



**MINUTES OF COUNCIL MEETING
HELD ON 2 JULY 2002**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 2 JULY 2002

OPEN AND WELCOME

The Mayor declared the meeting open at 1901 hrs.

ATTENDANCES

Mayor

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	<i>Absent from 2148 hrs to 2149 hrs</i>
Cr C BAKER	Marina Ward	<i>Absent from 1950 hrs to 1951 hrs</i>
Cr A NIXON	North Coastal Ward	<i>Absent from 2058hrs to 2112 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 2150 hrs to 2158 hrs</i>
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	<i>from 1924 hrs to 2254 hrs.</i>
Cr T BARNETT	South Ward	
Cr M O'BRIEN, JP	South Ward	<i>Absent from 2146 hrs to 2147 hrs</i>
Cr A L PATTERSON	South Coastal Ward	
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

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, Audit & Executive Services:	K ROBINSON	
Manager, Marketing, Communications & Council Support:	M SMITH	
Manager Project Policy & Planning:	R HARDY	
Manager Approval Planning & Environmental Services:	C TERELINCK	
Manager Community Development:	G HALL	<i>to 2058 hrs</i>

Manager Infrastructure Services: P PIKOR
Publicity Officer: L BRENNAN
Committee Clerk: J AUSTIN
Minute Clerk: L TAYLOR

In Attendance

Mr T Darbyshire, Kott Gunning *to 2058 hrs*
Mr Nick Manifis, Walman Software *to 2250 hrs*

There were 31 members of the Public and 1 member of the Press in attendance.

Invited Guest

The Mayor welcomed Pastor Mark Wilson of Whitfords Church of Christ as this evening's invited guest.

Pastor Mark Wilson addressed Council stating that he had been a Senior Pastor of Whitfords Church of Christ for twelve years and before that he was a schoolteacher with the Education Department of Western Australia. Pastor Wilson went on to explain about the congregation and staff involved in Whitfords Church of Christ and the positive effect that the Church has on the community in the City of Joondalup. He thanked Council for its financial support of the Carols by Candlelight that was attended by 7,000 to 8,000 people.

Pastor Mark Wilson opened the meeting with a prayer.

PUBLIC QUESTION TIME

The following questions, submitted by Mrs M Macdonald, Mullaloo were taken on notice at the Council Meeting held on 11 June 2002:

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?

A1 The two documents mentioned are not contradictory in this respect. The Centres Strategy was prepared before 28 November, and without the benefit of liaison with the Tavern owners. The concept plan provided a scenario for possible development within the Centres Strategy guidelines.

Q2 As this concept plan was part of the public consultation process, why weren't we told about the village centre?

A2 The concept plan was prepared to provide one scenario for future development within the parameters of broader city-wide policy. The status of the site as a village centre was already public information.

- Q3 Why was the shopping figure for the tavern on Table 3.5 of the Draft Centre Strategy different from the government survey?*
- A3 The figures varied because other land uses were added to the WAPC's calculation. The definition of retail floor space previously varied between the local authority definition and the WAPC definition.
- Q4 Why was this figure inflated from 766 square metres to 1266 square metres?*
- A4 See explanation above.
- 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?*
- A5 No.
- Q6 Was Table 3.5 of the Draft Centre Strategy prepared in-house or did the consultants prepare it?*
- A6 Table 3.5 was prepared by the Consultants.

The following question, submitted by Mr M Caiacob, Mullaloo, was taken on notice at the Special Meeting of Council held on 24 June 2002.

- Q1 Why doesn't the City of Joondalup provide an easy, legible and commonsense approach to Town Planning to myself and other ratepayers and also to my Councillors?*
- A1 The administration prepares reports in as simple a format as possible, while maintaining a balance of providing context and relevant facts and information, and/or advice on related matters. Reports are accompanied by public Briefing Sessions where questions and issues are raised for discussion and clarification.

The following question, submitted by Ms M Macdonald, Mullaloo, was taken on notice at the Special Meeting of Council held on 24 June 2002:

- Q1 Re Amendment No 10 - The recommendation tonight suggests that Council reviews the City of Joondalup's Centres Strategy and Policy 3.2.8 Centres Strategy. If this recommendation is taken up, what will be the status of the Centres Strategy? Will it be able to be used for any purpose during that review period?*
- A1 *An adopted policy can be relied upon for decision making purposes. A planning policy has no enforceable legal status, and serves to provide guidance and parameters where those standards are not prescribed elsewhere. If a policy is under review and changes are contemplated by the Council, then the prospective changes or alterations could also be relied upon for decision making.*

The following questions, submitted by Ms C Woodmass, Kingsley were taken on notice at the Special Meeting of Council held on 24 June 2002.

Q1 Was there reference to the fact that it affected the entire City of Joondalup or that it was just the Padbury and Kinross lots that were particularly picked out in your advertisement and was there any note in that advertisement to tell you exactly what Amendment 10 involved in terms of the description that Cr O'Brien has just given and also in terms of what I have read reading Amendment 10 myself.

A1 Amendment 10 seeks to introduce standards for the development of commercial land. Amendment 10 was advertised widely. The mode of advertising was overseen by the State Department of Planning and Infrastructure, and was in accordance with its requirements. Particular reference to the individual Kinross and Padbury sites occurred because in the case of those sites, the zoning of the land was proposed to be altered.

Q2 Do you have the advertisement to hand or have you seen the advertisement? Are copies of the advertisement available?

A2 A copy of the advertisement is available, and will be sent to you, together with the answers to these questions.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Special Meeting of Council held on 24 June 2002.

Q1 Re RANS Management Group - Can the information be made publicly available as to whether the City of Joondalup has received more money from RANS than it has paid to RANS, or whether it is the other way around? How much of the ratepayers money has been paid to the RANS Group and is that amount of money greater than the amount of money that RANS has paid in rental, or other fees that require to come back to the Council?

A1 On 21 June 2001, the City paid RANS Management Group Pty Ltd an amount of \$355,131.59 which represents monies the City had received in advance for courses and membership fees.

Excluding the monies received in advance, during the period 21 May 2001 and 30 June 2002, the City paid RANS Management Group Pty Ltd \$69,169.19.

During the period 21 May 2001 and 30 June 2002, RANS Management Group Pty Ltd paid the City \$123,699.62.

The following question, submitted by Mr R De Gruchy, Sorrento was taken on notice at the Special Meeting of Council held on 26 June 2002:

Q1 I was advised on 26 March 2002 that the bond of \$184,000 is "as good as in the bank" having been paid by cheque and held by the Council's bond. Does this mean that the funds are available to the City of Joondalup?

A1 An amount of \$184,000 received from RANS Management Group is held in the City's Municipal Account. Legal advice is currently being sought on the City's rights to these monies.

Q2 What is the total amount owing to the City of Joondalup by RANS as at today's date?

A2 The City's records indicate that the amounts due and payable as at 30 June 2002 are as follows:

	Owed to COJ	Owed to RANS	Net owed by the COJ to RANS
For the period prior to 12 June 2002 – RANS Management Group Pty Ltd	\$33,448.56	37,963.33	\$4,514.77
			Owed to COJ
Since 12 June 2002 RANS Management Group Pty Ltd (in administration)			\$11,916.63

Q3 RANS has indicated it intends to increase fees at the three centres on 1 July 2002. Is this still intended to happen? The contract specifically excludes this from happening. I believe the City should advise RANS that it cannot increase fees.

A3 The City has advised RANS Management Group that due to its non compliance with regards to the practical completion of Project 1, and the absence of a resolution by the Council to accept a variation to the Agreement, the existing 2001/2002 fee structure will remain in place until the matter has been considered further by the Council.

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

Q1 The reticulation figures provided to me, and the Dry Parks and Median/Verge Committee, 16 August 2001 are inaccurate, if not concocted. For example, Galston Park magically adds up to \$54,306.65, but has overlooked any costing for reticulation components. Can the Council investigate these flaky figures, and provide accurate costings; both for the preliminary IMS estimates and the actual work and materials paid for.

A1 The information provided by the Committee in its correspondence of 16 August 2001 will be reviewed at the next meeting of the Committee in August 2002.

Q2 Why was the \$84,000 plus surplus from last year's Dry Parks reticulation program not applied to the next two parks on the 5 Year Capital Works Program? As this matter was raised at the Dry Parks and Median/Verge Committee meeting 20 July 2001, why hasn't the Committee ensured such surpluses are used for the purpose for which they are allocated?

A2 Project funding is carried forward if the project is incomplete. If the project is complete any surplus funds that are available for Council are re allocated as part of the next budget process.

Q3 What was the surplus for the 2001-2002 Dry Park development programme, and has it been applied to the next parks in the 5 Year Capital Works Program?

A4 All projects were completed and \$6,241 remained unexpended which is then available for reallocation as part of the next budget process.

- Q4 Prior to the 2001-2002 budget, it was resolved by Council to separate the Dry Parks program from median/verge development. Why was the Glengarry Drive median developed as a concealed adjunct to Portree Park at the expense of the Dry Park program? The fact that the \$20,000 cost was disguised as a 40% increase in the Portree Park estimate indicates that the Dry Park program continues to be milked and distorted by the ancient agenda for reticulating verges and medians.*
- A4 The development of the Glengarry Drive median was funded via the Parks and Local Road Landscape Enhancement program.
- Q5 Now that verge/median reticulation has been halted, the dry park selection criteria should be similarly reviewed. For example, Blackthorn, Rodgers and Culwalla parks do not merit priority over such parks as Springvale or many others. Can the Council implement a policy similar to that of Wanneroo Council, for selection criteria and listing of dry parks for reticulation?*
- A5 The Dry Park & Median Committee will consider the current criteria at its next meeting. It is our understanding that the City of Wanneroo are yet to adopt the criteria.
- Q6 Can Council provide me the detailed IMS estimate for reticulating Killen Park, which bears out the \$38,825 figure listed in the 2001-2002 budget? And can Council provide the actual cost for reticulation of this .5 hectare park?*
- A6 Killen Park was irrigated in conjunction with Sycamore Park utilising the same bore and pump unit. Actual expenditure for both parks \$40,451. Both parks were irrigated via the same project account and budget allocation. Cost is therefore combined.

The following questions were submitted by Mr Steve Magyar, Heathridge:

- Q1 Did Council resolve that the agendas and minutes of all committees of Council will be made available to the public on the Council's website?*
- A2 Yes.
- Q2 Have all the Committee agendas and minutes been made available on the website?*
- A2 No.
- Q3 Does the Local Government Administration Regulations require committee minutes to be available for public inspection within five business days after the meeting?*
- A3 Yes.
- Q4 Did the Budget Committee hold a meeting on Tuesday, 7 May 2002?*
- A4 Yes.
- Q5 Has the minutes or agenda for the Budget Committee meeting of 7 May 2002 been made available on the Council's website?*

A5 No.

Q6 *When will the agendas and minutes of the Budget Committee be made available to the public on the Council's website?*

A6 The Council is scheduled to consider its budget adoption later this month, at that time the minutes of the Budget Committee meetings will be presented to the Council at that point in time.

Please Note: *Clarification is currently being sought from the Department of Local Government and Regional Development relating to the operations of committees and to the extent to which the minutes of committees are to be available to the public.*

The following questions were submitted by Mr Ian Thompson, Duncraig:

Q1 *Would it be considered normal practice, and the correct procedure within the Council's legislative framework, for decisions on matters critically affecting residents to be made in the absence of all those residents' primary elected representatives?*

Specifically, has Cr Gerry Kenworthy asked that any decision concerning the Carine Glades Tavern Development Application be deferred pending his availability? If so, on what basis has his request been rejected?

In either case, can we the affected residents now please request such a deferral until both of our Ward councillors are available to adequately represent our concerns on this serious issue?

A1 Cr Kenworthy has been granted leave of absence by the Council and accordingly has the right not to be present this evening. It is for Council to deal with this application that has been put by Mr Thompson, on behalf of the local residents.

The following questions were submitted by Mr D Barber, Duncraig:

Development application from Carine Glades Tavern

Q1 *If this application for a licensed unfenced Family Outdoor Courtyard is approved, is it Council's expectation that this scenic open area with a playground (including a security fence with self-locking gate) would also attract non-family drinking groups?*

Q2 *If yes, has Council considered that the presence of drinking groups would detract from a family atmosphere and tend to drive them away?*

Q3 *If yes, has Council considered the impact of the resulting unfenced yet licensed outdoor area (i.e. a second beer garden) at the acoustically sensitive north east end of the Tavern?*

Q4 If no, what measures will Council take to ensure the Tavern admits only families to this acoustically sensitive area, and what criteria will be recommended for determining a “family”?

A1-4 These questions will be taken on notice.

The following questions were submitted by Mr L Bistrup, Duncraig:

Development Application from Carine Glades Tavern

Q1 If this application, to increase patronage from the current maximum of 530 to 630, is approved, will the Council accept responsibility for resolving the overcrowding of the proposed 162 bay parking area when the proposed multi-function Tavern is operating at peak capacity and there is typical busy trading at the adjacent shopping and business centres – take, for example, the parking chaos reported to Council when the recent Sunday, 9 June Tyson/Lewis fight was broadcast by the Tavern operating under the existing maximum numbers?

Q2 If yes, what specific measure will be taken?

Q3 If no, does any Councillor seriously believe that, on average, 630 patrons divided by 162 car bays equalling approximately 4 persons per car, will actually reflect reality?

Q4 If no, has Council consulted with adjacent business owners about the adverse effects on their customers’ ability to park unhindered by parking overflows from the Tavern?

A1-4 These questions will be taken on notice.

The following questions were submitted by Mr B Parkin, Duncraig:

Q1 If the application for the development of the Carine Glades Tavern is approved, will Council provide a guarantee to ratepayers that noise levels from the Tavern will conform to current legislative limits?

Q2 If yes, what conditions and/or measures additional to those contained in the development application will the Council require to ensure conformity?

Q3 If yes, what measures will be taken to improve Council’s responsiveness to complaints from ratepayers when noise levels exceed the limits?

Q4 If no to the first part, will Council be content in the knowledge that it has exacerbated an already intolerable situation?

A1-4 These questions will be taken on notice.

Ms M Macdonald, Mullaloo:

Q1 In answer to my question on 11 June 2002 I was told that retail figures on Table 3.5 of the draft Centres Strategy varied from the WAPC 1997 Survey because other land uses were added to them.

If the Centres Strategy is not reviewed, will Council amend Table 3.5 and any other schedule derived from it to reflect the true WAPC 1997 Survey figures and place Greenwood and Mullaloo centres in the correct category?

Q2 On 24 June 2002, Recommendation 2 put to Council that the Minister be required to delete reference in Amendment 10 to the Centres Strategy but allow the amendment to the net lettable retail areas of the nine centres as per Attachment 2 to proceed.

As this schedule does not reflect the retail areas as per the 1997 WAPC Survey for some of the listed centres and also fails to include at least one other centre that is greater than the DPS2, shouldn't this schedule also be deleted from Amendment 10 for review?

A1-2 These questions will be taken on notice.

Mr M Caiacob, Mullaloo:

Q1 In response to the public's motion No. 4 from the Mullaloo Special Electors' Meeting in regard to the ten lots in Merrifield Place where most of the points in Clause (f) of the motion answered by the City of Wanneroo when the ten lots were purchased, then given a zero dollar asset value by the City of Joondalup and then publicly motioned for rezoning to virgin dune and not a reservation for public use. Why is the motion asking for an unlimited size or location land swap benefit for the ten lots in Merrifield Place when this clearly transgresses from the Mullaloo community expectations and I would also imagine from the Ocean Reef expectations as well?

A1 This question will be taken on notice.

Mr S Grech, Ocean Reef:

Q1 I refer to the need to ensure that Council is complying with Council policies regarding their ratepayer funded communications, allowances for use of Council issued mobile phones and that Councillors protect the City's good credit rating. In view of this, can you please advise whether in the last six months Council has received any letter of demand against Council over a non-payment of a Councillor's mobile phone account?

Q2 If so, which Councillor caused that threat to be made against the Council?

Q3 What steps has Council taken to ensure that future threats against Council will not be made if that Councillor again refuses, fails or neglects to pay his or her mobile phone account in a timely manner?

Q4 I refer to the need for Councillors to comply with their obligation to declare financial and non-financial interests when appropriate when voting on recommendations before Council. In view of this, why was Cr Walker permitted to vote in support of a motion at the last Ordinary Council Meeting absolving her of any breach of Council Code of Conduct when she allegedly used her Council email address for her husband's private badge-making business?

Q5 Will you obtain a report from the Department of Local Government as to whether Cr Walker has a direct or indirect financial interest in that motion and if she did whether she should not have voted to support the motion absolving her of any wrongdoing?

A1-5 These questions will be taken on notice.

Mr S Magyar, Heathridge:

Q1 I believe that the current rules for Public Question Time are meant to request members of the public not to reflect adversely or frame questions in such a manner that they reflect adversely upon an elected representative, is that correct? Is the Mayor required to maintain the standards regarding Public Question Time?

A1 Yes, but a ratepayer has asked a question.

Q2 Does the Standing Orders that the City currently uses include under the Order of Business questions with due notice and questions without due notice and a second Public Question Time?

A2 The Order of Business on the current Standing Orders does make provision for those three items of business, however the current Order of Business as resolved by Council does not contain those items of business.

Q3 Does the Standing Orders as recommended by the Standing Orders Committee retain the right of Councillors to ask questions with or without notice, and to conduct a Second Public Question Time?

A3 A similar clause appears within the proposed Standing Orders by the Committee, stating that if Council so desires from time to time to amend the Order of Business to include other items of business then it may do so by resolution as per the existing clause within the current Standing Orders.

Q4 A Councillor can move to add anything from the Order of Business at any meeting at any time?

A4 As long as the motion is moved, seconded and duly carried by resolution of Council, the answer is yes.

Q5 In relation to the publication produced by the Department of Local Government called "The Preparation of Agendas and Minutes, A Guide to West Australian Local Governments", does Council have knowledge of any consultation conducted by the Department with elected representatives or members of the community to see whether they agreed with the opinions that are put into this publication?

A5 Council is not aware of the workings of the Department with regards to consulting and preparing publications or guidelines.

Q6 Regarding my earlier questions, can members of the public view the Minutes of the Budget Committee Meeting held on Tuesday 7 May 2002 to find out what is planned in the Budget?

A6 The Budget Committee is not an open Committee Meeting of Council, hence the note at the end of the responses provided to Mr Magyar that Council is currently seeking clarification from the Department, and the initial indication is that the clause only refers to Committee Meetings that are open to the public.

Ms M Moon, Greenwood:

Q1 In the letter to community participants dated 10 October 2001 titled 'Precinct Action Planning Concept Planning', it refers to the revitalisation of local shopping centres for precincts. Are these one and the same shopping centres that you referred to today in the Community News concerning Amendment 10?

Q2 Is Council aware that precinct concept plans was the implementation of Centre strategy and Amendment 10 is the implementation of Centre strategy?

A1-2 These questions will be taken on notice.

Mr M Sideris, President of the Mullaloo Progress Association:

Q1 I refer to correspondence received regarding a mobile phone tower in Mullaloo. If Council knew that there was a development application for mobile phone towers adjacent to a pre-primary kindergarten, why were local residents not made aware that such a development proposal was intended.

A1 The proposal in Mullaloo is a low impact facility. It is not a phone tower, it is a pole extension on an existing building. It constitutes what is known as a low impact facility under the Telecommunications Code and a development application is not required.

Q2 Because this Council has a moratorium on the placement of mobile phone towers, will this Council be proactive and develop a City-wide map of safer sites within the City of Joondalup so that the community, residents and telecommunication network providers all understand where the sites may or may not be?

A2 This is something that the City should look at.

Q3 I noticed that there were a couple of rescission motions put forward for Amendment 10. Can you advise why they are not on tonight's agenda?

A3 Council at its last meeting agreed that Amendment 10 and the Centres Policy would be referred to a Strategy Session of Council where consideration would be given to Amendment 10, the history of Amendment 10 and also the history of the Centres Policy. A Strategy Session has been arranged, together with senior officers from the Department of Planning and Infrastructure, to deal with those items.

Q4 Will that section of the Strategic Planning Meeting be open to the public?

A4 No.

Q5 Now that Council has dealt with RANS Leisure Centre Administrator's request for more funds, will the reports that were placed as "commercial in confidence" be made available to the public?

A5 No, the documents will remain confidential because they represent contractual arrangements between RANS, the City and the Administrator.

Q6 Can I ask who provided you with the legal opinion that there is a term of 'commercial in confidence'?

A6 No.

Ms M Macdonald, Mullaloo:

Q1 Given that Amendment 10 and the Centres Strategy is going to be heard behind closed doors, does the Council feel that this is going to build confidence within the community?

A1 This comment is noted.

Ms Sue Hart, Greenwood:

Q1 Would it be possible for a Councillor to put a motion forward to allow the public to be included in part of the strategy meeting?

A1 The policy of Council regarding Strategy Sessions is to hold them behind closed doors, however, any reports that come out of that meeting, any recommendations or the consideration of any officer's reports pertaining to Amendment 10 of the Centres Policy would be dealt with in a Briefing Session which is open to the public. These reports would then follow due process by being referred to Council, they would not be deemed to be confidential items and they would be open to public scrutiny.

Q2 When Cr Baker left the meeting on the vote on Amendment 10 last meeting, was that because he declared an interest?

A2 *Response by Cr Baker:* I thought I should declare an interest because there may have been a perception that I had an interest, and as you know in local government perceptions are more important than reality. I have a shareholding in a company that owns a strata titled unit in Grand Boulevard. That part of Grand Boulevard is not within the City centre as such but because it is adjacent to it, it could be said that I have a conflict of interest.

- Q3 *Will Cr Baker be leaving on any other voting for Amendment 10?*
- A3 *Response by Cr Baker:* In relation to that aspect of it, yes, if it affects the Joondalup City centre.
- Q4 *Can Council tell me why my question directed to Cr Kadak was not recorded from last meeting?*
- A4 This question was ruled out of order and therefore not included in the minutes.
- Q5 *Were letters regarding Amendment 10 sent out to business owners anywhere in the City of Joondalup?*
- A5 Yes
- Q6 *Can I have a copy of the letters sent?*
- A6 A copy of the standard letter can be provided.
- Q7 *Does the City consider ratepayers major stakeholders in the City of Joondalup?*
- A7 This question has been answered before and the answer was yes.

APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr G Kenworthy 17 June 2002 to 7 July 2002 inclusive

Cr Rowlands entered the Chamber at 1924 hrs.

C85-07/02 REQUEST FOR LEAVE OF ABSENCE – CR A NIXON

Cr Nixon has requested Leave of Absence from Council duties from 5 August 2002 to 1 September 2002 inclusive.

MOVED Cr Baker, SECONDED Cr Kimber that Council APPROVES the request for Leave of Absence from Cr A Nixon for the period 5 August 2002 to 1 September 2002 inclusive.

The Motion was Put and

CARRIED

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cr O'Brien declared a financial interest in Item CJ146-07/02 – Warrant of Payments – 31 May 2002 (Voucher No 40020 Chubb Security Australia Pty Ltd) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr Carlos declared an interest that may affect his impartiality in Item CJ153-07/02 – Tender Number 035-01/02 - Supply and Laying of Concrete Kerbing as his son-in-law works for one of the contractors.

