



City of
Joondalup

NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Joondalup will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 12 September 2000 at 7.00 pm.

LINDSAY DELAHAUNTY
Chief Executive Officer
6 September 2000

PUBLIC QUESTION TIME

Council allows a 15 minute public question time at each Council meeting 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.*

DEPUTATION

Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only.

A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputations shall not exceed five (5) persons in number and only three (3) of those persons shall be at liberty to address the Elected Members and to respond to questions raised. Deputation sessions are, however, open to the public and other persons may attend as observers.

MOBILE TELEPHONES

PERSONS ATTENDING MEETINGS are reminded that the use of Mobile Telephones during meetings is not permitted.

PLEASE ENSURE that mobiles are switched off before entering the Council Chamber.

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

CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 12 SEPTEMBER 2000** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
6 September 2000

Joondalup
Western Australia

AGENDA

OPEN AND WELCOME

INVITED GUESTS - Youth Advisory Council

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved: - Cr T Barnett: 1 September to 9 October 2000
- Cr P Kadak: 10 September to 13 October 2000

LEAVE OF ABSENCE – CR L EWEN-CHAPPELL

Cr Ewen-Chappell has requested Leave of Absence from Council duties for the period 25 to 29 September 2000 inclusive.

RECOMMENDATION

That Council APPROVES the Leave of Absence requested by Cr L Ewen-Chappell for the period 25 to 29 September 2000 inclusive.

LEAVE OF ABSENCE – CRS C MACKINTOSH AND G KENWORTHY

Crs Mackintosh and Kenworthy have requested Leave of Absence from Council duties for the period 17 to 23 September 2000 inclusive.

RECOMMENDATION

That Council APPROVES the Leave of Absence requested by Crs C Mackintosh and G Kenworthy for the period 17 to 23 September 2000 inclusive.

PUBLIC QUESTION TIME

The following question, submitted by Mr M Sideris of Mullaloo, was taken on notice at the Council meeting held on 22 August 2000:

Mr M Sideris, Mullaloo:

Q1 With reference to the response given tonight by the Chief Executive Officer to my Question 1, can you advise me of the relevant section of the Local Government Act to which reference is made.

A1 The relevant section of the Local Government Act 1995 is Section 5.41(b).

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Cr Walker stated her intention to declare an interest in Item CJ239-09/00 as this relates to reimbursement of expenses she has incurred.

Cr Hollywood stated his intention to declare an interest in Item CJ246-09/00 as he has an interest in a local newspaper.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 22 AUGUST 2000

RECOMMENDATION

That the Minutes of the Council Meeting held on 22 August 2000 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

PETITIONS

1 PETITION OPPOSING THE CLOSURE OF PEDESTRIAN ACCESSWAY –
DERICOTE WAY, GREENWOOD – [47409]

A 41-signature petition has been received from Greenwood residents opposing the proposed closure of the pedestrian accessway in Dericote Way, Greenwood.

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

2 PETITION OPPOSING MOBILE TELECOMMUNICATION FACILITY (30 METRE HIGH SLIMLINE POLE AND EQUIPMENT) – PERCY DOYLE RESERVE, WARWICK ROAD, DUNCRAIG – [02056]

Two petitions of 114-signatures and 88-signatures respectively have been received from residents of the City of Joondalup opposing the proposed mobile telecommunication facility to be installed at Percy Doyle Reserve, Warwick Road, Duncraig.

These petitions will be referred to Planning and Development for action.

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REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

DATE OF NEXT MEETING

CLOSURE

CJ227 - 09/00 PROVISION OF INFORMATION TO ELECTED MEMBERS AND THE PUBLIC - [27174]

WARD - All

CJ000905_BRF.DOC:ITEM 1

SUMMARY

This paper outlines the guidelines for provision of information to the public, elected members and officers of the City. In accordance with the Freedom of Information Act 1992 and the Local Government Act 1995 requests for information should be received by local government officers during office hours. Documents should only be released when the request conforms with the published Information Statement or where an elected member can demonstrate to the Chief Executive Officer it is relevant to their role.

BACKGROUND

Council, at its meeting held on 22 August 2000, resolved that:

“the matter pertaining to provision of information to elected members and the public be DEFERRED to a future Briefing Session. “

There has been recent occasions where an elected member or group of elected members have sought access to certain information which may be regarded as outside their role and function as an elected member. This report proposes that the Council adopts a policy on the providing of information to elected members.

DETAILS

The Freedom of Information (FOI) Act 1992 requires the City to publish and make available to the public an Information Statement. This statement sets out what documents are available to the public, at what cost and the manner by which they may be obtained.

The Local Government Act, 1995, (the Act) details what pieces of information that a local government is to provide to the members of the public. Copy of the relevant sections are attached. Such sections have been included in the Act following its intent for local governments to be open and accountable. The Act does prescribe that there are certain matters that may be dealt with behind closed doors, and information pertaining to these matters are not available to the public and are for elected members benefit as part of the decision making process.

Section 5.92 of the Act allows Council and committee members to have access to information which is additional to those rights given to the general public. This section relates to, but does not limit, all written contracts entered into by the local government and all documents relating to written contracts proposed to be entered into by the local government. Section 5.92 of the Act does not, however, give an elected member unlimited access to information held by the local government.

Subsection (1) of that section of the Act provides access to any information held by the City that is relevant to the performance by the person of any of his or her functions under this Act or any other written law. This section of the Act implies that where a member requires access to information that is not normally available to them, they must demonstrate that the information sought is relevant to the performance of their function under written law. The term 'function' is defined in section 5 of the Interpretation Act to include powers, duties, responsibilities, authorities and jurisdictions. Accordingly, it is necessary to ascertain whether each request for information is relevant to the performance of some function under written law. The Chief Executive Office has the discretion to release information where it is considered appropriate.

Section 5.93 of the Act imposes significant penalties (\$10,000 or two years imprisonment) on any member of the Council or a committee or an employee who makes improper use of information to gain an advantage for themselves or any other person or cause detriment to the City or another person.

For example, any elected member seeking access to a petition, which has been presented to the Council, would be required to state how the information in the petition relates to the performance of any of the members functions under written law. If the member sought the information to contact the signatories in order to elicit their assistance in an election campaign, this would be considered a function of that member, and access to the information would be denied.

Where access to information is sought by elected members the following must be taken into account:

Commercial Confidentiality

The FOI Act 1992 restricts access to documents that contain information relating to a third person who is not the applicant:

- information concerning the trade secrets;
- information (other than trade secrets) that has a commercial value to; or
- any other information concerning the business, professional, commercial or financial affairs.

Such conditions generally relate to tender documentation and contracts. This does not restrict members under Section 5.94 of the Act, but members who have access to such information should treat it with the level of confidentiality that is required.

Law of Defamation

Defamation is the aspect of the law which protects people's reputations. It may be divided into libel, which relates to written or pictorial material, and slander, which relates to verbal comments. Defamation can be defined as anything which tends to damage a person's reputation in the estimation of members of society.

The law recognises that persons who are members of a Council have a right and duty to express themselves openly and freely at Council meetings.

In recognition of that public responsibility the law provides Council members with 'qualified privilege'. A council member can only rely on the defense of 'qualified privilege' whilst properly discharging his or her duties, and doing so in the public interest.

In order to maintain the qualified privilege, a Council member should ensure that any comments made are pertinent to the business of the City and they are not made maliciously or without due regard to whether they represent the truth.

Where an elected member does not properly discharge their duties, they may be liable for defamation action, and the professional insurance cover that the City has for its elected members would not cover the individual members action. The member would then be personally liable for their actions.

Legal Opinions

There are occasions during the operations of the City where legal opinions may be obtained to clarify the legality of certain matters before the Council. Where the legal opinion is required to form part of a report to the Council, it is normally included in a summary form, which enables members to make informed decisions.

Legal opinions are the property of the council, and may be required for litigation purposes. Restricted access for confidentiality reasons may be applied.

Financial Interests

The Act requires members to declare to a meeting at which a matter is to be discussed where they may have a financial interest. Where financial interests are not disclosed, substantial penalties may apply.

The recently conducted inquiry into the City of Cockburn recommended where 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 or elected members;
- 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 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. It may therefore be agreed that they may be able to take action to effectively negate the Council's strategy.

COMMENT/FUNDING

This report on the proposed policy is by no means an attempt to withhold access to information by elected members when shown to be required for the correct purpose and relevant to their performance as an elected member. The intent of the Act to be open and accountable is fully supported. The policy and report is an attempt to ensure that elected members are aware of their access rights to information, and improper use of such rights may incur penalties under the Act. It is also in an effort to protect abuse of the access to information by the receiver and establish a process for access to such information.

The proposed policy does not override the rights to information by the public as prescribed by the Act.

Access may be given to all documents listed in the published Information Statement, free of cost or at the prescribed fee. Documents outside of the scope of the Information Statement are covered under the Freedom of Information Act 1992. The Freedom of Information Act 1992, gives people a right to apply for access to documents held by agencies. This right is not affected by any reasons the person has for wishing to obtain access or the agency's belief as to what the person's reasons are for applying. The objects of the Legislation are achieved by creating a general right of access to state and local government documents and requiring agencies to assist the public to obtain access to the documents at no cost or the lowest reasonable cost.

RECOMMENDATION

That Council ADOPTS the following policy relating to provision of information:

OBJECTIVE

The policy sets the guidelines for provision of information to the public, elected members and officers of the City. In accordance with the Freedom of Information Act 1992 and the Local Government Act 1995 requests for information should be received by local government officers during office hours. Documents should only be released when the request conforms with the published Information Statement and under the guidance of the Freedom of Information Co-ordinator.

STATEMENT

In accordance with the Freedom of Information Act 1992 and Local Government Act 1995, the City will release copies or allow viewing on request to documents under its control by members of the public who make application for such information in accordance with the current Information Statement.

Elected Members who desire to view records outside those records detailed within the Local Government Act 1995 and the Information Statement must demonstrate to the Chief Executive officer that it is relevant to their performance as an elected member (Section 5.92 LG Act 1995).

When demonstrating the relevance to the information an elected member must make application to the Chief Executive Officer. When determining the level of access, the Chief Executive Officer may:

- **allow the member to view the document only with an officer present to assist in interpretation;**
- **grant access to the information via an edited document;**
- **be in the best interest to provide access to all elected members in either a full or edited format;**
- **be released to elected member(s) under a confidential restriction means.**

For the attachment to this report, see Appendix 1 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach1brf120900.pdf](#)

**CJ228 - 09/00 ELECTED MEMBERS' PROTOCOLS - [33866]
[26131]****WARD - All**

SUMMARY

A number of policies and procedures have been developed covering a wide range of issues impacting on Elected Members. Notwithstanding there will be occasions when decisions are required on various other issues. This report suggests that consideration be given to how such matters are to be determined.

BACKGROUND

The Elected Members' Welcome Pack included several sections on elected members' entitlements. From time to time however decisions are required on various other issues that impact on elected members and their civic role.

DETAILS

The policies and procedures that have been developed cover issues such as elected members' entitlements and equipment supplied to newly elected Council members. From time to time however decisions will need to be taken which impact on elected members. These range from decisions on catering arrangements, access to the lounge and bar areas, invitation lists to civic and other events, gifts and the use of meeting rooms.

These matters are generally minor in nature, and do not require a Council resolution. However, where those matters require a decision of the Council, a formal report would be submitted for consideration.

In more recent weeks an issue has been identified with members of the media and public accessing the lounge and bar areas after Council meetings.

To assist the administration in dealing with such matters a process needs to be developed to facilitate elected members' input into these decisions. There are several ways in which this could be achieved.

Informal Processes

Some local governments have an informal system, whereby the Deputy Mayor, having been appointed to the position by the Council collectively, (where the Mayor is elected by the electors), deals with many of the protocol issues. Alternatively, the administration, when requiring input from elected members on protocol and procedural matters, could raise the issues at fortnightly briefing sessions.

Since December last year issues impacting on elected members have generally been covered by the existing protocols or been referred to briefing sessions.

Formal Process

Alternatively, a more formal process would be to establish a House Committee to determine the protocols and entitlements relevant to elected members. The former City operated a House Committee over a number of years.

For comparison purposes, contact was made with the Cities of Perth, Stirling, Melville and Swan, with the following being ascertained:

City of Perth

House, Sponsorship and Donations Committee

Terms of Reference - Role and Delegation of Power to:

- investigate and determine protocols and procedures for elected members including the dining room, civic receptions and Precinct Committees and make recommendations to the Council on Elected Members' benefits and allowances;
- assess requests for donations and sponsorship made to the Council;
- approve or decline donation or sponsorship requests of \$10,000 or less.

Membership consists of the Lord Mayor and five elected members.

City of Stirling

House Committee

No written Terms of Reference, but essentially role of the House Committee is to deal with Elected Member issues (such as attending conferences and allowances) and hospitality matters (allocating approvals for hospitality and dinners) of the Council.

Membership consists of seven elected members.

City of Melville

House Committee

Terms of Reference – To consider and make recommendation on:

- the type and number of civic functions;
- entitlements of elected members;
- awards and presentations to former elected members;
- facilities for elected members;
- major alterations to the Civic Centre Precinct;
- matters associated with Standing Orders.

Representation on this committee consists of Mayor (Chairperson), Deputy Mayor and all seventeen elected members.

City of Swan

In-House Committee with representation of Mayor, Deputy Mayor and other Elected Members.

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ESTABLISHES a House Committee:

- 1 comprising of eight (8) elected members, being His Worship the Mayor and one representative from each Ward with the other Ward member serving as a deputy;**
- 2 with a quorum for the Committee being set at four (4) members;**
- 3 with a role and function to make recommendations on:**
 - the type and number of civic functions;**
 - entitlements of elected members;**
 - awards and presentations to former elected members;**
 - facilities for elected members.**

**CJ229 - 09/00 ONETEL APPLICATION FOR VARIOUS MOBILE
TELEPHONE SITES WITHIN THE CITY OF
JOONDALUP – [03045, 05128, 06489, 04150]**

WARD - Lakeside, Marina and South

CJ000905_BRF.DOC:ITEM 2

SUMMARY

Lucent Technologies Australia Pty Ltd, on behalf of OneTel Telecommunications, has applied for the lease of four sites to house its telecommunications equipment for the purpose of operating a mobile telephone network in the City of Joondalup. Three of the sites involve co-location with carriers on existing poles and the fourth involves sharing the roof of the Joondalup City Administration Centre with Telstra.

The four sites are:-

- the portion of Warwick Regional Open Space as shown hatched black on Attachment 1a
- the portion of Joondalup Administration Centre as shown hatched black on Attachment 2a
- the portion of Trig. Point Park as shown hatched black on Attachment 3a
- the portion of Water Tower Park as shown hatched black on Attachment 4a

The sites are either owned or leased or under the control of the City in a way that will enable the revenue to be retained by the City. They are all designated as “Low Impact” and are for very small areas, the largest being 27 m². All sites have existing carriers and the City is unaware of any objections from surrounding residents.

The Valuer General’s Office (VGO) has assessed the annual rental value for each of the three vacant sites as \$15,000 and the annual rental value for the building site as \$27,000, resulting in a total rental income of \$72,000, net of GST. Lucent Technologies Australia Pty Limited has agreed to pay:-

- the rental as assessed for the vacant sites with market reviews every three to four years (depending on the lease period); and
- 5% annual escalations between each market review.

However, the applicant has only offered to pay \$15,000 rental for the building site, with market reviews every four years and 5% annual escalations between each market review.

Under the provisions of the Telecommunications Act carriers can enter sites and install their facilities without permission from the City provided Notices of Entry are served in advance. OneTel served these on the City for all four sites on 24 August, 2000. However, negotiating with the carriers for leases or occupation agreements will enable the City to have some degree of control over where the facilities are located, their aesthetics and achieve a return to the community for the establishment of these facilities.

Accordingly, it is recommended that Council agrees to enter into the requested leases for all four sites and temporary occupation agreements for Trig Point Park and Water Tower Park until power to lease is granted by the Department of Land Administration (DOLA), with commercial terms for all agreements being in line with the VGO assessment.

BACKGROUND

Lucent Technologies Australia Pty Ltd, on behalf of OneTel Telecommunications, has applied for the lease of four sites to house its telecommunications equipment for the purpose of operating a mobile telephone network in the City of Joondalup and further its national network. The four sites are:-

- the portion of Warwick Regional Open Space as shown hatched black on Attachment 1a
- the portion of Joondalup Administration Centre as shown hatched black on Attachment 2a
- the portion of Trig. Point Park as shown hatched black on Attachment 3a
- the portion of Water Tower Park as shown hatched black on Attachment 4a

There will be no requirement for additional towers, as the required structures are already in existence on the sites under consideration. The Warwick Open Space and Trig. Point Park sites each has a monopole tower with two carriers on each tower. The Water Tower on Water Tower Park provides the structure to which the microwave dishes and antennae are attached and also currently provides for two carriers. At the Joondalup Administration Centre the building serves as the tower thereby lessening any visual impact and currently provides for one carrier. Accordingly, in each case there will be no further intrusion of towers in the community than already exists and it is considered that attachment of the additional antennae and dishes will not have any significant visual impact on the facilities.

The City has received Electromagnetic Energy (EME) reports prepared by Radhaz Consultants for each of the sites. The EME readings for each of the telecommunication proposals are below the maximum levels as recommended by Australian Standards AS 2772.1 for co-located sites.

Under the provisions of the Telecommunications Act carriers can enter sites and install their facilities without permission from the City. Notices of Entry, from OneTel, for all four sites were served on the City on 24 August, 2000. In the past carriers have shown that they prefer to negotiate for installation of facilities. Negotiating with the carrier for leases or occupation agreements has distinct advantages as it enables the City to have some degree of control over where the facilities are located, their aesthetics and achieves a return to the community from the establishment of these facilities.

Warwick Open Space:

Warwick Regional Open Space Reserve was leased by the City of Joondalup from the Metropolitan Region Planning Authority for a period of 25 years from 1 January 1985. Operations now come under the umbrella of the Western Australian Planning Commission. The lease allows the City to sub-lease areas of the Open Space Reserve subject to any revenue being applied for the development of the Reserve. Several sub-leases have already been approved by Council and two such sub-leases are to Vodafone and Telstra Corporation for telecommunication purposes, with the latter lease being executed in September, 1999.

The subject land is part of the Warwick Regional Open Space Reserve and is located near an existing mobile telecommunication tower which is adjacent to the bowling greens associated with the Greenwood Tennis Club and within the Land Conservation area. Access to the nearby Greenwood Tennis and Warwick Bowling Clubs is provided by Lloyd Drive, which extends centrally through the reserve. Access to the subject site is gained via a track that extends along the eastern and northern sides of the bowling green and connecting to a car park on the eastern side of Lloyd Drive. The existing monopole tower and base stations are situated in the bush near the south-eastern corner of the Bowling Club lease. Accordingly, the visual impact is minimal and the additional base station will not be visible from the neighbouring Bowling Club.

City of Joondalup Administration Centre:

The subject land is part of the City of Joondalup's Administration Centre premises at Lot 497 Boas Avenue, Joondalup. Telstra Corporation already has a similar facility on the premises and leases part of the PABX room to house its base station equipment, with a number of wall mounted panel type antennae on top of the building. The existing Telstra lease is for 20 years and commenced in 1995.

Previous proposals for mobile telephone antennae considered by Council have involved a number of antennae mounted on a tall mast structure and have usually been located in or near residential areas. Council's office building was considered to be ideal for the proposed purpose in that it is an existing tall structure in a central location. The premises would provide the same amenity for the current application by OneTel.

Trig. Point Park:

Trig. Point Park has an area of 1.9171 hectares and was so named due to it surrounding Trigonometric Reserve N^o 12038, which is still under the control of DOLA. A tower already exists within the trigonometric reserve and accommodates three other carriers, being Telstra, Vodafone and the Police Service. As the name suggests, the location of the tower is on one of the highest points in the suburb of Ocean Reef and within a park which is surrounded by residential homes. Although the Tower is actually within the trigonometric reserve, the land for the base station shelters (Swan Location 12465) is external to the trigonometric reserve, was excised from "Public Recreation" Reserve N^o 36351 on 13 June 1997 and remains under the control of DOLA. Location 12465 is shown cross-hatched black on Attachment 3a and comprises an area of 97 square metres.

