kenworthy entered the Chamber at this point, the time being 2005 hrs.

MOVED Cr Baker, SECONDED Cr Kadak 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 State Emergency Service 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;**

4 REQUESTS that a name change for the State Emergency Service be progressed over the next financial period to reflect the City of Joondalup in its title.

Discussion ensued in relation to the negotiations proposed to determine the name change.

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 5 refers

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

CJ130 - 06/02 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

MOVED Cr Carlos, SECONDED Cr Mackintosh 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.**

AMENDMENT MOVED Cr Baker SECONDED Cr Kimber that the Motion be amended as follows:

- 1 APPROVES the construction of a path *along that side of Janthina Crescent, Heathridge where the house numbers are even numbers* at an estimated cost of \$5,000;
- 2 *install a footpath on the eastern verge of Janthina Crescent connecting the southern leg with Littorina Avenue;*
- 3 ADVISES residents accordingly.

Discussion ensued.

Cr Hurst left the Chamber at 2010 hrs and returned at 2012 hrs.

The Amendment was Put and

LOST (2/13)

Voting: In favour of the Amendment: Crs Baker, Kimber. **Against the Amendment:** Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

The Original Motion as Moved by Cr Carlos and Seconded by Cr Mackintosh was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 6 refers

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

CJ131 - 06/02 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 Drive, Duncraig.

EXECUTIVE SUMMARY

Two petitions have been received by Council opposing the proposed construction of a footpath in Sycamore Drive, 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 Drive, 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 Drive, 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.

Cr Nixon left the Chamber at this point, the time being 2023 hrs.

MOVED Cr Baker, SECONDED Cr Rowlands that Council:

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

Discussion ensued.

Cr Nixon entered the Chamber at this point, the time being 2025 hrs.

The Motion was Put and**LOST (7/8)**

Voting: In favour of the Motion: Crs Baker, Barnett, Hollywood, Kadak, Mackintosh, O'Brien, Rowlands.
Against the Motion: Mayor Bombak, Crs Carlos, Hurst, Kenworthy, Kimber, Nixon, Patterson, Walker.

Appendix 7 refers

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

CJ132 - 06/02 PETITION OPPOSING CONSTRUCTION OF PATH IN OLDHAM WAY, HILLARYS – [72492]

WARD – Whitfords

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 Lymburner 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

MOVED Cr Baker, SECONDED Cr Mackintosh 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.**

Cr Baker spoke in support of the Motion.

The Motion was Put and

CARRIED (14/1)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Nixon.

Appendix 8 refers

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

CJ133 - 06/02 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

<p>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;</p>	<p>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.</p>
<p>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</p>	<p>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</p>
<p>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;</p>	
<p>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;</p>	

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

OFFICER’S 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.

ADDITIONAL INFORMATION

It has been suggested that the proposed financial model for the Mindarie Regional Council be further evaluated. Mr Ron Back has been requested to undertake this task, therefore it is suggested that the item be deferred.

MOVED Cr Kimber SECONDED Cr Baker that the matter relating to the new financial model for the Mindarie Regional Council be DEFERRED pending further consideration and evaluation by elected members.

The Motion was Put and

CARRIED (14/1)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Walker. **Against the Motion:** Cr Rowlands.

Appendix 9 refers

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

CJ134 - 06/02 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

MOVED Cr Kadak, SECONDED Cr Kimber 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 Report CJ134-06/02;**
- 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 Report CJ134-06/02;**
- 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 Report CJ134-06/02;**
- 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 Report CJ134-06/02;**
- 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 Report CJ134-06/02.**

Cr Kadak spoke in support of the motion.

Cr Kimber requested that the City exercise a period of leniency prior to the introduction of restrictions to enable the wider community to become aware of the proposed changes to the parking scheme.

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker.

Appendix 10 refers

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

CJ135 - 06/02 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:	DPS:	Lot 63 - Rural – Additional Use (Fresh Fruit & Vegetables Market & Incidental Shop – Sales & Storage Area not exceeding 400m2)
		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

MOVED Cr Barnett, SECONDED Cr Mackintosh 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.**

AMENDMENT MOVED Cr Hollywood SECONDED Cr Walker that the following additional Point be added to the Motion:

“5 places a suitable memorial on the title at the time of subdivision to enable prospective purchasers to be advised of the potential midge problems within the area.”

Discussion ensued.

The Amendment was Put and

CARRIED (13/2)

Voting: In favour of the Amendment: Mayor Bombak, Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Nixon, O’Brien, Patterson, Rowlands, Walker. **Against the Amendment:** Crs Baker, Kimber

The Original Motion, as amended, being:

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;**
- 5 places a suitable memorial on the title at the time of subdivision to enable prospective purchasers to be advised of the potential midge problems within the area.**

Was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 11 refers

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

CJ136 - 06/02 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

MOVED Cr Kimber, SECONDED Cr Kadak 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.**

Discussion ensued.

Cr Kenworthy left the Chamber at this point, the time being 2040 hrs.

The Motion was Put and

CARRIED (13/1)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Carlos, Hollywood, Hurst, Kadak, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Cr Barnett.

Cr Kadak declared an interest which may affect his impartiality in Item CJ137-06/02 – Community Funding Program 2001-2002 Grants Allocations – Second Funding Round as he is a member of one of the organisations listed within the report.

**CJ137 - 06/02 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

Cr Kenworthy entered the Chamber at this point, the time being 2042 hrs.

MOVED Cr Walker, SECONDED Cr Hurst 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 Report CJ137-06/02;**
- 2 ACKNOWLEDGES and thanks those members of the community who participated on the various assessment panels.**

The Motion was Put and

CARRIED (15/0)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

Appendix 15 refers

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

CJ138 - 06/02 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

MOVED Cr Rowlands, SECONDED Cr Barnett 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.

Cr O'Brien queried who was responsible for the cost of the lighting for the adjoining tennis club. This question was taken on notice.

Discussion ensued.

The Motion was Put and

LOST (3/12)

Voting: In favour of the Motion: Crs Barnett, Carlos, Kimber. **Against the Motion:** Mayor Bombak, Crs Baker, Hollywood, Hurst, Kadak, Kenworthy, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

MOVED Cr O'Brien SECONDED Cr Baker that consideration of the 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 be DEFERRED to the next meeting of Council to enable relevant information to be provided on lighting operating costs for adjacent sporting groups.

Discussion ensued.

The Motion was Put and

CARRIED (12/3)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Kadak, Kenworthy, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Crs Hurst, Kimber, Mackintosh.

CJ139 - 06/02 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

MOVED Cr Rowlands, SECONDED Cr Patterson 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.

The Motion was Put and

CARRIED (10/5)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hurst, Kadak, Mackintosh, Nixon, Rowlands, Walker. **Against the Motion:** Crs Hollywood, Kenworthy, Kimber, Patterson, O'Brien.

Appendix 16 refers

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

PERSONAL EXPLANATION – CR J HOLLYWOOD

Cr Hollywood sought leave to make a personal explanation pursuant to Clause 4.5 – ‘Personal Explanation’ of the City’s Standing Orders Local Law.

Cr Hollywood referred to the question directed to him at the Briefing Session held on 4 June 2002 to the effect that he was promoting a 6 to 8% rate increase which would affect the pensioners and senior citizens of the City. Cr Hollywood reiterated comments he had made at the previous Council meeting that since 1996, the City of Joondalup has only had one rate increase of 3%. He stated that a 3% CPI increase each year since that time would have generated \$4 million revenue to use within the City. Whilst certain Councillors did not support another rate increase, Cr Hollywood believed that projects and maintenance works required funds to be raised, and rate increases were needed to provide ratepayers with their requirements. Cr Hollywood believed the City must keep up with inflation and felt that ratepayers could afford some increase in rates.

In conclusion, Cr Hollywood stated he had used the figures of 6 to 8% to negotiate a reasonable rate increase for the City.

PERSONAL EXPLANATION – CR T BARNETT

Cr Barnett sought leave to make a personal explanation pursuant to Clause 4.5 – ‘Personal Explanation’ of the City’s Standing Orders Local Law.

Cr Barnett responded to comments made at the Special Meeting of Council held on 28 May 2002 that the South Ward Councillors had not personally submitted budget items, and hinted they had not performed their duties as Councillors of the South Ward. For the record, Cr Barnett advised that \$1,816,528 had been marked for expenditure within the South Ward for the forthcoming year (this figure may have to be adjusted by the \$11,670 for lighting for Warwick Bowling Club).

