



MINUTES OF COUNCIL MEETING
HELD ON 26 SEPTEMBER 2000

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 26
SEPTEMBER 2000

OPEN AND WELCOME

The Mayor declared the meeting open at 1900 hrs.

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	<i>Absent from 1903 hrs to 1905 hrs</i>
Cr A T NIXON	North Coastal Ward	<i>from 1905 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 1917 hrs to 1920 hrs</i>
Cr A A WALKER	Pinnaroo Ward	<i>Absent from 1910 hrs to 1912 hrs</i>
Cr P ROWLANDS	Pinnaroo Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	<i>Absent from 2105 hrs to 2110 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>Absent from 2056 hrs to 2059 hrs</i>
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Director, Community Development:	C HALL
Executive Manager, Strategic Planning:	R FISCHER
Manager, Council Support Services:	M SMITH
Manager, Urban Design and Policy Services:	D BUTCHER
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

In AttendanceInvited Guest

Ms Terri Bowen, Co-ordinator, Woodvale Senior High School Emergency Services Cadets

The Mayor welcomed Ms Terri Bowen, Co-ordinator, Woodvale Senior High School Emergency Services Cadets, as this evening's invited guest. Mayor Bombak advised he had recently attended the march past and presentation afternoon for the emergency services cadets at Woodvale Senior High School and was impressed by the display.

Ms Bowen advised that on her commencement at Woodvale Senior High School earlier this year, the emergency services cadet program started with 96 cadets. Skills and techniques undertaken were similar to those of the Army, Navy and Police, including tasks such as compass, navigation, drill work and discipline; with training along the lines of that carried out by State Emergency Services.

Cr Magyar left the Chamber, the time being 1903 hrs.

In total, seven instructors give of their time voluntarily to train cadets.

Cr Nixon entered the Chamber, the time being 1905 hrs.

Cr Magyar entered the Chamber, the time being 1905 hrs.

The cadets also undertook community services activities; in addition to working alongside the SES.

At this stage, it is anticipated that interested participants for the emergency services cadets program for 2001, totalling approximately 120-150 school pupils.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved:

Cr T Barnett: 1 September to 9 October 2000

Cr P Kadak: 10 September to 13 October 2000

Cr L Ewen-Chappell: 25 September to 29 September 2000

There were 34 members of the Public and 2 members of the Press in attendance.

PUBLIC QUESTION TIME

Question raised by Mr M Sideris at Council meeting held on 12 September 2000:

Q1 My understanding of the minutes which were adopted at the last Council meeting, clearly indicated the motion lapsed because it failed to reach an absolute majority. The question I asked was what empowered the CEO to reintroduce the item without it being listed on the agenda, and the answer I was given was Section 5.41(b) of the Local Government Act. How does Section 5.41(b) overrule the requirements of Section 6.19?

A1 At the Council meeting held on 22 August 2000, Mr Sideris submitted a written question relating to “what part of the standing orders allows the CEO of the City of Joondalup to present a budget item before Council as a late item – CEO’s Report, without being placed on the Council meeting agenda”. The response provided to Mr Sideris referred to Clauses 3.2 and 3.11 of the Standing Orders. The response also referred to the Local Government Act 1995 that states that the CEO is to ensure that advice and information is available to the Council so that informed decisions are made.

Mr Sideris asked a follow up question during that meeting seeking clarification of the relevant section of the Local Government Act to which reference was made in responding to his earlier question. This question was taken on notice.

Subsequent to that meeting, a written response was provided to Mr Sideris advising it was Section 5.41(b) of the Local Government Act that was referred to in responding to his earlier question at that meeting. Section 5.41(b) of the Local Government Act 1995 stated that the CEO is to:

“ensure that advice and information is available to the Council so that informed decisions can be made”

This section of the Act was quoted as the original question from Mr Sideris related to the ability of the CEO to present a late report, Mr Sideris’ original question did not relate to “re-introducing a lapsed budget item” or if “Section 5.41(b) overrules the requirements of Section 6.19”.

Further to Mr Sideris’ subsequent question, Section 6.19 of the Local Government Act 1995 relates to the advertising of fees and charges that are adopted by the Council outside the budget process. Section 6.16(1) of the Local Government Act 1995 allows the City to impose a fee or charge for any goods or service it provides but this section does not relate to a service for which a service charge is imposed. Such service charge can be imposed in accordance with Section 6.38 of the Local Government Act 1995.

The following question was submitted by the Inner City Residents of Joondalup Inc:

Q1 Can the Inner City Residents of Joondalup Inc be provided with written copies of the Parking Study carried out in December 1999 and January 2000 together with the solution that is proposed ?

A1 It is proposed that a report will be submitted for Council's consideration at its meeting on 10 October 2000. A copy of this report will be available through the Agenda papers prior to this meeting.

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

Q1 Further to the response given to Q3 on the 12 September 2000, can you advise how many of the 4225 ratepayers that made part payment to the Council had the paid monies allocated in the order as determined by Council?

A1 Of the 4225 ratepayers who had arrears shown on their 2000/2001 rate notice, all had their previous payments allocated according to the City's Cash Hierarchy

Q2 Was this order of allocation security levy, rubbish collection, then general rates?

A2 No. The order of allocation of receipts (known as the Cash Hierarchy) is as follows:

1. Refuse Charges
2. Pool Inspection Fee
3. Security Charge
4. Special Area Rate
5. General Rates

Legal advice indicates that where the payer gives no direction to the payee (the City) at the time of the payments as to the order of application of the monies paid the payee is entitled to apply the monies to any of the debts in the order chosen by the payee. These details were quoted in a letter to you dated 20 June 2000.

Q3 Why weren't the ratepayers contacted to ascertain their reasons and method of allocation, as essentially the ratepayers are the clients of the Council?

A3 To contact all these ratepayers to ascertain their reasons would incur a degree of cost to the City. The City's debt recovery procedure is an industry standard.

Q4 Why weren't the ratepayers contacted to advise them how the monies had been allocated?

A4 Refer answer given to Question 3.

- Q5 As the response given to Q4 on the 12 September 2000 provided details on the process after a meeting, whereas the question was specifically related to the ramifications or consequences of Council Administration not complying with a recommendation passed by Council, can you now please provide a response that refers to the specifics of the question?*
- A5 The Local Government Act 1995 does not detail any ‘ramifications’ or ‘consequences’ of the Council administration for failing to comply with a recommendation passed by the Council.*
- Q6 As a property owner/ratepayer within the municipality of Joondalup and therefore an “interested and affected party”, I respectfully request the Council to provide copies of all the following documentation and associated correspondence:*
- the legal opinion/advice provided to this Council regarding the term “levy” as against “service charge” as used in the 1999/2000 Budget and rate notice;*
 - the legal opinion/advice that confirms that the Council provided community initiatives funded by the Security Levy (1999/2000) and the Property Surveillance and Security Charge (2000/2001) meets the current legislative guidelines as prescribed;*
 - the correspondence and advice from the WA Crown Solicitor’s Office either direct to this Council or via the Department of Local Government.*
- A6 In view of the fact that the City’s legal advice may be required for litigation purposes, this information will not be made available. The Local Government Department have also advised that the Crown Solicitor’s advice will not be made available in accordance with policy.*

Mr David Davies, representing Connolly Residents Association

- Mr Davies made a number of statements relating to a community centre for Connolly.*
- Q1 Was there a needs survey required prior to the approval for this Civic Chamber building, which was approved and built during the time when it was common knowledge that the Wanneroo City was going to be split leaving vacant space in abundance in the old and new buildings?*
- Q2 Was the \$638,000 for the Woodvale Community Centre jointly funded by the City?*
- Q3 If so, did the Commissioners and administration recommend the approval of joint funding?*
- Q4 Were there any petitions from the people of Woodvale for a community centre, as is in the case of Connolly?*
- Q5 If it was a jointly funded project, was the decision in any way related to the fact that Government appointed Commissioners were running the City at the time and Woodvale happens to fall in a Government Minister’s electorate, bearing in mind the same Commissioners rejected joint funding for Connolly in a most undemocratic manner.*

A1-5 *Response by Mayor Bombak:* These questions will be taken on notice.

Cr Walker left the Chamber at 1910 hrs and returned at 1912 hrs.

Ms Kate Meredith, Chairman of Directors of Joondalup City Times:

Q1 What is the nature of your advertising arrangement with the Wanneroo Times; is it in writing or more based on a personal friendship bias?

- *Mayor Bombak raised his concern at such questions being asked at public question time, particularly in view of the financial interest of a Councillor.*

A1 *Response by Chief Executive Officer:* I spoke to Cr Hollywood prior to the commencement of this meeting, and he has requested that an appointment be made for yourself and the Managing Editor of the newspaper to meet with me tomorrow (Wednesday 27 September), to discuss this issue. I have had no contact from you with any of your concerns, however I am happy to discuss the matter. There is a number of staff handling advertising in the various Business Units.

Q2 There were two City of Joondalup advertisements placed in the Wanneroo Times on 19 September. Were quotes obtained for these from both sources and if not, why not, given the policy of Buy Local and also saving of ratepayers' money by getting the best possible quote?

- *Mayor Bombak queried whether a Councillor would obtain a financial benefit if money was spent with the Joondalup City Times. Ms Meredith's response was Yes.*

Cr Hollywood left the Chamber at this point, the time being 1917 hrs.

A2 *Response by Chief Executive Officer:* An answer has previously been given to the Joondalup City Times that specifications are being drawn to go to tender for advertising. At that stage, both newspapers will be able to compete.

Q3 The City Festival is planned for early 2001; in view of the Joondalup City Times' intention to be a sponsor of the Festival, can we expect to receive some of this advertising opportunity that has so far been denied to us?

A3 *Response by Chief Executive Officer:* It would be difficult to comment on this. There is a Festival Committee, consisting of officers, external persons and Councillors, and I am sure when looking at sponsorship the Committee will give consideration to this.

Cr Hollywood entered the Chamber at this point, the time being 1920 hrs.

Mr M Sideris, Mullaloo:

Q1 With respect to the answer given earlier in the meeting to question 2, I seek a copy of the legal advice which indicates the order of payment given in the response. I assume the answer I will get is the same as the answer to question 6.

A1 Response by Chief Executive Officer: That is a fair assumption.

Q2 Can you please advise what authorises the CEO to reintroduce a lapsed motion which failed to reach an absolute majority. Why was the information not properly presented to the budget session?

A2 Response by Chief Executive Officer: These questions have been adequately answered. As offered previously, I am happy to meet with you to go through the details. I can make an appointment with you to meet with the Executive Director of the Local Government Department to seek his advice.

- *Mr Sideris accepted this offer.*

Mr B Moffett, Kallaroo:

Q1 In June I asked a question about speeding traffic in Aristride Avenue. Surveys were undertaken but the problem still persists. I have been advised by letter that traffic treatments are generally ineffective in modifying driver behaviour. Therefore, if they do not work, why is money spent to put traffic treatments in place?

A1 Response by Director Infrastructure Management: The reference in the letter refers to those persons that blatantly disregard the road rules, and no traffic treatment can control such behaviour. In the case of Aristride Avenue, 85-90% of traffic is 60 kph or less, therefore compared to other roads there does not appear to be a problem. Traffic treatments are efficient for 85-90% of the traffic, as supported by the police.

Mr V Cusack, Kingsley:

Re: Structure Plan for Hillarys Boat Harbour:

Q1 At the last meeting of Council, I was told that recommendation (f) was in the report in error, yet it still appears in the agenda.

A1 Response by Director Planning and Development: This is a procedural matter; the item was deferred and referred back to Council in its original form. A recommendation is to be put to delete this point.

Q2 When construction works start for the development of the Fisheries building, what measures will be put into place to protect the land and vegetation in Reserve 40802?

A2 Response by Director Planning and Development: I do not recall the exact details of the Fisheries application; however I imagine that as with all major development proposals, it would have been suggested that a building or construction management plan be put in place, in which would be measures to protect not only the dunes to the north but also the rest of the Hillarys Boat Harbour.

Q3 *Does Council agree that Section 54D of the Local Government (Financial Management) Regulations is subject to conditions specified in Section 6.38 of the Local Government Act?*

A3 *Response by Director Resource Management: Yes.*

Q4 *In relation to Council's advertising, who makes the decision on which particular issue, agenda or programme is advertised? Is this decision made by Council or by the Administration?*

A4 *Response by Chief Executive Officer: Advertising is undertaken by various business units, and the Managers of those units are entitled to make advertising decisions as a day to day management decision in accordance with the budget allocations.*

Q5 *Is there any procedure for Councillors if they have a concern with any particular issue requiring a higher priority?*

A5 *Response by Chief Executive Officer: The Marketing Section deals with media releases as well as advertising; also elected members are freely able to make comments and suggestions on areas of concern.*

Mrs M Zakrevsky:

Q1 *Regarding CJ261-09/00: Recommendation (f) makes reference to "NPA 5"; and Recommendation (g) makes reference to "NSA 31". Could clarification be given on these items.*

A1 *Response by Director Planning and Development: Recommendation (f) is to be removed, as mentioned earlier in the meeting. "NSA 31" is one of the actions in the draft Structure Plan on Page 18.*

Mr M O'Brien, Warwick:

- *Mr O'Brien clarified that the order of allocation of receipts, as provided in response to question 2 submitted by Mr Sideris, was as a result of an action taken by a resident of Bayswater in the 1980s.*

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C53-09/00 MINUTES OF COUNCIL MEETING – 12 SEPTEMBER 2000

MOVED Cr Magyar, SECONDED Cr Walker that the Minutes of the Council Meeting held on 12 September 2000, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

SAFER COMMUNITY PROGRAM

Deputy Mayor, Don Carlos, the Chief Executive Officer, Lindsay Delahaunty and myself had a very fruitful meeting with the Minister for Police, Kevin Prince.

The object of the meeting was to discuss Local Government's role in safety and security and the initiatives currently undertaken by both Joondalup and Wanneroo.

The Deputy Mayor and officers of the City of Wanneroo also attended the meeting hosted by Wanneroo MLA, Iain MacLean.

Police Minister Prince expressed support for the City of Joondalup security model which he has described as "leading the way" in community safety and security.

He has undertaken to look at a number of initiatives raised in order to assist Local Government in its role and report back to the two Cities, hopefully in a month's time.

POLICE WEEK

The City's "Safer Community" model is being featured at the Police Week display at Lakeside Shopping Centre, Joondalup from 25-30 September 2000.

The display includes a security vehicle and information on the new model, encompassing the separate Ranger and City Watch services.

In addition to the Police and the City, there are a number of safety and security stakeholders present at the Police Week display, including Safer WA and Crime Watch.

I would urge residents and all Councillors to visit this informative display.

ONE-TEL ISSUE

The One-Tel issue, dealt with by this Council at our last meeting, remains very much alive. It was also a subject we have raised with Federal Member, Dr Mal Washer.

The proposal is to talk to the Minister for Telecommunications to clarify the situation over these towers.

We will keep you informed as information comes to hand.

WOODVALE COMMUNITY CENTRE

On Thursday, 21 September 2000, I officially opened the Woodvale Community Centre.

It is the newest of the City's buildings and will host a variety of community uses.

WHITFORD LIBRARY

Also on Thursday, 21 September 2000, Councillor Hurst and I were among 50 people to celebrate the 20th birthday of the Whitford public library.

As the biggest public library in the State when it was opened, Whitford Library also quickly became the busiest.

The public support for this event clearly showed the esteem with which the facility and the staff are held.

RATES INCENTIVE DRAW

On Thursday evening, we also had the pleasure of presenting the prizes to the lucky winners of our rates incentive draw.

There were 22,823 residents eligible for the seven prizes and seven winners were chosen by computer.