Although management of Reserve N^o 36351 is with the of the City of Joondalup, as the reserve was created pursuant to the provisions of Section 20A of the Town Planning and Development Act it is a "Public Recreation" reserve which the City has no power to lease. In view of the reserve being created from the subdivision of private land, DOLA policy is that the land must be excised from the existing reserve and set aside for an appropriate purpose under management of the City with power to lease. The City has been advised by DOLA that although the Cabinet guidelines for 20A reserves only deal with the sale of 20A land, the principle of applying funds generated by the land sale to benefit the immediate neighbourhood with replacement land is to apply in a similar way to revenue generated by leasing 20A land.

That is to say, DOLA will allow the City to retain the rental proceeds subject to those proceeds being applied specifically to the reserve from which the new reserve originated. The revenue must be set aside in a unique reserve account and used for the purpose of developing the original reserve. Expenditure can be on new capital works and the maintenance of those works, but may not be used for general maintenance of the existing facility.

Water Tower Park:

Water Tower Park has an area of 3.0835 hectares and was so named due to the presence of the water tower on adjacent Lot 589, which is under the control of the Water Corporation. The water tower on Water Tower Park provides the structure to which the microwave dishes and antennae are to be attached. The tower currently provides for two carriers, being Telstra and the Police Service. The base stations for these carriers are located on adjoining Lot 596, which was created as a condition of subdivision when the surrounding land was subdivided and is now held in freehold Title by Telstra. Accordingly, Lot 596 was never under the control of the City and was not excised from Water Tower Park, "Public Recreation" Reserve N^o 42290.

Although management of Reserve N^o 42290 is with the of the City of Joondalup, as the reserve was created pursuant to the provisions of Section 20A of the Town Planning and Development Act, it is a "Public Recreation" reserve which the City has no power to lease. In view of the reserve being created from the subdivision of private land, DOLA policy is that the land must be excised from the existing reserve and set aside for an appropriate purpose under management of the City with power to lease. The City has been advised by DOLA that although the Cabinet guidelines for 20A reserves only deal with the sale of 20A land, the principle of applying funds generated by the land sale to benefit the immediate neighbourhood with replacement land is to apply in a similar way to revenue generated by leasing 20A land. That is to say, DOLA allows the City to retain the rental proceeds subject to those proceeds being applied specifically to the reserve from which the new reserve originated. The revenue must be set aside in a unique reserve account and used for the purpose of developing the original reserve. Expenditure can be on new capital works and the maintenance of those works, but may not be used for general maintenance or maintenance of existing facilities.

DETAILS

Warwick Open Space:

The proposal is to lease to OneTel a parcel of land having an area of 27 square metres situated on the southern side of the access track to the existing Vodafone and Telstra compounds. The proposed site is shown hatched black on Attachment 1a. The general location is shown on Attachment 1b and in further detail by photograph as Attachments 1c. It is the intention to access the Vodafone site, which contains the tower, via an underground cable across the access track. In order that there be minimal disturbance to existing vegetation the OneTel base station is to be situated on the southern side of the access track. The site chosen for the base station is the least vegetated in the vicinity.

Financial and tenure details of the proposal, which have the concurrence of the Valuer General's Office, are as follows:

- Initial Rental..... \$15,000 plus GST
- Reviews.....To market every 3 years
- Escalation between reviews 5% per annum
- Lease Term..... 3 years
- Renewal OptionsTwo further terms of 3 years

OneTel initially proposed a 20 year lease which would have had rental reviews to market every 4 years, however this has been adjusted to conform with the period remaining in the Head Lease, which will expire on 31 December, 2009.

Any sub-lease is subject to the approval of the Western Australian Planning Commission, which requires that the revenue derived from this land be applied to the development and maintenance of the Warwick Regional Open Space Reserve.

This proposal was forwarded to the Western Australian Planning Commission (WAPC), for determination as the site is bush land identified in Perth's Bushplan Document. However, the area to be cleared is unlikely to have an impact on Bushplan and the impact on vegetation is considered minimal and acceptable.

It is acknowledged that OneTel does not require the City's approval to the proposal under the terms of the Low Impact Determination 1997 and in view of the Notice of Entry that has been served, it is recommended that Council enters into the requested sub-lease with OneTel subject to the following conditions being met:

1. The Western Australian Planning Commission approving of a sub-lease of the site from the City to OneTel for the purpose of telecommunications and advising that the proposal complies with guidelines in relation to Perth's Bushplan.
2. The financial and tenure details of the lease be as set out above.
3. All development costs including costs of preparation of lease documentation to be borne by OneTel.
4. OneTel's compliance with the Telecommunications ("Low Impact" Facilities) Determination 1997.
5. OneTel's compliance with the relevant EME standards
6. The antennae and microwave dish to be similar in design and match the colour of the existing equipment and tower. The base station to be of similar material and colour to existing base stations. The colour of equipment to be submitted prior to installation of facilities.
7. The area surrounding the perimeter of the base station to be reinstated and landscaped to the satisfaction of the City once construction works are completed.
8. Minimal disturbance to existing vegetation and the Jarrah tree to the south of the enclosure for the base station to be retained. The City be advised prior to removal of any vegetation to enable a representative from the City to be present during clearing of the site.
9. A written undertaking be given by OneTel that all obsolete mobile telecommunication equipment at the subject site be removed at the cost of the carrier and that the land be reinstated to its original state should the base station not be required.

City of Joondalup Administration Centre:

The proposal is to lease to OneTel a parcel of land having an area of 11 square metres for a base station situated at ground level adjoining and on the eastern side of the building and various parts of the roof area for affixing radio antennae and a microwave dish. The proposed base station site is shown hatched black on Attachment 2a. The general location is shown on Attachment 2b and in further detail by photograph as Attachment 2c. It is to accommodate the "in-built compound base station" and will be constructed to blend in with the existing building. Siting of the base station shelter in this position will not affect future plans for the building and is acceptable subject to OneTel obtaining all the necessary Statutory approvals, including complying with building safety regulations. As part of the proposal OneTel would also be attaching three antennae and a microwave dish (0.3m diameter) to the roof top of the building.

Financial and tenure details of the proposal, which have the concurrence of the Valuer General's Office, are as follows:

- Initial Rental..... \$27,000 plus GST (\$15,000 for compound site and \$12,000 for roof antennae site)
- Reviews.....To market every 4 years
- Escalation between reviews..... 5% per annum
- Lease Term..... 4 years
- Renewal Options.....Four (4) further terms of 4 years

It is acknowledged that OneTel does not require the City's approval to the proposal under the terms of the Low Impact Determination 1997 and in view of the Notice of Entry that has been served, it is recommended that Council enters into the requested lease with OneTel subject to the following conditions being met:

1. The financial and tenure details of the lease be as set out above.
2. All development costs including costs of preparation of lease documentation to be borne by OneTel.
3. OneTel's compliance with the Telecommunications ("Low Impact" Facilities) Determination 1997.
4. OneTel's compliance with the relevant EME standards
5. The antennae and microwave dish to be similar in design and match the colour of the existing equipment on the rooftop. The colour of equipment to be submitted prior to installation of facilities.
6. The base station being of similar material and colour to existing building. Details of brickwork and colour are to be submitted to the City for approval prior to construction of the facility.
7. The area surrounding the perimeter of the base station to be reinstated to the satisfaction of the City once construction works are completed.
8. A written undertaking be given by OneTel that all obsolete mobile telecommunication equipment at the subject site, including the roof, shall be removed at the cost of the carrier and that the land be reinstated to original state should the base station not be required.

Trig. Point Park:

The proposal is to lease to OneTel a parcel of land having an area of 24 square metres situated adjacent to existing telecommunications base stations and is shown hatched black on Attachment 3a. The general location is shown on Attachment 3b and in further detail by photographs as Attachments 3c, and 3d. It is OneTel's intention to co-locate on the existing monopole tower and construct a base station adjoining the existing telecommunication base stations.

The site is situated within Trig. Point Park, "Public Recreation" Reserve N^o 36351, which is located adjacent to Marmion Avenue between Leeway Drive and Binnacle Road in Ocean Reef. Access is provided via an access way off Leeway Drive.

Financial and tenure details of the proposal, which have the concurrence of the Valuer General's Office, are as follows:

- Initial Rental..... \$15,000 plus GST
- Reviews.....To market every 4 years
- Escalation between reviews..... 5% per annum
- Lease Term..... 4 years
- Renewal Options.....Four (4) further terms of 4 years

It is acknowledged that OneTel does not require the City's approval to the proposal under the terms of the Low Impact Determination 1997 and in view of the Notice of Entry that has been served, it is recommended that Council enters into the requested lease with OneTel subject to the following conditions being met:

1. The financial and tenure details of the lease be as set out above.
2. All development cost including costs of survey and costs of preparation of lease documentation to be borne by OneTel.
3. OneTel's compliance with the Telecommunications ("Low Impact" Facilities) Determination 1997.
4. OneTel's compliance with the relevant EME standards.
5. The antennae and microwave dish to be similar in design and match the colour of the existing equipment and tower. The base station to be of similar material and colour to existing base stations. The colour of equipment to be submitted prior to installation of facilities.
6. The area surrounding the perimeter of the base station to be reinstated and landscaped to the satisfaction of the City once construction works is completed.
7. Minimal disturbance to existing vegetation. The City shall be advised prior to removal of any vegetation to enable a representative from the City to be present during clearing of the site.
8. A written undertaking be given by OneTel that all obsolete mobile telecommunication equipment at the subject site be removed at the cost of the carrier and that the land be reinstated to original state should the base station not be required.

As the site is part of a Section 20A reserve it will need to be surveyed, excised from Reserve N^o 36351, a new reserve created under the management of the City with power to lease. This process is estimated to take 12 months to complete, however in the interim occupation is required by the carrier. In acknowledgement of the carrier's right to enter and occupy, and the City's role of managing the reserve without power to lease at this time, it is recommended that

the City enters into a temporary "Occupation Agreement" with the carrier. This will ensure continuance of the City's management of the whole of the reserve. The Occupation Agreement would have almost identical terms as a lease, but will be replaced by an actual Deed of Lease following action by DOLA to formalise the new reserve situation.

In view of DOLA's current policy governing Section 20A reserves it is considered reasonable that the situation on Trig. Point Park should be normalised by requesting DOLA to include Swan Location 12465 in the new reserve, thereby transferring control of the existing leases to the City. Revenue from these leases could then be applied to Trig. Point Park for the benefit of the immediate community, which is the intention of DOLA's policy for reserves created pursuant to Section 20A of the Town Planning and Development Act.

Water Tower Park:

The proposal is to lease to OneTel a parcel of land having an area of 17.5 square metres situated adjacent to an existing telecommunications base station and shown hatched black on Attachment 4a. The general location is shown on Attachment 4b and in further detail by photographs as Attachments 4c, and 4d. It is OneTel's intention to co-locate with the two other carriers on the water tower situated on adjoining Lot 589.

The subject site is located in Aswan View, Joondalup and access is provided via Aswan View off Moondarra Way.

Financial and tenure details of the proposal, which have the concurrence of the Valuer General's Office, are as follows:

- Initial Rental..... \$15,000 plus GST
- Reviews.....To market every 4 years
- Escalation between reviews..... 5% per annum
- Lease Term..... 4 years
- Renewal Options.....Four (4) further terms of 4 years

It is acknowledged that OneTel does not require the City's approval to the proposal under the terms of the Low Impact Determination 1997 and in view of the Notice of Entry that has been served, it is recommended that Council enters into the requested lease with OneTel subject to the following conditions being met:

1. The financial and tenure details of the lease be as set out above.
2. All development costs including costs of survey and cost of preparation of lease documentation to be borne by OneTel.
3. OneTel's compliance with Telecommunications ("Low Impact" Facilities) Determination 1997.
4. OneTel's compliance with the relevant EME standards
5. The antennae and microwave dish to be similar in design and match the colour of the existing equipment and tower. The base station to be of similar material and colour to existing Base Stations. The colour of equipment to be submitted prior to installation of facilities.

6. The Area surrounding the perimeter of the base station to be reinstated and landscaped to the satisfaction of the City once construction work is completed.
7. Minimal disturbance to existing vegetation. The City be advised prior to removal of any vegetation to enable a representative from the City to be present during removal process.
8. A written undertaking be given by OneTel that all obsolete mobile telecommunication equipment at the subject site be removed at the cost of the carrier and that the land be reinstated to original state should the base station not be required.

As the site is part of a Section 20A reserve it will need to be surveyed, excised from Reserve N^o 42290, a new reserve created under the management of the City with power to lease. This process is estimated to take 12 months to complete, however in the interim occupation is required by the carrier. In acknowledgement of the carrier's right to enter and occupy and the City's role of managing the reserve without power to lease at this time, it is recommended that the City enter into a temporary "Occupation Agreement" with the carrier. This will ensure continuance of the City's management of the whole of the reserve. The Occupation Agreement would have almost identical terms as a lease, but will be replaced by an actual Deed of Lease following action by DOLA to formalise the new reserve situation.

RECOMMENDATION

That:

- 1 Council APPROVES entering into a sub-lease with OneTel for the 27 m² of Warwick Regional Open Space Reserve as shown hatched black on Attachment 1a to Report CJ229-09/00 subject to:**
 - (a) approval being received from the Western Australian Planning Commission in relation to Perth's Bushplan;**
 - (b) the approval of the Minister for Planning to the sub-lease;**
 - (c) commencement date of the sub-lease being the date on which the sublease is executed by the Minister for Planning;**
 - (d) a sub-lease term of 3 years;**
 - (e) renewal options consisting of two further terms of 3 years;**
 - (f) initial rental being \$15,000 per annum plus GST;**
 - (g) rental reviews to market every 3 years with annual escalations of 5% between market reviews;**
 - (h) all costs, including development and legal costs, being borne by OneTel; and**

- (i) **OneTel giving a written undertaking:**
- (i) **to comply with Telecommunications (“Low Impact” Facilities) Determination 1997;**
 - (ii) **to comply with the relevant Electro-Magnetic Energy standards;**
 - (iii) **that the Antennae and microwave dish to be similar in design and match the colour of the existing equipment and tower;**
 - (iv) **that the base station will be of similar material and colour to existing Base Stations and that the colour of equipment be submitted for the approval of the City prior to installation of facilities;**
 - (v) **that the area surrounding the perimeter of the base station be reinstated and landscaped to the satisfaction of the City once construction works are completed;**
 - (vi) **that there be minimal disturbance to existing vegetation;**
 - (vii) **that the Jarrah tree to the south of the enclosure for the base station be retained;**
 - (viii) **that the City be advised prior to removal of any vegetation to enable an Officer from the City to be present during the removal process; and**
 - (ix) **that all obsolete mobile telecommunication equipment at the subject site be removed at the cost of the carrier and that the land be reinstated to original state should the base station not be required.**
- 2 Council APPROVES entering into a lease with OneTel for the 11 m² of City of Joondalup Administration Centre shown hatched black on Attachment 2a and the roof dish and antennae locations shown on Attachment 2a to Report CJ229-09/00 subject to:**
- (a) **a lease term of 4 years;**
 - (b) **renewal options consisting of Four (4) further terms of 4 years;**
 - (c) **initial rental being \$27,000 per annum plus GST;**
 - (d) **rental reviews to market every 4 years with annual escalations of 5% between market reviews;**
 - (e) **commencement date of the lease being the date on which the lease is executed by OneTel;**
 - (f) **all costs, including development and legal costs, being borne by OneTel; and**

- (g) **OneTel giving a written undertaking:**
- (i) to comply with Telecommunications (“Low Impact” Facilities) Determination 1997;
 - (ii) to comply with the relevant Electro-Magnetic Energy standards;
 - (iii) that the antennae and microwave dish be similar in design and match the colour of the existing equipment on the rooftop;
 - (iv) that the base station be of similar material and colour to existing building and details of equipment colour, brickwork and colour be submitted for the approval of the City prior to installation of facilities;
 - (v) that the area surrounding the perimeter of the base station be reinstated once construction works is completed; and
 - (vi) that all obsolete mobile telecommunication equipment at the subject site being removed, including the four dishes on the roof, at the cost of the carrier and that the land be reinstated to original state should the base station not be required, unless otherwise directed by the City;

3 Council APPROVES entering into occupation agreements with OneTel for the 24 m² of Trig. Point Park (Reserve N^o 36351) and the 17.5 m² of Water Tower Park (Reserve N^o 42290) as shown hatched black on Attachments 3a and 4a respectively to Report CJ229-09/00 subject to:

- (a) OneTel agreeing to enter into lease agreements for these areas upon request from the City of Joondalup;
- (b) an occupation period of one (1) year;
- (c) rental being \$15,000 per annum plus GST for each of these sites;
- (d) commencement date of the occupation agreements being the date on which the agreement is executed by OneTel;
- (e) all costs, including development and legal costs, being borne by OneTel; and
- (f) **OneTel giving a written undertaking:**
 - (i) to comply with Telecommunications (“Low Impact” Facilities) Determination 1997;
 - (ii) to comply with the relevant Electro-Magnetic Energy standards;
 - (iii) that the antennae and microwave dish be similar in design and match the colour of the existing equipment and tower;

- (iv) that the base station be of similar material and colour to existing base stations and that the colour of equipment be submitted for the approval of the City prior to installation of facilities;
 - (v) that the area surrounding the perimeter of the base station be reinstated and landscaped to the satisfaction of the City once construction works are completed; and
 - (vi) that there shall be minimal disturbance to existing vegetation.
- 4 the Department of Land Administration be requested to excise the 24 m² of Trig. Point Park (Reserve N^o 36351) and the 17.5 m² of Water Tower Park (Reserve N^o 42290) as shown hatched black on Attachments 3a and 4a respectively to Report CJ229-09/00 and create new reserves with power to lease under the management of the City of Joondalup;
- 5 the Department of Land Administration be requested to amalgamate the new reserve, being created from Trig. Point Park, with Swan Location 12465 as shown on Attachment 3a to Report CJ229-09/00 and advise the current tenants, Telstra, VodaFone and the Police Service, that the new landlord is the City of Joondalup;
- 6 Council APPROVES entering into a lease agreements with OneTel for the 24 m² of Trig Point Park (Reserve N^o 36351) and the 17.5 m² of Water Tower Park (Reserve N^o 42290) as shown hatched black on Attachments 3a and 4a respectively to Report CJ229-09/00 subject to:
 - (a) the approval of the Minister for Lands to the leases;
 - (b) lease periods of 4 years for each of the sites;
 - (c) each lease having renewal options consisting of four (4) further terms of four (4) years;
 - (d) the initial rental for each lease being \$15,000 per annum plus GST;
 - (e) each lease rental being reviewed to market every four (4) years with annual escalations of 5% between market reviews;
 - (f) the commencement date of the leases being the date on which the City of Joondalup receives power to lease from DOLA;
 - (g) all costs, including legal costs, being borne by OneTel; and
 - (h) OneTel giving a written undertaking:
 - (i) to comply with Telecommunications (“Low Impact” Facilities) Determination 1997;

- (ii) to comply with the relevant Electro-Magnetic Energy standards; and
- (iii) that all obsolete mobile telecommunication equipment at the subject site being removed at the cost of the carrier and that the land would be reinstated to the original state should the base station not be required;

7 Council APPROVES the signing and Sealing of:

- (a) the sub-lease with OneTel for the 27 m² of Warwick Regional Open Space Reserve;
- (b) the lease with OneTel for 11 m² of City of Joondalup Administration Centre;
- (c) the temporary occupation agreement with OneTel for the 24 m² of Trig. Point Park (Reserve N^o 36351);
- (d) the temporary occupation agreement with OneTel for the 17.5 m² of Water Tower Park (Reserve N^o 42290);
- (e) the lease with OneTel for the 24 m² of Trig. Point Park (Reserve N^o 36351); and
- (f) the lease with OneTel for the 17.5 m² of Water Tower Park (Reserve N^o 42290).

