



*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, 24 SEPTEMBER 2002 AT 7.00 pm**

**DENIS SMITH**  
**Chief Executive Officer**  
**18 September 2002**

## **PUBLIC QUESTION TIME**

*Council allows for public question time at each Council meeting or Briefing Session which is opened to the public. Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the 'question tray' prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- *accept or reject the question;*
- *nominate a member of the Council and/or officer to answer the question; or*
- *determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following 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 should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

## **CODE OF CONDUCT**

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

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

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

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

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

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# CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 24 SEPTEMBER 2002** commencing at **7.00 pm**.

DENIS SMITH  
Chief Executive Officer  
18 September 2002

Joondalup  
Western Australia

## AGENDA

### 1 OPEN AND WELCOME

Invited Guest - Ms Kylie Wheeler, Gold & Silver Medallist – 2002 Manchester Commonwealth Games

### 2 PUBLIC QUESTION TIME

**The following question, submitted by Mrs M Macdonald, Mullaloo was taken on notice at the Council Meeting held on 3 September 2002:**

*Q1 Can Council direct me to that part of the Report in either Minutes of 23 November 1999 or 24 April 2000 that indicated to Councillors that they were changing the land area covered by policy 3.1.9 from residential areas to residential zones and also deleting the definition of residential area?*

*A1 Reports presented to both the meeting of the Joint Commissioners of 23 November 1999 and the Council meeting of 26 April referred to bringing the policy in line with proposed District Planning Scheme No 2.*

*This resulted in the deletion of the definition for “Residential Area” as the previous policy made references to zones that would not form part of the (then) proposed District Planning Scheme No 2.*

**The following questions, submitted by Mr M Caiacob, Mullaloo were taken on notice at the Council Meeting held on 3 September 2002:**

*Q1 Re: Policy 2.6.3 – Public Participation – Did Administration take into account Policy 2.6.3 prior to preparing the report for Council and has this policy been developed into a strategy at this stage?*

- A1 Yes. The advertising parameters proposed in the DPS embrace the same principles as espoused in Policy 2.6.3. The consultation approach to the application resulted in over 2,000 public opinions being lodged. The policy has not been developed into a strategy at this time.
- Q2 *Re: Policy 2.5.1 – Commercial Usage of Beach Front and Beach Reserves – Will the mobile vending and Surf Club kiosk services at the Mullaloo Beach be allowed to continue and will they be re-licensed if in the future they interfere with the commercial activities at the Tavern site?*
- A2 Any applications for services of this type by the Surf Club will be determined on the individual merits of each service.

**The following questions, submitted by Mr D Newton, Mullaloo were taken on notice at the Council Meeting held on 3 September 2002:**

- Q1 *Does Council agree that the decision to approve the development of the Mullaloo Tavern with a shortfall of 45 carbays and a further 34 bays being located across the road in the beach goers carpark will put enormous parking pressures on the area which in turn will lead to pressure from Council to charge fees for parking?*
- A1 The Council adopted a resolution to support the development after considering a report which canvassed issues including parking and traffic. The application is supported by detailed studies that consider issues including vehicle accessibility and parking demand. There is no plan to charge fees for beach parking.
- Q2 *Are Councillors who voted for the redevelopment of the Mullaloo Tavern in full knowledge that the use of their discretion in relation to carparking and boundaries will create a dangerous environment for pedestrians and especially children prepared to accept personal responsibility for the potential grief they risk bringing to families in the years ahead?*
- A2 The traffic impact report and assorted information has concluded that the proposal is considered acceptable in terms of promoting safer vehicle circulation within the immediate area of the development site.

**The following question, submitted by Mr M Sideris, Mullaloo was taken on notice at the Council Meeting held on 3 September 2002:**

- Q1 *Re: CJ204-08/02 – Redevelopment of the Mullaloo Tavern – Why weren't the provisions of the Residential Planning Code 1991 applied or reported to when dealing with the application especially with respect to setback, carparking, open space, pedestrian access, additional facilities and amenities?*
- A1 The provisions of the Residential Planning Codes 1991 were not used as this proposal is a mixed development (residential and commercial) contained on land zoned "Commercial" under DPS2. The provisions of Clause 4.3.1 and other relevant provisions of DPS2 were applied in considering setbacks, carparking, etc.

**The following question, submitted by Mr S Grech, Ocean Reef was taken on notice at the Council Meeting held on 3 September 2002:**

*Q1 Re: Council Policy – Payment of Childcare Expenses for Councillors who are attending a Council Meeting – Is it Council policy that a Councillor can pay their spouse or another child to look after their children when they attend meetings and will reimburse them for this? Do Councillors have to present an invoice or receipt for childcare expenses before being reimbursed and if not, why not? Has Council rejected a Councillor’s request for reimbursement for this type of expenses due to a lack of substance since January 2002 and if so who was that Councillor?*

A1 The current policy of the Council (as from May 2002) states that:

*"child care costs will not be paid for where the care is provided by a member of the immediate family or relative living in the same premises as the elected member".*

The policy also requires members that attend a Council related activity (other than a meeting of the Council) to provide a receipt where child care expenses are claimed. The requirement to provide a receipt has been in place since May 2002, and since that time when requested to do so all members have provided receipts to substantiate any child care expenses.

**The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the Council Meeting held on 3 September 2002:**

*Q1 Re: Debate regarding suspension of Standing Orders – Will Councillors be notified when the legal opinion is received and will they be given a copy of the questions and answers supplied by the lawyers?*

A1 All elected members were provided with a summary of the advice obtained.

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

**Leave of absence previously approved:**

|             |  |
|-------------|--|
| Cr Hurst    | 12 October 2002 to 19 October 2002 inclusive   |
| Cr P Kadak  | 2 September 2002 to 27 September 2002 inclusive  |
| Cr P Kimber | 20 September 2002 to 25 September 2002 inclusive<br>27 September 2002 to 6 October 2002 inclusive. |
| Cr A Walker | 12 November 2002 to 26 November 2002 inclusive   |

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

*Mayor Bombak stated his intention to declare a financial interest in Item CJ228-09/02 – Joondalup Business Incubator Project as he is a Director of the Business Incubator Steering Committee.*

*Manager, Strategic and Corporate Planning stated her intention to declare a financial interest in Item CJ228-09/02 – Joondalup Business Incubator Project as she is Treasurer of the Business Incubator Steering Committee.*

*Cr O'Brien stated his intention to declare a financial interest in Item CJ229-09/02 – Warrant of Payments – 31 August 2002 (Voucher No 41967 – Chubb Electronic Security and Voucher No 41975 – Chubb Protective Services P/L) – as Chubb Security has taken over an FAI Extra Watch security at his residence.*

#### **5 CONFIRMATION OF MINUTES**

##### **MINUTES OF COUNCIL MEETING – 3 SEPTEMBER 2002**

At the Council meeting held on 3 September 2002, the following item C114-09/02 – “Suspension of Standing Orders Local Law – Clause 4.4” was Moved By Cr Baker and Seconded by Cr Kimber:

*“That, in accordance with Clause 8.1 of the City's Standing Orders, and in order to avoid an abuse of Council's processes under Standing Orders, so much of Clause 4.4 be suspended to the next ordinary meeting of Council to be held on 24 September 2002 insofar as it relates to a fresh motion to rescind CJ204-08/02.”*

This Motion was voted on and declared Carried by a simple majority (7/6).

Legal advice has been received which indicates that, in accordance with Clause 8.1 of the City's Standing Orders Local Law, a motion to suspend Standing Orders shall not be declared carried unless an absolute or two-thirds majority vote is achieved (whichever is the lesser).

As the above motion did not achieve the required majority, no further action will be taken in relation to the motion.



## **RECOMMENDATION**

### **That:**

- 1 Council NOTES that no further action is to be taken in relation to Item C109-09/02 – Suspension of Standing Orders – Clause 4.4” as the required majority vote was not achieved;**
- 2 the Minutes of the Council Meeting held on 3 September 2002, be confirmed as a true and correct record.**

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

## **7 PETITIONS**

### PETITION IN SUPPORT OF CARAVANS BEING PARKED ON VERGE AREAS, RANFORD WAY, HILLARYS – [21481]

A 42-signature petition has been received from Ranford Way, Hillarys residents indicating they have no objection to the parking of caravans on brick paved areas outside certain residences in Ranford Way, Hillarys.

This petition will be referred to Infrastructure & Operations for action.

## **8 REPORTS**

## **CJ226 - 09/02      CITY OF JOONDALUP MAY 2003 ORDINARY ELECTIONS – [17518] [29068]**

**WARD - All**

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### **PURPOSE**

To decide whether the City will conduct the May 2003 ordinary elections as an in person or postal election and whether the Electoral Commissioner will be responsible to conduct those elections.

### **EXECUTIVE SUMMARY**

The City has received a letter from the Western Australian Electoral Commission requesting notification on whether or not the City would be conducting a postal vote in the upcoming May 2003 elections. The letter also acts as the agreement from the Electoral Commissioner to conduct the election.

The City's 2001 elections were conducted by post with a voter turnout of approximately 29.7%, which was a 1.5% increase on the inaugural City of Joondalup elections.

Funds have been made available in this year's budget. This report recommends that the City of Joondalup conducts the May 2003 elections as a postal election and declares the Western Australian Electoral Commissioner responsible to conduct the City of Joondalup elections.

### **BACKGROUND**

As a result of recommendations made by the Royal Commission into the former City of Wanneroo, the inaugural elections of the City of Joondalup were conducted by means of a postal election. The change from in person to postal elections in 1999 revealed an increase of the voter participation rate from 6.51% in 1997 to 28.2% in 1999.

Following the success of the inaugural elections Council decided to conduct the 2001 elections and referendum again as postal. The voter participation rate for the 2001 elections and referendum was 29.7%, an increase of approximately 1.5% on the inaugural elections.

The cost of the 2001 election and referendum was \$215,000, which equates to a cost of approximately \$2.15 per elector. The costs of the 2001 elections were as follows:

|   | <b>Description</b>             | <b>Amount<br/>\$</b> |
|---|--------------------------------|----------------------|
| 1 | Returning Officer fees         | 1,853.65             |
| 2 | Head Office allocation (Total) | 91,072.00            |
| 3 | Casual staff                   | 7,099.00             |
| 4 | Postage mail out               | 33,543.10            |
| 5 | Postage reply paid             | 12,044.37            |
| 6 | Rolls                          | 507.38               |
| 7 | Advertising                    | 2,498.78             |
| 8 | Printing                       | 52,400.24            |
| 9 | Scanning Centre                | 13,981.23            |
|   | <b>Total (excluding GST)</b>   | <b>\$215,000.00</b>  |

## **DETAILS**

Local Government as an industry is now required to consult more with the community, encourage community participation and be more open and accountable for its actions. The City of Joondalup actively supports these requirements and considers elections to be an extremely important function and critical to achieving the above objectives.

### **Electoral Roll**

Should the City decide to conduct its election by post, the CEO will be required to supply the Electoral Commissioner with a copy of the owners and occupiers roll. The Electoral Commissioner will be responsible for co-ordinating all other aspects of the election. Past experience shows that staff here at the City would be invited in the issuing of replacement papers and other minor tasks.

The Local Government Act 1995 makes provisions for the persons to be eligible to vote at local government elections.

### **Electoral Commission**

Having the local government election process managed by the Western Australian Electoral Commission whose principal activity is to conduct elections, is generally accepted as being extremely positive for the following reasons:

- The election is conducted by professional staff appointed for that sole purpose;
- The election is overseen by an independent service provider with an in depth experience and adequate resources to perform the task;
- The appointment of the Electoral Commissioner to manage Local Government Elections removes any conflict of interest that may exist between elected members and the Returning Officer (which has been traditionally the Chief Executive Officer) and other local government officers appointed for the election.

The Western Australian Electoral Commission (WAEC) has given the City a cost estimate to conduct the May 2003 elections of \$249,000 (plus GST) to conduct the election. The cost is estimated on the following basis:

- 100,000 electors;
- 7 wards
- a mayoral election
- Response rate of 30%;
- 1 vacancy in each ward.