Councillors Rowlands, Patterson and Hurst were in attendance to congratulate the winners and thank the sponsors for their support.

NATIONAL YOUNG LEADERS DAY

The City of Joondalup has been invited to participate in National Young Leaders Day in November 2000. It will be held at the Hyatt Hotel on 27 November 2000.

The idea is to develop student leadership and students are nominated by their principals and teachers.

Leaders in business, sport, politics, community service and the arts have been invited to speak.

Councillors are also invited to attend.

PETITIONS

C54-09/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 26 SEPTEMBER 2000

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

A 45-signature petition has been received residents of the City of Joondalup opposing the proposed mobile telecommunications facility to be installed at Percy Doyle Reserve, Warwick Road, Duncraig.

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

2 PETITION REQUESTING CONSOLIDATION OF LOOSE SAND – CNR BEECHWOOD GROVE AND HORDEN LANE, HILLARYS – [55072]

A 15-signature petition has been received from Hillarys residents requesting the consolidation of loose sand at a property located on the corner of Beechwood Grove and Horden Lane, Hillarys.

This petition will be referred to Infrastructure Management for action.

3 PETITION REQUESTING INSTALLATION OF TRAFFIC CALMING DEVICES – WENTLETRAP WAY, MULLALOO – [19226] [01077]

A 24-signature petition has been received from Chris Baker, MLA, State Member for Joondalup on behalf of Mullaloo residents requesting the installation of traffic calming devices on Wentletrap Way, Mullaloo as a form of traffic management.

This petition will be referred to Infrastructure Management for action.

4 PETITION IN RELATION TO TRANSFER OF COMMUNITY SERVICES TO THE COMMUNITY-BASED SECTOR AND NEW ROLE FOR COMMUNITY SERVICES – [40958]

A 35-signature petition has been received from residents of the City of Joondalup requesting that the City consider the following points in discussion of this matter, as addressed in the submission by concerned carers and parents, City of Joondalup Family Day Care Scheme dated 21 September 2000:

- (a) carer/parent representation on the Board of the new organisation;
- (b) further study into the family day care component of a new organisation;
- (c) Commonwealth funding intended for family day care to be directed entirely to the new FDC scheme;
- (d) Quality of care currently provided to be maintained and improved upon through training and professional development.

This petition will be referred to Community Development for action.

5 PETITION SUPPORTING THE RESTRICTION OF THE DEVELOPMENT OF LOT 64 (8) WAVERTON COURT, KALLAROO — [19998]

Cr Mackintosh submitted a 150-signature petition from residents of North Shore Estate, Kallaroo supporting the Council's view that the development of Lot 64 Waverton Court, should be restricted to ten dwellings.

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

MOVED Cr Rowlands, SECONDED Cr Hurst that the petitions:

- 1** opposing the proposed mobile telecommunications facility to be installed at Percy Doyle Reserve, Warwick Road, Duncraig;
- 2** requesting the consolidation of loose sand at a property located on the corner of Beechwood Grove and Horden Lane, Hillarys;
- 3** requesting the installation of traffic calming devices on Wentletrap Way, Mullaloo as a form of traffic management;
- 4** requesting that the City consider the following points in discussion of this matter, as addressed in the submission by concerned carers and parents, City of Joondalup Family Day Care Scheme dated 21 September 2000;
- 5** supporting the Council's view that the development of Lot 64 Waverton Court, should be restricted to ten dwellings;

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

The Motion was Put and

CARRIED

C55-09/00 SECOND PUBLIC QUESTION TIME AND MOTIONS FOR FURTHER ACTION – [36589]

Cr Magyar advised he wished to move a procedural motion under Section 3.2 of Standing Orders to allow a second public question time in order that members of the public gallery may seek clarification on any decisions made during this evening's Council meeting and to also allow for Motions for further Action to be dealt with.

MOVED Cr Magyar, SECONDED Cr Carlos that in accordance with Section 3.2 of Standing Orders – "Order of Business at an Ordinary meeting of Council", paragraph 6, clause 2 that a second public question time; in addition to Motions for further Action be permitted at the end of this evening's Council meeting.

The Motion was Put. There being an equal number of votes, the Mayor exercised his casting vote and declared the Motion

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Carlos, Magyar, Nixon, Hollywood, Walker and Rowlands

Against the Motion: Mayor Bombak, Crs Wight, Patterson, Kenworthy, Hurst and Mackintosh

POLICY**CJ247 - 09/00 COMMUNITY FUNDING PROGRAM –
AMENDMENTS TO COMMUNITY FUNDING
POLICY – [39290]****WARD - All**

CJ000919_BRF.DOC:ITEM 1

SUMMARY

The City's Community Funding Program came into operation on 1 July 1999. The Program has been developed to provide financial assistance to not for profit organisations that operate within the City in support of a range of community development initiatives consistent with the City's strategic objectives.

The Community Funding Program consists of a policy and funding guidelines for each funding category of the policy.

The Program was administered for the first time in the 1999/2000 financial year. In view of this experience, this report recommends some changes and enhancements to the Community Funding Policy, principally to clarify matters of ambiguity that are apparent in the present Policy. It also addresses a number of other suggestions which have been made to change the Policy but which are not supported.

A separate report addresses the funding guidelines for the current financial year.

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was adopted to take effect from 1 July 1999 and a further report was sought to detail the funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meeting of 14 September 1999, the Community Funding Program Guidelines were adopted (Report CJ304-09/99 refers) together with various amendments to the Community Funding Policy (Report CJ303-09/99 refers).

Together, the Policy and Guidelines form the City's Community Funding Program, a program which has been developed to enable the City to provide financial assistance to not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

At the Council meeting of 11 April, 2000, the outcomes of the first year of administering the Community Funding Program were reported to Council (Report CJ077-04/00 refers). It was noted that a further report would be provided to Council proposing certain enhancements to the Community Funding Program.

The Community Funding Program has been developed in response to the following:

- Council is under increasing pressure to provide funds to support individuals, community groups and organisations for a wide range of community development purposes within an environment of escalating community need and declining resources.
- An internal audit of funds which had been granted to individuals, community groups and organisations in the 1997/98 financial year in the form of donations and related funds allocations, revealed that a large sum of public funds had been provided by Council to a wide range, type and number of individuals, community groups and organisations.
- The audit revealed serious problems with the processes and procedures which had been adopted by Council for the administration of public funds in terms of relevance, equity, access, accountability, transparency, strategic and allocation issues.

The Community Funding Program has been developed and implemented in order to address the above issues. A major change is reflected in the Program from how Council had managed its affairs in this area in the past. This has been a shift away from what had traditionally been a reactive approach to meeting community need by responding to individuals, community groups and organisations which had identified a need in the community and lobbied Council for financial and other forms of in-kind assistance to a more pro-active and strategic approach which focuses on forward planning and setting priorities for community funding. In this context, the Program aligns the provision of community funding with Council's customer consultation and strategic planning processes and outcomes.

The overall objective of the Program is to provide a framework for the provision of targeted funding which meets Council's strategic objectives in facilitating community development in partnership with the community. Currently, the Program aims to support the strategic objectives of the City in the areas of sport and recreation development, culture and arts development, economic development, environment development, provision of community services and sponsorship.

The scope of the Program captures all funding allocated by Council for community funding purposes as follows:

- Sport and recreation subsidies;
- Financial support to recreation associations, specific sporting and service groups;
- Community arts and community service projects;
- Welfare support projects;
- Environmental projects;
- Infrastructure funding, however, requests for \$10,000 or more require a Formal Facilities Assessment Process.

The following arrangements are excluded from the Program:

- Purchase of service arrangements;
- In-kind assistance;
- Awards, scholarships and prizes;
- Charitable donations, such as special relief funds or annual appeals;
- Fees and charges which are waived by Council; and

- Specific activities such as the operation of the Bicentennial Trust, subsidisation of junior and senior fees and donations provided to sporting organisations to support young people up to the age of 18 years to participate in sporting competitions held interstate or internationally.

These arrangements are dealt with through the City's normal annual budget process.

The Program incorporates the City's Formal Facilities Assessment Process which provides financial support for the construction or upgrade of community facilities, and for which separate guidelines apply. Applications for this type of infrastructure financial assistance which exceed \$10,000 in value require an additional formal assessment under the Formal Facilities Assessment Process.

Currently, the Program provides for six major fund categories as follows:

- Sport and Recreation Development Fund
- Culture and Arts Development Fund
- Economic Development Fund
- Environment Development Fund
- Community Services Fund
- Sponsorship

Guidelines specific to each funding category were developed for the last financial year and are required to be reviewed on an annual basis in accordance with the Community Funding Policy.

It is important to note that these fund categories have replaced various previous funds such as the Cultural Development Fund and Recreation Development Fund.

In addressing the issues of strategic distribution, accessibility, equity, transparency and accountability, the Program provides the framework for various common funding guidelines, including eligibility criteria and accountability requirements that have been applied across the organisation to assess all applications for funding under the Program.

Currently, the Policy provides for the responsibility to approve applications for small grants up to \$2,500 to be delegated to the Chief Executive Officer.

DETAILS

The proposed amendments to the Community Funding Policy are shown in the amended policy statement included as Attachment One. The amendments are shown with the wording, where a change is proposed, struck through and any additional wording double underlined. The amendments and their rationale are as follows:

Terminology

Minor changes to wording are proposed to make the wording of the Policy consistent throughout. Specifically, references to "projects, activities or events" have been included throughout the Policy.

Sponsorship

It is recommended that the scope of the Policy exclude reference to sponsorship and that the Sponsorship Scheme funding category be deleted. The rationale for these amendments is as follows:

The Community Funding Program has been established to enable the City to provide financial grants to eligible organisations. Sponsorship is a particular kind of funding relationship that is different to the financial grant relationship which is the focus of the Program as defined under the existing definitions section of the Policy. Experience to date in administering the Community Funding Program indicates that it may be more preferable for the City to examine developing a separate sponsorship policy/guidelines.

In the 1999/2000 financial year, no funds were allocated in the sponsorship fund category for the reasons detailed above. The integrity of the Community Funding Program remained in tact.

Eligibility

The principle of the Community Funding Program is to support the endeavours and efforts of community based organisations serving the City of Joondalup. With this in mind, the eligibility guidelines have been clarified to more clearly state that only not for profit and non-government organisations are eligible for financial assistance from the City under the Community Funding Program. Changes have been made to the Policy to reflect this clarification.

In addition, particularly in the cultural development area, it is possible that organisations may not meet the criteria of having to be based in the City of Joondalup or having memberships which are primarily City residents. However, such organisations may have a proposal which will ultimately benefit primarily the City's residents and take place within the City. Accordingly, the eligibility criteria have been strengthened to enable this to occur.

Support to Individuals

It is recognised that from time to time the endeavours of specific individuals may be worthy of financial support. In these circumstances, an individual may only apply through an incorporated body and the activity or event must be of benefit to the wider community. This matter has also been further clarified in the proposed amended Policy.

Assessment Panels

During the first year of administering the Community Funding Program, assessment panels consisting of Council Officers and members of the community who had expertise and experience relevant to particular funding categories were formed for most funding categories in order to assess the applications received and to make recommendations for funding accordingly. This arrangement worked well and ensured that matters of probity were able to be addressed by the City in an adequate manner.

The Policy has been amended to more formally incorporate the use of assessment panels to assess small and large grant funding applications received and to make recommendations for funding to Council.

Grant levels and Delegation of Responsibility

The current Policy provides for two levels of grants – small grants up to \$2,500 and large grants over \$2,500. Responsibility to approve grants up to \$2,500 is currently delegated to the Chief Executive Officer. This latter arrangement was included in the Policy with the intention of enabling decisions to be made quicker and in a more streamlined manner.

Experience in administering the Community Funding Program for the first time last financial year indicates that the current delegated responsibility arrangement for small grants up to \$2,500 is not necessary. The preferred option is for all grants to be approved by Council.

It is proposed to maintain the current two levels of small and large grants. This arrangement enables a more simplified application form for funding to be submitted for small grants up to \$2,500 and a more simplified funding agreement to be entered into between the City and the funded organisation. For grant requests in excess of \$2,500 it is considered that a more detailed and sophisticated funding application and funding agreement are necessary and appropriate.

These proposed changes are reflected in the amendments made to the Policy.

Treatment of GST

From 1 July, 2000 GST is payable on all grants allocated under the Community Funding Program. The Policy has been amended to include reference to the applicability of GST to the grants.

COMMENT/FUNDING

The amendments to the existing Community Funding Policy and included in this report are proposed with a view to enhancing the current Policy. The main purpose of these amendments is to remove any ambiguities that exist in relation to the current Policy.

In recent months, a number of other changes have been suggested and queries made in relation to the existing Policy. These proposals are addressed in turn as follows:

NON INCORPORATED ORGANISATIONS

It has been suggested that non incorporated bodies should be eligible to apply for financial assistance under the Community Funding Program. In the 1999/2000 funding round, only one non incorporated community group approached the City. This community group was encouraged to either seek incorporation status or to apply for funding through an incorporated body under a sponsorship type arrangement.

The suggestion that non incorporated bodies should be eligible to apply for funding is not supported. The practice of requiring funded organisations to be incorporated bodies is a common standard applied throughout all industries and sectors. Incorporation provides protection to both the organisation providing the funding and to the organisation in receipt of the funding through the provisions of the Associations Incorporation's Act. Incorporated organisations are required by legislation to meet established accountability and reporting requirements and to be subject to penalty where such compliance does not occur.

Accordingly, community groups should be encouraged, and can be assisted by Council staff, to seek incorporation status. Where this is not practical or appropriate, arrangements can generally be made for the groups to submit applications for funding through an incorporated body under a sponsorship type arrangement.

NOTIFICATION TO APPLICANTS

It has been suggested that all applicants should be notified of any decisions to recommend or not recommend funding prior to Council making its decisions in relation to funding applications.

This suggestion is not supported. Such a practice would be inconsistent with practices adopted by all funding bodies that operate similar funding schemes, be they private or public sector operated. It would also raise a number of probity issues and introduces the potential for bias and undue influence to an otherwise independent and accountable process. Notification to applicants should continue to occur only after the assessment and decision making processes are completed.

ASSESSMENT PANELS

It has been suggested that Elected Members should be given the option to participate on assessment panels. This was a past practice in the former City of Wanneroo where elected members were on assessment panels for Recreation Development and similar funds that made recommendations to Council for funding.

This practice is also not supported, principally to maintain the independence and neutrality of the Elected Members. By formally incorporating assessment panels, including community members, into the assessment process, it is considered that there is sufficient independence, transparency, probity and objectivity in the assessment process to ensure that the recommendations for funding can be justified against established assessment criteria.

In recommending the amendments to the current Community Funding Policy, it is noted that the City's Community Funding Program has received many compliments, including from within the local government industry, and the City has received several requests for copies of the Program's Policy and Guidelines, both locally and nationally.

OFFICER'S RECOMMENDATION: That Council REVOKES existing Policy 4.1.1 – Community Funding – and replaces it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to Report CJ247-09/00.