Cr Hollywood declared an interest which may affect his impartiality in Item CJ159-07/02 as he is employed within the building industry and is required to provide advice to clients.

CONFIRMATION OF MINUTES

C86-07/02 MINUTES OF COUNCIL MEETING, 11 JUNE 2002; MINUTES OF SPECIAL COUNCIL MEETINGS, 24 JUNE 2002 AND 26 JUNE 2002

MOVED Cr Baker SECONDED Cr Kadak that the following Minutes be confirmed as a true and correct record:

- **Council Meeting held on 11 June 2002**
- **Special Council Meeting held on 24 June 2002**
- **Special Council Meeting held on 26 June 2002**

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

RANS ADMINISTRATORS

Councillors would be aware of the report of the Chief Executive Officer that Council's Solicitors, Kott Gunning, have spoken to the Administrators of the RANS Management Group, communicating the decision of Council's Special Meeting on 26 June 2002.

This was Council's decision to contribute to a maximum \$60,000 to allow the three Leisure Centres to continue to operate until 31 July 2002.

While pleased that the City offered its support, the Administrators said they had discovered greater losses than originally anticipated. The Administrator has now advised that Council's offer, as agreed to at the last Special Council meeting, has been rejected.

The Administrator has specified the terms under which they are prepared to continue to operate the facilities on a very short term basis. Our lawyers have urgently sought clarification from the Administrator on a number of matters. A late confidential report will be submitted by the Chief Executive Officer to the Council at this meeting.

Submissions have been received from the YMCA of Perth and Belgravia Leisure, offering interim management service arrangements for the City's Leisure Centres currently contracted to RANS. An external consultant has also been appointed to assist the City's Administration in examining the existing management arrangements and to advise on management options available to the City.

HERDSA CONFERENCE

I'm pleased to announce that the City is a major - or diamond - sponsor of a significant Higher Education Conference to be held in Joondalup.

HERDSA stands for the "Higher Education Research and Development Society of Australasia".

Some 320 delegates from around the world, with representatives from every continent, and countries including, Canada, UK, Hong Kong, Nigeria, South Africa and China will attend the conference at Edith Cowan University next weekend. It is an ideal opportunity for Joondalup to promote our image as a "learning city". I will be formally welcoming delegates at the opening function on Sunday July 7 at AQWA.

CONSULTING THE COMMUNITY

I invite the community to take part in the second phase of the City's Community Consultation project.

Interested residents are invited to attend a presentation at the Joondalup Resort tomorrow night from 7.30pm to 9.30pm

The presentation follows an earlier session on Community Consultation which drew praise from members of the public who attended. Tomorrow night's presentation will include community feedback and discussion of the preferred means of consultation. We are hoping for another good turn-out for this presentation and all residents are welcome.

PETITIONS

C87-07/02 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 2 JULY 2002

1 PETITION SUPPORTING CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN BRIDGEWATER DRIVE AND BATAVIA PLACE, KALLAROO – [47010]

A 58-signature petition has been received from residents of the City of Joondalup supporting the closure of pedestrian accessway between Bridgewater Drive and Batavia Place, Kallaroo.

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

2 PETITION REQUESTING THE CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CAMPBELL DRIVE AND EMPEN WAY, HILLARYS – [69527]

A 13-signature petition has been received from Hillarys residents requesting the closure of pedestrian accessway between Campbell Drive and Empen Way, Hillarys.

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

3 PETITION IN RELATION TO MANAGEMENT OF CRAIGIE LEISURE CENTRE – [09050 04185 03034 46492]

Cr Walker tabled a 180-signature petition on behalf of residents of the City of Joondalup requesting that Council takes the management of the Craigie Leisure Centre, the Sorrento/Duncraig and Ocean Ridge Community centres back under in-house Council administration.

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

MOVED Cr Baker SECONDED Cr Kadak that the petitions:

- 1 **supporting the closure of pedestrian accessway between Bridgewater Drive and Batavia Place, Kallaroo;**
- 2 **requesting the closure of pedestrian accessway between Campbell Drive and Empen Way, Hillarys;**
- 3 **requesting that Council takes the management of the Craigie Leisure Centre, the Sorrento/Duncraig and Ocean Ridge Community centres back under in-house Council administration;**

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

The Motion was Put and

CARRIED

C88-07/02 MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Hurst SECONDED Cr Baker that the Report of the CEO - Confidential Report - RANS Management Group - revised options in response to the Special Council Meeting of 26 June 2002 be discussed at this point in time and that in accordance with clause 5.6 of the City's Standing Orders Local Law and Section 5.32 (2)(c) (d) of the Local Government Act 1995, the meeting be held behind closed doors to enable discussion on the report from the CEO as the item deals with contractual and legal matters.

The Motion was Put and

CARRIED (8/6)

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

Members of the public and press left the Chamber at this point, the time being 1948 hrs.

REPORT OF THE CHIEF EXECUTIVE OFFICER**C89-07/02 CONFIDENTIAL REPORT - RANS MANAGEMENT GROUP - REVISED OPTIONS IN RESPONSE TO THE SPECIAL COUNCIL MEETING OF 26 JUNE 2002 - [46492]**This Item Is Confidential - Not For Publication

A full report has been provided to Elected Members under separate cover.

Cr Baker left the Chamber at 1950 hrs and returned at 1951 hrs.

MOVED Cr O'Brien SECONDED Cr Baker that:

- 1 the City as "Lessor" immediately exercises its power pursuant 5.1 (i)(ii) of the Lease "by notice in writing to the Lessee determines this Lease," as there is prima facie a 5.1 (f) Default expressed in writing by the Administrator in the letter "CARSON & McLELLAN PPB" dated 20 June 2002;
- 2 the City instructs Kott Gunning to negotiate with Rod Slattery the City's right pursuant 5.1 (i)(i) to "re enter on the Premises or any part of them and repossess the Premises;
- 3 immediately, possession is achieved, an Audit and Inventory of the Municipality's Assets Plant and Equipment be undertaken;
- 4 the Public and People currently involved in the Operation and Patronage of the Centres be informed that the City intends "as short as possible" any disturbance, to their Employment and Patronage and emphasises, that the circumstances of the difficulties, the Lessee is experiencing, seem beyond the City's capacity to remedy and it can not engage in subsidising the Lessee with any justification to the City's Ratepayers;
- 5 the City's officers report options back to a Special Council meeting.

Discussion ensued.

The Motion was Put and**LOST (5/9)**

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

MOVED Cr Kimber SECONDED Cr Baker that the Council:

- 1 WITHOUT PREJUDICE, AGREES to the revised proposal received from the Administrator of the RANS Management Group, as detailed in the advice dated 2 July 2002 from Kott Gunning, in that the Administrator will continue to operate the three leisure centres up to and including 12 July 2002, on the basis that the City agrees to meet any operational deficit up to a maximum amount of \$60,000;**
- 2 GIVES NOTICE to terminate the lease of 15 May 2001 for the three leisure centres effective from 13 July 2002;**
- 3 APPROVES the expenditure in (1) above being charged to 11.40.44.458.4230.0001;**
- 4 ENGAGES Kott Gunning to convey the decision of Council to the Administrator;**
- 5 IMMEDIATELY ENTERS into negotiations with alternative leisure facility management companies, including YMCA, Perth and Belgravia Leisure Group, for the short term management of the City's leisure facilities, effective from 13 July 2002 on the basis of a fixed management fee, and the City agreeing to underwrite any operational deficit;**
- 6 CONTINUES to analyse all available options for the ongoing management and operation of the leisure centres.**

Discussion ensued.

The Motion was Put and

CARRIED (10/4)

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

C90-07/02 MOTION TO GO TO OPEN DOORS

MOVED Cr Rowlands, SECONDED Cr Hurst that the meeting be now held with open doors, the time being 2057 hrs.

The Motion was Put and

CARRIED

C91-07/02 MOTION TO ADJOURN MEETING – [02154] [08122]

MOVED Cr Rowlands SECONDED Cr Hurst that in accordance with Clause 5.1 of the City's Standing Orders the meeting be adjourned for a short period, the time being 2058 hrs.

The Motion to Adjourn was Put and

CARRIED

Cr Nixon, Mr Darbyshire of Kott Gunning, and Manager Community Development left the Chamber at this point, the time being 2058 hrs.

The Meeting **RESUMED WITH THE DOORS OPEN** at 2107 hrs.

Members of the public entered the Chamber at this point. In accordance with the City's Standing Orders Local Law, the Manager Marketing Communications and Council Support read the Motion in relation to Confidential Report - RANS Management Group - Revised Options in Response to the Special Council Meeting of 26 June 2002.

CJ141 - 07/02 REVIEW OF STANDING ORDERS LOCAL LAW – [01369] [05885]

WARD - All

PURPOSE

To adopt a revised Standing Orders Local Law.

Summary of Purpose and Effect (to be read aloud at the Council Meeting)

The first action in the process of adopting a local law requires a summary of the purpose and effect to be read aloud by the Mayor. The summary is as follows:

“The purpose of this local law is to:

- **provide a set of enforceable procedures to assist in the good conduct of Council, committee and electors meetings.**

The intent of this local law is to:

- **result in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.”**

EXECUTIVE SUMMARY

In accordance with Section 3.12 of the Local Government Act 1995, “Standing Orders Local Law 2001” was advertised for public comment with submissions closing on 19 October 2001. One public submission was received.

The proposed Standing Orders Local Law 2001 is intended to provide enforceable procedures to assist in the good conduct of Council and other meetings. The order of business and the local law generally was based on the best practice principles laid down in the publication provided by the Department of Local Government “The Preparation of Agendas and Minutes”.

The Standing Orders Review Committee met on 8 April 2002 and further minor amendments were recommended. It is recommended that the Standing Orders Local Law be adopted, with the minor amendments in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995 and the member of the public be thanked for his submission.

BACKGROUND

The Council has been for some time reviewing the former City of Wanneroo's bylaws to ensure the City of Joondalup has a complete and undated set of enforceable local laws. The review of the Standing Orders Local Law is the last to be reviewed.

A report was presented to the Council at its meeting held on 28 March 2000 where it was recommended to advertise the draft set of Standing Orders for public comment. The decision of the Council at that meeting was:

- 1 *DEFERS further consideration of the proposed local law "City of Joondalup Standing Orders Local Law 2000" until such time as a Councillors' Standing Orders Review Committee presents Council with its report on the proposed local law;*
- 2 *FORMS a Standing Orders Review Committee;*
- 3 *ENDORSES the formation of the Standing Orders Review Committee consisting of:*

*Mayor
Deputy Mayor
Cr. S Magyar
2 Councillors
Chief Executive Officer*

This committee met on a number of occasions following that decision. Following the May 2001 election, the committee was reconstituted with the membership being:

- Mayor
- Cr A Patterson
- Cr C Baker
- Cr M O'Brien

DETAILS

This committee met on Monday 8 April 2002 to consider the draft set of standing orders. At that meeting it was recommended that Council:

- 1 *BY A SPECIAL MAJORITY, in accordance with Section 3.12 of the Local Government Act 1995, ADOPTS the Standing Orders Local Law 2001 as approved for advertising at its meeting held on 13 August 2001, subject to:*
 - (a) *AMENDING Clause 3(2) - 'Content and Intent' to include the words "participation and" before the word "understanding" and after the word "community";*
 - (b) *AMENDING Clause 3.2 – 'Order of Business' to include a Prayer prior to the opening of the Meeting;*

(c) *AMENDING Clause 5 – Definitions – by:*

(i) *deleting the word ‘Chairman’ and replacing it with the word ‘Chairperson’ and deleting all references to ‘Chairman’ and replacing it with ‘Chairperson’ throughout the local law;*

(ii) *including a definition as follows:*

“Elected Member – means the Mayor and Councillors of the City”;

(d) *AMENDING Clause 24 (1) to read as follows:*

“24 (1) The Chief Executive Officer and/or Council appointed committees may prepare such reports that in their opinion require consideration by the Council including those reports of a late or urgent nature.”

(e) *deleting the words ‘will’ or ‘are’ throughout the local law and replace with the word ‘must’;*

(f) *AMENDING Clause 25 (5) (b) – Motions of which previous notice has been given – by adding the words ‘or earlier or’ after the word later and before the word date;*

(g) *INCLUDING as part (7) of Clause 25 - Motions of which previous notice has been given - to read as follows:*

“25(7) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to:

(a) a recommendation made by or contained in a report; or

(b) a motion, notice of which has been given in compliance with subclauses (1) and (2),

and is moved after the recommendation or the motion, as the case may be, has been dealt with.”;

(h) *AMENDING Clause 42 – Chairman to draw attention of meeting to unbecoming behaviour – by deleting words ‘and be seated’, and replace with ‘and if standing be seated’;*

(i) *AMENDING the local law where a penalty provision has been included to include the word ‘maximum’ before the word ‘penalty’;*

(j) *DELETING the last line of Clause 51 and replacing it with ‘each of those recommendations in either (a), (b) or (c) must be considered separately’;*

- (k) *INCLUDING a new clause 58 - Questions During Debate - to read as follows:*

“Questions During Debate

- 58 (1) *Subject to clause 57(3) a member may ask a question at any time during the debate on a motion before the motion is put, but no discussion on the answer to the question is permitted;*
- (2) *Subject to subclause (3) a member who asks one or more questions will not be deemed to have spoken on the matter;*
- (3) *Where the Chairman considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the Chairman may deem that the member has spoken on the matter and not hear that member in any further debate on the matter.”*
- (l) *the Standing Orders Local Law being renumbered accordingly to reflect the additional Clauses as detailed in (g and (k) above;*
- (m) *AMENDING Clause 59 (e) – Revocation Motions – by including the words ‘where necessary’, after the word ‘motion’;*
- (n) *the INCLUSION of a new Clause 59 (2) – Revocation Motions – to read as follows:*
- “59 (2) Where a revocation motion has been received at a meeting to revoke a decision made at that meeting, the revocation shall be considered at the next ordinary meeting or a special meeting of the Council called for the purpose relating to the revocation motion.”*
- (o) *DELETING Clause 62 – Revocation Motion at the same meeting – as a result of the amendment to the local law detailed in (n) above;*
- (p) *AMENDING Clause 78 as follows:*
- (i) *including the word “Elected’ before the words ‘member only committees’ in the heading of the clause title;*
- (ii) *deleting clause 78 parts (1) and (2) and replacing with:*
- “(1) The Chairperson of an elected member only committee shall allow any elected member who is not a member of that committee to address the committee and to participate in the discussion of any item as requested by that elected member;*
- (2) Every elected member only committee shall report to the Council on decisions made and recommendations that require Council consideration”;*

(q) *AMENDING Clause 79 as follows:*

(i) *including the word “Elected’ before the words ‘member attending committees as an observer” in the heading of the clause title;*

(ii) *deleting Clause 79 parts (1), (2) and (3) and replacing with:*

“(1) An elected member may attend at meetings of a committee as an observer, notwithstanding that the elected member is not a member of that committee;

(2) An elected member attending a committee meeting as an observer, may speak but is not to vote on any motion before the committee;

(3) A person who is a deputy of a member excluded from a meeting due to a financial interest or absent for other reasons, may vote on any motion before the committee;

(4) Subject to the sub clause (3) a member attending a committee as an observer is to sit in the area set aside for observers separated from the committee members”;

(r) *AMENDING Clause 84 (2) – Meeting of electors – by deleting the word ‘may’ and replacing it with the word ‘shall’;*

The Committee also recommended that as part of the order of business, a prayer be included. The following prayer has been prepared:

“God of all the earth, lover of all peoples, grant us and all who serve in public life a vision of the common good.

Bless the people of the City of Joondalup, the Mayor, Councillors, Chief Executive and Staff.

Working together in harmony, give us wisdom, imagination and energy, with all the grace and courage we need.

Open our eyes to see, our minds to learn, our hearts to love, and our hands to serve.

Amen.”

It is not intended to include the wording of the prayer within the Standing Orders, but as a policy of the City.

The requested amendments by the committee have been made to the local law and are attached, along with the minutes of the committee meeting.

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12** (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- (3) The local government is to -
- (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT/FUNDING

The proposed local law includes the repeal of the current Standing Orders Local Law carried over from the former City of Wanneroo, being:

City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette - 30 October 1997.

The repeal of the current local law coincides with the coming into operation of the proposed local law.

The City’s solicitor has reviewed the proposed local law to ensure that the content is within the bounds of operation of the Local Government Act 1995.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment. The revised set of Standing Orders will result in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.

VOTING REQUIREMENTS

Special Majority – means that if there are more than 11 offices of member of the Council, the power can only be exercised by, or in accordance with a decision of a 75% majority of the Council (City of Joondalup is 12).

Cr Nixon entered the Chamber at this point, the time being 2112 hrs.

OFFICER'S RECOMMENDATION That Council

- 1 NOTES the Minutes of the Standing Orders Review Committee meeting held on Monday 8 April 2002, forming Attachment 1 to Report CJ141-07/02;
- 2 in accordance with Section 3.12 of the Local Government Act 1995, ADOPTS the Standing Orders Local Law 2001 as approved for advertising at its meeting held on 13 August 2001, subject to:
 - (a) AMENDING Clause 3(2) - 'Content and Intent' to include the words "participation and" before the word "understanding" and after the word "community";
 - (b) AMENDING Clause 3.2 – 'Order of Business' to include a Prayer prior to the opening of the Meeting;
 - (c) AMENDING Clause 5 – Definitions – by:
 - (i) deleting the word 'Chairman' and replacing it with the word 'Chairperson' and deleting all references to 'Chairman' and replacing it with 'Chairperson' throughout the local law;
 - (ii) including a definition as follows:

"Elected Member – means the Mayor and Councillors of the City";
 - (d) AMENDING Clause 24 (1) to read as follows:

"24 (1) The Chief Executive Officer and/or Council appointed committees may prepare such reports that in their opinion require consideration by the Council including those reports of a late or urgent nature."
 - (e) DELETING the words 'will' or 'are' throughout the local law and replace with the word 'must';
 - (f) AMENDING Clause 25 (5) (b) – Motions of which previous notice has been given – by adding the words 'or earlier or' after the word later and before the word date;

- (g) INCLUDING as part (7) of Clause 25 - Motions of which previous notice has been given - to read as follows:

“25(7) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to:

- (a) a recommendation made by or contained in a report; or*
(b) a motion, notice of which has been given in compliance with subclauses (1) and (2),

and is moved after the recommendation or the motion, as the case may be, has been dealt with.”;

- (h) AMENDING Clause 42 – Chairman to draw attention of meeting to unbecoming behaviour – by deleting words ‘and be seated’, and replace with ‘and if standing be seated’;
- (i) AMENDING the local law where a penalty provision has been included to include the word ‘maximum’ before the word ‘penalty’;
- (j) DELETING the last line of Clause 51 and replacing it with ‘each of those recommendations in either (a), (b) or (c) must be considered separately’;
- (k) INCLUDING a new clause 58 - Questions During Debate - to read as follows:

“Questions During Debate

- 58 (1) Subject to clause 57(3) a member may ask a question at any time during the debate on a motion before the motion is put, but no discussion on the answer to the question is permitted;*
- (2) Subject to subclause (3) a member who asks one or more questions will not be deemed to have spoken on the matter;*
- (3) Where the Chairman considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the Chairman may deem that the member has spoken on the matter and not hear that member in any further debate on the matter.”*

- (l) the Standing Orders Local Law being renumbered accordingly to reflect the additional Clauses as detailed in (g and (k) above;
- (m) AMENDING Clause 59 (e) – Revocation Motions – by including the words ‘where necessary’, after the word ‘motion’;

- (n) the INCLUSION of a new Clause 59 (2) – Revocation Motions – to read as follows:
- “59 (2) Where a revocation motion has been received at a meeting to revoke a decision made at that meeting, the revocation shall be considered at the next ordinary meeting or a special meeting of the Council called for the purpose relating to the revocation motion.”*
- (o) DELETING Clause 62 – Revocation Motion at the same meeting – as a result of the amendment to the local law detailed in (n) above;
- (p) AMENDING Clause 78 as follows:
- (i) including the word “Elected” before the words ‘member only committees’ in the heading of the clause title;
- (ii) deleting clause 78 parts (1) and (2) and replacing with:
- “(1) The Chairperson of an elected member only committee shall allow any elected member who is not a member of that committee to address the committee and to participate in the discussion of any item as requested by that elected member;*
- (2) Every elected member only committee shall report to the Council on decisions made and recommendations that require Council consideration”;*
- (q) AMENDING Clause 79 as follows:
- (i) including the word “Elected” before the words ‘member attending committees as an observer’ in the heading of the clause title;
- (ii) deleting Clause 79 parts (1), (2) and (3) and replacing with:
- “(1) An elected member may attend at meetings of a committee as an observer, notwithstanding that the elected member is not a member of that committee;*
- (2) An elected member attending a committee meeting as an observer, may speak but is not to vote on any motion before the committee;*
- (3) A person who is a deputy of a member excluded from a meeting due to a financial interest or absent for other reasons, may vote on any motion before the committee;*
- (4) Subject to sub clauses (1) and (2) an elected member attending a committee as an observer is to sit in the area set aside for observers separated from the committee members”;*
- (r) AMENDING Clause 84 (2) – Meeting of electors – by deleting the word ‘may’ and replacing it with the word ‘shall’;

3 THANKS the member of the public that made the submission;

- 4 **ADOPTS** as policy the following prayer to be read at the commencement of all Council meetings:

“God of all the earth, lover of all peoples, grant us and all who serve in public life a vision of the common good.

Bless the people of the City of Joondalup, the Mayor, Councillors, Chief Executive and Staff.

Working together in harmony, give us wisdom, imagination and energy, with all the grace and courage we need.

Open our eyes to see, our minds to learn, our hearts to love, and our hands to serve. Amen.”

MOVED Cr Carlos SECONDED Cr Barnett that consideration of the review of the Standing Orders Local Law 2001 be DEFERRED to a future Strategy Session.

Discussion ensued.

The Motion was Put and

LOST (6/8)

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

MOVED Cr Hurst SECONDED Cr Patterson that Council:

- 1 **NOTES** the Minutes of the Standing Orders Review Committee meeting held on Monday 8 April 2002, forming Attachment 1 to Report CJ141-07/02;
- 2 in accordance with Section 3.12 of the Local Government Act 1995, **ADOPTS** the Standing Orders Local Law 2001 as approved for advertising at its meeting held on 13 August 2001, subject to:
 - (a) **AMENDING** Clause 3(2) - ‘Content and Intent’ to include the words “participation and” before the word “understanding” and after the word “community”;
 - (b) **AMENDING** Clause 5 – Definitions – by:
 - (i) deleting the word ‘Chairman’ and replacing it with the word ‘Chairperson’ and deleting all references to ‘Chairman’ and replacing it with ‘Chairperson’ throughout the local law;
 - (ii) including a definition as follows:

“Elected Member – means the Mayor and Councillors of the City”;
 - (c) **AMENDING** Clause 24 (1) to read as follows:

“24 (1) The Chief Executive Officer and/or Council appointed committees may prepare such reports that in their opinion require consideration by the Council including those reports of a late or urgent nature.”

