



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 9 MARCH 2004**

TABLE OF CONTENTS

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	WELCOME	1
	PUBLIC QUESTION TIME	2
	APOLOGIES AND LEAVE OF ABSENCE	17
	DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY	17
C11-03/04	CONFIRMATION OF MINUTES MINUTES OF MEETING OF JOINT COMMISSIONERS, 17 FEBRUARY 2004	17
	ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION	17
	PETITIONS	
	PETITION OBJECTING TO LOCATION OF TELECOMMUNICATION TOWER IN KALLAROO PARK – [09188]	17
	PETITION REQUESTING CONSTRUCTION OF BMX TRACK, LEGANA RESERVE, KINGSLEY – [27199]	18
	REPORTS	
CJ039 - 03/04	2003 COMPLIANCE AUDIT RETURN – [09492]	18
CJ040 - 03/04	RECORDKEEPING PLAN - STATE RECORDS ACT 2000 – [66036]....	22
CJ041 - 03/04	CITY OF JOONDALUP COMMENT ON CITY OF WANNEROO ECONOMIC DEVELOPMENT STRATEGY – [14519]	26

CJ042 - 03/04	WARRANT OF PAYMENTS – 31 JANUARY 2004 – [09882]	30
CJ043 - 03/04	FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2004 – [07882].....	32
CJ044 - 03/04	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].....	33
CJ045 - 03/04	MINUTES OF THE URBAN ANIMAL MANAGEMENT COMMITTEE HELD TUESDAY 18 NOVEMBER 2003 – [44818].....	36
CJ046 - 03/04	PETITION - TRAFFIC ISSUES IN MULLIGAN DRIVE, GREENWOOD – [14100] [35487] [35485].....	37
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].....	41
CJ048 - 03/04	DEDICATION OF PORTIONS OF NORTSHORE DRIVE, GUNTER GROVE, WHITFORDS AVENUE, ADMIRAL GROVE, POSEIDON ROAD AND OCEAN REEF ROAD – [16988] [18276] [05056] [10831] [00374] [08496]	46
CJ049 - 03/04	DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2004 – [07032]	48
CJ050 - 03/04	SUBDIVISION REFERRALS PROCESSED 1 – 31 JANUARY 2004 – [05961].....	49
	 REPORT OF THE CHIEF EXECUTIVE OFFICER	 51
	 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	 51
	 DATE OF NEXT MEETING	 51
	 CLOSURE	 51

CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 9 MARCH 2004

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON – Chairman
CMR A DRAKE-BROCKMAN – Deputy Chairman
CMR M ANDERSON
CMR A FOX
CMR S SMITH

Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Community Development:	C HIGHAM
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations:	D DJULBIC
Manager Audit and Executive Services:	K ROBINSON
Manager, Marketing Communications & Council Support:	B ROMANCHUK
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

There were 28 members of the Public and 1 member of the Press in attendance.

WELCOME

Comr Paterson welcomed Mr Bill Kirkham former Mayor of Bakewell, England to this evening's meeting.

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 17th 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.

The following questions were submitted by Mr M Caiacob, Mullaloo:

Q1 Re Cook Avenue parking: Can the officers confirm that parking access to housing fronting Willandra Drive will only be from Willandra Drive?

A1 Development along Willandra Drive falls within the Perimeter Housing Precinct in the Structure Plan. For clarity, a modification to the draft Structure Plan is to be considered by the Joint Commissioners to add a statement requiring car parking to be accessed from the rear.

Q2(a) Re Cook Avenue Structure Plan. Do the attachments (pages 11 to 15) to the proposed structure plan become Statutory or does Part 1 of that structure plan if all approvals are given, as Part 1 is only indexed to Page 10?

A2(a) Part 1 includes the plan attachments. Part 2 is clearly defined by a separate title page. Nevertheless, these plans will be added to the Contents pages of the Structure Plan with modifications to be considered by the Joint Commissioners at their next meeting so that it is clear that they are contained within Part 1.

