



City of
Joondalup

DRAFT AGENDA

FOR

BRIEFING SESSION

TUESDAY, 2 MARCH 2004

PUBLIC QUESTION TIME

Public question time is provided at meetings of the Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions must relate to the ordinary business of the City of Joondalup or the purpose of the special meeting.

Prior to the Meeting/Briefing Session

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

At the Meeting/Briefing Session

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;
- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

The following rules apply to public question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Disclaimer

Responses to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

DEPUTATION SESSIONS

Commissioners will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on
TUESDAY, 2 MARCH 2004 commencing at 6.30 pm

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 PUBLIC QUESTION TIME

The following questions were submitted by Mrs M Macdonald, Mullaloo to the Briefing Session held on 10 February 2004:

Q1 Re: Approval under delegated authority to mixed use development of Lot 495 Grand Boulevard: On 2 December 2003 Council deferred consideration of this application pending an additional report. Given that decision of Council and that the site is R60 to R100, how can this proposal be approved under delegated authority?

A1 The matter was discussed with the applicant and changes were made to the plans. The City referred the plans and its recommendation to its lawyers. This was examined in relation to the Scheme and the Manual and it was found to be in order and accordingly approved under delegated authority.

Q2 Does the Scheme allow residential density to be altered?

A2 The Scheme allows Council to consider the matters. Part of the plan was changed to reduce the density.

The following questions were submitted by Ms S Hart, Greenwood to the Briefing Session held on 10 February 2004:

Q1 Does delegated authority have the power to change density on an issue, rather than the issue going to Council?

A1 Yes.

Q2 Can Commissioners give consideration to their being appointed to Council's committees, rather than staff being appointed?

A2 This comment is noted.

The following questions were submitted by Ms M Whitecunas, Ocean Reef to the Briefing Session held on 10 February 2004:

Q1 Re Ocean Reef Road extension: Why has the motion previously moved not been put forward in its entirety?

A1 There was a previous resolution of Council that indicated a certain course of action. The report will be a matter for consideration as to the amount to be allocated and the consultation to be undertaken.

Q2 Do you accept that the majority of people are concerned about the road and would like to have public consultation?

A2 Yes. There will be public consultation on the road. This matter will be considered at the Council meeting on 17 February 2004.

The following questions were submitted by Mr Jim Stewart, Ocean Reef to the Briefing Session held on 10 February 2004:

Q1 Re Ocean Reef Road extension: After ten years since the road was proposed, why are there delays in building it?

A1 The Council will deal with the matter on 17 February 2004.

The following questions were submitted by Mr S Magyar, Heathridge to the Briefing Session held on 10 February 2004:

Q1 Re Outstanding petitions of 404 signatures relating to the issue of the CEO. Would it not be appropriate to leave this petition on the agenda until the Commissioners have made their final determination on the matter?

A1 The petition was addressed in the report to Council on the Annual General Meeting of Electors. Council resolved that the matters were being investigated by the Commissioners.

The following questions were submitted by Mr O Reichenberg, Ocean Reef to the Briefing Session held on 10 February 2004:

Q1 Council determined that Ocean Reef Road be extended to enable people to gain access to the marina. Is Council aware that there are no safe beaches suitable for families on this section of Ocean Reef Road?

A1 Officers are aware of the condition along the beachfront. At this stage those issues have not been the subject of a detailed investigation by staff.

Q2 Re: Environmental impact study: Why hasn't a consultation process been undertaken?

A2 This matter will be considered by Council on 17 February 2004.

The following questions were submitted by Mr David Lloyd, Ocean Reef to the Briefing Session held on 10 February 2004:

Q1 Re Ocean Reef Road extension: In the proposed design of the road, has traffic noise or environmental impact been taken into consideration?

- A1 The use of asphalt will be looked at to reduce traffic noise. Design of the road will be reviewed and further consultation will be required. This will be considered by Council on 17 February 2004.

3 DEPUTATIONS

4 APOLOGIES AND LEAVE OF ABSENCE

5 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

6 REPORTS

ITEM 1	RECORDKEEPING PLAN - STATE RECORDS ACT 2000 – [66036]	1
ITEM 2	CITY OF JOONDALUP COMMENT ON CITY OF WANNEROO ECONOMIC DEVELOPMENT STRATEGY – [14519].....	5
ITEM 3	WARRANT OF PAYMENTS – 31 JANUARY 2004 – [09882]	9
ITEM 4	FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2004 – [07882].....	11
ITEM 5	NOVATION OF CONTRACT NUMBER 005-02/03 FROM HIGH SPEED ELECTRICS NOMINEES PTY LTD TO SUN COURT PTY LTD TRADING AS HIGH-SPEED ELECTRICS (WA) – [82527]	12
ITEM 6	MINUTES OF THE URBAN ANIMAL MANAGEMENT COMMITTEE HELD TUESDAY 18 NOVEMBER 2003 – [44818].....	15
ITEM 7	PETITION - TRAFFIC ISSUES IN MULLIGAN DRIVE, WARWICK – [14100] [35487] [35485].....	17
ITEM 8	PROPOSED AMENDMENT NO 21 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE PORTION OF LOT 9016 (500) BURNS BEACH ROAD, BURNS BEACH DEVELOPMENT – [21557].....	22
ITEM 9	DEDICATION OF PORTIONS OF NORTHSORE DRIVE, GUNTER GROVE, WHITFORDS AVENUE, ADMIRAL GROVE, POSEIDON ROAD AND OCEAN REEF ROAD – [16988] [18276] [05056] [10831] [00374] [08496]	26
ITEM 10	DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2004 – [07032].	29
ITEM 11	SUBDIVISION REFERRALS PROCESSED 1 – 31 JANUARY 2004 – [05961]	30

7 REPORT OF THE CHIEF EXECUTIVE OFFICER

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9 DATE OF NEXT MEETING

10 CLOSURE

ITEM 1 RECORDKEEPING PLAN - STATE RECORDS ACT 2000 – [66036]

WARD - All

PURPOSE

This report is to outline the City's draft Recordkeeping Plan, which is a requirement under the State Records Act 2000, and seek adoption of the Plan and related Policy by the Joint Commissioners.

EXECUTIVE SUMMARY

The City is required to submit a Recordkeeping Plan to the State Records Commission, as per the State Records Act 2000 no later than 7 March 2004. This Plan and the Recordkeeping Responsibilities Policy require endorsement of the Council.

In order to comply with the required deadlines, a draft of the Plan has been forwarded to the State Records Commission for review. Upon adoption by the Joint Commissioners, a final version of the Plan will be provided to the State Records Commission. The Commission may approve or refuse to approve the City's plan, but must give reasons if not approved. The City is able to amend its plan at anytime and must submit the changes to the State Records Commission.

It is recommended that the Joint Commissioners:

- 1 Adopt the Recordkeeping Responsibilities Policy for inclusion in the Recordkeeping Plan.
- 2 Adopt the Recordkeeping Plan as attached to this report.

BACKGROUND

The State Records Act 2000 is an Act to provide for the keeping of State records and for related purposes.

Section 57 of the Act requires the establishment of a body called 'The State Records Commission', consisting of the Auditor General, Information Commissioner, Parliamentary Commissioner for Administrative Investigations and an experienced person in recordkeeping who is not a public service officer, appointed by the Governor.

The Commission's functions include:

- Monitoring the operation of and compliance with the Act;
- Monitoring compliance by government organisations with recordkeeping plans;
- Inquiring into breaches or possible breaches of the Act;
- Establishing principles and standards (to be published in the *Government Gazette*);
- Establishing a committee (with representatives from the Public Service and bodies concerned with recordkeeping) to advise the records that should be State archives, the retention period for those records that are not to be State archives and associated matters;

- Submitting its annual report to Parliament about the activities of the Commission and the operation of the Act.

