



City of
Joondalup

**DRAFT AGENDA
FOR ELECTED MEMBERS'
BRIEFING SESSION
TUESDAY, 4 JULY 2000**

PUBLIC QUESTION TIME

At the Ordinary meeting of Council held on 23 May 2000, it was resolved to allow a 15 minute public question time at each Briefing Session which is open to the public.

To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.

The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.

The following general rules apply to question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
 - *questions should properly relate to Council business.*
 - *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
 - *questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*
- * Any queries on the Draft agenda, please contact Council Support Services on 9400 4369.*

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on
TUESDAY, 4 JULY 2000 commencing at **6.30 pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

APOLOGIES AND LEAVE OF ABSENCE

PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 20 June 2000:

Mr V Harman, Ocean Reef:

Q1 Am I correct to say that 40-50% of rates are used for the budget?

A1 Response by Director Resource Management: If you are asking what proportion of the total budget is the rate income, then this is approximately 50%.

Q2 Is it possible for the rates notice to show the total amount that ratepayers contribute so that people know how their money is spent?

A2 Response by Director Resource Management: It is not possible to put this information on the rates notice; however this information is included in the Mayor's Message which is issued with the rates notice and also published in the newspaper, prior to the issue of the rates notices.

Mr M Sideris, Mullaloo:

Q1 In relation to "Rates Working Group – Report on Findings" and the recommendation dealing with the intentions of the local government. What are the intentions and why is that recommendation given?

A2 *Response by Director Resource Management:* This is in relation to the security charge. We are suggesting to the Local Government Department that local authorities should be able to determine for themselves what costs go into the security charge. The Department is looking into this and is reviewing the Local Government Act, and this will be part of the review. The recommendation is to ensure that local authorities have autonomy to undertake surveillance and security to their liking.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Director Planning and Development stated his intention to declare a financial interest in Item 16 as he is a shareholder of Telstra.

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MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

DATE OF NEXT MEETING

CLOSURE

ITEM 1 STANDING ORDERS REVIEW COMMITTEE - LOCAL LAW - [01369] [05885]

WARD - All

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

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

“The purpose of this local law is to:

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

The intent of this local law is to:

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

SUMMARY

This report provides details of several amendments to the proposed Standing Orders Local Law that were considered and agreed at the meeting of the Standing Orders Review Committee held on 21 June 2000.

This report also covers the first of two parts of the process to be followed in adopting the proposed new Standing Orders Local Law 2000. The process is in accordance with section 3.12 of the Local Government Act 1995. (The Act) The first part involves:

- *reading aloud the purpose and intent of the proposed local law, at the meeting*
- *the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:*
 - (i) *the purpose and effect of the local law;*
 - (ii) *advice that copies of the proposed local law can be obtained from the local government; and*
 - (iii) *inviting submissions for six weeks after giving the notice.*

This process is outlined in greater detail in the Details section of this report.

BACKGROUND

The report outlining the review of the Standing Orders Local Law was first considered by Council at its meeting held on 28 March 2000. (Item 055 – 03/00 refers) At that meeting it was resolved to appoint a Standing Orders Review Committee (the Committee) and defer consideration of the Standing Orders Local Law until the Committee presented Council with its report.

The Committee met on 2 May 2000 and again on 6 and 21 June 2000. A copy of the Minutes of the Committee meeting held on 21 June 2000, recommending the Standing Orders Local Law be advertised for public comment, are included as Attachment 1 of this report.

DETAILS

Changes to Standing Orders

The proposed Standing Orders Local Law first submitted to Council at its meeting on 28 March 2000, was used by the Standing Orders Review Committee as the base document for discussion. As such, it included all those changes previously outlined in the first report to Council.

Subsequent changes made to the proposed Standing Orders Local Law were based on additional information provided to Committee Members dated 16 June 2000. The changes were agreed at the Committee Meeting of 21 June 2000. A copy of that additional information is attached to the Committee minutes.

The additional information outlined the formal and informal opportunities members have to raise matters with the Council and have them recorded while having the benefit of receiving a factual and detailed report to facilitate informed decision making. These opportunities are seen as significantly better than those provided through questions on notice, which traditionally receive the briefest possible answer, usually a “yes” or “no”. The brief answers without clarification, frequently give the wrong impression and could lead to confusion.

The additional information also outlined the significant changes made in monitoring staff performance and accountability of staff and members. There is no need for questions on notice, with other, better options available to Council members already in place.

Changes made to the proposed Standing Orders are detailed as follows in order of clause number.

Calling of meetings

Clause 6(2) has been amended by the addition of the words “or as required from time to time”. This adds greater flexibility for setting meeting times and days.

Public access to agendas and supporting information

Clause 8(2) has been amended by the addition of the words “may” and “on such occasions”. This adds greater flexibility and clarification for dealing with confidential matters.

Disclosure of interest affecting impartiality

Clause 20 has been completely re worded in keeping with legal advice, to better reflect the provisions of Administration Regulation 34C.

Motions of which previous notice has been given

Clause 25(2) has been amended to include a requirement that the notice be signed by the member giving notice and that the notice be submitted 7 clear days before the meeting rather than 14. It is considered that 14 clear days would not achieve the result initially intended.

Clause 25(6) is a new sub clause which enables a notice of motion to be amended or withdrawn if it contains adverse reflection, imputes motive or is offensive or insulting. This clause ensures a high level of professionalism can be maintained in the meeting process.

Motions to be seconded

Clause 52(3) has been amended by the addition of the words “is deemed to have” and change the word “reserve” to “reserved”. The clause now provides in seconding a motion, the seconder has automatically reserved the right to speak on the motion rather than having to reserve the right at the time of seconding. This does not mean that the seconder must speak on the motion.

Mover or seconder to be deemed to have spoken

With the changes made to clause 52, the above clause that was formerly numbered 56 has been deleted from the proposed Standing Orders.

Local Law Making Procedure

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

- “ **3.12**
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
 - (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given , give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

The changes agreed at the Standing Orders Review Committee meeting of 21 June 2000, have been made to the proposed Standing Orders Local Law 2000 included as attachment 2 to this report. Additions to the local law document have been shown bolded.

Legal advice was obtained on several of the changes made to the proposed standing orders local law.

The Standing Orders Review Committee have recommended that the Council approves advertising of the proposed City of Joondalup Standing Orders Local Law 2000, to seek public comment

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed minutes of the Standing Orders Review Committee held on Wednesday, 21 June 2000 and forming Attachment 1 to this report;**
- 2 in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Local Law 2000” and forming Attachment 2 to this report, in order to seek public comment.**

Appendices 1(a) and (b) refers

*To access this attachment on electronic document, click here: [Attach1abrf110700.pdf](#)
[Attach1bbrf110700.pdf](#)*

cjstandordersrep2

ITEM 2 AMENDMENT TO POLICY 2.3.3 - USE OF COMMON SEAL AND THE SIGNATORIES FOR CONTRACT EXECUTION - [18085, 26176, 13399]

WARD – All

SUMMARY

Council, at its meeting held on 27 June 2000, undertook a review of the Corporate Policy Manual. This report requests that further amendments be made to Policy 2.3.3 – Use of Common Seal and the Signatories for Contract Execution.

DETAILS

Council, at its meeting held on 27 June 2000, undertook a review of the Corporate Policy Manual. It has now been noted that further amendments are required to Policy 2.3.3 – Use of Common Seal and the Signatories for Contract Execution.

These amendments are of a minor nature and include:

- minor rewording of Points 1 and 5
- rewording of Point 3 (as this had been a duplication of Point 2)
- inclusion of a definition of “Agreement” and an additional Point 8

RECOMMENDATION

That Council ADOPTS the amendments to Policy 2.3.3 – Use of Common Seal and the Signatories for Contract Execution as shown on Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110700.pdf](#)

ITEM 3 POLICY 3.2.5 – DESIGN GUIDELINES FOR WATERVIEW ESTATE, KINGSLEY – [46869]

WARD - South

SUMMARY

A draft policy entitled ‘Design Guidelines for Waterview Estate, Kingsley’ was adopted by Council on 26 April 2000 and made available for advertising for public comment.

The policy provides guidelines, which encourage the integrated development of the estate, promoting a high standard of residential amenity and an interesting and intimate streetscape. The flexibility provided by the guidelines essentially assists prospective purchasers, in that, lot area can be maximised for development.

The advertising period closed on 25 May 2000. Only one submission was received from Masterplan Consultants acting on behalf of the applicant. The submission requests rear setbacks to be varied to allow for zero rear setbacks and the introduction of zero side setbacks.

It is considered that a modification to the rear setback requirement to allow for 2 metre minimum and 3 metre average is acceptable, but that zero setback opportunities are already covered by the provisions of the Codes.

It is recommended that the modified policy be adopted.

BACKGROUND

Lot No	6 and 7
Street Address	Wanneroo Road
Land Owner	Rockingham Park Pty Ltd and Butte Holdings Pty Ltd
MRS Zoning	Parks and Recreation and Urban
TPS Zoning	Parks and Recreation and Urban Development
Lot Area	1.3795 ha and 1.4563 ha

In July 1999 the Western Australian Planning Commission approved the subdivision of lots 6 and 7 Wanneroo Road, Kingsley into 35 single residential lots ranging in size from 358m² to 486m² and two grouped dwelling lots (Page 3 of Attachment 1).

Condition 19 of the subdivision approval requires the subdivider to prepare design guidelines for adoption by the Local Government to control development within the application area. The subject condition is required to be cleared by the City at the time of the clearance stage of the subdivision. The applicant has sought clearance of the subject subdivision.

In the past design guidelines have been formulated for individual subdivisions. From a planning implementation point of view it is considered that formulating design guidelines that are generic in nature, that can be applied to all development within the municipality, is the preferable approach. Given the time constraints in this case Council officers have formulated design guidelines for the subject subdivision, which are intended to be adopted as policy. The policy can then be absorbed by the generic design guidelines once these have been adopted.

At the Council meeting of 26 April 2000 the draft policy was adopted to enable it be advertised for public comment in accordance with Clause 5.11 of the Scheme.

DETAILS

Current Proposal or Issue

Development is generally controlled by the Residential Planning Codes (Codes) which were gazetted on 30 January 1985 in the form of a Statement of Planning Policy No.1 under the provision of Section 5AA of the Town Planning and Development Act. The Codes are the basis for the control of residential development within local authorities throughout the state and provide prescribed detail with respect to setbacks, open space, and frontages.

The draft policy (Attachment 1), entitled 'Design Guidelines for Waterview Estate, Kingsley' modifies some code provisions and addresses some additional issues. Further, it aims to provide guidelines which encourage the integrated development of the precinct, promote a high standard of residential amenity and an interesting and intimate streetscape. The policy aims to provide for flexibility in design of dwellings on the lots. The policy offers the following variations:

- Reduced front setback from 6 metres to 4 metres average with a minimum of 3 metres. This provides for an intimate streetscape and maximises the lot area.
- Reduced rear setback from 4 metre average to 3 metre minimum.
- Reduction in the private open space requirement for lots less than 400m² to 40% from 50%. This provides for greater site cover given the small lot size.
- Fencing to primary street frontages being a maximum height of 1.8m, designed to be visually permeable, two thirds of the fencing should be 'open in nature' and a maximum solid portion of 750 mm measured from ground level.