Q2(b) If not: Can the staff or the Commissioners verify with certainty the density coding for this site because:

(i) the Scheme Amendment in form 1c states that the site is to be uncoded, BUT;

(ii) the Structure plan in Clause 1.2 "Summary" states that the scheme amendment is proposed to see the land zoned to Urban with a low/medium density, AND;

(iii) the officer's report CJ303 for the structure plan under density coding states that the density is to be statutory through the structure plan process BUT;

(iv) and noting that the Structure Plan Map from attachment 2 possibly does not form a portion of Part 1 of the statutory text for the structure plan.

ie: in regards to the density coding for Lot 124 Cook Avenue, Hillarys the applicants' scheme amendment is in conflict with the applicants' structure plan. The officer's report CJ303 is in conflict with the proposed Structure Plan summary clause 1.2

A2(b) The proposed density for the Perimeter and Internal Housing Precincts is R25 and the Multiple Housing Precinct is R40, as are noted on Plan 1 in Part 1, the statutory section of the Structure Plan. Notwithstanding this, modifications to the draft Structure Plan will be considered by the Joint Commissioners at their next meeting to include these densities in the text. It is usual practice for the City to uncode land as part of the amendment process and provide the proposed density in the associated Structure Plan for the site.

Q3(a) Re Cook Avenue Traffic Management Report. The officer's report CJ303 states in the parking and access clause that a traffic management report is required with the structure plan submission and required prior to advertising of the structure plan to enable the adjoining landowners and the City to review and assess the adequacy of the proposed treatments.

Has the traffic management report been received by the City?

A3(a) Yes.

Q3(b) Has the traffic management report been received prior to advertising the structure plan?

A3(b) The traffic report was received on 24 December 2003 and advertising of the Amendment commenced on 21 January 2004.

Q3(c) When will the traffic management report be advertised to the adjoining landowners?

A3(c) This report was advertised at the same time as the Structure Plan and was made available at this time in the usual manner.

Q3(d) Is the developer financially responsible for:

(i) the construction of the '48 minimum on street parking bays' if required in Ferndene Mews, New England and Willandra Drives?

(ii) the implementation of the "Traffic Management Report" recommendations?

A3(d) As is normal practice, the developer will be responsible for the construction of all on-street car parking bays and the implementation of all works that are recommended in the report at the subdivision stage.

Q4 On which side of the roads will the possible future on street carbays be constructed:

(a) On the side of the existing residents,

(b) on the new development side of the road along side the dual use paths,

(c) or both?

A4 The exact location of on-street car parking bays that are not contained within Lot 124 is uncertain at this stage, however it is likely that they would be located adjacent to Lot 124. This matter will be finalised at the subdivision stage, as is the normal process.

Q5 *Re: SU123537.01 92 Cook Avenue Hillarys: Subdivision referrals stated that the subject land forms part of a larger area. What are the boundaries of the larger area referred to and what is the Zoning of the immediate area surrounding this application?*

A5 Subdivision applications are not referred to adjoining landowners. However, landowners located immediately surrounding Lot 124 on New England Drive, Willandra Drive and Ferndene Mews, were consulted regarding the Structure Plan, in addition to landowners on the opposite side of Cook Avenue. Consultation would not normally extend to the opposite side of a major local road. The properties surrounding Lot 124 are zoned "Residential".

The following questions were submitted by Mrs Carol Mackintosh, Kallaroo:

Questions addressed to the Chairman of Commissioners.

I refer to your admission during the Special Council meeting on 16 February 2004 that suspended Mayor Carlos has approached the City seeking financial assistance for his defence in the Supreme Court proceedings. In the interest of open, accountable and transparent Local Government, I ask:

Q1 *When did suspended Mayor Carlos first approach you?*

A1 11 February 2004.

Q2 *Was the approach made in writing?*

A2 Yes.

Q3 *How much has he (Mr Carlos) sought from the City by way of financial assistance for the legal fees incurred by him to date?*

A3 \$9,000.

Q4 *How much has he sought from the City by way of financial assistance for his future legal fees?*

A4 Nil.