MOVED Cr Magyar, SECONDED Cr Carlos that Council REVOKES existing Policy 4.1.1 - Community Funding - and REPLACES it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to this Report, subject to the following amendments:

- 1 inserts the words “and maintaining” in OBJECTIVE after the word “facilitating”;
- 2 inserts the words “and as part of,” in OBJECTIVE after “partnership with”;

- 3 inserts the words “and maintaining” in Community Funding Strategy to be Established, 1.1, after the word “fostering”;
- 4 inserts the words “and when required, ongoing support through the Community Funding Strategy.” in the Community Funding Strategy to be Established, 1.1, after the word initiatives;
- 5 deletes the words “as part of” and replace with “prior to” in Community Funding Strategy to be Established, 1.2, after the word “determined”;
- 6 deletes the words “budget development process” and replace with “Community Funding Strategy” in Funding Categories, after the words “funds each year, as part of the”;
- 7 deletes “promotion and application package” and replace with “Community Funding Strategy” in Funding Categories after “developed as part of the”;
- 8 inserts the words “Where Council determines that the social, economic or environmental benefits of an activity, event or project are of extreme importance, council may exercise discretion when applying the General Funding Guidelines” in 4. General Funding Guidelines before “While individual funds will have their own guidelines”;
- 9 inserts the words “Subject to sections 5.8, 5.9 and 5.10 of the Local Government Act 1995, Council will form ” in 8.1, before the words “An assessment panel will be”
- 10 deletes “will be established by the relevant Director” in 8.1.

Discussion ensued.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Crs Carlos, Magyar, Nixon, Hollywood and Walker

Against the Motion: Mayor Bombak, Crs Rowlands, Wight, Patterson, Kenworthy, Hurst and Mackintosh

MOVED Cr Patterson, SECONDED Cr Rowlands that Council REVOKES existing Policy 4.1.1 – Community Funding – and replaces it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to Report CJ247-09/00.

The Motion was Put and

CARRIED

Appendix 1 refers

To access this attachment on electronic document, click here: [Attachlag260900.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT**CJ248 - 09/00 SCHEDULE OF DOCUMENTS EXECUTED BY
MEANS OF AFFIXING THE COMMON SEAL –
[15876]****WARD - All**

CJ000919_BRF.DOC:ITEM 2

SUMMARY

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 11.08.00 to 31.08.00:

- | | |
|--------------|---|
| Document: | Copyright Agreement |
| Parties: | City of Joondalup and City of Wanneroo |
| Description: | Reading of History – Joan Steele |
| Date: | 11.08.00 |
| Document: | Funding Agreement |
| Parties: | City of Joondalup and Department of Health & Care |
| Description: | Funding – Community Care Packages |
| Date: | 17.08.00 |
| Document: | Elect. Commerce Services |
| Parties: | City of Joondalup, WA FastPay and Salesnet |
| Description: | Memorandum of Understanding |
| Date: | 17.08.00 |
| Document: | Withdrawal of Caveat |
| Parties: | City of Joondalup, Ball Hall, V Bloor and J Donovan |
| Description: | Land Transfer - Kingsley |
| Date: | 21.08.00 |
| Document: | Copyright Agreement |
| Parties: | City of Joondalup and City of Wanneroo – Oral History Officer |
| Description: | Recording of History – D Tyrrell |
| Date: | 25.08.00 |
| Document: | Contract Agreement |
| Parties: | City of Joondalup and Asphaltech Pty Ltd |
| Description: | Contract No 034-99/00 extension |
| Date: | 31.08.00 – Council Resolution CJ207-08/00 (8 August 2000)
authorises extension of contract |

MOVED Cr Rowlands, SECONDED Cr Walker that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

The Motion was Put and

CARRIED

CJ249 - 09/00 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 3-6 DECEMBER 2000 – [07122]

WARD - All

CJ000919_BRF.DOC:ITEM 3

SUMMARY

The Australian Local Government Association General Assembly is being held in Canberra between 3-6 December 2000. It is recommended that the Mayor together with the Chief Executive Officer attend the National Assembly.

DETAILS

The Australian Local Government Association National General Assembly is being held in Canberra between 3-6 December 2000. Speakers from various sectors will discuss topics such as Regional Co-operation and technology of sustainable communities.

Forums will also be held on the following issues:

- ◆ Alcohol and Drugs in the Community
- ◆ Financial Infrastructure
- ◆ Mobile Phone Base Station Development Draft Code.

COMMENT/FUNDING

The estimated cost of attending the National Assembly is \$3,410 per delegate as follows: -

Airfare	\$1400
Registration	\$660
Accommodation	\$900
Travel Allowance	<u>\$450</u>
	\$3410

Funding has been allocated in the 2000/01 budget for the Mayor and the Chief Executive Officer to attend the National Assembly.

Funding has been allocated in the following accounts:

11.05.05.052.3512.0001	Governance - Elected Members – Conferences
11.10.11.111.3302.0001	CEO Administration - Conferences

MOVED Cr Carlos, SECONDED Cr Walker that:

- 1 Council APPROVES the attendance of His Worship the Mayor and the Chief Executive Officer at the 2000 Australian Local Government Association National General Assembly in Canberra between 3-6 December 2000;**
- 2 the expenditure in (1) above to be charged to the following budget items:**

11.05.05.052.3512.0001	Governance - Elected Members – Conferences
11.10.11.111.3302.0001	CEO Administration - Conferences

Cr Carlos sought clarification in respect to the attendance of the Chief Executive Officer at this assembly, with Cr Magyar querying voting rights.

Cr Magyar requested that agenda items to be discussed at the National General Assembly of Local Government be submitted to a future Briefing Session for consideration. Mayor Bombak was in agreement with this suggestion.

The Motion was Put and

CARRIED

**CJ250 - 09/00 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 31 AUGUST 2000 - [09882]**

WARD - All

CJ000919_BRF.DOC:ITEM 4

SUMMARY

This report details the cheques drawn on the funds during the month of August 2000. It seeks Council's approval for the payment of the August 2000 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	024477-025263	5,599,461.17
Municipal	000213-000216	5,599,461.17
Trust	00016-00018	1,959.80
	TOTAL \$	11,200,882.14

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 2000, the amount was \$1,408,774.93.

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$11,200,882.14 which is to be submitted to each Councillor on 26 September 2000 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.

RHONDA HARDY
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$11,200,882.14 submitted to Council on 26 September 2000 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Rowlands, SECONDED Cr Hurst that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 August 2000, certified by the Mayor and Director of Resource Management and totalling \$11,200,882.14.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	024477-025263	5,599,461.17
Municipal	000213-000216	5,599,461.17
Trust	00016-00018	1,959.80
	TOTAL \$	11,200,882.14

The Motion was Put and

CARRIED

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf190900.pdf](#)

**CJ251 - 09/00 FINANCIAL REPORT FOR THE PERIOD ENDING 31
AUGUST 2000 - [07882]****WARD - All**

CJ000919_BRF.DOC:ITEM 5

SUMMARY

The monthly financial report for the 2 months ending 31 August 2000 are appended as Attachment A.

The August report is the first financial report for the 2000/2001 financial year. The report reveals an overall surplus of \$37.5m, a surplus of \$3.4m when compared to budget for the year to date. This surplus position can be analysed as follows:

- Operating Budgets show an overall surplus of **\$1.3m** at the end of the month as compared to budget due to underspending in Employee Costs of \$0.3m and Materials & Contracts of \$1.0m.
- Capital Expenditure Budgets show a surplus of **\$0.4m** at the end of the month as compared to budget primarily due to purchases of Computer and Communication Equipment and Plant & Light Fleet which had not been undertaken by the end of the month.
- Capital Works budgets show a surplus of **\$1.9m** at the end of the month as compared to budget. Included in this figure is:
 - \$0.9m relating to roadworks at West Coast Drive, Hepburn Avenue and Whitfords Avenue which will commence in September. These works are to be undertaken by the City of Wanneroo;
 - \$0.2m relating to major road resurfacing which will commence in September;
 - \$0.2m relating to street lighting works which is currently in progress and will be brought to account on completion of the works; and
 - \$0.2m relating to Drainage works which have been delayed pending agreement with the City of Stirling and Foreshore works pending City of Joondalup policy determinations.

MOVED Cr Rowlands, SECONDED Cr Mackintosh that the Financial Reports for the Period Ended 31 August 2000 be NOTED.

The Motion was Put and**CARRIED***Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf190900.pdf](#)

CJ252 - 09/00 COMMUNITY FUNDING PROGRAM – 2000/2001 GUIDELINES – [39290]**WARD - All**

SUMMARY

The City's Community Funding Policy came into effect on 1 July 1999. The new Policy requires the development of annual funding guidelines for each funding category of the Policy. This report provides information on the funding guidelines that have been developed with particular reference to the City's 1999-2003 Strategic Plan and recently adopted budget for the 2000-2001 financial year.

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was adopted to take effect from 1 July 1999 and a further report was sought detailing the funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

Interim Community Funding Guidelines were adopted until more formal guidelines were developed for the 1999/2000 financial year and presented to Council for noting in September 1999 (Report CJ304-09/99 refers).

Section 9 of the Community Funding Policy states that "Guidelines will be available for the various funds at the time of the completion of the annual budget and will be made available on request as part of a publicly available information package".

An information package has been developed and, following the recent adoption of the City's budget for the 2000/2001 financial year, it will be made available for distribution. The information package is included as Attachment One to this report - "Community Funding Program 2000-2001 City of Joondalup".

This package will be made available to all applicants requesting financial assistance from the City for community funding initiatives to enable applicants to prepare appropriate funding applications. The information will be available in hard copy as well as via the City's Internet web site Home Page.

The guidelines contained in the package have also been developed with reference to the City's Strategic Plan for 1999-2003 and to the proposed amendments to the City's Community Funding Policy.

DETAILS***INFORMATION AND FUNDING APPLICATION PACKAGE***

The Community Funding Program Guidelines have been incorporated into an information and funding application package that provides all relevant information to applicants seeking financial support from the City for community funding initiatives in the 2000-2001 financial year.

The content of the guidelines themselves are basically unchanged from the 1999/2000 guidelines.

However, the package has been substantially changed in order to present the information in a simpler, more concise and user friendly format. Only relevant sections of the Community Funding Policy have been incorporated into the Guidelines rather than including the Policy in full, as was the case in 1999/2000. In this way, the information contained in the Guidelines is considered to be more streamlined.

The key components of the package are:

- Incorporation of the key elements of the City's Community Funding Policy;
- Information on the procedures for applying for funds;
- Details of the City's funding priorities for the 2000/2001 financial year; and
- Pro forma application forms.

The pro forma funding agreements for small and large grants that were included in last financial year's information package have been deleted from this year's package. The previous inclusion of these documents as part of the package made the package extremely lengthy. It also resulted in some confusion with some of the applicant organisations signing the pro forma funding agreements and submitting them with their funding applications. The information and funding application package includes information that alerts potential applicants to the need to enter into a formal funding agreement with the City should their applications be successful.

FUNDING OBJECTIVES AND PRIORITIES – 2000 - 2001

The objectives and priorities for funding in 2000-2001 have been identified and included in the guidelines. The funding objectives and priorities are essentially the same as those used for the 1999/2000 financial year though they have been expanded in several places. Reference to the International Year of Older Persons has been deleted where applicable, but replaced with wording that maintains a focus on support being provided to seniors.

SCOPE OF GUIDELINES

The Community Funding Policy and Program Guidelines differentiate between those funds that are available under the provisions of the Community Funding Program and those funds that may be available for specific welfare support purposes such as appeals; funds provided under specific purchase of service arrangements; other activities such as awards, prizes, scholarships and sponsorships; and, specific activities such as the operation of the Bicentennial Trust.

Matters that have been excised from inclusion in the Policy and Guidelines are as follows:

All Scholarships, Awards and Prizes, such as Student Citizenship and Scholarships Awards and Early Payment of Rates Prizes— these are not matters for which application may be made;

Purchase of Service Arrangements such as the emergency services of the State Emergency Service and St John Ambulance– these have been dealt with as specific purchase of service arrangements and considered separately;

Charitable Donations such as donations to the annual Red Cross Appeal or to special relief funds;

Fees and Charges which may be waived by Council;

Specific Items which have formed part of the Formal Facilities Assessment Process, such as the Joondalup Arena development; and

Specific activities such as the operation of the Bicentennial Trust, sponsorships, subsidisation of juniors and seniors fees and donations provided to sporting organisations to support young people up to the age of 18 years to participate in sporting competitions held interstate or internationally.

COMMENT/FUNDING

The following funds are available for distribution in this financial year under the provisions of the 2000/2001 Community Funding Program:

<i>Fund</i>	<i>Amount</i>	<i>Notes</i>
Sport and Recreation Development Fund	\$20,000	
Culture and the Arts Development Fund	\$18,630	
Community Services Fund	\$24,000	1
Environment Development Fund	\$10,000	
Economic Development Fund	<u>\$60,000</u>	
Total:	\$132,630	

Notes:

1. Less \$2,909 which has already been allocated to Granny Spiers Community House Inc., under a special one off funding arrangement.

The overall level of funding is the same as that which was available in 1999/2000 with the exception that the amount included in the Community Services Fund has been increased by \$8,000.

It should be noted that in addition to the above, a range of allocations have been included in the 2000/2001 budget for various purposes, such as the following:

<i>Organisation/Purpose</i>	<i>Amount</i>	<i>Notes</i>
State Emergency Service	\$67,935	1
St John Ambulance Service	\$5,000	2
Neighbourhood Watch	\$13,000	3
Bicentennial Trust	\$57,607	4
Ruby Benjamin Foundation	\$1,500	5
Safer Community Program Sponsorships	\$25,000	6

Notes:

1. Represents allocation to be made to this group under a purchase of service arrangement.
2. Represents allocation to be made to this group under a purchase of service arrangement.
3. Represents allocation to be made to this group under a special funding arrangement.
4. Represents funds available for allocations under the provisions of the Trust.
5. Represents funds provided to support a local subsidised animal sterilisation program under a purchase of service arrangement.
6. Represents funds available for allocations as sponsorships under the Safer Community Program.

The majority of the above allocations will require accountability requirements to be put into place, including the drawing up of appropriate funding agreements or contracts between the relevant organisations and the City.

For this financial year, it is anticipated that a single funding round will be advertised initially in October 2000. By this time, decisions regarding grant allocations under the Bicentennial Trust will have been made and communicated to applicant organisations.

Depending upon the total dollar value of funds allocated, and any balance of funds remaining, a further round of advertising may be initiated for some or all of the fund categories in February 2001.

New internal procedures and guidelines for staff will be developed during the next few weeks in order to improve the administration of the Community Funding Program.

Funding available under the Program will be promoted locally through media releases and in various Council publications. Information will also be posted on the Council's Web page.

Advertisements calling for applications for funding under the Program will be placed in the local print media, various Council publications and by forwarding promotional material via direct mail to a large number of relevant organisations and community groups.

Copies of the information and funding application packages will be dispatched to organisations and community groups upon request. The package will also be able to be accessed electronically via the City's web site.

The closing date for applications has been set as 17 November 2000.

It is anticipated that all applications recommended for funding will be presented in a report to Council at a December Council meeting.

The report will also make any necessary recommendations regarding procedures, for example Council functions, which will be implemented to distribute funds to successful applicant organisations.

It is to be noted that operating the Bicentennial Trust in the current financial year has meant that a delay has occurred in implementing the timeframe for the 2000-2001 Community Funding Program.

It is considered that the introduction of the City's Community Funding Program has helped to achieve the following outcomes:

- A refocus of funds in support of community organisations to enable the City to target projects, activities or events which support the City's Strategic Plan;
- An equitable system of funding distribution which will ensure that there is equal access to funding throughout the City's community-based organisations;
- A strategic approach to community funding which is accountable and which has measurable results; and
- A focus on organisations rather than individuals.

The changes that have been made to the 2000/2001 Guidelines are expected to further enhance the administration and customer focus of the City's Community Funding Program.