Part three of the Act requires the City to:

- Establish a recordkeeping plan;
- Review the plan, incorporating significant changes to the City, no later than five years from approval of the Commission, and submit the changes to the Commission;
- Report to the Commission about the plan and its compliance.

The plan sets out which records are to be created, the manner they will be created, how they are to be kept and their destruction, including:

- Those records that will be State archives;
- Those State archives that will be restricted access archives and the ages at which they will cease to be restricted access archives;
- The retention period for records that are not State archives;
- The systems to ensure the security of the records and compliance with the recordkeeping plan.

The plan must comply with the principles and standards established by the Commission, ensuring that records kept by the City properly and adequately record the performance of the City's functions and are consistent with any written law to which the City is subject when performing its functions (i.e. Local Government Act).

Every employee, elected member and contractor that create records on behalf of the City must comply with the plan.

A statement noting compliance of the Act shall be included in each edition of the Annual Report of the City. This statement needs to address any significant improvements or developments of the recordkeeping system (including an evaluation of the system not less than once every five years), details of the City's recordkeeping training program (including an evaluation of the efficiency and effectiveness of the program) and that the City's induction program addresses employee roles and responsibilities in regard to their compliance with the plan.

Development of the City of Joondalup's Recordkeeping Plan commenced in July 2003 with Council report C121-07/03 that provided an outline of the intent of the Act and the responsibilities of recordkeeping by elected members. This item was not moved.

During September 2003 the City produced a draft guide titled 'Recordkeeping Responsibilities for Elected Members' which was disseminated to all elected members seeking comments.

In November 2003, Council report C249-11/03 sought for the adoption of a Recordkeeping Policy that would then be included in the City's Recordkeeping Plan. This item was withdrawn due to questions raised from the public. The public queried why there wasn't a policy dealing with retention and/or destruction of records, why the proposed Recordkeeping Policy wasn't part of a broader recordkeeping plan and included reference to elected members and the definition of a State record and if the Public Interest Disclosure Act 2003 was taken into account.

The public was informed that the City abides by the General Disposal Authority for Local Government that recommends retention periods, that the recordkeeping policy was a requirement for inclusion in the City's Recordkeeping Plan and included the definition of a record. They were advised that the Public Interest Disclosure Act 2003 was not taken into account as this is an Act to facilitate the disclosure of public interest information and to provide protection for those who make disclosures and it does not relate to the recordkeeping requirements of the City. The State Records Office of Western Australia supported the view that the Public Interest Disclosure Act 2003 has no relevance in relation to the proposed recordkeeping policy.

DETAILS

The plan has six principles that relate to:

Principle 1 – Proper and Adequate Records

- Historical Information
- Vision Statement
- Mission Statement
- Values
- Main Business Activity
- Functions and Activities
- Outsourced Functions
- Major Stakeholders
- Enabling Legislation
- Legislation Administered
- Other Significant Legislation
- Standards and Codes of Practice

Principle 2 – Policies and Procedures

- Policy
- Procedures

Principle 3 – Language Control

Principle 4 – Preservation

Principle 5 – Retention and Disposal

Principle 6 – Compliance

- Staff Training / Induction
- Evaluation
- Key Performance Indicators
- Annual Report Excerpt

Principle Two requires the City to prepare a policy in relation to recordkeeping. This policy sets the guidelines for proper recordkeeping practices by the City in which all elected members, staff and contractors creating records must abide by. The policy includes the definition of corporate records, access to corporate records, destruction of corporate records and training and education offered.

ATTACHMENTS - *Appendix 1 refers (See Appendices at rear of agenda)*

Attachment 0	City of Joondalup Recordkeeping Plan
Attachment 1	Corporate Procedures Manual
Attachment 2	Recordkeeping Responsibilities and RMS User Guide
Attachment 3	(Draft) Recordkeeping Responsibilities for Elected Members
Attachment 4	RMS Administrators Guide
Attachment 5	Records Services Procedure Manual
Attachment 6	(Draft) Business Contingency Plan

VOTING REQUIREMENTS

Simply Majority

RECOMMENDATION

That the Joint Commissioners ADOPT the:

- 1 Recordkeeping Responsibilities Policy for inclusion in the Recordkeeping Plan;**
- 2 Recordkeeping Plan as shown at Attachment 0 to this Report.**

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf020304.pdf](#)

ITEM 2 CITY OF JOONDALUP COMMENT ON CITY OF WANNEROO ECONOMIC DEVELOPMENT STRATEGY – [14519]

WARD - All

PURPOSE

Endorsement is sought from Council to provide a response to the City of Wanneroo's draft Economic Development Strategy.

EXECUTIVE SUMMARY

In December 2003, the City of Wanneroo completed and circulated a draft Economic Development Strategy for comment by the City of Joondalup as well as the general public (Attachment C). A draft comment from the City of Joondalup (Attachment A refers) has been prepared for Council's approval.

To date, the City of Joondalup has embarked on the development of its economic, social and environmental policies within a reference to its own municipal borders. This submission seeks to broaden the City of Joondalup's policy perspective with the recognition that future development strategies require a collaboration with the City of Wanneroo at the regional level.

Key vehicles to progress a collaborative approach between the two cities relate to leveraging a number of existing or proposed State and Federal Government initiatives to develop the region's various strengths, such as tourism or in the area of much needed employment generation.

It is recommended that the Joint Commissioners:

- 1 ENDORSE the submission from the City of Joondalup (Attachment A refers) to the City of Wanneroo regarding the latter's Economic Development Strategy;*
- 2 APPROVE the development of a more collaborative approach in partnership with the City of Wanneroo in the pursuit of the region's economic, social and environmental sustainability goals;*
- 3 REQUEST the City of Joondalup's administration to review and update the City's current Economic Development Strategy (CJ175-06/01 – Attachment B refers) and any associated policies in order to align all further development strategies towards the North West Metropolitan region.*

BACKGROUND

In December 2003, the City of Wanneroo completed and circulated a draft Economic Development Strategy (Attachment C refers) for comment by the City of Joondalup as well as the general public. A 60-day period ending in late March 2004 for public comment has been sought by Wanneroo.

DETAILS

The City of Wanneroo has prepared a draft Economic Development Strategy that at the broadest extent seeks to:

1. 'Redress the balance' such that Wanneroo has desirable centres of employment;
2. Increase collaboration with State Government and other key stakeholders to map strategic activities for the North West Metropolitan Region;
3. Generating wealth through jobs that integrates the Wanneroo community into the wider regional economy;
4. Facilitate the provision of basic infrastructure such as transport access, telecommunication and water to enable economic development.

Specific areas that are noteworthy for comment by the City of Joondalup include the following:

- The enhancement of joint public and private partnerships involving the two cities to enhance regional development opportunities in the North West Metropolitan region.
- The role of the education sector and the activities of the City of Joondalup in promoting the Learning City as a key generator of economic development in the North West Metropolitan Region.
- The need to further facilitate innovation and entrepreneurship as one means of reducing the region's low employment self sufficiency;
- The lack of broadband access for both businesses and residents in the region, particularly in the City of Wanneroo;
- The promotion of commercial business and industrial investment opportunities, particularly jointly by the two cities;
- The leveraging of the region's agricultural heritage as well as the consumption, by the region's residents of the region's horticultural produce;
- The need to support home-based business as another source of improved employment self-sufficiency in the region;
- The development of tourism and eco-tourism as another key sector for sustainable employment growth in the region.

The above issues have been addressed in the draft comment (Attachment A refers) from the City of Joondalup.

Policy Implications:

To date, the City of Joondalup has embarked on the development of its economic, social and environmental policies within a reference to its own municipal borders. This submission seeks to broaden the City of Joondalup's policy perspective with the recognition that future development strategies require a collaboration with the City of Wanneroo at the regional level.