Q5 *Will you confirm that the financial assistance requested is for legal fees incurred in his defence of a Writ served upon him by Mr Denis Smith, on Mr Donald Carlos, and not Mayor Carlos (suspended Mayor of City of Joondalup)?*

A5 Yes.

Q6 Will the City issue a notice to Mr Carlos demanding that he indemnify the City in respect of any legal or other liability the City may incur in defending the Supreme Court Writ?

A6 No.

In respect of elected members (presently under suspension), can you please advise:

Q7 When do you propose to commence the Parliamentary Inquiry into the suspension of the Council?

A7 This question should be directed to the Hon Minister for Local Government.

Q8 Is it proposed that the Inquiry will be delayed until after the State and Federal election?

A8 See answer 7 above.

Q9 If so, why?

A9 See answer 7 above.

Q10 What is the expected cost to the ratepayer of the Inquiry?

A10 See answer 7 above.

In respect of questions asked in relation to (suspended) Mayor Carlos having used his Mayoral credit card to fly Cr Hart home from Canberra to attend a Special meeting of Council in December 2003:

Q11 Who will comprise the Audit Committee, to which this matter will be referred?

A11 All Commissioners.

Q12 Will the answers to all questions submitted in relation to this item be made public, once the committee has completed its investigation?

A12 It is not considered appropriate to respond to this question at this point in time.

The following questions were submitted by Mr V Cusack:

In view of the City of Wanneroo's Economic Development Strategy, Item No CJ041- 03/04, which seeks to *Inter Alia*, "Actively promote employment options & opportunities through their early provision of infrastructure and industry attraction partnerships" (Attachment C).

Q1 Does the City of Joondalup have a Sustainability Policy specifically for new residential developments such as the one planned for Burns Beach?

A1 The City has an Environmental, Social and Economic Sustainability Policy which at a broad level can be applied to residential areas. In addition to this, the Building Code of Australia requires designers and builders to incorporate energy efficient practices into their home designs.

Q2 *If not, will the City consider formulating a Sustainability Policy that maximises, the economic, environmental, and social benefits for all stakeholders residing in "new residential areas" and indeed for any future redevelopments throughout the Suburbs?*

A2 See above.

The following questions were submitted by Mr M Sideris, Mullaloo:

Q1 *I refer to the proposed Recordkeeping Plan page 8 as attached to this agenda. Can you please advise why ratepayers do not appear as major stakeholders and advise why the reference to ratepayers is only mentioned once at page 7 Functions and Activities "Waste Management - the function of providing services by the City to ratepayers for the removal of solid waste, destruction and waste reduction."?*

A1 The City considers that ratepayers are stakeholders. Page 16 of the 2003/2008 Strategic Plan defines stakeholders as "individuals and organisations that have an impact on the strategic direction and decision making processes of the City." In view of this, ratepayers have been included in the list of major stakeholders on page 8 of the Recordkeeping Plan.

Last week the West Australian reported that Consolidated Construction was in liquidation. As Consolidated was the successful tenderer (with a non conforming offer) main contractor for the Sorrento Beach Development Project can you advise:

Q2(a) *What safeguards were contractually in place?*

A2(a) It is noted from the outset that Consolidated Constructions submitted a conforming tender. They also submitted an alternative tender in accordance with the conditions of tendering.

A contract was signed between the parties incorporating General Conditions of Contract AS4000. Retention money conditions are also applicable totalling close to \$50,000 to date. Retention money is 10% of approved progress claims until 5% of the contract sum is retained.

Q2(b) *Whether or not a risk assessment of Consolidated Construction was undertaken prior to award?*

A2(b) A risk assessment process was undertaken. All tenderers submitted audited financial details for the previous two years, costings were checked by a Quantity Surveyor to ensure Consolidated did not under price the works and industry checks did not reveal any issues with Consolidated.

Q2(c) Whether or not Consolidated or the City has any outstanding contractual liabilities?

A2(c) The outstanding contractual liabilities will be analysed by the Administrator as part of their investigations into this matter.