The works funded included bores, drains, footpaths, lighting, play equipment, and traffic calming, and includes access through median and verge requested for a number of years, and tennis court refurbishment. Cr Barnett advised this work was the fruition of 2½ years of combined work, petitions from residents and requests from the community, proving that the South Ward Councillors are working with the community, and have done their job very well, both for the City as a whole but more importantly for the South Ward, and demonstrated that there is no favouritism with the submissions for budget. She advised the budget items are what the community says it wants and believed the comments made by a fellow Councillor was directed in the negative, however the \$1.8 million allocated for next year for Warwick, Greenwood and Kingsley speaks for itself.

PERSONAL EXPLANATION – CR P KIMBER

Cr Kimber sought leave to make a personal explanation pursuant to Clause 4.5 – ‘Personal Explanation’ of the City’s Standing Orders Local Law.

Cr Kimber stated there was no intended malice in the comments he had made at the Special Meeting of Council. Cr Kimber said these comments were directed to the fact that members of the South Ward regularly attended Council meetings and raised many questions relating to issues from the Special Electors’ meeting, and related to Councillor requests for this current budget. He stated he had not said the South Ward Councillors had not worked to have other items funded within their Ward, however felt that some of the issues raised at the Special Electors’ meeting could have been brought to the Budget Committee and dealt with within this year’s budget so that those ratepayers could be obtaining items over and above what is currently proposed.

Cr Kimber referred to the flyer circulating within the South Ward at the time of the Special Meeting of Council, issued by the South Ward Ratepayers and Electors Association which prompted the comments he made on that night as the flyer urged residents to attend the Special Council meeting. Cr Kimber read the flyer to the meeting, which asked for better representation from Councillors, and felt that some of the issues from the Special Electors’ meetings could have been raised as budget requests.

In conclusion, Cr Kimber stated he supported the South Ward Councillors in their endeavours to please the ratepayers of their area and of the City.

During this personal explanation:

Cr Patterson left the Chamber at 2047 hrs and returned at 2059 hrs.

Cr Carlos left the Chamber at 2058 hrs and returned at 2059 hrs.

Cr Rowlands left the Chamber at 2103 hrs and returned at 2104 hrs.

PERSONAL EXPLANATION – CR M O'BRIEN

Cr O'Brien sought leave to make a personal explanation pursuant to Clause 4.5 – 'Personal Explanation' of the City's Standing Orders Local Law.

Cr O'Brien said the purpose of submitting petitions was to request expenditure within their Ward, and advised both he and Cr Barnett had presented a number of petitions from electors. He said there is no requirement under the Local Government Act for a Councillors to submit a written request, this was merely a custom which had occurred over a number of years.

C74-06/02 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Kadak, SECONDED Cr Rowlands that in accordance with Clause 5.6 of the City's Standing Orders, the meeting be held behind closed doors to enable the Council to discuss:

- **Item CJ140-06/02 – City Depot Committee – Minutes of 28 May 2002, being a matter for which a contract may be entered into;**
- **Item C76-06/02 – Report of the Chief Executive Officer – Questions to Council – Code of Conduct, being a matter affecting the personal affairs of a person.**

The Motion was Put and

CARRIED (12/3)

C75-06/02 MOTION TO ADJOURN MEETING – [02154] [08122]

MOVED Cr O'Brien SECONDED Cr Hurst that in accordance with Clause 5.1 of the City's Standing Orders the meeting be adjourned for ten (10) minutes, the time being 2106 hrs.

The Motion to Adjourn was Put and

CARRIED

Members of the public and press left the Chamber at this point.

The Meeting **RESUMED BEHIND CLOSED DOORS** at 2117 hrs.

CJ140 - 06/02 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.

MOVED Cr Kenworthy, SECONDED Cr Kadak that Council NOTES the Minutes of the Depot Committee and ENDORSES the recommendations of the Committee as outlined in the Confidential Report.

Discussion ensued.

The Motion was Put and**CARRIED (15/0)**

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Patterson, Rowlands, Walker.

REPORT OF THE CHIEF EXECUTIVE OFFICER**C76-06/02 QUESTIONS TO COUNCIL - CODE OF CONDUCT – [01122] [09358]**

A confidential report in relation to this issue was provided to Elected Members under separate cover.

The Chief Executive Officer provided an overview of the report.

PERSONAL EXPLANATION – CR A WALKER

Cr Walker gave the following personal explanation:

“On 13 May my husband and I signed documents to start a business together. The business was not allowed to operate until 23 May. On 14 May I contacted a friend who does some printing and I asked him could he please print me some business cards. He said he could not print many. I said I needed them by the 15th which was the next day, because there was a JBA function and we were invited to attend and were going to promote our small business. He said he could not do terribly many but he would just be able to do one page of proofs, which was 12 cards. I said ‘look, whatever, go for it’. I said ‘if there is a problem or if there is any issues or anything, can you please contact me on this address’, and I gave him my Council email address. I am allowed to do that, under Policy 2.3.5, Clause 3.2.2 of the policy – personal use of internet email facilities, which says ‘The internet and email facilities exist for business purposes, however the City of Joondalup recognises that on occasions Council representatives use the facilities for incidental personal use, for example on-line banking, stock market sites, etc. When using facilities for personal use the Council representative is responsible for using good judgement and adhering to all aspects of the On-line Services Policy.’ I figured that was good judgement. I said to him just as a secondary contact in order to facilitate better communication. Unfortunately, he inadvertently placed an incorrect email address on the proofs, the proper email address should have been identibadge@iinet.net.au.

I came to the JBA function on the Wednesday in my own vehicle because I had to go to a Seniors Interests meeting straight afterwards. My husband came up in his car and on his way he collected the proofs from the printer. I didn’t really see them, Mr Mayor, and during that function as you would know, you were there, they asked us to go around to different people and swap business cards. He did swap business cards with several people but most of them were people from the Council. There were only two people who were not from the Council but one of those was from the City of Wanneroo. I said in my outline that we have all the names and contact numbers of the five people who received the cards at the functions, and they will be contacted and the cards will be retrieved and replacement cards will be given out. I did not actually see those cards until 10.00 pm that night and I saw them and said, ‘Oh my god, look what’s happened. How did my email address get on here?’. I looked again and I said ‘well, it’s not really my email address because it is actually incorrect and has a spelling mistake on it. Well, that’s not quite so bad – who did you give them to?’ and my husband said ‘well, I gave one to this one, one to that one’. I said ‘are you sure?’ and he said ‘yes, I have got all their business cards here’. I looked at them and said they are people from the Council.

The next morning I addressed the printer and said ‘look what you have done’ and he apologised and told me he would make sure that the cards were replaced. That afternoon I had to fly to Melbourne and was in Melbourne until Sunday and I did training Monday and Tuesday. I really didn’t think it was going to be a problem because most of the people who had the cards were from this Council and I didn’t think that anyone would do anything with them. To my knowledge Mrs Bail was not at the function and she certainly wasn’t amongst the five official recipients of those incorrectly presented cards. The rest of the proofs have been destroyed, the printer as I said was alerted to the error. I have since that time got back most of the cards. There is only one that is outstanding but the CEO has that one. All of the five cards supposedly have now been retrieved. There were two people who didn’t have their cards and they have given me letters to say they have been destroyed. As far as I can see there is absolutely no way that anybody can use that incorrect email address, and even if they did, I tried to send myself an email to that email address and it bounced back telling me ‘host

unknown?. There is no way anyone could have contacted me. It wouldn't have mattered anyway because we were not allowed to start operating until the 23rd. Nobody contacted me on that email address and nobody can contact me now. I have here the new cards with identibadge@iinet.net.au and you are all quite welcome to get those if you would like and I apologise Mr Mayor for any inconvenience or embarrassment that may have been caused to Council as a result of this issue that has occurred.”

MOVED Cr O'Brien SECONDED Cr Hollywood that Council:

- 1 NOTES that no breach of Council's Code of Conduct or policy has occurred due to the swift action of Cr Walker to rectify the problem of a printer's error on the email address of her husband's cards;
- 2 COMMENDS Cr Walker's commitment to open and transparent local government by moving earlier tonight to deal with this matter in an open Council meeting;
- 3 MAKES publicly available:
 - (a) the complaint letter from Mrs Beth Bail to Mayor Bombak;
 - (b) the confidential – not for publication report 'Questions to Council – Code of Conduct';
 - (c) Cr Walker's personal explanation be recorded in the minutes of tonight's meeting;
- 4 REVIEWS by referral to the Standing Orders Review Committee its Code of Conduct and policies regarding the use of equipment to Councillors to remove any inconsistencies between the two documents and report back to Council.

Discussion ensued.

Cr Nixon left the Chamber at 2134 hrs and returned at 2135 hrs.