- (d) **DELETING** the words ‘will’ or ‘are’ throughout the local law and replace with the word ‘must’;
- (e) **AMENDING** Clause 25 (5) (b) – Motions of which previous notice has been given – by adding the words ‘or earlier or’ after the word later and before the word date;
- (f) **INCLUDING** as part (7) of Clause 25 - Motions of which previous notice has been given - to read as follows:

“25(7) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to:

(a) a recommendation made by or contained in a report; or

(b) a motion, notice of which has been given in compliance with subclauses (1) and (2),

and is moved after the recommendation or the motion, as the case may be, has been dealt with.”;

- (g) **AMENDING** Clause 42 – Chairman to draw attention of meeting to unbecoming behaviour – by deleting words ‘and be seated’, and replace with ‘and if standing be seated’;
- (h) **AMENDING** the local law where a penalty provision has been included to include the word ‘maximum’ before the word ‘penalty’;
- (i) **DELETING** the last line of Clause 51 and replacing it with ‘each of those recommendations in either (a), (b) or (c) must be considered separately’;
- (j) **INCLUDING** a new clause 58 - Questions During Debate - to read as follows:

“Questions During Debate

58 (1) Subject to clause 57(3) a member may ask a question at any time during the debate on a motion before the motion is put, but no discussion on the answer to the question is permitted;

(2) Subject to subclause (3) a member who asks one or more questions will not be deemed to have spoken on the matter;

(3) Where the Chairman considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the Chairman may deem that the member has spoken on the matter and not hear that member in any further debate on the matter.”

- (k) the Standing Orders Local Law being renumbered accordingly to reflect the additional Clauses as detailed in (g and (k) above;
- (l) **AMENDING** Clause 59 (e) – Revocation Motions – by including the words ‘where necessary’, after the word ‘motion’;

(m) the **INCLUSION** of a new Clause 59 (2) – Revocation Motions – to read as follows:

“59 (2) Where a revocation motion has been received at a meeting to revoke a decision made at that meeting, the revocation shall be considered at the next ordinary meeting or a special meeting of the Council called for the purpose relating to the revocation motion.”

(n) **DELETING** Clause 62 – Revocation Motion at the same meeting – as a result of the amendment to the local law detailed in (n) above;

(o) **AMENDING** Clause 78 as follows:

(ii) including the word “Elected’ before the words ‘member only committees’ in the heading of the clause title;

(ii) deleting clause 78 parts (1) and (2) and replacing with:

“(1) The Chairperson of an elected member only committee shall allow any elected member who is not a member of that committee to address the committee and to participate in the discussion of any item as requested by that elected member;

(2) Every elected member only committee shall report to the Council on decisions made and recommendations that require Council consideration”;

(p) **AMENDING** Clause 79 as follows:

(i) including the word “Elected’ before the words ‘member attending committees as an observer” in the heading of the clause title;

(ii) deleting Clause 79 parts (1), (2) and (3) and replacing with:

“(1) An elected member may attend at meetings of a committee as an observer, notwithstanding that the elected member is not a member of that committee;

(2) An elected member attending a committee meeting as an observer, may speak but is not to vote on any motion before the committee;

(3) A person who is a deputy of a member excluded from a meeting due to a financial interest or absent for other reasons, may vote on any motion before the committee;

(4) Subject to sub clauses (1) and (2) an elected member attending a committee as an observer is to sit in the area set aside for observers separated from the committee members”;

(q) **AMENDING** Clause 84 (2) – Meeting of electors – by deleting the word ‘may’ and replacing it with the word ‘shall’;

3 THANKS the member of the public that made the submission.

Discussion ensued.

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

1 inclusion of an additional point 2(r), being:

“2(r) AMENDING Clause 3.2 - 'Order of Business' to include a Pledge of Service prior to the opening of the Meeting;”

2 inclusion of an additional point 4, being:

“4 ADOPTS as policy the following Pledge of Service to be read, while the Elected Members stand, at the commencement of all Council meetings:

“We, the elected members, do solemnly and sincerely pledge to serve our City of Joondalup community faithfully, honestly and with integrity - to the best of our judgement and ability.”

Discussion ensued.

The Amendment was Put and

TIED (7/7)

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

CARRIED

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

The Motion as Amended, being:

That Council:

1 NOTES the Minutes of the Standing Orders Review Committee meeting held on Monday 8 April 2002, forming Attachment 1 to Report CJ141-07/02;

2 in accordance with Section 3.12 of the Local Government Act 1995, ADOPTS the Standing Orders Local Law 2001 as approved for advertising at its meeting held on 13 August 2001, subject to:

(a) AMENDING Clause 3(2) - ‘Content and Intent’ to include the words “participation and” before the word “understanding” and after the word “community”;

(b) AMENDING Clause 5 – Definitions – by:

(i) deleting the word ‘Chairman’ and replacing it with the word ‘Chairperson’ and deleting all references to ‘Chairman’ and replacing it with ‘Chairperson’ throughout the local law;

(ii) including a definition as follows:

“Elected Member – means the Mayor and Councillors of the City”;

- (c) AMENDING Clause 24 (1) to read as follows:

“24 (1) The Chief Executive Officer and/or Council appointed committees may prepare such reports that in their opinion require consideration by the Council including those reports of a late or urgent nature.”

- (d) DELETING the words ‘will’ or ‘are’ throughout the local law and replace with the word ‘must’;

- (e) AMENDING Clause 25 (5) (b) – Motions of which previous notice has been given – by adding the words ‘or earlier or’ after the word later and before the word date;

- (f) INCLUDING as part (7) of Clause 25 - Motions of which previous notice has been given - to read as follows:

“25(7) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to:

(a) a recommendation made by or contained in a report; or

(b) a motion, notice of which has been given in compliance with subclauses (1) and (2),

and is moved after the recommendation or the motion, as the case may be, has been dealt with.”;

- (g) AMENDING Clause 42 – Chairman to draw attention of meeting to unbecoming behaviour – by deleting words ‘and be seated’, and replace with ‘and if standing be seated’;

- (h) AMENDING the local law where a penalty provision has been included to include the word ‘maximum’ before the word ‘penalty’;

- (i) DELETING the last line of Clause 51 and replacing it with ‘each of those recommendations in either (a), (b) or (c) must be considered separately’;

- (j) INCLUDING a new clause 58 - Questions During Debate - to read as follows:

“Questions During Debate

58 (1) Subject to clause 57(3) a member may ask a question at any time during the debate on a motion before the motion is put, but no discussion on the answer to the question is permitted;

(2) Subject to subclause (3) a member who asks one or more questions will not be deemed to have spoken on the matter;

(3) Where the Chairman considers a question asked is not succinct and to the point, but is prefaced by comment or other information, the Chairman may deem that the member has spoken on the matter and not hear that member in any further debate on the matter.”

- (k) the Standing Orders Local Law being renumbered accordingly to reflect the additional Clauses as detailed in (g and (k) above;
- (l) AMENDING Clause 59 (e) – Revocation Motions – by including the words ‘where necessary’, after the word ‘motion’;
- (m) the INCLUSION of a new Clause 59 (2) – Revocation Motions – to read as follows:
- “59 (2) *Where a revocation motion has been received at a meeting to revoke a decision made at that meeting, the revocation shall be considered at the next ordinary meeting or a special meeting of the Council called for the purpose relating to the revocation motion.*”
- (n) DELETING Clause 62 – Revocation Motion at the same meeting – as a result of the amendment to the local law detailed in (n) above;
- (o) AMENDING Clause 78 as follows:
- (iii) including the word “Elected” before the words ‘member only committees’ in the heading of the clause title;
- (ii) deleting clause 78 parts (1) and (2) and replacing with:
- “(1) *The Chairperson of an elected member only committee shall allow any elected member who is not a member of that committee to address the committee and to participate in the discussion of any item as requested by that elected member;*
- (2) *Every elected member only committee shall report to the Council on decisions made and recommendations that require Council consideration*”;
- (p) AMENDING Clause 79 as follows:
- (i) including the word “Elected” before the words ‘member attending committees as an observer’ in the heading of the clause title;
- (ii) deleting Clause 79 parts (1), (2) and (3) and replacing with:
- “(1) *An elected member may attend at meetings of a committee as an observer, notwithstanding that the elected member is not a member of that committee;*
- (2) *An elected member attending a committee meeting as an observer, may speak but is not to vote on any motion before the committee;*
- (3) *A person who is a deputy of a member excluded from a meeting due to a financial interest or absent for other reasons, may vote on any motion before the committee;*
- (4) *Subject to sub clauses (1) and (2) an elected member attending a committee as an observer is to sit in the area set aside for observers separated from the committee members*”;

- (q) AMENDING Clause 84 (2) – Meeting of electors – by deleting the word ‘may’ and replacing it with the word ‘shall’;
- (r) AMENDING Clause 3.2 - 'Order of Business' to include a Pledge of Service prior to the opening of the Meeting;

3 THANKS the member of the public that made the submission;

4 ADOPTS as policy the following Pledge of Service to be read, while the Elected Members stand, at the commencement of all Council meetings:

"We, the elected members, do solemnly and sincerely pledge to serve our City of Joondalup community faithfully, honestly and with integrity - to the best of our judgement and ability."

**Was Put. As a Special Majority Vote was not achieved, the Motion was
NOT CARRIED (8/6)**

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

Appendices 1 & 1(b) refer

*To access this attachment on electronic document, click here: [Attach1brf250602.pdf](#)
[Attach1bbrf250602.pdf](#) [Attach1cagn020702.pdf](#)*

EN BLOC VOTING

It was requested that items be moved en bloc.

Prior to moving the remainder of items en bloc, it was requested that the following items be considered individually: CJ146-07/02; CJ153-07/02; CJ158-07/02; CJ159-07/02; CJ160-07/02 and CJ166-07/02.

Cr O'Brien declared a financial interest in Item CJ146-07/02 – Warrant of Payments – 31 May 2002 (Voucher No 40020 Chubb Security Australia Pty Ltd) – as Chubb Security has taken over an FAI Extra Watch security at his residence.

Cr O'Brien left the Chamber, the time being 2146 hrs.

CJ146 - 07/02 WARRANT OF PAYMENTS – 31 MAY 2002 – [09882]**WARD - All****PURPOSE**

The Warrant of Payments as at 31 May 2002 is submitted to Council to be noted.

EXECUTIVE SUMMARY

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

DETAILS

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	039645-040279	5,848,564.48
Municipal	000308A-000325	7,368,686.10
	TOTAL \$	13,217,250.58

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

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of May 2002, the amount was \$903,628.53

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

CERTIFICATE OF THE ACTING DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,217,250.58 which is to be submitted to each Councillor on 2 July 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT

Acting Director Corporate Services & Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,217,250.58 submitted to Council on 2 July 2002 is recommended for payment.

.....
Mayor John Bombak

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Mackintosh that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 May 2002, certified by the Mayor and Acting Director Corporate Services & Resource Management and totalling \$13,217,250.58.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	039645-040279	5,848,564.48
Municipal	000308A-000325	7,368,686.10
	TOTAL \$	13,217,250.58

The Motion was Put and

CARRIED (13/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn020702.pdf](#)

Cr O'Brien entered the Chamber, the time being 2147 hrs.

Cr Carlos declared an interest that may affect his impartiality in Item CJ153-07/02 – Tender Number 035-01/02 - Supply and Laying of Concrete Kerbing as his son-in-law works for one of the contractors.

Cr Carlos left the Chamber at this point, the time being 2148 hrs.

CJ153 - 07/02 TENDER NUMBER 035-01/02 - SUPPLY AND LAYING OF CONCRETE KERBING – [19522]

WARD - All

PURPOSE

This report recommends acceptance of the tender from Kerb QIC & Co. as per the schedule of rates for Tender No 035-01/02 Supply and Laying of Concrete Kerbing and to endorse signing of the contract documents.

SUMMARY

Tender No 035-01/02 Supply and Laying of Concrete Kerbing was advertised state-wide on the 20 April 2002. Four tenders were received and this report recommends acceptance of the tender submitted by Kerb QIC & Co. in accordance with the schedule of rates at attachment 1 to this Report.

It is recommended that Council:

- 1 *ACCEPTS the tender from Kerb QIC & Co as per the Schedule of Rates as shown at Attachment 1 for Tender 035-01/02 Supply and Laying of Concrete Kerbing. This contract will commence from 1 July 2002 for a period of 12 months to 30 June 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;*
- 2 *ENDORSES signing of the contract documents.*

BACKGROUND

Four tenders were received and are summarised below:

Tenderer	Locality
Kerb QIC & Co	Welshpool
Statewide Kerbing	Redcliffe
WA Kerbing	Wangara
Kerbing West	Malaga

Kerb QIC & Co. were successful with the previous contract 028-99/00 and have successfully undertaken the works in accordance with Council requirements. All the tenders submitted for Tender 035-01/02, have sufficient resources and experience to perform similar kind of work for the council.

DETAILS

The main types of kerbing used in Council roads are mountable sections and semi-mountable sections. For traffic management and streetscape purposes Council installs tree wells onto the median strip with flush kerbing surrounds. During resurfacing operations, if the existing kerbing is in good condition but lacks of adequate height to accommodate new asphalt

surface, kerb overlay is a common practice. For tender evaluation purposes, the prices of these items are considered due to their frequency of occurrence, a comparisons of prices is summarised below.

COMPARISON OF PRICES – TENDER NUMBER 035-01/02 – supply and LAYING OF CONCRETE kerbing

Item	Description	Unit	Kerb QIC (\$)	Statewide (\$)	WA Kerbing (\$)	Kerbing West (\$)
1	Mountable Sections	Metre	7.8	7.97	8.75	7.99
2	Semi Mountables Sections	Metre	9.2	9.85	9.55	8.15
3	Flush Kerbing Reinforced	Metre	34.00	31.00	30.50	35.00
4	Transitions	Each	10.90	9.00	7.00	8.00
5	Ramps 2400 Wide	Each	180.00	175.00	180.00	150.00
6	Crossover Kerb	Metre	30.35	36.50	29.00	55.00
7	Kerb Overlay	Metre	10.75	14.25	-	10.55

TENDER EVALUATION

Tender 035-01/02 requires the contractor to provide prices for supply and laying various concrete kerbing to Council's specification and tenders were assessed using a multi-criterion selection evaluation process considering the tender price, tenderer's resources and local content, safety management and tenderer's ability to meet the requirements of the contract.

On completion of the evaluation using the abovementioned multi-criterion method Kerb QIC & Co ranked as the preferred tenderer. They have the necessary experience, adequate resources and their tendered price is considered competitive.

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. However, no local companies were able to be considered as none of the tenderers were local companies.

FUNDING

Kerb QIC & Co's prices dropped almost in every item from previous contract. Although the decrease in price is insignificant presumably it is due to very competitive nature of the market. Sufficient funds will be allocated within the operational budget for this contract to proceed.

COMMENT

Concrete Kerbing is used extensively in Council's minor constructions works, traffic management programs and road preservation and resurfacing programs. Also a significant amount of kerb is replaced every year during maintenance operation.

This contract will commence from July 1 2002 and remain in place for a period of 12 months to 30 June 2003. The contract period provides for 2 x 12-month extension periods subject to Council's approval.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Walker that Council:

- 1 ACCEPTS the Tender from Kerb QIC & Co as per the Schedule of Rates as shown at Attachment 1 to Report CJ153-07/02 for tender 035-01/02 Supply and Laying of Concrete Kerbing. This contract will commence from 1 July 2002 for a period of 12 months to 30 June 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**
- 2 ENDORSES signing of the contract documents.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf250602.pdf](#)

Cr Carlos entered the Chamber at this point, the time being 2149 hrs.

CJ158 - 07/02 CLOSURE OF CROWN LAND AIRSPACE DUE TO BALCONY ENCROACHMENT – LOT 48 (41) REGENTS PARK ROAD, JOONDALUP – [45084] [07476]

WARD - Lakeside

PURPOSE

The purpose of this report is for Council to consider the closure of Crown land airspace due to a balcony encroachment on Lot 48 (41) Regents Park Road, Joondalup, corner of Plaistow Street (see Attachment 1 to this Report).

EXECUTIVE SUMMARY

Lot 48 (41) Regents Park Road, Joondalup has been developed with a balcony encroaching into the airspace above the truncated corner of Regents Park Road and Plaistow Street road reserve. The Department of Land Administration (DOLA) requires the transfer to the developer of the airspace that is encroaching in order for DOLA to receive financial compensation. To facilitate the transfer, standard Crown land closure actions are followed.

The subject balcony already exists (see Attachment 2) and is on the first floor of the building thus closure of the subject road reserve airspace will not have any physical bearing on the land itself. The action of closing the road reserve airspace is purely to allow consideration of a change of tenure.

The City has complied with all aspects of the Crown land closure process. In view of no submissions being received, it is recommended that closure of the airspace with regard to the subject portion of road reserve be supported.

BACKGROUND

Suburb/Location: Lot 48 (41) Regents Park Road, Joondalup
Applicant: Automated Surveys Pty Ltd
Owners: R and G Ferguson, F Forde, J S Bradford, K Chung and P Chung
Zoning: **DPS:** Centre Zone
MRS: Central City Area Zone
Strategic Plan: Lifestyle – Strategy 2.6
Promote and enjoy lifestyles that engender environmental, social and economic balance

The development on the subject site consists of a mixed-use building built to the boundary on the corner of Regents Park Road and Plaistow Street, Joondalup.

The Joondalup City Centre Development Plan and Manual requires, where development abuts a street or thoroughfare, that a means of shelter for pedestrians is provided. In the past, balconies have been considered an acceptable form of shelter. Development containing balconies projecting into reserves has been common throughout the metropolitan area.

Recently DOLA has requested they be advised of strata applications where balconies encroach over Crown land. DOLA now wants to consider a transfer of tenure to the developer with regard to the area of encroachment with appropriate financial compensation.

DETAILS

Current Proposal or Issue

The development has one area that encroaches onto the road reserve as a result of a first floor balcony built on the truncated corner of Regents Park Road and Plaistow Street. The developers wish to include this balcony as part of their development. DOLA's advice with regard to applications of this nature is for local authorities to follow standard Crown land closure procedures. In this case, closure of one portion of road reserve airspace is required to be considered (see Attachment 3).

Road Closure

On receipt of a request to close a portion of road, the service authorities are requested to provide details of any services that would be affected by the proposed closure. All costs and conditions associated with modification of services are to be met by the applicant if closure is the outcome. The proposal is also forwarded to the Department of Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI raise no objection to the proposal and the applicants have agreed to meet all associated costs and conditions, then the application is advertised for public comment.

Council then considers the request together with any public comments received. Should Council support a road closure application documentation is forwarded to DOLA with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

Statutory Provision

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to DOLA. DOLA also requires other supporting documentation to be provided, such as confirmation that the DPI has not objected to the proposal.

DOLA determines the purchase price, arranges any easements and survey/graphic requirements and undertakes conveyancing. The purchase price is fixed by DOLA in consultation with the Valuer General.

Consultation

The City was advised by DOLA that direct consultation with the DPI was not necessary with regard to the closure of Crown Land airspace and the City is aware that DOLA and the DPI have been in contact regarding this request. The service authorities were contacted and no objections were raised.

The public advertising period took place between 9 May 2002 and 13 June 2002, during which time the City did not receive any written submissions.

COMMENT

DOLA has advised local governments that, where development which is subject to the Strata Titles Act 1985 has balcony encroachments over Crown land, a transfer of tenure for the associated Crown land airspace will be necessary. DOLA's view is that such properties benefit by encroaching into Crown land airspace and the Crown should be compensated. DOLA favours the airspace being sold in freehold. However the Western Australian Planning Commission (WAPC) does not agree with this type of tenure. Accordingly, there is a moratorium on any such new applications until a common position is established.

As stated previously, there is presently a moratorium on new applications of this nature and all proposed developers of land within Joondalup City Centre are being advised of this issue when enquiring about their building options. In an effort to advance the transfer of tenure for existing applications such as this, standard Crown land closure practices take place.

Closure of the subject portion of Crown land airspace will not have any impact on the subject road reserve. The balcony exists and commences at a first floor level so does not have any physical bearing on the land itself, accordingly in view of no submissions being received, it is recommended that closure of the airspace with regard to the subject portion of road reserve be supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION That Council:

- 1 SUPPORTS the closure of the portion of Regents Park Road/Plaiستow Street road reserve airspace associated with the balcony on the truncated corner of Lot 48 (41) Regents Park Road, Joondalup;
- 2 REQUESTS the Department of Land Administration to commence actions to formally close the subject portion of Crown land airspace.

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 SUPPORTS the closure of the portion of Regents Park Road/Plaiستow Street road reserve airspace associated with the balcony on the truncated corner of Lot 48 (41) Regents Park Road, Joondalup;
- 2 REQUESTS the Department of Land Administration to commence actions to formally close the subject portion of Crown land airspace;
- 3 URGES the Department of Land Administration to resolve as soon as possible how it will formally deal with the issue of built forms encroaching on Crown Land airspace.

The Motion was Put and

CARRIED (14/0)

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

Appendices 12, 12(a) and 12(b) refer

To access this attachment on electronic document, click here: [Attach12brf250602.pdf](#)
[Attach12abrf250602.pdf](#) [Attach12bbrf250602.pdf](#)

Cr Hollywood declared an interest which may affect his impartiality in Item CJ159-07/02 as he is employed within the building industry and is required to provide advice to clients.

Cr Hollywood left the Chamber at this point, the time being 2150 hrs.

CJ159 - 07/02 PROPOSED GARAGE ADDITION TO EXISTING SINGLE HOUSE WITH PARAPET WALL ON THE SIDE (EAST) BOUNDARY AND A NIL FRONT SETBACK AT LOT 426 (5) CURRAN COURT, JOONDALUP – [07155]

WARD – Lakeside

PURPOSE

To obtain Council’s determination for a double garage with a nil front and side setback.

EXECUTIVE SUMMARY

An application has been received for a double garage to an existing single house at Lot 426 (5) Curran Court, Joondalup. The walls and associated footings for the garage have been constructed without the City’s approval. The parapet wall on the side boundary complies with the requirements of the Residential Planning Codes (R-Codes) for structures located on lot boundaries (Clause 1.5.5b).

In accordance with the Notice of Delegation, this application has been requested by ward Councillor Kimber to be presented to Council for determination.

Council discretion is sought in this instance for the following:

- Retrospective development approval for the completed works
- To permit a ‘Nil’ front setback in lieu of a minimum of 3 metres
- To permit a front setback average that does not achieve 6 metres
- Non-compliance with the City’s Private Property Local Law Clause 15 (2) relating to 1.5 metre truncations for sight lines.

The application was advertised by the owners of the subject lot to the three affected landowners in the same street. All the landowners contacted have advised they have no objection to the garage being constructed.

The parapet wall has been constructed adjoining a Pedestrian Access Way (PAW). There is no sight line provided for vehicles exiting the proposed garage at this point and it is considered a potential safety hazard for pedestrians using the PAW.

The proposal is likely to create an adverse impact on the amenity of the surrounding area and immediate locality in terms of streetscape, building bulk, safety and will also create an undesirable precedent.