Strategic Implications:

This submission seeks Council's approval for the initiation of a dialogue with the City of Wanneroo with the view to progress economic, social and environmental sustainability at the North West Metropolitan Regional level.

Key vehicles to progress a collaborative approach between the two cities relate to leveraging a number of existing or proposed State and Federal Government initiatives to develop the region's various strengths, such as tourism or in the area of much needed employment generation.

Sustainability Implications:

Joondalup was originally developed by the State Government as a Strategic Regional Centre serving the entire North West Metropolitan region, including the area covered by the current City of Wanneroo. It is intended to service a regional population that will grow from its current population catchment of 240,000 to 430,000 by 2031.

COMMENT

In June 2001, the City of Joondalup Council endorsed an economic development strategy (CJ175 – 06/01) that sought to:

- 1) Accelerate the development of the City's strengths in the provision of education through the Learning City project;
- 2) The activation of its City centre through the CBD Enhancement project; and
- 3) Facilitate flow-on, knowledge-based local and regional employment and business opportunities through the facilitation of access to broadband information technologies.

The opportunity for the City to respond to the City of Wanneroo's draft economic development strategy provides an opportunity for the City of Joondalup to:

- 1) Begin a dialogue with the City of Wanneroo to develop a collaborative approach to sustainable economic development in the North West Metropolitan region; and
- 2) Update its own Economic Development Strategy (CJ175–06/01) such that it is aligned with those of the City of Wanneroo's as well as other State and Federal Government initiatives that assist with development of the North West Metropolitan Region.

ATTACHMENTS - *Appendix 2 refers (See Appendices at rear of agenda)*

- Attachment A Draft City of Joondalup response to the City of Wanneroo’s proposed Economic Development Strategy.
- Attachment B CJ175 – 06/01 Creating the Learning, Online and Living City of the Future – An Economic Development Strategy for the City of Joondalup (2001-05)
- Attachment C Draft City of Wanneroo Economic Development Strategy.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That the Joint Commissioners:**

- 1 ENDORSE the submission from the City of Joondalup (Attachment A refers) to the City of Wanneroo regarding the latter’s Economic Development Strategy;**
- 2 APPROVE the development of a more collaborative approach in partnership with the City of Wanneroo in the pursuit of the region’s economic, social and environmental sustainability goals;**
- 3 REQUEST the City of Joondalup’s Administration to review and update the City’s current Economic Development Strategy (CJ175-06/01 – Attachment B refers) and any associated policies in order to align all further development strategies towards the North West Metropolitan region.**

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf020304.pdf](#)

ITEM 3 WARRANT OF PAYMENTS – 31 JANUARY 2004 – [09882]**WARD - All****PURPOSE**

The Warrant of Payments as at 31 January 2004 is submitted to the Joint Commissioners for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of January 2004. It seeks approval by the Joint Commissioners for the payment of the January 2004 accounts.

DETAILS

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	13 – 45 (EFT) 061164 – 061836	\$ 6,663,345.36
Municipal	00456A, 000464A 000465A - 000467A 000463 – 000468	\$ 8,189,541.22
Trust Account	Nil	Nil
	TOTAL	\$14,852,886.58

The difference in total between the Municipal and Director of Corporate Services & 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 the Joint Commissioners. At the close of January 2004, the amount was **\$633,051.99**. The cheque register is appended as Attachments A & B.

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling **\$14,852,886.58** which is to be submitted to the Joint Commissioners on 09 March 2004 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 costing and the amounts shown are due for payment.

PETER SCHNEIDER

Director Corporate Services & Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling **\$14,852,886.58** was submitted to the Joint Commissioners on 9 March 2004.

.....
JOHN PATERSON
Chairman of Commissioners

ATTACHMENTS - *Appendix 3 refers (See Appendices at rear of agenda)*

Attachment A Warrant of Payments for Month of January
Attachment B Municipal Fund Vouchers

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 31 January 2004, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$14,852,886.58.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	13 – 45 (EFT) 061164 – 061836	\$ 6,663,345.36
Municipal	000456A, 000464A 000465A – 000467A 000463 – 000468	\$ 8,189,541.22
Trust Account	Nil	Nil
	TOTAL	\$14,852,886.58

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf020304.pdf](#)

ITEM 4 FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2004 – [07882]

WARD - All

PURPOSE

The January 2004 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The January 2004 year to date report shows an overall variance (under spend) of \$9.3m when compared to the year to date revised budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$20.6m compared to a budgeted surplus of \$19.7m at the end of January 2004. The \$0.9m variance is primarily a result of timing variances relating to proposals, minor equipment and electricity expenses.
- **Capital Expenditure** is \$0.9m compared to a budget of \$1.7m at the end of January 2004, an under spend of \$0.8m. This is a timing variance due primarily to supplier delays for light vehicles and mobile plant.
- **Capital Works and Corporate Projects** expenditure is \$4.8m against a budget of \$12.4m, an under spend of \$7.6m at the end of January 2004. This is a timing variance of which \$5.6m relates to Corporate Projects.

DETAILS

The financial report for the period ending 31 January 2004 is appended as Attachment A.

ATTACHMENTS - *Appendix 4 refers (See Appendices at rear of agenda)*

Attachment A Financial Report for the period ending 31 January 2004.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the Financial Report for the period ending 31 January 2004 be NOTED.

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf020304.pdf](#)

ITEM 5 NOVIATION OF CONTRACT NUMBER 005-02/03 FROM HIGH SPEED ELECTRICS NOMINEES PTY LTD TO SUN COURT PTY LTD TRADING AS HIGH-SPEED ELECTRICS (WA) – [82527]

WARD - All

PURPOSE

This report seeks the approval of the Joint Commissioners for the City to novate the contract rights and responsibilities in full for Contract No. 005-02/03 for the Provision of Street Lighting Maintenance Joondalup City Centre & Beaumaris Estate Iluka from High Speed Electrics Nominees Pty Ltd to Sun Court Pty Ltd trading as High-Speed Electrics (WA).

EXECUTIVE SUMMARY

Tenders for the Provision of Street Lighting Maintenance Joondalup City Centre & Beaumaris Estate Iluka was awarded to High Speed Electrics Pty Ltd at Council's ordinary meeting on 3 September 2002, (CJ212-09/02).

Due to the change of shareholders on 1 October 2003, High Speed Electrics Nominees Pty Ltd has requested that the City exercise its rights under the provision of Clause 17 'Assignment' of the Contract, to accept the novation of the Contract, its rights and obligations in full to Sun Court Pty Ltd trading as High-Speed Electrics (WA).

The new owner is providing an equal if not higher standard of service than the previous owner.

It is recommended that the Joint Commissioners:

- 1 Approve the novation of the Contract 005-02/03 for the Provision of Street Lighting Maintenance Joondalup City Centre & Beaumaris Estate Iluka to Sun Court Pty Ltd trading as High-Speed Electrics (WA);*
- 2 Authorise the execution of the Deed of Novation under common seal.*

BACKGROUND

Tenders were advertised on 6 July 2002 through statewide public tender for the Provision of Street Lighting Maintenance Joondalup City Centre and Beaumaris Estate Iluka. Tenders closed on 24 July 2002.

Only one tender was received and the tenderer High Speed Electrics was successful with the previous contract 042-99/00 and has successfully undertaken the works in accordance with Council requirements. High Speed Electrics also has previously undertaken the lighting maintenance within the City Centre following transfer from Landcorp to the City of Joondalup.

The City entered into a Contract on 18 September 2002 for an initial period of twelve months with two twelve month extensions, with High Speed Electrics Nominees Pty Ltd, Contract

No. 005-02/03 for the Provision of Street Lighting Maintenance Joondalup City Centre & Beaumaris Estate Iluka.

