



MINUTES OF COUNCIL MEETING  
HELD ON 11 APRIL 2000

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**DATE OF NEXT MEETING****CLOSURE**

# CITY OF JOONDALUP

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

## ATTENDANCES

### Mayor:

J BOMBAK, JP

### Elected Members:

Cr P KADAK	Lakeside Ward
Cr L A EWEN-CHAPPELL	Lakeside Ward
Cr D S CARLOS	Marina Ward
Cr S P MAGYAR	Marina Ward
Cr A T NIXON	North Coastal Ward
Cr A A WALKER	Pinnaroo Ward
Cr P ROWLANDS	Pinnaroo Ward
Cr T BARNETT	South Ward
Cr A W WIGHT, JP	South Ward
Cr A L PATTERSON	South Coastal Ward
Cr G KENWORTHY	South Coastal Ward
Cr J A HURST	Whitfords Ward
Cr C MACKINTOSH	Whitfords Ward

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, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

### In Attendance

Mr Grant Dorrington - Senior Manager WA Football Commission and Independent Chairman of the Road Safety Council

## APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr J Hollywood

There were 22 members of the Public and 2 members of the Press in attendance.

**The Mayor declared the meeting open at 1905 hrs.**

The Mayor welcomed Mr Grant Dorrington as this evening's invited guest and invited him to say a few words.

Mr Dorrington congratulated the City of Joondalup on the initiative on inviting a guest to attend Council meetings, and stated it was the first occasion he had been invited to attend such a meeting.

Mr Dorrington stated he was an honorary independent Chairman of the Road Safety Council and as such had been invited to Chair one of the largest groups which included Main Roads WA, Police, Education Department, as well as large Government agencies with a view to organising a co-operative team approach towards road safety.

Mr Dorrington stated he would provide Council with a copy of the Road Safety Council Plan and encouraged all elected members to view this. The plan indicates that next year, 100 lives can be saved; the road toll can be cut from 218 last year to 118. He stated that what is needed to achieve this is the political will and the courage to make difficult decisions to make this State safer for all road users.

Mr Dorrington congratulated Council for supporting the recent speed reduction issue from 60 kph to 50 kph, and, as Chairman of the Road Safety Council, looked forward to working with the City of Joondalup to make this region a safe enjoyable environment, and to take steps to avoid the tragedies that occur on our roads.

Mr Dorrington made reference to the Road Wise Committee, and particularly to those organisations who have a Charter and urged Council to look at the issue of road safety.

## **PUBLIC QUESTION TIME**

**The following questions, submitted by Mr A Bryant of Craigie, were taken on notice at the Council meeting held on 28 March 2000:**

*Q1 On 11 April 1997 I wrote to Council regarding new floodlights installed in Warrandyte Park and the overspill therefrom. Council replied on 19 September that on inspection "floodlight overspill assessed to within accepted level for traffic". What is the accepted level for overspill from floodlighting in recreational parks?*

**A1** Overspill from the recreational lighting can not be quantified or measured. The lighting design criteria is to illuminate the maximum oval area. The only option/method to control overspill is to redirect the luminaries to another section of the oval.

*Q2 Does the present Council have a policy for controlling such overspill, if not, why not?*

*Q3 If not, will the Council formulate a policy when reviewing its policies and by-laws next June?*

**A2&3** No policy exists regarding overspill; however a policy will be drafted for the Council's consideration.

*Q4 In response to my Question Number 4 raised at the 8 February 2000 Council meeting, it is stated, inter alia, that lights operate via a timeclock to start and stop, which is set and monitored by officers of Operations Services. The times of 'stop; and 'start' vary frequently during any one week, could you supply me with the schedules of times as set by officers of Operations Services?*

A4 Operating schedules will be provided once sporting clubs have resolved their training times for winter sports. This information will then be forwarded by mail to Mr Bryant.

*Q5 It would appear that for Warrantdyte Park there is a great lack of communication between users and Council. Can this be investigated so as to alleviate the use of the floodlights when they are not needed, as they are on when the park is not being used.*

A5 Council's Leisure Services and Operations Services will investigate this issue. Floodlights will be turned off when not required for training.

**The following question, submitted by Mr M Sideris of Mullaloo, was taken on notice at the Council meeting held on 28 March 2000:**

*Q1 I understand how the amount was arrived at, but I am seeking to know how does a flat, universally applied service charge become a user pay principle?*

A1 The flat rate actually distributes the cost evenly between users of the service.

**The following question, submitted by Mr R Spraggon of Duncraig, was taken on notice at the Council meeting held on 28 March 2000:**

*Q1 With regard to the Carine Glades shopping centre, has there been a further reduction in minimum parking bay requirements with the new restaurant facility?*

A1 Yes, A small reduction occurred when discretion was exercised in giving approval for an al fresco dining area. The approved plan indicated 185 parking bays and the al fresco dining area resulted in an overall shortfall of one parking bay.

**The following questions, submitted by Mr Graeme Jenkinson of Duncraig, were taken on notice at the Council meeting held on 28 March 2000:**

*Q1 In relation to the Carine Glades Commercial Centre and the questions from IR and EF Marshall. The answer to Question Number 2 states that the reduction in parking bays was at the discretion of the Council at the time of approval. Why weren't the Marshalls given the same benefit of the discretionary parking?*

A1 The Council approved a range of uses at a parking rate that recognised the limitations of Lot 10, and the distribution of parking throughout the entire centre. This resulted in a parking rate of 4 bays/100m<sup>2</sup> for the redeveloped squash centre, compared with the 6.1 bays/100m<sup>2</sup> applied to the expanded shopping centre.

*Q2 Apparently there has been a reduction of three bays recently. What is the basis of approval for this?*

A2 As referred to in the answer to Mr Spraggon's question, the discretion exercised was only for an overall reduction of one bay for the al fresco dining area. This discretion was exercised on the basis that the peak trading hours for the restaurant would be complimentary in nature with the main activity of the centre.

**The following questions were submitted by Michael Baird of Duncraig:**

*In 1997 the Council's Dry Park and Median Policy was replaced with a policy solely covering Median & Road Reserve landscaping (Policy 5.2.6). This was the result of a Working Party Report P11-02/97. Verge and median landscaping was to be given preference only in the 1997/98 budget (part of response to question raised by Mr Steve Magyar re appropriate verge and median landscape).*

*Can the Council establish a Working Party to investigate and review the following situation?:*

*Q1 Why no policy for the development of Dry Parks has existed since 1997, apart from a set of unofficial criteria which allows such parks to be treated as a secondary consideration to verge/median development?*

A1 Council received and adopted a review of Council Policy documentation dated 22 June 1999. The former policy document was reviewed and compiled into the current Policy Manual and a Corporate Procedures Manual. The Corporate Procedures Manual is designed to assist officers with corporate functions and guidelines.

Council Policy 5.2.2 (Council Reserves & Parks) was adopted in July 1999. This policy encompasses dry parks, reticulated parks and conservation areas.

*Q2 Why the unofficial Dry Park Development criteria places community utilisation and availability of alternative Public Open Space as a second rate, or Priority 2, consideration?*

A2 The criteria developed for dry park development was designed to provide a guideline when determining dry parks to be considered for inground reticulation. The classifications for dry park development were aligned with the Median & Verge Program to maximise the enhancements requested by the community.