Included in the estimate is:

- Statutory advertising;
- Returning Officer and staff;
- Preparation of the mail out list;
- Election packages (Instructions, ballot papers etc);
- Printing and supply of electoral rolls of residents for the use of candidates; and

Fixed costs such as advertising, printing, mail out and Returning Officer fees are the major costs. The number of wards, candidates and elector turnout introduces variables.

Items not included in the estimate are:

- Non-statutory advertising
- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns; and
- Two local government staff members to work in the polling place on election day.

There will be the need for the City to undertake some intense local advertising in an effort to promote the election. There will also be an associated cost in preparation of the owners/occupiers roll. These costs have not been included in the estimate provided by the Western Australian Electoral Commission.

### **Statutory Provision:**

### **Legislative Requirements**

Section 4.61 of the Local Government Act 1995 enables the local government's elections to be held as either a "voting in person election" or a "postal election". The Act requires that prior to the 80<sup>th</sup> day before any election, the Council is to determine the mode by which the election will take place.

The "postal election" method of casting votes is by posting or delivering them to an electoral officer on or before Election Day, and must be carried out by the State Electoral Commissioner.

A "voting in person" election is one where the principal method of casting votes is by voting in person on Election Day but also allows for votes to be cast in person before Election Day or posted or delivered in accordance with regulations. The Chief Executive Officer and staff carry out a voting in person election unless another person is appointed as Returning Officer

If the City decides to conduct a “postal election” section 4.61 requires the following conditions be complied with:

- “(2) The local government may decide to conduct the election as a postal election (special majority required);
- (3) A decision under subsection (2) has no effect if it is made after the 80<sup>th</sup> day before Election Day;
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20 (4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration;
- (5) A decision made under subsection (2) on or before the 80<sup>th</sup> day before Election Day cannot be rescinded after that 80<sup>th</sup> day;
- (6) For the purpose of this Act, the poll for an election is to be regarded as having been held on Election Day even though the election is conducted as a postal election;
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.”

## COMMENT

There are now 49 Councils who exercise the right to conduct their elections as postal for the local government ordinary elections.

In 2001 the overall participation rate at postal elections was considerably higher than the statewide local government voter turnout figure. These higher turnout figures indicate that electors are more prepared to vote in postal elections. This has been the case for the City since the inaugural elections, which received 28.21% voter participation compared with the 6.51% recorded for the 1997 former City of Wanneroo elections.

It is therefore recommended to hold the 2003 elections for the City on Saturday, 3 May 2003 and request the Western Australian Electoral Commissioner responsible to conduct it by postal vote.

|                       |                        |
|-----------------------|------------------------|
| <b>Account No:</b>    | 11 10 13 131 4201 F114 |
| <b>Budget Item:</b>   | Elections              |
| <b>Budget Amount:</b> | \$240,000              |
| <b>YTD Amount:</b>    | \$                     |
| <b>Actual Cost:</b>   | \$249,000 (plus GST)   |

## VOTING REQUIREMENTS

Special Majority

## **RECOMMENDATION**

**That Council BY A SPECIAL MAJORITY in accordance with:**

- 1 Section 4.61(2) of the Local Government Act 1995, AGREES to conduct the May 2003 Election as a postal election to be held on Saturday, 3 May 2003;**
- 2 Section 4.20(4) of the Local Government Act 1995, DECLARES the Electoral Commissioner responsible for the conduct of the Election as detailed in (1) above.**

**CJ227 - 09/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]****WARD - All****PURPOSE**

To provide a listing of those documents executed by means of affixing the Common Seal for noting by Council.

Document: Contract  
Parties: City of Joondalup and Grove Financial Services  
Description: Execution of Contract No 086 –99/00 A and B  
Date: 08.07.02

Document: Contract  
Parties: City of Joondalup and Dalcon Construction P/L  
Description: Contract for the Mullaloo Surf Club additions  
Date: 08.07.02

Document: S.70A  
Parties: City of Joondalup and Joanne and Marc Puttins  
Description: Notification for Lot 6 (4) Retreat Cove, Woodvale  
Date: 10.07.02

Document: Copyright  
Parties: City of Joondalup and Jean Lang  
Description: Recording of historical importance  
Date: 10.07.02

Document: Legal Deed  
Parties: City of Joondalup and Peet & Co  
Description: Provision of road interface – Lot 9005 Kinross Drive, Kinross  
Date: 15.07.02

Document: Structure Plan  
Parties: City of Joondalup and Western Australian Planning Commission  
Description: University Village Structure Plan  
Date: 23.07.02

Document: Copyright  
Parties: City of Joondalup and Norma Spencer  
Description: Recording of historical importance  
Date: 25.07.02

- Document: Agreement  
Parties: City of Joondalup and Lattimore Holdings t/as Kerb Qic & Co  
Description: Contract for the supply and laying of concrete kerbing (Contract No 035-01/02)  
Date: 29.07.02
- Document: Copyright  
Parties: City of Joondalup and Barbara and Richard Pursell  
Description: Recording of historical importance  
Date: 30.07.02
- Document: Agreement  
Parties: City of Joondalup and Nita Gouges  
Description: Workers Compensation Claim  
Date: 06.08.02
- Document: Application  
Parties: City of Joondalup and Commonwealth Bank  
Description: Group Accommodation Service facility  
Date: 06.08.02
- Document: Agreement  
Parties: City of Joondalup and Delkara Pty Ltd  
Description: Agreement and removal of S.70A – Lot 19 Halliday Grove  
Date: 12.08.02
- Document: Copyright  
Parties: City of Joondalup and Maureen Batten  
Description: Recording of historical importance  
Date: 12.08.02
- Document: Copyright  
Parties: City of Joondalup and Coral Green  
Description: Recording of historical importance  
Date: 15.08.02
- Document: Copyright  
Parties: City of Joondalup and Margaret Bush  
Description: Recording of historical importance  
Date: 15.08.02
- Document: Easement  
Parties: City of Joondalup, Roman Catholic Archbishop of Perth and Davidson Pty Ltd  
Description: Easement over Deposited Plan 32771  
Date: 15.08.02



Document: Caveat  
Parties: City of Joondalup and Mr and Mrs MacAulay  
Description: Withdrawal of Caveat – Lots 6/7 Davallia Road, Duncraig  
Date: 16.08.02

Document: Caveat  
Parties: City of Joondalup  
Description: Withdrawal of Caveat – Lot 1552 Kinross Drive, Kinross  
Date: 16.08.02

Document: Copyright  
Parties: City of Joondalup and Jack and Zena Brody  
Description: Recording of historical importance  
Date: 19.08.02

Document: Copyright  
Parties: City of Joondalup and Bill Greene  
Description: Recording of historical importance  
Date: 19.08.02

Document: S.70A  
Parties: City of Joondalup and John and Kerry Collings  
Description: Lot 337 on Plan 15717  
Date: 22.08.02

Document: Copyright  
Parties: City of Joondalup and Jean McWilliams  
Description: Recording of historical importance  
Date: 27.08.02

Document: Copyright  
Parties: City of Joondalup and Catherine Toop  
Description: Recording of historical importance  
Date: 27.08.02

Document: Structure Plan  
Parties: City of Joondalup and Western Australian Planning Commission  
Description: Iluka Structure Plan  
Date: 28.08.02

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

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

*Mayor Bombak stated his intention to declare a financial interest in Item CJ228-09/02 – Joondalup Business Incubator Project as he is a Director of the Business Incubator Steering Committee.*

*Manager, Strategic and Corporate Planning stated her intention to declare a financial interest in Item CJ228-09/02 – Joondalup Business Incubator Project as she is Treasurer of the Business Incubator Steering Committee.*

## **CJ228 - 09/02      JOONDALUP BUSINESS INCUBATOR PROJECT - [51024] [03082]**

**WARD - Lakeside**

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### **PURPOSE**

The purpose of this report is for Council to consider two requests from the Business Development Association (North West Metropolitan) Inc for:

- 1      The secondment from Council of a suitable existing employee to fill the role of Incubator Coordinator for a period of some three months; and
- 2      The granting of an agreed Council contribution of \$35,000 to be made unconditional to enable employment of a suitable manager to ensure the business incubator building can be operational.

### **EXECUTIVE SUMMARY**

The Business Development Association (North West Metropolitan) Inc has requested Council's assistance in providing secondment of a suitable employee for a period of some three months to act as Business Incubator Coordinator. Enquiries made indicate the City does not have an existing suitable employee available and therefore would not be able to assist with this request.

The second request relates to funding of \$35,000, included in the City's budget to be made unconditional. At the time of considering the initial application for \$70,000, the City's Budget Committee agreed to half the amount requested and applied several conditions. Those conditions were that:

- (a)    the funds be used for maximising low-cost high bandwidth telecommunications access for technology-focused business tenants; and
- (b)    the BEC Manager be relocated to the incubator and be responsible for coordinating its establishment and operation.

These two requests are made on the basis that it will be necessary to have or employ another person to coordinate the operations of the Business Incubator Centre. This represents a departure from the early understanding that the BEC Manager would be located at and have responsibility for the operations of the Business Incubator Centre. It is suggested that clarification be obtained as to why the BEC Manager cannot be relocated to the Business Incubator Centre where it would be expected provision of necessary mentoring and support could be best provided to persons establishing new businesses.

## **BACKGROUND**

It is understood that the construction costs of the Joondalup Business Incubator Centre will exceed the initial estimates by approximately \$85,000 and funds planned for meeting operational start up costs have been used to meet the shortfall.

As a means of addressing this situation the Business Development Association (North West Metropolitan) Inc has requested the City's assistance in meeting the operating start up costs which now include a manager/coordinator. The Business Development Association request the secondment from Council of a suitable existing employee to fill the role of Incubator Coordinator for a period of some three months, and the granting of a proposed Council contribution of \$35,000 to be made unconditional, for meeting general operational costs of the Incubator Centre.

### **Previous Consideration**

A request from the Business Development Association (North West Metropolitan) Inc for additional funding of \$70,000 for the Joondalup Business Incubator Project was considered by the City's Budget Committee at its meeting on 24 July 2002, where it was decided that the Budget Committee:

- “1 REJECTS the request for additional funding to the Business Incubator Project of \$70,000:
- 2 CONSIDERS a contribution of \$35,000 to the incubator project in the first half of the 2002/2003 financial year, with the understanding that this amount contributes to maximising low-cost high bandwidth telecommunications access for technology-focused business tenants;
- 3 that as a condition of the \$35,000 total funding assistance from the City, the project complies with the original proposal of relocating the BEC Manager to the incubator and who will be responsible for coordinating the establishment and operation of the incubator. (This is in keeping with Council's original agreement when it agreed to contribute funding to the project).”

### **Initial Proposal to Establish a Business Incubator**

In a report prepared by the City's Co-ordinator Sustainable Development for the Budget Committee to consider the initial request of \$70,000, referred to the original Business Plan (Dated November 1999) whereby it was proposed that the BEC Manager would be relocating to the Incubator and taking responsibility for coordinating the establishment and operation of the facility. In the report it was suggested it should be noted that:

- “The North Metro BEC Manager is currently best placed in providing the services required of a business incubator as outlined in the contract arrangement with the Federal Government;
- All the existing or proposed business incubators operating in the Perth Metropolitan area have a resident BEC Manager acting in the role of Incubator Manager;
- The City substantially funds the operation of the North Metro Business Enterprise Centre (BEC) through a three year service agreement valued at \$53,251 in 2002/03;
- Council approved funding for the incubator (CJ074-04/00) on the understanding that “the Business Enterprise Centre will relocate to the incubator and that the BEC Manager will be responsible for coordinating the establishment and operation of the incubator.”

That report also indicated that the largest variable cost item is the full-time salary of the proposed Incubator Manager totalling over \$62,000.

It appears that this matter has not been effectively addressed by the Business Development Association other than by a paragraph in the correspondence requesting that Council agreed to the \$35,000 funding be made unconditional, as follows:

“It should be noted that the function of the Incubator Manager, which in part incorporates the Tenancy management of the building (and therein rent collection), is not, in the view of the committee, compatible with the operation of the Business Enterprise Centre Manager. Both operations have separate legal entities and Management Boards.”