For the attachment to this report, see Appendix 2 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach2brf120900.pdf](#)

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CJ230 - 09/00 CITY OF JOONDALUP SUPERANNUATION - FREEDOM OF CHOICE - [00033]

WARD – All

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SUMMARY

The purpose of this Paper is to advise the elected members on positions developed by the WA Municipal Association (WAMA) and the Institute of Municipal Management (IMM) to facilitate the introduction of choice for Local Government Superannuation and to set direction in relation to the issues raised.

Freedom of Choice has implications for the Council and for the majority of employees in Local Government who are currently required by legislation to be members of the WA Local Government Superannuation Plan.

Through this Discussion Paper, elected members' views are sought on the philosophy of providing choice for staff to decide into which fund their Superannuation contributions are made both for the Superannuation guarantee charge and contributory components.

WAMA and IMM have endeavoured to identify the issues and challenges which will flow from a Superannuation freedom of choice environment and develop proactive positions to provide for a smooth transition. These view are expressed in the paper.

This report provides recommendations in relation to the issues relating to freedom of choice for local government superannuation.

BACKGROUND

Over the last year or so, the Western Australian Municipal Association (WAMA), the Institute of Municipal Management (IMM) and the Department of Local Government (DLG) have had extensive discussions on the issue of introducing freedom of fund choice for Local Government superannuation.

The history surrounding this issue can be summarised as follows:-

- The Institute of Municipal Management (IMM) has been pursuing freedom of choice for Local Government superannuation since 1995. A resolution of members was passed at the Annual General Meeting in October 1995 calling on the Divisional Council to pursue freedom of choice.

- When the Department of Local Government was formulating provisions for the 1995 Local Government Act, WAMA was canvassed for its opinion on freedom of choice. Freedom of choice was supported with the proviso that undue administrative burdens were not placed on Councils.
- To date, superannuation provisions in the Local Government Act have been carried forward from the previous legislation and remain in place.
- Since 1997 the concept of introducing freedom of choice through Federal legislation for the superannuation guarantee charge component has been on the agenda. To date the legislation has not been introduced and there are ongoing negotiations occurring between the Government and the Democrats to reach agreement on appropriate freedom of choice legislation. It appears unlikely that freedom of choice through Federal legislation will be available for at least another 2 years.
- WAMA and IMM support superannuation freedom of choice and agree to ensure the most appropriate system is put in place, freedom of choice should be pursued at the State level in the first instance.
- WAMA and IMM believe that prior to pursuing legislative changes required to facilitate superannuation freedom of choice, there are a number of issues that require consideration. Through the respective processes WAMA and IMM have considered those issues and developed positions.

The WAMA Executive and IMM Divisional Council have identified a number of issues which require consideration to ensure a smooth transition for superannuation freedom of choice. The positions adopted by WAMA and IMM are essentially the same in context and provide for a united position to be conveyed to the Department of Local Government on the introduction of choice.

Issue 1 - Superannuation Freedom of Choice

IMM Position

That Divisional Council re-affirms the Institute's commitment to achieve full freedom of choice for members' superannuation contributions.

WAMA Position

That WAMA re-affirms its commitment to achieve full freedom of choice for Local Government superannuation subject to being satisfied that administrative and employer liability provisions are addressed.

Issue 2 - Legislative Framework to Support Freedom of Choice

Commentary

There has been extensive discussion on the legislative framework required to support superannuation freedom of choice within the Local Government environment. Previous legal advice indicates that amendments will be required to the Local Government Act, Regulations and potentially The Local Government Superannuation Trust Deed. Indications are also that the introduction of Federal legislation on freedom of choice will not necessarily provide the appropriate legislative framework

at the State level to facilitate choice for Local Government employees. On this basis it was agreed that given The Minister and Department of Local Government are responsible for Local Government legislation, it should be their responsibility to determine the legislative framework required.

IMM Position

That WAMA be requested to investigate the costs of obtaining further legal advice on the commitments under the Superannuation Deed of Trust

WAMA Position

That WAMA and IMM develop an agreed position on superannuation freedom of choice and request that the Minister and Department of Local Government put in place the legislative changes required to the Local Government Act and supporting legislation to facilitate freedom of choice.

Issue 3 - Transfer of Accumulated Funds**Commentary**

Indications are that proposed freedom of choice legislation will only provide choice for superannuation contributions made after enactment of the legislation and will not address transfer of accumulated funds. It is anticipated that members opting to change their choice of superannuation fund will want to transfer all of their accumulated funds. At this point in time, the Local Government Superannuation Trust Deed does not provide for the automatic transfer of accumulated funds. Should transfer of accumulated funds only be required by a limited number of members, this will have limited impact on the Local Government Superannuation Plan's viability. This would be a different scenario however if a significant number of members wished to transfer accumulated funds. It is considered appropriate that relevant safeguards be put in place to protect the financial viability of the existing Plan.

IMM Position

That Divisional Council endorses inclusion of a provision to allow members to transfer accumulated entitlements from the WA Local Government Superannuation Plan should they exercise a choice to move to another fund.

WAMA Position

That the Local Government Superannuation Trust Deed be amended to allow for the transfer of accumulated funds in a freedom of choice environment provided appropriate management arrangements are adopted by the Local Government Superannuation Board to protect the financial viability of the Local Government Superannuation Plan.

Issue 4 - Contribution Rates**Commentary**

The current Local Government Superannuation Trust Deed provides for minimum contribution rates by both employee and employer. It is highly unlikely that minimum contribution rates will be provided for in a superannuation freedom of choice environment. Given that this issue deals with employee benefits, it was considered

appropriate to refer the industrial relations implications of removing reference to minimum contribution rates to WAMA's Workplace Relations Panel for consideration. In relation to the philosophy of this issue, it was considered that the intention of introducing superannuation freedom of choice within Local Government is not to reduce employee benefits. On this basis, WAMA sought to have the Workplace Relations Panel consider the most appropriate instrument to facilitate the continuation of minimum contribution rates for superannuation, whether this is an industry-wide Enterprise Agreement or individual Workplace Agreements.

IMM position

That Divisional Council supports provisions which retain the status quo in relation to contribution rates.

WAMA Position

1. That the principle of retaining minimum superannuation contribution rates for both employees and employers in a superannuation freedom of choice environment be supported
2. That WAMA 's Workplace Relations Panel be requested to provide advice on the most appropriate industrial instrument to facilitate the retention of minimum superannuation contribution rates.

WAMA Workplace Relations Panel

The Panel members considered that there was not general industry support for the retention of the minimum superannuation contribution rate. The Panel felt that it was time for each Council to decide on the course of action that best suited the budget requirements and the wishes of the elected members. It was obvious that there is a general lack of understanding of this issue and that further discussion is needed in order for opinions to be formed.

Issue 5 - Industry Superannuation Fund

Commentary

In the context of discussions on superannuation freedom of choice, the philosophy of supporting the continuation of a Local Government industry superannuation fund has been raised. The Federal legislation on freedom of choice is likely to incorporate a principle which requires the nomination of a default fund for employees who do not select a fund. In the case of Local Government it is deemed appropriate that the default fund be the existing Local Government Superannuation Plan.

IMM Position

That the Divisional Council:

1. Supports the continuation of a Local Government industry superannuation fund.
2. Supports the WA Local Government Superannuation Fund as the default fund for the Industry.

WAMA Position

1. That in keeping with practice in other industries, WAMA supports the philosophy of the continuation of a Local Government industry superannuation fund.
2. That WAMA supports nomination of the WA Local Government Superannuation Plan as the default fund for the industry in a superannuation freedom of choice environment.

DETAILS

The City of Joondalup, like all WA local governments, is a member of the Local Government Superannuation Plan and as such is required by the Local Government Act to participate in and comply with the Plan and its Trust Deed.

Under the Trust Deed each local government has a legal obligation to make contributions as follows:-

Superannuation Guarantee Component 8% of salary (from 1.7.2000) for the Superannuation Guarantee contribution.

Contribution Component Minimum of 5% where the employee also contributes 5% and a maximum of 9% where the employee contributes 6%.

With the increase of the SGL from 6% to 7% on 1.7.1998 the then Joint Commissioners resolved to 'peg' Council's maximum contribution to 15%, eg 7% SGL and 8% where the employee contributed 6% and 6½% where the employee contributed 5%.

Again, with the increase of the SGL component from 7% to 8% on 1.7.2000 the City of Joondalup resolved to 'peg' its contribution to 15% :-

- 8% SGL
- 7% maximum contributory component where the employee contributes 6% and 5.5% where the employee contributes 5%.

It is envisaged that with the increase of the SGL on 1.7.2002 to the full 9% the City of Joondalup will again "offset" its contributory component against the SGL increase. This will have the following effect:-

Council	SGL	Maximum Payable
6% maximum where employee contributes 6%	9%	15%
5% maximum where employee contributes 5%	9%	14%

The Trust Deed of the WA Local Government Superannuation Plan requires that upon an employee becoming a member of the Plan, it is compulsory for that member's employer to formally adopt the Plan and to commence making contributions towards the Plan on the members behalf.

Accepting the above all local governments in the Local Government Superannuation Plan are required pursuant to the provisions of the Local Government Act to comply with the Plan and its Trust Deed. This requires contributions to be made pursuant to the Trust Deed.

WAMA requires comments in relation to the above mentioned issues. The following are considered as appropriate for the City:-

Issue 1 - Superannuation Freedom of Choice

The City is committed to achieve full freedom of choice for members superannuation contributions.

Issue 2 - Legislative Framework to Support Freedom of Choice

The City is committed to freedom of choice and therefore supportive of legislation which would support facilitation of this objective.

Issue 3 - Transfer of Accumulated Funds

The City endorses the proposal which allows members to transfer accumulated entitlements from the West Australian Local Government Superannuation Plan should they exercise the choice to move to another fund.

Issue 4 - Contribution Rates

The current Local Government Superannuation Trust Deed provides for minimum contribution rates by both employee and employer. In a freedom of choice environment however it is highly unlikely that minimum contribution rates will be provided for. With the introduction of Freedom of Choice there is some conjecture as to whether local governments will continue to have any obligation to make contributory contributions as the current Act and Trust Deed provide benefits which may not be applicable in a full freedom of choice environment

Legal advice received by the WA Local Government Superannuation Plan indicates however that should the contribution requirement be removed from the Local Government Act, local governments will still be legally obligated and bound to contribute to the Plan unless the Trust Deed is amended so as to remove or alter the contribution. This effectively means that if the Trust Deed is not amended to delete this requirement local governments will still be required to contribute if the employee wishes to be a member of the WA Local Government Superannuation Plan. In direct contrast however, if an employee were to be a member of, for example, AMP, then local governments need not contribute.

The issue of superannuation is not only an industry wide issue but also one which impacts on Industrial Relations matters of the individual local governments. The City has employment contracts with current staff which binds it to contributions being made to the Plan. Indications are that legislation relating to Freedom of Choice for superannuation is some years away and considerable discussion and debate will be undertaken both by WAMA and the unions prior to a position being determined. In the interim however industry trends are that employers are restricting financial exposure in this area of their business.

Accepting all the above and given that each local government should have discretion and flexibility in relation to its employer contribution rate the following is considered appropriate:-

Current Employees (at the time of enactment of the freedom of choice legislation)

The City continues to provide an employer contribution of 7% of salary if the employee contributes 6% or 5.5% if the employee contributes 5% of salary. These employer contribution rates to be reduced to 6% and 5% respectively on 1 July 2002 when the Superannuation Guarantee Levy increases to 9%. These amounts are to be in addition to the legislative requirement to contribute the Superannuation Guarantee Levy.

New Employees (at the time of enactment of the freedom of choice legislation)

The City only contributes 8% (increasing to 9% on 1 July 2002) which represents the Superannuation Guarantee Levy contribution with no employer contribution.

Note This would require an amendment to the Trust Deed.

While having two levels of superannuation benefits may be considered inequitable in that staff may have differing employment terms in relation to superannuation benefits new employees will however be aware of the arrangements at the time of acceptance of any position with the City.

By the same token, attractive superannuation benefits are seen as a recruiting tool to attract and retain quality staff.

Issue 5 - Industry Superannuation Fund

That the City supports the continuance of the Western Australian Local Government Superannuation Plan as the default fund for the industry.

RECOMMENDATION

That Council ADVISES the Western Australian Municipal Association of the following in relation to Local Government Superannuation - Freedom of Choice:

1 Issue 1 - Superannuation Freedom of Choice

The City is committed to achieve full freedom of choice for members superannuation contributions.

2 Issue 2 - Legislative Framework to Support Freedom of Choice

The City is committed to freedom of choice and therefore supportive of legislation which would support facilitation of this objective.

3 Issue 3 - Transfer of Accumulated Funds

The City endorses the proposal which allows members to transfer accumulated entitlements from the Western Australian Local Government Superannuation Plan should they exercise the choice to move to another fund.

4 Issue 4 - Contribution Rates

That as each local government should have discretion and flexibility in relation to its employer contribution rate the following is considered appropriate:-

Current Employees (at the time of enactment of the freedom of choice legislation)

The City continues to provide an employer contribution of 7% of salary if the employee contributes 6% or 5.5% if the employee contributes 5% of salary. These contribution rates to be reduced to 6% and 5% respectively on 1 July 2002 when the Superannuation Guarantee Levy increases to 9%. These employer contribution amounts to be in addition to the legislative requirement to contribute the Superannuation Guarantee Levy.

New Employees (at the time of enactment of the freedom of choice legislation)

The City only contributes 8% (increasing to 9% on 1 July 2002) which represents the Superannuation Guarantee Levy contribution with no employer contribution.

5 Issue 5 - Industry Superannuation Fund

That the City supports the continuance of the Western Australian Local Government Superannuation Plan as the default fund for the industry.

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**CJ231 - 09/00 SAFER COMMUNITY PROGRAM - SECURITY AND
SURVEILLANCE OPERATION AND
IMPLEMENTATION PLAN - OPTIONS -[39870]**

WARD - All

CJ000905_BRF.DOC:ITEM 4

SUMMARY

The purpose of this report is to discuss the preferred the option for the provision of a security and surveillance operation for the City recently considered by Councillors, address the principles for the provision of the service and discuss the implementation plan associated with the service introduction. There will be staff implications associated with achieving the desired level of service.

The model recommended provides a separate Ranger and City Watch Service with the City Watch component being provided by both internal resources and a private contractor. This model will provide the Council with flexibility and better service delivery on a more cost effective basis. It is anticipated Council will review the service in May 2001.

BACKGROUND

In 1997, the City of Joondalup introduced a mobile security ranger service using personnel to carry out the duties of security officers as well as ranger functions.

In July 1999, the City launched the Safer Community Program which encompassed a range of initiatives, part of which is mobile security patrols (City Watch). The program was funded by a separate charge to normal rates in the 1999/2000 Budget.

The proposed Budget for the Safer Community Program was considered at the Special Council Meeting of 2 August 2000 as part of the 2000/01 Budget process. The item lapsed, as it did not receive the absolute majority required. At the Council Meeting of 8 August 2000 the matter was again considered by Council and the budget approved (see Attachment A). The program for 2000/01 provides for an enhanced service level provision for security surveillance operations which provides for 6 zones, 24 hours, 7 days per week.

The Council resolved as follows:

MOVED Cr Rowlands, SECONDED Cr Patterson that Council:

- 1 in accordance with the provisions of Sections 6.32 and 6.38 of the Local Government Act 1995 IMPOSES for the 2000/01 financial year, a security charge of \$27.00 on each piece of land (rateable and non rateable);**
- 2 APPROVES the budget for the Safer Community Program 2000/01 as outlined in Attachment B to Report C47-08/00;**

3 SEEKS a report on the implementation of the options and timetable for implementing a Mobile Security Service.

(Item C47-08/00 refers.)

This report deals with Item 3.

The various models for the service implementation that have been examined were:

- Separate Ranger and City Watch Service. This model included various staffing scenarios including all Council staff, and a mix of Council staff and contractors;
- Individual zones with zone leaders and City Watch officers. This model included variations on the number of zones.

DETAILS

Information from survey and other sources indicates there is dissatisfaction with the visibility and effectiveness of the City Watch Service. This is due in part to limited resources and the multi-functionality of the services whereby officers are diverted to “Ranger” duties. The funding recognised this with some 30% of the officers’ time taken up with Ranger duties. This component is funded out of the general rate.

Between February 1997 and July 2000, the Council has received three separate petitions, totalling 2,201 signatures, across 29 suburbs, from residents requesting a security service. No less than 5 separate independent market research and community needs surveys have all indicated clearly that security and safety, vandalism, graffiti and anti-social behaviour are the highest priority in areas of concern from the community.

This information clearly indicates that these issues are the most significant issues facing the Council in terms of the community’s needs and requirements. To address these concerns a comprehensive Safer Community Program was devised. A significant element was the City Watch Program where mobile patrols would provide a community watching service, reporting on and attending to community safety matters.

The concerns mentioned above lead to improved standards detailed in the Service Level Agreement for a team of City Watch personnel to provide a variety of duties, relating to security and surveillance, throughout all areas in the City.

The proposed level of service to meet the needs and requirements of the community are:

- City Watch service 24-hours 7 days per week in 6 zones covering the City;
- Clarification of roles and responsibilities for Rangers and City Watch operations;
- Seasonally adjusted rosters which allows for service flexibility;
- Increased frequency of patrolling all streets;
- An emphasis to be on community liaison and customer service level.

A budget allocation of \$1,207,344 has been allocated for the City Watch service.

Discussions at Council indicate that the service may be reviewed prior to the 2001/02 financial year. There is also concern about appointment of staff, even on short-term contracts that may need to be laid off at the end of this financial year.

It is considered that the option for the Council which allows flexibility can be achieved from adopting a model that separates the roles of Rangers and City Watch whilst working in a co-operative role. This arrangement would ensure that there is a clear focus on the objectives of each of the Ranger and City Watch functions. City Watch officers would have clear tasks relating to the Security and Surveillance function. However, if complicated action or investigation was required this would be undertaken by a Ranger.

The division of duties are as follows:

Broad Duties - Rangers

The main duties of the Ranger Service cover the major investigation work and associated Court proceedings dealing with various Acts and Local Laws, in particular the Bush Fires Act; Dog Act; Enforcement of the Parking Local Law, including verge parking and obstacles; Local Off Road Vehicle Act; Spear Fishing Act; Trading in Public Places, Signs, Local Laws and the Animal Local Law etc. The more specific duties include:

- To prepare records and statements for court proceedings relating to law enforcement;
- To appear in Court proceedings for the City as required;
- To take statements from witnesses and gather other evidence as required;
- Investigate and resolve incidents of dog bite;
- Investigate and resolve neighbour dog barking complaints;
- Investigate and resolve anti social dog behaviour complaints;
- Investigate and resolve verge parking and verge obstructions issues;
- Enforce the provisions of the Parking Local Law relating to:
 - Unauthorised parking;
 - Verge parking;
 - Across Footpaths;
 - Disabled Access Parking;
 - No Standing;
 - Parking in excess of time limit;
 - Other provisions as required.
- Conduct firebreak inspections and issue fire permits work orders, cautions and infringements.

It is possible that the title of the “Ranger” may change to better align with the revised role.

Broad Duties – City Watch Officers

The City Watch officer will initially focus on the provision of a surveillance service and the enforcement of a range of Acts and Local laws relevant to security and surveillance. Following the transition period and with training this role will expand into the provision of additional community liaison activities and supporting the City's operational services. The specific duties of the City Watch Officer are:

- Surveillance patrols, including Public Open Space areas, within a specific zone;
- Monitor and report on any damage including graffiti to property;
- Monitor and report suspicious and or anti-social behaviour or activities;
- Enforce the provision of all Acts and Local Laws where they relate to security and surveillance;
- Community Liaison with City residents and community groups on community safety and security matters;
- Liaise with Police concerning suspicious and anti-social behaviour.