MOVED Cr Hurst SECONDED Cr Nixon that the Motion BE NOW PUT.

The Procedural Motion was Put and

CARRIED (10/5)

Voting: In favour of the Procedural Motion: Crs Barnett, Carlos, Hollywood, Hurst, Kadak, Mackintosh, Nixon, O'Brien, Rowlands, Walker. **Against the Procedural Motion:** Mayor Bombak, Crs Baker, Kenworthy, Kimber, Patterson.

The Motion as Moved by Cr O'Brien and Seconded by Cr Hollywood was Put and

LOST (7/8)

Voting: In favour of the Motion: Crs Barnett, O'Brien, Rowlands, Walker, Hollywood, Nixon, Carlos. **Against the Motion:** Mayor Bombak, Crs Mackintosh, Hurst Kenworthy, Patterson, Baker, Kimber, Kadak.

It was requested that each part of the motion be voted upon separately.

MOVED Cr O'Brien SECONDED Cr Hollywood that Council:

- 1 NOTES that no breach of Council's Code of Conduct or policy has occurred due to the swift action of Cr Walker to rectify the problem of a printer's error on the email address of her husband's cards.**

The Motion was Put and

CARRIED (10/5)

Voting: In favour of the Motion: Crs Barnett, Carlos, Hollywood, Hurst, Kenworthy, Nixon, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Mayor Bombak, Crs Baker, Kadak, Kimber, Mackintosh.

MOVED Cr O'Brien SECONDED Cr Hollywood that Council:

- 2 COMMENDS Cr Walker's commitment to open and transparent local government by moving earlier tonight to deal with this matter in an open Council meeting.**

The Motion was Put and

CARRIED (9/6)

Voting: In favour of the Motion: Crs Barnett, Carlos, Hollywood, Kadak, Mackintosh, Nixon, O'Brien, Rowlands, Walker. **Against the Motion:** Mayor Bombak, Crs Baker, Hurst, Kenworthy, Kimber, Patterson.

MOVED Cr O'Brien SECONDED Cr Hollywood that Council:

- 3 MAKES publicly available:**

- (a) the complaint letter from Mrs Beth Bail to Mayor Bombak – Appendix 18 refers;**
- (b) the confidential – not for publication report 'Questions to Council – Code of Conduct' – Appendix 19 refers;**
- (c) Cr Walker's personal explanation be recorded in the minutes of tonight's meeting.**

The Motion was Put and

CARRIED (8/7)

Voting: In favour of the Motion: Crs Baker, Carlos, Hollywood, Kadak, O'Brien, Patterson, Rowlands, Walker. **Against the Motion:** Mayor Bombak, Crs Barnett, Hurst, Kenworthy, Kimber, Mackintosh, Nixon.

Appendices 18 and 19 refer. *To access this attachment on electronic document, click here:*

[Attach18min110602.pdf](#)

[Attach19min110602.pdf](#)

MOVED Cr O'Brien SECONDED Cr Hollywood that Council:

- 4 REVIEWS by referral to the Standing Orders Review Committee its Code of Conduct and policies regarding the use of equipment to Councillors to remove any inconsistencies between the two documents and report back to Council.**

The Motion was Put and

CARRIED (10/5)

Voting: In favour of the Motion: Crs Baker, Barnett, Carlos, Hollywood, Kadak, Kenworthy, Mackintosh, Nixon, O'Brien, Walker. **Against the Motion:** Mayor Bombak, Crs Hurst, Kimber, Patterson, Rowlands.

C77-06/02 RESUMPTION OF STANDING ORDERS

MOVED Cr O'Brien, SECONDED Cr Kadak that Standing Orders be RESUMED and the meeting be held with the doors open, the time being 2159 hrs.

The Motion was Put and

CARRIED

Members of the public and press entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motions in relation to:

- Item CJ140-06/02 – City Depot Committee.
- Item C76-06/02 – Report of the Chief Executive Officer – Questions to Council – Code of Conduct.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C78-06/02 NOTICE OF MOTION NO 1 – CR C BAKER – ENACTMENT OF LOCAL LAW

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.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker SECONDED Cr O’Brien 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.**

Discussion ensued.

AMENDMENT MOVED Cr Kimber SECONDED Cr Mackintosh that the Motion be amended as follows:

1 Point 1 be amended to read:

“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, writes to the State Government advising that this City does not support the decriminalisation of cannabis;”

2 a new Point 2 be included to read:

“a report be prepared and presented to Council examining the powers of the City of Joondalup to enact Local Laws:”

3 original Points 2 - 4 be renumbered to “(a) – (d)”.

The Amendment was Put and

CARRIED (9/6)

Voting: In favour of the Amendment: Mayor Bombak, Crs Baker, Carlos, Hurst, Kenworthy, Kimber, Mackintosh, O’Brien, Rowlands. **Against the Amendment:** Crs Barnett, Hollywood, Kadak, Nixon, Patterson, Walker.

The Original Motion, as amended, being:

That:

1 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, writes to the State Government advising that this City does not support the decriminalisation of cannabis;

2 a report be prepared and presented to Council examining the powers of the City of Joondalup to enact Local Laws:

- (a) 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;**
- (b) restricting the site or sites where cannabis can be grown within residential or non-residential premises;**
- (c) 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;**

(d) providing for any other necessary, related or incidental matter.

Was Put and

CARRIED (12/3)

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Carlos, Hollywood, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, O'Brien, Rowlands, Walker. **Against the Motion:** Crs Barnett, Nixon, Patterson.

C79-06/02 **NOTICE OF MOTION NO 2 – CR C BAKER - SPECIAL MEETING OF ELECTORS - MULLALOO - HELD ON 18 MARCH 2002 – [75029] [48840]**

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. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law:

Cr C Baker
Cr G Kenworthy
Cr C Mackintosh
Cr P Kimber
Cr P Rowlands

“That Council:

1 *BY AN ABSOLUTE MAJORITY, RESCINDS its decisions of 21 May 2002 (Item CJ118-05/02 refers) being:*

“That Council:

- *ESTABLISHES a Working Group comprising five elected members and up to 10 concerned residents to consider and make appropriate recommendations to come back to Council regarding the issues raised at the Mullaloo, Kingsley and Greenwood Special Meetings of Electors and report back with recommendations to Council.*
- *APPOINTS the following elected members to the working group to consider the concerns of electors arising from the special meetings of electors:*

*Cr C Mackintosh
Cr J Hollywood
Cr T Barnett
Cr A Walker
Cr M O'Brien”*

2 and REPLACES IT with, “That Council:

- (a) *further and thoroughly INVESTIGATES the reduction of the road reserve of Oceanside Promenade, to facilitate the unused portion of the road reserve to be incorporated into the Tom Simpson Park reserve;*

- (b) *AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into the Tom Simpson park reserve and makes any necessary changes to the status and zoning of the land;*
- (c) *CONSIDERS submissions received regarding the Mullaloo Beach Concept Plan, and determines whether the plan or any key elements thereof should be deleted if they are considered not to have clear or demonstrable community support or tangible planning benefits;*
- (d) *CONSIDERS the concerns expressed by the electors, with particular reference to any consideration given for the alienation of reserves, and the development of the draft Preservation of Public Reserves Policy;*
- (e) *NOTES the concerns mentioned, and considers the specific requests for improvements to services and facilities in the park area when considering the Mullaloo Concept Plan issue, and the composition of the 2002-03 budget;*
- (f) *TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo UNTIL it has considered matters relating to:*
- *Public consultation;*
 - *the stability of the land;*
 - *the effect any development would have on natural beach processes;*
 - *the legal position in relation to the status of the land;*
 - *the environmental/conservation value of the land;*
 - *community attitudes regarding the land; and*
 - *the impact of any decision on the City's assets and operations;*
 - *the Joint Commissioners' determination on the valuation placed on these lots;*
 - *the merits of having the land included as part of the adjoining "Bush Forever" site;*
- (g) *INVESTIGATES the options available for receiving benefit in return for the reservation of the ten lots it owns in Merrifield Place, Mullaloo, including but not limited to a land swap with Bush Plan land located adjacent to the Ocean Reef small boat harbour;*
- (h) *NOTES that surf club access for boats and emergency services, the heliport evacuation area and disabled parking facility close to the beach ARE PROVIDED FOR in the Mullaloo Beach Concept Plan currently available for public inspection and comment;*
- (i) *CONSIDERS the electors' motion regarding requested limitations on the height and other aspects of the tavern redevelopment proposal as a component of its deliberation on that Development Application when that application comes before Council for its consideration;*

- (j) *NOTES the intention to include the public in the development of the proposed new public consultation strategy and/or guidelines (by calling for expressions of interest) to workshop ideas that would assist policy and guideline development, and INCLUDES further opportunity for public feedback, by incorporating a 60 day public consultation and advertising phase in the project schedule to allow for better public review and scrutiny of draft policy/guidelines;*
- (k) *NOTES the request by the electors to conduct an independent inquiry into the precinct planning project but AGREES that as a result of the actions highlighted within Report CJ118-05/02 such an inquiry is not warranted;*
- (l) *NOTES that the items mentioned in Motion 11 passed at the Special Electors' meeting held on 18 March 2002 will be considered in Council's normal program."*

REASONS FOR RESCISSION MOTION

Cr Baker has submitted the following reasons in support of his Notice of Motion:

1 THE LEGISLATIVE REASONS

One of the primary obligations of a citizen is to comply with and uphold the rule of law. This obligation is more onerous for Local Government Councillors because, amongst other things, they are subject to several key provisions of the Local Government Act 1995.