### **Strategic Plan:**

Strategy 1.1 of the City’s Strategic Plan is to “Fulfil and maintain a regional role”. To achieve this we will create partnerships and facilitate networks for the benefit of the region.

Strategy 3.1 of the City’s Strategic Plan is to “Establish alliances with key stakeholders to identify opportunities to encourage and promote economic growth”. To achieve this the City will explore incentives to attract new business.

### **DETAILS**

Each member of the Executive Management team was asked if they had a suitable employee who could coordinate the activities of the Business Incubator and who would be available for secondment for some three months. In all instances the reply was in the negative.

### **Financial Implications:**

A funding allocation of \$35,000 has been included in the current year budget. Details are as follows:

|                       |                        |
|-----------------------|------------------------|
| <b>Account No:</b>    | 11.10.21.214.4401.F540 |
| <b>Budget Item:</b>   | F540                   |
| <b>Budget Amount:</b> | \$35,000               |
| <b>YTD Amount:</b>    | \$0                    |
| <b>Actual Cost:</b>   | \$0                    |

## COMMENT

In reviewing the information relevant to this budget allocation, it is considered that additional information should be requested from the North Metro Business Enterprise Centre to support their reasons for not relocating the BEC Manager at the Business Incubator Centre. Without some plausible explanation it is difficult to support the request for the \$35,000 to be used for employment of a person to coordinate activities at the Business Incubator Centre.

It is also considered that audited financial statements need to be provided by the recipient of any grant funding provided by Council to confirm that all the funds have been expended and that the funds were expended for the purpose they were provided.

This matter was previously considered by the City's Budget Committee and the minutes of the Committee were "noted" by Council. Whilst the intent of the Committee was clear, noting the minutes has resulted in a budget allocation of \$35,000 being made without any specific Council resolution or stipulation that the funds be conditional on their use. Therefore no rescission motion is required to make these funds un-conditional should that be Council's wish

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council ADVISES the Business Development Association (North West Metropolitan) Inc, that:**

- 1 the City does not have an existing suitable employee available for secondment and therefore cannot assist with the request for a secondment;**
- 2 the Business Enterprise Association be requested to provide Council with details as to why it considers that the relocation of the Joondalup BEC Manager to the Business Incubator is not compatible, when the majority of BEC Managers through out the Perth Metropolitan area are located at Incubator Centres;**
- 3 on provision of the explanation requested in 2 from the Business Enterprise Association, Council undertake to further consider the request to make funds set aside in the budget available to meet operational costs;**
- 4 the provision of any funds to the Business Enterprise Association be subject to providing an audited statement verifying what the funds have been expended on and confirming this to be for the purpose for which those funds were provided.**

*Cr O'Brien stated his intention to declare a financial interest in Item CJ229-09/02 – Warrant of Payments – 31 August 2002 (Voucher No 41967 – Chubb Electronic Security and Voucher No 41975 – Chubb Protective Services P/L) – as Chubb Security has taken over an FAI Extra Watch security at his residence.*

## **CJ229 - 09/02      WARRANT OF PAYMENTS – 31 AUGUST 2002 – [09882]**

**WARD - All**

### **PURPOSE**

The Warrant of Payments as at 31 August 2002 is submitted to Council for approval.

### **EXECUTIVE SUMMARY**

This report details the cheques drawn on the funds during the month of August 2002. It seeks Council's approval for the payment of the August 2002 accounts.

### **DETAILS**

| <b>FUNDS</b>  | <b>VOUCHERS</b> | <b>AMOUNT</b>           |
|---|-----------------|-------------------------|
|   |                 | \$            c         |
| Municipal   | 000317A-000346  | 14,610,317.03           |
| Director Corporate Services & Resource Management Advance Account | 041571-042227   | 6,244,412.56            |
| Trust Account   |                 | 0                       |
|   | <b>TOTAL</b>    | <b>\$ 20,854,729.59</b> |

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of August 2002, the amount was \$846,353.85.

The cheque register is appended as Attachment A to this Report.

## **CERTIFICATE OF THE ACTING DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT**

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$20,854,729.59 which is to be submitted to each Councillor on 24 September 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT

Acting Director Corporate Services & Resource Management

## **CERTIFICATE OF MAYOR**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$20,854,729.59 submitted to Council on 24 September 2002 is recommended for payment.

.....  
Mayor John Bombak

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 August 2002, certified by the Mayor and Acting Director Corporate Services & Resource Management and totalling \$20,854,729.59.**

| <b>FUNDS</b>   | <b>VOUCHERS</b>       | <b>AMOUNT</b>        |
|--|-----------------------|----------------------|
|  |                       | <b>\$ c</b>          |
| <b>Municipal</b>   | <b>000317A-000346</b> | <b>14,610,317.03</b> |
| <b>Director Corporate Services &amp; Resource Management Advance Account</b> | <b>041571-042227</b>  | <b>6,244,412.56</b>  |
| <b>Trust Account</b>   |                       | <b>0</b>             |
|  | <b>TOTAL \$</b>       | <b>20,854,729.59</b> |

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf170902.pdf](#)

## **CJ230 - 09/02      FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2002 – [07882]**

**WARD - All**

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### **PURPOSE**

The August 2002 financial report is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The August 2002 report shows a variance of \$2.3m when compared to the annual budget for the year.

This variance can be analysed as follows-

- The **Operating** position shows an operating surplus of \$40.0m compared to a budgeted operating surplus of \$38.7m at the end of August 2002, a difference of \$1.3m, due mainly to government grants received earlier than anticipated, and an under spend in materials and contracts for the year to date.
- **Capital Expenditure** for the year to date is \$0.1m and is on target as at the end of August 2002.
- **Capital Works** expenditure for the year to date amounted to \$0.8m against a budget of \$1.8m, an under spend of \$1.0m as at the end of August 2002. However, the City has committed expenditure through raised purchase orders of \$1.71m.

### **DETAILS**

The financial report for the period ending 31 August 2002 is appended as Attachment A to this Report.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council NOTES the Financial Report for the period ending 31 August 2002.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf170902.pdf](#)



## **CJ231 - 09/02 DELEGATED AUTHORITY - ACCEPTANCE OF TENDERS – [07032]**

**WARD - All**

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### **PURPOSE**

To seek Council's approval to amend the Delegated Authority Manual to allow the Chief Executive Officer (CEO) to:

- Accept valid tenders;
- Decline to accept any tender; and
- Select acceptable tenderer(s) from an expression of interest

where the value does not exceed \$250,000.

### **EXECUTIVE SUMMARY**

Approval is sought to increase the CEO's delegated authority limit in relation to tenders, from \$100,000 to \$250,000. Following a six month period operating with the higher delegated authority limit further analysis will be undertaken with a view of a further increase to \$500,000 for expenditure previously approved in the budget by Council.

The City's purchase of goods and services is undertaken in accordance with the Council approved budget. As Council has already considered the allocation of funds it is deemed that the related service and supply contracts present low risk.

The recommended increase in delegated authority levels for the CEO will provide benefits in relation to time, cost, increased certainty and consistency.

### **BACKGROUND**

The CEO currently has delegated authority to:

- Accept valid tenders;
- Decline to accept any tender; and
- Select acceptable tenderer(s) from an expression of interest;

where the value will not exceed \$100,000.

### **DETAILS**

The City undertakes the purchase of goods and services in accordance with the Council approved budget. These activities present low risk to the City as Council has given consideration to the allocation of the funds during the annual and half yearly budget deliberations and approved these expenditure items at this time.

The recommended increase of the delegated authority levels for the CEO will provide the City with:

- A shorter lead time from contract creation to implementation;
- Reduced administrative costs and overheads to both the City and prospective suppliers;
- Provide the private sector with increased certainty and responsiveness in dealing with the City;
- Provide consistency between the CEO delegated authority limit that positions ability to affix the Common Seal in executing contracts (also limited to \$250,000).
- An approach that is consistent with contemporary business practice.

Under the current delegated authority level of \$100,000, a substantial amount of Council time is taken up in the consideration of service and supply contracts. The table below shows tenders accepted between \$100,000 and \$250,000 during the 2001/02 financial year:

| <b>Contract No</b> | <b>Title</b>  | <b>Contractor</b>                             | <b>Value (Financial Year 2001/2002)</b> |
|--------------------|---|---|---|
| 003-01/02          | Supply & Delivery of Various Signs                                      | Road Safety Shop Pty Ltd<br>De Neeffe Pty Ltd | \$77,177.96<br>\$55,685.11              |
| 005-01/02          | Preliminary Works for Road Resurfacing & Traffic Management             | Stirling Paving                               | \$218,636.30                            |
| 007-01/02          | Supply & Repair of MGB Bins   | Brickwood Holdings Pty Ltd                    | \$110,253.44                            |
| 018-01/02          | Supply of Skid Steer Mini Loader  | BT Equipment                                  | \$129,000                               |
| 025-01/02          | Replacement of Exiting Asbestos & Soffit Sheeting                       | Numans Pty Ltd                                | \$183,620 +GST                          |
| 026-01/02          | On-Street Parking Embayments & Road Modifications                       | Works Infrastructure Pty Ltd                  | \$248,083 +GST                          |
| 027-01/02          | Design & Construction of Wheel Sports Facility                          | Skatetech WA                                  | \$103,785                               |
| 029-01/02          | Construction of Roundabout Hodges Drive/Constellation Drive, Ocean Reef | Pavement Technology Ltd                       | \$186,842 excluding GST                 |
| 031-01/02          | Supply Three Four Wheel Drive Dual Cabs                                 | Grand Toyota                                  | \$133,954                               |
| 032-01/02          | Supply One Watering Truck Without trade-in                              | Skipper Trucks/Raytone Motors                 | \$140,225                               |

Attachment A to this Report refers to changes required to the Register of Delegation of Authority.

### **Statutory Provision:**

Section 18 (1), (5) and Section 23 Local Government (Functions & General) Regulations 1996.

### **VOTING REQUIREMENTS**

Absolute Majority

## RECOMMENDATION

### That:

- 1 **Council BY AN ABSOLUTE MAJORITY ENDORSES the change, as outlined on Attachment A to Report CJ231-09/02, to amend the Delegated Authority Manual to authorise the Chief Executive Officer (CEO) to:**
  - **accept valid tenders;**
  - **decline to accept any tender; and**
  - **select acceptable tenderer(s) from an expression of interest**

**where the value does not exceed \$250,000;**
- 2 **further analysis be undertaken over the next six months to determine if a further increase to \$500,000 is warranted and a report submitted to Council.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf170902.pdf](#)*

**CJ232 - 09/02      AMENDED INVESTMENT POLICY – [69520] [87523]****WARD - All**

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**PURPOSE**

This report seeks Council's approval to amend its Investment Policy as detailed in Attachment "A" to this Report.

**EXECUTIVE SUMMARY**

The City at its July 2002 meeting appointed Grove Financial Services Pty Ltd as its investment advisors for the next three years. To enable the City to obtain the best possible returns on its investments it is recommended that Council approve the attached amended Investment Policy.

**BACKGROUND**

Section 6.14 of the Local Government Act 1995 states "that money held in the Municipal Fund or the Trust Fund that is not, for the time being, required for any other purposes may be invested in accordance with Part III of the Trustees Act 1962".

The Trustees Amendment Act 1997 repealed and replaced the whole of Part III of the Trustees Act which had listed the "authorised trustee investments" in which local governments were allowed to invest.

Section 17 (a) states that 'a trustee may, unless expressly prohibited, invest trust funds in any form of investment'. Section 18 (1) (b) states that 'a trustee shall exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons'.

Council at its meeting in July 2002 appointed Grove Financial Services Pty Ltd as its investment advisors for a three year period from 1 July 2002 in accordance with the terms and conditions of the tender. Since their appointment Grove Financial Services Pty Ltd have reviewed the City's investment policy and have suggested some changes which will bring better investment opportunities and returns to the City Whilst remaining within a low risk.