Q2(d) What contingencies are being implemented?

A2(d) The City intends negotiating with the administrator the options available within the conditions of contract to progress the works.

Q2(e) When the project will now be completed?

A2(e) It is the intention of the City to complete the stage one works by the summer of 2004.

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

Q1 Regarding CJ039-03/04, 2003 Compliance Audit Return, Attachment A, stamped page 7, Memo from Manager Assets and Commissioning to the Director Corporate Services, lists eight contracts worth more than \$50,000 that did not go to tender.

What was the value of each of the contracts listed in the Memo dates 09 02 2004?

A1	Fleet Maintenance	\$238 200 (1999 to 2003)
	RCS Performance Management	
	/Affinity Consulting	\$144,661 (2001 to 2003)
	Traffic Management Services	\$85,396 (2003)
	Supply of hardware	\$386,252 (1999 to 2003)
	Warwick Churches of Christ	\$1,159,165 (1999 to 2003)
	Oracle upgrade	\$708 939.87 (2003)
	Xmas Lights /Decorations	\$187,576 (1999 to 2003)
	Floorcoverings	\$184,664 (1999 to 2003)

Q2 Regarding CJ039-03/04, 2003 Compliance Audit Return, Attachment A, stamped page 7, Memo from Manager Assets and Commissioning to the Director Corporate Services, lists eight parties with whom the City entered into two or more contracts thereby avoiding tendering requirements.

What was the value of the goods or services that each of the parties will be supplying, or have supplied, to the City and when will each of the contracts expire?

A2	G&M Parri	\$143,006.35
	Gibson Nominees	\$232,518.70
	Stewards Home Improvements	\$183,184.00
	TLW Roofing	\$119,721.00
	Action Glass & Aluminium	\$164,064.07
	Underground Services	\$211,141.34
	Lyons & Pearce	\$174,823.50
	Carramar Sand Supplies	\$128,541.00

There is no specific term for each contract. The above figures cover the period 1999 to 2003.

- Q3 Regarding CJ040-03/04, Recording Plan, Appendix 2, page 8, stamped 0055, lists "Country Lodging Australia" as a major Stakeholder in the City of Joondalup. What qualifies "Country Lodging Australia" to be listed as a major stakeholder?*
- A3 Country Lodging Australia was identified in 2001 as a major stakeholder. This is no longer the case, therefore this reference will be removed from the Recordkeeping Plan.
- Q4 Regarding CJ040-03/04, Recording Plan, Attachment 1, Corporate Procedures Manual, page stamped 0077, Incoming Mail, states all incoming mail will be opened by record keeping staff regardless of the item being marked by the sender as "Private, Confidential, Personal etc." Yet page stamped 0100, in the Recordkeeping Responsibilities for Elected Members, fails to mention that all mail will be opened regardless of how the mail is marked. Will this difference be rectified?*
- Also will the Council Website inform members of the public that any postal mail sent to an Elected Member will be opened by staff and copies of the letter given to relevant staff possibly before the Elected Member themselves had received a copy of the letter?*
- A4 The User Guide for Recordkeeping Responsibilities for Elected Members will be updated to show incoming mail is opened by senior records management staff members. The City's website will be updated to advise the public that incoming mail marked to elected members is opened by senior records management staff members and forwarded to the relevant business unit as well as the elected member.
- Q5 Regarding CJ040-03/04, Recording Plan, Appendix 2, page stamped 0102, under "Emails - Incoming External or Internal", states that incoming emails sent to elected members will also be forwarded to the relevant officer as well as the elected member. Will the Council's website explain this on the page where the elected members' contact details are given?*
- A5 The City's website will be updated to advise the public that incoming emails sent to elected members are forwarded to the relevant business unit as well as the elected member.
- Q6 Regarding CJ041-03/04, City of Joondalup comment on City of Wanneroo Economic Development Strategy, attachment page stamped 0160, shows a population forecast of 290,000 people for Wanneroo in the year 2026. Considering that the City of Joondalup is dependent upon the groundwater resources in the City of Wanneroo, and the risks of decreasing availability of groundwater supplies due to the enhanced greenhouse effect, will the continued growth of Wanneroo threaten to change the current lifestyle and gardening practices of the residents of Joondalup?*
- A6 The City of Joondalup recognizes the significance of our valuable groundwater resources and has made a commitment to this effect in the City's Strategic Plan: Objective 2.1 'To plan and manage our natural resources to ensure environmental sustainability'.

