



*City of*  
**Joondalup**

**NOTICE IS HEREBY GIVEN THAT THE NEXT  
ORDINARY MEETING OF THE JOINT COMMISSIONERS  
OF THE CITY OF JOONDALUP  
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP  
ON TUESDAY, 9 MARCH 2004 AT 7.00 pm**

**DENIS SMITH  
Chief Executive Officer  
3 March 2004**

<b><i>PUBLIC QUESTION TIME</i></b>
------------------------------------

*As adopted by Council on the 17 December 2002*

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.

### **Second Public Question Time**

Clause 3.2 of the Standing Orders Local Law allows the Council to alter its order of business, which may include a second period of public question time.

Where the Council resolves to include a second period of public question time, an additional period of 15 minutes will be allowed.

**This time is allocated to permit members of the public to ask questions on decisions made at the meeting.**

### **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.

## **CODE OF CONDUCT**

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

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

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

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

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

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# CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 9 MARCH 2004** commencing at **7.00 pm**.

DENIS SMITH  
Chief Executive Officer  
3 March 2004

Joondalup  
Western Australia

## AGENDA

### 1 OPEN AND WELCOME

### 2 PUBLIC QUESTION TIME

**The following questions, addressed to the Chairman of Commissioners, submitted by Mr R Privilege, Edgewater were taken on notice at the Meeting of Joint Commissioners held on 17 February 2004**

*I refer to:*

- 1 *the State Government's published and often quoted Policy of Openness, Accountability and Transparency in Local Government decision making processes and;*
- 2 *the previous strong criticisms of the suspended elected members of the City of Joondalup, by a group of ratepayers, when the said elected members declined to publish the full text of all legal advice the City had received regarding the CEO issue.*

*Bearing this in mind, can you please now confirm that in compliance with the State Government Policy, and the previous demands of ratepayers, you will publish to our City's ratepayers:*

*Q1 The written legal advice of Mr Harry Dixon, QC in respect of the CEO issue?*

*A1 No.*

*Q2 The written legal advice of Fiocco Lawyers in respect of the CEO issue?*

A2 No.

*Q3 The forensic Audit report in respect of the CEO's credit card?*

A3 No.

*Q4 A summary detailing all expenditure by the City in respect of legal fees and accounting fees concerning the CEO issue, since the date upon which the Commissioners were appointed by the Minister for Local Government, to date?*

A4 Since the appointment of Commissioners an amount of approximately \$25,000 each has been spent on legals and audit matters pertaining to the CEO.

*I refer to the Special Council meeting convened at 7.00 pm on Monday 16 February 2004 and I ask:*

*Q5 Why was it that the meeting was convened on the minimum notice permitted by the Local Government Act?*

A5 The appropriate notice was provided.

*Q6 Why is it that the text of the motions to be discussed at that meeting were not made public until such time as they were moved during the course of the meeting?*

A6 There is no requirement for these to be made available prior to the meeting.

*Q7 Why was there no public debate concerning or scrutiny of the motions?*

A7 The motions are on the public record and can be commented on by members of the public.

*Q8 Were the motions discussed by Commissioners at an informal meeting before the Special Meeting of Council and if so, why?*

A8 There have been a number of discussions with the Commissioners and the appointed Solicitors to discuss a range of issues pertaining to the CEO issue.

*Q9 What was the cost to ratepayers of convening the Special Meeting?*

A9 The approximate cost of holding the Special Council meeting on 16 February 2004 was \$730.

*Q10 Why wasn't the subject matter of the Special Meeting simply dealt with at the Ordinary Council meeting that was scheduled to be held on Tuesday 17 February 2004?*

A10 It was considered more prudent to deal with the matter at a Special meeting.

*Q11 How can you expect ratepayers to understand the motions that were passed in circumstances where the reports to which they refer have not been published to ratepayers?*

A11 Matters that relate to employee and contractual issues require that certain documents be kept confidential.

*Q12 In the interests of transparency and open and accountable local government, will you please now confirm that you will publish the legal advice and the findings of the forensic Audit report regarding the CEO issue to the ratepayers of the City of Joondalup and if not, why not?*

A12 No. A decision on whether or not to publish any advice will be made at the appropriate time.

*Q13 Why wasn't there a second public question time prior to the conclusion of the meeting?*

A13 There is no requirement to have a second public question time.