MOVED Cr Rowlands, SECONDED Cr Patterson that Council NOTES the Community Funding Program Guidelines forming Attachment 1 to Report CJ252-09/00 which have been developed for the 2000/2001 financial year.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Carlos that Council ENDORSES the Community Funding Program Guidelines forming Attachment 1 to Report CJ252-09/00 which have been developed for the 2000/2001 financial year, subject to the following amendment:

"Page 5, 4.3 Eligible Projects, Events and Activities, insert "Where Council determines that the social, economic or environmental benefits of an activity, project or event are of extreme importance, council may exercise discretion when applying the General Funding Guidelines. While individual funds will have their own guidelines; the following are common to all funds" before "Consideration will be given to funding the following."

The Amendment was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Amendment: Crs Carlos, Magyar, Nixon, Hollywood and Walker

Against the Amendment: Mayor Bombak, Crs Rowlands, Wight, Patterson, Kenworthy, Hurst and Mackintosh

The Original Motion was Put and

CARRIED

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf190900.pdf](#)

**CJ253 - 09/00 URBAN ANIMAL MANAGEMENT COMMITTEE –
[07086]****WARD - All**

CJ000919_BRF.DOC:ITEM 7

SUMMARY

A meeting of the Urban Animal Management Committee was held on 31 August 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Urban Animal Management Committee meeting held on 31 August 2000 are included as Attachment 1.

MOVED Cr Patterson, SECONDED Cr Mackintosh that Council NOTES the unconfirmed minutes of the Urban Animal Management Committee held on 31 August 2000 forming Attachment 1 to Report CJ253-09/00.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Hurst that an additional Point 2 be added to the Motion:

“2 REQUESTS the Urban Animal Management, together with the Dry Parks, Median and Verge Committee to investigate using the portions of unconstructed dual carriageways such as Ocean Reef Road, between Venturi Drive and Swanson Way, Ocean Reef, as enclosed, reticulated dog exercise areas.”

The Amendment was Put and**CARRIED****Discussion ensued.****The Motion as amended was Put and****CARRIED***Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf190900.pdf](#)

CJ254 - 09/00 JOONDALUP FESTIVAL – [36775]**WARD - All**

CJ000919_BRF.DOC:ITEM 8

SUMMARY

A meeting of the Joondalup Festival Committee was held on 17 August 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Joondalup Festival Committee meeting held on 17 August 2000 are included as Attachment 1.

MOVED Cr Rowlands, SECONDED Cr Hurst that Council NOTES the unconfirmed minutes of the Joondalup Festival Committee held on 17 August 2000 forming Attachment 1 to Report CJ254-09/00.

Cr Hurst advised preparation work was underway in preparation for the next festival.

The Motion was Put and**CARRIED**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf190900.pdf](#)

CJ255 - 09/00 MINUTES OF DRY PARKS, MEDIAN AND VERGE COMMITTEE - 29 AUGUST 2000 - [42938]**WARD - All**

CJ000919_BRF.DOC:ITEM 9

SUMMARY

A meeting of the Dry Parks, Median and Verge Committee was held on 29 August 2000 and the unconfirmed Minutes are submitted for noting by Council.

DETAILS

The Minutes of the Dry Parks, Median and Verge Committee held on 29 August 2000 are included as Attachment 1 to this report.

MOVED Cr Patterson, SECONDED Cr Mackintosh that COUNCIL NOTES the unconfirmed Minutes of the Dry Parks, Median and Verge Committee held on 29 August 2000, forming Attachment 1 to Report CJ255-09/00.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Mackintosh that an additional Point 2 be added to the Motion:

“2 REQUESTS the Dry Parks, Median and Verge Committee, together with the Urban Animal Management Committee to investigate using the portions of unconstructed dual carriageways such as Ocean Reef Road, between Venturi Drive and Swanson Way as enclosed, reticulated dog exercise areas.”

The Amendment was Put and CARRIED

The Motion as amended was Put and CARRIED

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf190900.pdf](#)

INFRASTRUCTURE MANAGEMENT

CJ256 - 09/00 TENDER 003-00/01 - FIXED TERM MAINTENANCE CONTRACT FOR THE COMPREHENSIVE MAINTENANCE OF LIFT SERVICES IN THE JOONDALUP CIVIC PRECINCT – [44958]

WARD - Lakeside

CJ000919_BRF.DOC:ITEM 10

SUMMARY

This report examines the tender submissions and evaluation method for the fixed term comprehensive maintenance contract for lift services in the Joondalup Civic Precinct (003-00/01). It is recommended to accept the tender from Schindler Lifts Australia Pty Ltd for a contract for a period of four years and eight months from 1 November 2000 to 30 June 2005.

BACKGROUND

The Joondalup Civic Precinct has a total of six lifts. The two lifts in the Joondalup Administration Centre have been maintained since being commissioned by the Otis Elevator Company Pty Ltd. The four electro/hydraulic lifts in the Joondalup Library and Joondalup Civic Chambers have been maintained by the installers, Schindler Lifts Australia Pty Ltd.

The four Schindler lifts were commissioned in 1996/97 and were initially subject to a series of breakdowns, largely due to the poor quality of certain electronic components. Schindler Lifts has made significant alterations to these components, culminating in late 1999 in the replacement of car door switches and the valve block of the Civic Chambers public access lift. Since these alterations, the performance of the electro/hydraulic lifts has improved.

Having two different maintenance contractors for the six lifts has at times caused considerable difficulty in addressing a breakdown situation with correct identification, administration of billing and prompt attention to actual site. Expertise is available in the open market to deliver lift maintenance services and it was envisaged that better value for money could be achieved from an economy of scale. It was therefore decided to amalgamate all maintenance into one contract.

The lifts are maintained on a “comprehensive” basis. Comprehensive maintenance means that all repair or upgrade work necessary to keep the lifts working is paid for under the monthly premium paid to the contractor. This also includes the attendance for call outs, analysis of faults, periodic testing and reporting.

While in the past comprehensive lift maintenance contracts were generally for very long terms to amortize equipment and component costs, in recent years the property management industry has settled on five year terms. As the market situation changes very rapidly with acquisitions and technology the City is entering into a comprehensive maintenance contract for a five year term.

The monthly premium payable and rates for work required by the City under the contract for the first eight months to 30 June 2001 will for subsequent years be adjusted by changes in the Consumer Price Index according to the rise and fall formula contained in the contract.

DETAILS

A public invitation to tender was advertised statewide on 29 July 2000. Tenders closed on Tuesday 15 August 2000.

Two complying tenders were received, and the following reflects the tendered prices with GST.

	Monthly Cost with GST	Cost in First Eight Months with GST
Schindler Lifts Australia Pty Ltd	\$1,925.00	\$15,400.00
Thyssen Elevators Australia	\$2,259.00	\$18,072.00

One non-complying tender was received from Otis Elevator Company Pty Ltd. This tender made an offer outside the conditions set by the City but provided insufficient detail for the Tender Evaluation Committee to assess that offer.

In addition to the tendered Lump Sum monthly premium for comprehensive maintenance, Tenderers provided rates for chargeable calls and repairs outside the scope of the contract, and percentage markup on outsourced materials.

COMMENT/FUNDING

The consideration for this contract is determined from a combination of comprehensive maintenance monthly premiums and values determined from the application of scheduled rates for chargeable calls and repairs outside the scope of the contract. The funding for this consideration is available through the City's Building Maintenance Budget. The City currently has a contract with Schindler Lifts Australia for the four lifts for \$600 per month and with Otis Elevator Company for \$1,747 per quarter. Both agreements allow for additional sums to be paid on services beyond the preventative maintenance. The additional costs are for call outs, all materials and consumables, testing and reporting. Over the past financial year the City paid Schindler Lifts an average cost of \$1,403.40 per month and Otis Elevator Company \$1,935.93 per month exclusive of GST.

The newly proposed tender arrangements costing \$1,925 per month (including GST) are anticipated to translate into significant cost savings to Council.

Under the City's Contract Management Framework, tenders were assessed by an evaluation committee using a weighted multi-criterion assessment system. The committee included a consultant representative who will be superintending this contract. The criteria provided in the Tender Information Document were:

- Price for services offered
- Demonstrated ability to attend site at short notice to rectify a site problem
- Tenderer's resources (including specialised equipment, skill inventory and financial capacity)
- Previous experience in carrying out similar works
- Safety management policy including safety records
- Attendance at a mandatory pre-tender briefing and site inspection

The Tender Evaluation Committee determined the weightings for each of the selection criteria prior to the closing of the tender period. The criteria and weightings used during the evaluation process remained unaltered for each tender submission thereby maintaining the integrity of the tender evaluation process.

By applying the multi-criterion analysis, the Tender Evaluation Committee has determined that the best value for the City of Joondalup can be achieved by accepting the tender from Schindler Lifts Australia Pty Ltd for contract number 003-00/01 Comprehensive Maintenance of Lift Services in the Joondalup Civic Precinct for a five year period for the monthly sum of \$1,925 (including GST) and scheduled rates for chargeable calls for the first eight months and price review according to the rise and fall formula linked with Consumer Price Index provided in the contract.

MOVED Cr Rowlands, SECONDED Cr Wight that Council:

- 1 ACCEPTS the tender from Schindler Lifts Australia Pty Ltd for contract number 003-00/01 Comprehensive Maintenance of Lift Services in the Joondalup Civic Precinct for a period of 56 months commencing on 1st November 2000 for the monthly sum of \$1,925 (including GST) and scheduled rates for chargeable calls for the first eight months and price review according to the rise and fall formula linked with Consumer Price Index provided in the contract;**
- 2 AUTHORISES the execution of contract documents.**

Discussion ensued. Cr Hollywood queried both the length of the contract and monthly maintenance costs; in addition to surcharge costs in the event of a breakdown.

The Motion was Put and

CARRIED

CJ257 - 09/00 PETITION – USE OF SEAWARD LOOP, SORRENTO AND LACK OF MAINTENANCE AT LACEPEDE PARK, SORRENTO – [00573] [06141]

WARD - South Coastal

CJ000919_BRF.DOC:ITEM 11

SUMMARY

Council, at its meeting held on 9 May 2000, received a 42-signature petition from residents in Sorrento expressing concern regarding the following two items:-

1. The use of Seaward Loop Sorrento as a high speed traffic circuit; and
2. Lack of maintenance at Lacepede Park Sorrento.

Maintenance works which are proposed for Lacepede Park will alleviate the petitioners concerns and this work incorporates turf rejuvenation, tree planting and weed control.

BACKGROUND

The items have been addressed by the area developer, Estates Development Pty Ltd, and the City. Various concerns expressed by the petitioners relate to private property conditions and these have been actioned by the developer.

Seaward Loop is a local road that provides local residential access only. This road is constructed in accordance with acceptable subdivision standards to create a low speed local road environment.

However, the petitioners are concerned that Seaward Loop is being used as a 'day and late night high speed circuit for cars'.

DETAILS

Seaward Loop

In view of the petitioners' concerns, a seven (7)-day traffic flow survey was undertaken on Seaward Loop in June 2000. Given this is a relatively new subdivision, there are no previous counts available for comparison. Notwithstanding this, the survey established that the existing average traffic volume on the circular section of Seaward Loop is 380 vehicles per day and the recorded 85th percentile speed of vehicles is 50 km/h.

A detailed analysis of the data suggests that in terms of both the volume and speed of vehicles, Seaward Loop is functioning well. This in turn suggests that the existing road geometry is having the desired effect of creating a low speed local road environment for a majority of local road users.

It is important to note that while some incidences of excessive speed may occur from time to time, incidents of this nature cannot effectively be addressed by application of traditional traffic calming methods or alteration of the existing road geometry.

Generally, traffic treatments are successful in modifying driver behaviour in a majority of motorists; they are ineffective in modifying driver behaviour of those motorists who drive with little or no regard for their legal or social responsibilities. Invariably, these types of motorists see traffic treatments and certain road alignments as a challenge, which may in some instances exacerbate problems associated with antisocial driver behaviour. Ultimately, this type of driver behaviour and its consequences may only be addressed by changing community attitudes to speeding and reckless driver behaviour.

Notwithstanding, an effective deterrent for these types of motorists can be achieved through driver and vehicle identification. In most instances, the motorist responsible for these types of incidents are regular offenders, whose familiarity with the local road network leads to increased incidences of this type. Therefore identification of these motorists' vehicles can have a dramatic impact on reducing these incidents.

While incidences of this nature should be referred to the local Police Service for action, many of these incidences go unreported.

On this basis, the Joondalup Regional RoadWise Committee has developed a method of identifying motorists who continue to travel at an inappropriate speed on local roads.

The "Community Speed Watch" campaign has been developed to specifically target and reduce the incidences of excessive speed and antisocial driver behaviour on local roads.

The "Community Speed Watch" – Traffic Incident Report Sheet shown on Attachment 1 allows local residents to identify motorists who regularly travel at excessive speed or are involved in antisocial driver behaviour on local roads.

This strategy compliments the existing Community Watch Program and Safer Community Program to actively encourage local residents to improve the amenity of the City of Joondalup.

This strategy has the support of the Police Service and has the potential, with community support, to reduce the incidence of excessive speed and antisocial driver behaviour on local roads.

It is envisaged that this form will be readily available for download from the City's web site at www.joondalup.com.au shortly. Copies of the Traffic Incident Report Sheet may also be distributed on request to local street residents who wish to participate in the program.

Lacepede Park

The photographs provided by the petitioners to illustrate their concerns with Lacepede Park relate to two main areas.

1. Perimeter Fence

The timberlap fence located on the western side of the park, abutting private property, is in need of repair. This work has been referred to the property owner, ie. Estates Development Pty Ltd, for attention in conjunction with the clean up of its property in Seaward Loop.

2. Verges in Seaward Loop

These areas were enhanced, and are currently maintained, by the developer.

Park Maintenance

The lake area within the Public Open Space has a dual function -

Drainage - There will always be an inflow of debris associated with stormwater into the lake and this material is removed in bulk on a 2-3 year cycle. This work is undertaken as part of the normal drainage sump maintenance work and is often of concern to residents due to the removal of lake vegetation. "Typha" weed is dominant in most lakes and if left unchecked, will totally overgrow the water body.

Retention of the native bulrush (cylindrical type) is encouraged as this assists in water quality and wildlife preservation.

Aesthetic Appearance - The initial park concept was to incorporate areas of indigenous vegetation with grassed access and view areas. Areas damaged during construction of drainage works were grassed and retaining walls installed to retain areas of bushland, particularly on the eastern side of the lake. There has been degradation of the remnant bushland due to public access, enhancement of residential property views and encroachment of weeds.

Bushland on the eastern side has been retained to link with another small bushland park opposite, ie. Ledge Park, which is bordered by Ledge Place and Hepburn Avenue. These areas are considered important due to the existence of coastal “Christmas trees” (*Nuytsia floribunda*), and being parasitic, without their host plant these trees would disappear from the area.

Maintenance Items

1. Bushland Weed Control

Annual weed control measures consist of a herbicide application in May/June each year to control broadleaf annual weeds.

Selective herbicide application of Fusilade in April or September of each year to control Couch grass and Veldt grass.

2. Grass areas are mown as per the normal schedule for reticulated parks.

3. General Park Area Maintenance

The area is checked weekly for rubbish and bins are serviced weekly.

4. Reticulation is checked twice weekly during the summer operational period. The system operates five nights per week, being Sunday to Thursday. Reticulation is switched off on Friday and Saturday nights to minimise the opportunity for vandalism.

5. The current condition of the turf grass is poor and a rejuvenation program is required to improve growth and visual appearance. Additional fertiliser applications will be programmed, in conjunction with the normal fertilising schedules in September and January.

Footpath Maintenance

Where damage is reported and can be traced directly to a construction process, the builder/contractor is required to initiate/fund repairs. There is an area of cracked footpath on the verge of Lacepede Park that Council will repair as the cause is unidentifiable.