QUESTION 1 – DOES THE LOCAL GOVERNMENT ACT OF 1995 CONTAIN ANY PROVISIONS WHICH SET OUT A COUNCIL'S OBLIGATION TO RESPOND TO RESOLUTIONS PASSED AT A SPECIAL ELECTORS MEETING?

ANSWER 1 - YES

Section 5.33 of the Local Government Act is instructive in answering this question. Section 5.33 states:

- "5.33 (1) *All decisions made at an Electors meeting are to be considered at the **next** Ordinary Council Meeting or, if that is not practicable-: sub clause (a) at the first Ordinary Council Meeting **after** that meeting; or; (b) at a special meeting called for that purpose, **whichever happens first.***
- (2) *If at a meeting of the Council, a Local Government makes a decision in response to a decision made at an Electors Meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting."*

It is quite clear that the decisions made at the Greenwood, Kingsley and Mullaloo Electors Meetings **were not** considered at the next Ordinary Council meeting following the respective Electors Meetings. This is in spite of the fact that following the Greenwood and Kingsley Electors Meetings, I successfully moved and Council unanimously passed a resolution which then forthwith abandoned the **draft** concept precinct plans for the suburbs of Kingsley, Warwick, Greenwood and parts of Woodvale.

The thrust of what the electors who attended the Kingsley and Greenwood Special Electors meetings called for was that the draft precinct plans for the suburbs in issue be quashed as they were not acceptable to the overwhelming majority of residents of these suburbs.

Council is yet to call a **special** meeting for the purpose of considering the decisions made at the abovementioned Electors Meetings.

The Council meeting of Tuesday, 21 May 2002 was convened for the purpose of, amongst other things, considering the decisions of the abovementioned Electors Meetings. It was not, however, a **special** meeting. Council officers prepared a series of **draft** responses to each and every decision of the aforementioned meetings for the consideration of the Council, however, the Councillors were effectively prevented from considering these recommendations and fulfilling their aforementioned statutory obligation because of the passage of the motion being the subject of my recession motion. Further, Councillor Carlos had drafted and submitted to Councillors a series of common sense alternative recommendations to those drafted by Council officers but, once again, the Council was essentially prevented from debating these despite their considerable merit.

In view of the abovementioned matters, I submit that Council has not complied with its obligations under Section 5.33 of the Local Government Act 1995. Councillors will recall that there have been many questions asked by ratepayers during public question time, between the time of the aforementioned Electors Meetings and the passage of the motion being the subject of this recession motion, demanding to know when Council's response to the decisions of the Electors Meeting would be dealt with. Councillors will recall that it was essentially the same members of the public demanding to know when Council would, in accordance with its obligations under Section 5.33 of the Act, consider the decisions of Electors Meetings.

The resolutions of Council passed on 21 May 2002 and 28 May 2002 do not have the effect of assisting Council in complying with its obligations under 5.33 of the Act. Once again, despite the passage of several months, Council has not considered the decisions made at the aforementioned Electors Meetings. What Council has in fact done, is to delegate that statutory responsibility to a Committee comprising of five Councillors and ten Community Members. The Act does not provide in these circumstances that Council has the power to delegate its otherwise clear statutory responsibility to consider the decisions of the Special Electors Meetings as aforesaid.

2 THE COMMON SENSE APPROACH

It stands to reason that because the Committee to be established pursuant to the resolution being the subject of my recession motion comprises of five Councillors and ten members of the Community, the Community members will be able to dominate the Committee with their collective views. The Community members will in effect be compelled to ensure that the Committee endorses each and every decision made at the aforementioned Special Electors Meetings. This Committee's report to Council may simply be a restatement or reaffirmation of the decisions of the Electors meeting, hence, the whole circular process will have been a waste of Council resources and ratepayer's money.

3 THE COMPOSITION OF THE COMMITTEE

As stated above, the Committee comprises of five Councillors and ten Members of the Community. The representatives of the Community will most likely comprise of residents from Kingsley, Woodvale, Warwick, Greenwood and Mullaloo. The committee members will be required to deal with "Council's response" to the decisions passed at the aforementioned Electors Meetings. The Committee is a compendious Committee and is required as a group, to collectively deal with all of the decisions from the Electors meetings.

The effect of this is that persons with a specific interest in the decisions of the Mullaloo Special Electors Meeting will be required to adjudicate upon the decisions of the Kingsley and Greenwood Special Electors meetings, in addition to the decisions of the Mullaloo Special Electors meeting and visa versa.

The decisions of the Special Electors Meeting concerning Greenwood, Warwick, Woodvale and Kingsley are very much suburb specific. However, the decisions of the Mullaloo Special Electors Meeting affect the broader community due to the broad community's use of Tom Simpson Park and adjacent areas, including Mullaloo Beach.

CONCLUSION

- 1 The Council has not fulfilled its obligation within the timeframe set out in Section 5.33 of the Act and continues to fail to do so.
- 2 The gist and thrust of the decisions of the Special Electors Meetings in Greenwood and Kingsley have essentially been dealt with when the draft precinct concept plans were formally abandoned nearly six months ago.
- 3 The Committee is required to "deal with" the decisions of the aforementioned decisions of the Electors meetings without any timeframe, criteria or guidelines. The Committee will deal with all three sets of decisions from the Special Electors Meetings despite the majority of its membership not being directly involved in each issue.

OFFICER’S COMMENT

At its meeting held on 21 May 2002, Council considered Item CJ118-05/02 (Special Meeting of Electors - Mullaloo - held on 18 March 2002) and resolved to:

- *NOTE that the revised preliminary Concept Plan currently on public exhibition does not relocate the central carpark to the grassed area or propose any additional parking on the grassed area.*
- *ESTABLISH a Working Group comprising five elected members and up to 10 concerned residents to consider and make appropriate recommendations to come back to Council regarding the issues raised at the Mullaloo, Kingsley and Greenwood Special Meetings of Electors and report back with recommendations to Council.*
- *APPOINT the following elected members to the working group to consider the concerns of electors arising from the special meetings of electors:*

Cr C Mackintosh

Cr J Hollywood

Cr T Barnett

Cr A Walker

Cr M O’Brien”

Item CJ118-05/02 is now reproduced below:

PURPOSE

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

EXECUTIVE SUMMARY

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

“That Council:

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

BACKGROUND

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

DETAILS

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

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

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

Officer's Recommendation

That Council:

- 1 **Notes that the revised preliminary Concept Plan currently on public exhibition does not relocate the central carpark to the grassed area or propose any additional parking on the grassed area;**
- 2 **further investigates the reduction of the road reserve of Oceanside Promenade, to enable the unused portion of the road reserve to be incorporated into the Tom Simpson Park reserve;**

- 2 *MOVED Bernadette Fee, 18 Oceanside Promenade, Mullaloo SECONDED Susan Kinsella, 18 Karalundie Way, Mullaloo that Lot 1 Oceanside Promenade, Mullaloo be included into Tom Simpson Park proper.*

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

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

Officer's Recommendation

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

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

The Motion was Put and

CARRIED

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

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

The Amendment was Put and

CARRIED

Officer’s Comment

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

Officer’s Recommendation

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

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

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

The Motion was Put and

CARRIED

Officer’s Comment

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

Officer's Recommendation

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

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

Was Put and

CARRIED

Officer's Comment

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

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

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

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

Officer's Recommendation

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

- 8 *Moved Anne Willis, 4 Marjorie Street, Mullaloo, SECONDED Michael Caiacob, 7 Rowan Place, Mullaloo that we the Electors of the City of Joondalup move that any development approval for the Mullaloo Tavern by the Council firstly:*
- 1 *restrict the height to its existing level;*
 - 2 *so as not to aggravate the shortage of parking in the area, all bays other than those that they have already taken for the car park, be provided on site;*
 - 3 *that the redevelopment should be in accordance with the Town Planning Scheme No 2 and the Mullaloo Precinct Plan when it is agreed.*

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

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

The Motion was Put and

CARRIED

Officer's comment

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

Officer's Recommendation

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

- 11 *MOVED Helen Kraus, 6 Bluewater Rise, Mullaloo, SECONDED Marilyn Zakrevsky, 49 Korella Street, Mullaloo that we the Electors of the City of Joondalup move that the City of Joondalup improve the facilities in all of the parks and reserves in the locality of Mullaloo by:*

- *providing suitable playground equipment for pre-school children;*
- *upgrading the children's playgrounds;*
- *providing shade over the top of the playground;*
- *installing better lighting and barbeques; and*
- *upgrading all of the toilet facilities in the other parks and reserves.*

The Motion was Put and

CARRIED”

Officer's Comment

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

Officer's Recommendation

That Council NOTES that the items mentioned in Motion 11 passed at the Special Electors' meeting held on 18 March 2002 will be considered in Council's normal program.