City Watch – Key Performance Indicators

Objectives:

- To provide a highly visible surveillance and support presence within the community;
- To act as the eyes and ears for the community in order to improve safety and security;
- To ensure Local Laws and relevant legislation relating to security and surveillance are enforced with appropriate and necessary action;
- To report incidents to the Police and other statutory and relevant voluntary organisations;

Outcomes

- Increased visibility and maintenance of a minimum of 24 hours coverage per day seven-day's a week;
- 6 designated zone operations as evidenced City Watch Officers dedicated to specific zones to ensure zone coverage.
- City Watch Officers designated to a specific zone with an attempt to patrol each street within the City of Joondalup at least once per day (Target - 200 kms travelled per day for each zone);
- Quick response times to reported incidents (Target - minimum average response time of 10 minutes);
- Maximum visibility over the weekends on day shift as evidenced by increased staffing for these periods (Target – full staff levels for designated shifts) ;

- Incorporation of random patrols and various identified hot spot patrols (Target – Number of reported incidents to Police and other relevant authorities);
- Dedicated CBD patrol from 8.00am – 5.00pm Monday to Friday and a 24 hour coverage Thursday, Friday and Saturday nights (Target - full staff levels for designated shifts);
- Increased reporting of incidents to Police and other appropriate authorities (Target - Number of reported per week incidents to Police and other relevant authorities);
- Level of Community satisfaction with City Watch service (Target – 70 % as evidenced by independent surveys)

MODELS FOR PROVISION OF SERVICE

Under the separate Ranger and City Watch service there is a range of operational models that can be applied to achieve the objective of enhanced level of service delivery. The management of each approach can vary and the provision of the surveillance and security functions can be provided by in-house staff or contracted out. In each model there are industrial matters associated with implementation.

Issues to be considered are:

- Continuity of patrol security service whilst implementing the upgrade of the service;
- Maintaining the ability to up or down grade the services next financial year;
- Implementation and in particular the Industrial Relations requirements;
- Efficient and effective management techniques.

Preferred Model

The preferred organisational arrangement is a separate Ranger and City Watch Service with the City Watch component being provided by both internal resources and a private contractor. This will provide the Council with flexibility, better service delivery and is expected to be more cost effective. This arrangement is also in line with Council possibly reviewing the level of service in May 2001.

STAFFING IMPLICATIONS

The staffing for the delivery of service will result in changed employment arrangements for existing staff. This is a sensitive issue and needs to be handled with care. Discussions have commenced with the Union and the working group which includes members of the affected staff so as to involve them in the implementation of the proposed changes to the service delivery.

City Watch Contract Services

To initiate the provision of contract services for the undertaking of City Watch services the following is noted.

To contract out all or part of the City Watch service the commercial reality is that achieving a short term contract has limitations compared to a longer period. This especially relates to the provision of capital items such vehicles. Similar contracts are usually on a two to four-year term with options to extend. Given the need to retain flexibility it is recommended that Council tender the contract for the period up to 30 June 2001 with options to extend for a further two x one-year periods.

The existing vehicle fleet of 10 vehicles would be divided between the Ranger and City Watch services. The City would allocate the vehicles to the contractor for the period up to 30 June 2001 following which contractor may provide the vehicles for its service component if the extension options are exercised and this is cost effective.

The contracted service would need to have the “look and feel” of the City Watch service.

Specification

The specification will address a range of issues including:

- provision of staff;
- key result areas;
- corporate identity;
- confidentiality;
- customer service

Zones

It is anticipated that the contractor will provide staff for four (4) zones. The remaining two (2) will be undertaken by Council staff.

IMPLEMENTATION PLAN

To implement the model a number of functions will need to be carried out. These being:

- Agree and implement a revised Organisational Structure for Ranger and City Watch Services;
- Advertising period for staff and to tender the City Watch security service;
- Interviewing and selection of staff and tenderers;
- Report and recommendation for appointment of contractor to the Council;
- Commence revised service.

In relation to a time frame it is anticipated that the new structure will be implemented and operational by late November or early December as follows.

This time frame is contingent on requirements of the tender and evaluation process for the service as follows:

12 September 2000 Council Meeting approves new Service model structure and calling of tenders.

- 16 September 2000 Advertising of Tender for new Service.
- Late September 2000 Tenders close.
- Late October 2000 Tender evaluation and selection report to Council for approval.
- Late October 2000 Award contract.
- October/November Training and start-up arrangements finalised.

The level of service that would initially be provided at the start would be an improved surveillance service. With additional training the level of service will escalate to incorporate enforcement of a range of local laws and Customer Service activities that are in line with the Safety and Surveillance Charge. Training will address such matters as extent of authority, procedures, handling difficult customers, conflict resolution, knowledge of local laws etc.

Performance

It is essential that the performance of the City Watch Service is measured and evaluated. The general practice in seeking tenders for a security service is to specify the outcomes expected of the service and seek innovation in achieving the desired results.

The tenderer would be invited to specify options which will allow activities to be undertaken differently and/or better demonstrate program effectiveness. The Key Performance Indicators (KPI's) referred to earlier would be the minimum outcomes expected.

City Watch Officers & Special Constables

The matter of City Watch officers being employed as Special Constables has been raised. The suggestion seems to emanate from the view that City Watch officers are powerless and that appointment as Special Constables would provide them with appropriate powers. Preliminary investigation reveals the following.

The incorporation of Special Constables into the City Watch Service would be a major change in direction from the current surveillance status of the City Watch officers. In effect, Special Constables are police officers.

The proposal has immediate implications for training, insurance provision, resourcing, response times and the broader issue of Local Government's role.

The Police Act enables the Commissioner of Police to appoint Special Constables who have the same powers as a Police Constable. Such officers are then subject to the Police Regulations and internal disciplinary procedures leaving little control to the City.

Similar powers are provided under the Government Railway Act to Railway Police. Here the process provides for the Commissioner of Railways to appoint Special Constables with the approval of the Governor. Railway police are empowered in matters relating to Westrail property.

Special Constables are required to work in pairs. This has resource and cost implications.

In both situations intensive training is required. Both the Police and Railway organisations also have sophisticated controls in place and internal disciplinary boards to deal with breaches by staff. It appears that for City Watch officers to have Special Constable status the Commissioner of Police would need to make the appointment or Parliament would need to enact appropriate legislation.

It is worth noting that City Watch officers can arrest without warrant any person who is, or whom he suspects, on reasonable grounds, to be, in the course of committing an arrestable offence. This power is available to all and is commonly called Citizen's Arrest. City Watch officers can also be empowered to request the name and place of residence.

It should be noted that the Joondalup Service has direct communications links with the Joondalup and Warwick Police Stations. This improves the effectiveness of the City Watch service relative to other Local Government security operations.

It is extremely doubtful that approval would be given for the appointment of special constables especially in the short term. There are steps that can be taken to improve the current situation. These include:

- A dialogue with Police, through WAMA to agree on standards of co-operation involving all Police districts and a clear definition of the roles and interaction between Police and Local Government security patrols;
- The profile of the service could be raised in order to combat the negative press generated by the Police Union, "cowboy" and "toothless tigers" elements of the security industry;
- The implementation of a training course for security officers involved in Local Government security patrols to standardise this section of the security industry. Whether Council chooses an in-house or contract model for a security service, there will be a standard that staff is required to meet. This training should have Police involvement;
- Lobbying for more permanent Police resources for the Joondalup Police District.

WAMA Position

It is interesting to note the position taken by the Western Australian Municipal Association on the role of security services provided by Local Government.

The minutes of the WAMA Executive dated 9 August 2000 carried a motion:

“That the following points form the basis for the community security lobby in the lead up to the next State election:

1. A clearer policy environment in which Local Government can operate in relation to community security and Safer WA should be pursued.
2. The primary focus of the lobby should be to ensure autonomy for Local Governments in determining their own role in community security at the local level, with a continued focus on strategically planned responses.

3. Pursuit of continued funding for the Local Government Community Security Program, beyond the 4 year term of the current program.
4. Pursuit of increased funding for early intervention and preventative measures.
5. Encourage Local Governments to pursue a community development approach to community security issues.
6. Pursue with Westrail issues of surveillance and safety on trains.
7. Pursue with Western Power improvements to street lighting based on identified needs.
8. Ensure State Agencies do not get access to the Local Government Community Security Fund.
9. Encourage the State Government to examine the ratio of police to crime and distribute resources based on need, recognising that an adequate base level of policing is needed in all areas.
10. Ensure that no policing powers are devolved to Local Government, (including powers of arrest).
11. Seek more education for the community on the difference between crime and the fear of crime.
12. Advocate for cross agency bodies to involve Local Governments to help identify overlaps between agencies and thereby streamline activity.
13. Seek improved statistical information from the police, including more specific crime definitions.
14. Continue to foster information exchange.
15. Continue the elected member forum as the major policy framing group for WAMA, with forums to be held two or three times per annum.
16. That these forums be extended to the country rural areas to ensure fair consideration for rural people.”

EVALUATION OF CITY WATCH SERVICE

Whilst there is no Council resolution, there have been comments that the service may be reviewed towards the end of the financial year. The results of the review would enable decisions to be made about the continuation or scope of the service for 2001/02.

There are a number of ways by which this review can occur including:

- Referendum;
- Newspaper questionnaire/survey;
- Professional survey.

A referendum could be carried out in conjunction with the May 2001 Council elections. This process would require the drafting of information and the question/s for electors to consider. Preliminary advice is the cost for a referendum is low if carried out in conjunction with the May 2001 Council election. However, it is not known at this stage if there will be an election in each Ward. Accordingly, the cost could increase significantly. Generally referendums provide for a Yes or No response and are therefore quite limited where particular aspects of a subject need to be explored.

The use of newspaper questionnaires is useful for providing some general views. The risk is that respondents will be those aggrieved by the service and will not represent the views of a cross section of the community.

The use of a professional survey, using well established polling techniques can determine with a high degree of confidence, community opinion. In addition, such surveys can be used to explore a range of issues that can assist in the modification of a service. It is expected advice of a statistically valid survey would cost \$20,000.

COMMUNICATIONS EQUIPMENT

In May this year, Registrations of Interest were called in relation to a Mobile Communications and Global Positioning System for the selection of the City's fleet of vehicles. The purpose of the Registration of Interest was to assist the City in examining technologies which would assist primarily in the work dispatch and reporting functions for City Watch Services. The Registration was based on the assumption of the Ranger Officers having the dual function of being rangers and also providing a security function.

The Registration requested information on technologies which would allow for information and work orders to be sent/received from the Administration Centre and selected City vehicles, via a mobile data communication network, and for the ability for officers to interface with the City core systems from their vehicles, promptly and securely, providing an efficient mobile office in the field. The indicative costs ranged from \$45,000 to \$180,000.

Investigations into the cost benefit of the various systems is being undertaken and will assist in determining which technology is most appropriate for the City's Service. A report on this matter will be presented in due course.

COMMENT

Market research indicates that the community is concerned about Security and Safety. The revised City Watch component of the Safer Community Program is a key plank designed to deliver improved surveillance with improved Key Performance Indicators. The proposed organisational arrangement for delivery of the service separates the Ranger and City Watch functions and will utilize both staff and contractors to deliver the City Watch program.

The revision can be implemented in late November/early December. Skills training will see the program fully operational by the end of January 2001.

The issue of improved City Watch officers powers requires further research and negotiation with WAMA and Government before a comprehensive report can be put to Council.

The effectiveness of the City Watch program needs to be kept under constant review. This will be a management responsibility. It is proposed that the views of the community are inputted by a professional survey.

The matter of communications is a vital link in establishing the effectiveness of the City Watch Program and is currently being further investigated.

RECOMMENDATION

That Council:

- 1 APPROVES the Security and Surveillance Operation and Implementation Plan as discussed in this report that forms part of the City's Safer Community Program for the provision of the City Watch;**
- 2 SEEKS a further report on the establishment of Special Constables into the City Watch program;**
- 3 ENDORSES a review of the City Watch Service by professional survey to determine community views prior to the end of the financial year.**

For the attachment to this report, see Appendix 3 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach3brf120900.pdf](#)

CJ232 - 09/00 BUSINESS INCUBATOR – ESTABLISHMENT OF INCORPORATED BODY – [03082]

WARD - All

CJ000905_BRF.DOC:ITEM 5

SUMMARY

At its meeting on 11 April 2000, Council endorsed the application for grant funding and agreed to commit funds to the establishment of a business incubator. This is a joint project between Edith Cowan University (ECU), Joondalup Business Association (JBA) and the City of Joondalup. The project is to be managed by a 'Not for Profit' incorporated association formed under the Association's Incorporation Act and will be run by a management committee comprising key stakeholders. The City has been invited to nominate two representatives including an officer to join the inaugural committee who will oversee the development of the incubator.

BACKGROUND

At the Council meeting on 11 April 2000 it was resolved that Council:

- “1 ENDORSES the action to apply for the Commonwealth Funding Grant of \$500,000 for the construction of the Business Incubator;**
- 2 AGREES to commit \$51,800 in the 2001/02 Financial Year as its contribution to the project should the grant application be successful.”**

(Item CJ074-04/00 refers.)

The JBA (formerly the North West Metro Business Association), ECU and the City of Joondalup made application for funding for the establishment of a business incubator in the Joondalup and Wanneroo area. The application was successful.

The funding arrangements are:

	\$
• Lotteries Commission (minimum)	50,000
• Edith Cowan University	200,000
• City of Joondalup	51,800
• Commonwealth Funding Grant	<u>500,000</u>
	<u>\$801,800</u>

The business incubator is to be located on land owned by ECU to the south of the Ansett Call Centre which is currently under construction in Collier Pass, Joondalup.

The incubator will assist in the development and creation of new businesses. The building will provide spaces for tenants and management support will be available to assist developing and fledgling businesses. The project team is now in the process of preparing drawings and establishing the incorporated body to build and operate the facility. The new body will be a 'Not for Profit' association under the Association's Incorporation Act. It will be run by the management committee comprising of key stakeholders. The City has received an invitation to nominate two representatives from the City to join nominees from the JBA Inc and ECU to form an inaugural committee who will oversee the development of the incubator.

The proposed membership of the inaugural committee is:

	Members
• Edith Cowan University	2
• Joondalup Business Association	2
• *City of Joondalup	2
	6

*Previously it was proposed that the City had one representative.

DETAILS

The function of this inaugural committee will be to oversee the construction phase of the project. Accordingly, it is requested that one of the representatives from the City be a Council officer who could bring valuable planning experience to the body. In addition, the Committee will establish the operational aspects of the Incubator. The draft object of the proposed Incorporated Body is:

- “(1) The objects of the Association are to assist in the formulation and development of new and sustainable small businesses through the provision of business incubator facilities and ancillary services in the North West metropolitan region of Perth.
- (2) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.”

Committee Members' Responsibilities

The Committee members' role is primarily to carry out the members' wishes in accordance with the objects of the Association.

It is necessary to provide names and addresses of the nominees as part of the Incorporation processes. It is anticipated that the inaugural committee will meet during business hours at least twice monthly. No sitting fees are payable.

It is proposed that the Executive Manager Strategic Planning be the officer nomination and that Council nominates an elected member to represent the City on this inaugural committee.

RECOMMENDATION

That Council NOMINATES Cr L Ewen-Chappell and Mr R Fischer, Executive Manager Strategic Planning as its nominees for the inaugural committee of the proposed incorporated body for the proposed business incubator.

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**CJ233 - 09/00 INVITATION TO ATTEND GOLDEN AUTUMN FAIR
- JI'NAN MUNICIPAL PARLIAMENT, CHINA –
[43458]**

WARD - All

CJ000905_BRF.DOC:ITEM 6

SUMMARY

In August, Council received a letter from the Mayor of Ji'nan inviting the Mayor of the City of Joondalup to lead a delegation to attend the 'Ji'nan Golden Autumn Fair and Twin Cities' meeting to be held in Ji'nan on 20-25 September 2000. Ji'nan has Twin Cities relationships with Russia, Japan, Papua New Guinea, America, China, Japan, Britain and the Republic of Korea.

BACKGROUND

Council recently received guests from the City of Ji'nan, who presented a Memorandum of Understanding (MOU). The MOU was subsequently presented to Council where it resolved that Council:

- “1 ENDORSES the signing of the Memorandum of Understanding presented by the Ji'nan Municipal Parliament;**
- 2 NOTIFIES the Ji'nan Municipal Parliament of the City's acceptance of the Memorandum of Understanding;**
- 3 ENDORSES the release of a joint media statement to address the nature of the Memorandum of Understanding between the City of Joondalup and the Ji'nan Municipal Parliament by His Worship the Mayor and the Vice Chancellor of Edith Cowan University.”**

(Item CJ183 - 07/00 refers.)

The MOU promotes friendship between the Ji'nan Municipal Parliament and the City of Joondalup. A copy is provided at Attachment A. The MOU was delivered by Dr Glen Watkins of Edith Cowan University who happened to be in Ji'nan at the time.

Ji'nan is reputed as being the 'City of Springs'. It is the capital of the Shandong province on China's East Coast and is the province's political, economic and cultural centre. Ji'nan is a powerful centre with jurisdiction over five districts, four counties and Zhangqiu City, which equates to a population of 5.49 million.

DETAILS

Ji'nan's interest in the City of Joondalup has evolved through its involvement with Edith Cowan University which conducts university courses in Ji'nan and is seeking to encourage students to study in Western Australia.

The development of any Twin City relationships needs to be established around a very clear understanding about the issues and the expectations of each party. There are certainly economic, social and cultural differences that should be fully explored before making any commitment to a Twin City relationship. It would be appropriate for Council to explore these issues and establish its objectives before it enters into any Twin City relationship.

The objectives may include community support, economic opportunities such as employment creation, education including student exchange programs, cultural exchange, and other options that demonstrate community benefit. With respect to Ji'nan, advice from Edith Cowan University would assist Council in developing a policy for the consideration of Sister City relationships.

COMMENT/FUNDING

The short notice of the Golden Autumn Fair and Twin Cities meeting does not provide sufficient time for a proper evaluation of this matter. For the information of Council the estimate of cost to travel to Ji'nan based on the attendance of three City representatives is:

	\$
Accommodation	3,600
Air Travel (Economy)	6,210
Expense allowance	<u>2,520</u>

Total Amount: \$12,330

It is proposed that the City declines the invitation from the Mayor of Ji'nan and seeks further information on the objectives that should be pursued in developing a Sister City relationship.

No funds have been allocated in the 2000/01 budget for such a visit.

RECOMMENDATION

That Council:

- 1 ADVISES the Mayor of Ji'nan that it is unable to attend the Ji'nan Golden Autumn Fair and Twin Cities meeting and wishes Ji'nan a very successful Fair;**
- 2 INVITES A REPRESENTATIVE from Edith Cowan University to advise the issues it has discovered that need to be addressed in developing Sister City relationships;**

3 ENDORSES the development of a policy dealing with the establishment of Sister City relationships.

For the attachment to this report, see Appendix 4 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach4brf120900.pdf](#)

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**CJ234 - 09/00 MINUTES OF THE ENVIRONMENTAL ADVISORY
COMMITTEE MEETING – 16 AUGUST 2000 - [00906]****WARD - All**

SUMMARY

A meeting of the Environmental Advisory Committee was held on 16 August 2000 and the minutes of the meeting are submitted to Council for noting and endorsement of motions.

BACKGROUND

The Environmental Advisory Committee meeting held on 16 August 2000 achieved a quorum, and considered a range of business arising items outstanding from the previous meeting held on 19 July 2000, and other business items.

Discussions centered around the nomination of community representatives to the committee; a briefing paper reviewing the issue of atmospheric haze; a review of native fauna sanctuaries; a discussion paper on the Cities for Climate Protection programme and correspondence from the Urban Development Institute of Australia regarding the membership of Mr M Bowman with the Environmental Advisory Committee.

DETAILS

The minutes of the Environmental Advisory Committee held on 16 August 2000 are included as Attachment A.