It is recommended that the proposal be refused for the above reasons.

BACKGROUND

Suburb/Location:	5 Curran Court, Joondalup
Applicant:	Patricia Lee Ward and Darryl Alan Ward
Owner:	Patricia Lee Ward and Darryl Alan Ward
Zoning:	DPS: Residential (R-20)
	MRS: Urban
Strategic Plan:	N/A

The lot is located at the end of a short cul-de-sac with 4 dwellings having a frontage to this street. A PAW adjoins the lot to the east, 3 metres wide and a reserve for public utilities 11 metres wide to the west. Further to the west is the Currambine Train Station.

The proposal was considered under delegation on 6 June 2002 where it was resolved to refer the proposal to Council for determination:

DETAILS

The subject lot is 698m² in area. There is currently a single house with a one bay carport constructed on site.

The lot is zoned Residential with a density coding of R20 under District Planning Scheme No. 2 (DPS2). Under the residential zone, an addition to a single house is a permitted use.

The proposed internal length and width of the garage is 9.9 metres by 5.49 metres. A front setback of 'nil' and a retrospective approval of the constructed garage walls is sought by the owner.

The Principal Building Surveyor is concerned that the garage walls and associated footings along the eastern and front lot boundary may be encroaching onto Council's verge and/or PAW.

A 1.8 metre high brick wall along the front boundary is also proposed.

Statutory Provisions:

District Planning Scheme No 2

Council may, under Clause 6.12.1 of District Planning Scheme No 2, approve the existing development regardless of when it was commenced.

Residential Planning Codes (1991)

Two variations to the Residential Planning Codes are requested. Both variations can be considered under this Code whereby Council applies discretion to the requirements.

- 1 Discretion under Clause 1.5.7 of the R-Codes is required to permit a 'nil' front setback.
- 2 Discretion under Clause 1.5.7 of the R-Codes is required to permit a front setback average that does not achieve 6 metres.

The proposed development is also required to be assessed in accordance with Clause 1.2 and 1.5.7 of the R-Codes to ascertain the impact the garage will have on the amenity of the surrounding residential area and potential future uses for adjoining lots and streetscape.

The City's Private Property Local Law requires sight lines for residential development.

- (2) *In determining an application for approval to erect a fence in the front setback area of a residential lot, an authorised person may approve the erection of a fence higher than one metre, only if the front boundary fence on each side of the driveway into the lot is to be angled into the*

lot for a distance of not less than 1.5m from the front boundary in order to provide splayed lines of vision for a motorist using the driveway for access to a thoroughfare;

The garage location will result in 1.5 metre truncations not being achieved for the front brick and garage walls. Any motorist exiting the garage will not have splayed lines of vision to achieve adequate sight lines.

Local Government (Miscellaneous Provisions) Act 1960

Section 374(1) of this Act prescribes that no alterations or additions are to commence without first obtaining a building licence from the local government. Additions or alterations that have commenced without a building licence being issued, cannot receive a retrospective building licence approval. Currently, where there is just cause and buildings comply with the Building Code of Australia, acknowledgement of unauthorised structures is given.

Consultation:

The owners of their own accord have consulted with 3 affected landowners who have each signed a letter advising of no objection to the proposal and the variations requested.

Policy Implications:

Nil

COMMENT

Front setback variation and non averaging of front setbacks

All the houses along Curran Court have been built in accordance with the setback requirements of the R-Codes.

The 'nil' front setback for the garage is not be in keeping with the existing setbacks for dwellings along the street. The setback variations are likely to have an adverse impact on the amenity of the surrounding locality and immediate area in terms of streetscape, building bulk and safety.

Clause 1.5.7 of the Residential Planning Codes

The 'nil' front setback proposed for the garage is not supported as it has the potential to adversely affect the amenity of the surrounding residential area.

Front setback along Curran Court

The minimum front setback along the rest of the street and immediate locality complies with the R-Codes requirements. There are currently no structures forward of the front setback line along the above street. The 'nil' front setback is not in keeping with residential development in the locality and is likely to have a negative impact on the street. The addition of the garage also does not average 6 metres required by Clause 1.5.7 of the R-Codes.

No Sight lines

The proposal does not achieve the required sight lines under Clause 15 (2) of the City's Private Property Local Law. A minimum of a 1.5 metre by 1.5 metre sight line is required

within the lot boundary to achieve an adequate viewing area for vehicles reversing from the garage. This is particularly important in this instance as a PAW directly abuts the site where the parapet wall is located.

Conclusion

Although the subject lot is situated at the end of a cul-de-sac, and no objections have been received from adjoining lot owners, this does not justify a 'nil' setback to the street.

The current position for the garage has the potential to adversely affect the amenity of the surrounding area and cause an unwarranted pedestrian hazard to users of the PAW and is therefore not supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 REFUSES the Development Application dated 14 December 2001 submitted by Darryl and Patricia Ward, the applicant and owner(s), for a garage on Lot 426 (5) Curran Court, Joondalup, for the following reasons:
 - (a) The minimum 'nil' front setback has the potential to adversely affect the amenity and streetscape along Curran Court, having regard to the existing setbacks in the immediate locality.
 - (b) The proposal does not comply with the minimum 3 metre front setback and average of 6 metres required by the Residential Planning Codes.
 - (c) There are no sight lines provided for the proposed driveway in accordance with Clause (15) 2 of the City's Private Property Local Law.
 - (d) The proposal would be contrary to the proper and orderly planning of the locality.
 - (e) The 'nil' front setback would set an undesirable precedent for other similar circumstances.
- 2 ADVISES the owners of its decision and that the unauthorised walls and associated footings are to be removed within 35 days of the refusal date.

MOVED Cr Kimber, SECONDED Cr Baker that Council:

- 1 EXERCISES DISCRETION in accordance with Clause 1.5.7 of the R-Codes and Clause 16 of the Private Property Local Law and determines that:
 - (a) a front setback of nil in lieu of three metres;
 - (b) the six metres front setback average not being achieved;
 - (c) a side setback of nil in lieu of one metre;

- (d) the provision of a 1.5 metre by 1.5 metre sight truncation not being achieved;

is appropriate in this instance only;

2 APPROVES the application for retrospective planning approval dated 14 December 2001 submitted by Darryl and Patricia Ward, the applicant and owner(s), for a garage on Lot 426 (5) Curran Court, Joondalup, subject to the following conditions:

- (a) the applicant/owner to provide the City with a survey plan of the garage structure to demonstrate that the structure does not encroach beyond the lot boundary of the subject site;
- (b) the wall adjoining the pedestrian accessway to be of clean finish and make good to the satisfaction of the City.

Discussion ensued.

AMENDMENT MOVED Cr Kadak **SECONDED** Cr Kimber that the following points be included in the Motion:

- “2(c) that there are no objections to the proposal from the residents of Curran Court;
- 2(d) that the subject property is located at the terminating end of the cul-de-sac;
- 2(e) that there is no pedestrian or vehicular through-traffic past the front of the subject property.”

The Amendment was Put and

CARRIED (11/2)

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

The Original Motion, as Amended, being:

1 EXERCISES DISCRETION in accordance with Clause 1.5.7 of the R-Codes and Clause 16 of the Private Property Local Law and determines that:

- (a) a front setback of nil in lieu of three metres;
- (b) the six metres front setback average not being achieved;
- (c) a side setback of nil in lieu of one metre;
- (d) the provision of a 1.5 metre by 1.5 metre sight truncation not being achieved;

is appropriate in this instance only;

- 2 APPROVES the application for retrospective planning approval dated 14 December 2001 submitted by Darryl and Patricia Ward, the applicant and owner(s), for a garage on Lot 426 (5) Curran Court, Joondalup, subject to the following conditions:**
- (a) the applicant/owner to provide the City with a survey plan of the garage structure to demonstrate that the structure does not encroach beyond the lot boundary of the subject site;**
 - (b) the wall adjoining the pedestrian accessway to be of clean finish and make good to the satisfaction of the City;**
 - (c) that there are no objections to the proposal from the residents of Curran Court;**
 - (d) that the subject property is located at the terminating end of the cul-de-sac;**
 - (e) that there is no pedestrian or vehicular through-traffic past the front of the subject property.**

was Put and

CARRIED (11/2)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf250602.pdf](#)

Cr Hollywood entered the Chamber at this point, the time being 2158 hrs.

CJ160 - 07/02 PROPOSED REFURBISHMENT AND ADDITIONS TO CARINE GLADES TAVERN - LOT 12 (493) BEACH ROAD, DUNCRAIG – [05518]

WARD – South Coastal Ward

PURPOSE

To inform Council of the outcome of public consultation on the proposal, and to seek determination of the Development Application.

EXECUTIVE SUMMARY

In November 2001, Council deferred a development application for alterations to the tavern. The deferral was issued following consideration of the proximity of residential homes to the site, the scale of the development, the potential management issues and need to minimise amenity intrusion to residents.

Evaluation of the November 2001 proposal and the associated public comment period drew considerable response from the community, and lead to the formation of a residents group. City officers and the Liquor Licensing Court contributed to the evolution of the tavern plans into a more acceptable proposal, which would address the above issues.

A concept plan was presented to Council in February 2002. The concept was given conditional support. Although some issues were not agreed with the residents group, the plan was a significant step forward.

The concept plan has been refined and developed for submission and assessment. The modification provides for a reduction in patronage, revised location of outdoor alfresco areas, and design modifications to other parts of the building.

The modifications were extensive in nature and have been the subject of detailed examination by the residents' group. The group requested that further opportunity for comment be offered to adjacent neighbours (some of whom had not contacted the Council). This has occurred and further submissions have been received.

On balance, and considering the impact of changes made, the supporting acoustic advice, management statements, and the reduced occupancy limits, it is recommended that the development application be conditionally approved.

BACKGROUND

Suburb/Location: 493 Beach Road, Duncraig
Applicant: Sistar P/L (Mr Brian Higgins)
Owner: Sistar P/L
Zoning: **DPS:** Commercial
MRS: Urban

The subject lot borders the Carine Glades residential subdivision to the east, and north. Residences to the east directly abut the tavern car park, and some homes are situated within an estimated 30 metres of the tavern building. Patrons' movement to and from the tavern, often late at night, has generated ongoing concerns (noise, behaviour etc) for the residents and the tavern owners.

On 12 February 2002 Council considered a concept plan for the tavern. The concept arose from dialogue with Council and the residents group, over preceding months. The plan is attached as attachment 1 to this Report. In response, Council resolved

That:

- 1 *Council ACKNOWLEDGES the efforts of the proponent and the Carine Glades Residents Committee in working together to resolve any outstanding issues to the proposed redevelopment of the Carine Glades Tavern;*
- 2 *Council EXPRESSES support for the lodgement of a new development application by the proponent, which if it meets all relevant concerns of the local residents and the Liquor Licensing Board, will be determined in accordance with City of Joondalup planning guidelines and all other relevant legislation;*

3 *the applicant/owner/developer DOES NOT in any way misconstrue Council's decision as being an approval.*

A modified development application has been submitted to the City and includes the following modifications and information:

- Patron numbers restricted to 630 people (earlier proposals suggested 830, then 790 patrons).
- The new bottle shop and sports bar have been deleted (the sports bar remains in its existing position).
- The courtyard on the northern side of the function room will be used for a greeting point prior to 7pm at night (courtyard use reconsidered, particularly on the north-east side).
- Acoustic consultations report (amended to reflect design alterations).
- Management Policy Statement (now fully detailed)

DETAILS

Statutory Provision:

Council is required to determine this application as the decision-making authority. (Also note that the proposal requires the approval of the Licensing Court under separate legislation.)

Applicant's Submission

The applicant has summarised the configuration and mode of operation of the Tavern as follows

Entertainment Zone	<ol style="list-style-type: none"> 1. Sports Bar Internal, same location, reconfigured 2. Lounge Bar Internal, new building 3. Entertainment Courtyard External, maximum of 100 patrons, no live amplified band or similar amplified entertainment 4. Zone maximum patrons 410¹
Function Zone	<ol style="list-style-type: none"> 1. Function Rooms Internal, external doors close at 7:00pm 2. Function Courtyard External, non public access area that can only be used in conjunction with the Function Rooms. Maximum of 60 patrons, maximum of 2 hours continuous use, day use only, close at 7:00pm, no background music, no live amplified band or similar amplified entertainment. 3. Zone maximum patrons 150¹
Off Premise Zone	<ol style="list-style-type: none"> 1. Bottle Shop No change to existing location or mode of operations

Restaurant Zone	<ol style="list-style-type: none"> 1. Restaurant Internal 2. Restaurant Courtyard External, maximum of 80 patrons, no live amplified band or similar amplified entertainment 3. Family Courtyard External, maximum of 30 patrons, day use only, close at 7:00pm, no background music, no live amplified band or similar amplified entertainment. 4. Kids Play Area 5. Zone maximum patrons 200 ¹
Site	<ol style="list-style-type: none"> 1 Maximum patrons 680 ² 2 162 parking bays

- 1 The above table states the maximum patron numbers for each zone, which if considered in isolation add up to a total of 760 patrons. However, the maximum capacity of the tavern as a whole will be restricted to a maximum of 630 patrons.
- 2 The owner's preference is for a maximum of 680 patrons, however, this has subsequently been reduced to a maximum of 630 patrons in accordance with the liquor licensing restriction.

Applicant Comments

Function Courtyard

The function area is to be restricted in use as agreed with residents. The key point is the non-public nature of the area to be used only in conjunction with the Function Room for a limited period of time. The area is also now surrounded by an acoustic wall, which will protect residents from potential noise impact.

Number of Patrons

A maximum patronage of 680 is proposed, which is a 28% increase over current numbers compared to a 100% increase in useable area.

The proposal from the Liquor Licensing is for a maximum of 630 patrons for the whole site, while residents have stated 570 patrons to be the maximum.

The 680 proposal is the 'middle ground' between the original 790 and the current resident request for 570. The 680 is an appropriate compromise, and is a reasonable, practical and manageable maximum.

Parking

There are 170 car bays on site and 8 if these bays are reclaimed in the western extension. The 162 car bays proposed is considered a reasonable and just requirement.

Entertainment Courtyard

The above area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing. This area is bounded by buildings to the north, east and an acoustic wall to the west. A wind break wall will be installed facing the south (Beach Road).

Family Courtyard

There is strong demand from families for this facility. The family courtyard area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing.

Function Rooms

The function room is part of an existing internal lounge area. There is no change to this area apart from reduction in the use from the existing 7 days per week to an expected 1-2 times per week due to the irregular nature of functions. The internal doors would be closed at 7:00pm and all access would be via the restaurant main entrance. The Tavern has committed to specific acoustic treatments for function rooms. This area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing.

Restaurant Internal

Weddings and Birthday Parties are generally held in the Function room. However, if maximum patron numbers are reached for activities in the internal restaurant, the door would then be closed.

This area was in the December 2001 proposal, which received support from the City of Joondalup and Liquor Licensing.

Noise Control & Management

Direct automated noise control option would be implemented, if feasible, cost effective and proven. A detailed Management Policy and Manual monitoring procedures has been developed and has been supported by residents. The Acoustic Report from Herring Storer has been the basis for the management policy. Another Acoustic Consultant has been engaged to advise on equipment selection and implementation of recommendation in the Herring Storer Report. These initiatives demonstrate the Tavern's commitment to obtaining a unique, effective and thorough business operation. The Tavern cannot afford to flaunt relevant laws and regulations in particular regard to noise.

Entertainment Policy Guidelines

The agreed wording dated 11 April 2002 has been included in the Management Policy which was originally agreed with residents.

The current proposal is as a result of consultation with residents' committee. This has resulted in cost being doubled. The residents and the City have been advised that any further delay will have a financial impact on the viability of the project. It is to be noted that agreement reached on 22 April 2002 have been reneged on 7 May 2002 by the residents' committee.

The applicant has advised that the Liquor Licensing Board has verbally approved the application, on the basis of a maximum of 630 patrons. This represents an increase of 100 patrons over the existing liquor licence.

Public Consultation

The original proposal was advertised for public comment between 21 September 2001, and 12 October 2001. Signs were placed on site, and newspaper advertising was also used to invite comment. As a result, 43 submissions and 2 petitions were received. A summary of issues of concern is presented below.

Summary of Submissions for the Carine Glades Tavern

Description of Concern	No of times noted in submissions received
Loud music – live bands – perimeter walls unable to contain sound	28
Parking problems and additional stress on already busy shopping centre and commercial centre	25
Traffic problems at entry and exit points to car parks	24
Increase in antisocial behaviour including drunkenness, vandalism, graffiti, littering, loitering etc.	23
Scale of tavern is out of keeping with the size of the area	20
Affect on amenity and cost to residents in repairs (from vandalism)	14
Inability of noise screens to effectively contain noise	11
Volume of people moving from indoor to outdoor and proposal for a Beer Garden	7
Cost to Council to repair damage to community/park facilities due to drunkenness	4
Planning intentions not advertised to surrounding residents and notice on tavern and local newspaper were not clear	4
Needles being found in park	2
Negative effect on property values	2
In support of a refurbishment and upgrade of facilities	14
Council should purchase property and replace it with a civic facility	1
♦ In support of application	3
♦ 67 signature Petition objecting to tavern - noise	

During the submission period, dialogue with nearby residents became regular, and a residents' action group emerged, principally through the considerable efforts of 4 near neighbours to the development. Meetings and dialogue between staff, elected members, tavern owners, and the Licensing Court lead to a shared understanding of the various issues of concern or agreement. The ward Councillors were also actively sought out by the various interest groups to gauge their level of support.

Over Christmas 2001, the tavern owners and the 4 member residents' group held a series of meetings and the concept plan evolved through approximately 6 sketch versions, in an attempt to develop an agreeable plan.

The owners then sought Council's views on the February concept plan, as it represented the outcome of dialogue with the residents' group, and had also been presented to the Licensing Court and Council staff for assessment (as far as was possible, based on the conceptual nature of the plan).

Residents' Group Comments Summary

The residents' group expressed its support for some elements of the revised concept, however, remain opposed to particular aspects of the plan. The summary comments of the residents' group together with responses follows

Scale: Consider 570 patrons to be acceptable maximum considering the impact on noise, parking, traffic, anti-social behaviour.

Comment: The current facility allows 530 patrons as a maximum. As the proposal has evolved, the applicant has reduced patronage limits down from 830 to 790, to 630. The acoustic assessment has been prepared acknowledging a higher rate of occupancy that 630 persons, and concludes that noise generation will not exceed reasonable limits.

Patronage of 630 persons maximum is technically acceptable based on the provision of car parking, and the suggested limits from the Liquor Licensing board.

Noise and antisocial behaviour are management issues, and are dealt with separately, below.

Lounge Courtyard: Consider this to be inappropriate due to noise, and should be rejected.

Comment: The proposed location of the courtyard has been moved from the original location on the north side of the building, to the southwest corner of the tavern. The courtyard is reduced in size, and will be shielded from the residential area by the building itself. The concerns are in regard to noise, however, this courtyard is located so that it will be shielded by the existing tavern building. The courtyard has been the subject of detailed acoustic examination, and the revised plans now show this section in the most advantageous location, if it is to be allowed at all. Concern still exists of the possibility of breakout noise from patrons entering or leaving this area from other parts of the tavern whilst amplified or loud music is being used.

Outdoor Greeting Courtyard: Proposed licensed area is less than 25 metres from residences in Plumosa Mews and therefore potential for disturbance, and should be rejected.

Comment: The applicant states that this area will not be used after 7pm, and will function solely as a 'meet and greet' area. This is considered reasonable, and can be appropriately conditioned on any approval issued. It is further recommended that this area be excluded from being a licensed area. Use of this area can be regulated by a management plan, and the applicant has offered this scenario.

Function Room: Amplified music will disturb residents, and the room will be frequently used.

Comment: The acoustic report covers this aspect, however, concerns are raised in relation to potential for breakout noise to impact on residents. Correct acoustical design and management of this area, including the use of airlock type entrance and exit areas should ensure sound levels emanating from this area are maintained at an acceptable level. The applicant has been requested to provide breakout noise details that are to the satisfaction of the City prior to the issue of a building licence approval.

Family Courtyard: provides additional potential for noise and is an external licensed area.

Comment: The applicant states that this area will be closed from 7pm. The use of this area could be regulated by a management plan, supported by an appropriate condition of development approval. With such measures, it is considered that the use of this area will not generate significant amenity issues.

Management Plan Noise Containment: Relies heavily on staff intervention, needs to have preventative measures rather than reactive procedures.

Comment. There is reliance on staff to ensure patron numbers are kept to levels required by the acoustic consultant's report. Staff is also responsible for the closing of concertina door at required times. The acoustical design, construction and compliance with the noise management plan of the premises should maintain noise emissions from the premises to levels not exceeding the legislative requirement. The tavern proprietor also has a vested interest to ensure enforcement of the Noise Management Plan, as there are severe penalties and consequences for the non-containment of these noise levels in accordance with the noise regulations. These levels must also be acceptable to the Director of Liquor Licensing. The City may request the Department of Racing and Gaming to endorse the management plan conditions on the tavern's liquor licence

Based on Council's February resolution, an amended development application was developed, of sufficient detail to facilitate determination by Council. The residents' group wanted to ensure that immediate neighbours had further advice of the amendments, and as a result 46 letters were sent to nearby properties.

A total of forty (40) additional submissions were received, objecting to the proposal, with two (2) comments of support. The objections reiterated the comments received during the October 2001 submission period, raising issues such as:

- Noise generated from the existing tavern,
- Location in a residential area, rubbish,
- Traffic impact and parking in adjoining streets.
- Security, vandalism, antisocial behaviour, and potential amenity impact
- The scale of development,
- Possible devaluation of properties,
- Size and potential use of courtyard al fresco areas.

COMMENT

The technical assessment of the proposal and the City's knowledge of the past operations of the tavern lead to general agreement with the community on the range and type of issues that must be addressed. Objections are largely based on past experience of the old facility. The

new facility would be constructed to address those concerns, and this should be noted when assessing the likely performance of the new building, and any impacts.

The development application plans are appended as attachment 2 to this Report.

DPS2 Development Standards

The proposal complies with the applicable development standards.

		DPS No 2 Requirement	Provided	Complies
Setbacks	Front	9.0m	21.5m	✓
	Rear	6.0m	38.0m	✓
	Side	3.0m	5.0m	✓
	Side	3.0m	25.0m	✓
Landscaping		8%	>8%	✓
	Strips	3m to roads	3m	✓
	Trees per Carparking bays	1 per 4 bays	None provided, no changes are proposed as part of this application	N/A
Car Parking		160.5 bays	162 bays	✓

Traffic & Provision of Car Parking

DPS2 standards for the provision of car parking are based on a combination of patron numbers and floor areas. As this proposal is based on restricted patron numbers solely, the provision of car parking cannot be readily assessed from the DPS2 standards. It is therefore considered that the restaurant parking standard (which is based on building patronage - 630 patrons at 1 bay per 4 people) is an appropriate measure to apply in this instance.