**The following questions, submitted by Ms C Ghersinich, Marmion were taken on notice at the Meeting of Joint Commissioners held on 17 February 2004**

*Q1 What is the current zoning of Lot 61 Cliff Street, Marmion?*

A1 Lot 61 (14) Leach Street, Marmion (which is bounded by Cliff Street, Ozone Road and Troy Avenue, Marmion) is Crown land that is a reserve and therefore is not zoned in the same manner as private property. It is reserved for use as a "Local Reserve – Parks & Recreation" under the City of Joondalup's District Planning Scheme No 2.

*Q2 Has any developer approached Council for rezoning?*

A2 The City has not received any formal application with respect to the rezoning of this land, although the City has had informal discussions with representatives of the Satterley Property Group.

**The following questions, submitted by Mr M Taylor, Ocean Reef were taken on notice at the Meeting of Joint Commissioners held on 17 February 2004.**

*Q1 Re: Items 9 and 10 on the Agenda – Cmr Drake-Brockman has submitted a rescission motion which clearly goes against the principles set out in the consulting citizens documents. In particular why has Cmr Drake-Brockman limited the consultation to two interest groups and not the Ocean Reef community when there is a number of petitions that Cmr Drake-Brockman is already aware of?*

A1 Commissioner Drake-Brockman's rescission motion was not accepted by the joint Commissioners and in relation to the above question the Joint Commissioners at its meeting on the 17<sup>th</sup> February 2004 resolved to:

- 1 APPROVE a programme of consultation to be undertaken with key stakeholders on the detailed design of the extension of Ocean Reef Road from Hodges Drive through to Shenton Avenue being the model outlined in the 'Consulting Citizens' material;



- 2 NOTE that the consultation costs shall not exceed \$14,000 for external consultants;
- 3 NOTE that the key stakeholder group shall include representation from residents whose property abuts that section of Ocean Reef Road to be constructed, and equal representation from the Ocean Reef Stakeholders Group and the Ocean Reef Action Group;
- 4 LIST this project for consideration in the 2004/05 Five Year Capital Works Program.

*Q2 Is the figure of \$14,000 that Council has set aside for the consultation calculated as 10% of the City of Joondalup's budgeted contribution of \$140,000 for a road that would cost between \$1.2 million for a flat tarmac road and \$2.7 million for a boulevard style road?*

A2 The figure was based on phase A of the Officers report.

**The following questions, submitted by Mr L Prospero, Edgewater were taken on notice at the Meeting of Joint Commissioners held on 17 February 2004**

*Q1 Can I request that Council looks to put reticulation into the park at the corner of Erie Way and Candlewood Boulevard in Joondalup?*

A1 In accordance with the criteria adopted by the Dry Park, Median and Verge Committee, Candlewood Park is recorded as a Priority 3.

Only Priority 1 locations were listed for consideration of irrigation, which are to be included in the 5 years Capital Works Program for Council determination. Priority 3 locations were not included in accordance with the adopted criteria.

### **3 APOLOGIES AND LEAVE OF ABSENCE**

### **4 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

### **5 CONFIRMATION OF MINUTES**

MINUTES OF MEETING OF JOINT COMMISSIONERS, 17 FEBRUARY 2004

### **RECOMMENDATION**

**That the Minutes of the Meeting of Joint Commissioners held on 17 February 2004 be confirmed as a true and correct record.**

### **6 ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**

**7 PETITIONS**

PETITION OBJECTING TO LOCATION OF TELECOMMUNICATION TOWER  
IN KALLAROO PARK – [09188]

A 30-signature petition has been received from residents of the City of Joondalup objecting to the locating of a telecommunication tower in Kallaroo Park.

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

**8 REPORTS**

**CJ039 - 03/04      2003 COMPLIANCE AUDIT RETURN – [09492]**

**WARD - All**

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**PURPOSE**

To adopt the completed 2003 Compliance Audit Return.

**EXECUTIVE SUMMARY**

The Joint Certification by the Chairman of Commissioners and the Chief Executive Officer to be read aloud at the meeting of the Council.

*“We, John Paterson being the Chairman and Denis Ian Smith being the appointed Chief Executive Officer of the City of Joondalup hereby certify that:*

*The information contained in this Return is true and correct to the best of our knowledge.*

*The Return was included in the agenda papers and considered by the Council at the Ordinary Meeting of the Council held in 9 March 2004.*

*The contents of this Certification were read out aloud to the meeting.*

*The particulars of any matters of concern relating to the Return were recorded in the Minutes of the meeting.*

*The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes;*

*Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of the Council for the period 1 January 2003 to 31 December 2003.”*

The City has completed the Department of Local Government’s compliance audit return for the period 1 January 2003 to 31 December 2003.

Presentation of this report and adoption of its recommendations will allow the City to meet all the necessary requirements, which are part of the audit process.