VOTING REQUIREMENTS

Absolute Majority

Cr Patterson left the Chamber at this point, the time being 2230 hrs.

MOVED Cr Baker SECONDED Cr Kimber that Council RESCINDS its decisions of 21 May 2002 (Item CJ118-05/02 refers) being:

“That Council:

- **ESTABLISHES a Working Group comprising five elected members and up to 10 concerned residents to consider and make appropriate recommendations to come back to Council regarding the issues raised at the Mullaloo, Kingsley and Greenwood Special Meetings of Electors and report back with recommendations to Council.**
- **APPOINTS the following elected members to the working group to consider the concerns of electors arising from the special meetings of electors:**

**Cr C Mackintosh
Cr J Hollywood
Cr T Barnett
Cr A Walker
Cr M O'Brien**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (12/2)**

Voting: In favour of the Motion: Mayor Bombak, Crs Baker, Barnett, Carlos, Hurst, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, Rowlands, Walker. **Against the Motion:** Crs Hollywood, O'Brien.

Cr Kenworthy left the Chamber at this point, the time being 2245 hrs.

Cr Nixon left the Chamber at this point, the time being 2246 hrs.

MOVED Cr Baker, SECONDED Cr O'Brien that Council NOTES that the revised preliminary Concept plan on public exhibition replaces the former Mullaloo Beach Concept Plan and ensures that there is no relocation of the central car park to the grassed area and no additional car park on the grassed area. Additionally, resolves to include the grassed area currently on the unused road reserve into Tom Simpson Park proper.

The Motion was Put and

CARRIED UNANIMOUSLY

MOVED Cr Baker SECONDED Cr Kimber that Council CONSIDERS submissions received regarding the Mullaloo Beach Concept Plan, and determines whether the plan or any key elements thereof should be deleted if they are considered not to have clear or demonstrable community support or tangible planning benefits;

The Motion was Put and

CARRIED

Cr Kenworthy entered the Chamber at this point, the time being 2249 hrs.

MOVED Cr Baker SECONDED Cr Rowlands that Council CONSIDERS the concerns expressed by the electors, with particular reference to any consideration given for the alienation of reserves, and the development of the draft Preservation of Public Reserves Policy.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Rowlands that Council NOTES the concerns mentioned, and considers the specific requests for improvements to services and facilities in the park area when considering the Mullaloo Concept Plan issue, and the composition of the 2002-03 budget.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Kimber that Council TAKES NO ACTION regarding the status or disposal of Lots 7 to 11, 29 to 32, and 35 Merrifield Place, Mullaloo UNTIL it has considered matters relating to:

- **Public consultation;**
- **the stability of the land;**
- **the effect any development would have on natural beach processes;**
- **the legal position in relation to the status of the land;**
- **the environmental/conservation value of the land;**
- **community attitudes regarding the land; and**
- **the impact of any decision on the City's assets and operations;**
- **the Joint Commissioners' determination on the valuation placed on these lots;**
- **the merits of having the land included as part of the adjoining "Bush Forever" site.**

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Carlos that Council INVESTIGATES the options available for receiving benefit in return for the reservation of the ten lots it owns in Merrifield Place, Mullaloo, including but not limited to a land swap with Bush Plan land located adjacent to the Ocean Reef small boat harbour.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Kimber that Council NOTES that surf club access for boats and emergency services, the heliport evacuation area and disabled parking facility close to the beach ARE PROVIDED FOR in the Mullaloo Beach Concept Plan currently available for public inspection and comment.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Carlos that Council CONSIDERS the electors' motion regarding requested limitations on the height and other aspects of the tavern redevelopment proposal as a component of its deliberation on that Development Application when that application comes before Council for its consideration.

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Carlos that Council NOTES the request by the electors to conduct an independent inquiry into the precinct planning project but AGREES that as a result of the actions highlighted within Report CJ118-05/02 such an inquiry is not warranted.

The Motion was Put and

CARRIED

MOVED Cr Carlos SECONDED Cr Hurst that Council RESOLVES to improve the parks and reserves in the locality of the Mullaloo Beach area by providing suitable playground equipment for pre-school children, upgrading the children's playground, provide shade over the equipment, installing better lighting and barbeques and upgrading all toilet facilities.

The Motion was Put and

CARRIED

C80-06/02 MOTION TO ADJOURN MEETING – [02154] [08122]

MOVED Cr Mackintosh SECONDED Cr Carlos that in accordance with Clause 5.1 of the City's Standing Orders the meeting be adjourned for five (5) minutes, the time being 2257 hrs.

The Motion to Adjourn was Put and

CARRIED

The Meeting **RESUMED** at 2302 hrs.

Mayor Bombak declared an interest that may affect his impartiality in "Notice of Motion No 3 – Cr Baker - Special Meetings of Electors – Greenwood And Kingsley - held on 7 and 11 February 2002" (Motion No 23) as it affected him in his role as Mayor.

C81-06/02 NOTICE OF MOTION NO 3 – CR BAKER - SPECIAL MEETINGS OF ELECTORS – GREENWOOD AND KINGSLEY - HELD ON 7 AND 11 FEBRUARY 2002 – [75029]

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 Council:

- 1 *NOTES that Motion No 1 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;*
- 2 (a) *NOTES Motion No 2 passed at the Special Electors' Meeting held on 7 February 2002:*

- (b) *will have strong regard to the communities' concerns when considering any request to rezone land, or when commenting on any changes to either the residential planning codes or building codes proposed by the State Government.*
- 3 *NOTES that Motion No 3 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;*
- 4 *NOTES that Motion No 4 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;*
- 5 *NOTES Motion No 5 passed at the Special Electors' Meeting held on 7 February 2002 when preparing the comprehensive community consultation process required by Council's resolution C02-02/02 of 12 February 2002;*
- 6 *NOTES that the specific items mentioned in Motion No 6 passed at the Special Electors' Meeting held on 7 February 2002 will be considered in Council's normal programs;*
- 7 *NOTES the concern expressed in Motion No 7 passed at the Special Electors' Meeting held on 7 February 2002 with particular reference to any consideration it gives to alienation of reserves;*
- 8 (a) *NOTES Motion 8 passed at the Special Electors' Meeting held on 7 February 2002;*
- (b) *does not support the vote of no confidence in the City of Joondalup planning officers;*
- (c) *continues to review and assess ways to improve its service delivery and public consultation with the community.*
- 9 *NOTES Motion No 9 passed at the Special Electors' Meeting held on 7 February 2002 and the concerns expressed by electors in relation to the precinct planning process;*
- 10 *NOTES Motion 10 passed at the Special Electors' Meeting held on 7 February 2002 and takes the views expressed into consideration when preparing the 2002/2003 draft Budget;*
- 11 (a) *NOTES that the Mullaloo Concept Plan work does not form part of the Precinct Action Planning process;*
- (b) *RESOLVES not to undertake any precinct action planning work for the total Mullaloo area at this time;*
- (c) *NOTES that the public consultation process associated with the Mullaloo Concept Plan will be undertaken in line with Council's resolution of 12 February 2002;*