	Demand	Supply
Tavern/Restaurant	1 bay per 4 persons = 157.5 bays	
Bottle Shop	7 bays per 100 sqm = 3 bays	
Total	160.5 bays	162 bays

Therefore, it is considered the 162 bays to be provided on the site represents a satisfactory provision of car parking in regard to that anticipated in DPS2 for this number of patrons. It is also recognised that there is a level of informal reciprocity with other commercial uses adjoining the site.

In regard to traffic, there is an increase of 100 patrons over the existing number, and when considered in context, the traffic and access proposed is considered acceptable based on the predominant movement from and to Beach Road, and the lack of any substantial cumulative traffic volume increase onto the site.

Acoustic Assessment

The acoustic consultant's report submitted as part of this applicant generally covers the issues involved. However, concern remains in regard to potential breakout noise from the internal entertainment area. While the report and management plan indicates that the concertina doors

will be closed during live or amplified entertainment, it is apparent that breakout noise will occur when people access the external area. It is considered further investigation is required in this area by the applicant and suitable containment measures agreed to prior to the issue of a building licence.

The community concern in regard to potential noise issues is acknowledged, however, this must be balanced by the fact that legislation is in place to ensure that noise issues are addressed. Enforcement measures include prosecution under the DPS2 for breaches of planning conditions, the issue of pollution abatement notices, and infringements under the Environmental Protection Act. In addition, the Liquor Licensing Act has wide powers to control the noise, and the behaviour of persons, on the premises.

Management Plan

The Management Plan prepared by the applicant provides a commitment by the applicant on how the facility will be managed in order to comply with the standards and provide a responsive and responsible management of the tavern.

The plan includes entertainment policy guidelines, noise containment, noise complaint procedures, patronage monitoring schedule, anti social behaviour, on going residents' meetings.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the application and revised plans dated 10 May 2002, submitted by Wilson Hunt, on behalf of the owner Sistar Pty Ltd & George Botica, for additions and refurbishment of the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, subject to the following conditions:
 - (a) The maximum occupancy of the Tavern premises shall be 630 patrons at any one time;
 - (b) The development shall be designed, constructed and operated in accordance with the Acoustic Consultant's Report dated April 2002;
 - (c) The applicant is to provide recommendations and details of the control of noise breakout through doors and openings from the Entertainment and Function Room areas, to the satisfaction of the City;
 - (d) The management of the Tavern shall at all times be conducted in the manner outlined in the Management Policy Statement dated 10 May 2002;
 - (e) The Family Courtyard shall not be used in any capacity after 7pm. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;

- (f) The Function Room Courtyard shall not be used in any capacity after 7pm and shall be excluded from being a licensed area. No background music, live amplified band or similar amplified entertainment shall occur in this area at any time;
- (g) The external Entertainment Courtyard shall have a maximum occupancy of 100 patrons. No live amplified band or similar amplified entertainment shall occur in this area at any time;
- (h) The provision of not less than 162 car bays on site;
- (i) the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off street Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City, prior to the development first being occupied. These works are to be done as part of the building programme. Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide. The disabled bay is required to be 3.5 metres in width. Car bay grades are generally not to exceed 6% and the disabled car bay is required to have a maximum grade of 2.5%;
- (j) an on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (k) a bin store area to be provided on site to the satisfaction of the City.

Footnotes

- 1 Development shall comply with the requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, the Food Hygiene Regulations and the Health Public Buildings Regulations;
- 2 The bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer and provided with a hose cock;
- 3 Compliance with the Building Code of Australia; and
- 4 All signage proposed is to be submitted with a separate planning application and sign licence.

MOVED Cr Walker SECONDED Cr Carlos that the application and revised plans dated 10 May 2002, submitted by Wilson Hunt, on behalf of the owner Sistar Pty Ltd & George Botica, for additions and refurbishment of the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, be DEFERRED to the meeting of Council to be held on 23 July 2002 pending further consideration by elected members.

The Motion was Put and

CARRIED (9/5)

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf250602.pdf](#)

**CJ166 - 07/02 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY FROM PARTLET ROAD
TO RESERVE 35545 (LILBURNE RESERVE),
DUNCRAIG – [87011]**

WARD – South Coastal

PURPOSE

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

EXECUTIVE SUMMARY

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

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

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

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

In this case, the Urban Design Assessment is rated as medium and the Nuisance Impact Assessment and Community Impact Assessment as low. Based on these ratings, the proposal

accords with Case 4 of the Pedestrian Accessway Policy, therefore it is recommended that Council not support the closure of the PAW between Partlet Road and Lilburne Reserve, Duncraig.

BACKGROUND

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

DETAILS

Current Proposal or Issue

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

Site Inspection

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

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

PAW Closure Process

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

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

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

Consultation:

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

Policy Implications:

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

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

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

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

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

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

The PAW is not part of the "Safe Routes for School" programme but is a direct link to a reserve. The fact that Lilburne Reserve is a passive reserve may account for its low use in this area but it should be considered that low usage could also be attributed to its appearance i.e.

concealed by trees and unpaved. The Urban Design Assessment rates between low and medium:

Low rating:

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

Medium rating:

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

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

Nuisance Impact Assessment

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

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

Police and City Watch Information

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

“On perusing the offence data supplied by Joondalup D.I.S.C, the offences recorded in the immediate vicinity are not disproportionate to those of other areas in Duncraig. Incidents of recorded anti-social behaviour for the past twelve months are also unremarkable due possibly to the reserve being native and unimproved. From a police perspective, it appears that the

closure of the accessway is not essential, however, we would have no objection to this occurring.”

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

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

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

Community Impact Assessment

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

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

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

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

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

Final Assessment

The result of each assessment is detailed below:

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

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

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

VOTING REQUIREMENTS

Simply Majority

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

MOVED Cr Patterson SECONDED Cr Mackintosh that Council SUPPORTS the closure of the pedestrian accessway between Partlet Road and Reserve 35545 (Lilburne Reserve), Duncraig.

The following reasons were given for departing from the Officer’s Recommendation:

- This pedestrian accessway represents a special case;
- It is not paved, is rarely used, and is wider than normal pedestrian accessways;
- The persons living close to the pedestrian accessway support its closure;
- Its closure would not disadvantage the community as it only leads into Lilburne Reserve.

Discussion ensued.

The Motion was Put and

CARRIED (10/3)

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf250602.pdf](#)

C92-07/02 COUNCIL DECISION – EN BLOC RESOLUTION NO 1

MOVED Cr Patterson, SECONDED Cr Kimber that Items CJ142-07/02 to CJ145-07/02 inclusive; CJ147-07/02 to CJ152-07/02 inclusive; CJ154-07/02 to CJ157-07/02 inclusive; CJ161-07/02 to CJ165-07/02 inclusive; and CJ167-07/02 be dealt with by the En-bloc method.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

CJ142 - 07/02 MINUTES OF THE ENVIRONMENTAL AND SUSTAINABILITY ADVISORY COMMITTEE MEETINGS HELD ON 16 MAY 2002 – [00906]

WARD - All

PURPOSE

The Environmental and Sustainability Advisory Committee met on 16 May 2002 and the minutes of the meetings are submitted for noting by Council, and consideration of relevant recommendations.

EXECUTIVE SUMMARY

The Environmental and Sustainability Advisory Committee considered a range of business items at its meeting held on 16 May 2002.

This report recommends that Council:

- 1 *NOTES the minutes of the Environmental and Sustainability Advisory Committee held on 16 May 2002.*
- 2 *ACCEPTS the resignation of Mr Merry.*

BACKGROUND

The Environmental and Sustainability Advisory Committee meeting, held on 16 May 2002 discussed a range of items as outlined in the Minutes shown at Attachment A, with the primary business being;

- The City of Joondalup sustainability web site.
- A draft report “Progress Towards Achieving A Sustainable Future”.
- An update regarding the City’s draft “Sustainable Futures 2002-2007” Sustainability plan and Sustainable Futures Working Group.
- A public lecture at Edith Cowan University, “The Salinity Crisis, The Politics of Denial”.
- Resignation of Committee member Mr C Merry.

DETAILS

The minutes of the Environmental and Sustainability Advisory Committee 16 May 2002 are Attachment A to this Report.

Resignation of Committee Member Mr C Merry

The Committee recommends that Council accepts the resignation of Mr Merry.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 NOTES the minutes of the Environmental and Sustainability Advisory Committee held on 16 May 2002 forming Attachment 1 to Report CJ142-07/02;**
- 2 ACCEPTS the resignation of Mr C Merry from the Environmental and Sustainability Advisory Committee.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf250602.pdf](#)

CJ143 - 07/02 MINUTES OF THE HOUSE COMMITTEE MEETING HELD ON 13 JUNE 2002 – [59064]

WARD - All

PURPOSE

To submit the Minutes of the House Committee meeting held on 13 June 2002 to Council for endorsement.

EXECUTIVE SUMMARY

A meeting of the House Committee was held on 13 June 2002 and the unconfirmed minutes are submitted for noting by Council and endorsement of the recommendations contained therein.

BACKGROUND

The House Committee has been established to consider matters relating to:

- Civic function requirements
- Elected Members requirements
- Awards and presentations
- House facility services

DETAILS

The unconfirmed minutes of the House Committee meeting held on 13 June 2002 are included as Attachment 1.

At the meeting the following matters were discussed:

- Alterations to Council Lounge;
- Corporate Ties;
- Business cards/letterhead;
- Terms of Reference;
- Centenary Celebrations;
- Civic Functions 2002;
- Volunteer Appreciation Functions;
- Relocation of Honour Boards.

COMMENT

It is recommended that:

- the unconfirmed minutes be noted
- the terms of reference be amended
- hosts a civic function incorporating 25 years of the vision of the City of Joondalup normalisation agreement and 100 years of Local Government in the region.
- hosts volunteer functions as per previous years.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 NOTES the unconfirmed Minutes of the House Committee meeting held on 13 June 2002 forming Attachment 1 to Report CJ143-07/02;**
- 2 ADOPTS the Terms of Reference of the House Committee, amended as follows:**
 - “2 Membership**
The House Committee will comprise of His Worship the Mayor and Four (4) elected members.
 - 4 4.3 Meetings**
Meetings will be held as required, at an appointed time and place determined by the Committee.
 - 4.4 Quorum**
A quorum for the committee is set at three (3) members.”
- 3 (a) HOSTS a Civic Function to celebrate the Silver Jubilee of the vision of creating Joondalup; also embracing the Normalisation Agreement and the commemoration of 100 years of local government;**
 - (b) REQUIRES a further report be submitted to the House Committee relating to possible dates and appropriate items to commemorate those occasions;**

- 4 HOSTS a series of monthly Volunteer Appreciation functions, recognising similar groups honoured in previous years, on the suggested dates in the Councillors' Lounge at a cost of \$10/head.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf250602.pdf](#)

CJ144 - 07/02 VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES [02011]

WARD - All

PURPOSE

To call for nominations for various committees of the Western Australian Local Government Association.

EXECUTIVE SUMMARY

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

BACKGROUND

The Western Australian Local Government Association has invited member Council to submit nominations to the following committees:

- 1 The Perth Biodiversity Project Management Group;
- 2 Community and Industry Advisory Group (State Water Quality Management Strategy);
- 3 Department of Land Administration Community Titles Advisory Committee;
- 4 Visitor Centre Association of the WA Executive Committee.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Nominations for all vacancies close on Wednesday 17 July 2002 at 4.00 pm.

Nominations must ensure that the Selection Criteria are addressed in full. Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the Local Government representative is always active in Local Government as an elected member or serving officer.

Details of the vacancies can also be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees/images/profileForm>.

DETAILS

1 PERTH BIODIVERSITY PROJECT MANAGEMENT GROUP WA Local Government Association – Two members; one deputy member

Qualifications:	Nominations are invited from metropolitan based elected members or serving officers with a knowledge of and interest in biodiversity and its management.
Selection Criteria:	<p>The nominee is to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected member or serving officer of a local government in the Perth Metropolitan Region Scheme area; • Availability of the applicant to take the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position.
Terms of Reference:	<p>The Terms of Reference are to:</p> <ul style="list-style-type: none"> • Guide the overall development and implementation of the project; • Further the project's objectives within partner organisations and other project stakeholders; • Monitor progress with respect to project objectives, targets and outputs; • Establish, participate in and review the output of working groups; • Establish the Assessment Panel and review the Funding Programme prior to WALGA approval; • Advise the Programme Manager regarding any aspects of the project; • Refer matters affecting Local Government to the Reference Group.
Term:	Three years, commencing on appointment.
Meetings:	Meetings are held monthly at Local Government House. Meetings run for 2-3 hours on a day and time to be advised.
Meeting Fee:	No meeting fees or travelling allowances.
Committee Membership:	<p>The Board will have representation from:</p> <ul style="list-style-type: none"> • Department of Conservation and Land Management; • Department of Planning and Infrastructure; • Environmental Protection Authority; • Swan Catchment Council; • Urban Bushland Council; • Greening WA.

2 COMMUNITY AND INDUSTRY ADVISORY GROUP (STATE WATER QUALITY MANAGEMENT STRATEGY)
WA Local Government Association Member and Deputy Member

Qualifications:	Nominations are invited from elected members or serving officers with an interest in or knowledge of environmental water resources.
Selection Criteria:	<p>The nominee is to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected member or serving officer; • Availability of the applicant to take the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position; • Background knowledge of water resources.
Terms of Reference:	In February 2002 Waters and Rivers held a State Water Quality Management Strategy Forum. The Community and Industry Advisory Committee is being developed to review the content and application of the preparation of the NWQMX Australian Drinking Water Guidelines and a State Water Quality Implementation Plan.
Term:	Two years, commencing August 2002.
Meetings:	Meetings are held quarterly within the Metropolitan area. Meetings are held for a duration of approximately two hours; at a day and time to be advised.
Meeting Fee:	No meeting fee or travelling expenses are offered.
Committee Membership:	<p>The Board will have representation from:</p> <ul style="list-style-type: none"> • Environment and Water Resources Groups; • Water Providers; • Farming Interests; • Tony Laws (Waters and Rivers) Chair; • Chamber of Commerce and Industry; • Irrigation representatives.

**3 DEPARTMENT OF LAND ADMINISTRATION COMMUNITY TITLES
ADVISORY COMMITTEE
WA Local Government Association Member**

Qualifications:	Nominations are invited from elected members or serving officers with a knowledge/interest in Strata Titles issues.
Selection Criteria:	<p>The nominee is to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected member or serving officer; • Availability of the applicant to take the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position.
Terms of Reference:	The DOLA Community Titles Advisory Committee is required to provide informed input into the review process of the Strata Titles Act 1995 as well as providing an initial sounding board on industry and public views regarding the proposed changes to the Act.
Term:	Four years, commencing on appointment.
Meetings:	Meetings are held every two months at REIWA House, Hay Street, Subiaco on a Wednesday at 5.00 pm. Meetings run for approximately two hours.
Meeting Fee:	There is a meeting fee of \$50 for the member attending and travel allowance in accordance with Public Sector standards.
Committee Membership:	<p>The Board will have representation from:</p> <ul style="list-style-type: none"> • DOLA; • Department of Planning and Infrastructure; • Office of Strata Titles Referee; • Water Corporation; • REIWA; • Institute of Surveyors WA; • Law Society of WA; • Aust Institute of Conveyancers WA Division; • Urban Development Institute of Australia WA Division Inc; • Strata Titles Institute; • Representatives from single and multi tier strata titles schemes.

**4 VISITOR CENTRE ASSOCIATION OF WA EXECUTIVE COMMITTEE
WA Local Government Association Members – Metropolitan Member;
Metropolitan Deputy Member.**

Qualifications:	Nominations are invited from elected members with a knowledge of and interest in visitor needs and tourism in general.
Selection Criteria:	<p>The nominee is to address the following Selection Criteria:</p> <ul style="list-style-type: none"> • To be a current Elected member; • Availability of the applicant to take the responsibility; • Relevant skills in the area; • Demonstrated interest in the position; • Capacity of the applicant to represent the interest of Local Government and the Association; • Relevant experience and qualifications that are applicable to the position.
Terms of Reference:	The Committee has the vision “To be the best visitor servicing industry body in Australia”
Term:	The term of each appointment is for three years, commencing on appointment.
Meetings:	Meetings are held bi-monthly at the Boardroom, Tourism Commission, Perth. Meetings run for a duration of 2-3 hours; the day and time of meetings is to be advised.
Meeting Fee:	No meeting fees or travel allowance is available for these positions.
Committee Membership:	<p>The Board will have representation from:</p> <ul style="list-style-type: none"> • The Chairman • The Vice Chairman • Five industry representatives • Two local government representatives.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council NOTES that no nominations were submitted for the following WA Local Government Association committees:

- 1 The Perth Biodiversity Project Management Group;**
- 2 Community and Industry Advisory Group (State Water Quality Management Strategy);**
- 3 Department of Land Administration Community Titles Advisory Committee;**
- 4 Visitor Centre Association of the WA Executive Committee.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

CJ145 - 07/02 PADBURY PLAYGROUP LEASE RENEWAL – [03317]

WARD - Pinnaroo

PURPOSE

To seek Council approval for the City of Joondalup to renew the Padbury Playgroup Lease with the Padbury Playgroup House Inc.

EXECUTIVE SUMMARY

The Lease to Padbury Playgroup House Inc., of the premises at 11 Jason Way, Padbury, has expired. However, the Playgroup has a continuing requirement for the premises, remains in occupation and has applied for a new lease.

In view of the continued requirement and occupation by the Padbury Playgroup House Inc., it is recommended that a new lease be approved by Council.

BACKGROUND

Suburb/Location:	Padbury
Applicant:	Padbury Playgroup House Inc.
Owner:	City of Joondalup
Zoning:	DPS: DPS2 - Residential R20.
	MRS: Urban.
Strategic Plan:	The proposed lease renewal will not affect the 5-year strategic plan.

Over a number of years the former City of Wanneroo purpose built early childhood venues to meet the needs of local people in line with regional development. The subject premises is one of these venues.

On 1 January, 1995 Padbury Playgroup House Inc. was granted a peppercorn (\$1.00) lease for the whole of Lot 40 (11) Jason Place, Padbury, which is shown hatched on Attachment A.

The Padbury Playgroup House Inc. Lease expired on 31 December 2000, and it requested a new lease be granted in line with the City's Standard Community Lease for a 5-year term. The essential points in this agreement are as follows:

- 1 Term of 5 years commencing on 1 July 2002;
- 2 Rental being \$1.00 (Peppercorn) per annum if demanded;
- 3 Lessee shall be responsible for maintenance, repairs, outgoings, all insurance policies and legal costs;
- 4 Purpose of lease being “Playgroup Centre and Other Community Purposes.”

DETAILS

The Padbury Playgroup House Inc. Lease expired on 31 December 2000, but there is a continued need for the premises as a Playgroup Centre beyond the expiry date.

The subject Lease comprises the whole of the land and buildings at 11 Jason Place, Padbury. The land is legally described as Lot 40 on Plan 12767 and being the whole of the land in Certificate of Title Volume 1531 Folio 639.

As the facility is situated on land held in freehold by the City, no approval by the Minister for Lands is necessary to renew this Lease.

Statutory Provision:

The Lessee and the purpose independently qualify this Lease as an exempt dispositions under Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*. Accordingly, there is no need to comply with the disposal conditions as provided by Section 3.58 of the *Local Government Act, 1995*.

Consultation:

The Padbury Playgroup House Inc. was consulted and the content of the City’s Standard Community Lease was explained in detail.

Policy Implications:

There are no policy implications concerning this Lease.

Financial Implications:

The City currently has four of these purpose built early childhood venues under lease for a peppercorn rental. As it was never the intention that any rental be charged for any of these premises, there is no opportunity cost to the City in granting this Lease for a peppercorn rental.

As the Lease will be in the form of the City’s Standard Community Lease there will be no cost to the City for maintenance, repairs and outgoings.

COMMENT

The facility is currently used as a playgroup centre for the benefit of pre-school children Mondays to Fridays during the hours of 9.00 AM to 3.00 PM.

Funding for the Playgroup is limited to term fees charged, various fund raising activities and voluntary contributions from the parents, but this could be augmented by the Playgroup exercising the “Use by Others” clause on the weekends. Although there is limited opportunity for use by others due to heavy use of by the Lessee, there remains the need for the purpose to include “Other Community Purposes” to accommodate any future change in intensity of use by the Lessee.

An inspection of the premises was conducted on Tuesday, 21 May 2002 and it was established that the Lessee had complied with all obligations under the Lease.

In view of the continued requirement for the Playgroup Centre and the agreement by the Lessee to lease the facility in line with the City’s Standard Community Lease, it is recommended that the application be approved.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council APPROVES leasing the Playgroup Centre at 11 Jason Way, Padbury to the Padbury Playgroup House Inc, subject to:

- 1 the Lease being for a period of 5 years commencing 1 July 2002;**
- 2 the rental being \$1.00 per annum (if and when demanded);**
- 3 the Lease being for the purpose of a “Playgroup Centre and Other Community Purposes”;**
- 4 all legal costs associated with the Lease being met by the Padbury Playgroup House Inc;**
- 5 the signing and affixing of the Common Seal to the Lease between the City of Joondalup and the Padbury Playgroup House Inc.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf250602.pdf](#)

CJ146 - 07/02 WARRANT OF PAYMENTS – 31 MAY 2002 – [09882]

This item was considered earlier in the meeting following Item CJ141-07/02.

CJ147 - 07/02 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MAY 2002 – [07882]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

The May 2002 report shows a variance of \$8.4m when compared to the Revised Annual Budget for the year to date. This variance reflects differences attributable to the timing of revenue and expenditure and does not represent net savings for the year.

This variance can be analysed as follows-

- The **Operating** position shows an Operating surplus of \$2.2m to budget at the end of May 2002 due mainly to an underspending in Labour and Materials & Contracts.
- **Capital Expenditure** for the year-to-date is \$1.0m and is below the year-to-date budget of \$1.6m, an underspend of \$0.6m at the end of May 2002.
- **Capital Works** expenditure for the year-to-date amounted to \$8.4m against a year-to-date budget of \$14.0m, an underspend of \$5.6m at the end of May 2002. However, the City has committed expenditure through raised purchase orders of \$2.52m. A number of high value projects, including the Council depot land and design (\$3.2m), Currambine community centre construction (\$0.9m), and Collier Pass road works (\$0.6m) are unlikely to be commenced in the financial year.

DETAILS

The financial report for the period ending 31 May 2002 is appended as Attachment A to this Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that the Financial Report for the ten month period ending 31 May 2002 be NOTED.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf250602.pdf](#)

CJ148 - 07/02 INVESTMENT ADVICE SERVICES TENDER – [69520] [87523]

WARD - All

PURPOSE

This report seeks Councils approval to appoint Grove Financial Services Pty Ltd as the City's independent funds advisor for a three-year period effective from 1 July 2002.

EXECUTIVE SUMMARY

The City invests its surplus funds in accordance with Council policy, the requirements of the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and the Trustees Act. The City utilises independent investment advisors to assist in meeting its investment objectives and in meeting its "prudential trustee" requirements in accordance with the Trustees Act.

The City appointed Grove Financial Services Pty Ltd as its independent funds advisor in May 1998. In view of the changes in the investment market, it was considered appropriate to evaluate the market for the provision of investment services.