The following motions were put and carried:

MOVED Cr Mackintosh SECONDED Mr V Harman that it be recommended to Council that the Environmental Advisory Committee reviews the action items (Attachment 1 & 2 and a sample of 3, including actions LTP 1.8, LTP 1.9 and LTP 1.10) provided in Perth Air Quality Management Plan (2000), and prepares a recommendation to Council on the following matters:

- 1. endorsement of the Perth Air Quality Management Plan;**
- 2. identification of key action items;**
- 3. priorities for implementation of action items;**
- 4. a review of budget and resource allocations required for the implementation of action items.**

MOVED Mr Harman SECONDED Cr Mackintosh that it be recommended to Council to extend the Terms of Reference of the Consultant's Brief on Craigie Open Space, to consider a commercially operated wildlife sanctuary.

MOVED Mr Harman SECONDED Cr Mackintosh that it be recommended to Council that Council:

- 1. NOTES the correspondence from the Urban Development Institute of Australia, dated 21 July 2000;**
- 2. ENDORSES that a letter of thanks be forwarded to Mr Bowman for his involvement and contribution to the Environmental Advisory Committee.**

The next meeting of the Environmental Advisory Committee will be held at 5.30 pm on 20 September 2000.

RECOMMENDATION

That Council:

1 NOTES:

- (a) the unconfirmed minutes of the Environmental Advisory Committee meeting held on 16 August 2000 forming Attachment A to Report CJ234-09/-00;**
- (b) the correspondence from the Urban Development Institute of Australia, dated 21 July 2000 forming Attachment B to Report CJ234-09/00;**

2 ENDORSES:

- (a) the Environmental Advisory Committee reviews the action items forming Attachment C to Report CJ234-09/00 provided in Perth Air Quality Management Plan (2000), and prepares a recommendation to Council on the following matters:**
 - issues relating to the Perth Air Quality Management Plan;**
 - identification of key action items;**
 - priorities for implementation of action items;**
 - a review of budget and resource allocations required for the implementation of action items.**
- (b) the Terms of Reference of the Consultant's Brief on Craigie Open Space be extended to consider a commercially operated wildlife sanctuary;**

- (c) **a letter of thanks be forwarded to Mr Bowman for his involvement and contribution to the Environmental Advisory Committee.**

For the attachment to this report, see Appendix 5 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach5brf120900.pdf](#)

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CJ235 - 09/00 YOUTH ACTION PLAN – PROGRESS REPORT FOR THE PERIOD JULY 1999 TO JUNE 2000 – [07116]

WARD - All

CJ000905_BRF.DOC:ITEM 8

SUMMARY

The report provides an update on the implementation of the Youth Action Plan adopted by Council in March 1998. It covers the period July 1999 to June 2000 and provides details of the City's achievements in providing support and services to young people. It is recommended that Council notes the progress made in implementing the Youth Action Plan during the past twelve months.

BACKGROUND

To assist Council to develop a clear direction for its future involvement in youth services, Management Consultants Nick Francis and Associates were appointed by the former City of Wanneroo in October 1997 to develop a Youth Action Plan.

The consultant's report provided a blueprint for the City's future involvement in the development of youth services with a specific emphasis on:

- more coordination and better promotion of the extensive range of services already available to young people;
- an internal organisation cultural change to engender a whole of organisation approach to the development of youth services both within the Community Development Directorate and across directorates;
- improved marketing and promotion of the numerous activities and programs which Council provides for young people either directly or indirectly; and
- increased customer service focus when dealing with youth and youth issues. In particular the report identified a need for increased input by young people into the planning and development of services and facilities.

The report proposed that the City adopt a model of community development, which is consistent with the City's mission. A model was developed to enable the City to take a leadership role and proactive approach to the provision of coordinated services for young people. Using the model, the City was to become the centre of planning and providing leadership, research, coordination and brokerage to assist with the development of an integrated service system for young people.

The consultant's report and recommendations were timely, reinforcing the City's role in developing and promoting a positive profile for youth through the development and marketing of quality services and activities.

Through the implementation of an increased community development approach to complement existing services, the City has benefited from increased feedback and involvement of young people in the planning, development and participation in services and activities targeted for young people.

DETAILS

The former City of Wanneroo adopted a Youth Action Plan in March 1998 to guide its role in youth affairs up to June 1999. This plan has continued to be used as a framework for the provision of support and services to young people by the City during the 1999/2000 financial year.

The wide-ranging outcomes achieved through the Youth Action Plan are recorded in this report, within the strategic framework adopted for youth services. Within this framework are four (4) strategic directions, as follows:

1. Coordination and Development
2. Youth in Government
3. Youth Activities Program
4. Community Education and Information

Attachment 1 includes a description of the key aims of each of the strategic directions together with their accompanying achievements for the 12 month period July 1999 to June 2000.

COMMENT

The Youth Action Plan continues to provide the City with a useful framework to bring together the work it undertakes for its young people. In the coming months greater emphasis will be placed on:

- Conducting community needs studies to ensure that service provision is appropriate to demands;
- Developing a program of alternative methods of consumer participation in the planning of service responses; and
- Developing services that are inclusive of culturally and linguistically diverse young people and young people with disabilities.

In addition, the City's coordination and development role requires further definition and development. This will be undertaken as part of the City's current examination of its role in the provision of community services.

RECOMMENDATION

That Council RECEIVES the progress report for the Youth Action Plan for the period 1 July 1999 to 30 June 2000.

For the attachment to this report, see Appendix 6 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach6brf120900.pdf](#)

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CJ236 - 09/00 SCHEDULE OF FEES AND CHARGES - LIBRARY AND INFORMATION SERVICES – [20086, 23096]

WARD - All

CJ000905_BRF.DOC:ITEM 9

SUMMARY

The City of Joondalup Library and Information Service is developing a range of new initiatives which will expand the range of services available to customers. As these proposed services are ancillary to the core business which is free to the community it is intended development be dependent upon their capacity to be self-funded. Following adoption of the 2000/2001 Council budget two products are ready for implementation. This report outlines the new initiatives and recommends the Council Schedule of Fees and Charges be amended to enable the products to be implemented.

BACKGROUND

At the Council meeting of 25 August 1998, the City of Joondalup Library and Information Services Strategic Plan 1998-2000 was adopted. The following was one of four key objectives of the Plan:

“To develop a range of income generating products and facilities which enhance the role of free public library services whilst contributing to the development of the organisation and economic development of the region”.

In mid 1999 Library Consultancy Services Pty Ltd were contracted to undertake a two-phase project:

- i assess the potential for development of a range of substantial income generation projects for the City of Joondalup Library and Information Services
- ii via a business planning approach provide detailed strategies, financial and action plans to implement a selected number of product recommendations.

Secondary objectives of the study sought to generate new sources of income in order to:

- enhance the libraries profile both within Council and the community through the introduction of new, innovative services
- develop a more focussed approach to meeting the informational, recreational and educational needs of the community by the provision of a range of value added services not currently available
- Develop staff skills by a more market oriented approach to library product/service development

Library Consultancy Services Pty Ltd recommended a range of services. Of these several larger projects have been submitted as new initiatives for consideration through the budget process. In addition a range of smaller projects are being developed through normal operating expenditure. Two of these smaller projects relate to the sale of Community Information

products and historical photographs. Development of these products was dependent upon adoption of the 2000/2001 operating budget.

DETAILS

Community Information Products

Organisations, businesses and students occasionally request lists of information from the Community Information database. These requests usually relate to a specific area of interest and require contact details only. It is possible to produce customised lists and mailing labels from the information on the database. Whilst the provision of community information is a free Council service, the production of customised lists and mailing labels is an additional service that packages the information to the specific requirements of the client. There is a cost to Council and a time saving value to the client.

The City of Joondalup develops and maintains the Community Information database. This information resource is freely accessible to residents, groups and organisations through direct staff contact or via the City's Internet website. In addition Council provides free Internet enquiry access to library members at its libraries. Printing information from this source is possible but the results are limited by the amount of data on each screen. It is not possible to create lists or compact the details. Printing page by page costs 20 cents for each page and can become costly for the client.

Groups, organisations or businesses who approach the Community Information librarian for a list usually require the information for marketing purposes. Some of these bodies would be willing to pay for the convenience of a list of addresses or for preprinted labels. Such a service could represent a considerable saving in money, time and effort for the body.

Tertiary students also request information from the Community Information database for assignments. Charging for the provision of customised lists would prove more cost effective for students than paying for screen prints from the Internet.

Other Councils who provide a similar service have been surveyed. Charges range from as low as 10 cents per page (student discount) to \$1.00 per page. One Council has a \$5.00 minimum total charge. Printed mailing labels generally are sold at \$2.00 per page. Some Councils choose not to charge community service groups.

It is proposed there be only one fee for all clients. This service will provide a cheaper alternative for clients than already exists in obtaining information page by page. One rate is also easier to administer as it is often difficult to determine if client usage is personal or for business purposes.

The following charges are recommended:

Community Information		GST	TOTAL
• Lists	\$1.50 per page	15¢	\$1.65
• Address Labels	\$5.00 per sheet	50¢	\$5.50

Historical Photographs

Since the opening of the regional Joondalup Centre Library in July 1997 there has been increased exposure to, and usage of, resources held in the regional Local Studies collection. This has been accompanied by an increasing number of enquiries from researchers and the public for copies of photographs of an historical nature.

The Cities of Joondalup and Wanneroo hold joint copyright ownership of many of these photographs. The Joint Commissioners appointed the City of Joondalup as custodian for Local Studies and the City of Wanneroo as custodian for artifacts. Each City is responsible for all development, management and other costs associated with its area of responsibility.

Costs to Council in providing copies of historical photographs relate to staff time and commercial duplication costs. Duplication costs vary from 83 cents where a negative exists to \$10.00 for digital reproduction where no negative is available. A survey of six Councils indicated that four charge only for the cost of the reproduction of the photograph and do not charge an administration fee.

The City of Fremantle and Town of Bassendean apply the following GST inclusive administration fees, in addition to a direct recoup of the commercial duplication costs, for the provision of a similar historical photographic reproduction service:

	City of Fremantle			Town of Bassendean		
		GST	TOTAL		GST	TOTAL
Personal use (per copy)	\$10.00	\$1.00	\$11.00	\$10.00	\$1.00	\$11.00
Commercial use	\$20.00	\$2.00	\$22.00	\$50.00	\$5.00	\$55.00
Electronic media or	\$40.00	\$4.00	\$44.00			
Electronic media or for over 1,000 copies	\$40.00	4.00	\$44.00			

The following administration fee structure is recommended for the City of Joondalup in addition to the direct recoup from customers of any commercial duplication costs incurred.

Historical Photographic Reproductions

		GST	TOTAL
• Personal use (per photograph)	\$10.00	\$1.00	\$11.00
• Commercial (per photograph)	\$20.00	\$2.00	\$22.00
• Electronic media or where reproduction rights are purchased to produce over 1,000 copies	\$40.00	\$4.00	\$44.00

Parameters for acceptable use of the purchased reproductions will be clearly defined and an agreement to abide by these conditions signed by the purchaser. Where the copyright to the photographic resources is jointly held by the Cities of Joondalup and Wanneroo, it is proposed the Acceptable Use Conditions be agreed through the Historical Collections Advisory Group once formal meetings commence.

RECOMMENDATION**That Council:**

- 1 AUTHORISES BY AN ABSOLUTE MAJORITY, pursuant to the provisions of Section 6.16 of the Local Government Act 1995, the following additional charges:**

Community Information

		GST	TOTAL
Lists	\$1.50 per page	15¢	\$1.65 per page
Address Labels	\$5.00 per sheet	50¢	\$5.50 per sheet

Historical Photographic Reproductions

		GST	TOTAL
Personal use (per photograph)	\$10.00	\$1.00	\$11.00
Commercial (per photograph)	\$20.00	\$2.00	\$22.00
Electronic media or where the customer will subsequently reproduce over 1000 copies from the photograph	\$40.00	\$4.00	\$44.00

- 2 ADVERTISES the proposed charges in accordance with Section 6.19 of the Local Government Act 1995;**
- 3 INTRODUCES the schedule of charges for historical photographic reproductions and community information lists and labels effective 1 October 2000.**

CJ237 - 09/00 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCILS MEETINGS – AUGUST, 2000 – [38245]

WARD - All

CJ000905_BRF.DOC:ITEM 10

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 14 and 16 August 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 14 August 2000 at Joondalup Library are included as Attachment 1.

The minutes of the Joondalup South Youth Advisory Council held at Joondalup Library on 16 August 2000 are included as Attachment 2.

Please note the recommendation of the Joondalup North Youth Advisory Council to improve facilities for young people at Mirror Park, Ocean Reef that is included in attachment 1. This recommendation originated from concerns that were expressed by young patrons of the park earlier in the year. The issue was included on the agenda of the Joondalup North Youth Advisory Council and research and consultation was undertaken by members of the council in subsequent months. The recommendation is the result of that research and has been referred to Infrastructure Management Directorate for consideration.

RECOMMENDATION

That Council NOTES:

- 1 the unconfirmed minutes of the Joondalup North Youth Advisory Council meeting held on 14 August, 2000 forming Attachment 1 to Report CJ237-09/00;**
- 2 that the following suggestions made by the Joondalup North Youth Advisory Council to improve facilities for young people at Mirror Park, will be completed as part of the current year's works program:**
 - Conduct maintenance works on the existing BMX track; and**
 - Provide a set of permanent bike racks adjacent to the BMX track.**
- 3 that the following items will be listed for consideration as part of the 2001/2002 budget process:**
 - Installation of a half-court basketball hardstand at Mirror Park;**
 - Provision of a water fountain adjacent to the BMX track; and**
 - The extension and use of permanent materials in the BMX track.**

- 4 the unconfirmed minutes of the Joondalup South Youth Advisory Council meeting held on 16 August 2000 forming Attachment 2 to Report CJ237-09/00.**

For the attachment to this report, see Appendix 7 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach7brf120900.pdf](#)

CJ238 - 09/00 MINUTES OF DRY PARKS, MEDIAN AND VERGE COMMITTEE - 9 AND 15 AUGUST 2000 - [42938]

WARD - All

CJ000905_BRF.DOC:ITEM 11

SUMMARY

Meetings of the Dry Parks, Median and Verge Committee were held on 9 and 15 August 2000 and the confirmed Minutes are submitted for noting by Council.

DETAILS

The Minutes of the Dry Parks, Median and Verge Committee held on 9 and 15 August 2000 are included as Attachments 1 and 2 to this report.

The following motion was put and carried at the meeting held on 9 August 2000 and is now recommended to Council for adoption:

Voting Rights

That it be recommended that Council BY AN ABSOLUTE MAJORITY removes the Director Infrastructure Management and Manager Operations Services from membership of the Dry Parks, Median and Verge Committee and that they attend Committee Meetings in an advisory capacity.

Terms of Reference

The Committee considered the Terms of Reference in detail and raised the following comments and amendments:

Point 1 – Definitions

Wording approved

Point 2 – Membership

An additional last sentence to be included to permit invitations to be extended to Council officers to attend meetings as required

Point 3 – Objectives

The Director Infrastructure Management sought the agreement of the Committee to the Objectives provided and stated that, if required, the Objectives were able to be reviewed at a later date. Discussion ensued, following which the Committee gave its agreement to the Objectives as printed.

Point 4 – Management

Wording approved. The Committee believed it appropriate that meeting dates be set as required and requested that a meeting be scheduled for Tuesday, 15 August 2000, commencing at 5.30 pm.

Major Road Median and Verge Enhancement Works

It was resolved that the Committee would prepare a dimensional matrix, to determine the projects and objectives for the allocation of the \$220,000 and that this matrix be forwarded to Manager, Operation Services for consideration at the next meeting of the Committee.

Incoming application from Mr Michael Baird dated 26 July 2000

It was resolved that:

- Any items of correspondence, new applications or deputation requests should be submitted to the Chairman, Cr Patterson, for his attention
- An invitation be extended to Mr Michael Baird to present a deputation to the Committee, on a date to be determined by the Committee

Terms of Reference

The Committee endorsed the Terms of Reference as amended at its meeting on 15 August 2000..

New Applications

The following motion was put and carried:

That the Dry Parks, Median and Verge Committee invites Mr Michael Baird to make a presentation to its next meeting to be held on Tuesday, 29 August 2000 commencing at 6.00 pm.

RECOMMENDATION

That Council:

- 1 NOTES the confirmed Minutes of the Dry Parks, Median and Verge Committee held on 9 August 2000, forming Attachment 1 to Report CJ238-09/00;**
- 2 NOTES the confirmed Minutes of the Dry Parks, Median and Verge Committee held on 15 August 2000, forming Attachment 2 to Report CJ238-09/00;**
- 3 NOTES the amended Terms of Reference for the Dry Parks, Median and Verge Committee, forming Attachment 3 to Report CJ238-09/00;**
- 4 BY AN ABSOLUTE MAJORITY removes the Director Infrastructure Management and Manager Operations Services from membership of the Dry Parks, Median and Verge Committee and that they attend Committee meetings in an advisory capacity;**

- 5 NOTES the invitation to Mr Michael Baird to make a presentation to the Dry Parks, Median and Verge Committee at its meeting to be held on Tuesday, 29 August 2000.**

For the attachment to this report, see Appendix 8 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach8brf120900.pdf](#)

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Cr Walker stated her intention to declare an interest in Item CJ239-09/00 as this relates to reimbursement of expenses she has incurred.

**CJ239 - 09/00 REIMBURSEMENT OF EXPENSES – COUNCILLOR
A WALKER – [44688]**

WARD - All

CJ000905_BRF.DOC:ITEM 12

SUMMARY

The City's policy 2.2.12 Members of Council – Reimbursement of Expenses, provides for the reimbursement of expenses incurred by an Elected Member while performing their duties.

The policy states that Elected Members must submit an appropriate claim form within two months of the expenses being incurred. Expenses not claimed within the two months of being incurred or falling due shall be deemed forfeited.

Councillor A Walker submitted a claim for reimbursement of travel expenses and childcare costs on the 16 August 2000. The claim was for travel and childcare costs incurred between 6 June 2000 and 8 August 2000 totalling \$737.77.

In accordance with policy 2.2.12, Councillor Walker's claim for reimbursement from 20 June 2000 to 8 August 2000 totalling \$673.95 has been approved for payment.

It is recommended that Council approves the reimbursement of Councillor Walker's travel expenses and child care costs incurred between 6 June 2000 and 13 June 2000 totalling \$63.82.

DETAILS

The Local Government (Administration) Regulations 1996 prescribes that Elected Members must be reimbursed for travel undertaken when attending a Council or Committee meeting. The Administration Regulations also make allowance for a local government to reimburse members for expenses incurred whilst performing a function in his or her capacity as a council member.

Accordingly, the Council adopted policy 2.2.12 Members of Council – Reimbursement of Expenses. Policy 2.2.12 provides for the reimbursement of expenses incurred by an Elected Member while performing their duties.

Policy 2.2.12, provides for the reimbursement of travel expenses incurred by an Elected Member while performing his or her duties. The rate at which Elected Members are reimbursed is detailed in the Local Government Officer's Award.

Policy 2.2.12 states:

‘Elected Members electing to receive reimbursement of expenses in accordance with the provisions of this policy shall submit the appropriate claim form, together with supporting documentation, within two months of those expenses being incurred.. Expenses not claimed within two months of being incurred or falling due shall be deemed forfeited.

Councillor A Walker submitted a claim for reimbursement of travel expenses and childcare costs on the 16 August 2000. The claim was for travel and childcare costs between 6 June 2000 and 8 August 2000 totalling \$737.77. In accordance with policy 2.2.12, Councillor Walker’s claim from 20 June 2000 to 8 August 2000 totalling \$673.95 has been approved for payment.

It is recommend that Council approves the reimbursement of Councillor Walker’s travel and childcare claim from 6 June 2000 to 13 June 2000 totaling \$63.82.

COMMENT/FUNDING

Councillor Walker was unaware that all claims for reimbursement must be submitted within two months of the expense being incurred. All elected members have been reminded of the need to submit claims for reimbursement within two months of the expenses being incurred.

It is therefore recommended that Council agree by absolute majority to reimburse Councillor A Walker for travel and childcare expenses incurred between 6 June 2000 and 13 June 2000 totalling \$63.82.