COMMENT

The petition and attached photographs highlighted various issues that occur during the staged development process by developers. The area of land around Seaward Loop is the final stage of the initial development for Sorrento and the related maintenance issues will be resolved in conjunction with those works.

There are significant verge enhancement works proposed in the 2000/2001 Capital Works Program for the adjoining verge of West Coast Drive and these works will also resolve the residents' concerns relating to the appearance of the area.

In regard to the petitioners concerns regarding use of Seaward Loop as a 'high speed circuit' the traffic survey showed that the majority of vehicles travel at a speed appropriate for the road environment. This is not surprising given that the majority of motorists would be local residents.

Unfortunately, excessive vehicle speed will always remain a concern on some local roads, due largely to the persistence of some motorists whom continue to drive with little or regard for their legal or social responsibilities.

On this basis, while treatment of Seaward Loop neither warranted in traffic terms nor supported as an effective deterrent to speeding motorists, distribution of the Traffic Incident Report Sheet shown on Attachment 1 to assist the local community to identify these motorists is recommended for support.

OFFICER'S RECOMMENDATION: That Council **ADVISES** petitioners:

- 1 of the proposed capital works to be undertaken in the area;
- 2 of works proposed by the developer;
- 3 of the scheduled and additional maintenance functions for Lacepede Park Sorrento;
- 2 of the availability of the "Community Speed Watch" – Traffic Incident Report Sheet to assist the local community to identify motorists involved in antisocial driver behaviour.

MOVED Cr Patterson, SECONDED Cr Kenworthy that Council ADVISES petitioners:

- 1 of the proposed capital works to be undertaken in the area and the proposed time line;
- 2 of works proposed by the developer;
- 3 of the scheduled and additional maintenance functions for Lacepede Park Sorrento and the proposed time line;
- 4 of the availability of the "Community Speed Watch" – Traffic Incident Report Sheet to assist the local community to identify motorists involved in antisocial driver behaviour.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Nixon that a Point 5 be added to the recommendation:

- "5 SEEKS a further report on implementing the recommendations of the Karen Clarke, August 2000."

Discussion ensued.

The Amendment was Put and

LOST

The Original Motion was Put and

CARRIED

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf190900.pdf](#)

PLANNING AND DEVELOPMENT

CJ258 - 09/00 DELEGATED AUTHORITY REPORT - [07032]**WARD** - All

CJ000919_BRF.DOC:ITEM 12

SUMMARY

This report provides a resume of the development applications processed by Delegated Authority from 1 August to 31 August 2000.

MOVED Cr Rowlands, SECONDED Cr Wight that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ258-09/00.

The Motion was Put and**CARRIED***Appendix 9 refers**To access this attachment on electronic document, click here: [Attach9brf190900.pdf](#)***CJ259 - 09/00 SUBDIVISION REFERRALS PROCESSED 1 AUGUST
– 31 AUGUST 2000 – [05961]****WARD** - All**SUMMARY**

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 August - 31 August 2000. Applications processed via the SCU 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 total number of subdivisions processed will enable the potential creation of 7 additional residential lots, 1 private school lot, 6 additional strata lots and 1 reconsideration application. The average processing time taken was 10 days.

MOVED Cr Wight, SECONDED Cr Rowlands that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ259-09/00.

The Motion was Put and

CARRIED

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf190900.pdf](#)

**CJ260 - 09/00 CURRAMBINE STRUCTURE PLAN -
MODIFICATIONS - [11160]**

WARD - North Coastal

CJ000919_BRF.DOC:ITEM 14

SUMMARY

A modification is proposed to the agreed Currambine Structure Plan which controls development of an area of Currambine (Attachment 1) comprising the remaining portion of Lot 998 Connolly Drive.

The reason for the proposed modifications is as a result of LandCorp's request to reduce the area of the Commercial precinct as research has revealed that it is not commercially viable. The essence of the structure plan remains relatively unchanged, although the location and area of the community purpose site and open space has changed.

The Structure Plan, as modified, conforms to the requirements of Part 10 of the City of Joondalup Town Planning Scheme No 1 (TPS1) and is acceptable for the control of development within the Structure Plan area (Attachment 2). It is considered to be suitable for advertising.

BACKGROUND

At their meeting on 24 November 1998, the former Joint Commissioners adopted the Structure Plan for Currambine. On 28 June 1999 it was adopted and certified by the Western Australian Planning Commission (WAPC).

The Currambine Structure Plan refers to Currambine Estate, which is a portion of Lot 998, Connolly Drive and Moore Drive, Currambine partly in the Centre Zone and partly in the Residential Development Zone. The Currambine Structure Plan was adopted in order to provide attractive streetscape in public areas and adequate flexibility for home designers to maximise amenity for new residents. The structure plan determines the overall detailed land use and form for urban development within the following four precincts;

1. Commercial Centre Precinct;
2. Residential Mixed Use Precinct;
3. Residential Precinct;
4. Small Lot Residential Precinct.

The Structure Plan Map (Attachment 3) indicates the Land Use precincts for the Centre Zone and adjoining land, together with the main road structure and the area of street requiring specific access and building controls.

DETAILS

Current Proposal or Issue

Mitchell Goff and Associates on behalf of LandCorp have requested the modifications as a result of investigations into the commercial viability of the identified commercial centre precinct site. The investigations indicated a limited demand for shopping centres with small supermarkets. As a result the modified structure plan provides for a significantly reduced commercial centre precinct. In summary the following modifications are proposed:

- Significant reduction of the area designated Commercial Centre Precinct;
- Introduction of Community Precinct;
- Reduction of the community purpose site from 5000m² to 4500m²;
- Relocation of community purpose site;
- Elimination of the Small Lot Residential Precinct as a separate precinct;
- Increase of Parks and Recreation area from 4000m² to 5791m²;
- Reduction and shift of the main retail street from Continental Boulevard to Ascot Way;
- Introduction of the R20 code for the Residential Precinct;
- Relocation of the Residential/Mixed Use precinct away from the main retail street.

Relevant Legislation

Under the provisions of Part 10.7 of the Scheme, Council is required to advertise any proposed amendment to a structure plan for a minimum of 21 days. Under the provisions of clause 10.5 following advertising a structure plan is to be considered in light of any submissions received and then referred to the WAPC for adoption before final adoption by Council.

COMMENT

Issues

Community Purpose Site

There is an existing legal agreement between the City and LandCorp with respect to the ceding or transfer to the City of an area of 5000m² for community purposes and for this area to be located to the satisfaction of the City within the proposed Centre Zone. The area of the Community Purpose Site forms part of the contribution to public open space the applicant is

required to make on subdivision of the land. At this stage the City has no firm plans for the provision of community facilities in this area but the proposed site has been examined and is considered suitable for the provision of a general community purpose building or hall and associated parking. The structure plan provides for a 4500m² site instead of the previous 5000m², but this is considered suitable for the anticipated community purpose development and therefore acceptable provided the additional area is added to the Parks and Recreation provisions. The existing legal agreement will require modification to reflect the smaller site area.

Further the location now proposed, being to the north of Ascot Way (Main Street), is preferable as it provides the site with good exposure and the ability to connect the site with the proposed commercial activity making significant contribution towards creating a town centre. The site is, however, adjacent to residential land and in similar situations in the past, there have been issues, such as noise to manage. This issue needs to be addressed prior to final adoption of the Structure Plan.

Residential Precinct/Small Lot Residential Precinct

The existing structure plan includes the majority of the lots in the Small Lot Residential Precinct. It is proposed to identify these and additional lots as being part of the Residential Precinct. Essentially the name “Small Lot Residential Precinct” is considered to be misleading, as the existing lot sizes are within the range of the R20 Code (greater than 405m²) and not considered to be small compared to other lots in the area. Further an R code to determine the density of the area located in the Centre Zone was omitted previously. It is therefore proposed to include provisions relating to the application of the R20 code in this precinct and the R40 code to the Mixed Use and Commercial precinct.

Traffic

The traffic report indicates that there would be a significant decrease in the traffic volumes generated by the revised plan. It is considered that a roundabout at the intersection of Ascot Way and Continental Boulevard similar to that provided in Palace Way is necessary. This is based on the geometry of the intersection and will provide an interface for the two lane boulevard intended for Ascot Way with the single lane Metroliner Drive and Continental Boulevard. This matter can be accommodated at the subdivision stage.

There is some concern with access to lots fronting Palace Way particularly the most eastern and western lots. It is considered that a form of access restriction, for example rear laneway, may be incorporated in the design. It is intended to mark up the plan to clearly define the subdivision design nominated in the structure plan as indicative only. The purpose of this structure plan relating to subdivision is to put in place general subdivision patterns, land uses and access points. Detailed subdivision and road design are handled through the subdivision process.

Public Open Space

A portion of public open space has been identified as Parks and Recreation on the plan. The existing structure plan identifies this as being bound by subdivisional roads. The modified plan shows lots abutting the boundary of the park. This is not in accordance with the City’s policy that requires areas of public open space to be fronted along all boundaries by roads and does not support lots backing onto public open space. It is proposed to advise the applicants of the City’s policy and request that this be addressed during the advertising period.

District Planning Scheme No.2

District Planning Scheme No 2 (DPS2) contains provisions recognising structure plans adopted or in the process of adoption under TPS1. In view of the imminent finalisation of DPS2, it will be necessary at a later stage to review and assess the structure plan to ensure its compatibility with scheme No 2. This has not been carried out at this stage as the landowners are anxious to proceed and this matter had not been raised in discussions.

Assessment and Reasons for Recommendation

The Structure Plan, as modified, conforms with the requirements of Part 10 of the City of Joondalup Town Planning Scheme No 1 and is acceptable for the control of development within the Structure Plan area. It is considered to be suitable for advertising.

MOVED Cr Hollywood, SECONDED Cr Walker that Council:

- 1** pursuant to clause 10.4 of the City of Joondalup Town Planning Scheme No 1, **ADOPTS** the draft Currambine Structure Plan and make it available for public comment for 42 days;
- 2** **ADVISES** the landowner that the legal agreement relating to the provision of a community purpose site will require modification prior to final approval of the modified structure plan;
- 3** **ADVISES** the landowner that any subdivision applications are to incorporate a roundabout at the intersection of Ascot Way and Continental Boulevard similar to that provided in Palace Way and address the access issues relating to the lots fronting Palace Way particularly the most eastern and western lots;
- 4** **REQUESTS** the landowner during the advertising period to address the subdivision design, specifically the lots abutting the proposed public open space to accord with the City's policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space, and ways of minimising any potential conflict between future uses on the community purpose site, and adjacent residential development.

Discussion ensued.

During discussion, Cr Kenworthy left the Chamber at 2056 hrs and returned at 2059 hrs.

The Motion was Put and

CARRIED

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Nixon, Hollywood, Walker, Rowlands, Wight, Patterson, Kenworthy Hurst and Mackintosh

Against the Motion: Crs Carlos and Magyar

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf190900.pdf](#)

CJ261 - 09/00 STRUCTURE PLAN FOR HILLARYS BOAT HARBOUR – [23094]

WARD - Whitfords

SUMMARY

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

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

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

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

BACKGROUND

At its meeting held on 12 September 2000 (CJ243-09/00 refers) Council resolved:

“That the matter pertaining Structure Plan for Hillarys Boat Harbour be DEFERRED to the Ordinary meeting of Council to be held on 26 September 2000 pending further consideration by elected members.”

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

Site History

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

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

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

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

Previous Council Decisions

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

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

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

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

1. Noted the minutes of the Special meeting of electors held to discuss the preparation of a structure plan and implementation study for HBH and adjoining reserves.
2. Acknowledge that reserve 40802 only exists because of public campaign to save the area in part as an example of Quindalup Dunes land formation and vegetation complex; the importance of the Quindalup Dune vegetation preserved at the Whitfords Nodes and its listing in the Perth Bushplan.
3. Consider any development applications or proposals relating to Reserve 40802 in accordance with the adopted Foreshore Management Plan giving due consideration to 2 above.
4. Review Council's Foreshore Management Plan for Reserve 40802 in the light of development currently proposed in the surrounding area, any impacts identified through the preparation of the structure plan and having particular regard to public safety, security, pedestrian and vehicular access and the ongoing protection and maintenance of the coastal environment; and
5. Request the WAPC to ensure that the proposed structure plan recognises the adopted Foreshore Management Plan for Reserve 40802.

DETAILS

Current Proposal or Issue

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

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

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

- Land Use and Development

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

- Marine Functions

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

- Public Access

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

- Car Parking

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

- Traffic Management

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

- Urban Design

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

- Safety and Security

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

- Infrastructure

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

- Environmental Management

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

- Marketing

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

- Land Tenure

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

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

- Northern Precinct

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

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

- Southern Precinct

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

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

- Eastern Beach and Harbour Precinct

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

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

- Beach Precincts North and South of Hillarys Boat Harbour.

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

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

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

Relevant Legislation

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

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

Advertising and Summary

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

The major issues and majority views expressed were:

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

Secondary issues and majority views expressed were:

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

Other main issues were:

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

COMMENT

Issues

Expansion of Commercial Use

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

Relocation of Ferry Services

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

Interface with Whitfords Nodes

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

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

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

Beach Area Preservation

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

Southern Access

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

Additional Development

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

Parking Management

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

Environmental

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

Implications for the City

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

Public Safety and Security

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

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

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

General Comment

The following general points are raised:

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

Assessment and Reasons for Recommendation

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

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

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

OFFICER'S RECOMMENDATION: That Council:

- 1 **ADVISES** the Western Australian Planning Commission that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future with the following modifications and comments made:
 - (a) the provision for further commercial development of the seabed leases is not supported as Council considers that the facility is fully developed already and additional development will exacerbate the existing situation with parking and access;
 - (b) the relocation of the ferry service and associated facilities is supported;
 - (c) the responsibility for recommendation CPI (car parking provision) should not extend to the City. The Western Australian Planning Commission is the responsible authority and accordingly the City is not required to adopt a car parking policy for the boat harbour;
 - (d) with respect to recommendation TM4, without further investigation it is unlikely that a southbound egress point from Southside Drive into West Coast Drive would be supported as it may unnecessarily disrupt the traffic flow;

- (e) recommendations INF1 and NPA7 relating to the monitoring of marine waste collection facilities should read “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”.
- (f) recommendation NPA5 needs clarification to determine if extension into Reserve 40802 is proposed;
- (g) recommendation NSA31 being reworded as follows: “Review the “Hillarys Beach – Hillarys Park Foreshore Management Plan (1991)”, in particular, public safety and security, pedestrian access, integration with the boat harbour, location and extent of car parking adjacent to Hillarys Boat Harbour without compromising the conservation and recreation values of the reserve, including ongoing maintenance of the coastal environment.”

2 UNDERTAKES a review of the Hillarys Beach – Hillarys Park Foreshore Management Plan, taking into account the Hillarys Boat Harbour Structure Plan and paying particular regard to the following issues:

- (a) public safety and security within the carparks and public recreation areas;
- (b) the location and adequacy of car parking to service the public recreation areas;
- (c) pedestrian and vehicular access;
- (d) integration with the boat harbour;
- (e) ongoing protection and maintenance of the coastal environment.