Relevant Legislation

Clause 5.11 of the City of Joondalup's Town Planning Scheme No. 1 allows Council to prepare planning policies relating to planning or development within the Scheme Area. Under the City's Town Planning Scheme a policy shall only become operative after the following steps have been taken:

1. Draft policy to be prepared and adopted by Council.
2. Draft policy to be advertised for public comments for at least 21 days.
3. Council to review draft policy in the light of any submissions made and then resolve to either finally adopt the draft policy with or without modification; or not proceed with draft policy.
4. Notice of final adoption of policy to be published in a newspaper circulating in area.

Advertising and Summary

The draft policy was advertised for public comment from 4 May 2000 to 25 May 2000. Only one submission was received from Masterplan Consultants acting on behalf of the applicant. The submission requests the following changes:

Rear Setback

- Provision for the 3 metre minimum rear setback to be varied in appropriate circumstances, for example allowing a zero rear setback.
- Outbuildings being specifically excluded from the 3 metre rear setback requirement.
- Allow for zero rear setback for carports and garages.

Side Setback

- Suggest inclusion of the following “Side Setback: A limited number of lots may be developed with zero side setback as shown on the estate plan attached. Side setback for all other lots within the estate is to be in accordance with the requirements of the Codes.”
- This allows for the narrow lots to be developed with zero lot lines providing the best possible house design for the landowner.

COMMENT

Issues

With respect to the submission the following comments are provided:

Rear Setback

- A variation to the requirement is proposed to enable the rear setback to be averaged, thus providing flexibility in design with a minimum of 2 metres and an average of 3 metres. The Residential Planning Codes already provide for a single house to have a zero rear setback so no further modification is necessary.
- Outbuildings are to be specifically excluded from the 3 metre rear setback requirement.
- All structures are to be setback 3 metres from the rear of lots 35, 36 and 37 to accommodate a future access way and allow for adequate maneuverability and visibility. Effectively this is a zero rear setback for carports and garages.

Side Setback

- It is acknowledged that incorporation of zero side setbacks allows for flexibility in design on narrow lots. The Codes include provisions relating to zero side setbacks for single dwellings. Accordingly there is no need for such provisions to be included within the policy, or for the location of zero side setbacks to be indicated on the plan.

Assessment and Reasons for Recommendation

With respect to the submission the draft policy has been modified to include a variation to the rear setback, providing flexibility in design. The proposed policy will adequately control the detailed development of houses on the lots within the Waterview Estate and can be administered as part of the planning and building licence approval process. The proposed policy provides guidelines, which encourage the integrated development of the precinct, promote a high standard of residential amenity and an interesting and intimate streetscape. The flexibility provided by the guidelines essentially assist prospective purchasers, in that, lot area can be maximised for development therefore resulting in an improved standard of development. In order for the above to occur, it is recommended that Council adopt the modified attached policy.

RECOMMENDATION

That Council, in accordance with Clause 5.11 of the City of Joondalup Town Planning Scheme No. 1, MODIFIES and ADOPTS Policy 3.2.5 - ‘Design Guidelines for Waterview Estate, Kingsley’ attached to this Report.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110700.pdf](#)

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ITEM 4 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL – [15876]

WARD - All

SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 18.05.00 to 15.06.00:

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Sizzler Australia P/L
Description:	Lot 1 (46) Gwendoline Drive, Beldon
Date:	18.05.00
Document:	Deed
Parties:	City of Joondalup and D and M Catellani
Description:	Lot 3 (8) Dugdale Street, Warwick
Date:	25.05.00
Document:	Deed
Parties:	City of Joondalup and Sarah Marion Birch
Description:	Lot 1 (46) Gwendoline Drive, Beldon
Date:	12.06.00
Document:	Section 70A Notification
Parties:	City of Joondalup and Mrs Maria Toncich
Description:	Lot 125 (32) Ross Avenue, Sorrento
Date:	12.06.00
Document:	Local Law
Parties:	City of Joondalup
Description:	Amendment Local Law 2000
Date:	15.06.00
Document:	Copyright Agreement
Parties:	City of Joondalup and John Forbes
Description:	Local Studies – Oral History
Date:	15.06.00
Document:	Copyright Agreement
Parties:	City of Joondalup and Roberta Mary Murphy
Description:	Local Studies – Oral History
Date:	15.06.00

RECOMMENDATION

That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

ITEM 5 CITY OF COCKBURN INQUIRY - [02004]

WARD - All

SUMMARY

The purpose of this report is to summarise and provide some information on the findings and issues raised by the Ministerial Inquiry into the City of Cockburn. (Cockburn Inquiry) More specifically, the report aims to identify any matters that could be of interest to the City and relevant to local government generally.

BACKGROUND

An inquiry was initiated by the Executive Director of Local Government, into several areas of operation of the Council of the City of Cockburn. That inquiry identified concerns of sufficient magnitude for the Minister for Local Government to suspend the Council and appoint Commissioners on 13 April 1999, in preparation for a Ministerial Inquiry.

The Ministerial inquiry was conducted by Mr Neil Frederick Douglas, Legal Practitioner. Mr Douglas is a principal of the law firm Minter Ellison, which has a long association of providing legal services to the local government industry. Details of the inquiry and his findings are outlined in a three volume report dated April 2000. Copies of the report are located in the Councillor's Reading Room for information.

While the matters investigated and reported on relate specifically to the activities of the City of Cockburn, some recommendations if implemented, will have an impact on local governments generally. It was also considered that other local governments could learn from the Cockburn experience.

A review of the procedures that apply to the areas of concern raised in the Cockburn Inquiry would be the minimum expectation for local governments to undertake.

DETAILS

In broad terms, the Cockburn Inquiry was initiated as a result of complaints and concerns with that City's handling of the following matters:

- (1) Tendering and awarding of contracts;
- (2) Zoning and subdivision of land;
- (3) Application and Payment of Public Open Space contributions to sub division participants. (Section 20C Town Planning and Development Act)

- (4) Provision of responses to external reviews; eg Ombudsman
- (5) Financial Interest and Interest Affecting Impartiality

Some of the issues that arose from the inquiry are specific to one of the above areas, while other issues relate to several areas. Subsequent issues were identified in the inquiry process and have been mentioned in the Inquiry report.

- (1) The Tender Process and Awarding Contracts

The tender process applied for awarding cleaning contracts at Cockburn, was considered to be flawed, as staff incorrectly interpreted and applied the Tender Regulations 1983. (Tender Regulations 1983 were repealed on 1 July 1996) Application of the financial limit on contracts appeared to be misunderstood. Extension of contracts beyond the period advertised was also a concern.

In addition, it appeared that staff and elected members were not aware of their respective roles, responsibilities or the rationale for the tender requirements, that:

- (i) the tender process is fair and transparent;
- (ii) tenders are assessed and decisions made on the basis – and only on the basis – of the advertised criteria, and
- (iii) the overriding objective is to determine which of the tenders is most advantageous to the City.

The inquiry report indicated that there was an underlying need for the Tender Regulations 1983 and requirements to be clear, documented, accessible and understood by both staff and elected members. It was also considered important to have effective processes in place that ensured any tender was above board and in keeping with regulations.

- (2) and (3) Zoning and Subdivision of Land /Application of Public Open Space Monies

The investigation covered three separate subdivisions. Concerns included the planning process applied to rezoning of land for subdivision and the application of monies contributed and set aside for purchase of land for public open space under section 20C of the Town Planning and Development Act. It was considered that relevant legislation and procedures need to be understood, be clearly outlined, documented and followed. Where legal advice was obtained on a matter, it should be accepted and actioned. If unclear the advice should be clarified or alternative advice obtained.

- (4) Provision of responses to external reviews; eg Ombudsman

The inquiry recommended that Cockburn develop, establish and implement procedures to ensure its responses to inquiries and findings are consistent with the standards of accountability expected of an external agency and those procedures govern the responses to other reviews including external reviews. This recommendation evolved due to criticism of the CEO from the Ombudsman's Office and the Department of Local Government over failure to adequately respond to questions and accusations.

Regardless of whether or not the criticism of the CEO was warranted, this raises an issue that is fundamentally wrong in the progress of an inquiry from the Ombudsman's Office to a local government. Correspondence is currently addressed to the Mayor or President, Chief Elected Representative of the local government, whereas it should be addressed to the CEO and a copy provided to the Mayor. Unlike Government Departments where the Minister is responsible for the operations of his Department, the CEO is responsible for the operations of a local government. In cases where a Mayor has a falling out with the CEO, correspondence may deliberately not be passed onto the CEO. This can be avoided if the correspondence is addressed to the CEO and a copy forwarded to the Mayor or President as the case may be.

(5) Financial Interest and Interest Affecting Impartiality (Non Financial)

The inquiry recommended that:

Members who have a non financial interest in a matter before a local government be encouraged through training and guidelines from the Department of Local Government, to refrain from:

participating in the decision making process;

voting on the matter, and

having anything to do with the matter in their roles as elected members.

It was also recommended that at Council or committee meetings the elected members be given the power to decide whether a fellow member who has declared a non financial interest should be entitled to participate in the discussion or vote on that matter. This is similar to what applies to a member who declares a financial interest. In instances where it is deemed the member's interest is trivial, insignificant or common to significant numbers of electors or ratepayers, the member may be permitted by the meeting, to participate in the decision making process on that matter.

The inquiry further recommended that:

Members who have an interest in a matter before the local government, should in relation to that matter:

be restricted in their access to the local government's employees and elected members;
and

have no greater right than a member of the public to obtain access to documents, or to use the resources of the local government.

Even though a council member may declare a financial interest in a matter, leave the chamber when it is discussed and take no active role in the voting process, they still have access to any legal advice or proposed strategy that may be put forward to progress the matter. They are therefore able to take action to effectively negate the Council's strategy. The opportunity is also available to submit correspondence that requires the Council to seek further legal advice. While still having access to that advice they can obtain free legal advice and possibly a far better outcome for themselves.

Again, this is a difficult situation and can be expected to receive careful examination by the Department of Local Government. Until such time as a member declares an interest in a matter they must be provided with all agenda information and are expected to evaluate and vote fully participate in the determination process. It is expected that there would be significant difficulties in managing a process to achieve what is recommended. Certainly there would have to be some legislative change to facilitate the process.

OTHER SIGNIFICANT ISSUES

Other Legislation Changes

The Cockburn Inquiry has recommended a series of legislative changes be made to facilitate the smoother operation of future similar inquiries. Associated recommendations include provision of adequate protection of staff from personal liability; the prohibition on improper use of information by staff engaged by the inquiry; the right of witnesses to choose an oath or affirmation without having to give reason for their choice and include the right to legal representation in defined circumstances.

Other recommended legislative changes include an addition to the specific category of “closely associated “ persons, being a person for whom legal services are being provided by an elected member.

Another amendment recommended is to extend the determination of whether a Council member or employee has a financial interest in a matter before a committee or Council, by including consideration as to there being reasonable expectation of a financial gain or loss due to either:

- (a) the way the matter might be dealt with by the council or committee ; and
- (b) the way the matter might be dealt with by the elected member or employee.

Codes of Conduct

The Local Government Act 1995 requires each Council to have a Code of Conduct and include certain matters in that code as specified in Administrative Regulations. It was found that the City of Cockburn had amended their code of conduct to delete a “conflict of interest” provision and “undue influence” provision.

Compliance with a Council’s Code of Conduct is voluntary. However, there is an inherent expectation that once the code is adopted, Council members and staff will comply with the provisions of their Code. Willingness and commitment to compliance is taken as an indication of a person’s ethics and professionalism.