Account No:	11-05-05-052-4902-0001
Budget Item:	Elected Members – Travel Allowances
Budget Amount:	\$23,000
Actual Cost:	\$63.82

RECOMMENDATION

That Council APPROVES BY AN ABSOLUTE MAJORITY the reimbursement of Councillor A Walker’s travel and childcare expenses incurred between 6 June 2000 and 13 June 2000 totalling \$63.82.

**CJ240 - 09/00 ROYAL AUSTRALIAN PLANNING INSTITUTE 2000
NATIONAL CONFERENCE - 3-6 OCTOBER 2000 -
[09047]**

WARD - All

CJ000905_BRF.DOC:ITEM 13

SUMMARY

The Royal Australian Planning Institute 2000 National Congress is to be held in Sydney from 3-6 October 2000. The conference theme, "World Winners in Planning" has been conceived to showcase leading edge approaches to environmental planning and development throughout the world.

BACKGROUND

The Royal Australian Planning Institute 2000 National Congress is to be held from Tuesday 3 October to Friday 6 October at the Westin Hotel, 1 Martin Place, Sydney.

The programme theme, "World Winners in Planning" will cover a large range of planning and urban development issues both regionally and overseas, including covering aspects such as technology, transport and community consultation. Some examples of sessions and keynote speakers are:

- *"Winning, Losing or Just Under-performing? Urban Design and the Built Environment"* - presented by John Byrne, Director of Urban Design, Housing Portfolio, City Department of Housing, Brisbane.
- *"Effective Community Consultation – the Government Approach"* – presented by Libby Ozinga, NSW Department of Urban Affairs & Planning.
- *"The Planning Jigsaw: Too Many Pieces?"* – presented by Janet Dore, General Manager, Newcastle City Council.
- *"Can You Legislate for Good Urban Outcomes?"* – panel discussion.
- *"Implementing the City Plan"* – presented by Annelise Tuor, Sydney City Council.

DETAIL

It is proposed that the conference be attended by Cr J Hurst and the Director Planning and Development. Approximate costs per person of the conference:

Airfare	\$1,855	
Registration	\$ 750 (members)	\$950 (non-members)
Accommodation	\$ 700	
Incidental Expenses (Policy 2.2.3)	<u>\$ 360</u>	
Total	\$3,655 (member)	\$3,865 (non-member)

COMMENT/FUNDING

The Congress is the peak forum for town planning, and is usually only held every two years. Attendance at the Congress provides an opportunity to listen to the experiences of practitioners from overseas and within Australia. There are many topics which are of relevance to the City of Joondalup. It is also an opportunity to discuss relevant issues with representatives of other local authorities, and to visit local examples of precinct planning and inner city housing.

Funding has been allocated in the following accounts:

11-05-05-052-3521-0001	(Elected Members – Conferences)
11-40-41-411-3302-0001	(Planning and Development – Conferences)

RECOMMENDATION

That Council ENDORSES the attendance of Cr J Hurst and Director Planning and Development at the Royal Australian Planning Institute 2000 National Congress to be held at the Westin Hotel, Sydney, from 3-6 October 2000 at an approximate cost of \$3,655 (member) and \$3,865 (non-member) per person with the associated costs being charged to Accounts 11-05-05-052-3521-0001 and 11-40-41-411-3302-0001 respectively.

**CJ241 - 09/00 EDDYSTONE AVENUE BRIDGE AND PAVEMENT
WORKS - JOONDALUP DRIVE TO OCEAN REEF
ROAD - [06763, 05763]**

WARD - Marina

CJ000905_BRF.DOC:ITEM 14

SUMMARY

The Minister for Transport recently announced that approval has been given for the Eddystone Avenue Bridge to proceed. The City had previously requested the Federal and State Ministers for Transport to direct any available surplus Freeway Extension Federal funds towards the Eddystone Avenue Bridge project. As part of the project works, the City is expected to fund the upgrading of Eddystone Avenue between Ocean Reef Road and Caridean Street.

Accordingly, Main Roads WA is seeking Council's endorsement of the proposed project management of works including the City's contribution for the section between Ocean Reef Road and Caridean Street.

BACKGROUND

The Minister for Transport has approved the funding of the Eddystone Avenue Bridge and pavement works between Caridean Street and Joondalup Drive through a reallocation of the remaining Federal Funds of \$7 million allocated to the Mitchell Freeway project.

The project will include:

- A two lane bridge over the Mitchell Freeway and the northern suburbs rail line
- Connecting road between Joondalup Drive and Caridean Street
- Single lane boulevard style road with separate service roads for accessing residential lots and the school facilities between Ocean Reef Road and Caridean Street, including roundabouts
- Traffic signals at Joondalup Drive and Eddystone Avenue intersection
- A dual use path on the bridge
- A pedestrian underpass linking the northern and southern approaches of the Freeway dual use path

These funds are also intended to cover the design of the entire section from Ocean Reef Road to Joondalup Drive and the management of the construction contract.

The City of Joondalup will be expected to fully fund the works between Ocean Reef Road and Caridean Street.

It is planned that the entire works from Ocean Reef Road to Joondalup Drive will be constructed under the one contract to be administered by Main Roads WA. Also, Main Roads WA would be able to assist in the cashflow by financing Council's proportion for the 2000/01 financial year with these costs being reimbursed shortly after July 1, 2001. At this stage, Main

Roads WA is working towards a January 2001 construction commencement with the work expected to be completed within a six to eight month period.

Accordingly, confirmation that Council endorses the concept designs and will fund the section of Eddystone Avenue between Ocean Reef Road and Caridean Street will enable details to be finalised for works to be tendered in October 2000.

DETAILS

Initially, it is proposed that the Eddystone Avenue Bridge be constructed as a two-lane bridge over the Mitchell Freeway and railway line. A two lane bridge will limit traffic flows on the residential section of Eddystone Avenue between Ocean Reef Road and Caridean Street. This will leave the future option of a dual carriageway for Eddystone Avenue to be considered if additional significant traffic generation occurs in the longer term. In the short to medium term this will allow for "service roads" to be installed adjacent to the residents and the primary school through converting the existing two lane carriageway to a Boulevard with service roads. This concept is shown on Attachment 1. This will alleviate some of the social and environmental concerns associated with the Eddystone Avenue link whilst retaining the important function of the road in the overall road network.

This new link is expected to ease traffic congestion over time in surrounding roads such as Caridean Street, Craigie Drive, Ocean Reef Road and Hodges Drive. It will also provide residents and business in the district with major travel benefits through providing a more direct access to Joondalup City and its commercial sector.

The final Eddystone Avenue design will be subject to community consultation through Main Roads WA project liaison committee which will have City representatives.

Main Roads WA will display plans of the project at Heathridge and Lakeside Shopping Centres during September and will conduct meetings at the Eddystone Primary School as part of the public consultation process.

COMMENT/FUNDING

Main Roads WA has advised that the approved amount of \$7M towards the Eddystone Avenue project will include the construction of the two lane bridge, an underpass for the dual use path on the western side of the Freeway reserve, traffic lights at the Eddystone Avenue intersection with Joondalup Drive and road works between Caridean Street and Joondalup Drive. These funds will also cover the design of the entire section from Ocean Reef Road and contract management of the total project.

The City is responsible under these proposed arrangements for the construction costs of the section between Ocean Reef Road and Caridean Street. A preliminary estimate for these works is \$800,000. Currently no funds have been allocated in this years Budget for these works. The planned programming of the total works with construction planned in early 2001 and with one contract administered by Main Roads WA provides an effective strategy. Also the offer of Main Roads WA to finance the City's proportion as part of the total contract costs in this financial year with the contribution to be reimbursed shortly after July 2001 will enable Council funds to be listed as a high priority in the 2001/2002 Capital Works Program. Accordingly, this offer is supported.

RECOMMENDATION**That Council:**

- 1 AGREES to Main Roads WA undertaking the total design and construction of Eddystone Avenue pavement works between Joondalup Drive and Ocean Reef Road;**
- 2 AGREES to fund the construction works for the section of Eddystone Avenue between Ocean Reef Road and Caridean Street.**

For the attachment to this report, see Appendix 9 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach9brf120900.pdf](#)

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CJ242 - 09/00 TENDER 002-00/01 FOR BUILDING SERVICES MANAGEMENT CONSULTANCY – [49953]

WARD - South, South Coastal, Lakeside and Whitfords

CJ000905_BRF.DOC:ITEM 15

SUMMARY

This report examines the tender submissions and evaluation method for the consultancy contract for the management of certain building services (002-00/01) and recommends acceptance of the tender from Lincolne Scott Australia for entering into a contract for a period of three years from 1st October 2000.

BACKGROUND

The delivery of community services from buildings owned by the City of Joondalup depends on the efficient and continuing operation of certain building services, in particular:

- Heating, ventilation and air conditioning services;
- Fire services;
- Lift and vertical transportation services;
- Other mechanical services including but not limited to water heating, filtration and transport; and
- The interaction between these services.

The management of these services is a specialist discipline within the area of building facilities management undertaken by the City. By contracting consultancy services, the City gains a much wider range of professional knowledge and experience than it would attain by attempting to cover this work in-house.

The previous contract (Overview of Mechanical and HVAC Maintenance Works 044-98/99) was limited by both its scope and its short term (one year with an option to renew for a second year). The scope of works for this contract 002-00/01 has been expanded and re-structured to include Fire and Lift services and to clearly establish the deliverables. To ensure that the consultant has adequate time to develop and implement management strategies, this contract is being offered for a three year term renewable for two further terms of one year each, but subject to annual performance reviews. The first year's contract sum will for subsequent years be adjusted by cost of living price rises according to the rise and fall clause contained in the contract.

DETAILS

A public invitation to tender was issued on 26 July 2000. Tenders closed on Thursday 10 August 2000.

Six tenders were received, and the following table reflects the tendered price with GST.

	Annual Cost
	With GST
ACMV Design Consultants	\$67,320.00
Gutteridge Haskins and Davey Pty Ltd	\$77,275.00
Jones Lang LaSalle	\$87,590.00
Lincolne Scott Australia Pty Ltd	\$61,017.00
Norman Disney & Young	\$62,040.00
Transfield Maintenance WA	\$99,588.00

The tender consists of managing various services including heating, ventilation, air conditioning, fire services, lift and other mechanical services. The tenderer is requested as part of their submission to provide a lump sum price based on a standard schedule of rates that depicts the provision of consultancy services that manage the previously mentioned building services.

COMMENT/FUNDING

Funding for this contract is therefore available partly from the Building Management Services sub-unit's consultancy budget and partly from the building maintenance budget.

The Lump Sum Fee is for:

- Management Services (energy management, assessment of KPIs, preparation of maintenance specifications, cost control of maintenance and minor works activities and maintenance of plant records)
- Reporting Services (on management matters)
- Specialised Plant Management Services (review and inspection of preventative maintenance activities, attendance on breakdowns and troubleshooting operational problems and remote monitoring of plant in the Joondalup precinct buildings and Craigie Leisure Centre)
- Contract Services (administration of maintenance contracts).

Under the City's Contract Management Framework, the tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system. The assessment criteria and agreed weightings were determined prior to the closing of the tender period and remained unaltered during the evaluation process, thereby maintaining the integrity of the evaluation process. The City obtained the assistance of a consultant from CAMS as an external state government agency to participate and assist in the tender evaluation as a part of best practice. The criteria provided in the Tender Information Document were:

- Tenderer's previous experience in carrying out similar works.
- Tenderer's references.
- Tenderer's resources (e.g specialist sub-consultants (if any) required to undertake this contract, manpower available to service this contract, organisational chart, résumés of key personnel available and dedicated for the proposed Works).
- Fee for services offered.

By applying the above evaluation method, the Tender Evaluation Committee has determined that the best value for the City of Joondalup can be achieved by accepting the tender from Lincolne Scott Australia Pty Ltd for contract number 002-00/01 Building Services Management Consultancy for a period of three years for the lump sum price of \$61,017.00 including GST for the first year and the scheduled rates for additional works within the Scope of Works, and price review as per the rise and fall formula linked with CPI provided under the Contract.

RECOMMENDATION

That Council:

- 1 ACCEPTS the tender from Lincolne Scott Australia Pty Ltd for Contract number 002-00/01 Building Services Maintenance Consultancy for a term of three years commencing 1 October 2000 subject to annual performance reviews for a consideration of \$61,017.00 including GST in the first year adjustable by the Rise and Fall formula contained in the Contract for the second and third years and the scheduled rates submitted with the tender;**
- 2 AUTHORISES the execution of contract documents.**

CJ243 - 09/00 STRUCTURE PLAN FOR HILLARYS BOAT HARBOUR – [23094]

WARD - Whitfords

CJ000905_BRF.DOC:ITEM 16

SUMMARY

The Western Australian Planning Commission (WAPC) has identified the need for a Structure Plan to be prepared for the Hillarys Boat Harbour (HBH) area. The original Master Plan was drawn up in the early 1980s and has guided development until recently. Access and parking pressures on the area make a new plan necessary to control future development in an orderly manner.

The Draft Structure Plan and Implementation Strategy were advertised for six weeks during November and December 1999, and following consideration of the submissions received the final HBH Structure Plan and Implementation Strategy was formulated. The WAPC recently considered and noted the consultants final report and resolved to refer the report to the City and the Department of Transport (DOT) for comment prior to its further consideration as a guide to development.

The relocation of the ferry services, the interface with the Whitfords nodes, the beach area preservation, the proposed pedestrian cyclist and access plan and the recommendation that the foreshore management plans be reviewed, are supported in principle. The City does not support further commercial development in the area, and as the WAPC is the determining authority for development applications, there is not need for Council to have a parking policy for this location. Further without more investigation it is unlikely that a southbound egress point from Southside Drive into West Coast Drive would be supported. The strategy also nominates the City as the responsible authority for a number of recommendations and actions. It is considered that, as the City is only a facilitator in the process that the allocation of resources towards this is a low priority.

The structure plan and implementation strategy is generally supported as a basis for the WAPC to guide development in the future. Concern is expressed regarding the amount of additional development possible without accompanying carparking.

BACKGROUND

Reserve Nos	27732, 39197, 40802 and 20561
Street Address	West Coast Highway
Land Owner	Crown Land - Department of Transport and City of Joondalup
MRS Zoning	Parks and Recreation Reserve
TPS Zoning	MRS Reserve Parks and Recreation
Land Use	Various

Site History

HBH was constructed in the mid 1980s on reclaimed land as a tourist and boating facility to support the 1987 defence of the Americas Cup. It comprises Crown Reserves, vested in and managed by the DoT and the City. The original Master Plan was prepared for DoT in the early 1980s. This provided for the construction of the boat harbour and its associated facilities and a range of commercial, recreational, tourist, club and maritime activities approved on leases of varying periods from the Minister of Transport. Pressure on these facilities has increased immensely, with the area acting as a magnet to both marine-related, tourist and commercial activities.

A Transport Study carried out in July 1998 by Uloth and Associates concluded that a parking management plan, signage to direct drivers to available spaces and a pedestrian and bicycle plan are necessary. A Parking Policy is needed, with physical measures to alter junctions and temporary measures to handle peak events.

Following consideration of a number of applications for further development at HBH the WAPC, DoT and the City decided that a Structure Plan was necessary for the area and appointed a consultant to prepare a Structure Plan and Implementation Strategy as a basis for the evaluation of future proposals.

A number of important issues are involved, including access and parking, (especially at peak summer weekends), access to the adjoining beaches and Whitfords Nodes parkland to the north, public transport provision and connections to the surrounding areas that are now being developed. In particular, recent approvals for subdivision of the Harbour Rise Estate, across Whitfords Avenue to the east, will affect access to and use of the precinct.

Previous Council Decisions

The Structure Plan Study was commissioned jointly by DoT, the WAPC and the City. The cost for the employment of consultants and preparation of the Plan and Strategy was split equally between the three authorities.

At the meeting of 11 May 1999 the Joint Commissioners authorised the participation in the preparation of a Structure Plan and Implementation Study for HBH with the WAPC and the DoT, subject to:

- 1 The boundary of the study area being extended northwards to include the land between the ocean and Whitfords Avenue up to the entrance to the Ern Halliday Recreation Centre;
- 2 The study paying particular regard to public safety, security, pedestrian and vehicular access and comment from the proposed public meeting.

At the meeting of 22 June 1999 the Joint Commissioners resolved as follows:

1. Noted the minutes of the Special meeting of electors held to discuss the preparation of a structure plan and implementation study for HBH and adjoining reserves.
2. Acknowledge that reserve 40802 only exists because of public campaign to save the area in part as an example of Quindalup Dunes land formation and vegetation complex; the importance of the Quindalup Dune vegetation preserved at the Whitfords Nodes and its listing in the Perth Bushplan.

3. Consider any development applications or proposals relating to Reserve 40802 in accordance with the adopted Foreshore Management Plan giving due consideration to 2 above.
4. Review Council's Foreshore Management Plan for Reserve 40802 in the light of development currently proposed in the surrounding area, any impacts identified through the preparation of the structure plan and having particular regard to public safety, security, pedestrian and vehicular access and the ongoing protection and maintenance of the coastal environment; and
5. Request the WAPC to ensure that the proposed structure plan recognises the adopted Foreshore Management Plan for Reserve 40802.

DETAILS

Current Proposal or Issue

The consultants in consultation with the WAPC, DoT and the City, and following discussions with a local interest group, prepared the Draft Structure Plan. The Draft Structure Plan and Implementation Strategy were advertised for six weeks during November and December 1999, and following consideration of the submissions the final HBH Structure Plan and Implementation Strategy was formulated. The WAPC recently considered and noted the consultants' final report and resolved to refer the report to the City and DoT for comment prior to its further consideration as a guide to development.

The Study area includes all of the land contained within the harbour reserve, together with Whitfords Nodes to the north and the section of Sorrento Beach immediately south of the harbour (Attachment 1). The Study addresses, among other issues, the statutory basis for planning and development control of the area.

The Structure Plan and Implementation Strategy for HBH provides strategic recommendations with respect to identified issues. Below is a summary of the strategic recommendations for each issue:

- Land Use and Development

Minimise conflict between competing land uses by identifying precincts with specific land use functions.

- Marine Functions

Ensure that HBH continues to function as one of the leading maritime facilities serving the northern coastal strip of Perth. To achieve this it needs to be recognised that HBH has an optimum capacity thus other appropriate sites need to be identified elsewhere within the corridor. Expansion is to be limited to the existing seabed lease areas.

- Public Access

Ensure that public access at the harbour's edge is not compromised or in any way restricted by future development. Improve and investigate the pedestrian and cyclist movement system both to and within the site, especially from the east. Recognise the function of the eastern beach and harbour precinct as public areas and ensure future development does not impede public accessibility and amenity.

- Car Parking

Adopt a car parking policy to ensure that appropriate provision is made for on-site car parking. Maintain a schedule of car parking allocations. Rearrange and improve management of existing car parking areas, including relocation of the ferry terminal and allocation of all day parking for ferry patrons. Investigate options for car parking in the eastern end of the southern car park.

- Traffic Management

Provide incentives for higher car occupancy when promoting special events. Widen and improve traffic management at the main entry roundabout and provide a two lane roundabout at the intersection of Whitfords Avenue/Northside Drive intersection with development of the Fisheries WA facility. Improve public transport and investigate feasibility of providing a south-bound egress point from South Side Drive.

- Urban Design

Prepare and adopt design parameters. Maintain the existing scale of development, encourage tower elements, ensure additions and new development don't adversely impact.

- Safety and Security

Improve lighting to car parking areas, prepare and adopt a public safety and security strategy (DoT) and ensure landscaping of the public domain does not restrict visibility.

- Infrastructure

Monitor the need for a waste collection point for penholders to discharge their waste prior to its removal for treatment.

- Environmental Management

Review the recommendations of the Hillarys Beach – Hillarys Park Foreshore Management Plans, however in the meantime use these as a basis for review of proposals. Undertake an environmental compliance audit to understand the source of possible pollutants.