*Q3 Why verge and median reticulation continues to consume an equal or greater portion of the landscape budget when no review has taken place of such development or the position of Dry Park development since 1997? In 1999-2000, only three Dry Parks will be reticulated, two of these in conjunction with 4 major areas of verge/median development.*

A3 The funds are allocated for specific areas and Council reviews all projects prior to authorisation of funds for works to commence. The 1999/2000 Budget is lower than the two previous years due to the availability of funds and carried forward works.

Dry Park Development 1999/2000

Barwon Park Craigie (completed January) - Connects to Gradient Park existing bore.  
 Craigie Drive Trickle to trees (completed January) - Undertaken in conjunction with  
 Craigie Drive road enhancement.

Brisbane Park Padbury (commenced February) - Connects to Gibson Park existing  
 bore.

Delaware Park Kallaroo (listed for April 2000) - Connects to existing bore at  
 Bridgewater Park.

Moore Drive Median (completed January) - Connects to Clermont Park existing  
 bore.

Marmion Avenue Median (completed January) - Carried forward from Finney Park  
 works. Grassing of median.

Ocean Reef Road Median (listed for April 2000) - Carried forward works to  
 complete grassing in median.

*Q4 Why the vast majority of Dry Parks reticulated since 1997 have been done as  
 adjuncts to verge/median development and many of the Dry Parks listed as Priority 1  
 are linked to proposed verge/median development. In 1997/98, only 2 out of 7 parks  
 were independent of verge/median development. In 1998-99 no dry parks were  
 developed completely independent of verge/median development. In 1999-2000, only  
 one Dry Park was developed independent of verge/median considerations. This  
 secondary consideration of Dry Parks has led to the provision of reticulated grass  
 areas where there is no usage (Buckthorn, Oxley, Keppell and Delaware Parks), and  
 to the development of a Dry Park literally over the road from a major developed  
 reserve area (Delaware Park in Kallaroo).*

*A4 The Dry Park and Median & Verge Development Programs were integrated to  
 maximise the utilisation of the existing and new bore pumping units on Public Open  
 Space. Where a dry park is located near an existing, irrigated park the option to  
 connect has been progressed and similarly, where they can be utilised for a median  
 this will also occur.*

*Q5 Why the current list of Priority 1 Dry Parks includes:*

- *Parks with no community usage (for example Killen Park, Portree Park, Wanbrow Park, Culwalla Park, Albion Park);*
- *Parks with limited community access or usage (for example Blackthorn Park, Parin Park, Rodgers Park);*
- *A park recently budgeted for and developed as a BMX complex (Galston Park).*

*A5 Council has received requests for dry park development in many suburbs. Residents  
 often state that if the park was irrigated and green, the residents would use it (eg.  
 Wanbrow Park Duncraig can be connected to Marri Park, which has an existing  
 system, and is therefore an economical option and irrigation will benefit the  
 surrounding residents.*

Due to high utilisation for the cycle track, the installation of reticulation at Galston  
 Park Duncraig is listed as a Priority 1. Galston Park could then be connected to  
 either Warwick Road, Chessell Drive or Portree Park.

Q6 Why the current list of Priority 2 Dry Parks includes:

- *A park with no community usage, 95% indigenous reserve and fenced off (Porteous Park);*
- *Parks with no community usage (for example Calectasia Park, Kurrajong Park, Alder Park, Ellison Park);*
- *Parks with no trees or potential for useful development (for example Fenton Park);*
- *Parks that are primarily reserve with limited community access (for example Alfreton Park).*

A6 Priority 2 parks are listed in accordance with their current status. Porteous Park is currently listed as a 2.18ha dry park with 30% indigenous vegetation remaining. Calectasia Park is highly utilised by residents for walking and general exercise and links to Blackall Park and Warrigal Park which have existing systems. Fenton Park is a dry park with two tennis courts and play equipment, which is used daily by residents.

The criteria adopted for the parks must be considered in conjunction with a site visit to determine which priority applies.

Q7 *Why Davallia Road median in Duncraig was reticulated contrary to the Priority 1 criteria for such development?*

A7 The irrigation of this median was a high priority due to ratepayer requests and the desire of Councillors to enhance the road medians. The priority criteria was developed during the first year of the program operating.

Q8 *Why Dry Parks, with high community usage, receive **no** scheduled mowing over summer, and second rate maintenance the rest of the year as regards mowing, provision of white sand surrounds for play equipment and basic provision of rubbish bins?*

A8 Dry park maintenance is carried out via a cyclic program, with all parks receiving the same treatment. Bins are only provided on a park if constant rubbish accumulation occurs. A major portion of parks rubbish collected is actually from residential properties, ie. household rubbish.

Surrounds to play equipment are checked and sand is applied if and when required.

**Mr V Harman, Ocean Reef:**

Q1 *What progress has been made regarding the review of the system of rate payments? Is it possible that it will be available for the next issue of rate notices?*

A1 *Response by Director Resource Management:* The payment of rates by instalments has always existed. There is no plan to change that system, apart from allowing people to pay through the Internet.



*Q2 Is there any provision within the local laws which gives Council the ability to remove rubbish from the front of various houses? Certain properties in Ocean Reef have had amounts of building material and accumulated rubbish on properties for several years.*

*A2 Response by Director Planning and Development: Council does have the ability to enforce certain actions to have sites cleared of rubbish, and Mr Harman is asked to provided addresses of properties.*

- *Mr Harman indicated he would prefer to refer the matter to his Ward Councillors.*

**Mr J Reidy-Crofts, Chairman of Joondalup Owners and Traders Association:**

*Q1 Will Council do everything possible to take advantage of the surplus Federal funds available to facilitate the building of the Eddystone Avenue bridge, as our Association has been concerned about this bridge for some time?*

*A1 Response by Mayor: Council will endeavour to do all it can to secure those funds. That money was contributed by Landcorp and I believe it is only right that Council should recoup those funds and the money be spent here rather than being directed elsewhere. I have written to Mr Mal Washer, Member for Moore, and we are awaiting the outcome of the item on tonight's agenda to see whether I can progress the matter further.*

**Mr A Bryant, Craigie:**

*Q1 Regarding floodlights on Warrandyte Park, the reply to my Question 1 of the meeting of 28 March indicated that to control overspill, the luminaries be directed to another section of the oval. Will Council institute action now to have the luminaries towers repositioned?*

*A1 Response by Director Infrastructure Management: I understood that the matter had been resolved. If this is not the case, we are happy to meet with you and pursue the matter.*

*Q2 The reply to Question 4 indicates that schedules will be provided when training times by sporting clubs are known for winter sports. I redirect the question and ask what are the scheduled times set now? The floodlights are operative almost every night throughout the year and I have been advised that they are set by time clock by officers of Operations Services. If this is not so, who is setting the times now? I have been provided today, by letter from Manager Operations Services, with times of user groups between Monday to Friday; who controls the lights on Saturday and Sunday?*

*A2 Response by Director Infrastructure Management: The times are governed by the clubs, who advise Council of the times required during the weekdays. At the weekends the lights are left on for security reasons. In relation to Warrandyte Park, I would imagine a similar arrangement would occur with the relevant sporting club. The information on lighting times will be provided when determined.*

- *Mr Bryant advised that he will take legal action if an accident occurs because of the glaring lights on Warrandyte Park.*