There is a need for a strong commitment to comply with the Council’s Code of Conduct. While appropriate measures are in place to ensure staff comply, Council members currently do so on a completely voluntary basis. There is no current process to enforce compliance. This is one issue that the inquiry recommends the Department of Local Government review to make appropriate aspects of codes of conduct enforceable.

As the full impact of the Cockburn Inquiry progresses, there is no doubt likely to be other issues that are followed up and will impact on local government. The frequency of inquiries into local governments and adverse findings, does little to instill confidence in local government, that residents and ratepayers deserve. It is therefore imperative that Council members and their administrations work together to remove improper conduct.

COMMENT

The findings and recommendations outlined in the “Report of the Inquiry into the City of Cockburn” give the impression of a local government functioning under immense pressure largely brought about by the actions of some senior elected members.

The findings of the inquiry indicated that some elected members frequently applied undue and improper influence on staff in order to gain an advantage or achieve a particular outcome they wanted. As previously mentioned the Council’s Code of Conduct was amended to delete an “undue influence” provision. Simply deleting the provision does not make undue or improper influence any more acceptable or legal.

There is also identified, the need for effective administrative procedures to be in place.

The Cockburn Inquiry has highlighted the need for elected members to:

- seek, accept and act on professional and legal advice;
- make informed decisions, based on factual advice/written reports;
- comply with the financial interest provisions of the Act;
- have a code of conduct that complies with the requirements of the Act and Regulations and observe the Council’s Code of Conduct;
- know the extent of ones authority and avoid misuse of authority, through undue influence/coercion;
- be aware of the Anti Corruption Commission Act 1988 and responsibilities of staff under that Act;
- be aware of the role and responsibilities of elected members.

The Cockburn Inquiry has highlighted the need for staff to:

- know the legislation applicable to their area of expertise and provide sound accurate advice;
- comply with the financial interest provisions of the Act;
- observe the Council’s Code of Conduct;
- be aware of the Anti Corruption Commission Act 1988 and their responsibilities under that Act;
- ensure that processes are well documented, include effective checking mechanisms and appropriate training is available to Council members and staff;
- ensure relevant information is readily available to Council members and staff;

LOCAL GOVERNMENT INDUSTRY POSITION

The Western Australian Municipal Association (WAMA), Department of Local Government and the Institute of Municipal Management, were contacted to ascertain what action if any they proposed to take in relation to the outcomes of the Cockburn Inquiry.

WAMA indicated that they do not intend at this stage, to formally assess the report or produce any conclusions on behalf of the local government industry. The inquiry and its outcomes were considered to be more in the province of the Department of Local Government.

The Department of Local Government indicated that they are in the process of evaluating the recommendations and the issues identified in the report. The Department was conscious of the fact that the report had been referred to the Department of Public Prosecutions (DPP) for evaluation and possible legal action against persons involved in the Cockburn Inquiry. It was therefore considered not appropriate to make comment until such time as the proposed action if any by the DPP was known.

The Institute of Municipal Management (IMM) proposes to gather information from officers called before inquiries, lawyers who have represented officers, local governments and other parties involved in the process. The Divisional Council of IMM is seeking to identify and define areas of concern, then participate in a review of the inquiry process to ensure officers rights and interests are fairly represented in any future inquiry.

CITY OF JOONDALUP POSITION

It is considered that the City of Joondalup is well placed with those general local government matters that have been raised as concerns in the Cockburn Inquiry.

The City has:

- (a) in place efficient and effective processes for ensuring the Tender Regulations are complied with. These include review and checking mechanisms by persons not directly involved in the tender process. Advice on the requirements for tender and process to be followed, are readily available from the Manager of Contracts.
- (b) adopted and applies a Code of Conduct that is in keeping with the requirements of the Local Government Act 1995 and Regulations.
- (c) a Complaints Handling process in place with dedicated staff to ensure all complaints, regardless of who they are from or subject matter, are responded to with factual information and within the designated time;
- (d) developed a draft Standing Orders Local Law based on the need for the Council to be provided with appropriate reports and information on which to make informed decisions;
- (e) included in the draft Standing Orders Local Law, provision that interests that may affect impartiality must be declared;

- (f) a well functioning Council supported by highly qualified, capable and professional staff;
- (g) sound administrative systems and processes in place that meet legislative requirements;
- (h) supported and provided opportunity for training of Council members in all areas impacting on their role;
- (i) progressed to be a well recognised for its innovation and leadership in the local government industry.

RECOMMENDATION

That Council:

- 1 NOTES the following City's current position in regards to those general local government matters as raised in the Cockburn Inquiry, being:**
 - (a) in place efficient and effective processes for ensuring the Tender Regulations are complied with. These include review and checking mechanisms by persons not directly involved in the tender process. Advice on the requirements for tender and process to be followed, are readily available from the Manager of Contracts;**
 - (b) adopted and applies a Code of Conduct that is in keeping with the requirements of the Local Government Act 1995 and Regulations;**
 - (c) a Complaints Handling process in place with dedicated staff to ensure all complaints, regardless of who they are from or subject matter, are responded to with factual information and within the designated time;**
 - (d) developed a draft Standing Orders Local Law based on the need for the Council to be provided with appropriate reports and information on which to make informed decisions;**
 - (e) included in the draft Standing Orders Local Law, provision that interests that may affect impartiality must be declared;**
 - (f) a well functioning Council supported by highly qualified, capable and professional staff;**
 - (g) sound administrative systems and processes in place that meet legislative requirements;**
 - (h) supported and provided opportunity for training of Council members in all areas impacting on their role;**
 - (i) progressed to be a well recognised for its innovation and leadership in the local government industry;**

- 2 SUPPORTS a change in procedure by the Ombudsman’s Office in addressing correspondence on any administrative matters to the CEO of the local government, with a copy forwarded to the Mayor as the case may be;**
- 3 ADVISES the Department of Local Government, Western Australian Municipal Association and the Institute of Municipal Management that it would support a review of the existing legislation relating to the need to treat interests that may affect a person’s impartiality in the same manner as the Local Government Act 1995 deals with interests of a financial nature.**

ITEM 6 VEHICLE TENDER 99-99/00 - PURCHASE OF TWO EIGHT TONNE TIPPERS – [43843]

WARD - All

SUMMARY

Included in the City's Draft 2000/01 Heavy Vehicle Replacement Programme budget are funds for the purchase of two 8 tonne tip trucks with the trade of the following vehicles:

- Plant Number 96126 Isuzu FTS 700 tip truck allocated to Operations Services
- Plant Number 96503 Mitsubishi FM 517HS tip truck allocated to Operations Services

Funding of the shortfall is from the Heavy Vehicle Replacement Reserve. The purchase of these vehicles was carried forward from the 1999/2000 programme.

The CEO has delegated authority to accept tenders up to a figure of \$100,000. However, as Tender 099-99/00 exceeds that figure, it requires approval of the Council.

This report recommends the purchase of two Mitsubishi FM 658 HV tip trucks from Skipper Trucks together with the disposal of vehicles #96126 and #96503, for a net change over figure of \$102,594.

BACKGROUND

Tender number 099-99/00 pertaining to these acquisitions was advertised on Wednesday 24th May 2000 and closed on Tuesday June 13th, 2000. The two vehicles to be traded were presented for inspection on June 1st, and were evaluated by all prospective tenderers.

Due to the tender evaluation process, including the assessment against tender specifications, these vehicles missed the close of year and therefore were re-budgeted in this financial year

DETAILS

There were three submissions received for the supply and trade of two 8 tonne tip trucks as per Tender 099-99/00, and one submission for outright purchase of the trade vehicles. Details of all submissions are shown on Attachment A.

Each tender specified the time of delivery for the trucks. Only Skipper Trucks could offer immediate supply of the cab/chassis, which is the truck without body. The tipper body then has to be manufactured by a sub contracted body builder. Construction of the tipper bodies would commence from the time of truck availability and is expected to take three weeks.

The specifications for the new supply requested a gearbox providing 10 forward speeds. This was requested by Operations Services so as to provide a wide range in gearing to assist in choosing the optimum drive ratio for the conditions and load required to be carried by the vehicle.

The only vehicle to conform to the specification, was the Mitsubishi FM 658 HV as tendered by Skipper Trucks. The Isuzu FVR 950 was offered with a 7-speed gearbox and the Nissan UD PK220 offered with a 9-speed gearbox. Both of these units were considered as not conforming to the specifications and are therefore not recommended for purchase.

The change over cost as tendered by Skipper Trucks for supply of the Mitsubishi was found to be the second lowest after the tender from AV Truck Services for the supply of the Nissan UD.

However, the difference is only 2% and relates to the values of the trade vehicles.

AV Truck Services declined to purchase the trade vehicles outright.

The highest offer for outright purchase of the trade vehicles was from Raytone Motors, however its tender did not have a signed tender form and under the General Conditions of Tendering has to be declared non conforming and could not be accepted.

Consideration was given to not trading the two trucks at this time and retendering for their disposal in August 2000. However, it is expected that the value of used truck values will drop after the introduction of the GST and together with the cost of re advertising, would not achieve any additional financial benefit for the City.

It is recommended that the tender for the supply of two Mitsubishi FM 658 HV tip trucks from Skipper Trucks together with the disposal of vehicles #96126 and #96503, for a net change over figure of \$102,594, be accepted.

The tender from Howard Porter Pty Ltd was non conformant as it was a quotation for the supply and fit of a hoist only therefore not complying with the full tender specifications.

COMMENT/FUNDING

Based on the Skipper Trucks tender the financial position is:

Plant Number	Recommended Tender- Changeover	Budget Provision	Budget Surplus/(Shortfall)
96126	\$45,937	\$51,232	\$5,295
96503	\$56,657	\$51,232	(\$5,425)
Total	\$102,594	\$102,464	(\$130)

Accepting this, the overall Draft 2000/01 budget shortfall on tender 099-99/00 is \$130.

RECOMMENDATION

That Council in accordance with the General Conditions of Tendering ACCEPTS the tender from Skipper Trucks for the supply of two Mitsubishi FM658 HV tip trucks and trade of vehicles #96126 and #96503 at a net change over figure of \$102,594 as detailed in Tender 099-99/00.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf110700.pdf](#)

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ITEM 7 REGISTER OF DELEGATED AUTHORITY – [07032]

WARD - All

SUMMARY

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to maintain a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of June 2000.

BACKGROUND

Part 5 of the Local Government Act 1995 empowers a local government to delegate many of its powers and duties to the Chief Executive Officer.

Section 5.46 requires the Chief Executive Officer to maintain a register and record of delegations and to review the delegations once every financial year.

Register of, and records relevant to, delegations to Chief Executive Officer and employees

- 5.46** (1) *The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

DETAILS

The Register documenting the delegated authority exercised by the Chief Executive Officer for the month of June 2000 are shown as Attachment A.

RECOMMENDATION

That the Council NOTES the Register documenting the delegated authority exercised by the Chief Executive Officer, for the month of June 2000.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf110700.pdf](#)

ITEM 8 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE - 22 JUNE 2000 – [12168]

WARD - All

SUMMARY

A special meeting of the Conservation Advisory Committee was held on 22 June 2000 and the minutes of the meeting are submitted for noting by Council.

The meeting held on 6 June 2000 was discontinued due to the failure to achieve a quorum.

The minutes of the previous meeting held on 5 May 2000 were not ratified and will be held in abeyance until the formulation of a newly elected committee. The minutes of this meeting were noted by Council at its meeting dated 23 May 2000.