- Marketing

Ensure DoT continues to be ultimately responsible for promotion of special events and that any strategy addresses car parking, public transport and access issues.

- Land Tenure

Reclassify Reserve 40802 from 'C' to 'A' class, vested in the City. Ensure reserves 27732 and 20561 to the south of HBH are appropriately vested and classified. Set aside and separately reserve land identified for public access and recreation. Review the appropriateness of the existing Metropolitan Region Scheme Parks and Recreation reserve, particularly in relation to the Southern Precinct.

Further the study area has been divided into four precincts, each with a distinct character and function setting it apart from the other precincts. The four precincts are as follows:

- Northern Precinct

Objective – To reinforce the northern precinct's role for marine and aquatic services, with ancillary commercial and public facilities.

Recommendations in this area support the Fisheries development, investigation of the transfer of the ferry ticket office and larger charter boat operations from the southern precinct.

- Southern Precinct

Objective – To maintain the southern precinct as a major tourist and commercial node at HBH. To accommodate minor building expansion within existing leases, and to improve vehicle access/egress, pedestrian movement, car parking and public areas.

Recommendations include support of time limited parking, investigation of options for decked parking, options for separate south bound exit, and a two story limit on development.

- Eastern Beach and Harbour Precinct

Objective – To maintain and improve the eastern precinct as a public recreation area, with clearly defined pedestrian links, and to support a range of appropriate marine and active recreation uses, provided these do not detract from the quality of the environment and public access through the precinct.

Recommendations include the provision of a jetty link from Sorrento Quay to the eastern beach precinct, the relocation of the ferry berth and large charter boat operations, relocation of the ferry terminal facilities, including ticket office and set down/pick up areas in the northern car park area, and support limited pen development subject to navigational issues being addressed.

- Beach Precincts North and South of Hillarys Boat Harbour.

Objective – To enhance the use and management of the adjacent beach areas for public recreation and conservation uses.

Recommendations include the review of the Hillarys Beach Foreshore Management Plan, adjustment of the boundary between HBH and the reserve to the north to provide a more site responsive boundary by including the high dune in the reserve, and the investigation of the opportunity for additional car parking within the road reserve adjacent to Sorrento Surf Club.

Attachment 2 provides a list of the strategic recommendations and precinct actions that are proposed to be the responsibility or joint responsibility of the City and achieved within the 10-year lifetime of the structure plan.

Relevant Legislation

The Structure Plan is not a statutory document but as it is prepared and adopted by the relevant public authorities it will serve as a guide in the exercise of statutory powers.

Under the Metropolitan Region Scheme the WAPC is the development control authority for the area. DoT, as the vesting authority manages the maritime and harbour functions of the Harbour, subleases land to commercial operators and markets and manages the general operations of the area, including access roads, car parking, public open space and special events. It authorises applications for development that requires the approval of the WAPC. Development applications are submitted to the DoT as landowner, and lodged with the City. The City then refers them with recommendations to the WAPC for determination.

Advertising and Summary

A total of 152 submissions were received within the six week public advertising period, ending 10 December 1999. A further 18 submissions were received by 19 December 1999. The report prepared by Chris Antill Planning & Urban Design provides the following:

The major issues and majority views expressed were:

- Opposition to the proposed jetty extension and “splitting of the beach” that would result from this;
- Existing parking and access/egress problems need to be addressed before any further development is undertaken;
- Strong opposition to any further commercial development being permitted. Opposition to HBH becoming a shopping centre. High support for Option 1 (“Consolidation”).
- Commercial development over the water (ie Sorrento Quay seabed lease area) should not be permitted as it would ruin spacious character for the harbour.

Secondary issues and majority views expressed were:

- Opposition to the Fisheries Department development as it would result in a loss of car parking, and its use is not appropriate in the harbour;
- Opposition to existing/new market stalls;
- Public accesses are being crowded with development and signage, and must be cleared away to allow unimpeded public access;
- Decked car parking is not supported.

Other main issues were:

- Some opposition to the proposed southern road exit;
- Some opposition to removing the “for sale” boats from their present site;
- Public security after dark is considered poor and requires addressing;
- Better/safer pedestrian access across West Coast Drive is supported;
- Better public transport to HBH is supported;
- A need was identified for more/better/cleaner public toilets associated with the public beach.

COMMENT

Issues

Expansion of Commercial Use

Given the unsatisfactory level of parking and access that is evident from the report, it is not considered reasonable to support expansion of commercial uses within the lease areas, as this will only make matters worse.

Relocation of Ferry Services

There was some opposition in the submissions to the proposal to provide a new jetty link from the eastern beach. The proposal is intended to achieve the relocation of the Rottneest ferry ticket office and larger charter boat operations to the northern precinct and the integration of the ferry service with improved public bus and private car park access. The proposed relocation is supported subject to the new jetty being appropriately designed and oriented to minimise the impact on the public beach.

Interface with Whitfords Nodes

At the meeting of 22 June 1999 the Joint Commissioners resolved amongst other matters to review Council’s Foreshore Management Plan in the light of current development, impacts identified through the preparation of the structure plan and having particular regard to public safety, security, pedestrian and vehicular access and the ongoing protection and maintenance of the coastal environment. It was also requested the WAPC ensure that the proposed structure plan recognises the adopted Foreshore Management Plan.

The proposed strategic development statement intends to improve the interface of the foreshore reserve with additional car parking, improved lighting and pedestrian links, increased surveillance and management. This is proposed to be actioned via the review of the Hillarys Beach – Hillarys Park Foreshore Management Plan (1991). It is proposed to enhance Action NSA31 to read as follows:

“NSA31 Review the “Hillarys Beach – Hillarys Park Foreshore Management Plan (1991)”, with particular regard to, public safety and security, pedestrian access, integration with the boat harbour, location and extent of car parking adjacent to Hillarys Boat Harbour without compromising the conservation and recreation values of the reserve, or the ongoing maintenance of the coastal environment.”

Beach Area Preservation

It is recommended that the land identified on Figure E1 (essentially the eastern beach and harbour precinct) be set aside separately as a reserve for recreation and vested in the Minister for Transport, to ensure long term protection for public use. The objectives for the precinct are to maintain and improve the eastern precinct as a public recreation area, with clearly defined pedestrian links and to support a range of appropriate marine and active recreation uses, provided these do not detract from the quality of the environment and public access through the precinct.

Southern Access

It is recommended that detailed investigations into the feasibility of providing a southbound egress point from Southside Drive into West Coast Drive be carried out. An action statement reinforces this for the Southern Precinct. Due to the fact that the subject intersection may require traffic lights and given the proximity of the roundabout it is considered that the traffic flow may be unnecessarily interrupted. Without more investigation it is unlikely that a southbound egress point from Southside Drive into West Coast Drive would be supported.

Additional Development

The Structure Plan provides for further development of commercial activities in the seabed leases. The proposition is not supported, as the current issues of provision for additional parking and access that would be necessary to accommodate the additional development have not been addressed. Therefore support of additional development is considered to be premature.

Parking Management

Strategic recommendation CP1 requires the preparation and adoption of a car parking policy. Element 2 of the strategy provides a car parking policy and it is stated that this should be adopted by the City and Ministry for Planning as a policy guide which can be used in the assessment and determination of development applications. The WAPC is the development control authority for the area and the City is a referral body. Given that the decision making lies with the WAPC it is not necessary for the City to either prepare or adopt a car parking policy.

Environmental

The recommendations and precinct actions refer to the monitoring of waste collection points for penholders. It is recommended that this be reworded to: "Provide a marine waste collection facility in a suitable location, hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps".

Implications for the City

Attachment 2 identifies how the various strategic recommendations and Precinct Actions can be achieved within the 10 year lifetime of the structure plan. As can be noted the City is the designated responsible authority for a number of actions and recommendations. This has resource implications for the City. Because the City has only a facilitating role (the decision-making role is with the WAPC), the recommendation and actions are not considered to be high priorities for the allocation of the City's resources.

Public Safety and Security

As mentioned previously at the meeting of 22 June 1999 the Joint Commissioners resolved amongst other matters to review Council's Foreshore Management Plan in the light of current development, impacts identified through the preparation of the structure plan and having particular regard to public safety, security, pedestrian and vehicular access and the ongoing protection and maintenance of the coastal environment. It was also requested the WAPC ensure that the proposed structure plan recognises the adopted Foreshore Management Plan. *This may include improved lighting and accessibility to the public recreation areas, and improved visibility within existing car park areas.*

The HBH Structure Plan and Implementation Strategy includes recommendations with respect to public safety and security. There are also precinct actions relating to the review of the Hillarys Beach – Hillarys Park Foreshore Management Plan. The review of the foreshore management plan will provide an appropriate opportunity to consider the public safety and security issues. It is recommended that the relevant action plan be expanded to include pedestrian access and integration with the boat harbour.

It is also recommended that the review have regard to the adequacy and location of parking relative to the public recreation areas. The growth of the adjacent residential area will place further pressure on pedestrian access to the public recreation areas, and the foreshore. The review will need to address this and recommend measures to protect and maintain the natural coastal environment.

General Comment

The following general points are raised:

- The document makes reference to an appendix 4 which does not exist;
- Recommendations UD2 and UD1 should be grouped as one recommendation;
- Figures contained within the document should include the entire study area (that include the Whitfords Nodes).

Assessment and Reasons for Recommendation

A Structure Plan and Implementation Strategy for HBH is considered important for the provision of an orderly context for the ongoing development of one of the City of Joondalup's main attractions. It will address the current situation and the development of HBH and the surrounding areas over the next 10 years.

The structure plan contains a series of recommendations relating to the various functions of the harbour, and the Implementation Strategy provides guidance as to how these recommendations should be fulfilled.

The Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future.

RECOMMENDATION

That Council:

- 1 ADVISES the Western Australian Planning Commission that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future with the following modifications and comments made:**
 - (a) the provision for further commercial development of the seabed leases is not supported as Council considers that the facility is fully developed already and additional development will exacerbate the existing situation with parking and access;**
 - (b) the relocation of the ferry service and associated facilities is supported;**
 - (c) the responsibility for recommendation CP1 (car parking provision) should not extend to the City. The Western Australian Planning Commission is the responsible authority and accordingly the City is not required to adopt a car parking policy for the boat harbour;**
 - (d) with respect to recommendation TM4, without further investigation it is unlikely that a southbound egress point from Southside Drive into West Coast Drive would be supported as it may unnecessarily disrupt the traffic flow;**
 - (e) recommendations INF1 and NPA7 relating to the monitoring of marine waste collection facilities should read "Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps".**
 - (f) recommendation NPA5 needs clarification to determine if extension into Reserve 40802 is proposed;**

- (g) **recommendation NSA31 being reworded as follows: “Review the “Hillarys Beach – Hillarys Park Foreshore Management Plan (1991)”, in particular, public safety and security, pedestrian access, integration with the boat harbour, location and extent of car parking adjacent to Hillarys Boat Harbour without compromising the conservation and recreation values of the reserve, including ongoing maintenance of the coastal environment.”**
- 2 UNDERTAKES a review of the Hillarys Beach – Hillarys Park Foreshore Management Plan, taking into account the Hillarys Boat Harbour Structure Plan and paying particular regard to the following issues:**
- (a) **public safety and security within the carparks and public recreation areas;**
 - (b) **the location and adequacy of car parking to service the public recreation areas;**
 - (c) **pedestrian and vehicular access;**
 - (d) **integration with the boat harbour;**
 - (e) **ongoing protection and maintenance of the coastal environment.**

For the attachment to this report, see Appendix 10 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach10brf120900.pdf](#)

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**CJ244 - 09/00 PROPOSED 13 AGED PERSONS' DWELLINGS -
LOTS 71 TO 77 (92 TO 80) ELLERSDALE AVENUE,
WARWICK – [43741]**

WARD - South

CJ000905_BRF.DOC:ITEM 17

SUMMARY

An application has been received for 13 (2 bedroom) aged persons' dwellings adjacent to the Warwick Commercial Centre. The applicant has requested development variations to the City's Town Planning Scheme No.1 (TPS1) and the Residential Planning Codes (R-Codes) relative to residential density, car parking and building setbacks.

The key elements of this proposal are detailed below:

- The subject land is within the City of Joondalup Warwick Structure Plan, which was adopted by the Council to guide the notional development of small lot housing. The land has subsequently been sold collectively as several lot parcels, hence the preparation of this consolidated application.
- A total of four resident submissions were received at the close of advertising. One submission initially objected to the development but was later withdrawn. There other submissions raised no objections to the proposal.
- The proposed development is in keeping with the streetscape with its single level design and buildings overlooking the street.
- The provision of aged persons' accommodation also provides an opportunity for local Warwick residents to remain in the locality by improving the housing mix.

It is recommended that the Council exercise discretion under TPS1 to vary the requirements of the R-Codes in granting approval to the proposal in the above regard.

BACKGROUND

Lot	77 P 23392
Street Address	Lots 71 to 77 (92 to 80) Ellersdale Avenue, Warwick
Applicant	R M Davey & Associates
Land Owner	P & N Landreach Pty Ltd
DA No	DA00/0220
MRS Zoning	Urban
TPS Zoning	R-40 TPS: Residential
Land Use	Vacant
Permissibility of Use	Aged Persons AA
Lot Area	2469m ²

The applicant has had several meetings with Council Officers regarding refinement of the design in respect of car parking and setbacks. Suggested changes have been reflected on amended plans, prior to adverting for public comment.

- 25/05/2000:** The application was submitted to the City for approval for 13 aged persons' dwellings.
- 31/05/2000:** The applicant was requested to provide additional information/justification and amend the proposal.
- 19/06/2000:** A Site Inspection was undertaken where the existing mature trees were recommended for retention.
- 6/07/2000:** A meeting was held with applicant to discuss amended plans and to outline the processing requirements of these plans in respect to advertising.
- 10/07/2000:** The applicant lodged amended plans with the City.
- 31/07/2000:** Advertising of the proposal commenced for a period of 21 days. Advertising closed and 4 submissions were received.
- 17/08/2000:** The 13 aged persons' dwelling proposal was referred to the Director Planning and Development in consultation with the Mayor and interested Councillors, where it was decided to refer the application to the ordinary meeting of the Council.

Advertising

The application was advertised for a period of 21 days in accordance with the requirements of TPS1. Two advertising signs were placed on site and letters were sent to adjoining/affected property owners. At the close of advertising, four resident submissions had been received. Three submissions raised no objections while one submission contained an objection to the proposal.

The objection was against a proposed parapet wall (western boundary), that would have extended in front of an existing parapet and verandah on the adjoining site by 4.5 metres. The applicant has addressed this issue with the parapet wall being reduced to a 0.5 metre extension forward of the objector's existing parapet wall. Both walls are setback over 7 metres from the front property boundary. This objection was withdrawn as a result of this change.

Current Legislation

The current application was assessed for its conformity with TPS1 and the R-Codes which specify detailed development standards regarding density of development, carparking and building setbacks.

- The proposed use is not permitted unless the approval of the Council is granted. The Council can exercise its discretion and may grant its approval (with or without conditions), or may refuse the proposal. The Council may require the proposal to be advertised using any procedures identified in TPS1.
- The R-Codes enable the Council in the case of dwellings designed for the accommodation of aged or dependent persons, the number of dwellings permitted may, at the discretion of the Council, be up to 50% greater than provided for by the Code applying to the site.
- In the case of such dwellings car parking bays must be provided at the rate of 0.5 spaces per dwelling unit. This may be increased at the discretion of Council up to 1 bay per unit, with visitors car parking as 10% with a minimum of two bays and not less than 10% of car parking bays (with a minimum of two bays) shall be set aside for visitor parking.

- In the case of such dwellings the Council may, in a particular case vary any other provision of the Codes (including building setbacks) where necessary to enable the density increase to be achieved.

DETAILS

Development Proposal

The development proposal consists of the following elements:

- ♦ 13 (2 bedroom) single level aged persons' dwellings of varying internal layouts;
- ♦ The land area permits 9 units under the R40 density code and 13 units with the 50% density bonus.
- ♦ The level difference to the rear existing housing varies to about 2.0 metres in height; and
- ♦ A total of 16 car parking bays are proposed on-site.

Applicant's Submission

The applicant seeks the Council's support to permit variations to the R-Codes to facilitate an aged persons' development for the following reasons:

- ♦ The development responds to society's needs for aged accommodation and is in keeping with orderly and proper planning of the suburb of Warwick;
- ♦ The location meets with criteria for aged accommodation being:
 - adjacent to community, commercial and medical facilities, Warwick Shopping & Leisure Centre and Cinemas;
 - adjacent to public transport on Ellersdale Avenue;
 - good level of pedestrian accessibility and safety; and
 - adjoins existing aged persons' development.
- ♦ According to the Australian Bureau of Statistics (ABS) 15-20% of Warwick's population is over the age of 55 and many residents want to remain in Warwick to be close to family and friends. Warwick also has a housing stock from the 1970s not suited to all age groups;
- ♦ The proposal is of a single storey nature and is in keeping with the character and history of the Warwick area;
- ♦ It is envisaged that the development would be strata titled.

The applicant believes that the site has been appropriately designed to integrate with the existing built form of the community while providing for the expectations of the future residents.

Setbacks, Site Coverage and Density

The Council has the ability to vary R-Code requirements to enable the density increase to be achieved. The proposal includes variations (to the Warwick Structure Plan) to front and rear boundary setbacks and includes the provision of parapet walls. Setbacks, site coverage and density standards are compared with the variations requested by the applicant in the following table:

R-Code variations requested by the Applicant are shown in <i>Bold Italics</i>			
		Standard	Provided
Density		<i>9 units (250m² per unit)</i>	<i>13 units (189m² per unit)</i>
Setbacks			
Front	Avg.	<i>4m</i>	<i>4m</i>
	<i>Min.</i>	<i>3m</i>	<i>2m</i>
Rear	Avg.	<i>4m</i>	<i>3m</i>
	<i>Min.</i>	<i>Nil</i>	<i>Nil</i>
Side	Min.	<i>Nil</i>	<i>Nil</i>
Side	Min.	<i>Nil</i>	<i>Nil</i>
Open Space	<i>Min.</i>	<i>50%</i>	<i>48.50%</i>
Car Parking		<i>6 bays (0.5 bays each unit)</i>	<i>16 bays</i>

COMMENT

The proposed development and areas of discretion requested by the applicant are on balance considered reasonable given the appropriateness of the proposed building design and location adjacent to the Warwick commercial centre and public transport. The following elements are discussed in more detail relative to the variations requested.

Residential Density

The proposal includes an increase in the dwelling density. Clause 5.1.3 of the R-Codes enables the number of dwellings permitted, at the discretion of the Council, be up to 50% greater than provided for by the Code applying to the site where accommodation for the aged is proposed. Having regard to the overall design and the provision of open space and setbacks proposed, the amenity of adjoining residential owners would be maintained. The 50% bonus of dwellings to the R40 coding is supported on this basis.

Car parking

Aged persons' dwellings are generally smaller than conventional dwellings, and the occupants do not generally have a high car ownership ratio. The R-Codes enable the Council to exercise its discretion in approving parking to increase up to 1 bay per dwelling unit. The development would provide 16 bays for 13 units, thus providing 1 bay per unit and balance of bays for visitor parking.

Setbacks

The R-Codes also give the Council the discretion to vary, in a particular case, provisions of the R-Codes to enable the density to be achieved. The variations requested are within an acceptable range given the location of the land and its proximity to nearby community and commercial services. The extent of flexibility available to the Council in dealing with this proposal is a reflection of a need to provide housing for all sectors of the community.

Open Space

The proposal includes a deficit of 38m² (or 1.5% of site area 2469m²) below the standard of 50% open space. The units average in area at 77.7m² per unit, and to reduce this size would unnecessarily compromise the design of internal living areas.

There are no objections to the site coverage proposed given that the development would not impact on the amenity of the adjoining lots. This is evidenced by the no objections received from four adjoining landowners. Each unit proposed also would have a reasonable courtyard that is both practical and functional. There are no objections to the building setbacks proposed on this basis.