High Speed Electrics Nominees Pty Ltd has requested that the City exercise its rights under the provision of Clause 17 ‘Assignment’ of the Contract, to accept the novation of the Contract, its rights and obligations in full to Sun Court Pty Ltd trading as High-Speed Electrics (WA).

DETAILS

High Speed Electrics Nominees Pty Ltd advised the City on 3 October 2003 that High Speed Electrics Nominees Pty Ltd had changed shareholders.

The Contractor failed to obtain the prior written approval of the City to assign the Contract rights and obligations to the new owner. As a result of legal advice the City issued a notice of default to the Contractor. The default notice requested that the Contractor provide adequate assurance that the default would be rectified within 14 days from the date of the default notification.

The City may use its discretion to either waive the breach or treat the breach as being fatal to the Contract.

The commercial considerations have been taken into account by the City as well as the disruption to the service, should the contract be terminated. The new owner is providing an equal if not higher standard of service than the previous owner. The Contract expires on 31 August 2005, with no provision for an extension.

Considering all the aspects of termination, recalling tenders, service disruption and the relatively short duration of the remaining term of the Contract, the City:

- advised High Speed Electrics Nominees Pty Ltd that novation of the Contract from High Speed Electrics Nominees Pty Ltd to Sun Court Pty Ltd trading as High-Speed Electrics (WA) is subject to approval of the Joint Commissioners; and
- requested a written guarantee from Sun Court Pty Ltd trading as High-Speed Electrics (WA) ensuring that the level of service will be maintained for the remaining period of the Contract in accordance with the selection criteria and the terms and conditions of the Contract.

COMMENT

The City has received adequate assurance from the new owner Sun Court Pty Ltd trading as High-Speed Electric (WA) that the level of service will be maintained for the duration of the Contract.

Subject to the approval of the Joint Commissioners, a Deed of Novation will be prepared in accordance with the terms of the Contract 005-02/03 for the Provision of Street Lighting Maintenance Joondalup City Centre & Beaumaris Estate Iluka.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 APPROVE the novation of the Contract 005-02/03 for the Provision of Street Lighting Maintenance Joondalup City Centre & Beaumaris Estate Iluka to Sun Court Pty Ltd trading as High-Speed Electrics (WA);**
- 2 AUTHORISE the execution of the Deed of Novation under common seal.**

ITEM 6 MINUTES OF THE URBAN ANIMAL MANAGEMENT COMMITTEE HELD TUESDAY 18 NOVEMBER 2003 – [44818]

WARD - All

PURPOSE

The Minutes of the Urban Animal Management Committee held on Tuesday 18 November 2003 are submitted for noting by the Joint Commissioners.

EXECUTIVE SUMMARY

The Urban Animal Management Committee meeting held on 18 November 2003 discussed a range of topics associated with Urban Animal Management within the City of Joondalup. The agenda included the provision of excreta bags and supply options, analysis of proposed reserves prohibited to dogs and mapping of animal exercise areas.

That the Joint Commissioners NOTE the minutes of the Urban Animal Management Committee held on 18 November 2003 forming Attachment 1 to this report.

DETAILS

Discussion involved the provision of excreta bags by private businesses within the Joondalup area.

Further discussion was also centred on the liaison with various local canine associations in order to improve dog ownership education within the City of Joondalup.

Additional direction was also sought from the Committee in relation to the declaration of dog-prohibited reserves within the City. Assessments should be conducted around reserves that abound with natural flora and fauna.

COMMENT

It is the officer's recommendation that the Commissioners note the Minutes of the 18 November 2003 meeting of the Urban Animal Management Committee.

ATTACHMENT - *Appendix 6 refers (See Appendices at rear of agenda)*

Attachment 1 Minutes of the Urban Animal Management Committee, 18 November 2003.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Joint Commissioners NOTE the minutes of the Urban Animal Management Committee held on 18 November 2003 forming Attachment 1 to this Report.

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf020304.pdf](#)

ITEM 7 PETITION - TRAFFIC ISSUES IN MULLIGAN DRIVE, WARWICK – [14100] [35487] [35485]

WARD - South

PURPOSE

The purpose of this report is to address the petitioners concerns in relation to traffic along Mulligan Drive in Warwick.

EXECUTIVE SUMMARY

In December 2003, a 42 signature petition from residents of Greenwood was presented to Council for consideration. The petitioners have requested that consideration be given to reducing antisocial driver behaviour and excessive vehicle speed along Mulligan Drive, therefore increasing the safety of all road users, restricting southbound traffic from Wanneroo Road into Gorman Street and onto Mulligan Drive at peak times and to request the Local Police to carry out speed enforcement along Mulligan Drive.

In August 1999 a report was presented to the previous Joint Commissioners in relation to a Local Area Traffic Management Study of the Greenwood East Precinct. The previous Joint Commissioners resolved to approve the implementation of the Traffic Management Strategy that included traffic treatment of Mulligan Drive.

This report recommends that the Joint Commissioners:

- 1 *NOTE that the traffic treatment of Mulligan Drive, Warwick is currently listed in the City's Five Year Capital Works – Local Road Traffic Management Program;*
- 2 *REQUEST the Infrastructure and Operations Directorate to liaise with Main Roads WA on conducting a traffic assessment of through traffic from Wanneroo Road using Mulligan Drive, Warwick;*
- 3 *REQUEST the Warwick Police to carry out speed enforcement along Mulligan Drive, Warwick;*
- 4 *ADVISE the petitioners accordingly.*

BACKGROUND

In November 1998, Traffic Consultants, CCD Australia, was commissioned to undertake a Local Area Traffic Management Study for the Greenwood East Precinct. The study aim was to identify and recommend a community acceptable Local Area Traffic Management Scheme for the Greenwood East Precinct and to increase the safety of all road users and improve the amenity of residents living in the area.

In August 1999 a report was presented to the previous Joint Commissioners in relation to the Local Area Traffic Management Study of the Greenwood East Precinct. The Joint Commissioners resolved to approve the implementation of the Traffic Management Strategy

that included traffic treatment of Mulligan Drive, and this was then listed for funding consideration as part of the 5 Year Capital Works Program.

Subsequently, in December 2003 a 42 signature petition from residents of Greenwood was presented to Council for consideration. The petitioners have requested that consideration be given to reducing antisocial driver behaviour and excessive vehicle speed along Mulligan Drive, therefore increasing the safety of all road users, restricting southbound traffic from Wanneroo Road into Gorman Street and onto Mulligan Drive at peak times and to request the Local Police to carry out speed enforcement along Mulligan Drive.

DETAILS

In 1998, a Traffic Study Group was formed to provide local input into the study group process. With assistance from Traffic Consultants, CCD Australia, the Study Group reviewed existing conditions, traffic volumes, speed and the crash history.

Through an area wide community questionnaire, the following issues were highlighted:

- Street safety and high vehicle speeds were seen as the major issues within the precinct, followed by traffic volumes and noise.

Opinions regarding the possible installation of alternative traffic calming measures were mixed although there was a general acceptance for the installation of traffic calming treatments such as roundabouts, slow points, central medians and entry statements.

This helped establish the following study objectives:

- To control traffic speed and behaviour in local streets within the area.
- To promote safety in the area, particularly for school children, pedestrians and cyclists.
- To discourage the movement of through traffic in local streets while maintaining safe and convenient access for local residents.

These objectives formed the basis of a Draft Traffic Management Strategy.

After the completion of the community consultation, which included an area wide questionnaire to determine overall community concerns and measurement of community acceptance of the Draft Traffic Management Strategy, the Final Traffic Management Strategy was developed.