The City's original investment policy was updated in 1997 when "A" rated funds were not available in the market. Hence, under Section 6 of Council's existing investment policy, investments were restricted to funds with only a credit rating of AA.

Some "A" rated Cash Plus Funds which are now available on the market and are low risk investments are;

- Deutsche Cash Plus
- Macquarie Diversified Treasury Cash Plus
- UBS Credit Enhanced Cash Plus
- Westpac Enhanced Cash Plus

However, in the same policy under Section 7(a) headed “Diversification / Credit Risk” Council may invest in any security or fund with a minimum credit rating of A+ to A-.

These proposed changes will remove any confusion in the investment policy and provide a “low risk” alternative to improve the City’s investment performance.

## **DETAILS**

In order to comply with the “prudent person” requirements of the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and the Trustee Act the City must review its investment policy to enable Grove Financial Services Pty Ltd to advise senior management where to invest its surplus funds and obtain the best possible returns on its investments with acceptable risk parameters and at the same time ensure funds will be available within required timeframes.

It is proposed to update some sections of the City’s current investment policy to enable Grove Financial Services Pty Ltd to advise the best investment strategy available to the City.

### **Revised Investment Policy Recommendations**

#### **Section 1: Investment Objectives**

Amend clause (e) to include the UBSWA bank bills benchmark, which is the industry benchmark for money market portfolios. This would replace the 30 day swap rate which is not readily available and not a recognised benchmark index.

#### **Section 4: Authorised Investments**

Amend clause (f) to read: Cash, Cash-Plus or equivalent Managed Funds.

#### **Section 6: Investment with Fund Managers – Prudential Requirements**

This section is to be updated to allow for the use of “A” rated cash plus funds.

### **Statutory Provision:**

The Local Government 1995, section 6.14 “Power to Invest”.

- (1) Subject to the Regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested –
  - (a) in accordance with Part III of the Trustees Act 1962; or
  - (b) in an investment approved by the Minister on the advice and recommendation of the Treasurer.
- (2) Regulations in relation to investments by local governments may –
  - (a) provide for the manner in which an approval under subsection (1) (b) may be sought;

- (b) prescribe classes of investment which may be made without the need to comply with subsection (1) (b);
- (c) prescribe circumstances in which a local government is required to invest money held by it;
- (d) provide for the application of investment earnings; and
- (e) generally provide for the management of those investments.

The Local Government (Financial Management) Regulations 1996, section 19.

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of –
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

## COMMENT

Grove Financial Services provides investment advice to 110 Councils around Australia and has more than \$2 billion under advice. It is best qualified to advise Council on where to invest without putting the City's funds at risk. Grove Financial Services advises that the vast majority of local governments across Australia use "A" rated investment products and recommends this risk to all its local government clients. This risk advice is consistent with the Cities of Stirling, Belmont and Wanneroo.

The City has funds up to \$40m invested on advice from Grove Financial Services Pty Ltd and it is considered that this change in policy will marginally increase investment returns, allow for greater investment flexibility whilst remaining with high levels of security as evaluated by International Investment bodies.

Attachment (A) to this report is an amended Investment Policy for adoption.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council ADOPTS the amended Policy 2.4.2 - Investment Policy as detailed in Attachment (A) to Report CJ232-09/02.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf170902.pdf](#)

## **CJ233 - 09/02 TELEPHONE SERVICE PROVIDER - FIXED AND MOBILE – [16838] [19026] [00033]**

**WARD - All**

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### **PURPOSE**

The purpose of this report is to gain the approval of Council to enter into a Telecommunications Contract for Provision of Fixed and Mobile Telephone Services with Telstra Corporation (Telstra) to enable the City to continue to receive corporate discount rates on all calls. The value of this contract is estimated between \$300,000 and \$350,000 based on last financial years usage.

### **EXECUTIVE SUMMARY**

This report recommends that the City continues to use Telstra as its fixed and mobile telephone service provider, and details the process undertaken by WALGA to select Telstra for its whole of Local Government agreement.

### **BACKGROUND**

The City currently purchases its fixed and mobile telephone services from Telstra. Telstra also provides the digital link between the Duncraig Library and the Administration Centre and the Onramp service that allows Elected Members and staff to dial in to the City's computer network.

During the 2001/02 financial year the City made payments totalling \$333,329.40 to Telstra. Council staff have continually been monitoring the rates offered by other carriers and have recently been approached by two of Telstra's competitors. However as a result of a WALGA tender, Telstra has made an offer to the City for the supply of fixed (1 year) and mobile telephone (2 years) services from 30 September 2002.

### **DETAILS**

WALGA advertised for Expressions of Interest for the Provision of Telecommunication services and subsequently invited three organisations to tender. All three tendered but cannot be identified due to a confidentiality agreement signed by WALGA, but it advises that all three are well established and nationally recognised carriers.

The three tenders received were evaluated via the following selection criteria:

- Financial Viability
- Price
- Commercial Strength
- Local Account Management
- Whether they were a wholesaler or retailer
- Other Value Adding Products
- Service Standards
- Network Coverage
- Ability to Service Local Government as a whole

During the evaluation Telstra was significantly challenged on price, and an external consultant was engaged to provide comment, analysis, and testing. Details of the pricing that the City can expect as a result of this tender are as follows:

### **Fixed Services**

|  |  |
|--|--|
| Local Calls from OnRamp 10,20,30<br>(Council has an OnRamp 20 & 30)                            | 11 cents per call untimed  |
| Local Call from PSTN<br>(Analogue Lines used by small companies<br>and residential properties) | 15 cents per call untimed  |
| Neighbourhood Calls  | 13.5 cents per call untimed  |
| STD Calls to anywhere in Australia   | 10 cents per minute with no flagfall                                       |
| Fixed to Telstra Mobiles   | 21 cents per minute and 9 cents call<br>connection any time of the day     |
| Fixed to Non Telstra Mobiles   | 31 cents per minute and 9 cents per call<br>connection any time of the day |

All timed calls are charged by the second

### **Mobile Services**

\$10 monthly access fee inclusive of \$5 calls.

New peak call rates (9-5 PM, Monday to Friday), that have been reduced by 28% to 24.6 cents per minute, charged by the second.

### **Statutory Provision:**

The City is not required to advertise a public tender where:

The Local Government (Functions and General) Regulations 1996 Part 4, s11 (2) (b) states:

*“Tenders do not have to be publicly invited according to the requirements of this Part if –  
(b) the supply of goods or services is to be obtained through the Council Purchasing Service  
of WAMA.”*

### **COMMENT**

The use of the agreement negotiated by WALGA is a cost effective shared services solution and way for the City to meet its statutory obligations under the statutory provision listed above.



The City's bargaining power and ability to obtain best value for money is enhanced by the use of this whole of Local Government agreement based on a call volume of 11,000,000 telephone calls. Telstra has undertaken to remain price competitive through the period of this agreement.

If the City does not enter into an agreement with Telstra by 30 September 2002, there is a possibility that its call rates will revert to normal retail rates causing increased expenditure. The City should, over the term of this contract, consolidate its telecommunication requirements and pursue a public tender provided that there is no similar agreement(s) entered into by WALGA.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council AUTHORISES the signing of contract documents for the Provision of Fixed and Mobile Telephone Services with Telstra Corporation.**

## **CJ234 - 09/02      2002/03 STATE BLACK SPOT PROGRAM – ADDITIONAL FUNDING – [08151]**

**WARD - All**

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### **PURPOSE**

The purpose of this report is to seek Council approval to contribute one third funding for additional projects which have been approved as part of the 2002/03 State Black Spot Program.

### **EXECUTIVE SUMMARY**

In October 2001, Council considered a report in relation to the City's submissions to the 2002/03 State Black Spot Program. At that time Council resolved to support submission of the projects for consideration as part of the 2002/03 State Black Spot Program.

In January 2002, short listed projects formed the basis of the City's Draft 2002/03 Capital Works Program. These projects were subsequently listed for consideration and adopted as part of the budget process for completion as part of the City's 2002/03 Capital Works Program.

In August 2002, the Honourable Minister for Police and Emergency Services announced the successfully funded projects for 2002/03. A comprehensive list of the approved projects including total project costs, State Black Spot Program funding contribution and the mandatory one third Council contribution are shown on Attachment 1.

In addition to the nine (9) projects (\$540,000) included as part of the 2003/04 Capital Works Program, an additional (8) projects totalling \$530,000 have also been approved in the State black Spot Program for funding. In accordance with the State Black Spot funding criteria, these projects would require an additional \$176,667 contribution from Council.

*Therefore this report recommends that Council:*

- 1      *APPROVES the funding of the additional projects as shown on attachment 1 to this Report for the 2002/03 State Black Spot Program;*
- 2      *AUTHORISES BY AN ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995, the following amounts be re-allocated to the State Black Spot Program 2002/03:*
  - *\$39,000 from Project No. 6345 Beach Road Drainage*
  - *\$36,000 from Project No. 6346 Goollelal Drive Drainage*
  - *\$25,000 from Project No. 6149 Bahama Close Drainage*
  - *\$50,000 from Beach Road / Lloyd Drive Median*
  - *\$26,700 from Project No. 6427 Goollelal Drive Traffic Treatment*
- 3      *ADVISES Main Roads WA accordingly.*

## **BACKGROUND**

In October 2001, Council considered a report in relation to the City's 2002/03 State Black Spot Program. At that time Council resolved to support submission of the projects for consideration as part of the 2002/03 State Black Spot Program.

In Jan 2002, a preliminary list of all projects was made available prior to final approval to allow individual Council's to include short listed projects as part of their draft 2002/03 Capital Works Programs. These projects were subsequently listed and adopted by Council as part of the budget process for completion as part of the City's 2002/03 Capital Works Program.

## **DETAILS**

In August 2002, the Honourable Minister for Police and Emergency Services announced the successfully funded projects for 2002/03.

A comprehensive list of the proposed projects including total project costs, possible State Black Spot Program funding and the mandatory Council contributions should funding be approved are shown on Attachment 1 to this Report.

In addition to the anticipated nine (9) projects an additional six (8) projects have been approved for funding. In accordance with the State Black Spot funding criteria, these projects would require an additional \$176,667 contribution from Council.

### **Financial Implications:**

It is proposed to use funds available from savings from completed carry forward projects and from the approved Traffic Management Program to enable these additional projects to be constructed. Funds have been approved in the budget for a proposed median opening on Beach Road at Lloyd Drive. The City of Stirling has advised that in consulting residents of Beach Road they have raised objections to this proposal. The City of Stirling has therefore suggested investigation of alternative options.

As this investigation and further consultation is likely to take a period of time it is considered that this City's contribution of \$50,000 for this project can be made available for the additional Black Spot funding.

The funding of a proposed treatment at Beach Road and Lloyd Drive can be further considered at the half year budget review or as part of next year's budget deliberations.

While the additional Black Spot projects may be re-submitted as part of the 2003/04 Program, there is no guarantee that these projects will be funded.

Whilst the contribution of \$176,500 from Council will assist in it receiving the Black Spot Funding to enable new projects of \$530,000 to proceed, it must be recognised that by utilising Council funds of \$176,500 in this manner precludes the funding being used for other purposes that might normally be identified as part of the half year budget process.

## COMMENT

It is noted that the 2002/03 State Black Spot Programme has realised additional funds for redistribution to reserve projects as a result of recently identified surpluses from previous programmes or from cancellation of projects submitted by other councils.

In order to meet the mandatory funding criteria, the additional projects will require a 1/3<sup>rd</sup> contribution from Council. A maximum contribution of \$176,667 is required to satisfy the criteria.

Given that the approved projects may not be funded if they are re-submitted as part of the 2003/04 Program, co-funding the projects as part of the current Capital Works Program would be the preferred option.