Urban Design Analysis

The proposed development includes 6 units that are designed to address the street with small groupings of buildings providing a semi-continuous facade along Ellersdale Avenue. The buildings are of a low scale and would create an active street frontage and will make a positive contribution to the streetscape.

The remaining 7 units are located at the rear of the front dwellings with the 3 driveways providing vehicular access to the rear dwellings.

Other Design Matters

Some minor design changes are required and these are recommended as conditions of approval. These relate to compliance with setbacks where for example 900mm is proposed instead of 1.0 metre and these have been discussed with the applicant who is agreeable with these changes. Other considerations include:

- Changes to finished floor levels to ensure all the development is on one level.
- The design also provides for the retention of several mature trees that have been identified and conserved as part of the development proposal.
- The subject lots must also be amalgamated onto one certificate of title in order to proceed with this integrated development.

Securing the Development for Aged Persons

To ensure the development is used for its stated purpose and given the density bonus involved the development must be limited to occupancy for aged persons. A notification on the certificate of title is recommended to ensure prospective purchasers are advised the special requirements that relate to the restricted use of the units to at least one person over the age of 55 years of age. Previously the City had required a legal agreement supported by a caveat but this is difficult to administer and costly, as the caveat must be lifted to place a mortgage on the title. The R-Codes provide the legal mechanism together with a condition of approval to commence development, to bind the owner and new owners in the above regard.

Conclusion

The applicant has gone to considerable lengths to achieve a good design in terms of unit size, open space, setbacks, street aspect, detailed elevations and this has required some variations to the R-Codes that are considered acceptable. There is no adverse impact on the amenity of adjoining owners as evidenced in the submissions of no objections received.

The approval of the proposal is recommended subject to conditions.

RECOMMENDATION

That Council:

- 1 **EXERCISES DISCRETION** under clause 5.9 of the City of Joondalup Town Planning Scheme No 1 and clause 1.5.7 and 5.1.3 of the Residential Planning Codes 1991 and determines that the proposed variations to the City's Warwick Structure Plan as described below are appropriate in this instance:
 - (a) the number of dwellings permitted being up to 50% greater than provided for by the R40 Code applying to the site;
 - (b) 3.0 metre minimum front setback;
 - (c) 4.0 metre average rear setback;
 - (d) averaging setbacks as shown on the approved plan;
 - (e) parapet walls on the eastern boundary as shown on the approved plan; and
 - (f) open space as shown on the approved plans;

- 2 **APPROVES** the application dated 25 May 2000 and revised plans dated 10 July 2000 submitted by R M Davey and Associates, the applicant, on behalf of the owner(s), P & N Landreach Pty Ltd, for 13 aged persons' dwellings on Lots 71 to 77 inclusive (92 to 80) Ellersdale Avenue, Warwick, subject to the following conditions:
 - (a) the aged persons' accommodation shall only be used for accommodation where at least one person is of an age of at least 55 years or older;
 - (b) a notification under section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the City and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the commencement of development works. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the aged persons' accommodation as stipulated under condition 1 of this approval. The notification should (at the full cost of the applicant) be prepared by the City's solicitor McLeod & Co and be executed by both the landowner and the City;
 - (c) amalgamation of lots 71 , 72, 73, 74, 75, 76 and 77 prior to an application for a Building Licence being made to the City;
 - (d) retention of the existing mature trees as marked in red on the approved plan;

- (e) **the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**
 - (i) **the location and type of existing and proposed trees and shrubs within the carpark area;**
 - (ii) **any lawns to be established;**
 - (iii) **any natural landscape areas to be retained; and**
 - (iv) **those areas to be reticulated or irrigated.**
- (f) **landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;**
- (g) **the boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City;**
- (h) **prior to the submission of a Building Licence Application to the City, amended plans must incorporate the following amendments being submitted to and approved by the City:**
 - (i) **the minimum separation between Units 5 and 6 must be 2 metres;**
 - (ii) **the minimum setback between the rear boundary and the kitchen wall of unit 6 must be 1 metre;**
 - (iii) **all units must have a minimum (average) private open space of 60m².**
 - (iv) **the Finished Floor Levels of the following Units being amended as follows:**
 - Unit 1 - 35.20, Unit 4 - 35.70, Unit 5 - 36.30, Unit 7 - 35.90, Unit 8 - 36.10, Unit 9 - 36.40 and Unit 10 - 36.40.**

For the attachment to this report, see Appendix 11 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach11brf120900.pdf](#)

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**CJ245 - 09/00 REQUEST FOR THE CLOSURE AND SUBSEQUENT
PURCHASE OF A PORTION OF TRAILWOOD
DRIVE, WOODVALE - [18715, 09618]**

WARD - Lakeside

CJ000905_BRF.DOC:ITEM 18

SUMMARY

The owner of Lot 605 (105) Trailwood Drive, Woodvale has written to the City requesting the closure and subsequent purchase of approximately 167m² of Trailwood Drive, Woodvale that abuts his property (See Attachment 1). He states that he wishes to acquire the land to create extra space in his garden area for his children to play in. This pocket of undeveloped road reserve contains trees and grass and at the time of the site inspection provided an attractive buffer to the Mitchell Freeway road reserve. The area forms part of a continuous vegetation buffer through the western edge of Woodvale. (See Attachment 2).

This road reserve is surplus to requirements as a road, although it does contribute to the vegetated buffer area, and the application can advance to being advertised to gauge public comment. At the end of the advertising period, Council can further consider the matter.

DETAILS

The provisions of Section 58 of the Land Administration Act 1997 state that a local government may request the Minister for Lands to close a road provided the proposal has been advertised for a period of not less than 35 days. Thereafter, due consideration must be given to any objections received prior to resolving to request the Minister for Lands to close the road. The proposal must also be referred to the Western Australian Planning Commission (WAPC) for its comments and the service authorities to ascertain if any service plant is affected. With regard to this proposal, services will not be affected and the WAPC advised that as the land forms part of undeveloped road reserve, subject to the service authorities not raising any objection, the WAPC did not object to the proposal.

COMMENT

The subject portion of Trailwood Drive, Woodvale is a part of the road reserve that is undeveloped and surplus to requirements. However, the subject area is attractive and does serve as a buffer to the Mitchell Freeway road reserve. Based on this, local residents should have the opportunity to comment on the proposal.

It is a requirement that road closure applications are advertised for thirty-five days but Council can abandon the process following the advertising period should significant community concerns be discovered.

RECOMMENDATION

That Council AUTHORISES the public advertising of the application to close approximately 167m² of Trailwood Drive that abuts Lot 605 (105) Trailwood Drive, Woodvale.

For the attachment to this report, see Appendix 12 at the rear of the agenda.

*To access this attachment on electronic document, click here: [Attach12abrf120900.pdf](#)
and [Attach12bbrf120900.pdf](#)*

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Cr Hollywood stated his intention to declare an interest in Item CJ246-09/00 as he has an interest in a local newspaper.

**CJ246 - 09/00 PROPOSED HOME BUSINESS – CATEGORY 3
(PAMPHLET DISTRIBUTION) LOT 1104 (3)
CARROO HEIGHTS, OCEAN REEF – [43951]**

WARD - Marina

CJ000905_BRF.DOC:ITEM 19

SUMMARY

An application has been received from Mrs June Llewellyn-Daly to conduct a home business from the subject property.

The business involves the supply of pamphlets to distributors who in turn deliver material to letterboxes throughout the local district. The business has been operating for the past 17 months and was brought to the City's attention following a resident complaint regarding car parking and traffic coming to and from the property.

The pamphlet material is delivered to the house by delivery truck every Tuesday and Friday and is then collected by the distributors during the course of the day.

The proposal has been advertised and three submissions were received, two in the form of objections. The principal concern raised by objectors relates to traffic movement at the site. The applicant is prepared to implement a collection schedule to control traffic movement at the site in order to address these concerns.

It is recommended that this proposal be refused.

BACKGROUND

Lot No	Lot 1104 P 18561 Vol 1937 Fol 464
Street Address	3 Carroo Heights OCEAN REEF WA 6027
Applicant	June Llewellyn-Daly
Owner	Timothy P Daly & June F Llewellyn-Daly
Zoning MRS	Urban
TPS 1	Residential Development
Lot Area	861 m ²

Site History

February 1999	The home business commenced without the prior approval from Council.
July 2000	A resident complaint was received by the City regarding the home business.
21 July 2000	Application for planning approval was received for a home business.

27 July 2000 Advertising of proposed home business commenced for 14 days.
July 2000 Request from Ward councillor for the application to be referred to Council for determination.

DETAILS

Nature of the Business

The business is a collection 'depot' for distributors to collect pamphlets and the Perth Real Estate Guide. This material is then distributed separately to several Joondalup suburbs.

All material is delivered in bulk to the residence twice per week, on a Tuesday and on a Friday. More specifically pamphlets are delivered on both days between mid morning and lunchtime, while the Perth Real Estate Guide is delivered on Friday mornings between 6:00-7:00am.

There are 80 deliverers associated with the business delivering material to local letterboxes. Approximately 85% of these deliverers collect the material from the application site, which brings the number of persons visiting the application site to 30 people on Tuesdays and 35 people on Fridays. Collection of material generally occurs between 8:00 am and 5:00pm and is usually swift (between 2-4 minutes per collection).

The business is conducted from the carport and associated patio area of the existing dwelling. With the exception of regular visitors (deliverers) two days a week and the storage of pamphlets in the open carport, there is no evidence that a business is being conducted from the premises.

The property has a 6.0 metre long paved driveway that is wide enough for two visitor vehicles to park.

Local Context of the Application Site

The subject property is located in a side street (Carroo Heights) opposite the Beaumaris Primary School and backs onto Beaumaris Boulevard, which is a local distributor road, and as such carries more traffic than a local road. The application site is located within the first section of Carroo Heights.

Carroo Heights is a long cul-de-sac that provides access into another two other cul-de-sacs, servicing a total of 44 homes.

Parents who drop off and collect children from the Beaumaris School park in Beaumaris Boulevard. School traffic also filters into the first section of Carroo Heights and the City has installed "No Parking" signs to prohibit parking within the street and on the verges. Nevertheless, the first section of Carroo Heights, its crossovers and driveways, is still used by school traffic to make U-turns.

Due to its location in the street the subject site only interacts with the property to the south of it. Being a corner block, the property to the north of it is orientated away from the application site, while there is a 2 metre high retaining wall for the property directly opposite the subject site. This property and particularly its driveway is relatively isolated within its immediate locality.

Relevant Legislation and Policy

The City of Joondalup Town Planning Scheme 1 (TPS 1) enables the City to permit a home business in certain instances and subject to conditions. Three categories of home businesses are identified under the TPS 1, being:

- Home Business - Category 1 (ie home office – no visitors, no employees)
- Home Business - Category 2 (ie visitors, 1 outside employee)
- Home Business - Category 3 (ie higher level of visitors, employees, traffic, etc.)

A Home Business - Category 3 is deemed to have the highest potential impact on the surrounding residential area in terms of number of visitors, traffic, parking etc.

The City's Home Business Policy 3.1.11 sets down more standards, information and procedures required to guide the exercise of discretion by the City when assessing the merits of a Home Business proposal.

The proposed use compares as follows with the provisions of the TPS 1 (*italics*) and Home Business Policy 3.1.11:

- (a) *does not entail the retail sale, outdoor display or hire of goods of any nature*

There is no retail sale, outdoor display of hire of any goods of any nature.

- (b) *does not cause injury to or prejudicially affect the amenity of the neighbourhood.*

According to the policy amenity refers “to all factors that combine to form the character of the area to residents and passers by and shall include the present and likely future amenity.” In determining whether a proposed Home Business is likely to detrimentally affect the amenity of the neighbourhood, the following factors will be considered:

- (i) emission of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
- (ii) hours of operation;
- (iii) number of customers visiting the premises;
- (iv) traffic likely to be generated;
- (v) additional parking requirements created by the proposed Home Business;
- (vi) storage of harmful or poisonous chemicals,
- (vii) compliance with the management plan;
- (viii) compliance with the requirements set out by the Town Planning Scheme provisions;
- (ix) public submissions and or complaints by adjoining owners.

The proposal interferes with the amenity of the neighbourhood in regard to points (iii) (iv) and (v) above, as to the number of clients visiting the premises and in this instance is more than expected for a residential lot.

- (c) *does not detract from the residential appearance of the dwelling house or domestic outbuilding*

No alterations of the dwelling are required or have been carried out to accommodate the Home Business, and as such the residential appearance of the dwelling is maintained.

- (d) *of a maximum of 2 persons not members of the occupier's household. Council may approve a greater number of employees, not exceeding 4 persons, subject to community consultation;*

Although there are many contractors that obtain a benefit from the association with the Home Business, only the applicant is employed in the business at the residential premises. The contractors effectively fulfil the function of customers in the context of the policy.

- (e) *occupies an area not exceeding 50 square metres. Council may approve; subject to community consultation; an area of up to 100 square metres, or one third of the floor area of the dwelling whichever is the lesser.*

The carport and pergola area that is used for the business does not exceed 50 square metres.

- (f) *displays a sign describing the nature of the approved home occupation. The sign must not exceed 0.2 square metres, and a maximum 2 metres high.*

No sign is displayed or proposed.

- (g) *will not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience for adjoining residents and road users.*

Associated with this requirement is a requirement in the City's policy, which stipulates that

- “(i) No more than three customers may attend the premises at any one time;
(ii) Customer visits must be during the hours of 8:00 am to 5:00 pm.”

The on-site parking available enables two vehicles to park in the driveway. The applicant is willing to establish a traffic management plan whereby the collection of distribution material is controlled. This would aim to ensure that no more than two customers attend the premises at any one time. In this way the above requirement of the TPS1 can be achieved.

- (h) *will not result in a substantial increase in the amount of vehicular traffic in the vicinity.*

Vehicular traffic in this instance is the combined traffic of the bulk deliveries and the traffic from the contractors that are required to visit the premises twice each week.

The policy advises that

“Regular deliveries of goods and equipment including deliveries carried out at intervals of less than a month are not considered appropriate. Proposals involving intervals of less than a month will only be considered taking into account the following factors:

- (i) nature of the goods delivered;
- (ii) frequency of deliveries;
- (iii) type of delivery vehicle used;
- (iv) likely inconvenience to existing traffic.”

As this proposal attracts regular traffic at an intervals of less than once per months the above is used as a guide to assess overall traffic and the term delivery is used to include trips that involve collection of the material.

The Nature of Goods Delivered, Frequency of Deliveries and Type of Vehicles Used

Due to the cyclical nature of the business the increase in traffic volumes is not constant throughout the week, but occurs on two days each week only. On all other days of the week this business generates no traffic.

A commercial vehicle visits the premises on three occasions each week while all other traffic are light vehicles which are no different from the vehicles that are usually found in residential areas.

Likely inconvenience to existing traffic

Existing local resident traffic has been inconvenienced by the Home Business for the following reasons:

- i) excessive numbers of vehicles accumulating at the application site on at regular intervals during 2 days of the week.
- ii) Vehicles parked in the street and on the road verge hindering smooth traffic flow.

The implementation of a Collection Schedule whereby the number of deliveries and collections to and from the premises occur in a planned manner is proposed by the applicant to address this concern.

- (h) does not involve the servicing or repair for gain of motor vehicles.*

No servicing or repair of vehicles is undertaken or proposed.

- (i) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonnes tare weight.*

No garaging of vehicles more than 3.5 tonnes tare weight is undertaken or proposed.

With the exceptions of the issues referred to above the Home Business meets all other requirements of the TPS1 and the City’s Home Business policy.

Advertising

Nearby owners were notified in writing and given the opportunity to comment on the proposal within 14 days. At close of submission three submissions were received, of which two are objections.

The other submission is a conditional support provided there was no on-street or verge parking due to the potential for a traffic hazard.

The two objections that were received stem from owners of properties that are physically separated from the subject lot.

The following concerns are raised in the objections:

- Large volumes of traffic and parked cars on a certain evenings, which
 - obscure access to adjoining cul-de-sac streets;
 - is not conducive to safety; and
 - does not promote a quiet street.
- There are “thumping and banging” noises associated when material is being delivered.
- Due to the proximity of the local school the increase in traffic is dangerous for children and local residents.

The following suggestion was also included:

“Perhaps the traffic could be reduced by allocating pick-up times and limiting the number of vehicles to one or two at a time”.

COMMENT

Traffic and Parking

The submissions received from local residents state that this is a fundamental concern.

The traffic volumes generated by this use are significant for a residential area. Its impact on the neighbourhood is caused by the traffic being concentrated over 2 days with short periods of visits each week.

There is also an unrelated concern by the neighbours regarding the existing school traffic that occurs in this part of Carroo Heights on a daily basis. Concentrated traffic volumes over short periods of time result in parking difficulties and associated safety and visibility concerns which inconveniences residents of the area, and approval of this proposal would serve to compound the problem.

The applicant has proposed to implement a collection schedule whereby collection of material is controlled on a time basis. This would ensure that no more than two visitors would attend the premises at any one time. However, this approach would not reduce the total volume of traffic (ie busyness of street and decreased safety). As such, it is considered that the fundamental concerns over total traffic volume.

Noise

Concern about noise has resulted from the delivery of material in the early morning delivery (on Fridays).

This concern has been raised by a resident who lives a few blocks away from the premises. The adjoining neighbours have not raised any objections.

Retrospective Approval

Under TPS1 the Council is legally empowered to grant a retrospective use approval, although retrospective approval cannot be granted for physical development. Therefore, the use can technically be approved, if the application is assessed to be appropriate in this location.

Reasons for Recommendation

In summary the negative and positive aspects of this proposal are as follows:

1 Negative Aspects of the Proposal

Impact on the amenity of the neighbourhood is apparent, due to:

- number of persons visiting the premises;
- traffic volumes generated in local streets despite the Collection Schedule proposed;
- additional parking requirements created by the proposal;
- potential for verge parking and/or on-street parking; and
- the site is not a transitional residential lot adjacent to a local centre, shops etc, where the impact of this use on the local amenity would be less significant.

2 Positive Aspects of the Proposal

- The property is located in the front section of the cul-de-sac, which is used on a daily basis by some of the traffic from the primary school for manoeuvring purposes. The amenity of this part of the street is already affected by overflow from the Beaumaris Primary School;
- Due to its location in the street the property is fairly isolated within its immediate locality, which significantly reduces the impact of any activity occurring at the site on its neighbours;
- The applicant is willing to control visitor times using a collection schedule for the collection of material. This addresses the neighbours' concerns regarding parking; and
- The business has been operating for a period of 17 months in its current form and intensity before an objection was received.

Although the application site is located in a part of the street that varies in character from a typical cul-de-sac due to its proximity to the school and the impact of the school traffic on it, measures are proposed to address potential parking problems at the premises.

This proposal is not supported for the following reasons:

- The traffic volumes generated by this proposal are unacceptably high; and
- The complaints received are evidence that this business interferes with the amenity of the residential neighbourhood.

RECOMMENDATION

That Council:

- 1 REFUSES the application submitted on 21 July 2000 by Mrs June F Llewellyn-Daly to conduct a Home Business Category 3 (Pamphlet Distribution) from Lot 1104 (3) Carroo Heights for the following reasons:**
 - (a) there is substantial evidence that the Home Business which is currently operating already has an adverse impact on the amenity of the residential area due to the frequency of vehicle movements and on-street car parking creating a road hazard for other road users;**
 - (b) the proposal does not reasonably comply with the Home Business Category 3 definition under the City of Joondalup Town Planning Scheme No 1;**
- 2 REQUESTS that the applicant cease the business activity from the above residential address, within one month.**

For the attachment to this report, see Appendix 13 at the rear of the agenda.

To access this attachment on electronic document, click here: [Attach13brf120900.pdf](#)

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REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 26 SEPTEMBER 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

DECLARATION OF INTEREST FORM, CLICK HERE: [declaration of interest.pdf](#)



City of
Joondalup

QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

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QUESTION

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Please place this form in the tray provided at the meeting or post to:

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

NOTE Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [Seatplan.pdf](#)