**BACKGROUND**

Some years ago, the Local Government Department introduced a voluntary statutory compliance assessment as a result of its concerns at the level of non-compliance within the industry.

To ensure requirements of the Local Government Act S.7.13(i) are followed, Sections 13, 14 and 15 of the Local Government (Audit) Regulations have been amended. This means that there is now a legal requirement to annually complete a Compliance Audit Return and return it to the Local Government Department by 31st March each year.

## **DETAILS**

The City places a high level of importance on being open and accountable and believes that the compliance audit return is a valuable tool to help achieve that outcome. The completed return is an attachment to this report.

To enable the City to meet all of its statutory requirements the business units have put in place initiatives to ensure a thorough and ongoing compliance process.

With the exception of Section A (Tenders for Providing Goods and Services) numbers 1, 2, 5 and 14, Section C (Disclosure of Interest) numbers 1,4 and 5, Section E (Meeting Process) number 15, Section F (Local Government Employees) number 3, Section G (Finance) numbers 1 and 46 the return indicates compliance. In regards to non-compliance sections explanatory notes are offered:

### **TENDERS FOR PROVIDING GOODS OR SERVICES (1 AND 2)**

Responsible staff have been advised of the requirements to invite public tenders.

### **TENDERS FOR PROVIDING GOODS OR SERVICES (5)**

Internal protocol changes to ensure only contracts staff will provide information to tenderers or respond to queries during the tender process.

### **TENDERS FOR PROVIDING GOODS OR SERVICES (14)**

In the case of an awarded contract pricing being based on a schedule of rates, the amounts are not entered into register due to the amount and complexity of the information. The information is stored freely available on request.

### **DISCLOSURE OF INTEREST (1)**

At the Council meeting held on 27 May 2003, Councillor John Hollywood declared a financial interest in Item C86-05/03, but did not leave the Chamber during discussion on this Item. A letter was sent to the Department of Local Government notifying them of the situation.

### **DISCLOSURE OF INTEREST (4 AND 5)**

The City has approximately 180 officers that are required to complete financial returns. 13 Primary Returns and 3 Annual Returns were submitted outside of the required timeframe. The situation has been rectified and procedures put in place to ensure compliance in the future.

### **MEETING PROCESS (15)**

At the Council meeting of 2 December 2003, the minutes of the Council meeting held on 25 November 2003 were confirmed but not signed by Mayor Carlos. The Council was suspended on 5 December 2003 before the situation could be rectified. The relevant Chairperson did not sign a total of 15 sets of committee minutes. Training of responsible staff is being implemented.

**FINANCE (1)**

The City did not include National Competition Policy (NCP) disclosures in its Annual Report. The statements and information required under NCP Structural Reform Principles have been identified and will be included in the 2003/04 Annual Report.

**FINANCE (46)**

Several transfers of bank fees and funds for investment purposes together with credit card payments were identified as not being included on the Warrant of Payments. The bank fees and investment funds were included on the Warrant of Payments for the Council meeting held on 17 February 2004. The Corporate credit payments are subject to an examination by the Audit Committee and will be included on the Warrant of Payments following the examination.

**LOCAL GOVERNMENT EMPLOYEES (3)**

While the City has not conducted a performance review on every staff member, strategies were put in place last year to ensure better compliance. A significant improvement in the number of reviews was seen. This was achieved by monthly reminders to all managers with the names of staff members who were due for their performance review and a report generated for the executive to advise them who had not had a review completed.

To increase the continuous improvement strategy for the coming year, the City has adopted individual Performance Agreements for all staff with the month of February now dedicated to conduct the reviews.

It is expected that all staff will now have a review because their reviews are now linked to part of their remuneration.

**COMMENT**

A review has been undertaken by the Internal Auditor. The Compliance Return for 2003 was considered by the Audit Committee at its meeting held on 2 March 2004 and is now presented for adoption. Following the adoption of the Compliance Audit Return, the Chairman and the Chief Executive Officer will jointly certify it.

**ATTACHMENTS**

Attachment 1            2003 Compliance Audit Return

## VOTING REQUIREMENTS

Simple Majority

Note: It is a requirement of the Return that details of voting (i.e. carried 5/nil) be recorded in the minutes.