On this basis, re-allocation of the additional funding from savings within the following projects is recommended for consideration.

|               | <b>Project No.</b> | <b>Project</b>                    | <b>Available Funds</b> | <b>Status</b>  |
|---------------|--------------------|-----------------------------------|------------------------|--|
| Carry Forward | 6346               | Goollelal Drive Drainage          | \$36,000               | Contract Completed                                       |
| Carry Forward | 6345               | Beach Road Drainage               | \$39,000               | Completed<br>(City of Stirling)                          |
| Carry Forward | 6149               | Bahama Close Drainage             | \$25,000               | Interim Drainage<br>Works Completed                      |
|               | 6411               | Beach Road / Lloyd Drive Median   | \$50,000               | Community Objection<br>– Residents<br>(City of Stirling) |
|               | 6427               | Goollelal Drive Traffic Treatment | \$26,700               | Works Completed  |
|               |                    |                                   | \$176,700              |  |

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

### That Council:

- 1 **APPROVES the funding of the additional projects as shown on Attachment 1 to Report CJ234-09/02 for the 2002/03 State Black Spot Program;**
- 2 **AUTHORISES BY AN ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995, the reallocation of the following amounts to the State Black Spot Program 2002/03:**
  - **\$39,000 from Project No. 6345 Beach Road Drainage**
  - **\$36,000 from Project No. 6346 Goollelal Drive Drainage**
  - **\$25,000 from Project No. 6149 Bahama Close Drainage**
  - **\$50,000 from Beach Road / Lloyd Drive Median**
  - **\$26,700 from Project No. 6427 Goollelal Drive Traffic Treatment**
- 3 **ADVISES Main Roads WA accordingly.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf170902.pdf](#)*

**CJ235 - 09/02 FINAL ADOPTION OF PROPOSED AMENDMENT TO POLICY 3.2.6 – SUBDIVISION AND DEVELOPMENT ADJOINING AREAS OF PUBLIC SPACE – [44588]**

**WARD - All**

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**PURPOSE**

Council is requested to consider the final adoption of an amendment to City of Joondalup Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space.

**EXECUTIVE SUMMARY**

Council is requested to consider a minor modification to Policy 3.2.6, proposed in response to the practical application of the policy.

The main change to the policy is the deletion of the following clause:

*“Whilst not desirable, the City acknowledges that there will be situations where lots directly abut areas of public space. In these instances, the boundaries of the lots and areas of public space need to be clearly demarcated and for this reason, a minimum one metre difference should be provided between the finished ground level of the area of public space and the finished ground level of the abutting lots. Such differences in finished ground level provide increased privacy and security for those living on the abutting properties.”*

The proposed amendment to the policy is considered to be minor in nature and does not alter the purpose and intent of the existing policy. In addition the policy does not intend to impinge on areas of existing or proposed public space. It is considered that the amendment to the policy will ensure that the City achieves the best possible design outcome in the development of new subdivisions and the development of non-residential sites and should therefore be adopted for final approval.

It is considered that a satisfactory outcome can be achieved through the provision of a public or private road which will provide for a clear demarcation between the private property and the public space. The road facilitates access to the public space and encourages outlook onto and casual surveillance of the space whilst maximising the security of the adjoining private property.

In response to the submissions received it should be noted that this policy will only apply to new subdivision and development including the development of non-residential sites such as a commercial premises where it is considered appropriate that a road or access way solely within that site will ensure that the building is set back adequately from the boundary and that access to the public space is not impeded. The policy change will have no bearing on subdivision or developments approved prior to this policy being adopted or on existing residential developments.

It should be noted that it is not the intention of the policy to reduce the amount of public open space provided by a developer during application for subdivision. Nor is it the intention of the policy that the construction of a road impose in any way on public space.

It is recommended that the amended policy be adopted for final approval (Attachment 2 to this Report).

## **BACKGROUND**

Council adopted the proposed amended policy for advertising purposes on 23 July 2002. The current policy which is the subject of review was considered and adopted for advertising by Council at its meeting on 9 May 2000 (CJ103-05/00) and adopted for final approval on 7 July 2000 (CJ182-07/00).

## **DETAILS**

### **Statutory Provision:**

Clause 8.11 of the City's District Planning Scheme No 2 allows Council to prepare Local Planning Policies for areas within the Scheme boundary and to amend those policies where required.

### **Consultation:**

The amended policy was advertised for a period of 21 days between 1 August 2002 and 22 August 2002. A total of 9 written submissions were received from members of the local community. Of the submissions received all opposed the changes (Attachment 1 to this Report).

The concerns raised in the submissions are detailed below:

#### Policy Area

Some concern has been raised regarding the requirement for further clarification as to what the policy area relates to.

#### Consultation

Concern has been expressed regarding the need for consultation where landowners may be affected by a proposed new road.

#### Public Open Space

Concern has been expressed about the reduction of public space (public open space in particular), where the policy has been interpreted to mean that a reduction in public space will occur as a result of a road being developed as a demarcation between private properties and public space. Reference has been made to the Special Electors Meeting where the importance of public open space has been raised by the community and Council.

## Roads and Existing Development

Concern has been expressed with regard to the development of roads in existing residential areas. Concern has been expressed as to the impact of the proposed change on the redevelopment of already established areas.

The submissions have been summarised and addressed in the attached schedule – refer to Attachment 1 to this Report.

### **Policy Implications:**

The amended policy proposes to delete paragraph 2 of section 1 under the heading Subdivision Guidelines and sub heading Subdivision Design, in order that the policy will no longer provide an option for the provision of a 1.0 metre land level difference as an alternative to providing a street interface.

The amended policy also clarifies what type of road interface is required between lots and adjoining areas of public space and allows for the road interface to take the form of a private road where commercial or community sites are involved. This means that where a non-residential development is proposed, a road provided solely within the private site i.e. as part of a car parking area, is to be provided to ensure that buildings are adequately set back from the boundary so as not to impede pedestrian access between the public space and the private property. Previously a difference in land level of 1.0 metre would make it difficult for people to have safe and easy access to the public space from the private site.

### **COMMENT**

The following comments are made with respect to the issues raised:

#### Policy Area

The policy states that the policy relates to future subdivision and development which abuts areas of public space and outlines what constitutes public space. Whilst it is not recommended that the policy be further amended it can be clarified that the inclusion of a road in a development would only be necessary in the development of new subdivisions which include areas of public space. Existing or established subdivisions where development currently surrounds public space would not be affected by this policy. It is not the intention of the policy to create new roads during redevelopment of lots in established areas.

#### Consultation

In accordance with the City's District Planning Scheme No 2, where a development proposal is likely to significantly affect a landowner, they will be notified accordingly. In the implementation of this policy however, a road would not be proposed abutting a public space in an already established area and would therefore not affect any adjoining landowners.



## Public Open Space

Where a new residential subdivision or development is proposed which includes an area of public open space, the inclusion of a public road will not mean that the area of public open space will be reduced. It is not the intention of the policy to reduce areas of public space by requesting that a road be included. A road will not be constructed on existing public open space.

The demarcation between the public and private realm by the incorporation of a public road or street is considered to be a good planning outcome. A road interface ensures that the public space is accessible to all potential users and not just the advantaged few who are lucky enough to live adjacent to it. A road interface also encourages passive surveillance of the space by drivers and pedestrians using the road as well as by residents living opposite. The concept of developments designed in this way is widely recognised as being advantageous. Creating a demarcation through a land level difference is likely to make the space less accessible for use by all members of the community including cyclists, those pushing prams and wheelchair users.

## Roads and Existing Development

Concern has been expressed through some of the submissions that the policy will mean that new roads will be constructed in already established residential areas following the redevelopment of a dwelling or subdivision of a lot. The policy is intended only to apply to the subdivision or development of new residential areas where areas of public space are likely to be proposed. The City would not be requesting new roads to be constructed over existing areas of public open space within established areas.

It is considered that the proposed amendment to the policy is reasonable and would provide for the best possible planning outcome in the development of new subdivisions and the development of commercial or community purpose sites (i.e. non-residential development). The deletion of the 1.0 metre difference in land levels is recommended due to the difficulties which can arise in requesting developers to provide this, especially on flat sites and the fact that public spaces are less accessible.

It is recommended that the amended policy be adopted for final approval.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council ADOPTS amended Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space as per Attachment No 2 to Report CJ235-09/02.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf170902.pdf](#)*

## **CJ236 - 09/02      REQUEST TO CLOSE THE PEDESTRIAN ACCESSWAY BETWEEN TRINITY WAY AND KILBURN RISE, KINGSLEY – [84519]**

**WARD -**    South

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### **PURPOSE**

Council is requested to consider the proposed closure of a pedestrian accessway (PAW) located between No 19 and No 21 Trinity Way and No 17 and No 16 Kilburn Rise, Kingsley. The PAW leads from Trinity Way to Kilburn Rise. See Attachment 1 to this Report.

### **SUMMARY**

An application to close the PAW has been received by the City from one of the adjoining landowners. The landowner requests that the PAW be closed due to the repeated incidents of vandalism and anti-social behaviour that are taking place within the PAW and surrounding residential area. The applicant states that the PAW does not serve as a through connection to another street, and due to there being two other PAWs in very close proximity questions the necessity for it to remain.

The closure of the PAW was considered previously by Council and it was resolved not to support the closure due to the PAW providing a connection between the properties to the north and north-east of Trinity Way and the community facilities along Creaney Drive.

The City's Pedestrian Accessway Policy provides parameters for evaluation of the request for closure. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated as low, medium or high and a recommendation made whether to support closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on access to local community facilities within 400 metres. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment examines the information provided by surrounding residents to determine the PAW's level of use.

In this case, the Urban Design Assessment, Nuisance Impact Assessment and Community Impact Assessment are all rated as medium, low and medium respectively. Based on these ratings, the proposal accords with Case 5 of the Pedestrian Accessway Policy, therefore it is recommended that the closure of the PAW between Trinity Way and Kilburn Rise not be supported.

### **BACKGROUND**

Council has previously considered applications for the closure of each PAW leading from Acton Rise, Kilburn Rise and Stoke Rise through to Trinity Way (Refer Attachment 1), on the grounds that the PAWs were not needed and were used by 'loitering' teenagers. The first application was considered by Council in April 1988. When the subject applications were considered there were only two developed residential lots adjoining each PAW, as the land to

the rear was undeveloped and no lots were created fronting Trinity Way. When the new subdivision and lots were created along Trinity Way provision was made for the connection of the PAWs to the new subdivisional road system. In relation to all three applications, Council resolved not to close the PAWs (Report Nos. C20542, E20340, F20252 refer) and determined that they should be retained to provide access to the school, recreation reserve, shopping centre and medical centre on Creaney Drive.

|                         |   |
|-------------------------|---|
| <b>Suburb/Location:</b> | Kingsley  |
| <b>Applicant:</b>       | Mr J and Mrs D Jones  |
| <b>Zoning:</b>          | <b>DPS:</b> Residential   |
|                         | <b>MRS:</b> Urban   |
| <b>Strategic Plan:</b>  | Lifestyle – Strategy 2.6<br>Promote and enjoy lifestyles that engender environmental, social and economic balance |

## DETAILS

### Current Proposal or Issue

The request for closure of the PAW by the adjoining landowners is based on reported incidents of vandalism and anti-social behaviour occurring in the PAW.

There is existing service infrastructure within the PAW belonging to Western Power. Should the PAW be closed this would require modification and an easement to protect the modified plant.

Three of the adjoining landowners have agreed to acquire the land and meet the associated costs and conditions.

### Site Inspection

The site inspection revealed a clean, well maintained PAW with no evidence of graffiti (Attachment 5 to this Report). Clear sightlines are slightly impeded by a bend in the fence line, however there are light poles at either end of the PAW.

### PAW Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessway Policy helps guide the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW and pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

Prior to DOLA considering closure of a PAW it is necessary for the Department for Planning and Infrastructure (DPI) to support closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view but this is done only if Council supports an application. If the DPI does support the proposal then DOLA are requested to close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

**Consultation:**

Consultation was by way of a notification sign at each end of the PAW for a period of thirty days from 11 June 2002 until 11 July 2002 and a questionnaire forwarded to residents living within a 400-metre radius of the subject PAW. Attachment Nos 2, 3 and 4 summarise the information from the returned questionnaires in relation to this application.