MOVED Cr Magyar, SECONDED Cr Hurst that Council:

1 **ADVISES** the Western Australian Planning Commission that the Structure Plan and Implementation Strategy is generally supported as a basis to guide development in the future with the following modifications and comments made:

- (a) the provision for further commercial development of the seabed leases is not supported as Council considers that the facility is fully developed already and additional development will exacerbate the existing situation with parking and access;
- (b) the relocation of the ferry service and associated facilities is supported;
- (c) the responsibility for recommendation CPI (car parking provision) should not extend to the City. The Western Australian Planning Commission is the responsible authority and accordingly the City is not required to adopt a car parking policy for the boat harbour;
- (d) with respect to recommendation TM4, without further investigation it is unlikely that a southbound egress point from Southside Drive into West Coast Drive would be supported as it may unnecessarily disrupt the traffic flow;

- (e) recommendations INF1 and NPA7 relating to the monitoring of marine waste collection facilities should read “Provide a marine waste collection facility in a suitable location and hard stand area for cleaning of boat hulls. Hard stand areas and car parking should also have appropriately designed sediment traps and oil and grease traps”.
- (f) recommendation NSA31 being reworded as follows: “Review the “Hillarys Beach – Hillarys Park Foreshore Management Plan (1991)”, in particular, public safety and security, pedestrian access, integration with the boat harbour, location and extent of car parking adjacent to Hillarys Boat Harbour without compromising the conservation and recreation values of the reserve, including ongoing maintenance of the coastal environment.”

2 **UNDERTAKES** a review of the Hillarys Beach – Hillarys Park Foreshore Management Plan, taking into account the Hillarys Boat Harbour Structure Plan and paying particular regard to the following issues:

- (a) public safety and security within the carparks and public recreation areas;
- (b) the location and adequacy of car parking to service the public recreation areas;
- (c) pedestrian and vehicular access;
- (d) integration with the boat harbour;
- (e) ongoing protection and maintenance of the coastal environment;

3 **NOTES** and affirms the resolution of the Commissioners, C30-06/99 on 22-06-99 to “**ACKNOWLEDGE** that Reserve 40802 only exists because of the long public campaign, in the 1970’s and 1980’s, to save the area in part as an example of Quindalup Dunes land formation and vegetation complex;”

4 **RECOMMENDS** to the Western Australian Planning Commission that Reserve 40802 as recognised under Perth’s BushPlan be given the highest protection possible by changing the Management Order to classify Reserve 40802 as an A Class Reserve as recommended in the Hillarys Boat Harbour Draft Structure Plan, recommendation LT2.

Cr Hurst sought clarification on the northern and southern boundaries of the Whitfords Nodes; in addition to the classification of an “A” class reserve.

The Motion was Put and

CARRIED UNANIMOUSLY

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14ag260900.pdf](#)

**CJ262 - 09/00 FINAL CONSIDERATION OF DISTRICT PLANNING
SCHEME NO 2 – [09011] [02726] [04726]****WARD - All**

CJ000919_BRF.DOC:ITEM 15

SUMMARY

The Western Australian Planning Commission (WAPC) has advised that the Hon Minister for Planning has considered District Planning Scheme No2 (DPS2) and determined not to approve the scheme until certain modifications are carried out. The documents are to be modified in accordance with the Minister's direction and lodged with the WAPC within 42 days of receipt of the advice. It is estimated that the Scheme should receive final approval at the earliest in November 2000.

The modifications relate to the Ministers determination on public submissions and the City's recommendations, provisions for restrictive covenants, the Mixed Use zone, the Rural zone and various other matters.

Council is required to adopt, sign and seal the modified documents for final endorsement by the Minister and publication of the Scheme Text in the Government Gazette.

HISTORY

The City of Joondalup administers Town Planning Scheme No 1 (TPS1). TPS1 began as the Shire of Wanneroo Town Planning Scheme No 1 and was gazetted on 13 September 1972. The then Shire of Wanneroo initiated review of the Scheme on a number of occasions but the process has never been completed. Most recently the then Minister for Planning directed the then City of Wanneroo to complete the preparation of DPS2.

DPS2 was advertised for public comment for three months to 20 January 1998 and a further three months to 20 April 1998. In March 1999 the Minister directed that the Scheme be split into two schemes (Wanneroo and Joondalup), modified and re-advertised for public comment. The modifications were advertised for public comment for 30 days to 18 July 1999.

BACKGROUND

At the meeting on 12 October 1999 the Joint Commissioners considered a report regarding District Planning Scheme No 2 following advertising for public comment, and resolved to:

- 1 ADVISE the Western Australian Planning Commission that they have considered the submissions received as a response to public advertising pursuant to Town Planning Regulation 20;**

- 2 RECOMMEND to the Western Australian Planning Commission that the City of Joondalup District Planning Scheme No 2 be modified:**
- (a) as set out in the schedule of submissions as detailed in Attachment 1 to Report CJ356-10/99 except the recommendation relating to Submission No 11 which should read:**

“that the scheme be modified by Lot 51 (28), Lot 505 (32) and Lot 504 (34) Seacrest Drive, Sorrento being included in the Residential Zone and Lot 51 (28) Seacrest Drive, Sorrento being included in the Schedule of Additional Uses to permit the additional use of Medical Centre.”
 - (b) as identified in Attachment 3 to Report CJ356-10/99;**
 - (c) by incorporating the substance of Town Planning Scheme No 1 amendments as listed in Attachment 5 to Report CJ356-10/99;**
 - (d) subject to acceptable progress of the Centres Strategy the City of Joondalup District Planning Scheme No 2 scheme text, as detailed in Attachment 6 to Report CJ356-10/99;**
- 3 RECOMMEND to the Western Australian Planning Commission that the changes to City of Joondalup District Planning Scheme No 2 scheme maps, as detailed on Attachment 4 to Report CJ356-10/99, are considered minor and the scheme be modified accordingly;**
- 4 REQUEST the Western Australian Planning Commission to amend the Metropolitan Region Scheme to rezone land in the City of Joondalup from the Rural zone and include in the Urban zone and Reserves as appropriate.**

DETAILS

The WAPC has advised by letter dated 16 August 2000 that the Hon. Minister for Planning has noted and determined the submissions, and has decided not to approve the Scheme until such time as the modifications requested have been effected. 105 submissions had been received during the advertising period, and the Minister has made his determinations in accordance with the City's recommendations in almost all cases. The Minister has determined some submissions differently to the City's recommendations; the most important of these relates to the Mixed Use Zone, which is detailed below. The Minister has also made a number of further directions to modify the Scheme documents. Most of these are relatively minor modifications, but the more important are mentioned below.

The Scheme documents consist of the Scheme Text, the Scheme Map consisting a series of zoning maps and a series of residential code maps, and a non statutory Scheme Report. The modifications relate to both the Scheme Text and the Scheme Map.

Restrictive covenants

The Minister has directed that the text provisions relating to restrictive covenants be deleted and the Model Scheme Text (MST) provisions be inserted in their place. This matter was addressed in Report C52-09/00 to the Council at its meeting held on 12 September 2000 where Council resolved:

- 1 SEEKS a deputation to the Hon Minister for Planning together with state members of Parliament to discuss the implications of the provisions relating to restrictive covenants being included in District Planning Scheme No 2;**
- 2 EXPRESSES serious concern at the Minister’s direction to include the Model Scheme text provisions relating to Restrictive Covenants in view of the likely impact this will have on the residential community;**
- 3 REQUESTS that these provisions not be required to be included in District Planning Scheme No 2.**

Mixed Use Zone

The Minister has directed that the text provisions relating to the Mixed Use Zone be modified by disallowing certain uses (Dry Cleaning Premises, Hardware Store, Hospital, Laundrette, Motel, Showroom and Take Away Food Outlet), and allowing the use of Convenience Store.

Zoning Table

The Minister has directed that the Scheme text be modified to include the Rural zone in the list of zones in the Zoning Table, together with the use classes to be permitted and prohibited in the zone. He has further directed that the use classes for ‘Industry-Extractive’, ‘Industry-General’, ‘Industry Hazardous’ and ‘Vehicle Wrecking’ be retained in the table and identified as “X” (Not Permitted) in all zones, that the use class “Industry-Noxious” be deleted, and the use class “Communication Antenna – Domestic” be included.

Definitions

A further series of Ministerial modifications relate to Schedule 1 Interpretations in the Scheme text. The definitions affected are those for the terms “Incidental Use”, “Place of Worship”, “Industry-General”, “Industry-Noxious” and “Park Home Park”.

Local Centres Strategy

The City had proposed that a number of recommendations of the draft City of Joondalup Centres Strategy be included in the Scheme. This principally related to Schedule 3 – Commercial Zones and Centres containing a list of maximum allowable retail net lettable areas for each centre. The Schedule required modification because of a number of incorrect entries. The Minister has directed that the Schedule not be changed at this stage but that the outcomes of the Centres Strategy be implemented in the Scheme by way of a separate scheme amendment.

Scheme Maps

A number of changes have been required to the Scheme Maps, mostly in accordance with the City's recommendations. The exceptions to this are:

- Lot 375 Derwent Meander from R5 to R10,
- Lot 124 Cook Avenue Hillarys (school site) to remain in Public Use Reserve pending separate amendment;
- Lot 1 Warburton Avenue Padbury (Service Station) to remain in the Residential zone with additional use;
- Lots 234 and 242 Banks Avenue and 244 and 245 Green Road Hillarys to remain in the Residential zone with additional use.

Process

The Minister for Planning has determined not to approve the Scheme until a number of modifications are effected. Town Planning Regulation 21 provides that the City of Joondalup comply with the modifications required by the Minister and forwards three copies of the Scheme Documents to the WAPC within 42 days for approval.

The 42 day period concludes on 27 September 2000 so the documents will require execution and dispatch on that day to comply with the Regulations.

It is estimated that allowing for the documents to be examined by the Ministry for Planning and the Ministers office, and endorsement by the Minister, publication in the Government Gazette should occur at the earliest in November 2000.

COMMENT

Restrictive covenants

This modification could have a substantial impact on properties within the City that are affected by restrictive covenants. As stated above this matter has been commented on in detail in another report. At this stage the outcome of the proposed deputation to the Minister is not known and the documents have been modified with the inclusion of the Model Scheme Text provisions relating to restrictive covenants. Should this provision remain, on the gazettal of the Scheme any restrictive covenant applying to land within the City limiting residential development to less than that permitted by the R codes will be extinguished or modified.

Mixed Use Zone

The Mixed Use Zone is a new initiative in DPS2 to provide a mechanism to strengthen the activity level and thence the viability and employment of local centres in the City. It is not considered that the changes directed by the Minister will alter the nature of the zone to a significant degree. Attachment No 1 shows the uses proposed by the City and the changes required by the Minister.

Zoning Table

The inclusion of the Rural Zone in the zoning table may give the impression that the zone is included in the Scheme to provided for a particular range of uses. The Rural zone is only included because the Metropolitan Region Scheme still has a small number of isolated lots in that zone in the City of Joondalup awaiting a decision to be included in the Urban zone or an appropriate reserve. These changes will not significantly impact on the operation of the Scheme.

Definitions

Modifications to the interpretations will not have a significant impact on the operation of the Scheme.

Scheme Maps

The changes required to the Scheme Maps are not considered to impact significantly on the operation of the Scheme.

Process

There is concern with some of the modifications required by the Minister, and preference for some matters to be handled differently, but the final documents reflect the fact that the Scheme is the result of collaboration between the City, the WAPC and the Minister over a considerable period of time. District Planning Scheme No 2 will provide Council with the planning powers and authority to fulfil its town planning responsibilities. Fundamentally there is no option but to proceed in accordance with the Minister's direction.

There will be an initial period during the operation of the Scheme where corrections and improvements will be identified; these will be able to be addressed by amendments. Planning policies and structure plans adopted under TPS1 or in the process of adoption are recognised by DPS2 but will require review to ensure appropriate fit.

There are a number of lessons to be learned from the experience in processing this Scheme. Firstly it is not a task to be deferred until it is overdue. A scheme review is required every five years and the only way to realistically meet this schedule is to operate a continuous review program. This is already under-way with the Centres Strategy near to completion and the Local Housing Strategy to be completed this financial year.

A further lesson is that the review must be completed within a relatively short time frame to avoid problems arising from multiple changes to legislation and State policy and multiple changes of elected personnel and staff. Finally community expectations are that such matters be fully explained and opportunity provided for community input. Although District Planning Scheme No2 was advertised for extended periods the quantity of information involved made it difficult to appreciate the implications.

The Scheme documentation is recommended for adoption.

OFFICER'S RECOMMENDATION: That Council:

- 1 **ADOPTS** District Planning Scheme No 2 modified in accordance with the advice of the Minister for Planning dated 16 August 2000 in accordance with Town Planning Regulation 21 (2);
- 2 **AUTHORISES** the affixation of the Common Seal to, and endorses the signing of, the District Planning Scheme No 2 documents.

During discussion, Cr Patterson left the Chamber at 2105 hrs and returned at 2110 hrs.

ADDITIONAL INFORMATION

At the Council meeting on 12 September 2000, Elected Members were advised of the direction given by the Minister for Planning to include provisions within District Planning Scheme No. 2 (DPS2) relating to restrictive covenants, and the concerns surrounding the inclusion of these provisions. Council resolved that it seek a deputation to the Minister for Planning, to discuss the implications of these provisions, as follows:

- 1 **SEEKS** a deputation to the Hon Minister for Planning together with state members of Parliament to discuss the implications of the provisions relating to restrictive covenants being included in District Planning Scheme No 2;
- 2 **EXPRESSES** serious concern at the Minister's direction to include the Model Scheme text provisions relating to Restrictive Covenants in view of the likely impact this will have on the residential community;
- 3 **REQUESTS** that these provisions not be required to be included in District Planning Scheme No 2.

On 21 September 2000, the Mayor and Clayton Higham, Director Planning & Development, met with the Minister for Planning, Graham Kierath, his advisor, and Rob Johnson MLA for Hillarys, to put forward these concerns. The Minister advised it was his understanding that the provisions within the Model Scheme Text, which are the same as those he has directed the City to include in DPS2, would not override the provisions in the Land Administration Act, which clearly set down a procedure for the removal of any restrictive covenant, and which involves extensive community consultation. The Minister indicated that if, after seeking Crown Law advice, this was not the case, then he would be prepared to reconsider his decision. In the meantime, he advised that the City should not include the restrictive covenant provisions within its Scheme to be put to the Council on Tuesday evening for final adoption.

As a consequence of this advice, it is proposed that the recommendation be amended as follows:

- 1 **NOTES** the deputation to the Minister for Planning held on 21 September 2000 and the advice of the Minister to not include the clauses relating to Restrictive Covenants in DPS2 until further advice has been received;

- 2 ADOPTS District Planning Scheme No. 2 modified in accordance with the advice of the Minister for Planning dated 16 August 2000, and subsequent advice from the Minister at the deputation on 21 September 2000, in accordance with Town Planning Regulation 21 (2);
- 3 AUTHORISES the affixation of the Common Seal to, and endorses the signing of, the District Planning Scheme No. 2 documents.

MOVED Cr Rowlands, SECONDED Cr Walker that Council:

- 1 **NOTES the deputation to the Minister for Planning held on 21 September 2000 and the advice of the Minister to not include the model scheme text clauses relating to Restrictive Covenants in District Planning Scheme No 2 until further advice has been received;**
- 2 **ADOPTS District Planning Scheme No 2 modified in accordance with the advice of the Minister for Planning dated 16 August 2000, and subsequent advice from the Minister at the deputation on 21 September 2000, in accordance with Town Planning Regulation 21 (2);**
- 3 **AUTHORISES the affixation of the Common Seal to, and endorses the signing of, the District Planning Scheme No 2 documents.**

Discussion ensued. Manager, Urban Design and Policy Services gave an overview of the history and current situation with regard to District Planning Scheme No 2.

Cr Magyar raised concerns in relation to Point 1, stating it was unclear as to whether this referred to the Minister's clauses being imposed on Council regarding restrictive covenants, or whether this refers to the original clauses drafted by Council.

To clarify this issue, Director, Planning and Development advised that appropriate wording would be to include the words "model scheme text" within Point 1.