DETAILS

The minutes of the special meeting of the Conservation Advisory Committee held on 22 June 2000 are included as Attachment 1.

The following motion was put and carried:

Moved Cr J Hughes, Seconded J Wood, that the Conservation Advisory Committee splits into two groups representing the City of Joondalup and the City of Wanneroo.

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed minutes of the special meeting of the Conservation Advisory Committee held on 22 June 2000;**
- 2 NOTES that the Conservation Advisory Committee meeting held on 6 June 2000 was discontinued due to the failure to achieve a quorum;**
- 3 NOTES that the unconfirmed minutes from the previous meeting of the Conservation Advisory Committee held on 2 May 2000 will be held in abeyance, until the formulation of a newly elected committee representing the City of Joondalup;**
- 4 ENDORSES the recommendation that the Conservation Advisory Committee be split into two groups representing the City of Joondalup and the City of Wanneroo.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf110700.pdf](#)

ITEM 9 MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 21 JUNE 2000 - [00906]

WARD - All

SUMMARY

A meeting of the Environmental Advisory Committee was held on 21 June 2000 and the unconfirmed minutes of the informal meeting are submitted to the Council for information.

BACKGROUND

A meeting of the Environmental Advisory Committee was held on 21 June 2000. However, as the quorum for the meeting was not reached, informal discussions were held. Minutes of this informal discussion are submitted to Council for information.

DETAILS

The main items of business considered during the informal discussions of the Environmental Advisory Committee held on 21 June 2000 included a discussion paper on Local Agenda 21, and organisational approaches towards environmental issues within the City of Joondalup. The second report presented options available for the Environmental Advisory Committee to renew the committee membership, particularly in the light of the resignation of one of the community representatives. The discussion paper also considered options for a revised committee reporting structure, workload prioritisation and communication approach.

The Environmental Advisory Committee seeks to renew the community representatives of the committee. The need to reassess the membership of the committee has arisen due to the resignation of two community representatives and the non-attendance of community members. The preferred approach suggested by the committee is to publicly advertise for nominations from interested community representatives with technical expertise in environmental issues. In addition, the committee seeks to appoint City of Joondalup staff Mr John Goldsmith (Local Agenda 21 Officer) and Mr James Kirton (Manager Organisational and Strategic Development) to the committee.

The discussions papers considered at the committee meeting will be revised and expanded upon, for subsequent presentation to Council.

The minutes of the informal meeting of the Environmental Advisory Committee held on 21 June 2000 are included as Attachment A.

The next meeting of the Environmental Advisory Committee will be held at 5.30 pm on 19 July 2000.

RECOMMENDATION**That Council:**

- 1** NOTES the unconfirmed minutes of the informal meeting of the Environmental Advisory Committee held on 21 June 2000 forming Attachment A to this Report;
- 2** ENDORSES the advertising for nominations from interested community representatives to become members of the Environmental Advisory Committee;
- 3** APPOINTS BY AN ABSOLUTE MAJORITY Mr John Goldsmith and Mr James Kirton to the committee;
- 4** ACCEPTS the resignation of Mr G De Piazzì and D James from the Environmental Advisory Committee, and thanks them for their involvement and contribution to the committee.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf110700.pdf](#)

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ITEM 10 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCILS MEETINGS – MAY, 2000 – [38245]

WARD - All

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 15 and 31 May, 2000 and the minutes of both meetings are submitted for noting by Council.

DETAILS

The minutes of the Joondalup North Youth Advisory Council held on 15 May, 2000 at Anchors Youth Centre are included as Attachment 1.

The minutes of the Joondalup South Youth Advisory Council held at Joondalup Library on 31 May, 2000 are included as Attachment 2.

No action is required from these minutes.

RECOMMENDATION

That Council NOTES the confirmed minutes of:

- 1 the Joondalup North Youth Advisory Council meeting held on 15 May, 2000 forming Attachment 1 to this report;**
- 2 the Joondalup South Youth Advisory Council meeting held on 31 May, 2000 forming Attachment 2 to this report.**

Appendices 7(a) and (b) refer

*To access this attachment on electronic document, click here: [Attach7abrf110700.pdf](#)
[Attach7bbrf110700.pdf](#)*

ITEM 11 HOME AND COMMUNITY CARE NORTH METROPOLITAN TRANSPORT BROKERAGE PILOT PROJECT - [16813] [01075]

WARD - All

SUMMARY

The Home and Community Care program (HACC), which is a joint State/Commonwealth funded program, funds some transport services for aged and disabled people. In 1998, the Health Department concluded its review into HACC transport services in the North Metropolitan Region. The region encompasses the local government authorities of the Cities of Wanneroo, Joondalup and Stirling, and the Towns of Cambridge and Vincent.

The outcome of the review was to establish the HACC North Metropolitan Transport Brokerage Pilot. The Brokerage is to provide a superior transport service to clients by pooling the resources of participating agencies and by using taxis. Approximately 166 City of Joondalup clients are provided with 6,000 services a year to enable them to attend hospital treatments, therapy and medical appointments. Twenty eight volunteer drivers assist the Council in this achievement.

This report updates Council on the progress of the Transport Brokerage. It also outlines the enormous benefits for residents of the City that will result from the Brokerage, provides details of the opportunity the Brokerage offers to address the various unsatisfactory practices that are currently occurring in maintaining the City's existing service, and seeks:

- Council agreement to participate in the HACC North Metropolitan Transport Brokerage Pilot Project; and
- Council agreement to the transfer of \$57,875 (70 percent) of the City's HACC Transport Grant for 2000/2001 to the HACC North Metropolitan Transport Brokerage Pilot for the pilot year of 2000/2001. The mechanism for this would be for the City to receive only \$24,803 (30 percent of the grant) and for HACC to pay the balance of the grant (\$57,875) to the Pilot Project.

BACKGROUND

Current Service

The City provides 6000 HACC transport services per year to approximately 166 residents, to assist them to attend hospital treatments, therapy and medical appointments. There is a greater need for this service than can be provided with current HACC funding levels. The City's records show that residents are making approximately 780 service requests per year that can not be met within the City's existing HACC transport service.

In some other HACC transport agencies in the North Metropolitan Region those residents who are frail aged and disabled are also provided with HACC transport to shopping and social activities. The City is unable to meet such needs.

The City's service is also restricted to operating only during business hours. There is limited choice over travel times. Clients attending hospital appointments often must wait several hours for a return trip.

Twenty-eight volunteer drivers assist a paid driver to provide the City's service. The City has been using volunteers without their holding the correct licence endorsements and volunteer vehicles are not registered with the correct licence plates, nor do they undergo the inspections required by the Department of Transport.

The issue of the risks associated with the use of volunteer drivers was highlighted in the 1998 HACC Transport Review. Agencies have not taken action to remedy these matters because the development of the Brokerage is expected to address these concerns.

In the 1998 HACC Review, consumers were also reported to have been concerned about voluntary transport services as some volunteers were themselves, frail, aged or disabled. At the City of Joondalup, there have been anecdotal reports from clients (who have not wished to complain for fear of losing their service) that volunteer drivers have driven unsafely or whilst not well themselves, for example a driver suffering from shortness of breath.

The way forward – benefits to participating in the new model

Several organisations are in similar predicaments, and participating in the North Metropolitan Transport Brokerage Pilot Project will provide the following benefits:

- Eliminate the legal risks whilst providing a superior service to current clients;
- Provide economies of scale, through the pooling of 6 HACC transport agencies resources, and the purchasing power of the Pilot Project which will enable more services to be available to the City of Joondalup's residents;
- Provide an expanded range of transport types for HACC eligible clients to include transport to shopping and social activities. Currently seniors who are not independently mobile have difficulty accessing other transport services including the City's own community transport buses;
- Increase the hours that services are available to include evenings, nights and weekends;
- Offer better access and equity of services to eligible City residents;
- Ensure that residents accessing the service will have drivers fully trained in transport services to the aged and disabled and who will be licensed through the Department of Transport.

DETAILS

Description of the HACC North Metropolitan Transport Brokerage Pilot Project

The information sheet entitled Home and Community Care Transport Brokerage, on page 11 of the Community Development Directorate's Information Sheets provided to Elected Members in December 1999, provided information on the Transport Brokerage and outlined the City's involvement to that date. Over the past six months further developments have taken place.

The HACC North Metropolitan Transport Brokerage Pilot Project will now contract taxis to provide transport services to clients. Maxi-taxis and other taxis equipped to transfer aged and disabled people will be able to provide a high quality service that meets the appropriate standards and legislative requirements.

The key elements are

- Door to door capability;
- Equitable fares so that user charges will be approximately equal to public transport fares;
- Accessibility to wheelchairs and other mobility aids;
- Clients transported safely, conveniently and with dignity;
- Greater choice of travel times than is available through the City's current service;
- More services available throughout the region;
- The capacity to integrate with fixed route public transport services and to respond to public transport system improvements;
- Clients able to access HACC transport for shopping and social activities;
- The ability to incorporate requests for urgent assistance. Currently the City's transport services are booked several days in advance.

The period of the Pilot Project is 1 July 2000 to 30 June 2001. In the first three months of the Pilot, processes and systems for the efficient operation of the service will be developed. The HACC transport agencies taking part in the Pilot Project will then be brought into the Pilot one at a time. This will ensure that there is a smooth transition for clients. The City of Joondalup is planned to be the first agency on board as from 2 October 2000, then the City of Wanneroo, followed by City of Stirling, Volunteer Task Force, Mercy Community Services and People Who Care. The percentage of Grant Monies the City has been asked to relinquish relates to the planned participation date period of 2 October 2000 to 30 June 2001. For operational reasons, such as the efficient use of taxis, the outer metropolitan areas are to be brought on first.

Implications of taking part in the Pilot Project

1. Each participating agency will be asked to contribute a proportion of their HACC Transport grant funds to the Pilot Project. For the City, Grant Monies from 2 October 2000 till 30 June 2001, totaling \$57,875 will be needed to contribute to the operation of the Pilot Project's services. HACC have formally requested that Council agree to the transfer of these funds to the HACC North Metropolitan Transport Brokerage Pilot.
2. The City currently uses five HACC funded vehicles in the range of HACC services that it offers. Three of these vehicles are used in its HACC Transport Service. In order to ensure sufficient resources exist for the Pilot, HACC have requested that two of these vehicles be transferred to the HACC Training Brokerage Inc., which is the current sponsor of the Pilot Project. The City's own review of its HACC Transport and Community Transport services is about to deliver a final report which will recommend that the City negotiate with HACC to retain these two vehicles. It will be suggested to HACC that these two vehicles be used to enhance the City's HACC home visiting and shopping program and to provide a higher level of service in these areas. Therefore, this request from HACC can not be progressed at this time.

3. The City has two experienced HACC transport officers/administrative officers whose secondment to the Pilot Project has been requested. Chief Executive Officer approval to their secondment will be requested. The Community Transport Officer from July 31, 2000 and the Community Services Officer (Volunteers) from October 3, 2000. For the period of their secondment the City would freeze any accrued benefits. Superannuation would be paid by the North Metropolitan Transport Brokerage Pilot Project as would annual and sick leave, annual leave loading and workers' compensation. With these two staff forming the core of the Pilot's operational team, the residents of the City of Joondalup will have the advantage of having people they know and trust providing their services under the new model.
4. The 28 volunteer drivers will not be required to drive for the Pilot Project. Other options for volunteering will be communicated to volunteers once Council has agreed to the City's participation in the Pilot Project.