The City acknowledges that the continued growth of the Wanneroo region has the potential to impact on groundwater supplies to the City of Joondalup. Please note that the majority of this future growth will be along the coast in the areas north of the City of Joondalup.

There is enormous opportunity for sustainable growth in the North West metro region. The key to achieving this vision is to work in collaboration with regional neighbours and the state government. The importance of this collaborative approach is recognized and shared across both Cities. For example, both Cities are currently working together with the Department of Conservation and Land Management, the Swan Catchment Council and the Swan River Trust to foster a collaborative regional approach across a number of issues in the Region related to catchment management and the direct impact this has on the quality of our surface and groundwater reserves.

One particular strategy is to develop a coordinated environmental framework, including community education. Community education provides a level of demand management of our water resources which will result in reduced negative impacts of groundwater extrusion.

The City of Wanneroo has also released a discussion paper on their Smart Growth Strategy which addresses sustainable development and the need to address various important issues including the natural environment and water quality.

A clear understanding of the impacts associated with further developments within the City of Wanneroo, in collaboration with the City of Joondalup will allow for the development of strategies to mitigate any arising future regional impacts that may arise.

- Q7 Regarding CJ042-03/04 Warrant of Payments. Cheque number 61579, \$1575.20 paid to Chokeby Road on 20 01 2004. What was the product or service provided by Chokeby Road and over what period was this product or service provided?*
- A7 Chocolate Truffles and Christmas Puddings were ordered for the Council's Christmas dinner. The goods were delivered on 3 December 2003 and were non refundable and perishable. As Council's Christmas dinner was cancelled the goods were distributed to needy families within the City.*
- Q8 Regarding CJ042-03/04 Warrant of Payments. EFT numbers 16 and 34 \$4371.56 and \$11,525.33 to Corporate Express, what were the goods or services provided to the City for these payments?*
- A8 Stationery.*
- Q9 Regarding CJ042-03/04 Warrant of Payments. Cheque number 61672, dated 31 01 2004 to Pavement Technology Ltd. Was this payment made for work that was carried out under a contract obtained after a proper tender process, if so when was the work put out for tender and who else submitted tenders?*

A9 Pavement Technology have a contract for the Traffic Signal Installation & Associated Works Shenton Avenue - Contract Number 031-02/03. Advertised on Saturday 15 March 2003. Awarded under Council meeting CJ185-07/03. The tender was awarded on 5 September 2003.

The City received one tender only from Pavement Technology.

The payment made to Pavement Technology was a progress payment - the overall contract value is \$1,460,597.39.

Mr E Ellery, Woodvale:

Q1 Re: Letter from Chris Baker to the Community News in which he has alleged that the Minister put the Commissioners into office to sack the CEO and resolve the issue. In the interests of honesty for ratepayers would you confirm or deny the allegation?

A1 *Response by Chairman Paterson:* When the Minister appointed the five Commissioners he gave no instructions whatsoever, except to get good governance.

Q2 Can I request that the Community News publish your reply to that question?

A2 *Response by Chairman Paterson:* I try to stay out of the press if I can, but you can tell them that you have already heard from the Chairman.

Mr M Caiacob, Mullaloo:

Q1 Following another child being knocked off his bike today at the corner of David Street and Korella Street in Mullaloo, could the officers consider looking at this intersection in regard to pedestrian and cycle pavement safety and vehicle sightlines to the east and west as viewed from David Street?

A1 Council was not aware of that accident today but the City will follow it up with the police and be more than happy to look at the issue.