**Policy Implications:**

This City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare policies relating to planning or development within the scheme area. The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for the closure of PAWs.

As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support closure or not. Where points in the ratings do not match exactly with the assessment results, comments supporting the chosen rating will be provided in italics.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres to local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

**COMMENT**

Assessment and Reasons for Recommendation:

**Urban Design Assessment**

The subject PAW is considered to be a direct link to community facilities, including the public reserve (Kingsley Park), Creaney Primary School and Kingsley Shopping Centre. The subject PAW is not part of a 'chain' of PAWs, significant with regard to the City's Bike Plan, or part of the "Safe Routes to School" programme.

The applicant states that the PAW does not connect to a street and due to the proximity of the other two PAWs in close proximity questions the necessity for it to remain open. Should the subject PAW be closed the walking distance to these community facilities may remain the same for the majority of residents in the area due to the existence of the PAWs between Trinity Way and Acton Rise and Trinity Way and Stoke Rise.

The level of use of the PAW is moderate with 32 residents of the 77 that returned the questionnaires advising that they use the PAW. Of the 32 users of the PAW, 21 advised they would be inconvenienced if closure were supported. A medium rating is considered the most appropriate as Policy 3.2.7 states:

| <b>Policy Parameters – Medium</b>   | <b>Analysis Results</b>   |
|---|---|
| <ul style="list-style-type: none"> <li>• PAW provides a route to community facilities.</li> </ul>   | <ul style="list-style-type: none"> <li>• This is supported</li> </ul> |
| <ul style="list-style-type: none"> <li>• An alternative route exists but some inconvenience.</li> </ul>   | <ul style="list-style-type: none"> <li>• This is supported</li> </ul> |
| <ul style="list-style-type: none"> <li>• PAW not designated as a ‘safe route to school’ or significant with regard to the bike plan.</li> </ul> | <ul style="list-style-type: none"> <li>• This is supported</li> </ul> |

### **Nuisance Impact Assessment**

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour. The landowners of the four adjoining properties to the subject PAW support the proposed closure. Justification for closure is based on:

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Each weekend drunken louts use the area until the early hours of the morning</li> <li>• Needles and bongs thrown over adjoining landowners fences</li> <li>• Letter boxes damaged on a weekly basis</li> <li>• adjoining landowner’s utility truck broken into and property stolen and strewn across neighbouring gardens</li> </ul> | <ul style="list-style-type: none"> <li>• Damage to parked cars</li> <li>• Graffiti</li> <li>• Sprinkler systems constantly damaged or interfered with</li> <li>• Break ins</li> <li>• Rubbish dumped</li> </ul> |
|---|---|

### **Police and City Watch Information**

Police information was sought and covering a period from 1 September 2001 until late March 2002, the incidents of reported crime and anti-social behaviour total 41. The majority of incidents related to the local primary school, shopping centre and Creaney Reserve. It is stated that few offences occurred in the area of the PAW. A police site inspection of the PAW provided little evidence to suggest that it is a meeting place or haven for anti-social behaviour.

Four separate telephone reports were made to City Watch from one adjoining landowner who advised the following:

| <b>Incident Reported</b>   | <b>Report from City Watch after investigation</b>   |
|--|---|
| <ul style="list-style-type: none"> <li>• a group of youths in the PAW causing a disturbance</li> </ul>             | <ul style="list-style-type: none"> <li>• PAW empty, a group of youths were standing around in Trinity Way and eventually made their way out of the area.</li> </ul> |
| <ul style="list-style-type: none"> <li>• approximately ten rowdy youths in the street</li> </ul>                   | <ul style="list-style-type: none"> <li>• Caller advised City Watch they had left</li> <li>• Further patrol revealed a quiet street</li> </ul>                       |
| <ul style="list-style-type: none"> <li>• a group of people were gathered and talking in the PAW</li> </ul>         | <ul style="list-style-type: none"> <li>• All PAWs in the area were inspected, no one loitering</li> <li>• party was taking place near one of the PAWs</li> </ul>    |
| <ul style="list-style-type: none"> <li>• Additional patrols requested due to reported sprinkler damage.</li> </ul> | <ul style="list-style-type: none"> <li>• Additional patrols carried out by City Watch and five incidences were reported.</li> </ul>                                 |

Another adjoining landowner who had lived at the property for two weeks reported having three letterboxes and other property stolen. Extra patrols were undertaken.

Notwithstanding the call outs that were requested by adjoining landowners, during the extra monitoring of the PAW by City Watch patrols in the vicinity of the subject PAW, no further incidents were recorded.

### Comments in Returned Questionnaires

Of the 32 users of the subject PAW 28 had not witnessed any anti-social behaviour and 23 users had not witnessed any vandalism. Incidents recorded by users of the PAW were graffiti, broken bottles, drunken youths and people after local parties, damaged letterboxes and fences.

Based on the foregoing, there is no real evidence to suggest that the incidents recorded by the adjoining landowners are of a higher level than anywhere else in the surrounding area. Information from residents living near the two other PAWs indicates that they also endure anti-social behaviour and vandalism of varying degrees. Therefore the Nuisance Assessment is rated low as per Policy 3.2.7 – Pedestrian Accessways:

| Policy Parameters – Low   | Analysis Results   |
|---|--|
| <ul style="list-style-type: none"> <li>• Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb.</li> </ul> | <ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul> |
| <ul style="list-style-type: none"> <li>• Types of offences are limited to antisocial behaviour</li> </ul>                                       | <ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul> |
| <ul style="list-style-type: none"> <li>• The severity of antisocial behaviour is similar to elsewhere in the suburb</li> </ul>                  | <ul style="list-style-type: none"> <li>• This appears to be correct</li> </ul> |

### Community Impact Assessment

The proposal was advertised for thirty days from 11 June 2002 to 11 July 2002 by way of a notification sign at each end of the PAW and questionnaires were forwarded to residents living within a 400-metre radius. Of the 77 questionnaires returned, the overall response with regard to the support, objection or indifference to the closure was:

| Supporters           |           | Objectors             |           | Neutral              |           |
|----------------------|-----------|-----------------------|-----------|----------------------|-----------|
| Users of the PAW     | <b>3</b>  | Users of the PAW      | <b>23</b> | Users of the PAW     | <b>6</b>  |
| Non users of the PAW | <b>25</b> | Non- users of the PAW | <b>4</b>  | Non users of the PAW | <b>16</b> |
| Total Supporting     | <b>28</b> | Total Objecting       | <b>27</b> | Total Neutrals       | <b>22</b> |

The Community Impact Assessment is undertaken to obtain information about the PAWs level of use and Attachment No 3 to this Report indicates the reasons for use, and frequency of use for the 32 users of the PAW that returned the questionnaires. This PAW appears to be used for a variety of reasons and used regularly on a daily and weekly basis. The Community Impact Assessment is rated as Medium, as under Policy 3.2.7 it is stated:

| Policy Parameters – Medium  | Analysis Results  |
|---|---|
| <ul style="list-style-type: none"> <li>High portion of users inconvenienced by closure (over 50%)</li> </ul>        | <ul style="list-style-type: none"> <li>Of the 32 users of the PAW, 65.5% advised that they would be inconvenienced by the closure.</li> </ul> |
| <ul style="list-style-type: none"> <li>Medium portion of respondents not in favour of closure (over 30%)</li> </ul> | <ul style="list-style-type: none"> <li>Of the 77 questionnaires received 35% objected to the closure.</li> </ul>                              |
| <ul style="list-style-type: none"> <li>Moderate level of households using the PAW.</li> </ul>                       | <ul style="list-style-type: none"> <li>Of the 77 questionnaires received 41.5% of households used the PAW.</li> </ul>                         |

Information in the returned questionnaires indicate that residents and adjoining landowners living in close proximity to nearby PAWs, in Acton Rise and Stoke Rise in particular, do not wish these other PAWs to receive further pressure from additional users as a result of the closure of the PAW in Kilburn Rise. Residents advise that they do not wish these alternative routes to receive any further pressure from users as similar problems of anti-social behaviour are also reported to occur. Residents have expressed opinion that should Kilburn Rise PAW be closed then so too should the PAWs in Acton Rise and Stoke Rise.

### Final Assessment

There were various comments passed in the returned questionnaires regarding the three PAWs, in Acton Rise, Stoke Rise and Kilburn Rise. The applicants and many supporters for the closure of Kilburn Rise PAW have commented that there are more than enough PAWs that service the local area including the two PAWs leading from Trinity Way to Stoke Rise and Acton Rise. Supporters of the closure argue that the other two PAWs better service the area because; they lead directly to other streets (Granton Way and Catrine Court); the PAW leading from Trinity Way to Acton Place is closer to the primary school and; the PAW leading from Trinity Way to Stoke Rise provides more direct access to the shopping centre and associated facilities.

Residents who have advised of their objection to the closure of the PAW state the main reason as being the displacement of pedestrian movement and possible associated anti-social behaviour, from Kilburn Rise to alternative PAWs in the area. Some support has been offered to the closure of all PAWs in the local area to ensure that problems are not just transferred to other areas however, without the closure of other PAWs, residents have advised that closure of Kilburn Rise PAW is not supported.

The surveys indicate that there is only a very marginal difference in the number of people who support the closure and those who don't. In addition there appears to be no real pattern that has emerged in terms of the location of those residents who responded favourably or not to the closure (refer Attachment No 1 to this Report). The surveys do indicate that a significant portion of people use the PAW on a daily basis and that to close the PAW would cause some inconvenience to daily activity. On this basis it is therefore considered difficult to support closure when the PAW is still used regularly.

Closure of the subject PAW has been previously considered by Council and not supported. The situation in terms of use of the PAW does not appear to have changed since the previous application and therefore it would be difficult to support its closure, which in addition may set an expectation that closure of the other PAWs in the immediate vicinity would be supported.

The result of each assessment is detailed below:

- Urban Design Medium
- Nuisance Impact Low
- Community Impact Medium

In accordance with Policy 3.2.7 – Pedestrian Accessways, the final assessment equates to a Case Five which states that closure is not supported where urban design assessment for the PAW is considered of medium importance and both nuisance is considered medium or low and use is medium. Therefore in accordance with the Policy it is recommended that the application to close the PAW between Trinity Way and Kilburn Rise not be supported.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council DOES NOT SUPPORT the closure of the pedestrian accessway that leads between Trinity Way and Kilburn Rise, Kingsley.**

*Appendices 8, 8(a) and 8(b) refer*

*To access this attachment on electronic document, click here:* [Attach8brf170902.pdf](#)  
[Attach8aagn240902.pdf](#) [Attach8bbrf1709032.pdf](#)



**CJ237 - 09/02 DELEGATED AUTHORITY REPORT – [07032]****WARD - All**

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**PURPOSE**

To submit items of Delegated Authority to Council for noting.

**EXECUTIVE SUMMARY**

This Report provides a resumé of the Development Applications processed by Delegated Authority from 1 August to 31 August 2002.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ237-09/02.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf170902.pdf](#)*

## **CJ238 - 09/02      SUBDIVISION REFERRALS PROCESSED 1 AUGUST – 31 AUGUST 2002 – [05961]**

**WARD - All**

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

Attachment 1 to this Report is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 – 31 August 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

### **DETAILS**

The subdivision applications processed will enable the potential creation of 25 additional residential lots, 1 commercial lot, 1 community purpose lot, 1 mixed use lot and 2 strata residential lots. The average processing time taken was 20 days.

One application was deferred and two applications not supported.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in Report CJ238-09/02.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf170902.pdf](#)*

## **CJ239 - 09/02 MINUTES AND RECOMMENDED CHANGES TO THE TERMS OF REFERENCE FOR THE SENIORS INTERESTS ADVISORY COMMITTEE (FORMERLY THE STRATEGIC ADVISORY COMMITTEE – SENIORS INTERESTS) – [55511]**

**WARD - All**

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### **PURPOSE**

The purpose of this report is to recommend the adoption of the amended Terms of Reference and note the unconfirmed minutes of the Seniors Interests Advisory Committee (formerly the Strategic Advisory Committee – Seniors Interests).