Health Department of Western Australia to fund Communication Strategy

The Home and Community Care Program Section of the Health Department has set aside funds for the communication strategy. The HACC North Metropolitan Transport Brokerage Steering Committee, of which the City Of Joondalup is a participant, is ready to endorse a communication strategy that will involve stakeholders including clients, volunteers, participating agencies and referral sources. The strategy has not been finalised as formal acknowledgment of participation is yet to be provided to HACC by the agencies in the pilot area. Officers acknowledge that both volunteers and clients might feel some initial concern about the changes to the transport arrangements until they have had the benefits of the new model explained to them. That is why communicating with volunteers and clients will begin immediately Council agrees to the City's involvement.

If Council declines to formally participate in the Pilot Project

Consequences of declining to participate are:

- That HACC may take steps to gain Federal and State Ministerial approval for the withdrawal of HACC Transport funding from the City;
- 166 residents of the City will be denied access to increased HACC transport services of a high standard that operate at flexible times to meet needs;
- Those residents making approximately 780 service requests per year that currently are not met by the City's HACC Transport Service, will have no opportunity to access a HACC transport service;
- Substantial Council resources will be required to manage the legislative and training issues surrounding the continued use of volunteer drivers for HACC transport.

RECOMMENDATION

That Council AGREES to:

- 1 the participation of the City of Joondalup in the Home and Community Care North Metropolitan Transport Brokerage Pilot Programme;**

- 2 the transfer of \$57,875 (70 percent) of the City's Home and Community Care Transport Grant for 2000/2001 to the Home and Community Care North Metropolitan Transport Brokerage Pilot for the pilot year of 2000/2001. The mechanism for this would be for the City to receive only \$24,803 (30 percent of the grant) and for Home and Community Care to pay the balance of the grant (\$57,875) to the Pilot Project.**

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ITEM 12 PARKING - BATAVIA PLACE, KALLAROO - [01412] [08077 00055]

WARD - Hillarys

SUMMARY

Two petitions of 41-signatures and 37-signatures respectively have been received from residents of Batavia Place, Kallaroo expressing concern at parking congestion problems associated with Springfield Primary School. It is proposed that amended parking restrictions on this road be implemented as an interim measure pending a more detailed report on parent parking at Springfield Primary School.

BACKGROUND

At the 26 April 2000 meeting of Council, two petitions of 41-signatures and 37-signatures respectively were presented from residents of Batavia Place, Kallaroo expressing concern at parking congestion problems associated with Springfield Primary School.

The petitioners have specifically requested consideration be given to only allowing parking on the approach to the school, adjacent to the existing footpath or that the existing restrictions be extended.

Council Officers have been concurrently working with the Springfield Primary School Road Safety Committee to implement a comprehensive road safety strategy at this school. Part of this strategy has seen the construction of on street parking embayments in Bridgewater Drive. The next stage has been planned to provide an off street parking facility, essentially for parents of Pre-Primary children within the school property.

Traditionally there has been a reluctance from the Education Department to allow construction of parent parking facilities on school property. Essentially this has meant that discussions with key stakeholders have been slow. Agreement that the Education Department, investigate and provide options for an off street parking facility was finally achieved following a meeting on 3 March 2000.

While it had been hoped that a proposal for an off street parking facility would have been agreed on prior to this report, delays in receiving the proposals from the Education Department have hindered this process. The final comments on the proposals currently under discussion have just been received.

In view of this, it is envisaged that a detailed report on overall parent parking at Springfield Primary School will be presented to Council in the first quarter of the new financial year.

In the interim, a parking restriction proposal for Batavia Place is submitted for consideration.

DETAILS

At any time up to 30 vehicles park in Batavia Place during morning and afternoon peak periods. Peak time usually lasts around 15 to 20 minutes, which means that during this time traffic flow is usually restricted. At other times traffic flow and access functions normally.

The main concern of residents is that parking on both sides of Batavia Place during peak times restricts normal traffic flow. While the existing width of Batavia Place (7.4m) may allow uniform parking on both sides, parent parking is normally non-uniform and therefore can create obstructions from time to time. While this creates a desirable low speed environment it invariably leads to driver and resident frustration.

The majority of parents which park in Batavia Place do so because of its proximity to the Pre-Primary classrooms. Unlike older children, there is a requirement for parents to escort their pre-primary children to and from the school. Unfortunately the requirement for parents to leave their vehicles for even short periods of time is essentially what causes the main parking problems.

Batavia Place already has a limited parking restriction in place, as shown on Attachment 1. At the time of implementation it had been intended that the 'NO PARKING' restriction would allow the cul-de-sac head to remain clear of vehicles. Technically however the 'NO PARKING' restriction allows motorists to immediately set down and pick up passengers (or goods). In effect this can restrict flow in this area, albeit for a short time.

In this instance, a 'NO STOPPING' restriction would be more appropriate to achieve this outcome.

In view of this, it is appropriate to consider a revised parking restriction strategy for Batavia Place. Ideally, any strategy would be aimed at reducing the congestion caused by parked vehicles and maintaining residential access while allowing limited parking for parents.

The petitioners request that consideration be given to only allowing parking on the approach to the school, adjacent to the existing footpath or that the existing restrictions be extended has merit. More importantly this type of strategy can easily be accommodated without adversely affecting a significant number of parent motorists.

On this basis, implementation of parking restrictions on one side of Batavia Place while allowing limited parking on the footpath side is supported. Parent motorists would be expected to remain clear of residential crossovers at all times under this proposal. In accordance with the City's Parking Local Laws, verge parking is banned without the adjacent landowners permission.

The type and extent of the proposed parking restriction strategy is shown on Attachment 2. The location of each petitioner is also shown on this Attachment.

COMMENT/FUNDING

Ultimately the solution to this problem rests with providing an off street (on site) parent parking facility. While the School Road Safety Committee and Council Officers have been working towards this, obtaining agreement from the Education Department to consider this option has been slow.

While it is envisaged that a detailed report on parent parking at Springfield Primary School be presented to Council shortly, the implementation of an interim parking restriction strategy is supported.

On this basis the parking restrictions shown on Attachment 2 are submitted for consideration.

RECOMMENDATION

That Council:

- 1 ADOPTS the parking restriction strategy for Batavia Place as shown on Attachment 2 to this Report;**
- 2 ADVISE the petitioners accordingly.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110700.pdf](#)

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ITEM 13 PETITION - CLEAN UP VACANT LAND IN DELAMERE AVENUE CURRAMBINE - [09382]

WARD - North Coastal

SUMMARY

Council has received a petition from 26 residents of Currambine requesting clean up of the undeveloped area of Pt Lot M1722 Delamere Avenue in Currambine. The petition specifically identified the rear aspect of the Grand Cinema Complex and requested the provision of screening planting.

BACKGROUND

The petition reads as follows:

“We the undersigned, being residents of Delamere Avenue, Currambine wish to express our dissatisfaction with the state of Delamere Avenue. We would like the area to be properly landscaped. In particular we would like some suitable “screening Trees” to be planted to help offset the ugly view of the rear of the “Grand Cinemas” complex.

We have been very patient with the process so far. How much longer do we have to wait?”

The area referred to in the petition is private land which is managed by Beaumaris Land Sales and the problem is currently being actioned by the developers.

DETAILS

Stage 1 commercial land bordered by Delamere Avenue, Shenton Avenue and Marmion Avenue has been developed by Beaumaris Land Sales, as per the subdivision plan. There is an area of undeveloped land on the east side which has been of concern to adjoining residents due to its visual appearance. The area is 60% indigenous vegetation, specifically low scrub and 40% cleared land incorporating soil and rubble stockpiles.

Development proposals for this area have been under review by Beaumaris Land Sales and the information received from that organisation indicates that a final concept will be presented during 2001.

In the interim, Beaumaris Land Sales has met with various residents listed on the petition and will endeavour to improve the visual aspects.

Future Proposals

There is an area of Public Open Space listed for development by Beaumaris Land Sales within the undeveloped land and it is proposed that the Delamere Avenue median enhancement be undertaken in conjunction with the Public Open Space.

Beaumaris Land Sales has initiated additional maintenance works within the property verges and screen planting to minimise the visual impact of the Cinema Complex is also under consideration. It must be recognised, however, that the final concept may significantly impact on any tree planting undertaken at this stage.

RECOMMENDATION

That Council ADVISES the petitioners that the land referred to in the petition is private property and that Beaumaris Land Sales has initiated various interim works to improve the visual appearance of the area.

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ITEM 14 PETITION - INSTALLATION OF SECURITY FLOODLIGHTING AT PERCY DOYLE PARK DUNCRAIG - [02056] [14064]

WARD - South Coastal

SUMMARY

Council has received a 130-signature petition requesting the installation of adequate security floodlighting a Percy Doyle Park in Duncraig.

The area of concern is the grassed embankment and car park in the vicinity of the clubrooms servicing T-Ball and junior football. One light is centrally located in the car park and there are also two training lights directed on to the oval area (refer Attachment 1 - plan of area).

Investigation confirms the petitioners' comments and the provision of additional lighting is proposed for the car park..

BACKGROUND

The petition reads as follows:

“Install adequate security floodlights at Percy Doyle Reserve, Warwick Road, Duncraig to illuminate the grass embankments and car park in vicinity of the Percy Doyle Clubrooms for the Sorrento-Duncraig Junior Football and Wanneroo T-Ball clubs. This darkened area is used regularly on Friday and weekend nights by large crowds of local under-age juveniles as a meeting place for unruly drinking and drug abuse. In addition to damage to the clubrooms, the grass embankments, oval playing surface and car park are left strewn with broken glass and drug-using implements that place in jeopardy for safety of junior sports-persons and parents using the facility for sporting and recreational activities over the weekends. Furthermore, the playing surfaces of the adjacent Sorrento Tennis and Sorrento Bowling clubs are regularly littered with beer cans and broken beer stubbies. It is envisaged that effective lighting, installed on the embankments north and south of the football and T-Ball clubrooms, will discourage this practice.”

DETAILS

The clubrooms are currently hired for community use on weekends and this has resulted in various incidents relating to youth activities when leaving the area.

Debris from parties and informal youths gathering in the area has resulted in minor damage to building fixtures, broken glass and drug implements being left on the turf, car park area and in the adjoining shrub area. This is of concern as the oval is utilised extensively for junior sports

on weekends. Supervision of the oval surrounds by club officials is difficult due to location and number of children involved in sports.

The current car park lighting is below Council's normal standard and the option to provide additional lighting is currently under investigation. Preliminary cost estimate for an additional pole is \$1,260. A surplus pole in the Works Depot is available for immediate utilisation.

The provision of additional lighting to the oval surrounds and embankment will be difficult to achieve due to the extent of the area involved and the shrubs/trees planted along the western boundary abutting the bowling club. This area was planted to screen the bowling club and to minimise the impact from easterly winds during summer and any proposal to remove or reduce this screening will impact on this function.

There are two large embankment areas with access to car parks. At the southern end, a large 60-bay car park with standard lighting provides direct access to the oval area. The area to the south-west of the clubrooms forms a drainage swale function and has surrounding embankments.

Illumination of these areas would require the installation of two poles with four luminaries directed specifically on to the shrub/tree area and embankments. Cost estimate - \$11,620. This estimate is high due to limestone conditions. These lights would have no additional security benefit to the clubrooms.