Q2 Re: Hillarys Boat Harbour Structure Plan – Since October 2000, has a detailed investigation into the southern bound exit from Hillarys Boat Harbour onto West Coast Highway been conducted or completed by the City of Joondalup, the WAPC, the Department of Transport or any other authority?

A2 The City has not conducted any studies, although the City was party to some work that was being looked at within the harbour. The Department of Planning and Infrastructure has carried out some work on traffic issues but the City is not sure whether it is the study that Mr Caiacob is referring to.

Ms M Macdonald, Mullaloo:

Q1 Re: CJ047-03-04 – The report states that in the Urban Development Zone, Clause 3.12.2 of the DPS2 requires a structure plan to be prepared before development can be commenced, however Clause 3.12.2 is subject to Clause 9.11 which allows Council to approve development before a structure plan is adopted. Given that there has been controversy surrounding this land will Commissioners hold off the rezoning of this land until the structure plan is adopted so that the community have some certainty?

A1 This question will be taken on notice.

Q2 Re: Approval given under delegated authority to a development on Lot 495 corner of Boas Avenue and 167 Grand Promenade, Joondalup. This approval had been before Council on 2 December 2003, whilst this approval was before Council it was subject to public scrutiny. Are ratepayers able to see the approval given and the plans that were approved for development and if not, why not?

A2 Yes, the public can see them.

Ms M Zakrevsky, Mullaloo:

Q1 Re: Latest Council News the Autumn Edition – For what purpose and readership is the newsletter intended?

A1 It is to distribute information to the ratepayers in the community.

Q2 How is this publication distributed?

A2 This question will be taken on notice.

Mr V Cusack, Kingsley:

Re: Specific Sustainability Policy for new redevelopment using the example of the Burns Beach upcoming redevelopment.

Q1 In addition to the energy efficient practices requirement given in the Building Codes what other specifications does the City require the developers to put in place to maximise the economic, social and environmental benefits for all stakeholders?

A1 Those details have not been sorted out yet, but the City will try to introduce best practice in that process and the City would be more than happy for the Sustainability Advisory Committee to assist.

Q2 Will the Commissioners consider requesting the formulation of a specific sustainability policy for all new residential development and for any future redevelopments throughout the suburbs?

A2 This question will be taken on notice.

Mr J Hollywood, Burns Beach (speaking on behalf of the Burns Beach Ratepayers):

An allocation of \$80,000 was put in the 2003/2004 budget to do the maintenance on the Burns Beach toilet block. The maintenance has been carried out, \$25,000 was spent on the toilet block and money was put aside to do the sewerage works later on.

Q1 Can the ratepayers have a breakdown of where that \$25,000 has been spent? We do not believe that the maintenance on this building is worth \$25,000.

A1 The information has already been provided to the Association some time ago. The City is more than happy to resupply that information.

Q2 *There is also an allocation of \$20,000 to put rubber matting in the playground at Burns Beach, a tender was put out, apparently that tender was non-conforming. Can you please tell me what is happening with that tender and when the rubber matting will be provided at the Burns Beach playground?*

A2 This part of the question will be taken on notice.

- Mr Hollywood gave notification of a meeting regarding public consultation to be held at Kinross MacNaughton Reserve on 18 March 2004.

Mr S Magyar, Heathridge:

Q1 *Re: Warrant of Payments – Cheque No. 61464 – dated 20 January 2004 for \$121, 141.90 to James Christou and Partners – Can Council please identify which project or projects is being paid for?*

A1 The Craigie Leisure Centre.

Q2 *Under the Council's Standing Orders there is provision for a second public question time at the end of an Ordinary Meeting for the public to get clarification on any decisions made at that meeting. Can consideration be given to allowing a second public question time?*

A2 This decision will be made at a later time.