**Mrs M Zakrevsky, Mullaloo:**

*The questions relate to Craigie Open Space and its management, which was a matter for discussion as an agenda item or under General Business at the Conservation Advisory meetings on 16 February 1999, 2 March 1999 and 5 October 1999, when the City's Conservation Officer reported that the Management Plan would be completed by November. This was in reply to Chairman Commissioner Morgan's question as to when the Management Plan was going to be tabled for Council approval. Although there have been two Conservation Advisory meetings this year, could you advise:*

*Q1 The reason or reasons for the delay in tabling this Management Plan that was completed last year?*

*A1 Response by Director Planning and Development: In looking at the draft Management Plan it became apparent that the plan made no reference to the leisure centre and its surrounds. It was of some concern that the future use of the leisure centre, the outsourcing of its management and such other issues which might impinge upon the land immediately surrounding it could impact on this plan, so there was a need to do a land use planning exercise which took into account the recommendations of the draft Management Plan as well as looking at the future use of the land.*

*Q2 When members of the Conservation Advisory group are likely to have access to this plan prepared by Council staff and the Friends of Craigie Open Space?*

*A2 This question will be taken on notice.*

*Q3 If an outside consultant is now involved, what is the consultant's name and area of expertise, and the cost to the ratepayers?*

*A3 Response by Director Planning and Development: There is no consultant yet engaged, and the brief is still being prepared for that exercise. In speaking with the Director Infrastructure Management I am advised that it will not impinge upon discussions for the forthcoming budget, and the recommendations within the report can be given budget consideration.*

*Q4 When the Management Plan is envisaged to be implemented in view of the fact that the wet cool planting season for revegetation by the community is less than two months away?*

*Q5 When can funds for access pathways and rubbish dumping deterrent fencing be accessed and used for the protection of this 56.7 hectares of bushland, a vital part of the Hepburn Heights, Pinnaroo Park, Woodvale Northern Bushland corridor planned for as far back as 1901? Surely Councillors should be able to show their support and confidence in their own officers and the Friends of Craigie Open Space who have put in valuable time, knowledge and expertise and enable this joint Council/community venture to get started and be underway before the 100<sup>th</sup> anniversary of Lord John Forrest's foresighted plan next year? Isn't it time this management plan came before Councillors and the community?*

*A4&5 These questions will be taken on notice.*

**Mr T Thompson, President of North West Metro Business Association:**

*Q1 Planning policies have always anticipated that the Joondalup CBD will be a major centre of employment and education for people in the North West Corridor and beyond. As the Eddystone Avenue bridge will help make Joondalup more accessible for people in several suburbs whilst relieving congestion on other important arterial roads, will the Council continue to push to have the bridge built as soon as possible?*

*A1 Response by Director Infrastructure Management: Council will debate the issue this evening. The road has always been designated a major road in the Metropolitan Regional Scheme and as such has always been seen to be an important strategic link into the Joondalup City Centre for the suburbs of Heathridge, Beldon and Craigie.*

**Mr D Paternoster:**

*Q1 I previously requested the support of the City and its representatives in any campaign to get the Eddystone Avenue bridge built and believed all members were in support of this. I since understand that a Councillor has carried out a survey of less than 300 Heathridge residents that are against the construction of the bridge. Is it true that a Councillor is against the construction of the bridge?*

*A1 Response by Mayor: It is unfair to ask for an answer to this question at this stage. I invite you to listen to the debate later in the meeting, in order that you may form your own opinion.*

**DECLARATIONS OF FINANCIAL INTEREST**

*The Chief Executive Officer advised he had received in accordance with the City's Code of Conduct a letter from Cr Paul Kadak advising he has a non-financial interest in Item CJ077-04/00 – Community Funding Program 1999/2000 Grants Allocations as an immediate member of his family is currently the Treasurer of the Greenwood Tennis Club, that Club being listed for consideration as a grant recipient. In addition, Cr Kadak is an ex officio member of the Sunset Coast Hinterland Tourist Association, also listed for consideration as a grant recipient.*

*Chief Executive Officer advised that in accordance with the Code of Conduct, the only requirement with regard to a non-financial interest is for an elected member to declare this and that it did not preclude that member from participating in debate or voting.*

*Cr Magyar declared a non-financial interest in Item CJ077-04/00 – Community Funding Program 1999/2000 Grants Allocations as he is a member of the Friends of Hepburn Heights and Pinnaroo Bushland, this group having been recommended to receive an environmental grant.*

## **CONFIRMATION OF MINUTES**

### **C14-04/00      MINUTES OF COUNCIL MEETING – 28 MARCH 2000**

**MOVED Cr Hurst, SECONDED Cr Wight that the Minutes of the Council Meeting held on 28 March 2000, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED**

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

### **REGIONAL CABINET MEETING**

The Cities of Joondalup and Wanneroo will welcome the Northern Suburbs Regional Cabinet meeting on Monday, 17 April 2000.

The day will involve a number of functions to be attended by the Mayors, Councillors, Chief Executive Officer and Directors of both the Cities of Joondalup and Wanneroo, as well as representatives from local business associations.

Premier Richard Court, Ministers and their staff will hear presentations from each Council on their respective achievements, major projects and future planning, and will answer questions from each Council and the business associations.

The City of Joondalup will question Ministers about the transfer of Edith Cowan University to Joondalup, the role of Local Government in safety and security and economic development.

The Chief Executive Officer and myself will give a presentation on the City's economic development, concentrating on partnerships with Government, private enterprise, business associations and education stakeholders.

The final function on the day will be a community cocktail function to recognise people who have made a contribution to the community, either in a voluntary capacity, through business or as service providers.

### **BUSINESS INCUBATOR**

In this evening's Agenda, elected members will be voting on a \$51,000 contribution to the North West Metro Business Association to establish a "business incubator".

The aim of the "business incubator" is to foster self-employment and reduce the failure rate of new business.

The association has applied to the Commonwealth Government for a grant of \$500,000.

Edith Cowan University's grant is \$200,000 plus land and the Lotteries Commission grant is \$50,000.

If successful, this project will provide a substantial contribution to employment opportunities, business growth and economic development within this region.

### **YOUTH ROAD SAFETY INITIATIVES**

The City of Joondalup will trial an initiative on Youth Road Safety.

The scheme was launched by Youth Minister, Mike Board and Transport Minister, Murray Criddle.

The objective is to involve young people at a local level in initiatives to reduce road trauma among their peers.

A grants program is available to support the development of road safety initiatives by young community members.

The scheme will be trialled in Joondalup, Cannington and the Southwest region.

The City of Joondalup was represented at the launch by the Cr Carlos, Deputy Mayor, Director Planning and Development, Traffic Project Engineer, Youth Projects Officer and three members of the City's Youth Advisory Councils.

### **COUNCIL DIRECTORY 2000**

The production of the Council Directory 2000 has been in full swing over the last few weeks.

This user-friendly booklet will be distributed to all households and businesses in late April.

The objective is to provide residents with a directory of services in a format that is easy to use and follow.

Council services will be listed in alphabetical order rather than the business unit format previously used, to encourage the public to use direct telephone dialing for services, relieving a "clogged" switchboard at certain busy times.

### **ARENA OPEN DAY**

As reported in the just released "Council News" delivered to all households in the City, the Aquatic Centre at Arena Joondalup opens this Saturday, 15 April 2000.

This fine facility, to which the City of Joondalup contributed \$3.8 million, will celebrate with an open day on Sunday, 16 April 2000.