The main features of the Final Traffic Management Strategy as shown on Attachment 1 are detailed as follows:

- Central Median and Landscaping (CM&L) – flush red asphalt median with landscaping.
- Channelization (CH) – the channelization or installation of traffic islands at particular intersections is recommended to improve safety and provide clear definition of vehicle paths in order to prevent cutting of corners.

- Entry Statements (ES) – entry statements have been nominated for construction at the junctions of certain local roads in order to reinforce their local road status, discourage through traffic and help alleviate high traffic speed.
- Slow Points (SP) – these have been designated for implementation on local road routes identified as having either a high speed or through traffic problem. The slow points are designed to discourage through vehicles and decrease speeds.

The committee identified several other traffic issues that were in the study area to be reviewed that included further investigation of determining appropriate treatments to discourage through traffic utilising the Gorman Street, Mattison Way, York Road, Rodgers Street route. The study group determined that in addition to passenger vehicles, truck traffic utilised this route to avoid signalised intersections at Wanneroo Road with Marangaroo Drive and Warwick Road.

In August 1999, the previous Joint Commissioners resolved to approve the Final Traffic Management Strategy, which included treatment of Mulligan Drive.

Since that time, as part of the strategy, the City has traffic treated Allenswood Road, Cockman Road and Blackall Drive. Traffic treatments to Mulligan Drive and Penistone Street are currently listed in the 2006/2007 City's Five Year Capital Works – Local Road Traffic Management Program. The current rankings of these projects are reviewed as part of each annual budget process.

Financial Implications:

The treatment of Mulligan Drive and Penistone Street are currently listed for funding consideration as part of the City's Five Year Capital Works – Local Road Traffic Management Program. The current draft budget allocation for each of these projects is \$60,000.

COMMENT

The Final Traffic Management Scheme outcomes for the Greenwood East Precinct are based on being acceptable to the local community, while also satisfying the criteria of improving safety of all road users and improving amenity for local residents. The previous submissions received on the Traffic Management proposals supported this strategy.

However, in view of the concerns of the recent petition from Greenwood residents on restricting southbound traffic from Wanneroo Road into Gorman Street and onto Mulligan Drive at peak times, it is proposed that a traffic study be undertaken. An evaluation on the need for road treatments to restrict movements at Wanneroo Road such as closing the central median will then be considered with Main Roads Western Australia. The Police will also be requested to carry out speed enforcement along Mulligan Drive.

ATTACHMENTS - *Appendix 7 refers (See Appendices at rear of agenda)*

Attachment 1 Greenwood East Precinct Traffic Management Strategy

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION**That the Joint Commissioners:**

- 1 NOTE that the traffic treatment of Mulligan Drive, Warwick is currently listed in the City's Five Year Capital Works – Local Road Traffic Management Program;**
- 2 REQUEST the Infrastructure and Operations Directorate to liaise with Main Roads WA on conducting a traffic assessment of through traffic from Wanneroo Road using Mulligan Drive, Warwick;**
- 3 REQUEST the Warwick Police to carry out speed enforcement along Mulligan Drive, Warwick;**
- 4 ADVISE the petitioners accordingly.**

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf020304.pdf](#)

ITEM 8 PROPOSED AMENDMENT NO 21 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE PORTION OF LOT 9016 (500) BURNS BEACH ROAD, BURNS BEACH DEVELOPMENT – [21557]

WARD - North Coastal

PURPOSE

The purpose of this report is for Joint Commissioners to consider initiation and adoption of proposed Amendment No 21 for the purposes of advertising.

EXECUTIVE SUMMARY

The Metropolitan Region Scheme (MRS) was amended on 23 January 2004 to rezone a portion of Lot 9016 Burns Beach Road from “Rural” to “Urban” and “Parks and Recreation”. Section 35A (2) of the Metropolitan Region Town Planning Scheme Act 1959 requires that, following an amendment to the MRS, the relevant local authority initiates an amendment to its Town Planning Scheme consistent with the MRS amendment no later than 3 months from the date of gazettal, the date on which the amendment to the MRS came into force.

The subject land (portion of Lot 9016) is located north of Burns Beach Road and west of Marmion Avenue, immediately north of the pocket of residences within the suburb of Burns Beach. It is approximately 146 hectares in area and comprises vegetated coastal land on portions of coastal dune ridges and landforms (see Attachment 1).

The “Urban” zoned land which is to be developed predominantly for residential purposes would be most appropriately zoned “Urban Development” under District Planning Scheme No 2 (DPS2) to enable the Council to require the preparation and implementation of Structure Plans over this land to guide future development, setting out the development requirements for the dwellings to be constructed on the land (Attachment 2 refers). The Structure Plan would also stipulate the density provisions for the land.

It is recommended that the Joint Commissioners initiate and adopt Amendment No 21 to DPS2 for the purposes of advertising.

BACKGROUND

Suburb/Location:	Portion Lot 9016 (500) Burns Beach Road, Burns Beach
Applicant:	Development Planning Strategies
Owner:	Burns Beach Management Pty Ltd
Zoning:	Rural
DPS:	Rural
MRS:	Urban
Strategic Plan:	Strategy 3.3 – Provide living choices to meet changing demographic demands.

Lot 9016 comprises several parcels of land over the suburbs of Currambine, Kinross and Burns Beach and is the subject of ongoing subdivision (Attachment 1 refers). The subject portion of Lot 9016 is located on the north side of Burns Beach Road at its intersection with

Marmion Avenue and immediately north of an established pocket of residences within the suburb of Burns Beach, extending westward towards the coastline. It is approximately 150 hectares in area and incorporates some of the Quindalup dune ridge and landform features as well as Spearwood-Quindalup vegetation interface comprising approximately 40 hectares of Spearwood vegetation. As such, the subject land varies in its topography, offering panoramic views of the ocean and surrounding built and natural environments.

Urban development of the subject land, initially by way of the MRS rezoning, has been opposed by both surrounding landowners and more distant landowners over the course of more than 5 years because of the sensitive environmental nature of the land. The subject land was identified in the former draft Perth Bushplan and subsequent Bush Forever plan on the basis of its representation of ecological community types, maintaining ecological process, scientific or evolutionary importance and its value meeting coastal reserve criteria.

During the longstanding debate about the extent of future urban areas, the City expressed concerns about the environmental impacts of development of the subject portion of Lot 9016 in view of its sensitivity. The sentiments were also expressed by the then Minister for the Environment and Heritage, Dr Judy Edwards, who requested the WAPC to set aside a further 24 hectares of land for conservation. The adopted amendment reflects this increased conservation area and reduced development area, resulting in a greater area being set aside as Parks and Recreation (144 hectares) and an overall conservation reserve of approximately 350 hectares, and 146 hectares of Urban land. The adopted amendment also reflects a negotiated outcome based on the concerns raised by the community.

DETAILS

The purpose of the proposed Amendment is to facilitate the future subdivision and development of the subject land by Burns Beach Management Pty Ltd for residential purposes. It is intended that the majority of the subject land will be developed with low density dwellings of variable lot sizes at a density equating to R20 with some higher density housing forms on the balance of the land around parks and near the coast, including some accessed from rear laneways. In all, it is anticipated that a total of approximately 1500 residential allotments will be created.

A primary school and a small commercial centre with a nett lettable floor area of 3000m² are also intended on the land. Public open space will be provided in accordance with the WAPC's policy for active and passive recreation. A road interfacing with the foreshore reserve and the Parks and Recreation land located immediately north of the site will be provided, in keeping with long standing principles for planning and managing coastal reserves.

The objectives of the "Urban Development" zone are to designate land for future urban development and to provide for the orderly planning and redevelopment of larger areas of land for residential and associated purposes in an integrated manner through a comprehensive Structure Plan process. Under clause 3.12.2 of DPS2, no subdivision or other development is to commence on land so zoned until a Structure Plan has been prepared and adopted under Part 9 of DPS2.