## RECOMMENDATION

**That the Audit Committee ENDORSES the completed Local Government Compliance Audit Return for the period 1 January 2003 to 31 December 2003 forming Attachment 1 to report CJ039-03/04.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach12agn090304.pdf](#)*

## **CJ040 - 03/04      RECORDKEEPING PLAN - STATE RECORDS ACT 2000 – [66036]**

**WARD - All**

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CJ040302\_BRF.DOC:ITEM 1

### **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 2 refers (See Appendices at rear of agenda)***

Attachment A	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 A to Report CJ040-03/04.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach1agn020304.pdf](#)*

**CJ041 - 03/04      CITY OF JOONDALUP COMMENT ON CITY OF  
WANNEROO      ECONOMIC      DEVELOPMENT  
STRATEGY – [14519]**

**WARD - All**

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CJ040302\_BRF.DOC:ITEM 2

**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 refers). 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 forming Attachment A to Report CJ041-03/04 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 refers) 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 3 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 forming Attachment A to Report CJ041-03/04 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 3 refers*

To access this attachment on electronic document, click here: [Attach2agn020304.pdf](#)

## CJ042 - 03/04      **WARRANT OF PAYMENTS – 31 JANUARY 2004 – [09882]**

**WARD - All**

CJ040302\_BRF.DOC:ITEM 3

### **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
<b>TOTAL</b>		<b>\$14,852,886.58</b>

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 4 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.**

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

*Appendix 4 refers.*

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



## **CJ043 - 03/04 FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2004 – [07882]**

**WARD - All**

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CJ040302\_BRF.DOC:ITEM 4

### **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 5 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 5 refers*

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

**CJ044 - 03/04      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**

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CJ040302\_BRF.DOC:ITEM 5

**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.**

**CJ045 - 03/04 MINUTES OF THE URBAN ANIMAL  
MANAGEMENT COMMITTEE HELD TUESDAY 18  
NOVEMBER 2003 – [44818]**

**WARD - All**

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CJ040302\_BRF.DOC:ITEM 6

**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 Report CJ045-03/04.*

**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 Report CJ045-03/04.**

*Appendix 6 refers*

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

**CJ046 - 03/04      PETITION - TRAFFIC ISSUES IN MULLIGAN DRIVE, GREENWOOD – [14100] [35487] [35485]****WARD - South**

CJ040302\_BRF.DOC:ITEM 7

**PURPOSE**

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

**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, Greenwood is currently listed in the City's Five Year Capital Works – Local Road Traffic Management Program and the current ranking of this project, together with others, will be reviewed as part of the 2004/2005 Budget process;*
- 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, Greenwood;*
- 3      *REQUEST the Warwick Police to carry out speed enforcement along Mulligan Drive, Greenwood;*
- 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, Greenwood is currently listed in the City's Five Year Capital Works – Local Road Traffic Management Program and the current ranking of this project, together with others, will be reviewed as part of the 2004/2005 Budget process;**
- 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, Greenwood;**
- 3        REQUEST the Warwick Police to carry out speed enforcement along Mulligan Drive, Greenwood;**
- 4        ADVISE the petitioners accordingly.**

*Appendix 7 refers*

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

**CJ047 - 03/04 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

CJ040302\_BRF.DOC:ITEM 8

**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 (Attachment 1 refers).

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**

<b>Suburb/Location:</b>	Portion Lot 9016 (500) Burns Beach Road, Burns Beach
<b>Applicant:</b>	Development Planning Strategies
<b>Owner:</b>	Burns Beach Management Pty Ltd
<b>Zoning:</b>	Rural
<b>DPS:</b>	
<b>MRS:</b>	Urban
<b>Strategic Plan:</b>	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 3000m<sup>2</sup> 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 refers).

**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](#)

**CJ048 - 03/04 DEDICATION OF PORTIONS OF NORTHSHORE 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

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CJ040302\_BRF.DOC:ITEM 9

**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:**

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

- 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](#)*

**CJ049 - 03/04 DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2004 – [07032]****WARD - All**

CJ040302\_BRF.DOC:ITEM 10

**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 Report CJ049-03/04.**

*Appendix 10 refers*

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

**CJ050 - 03/04 SUBDIVISION REFERRALS PROCESSED 1 – 31  
JANUARY 2004 – [05961]**

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

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CJ040302\_BRF.DOC:ITEM 11

**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 2m<sup>2</sup> 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 1m<sup>2</sup> 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 Report CJ050-03/04.**

*Appendix 12 refers*

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

**9 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11 DATE OF NEXT MEETING**

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

**12 CLOSURE**

**DECLARATION OF INTEREST FORM, CLICK HERE: [declofininterestsept2001.pdf](#)**



**QUESTION TO BRIEFING SESSION/ COUNCIL MEETING**

**NAME** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

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**QUESTIONS**

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Please submit this form at the meeting or post to:

The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919

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

**FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [seatplan cmrs 2004.pdf](#)**