The new facility will be open from 10.00 am to 4.00 pm, with many family activities planned.

The facility will offer valuable water space to both the recreational and competitive swimmers of the region.

### **CRIME AND SECURITY WORKSHOP**

The City of Joondalup will host a Crime and Security Workshop Friday and Saturday, 14 and 15 April 2000.

Members of Parliament, senior Government officials and community representatives have been invited to attend the “Safer WA” Workshop which we are hosting as part of our partnership role in crime prevention and community policing strategies.

Key speaker will be Ms Bliss Browne from Chicago, USA, who was chosen because of her experience in dealing with youth programs.

Sixty people are expected to attend on Friday, 14 April 2000 and 120 on Saturday, 15 April 2000.

It is hoped one of the many outcomes will be a clearer distinction of roles and responsibilities between the police and Local Government in the crime/security areas.

## PETITIONS

### **C15-04/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 11 APRIL 2000**

#### **1 PETITION REQUESTING THE UPGRADE OF CINQUE PORTS PARK, CONNOLLY – [48555 01077]**

A 42-signature petition and one letter has been received from Chris Baker MLA, State Member for Joondalup on behalf of Connolly residents requesting the upgrade of Cinque Ports Park, Connolly.

This petition will be referred to Infrastructure Management (Operations Services) for action.

#### **2 PETITION REQUESTING CLOSURE OF PORTION OF CHESELL DRIVE, DUNCRAIG – [05470, 14064]**

An additional 4-signatures have been received, to be included in the 140-signature petition presented to Council on 22 February 2000.

The petition requests the closure of portion of Chessell Drive, Duncraig from approximately the centre of Chessell Drive where Percy Doyle Reserve or the soccer oval ends.

This petition will be referred to Infrastructure Management for action.

**MOVED Cr Wight, SECONDED Cr Kenworthy that the petitions requesting the:**

- 1 upgrade of Cinque Ports Park, Connolly;**
- 2 closure of portion of Chessell Drive, Duncraig from approximately the centre of Chessell Drive where Percy Doyle Reserve or the soccer oval ends;**

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

**The Motion was Put and**

**CARRIED**

<b>POLICY</b>
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**CJ072-04/00      AMENDMENT LOCAL LAW 2000 [05885] [00432]  
[20458] [21067] [23122] [23513] [24185]**

**WARD - All**

***Summary of Purpose and Effect (was read aloud at the Council Meeting)***

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

***“The purpose of this local law is to:***

***amend various clauses in the Parking, Private Property, Signs, Animals, Trading in Public Places and Health Local Laws to remove difficulties identified in their application and better clarify the requirements of the local laws.***

***The intent of the local law amendments is to:***

***result in local laws that meet the needs of the community and Council without being difficult to administer or unclear in their intent.”***

**SUMMARY**

The purpose of this report is to outline various proposed amendments to the City’s new local laws and to seek authorisation to commence the formal amendment process. The proposed amendments have been identified by staff when applying the local laws and by the Joint Standing Committee on Delegated Legislation, who review all local laws once they have been published in the Government Gazette.

This report also covers the first of two parts of the process to be followed in adopting the proposed amendments to existing local laws. The process is in accordance with section 3.12 of the Local Government Act 1995. (The Act) The first part involves:

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

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

## **BACKGROUND**

As part of a major review program, the by-laws carried over from the former City of Wanneroo have been systematically reviewed in keeping with an accepted criteria. The result is that the City now has ten (10) new local laws consolidated from the previous thirty nine(39).

Like any new legislation, application of the local laws has identified the need for fine tuning and amendment. Regardless of the approach taken or the persons involved in preparation of any new legislation, in many instances it is not clear that the legislation does not cover all that was intended, until it has been widely applied. With a clear understanding of any shortcomings, suitable amendments have been identified and developed.

In addition to staff involved in applying local laws and identifying changes needed, the Joint Standing Committee on Delegated Legislation thoroughly review all local laws published in the Government Gazette and frequently seek explanation of the intent and application process applied. Their primary role is to ensure that any new local law or legislation is not ultra vires and does not adversely impact on or discriminate against the community.

## **DETAILS**

In each of the proposed amendments submitted for consideration, a short explanation, preceded by an asterisk, has been provided on the need or outcome of the amendment and its origin. The proposed amendments have been placed under the heading of the local law to which they refer.

### **Proposed amendments to local laws**

#### **PARKING LOCAL LAW 1998**

##### **Clause 5 Definitions**

Delete the existing definition of “sign” and replace it with the following:

“sign” means any message, mark, structure, symbol or device, placed or erected on, within or near, or applied to the surface of a road, parking station or a reserve, by the local government for the purpose of prohibiting, regulating, guiding or directing the parking or movement of vehicles.”

Insert the following definition:

“Joondalup City North” means all that area of land north of Shenton Avenue, bounded by Joondalup and Lakeside Drives and Shenton Avenue.

##### **Clause 42 Verge Parking**

Insert the following sub clause:



- (3) the provisions of sub clause (2) do not apply to the area of the City referred to as “Joondalup City North.”

\* The inclusion of the above definitions and excluding the application of sub clause (2) to Joondalup City North is considered necessary to allow parking on verges in that area to assist in meeting parking demand.

### **Clause 38 Commercial vehicles**

Insert the words “...and not at any other time” following the words “... between the hours of 7.00am and 6.00pm.”

\* This amendment clearly indicates that the parking of commercial and other large vehicles outlined in the clause, on any street or verge in the district, is prohibited over night.

## **PRIVATE PROPERTY LOCAL LAW 1998**

### **Clause 6 Definitions**

Insert the following definition:

“state of disrepair” in relation to wrecking and storage of vehicles, means a vehicle, part, or body of a vehicle or machinery that is not working or needs repair for it to work as initially intended or can not be used, driven or applied for the purpose it was manufactured;”

\* Provides greater clarification on interpretation of wrecked vehicles.

### **Clause 15 Fences within the Front Setback – Approval Required**

Delete the words “of non masonry construction,” in sub clause 15(1).

\* Clarifies the need for a licence for all fences in the front set back.

Delete the word “or” at the end of sub clause 15(3)(a).

Delete sub clauses 15(3)(b) and (c).

\* Front fences greater than 1 metre in height, other than those of open construction, are required to be splayed at each entry to enhance safety by giving better vision of passing pedestrians and activities in the adjacent road reserve.

Insert the following sub clause (4) at clause 15:

“(4) notwithstanding anything to the contrary in this local law, a front boundary fence in a residential area is only to be constructed of masonry or composite fencing with a minimum masonry content not less than 30%”

\* Sets the minimum amount of masonry required in a front fence.

**Clause 26 Tennis Court Fencing**

Delete the words "...or repair" in sub clause 26(2)

\* This amendment removes any conflict with clause 17 requiring fences to be properly maintained.

**Clause 37 Wrecking and Storage of Vehicles Generally**

Insert the words "... on any residential lot" in clause 37 so as to read, "A person must not on any residential lot..... "

\* Clarifies the extent of restriction

**Sufficient Fence**

The Third Schedule titled "Specification for a Sufficient Fence for a Rural Lot and Special Rural Lot sub clause (c) be amended by the deletion of the words ". these to be spaced equally and threaded through 12mm. holes in posts to all fences;" and

Insert the following ".generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;"

\* This amendment is more in keeping with how fences are built for retaining stock.