A Structure Plan over the subject land will be initiated as a separate process at a later stage.

Any amendment to the MRS to create land reserved for “Parks and Recreation” is automatically reserved as such under the local authority planning scheme and therefore does not require any formal approval to amend that scheme.

Statutory Provision:

Section 35A (2) of the Metropolitan Region Town Planning Scheme Act 1959 requires that, following an amendment to the MRS, the relevant local authority initiates an amendment to its town planning scheme consistent with the MRS amendment no later than 3 months from the date of gazettal, the date on which the amendment to the MRS came into force.

Section 7 of the Town Planning and Development Act 1928 (as amended), together with Town Planning Regulations 1967 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3).

Consultation:

The Town Planning Regulations 1967 requires the Amendment to be advertised for a period of forty two (42) days. All adjoining landowners would be notified in writing, a minimum of two signs erected on the site and a notice placed in the Joondalup Community Newspaper.

Strategic/Sustainability Implications:

Although the subject land will be largely cleared of coastal vegetation for urban expansion, the remaining overall conservation reserve is significant and the MRS Amendment 992/33 and proposed Amendment No 21 reflects a compromise position between development and conservation. Irrespective of this, any significant vegetation on the site (such as the group of “Christmas Trees” at the corner of Burns Beach Road and Marmion Avenue) would be considered in conjunction with the City at the Structure Plan stage to maximise retention of this vegetation where possible.

The proposed zoning and subsequent density coding of the subject site by way of a Structure Plan would facilitate the development of a variety of housing forms in line with the City’s Strategic Plan and sustainability principles.

COMMENT

Applying an “Urban Development” zoning to the site enables a more holistic approach to a large tract of land than applying a “Residential” zone because it requires the provision of a Structure Plan that sets out all particular development requirements for the subject lots. Specifically, clause 3.12.2 of DPS2 under clause 3.12, The Urban Development Zone states that no subdivision or other development should be commenced or carried out in an Urban Development Zone until a structure plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No such provisions have been included under clause 3.4, The Residential Zone. The result is a more transparent process to better inform the surrounding affected landowners about the intended development of the site.

The subject land is currently uncoded rural land and therefore no density applies. The density coding of land within an “Urban Development “ zone is considered within the context of a Structure Plan that is yet to be submitted.

ATTACHMENTS - *Appendix 8 refers (See Appendices at rear of agenda)*

Attachment 1	Site Plan for Lot 9016
Attachment 2	Proposed Amendment Plan
Attachment 3	Scheme Amendment Process

VOTING REQUIREMENTS

Simply Majority

RECOMMENDATION**That the Joint Commissioners:**

- 1 In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), AMEND the City of Joondalup District Planning Scheme No 2 for the purpose of rezoning a portion of Lot 9016 (500) Burns Beach Road, Burns Beach from “Rural” to “Urban Development”;**
- 2 ADOPT Amendment No 21 as suitable for the purpose of advertising for a period of forty two (42) days.**

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf020304.pdf](#)

ITEM 9 DEDICATION OF PORTIONS OF NORTSHORE DRIVE, GUNTER GROVE, WHITFORDS AVENUE, ADMIRAL GROVE, POSEIDON ROAD AND OCEAN REEF ROAD – [16988] [18276] [05056] [10831] [00374] [08496]

WARD - Whitford, Pinnaroo, South and Marina

PURPOSE

The Joint Commissioners are requested to support the dedication of eight (8) portions of constructed road that are currently under the care, control and management of the City but have not formally been dedicated as public roads.

EXECUTIVE SUMMARY

A portion of Northshore Drive, a portion of Gunter Grove, two portions of Whitfords Avenue, a portion of Admiral Grove, a portion of Poseidon Road and two portions of Ocean Reef Road are required to be appropriately dedicated as public roads. Seven of the eight portions of road were ceded free of cost to the Crown in the 1970s and 1980s as conditions of subdivision approval. The eighth portion is currently being transferred to the Crown.

Due to an omission, the portions of land have not been dedicated and as such the Joint Commissioners are requested to authorise the Minister for Lands to dedicate the subject portions of land as public roads.

BACKGROUND

Main Roads Western Australia has notified the City that the following portions of road require dedication:

Lot 3 Northshore Drive, Kallaroo	Volume 1372 Folio 443
Lot 521 Gunter Grove, Beldon	Volume 1391 Folio 102
Lot 2 Whitfords Avenue, Kingsley	Volume 1464 Folio 548
Lot 11 Whitfords Avenue, Hillarys	Volume 2072 Folio 367
Lot 210 Admiral Grove, Heathridge	Volume 1437 Folio 313
Lot 523 Poseidon Road, Heathridge	Volume 1458 Folio 599
Lot 2 Ocean Reef Road, Heathridge	Volume 1612 Folio 792
Lot 598 Ocean Reef Road, Beldon	Volume 1759 Folio 59

The subject portions of land were ceded to the Crown in the 1970s and 1980s as a condition of subdivision approval. The land was transferred to the Crown under the control of the Commissioner of Main Roads pending future dedication.

In addition, Main Roads have advised that Lot 11 on Certificate of Title Volume 2027 Folio 367, forms part of Whitfords Avenue but is currently held in the name of the Commissioner of Main Roads. They have advised that the Crown Solicitor's Office has been instructed to transfer the land to the State of Western Australia (the Crown), in order to facilitate dedication. The Joint Commissioners are therefore also requested to consider the dedication of this portion of Whitfords Avenue.

The subject portions of roads have been constructed and the City has taken on responsibility for these, however, the roads have never been formally dedicated.

DETAILS

Statutory Provision:

A dedicated road is one that has been created by lawful process, whether by approval of a plan creating the road, or by publication in the government Gazette or State newspaper of a notice of dedication, or by registration against a Crown Land Title of an order declaring that the land has been set aside for such purposes. Most roads within the City are dedicated through the freehold subdivision process.

Once dedicated, a road is under the care, control and management of the City. Occasionally it will be discovered that a road that has been used by the public for many years is not dedicated. In this situation a resolution is required to dedicate the land as a public road in accordance with Section 56 of the Land Administration Act. The resolution should therefore request the Honourable Minister for Lands' approval to dedicate the subject lands by way of the Department of Land Information.

Financial Implications:

The City currently controls and manages the subject portions of road as if they were dedicated and therefore there will be no additional budget requirement.

COMMENT

The Joint Commissioners are requested to authorise the Minister for Lands to dedicate the subject portions of land as public road.

Under Section 56(4) of the Land Administration Act, the City is required to indemnify the Minister for Lands against any claim for compensation (other than compensation for the dedication of a private road of which the public has uninterrupted use for a period of not less than 10 years) for any land that comes under the care, control and management of the City. The City must indemnify the Minister in an amount equal to all costs and expenses reasonably incurred by the Minister in considering and granting the request for dedication.

ATTACHMENTS - *Appendix 9 refers (See Appendices at rear of agenda)*

Attachment 1 Location Plans – Road Dedications

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That the Joint Commissioners:**

- 1 AUTHORISE a request to the Department of Land Information to seek the Minister for Lands' approval for the dedication of the following portions of land:**

Lot 3 Northshore Drive, Kallaroo	Volume 1372 Folio 443
Lot 521 Gunter Grove, Beldon	Volume 1391 Folio 102
Lot 2 Whitfords Avenue, Kingsley	Volume 1464 Folio 548
Lot 11 Whitfords Avenue, Hillarys	Volume 2072 Folio 367
Lot 210 Admiral Grove, Heathridge	Volume 1437 Folio 313
Lot 523 Poseidon Road, Heathridge	Volume 1458 Folio 599
Lot 2 Ocean Reef Road, Heathridge	Volume 1612 Folio 792
Lot 598 Ocean Reef Road, Beldon	Volume 1759 Folio 59

- 2 INDEMNIFY the Minister for Lands against any claims for compensation in respect to all costs and expenses reasonably incurred by the minister in considering and granting the request in accordance with the requirements of Section 56 (4) of the Land Administration Act 1997.**

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf020304.pdf](#)

ITEM 10 DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2004 – [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 during January 2004 (see attachments 1).