Crs Rowlands and Walker, as mover and seconder to the motion, agreed to the inclusion of this wording.

The Motion was Put and

CARRIED

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12bbrf190900.pdf](#)

**CJ263 - 09/00 WHITFORD CITY ALTERATIONS TO CARPARK
AND RETAIL FLOORSPACE: PT LOT 501 (470)
WHITFORDS AVENUE, HILLARYS - [00081]**

WARD - Whitfords

CJ000919_BRF.DOC:ITEM 16

SUMMARY

An application has been received seeking modifications to Council's previous approval of 7 December 1999 for major alterations (for additional retail and non-retail floorspace, car parking and village squares) to Whitford City. This subject application includes modifications to the distribution of car parking and the size and distribution of retail floorspace at the western end of the centre.

The key aspects of the application, when compared to the application approved in December 1999, are as follows:

- Retail floorspace would be reduced from 49,601m² net leasable area (retail NLA approved) (Report CJ437-12/99) to 48,537m² (retail NLA proposed);
- 330 car parking bays would be relocated to the north eastern end of the centre resulting in a more balanced distribution of parking around the buildings. Additional parking bays are proposed to be located closer to Whitfords Avenue and Marmion Avenue than was shown in the December 1999 application, which will result in a reduction in traffic volumes on adjoining streets to the west and south of the site;
- An upper floor car parking deck which had been proposed (in the December 1999 application) on the western portion of the site has been deleted.

Car parking provision is proposed to be consistent with the ratio approved in December 1999. That ratio was applied following a detailed traffic impact assessment, and the determination of earlier proposals. The ratio applied is in accordance with the standards proposed in draft District Planning Scheme 2 (DPS2).

Importantly, the proposal would not prejudice opportunities for future integration of the centre with community facilities (including the recreation reserve to the South of Banks Avenue, and library at the eastern end of the site). The proposal represents an opportunity for reducing the physical separation between the shopping centre land use and the surrounding area.

The proposal requires a determination from Council pursuant to the City of Joondalup Town Planning Scheme No.1. The proposal also requires a separate determination from the Western Australian Planning Commission pursuant to the Metropolitan Region Scheme.

The proposal is closely related to that considered in December 1999, and has been advertised for public comment as a component of its assessment. Approval of the proposal is recommended.

BACKGROUND

File Reference:	00081
Application No:	DA00/0264
Applicant:	NMFM Property Pty Ltd
Owner:	Permanent Trustee Australia Ltd
Date Received:	23 June 2000
Zoning:	TPS1: Whitford Town Centre
MRS:	Urban
Lot Area	19.84 hectares
Existing Retail NLA	37,697m ² Net Leasable Area (NLA)
Proposed Retail NLA	48,537m ² (49,601m ² approved in December 1999)
Use Class:	“P” – Shops, “IP” – Car Park

On 7 December 1999, Council approved an application for major alterations and additions to Whitford City comprising two new malls, with one running parallel to the east west mall and the other running through the site of the current Woolworths store and connecting into a new village square on the Whitfords Avenue side of the site. The existing Woolworths store was to be relocated, and two new mini-major stores were to be included. New entrances were provided from the north east and from the west side of the building. The total retail floor space approved was increased from the current 37,697m² retail net leasable area (NLA) to 49,601m².

The Council exercised discretion to vary its car parking requirements when approving the proposal, and the parking requirements of DPS2 were applied to the development. Appropriate parking standards have been developed following consideration of previous proposals for extension to Whitfords City. In addition, standards have been developed in DPS2 to reflect contemporary parking demand, based on the scale of the centre proposed. The parking standards of draft DPS2 were adopted as Council policy in 1998 to guide the exercise of discretion under TPS1. This proposal is consistent with that rationale.

Subsequent to the December 1999 approval, the applicant has had several meetings with City Officers in relation to various aspects of the proposal. This dialogue has contributed to the submission of a new application, with potential benefits for internal site movement, traffic on adjoining streets, and visual appearance

WA Planning Commission Approval

Separate approval is required for this application from the Western Australian Planning Commission (WAPC). The need for that approval stems from the Metropolitan Centres Policy, which requires applications for additions of more than 5000m² of commercial floor space to be referred to the WAPC for determination. WAPC evaluation is restricted to regional impacts of the proposal, from a town planning viewpoint.

The WAPC approved the December 1999 application on 9 March 2000 pursuant to the Metropolitan Region Scheme (MRS). In general terms, the WAPC approval was subject to several conditions that specified:

- a maximum additional NLA of 11,904m²;
- a maximum retail NLA of the Centre not exceeding 50,000 m²;
- reducing the visual bulk by landscaping and colour selection;
- traffic management and road safety audits;
- deletion of Driveway J on Marmion Avenue; and
- provision being made for disabled access, pedestrian access and cyclists.

DETAILS

The function and scale of the subject application is consistent with the December 1999 proposal. Key aspects of the new proposal are described below.

New building layout

The proposed changes would reconfigure the future mini-major store and adjacent specialty shops proposed at the eastern portion of the centre near the existing Big W department store. A new carparking deck of 330 bays is proposed at the north-eastern corner of the site.

Other planned changes involve:

- removal of the upper carparking deck at the western end of the site;
- reconfiguring the existing ground level carpark at the western end of the site;
- reconfiguring the two mini-major stores by reducing mini-major 1 from 5,662m² to 3,891m² (ground floor) and maintaining mini-major 2 at 2,000m²;
- the northern side of the centre between Big W and the modified mini-major being expanded with additional retail space, relocated from other areas of the site;
- overall retail floor space being reduced by 1,064m² from that approved by Council.

The applicant has provided a revised traffic and parking study in support of the proposal together with copies of plans and elevations (some of which are attached for ease of reference).

Staged Development

The proposal has the potential to be split into stages, and the applicant has indicated a desire to pursue sections of the development at separate times. The need for this relates to maintaining maximum function of the centre during construction works.

Advice indicates that the western half of the deck and the vehicle ramps would be constructed in the first stage, as well as the retail floorspace additions. The proposal for staged construction raises the need for the proposal to be at a finished standard, when each stage is complete. The finished standard would necessitate Building Code and Town Planning conformity of each element of the proposal, as stand alone items, in the event that the proposal was not completed in its entire form. Preliminary drawings have been submitted, demonstrating that the Stage 1 deck would have the appearance of a completed development.

Floor Space Calculations

The proposal involves reconfiguring the expansion plans for Whitford City Shopping Centre from 37,697m² to 48,537m² retail NLA.

The total expansion now proposed is marginally less than that given consideration by Council in December 1999, where 49,601m² (Retail NLA) was approved.

The total NLA of the site would be 68,280m², which is marginally less (approximately 1000m²) than was approved in December 1999.

Urban Design

Due to the potential bulk of the proposal, and its landmark location at the Whitfords Avenue/Marmion Avenue intersection, particular attention has been paid to the visual appearance and urban design implications of the development. The carparking deck proposed at the eastern end of the centre will form part of the main façade for passers-by travelling on Marmion Avenue. The main elements of the deck parking façade are the corner stairs and a decorative screen wall on the outer (Whitfords Avenue) side of the ramp to the upper deck.

The stairs will be enclosed as a tower, using the same design elements and finishes as the stair and lift tower proposed in the approved extension adjacent to the Dampier Avenue entry (Driveway C). This will give a continuity of design detail between the east and west ends of the Centre. The tower walls will be constructed of precast concrete panels with cast-in banding, recesses and openings. The roof will be colourbond steel.

The screen wall along the ramp will provide the main entry statement for Whitford City. Its dramatic shape follows the slope of the ramp and provides the background for applied signage and sculptural detail. The wall will be constructed from precast concrete segments with cast-in banding and recesses.

The sides of the deck will have precast concrete fascia panels giving a colonnade effect. This combined with the stairs and screen wall will provide an interesting, articulated façade to Whitfords and Marmion Avenue, not just a utilitarian concrete deck.

The village square and al fresco areas proposed in the December 1999 application will also be retained, and will contribute to “breaking open” the shopping centre to the surrounding land uses.

A separate precinct planning exercise has been foreshadowed for the Whitfords Town Centre area, although this has not been resourced or initiated as yet. Importantly, the proposal would not prejudice opportunities for future integration of the centre with community facilities (including the recreation reserve to the South of Banks Avenue, and library at the eastern end of the site). The proposal represents an opportunity for reducing the physical separation between the shopping centre land use and the surrounding area.

This proposal is consistent with preliminary master planning of the area (previously carried out by Hames Sharley as part of the December 1999 application). It is understood that the long-term intent is for the City to conduct its own precinct planning exercise in the “Town Centre” area.

The proposal recognises the primacy of the centre and its potential to function as;

- a meeting place,
- an employment focal point, and
- a catalyst for co-locating commercial, cultural and recreational activity.

The activities mentioned above will enhance the vibrance of the Hillarys area, and could add to the sense of community identity. This matter will need to be addressed when the City conducts its own future planning of the area.

Traffic & Parking Study

The applicant has lodged an updated Traffic and Parking Study (dated June 2000). The following section should be read in conjunction with Attachment 1 which displays the following driveway locations:

- Driveway A is located on Whitfords Ave near Marmion Ave;
- Driveway B is located on the intersection of Whitfords Ave & Dampier Ave;
- Driveway C is located on Whitfords Ave east of Dampier Ave;
- Driveway D is located on Endeavour Rd;
- Driveway E is located Banks Ave opposite Venus Ave;
- Driveway F is located on Banks Ave east of Venus Ave;
- Driveway G is located on Banks Ave west of Green Rd;
- Driveway H is located on Banks Ave near Marmion Ave; and
- Proposed Driveway J (now deleted) was to be located on Marmion Ave north of Banks Ave.

The applicant drew the following traffic conclusions from the study.

Traffic Volumes

Higher traffic volumes are expected on arterial roads as a result of suburban growth and consolidation, with revised traffic volumes for year 2006 projecting increases as follows:

- Whitfords Avenue west of Marmion Avenue;
- Banks Avenue west (to Driveway H) from Marmion Ave;
- Banks Avenue east of Driveway F;
- Marmion Avenue south of Whitfords Ave.

Traffic Management Measures

The revised Traffic & Parking Study proposes the following traffic management measures:

- Either a dual lane roundabout or traffic signals are recommended at the Whitfords Avenue – Driveway A junction between Dampier Avenue and Marmion Avenue.
- Driveway J (being right turn movement on Marmion Avenue) was deleted to comply with the WA Planning Commission's approval.

Banks Avenue

Banks Avenue serves as a local Street for the residents of 22 dwellings and as an access for shoppers to Whitford City. There are currently four crossovers to Banks Avenue from the centre.

The applicant's traffic consultant has provided the following comments specific to Banks Avenue and Dampier Avenue. There will be an increase of 170 vehicles per day (vpd) over the original 1130 vpd forecast in the December 1999 approval, to 1300 vpd in Banks Avenue, between Driveway F and Green Road. This additional 170 vpd increase results from the deletion of the proposed right turn movement out of Driveway C into Whitfords Avenue as per Condition (e) of Council's December 1999 development approval. It does not result from the current application. In fact without the relocation of the parking deck to the eastern end of the site the increase in traffic in Banks Avenue resulting from the modification of Driveway C would be significantly greater. This application minimizes the impact of the proposal on Banks Avenue and Endeavour Road.

Dampier Avenue

Dampier Avenue serves as a local street for residents of Kallaroo, and as an access for shoppers with a signalised intersection at Whitfords Avenue. Previous public submissions have suggested that residents believe traffic is already a concern on Dampier Avenue in terms of volume and speed. These concerns have been evaluated by the City on several occasions. Dampier Avenue is categorised as a local distributor and carries around of 10,800 vpd during an average Thursday. The traffic study suggests that traffic volumes would be unaffected by the subject application, when compared to the December 1999 approval.

In summary the applicant believes:

- the relocation of a deck of parking provides a better balance of parking distribution around the site. It brings more parking closer to the main arterial roads at the eastern end of the centre, reducing traffic volumes nearer the residential areas at the western end of the centre;
- the deck will be situated on a part of the site which is lower than the surrounding roads. The street level at the Marmion Avenue/Whitfords Avenue corner is three metres higher than the floor level of the centre, therefore the deck is kept as low as possible in relation to the surrounding streets. It is not practical to sink the deck any lower because of the underlying limestone outcrop along Marmion Avenue.
- separating this carpark deck from the approved extensions at the western end of the centre allows for its construction ahead of the main works, giving additional parking to offset the bays which will be lost during the main construction works.

Main Roads Western Australia Comments

Main Roads comments in regard to the revised traffic report are as follows:

- Driveway J (left-in only from Marmion Avenue) should be included in the scheme to reduce the pressure on the intersections of Banks/Marmion and Marmion/Whitfords. Main Roads had no objections to this proposal in the original application.

- A dual lane roundabout is supported at Driveway A (currently limited access from Whitfords Avenue, adjacent to Marmion Avenue intersection).
- There are no objections to the relocation of the deck parking.
- Conditions 4, 6, 7, 8 in the original WAPC approval still apply as outlined below:

“4. The proponent shall prepare detailed engineering designs, in liaison with Main Roads WA and the Local Government, to the satisfaction of the Commission, for the following intersections:

**Marmion Ave/Banks Ave*

**Marmion Ave/Driveway A*

**Whitfords Ave/Dampier Ave/Driveway B*

**Whitfords Ave/Driveway C*

**Whitfords Ave/Endeavour Rd*

- 6. The proponent shall conduct stage 2 and stage 3 road safety audits by a senior auditor registered by Main Roads WA on Marmion Avenue from 200 metres south of Banks Avenue to 300 metres north of Whitfords Avenue and Whitfords Avenue from 200 metres east of Marmion Avenue to 200 metres west of Endeavour Drive to the satisfaction of the Commission.*
- 7. The proponent, in consultation with the Local Government and Main Roads WA, shall address the findings of the abovementioned road safety audits in the final design and construction of the intersections to the satisfaction of the Commission.*
- 8. The proponent shall conduct a stage 5 road safety audit by a senior auditor registered by Main Roads WA on Driveways D, E, F, G, H and I. At the proponents cost and in consultation with the Local Government, the proponent shall address all safety deficiencies identified by the road safety audit to the satisfaction of the Commission.”*

It is anticipated that the above conditions of approval will be applied by the WAPC, when providing its evaluation of the proposal.

Community Consultation

The revised proposal was advertised for a period of 21 days for public comment. A comprehensive advertising programme was undertaken involving:

- 78 notification letters sent to surrounding residents
- Erection of two advertising signs on Banks Avenue and Whitfords Avenue
- Plans were on display at the Council Administration building in Joondalup
- Plans were also available for public inspection at the Whitford City Shopping
- An advertisement was also placed in the Joondalup Community newspapers.

At the close of advertising, no submissions were received. One late submission was received for a nearby resident requesting that Council investigate the potential for treating Banks Avenue in such a way as to further reduce vehicle speed as a major priority. This concern can be addressed when dealing with detailed traffic management strategies to regulate volume and speed, with the applicant.

COMMENT

The subject application is a refinement of the proposal that was approved in December 1999. The proposal has some advantages over the previous submissions in regard to traffic management, distribution of car parking and visual bulk.

Floorspace Calculations

This proposal is consistent with planning policy and statutory requirements of the 50,000m² NLA retail allocation to this centre proposed in the City Draft Centres Policy, North West Corridor Structure Plan 1992 and draft District Planning Scheme No.2. The proposal comprises 1,064m² retail NLA less than the application approved in December 1999.