**Permissible Alternative Fence**

Add to the Third Schedule at the end of the Specification for a Sufficient Fence,

**"Permissible Alternative Fence**

An electrified fence"

\* Joint Standing Committee request.

**SIGNS LOCAL LAW 1999****Clause 6 Definitions**

Amend the definition of "election sign" by insertion of "referenda" and "excluding bumper stickers" to read as follows:

" 'election sign' means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local; government election, but excludes bumper stickers;"

\* Joint Standing Committee request to include referenda as an election and exclude bumper stickers from sign requirements.

**Licence Exemptions – Sub Clause 15(t) Signs on vehicles**

Insert the words “either temporarily or” to overcome the difficulty identified with a removable sign on a tradesman’s vehicle to read “ a sign either temporarily or permanently affixed or painted....”

\* Joint Standing Committee requirement.

**Licence Exemptions – Sub Clause 15(u) Election Signs**

Insert the following new sub clause:

- (u) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are-
  - (i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;
  - (ii) each, no greater than 0.55m<sup>2</sup> in area;
  - (iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place;
  - (iv) not erected within a thoroughfare;
  - (v) erected in accordance with the restrictive provisions of clause 16 excepting sub clauses (f)and (k), and (i) where the sign is no greater than 1.75m<sup>2</sup>.

\* Clarifies where election signs may be erected.

**Licence Exemptions – Sub Clause 15(2)(c) - Reflective**

Delete the word “reflective” from sub clause 15(2)(c).

\* Joint Standing Committee request.

**Sub Clause 16(i) Restrictions – Signs on vehicles**

Delete the words “...in one location”; and

insert the words, “primarily” and “unless with the prior written approval of the local government;” so the whole of sub clause 16(i) reads as follows:

- 16 (i) “which is temporarily or permanently fixed to any vehicle that remains parked on private or public property or in a public place, primarily so as to advertise a message to the public, unless with the prior approval of the local government;”

\* This amendment clarifies the use of signs on vehicles and allows greater opportunity for their control and management.

**Sub Clause 16(l) Restrictions – Election Signs in Public Places**

Add to sub clause (l) “subject to sub clauses 15(r) and (u)” so as to read:

“(l) subject to sub clauses 15(r) and (u), on any street, thoroughfare or other public place, if the sign is an election sign.”

\* Clarifies the exemptions for erecting election signs in public places.

**Clause 27 Public Liability Insurance and Indemnity.**

Delete the words “..or as a result of the holding of the event.” in the last line of the clause.

\* Joint Standing Committee request.

**Clause 33 Removal of Signs.(on cancellation of a permit)**

Delete the word “immediately”, and insert after the words “...signs erected under the permit” “...forthwith, or as otherwise set out in the cancellation notice, but not longer than 7 days.”

\* Joint Standing Committee request for a reasonable time to be applied for removal of signs.

**Clause 39 Date of Birth to be Given on Demand.**

Clause 39 be deleted and the First Schedule be amended by deletion of reference to clause 39, offence description and penalty.

\* Joint Standing Committee requirement. An amendment is being sought to the Act to permit persons authorised to enforce local laws to obtain the date of birth from a person suspected of committing an offence against a local law.

**ANIMALS LOCAL LAW 1999****Fencing – Confining livestock**

Delete all of sub clause 24(2) and replace it with the following:

“The minimum fencing requirements to confine livestock in a rural or special rural area shall be a sufficient fence, a permissible fence or other barrier which is continuously capable of confining livestock and in the case of a dividing fence, as agreed between the adjoining property owners.”

\* Clarifies what is an acceptable fence for confining livestock.

**Clause 29(2) Application for Certificate of Registration (Pigeons)**

Amend sub clause (2) by inserting the words “In the case of an initial application or where any variations to the original application are required,” before the word “Lodged”.

\* Adds the requirement for specifications and plans to be submitted where variations are sought to cages, enclosures or lofts for keeping pigeons.

#### **Clause 40(1) Keeping a Miniature Horse**

Amend sub clause (1) by inserting the words “zoned residential, special residential or special rural” after the words “miniature horse on land”.

- Clarifies the zoning of land where a miniature horse may be kept.

#### **Clause 41 Keeping of pigs**

Amend sub clause 41(1) by inserting the words “, special residential area” after the words “residential area”.

Amend sub clause 41(4) by inserting the words “area, special residential area” after the words “in any residential”

Amend sub clause 41(5) by deleting the word “The” and inserting the words “On land zoned residential, special residential or special rural, the” at the beginning of the sub clause.

\* Further clarifies land zonings and adds land zoned special residential to requirements for keeping of miniature pigs.

#### **Clause 45(3) Keeping of cats.**

Amend sub clause (3) by inserting the words “..., commercial area or industrial area” after the words “...in any rural area” in line 1.

\* The City already has a licensed cattery at a veterinary practice in the Joondalup Industrial Service area. The amendment brings the local law into line with the current situation.

#### **Clause 54 Date of Birth to be Given on Demand.**

Clause 54 be deleted and the First Schedule be amended by deletion of reference to clause 54, offence description and penalty.

\* Joint Standing Committee requirement. See notation for the same provisions under Signs.

### **TRADING IN PUBLIC PLACES LOCAL LAW 1999**

#### **Clause 8 Determination of Application**

Delete sub clause (1)(b) “the needs of the district for which the licence is sought are adequately catered for by established shops or other persons to whom licences have already been issued”

\* This clause restricts competition and conflicts with National Competition Policy

**Clause 17 Licence Application – (Outdoor Dining)**

Delete “(1)” and in sub clause (a) delete the words “and licence fee”

**Clause 18 Outdoor Dining Licence**

Insert new sub clause “(c) be issued on approval of the application and payment of the licence fee”

**Clause 24 Licence Application – (Street Markets)**

Delete “(1)” and in sub clause (a) delete the words “and licence fee”

**Clause 25 Street Market Licence**

Insert new sub clause “(e) be issued on approval of the application and payment of the licence fee”

**Clause 30 Licence Application – (Street Trading)**

Delete “(1)” and in sub clause (a) delete the words “and licence fee”

**Clause 31 Street Trading Licence**

Insert new sub clause “(f) be issued on approval of the application and payment of the licence fee”

**Clause 36 Licence Application – (Street Entertainment)**

Delete the words “and licence fee” in sub clause (a)

**Clause 37 Street Entertainment Licence**

Insert new sub clause “(e) be issued on approval of the application and payment of the licence fee”

\* It has been found that payment of the licence fee at the time of application, does not work to the advantage of the applicant or the City. Frequently applications are made and either not approved or approved but the applicant does not proceed and therefore does not require a licence. In these instances a refund is required which in many instances costs the city far more to process than the licence fee.

**Clause 39 Responsibilities of Licensee****Sub Clause 39(1)(d)**

Delete the semi colon after the word “performance” at the end of the sub clause and insert the following: “, unless specifically authorised by endorsement on the licence;”

\* Enables the approval of more than 4 persons in a street entertainment where this is appropriate.

**Sub Clause 39(1)(g)**

Delete the semi colon after “9.00am” at the end of the sub clause and insert the following: “the following Monday;”

\* Better clarifies the intent of the clause to prohibit use of amplification from 10.00 pm Sunday to 9.00am the following Monday.

**Sub Clause 39(2)(e)**

Delete the numerals “50” and insert the numerals “40” in the first line of the sub clause.

\* Reduces the distance that street entertainers are to move from the performance location at the completion of their performance.