- 12 *NOTES Motion No 12 passed at the Special Electors' Meeting held on 7 February 2002 when considering any issue relating to the accessway from Dericote Way to the Greenwood Village Shopping Centre;*
- 13 (a) *NOTES Motion No 13 passed at the Special Electors' Meeting held on 11 February 2002;*
- (b) *will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of zone or residential density code for land in the Kingsley area;*
- 14 (a) *NOTES Motion No 14 passed at the Special Electors' Meeting held on 11 February 2002;*
- (b) *will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of zone or residential density code for land in the Kingsley area;*
- 15 (a) *NOTES Motion No 15 passed at the Special Electors' Meeting held on 11 February 2002;*
- (b) *will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to the Residential Planning Codes for the Kingsley area;*
- 16 (a) *NOTES Motion No 16 passed at the Special Electors' Meeting held on 11 February 2002;*
- (b) *will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of residential density coding for land in the Kingsley area;*
- 17 *NOTES the concern expressed in Motion No 17 passed at the Special Electors' Meeting held on 11 February 2002 with particular reference to any consideration it gives to alienation of reserves;*
- 18 *NOTES that Motion No 18 passed at the Special Electors' Meeting held on 11 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002;*
- 19 *NOTES Motion No 19 passed at the Special Electors' Meeting held on 11 February 2002 when preparing the comprehensive community consultation process required by Council's resolution of 12 February 2002;*
- 20 *NOTES that the specific items mentioned in Motion No 20 passed at the Special Electors' Meeting held on 11 February 2002 will be considered in Council's normal programs;*
- 21 (a) *NOTES Motion 21 passed at the Special Electors' Meeting held on 11 February 2002;*

- (b) *does not support the vote of no confidence in the City of Joondalup senior administration officers;*
- (c) *continues to review and assess ways to improve its service delivery and public consultation with the community;*
- 22 *NOTES Motion No 22 passed at the Special Electors' Meeting held on 11 February 2002 and the concerns expressed by electors in relation to the precinct planning process;*
- 23 *NOTES Motion No 23 passed at the Special Elector's Meeting held on 11 February 2002, and advises that the Mayor did not preside over the preparation of the Precinct Plans, nor were they endorsed by the Council prior to being advertised;*
- 24 *REAFFIRMS its decision C02-02/02 of 12 February 2002, being that Council:*
- 1 *hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;*
 - 2 *ESTABLISHES a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;*
 - 3 *NOT consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan;*
 - 4 *AGREES to consider all the decisions made at the recent Special Meetings of Electors held in Greenwood and Kingsley on 7 and 11 February 2002 respectively at its ordinary meeting scheduled to be held on 26 February 2002 at the Council Chambers, Joondalup;*
 - 5 *ENDORSES the Mayor's views as reported in last Saturday's 9 February 2002 edition of The West Australian newspaper that in respect of the Kingsley, Greenwood, Warwick and Woodvale draft precinct concept plans "these ideas which staff had put forward will not be going ahead in any way, shape or form."*

OFFICER'S COMMENT

At its meeting held on 21 May 2002, Council considered Item CJ119-05/02 (Special Meetings of Electors – Greenwood and Kingsley - held on 7 and 11 February 2002). As a result of Council's decision in relation to CJ118-05/02 (Special Meeting of Electors - Mullaloo - held on 18 March 2002); the recommendation relating to CJ119-05/02 was not pursued and now forms the basis of the Notice of Motion submitted by Cr Chris Baker.

Item CJ119-05/02 is now reproduced below:**PURPOSE**

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

EXECUTIVE SUMMARY

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

“That Council:

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

BACKGROUND

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

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

“That Council:

- 1 hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;

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

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

"That Council:

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

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

DETAILS

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

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

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

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

“That Council:

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

The Motion was Put and

CARRIED

Officer’s Comment

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

Officer’s Recommendation

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

MOTION NO 2 (GREENWOOD) - HOUSING DENSITY WITHIN GREENWOOD

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

That Council:

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

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

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

The Motion was Put and

CARRIED

Officer's Comment:

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

Officer's Recommendation

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

MOTION NO 4 (GREENWOOD) - DIRECTION FOR ELECTORS

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

MOTION NO 5 (GREENWOOD)- CONSULTATION POLICY

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

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

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

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

Officer's Recommendation

That Council:

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

MOTION NO 6 (GREENWOOD)- REVITALISATION OF GREENWOOD

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

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

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

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

Officer's Recommendation

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

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

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

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

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

Officer's Recommendation

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation**That Council:**

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

MOTION NO 10 (GREENWOOD) - DRY PARKS

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

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

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

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

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

Officer's Recommendation

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

MOTION NO 11 (GREENWOOD)- MULLALOO PRECINCT PLANNING

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

The Motion was Put and

CARRIED UNANIMOUSLY

Officer's Comment

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

"That Council:

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

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

Officer's Recommendation

That Council:

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

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

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

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

“1 REAFFIRMS its decision of 23 May 2000 (CJ128-05/00 refers) to support the closure of the pedestrian accessway between Dericote Way and Greenwood Village Shopping Centre, Greenwood for the following reasons:

- the conditions next to the pedestrian accessway and back of the shopping centre have not changed;*
- conditions will deteriorate with the future expansion of the shopping centre due to commence early 2001,*
- attract anti-social behaviour;*
- elderly residents in the area support the closure.*

2 ADVISES the Hon Minister for Lands of its decision and that it has examined the pedestrian access from Dericote Way to the shopping centre and believes that no further upgrade to that access is necessary;

3 *REQUESTS the Hon Minister for Lands reconsiders his decision in light of the above resolution.*”

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

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

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

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

Officer’s Recommendation

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

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

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

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

The Motion was Put and

CARRIED

Officer’s Comment

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

Officer's Recommendation

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

MOTION NO 14 (KINGSLEY)- LIFESTYLE WITHIN WARWICK PRECINCT

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

That Council:

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

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

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

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

Officer's Recommendation

That Council:

- 1 NOTES Motion No 15 passed at the Special Electors' Meeting held on 11 February 2002;**
- 2 will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to the Residential Planning Codes for the Kingsley area.**

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

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

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

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

Officer's Recommendation

That Council:

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

MOTION NO 19 (KINGSLEY) - CONSULTATION POLICY

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

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

MOTION NO 20 (KINGSLEY) - ENHANCEMENT OF KINGSLEY

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

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

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

MOTION NO 21 - VOTE OF NO CONFIDENCE - ADMINISTRATION

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

The Motion was Put and

CARRIED

Officer's Comment

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

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

Officer's Recommendation

That Council:

- 1 NOTES Motion 21 passed at the Special Electors' Meeting held on 11 February 2002;**
- 2 does not support the vote of no confidence in the City of Joondalup senior administration officers;**
- 3 continues to review and assess ways to improve its service delivery and public consultation with the community.**

MOTION NO 22 (KINGSLEY) - TRANSPARENCY AND ACCOUNTABILITY

MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Sue Hart, 24 Mamo Place, Greenwood that We, the electors of the City of Joondalup wish to place all elected Councillors on notice that we expect them to fully implement our wishes here tonight, furthermore we demand absolute transparency and accountability from Council and condemn any further attempts to impose unwanted decisions.

The Motion was Put and

CARRIED

Officer's Comment

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

Officer's Recommendation

That the Council NOTES Motion No 22 passed at the Special Electors' Meeting held on 11 February 2002 and the concerns expressed by electors in relation to the precinct planning process.

MOTION NO 23 (KINGSLEY) - VOTE OF NO CONFIDENCE - MAYOR

MOVED Catherine Woodmass, 25 Calbourne Way, Kingsley SECONDED Andrea Norman, 44 Kanangra Crescent, Greenwood that We, the electors on the City of Joondalup move a vote of no confidence in the Mayor for the manner in which he has presided over the (Warwick) Precinct Plan.

The Motion was Put and

CARRIED

Officer's Comment

It would not be appropriate for an Officer's comment to be made.

Officer's Recommendation

That the Council NOTES Motion No 23 passed at the Special Electors' Meeting held on 11 February 2002, and advises that the Mayor did not preside over the preparation of the Precinct Plans, nor were they endorsed by the Council prior to being advertised.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Baker SECONDED Cr O'Brien that Council NOTES that Motion No 1 passed at the Special Electors' Meeting held on 7 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002.

The Motion was Put and

CARRIED

MOVED Cr O'Brien SECONDED Cr Baker that Council:

- 1 ACKNOWLEDGES the widespread community opposition to blanket rezoning throughout the South Ward;**
- 2 MAINTAINS the status quo and considers each development application, including any rezoning, on an individual case-by-case basis.**

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr O'Brien that Council NOTES Motion No 5 passed at the Special Electors' Meeting held on 7 February 2002 when preparing the comprehensive community consultation process required by Council's resolution C02-02/02 of 12 February 2002.

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Rowlands that Council:

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

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

MOVED Cr O'Brien SECONDED Cr Carlos that Council NOTES Motion 10 passed at the Special Electors' Meeting held on 7 February 2002 and takes the views expressed into consideration when preparing the 2002/2003 draft Budget.