Traffic Management Conclusion

The traffic management implications of the proposal have also been assessed by the City. The assessment concludes that :

- the provision of a dual lane roundabout is preferred at the intersection of Driveway A and Whitfords Avenue. Traffic signals are not supported in this location.
- the proponents should undertake traffic management measures on Banks Avenue including constructing roundabouts at the intersection of Banks/Driveway F, and Banks/Driveway H..
- the traffic flow generation and operation of intersections adjacent to the development are acceptable
- the relocation of the parking deck proposed under the current proposal and subsequent redistribution of parking, traffic and access to the eastern section of the development and adjacent roads is desirable.

Car Parking

The City of Joondalup Town Planning Scheme No.1 stipulates parking requirements for the development. Discretion to reduce parking provision was previously exercised by the Council in December 1999. It is appropriate for Council to again acknowledge this by assessing the revised proposal for its conformity with the parking standards of (draft) District Planning Scheme No 2. as set out on the following table. The supply of parking proposed is adequate for the Centre and modifications proposed.

Existing Parking Provision	Floor Space Proposed	Parking Provision Required under Draft District Planning Scheme No 2.	No. Bays Required	No. Bays Proposed
3735 Bays (approx. 6.31 bays per 100m ² NLA. Figures provided by applicant)	68,280m ² total NLA (48,537m ² retail NLA)	3000 bays for the first 50,000m ² of NLA plus 4.8 bays per 100m ²	3,826	4,131

Building Setbacks & Landscaping

TPS1 specifies minimum building setbacks from boundaries for shops as 9 metres front, 3 metres side and 6 metres rear. All setbacks are more than 9m. The proposal complies with TPS1 in this regard.

A total of 8% of the total site must be landscaped under TPS1. The proposal more than satisfies this requirement with 10.4% landscaping provided.

Urban Design

The most exposed view of the proposal is the appearance of the car parking deck when viewed from Whitfords Avenue and Marmion Avenue. The elevations have been detailed to include variation in colour and relief to provide an attractive façade to the deck area.

The expanded centre remains typical of a 'bigger box' surrounded by lower scale residential development. Notwithstanding these comments, broad structure planning of the area beyond the centre has been assessed by the applicants on a preliminary basis and has positively influenced the final design.

A portion of the site is also at a relatively low level, being up to 3.0 metres below Marmion Avenue, which assists in reducing the visual impact of the proposed parking deck. When combined with the limestone mound along Marmion Avenue, views of the Centre are limited. A focal point (turret feature) on the corner of Whitfords Avenue and Marmion Avenue is proposed on the section that is visible. The design also 'breaks up' the parking deck elevations by screen walls, materials, finishes and landscaping. The additions to the Centre will soften the 'big box' approach with the design and finishes proposed.

The creation of new entry points with distinct architectural features and themes will help customers to navigate the site and to remain oriented. Given these new features, and the relocation of car bays closer to the centre, travel distances into the centre will be reduced.

Staging Contingencies

In principle, staging of the development is supported for the following reasons;

1. construction activity can be restricted to discrete areas and the potential impacts off site
2. (noise, dust, deliveries etc) could be managed more effectively if the proposal is staged, and
3. The function of the centre would be less effected during the construction period.

If the application is to 'roll out' in this fashion, a construction management plan would need to be developed in close cooperation with the City to ensure common understanding of concerns and requirements. Each stage of the development should also be required to conform to the Building Codes and the Town Planning Scheme.

From an Urban Design perspective, each stage of the development would need to appear finished and integral with the entire master plan for the site. The legibility of entry points and access arrangements should be retained in developing a staged plan.

Conclusion

The relocation of the parking deck will result in a better balance of parking across the site. The modifications to the previous approval overall represent and improvement of the previous approval. It would result in more parking closer to the main arterial road network of Marmion Avenue and Whitfords Avenue and reduce traffic volumes on nearby residential streets such as Banks Avenue. The visual impact of deleting a third deck of parking to a single level deck of parking on the western side of the Centre reduces the bulk and scale of the development which was a concern raised in earlier submissions from residents of Kallaroo.

In summary, the modifications to the previous December 1999 Council approval will improve the functionality of Whitford City Shopping Centre, while at the same time minimising the impact on the amenity of surrounding residents. It is recommended that the proposal be approved.

MOVED Cr Patterson, SECONDED Cr Hurst that Council:

- 1 EXERCISES discretion pursuant to clause 9.1 (1) of the City of Joondalup Town Planning Scheme No.1 by:**
 - (a) reducing the car-parking ratio for this development from 8 bays per 100m² GLA under TPS 1 to 3000 bays for the first 50,000 m² of NLA plus 4.8 bays per 100 m² under Draft District Planning Scheme No 2;**

- 2 APPROVES the revised proposal for carpark modifications and reconfiguration of retail floorspace to the Whitford City Shopping Centre on Lot Pt Lot 501 (No.470) Whitfords Avenue, Hillarys as proposed by applicant NMFM Property Pty Ltd and described in revised plans dated 23 June 2000 and report subject to the following conditions:**
 - (a) submission and implementation of a Construction Management Plan prior to commencement of any works and being to the satisfaction of the City. Such a plan must detail phasing in construction, construction vehicle access (not from Banks Avenue), storage areas, refuse disposal, maintenance of shopper access and parking bays, ameliorative measures to control noise and dust pollution to adjacent residents associated with earthworks and general construction;**
 - (b) a dual lane roundabout (at the cost of the proponent) being designed and constructed at the intersection of Driveway A junction on Whitfords Avenue between Dampier Avenue and Marmion Avenue to the satisfaction of the City and Main Roads Western Australia;**
 - (c) right turn access from Driveway C onto Whitfords Avenue being deleted;**
 - (d) proposed road and signal modifications at the intersection of Whitfords Avenue and along the length of Marmion Avenue being approved by Main Roads Western Australia or other such traffic management measures accepted by Main Roads WA and funded by the proponent;**

- (e) additional traffic management measures being developed (at the proponent's cost) for Banks Avenue and Dampier Avenue in consultation with and being to the satisfaction of the City including design, construction, landscaping, funding and liaison with adjoining residents. This is to include the provision of roundabouts on Driveway F & H on Banks Avenue;
- (f) all traffic management measures being completed prior to occupation of building alterations and additions;
- (g) construction of a covered disabled access ramp from the Bus Stop on Whitfords Avenue to a retail entry/exit of Whitford City Shopping Centre. The existing bus stop being replaced with two bus stands capable of accommodating two buses and each providing weather protection and seating for at least ten passengers. All works being at the proponent's cost;
- (h) the visual bulk of the proposed building extensions being reduced by way of materials or colour panel selection and mature landscaping when viewed from Whitfords Avenue and Banks Avenue to the satisfaction of the City. A detailed schedule of materials and colours is to be submitted and approved by the City;
- (i) the installation of pedestrian, cyclist and disabled access (at the proponent's cost) along Whitfords Avenue, Marmion Avenue, Endeavour Road and Banks Avenue to the satisfaction of the City. Pavements being preferably 2.5 metres in width for safe and convenient access within the development and interconnecting with adjoining residential areas;
- (j) detailed plans being submitted depicting pedestrian access improvements at the western entrances and exits to the centre including travelators and their relationship with the bus stop on Whitfords Avenue and beyond all external plazas into car parks;
- (k) pedestrian underpass beneath Whitfords Avenue being upgraded (at the proponent's cost) to include appropriate, painting, lighting, signage and centre security cameras to ensure an appropriate level of surveillance of this area;
- (l) vehicular accessways shall be designed to accommodate both pedestrians and vehicles;
- (m) disabled parking bays being provided in accessible locations to main entrances and undercover travelators and being constructed and marked in accordance with specifications approved by the City;
- (n) all car park lighting must be internally directed and must not overspill into adjacent residential properties or roads;

- (o) the car park design, landscaping and lighting to be designed to improve visibility and security of shoppers during the day and night;
- (p) 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) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied;
- (q) 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;
- (r) 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;
- (s) suitably screened bulk bin area(s) are to be provided prior to the development first being occupied in accordance with the attached specification. Provision being made for service vehicle access to all food tenancies and bin storage areas for all tenancies within the centre. Bin storage areas must be drained to connect with sewer;

Footnotes

- (a) Any subsequent application for expansion of the Whitford City Shopping Centre will require the prior preparation of an Agreed Structure Plan being prepared in accordance with the requirements of the City and the Western Australian Planning Commission.
- (b) Main Roads WA have specified that conditions 4, 6, 7 & 8 of the WAPC approval dated 9 March 2000 must still be satisfied.
- (c) The applicant must obtain separate approvals for proposed demolition works, building works, signage and public buildings and eating house approvals from the City.
- (d) This approval was issued on the basis of the current Retail NLA of 37,697m² and 55,807m² of GLA. The approved modifications to DA99/1299 of 49,601m² NLA and 68,280m² alter the centre to a final revised floorspace of 48,537m² Retail NLA and 67,216m² GLA. The required parking supply is 3,826 bays as opposed to 4,131 bays provided.

- 3 SUPPORTS the preliminary findings of Main Roads Western Australia as listed in summary form within the above report.**
- 4 ADVISES the Western Australian Planning Commission accordingly.**

The Motion was Put and

CARRIED

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf190900.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR G KENWORTHY

In accordance with clause 3.12 of the Standing Orders Local Law, Cr Gerry Kenworthy has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26 September 2000.

“That Council requests the Minister for Police to consider an amendment to the Police Act which would extend such powers of arrest for local government security officers to apprehend a suspected offender of a criminal offence”.

Cr Kenworthy states that such authority would allow security officers to either retain offenders until police arrive at the scene or to transport the suspect to a police station. The proposed amendment would afford the security officer the protection of any legal recourse for making a genuine arrest.

Cr Magyar called a Point of Order, stating this matter had previously been debated under the guise of special constable. It was Cr Magyar’s belief that if unsuccessful with a Motion of which due Notice has been given, the matter should then rest for a period of three months. Mayor Bombak advised this was not a Point of Order.

ADDITIONAL INFORMATION

The following information is provided:

Current Situation City Watch Officer’s Powers

Certain powers are conferred on Rangers and security officers by the Local Government Act 1995, which empowers authorised employees to enter premises, demand name and address, examine vehicles and demand name and address of vehicle owners. In relation to powers of arrest there are strict parameters under which City Watch officers can arrest a person. This power is available to all the community and is commonly called a “Citizens Arrest”. The difference between the powers of arrest of Police officers and private citizens (including City

Watch Officers) is that Police may arrest a person if they *have a suspicion* that the person has committed an arrestable offence. A City Watch Officer on the other hand *must know*, that is, see the person commit the offence. The use of force by a private citizen and City Watch Officer in the arrest of a person or in overcoming a resistance to arrest, or preventing an escape is a contentious issue and could constitute assault. The Police are afforded some degree of protection in such circumstances of arrest.

Special Constable Powers

The Police Act enables the Commissioner of Police to appoint Special Constables who have the same powers as Police Officers. Such officers are subject to the Police Regulations and internal disciplinary procedures leaving little control to the City. Similar powers are provided under the Government Railway Act to Railway Police. A request for a report on the issue of special constable status for the City Watch officers was raised at Council and Lost.

Extend Powers of Arrest

There are problems concerning the power of arrest with both the current City Watch Officer situation and that of special constable status. The Citizens Arrest powers afford little protection for the individual City Watch Officer and also the City in terms of possible litigation issues arising from arrest situations. On the other hand with special constables, apart from community views on the matter, they are required to work in pairs which has major resource implications.

The objective would be to reach a balance between the current situation of Citizens arrest powers and that of special constable status, which would afford reasonable power, and a level of protection for City Watch Officers and the City.

Chief Executive Officer Lindsay Delahaunty and Cr Kenworthy had a recent meeting with the Minister for Police and he made it clear that he would not entertain the proposition of special constable status for Local Government officers. The Minister was sympathetic to the notion of extending the power of arrest and suggested that the time to consider this matter would be in conjunction to the proposed introduction of the Police Administration Bill.

As you are aware the City has pursued through WAMA the need for a clear statement of policy and clarification from State Government on the roles of the Police and Local Authorities on security matters. There may be an opportunity to further pursue resolution of this policy matter and at the same time addressing the implications of extending powers of arrest by establishing a working group with key stakeholders. The key stakeholders would be seen to be the WAMA, the Local Government Department, Police and Local Authorities. The outcome of the working group's deliberation could be used to provide input to the relevant departments' drafting of the Police Administration Bill or at least to provide comments to the relevant departments' leading up to debate on the Bill.

MOVED Cr Kenworthy, SECONDED Cr Patterson that Council requests the Minister for Police to consider an amendment to the Police Act which would extend such powers of arrest for local government security officers to apprehend a suspected offender of a criminal offence.

Discussion ensued. Chief Executive Officer gave an explanation of the differences between special constable powers and those of an ordinary citizen.

During discussion, Cr Magyar called for a Point of Order, stating he did not use the words “wash our hands of it” as intimated by Cr Kenworthy.

Mayor Bombak ruled Cr Magyar had a valid Point of Order in that he had not used the words referred to and requested Cr Kenworthy to re-phrase his comments. Cr Kenworthy withdrew his comments in relation to his choice of words.

The Motion was Put and

LOST

It was requested that the votes of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Hurst, Kenworthy, Patterson and Wight

Against the Motion: Crs Mackintosh, Rowlands, Walker, Hollywood, Nixon, Magyar and Carlos

QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

MOVED Cr Carlos, SECONDED Cr Nixon that in accordance with Clause 3.2 of Standing Orders Cr Carlos be permitted to ask “Questions of which due notice has been given.”

The Motion was Put and

CARRIED

Cr Carlos then submitted the following questions:

On 07-09-1999, the Commissioners resolved, Item JSC30-08/99, “In accordance with the provisions of Section 6.32 and 6.38 of the Local Government Act 1995 impose for the 1999/00 financial year, a security levy of \$27.00, on each piece of land (rateable and non rateable).

- Q1 How many non rateable pieces of land were there in the City of Joondalup at the time when this resolution was passed?
- Q2 How many notices to collect the Security Levy were issued to the owners of the pieces of non rateable land?
- Q3 How much money was collected from the owners of the non rateable land?
- Q4 How many pieces of non rateable land does the City of Joondalup own?
- Q5 How many pieces of non rateable land are vested in the City of Joondalup to the City of Joondalup?
- Q6 How much money was transferred from the Municipal Fund to the Security Levy Fund to comply with the Commissioners’ resolution JSC30-08/99?
- Q7 Considering that on 2 August 2000, this Council resolved through Item JSC27-08/00, to apply a Security Charge of \$27.00 on each piece of land (rateable and non rateable), can this Chamber be informed of the following:

- Q7.1 How many non rateable pieces of land were there in the City of Joondalup at the time when this resolution was passed?
- Q7.2 How many notices to collect the Security Levy were issued to the owners of the pieces of non rateable land?
- Q7.3 How much money has been collected from the owners of the non rateable land?
- Q7.4 How many pieces of non rateable does the City of Joondalup own?
- Q7.5 How many pieces of non rateable land are vested in the City of Joondalup to the City of Joondalup?
- Q7.6 How much money was transferred from the Municipal Fund to the Security Levy Fund to comply with the Council's resolution JSC27-08/00?

Director Resource Management advised that research would be undertaken on the questions submitted by Cr Carlos with a view to a response being provided at the next meeting of Council. Discussion ensued in relation to the costs involved in research and provision of a response to such questions.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 10 OCTOBER 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2158 hrs; the following elected members being present at that time:

J BOMBAK, JP
D S CARLOS
S P MAGYAR
J F HOLLYWOOD, JP
A NIXON
A A WALKER
P ROWLANDS
A W WIGHT, JP
A L PATTERSON
G KENWORTHY
J A HURST
C MACKINTOSH