Insert a semi colon and delete the words “and not return to the same location within 2 hours.” after the words “...completion of performance”

\* Removes the requirement that the same street entertainer cannot perform in the same location within a 2 hour period.

**Sub Clause 39(2)(f)**

Insert new sub clause “(f) comply with the terms and conditions of the licence.”

\* Enables a licence to be cancelled where a licensee fails to comply with the terms and conditions of the licence.

**Sub Clause 39(4)(a)**

Delete the numeral “2” after the words “...a maximum of ” and insert the numeral “4” in the first line of the sub clause.

\* Increases the time a visual or pavement artist can perform in the same location to a maximum of 4 hours before having to move to another location or remove their art.

**Clause 42 Use by the Local Government of the Secured Sum.**

Insert the following sentence at the end of sub clause 42(2), after the words “..pay under this clause.”

“The reinstatement costs to be recouped by the City from the licensee, shall be limited to the total costs actually incurred by the City in completing the reinstatement works under this clause.”

To clarify the use of the word “estimated” in the payment of costs and to clearly outline the intent of the local law in this regard.

\* Joint Standing Committee request.

**Clause 49 Date of Birth to be Given on Demand.**

Clause 49 be deleted and the First Schedule be amended by deletion of reference to clause 49, offence description and penalty.

\* Joint Standing Committee requirement. See notation for the same provisions under Signs.

**HEALTH LOCAL LAW 1999****Clause 1.5 Interpretation**

Amend the definition of “hot water” by deletion of “...of at least 75 degrees Celsius” and insert “...in accordance with AS/NZS 3500.4.2”

\* 75 degrees Celsius is higher than the Australian Standard. This amendment brings the local law into line with the Australian Standard definition of hot water. It is a protracted definition and therefore best to quote the Standard number rather than detail the whole standard.

Delete the definitions of “restaurant” and “take away”

\* There is no need to classify eating houses as was done in the local law.

**Clause 3.6 Rear service door to food premises**

The proprietor of a Class 1 Food Premises (as defined in the Health (Food Hygiene) Regulations 1993) are to provide a rear service access to their premises.

\* To facilitate the delivery of goods and removal of refuse in an hygienic fashion.

**Clause 6.4 Swimming pools**

Insert (1) in front of the word “ where “ in line 1 and add the following new sub clause

“(2) where a swimming pool is not being maintained in accordance with sub clause 1(b) and the owner or occupier fails to respond to a written request to contact an Environmental Health Officer within 24 hours of a notice to do so being served, the Environmental Health Officer may treat the pool in accordance with sub clause (1)(d) to prevent mosquitoes from breeding.”

\* Enables an Environmental Health Officer to take positive action to prevent breeding of mosquitoes.

**Local Law Making Procedure**

The procedure to amend a local law is the same as that required to make a local law.

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



- “ 3.12
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
  - (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
  - (3) The local government is to -
    - (a) give statewide and local public notice stating that -
      - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
      - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
      - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
    - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
    - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
  - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law \* that is not significantly different from what was proposed.

*\*Special Majority Required ”*

## COMMENT

The proposed amendments to the City’s local laws represent a significant fine tuning that was necessary for the local laws to operate effectively. It can be expected that there will be a need to make more amendments in the future as the need arises. In any event, section 3.16 of the Act requires that local governments undertake a review of their local laws within eight years of them coming into operation.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

The Mayor read the Summary of Purpose and Intent of the Local Law to the meeting.

**MOVED Cr Wight, SECONDED Cr Patterson that Council, in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Amendment Local Law 2000”, in order to seek public comment.**

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Nixon** that additional Points 2 and 3 be added to the Motion as follows:

- 2 ARRANGES a workshop for all elected members to provide an overview of the proposed changes in the proposed Local Law, “City of Joondalup Amendment Local Law 2000”, in context of the operation of the existing local laws;
- 3 REQUESTS a further report on developing a policy in order to increase public participation in the review of the City’s local laws, through the City’s internet site and public workshops.

Discussion ensued.

**The Amendment was Put and**

**LOST**

It was requested that the vote on the amendment of all members present be recorded:

In favour of the Amendment: Crs Magyar, Nixon, Walker, Carlos, Ewen-Chappell and Kadak.

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

**The Original Motion was Put and**

**CARRIED**

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

In favour of the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Wight, Barnett, Rowlands and Kadak

Against the Motion: Crs Walker, Nixon, Magyar, Carlos and Ewen-Chappell.

<b>FINANCE AND COMMUNITY DEVELOPMENT</b>
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**CJ073-04/00 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - 15876**

**WARD - All**

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**SUMMARY**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 18.02.2000 to 16.03.2000:

Document: Copyright Agreement  
Parties: City of Joondalup and John William Steele  
Description: Local Studies – Oral History  
Date: 18.02.00

Document: Copyright Agreement  
Parties: City of Joondalup and Ariti Antonio  
Description: Local Studies – Oral History  
Date: 18.02.00

Document: Copyright Agreement  
Parties: City of Joondalup and Nora Robinson  
Description: Local Studies – Oral History  
Date: 18.02.00

Document: Copyright Agreement  
Parties: City of Joondalup and Paul Joyce  
Description: Local Studies – Oral History  
Date: 18.02.00

Document: Section 70A  
Parties: City of Joondalup and Mr A S Pabla and Mrs R K Pabla  
Description: Lot 570 Burley Griffiths Mews, Joondalup  
Date: 3.03.00

Document: Deed of Agreement  
Parties: City of Joondalup and City of Wanneroo  
Description: Access to former City of Wanneroo records  
Date: 3.03.00

Document: Service Agreement  
Parties: City of Joondalup and Health Department of WA  
Description: Home and Community Care Program  
Date: 16.03.00

Document: Withdrawal of Caveat  
Parties: City of Joondalup and Silkchime P/L  
Description: Lot 3 Warwick Commercial Park  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and John Germon  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Eva Mary Tasker  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Violet Forrest  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Maude Daily  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Kilpatrick  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Margaret Mitchell  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Olive Giblett  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Ada Jean Piese  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Francis Woods  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Fred Mogridge  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Teresa Flynn  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Copyright Release Deed  
Parties: City of Joondalup and Alma Mary Lindsay  
Description: Local Studies – Oral History  
Date: 16.03.00

Document: Deed of Indemnity  
 Parties: City of Joondalup and Cultural Development Co-ordinator  
 Description: Permission from Joondalup Police (State Government) to use grassed area in front of Court House as part of Joondalup Festival  
 Date: 16.03.00

Document: Withdrawal of Caveat  
 Parties: City of Joondalup and Translane Holdings P/L  
 Description: Lot 524 Reid Promenade, Joondalup  
 Date: 16.03.00

Document: Deed  
 Parties: City of Joondalup and Midvale Welding and Steel Fabrication P/L  
 Description: Unit 2, Warwick Commercial Centre  
 Date: 16.03.00

**MOVED Cr Ewen-Chappell, SECONDED Cr Kenworthy THAT the schedule of documents executed by means of affixing the common seal be NOTED.**

**The Motion was Put and**

**CARRIED**

**CJ074-04/00 NORTH WEST METRO BUSINESS ASSOCIATION  
 FOR ESTABLISHMENT OF A BUSINESS INCUBATOR  
 – [03082]**

**WARD - All**

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## **SUMMARY**

The City of Joondalup Strategic Plan seeks to encourage economic vitality by encouraging sustainable economic growth and business opportunity and to increase local employment.