It is therefore recommended that the installation of an additional pole and luminaries in the car park proceeds, funded via the Car Park Lighting maintenance account, be approved.

It is also recommended that the security problems with the embankment area be monitored by Ranger Services to determine whether additional lighting would be sufficient to deter the antisocial activities.

COMMENT/FUNDING

Account No:	11-60-72-721-0507-1705
Budget Item:	Maintenance
Budget Amount:	\$
Actual Cost:	\$1,260

RECOMMENDATION

That:

- 1 Council APPROVES the installation of an additional pole and luminaries to the car park at Percy Doyle Park in Duncraig at a cost of \$1,260;**
- 2 the costs associated in installation of the additional pole and luminaries as detailed in (1) above be charged to Account No 11-60-72-721-0507-1705 - Car Park Lighting maintenance;**

- 3 Council APPROVES the monitoring of the embankment area by Ranger Services, in order to determine alternatives to the installation of additional security lighting.**

Appendix 9 refers

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ITEM 15 WASTE MANAGEMENT STRATEGY FOR THE CITY OF JOONDALUP - [36958]

WARD - All

SUMMARY

The purpose of this report is to seek Council's endorsement of the City of Joondalup's Waste Management Strategy, Attachment I. Council, at its meeting on 23 May 2000, agreed to release the discussion paper for The City's Waste Management Strategy for public comment. It was released with a 28 day comment period, closing 20 June 2000. An assessment criteria was included in the paper and the comments have been evaluated accordingly, Attachment 2. Limited interest was shown in the discussion paper with two written comments being received. Interest was shown over the Internet with 36 hits being recorded. The libraries, generally, reported a passive response with an average of three copies being given out at each establishment.

In view of the limited response to the discussion paper, a statistically valid telephone survey was conducted to gauge the likely response to the optional recycling cart service. The results indicate (after weighting for the likely outcome) a maximum of 8.7% of residents would participate. This equates to approximately 8000 participants within the City; 4000 new participants and approximately 4000 trial participants that already have a cart and wish to continue with a service. It should be kept in mind that the survey was based on a recycling motive, the issue of gaining extra capacity in rubbish bins by using the recycling cart was not canvassed, therefore, at this time, it is prudent to assume a figure of 10000 to 15000 carts would be required. It is envisaged once the recycling carts are introduced more interest will be shown in them.

Council will be aware, the Strategy has been developed with the flexibility to address the long term directions of the Mindarie Regional Council and the possible impact it will have on the City's waste collection systems. In the short term, it provides Council with a recycling strategy, introducing an optional recycling cart service.

This strategic approach has been taken due to the Mindarie Regional Council's Regional Waste Management Strategy identifying the possibility of the introduction of an advanced waste processing system. If the system is introduced, the recycling service will be significantly affected. Waste separation technology may mean that one bin will only be required to achieve the waste diversion targets to landfill.

A comprehensive community consultation process has been adopted to develop the final strategy. It represents a responsible approach and the most viable option currently available to Council in consideration of the uncertain long term disposal variables at this present time and addresses the community's recycling expectations.

BACKGROUND

The Joint Commissioners considered a report on Strategic Waste Management Directions for the City of Joondalup on 26 October 1999. They agreed, in principle, to the development of a Waste Management Strategy for the City of Joondalup. There were a number of considerations given to the development of the plan which included:

- strategic planning issues for Lot 17 and the Regional Waste Management Plan for the Mindarie Region;
- the viability of secondary waste treatment processing and separation technologies including the results of the recycling trial prior to making a determination on the future recycling format;
- the possibility for the development of a regional MRF at Badgerup taking into consideration secondary waste treatment processing and separation technologies;
- gaining greater efficiencies through a regional strategy for green waste processing and/or collection; and
- in the long term, determine the most appropriate waste management collection system for the treatment technologies identified by the Mindarie Regional Council.

The City's Waste Management Strategy has been developed by the following steps:

- a) a briefing session on the Regional Waste Management Plan was held with elected members on Tuesday, 11 January 2000;
- b) a discussion paper for waste management strategy was issued to elected members on Friday 7 April 2000;
- c) Councillors have also attended several workshops that have dealt with future directions in secondary waste treatment technologies;
- d) a workshop was held with elected members on 19 April 2000 to discuss waste management issue concerning the region, introduction to the outcomes from the Mindarie Regional Council Regional Waste Management Plan and give elected members the opportunity to consider and have input into the draft discussion paper the City's waste management strategy;
- e) A strategy paper for public comment was developed from issues agreed to at the workshop;
- f) The discussion paper issued for public comment, closing 20 June 2000; and
- g) The final Strategy presented to Council for adoption.

DETAILS

The Waste Management Strategy has been developed in consideration of the long term strategic directions the Mindarie Regional Council is pursuing with respect to secondary waste treatment and the need for the City's waste collection service to be integrated with Mindarie Regional Council's long term strategy.

The Waste Management Strategy also recognises that in the period between secondary waste treatment and the present, Council needs to address the community's expectation that an upgraded recycling service would be introduced. The community was surveyed in 1998 which identified that most people supported programmes to benefit the environment but there was a 50/50 split between those willing to pay more and those who were unwilling to pay more for an upgraded recycling service. The option that received most support was a voluntary user pays system for residents wanting a cart system. Also, the response from the recycling cart trial was extremely encouraging with enquiries still being received regarding the recycling cart.

Accordingly, the City's Waste Management Strategy consists of two important parts in regard to recycling:

- 1 a long term strategy which has flexibility to allow the introduction of secondary waste treatment and the subsequent changes to the collection system according to the preferred option for waste disposal/treatment
- 2 an interim strategy which provides Council with a way forward to address the community's expectation of the introduction of a recycling cart through a voluntary up front charge for the cost of the cart and the servicing. The interim strategy includes the following:
 - 2.1 maintain the current bag system to all residents, the situation will remain unchanged, they will pay the going rubbish charge, currently \$113;
 - 2.2 for those ratepayers who wish to have a recycling cart, the City will facilitate a service on a voluntary up front user pays basis. This will include the cost of the cart and the service fee (less the service fee for the bag system). Whether the cart is divided or commingled will depend on the future of City of Wanneroo's sorting facility (MRF). Those residents who choose to take up this option will not be serviced by the bag system. An indicative rubbish charge for the first year will be \$222.00 (the cost of the cart is subject to GST) per household, including the cost of the cart and delivery. The service charge will be pro-rata and is dependent upon the implementation date of the service. The indicative charge for the second year and on, is approximately \$145.00 per household. The service charge is based on the 1999/2000 rubbish charge. This may change due to the volume and the mix of recyclables. Residents will be advised of the costs at the time of ordering the recycling carts. The cart order forms will be issued with the rate notices;

- 2.3 voluntary and compulsory residents already in the trial, will retain the cart but pay an annual servicing fee (Note, this does not include the cost of the cart as they already have use of it for considerable time, a sense of ownership will now be with them and to charge for the cost of the cart is not considered appropriate). The indicative rubbish charge for a full year is approximately \$145.00. The service charge is based on the 1999/2000 rubbish charge. This may change due to the volume and the mix of recyclables;
- 2.4 notice of the introduction of the carts will be delivered with the rate notice explaining the cart may become redundant after the introduction of secondary waste treatment processing;
- 2.5 finalise discussions with the City of Wanneroo a proposal to upgrade the Badgerup Materials Recovery Facility (MRF) to a commingled facility. This is dependent on a number of issues including negotiations with the City of Swan. The final outcome on the MRF will be subject to a separate report to Council;
- 2.6 extend the Service Level Agreement with the City of Wanneroo the full extended term, 12 months from January 2001 to January 2002. There will be a settling in period with the implementation of a new service, and it will also give the City of Joondalup the opportunity to develop a better understanding in relation to secondary waste treatment timeframes and options for the region. During this period, Council can make a determination on whether it should tender the sorting and collection services or either.

The rationale for the introduction of an up front user pays recycling cart is that the long term directions of the Mindarie Regional Council's Waste Management Strategy for collection services are unknown. The City's position is that it encourages recycling however, the introduction of a compulsory recycling cart service is an extra ordinary expense for ratepayers that may have a redundant cart in the short to medium term with the introduction of an advanced treatment system. Accordingly, the City should facilitate the introduction of the cart recycling service i.e. facilitate the tendering, assembly, delivery, collection and the sorting of collected recyclables, on the basis that the upfront capital cost be treated on a user pays basis.

In view of the limited response to the discussion paper and the practical need to establish the likely participation rate in the recycling cart service, a telephone survey was conducted to gauge the response. According to the survey approximately 58% of people already in the recycling trial will elect to participate in the service, the rest of the residents, those who will have to purchase a cart is approximately 15%. The fact that the cart may become redundant if secondary waste treatment was introduced in six or seven years did not impact on their decision to participate in the optional recycling service. Realistically, not all respondents would do as they say. The proportion of people who do not use a recycling cart but are likely to take up the offer (after the application of a model which predicts likelihoods), and given the

proposed waste treatment plant's impact, is a maximum of 8.3% of residents. This equates to approximately 8000 participants within the City; 4000 new participants and approximately 4000 participants that already have a cart and wish to continue with a service. The survey interviewed 250 residents, representative of the population at 95% confidence levels plus or minus 6.3% standard error

It should be kept in mind that the survey was based on a recycling issue, gaining extra capacity in rubbish bins by using the recycling cart was not canvassed, therefore at this time it is prudent to assume a figure of 10000 to 15000 carts would be required. It is envisaged more interest will be shown in the carts once they have been introduced, especially by residents having bin capacity problems.

Recycling cart implementation plan with indicative timelines

- | | |
|--|------------------|
| • strategy accepted by Council | July 2000 |
| • review of contractual obligation with the City of Wanneroo | September 2000 |
| • determine the configuration of the MRF with City of Wanneroo | September 2000 |
| • determine cart numbers from order form issued with rates | October 2000 |
| • allow for gearing up time City of Wanneroo | November 2000 |
| • procure and deliver carts
2000 | December/Jan |
| • commence cart recycling service | January/Feb 2001 |

COMMENT/FUNDING

The actual implementation of the recycling cart service is unlikely to occur until the next calendar year as Council will need to make provision for more recycling carts via a tender process and City of Wanneroo will need time to gear up for the extra workload. It is envisaged that this lead up work would result in at least a six month lag period prior to the service becoming available to our community early next year.

Since the recycling cart system will be on a user pays basis, it should be a cost neutral operation. There is however, a need to fund the purchase of the bins with a temporary amount until monies are received from the residents wanting a bin. An account structure will need to be set up for such transactions.

RECOMMENDATION

That Council:

- 1 ADOPTS the City's Waste Management Strategy as depicted in Attachment 1 to this report;**
- 2 SERVES notice on the City of Wanneroo to exercise its option and review the Recycling Service Level Agreement for the extended term of one year being January 2001 to January 2002;**

- 3 ENDORSES participation in discussions with the City of Wanneroo on the type of materials recovery facility at Badgerup Road, either co-mingled or split bin system, and be aware this may implicate the term of the Service Level Agreement. This will be the subject of a separate report to Council once discussions have been completed;**
- 4 RECEIVES the recycling cart implementation plan with indicative timelines.**

Appendices 10(a) and (b) refer

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Director Planning and Development stated his intention to declare a financial interest in Item 16 as he is a shareholder of Telstra.