The Motion was Put and

CARRIED

MOVED Cr Hurst SECONDED Cr Mackintosh that Council:

- 1 **NOTES that the Mullaloo Concept Plan work does not form part of the Precinct Action Planning process;**
- 2 **NOTES that the public consultation process associated with the Mullaloo Concept Plan will be undertaken in line with Council's resolution of 12 February 2002.**

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr O'Brien that Council NOTES Motion No 12 passed at the Special Electors' Meeting held on 7 February 2002 when considering any issue relating to the accessway from Dericote Way to the Greenwood Village Shopping Centre.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr O'Brien that Council:

- 1 **NOTES Motion No 13 passed at the Special Electors' Meeting held on 11 February 2002;**
- 2 **will have strong regard to the opinions of the Kingsley community when considering any town planning scheme amendments relating to changes of zone or residential density code for land in the Kingsley area.**

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr O'Brien that Council:

- 1 **ACKNOWLEDGES the widespread community opposition to blanket rezoning throughout the South Ward;**
- 2 **MAINTAINS the status quo and considers each development application, including any rezoning, on an individual case-by-case basis.**

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Rowlands that Council:

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

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

The Motion was Put and

CARRIED (9/4)

Voting: In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Rowlands, Carlos, Baker, Kimber, Kadak. **Against the Motion:** Crs O'Brien, Barnett, Walker, Hollywood.

MOVED Cr O'Brien SECONDED Cr Kimber that Council:

- 1 **ACKNOWLEDGES** the widespread community opposition to blanket recoding throughout the South Ward;
- 2 **MAINTAINS** the status quo and considers each density recoding application, including any Town Planning Scheme Amendments, on an individual case-by-case basis.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr O'Brien that Council

- 1 **ACKNOWLEDGES** the substantial value the community places on all parks, public open space and reserves;
- 2 **CONFIRMS** that any proposed change to parks, public open space and reserves be subjected to the comprehensive public consultation policy, currently being developed;
- 3 **ENSURES** the community is fully informed of the facts and implications of any proposed changes.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Mackintosh that Council NOTES that Motion No 18 passed at the Special Electors' Meeting held on 11 February 2002 has been addressed by Council's resolution C02-02/02 of 12 February 2002.

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr O'Brien that Council NOTES Motion No 19 passed at the Special Electors' Meeting held on 11 February 2002 when preparing the comprehensive community consultation process required by Council's resolution of 12 February 2002.

The Motion was Put and

CARRIED

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

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Hurst that Council:

- 1 NOTES Motion 21 passed at the Special Electors' Meeting held on 11 February 2002;**
- 2 does not support the vote of no confidence in the City of Joondalup senior administration officers;**
- 3 continues to review and assess ways to improve its service delivery and public consultation with the community.**

The Motion was Put and

CARRIED

MOVED Cr Baker SECONDED Cr Mackintosh that Council NOTES Motion No 22 passed at the Special Electors' Meeting held on 11 February 2002 and the concerns expressed by electors in relation to the precinct planning process.

The Motion was Put and

CARRIED

Mayor Bombak left the Chamber at this point, the time being 2331 hrs. Cr Hurst assumed the Chair.

MOVED Cr Baker SECONDED Cr Kimber that Council NOTES Motion No 23 passed at the Special Elector's Meeting held on 11 February 2002, and advises that the Mayor did not preside over the preparation of the Precinct Plans, nor were they endorsed by the Council prior to being advertised.

The Motion was Put and

CARRIED UNANIMOUSLY

Mayor Bombak entered the Chamber at 2333 hrs and resumed the Chair.

MOVED Cr Baker SECONDED Cr Kadak that Council REAFFIRMS its decision C02-02/02 of 12 February 2002, being that Council:

- 1 hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;**
- 2 ESTABLISHES a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;**

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

The Motion was Put and

CARRIED

**C82-06/02 NOTICE OF MOTION NO 4 – CR P ROWLANDS –
BUDGET PROCESS - [75029] [76514] [12950] [53526]
[02153]**

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

“That the Council:

- 1 *NOTES the establishment of the working group to discuss residents’ concerns with the recommendations of the various special electors meetings;*
- 2 *respectfully CONFIRMS its right to continue with the budget process and confirms the Council’s right to include all capital works items within the budget that it deems to be in the best interest of the residents of the City;*
- 3 *further CONFIRMS that the Council is always willing to listen to all residents’ concerns but also respectfully confirms its right to continue without interruption the business of running the City in the best interest of its residents. The Council has always actively encouraged communication with the elected council and staff at all levels, the Council is at this moment working on a comprehensive community consultation policy to facilitate better communication, the Council would respectfully ask the small number of residents who are dissatisfied with the recommendations of the various special electors meetings to consider their concerns in the context of a democratic system a few hundred people out of 160,000 residents is a very small percentage;*
- 4 *AGAIN respectfully confirms its right to continue on with the budget and capital works planning and to make decisions that are clearly in the best interest of the majority of residents;*

- 5 *CONFIRMS that when possible all reasonable requests from the working group/committee will be accommodated in next years and subsequent years capital works budgets;*
- 6 *AGREES that all large capital works items/requests will need to be handled in full consultation with elected members staff and the wider community.”*

OFFICER’S COMMENT

The Council at its meeting held on 21 May 2002 resolved as follows:

“That Council ESTABLISHES a Working Group comprising five elected members and up to 10 concerned residents to consider and make appropriate recommendations to come back to Council regarding the issues raised at the Mullaloo, Kingsley and Greenwood Special Meetings of Electors and report back with recommendations to Council.

“That Council APPOINTS the following elected members to the Working Group to consider the concerns of electors arising from the Special Meetings of Electors:

*Cr C Mackintosh
Cr J Hollywood
Cr T Barnett
Cr A Walker
Cr M O’Brien”*

The Council subsequently at a Special Meeting held on 28 May 2002 resolved that:

- 1 *the first meeting of the Working Group be held, commencing at 9am, on the second Saturday Morning, after all, and/or enough to constitute a quorum of the Working Group, have, as the nominated peoples contact names and addresses, been delivered to the CEO of the City of Joondalup and further that the terms of reference shall be those determined by the CEO;*
- 2 *all positions relating to the residents’ positions on the working group be advertised for a period of four weeks in the local press to enable any ratepayer in the City of Joondalup that has an interest in the area to apply;*
- 3 *all applications for these positions are to meet the customary criteria for community positions on working groups in the City of Joondalup;*
- 4 *the final list of proposed candidates to be presented to the next Council meeting following the closure of applications for ratification by Council.”*

Since that resolution, a notice of motion has been received to rescind the earlier decision of the Council of 21 May 2002. In accordance with Standing Orders, upon receipt of the rescission motion, the actioning of these two resolutions is not to be progressed until the rescission motion has been determined.

The Council has established a committee comprising all 15 elected members to deliberate on the 2002/2003 budget considerations. This committee has met on a number of occasions, with a view to the 2002/2003 budget being presented to the Council in July of this year.

VOTING REQUIREMENTS

Simple Majority

There being No Mover, the Motion

LAPSED

C83-06/02 NOTICE OF MOTION NO 5 – CR C MACKINTOSH – BREACH OF CODE OF CONDUCT

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

"That Councillor Carlos be formally reprimanded for his serious misconduct by virtue of his unsolicited, unprovoked and uncouth statement made to myself, Councillor Mackintosh, during the 30 May 2002 meeting of the North Zone of the Local Government Association that (quote) "I would never sit next to dirt like you".

In support of the motion, Cr Mackintosh has submitted the following comment:

"I add, that his comments were particularly distasteful, offensive and humiliating, as the statement was made in the presence of, and could be heard quite clearly by senior members and councillors of City of Stirling and City of Wanneroo and a guest from T.A.F.E and West Coast College."

OFFICER'S COMMENT

The City's Code of Conduct currently states:

"The Council is the elected body responsible for the administration of the City of Joondalup in accordance with the applicable legislation. It must do that in the best interests of the local community, as well as the public in general.

The Code of Conduct therefore provides a framework for behaviour that must be observed in the wide range of interactions and scenarios experienced in the conduct of Council activities on a daily basis.

The local community and the public in general is entitled to expect that:

- The business of the Local Government will be conducted with efficiency, impartiality and integrity.
- Elected members, committee members and employees will obey the spirit and the letter of the law and, in particular, the provisions of all relevant statutes, ordinances, regulations and instruments; and
- Duty to the public will always be given absolute priority over the private interests of elected members, committee members and employees.