The total number of Development Applications determined (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
January 2004	61	5,576,020

The total number of DAs determined in January was 61, compared to 84 DAs determined in December 2003.

ATTACHMENTS - *Appendix 10 refers (See Appendices at rear of agenda)*

Attachment 1 January Development Approvals

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in this Report.

Appendix 10 refers.

To access this attachment on electronic document, click here: [Attach10brf020304.pdf](#)

ITEM 11 SUBDIVISION REFERRALS PROCESSED 1 – 31 JANUARY 2004 – [05961]

WARD - South Coastal, Whitfords, Marina, Lakeside, South

PURPOSE

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

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 – 31 January 2004. 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 2 additional residential lots, 1 road reserve lot and 1 foreshore reserve lot. The average processing time taken was 22 days. Four applications were not supported.

Ref: SU1514-03 – 22 Brearley Mews, Hillarys

This application was not supported for the following reason:

- 1 The City is not supportive of the proposed 2m² of common property. The City only supports the creation of common property where it is necessary to allow for vehicle access to be obtained and shared by two or more survey strata lots or for other legitimate purposes.

Ref: SU1548-03 – 22 Forest Hill Drive, Kingsley

This application was not supported for the following reason:

- 1 The City is not supportive of the proposed 1m² of common property. The City only supports the creation of common property where it is necessary to allow for vehicle access to be obtained and shared by two or more survey strata lots or for other legitimate purposes

Ref: SU124066 – 28 Raleigh Road, Sorrento

This application was not supported for the following reasons:

- 1 Inadequate width of the proposed battleaxe access leg for proposed Lot 2.
- 2 Insufficient setback from the proposed subdivision boundary to the rear of the existing dwelling.

Ref: SU 124171 – 15 Woodswallow Close, Joondalup

This application was not supported for the following reason:

- 1 The proposal does not conform to the requirements of the Residential Design Codes with respect to minimum and average lots sizes.

ATTACHMENTS - *Appendix 11 refers (See Appendices at rear of agenda)*

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the action taken by the subdivision control unit in relation to the applications described in this Report.

Appendix 11 refers.

To access this attachment on electronic document, click here: [Attach11brf020304.pdf](#)

7 REPORT OF THE CHIEF EXECUTIVE OFFICER

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **30 March 2004** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

10 CLOSURE

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

OFFICE OF THE CEO

AMENDMENT TO CITY'S STANDING ORDERS LOCAL LAW (ex CJ307-12/02 – ANNUAL GENERAL MEETING OF ELECTORS)

- 2(a) Motion 1 (*requesting Council to make the various changes to public question time*) be considered as part of the further review of the City's Standing Orders Local Law:

Status: A further review of the Standing Orders Local Law is being undertaken.

FORMULATION OF POLICY RELATING TO PROVISION OF GUARANTEE/FUTURE FUNDING FOR SPORTING CLUBS OR OTHER EXTERNAL ORGANISATIONS (ex C57-04/03 – WANNEROO BASKETBALL ASSOCIATION – PROPOSED WRITE OFF OF DEBT TO COUNCIL)

“Council REQUESTS a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;

Status: Report will be prepared in due course.

REVIEW OF POLICIES (ex C212-09/03 – MOTION TO LIE ON THE TABLE NO 4 – MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 26 AUGUST 2003)

“3 UNDERTAKES a further review of Policies:

- 2.2.8 Legal Representation for Present and Former Elected Members and Staff of the City;
- 2.3.3 Use of Common Seal and the Signatories for Contract Execution

MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 18 SEPTEMBER 2003 – ex CJ213-09/03

“3 DEFERS consideration of:

- (a) Policy 2.5.1 Commercial Usage of Beachfront and Beach Reserves – as detailed in Attachment 2 to Report CJ213-09/03 pending a further report being presented to the Policy Manual Review Committee incorporating additional recommendations;
- (c) Policy 2.6.4 – Environmental Sustainability – as detailed in Attachment 2 to Report CJ213-09/03 pending referral to the Environmental and Sustainability Committee for consideration;

Status: A further review of the above policies is being undertaken.

USE OF CORPORATE CREDIT CARDS (ex C262-12/03 - NOTICE OF MOTION NO 4 – CR L PROSPERO

“that the CEO be requested to prepare a detailed report for consideration by the Audit Committee on the use of all City of Joondalup Corporate credit cards from December 1999.”

USE OF CORPORATE CREDIT CARDS – (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD MONDAY 17 NOVEMBER 2003)

- 7 in relation to Motion 16 of the Annual General Meeting of Electors held on 17 November 2003, REFER the matter to the Audit Committee for consideration as part of their examination into the use of all corporate credit cards and how they are processed, approved and documented.

Status: Preliminary planning of the audit has taken place and the matter has been handed to internal audit for implementation and completion. A report will be prepared in due course.

STRATEGIC AND SUSTAINABLE DEVELOPMENT

DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - ex CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

Status: A report will be submitted to the Strategy Session scheduled in March 2004.

PLANNING & COMMUNITY DEVELOPMENT

INITIATION OF AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 – PROSTITUTION LANDUSE PROHIBITION – ex CJ031-02/03

“that Council DEFERS initiating and adopting the amendment for the purposes of advertising until the Hon Minister responds to the issues outlined within both the City’s and WALGA’s submissions and further consideration being given to any future revisions to the Prostitution Control Bill 2002 arising from comments obtained during the consultation period.”

Status: A report will be submitted to the Joint Commissioners on 30 March 2004.

NOTICE OF MOTION NO 4 – CR M CAIACOB – LOT 1 OCEANSIDE PROMENADE, MULLALOO ex C83-05/03

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

Status: A report will be prepared in due course.

SUBSEQUENT STAGES – MULLALOO BEACH PROJECT CONCEPT PLAN (ex CJ310-12/03 - PROPOSED DEVELOPMENT APPLICATION FOR THE MULLALOO BEACH PROJECT CONCEPT PLAN – BEACHSIDE PROMENADE DUAL USE PATH AND ASSOCIATED RETAINING WALLS (STAGE 1)

“3 NOTE that a further report on subsequent stages will be provided to the Joint Commissioners in early 2004.”

Status: A report will be prepared in due course.

ALLOWANCE OF DRAINAGE WATER FROM DEVELOPMENTS INTO NATURAL AREA RESERVES INCLUDED AS PART OF SUBDIVISION APPLICATION (ex CJ302-12/03 – MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 22 OCTOBER 2003 AND 26 NOVEMBER 2003)

“2 REFER the following new motion to the Chief Executive Officer for consideration, with a further report being submitted to Joint Commissioners;

‘That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves, be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.’”

Status: A report will be submitted in due course.

PATROLS AND SAFETY/SECURITY ISSUES (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003

4 in relation to Motion 11 of the Annual General Meeting of Electors held on 17 November 2003:

- (b) REQUEST the CEO to review the effectiveness of the current program of patrols on Thursday, Friday and Saturday nights;
- (c) REQUEST the CEO to investigate whether there are any interim measures that can be taken to alleviate dark spots in Tom Simpson Park to increase community feelings of safety and security;

Status: An investigation of the effectiveness of the current program of patrols on Thursday, Friday and Saturday nights is currently being reviewed. Results of this investigation will be given to the Joint Commissioners in due course.