The development and establishment of small business is a key element that should be supported in order to promote employment opportunities.

The North West Metro Business Association (NWMBA) and Edith Cowan University (ECU) supports the establishment of a Business Incubator in the Joondalup/Wanneroo area. To that extent a Feasibility Study and Business Plan have been conducted and as a result the Association has submitted an application for a Commonwealth Government capital funding of \$500,000 to support the construction of appropriate premises.

The proposed Local Government grant contribution outlined in the proposal is \$51,800; the ECU Grant is \$200,000 and land for the project; Lotteries Commission grant for a minimum \$50,000.

The proposed Business Incubator will provide the following benefits for the economy in the Joondalup/Wanneroo area:

- Fostering of self-employment, business development and accelerated business growth;
- Reduction in the failure rate of new start up businesses; and
- Improvement in the operation, graduation, job creation and wealth of new businesses.

The support of the City is sought for the project and funding arrangements.

## **BACKGROUND**

The Strategic Plan seeks to develop economic vitality by the establishment of alliances with key stakeholders, targeting of industry sectors to progress economic development and to promote the concept of Joondalup as a learning City as a means of integrating economic, social and cultural development of the City.

The Council will be aware that only 27% of workers that live in the City actually work in the City. The majority of workers leave the City to work elsewhere. This compares to other regions where the average is about 44%.

Small business plays a key role in providing employment. The concept of a business incubator supported by ECU, NWMBBA and the City that helps develop small business is a prime example of an alliance in support of economic vitality.

The Commonwealth Government, under its Department of Employment, Workplace Relations and Small Business (DEWRSB) program provides capital funding for the development and accommodation of business incubators. A business incubator is a facility that new or fledgling businesses utilise, where business support and advice is provided. As businesses mature they move into other premises. The NWMBBA, ECU and the City of Joondalup have jointly submitted an application for capital funding.

The value of the proposal for the City of Joondalup lies in the fit with the strategic plan of facilitating economic growth and business development. The goodwill or economic multiplier of such a venture is high, with the intangible value being greater than the immediate dollar value.

The NWMBBA is to act in the capacity of “incubator champion”, being the driving force behind the initial establishment of the business incubator. It is therefore necessary for representatives of the NWMBBA to be present on the Management Committee, as discussed below.

### **Management Committee**

It is currently proposed that the management committee be appointed for the operation of the incubator, with the following representatives. This can be reviewed as the project develops.

Operational Phase (Operational, Implementation & On-going Management):

No.	Organisation
2	NWMBBA
1	ECU
1	City of Joondalup
2	Prominent industry representatives (suggest from IT and finance sector).

Meeting frequency to be quarterly or more as required.

## Management Staff

### Incubator Manager

A crucial factor to the success of any business incubator is the selection of an appropriate incubator manager. There are three distinctive business activities that are key in the manager's role, being property development, property management, and business consultancy. The characteristics of these duties will be seen to evolve throughout the term of the position.

It is anticipated that the Wanneroo/Joondalup Business Enterprise Centre (BEC) will relocate to the incubator and that the BEC Manager will be responsible for co-ordinating the establishment and operation of the incubator.

## Operating Policies

### Tenants

It is imperative for the incubator manager to carefully select the tenants entering the incubator. This will ensure that the objectives for both the incubator and its tenants are more easily met. As per the Feasibility & Viability Report, there is a high demand for incubator office space from small service based industries, primarily IT, Business Service, and Health Serviced businesses.

It is considered important that a strong emphasis be placed on IT and E-Commerce services for incubator tenants. This is to be achieved via a combination of the incubator manager and external consultants where required.

Although the tenant selection process will need to be continually updated and revised by the incubator management committee, the following policy criteria can be used as preliminary benchmarks:

- Commitment to an acceptable business plan.
- Financial viability of the applicant.
- Growth potential of the applicant.
- The benefits to the incubator of accepting this tenant.
- Provision of new or unsatisfied services to the economic profile of the area.
- New products/services being developed.

- Commercial compatibility with existing tenant businesses.
- Physical compatibility within the incubator.
- Likelihood of tenant's ability to employ.
- Character and experience of applicant.
- Acceptable credit rating.
- Interview performance.

Key evaluative measures for existing tenants may include:

- tracking the progress of businesses through discussion;
- monitoring the financial performance of the business on a quarterly basis;
- an annual survey of tenant satisfaction.

### **Letting Policy**

The ethos of the incubator is to assist in the development and graduation of new businesses. For this reason alone, it is imperative that letting terms be restricted to that of two (and possibly three on application) years for each tenant. This will ensure a continuous flow of new businesses through the incubator.

### **Services**

Premises are available to tenants on flexible, easy in/easy out, affordable terms. Tenants are able to occupy smaller areas than that ordinarily found in the market place, thus saving on their rental commitments. Expansion by tenants is also encouraged, and is easily facilitated by the degree of flexibility in the incubator premises.

For the purpose of cash flow projections, annual rental of \$3,000 per 15sqm office has been applied.

### **DETAILS**

The proposed business incubator is to be constructed on land owned by Edith Cowan University within the boundaries of Collier Pass, Grand Boulevard, and the Joondalup Railway line.

It is proposed that a lease will be entered into between the incubator incorporated association and Edith Cowan University. The grant conditions will require tenure for a minimum of ten year.

The proposed Business Incubator will:

- provide pro-active and effective business and administrative support to enhance the business success of its tenants;
- become the hub and reference point for small businesses in the Joondalup/Wanneroo area;
- act as a tool and catalyst in the formation and development of new businesses and business concepts;
- become self-sustaining within 18 months of establishment;



- continuously improve the type and quality of services offered;
- create strong links with the varied business sectors of the area.

## COMMENT/FUNDING

### Financial Details

The capital cost of the project is estimated at \$801,800 with funding as follows:

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

Account No:	N/A
Budget Item:	Nil
Budget Amount:	\$51,800

Should it agree to participate in this project, it is anticipated that Council's contribution will be required in the year 2001/02.

Council's support in this initiative will assist business development for the City of Joondalup and demonstrate its support for the small business sector. The close links with ECU and the NWMBA will ensure that this project is strongly supported.

The key features of this proposal are:

- Incubator to be formed as a not-for-profit incorporated association under the *Associations Incorporation Act* (1987) and run by a management committee comprising key stakeholders;
- Strongly supported by the NWMBA, City of Joondalup and ECU;
- Forty percent of capital requirements will be provided by State and Local Government sources and ECU;
- In addition, land will be provided at a peppercorn rental;
- Feasibility Study identifies a strong local demand for service based industries;
- Initial focus will be on service based industries;
- Flexible and subsidised tenancy agreements and terms to generate demand for occupation by new businesses and ease of exit by graduating businesses within two years;
- Focus on value adding where the incubator manager provides services, advice and networking opportunities for incubator tenants;

- Association with ECU whereby synergies will be achieved between the objectives of a business incubator and those of an educational institution including, graduation from university to small business, access to university research, teaching and learning activities, cross-fertilisation of skills and services, provision of services to ECU and targeting of postgraduate research projects;
- Identified capital requirements include sufficient working capital to see the business through its development phase; and
- Target of 60% occupancy within two years rising to 85% by the third year.