In March 2002, the City advertised for expressions of interest from suitably qualified independent investment advisors to provide investment advice to the City for the investment of surplus funds for a three-year period.

Grove Financial Services Pty Ltd, PricewaterhouseCoopers Securities Ltd and Hartleys Limited were the only respondents to the expression of interest. The City undertook a closed tender, limited to the respondents that closed on 13 June 2002.

This report recommends that Grove Financial Services Pty Ltd be appointed as the City's investment advisors for a three-year period with effect from 1 July 2002.

BACKGROUND

Section 6.14 of the Local Government Act 1995 states "that money held in the Municipal Fund or the Trust Fund that is not, for the time being, required for any other purposes may be invested in accordance with Part III of the Trustees Act 1962".

The Trustees Amendment Act 1997 repealed and replaced the whole of Part III of the Trustees Act which had listed the "authorised trustee investments" in which local governments were allowed to invest.

Section 17 (a) states that 'a trustee may, unless expressly prohibited invest trust funds in any form of investment'. Section 18 (1) (b) states that 'a trustee shall exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons'.

In May 1998 the Joint Commissioners endorsed the appointment of Grove Financial Services Pty Ltd located in Sydney, NSW, as independent funds advisors to the City. Grove Financial Services have provided appropriate investment advice since that time. The appointment was

not for a specified term. Grove had also indicated that it would be changing its quantum and the method of payment for investment advice.

In view of changes in the investment marketplace, particularly in view of the wide range of investment products and number of advisors it was considered that the City reassess its investment advisors for a three year appointment commencing July 2002.

DETAILS

The services of a skilled independent investment advisor assists the City in meeting its "prudent persons" obligations and to invest in a complex and dynamic investment market.

The role of an independent investment advisor is to:

- assist the City with Investment Manager and Product Selection
- identify the most appropriate Investment Manager and/or Products to suit the City's particular risk parameters
- undertake reviews of various investment fund managers in terms of their investment philosophy, style, process and management, and
- recommend well-diversified fund managers who will provide the highest returns within the confines of council policy

The City sought expressions of interest from suitably qualified independent investment advisors to provide investment advice to the City for the investment of surplus funds for a three-year period on 23 March 2002. The aim of the expression of interest was to identify whether other value adding opportunities exists which could be incorporated in the final selection through closed invitations to tender.

Grove Financial Services Pty Ltd, PricewaterhouseCoopers Securities Ltd and Hartleys Limited were the only respondents to the expression of interest. With the exception of a new reporting and transaction tool offered by Grove Financial Services Pty Ltd, no significant other value adding opportunities were identified.

The City invited Grove Financial Services Pty Ltd, PricewaterhouseCoopers Securities Ltd and Hartleys Limited to participate in a closed tender which closed on 13 June 2002.

A tender evaluation committee comprising of the Statutory Accountant, Purchasing Systems Administrator, Contracts Officer and Acting Director Corporate Services and Resource Management evaluated the tenders using the City's multi criteria evaluation process.

Grove Financial Services Pty Ltd was considered the most appropriate supplier at an estimated fee of \$16,000 per annum (based on an average of \$20m invested). Grove is able to undertake these services from the required date.

Statutory Provision:

In undertaking the selection of the tender, the City has complied with the provisions of the Local Government (Functions and General) Regulations 1996.

Policy Implications:

There are no policy implications from the appointment of Grove Financial Services Pty Ltd. The City will however be undertaking a review of its Investment policy (2.4.2) to ensure that this policy best meets the needs of the City in the future.

Financial Implications:

The City's investment pool is expected to range from between \$45m to \$15m during the course of the following three-years. This investment pool depends mainly on the time of year and the amount of funds held in Reserves. Based on an average of \$20m invested, Grove Financial Services Pty Ltd was considered the most appropriate supplier at an estimated fee of \$16,000 per annum. This amount is included in the 2002/03 draft budget.

COMMENT

Grove Financial Services were appointed to advise the City in May 1998. Grove provides similar investment advice to 110 Council clients and has more than \$2 billion under advice. Grove is appropriately qualified to undertake Council's investment advice and has proved to be proactive in assisting the industry through the reduction of investment manager fees by buying through economies of scale, introducing tools that facilitate undertaking investment transactions and in undertaking reporting.

Grove regularly meets with its West Australian clients and participates in Local Government through the sponsorship of training and other functions held by the LGMA and the Local Government Finance Managers Group.

It is considered appropriate that the City appoint Grove Financial Services Pty Ltd for a three year appointment.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council APPOINTS Grove Financial Services Pty Ltd as its investment advisors for a three-year period from 1 July 2002 in accordance with the terms and conditions of Tender 041-01/02.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

CJ149 - 07/02 RENEWAL OF MOTOR VEHICLE AND PLANT INSURANCE PROPERTY (ISR) INSURANCE AND VARIOUS ANCILLARY LINES OF INSURANCES FOR 2002/2003 – [05581]

WARD - All

PURPOSE

This report provides details of insurance premiums from Municipal Insurance Broking Service obtained through the tender of Motor Vehicle and Plant insurance, Property (ISR) insurance and quotations for the City's ancillary lines of insurance for the 2002/2003 financial year.

EXECUTIVE SUMMARY

The City's insurance cover for Motor Vehicle and Plant insurance and Property (ISR) insurance expires at 4.00pm 30 June 2002. As a consequence, Municipal Insurance Broking Service (MIBS) were engaged to seek through a tender process, terms and conditions from underwriters for insurance cover for the 2002/2003 financial year.

In addition the City also approved for Municipal Insurance Broking Service (MIBS) to seek quotations for its ancillary lines of insurance for the 2002/2003 financial year.

Following an evaluation of the tenders received it is recommended that the City places its 2002/2003 insurance cover for Motor Vehicle and Plant with Zurich Australian Insurance Ltd.

There were no tenders received for Property (ISR) insurance and it is recommended that the City accept the quote from Local Government Insurance Services as detailed in a separate report.

It is also recommended that the City places its 2002/2003 ancillary lines of insurance as follows:

- Construction Risks - Allianz Australia Insurance Ltd
- Fidelity Guarantee - American International Group
- Personal Accident and Travel - Ace Insurance Ltd
- Councillors' and Officers Liability - Ace Insurance Ltd

Council at its meeting held on 26 June 2001 resolved that in future years insurance tenders and quotations be placed before Council by 30 April prior to the commencement of the new financial year.

Municipal Insurance Broking Services (MIBS) advised the City that this was not feasible as was outlined in report CJ433 – 12/01 dated 18 December 2001 which revoked its decision of 26 June 2001.

BACKGROUND

The City authorised Municipal Insurance Broking Service (MIBS) to seek tenders for the City's insurance cover for Motor Vehicle and Plant and Property (ISR) insurance for the 2002/2003 financial year.

Municipal Insurance Broking Service (MIBS) was also requested to seek quotations for the City's following lines of insurance for 2002/2003:

- Construction Risks
- Fidelity Guarantee
- Personal Accident and Travel
- Councillors' and Officers Liability

Municipal Insurance Broking Service (MIBS) placed the advertisement seeking tenders for Motor Vehicle and Plant in the West Australian newspaper on Saturday 18 May 2002. This was a joint advertisement that simultaneously sought tenders for other local governments. Tenders closed at 4.00pm on Tuesday 4 June 2002.

DETAILS

The following tenders were received:

Motor Vehicles and Plant

The Combined Declared Replacement Value for 2002/2003 is \$7,597,085 comprising:-

Light Vehicles	\$3,586,426
Heavy Vehicles	\$1,697,861
Mobile Plant	\$2,062,798
Hired Equipment	\$ 250,000

In 2001/2002 the total declared value was \$7,078,484

Tenders for 2002/2003 were received from the following:

	Premium	GST	Total
	\$	\$	\$
Zurich Australian Insurance Ltd	\$77,881.11	\$7,788.11	\$85,669.21
SGIO Insurance	\$81,433.67	\$8,143.37	\$89,577.04

This cover also includes insurance cover for Councillors and Employees private vehicles when on official Council business.

GST will be claimed back from the Australian Taxation Office as an input tax credit.

(The City's Motor Vehicle and Plant insurance premium for the 2001/2002 financial year was \$63,128 exclusive of GST. The insurer was Zurich Australia Insurance Ltd.)

Property (ISR) Insurance

The total declared replacement value for the 2002/2003 financial year is (113,259,058 dissected into the following classes:-

Buildings	\$102,497,875
Ornamental Street Lighting	\$ 3,500,000
Artefacts and Artworks	\$ 228,134
Computer Equipment	\$ 4,686,758
Furniture and Fittings	\$ 1,074,233
Other Plant and Equipment	\$ 1,272,058

In 2001/2002 the declared replacement value was \$108,931,940, which did not include Ornamental Street Lighting.

There were no tenders received for this insurance class, all four insurance companies who have tendered in the past notified the broker that they would not be tendering for local government business in the future, and consequently Local Government Insurance Services have set up a Property (ISR) Insurance Scheme to commence from 1 July 2002.

Ancillary Lines of Insurance

Municipal Insurance Broking Service (MIBS) also sought quotations for the ancillary lines of insurance cover through a bulk purchasing arrangement with other local governments. This effectively reduces the premiums applicable.

Lines of insurance on which premium quotations were sought were:

- Construction Risks
- Fidelity Guarantee
- Personal Accident and Travel
- Councillor's and Officer's Liability

The quotations received were:

	Premium \$	GST \$	Total \$
Construction Risks	10,080 .00	1,008.00	11,088.00
Fidelity Guarantee	2,150.00	215.00	2,365.00
Personal Accident and Travel	1,127.50	112.75	1,240.25
Councillors and Officers Liability	8,109.20	810.92	8,920.12

It is recommended that the City places its 2002/2003 Fidelity Guarantee insurance with American International Group via Municipal Insurance Broking Service (MIBS) at a premium of \$2,365.00 (GST inclusive).

The insurer for the 2001/2002 financial year was Allianz Australia Insurance Ltd. The premium was \$2,200 (GST inclusive).

Personal Accident and Travel

This policy covers Councillors, Officers and spouses as follows:

Personal Accident:

Loss of Income and selected benefits resulting from an accident or illness causing death or permanent / temporary disability. For those acting in a “Voluntary Capacity” “Out of Pocket and Non Medicare Expenses” will be reimbursed 100% up to a maximum of \$20,000. “Non Medicare Expenses” are such things as physiotherapy, ambulance services, medical supplies etc.

Corporate Travel:

Personal travelling on behalf of Council are covered for a range of selected exposures such as personal accident, medical expenses, baggage and personal effects, loss of deposits etc.

It is recommended that the City places its 2002/2003 Personal Accident and Travel insurance with Ace Insurance Ltd via Municipal Insurance Broking Service (MIBS) at a premium of \$1,240.25 (GST inclusive).

The insurer for the 2001/2002 financial year was Accident/Health Underwriting Ltd. The premium was \$935 (GST inclusive).

Councillors’ and Officers’ Liability

This insurance cover was a new policy in 2001/2002 and is designed to insure Councillors and Officers for legal costs, which could arise from a claim that may not be covered under the terms and conditions of a Public Liability/Professional Indemnity insurance policy with the Municipal Liability Scheme.

Insurance cover of this nature is becoming more popular and is considered essential given that a Councillor or an Officer may give an obviously incomplete or irrelevant answer to a question in a proposal which could give rise to a claim or a possible claim by another party against that person. This policy doesn’t cover judgement from a claim.

It is recommended that the City places its 2002/2003 Councillors and Officers Liability insurance with Ace Insurance Ltd via Municipal Insurance Broking Service (MIBS) at a premium of \$8,920.12 (GST inclusive).

The insurer for the 2001/2002 financial year was St Paul’s International Ltd. The premium was \$8,109 (GST inclusive).

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 ACCEPTS the Tender as submitted by Zurich Australian Insurance Ltd via Municipal Insurance Broking Service for the City's 2002/2003 Motor Vehicle and Plant Insurance cover at a premium of \$85,669.21 - GST inclusive;**
- 2 ACKNOWLEDGES that there were no tenders received for Property (ISR) Insurance for 2002/2003;**
- 3 ACCEPTS the quotation submitted by Allianz Australia Insurance Ltd via Municipal Insurance Broking Service for the City's 2002/2003 Construction Risks insurance cover at a premium of \$11,088.00 - GST Inclusive;**
- 4 ACCEPTS the quotation submitted by American International Group via Municipal Insurance Broking Service for the City's 2002/2003 Fidelity Guarantee insurance cover at a premium of \$2,365.00 - GST Inclusive;**
- 5 ACCEPTS the quotation submitted by Ace Insurance Ltd via Municipal Insurance Broking Service for the City's 2002/2003 Personal Accident and Travel insurance cover at a premium of \$1,240.25 - GST Inclusive;**
- 6 ACCEPTS the quotation submitted by Ace Insurance Ltd via Municipal Insurance Broking Service for the City's 2002/2003 Councillors and Officers Liability insurance cover at a premium of \$8,920.12 - GST Inclusive.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

**CJ150 - 07/02 RENEWAL OF WORKERS COMPENSATION
INSURANCE 2002/2003 PUBLIC
LIABILITY/PROFESSIONAL INDEMNITY
INSURANCE FOR 2002/2003 AND PROPERTY (ISR)
INSURANCE FOR 2002/2003 – [02882]**

WARD - All**PURPOSE**

This report provides details of insurance premiums from Local Government Insurance Services for the 2002/2003 financial year for:

Workers Compensation Insurance
Public Liability/Professional Indemnity Insurance
Property (ISR) Insurance

EXECUTIVE SUMMARY

This report provides Council with a summary of costs and changes in relation to renewal of the City's insurance policies for Workers Compensation Insurance, Public Liability/Professional Indemnity Insurance and Property (ISR) Insurance for the 2002/2003 financial year.

This report recommends that the City advises Local Government Insurance Services that it:-

- 1 continues with a burning cost system of insurance for its Workers Compensation insurance
- 2 accepts the premium quotation of \$372,300 exclusive of GST for Public Liability/Professional Indemnity insurance
- 3 accepts the premium quotation of \$305,219.17 exclusive of GST for Property (ISR) insurance.

Council at its meeting held on 26 June 2001 resolved that in future years insurance tenders and quotations be placed before Council by 30 April prior to the commencement of the new financial year.

Municipal Insurance Broking Services (MIBS) advised the City that this was not feasible as was outlined in report CJ433 – 12/01 to Council dated 18 December 2001 which revoked its decision of 26 June 2001.

BACKGROUND

In 1995/96 the former City of Wanneroo became an inaugural member of the now Local Government Insurance Services insurance scheme operated under the auspices of WAMA. One of the main purposes of the scheme was to gain group purchasing power for all participating local governments in the areas of:

- Workers Compensation insurance
- Public Liability/Professional Indemnity insurance
- Property (ISR) Insurance (commencing 2002/2003)

As a member of these schemes the provisions of the Local Government (Functions and General) Regulations 1996 apply. This effectively obviates the need for the City to call tenders for Workers Compensation, Public Liability/Professional Indemnity and Property (ISR) insurances.

DETAILS

Workers Compensation Insurance

From 1 July 2001 the City elected to operate its workers compensation insurance through a "Burning Cost" arrangement. A burning cost arrangement operates where the annual premium is directly related to claims experience with a portion of the premium paid as a deposit and the remainder paid (if applicable) based on claims experience. The premium is based on claims paid and varies between Minimum and Maximum payments. It is capped at the maximum of 3.50% of total salaries/wages and superannuation paid to employees for the year.

By way of a simple example a burning cost insurance scheme works as follows:

The insured pays an initial deposit to the insurer based on a deposit premium. The remaining funds (to the limit of the maximum premium) are shown as a liability in the insured's (City of Joondalup) balance sheet pending further premium call's. The total expense of 3.50% of salaries/wages and superannuation is shown as an expense in the operating statement for that year.

The period of the burning cost contract is usually between three to five years depending on claims experience.

Should the claims paid exceed the deposit premium then a further call is made against the insured to the maximum premium payable and charged to the liability account in the balance sheet. Should the total cost of claims exceed the maximum then the insurer carries the addition cost. If the cost of claims are lower than the maximum at the end of the burning cost period then the City benefits and the savings are transferred from the liability account in the balance sheet to the operating statement.

Municipal Workcare Scheme has indicated the following rates will apply for 2002/2003:-

Single Rate Premium	Total	3.5 % of Payroll (plus 3% HIH surcharge)
Burning Cost Premium	Minimum	1.9 % of payroll
	Deposit	2.2 % of payroll (plus 3% HIH surcharge)
	Maximum	3.5 % of payroll

The 3% government surcharge for the HIH collapse is only payable on the deposit premium and the single rate premium, this was 5% for 2001/2002.

Public Liability/Professional Indemnity Insurance

The former City of Wanneroo (and the City of Joondalup since 1 July 1999) has been a member of the Municipal Liability Scheme since its inception on 1 July 1995.

Participants of the scheme since that time have enjoyed the benefits of lower premiums, enhanced insurance coverage and a more personalised service.

The scheme has indicated its 2002/2003 terms and conditions and premium contribution will be \$372,300 excluding GST. The equivalent premium for 2001/2002 was \$282,490 excluding GST.

Payment of the contribution will be:

50% of contribution	\$186,150 plus GST	Payable 15 August 2002
50% of contribution	\$186,150 plus GST	Payable 15 November 2002

The GST will be claimed back from the Australian Taxation Office as an input tax credit.

Property (ISR) insurance

This scheme is a new scheme set up by Local Government Insurance Services and will commence on the 1 July 2002. Previously the City requested Municipal Insurance Broking Services (MIBS) seek tenders on the City's behalf. For 2001/2002 the City's Property (ISR) Insurance was with Allianz Australia Insurance Ltd at a declared replacement value of \$108,931,940 with a premium of \$253,332 excluding GST.

The City's buildings have been revalued internally by the City's Coordinator of Building Services for insurance purposes using the Australian Bureau of Statistics Construction Index Rate, additionally this year the City's Ornamental Street Lighting has been included, consequently the Declared Replacement Value has increased to \$113,259,058.

The scheme has recently indicated its 2002/2003 terms and conditions and premium contribution at \$305,219.17 excluding GST.

COMMENT/FUNDING

Workers Compensation Insurance

The scheme has been notified that the City's Estimation for Salaries/Wages and Council Contribution for Superannuation for the 2002/2003 financial year is \$21,464,900.

Using the two methods of calculation the premiums are as follows:

a)	Single Rate	Total	3.5 % of payroll	\$772,740 plus GST
		(3.5 % plus a 3.0 % government HIH surcharge)		
b)	Burning Cost Rating	Minimum	1.9 % of payroll	\$407,830 plus GST
		Deposit	2.2 % of payroll	\$491,546 plus GST
		Maximum	3.5 % of payroll	\$751,270 plus GST

(The deposit premium payment and the single rate payment includes the government HIH 3.0 % surcharge and is payable by 15 August 2002)

GST is claimed back from the Australian Taxation Office as an input tax credit.

An assessment of the claims history and risk profiles over the last few years indicates that it is more cost advantageous for the City to continue with a performance rating method for Workers Compensation insurance premium calculation (burning cost).

Based on the above calculations the maximum insurance cost exposure is \$751,270 (depending on final payroll calculations at end of financial year) with the distinct ability to have savings at the end of the burning cost period based on a reduction in claims experience.

Public Liability/Professional Indemnity Insurance

The City's contribution for these liability insurances for 2002/2003 will be \$372,300 exclusive of GST, an increase of under 35% over 2001/2002. This is competitive compared to the market where increases are as high as 100% plus.

Acceptance of this quotation is recommended.

GST is claimed back from the Australian Taxation Office as an input tax credit.

Property (ISR) Insurance

In previous years the City called tenders for this insurance cover through brokers Municipal Insurance Broking Service, however with the lack of interest by insurers to tender (in 2001/2002 only two insurers tendered) nil tenders were received for 2002/2003, Local Government Insurance Services has set up a Property (ISR) Insurance Scheme for local governments to commence from 1 July 2002.

The total declared Replacement Value for the 2002/2003 financial year is \$113,259,058 dissected into the following classes:-

Buildings	\$102,497,875
Ornamental Street Lighting	\$ 3,500,000
Artefacts and Artworks	\$ 228,134
Computer Equipment	\$ 4,686,758
Furniture and Fittings	\$ 1,074,233
Other Plant and Equipment	\$ 1,272,058

Excess on Claims

Standard Excess	\$2,500
Lighting Damage Excess	\$10,000
Malicious Damage Excess	\$10,000
Earthquake Damage Excess	\$20,000 or 1% Whichever is the lesser

In 2001/2002 the declared replacement value was \$108,931,940, which did not include Ornamental Street Lighting.

(The property (ISR) insurance premium for this cover for the 2002/2003 financial year will be \$305,219.17 exclusive of GST.)

The insurance premium for 2001/2002 was \$253,332 exclusive of GST.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council ADVISES Local Government Insurance Services that:

1 it continues with its burning cost scheme of Workers Compensation insurance premium calculation for the 2002/2003 financial year based on the following:

Minimum Payment	1.90% of payroll
Deposit Payment	2.20% of payroll (plus 3% Govt HIH surcharge)
Maximum Payment	3.50% of payroll

with payment of the deposit premium \$491,546.21 (excluding GST) to be in equal instalments including GST with the First Instalment on 15 August 2002 and Second Instalment due on 15 November 2002;

- 2 it accepts the 2002/2003 premium for Public Liability/Professional Indemnity insurance cover of \$372,300 (exclusive of GST) with payment to be in equal instalments including GST with the First Instalment on 15 August 2002 and the Second Instalment due on 15 November 2002;**
- 3 it accepts the 2002/2003 premium for Property (ISR) insurance cover of \$305,219.17 (exclusive of GST) with payment to be in equal instalments including GST with the First Instalment on 15 July 2002 and the Second Instalment due on 15 September 2002.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

**CJ151 - 07/02 NEW FINANCIAL MODEL MINDARIE REGIONAL
COUNCIL – [03149]**

WARD - All

PURPOSE

This 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 "new financial model" was developed by the MRC with input of elected members and officers from the various owner councils 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 financial model is more appropriate for the future because the model:

- Is based on a commercial approach in relation to land tenure, and separates the funding for operational and capital development;
- Is based on a "user pays" principle;
- Provides equity in costs 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;
- Operational surpluses are distributed to member Councils in proportion to equity percentages;
- Operational surpluses are either retained by the MRC and converted to loans for member councils, or are distributed to member councils as dividends;
- Loans from member councils will attract interest;
- Member councils are paid a commercial return on retained capital;
- Rate of return to be set between borrowing and lending rates; and
- Commercial lease rental will be applied to the current land leased by the MRC.

An independent review of the new financial model was undertaken by Mr Ron Back on behalf of the City.

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

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

At its meeting on 11 June 2002 Council deferred Report CJ133-06/02 pending further information as follows:-

"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)"

The review of the new financial model was undertaken by Mr. Ron Back on behalf of the City of Joondalup and indicates that - "The new financial arrangements are more equitable to all parties concerned and provide a demonstrable process to allow the MRC to advance and fund future infrastructure needs. The proposed financial arrangements for the MRC should be endorsed."