Mr M Sideris, Mullaloo:

Re: Earlier questions submitted by Mr Sideris:

Q1 *Re: Answer given regarding Question 2(b) dealing with the Consolidated Construction annexe, notice of liquidation. Can you please clarify what the risk assessment process was that was undertaken prior to the awarding of this contract?*

Q2 *Re: Answer 2(d) given on liquidation advice or notice of Consolidated Construction. The question clearly indicates what contingencies are being implemented. Can you please advise me if the contract between Consolidated and the City of Joondalup makes provision for contingency actions or do you just intend to negotiate your way through it?*

A1-2 These questions will be taken on notice.

Ms S Hart, Greenwood:

Q1 *Will the Commissioners please follow up on a letter I have received from Mrs Jean Brockett who is most concerned about the danger at the Coolibah Plaza Shopping Centre in Greenwood.*

A1 Chairman Paterson – Please table the letter.

Q2 Please can I have the total cost to the City from the outsourcing of RANS?

A2 This question will be taken on notice.

The following additional questions were submitted by Mr M Caiacob of Mullaloo:

Lot 124 Cook Avenue, scheme amendment and structure plan.

Q1 The DPS-2 Scheme Report states under Clause 12.2 section URBAN DEVELOPMENT ZONE that:

Once proposals for development and subdivision within an agreed structure plan area within an urban development zone become certain, the zones created under the agreed structure plan will be formalised by way of a scheme amendment to replace the Urban Development Zone.

(a) What zone is being created under the proposed structure plan?

(b) Will another scheme amendment be required to reflect the zoning referred to (if any) in the Agreed Structure Plan to replace the urban development zone?

Q2 The reports to Commissioners indicate:

- *the intent of the applicant is for a residential development with a density coding of R25 and R40;*
- *that a structure plan can still be required under clause 9.1 of the DPS-2;*
- *that it would be appropriate for the site to be used for the purpose of residential.*

Why isn't the Scheme Amendment zoning the site to "Residential" and coding the site R25 and R40?

Q3 Report CJ303-12/03 for the proposed Cook Avenue Structure Plan states on page 52 paragraph 2 line 4, that the scheme amendment is to suitably zone and code the site to Urban Development with density codes of R25 and R40 in line with the structure plan yet report CJ304-12/03 for the proposed Cook Avenue Scheme Amendment states on page 45 paragraph 4 line 3 that the structure plan stipulates the development requirements and density of the proposed lots.

(a) Is it the Scheme Amendment or the Structure Plan that is determining the R-Coding for this site and where is the density coding indicated in the amendment text or structure plan statutory text?

(b) why is the site being uncoded through the Scheme Amendment Process and being recoded R25 and R40 as the applicant's intention is and requirements are known?

Q4 In broad terms is the Cook Avenue Structure plan:

- *A District Structure Plan?*
- *A Local Structure Plan?*
- *A Centre Structure Plan?*

Q5 Does a District Structure Zone provide for the proper and orderly planning of large areas of land?

Q6 Does an Urban Development Zone provide for the proper and orderly planning of large areas of land?

Q7 Can any development be carried out on this proposed Urban Development Zone site under Clause 9.11 of the DPS-2 without the proposed structure plan being adopted?

Q1-7 These questions will be taken on notice.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

CONFIRMATION OF MINUTES

C11-03/04 MINUTES OF MEETING OF JOINT COMMISSIONERS, 17 FEBRUARY 2004

MOVED Cmr Smith, SECONDED Cmr Fox that the Minutes of the Meeting of Joint Commissioners held on 17 February 2004 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

Cmr Paterson stated he was continuing to meet with members of the community, by appointment.

PETITIONS

PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 9 MARCH 2004

1 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.

2 PETITION REQUESTING CONSTRUCTION OF BMX TRACK, LEGANA RESERVE, KINGSLEY – [27199]

A 23-signature petition has been received from residents of the City of Joondalup requesting the construction of a BMX track in Legana Reserve, Kingsley.

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

It was resolved that the petitions:

- 1 **objecting to the locating of a telecommunication tower in Kallaroo Park;**
- 2 **requesting the construction of a BMX track in Legana Reserve, Kingsley;**

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

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

WARD - All

PURPOSE

To adopt the completed 2003 Compliance Audit Return.