### **SUMMARY**

A meeting of the Strategic Advisory Committee - Seniors Interests was held on Wednesday 10 July 2002. The unconfirmed minutes of this meeting are submitted for noting by Council (Attachment 1 to this Report).

At this meeting the committee made suggestions for making changes to the Terms of Reference (Attachment 2 to this Report). These changes include committee membership and a new date for Terms of Appointment to reflect the ongoing nature of the committee.

At the Council meeting on 3 September 2002, a decision was carried to change the name of this committee from the Strategic Advisory Committee – Seniors Interests to Seniors Interests Advisory Committee. This report reflects that change.

### **BACKGROUND**

At the Ordinary Council Meeting of 25 September 2001, Council approved to elect an Occasional Seniors Advisory Committee of elected members and community people representing groups with seniors in their membership. At the Ordinary Council Meeting of 9 October 2001, Council approved the establishment of the Strategic Advisory Committee – Seniors Interests. At the Ordinary Council Meeting of 18 December 2001 (CJ437-12/01 refers) the Terms of Reference of the Strategic Advisory Committee – Seniors Interests were altered to reflect the membership comprising of

- Three Elected Members;
- One Representative from the Department for Community Development/ Office of Seniors Interests;
- Two representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
- Two members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- Manager Community and Health Services;

- Manager Leisure and Ranger Services;
- A representative as a deputy for the commercial or not-for-profit organisation that provide services to seniors in the City; and
- A representative as a deputy for the community who do not represent any particular group or organisation but whom have an interest in seniors issues.

## DETAILS

The unconfirmed minutes of the meeting of the Strategic Advisory Committee – Seniors Interests held on Wednesday 10 July 2002, are included as Attachment 1 to this Report.

Members reviewed the Terms of Reference for the Strategic Advisory Committee – Seniors Interests and made the following amendments for recommendation to Council that:

### “2. MEMBERSHIP

The committee shall consist of the following members.

- 1 Three Elected Members;
- 2 One representative from the Department for Community Development/ Office of Seniors Interests;
- 3 One representative from Community Vision;
- 4 Two representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
- 5 Two members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- 6 Manager Community and Health Services; and
- 7 Manager Leisure and Ranger Services;
- 8 A representative as a deputy for the commercial or not-for-profit organisation that provide services to seniors in the City; and
- 9 A representative as a deputy for the community who do not represent any particular group or organisation but whom have an interest in seniors issues.”

Be replaced with:

### “2. MEMBERSHIP

The committee shall consist of the following members.

- 1 Three Elected Members;
- 2 One representative from the Department for Community Development/ Office of Seniors Interests;
- 3 One representative from Community Vision;
- 4 Three representatives from commercial or not-for-profit organisations that provide services to seniors in the City;
- 5 Three members of the community who do not represent any particular group or organisation but whom have an interest in Seniors issues;
- 6 Manager Community Development Services or nominated representative;
- 7 A representative as a deputy for the commercial or not-for-profit organisation that provide services to seniors in the City; and
- 8 A representative as a deputy for the community who do not represent any particular group or organisation but who have an interest in seniors issues.”

“4. MANAGEMENT

4.1 Terms of Appointment

Appointments to the Committee shall be by nomination and Expression of Interest will be called from members of the general community and relevant commercial or not for profit organisations to fill the respective community and service provider positions on the Committee. Members shall be appointed by Council. The Terms of Office shall be to the 30 July 2002.”

Be replaced with:

“4. MANAGEMENT

4.1 Terms of Appointment

Appointments to the Committee shall be by nomination; Expressions of Interest will be called from members of the general community and relevant commercial or not for profit organisations to fill the respective community and service provider positions on the Committee. Members shall be appointed by Council. The Terms of Office shall be to the 3 May 2003.”

**COMMENT**

The recommendations to modify the Terms of Reference for this committee have been raised for consideration by members of the existing committee. The reason the committee seeks to make modifications is because it wishes to broaden its representation from the general community regarding the interests of seniors. The recommendations should be supported, as they will provide beneficial outcomes for the City of Joondalup in setting strategic direction for seniors into the future.

Advertisements are currently being placed in local community newspapers calling for expressions of interest to join the committee for a twelve-month term. Previous membership on this committee does not preclude re-nomination. Nominations and recommendations will be presented to Council in the near future.

Following the resignation of Ms Pamela Richardson as Industry Representative, it is recommended that the current deputy, Ms Audrey Poole be appointed to that position.

It is also recommended that Ms Gloria Lloyd-Jones be appointed in place of Mrs Sharon James as Community Vision Inc Representative.

**VOTING REQUIREMENTS**

Absolute Majority

## RECOMMENDATION

### That Council:

- 1 **NOTES the unconfirmed minutes of the Strategic Advisory Committee – Seniors Interests held on 10 July 2002 forming Attachment 1 to Report CJ239-09/02;**
- 2 **ADOPTS the amended Terms of Reference for the Seniors Interests Advisory Committee forming Attachment 2 to Report CJ239-09/02;**
- 3 **ACCEPTS the resignation of Ms Pamela Richardson and BY AN ABSOLUTE MAJORITY, APPOINTS Ms Audrey Poole as Industry Representative on the Seniors Interests Advisory Committee;**
- 4 **ACCEPTS the resignation of Mrs Sharon James and BY AN ABSOLUTE MAJORITY, APPOINTS Ms Gloria Lloyd-Jones as Community Vision Inc Representative on the Seniors Interests Advisory Committee.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf170902.pdf](#)*

## **CJ240 - 09/02      SPORTS DEVELOPMENT FUNDING PROGRAM – [08032]**

**WARD - All**

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### **PURPOSE**

The City of Joondalup is seeking support to establish a new funding policy aimed at assisting local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to the community.

### **EXECUTIVE SUMMARY**

The City of Joondalup receives a number of requests for assistance from local district sporting clubs regarding operational support. In an attempt to formalise a process by which all requests can be equally evaluated, the City has drafted a funding policy and provision has been made in the 2002/2003 budget.

The policy aims to assist sporting clubs that are participating in competitions at district or state level. These types of sporting clubs are likely to offer participants a direct sporting pathway to elite or representative participation in any chosen sport.

The policy proposes to offer support to clubs in areas, which are operational and often prohibitive to club development under normal circumstances. To this end, the City would be looking at making short term cash injections into sporting clubs to ensure that they are able to continue this development. This funding programme may be seen as a supplement to sponsorship funds, which are often hard for clubs to source.

The programme proposed aims to clearly ensure that the City receives commercial type recognition of its investment in a particular sporting entity. The extent of the support is up to \$20,000 in any one year and the level of recognition to the City may vary accordingly.

The conditions of the proposed programme are quite diverse but are believed to ensure that clubs at the higher level representation are going to benefit. An example of this might be the inclusion of a one-year coaching appointment which would be eligible compared to the exemption of payment to contracted players. The rationale for this is that a coaching appointment has the potential to leave a legacy, which is beneficial to the sport and the club.

### **BACKGROUND**

At its meeting on Tuesday 11 June 2002, Council considered a request for sponsorship from the West Perth Football Club. It resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to clubs located within the City of Joondalup in lieu of individual sponsorship support. As a result, \$60,000 has been allocated within the 2002/2003 budget for the initiation of the Sports Development Program.

A policy has since been drafted outlining the program's application and eligibility criteria, assessment processes and conditions of funding. A copy of the proposed policy is attached for reference.

## **DETAILS**

The Sports Development Program aims to enhance community development through sporting clubs who represent the district or region in metropolitan or statewide competitions. The City of Joondalup's goal is to create clubs that are self-sustaining in their operations and to support the pathways of community sport for the benefit of all residents.

The program is available to incorporated, not-for-profit organisations who are located within the City of Joondalup and who have both junior and senior representatives. The program aims to support district sporting clubs in a range of areas including:

- Sports development planning.
- Sport and recreation service delivery.
- Promotion of community sport and the growth of developmental programs.
- Establishment of identified pathways for local junior talent development.
- Emergency operational cost, such as ground rental/hire.
- Replacement sponsorship on a short term basis.

Projects, programs and events that enhance the community profile of sport could be supported, along with those focusing on increasing participation levels and developing partnerships within the community.

The Sports Development Program will enable all eligible clubs to register their expressions of interest annually for programs, projects and events that they wish to pursue in the forthcoming season. The City will advertise in early January each year that they are seeking expressions of interest, with applications assessed seasonally in March (Winter Sports) and September (Summer Sports). A panel of stakeholders comprising City of Joondalup officers and representatives from both the Department of Sport and Recreation and state sporting associations will assess the applications. The Panel will then make recommendations with a report developed and presented to council for approval. This process will allow the City to weigh up all applications and recommend assistance to those most worthy. It will also help to alleviate the number of individual requests received and formalise a procedure for all future requests for support.

## **COMMENT**

The City of Joondalup receives a large number of requests for financial assistance from local sporting clubs seeking operational support. Rather than assessing these applications individually as they are lodged, the City saw the opportunity to implement a new funding program, whereby all requests could be evaluated and processed annually.

To ensure that the Sports Development Program policy meets the needs of the local community sporting clubs, the City sent a draft copy to the Department of Sport & Recreation and a number of state sporting associations for feedback and comment. The organisations consulted include:



- West Australian Football Commission
- Basketball WA
- West Australian Cricket Association
- Department of Sport & Recreation

The feedback and comments provided were very positive and supportive of the City's policy directions. The draft policy attached incorporates all recommendations offered and represents a comprehensive sports development opportunity for all local district sporting clubs.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council ENDORSES the City of Joondalup's Sports Development Program Policy forming Attachment 1 to Report CJ240-09/02.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf170902.pdf](#)

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**CJ241 - 09/02      COMMUNITY      DONATIONS      LITERACY  
PROGRAMME – [33530]**

**WARD - All**

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**PURPOSE**

To seek endorsement for the establishment of a Library Literacy Programme Reserve Account.

**EXECUTIVE SUMMARY**

The City of Joondalup Library and Information Service is constantly seeking means of developing new programmes to make the service more dynamic without increasing the cost of the service to residents. A book donation programme to fund literacy projects is proposed.

It is recommended that Council establishes a restricted Reserve Account tilted “Library Literacy Programme Reserve” for the purpose of supporting literacy based library programmes.

**BACKGROUND**

The City of Joondalup Library and Information Service is responsible for providing equitable access to a full range of services and resources which satisfy the information, cultural, recreation and self-education needs of the community. Literacy is key in ensuring equitable access to opportunities for personal development so that an individual may achieve his or her potential. This in turn is reflected in community development as a whole.

The Libraries business unit generates a small amount of revenue each year through the sale of donations which are not suitable to be added to stock. There is also a minimal amount of Council owned stock which has been withdrawn as it no longer meets stock collection guidelines. This revenue assists in containing library operating costs.

During the recent overseas study tour it was interesting to note that in Canada, donations are being addressed in a different manner in order to generate funding which in turn supports the development of a range of worthwhile literacy programmes.

**DETAILS**

Currently the City of Joondalup accepts donations of resources for stock additions with the proviso that, should the materials not meet collection guidelines, they will be placed into the twice yearly book sales. The Canadian model actively seeks donations of resources to be sold in order to raise funds to support literacy programmes. As residents can identify that their donations will have a positive community outcome many more donations are received. The programme is clearly marketed. It is considered that such a model could assist the development of new community development initiatives, promote the Learning City concept and provide opportunities for the development of partnerships with other organisations and community members.

The following is an outline of how the programme might work in the City of Joondalup.

- Each library has a dedicated box which is clearly signed to market the programme. This box is well located with after hours access.
- Community members place donations in the box. Items are stored for the next book sale.
- Revenue generated from book sales are deposited into a revenue account within the operating statement and at the end of each financial year those funds are transferred to the “Library Literacy Programme Reserve” for future programmes.
- Those funds are held in the reserve and transferred back into the operating statement when required to cover future years expenditure on literacy programmes. This will enable business plans to be developed for future projects.
- All library promotional materials could market this special Council/Community funding partnership.