SINGLE HOUSE (RETROSPECTIVE APPROVAL FOR PATIO WITH FRONT AND SECONDARY STREET SETBACK VARIATIONS): LOT 161 (25) LONG REEF PLACE, HILLARYS – ex CJ030-02/04

that the applicant be ADVISED that the Joint Commissioners have a mind to REFUSE the application submitted by JC James, the applicant and owner, for retrospective approval of a patio to the existing dwelling on Lot 161 (25) Long Reef Place, Hillarys, for the following reasons:

- 1 the proposal would be contrary to the proper and orderly planning of the locality;
- 2 the building exceeds the City's Policy 3.1.9 Height and Scale within a residential area;
- 3 the proposal is uncharacteristic for the locality, and the nil setback with the street setback area is likely to have a negative visual impact on the area;
- 4 the development does not comply with clause 3.2.1 of the Residential Design Codes 2002 in terms of front and secondary street setback requirements.

but that consideration of the matter be deferred for one month to allow the applicant and officers to liaise on any improvements that could be made to the structure to alleviate concerns in respect to Point 3 of the Officer's Recommendation.

Status: In order to allow time to liaise with the applicant, the matter is likely to be referred back to meeting of 27 April 2004.

COMMUNITY DEVELOPMENT

PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA – ex CJ338-12/02

“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council”

Comment: The structures of crime prevention within Western Australia has recently been reviewed by the Office of Crime Prevention. At the Safer WA Annual General Meeting conducted on 25 October 2003 it was announced that a new proposed model has been developed to essentially replace the current Safer WA structure. The new structure would begin in April 2004 and sees crime prevention coordinated and facilitated at a local level by Local Government. Local Government would be responsible for identifying community needs, co-coordinating community involvement and developing local crime prevention plans. Local community safety partnerships are to be established to implement the local crime prevention plan, which is to be facilitated by local government.

At this stage, the outline of the model does not contain sufficient information for the City of Joondalup to make a clear determination on the impact of the proposal. a community engagement team is being developed by the Office of Crime Prevention to visit local government and volunteers to discuss the new structures in more depth.

A report will be presented to Council when sufficient information is available.

INFRASTRUCTURE & OPERATIONS

NOTICE OF MOTION – CR C BAKER – EXTENSION OF OCEAN REEF ROAD – HODGES DRIVE TO SHENTON AVENUE – ex C229-11/03

“2.4 that the Working Party prepare a report and recommendations to Council at the conclusion of the Community consultation process;”

Status: A Report will be presented to Council in due course.

FIRE BREAKS AND PEDESTRIAN ACCESS TO BEACHES IN OCEAN REEF (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003)

1 in relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:

- (c) REQUEST the CEO to provide Council with a report and suitable recommendations once investigations concerning the second fire break have been completed;
- (d) REQUEST the CEO to arrange to provide Commissioners with a briefing at a future Strategy Session on the situation regarding pedestrian access to the beaches in Ocean Reef.

Status:

(c) A report will be submitted to the April 2004 round of meetings.

(d) A presentation will be arranged at a future Briefing/Strategy Meeting.

OUTSTANDING PETITIONS

<p>A 55-signature petition has been received from Kingsley residents in relation to excessive traffic speed and antisocial driver behaviour in Benbullen Boulevarde, Kingsley.</p> <p>Comment: A report will be submitted to Council once investigations and consultation with residents have been completed.</p> <p>It is anticipated that a report will be submitted for the April 2004 round of meetings.</p>	<p>19 August 2003 and 9 September 2003</p> <p>Directors, Infrastructure & Operations/Planning & Community Development</p>
<p>A 45-signature petition requesting the City of Joondalup carry out a full investigation of parking and traffic in the area surrounding Duncraig Primary School, specifically Marri Road and Roche Road, Duncraig.</p> <p>Comment: Investigations will be carried out and once finalised, a report will be submitted on 30 March 2004.</p>	<p>9 September 2003</p> <p>Director Infrastructure and Operations & Director Planning and Community Development</p>
<p>A 24-signature petition has been received from Ocean Reef residents expressing concern at the proposed Ocean Reef Road extension, and identifying five specific recommendations for improvement.</p> <p>A 120-signature petition from residents of the City of Joondalup requesting that the City continue with plans to extend Ocean Reed Road through to Shenton Avenue.</p> <p>Comment: This matter is subject to community consultation.</p>	<p>11 November 2003</p> <p>Director Infrastructure and Operations</p>
<p>A 25-signature petition from Kallaroo residents opposing on safety grounds, the proposed site (Batavia Place) for the location of a carpark for the Pre-Primary at Springfield Primary School, Bridgewater Drive, Kallaroo.</p> <p>Comment: The petition will be considered as part of the Development Application process for the proposed car park.</p>	<p>11 November 2003</p> <p>Planning and Community Development</p>
<p>A 112-signature petition has been received from Cheryl Edwardes, MLA on behalf of residents of the City requesting the installation of speed deterrents on Chichester Drive, Woodvale.</p> <p>Comment: Investigations to be carried out, once finalised a report will be submitted to Council during the March 2004 round of meetings.</p>	<p>16 December 2003</p> <p>Director Infrastructure and Operations</p>

<p>A 105-signature petition has been received from Cheryl Edwardes, MLA on behalf of residents of the City opposing any development at Luisini Winery.</p> <p>Comment: All submissions to be taken into consideration in assessing the proposal.</p>	<p>16 December 2003</p> <p>Director Planning and Community Development</p>
<p>Petitions containing 9 and 16 signatures respectively have been received from Ocean Reef residents in relation to the City's proposal to construct the remaining portion of Ocean Reef Road between Hodges Drive and Shenton Avenue.</p> <p>Comment: This matter is subject to community consultation.</p>	<p>17 February 2004</p> <p>Director Infrastructure and Operations</p>
<p>A 21-signature petition has been received from residents of Plaistow Street, Joondalup relating to maintenance of verges, priority parking and removal of existing trees in Plaistow Street, Joondalup.</p> <p>Comment: This matter is being handled administratively and may therefore be removed from the agenda.</p>	<p>17 February 2004</p> <p>Director Infrastructure and Operations</p>
<p>Petitions containing 2,880, 58, 30 and 6 signatures respectively have been received from residents of the City of Joondalup objecting to the locating of a telecommunications tower in Kallaroo Park.</p> <p>Comment: Petitions will be taken into consideration during the assessment of the application.</p>	<p>17 February 2004</p> <p>Director Planning and Community Development</p>
<p>A 15-signature petition has been received from Currambine residents requesting deterrents to anti-social behaviour in Caledonia Park, Currambine.</p> <p>Comment: This matter is being handled administratively and may therefore be removed from the agenda.</p>	<p>17 February 2004</p> <p>Director Infrastructure and Operations</p>

REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS

	DATE OF REQUEST - REFERRED TO -
<p>Policy Manual Review Committee and Youth Affairs Advisory Committee</p> <p>Cmr Smith requested that the formation of these Committees be referred to a future Strategy Session.</p> <p>Comment: Details of Youth Affairs Advisory Committee will be outlined in a memo and sent to Joint Commissioners.</p>	<p>17 February 2004</p> <p>Office of the CEO/Director Planning and Community Development</p>
<p>Central Finance</p> <p>Cmr Smith requested Commissioners be provided with further information at a future Strategy Session in relation to the subject title “Central Finance”, with particular reference to (Deposits from prior years – brought to account (145K)</p> <p>Comment: A report will be submitted in due course.</p>	<p>17 February 2004</p> <p>Director Corporate Services and Resource Management</p>
<p>Planning Issues</p> <p>Cmr Smith requested a workshop for Commissioners be arranged at a future date with Planning staff in view of concerns within the community.</p> <p>Comment: Workshop will be organised at a later stage with Joint Commissioners, Director Planning & Community Development and senior Planning Officers.</p>	<p>17 February 2004</p> <p>Director Planning and Community Development</p>