ITEM 16 PROPOSED MOBILE TELECOMMUNICATIONS FACILITY AT LOT 11 (923) WHITFORDS AVENUE, WOODVALE - [20082]

WARD - Lakeside

SUMMARY

An application has been received for a new Optus Mobile Telecommunications Facility (MTF) at Lot 11 (923) Whitfords Avenue, Woodvale. Optus seeks approval to erect a mobile telephone tower 16.2 metres high with antennas and a base station within a bricked compound. The site abuts a retirement village complex, the Woodvale Shopping Centre, and is in close proximity to residential development, a library and a community centre.

The above proposal is a “use not listed” in Town Planning Scheme No. 1 (TPS1), and has therefore been advertised for public comment. Considerable objection to the MTF has been received from the adjoining landowners and community.

The proposal is not compatible with adjoining land uses in the immediate vicinity, and as a consequence, the MTF is likely to have an adverse impact on the residential amenity of the area. The location and height of the facility would have a negative impact on the visual amenity of the surrounding neighbourhood. Until further, conclusive evidence is available regarding the potential health impact of the MTF, a precautionary approach is recommended with the siting of new MTF, away from existing and future sensitive uses, such as houses and community purpose sites.

Refusal of the proposal is recommended.

BACKGROUND

Lot	11
Street Address	923 Whitfords Avenue, Woodvale
Land Owner	Woodvale Park Commercial Centre
Applicant	Connell Wagner
MRS Zoning	Urban
TPS Zoning	Mixed Business
Land Use	Mobile Telephone Facility
Permissibility of Use	Use Not Listed
Lot Area	10091m ²
Ward	Lakeside

Under the Telecommunication Act 1997 (as amended) and the Telecommunications (Low-Impact Facilities) Determination 1997, the proposal is defined as a “High Impact” facility.

All “High Impact” facilities are required to be determined under TPS1. The proposal has been advertised pursuant to Clause 3.10 of TPS1 as a “use not listed” in the zoning table, by way of:

1. Referrals to adjoining/affected landowners for comment;
2. Three (3) advertisements in the local community newspaper; and
3. Two (2) signs erected on site for a period of 21 days.

At the close of the submission period, three petitions, with a total of 1337 signatures and 12 individual submissions were received objecting to the proposal. Two submissions in support of the proposal were also received.

The objections were considered in detail, and the main issues raised were:

- Unknown long-term health impact resulting from electromagnetic energy (EME) and its interference with the use of heart pacemakers, hearing aids and television receptions;
- Adverse visual impact of the structure due to its location within a low scale commercial and residential area;
- Lack of justification for development of a new MTF as Optus already enjoys adequate mobile telephone coverage in the area;
- Amenity impact on the community;
- Duplication with the nearby One-Tel MTF;
- Lack of community acceptance;
- Adverse impact on the shopping centre.

The two (2) submissions received in support of the proposal indicated:

- The proposal is not obstructive as it is located behind the existing shops, as compared to towers located in an exposed area;
- The proposal would provide better reception for mobile telephone users in the area as the current coverage is inadequate.

The proposal was referred to the Western Australian Planning Commission (WAPC) as the land upon which the proposed development is sited abuts Whitfords Avenue, land reserved as “Other Regional Roads” under the Metropolitan Region Scheme (MRS). The WAPC have advised that they do not object to the proposal, based on regional transport planning grounds.

Applicant’s Submission

The applicant’s submission has been summarised as follows:

- *Optus has identified a need to provide improved mobile telephone coverage for the Kingsley and Woodvale areas.*
- *Various other locations such as Chichester Park, Timberland Park and Whitfords transport interchange have also been investigated. The sites were considered unsuitable due to either planning, engineering, commercial leasing, or on radio frequency grounds.*

- *The height for the facility has been reduced from 30 metres (100% coverage) to 16.2 metres, which will result in achieving on 70% of the coverage objective for the area.*
- *The site has been chosen as it “is considered acceptable on planning and environmental, engineering and commercial lease grounds” with minimal environmental impact.*
- *To reduce visual impact, a slimline, monopole with flush antennas is proposed.*
- *Additional carriers are able to co-locate on this structure. However, future equipment shelter locations need to be addressed by individual carriers.*
- *The structure has been located behind buildings, within a service area and away from road frontages and adjoining properties. Access to the site is proposed via the rear service easement access.*
- *The Australian Communication Authority (ACA) has standards which limit human exposure to EME, which are the most stringent in the world. The ACA Standard is 200 micro watts per square centimetre. Measurements carried out at more than 20 sites nationally have recorded between 0.01 to 0.06 micro watts per square centimetre levels of EME emissions. This amounts to approximately 0.03% of the ACA’s mandatory requirement. No scientific study has found conclusive evidence of negative health and “Optus believes that mobile telephone base stations do not pose a risk to human health.”*

The applicant has submitted the following additional information in response to the concerns raised in the public submissions.

- *The issue relating to health is a public perception rather than facts based on scientific evidence. The frequencies allocated would not affect the operation of AM/FM frequencies, television/satellite receptions and emergency service frequencies, or interfere with pacemakers, hearing aids or other medical devices. The EME is less than 1000 times below ACA Standards, and it is considered unreasonable to refuse the proposed based on EME;*
- *There is no evidence to substantiate that land values would be adversely affected;*
- *The reduction in height and the site selection will reduce potential visual impact. Optus was unaware of the One-Tel proposal at Kingsley when the above proposal was submitted. Nevertheless, the One-Tel proposal is outside the poor coverage area experienced by Optus; and*
- *There is no reason to suggest customers would be discouraged in patronising the adjoining shopping centre.*

DETAILS

The proposed MTF consists of a slimline monopole 16.2 metres in height. Attached to the structure are three (3) 2.262 metre long panel antennas and one (1) 0.6 metre diameter parabolic antenna. A base station constructed of colorbond material measuring 3.0 metres long by 2.6 metres wide and 3.0 metres high is proposed at the base of the monopole (site plans and elevations attached). The MTF (which abuts the Woodvale Shopping Centre) is approximately 60 metres from the adjoining retirement village to the west of the development site.

The base station would be enclosed within a bricked-up compound. The total construction period takes approximately six (6) weeks. The base station operation is unmanned and would be inspected on a monthly basis.

Notably, Council considered a discussion paper for MTF within the City of Joondalup at a Briefing Session on 20 June 2000 (see Attachment 1). The outcome from this discussion paper is for the preparation of a draft telecommunication policy for the City.

COMMENT

The main issues this proposal raises are as follows:

- The potential impact on health of residents an concern over the interference with pacemakers, hearing aids and radio/satellite and television receptions;
- The potential impact on the visual amenity of the area;
- The possible loss in property values; and
- The lack of justification for the area selected.

Current Approach

The current approach taken by the City places an emphasis on co-location of telecommunication facilities and considers the siting of new towers as the last possible option. The City's assessment criteria for MTF proposals includes:

- 1 Acceptability of location;
- 2 Impact on amenity of the area;
- 3 Proximity to sensitive uses (such as houses and schools);
- 4 Availability of alternative sites for co-location of facilities.

The size and proliferation for new facilities is important as the community generally view that the bigger the structure, the more impact they have on their quality of life.

Health

There is community concern that there are possible long term health risks associated with towers and mobile phone facilities. Some community groups recommend that a precautionary approach needs to be taken.

International and national scientific studies conclude that there is no substantiated evidence to suggest living near a mobile telephone tower causes adverse health effects. Telecommunication carriers follow safety limits regulated by the Australian Communications Authority (ACA). The prescribed limits are based on scientific experience and reviews from bodies such as the International Commission for Non-Ionizing Radiation Protection (ICNIRP). Notwithstanding these comments there is, however, a divergence of scientific opinion from independent studies into the health impacts associated with mobile telephone towers to suggest the opposite to the above findings. This means siting towers away from residential areas and other sensitive uses such as schools until there is conclusive scientific evidence to the contrary that there are no health risks.

The EME Public Health Committee Secretariat from the Department of Communications & the Arts has published that "*it is extremely unlikely that mobile phones will interfere with cardiac pacemakers*". The applicant has more definitely advised that MTF will not interfere with the operation of pacemakers, hearing aids or other medical devices.

In view of the lack of scientific evidence over the possible health impacts, it is open to the City to adopt a precautionary approach to the proposed MTF given the nearby location of a retirement village, residential housing, library and community centre.

Visual Impact

It is acknowledged that the height has been reduced as low as technically possible, however the structure is likely to have an adverse impact on the visual amenity of the surrounding area. The petitioners share this view almost unanimously.

The visual impact of the tall structure is compounded by the prevailing low-rise appearance of the surrounding area. The surrounding area has the following characteristics

- Low rise residential buildings of single storey construction
- Low rise commercial buildings, also of single storey construction
- Predominantly immature natural vegetation, with very few large mature trees to screen the proposed MTF.
- Development typically undulates with the natural lie of the land.

The proposal constitutes a major departure from the current ‘urban landscape’, and is not viewed as being positive in this location.

Effects of Telecommunication Towers on Property Values

There is no known published findings to suggest that land/property values are affected by mobile telephone facilities.

Need for MTF

Technical advice provided by the applicant indicates that the areas of Woodvale and Kingsley currently experience marginal mobile telephone coverage

The need for good telecommunication coverage is acknowledged, with consumer demand generating the need for additional facilities. The City has recently resolved to prepare a draft policy on telecommunication facilities, to guide the City and carriers in dealing with future telecommunication facilities.

In the meantime, a group meeting with Optus and other Mobile Phone providers could prove beneficial, in order to gain an appreciation of network coverage issues, notional preferred site locations (by service providers), and raising the fundamental concerns of the Council. In this way, opportunities for co-location could be explored, as well as broad principles of ensuring (as far as is possible) that future infrastructure is compatible with the community from an amenity point of view.

Conclusion

The proposal would significantly impact on the appearance of the area by its height, when compared to the surrounding low rise development

The proposal is also in reasonably close proximity to residences and community facilities.

Until further conclusive scientific evidence is available regarding the potential health impact of the MTF, a precautionary approach needs to be taken accordingly in the selection of suitable sites for the above facilities, away from existing sensitive uses such as residential and community uses. It is recommended that the proposal be refused.

RECOMMENDATION

That Council:

- 1 REFUSES the application for a Mobile Telephone Facility at Lot 11 (923) Whitfords Avenue, Woodvale for the following reasons:**
 - (a) the proposed development would adversely impact on the amenity of the area, due to its excessive height, in an area predominantly characterised by low scale residential and commercial developments;**
 - (b) given the lack of conclusive scientific evidence over the possible health impacts, the City has taken a precautionary approach to the siting of the proposed Mobile Telecommunication Facility within this sensitive location surrounded by residential development (retirement village) and within close proximity to community facilities and does not support the location in this instance;**

- 2 REQUESTS the mobile phone carriers to attend a group forum to discuss;**
 - (a) current problems with network coverage in the City of Joondalup;**
 - (b) notional preferred site locations for future infrastructure;**
 - (c) a strategy to ensure amenity impacts upon the community are minimised.**

Appendices 11(a) and (b) refer

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ITEM 17 PROPOSED PIGEON LOFT, ENCLOSURE AND KEEPING OF PIGEONS AT LOT 45 (9) SPOONBILL GROVE, KINGSLEY - [22430]

WARD - South

SUMMARY

An application has been received for keeping of pigeons within a pigeon loft, and pigeon enclosure on Lot 45 (9) Spoonbill Grove, Kingsley.