Preliminary discussions on potential programmes with the TAFE Read Write Now Co-ordinator as well as library staff responsible for planning new and expanded literacy programmes have been held. A vast number of literacy programmes which could be initiated have been identified. A few examples are provided in Attachment A to this Report.

## **Statutory Provision**

### *Reserve Accounts*

#### Section 6.11 (1) Local Government Act 1995

- (1) subject to subsection (5) where a Local Government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Subsection (5) – regulations may prescribe the circumstances and the manner in which a Local Government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

## **COMMENT**

Good literacy skills are a key component of community development. The level, range and success of exciting programmes is only limited by imagination and resourcing. It is considered that establishing a reserve fund, to enable management of community based revenue generated from book donations for the purpose of developing literacy, would be well received by the community and support the City of Joondalup as a Learning City. It would also motivate staff to develop new initiatives which would develop the library service in a more dynamic way.

It is anticipated that revenue generated would gradually increase as the community became aware of the programme existence. This programme could be extended to enable financial donations and bequests. The literacy programmes for each year would be dictated by the level of revenue generated in the previous year.

Should Council support this proposal appropriate infrastructure to enable the financial management of this programme needs to be put in place. This requires Council authorisation to establish a restricted Special Reserve Revenue Account.

It is anticipated that the financial, furniture and equipment and marketing requirements could be in place in time to launch this project this financial year.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council APPROVES the establishment of a restricted Reserve Account titled “Library Literacy Programme Reserve”.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf170902.pdf](#)*

**9 REPORT OF THE CHIEF EXECUTIVE OFFICER****10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****NOTICE OF MOTION NO 1 - CR DON CARLOS - [02154] [08122] [01369] [02089]**

Cr Don Carlos has given notice of his intention to move the following motion to be dealt with after, or in conjunction with, the Council receiving a report in response to the Special Electors' Meeting regarding the Mullaloo Tavern Development Application as detailed in the petition section of the agenda for the meeting of Council on Tuesday 3 September 2002. The following elected members have indicated their support as required by Clause 4.4 of the City's Standing Orders Local Law.

Cr Carlos  
Cr Hollywood  
Cr Walker  
Cr Barnett  
Cr O'Brien

“That Council:

- 1 BY AN ABSOLUTE MAJORITY, RESCINDS its decision of 13 August 2002 (Item CJ204 - 08/02) being:

“1 *EXERCISES discretion in relation to Clauses 4.5 and 4.8 of District Planning Scheme No 2 and determines that:*

- (a) *the variation for the provision of 160 carbays in-lieu-of 210 carbays;*
- (b) *the front setback of nil in lieu of 9 metres; and*
- (c) *a rear setback of nil in lieu of 6 metres;*

*are appropriate in this instance;*

- 2 *APPROVES the application received on 20 December 2001 and revised plans dated 17 May, 5 June, and 19 July 2002 submitted by Perrine & Birch Architecture and Design on behalf of the owners Rennet Pty Ltd for a Mixed Use development (tavern, shop, residential buildings (serviced apartments), multiple dwellings, bottleshop, restaurant and office) at Lot 100 (10) Oceanside Promenade, Mullaloo, subject to the following conditions:*

- (a) *the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;*
- (b) *carparking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;*
- (c) *one (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);*
- (d) *an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;*
- (e) *the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of development;*
- (f) *the crossover/s to be a minimum of 1.0 metre from the side property boundary;*
- (g) *the proposed crossovers are to be constructed in concrete to the satisfaction of the City;*
- (h) *car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;*
- (i) *development to be connected to sewer;*
- (j) *the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;*
- (k) *submission of a noise management plans addressing noise from patrons in the carpark and noise from music played on the premises;*

- (l) *submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;*
- (m) *construction times to be between the hours of 7am to 7pm Monday to Saturday. No construction work is permitted on Sundays and Public holidays;*
- (n) *the applicant minimising the emission of noise and odours to reduce the impact on the adjoining residential lots in accordance with the Environmental Protection Act;*
- (o) *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;*
- (p) *all waste generated by the development is to be collected, stored and disposed of in a manner to the satisfaction of the City. Details of waste management to be submitted prior to issue of building licence;*
- (q) *the existing crossover(s), not required as part of this development, being closed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied; and*
- (r) *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:*
  - (i) *for the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:*
    - A *the location and type of existing and proposed trees and shrubs within the carpark area;*
    - B *any lawns to be established;*
    - C *any natural landscape areas to be retained; and those areas to be reticulated or irrigated;*
- (s) *the height of the building being reduced by the deletion of the uppermost level shown on the application drawings dated 17 May 2002, with 5 short stay apartments being deleted to achieve this modification.*

Footnotes:

- (i) *You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.*
- (ii) *Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.*
- (iii) *A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.*
- (iv) *Noise generated by machinery motors, vehicles and in general is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.*
- (v) *All exhaust vents for a kitchen extraction system must be located at a distance of 6.0 meters from any property boundary and any air intake vent.*
- (vi) *The residential building (short stay apartments) would have to be registered as a lodging house with the City's under the provisions of the Health Act and the City's Local Laws.*
- (vii) *Adequate change rooms and sanitary facilities must be provided for food handling staff.*
- (viii) *Provision of rear access for proposed food tenancies.*
- (ix) *A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer or Air Conditioning Contractor to certify that any mechanical ventilation complies with AS1668.2 & AS3666*
- (x) *Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a Practising Structural Engineer, must be submitted for approval.*
- (xi) *The applicant is requested to liaise with, and give notice to, the adjoining property owners prior to commencing any earthworks or construction”*



2 and REPLACES IT with:

*“That Council:*

- 1 *DOES NOT EXERCISE discretion under Clause 4.5.1 of District Planning Scheme No 2 and determines that:*
  - (a) *after considering the application in accordance with Clause 6.8 the following are valid town planning reasons to reject the application:*
    - (a1) *the variation for the provision of 160 car bays in lieu of 210 car bays is beyond a reasonable discretion under Clause 6.8.2(d);*
    - (a2) *the front setback of nil in lieu of 9 metres is beyond a reasonable discretion under 6.8.2(c);*
  - (b) *under Clause 3.3 determines that the “residential buildings (serviced apartments)” are indeed a “Motel” or “Hotel” component in this development application and are incompatible with the adjoining land zoning;*
  - (c) *the applicant must pay the “Car Parking Cash-in-lieu” payment at the full rate as prescribed in Council’s Policy 3.1.12;*
- 2 *DOES NOT APPROVE the application received on 20 December 2001 and revised plans dated 17 May, 5 June, and 19 July 2002 submitted by Perrine & Birch Architecture and Design on behalf of the owners Rennet Pty Ltd for a Mixed Use development (tavern, shop, residential buildings (serviced apartments), multiple dwellings, bottleshop, restaurant and office) at Lot 100 (10) Oceanside Promenade, Mullaloo, for the following reasons:*
  - (a) *the site is already overdeveloped because the current development had to provide 34 car parking bays off site, the addition of 50 car bays to the shortfall will create a shortfall of 84 car bays on site. This is a short fall of over one third of the car bays required and is beyond reasonable discretion regarding parking under clause 6.8.2(d);*
  - (b) *the site is adjoined by single residential development on three sides, therefore the nature of the proposed uses and its relationship to the use of other land within the locality precludes the exercise of discretion for the ‘serviced apartments’ (Motel) or (Residential Building) component under Clause 6.8.2(a);*
  - (c) *the increase in the size and bulk of the development may cause an interruption of the existing view from other buildings or land in the locality and therefore precludes approval under clause 6.8.2(b);*

- (d) *the nil setback with reduced sight lines and the incorrect positioning of the entry and exits for the on site parking are not acceptable under clause 6.8.2(c) due to the creation of avoidable traffic conflicts;*
- (e) *the reasons and number of submissions opposing the development clearly and demonstratively indicate public opposition to the over development of this site and are considered under clause 6.8.2(e);*
- 3 *APPLAUDS the owners Rennet Pty Ltd for considering the redevelopment of this site. However the extent of the redevelopment is considered to be excessive and the following is a summary of what Council believes would be appropriate for the site:*
- *The height of the building to be no more than three storeys above basement parking and this would provide for:*
    - (a) *basement for parking;*
    - (b) *ground floor for retail, restaurant, office complex and convenience store and bottleshop;*
    - (c) *first floor for tavern complex;*
    - (d) *second floor – for single storey residential apartments;*
- 4 *WILL NOT APPROVE any further variation for the provision of carbays as this site has already been given discretion with 34 offsite carbays. Therefore adequate carbays must be provided on the site;*
- 5 *the proposed zero front setback is contrary to the Scheme Text requirement for this site. However, Council would consider a 6 metre front setback in lieu of a 9 metre setback.*

### **REASONS FOR RESCISSION MOTION**

Cr Carlos has submitted the following reasons in support of this Notice of Motion:

*“The reasons for revoking the 13 August 2002 motion are:*

- 1 *The motion CJ204-08/02 was made in the absence of discussion being undertaken of the matter at a “strategy session” assembly of the Councillors, prior to the Council Meeting at which the Cr Hurst / Cr Mackintosh Motion was considered.*
- 2 *The site is located in a Residential Area and the matter of the Residential Amenity of the area surrounding the site will be disturbed by the immensity of the proposed re-development.*

- 3 *There is inadequate parking provided in the plan for the site.*
- 4 *There is proposed a zero front setback proposed which is an obstruction to any Road widening that may be required in the future.*
- 5 *The proposed ingress and egress to and from the site create a traffic hazard as ingress is proposed at the Northern crossover instead of the Southern crossover thereby creating a clockwise internal and external traffic flow instead of an anti clockwise flow and a dangerous, obstructed vision, for traffic exiting the site.*
- 6 *The proposed zero front setback is contrary to the Scheme Text requirement for Commercial Sites in other than the Joondalup Central City Core Area.*
- 7 *The proposal is for Residential Sub-Development on the site that is not permitted in the Scheme Text.*
- 8 *The original Zoning for that which is now Lot 100, was, in fact, at the time of the original 50 lot subdivision in 1959, a content of 3 Residential Zoned lots and many of the original and subsequent lot holders purchased with no expectations of any increase of the size and bulk of the re-developer's proposal.*
- 9 *The request for the use of Council's Discretion is excessive and all other Tavern sites in other than the Joondalup Central City Core have been required to provide a 9 metre front setback.*
- 10 *The signatories who signed the petition in support of the re-development were allegedly told that the proposed redevelopment was to be only 3 storeys high and were therefore allegedly misled by some of the persons collecting support signatures by way of petition.*
- 11 *All Councillors have not read the support and objection documents received by the Municipality."*

### **OFFICER'S COMMENT**

The above notice of motion to rescind as submitted has been the subject of discussion between the Chief Executive Officer, Director Planning and Community Development and Councillor Carlos regarding the legality of the proposed motion. Advice from the City's solicitors has confirmed that the proposed motion in its current format is legal and can be duly considered by the Council. In accordance with Clause 4.4 of the City's Standing Orders Local Law, upon the receipt of the motion to rescind, no further action was taken to implement the Council decision of 13 August 2002, (Item CJ204-08/02), therefore no development approval has been issued.

The recommendation submitted to the Council for its 13 August 2002 meeting (Item CJ204-08/02) remains the recommendation of the officers.

### **VOTING REQUIREMENTS**

Absolute Majority

**NOTICE OF MOTION NO 2 – CR C BAKER – [02089]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 24 September 2002:

*“That despite recent criticism from a very small but vocal group in our local community, the Councillors of the City of Joondalup hereby declare their strong support for and full confidence in the hardworking and dedicated men and women employed in our City’s Planning Department in respect of their reports and recommendations to Council concerning the much needed redevelopment of the Mullaloo Tavern and the owner’s associated development application.”*

**VOTING REQUIREMENTS**

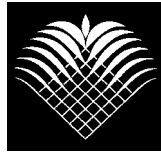
Simple Majority

**11 DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 15 OCTOBER 2002** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**12 CLOSURE**

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