EXECUTIVE SUMMARY

The Joint Certification by the Chairman of Commissioners and the Chief Executive Officer was 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.

MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners ENDORSE 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.

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Anderson that the following additional Point 2 be added to the Motion:

“2 REQUEST the Internal Auditor to report to the Audit Committee on the quotations and tender processes used by the City.”

Cr Smith spoke in support of the Motion.

The Amendment was Put and

CARRIED (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

1 ENDORSE 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;

2 REQUEST the Internal Auditor to report to the Audit Committee on the quotations and tender processes used by the City.

was Put and

CARRIED UNANIMOUSLY (5/0)

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

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

OFFICER'S 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.

MOVED Cmr Smith, SECONDED Cmr Fox that the Joint Commissioners:

- 1 **ADOPT the Recordkeeping Responsibilities Policy for inclusion in the Recordkeeping Plan;**
- 2 **ADOPT the Recordkeeping Plan as shown at Attachment A to Report CJ040-03/04;**

3 REQUEST that the arrangements relating to mail and email for elected members be published on the website and at a convenient time in the Council's newsletter.

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

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

MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman 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.**

Comr Paterson advised he had met with the Mayor of the City of Wanneroo during the course of last week.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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
	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 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

MOVED Cmr Anderson, SECONDED Cmr Fox 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

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

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

MOVED Cmr Fox, SECONDED Cmr Anderson that the Financial Report for the period ending 31 January 2004 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

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

Statement on Meeting Process

Cmr Paterson advised that Briefing Sessions are held the week prior to Council, which gave Commissioners an opportunity to ask a number of questions and to seek clarification on items, thus allowing the Council business to be dealt with in a timely manner at Council meetings without the need for a number of questions or debate.

**CJ044 - 03/04 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]**

WARD - All

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

OFFICER'S 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.

MOVED Cmr Smith, SECONDED Cmr Drake-Brockman 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;**
- 3 REQUEST that the costs related to the Deed of Novation be borne by the new owners.**

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

WARD - All

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

MOVED Cmr Anderson, SECONDED Cmr Fox 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.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

MOVED Cmr Anderson, SECONDED Cmr Fox 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.**

Cmr Anderson stated it was important that statistics be obtained from the Police Department in relation to traffic accidents occurring in the area.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Suburb/Location:	Portion Lot 9016 (500) Burns Beach Road, Burns Beach
Applicant:	Development Planning Strategies
Owner:	Burns Beach Management Pty Ltd
Zoning:	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 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

OFFICER’S 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.

MOVED Cmr Smith, SECONDED Cmr Drake-Brockman 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;**
- 3 NOTE that a Structure Plan will need to be prepared in accordance with Section 9 of District Planning Scheme No 2;**
- 4 ADVISE the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to supplement the formal consultation process required under DPS 2;**
- 5 ADVISE the applicant that the Structure Plan should:**
 - (a) clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);**
 - (b) have particular regard to the retention of significant areas of natural vegetation where possible;**
 - (c) address the issue of telecommunication facilities and linkages through such measures as broadband/Telco cabling and the identification of mobile tower sites.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

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

MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman 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.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Report CJ049-03/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

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 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

MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners NOTE the action taken by the subdivision control unit in relation to the applications described in Report CJ050-03/04.

In relation to SU1514-03 and SU1548-03 dealing with issues where common property is involved, Cmr Smith queried the prospect of lobbying support from local government in general to the way in which these matters are dealt with.

Director, Planning and Community Development advised that a number of local governments are currently dealing with subdivisional issues in the same manner as the City of Joondalup. Also the Department of Planning and Infrastructure has commissioned the group, Planning Consultancy to undertake a review of the design codes. One of the City of Joondalup planning staff is a member of the Guiding Committee and it was considered this would be the most appropriate avenue to progress this issue.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

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

REPORT OF THE CHIEF EXECUTIVE OFFICER

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1935 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR A DRAKE-BROCKMAN
CMR M ANDERSON
CMR A FOX
CMR S SMITH