The pigeon loft and separate enclosure have been constructed without Council approval. The location of the loft does not conform to the provisions of Council's Town Planning Scheme No 1 (TPS1).

The City's Local Laws relating to keeping of pigeons allows up to 150 pigeons to be kept, (excluding young birds), if the applicant is a financial member of a registered incorporated racing pigeon body, as a registered pigeon fancier. The enclosures house between 100 and 120 pigeons.

The applicants have prepared a submission requesting that approval be granted for the loft and enclosure: The options presented include:

- Option 1 Slightly move the pigeon loft away from the rear boundary and retain 1.2 metre side setback.
- Option 2 Relocate the pigeon loft 10.0 metres from the rear boundary and 6.5 metres from the side boundary to comply with TPS1 setback requirements.

The proposal was advertised and objections were raised by an adjoining landowner regarding perceived environmental and health issues and the contravention of side setbacks within the Special Residential zone. Two additional submissions in support of Option 1 were received from the adjoining side landowners.

The keeping of pigeons is considered to be an integral component of the Residential use of the property. Approval for the proposal requires the Council to exercise discretion under Town Planning Scheme No 1 to vary the building setbacks within the Special Residential zone. It is recommended that Council approve Option 1 (described above). The preferred option will have the least impact on neighbouring owners in terms of residential amenity.

BACKGROUND

Lot	45
Street Address	9 Spoonbill Grove, Kingsley
Land Owner	Alfred and Gillian Scerri
Applicant	Alfred and Gillian Scerri
MRS Zoning	Urban
TPS Zoning	Special Residential
Land Use	Single House & keeping of pigeons
Permissibility of Use	Permitted 'P' – Single House (keeping of pigeons)
Lot Area	2,062m ²

The City has received previous complaints about the pigeons from one of the adjoining landowners relating to noise, health, privacy and lifestyle impacts associated with keeping of pigeons. Noise is caused by pigeons cooing at night and when they fly to and from the property. The health issues relate to the fine dust from the fluttering of the pigeons during flights, the burying of the bird litter and bird droppings. The rear landowners claim they are not able to open their bedroom windows, which face the above property to take advantage of natural ventilation in summer due to these impacts.

The owners were requested to submit an Application for Approval to Commence Development for the keeping of pigeons and lofts in a revised location. The City has received advice from its solicitors that it is not possible for the City to issue retrospective planning approvals for existing development under TPS1.

The proposal was referred to the adjoining landowners for comment. At the close of the submission period, one (1) objection and two (2) submissions in support of Option 1 were received from adjoining landowners.

The objection was considered in detail and is summarised as follows:

- Option 1 does not comply with setback requirements;
- The existing wire enclosure (stock pigeons) faces the objector's lot;
- Noise and dust emissions are directed towards rear house (bedroom) with Option 2;
- Health concerns exist relating to the keeping of pigeons. The applicant's house is well shielded from the loft.
- Under Option 1, the loft should be moved 10.0 metres from the rear boundary and the existing pigeon enclosure be bricked up on the north side; and
- Under Option 2, the opening should face south, not north.

The proposal was referred to the Director Planning and Development for determination under Delegated Authority on 4 May 2000 and 18 May 2000 where it was decided to defer the proposal pending further investigation of the:

- Approach to keeping pigeons in other Councils;
- Current approvals issued in the City for the keeping of pigeons.

These issues are discussed below.

Local Laws in City of Joondalup and other Local Governments

Prior to February 1998, a maximum of 75 pigeons were allowed under the former City Health By-Laws. The Health Department of WA set pigeon numbers at 150 and the City subsequently set its maximum at that figure within its recently revised Local Law. This figure was to cater for the start of the racing season and the annual depletion of pigeons over the season.

As part of the assessment process for the proposal, the following local governments were contacted to determine maximum number of pigeons allowed in their localities:

Local Authority	No of Pigeons Allowed As of Right	Total Number of Pigeons Allowed if Applicant is a Member of a Recognized Pigeon Association/Racing Pigeon Body
Shire of Swan	20	75
City of Canning	10	100
City of Stirling	30	75
City of Wanneroo	20	150
City of Joondalup	20	150

Approvals in the City of Joondalup

There are currently 9 properties (below) where the keeping of up to 150 pigeons has been approved. The City did not exercise any planning discretion in relation to the location of lofts for those approvals.

Property Address	Lot Area
Ricketts Way, Greenwood	751m ²
Warner Drive, Padbury	684m ²
Conidae Drive, Heathridge	747m ²
Smallman Way, Greenwood	740m ²
Cumberland Way, Beldon	725m ²
Seaflower Crescent, Craigie	683m ²
Dillenia Way, Greenwood	804m ²
Island Place, Heathridge	683m ²
Clontarf Street, Sorrento	706m ²

(There are currently no other pigeon keeping approvals in close proximity to the subject lot).

The applicant's submission in support of the proposal states that:

- *“The pigeon loft was erected in the current position as it is claimed no advice was given that planning approval and a building licence for the structures were required. These approvals are in addition to a licence for keeping pigeons under the Health Local Laws;*
- *Preference is for Option 1 as the opening would be to the East and not to the north which is the direction of the objector's property. This location is also conducive to the health of the pigeons and keeps the male pigeons furthest from the rear property.*
- *The earliest possible time to commence relocation and works is after the racing season (October) so that racing preparation is not affected and also allows the trapping of pigeons;*
- *According to the owner, the stock pigeons are kept in the existing enclosure (chicken coop) on the property. Pigeon numbers vary from between 100 to 120 and is dependant on the breeding season, racing season and loss of pigeons during flights;*
- *Pigeons are released daily for exercise and race preparation; and*
- *Pigeons require adequate sunshine to keep healthy.”*

DETAILS

The development proposal consists of the following elements.

In the main pigeon loft (the female and male) racing pigeons are divided into compartments. A separate wire pigeon enclosure housing 15 stock birds is currently situated behind an existing garage facing the rear boundary. The racing pigeons are let out daily for exercise and training. Currently between 100-120 pigeons are kept, excluding young pigeons.

The applicant has lodged a proposal that includes two options, (plus a request for status quo) in an attempt to satisfy the City's requirements. In both the options the number of pigeons remains between 100-120.

Option 1 entails moving the pigeon loft further away from the rear boundary to achieve a rear setback (north) of approximately 4 metres with a side setback of 1.2 metres to the west. Option 1 requires a variation to setbacks as the required rear setback is 10.0 metres and the side setbacks are 5 metres for building structures within the Special Residential zone. The enclosure for the stock pigeons is to remain.

Option 2 includes relocating the existing pigeon loft to be setback 10 metres from the rear (north) boundary and 6.5 metres to the side (west boundary), and attach the enclosure for the stock pigeons to the loft.

COMMENT

The main issues to be considered are as follows:

- The reasonableness of keeping of pigeons under clause 5.37(f) of TPS1 within a Special Residential area;
- The total number of pigeons (100-120) allowed. The Health Local Laws enable the City to approve up to 150 birds and therefore a lesser amount could be approved given the residential location, size of lot and siting of loft and rear neighbour's residence.

- The City has discretion under TPS1 to vary setbacks requested under Option 1;
- The validity of the objection received from the rear landowner relating to environmental, health issues and variation to setback requirements. These concerns were investigated by the City and cannot be substantiated from the health viewpoint. Noise and health impacts have been investigated by the City according to the Environmental Protection (Noise) Regulations 1997 and Health Act and there are no proven impacts on any of the neighbours. While it is accepted there is some noise from “cooing” of pigeons, this is not to the extent that there is a detrimental impact off site to adjoining landowners, in terms of the Environmental Protection Noise Regulations. Further screening of the loft would help to reduce visual and noise occurring; and
- The relevance of the current Health Local Laws relating to the keeping of pigeons.

The current Health Local Laws relating to keeping of pigeons were relevant to the larger rural lots within the former City of Wanneroo, but may not be appropriate for suburban residential lots within the City of Joondalup. Residential lots within the City of Joondalup range in area from about 280m² to approximately 2000m², compared to the large range of lot sizes in the old City of Wanneroo.

On the above basis, there would seem reasonable grounds to consider the review of the Local Laws, taking into account the predominantly suburban nature of lots in the City.

While Option 2 would satisfy all the setback requirements of TPS1 and the Health Local Laws, the opening will face north and could increase the perception of intrusion to the neighbour. No openings are proposed to the south due the prevailing winds from the south.

Option 1 is preferred because it would, minimise visual intrusion and provide less noise emission to neighbouring lot to the rear. Reduced setbacks are therefore warranted in this instance.

Option 1 involves moving the existing pigeon loft 4.0 metres away from the rear (north) boundary. This option includes the retention of the separate existing wire enclosure to house stock birds.

Additional measures could also be introduced to attenuate amenity impact to the rear neighbour, such as:

- The loft should be fitted with louvres on the eastern side. Louvres could be hinged so that they could be removed during the day and replaced during the night. This would reduce the noise from male pigeons cooing at night during the breeding season. These measures would darken the loft and stop pigeons being active at night and also deflect noise away from objector’s property. Furthermore, the opening to the loft faces the east and not the north towards the objector’s property; and
- It is further recommended that screen fencing be erected along the northern side of the pigeon loft and stock pigeon wire enclosure to reduce the visual impact together with screen planting. This should also reduce noise;

In recognition of concern over the population of birds, the number of pigeons could also be limited to 120 for this season till December 2000, and thereafter reduced to 100 (excluding young birds) based on the location of the loft, the orientation of development and proximity to the rear residence. The reduction to 100 pigeons is considered reasonable as approvals issued to other pigeon owners is currently 150 maximum, even though those lots are smaller when compared with the above site. As the Local Law licences are issued on a yearly basis, there would be opportunity to reduce pigeon numbers if the Local Laws were changed to reduce pigeon numbers at a later point in time.

RECOMMENDATION

That Council:

- 1 EXERCISES DISCRETION for the development of a pigeon loft and wire pigeon enclosure, described as Option 1 of the Development Application dated 8 February 2000 at Lot 45 (9) Spoonbill Grove, Kingsley, pursuant to clause 5.9 of the City of Joondalup Town Planning Scheme No 1 to relax the side setback from 5.0 metre to 1.2 metres and the rear setback from 10.0 metres to 4.0 metres on the basis that to require the proposal to comply with the setback requirements would have a greater adverse impact on the amenity of the rear landowner;**
- 2 APPROVES the application for a pigeon loft and wire pigeon enclosure described as Option One of the Development Application dated 8 February 2000 under clause 5.37(f) of TPS1 on Lot 45 (9) Spoonbill Grove, Kingsley, subject to the following conditions:**
 - (a) All stormwater to be collected on site and disposed of in a manner acceptable to the City;**
 - (b) Louvers being fitted to the pigeon loft;**
 - (c) The pigeon and stock pigeon enclosure both being screened from view of the rear property by fibre sheeting or similar and screen landscaping on the north boundary, within 60 days to the satisfaction of the City;**
 - (d) The number of pigeons to be limited to 120 till 31 December 2000 and further limited to 100 effective from 1 January 2001, excluding young birds;**
 - (e) All works associated with the relocation of the loft to be commenced within 1 month of the completion of the pigeon racing season, ie October 2000;**
- 3 ADVISES the applicant that the approval in (2) above is subject to a building licence application being acquired and separate application for the keeping of pigeons under the City's Health Local Laws being submitted;**

4 REVIEWS the City's Health Local Laws relating to the maximum number of pigeons allowed to be kept on a property.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf110700.pdf](#)