A Code of Conduct is a significant guide to the Council, necessary due to the particular relationships and responsibilities that arise from being a public institution. In order to contrive the effective and efficient administration of this public institution, a set of standards

is important to clearly outline these responsibilities and the behaviours that need to be observed to retain the good faith and trust of all parties involved.

The Code recognises these ethical values and professional behaviours that support the principles of:

- Respect for persons;
- Justice; and
- Beneficence.

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

Enforcement of the Code

Any Council employees, elected members or committee members having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act or such regulations or local laws created thereunder, should discuss those concerns with the Mayor or Chief Executive Officer (for employees).”

Council’s Code of Conduct does not override any legislation but merely provides a guide and basis of expectations for elected members, committee members and employees and encourages a commitment to ethical and professional behaviour. The current code does not contain any penalty provisions and any actions taken as a result of a breach will be made in accordance with the provisions of any applicable legislative requirements and the Council’s responsibilities as an employer.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Mackintosh SECONDED Cr Kimber that Councillor Carlos be formally reprimanded for his serious misconduct by virtue of his unsolicited, unprovoked and uncouth statement made to myself, Councillor Mackintosh, during the 30 May 2002 meeting of the North Zone of the Local Government Association that (quote) "I would never sit next to dirt like you".

Discussion ensued. Cr Carlos submitted a declaration under the Evidence Act 1906 made by Mr Peter Hans Weygers JP – Appendix 20 refers.

During discussion:

Cr Rowlands left the Chamber at 2337 hrs;

Cr Kadak left the Chamber at 2348 hrs;

Cr Hurst left the Chamber at 0001 hrs;

The Motion was Put and

LOST (4/6)

Voting: In favour of the Motion: Mayor Bombak, Crs Mackintosh, Baker, Kimber. **Against the Motion:** Crs O'Brien, Walker, Kenworthy, Hollywood, Carlos, Barnett.

Appendix 20 refers.

To access this attachment on electronic document, click here: [Attach20min110602.pdf](#)

Cr Hurst entered the Chamber at this point, the time being 0004 hrs.

C84-06/02 NOTICE OF MOTION NO 6 - CR D CARLOS - REFUSE CHARGE - [76514]

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

“That Council, BY AN ABSOLUTE MAJORITY:

- 1 DOES NOT charge a separate Refuse Charge for the first service at each property;*
- 2 INCORPORATES the costs of providing the first refuse charge in the general rate.”*

OFFICER’S COMMENT

The imposition of a separate “Flat Refuse Charge” or the incorporation of the refuse costs into the general rate is a decision of Council.

The current “Flat Refuse Service”

For the 2001/02 year, Council charged a flat refuse charge for the “first service” of \$119 per property. Additional services are provided by Council and these are charged on a user pays basis. Examples of such services include: additional bins and voluntary recycling.

The City currently has approximately 56,400 rateable properties. The flat refuse charge of \$119 is charged to approximately 48,883 properties (as at 28 May 2002). This equates to approximately 86.7% of properties.

This process has the following major effects:

- This is a user pays service and not all properties pay toward this service.
- The cost of the service is distributed equally as a flat charge (2002/03 - \$122)
- Pensioners / seniors CANNOT claim a rebate on the separate refuse charges
- Pensioners CANNOT defer the separate refuse charge

This flat refuse charge is not applicable to properties that do not currently use or have the “first service”. This means that vacant land that do not have “first service” bins, or commercial properties that use commercial refuse services, do not use the “first service” and are not charged the “flat refuse service fee”. New properties must request a “first service” bin and this then triggers the “flat refuse” charge on the Rates Notice until the service is discontinued.

In certain instances, group dwellings share bins or use commercial refuse facilities. In such cases a bin may not be allocated to each individual property or commercial services are used. Examples include flats and retirement villages.

The payment of rates hierarchy determines that the Refuse Charges are paid before general rates. Refuse charges are not able to be deferred and do not attract a rebate under the Rates and Charges (Rebates and Deferments) Act 1992.

The 2002/03-draft budget indicates Rates income of \$41.3m and separate “first refuse” charges to be \$6.52m.

Incorporating the Refuse Charge into the general rates

Incorporating the “first refuse” services income for the 2002/03 year would require the amount of \$6.52m to be included in the general rates. This method supports the ability to pay concept (determined by the property value) as opposed to the user pays principle.

This process has the following major effects:

- Every rateable property will pay toward this service.
- Properties that do not use the “first service” will now pay towards the cost of the service. This will include vacant land, commercial properties (which may already have commercial refuse services) and properties that share bins.
- The cost of the service is distributed based upon the value of the property
- High value properties will pay proportionally more for the same service
- Pensioners / seniors will be able to claim a rebate on the general rates (including the former refuse component)
- Pensioners who currently receive the full 50% rebate will be entitled to defer their rates

On an overall basis, the amount collected from Rates AND the Refuse will be \$47.83m. This is the same total as with the flat service fee however the distribution of the rate burden will be different.

Incorporating the Refuse Charge into the general rates will result in an increase in the rate in the dollar.

An added effect for the 2002/03 year is that a revaluation has occurred, and including the refuse charge in the general rates will exacerbate the comparative increases / decreases to individual properties. The introduction of this during the 2002/03 year will be difficult to articulate to ratepayers in view of the property revaluation, a 4.5% increase in general rates, an increase in the amount to be collected for refuse services (\$119 in 2001/02 to \$122 2002/03) and the resultant redistribution of the rate burden.

The comparable refuse costs for selected properties are shown below:

Property Use	Address	Valuation for Rating Purposes	Flat Refuse Charge (2002/03 @ \$122)	Indicative cost if refuse cost is included in general rate	Comment
Residential Vacant	16 Lochmaben Retreat KINROSS WA 6028	\$ 3,150	NIL	\$ 31.32	This property is vacant and does not use the "first service"
Commercial	Whitford City & Serv Stn 470 Whitfords Avenue HILLARYS WA 6025	\$ 23,525,346	NIL	\$ 233,884.71	This property uses commercial refuse facilities.
Residential	28 Lacepede Drive SORRENTO WA 6020	\$ 18,980	\$ 122	\$ 188.70	
Residential	28 Tornado Road OCEAN REEF WA 6027	\$ 10,088	\$ 122	\$ 100.29	
Residential	291 Camberwarra Drive CRAIGIE WA 6025	\$ 6,864	\$ 122	\$ 68.24	
Residential Group Dwellings	Seacrest Retirement Village Units 1-61 only 7 Harman Road SORRENTO WA 6020	\$ 486,616	NIL	\$ 4,838	Village comprises 169 units and currently uses commercial refuse facilities

Possible amendment to Rates and Charges (Rebates and Deferments) Act 1992 to allow deferral and concessions on refuse charges for eligible pensioners and seniors

The Rates and Charges (Rebates and Deferments) Act 1992 currently allows for concessions on general rates or the deferral of general rates only.

It may be appropriate that the State Government be approached to provide concessions or deferral of refuse charges within the ambit of the Rates and Charges (Rebates and Deferments) Act 1992.

This will provide financial relief to pensioners/seniors without impacting the general population.

Cr Kadak entered the Chamber at this point, the time being 0008 hrs.

MOVED Cr Carlos SECONDED Cr O'Brien that Council, BY AN ABSOLUTE MAJORITY:

- 1 DOES NOT charge a separate Refuse Charge for the first service at each property;
- 2 INCORPORATES the costs of providing the first refuse charge in the general rate.

Discussion ensued.

Cr Hurst sought leave to make a personal explanation pursuant to Clause 4.5 – ‘Personal Explanation’ of the City’s Standing Orders Local Law.

Cr Hurst stated that Cr O'Brien had raised a comment that she was opposing the motion because of personal gain. Cr Hurst advised she was elected to represent ratepayers of her Ward and this was an interest in common with all elected members. She believed elected members should represent ratepayers who were typical of their areas and this is why she opposed the motion.

The Motion was Put and

LOST (5/7)

Voting: In favour of the Motion: Crs O'Brien, Barnett, Walker, Hollywood, Carlos. **Against the Motion:** Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Baker, Kadak, Kimber.

MOVED Cr Kadak SECONDED Cr Baker that Council **SUBMITS** a report to the next meeting of the Western Australian Local Government Association North Zone to commence lobbying the State Government to obtain pensioners’ rebate for refuse charge.

The Motion was Put and

CARRIED

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

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 0048 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
P KIMBER
D CARLOS
C BAKER
J F HOLLYWOOD, JP
A WALKER
T BARNETT
M O'BRIEN, JP
G KENWORTHY
J HURST
C MACKINTOSH