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 by "borrowing" from member councils attracts interest (with member agreement); No further 'automatic' reserving for future capital works; Commercial lease rental for land leased by MRC from member councils.
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 models are provided in attachments 1 & 2. The "distribution calculation example" is shown at Attachment 3 to this Report..

Financial Precepts

The current and proposed financial precepts for the financial model 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 (borrowing from member councils) 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.	The MRC leases land from member councils. Lease rental are to be at more commercial rates.
Surpluses arising from the conduct of operations since 1 July 1991 have been distributed to participating local governments on the basis of annual tonnage disposed, with the tonnage of casual users being divided among all member local governments in accordance with the equity entitlement of the local government. Such distribution is credited as a liability to the local governments concerned and paid as and when funds permit, without the accrual of interest. Annual operational surplus is rebated following audit of the accounts of the subject year	Operational surpluses are distributed to member councils in ownership percentages, subject to the retention of funds for future capital requirements; Where MRC decides to raise funds by the retention of surpluses, member councils may elect to receive the surplus provided the funds are contributed at the required stage.
Excavation costs are amortised over the full capacity of the site, the effect being that users filling "air space" in the future will bear a proportionate cost of excavation	Member's pricing is set at the actual cost of tipping. Where there is a surplus or deficit a model has been developed and is the subject of (e) in the recommendations to this report
Interest attributable to cash back reserves and provisions is excluded from the operational surplus when calculating member rebates, and is retained as part of the accumulated surplus;	
Any profit or loss on the sale of assets is excluded from the operational surplus when calculating member rebates, and is retained as part of the accumulated surplus;	

Associated Financial Business Rules

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

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

Conceptual Differences

The main conceptual differences between the two models are:

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

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

- Is based on a commercial approach in relation to land tenure, and separating the funding for operational and capital development ;
- Is based upon a "user pays" principle;
- 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 surplus distribution to the City will be in proportion to its equity (not tonnes tipped);
- Future funding requirements from member councils may be through either retention of surpluses (with the City's agreement) or through new loans. Interest is paid on the equity and loan balances;

- Tipping costs will be at actual cost and will not include a proportion to be set aside for future Reserves;
- The City will receive a more commercial fee for its leased portion of lot 118; and
- Based on the 2000/2001 tipping amounts and financial results, the new financial model will result in a financial benefit to the City.

Strategic Implications:

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

ADDITIONAL INFORMATION

As requested at the Council Meeting on 11 June 2002 Mr Ron Back has completed his review and his independent report is included as Attachment 4. In summary, Mr Back recommends:-

"The new arrangements use equity financing of future capital requirements and an equity basis for distributing "profits". In addition, it provides for a financial return to be paid to members for funds retained to meet future cash flow needs for capital and infrastructure development. The opportunity will also arise to allow members to achieve a better return of their investments by lending to the MRC at a better than rate of return than if depositing with a financial institution.

The new financial arrangements are more equitable to all parties concerned and provide a demonstrable process to allow the MRC to advance and fund future infrastructure needs. The proposed financial arrangements for the MRC should be endorsed."

COMMENT

The MRC has conducted two successful workshops with elected members and officers from member councils. A new financial model is proposed for the future funding of the MRC. The MRC has considered and agreed to the new financial model subject to individual member council approval.

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 NOTES that two financial workshops were conducted in December 2001 and February 2002 to develop the new financial model;**

2 APPROVES the 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 the 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 accounting 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 using the following formula:**

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 Mindarie Regional Council, on the basis of actual, rather than equity contributions.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendices 7 & 7b refer

*To access this attachment on electronic document, click here: [Attach7brf250602.pdf](#)
[Attach7bagn020702.pdf](#)*

**CJ152 - 07/02 TENDER NUMBER 034-01/02 - PROVISION OF
CONCRETE FOOTPATHS, DUAL USE PATHS,
CROSSOVERS AND PUBLIC ACCESSWAY WITHIN
THE CITY – [21522]**

WARD - All

PURPOSE

This report recommends acceptance of the tender from Westside Concrete Contractors Pty Ltd. for the Provision of concrete footpaths, dual use paths, crossovers and public access way within the City, and to endorse signing of the Contract documents.

SUMMARY

Tender No 034-01/02 Provision of Concrete Footpaths, Dual Use paths, Crossover and Public access way was advertised statewide on the 20 April 2002. Four tenders were received and this report recommends acceptance of the tender submitted by Westside Concrete Contractors Pty Ltd in accordance with the schedule of rates at attachment 1 to this Report.

It is recommended that Council:

- 1 ACCEPTS the tender from Westside Concrete Contractors Pty Ltd as per the Schedule of Rates as shown at Attachment 1 for tender 034-01/02 Provision of concrete footpaths, dual use paths, crossovers and public access way within the City. This Contract will commence from 1 July 2002 for a period of 12 months to 30 June 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;*
- 2 ENDORSES signing of the Contract documents.*

BACKGROUND

Four tenders were received and are summarised below:

Tenderer**Locality**

Sandtech Pty Ltd
 Westside Contractors
 Stirling Concrete
 Dowsing Concrete

Malaga
 Henley Brook
 Beeliar
 Victoria Park

Stirling Concrete Pty Ltd was successful with the previous Contract 026-99/00 and have successfully undertaken the works in accordance with Council requirements. The price submitted by Stirling Concrete Pty Ltd is high compared to other contractors. All the tenders submitted for Tender 034-01/02, have sufficient resources and experience to perform similar kind of work for the Council.

DETAILS

Council currently uses 1.2 to 1.5 metre wide concrete footpath on residential verge areas and 2.1 metre wide dual use paths in foreshore reserve and open space areas. Every year Council allocates a substantial amount of money to upgrade existing slab footpaths to in-situ concrete standards. Footpath works also involve installation of kerb ramps to provide access to pedestrians and bicycle. A comparison of prices of these items are summarized below:

COMPARISON OF PRICES – TENDER NUMBER 034-01/02 – provision of concrete footpaths, dual use paths, crossovers and public accessways within the city

Item	Description	Rate (\$)			
		Sandtech	Westside	Stirling	Dowsing
1	Footpath 1.2 m wide (more than 20m)	23.88	22.20	27.00	26.00
2	Footpath 1.5 m wide (more than 20m)	29.85	27.75	32.50	32.00
3	Dual use path 2.1 m wide	43.89	39.48	48.09	44.1
4	Cycle Kerb Ramp	150	210	210	220
5	Removal of existing footpath	2.00	2.00	3.00	4.50

TENDER EVALUATION

Tender 034-01/02 requires the Contractor to provide prices for Supply and Laying of Concrete Footpaths, Dual Use Pathways and Crossovers to Council's specification and tenders were assessed using a multi-criterion selection evaluation process considering the tender price, tenderer's resources and local content, safety management and tenderer's ability to meet the requirements of the Contract.

On completion of the evaluation using the abovementioned multi-criterion method Westside Concrete Contractors ranked as the preferred tenderer. They have the necessary experience, adequate resources and their tendered price is considered competitive.

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. However, no local companies were able to be considered as none of the tenderers are local businesses.

This Contract will commence from July 1 2002 and remain in place for a period of 12 months to 30 June 2003. The Contract period provides for 2 x 12-month extension periods subject to Council's approval.

FUNDING

Westside Concrete Contractors Pty Ltd submitted the lowest tender for the majority of items in the price schedule. In most instances, their submitted price is even lower than the contract price Council had last year. The decrease in price from previous contract for 1.2 metre wide footpath is 6% and 2.1 metre wide dual use path with lock joint is 12.2%. Funds will be allocated within the Operational Budget for this Contract to proceed.

COMMENT

The program provides for extension and upgrading of the path network throughout the City is divided in the three distinct areas of:

- (a) Shared paths
- (b) New paths
- (c) Slab path replacement

The selection of projects recommended is largely based on requests received from the community, condition of existing paths and recommendations emanating from the City's Bike Plan.

Factors that may be taken into consideration for new paths include vehicular traffic volumes in the street, trip attractors, proximity to community facility and expected pedestrian use. The continued development and upgrading of the City's path facilities will enhance existing path infrastructure and encourage walking and cycling within the community.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 ACCEPTS the tender from Westside Concrete Contractors Pty Ltd as per the Schedule of Rates as shown at Attachment 1 to Report CJ152-07/02 for Tender 034-01/02 Provision of concrete footpaths, dual use paths, crossovers and public access way within the City. This Contract will commence from 1 July 2002 for a period of 12 months to 30 June 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**

2 ENDORSES signing of the Contract documents.**The Motion was Put and****CARRIED BY
EN BLOC RESOLUTION NO 1***Appendix 8 refers**To access this attachment on electronic document, click here: [Attach8brf250602.pdf](#)***CJ153 - 07/02 TENDER NUMBER 035-01/02 - SUPPLY AND LAYING
OF CONCRETE KERBING – [19522]**

This item was considered earlier in the meeting following Item CJ146-07/02.

**CJ154 - 07/02 TENDER NUMBER 036-01/02 - SUPPLY AND
DELIVERY OF CRUSHED LIMESTONE – [17522]****WARD - All**

PURPOSE

This report recommends acceptance of the tender from WA Limestone as per the schedule of rates for Tender No 036-01/02 Supply and Delivery of Crushed Limestone and to endorse signing of the Contract documents.

SUMMARY

Tender No 036-01/02 Supply and Delivery of Crushed Limestone was advertised statewide on the 20 April 2002. Three tenders were received and this report recommends acceptance of the tender submitted by WA Limestone in accordance with the schedule of rates at attachment 1 to this Report.

It is recommended that Council:

- 1 ACCEPTS the tender from WA Limestone as per the Schedule of Rates as shown at Attachment 1 for Tender 036-01/02 Supply and Delivery of Crushed Limestone. This Contract will commence from 1 September 2002 for a period of 12 months to 31 August 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;*
- 2 ENDORSES signing of the contract documents.*

BACKGROUND

Three tenders were received and are summarised below:

Tenderer	Locality
Roadstone Quarries	Bibra Lake
WA Limestone	Bibra Lake
CSR Readymix	Gosnells

WA Limestone were successful with the previous Contract 034-99/00 and have successfully undertaken the works in accordance with Council requirements. All the tenders submitted for Tender 036-01/02, have sufficient resources and experience to perform similar kind of work for the Council. Although based in Bibra Lake, WA Limestone has quarries in different locations in Perth Metropolitan area, the supply of raw materials for Joondalup contract will be coming from the quarry in Wanneroo.

DETAILS

Council currently use 76 mm crushed limestone for minor road widening, carpark and dual use path construction and 19mm crushed limestone for maintenance purposes. A comparison of prices for supply and delivery of both these items to Council nominated sites are summarised below:

COMPARISON OF PRICES – TENDER NUMBER – 036-01/02 supply and delivery of crushed limestone

Item	Description	Rate(tonne)		
		Roadstone	CSR	WA Limestone
1	76mm Mix	5.75	6.30	5.60
2	19mm Mix	8.05	9.60	7.70

TENDER EVALUATION

Tender 036-01/02 requires the contractor to provide prices for Supply and Delivery of Crushed Limestone to Council's specification and tenders were assessed using a multi-criterion selection evaluation process considering the tender price, tenderer's resources and local content, safety management and tenderer's ability to meet the requirements of the Contract.

On completion of the evaluation using the abovementioned multi-criterion method WA Limestone ranked as the preferred tenderer. They have the necessary experience, adequate resources and their tendered price is considered competitive.

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. However, no local companies were able to be considered as none of the tenderers are local businesses.

This Contract will commence from September 1 2002 and remain in place for a period of 12 months to 31 August 2003. The Contract period provides for 2 x 12-month extension periods subject to Council's approval.

FUNDING

WA Limestone submitted a lower price for all type of mix, the percentage increase in price from previous contract for 76mm mix is 4.6% and 19mm mix at 4.5%. Sufficient funds will be allocated within the capital and operational budgets for this Contract period.

COMMENT

The major use of limestone is for Council's minor road widening, carpark, roundabout and dual use path construction. Limestone is also used for Council's maintenance works programs. WA Limestone has a proven track record with other City Councils' and currently held the same contracts with 12 other City Councils.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 ACCEPTS the tender from WA Limestone as per the Schedule of Rates as shown at Attachment 1 to Report CJ154-07/02 for Tender 036-01/02 Supply and Delivery of Crushed Limestone. This Contract will commence from 1 September 2002 for a period of 12 months to 31 August 2003, with an option for an extension for a further 2 x 12 months, subject to Council's approval;**
- 2 ENDORSES signing of the contract documents.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf250602.pdf](#)

**CJ155 - 07/02 TENDER NO 038-01/02: ADDITIONS TO MULLALOO
SURF LIFE SAVING CLUB – [15523]**

WARD - Whitfords

PURPOSE

To seek approval for the acceptance of the tender submitted by Dalcon Construction Pty Ltd for Tender No 038-01/02 – Additions to Mullaloo Surf Life Saving Club.

EXECUTIVE SUMMARY

Tenders for contract 038-01/02 to construct alterations and additions to the Mullaloo Surf Life Saving Club building were advertised on Wednesday 8 May 2002 and closed on Tuesday 28 May.

It has been determined that the best value for the City of Joondalup can be achieved by accepting the tender of \$296,145.00 (which contains a contingency amount of \$15,000) from Dalcon Construction Pty Ltd for the construction of Additions to Mullaloo Surf Life Saving Club.

This report recommends that Council:

- 1 *ACCEPTS the tender from Dalcon Construction Pty Ltd for contract 038-01/02 Structural Additions to Mullaloo Surf Life Saving Club for the lump sum price of \$296,145.00 exclusive of GST; and*
- 2 *AUTHORISES the signing of contract documents.*

BACKGROUND

As part of the 2001/02 Building Capital Works, total budget funds of \$370,000 were listed for the construction of alterations and extensions to the Mullaloo Surf Life Saving Club building on Foreshore Reserve 20561, Mullaloo. The funds are made up of \$120,000 from the City of Joondalup and contributions of \$150,000 from the Lotteries Commission, and \$120,000 made up of capital and in-kind sponsorship from the Mullaloo Surf Life Saving Club.

The proposal for alterations to the Mullaloo Surf Life Saving Club has been the subject of a previous reports to Council (FJ449-12/01 and CJ045-02/02 refers).

The proposal is to expand the existing building in a southerly direction, to extend the lower floor undercroft area. The additional building footprint will be occupied by the boat store (at beach level). The concrete roof of the boat store would be used for trailer storage (accessible from the existing car parking area). Internal alterations are also proposed to improve the wet areas and range of facilities that are on offer.

At its meeting of 26 February 2002 Council resolved to:

ADVISE the Western Australian Planning Commission that in regard to the proposed alterations to the Mullaloo Surf Club building, Oceanside Promenade, Mullaloo:

- 1 *SUPPORTS the application in accordance with the plan ST1 Revision C, subject to the following conditions:*
 - (a) *the current lease between the City and the Mullaloo Surf Club to be amended to reflect the extensions to the building;*
 - (b) *the colours and materials of the additions are to complement the existing building and the coastal location;*
 - (c) *a building licence is required to be issued by the City prior to the commencement of any work;*

- (d) *an acoustic consultant's report on the proposed gymnasium to be provided to the satisfaction of the City;*

It has been agreed with the Club that all works of a structural nature including changes to the appearance of the building would be undertaken by the City, with alterations to the change rooms undertaken by the Club. The City's works were estimated by an independent quantity surveyor (Ralph & Beattie Bosworth) at \$290,000. The Club has estimated that it will be able to complete it's work within the remaining funds of \$80,000.

Tenders for the City's work were advertised on Wednesday 8 May 2002 and closed on Tuesday 28 May 2002.

DETAILS

Five tenders were received:

TENDERER	LOCALITY	TOTAL COST
Dalcon Construction Pty Ltd	Carlisle	\$296,145.00
Lakis Construction Pty Ltd ¹	Malaga	\$307,308.00
Palace Homes & Construction Pty Ltd	Inglewood	\$325,084.58
Nuform Constructions Pty Ltd	Belmont	\$354,000.00
Homestead Construction Pty Ltd	Morley	\$357,254.00

The tender prices do not include GST

The tender from Lakis Constructions did not contain the mandatory breakdown of the tender sum. The Tender Evaluation Committee ruled that this tender could not be adequately assessed and was therefore ruled non conforming.

All tenders included the specified \$15,000 contingency sum.

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system. Each of the tender evaluation criteria were applied to each tender and scores were attributed accordingly.

For Tender 038-01/02, the evaluation criteria provided in the Tender Information Document were:

- 1 Lump sum price
- 2 Construction programme with milestones / deliverables
- 3 Safety management policy
- 4 Tenderer's resources
- 5 Tenderer's previous experience in carrying out similar works
- 6 Quality Management policy.

Policy 2.4.6 – Purchasing Goods and Services:

The City’s Policy on Purchasing Goods and Services encourages the participation of local business in the purchasing and tendering process. In compliance with the Trades Practices ACT 1974 and the National Competition Policy, the policy states that no price preference be given on account of the supplier being local. It is noted that no local companies tendered for this contract.

TENDER RECOMMENDATION

By applying the multi-criterion analysis, it has determined that the best value for the City of Joondalup can be achieved by accepting the tender of \$296,145.00 from Dalcon Construction Pty Ltd.

Financial Implications:

The funds available in project 4113 are:

City of Joondalup	\$120,000.00	
Lotteries Commission	<u>\$150,000.00</u>	
		\$270,000.00
Mullaloo SLSC		<u>\$120,000.00</u>
Total Funds Available		\$390,000.00
Less Tender from Dalcon Construction Pty Ltd		\$296,145.00
Consultancy fees		<u>\$ 10,100.00</u>
		<u>\$306,145.00</u>
Total available for Club’s fitout works		<u>\$ 83,855.00</u>

The funding of the project tender will be with the City’s contribution of \$120,000 and the Lotteries Commission contribution of \$150,000 with the balance of \$36,145 from the Surf Life Saving Club.

The tender sum contains a \$15,000 contingency sum. It would be reasonable to assume that at least some of this contingency allowance will be expended. Before construction can commence, therefore, it will be necessary for the Mullaloo Surf Life Saving Club to lodge the amount of \$36,145 with the City. The Club President has orally advised that at its meeting of the 11 June 2002, the Club’s Board agreed to the payment. Any unexpended contingency would be returned to the Club at the completion of the project.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 ACCEPTS the tender from Dalcon Construction Pty Ltd for contract 038-01/02 Structural Additions to Mullaloo Surf Life Saving Club for the lump sum price of \$296,145.00 exclusive of GST;**

2 AUTHORISES the signing of contract documents.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

CJ156 - 07/02 EXTENSION OF CONTRACT NO: 051-00/01 - SUPPLY OF ELECTRICAL MAINTENANCE SERVICE – [52009]

WARD - All

PURPOSE

This report recommends extension of Contract 051-00/01 Supply of Electrical Maintenance Service in accordance with the existing schedule of rates.

EXECUTIVE SUMMARY

This contract was awarded by Council at its ordinary meeting of 14 August 2001. Report No CJ268-08/01 applies. Wanneroo Electric Pty Ltd have requested extension of the contract in accordance with Clause 24 of the general conditions of Contract documentation.

This report therefore recommends that Council:

- 1 AUTHORISES the extension of Contract 051-00/01 Supply of Electrical Maintenance Service in accordance with the existing schedule of rates;*
- 2 ENDORSES signing of the Contract extension documents.*

BACKGROUND

Council, at its meeting of 22 May 2001, resolved that Contract 059-99/00 Supply of Electrical Maintenance Services not be extended and called for new tenders to determine the current market value.

New tenders were called for during June 2001, following which Council at its meeting held on 14 August 2001 determined to continue with Wanneroo Electric Pty Ltd as the service provider for the following reasons:

- The lowest priced tender was Wanneroo Electric, which was Council's current Contractor.
- In relation to the other 6 tenderers, the price increases range from approximately 16% through to 267%, relative to the lowest priced tenderer, which translates to an average prices increase of approximately 90%.

From this previous trial it can be concluded that whilst the recommended tenderer's prices remain the same as in the previous contract, there was a significant across the board increase in prices submitted. In hindsight, it would have been more cost effective to extend the previous contract than recall tenders.

COMMENT

POLICY 2.4.6 – Purchasing Goods and Services:

The City's Policy on purchasing goods and services encourages participation of local businesses in the purchasing and tender process. Wanneroo Electric Pty Ltd is a local business within the City of Joondalup and extension of this contract is supported given the performance by Wanneroo Electric and the schedule of rates remaining unchanged.

FUNDING

No change to current schedule of rates. All expenditure is via Council's endorsed operating budget.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 AUTHORISES the extension of Contract 051-00/01 Supply of Electrical Maintenance Service in accordance with the existing schedule of rates;**
- 2 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

**CJ157 - 07/02 EXTENSION OF CONTRACT 086 - 99/00 A & B -
SUPPLY AND DELIVERY OF P.V.C. PIPE FITTINGS
AND SPRINKLERS – [43655]**

WARD - All

PURPOSE

This report recommends extension of Contract 086-99/00 A & B agreement for the Supply and Delivery of P.V.C. Pipe Fittings and Sprinklers in accordance with the revised Schedule of Rates submitted.

EXECUTIVE SUMMARY

This contract was awarded by Council at its ordinary meeting of 23 May 2000. Report No CJ121-05/99 applies. Two local suppliers were jointly accepted, Elliot's Irrigation, of Canham Way, Greenwood and Hugall and Hoile of Winton Road, Joondalup.

Both companies have submitted a request for adjustment of the Schedule of Rates due to supply increases. The requested increase has been benchmarked with other suppliers and the prices are consistent.

This report therefore recommends that Council:

- 1 *AUTHORISES the extension of Contracts 086 - 99/00 A & B agreement for The Supply and Delivery of P.V.C. Pipe Fittings and Sprinklers;*
- 2 *AUTHORISES a variation to the Schedule of Rates as submitted in Attachment 1A & 1B;*
- 3 *ENDORSES signing of the Contract extension document.*

BACKGROUND

Elliot's Irrigation of Canham Way, Greenwood and Hugall and Hoile of Winton Road Joondalup are the current joint suppliers for the supply and delivery of P.V.C. pipe, fittings and sprinklers, and as part of this contract they store materials within their premises and supply on demand. Elliot's Irrigation services reticulation maintenance requirements for areas South of Whitfords Avenue and Hugall Hoile services the areas North of Whitfords Ave. This Contract was previously extended by Council at its ordinary meeting of 14 August 2001 in accordance with the Conditions of Contract documentation.

DETAILS

One x 12 month extension remains for this Contract and both companies have submitted documentation requesting the extension and a variation to the Schedule of Rates. Variation to the Schedule of Rates is requested due to:

- 1 Pipe Suppliers Iplex and Vinidex have submitted documented price increase information for 5.9% effective, 1 April 200. This increase is due to P.V.C Resin availability on the international market. To ensure that this Contract was providing Council with "Value for Money" a survey of two other Major suppliers was undertaken. This price comparison is provided as Attachment 2, Pages 1 – 4.
- 2 The prices submitted by Elliot's Irrigation and Hugall and Hoile are competitive and given that they provide storage and direct local supply there is a cost benefit to Council to extend the Contract for an additional 12-month period.
- 3 Both Hugall and Hoile and Elliot's Irrigation are competitive for supply of hunter sprinklers predominately use by Council. \$1 price variation.

COMMENT

POLICY 2.4.6 – PURCHASING GOODS AND SERVICES

The City's policy on purchasing goods and services encourages participation of local businesses in the purchasing and tender process. Both Elliott's Irrigation and Hugall and Hoile are local businesses within the City and have provided a good service to the City for its irrigation maintenance requirements.

Funding

All expenditure is via Councils endorsed operating budget or Capital Works Program.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council:

- 1 AUTHORISES the extension of Contract 086 - 99/00 A & B agreement for Supply and Delivery of P.V.C. Pipe Fittings and Sprinklers;**
- 2 AUTHORISES a variations to the Schedule of Rates as submitted in Attachment 1 to Report CJ157-07/02;**
- 3 ENDORSES signing of the Contract extension documents.**

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf250602.pdf](#)

CJ158 - 07/02 CLOSURE OF CROWN LAND AIRSPACE DUE TO BALCONY ENCROACHMENT – LOT 48 (41) REGENTS PARK ROAD, JOONDALUP – [45084] [07476]

This item was considered earlier in the meeting following Item CJ153-07/02.

CJ159 - 07/02 PROPOSED GARAGE ADDITION TO EXISTING SINGLE HOUSE WITH PARAPET WALL ON THE SIDE (EAST) BOUNDARY AND A NIL FRONT SETBACK AT LOT 426 (5) CURRAN COURT, JOONDALUP – [07155]

This item was considered earlier in the meeting following Item CJ158-07/02.

CJ160 - 07/02 PROPOSED REFURBISHMENT AND ADDITIONS TO CARINE GLADES TAVERN - LOT 12 (493) BEACH ROAD, DUNCRAIG – [05518]

This item was considered earlier in the meeting following Item CJ159-07/02.

CJ161 - 07/02 DELEGATED AUTHORITY REPORT MONTH OF MAY 2002 – [07032]

WARD - All

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 May to 31 May 2002.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ161-07/02.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf250602.pdf](#)

CJ162 - 07/02 SUBDIVISION REFERRALS PROCESSED 1 MAY – 31 MAY 2002 – [05961]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 – 31 May 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The subdivision applications processed will enable the potential creation of 81 additional residential lots and 7 strata residential lots. The average processing time taken was 15 days.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that COUNCIL NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ162-07/02.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf250602.pdf](#)

CJ163 - 07/02 REQUEST FOR THE REVIEW OF POLICY 3.2.7 - PEDESTRIAN ACCESSWAYS – [57155]

WARD - All

PURPOSE

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

EXECUTIVE SUMMARY

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

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

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

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

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

BACKGROUND

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

Previous Council Decision

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

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

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

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

DETAILS

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

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

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

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

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

Assessment Criteria

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

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

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

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

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

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

COMMENT

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

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

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council ACCEPTS the change to the reporting style with regard to the closure of pedestrian accessways to highlight that, where ambiguity in the assessment criteria occurs due to the nature of the particular case, additional details will be provided in italics to assist in presenting the issues.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

**CJ164 - 07/02 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY BETWEEN BATAVIA
PLACE AND BRIDGEWATER DRIVE, KALLAROO –
[47010]**

WARD - Whitfords

PURPOSE

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

EXECUTIVE SUMMARY

The applicants have requested closure of the above PAW based on grounds of anti-social behaviour. The application was advertised for public comment from 5 November 2001 to 5 December 2001. As part of the advertising process, questionnaires were forwarded to local

residents seeking their view on closure of the PAW and this was accompanied by a letter that provided information on the reasons why the applicant was requesting closure.

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

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

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

BACKGROUND

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

DETAILS

Current Proposal or Issue

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

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

Site Inspection

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

PAW Closure Process

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

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

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

Consultation:

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

Policy Implications:

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

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

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

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

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

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

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

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

Medium

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

Nuisance Impact Assessment

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

POLICE AND CITY OF JOONDALUP SECURITY WATCH INFORMATION

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

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

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

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

Low

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

Community Impact Assessment

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

Access for Disabled and Seniors

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

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

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

High

- Significant portion of respondents not in favour of closure (over 50%)
There are 19.5% of residents that responded objecting

- High portion of household use the PAW regularly
31 users of the PAW could be considered high.
- High portion of users inconvenienced by closure (over 50%)
17 of the 31 users (54%) advised they would be inconvenienced if the PAW is closed

Medium

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

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

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

Final Assessment

The result of each assessment is detailed below:

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

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council DOES NOT SUPPORT the closure of the Pedestrian Accessway between Batavia Place and Bridgewater Drive, Kallaroo.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendices 17, 17(a) and 17(b) refer

To access this attachment on electronic document, click here: [Attach17brf250602.pdf](#)
[Attach17abrf250602.pdf](#) [Attach17bbrf250602.pdf](#)

CJ165 - 07/02 REQUEST FOR THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN KENNEDY WAY AND RESERVE 31511 (SWEENEY RESERVE), PADBURY – [38518]

WARD - Pinnaroo

PURPOSE

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

EXECUTIVE SUMMARY

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

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

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

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

BACKGROUND

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

DETAILS

Current Proposal or Issue

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

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

Site Inspection

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

PAW Closure Process

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

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

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

Consultation:

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

Policy Implications:

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

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

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

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

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

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

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

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

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

Nuisance Impact Assessment

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

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

Police and City of Joondalup Security Watch Information

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

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

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

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

Community Impact Assessment

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

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

Medium rating:

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

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

Final Assessment

The result of each assessment is detailed below:

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

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

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council DOES NOT SUPPORT the closure of the Pedestrian Accessway that leads from Kennedy Way to Reserve 31511, Sweeney Park, Padbury.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendices 18, 18(a) and 18(b) refer

To access this attachment on electronic document, click here: [Attach18brf250602.pdf](#)
[Attach18abrf250602.pdf](#) [Attach18bbrf250602.pdf](#)

**CJ166 - 07/02 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY FROM PARTLET ROAD
TO RESERVE 35545 (LILBURNE RESERVE),
DUNCRAIG – [87011]**

This item was considered earlier in the meeting, following Item CJ160-07/02.

**CJ167 - 07/02 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY BETWEEN BLUE
MOUNTAIN DRIVE/YELLOWSTONE WAY AND
KUTCHARO CRESCENT, JOONDALUP – [52153]**

WARD – Lakeside

PURPOSE

The purpose of this report is for Council to consider the closure of the pedestrian accessway (PAW) between Blue Mountain Drive/Yellowstone Way to Kutcharo Crescent, Joondalup. See Attachment 1.

EXECUTIVE SUMMARY

The applicants have requested closure based on grounds of anti-social behaviour. The application was advertised for public comment from 11 December 2001 to 10 January 2002. As part of the advertising process, questionnaires were forwarded to local residents seeking their view on closure of the PAW accompanied by a letter advising residents of the reasons closure had been requested.

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

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

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are rated as medium, low and high respectively. Based on these ratings, the proposal accords with Case 6 of the Pedestrian Accessway Policy, therefore it is recommended that Council does not support the closure of the PAW between Blue Mountain Drive/Yellowstone Way and Kutcharo Crescent, Joondalup.

BACKGROUND

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

DETAILS

Current Proposal or Issue

Adjoining landowners have requested closure on grounds of various incidents of anti-social behaviour. If the proposal is supported for closure, Western Power's infrastructure within the PAW will need to be modified and an easement will be also be required. The subject PAW contains the City's stormwater drainage and also provides for the possible future creation of an overland flow path for stormwater collection at the low point of the northern end of the PAW. Should closure be supported, the City will also require an easement over the PAW. One of the applicants has agreed to purchase the full width of the PAW and meet all other associated costs and conditions if closure is the outcome.

Site Inspection

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

- Some rubbish/broken glass etc
- One half paling was damaged
- Some old graffiti on fences
- Good access to bus stops and reserve across Blue Mountain Drive
- One light pole at the Kutcharo Crescent end of the PAW
- Good vision through the PAW
- Two residents used the PAW during the site inspection

PAW Closure Process

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

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

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

Consultation:

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 11 December 2001 to 10 January 2002 and a letter and questionnaire forwarded to residents living in Bodensee Grove, Manito Court and Kutcharo Crescent as overall, it was considered that residents occupying these homes would be the likely users of the subject PAW. The letter provided the reasons the adjoining landowner sought closure and the questionnaire requested information from residents on various matters relating to the PAW. Attachments (3) and (4) summarise the information from the returned questionnaires.

There were three submissions received during the advertising period that objected to closure. Daily use of the PAW for accessing public transport is referred to with one family stating that closure of the PAW will add an extra ten minutes to their journey. Reference was also made to the inconvenience closure would cause to three elderly residents in the area that do not drive and therefore rely on public transport. All three submissions state that though using the PAW regularly, they have never witnessed any anti-social behaviour. Two of the submissions mention the aggressive behaviour of the dog, even when not provoked, and the fact that this causes them to feel frightened and unsafe unexpectedly.

A further submission in support of closure was received from one of the adjoining landowners that enclosed a copy of two photographs. One of graffiti on the fence threatening the life of their dog and the other showing a damaged letterbox. It advised of ongoing problems with youths banging on the fence in the early hours to harass the dog, fence damage and items being thrown over the fence.

Policy Implications:

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

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

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

COMMENT

Assessment and Reasons for Recommendation

Urban Design Assessment

The subject PAW is a link to Blue Lake Park (across Blue Mountain Drive), is not part of the “Safe Routes to School” programme or significant with regard to the City’s Bike Plan. The subject PAW is part of a small network of PAWs. As can be seen from Attachment (1), the PAW is quite significant with regard to location of bus stops. It also assists the residents with reducing the walking distance to Currambine Railway station via Yellowstone Way/Burns Beach Road or Bonnevile Way/Burns Beach Road.

Examinations were conducted to assess the impact before and after closure of the PAW on homes accessible within 400 metres of the local bus stops. If the PAW is closed, the walking distance to local bus stops for most of the residents within the area would increase to that over 400 metres. The Urban Design Assessment rated between high and medium however, a medium has been given as Policy 3.2.7 states as follows:

Medium

- PAW provides a route to community facilities but not direct
The route to the reserve is considered direct but the main use appears to be for access to bus stops and the PAW is an indirect route to local bus stops
- An alternative route exists but with some inconvenience
The alternative route for residents accessing the local rail or bus services can be seen from Attachment (1). However, it is considered to be a notable inconvenience to public transport users as it increased the walking distance.
- PAW not designated as a ‘Safe Route to School’ or significant on the City’s Bike Plan
This is correct

High

- PAW provides a direct route to community facilities
The PAW is a direct route to Blue Lake Park
- A safe, alternative route does not exist
The alternative route is considered excessive in walking distance for local transport users
- PAW part of a continuous PAW link - i.e. a chain of two or three PAWs and is linked to streets with existing path systems
The PAW is part of a continuous PAW link
- PAW is a designated ‘Safe Route to School’, or on the City ‘Bike Plan’
This is not correct

Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. There are two adjoining properties to the subject PAW and the adjoining landowners justification for closure is based on:

- young people continually banging on one of the fences to aggravate the two dogs
- vehicle graffitied
- rocks and general rubbish being thrown over the fence into the backyard
- fence set alight
- groups congregating late on weekend evenings shouting and intentionally harassing the dogs
- letter-box has been vandalised/stolen
- syringe found on adjoining lot

Police and City of Joondalup Security Watch Information

Information from Joondalup police was gathered on attendance to incidents *"in and around"* the subject area and the streets targeted were Blue Mountain Drive, Yellowstone Way, Kutcharo Crescent, Manito Court and Bodensee Grove however, no information was provided specific to incidents in the PAW.

City Watch patrols that were undertaken from 16 April 2002 to 23 May 2002 in the vicinity of the subject PAW and did not produce any incidents of anti-social behaviour.

As can be seen from Attachment (3) there is little supporting evidence from users of the PAW to suggest that the level of anti-social behaviour being experienced by adjoining landowners is disproportionate. The fact that adjoining properties to the subject PAW have back boundaries that abut a street means that items can still be thrown over the fence and youths can still aggravate the dog from the back of the property on Blue Mountain Drive.

Based on the foregoing, the Nuisance Impact Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

Low

- Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb
No real supporting evidence to indicate the occurrence of anti-social behaviour being experienced is any worse than that elsewhere in the suburb.
- Types of offences are limited to antisocial behaviour
Vandalism in the PAW is considered to be an offence. Harassment of the dog both night and day is one of the main concerns of adjoining landowners.
- The severity of antisocial behaviour is similar to elsewhere in the suburb
No real supporting evidence to indicate the severity of anti-social behaviour being experienced is any worse than that elsewhere in the suburb.

Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAW's level of use and frequency of use by users of the PAW. Attachments (4) and (5) indicate the reasons for use and frequency of use for the 21 users of the PAW.

It is fair to consider 21 users of a PAW as relatively high use. The residents generally use the PAW daily. Access to public transport is one of the main reasons the PAW is used. Based on the foregoing, the Community Impact Assessment is rated high as per Policy 3.2.7 – Pedestrian Accessways. A high rating on balance is the most appropriate rating.

High

- Significant portion of respondents not in favour of closure (over 50%)
62.5% of respondents are not in favour of closure
- High portion of household use the PAW regularly
21 users of a PAW could be considered high especially when the frequency of daily is taken into account
- High portion of users inconvenienced by closure (over 50%)
85.5% of users indicated they would be inconvenienced if the PAW is closed

Of the 24 questionnaires returned, there are 15 (62.5%) objections to closure and 7 (29%) in support, 2 (8.5%) being neutral. Overall there are 21 (87.5%) users of the PAW. Of the 7 supporters, 4 (57%) are users. Of the 21 users, 18 (85.5%) advised they would be inconvenienced if the PAW is closed.

Final Assessment

The result of each assessment is detailed below:

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

The subject PAW is a link (across a road) to Blue Lake Park. More importantly in this case is the subject PAW's access to local bus stops and the Currambine Railway Station, which results in a relatively high level of use on a daily basis. The Nuisance Impact Assessment does not clearly demonstrate that there is a significant level of anti-social behaviour associated with this PAW. The main problem appears to be harassment of the dog and the dog's behaviour is due to it protecting the property. It should be noted however, that many residents have advised that the dog will react even when residents walk quietly along the PAW.

The assessment accords with Case 6 of the Pedestrian Accessway Policy and therefore it is recommended that the Pedestrian Accessway between Blue Mountain Drive/Yellowstone Way and Kutcharo Crescent is not supported for closure.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Patterson, SECONDED Cr Kimber that Council does NOT SUPPORT the closure of the pedestrian accessway between Blue Mountain Drive/Yellowstone Way and Kutcharo Crescent, Joondalup.

The Motion was Put and

**CARRIED BY
EN BLOC RESOLUTION NO 1**

Appendices 20 and 20(a) refer

To access this attachment on electronic document, click here: [Attach20brf250602.pdf](#)
[Attach20abrf250602.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**C89-07/02 CONFIDENTIAL REPORT - RANS MANAGEMENT GROUP - REVISED OPTIONS IN RESPONSE TO THE SPECIAL COUNCIL MEETING OF 26 JUNE 2002 - [46492]**

This item was considered earlier in the meeting, following Petitions.

C93-07/02 REQUEST FOR SECOND PUBLIC QUESTION TIME

MOVED Cr Hollywood, **SECONDED** Cr Carlos that, in accordance with Clause 3.2 of the City's Standing Orders Local Law, a second public question time be permitted prior to the close of this evening's meeting in order that members of the public may ask questions in relation to decisions made at this meeting.

The Motion was Put and

CARRIED (9/4)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C94-07/02 NOTICE OF MOTION NO 1 – CR J HOLLYWOOD – ALLOCATION FOR 2002/2003 BUDGET**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 July 2002:

“That the Council AGREES to allocate an amount of \$80,000 in the 2002/03 budget to provide dedicated right turn pockets on Burns Beach Road and associated signal modifications at the intersection with Marmion Avenue.”

In support of the Motion, Cr Hollywood has advised that the main reason for requesting this project be listed within the 2002/03 is aimed at addressing local residents concerns by improving safety at the intersection of Burns Beach Road and Marmion Avenue.

OFFICER'S COMMENT

At the Budget Committee Meeting held on 7 May 2002 the committee recommended Project MIT003 - Marmion Avenue (Burns Beach Road) be deferred until external funding could be secured.

At the Budget Committee Meeting held on 22 May 2002 Cr Hollywood proposed that this project be included in the 2002/2003 Capital Works Programme. The motion was put and lost. The project is included in the Draft Capital Works Programme for 2003/04.

The available funding programs for projects of this nature are the Federal and State Blackspot programs. Officers have made an assessment of this project in accordance with the programs

funding criteria, and the findings reveal that this project would not attract any funding assistance from either programs for the 02/03 and 03/04 periods.

The adjacent developer's consultant has been approached in the past to contribute to this work and consider that the improvement work is regional in nature, and thus is considered the responsibility of state and local governments.

Notwithstanding this, MRWA have indicated that they will fund the traffic signal modification works estimated at approximately \$20,000, provided the City undertake the pavement modification works comprising of the installation of a right turning pocket.

An opportunity may exist to fund the City's proportion of the works estimated at \$80,000 from surplus monies that are now anticipated from the City's 02/03 Traffic Management program.

This work is being proposed to address local community concerns in relation to the alignment and layout of this particular major intersection.

MOVED Cr Hollywood, SECONDED Cr Nixon that Council **AGREES** to allocate an amount of \$80,000 in the 2002/03 budget to provide dedicated right turn pockets on Burns Beach Road and associated signal modifications at the intersection with Marmion Avenue.

Discussion ensued.

The Motion was Put and

LOST (5/9)

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

C95-07/02 NOTICE OF MOTION NO 2 – CR C BAKER

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 July 2002:

"I move that in the interests of open, accountable and transparent Local Government, the City of Joondalup commissions an in-house report examining the merits of transcribing Ordinary and Special Council Meetings including but not limited to:

- 1 The cost of transcribing such meetings;*
- 2 The creation of a formal accurate record of what is said by Council Officers, Council Staff, Councillors and members of the public during the course of such meetings;*
- 3 Enabling the members of the public who do not have the opportunity of attending such meetings to be able to peruse these transcripts;*
- 4 Making the transcripts available on the Council's website."*

OFFICER'S COMMENT

Current Policy 2.26 – Council and Electors' Meetings – Electronic Sound Recording provides the following objectives:

“To provide for the electronic recording of Council Meetings to ensure that a true and accurate account of the debate and discussions at the meetings is available.”

The Policy allows for all Ordinary and Special Meetings of Council, along with Electors' Meetings to be electronically recorded. Elected Members' and members of the public may obtain a copy of the tape, with members of the public agreeing to pay for the tape. Members of the public may alternatively listen to the tapes under supervision, at cost. The Policy only allows for transcripts to be provided to Elected Members' upon request.

The intent of the policy was to record Council and Electors' meetings in order to assist with more accurate minute taking. However, over time, there have been an increasing number of requests to furnish copies of the tapes to individuals.

To transcribe a 'normal' Ordinary Council Meeting, it would be estimated to take 30 hours' which does not include the requirement to transcribe Special Council Meetings where the need arises. The City does not have the current resources to accommodate such need on a regular basis and there would be the need to employ external assistance.

As the intent of the current policy was to assist in the minute taking, the proposal to consistently transcribe proceedings of a Council Meeting is not supported.

MOVED Cr Baker, SECONDED Cr Kimber that in the interests of open, accountable and transparent Local Government, the City of Joondalup commissions an in-house report examining the merits of transcribing Ordinary and Special Council Meetings including but not limited to:

- 1 the cost of transcribing such meetings;
- 2 the creation of a formal accurate record of what is said by Council Officers, Council Staff, Councillors and members of the public during the course of such meetings;
- 3 enabling the members of the public who do not have the opportunity of attending such meetings to be able to peruse these transcripts;
- 4 making the transcripts available on the Council's website.

Discussion ensued.

The Motion was Put and

LOST (5/9)

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

C96-07/02 NOTICE OF MOTION NO 3 – CR M O'BRIEN

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 2 July 2002:

- “1 *That Council initiates a “Municipal, Centenary Best Kept Street Competition” in order to promote Community Involvement in verge and front set back care in the City of Joondalup, with components being, conservations of water use, sustainable, Western Australian botanical specie use and involvement of the local volunteer conservation people in drafting the categories of botanical species to be encouraged;*

- 2 *That there be conjointly a “Locality, Best Kept Street” awarded for each Locality e.g., Duncraig, Heathridge, Kallaroo etc. and that Winning Signage be prepared, to remain in place on site, for one year after the awards until the successor Best Kept Street is awarded the following year.*

- 3 *That the Horticultural Officers of the Municipality be responsible for a report to next Council Meeting, on methodology of initiating the competition.”*

OFFICER'S COMMENT

The matter of providing incentives has been previously investigated as part of the City's Road Verge Review Study. The review found that whilst a number of local governments have introduced incentive schemes, they have not seen an overwhelming turn around in verge beautification works, as it appears that those owners who want to treat the verge do so for themselves rather than for an award.

The feedback received from other Councils would suggest that there is a tendency for these programs to increase the administration and expenditure for Councils without any real perceived enhancement in verge and garden beautification of the City.

MOVED Cr O'Brien, SECONDED Cr Barnett that:

- 1 Council initiates a “Municipal, Centenary Best Kept Street Competition” in order to promote Community Involvement in verge and front set back care in the City of Joondalup, with components being, conservations of water use, sustainable, Western Australian botanical specie use and involvement of the local volunteer conservation people in drafting the categories of botanical species to be encouraged;

- 2 there be conjointly a “Locality, Best Kept Street” awarded for each Locality e.g., Duncraig, Heathridge, Kallaroo etc. and that Winning Signage be prepared, to remain in place on site, for one year after the awards until the successor Best Kept Street is awarded the following year.

- 3 the Horticultural Officers of the Municipality be responsible for a report to next Council Meeting, on methodology of initiating the competition.

Discussion ensued.

The Motion was Put and

LOST (5/9)

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

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 23 JULY 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

SECOND PUBLIC QUESTION TIME

Mr S Magyar, Heathridge:

Q1 In relation to the House Committee recommendation to appoint various companies to do refurbishment in the Councillors lounge etc, does the House Committee have delegated authority to carry out any expenditure?

A1 Response by Cr Walker: The House Committee does not carry out expenditure, it has to go to Council to be approved. The House Committee cannot make decisions to carry out expenditure.

Q2 Is the House Committee authorised to proceed with purchasing of ties and jackets?

A2 Response by Cr Walker: It is my understanding that there is an amount of money set aside for such items as Councillors' uniforms, safety gear, lap tops etc. and they come out of funds that have already been allocated.

Cr Rowlands left the Chamber at this point, the time being 2254 hrs.

Q3 Does the document the Preparation of Minutes and Agendas have any legal standing whatsoever as a local law or a state law?

A3 This question will be taken on notice.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2255 hrs; the following elected members being present at that time:

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