**MOVED Cr Ewen-Chappell, SECONDED Cr Barnett that Council:**

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

**The Motion was Put and**

**CARRIED**

**CJ075-04/00 MINUTES OF JOONDALUP SOUTH YOUTH  
ADVISORY COUNCIL – MARCH 2000 – [38245]**

**WARD - All**

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**SUMMARY**

A meeting of the Joondalup South Youth Advisory Council was held on the 15 March 2000 and the minutes of the meeting are submitted for noting by Council.

**DETAILS**

The minutes of the Joondalup South Youth Advisory Council held at Joondalup Library on 15 March 2000 are included as Attachment 1.

The meeting of the Joondalup North Youth Advisory Council will take place on 28 March 2000 and minutes from this meeting will be submitted at the following meeting of Council.

No action is required from these minutes.

**MOVED Cr Kadak, SECONDED Cr Hurst that Council:**

- 1 NOTES the minutes of the Joondalup South Youth Advisory Council meeting held on 15 March 2000 forming Attachment 1 to Report CJ075-04/00;**
- 2 NOTES that the event planned during National Youth Week has been postponed.**

**The Motion was Put and**

**CARRIED**

Appendix 1 refers – click here: [Attach1min11042000.pdf](#)

**CJ076-04/00 JOONDALUP FESTIVAL – [36775]****WARD - All****SUMMARY**

A meeting of the Joondalup Festival Committee was held on 15 March 2000 and the unconfirmed minutes are submitted for noting by Council.

**DETAILS**

The minutes of the Joondalup Festival Committee meeting held on 15 March 2000 are included as Attachment 1.

**MOVED Cr Kadak, SECONDED Cr Mackintosh that Council NOTES the Minutes of the Joondalup Festival Committee held on 15 March 2000 forming Attachment 1 to Report CJ076-04/00.**

Cr Hurst reported on the success of the Joondalup Festival and advised winning entries were Heathridge Primary School, Joondalup Primary School, the Rodeo Association, Clarkson Primary School, Lymburner Primary School.

Cr Hurst expressed congratulations to the Festival Director and staff of the City for their tremendous efforts and work involved in making this year's festival such a success.

**The Motion was Put and****CARRIED**

Appendix 2 refers – click here: [Attach2min11042000.pdf](#)

*Cr Kadak declared a non-financial interest in Item CJ077-04/00 – Community Funding Program 1999/2000 Grants Allocations as an immediate member of his family is currently the Treasurer of the Greenwood Tennis Club, that Club being listed for consideration as a grant recipient.*

*In addition, Cr Kadak is an ex officio member of the Sunset Coast Hinterland Tourist Association, also listed for consideration as a grant recipient.*

*Cr Magyar declared a non-financial interest in Item CJ077-04/00 – Community Funding Program 1999/2000 Grants Allocations as he is a member of the Friends of Hepburn Heights and Pinnaroo Bushland, this group having been recommended to receive an environmental grant.*

*Chief Executive Officer advised that in accordance with the Code of Conduct, the only requirement with regard to a non-financial interest is for an elected member to declare this and that it did not preclude that member from participating in debate or voting.*

## **CJ077-04/00      COMMUNITY FUNDING PROGRAM      1999-2000 GRANTS ALLOCATIONS - [39290]**

**WARD - All**

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### **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 and other eligible organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

This report provides information and includes recommendations on the provision of financial grants in the current financial year to various organisations and community groups operating within the City in accordance with the Program's policy and guidelines. It is also foreshadowed that there is a need to make enhancements to the Program as a result of administering the Program for the first time.

### **BACKGROUND**

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

At the Council meeting of 14 September 1999, the Joint Commissioners adopted the Community Funding Program Guidelines (Report CJ304-09/99 refers) and adopted 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 and other eligible organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

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 has 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. 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, including those which have, historically, been provided to individuals;
- 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 services;
- 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;
- 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 and subsidisation of junior and senior fees.

These arrangements are dealt with through the City's normal budget process and a number of the above areas are currently under review and will be the subject of further reports to Council.

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.

Six major fund categories have been developed as follows:

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

Each of these fund categories has its own specific strategic objectives. In accordance with the Community Funding Policy, guidelines specific to each fund were developed for the current financial year and these will be reviewed on an annual basis in accordance with policy requirements.

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, eligibility criteria and accountability requirements which have been applied across the organisation to assess all applications for funding under the Program.

Provision is made in the Program for delegation of responsibility to the Chief Executive Officer for the assessment and approval of applications for small grants up to \$2,500.

## DETAILS

Under the 1999/2000 Program, approximately \$142,000 is available for distribution to eligible organisations in the current financial year distributed across the fund categories as follows:

Culture and Arts Development Fund	\$18,630
Community Services Fund	\$16,000
Environment Development Fund	\$10,000
Economic Development Fund	\$60,000
Sport and Recreation Development Fund	\$38,000 <sup>1</sup>
Sponsorship	\$0 <sup>2</sup>

<sup>1</sup> This category includes \$16,000 which has been budgeted in the current financial year to provide funding to various sporting organisations which seek financial assistance for its members to travel to interstate or international sporting events. Applications may be made throughout the financial year. The majority of the recipients are juniors for which \$50 is provided in financial assistance for competitions held interstate and \$100 for international competitions. This component of the fund category is currently under review.

<sup>2</sup> This fund category is currently under review and no funds were allocated in this financial year for this category.

The objectives and funding priorities for each fund category for the 1999/2000 financial year are as follows:

### **Sport and Recreation Development Fund**

#### Objectives

- To extend and support the level of participation in recreation activities within the community
- To increase the number and variety of recreation opportunities in the community
- To assist in the improvement of community recreation
- To positively contribute to the well being of the community

#### Funding Priorities

To provide funding for projects, events or activities which promote a healthy lifestyle and specifically:

- Demonstrate significant benefits to the community's overall quality of life;
- Promote active participation in recreational activities; and
- Expand the active membership and participation base of sport and recreation organisations.

### **Culture and the Arts Development Fund**

#### Objectives

- To extend and support the level of participation in cultural activities within the community
- To increase the number and variety of cultural opportunities in the municipalities
- To assist in the improvement of community recreation
- To positively contribute to the well being of the community.

#### Funding Priority

To support projects, events or activities which encourage skills development and greater participation by young people with a particular focus on creating a sense of community.

### **Community Services Fund**

#### Objectives

- Projects, events or activities which are unique in the City and which support new initiatives bringing identified positive benefits to young people in the City.
- Proposals which support activities, events or projects which demonstrate a local response to the International Year of the Older Person's objectives.

### Funding Priorities

Projects, events or activities which:

- Encourage the involvement and interaction of young people with their community;
- Foster a positive image of young people in the community;
- Involve seniors in active involvement in their community;
- Embrace the International Year of Older Person's objectives;
- Have a clear practical outcome;
- Are sustainable at their completion.

### **Environment Development Fund**

#### Objectives

Projects, events or activities which provide opportunities for people to become actively involved in environmental protection and conservation activities.

### Funding Priorities

Projects, events or activities which:

- Encourage community participation to enhance community awareness of environmental protection, conservation and management issues.
- Have a clear, practical direction and are sustainable at their completion.
- Evidence environmental benefit/s to the community.
- Integrate with the other environmental programme/initiatives.
- Are in line with the City of Joondalup's strategic direction.

### **Economic Development Fund**

#### Objectives

Projects, events or activities which:

- Encourage the development of new businesses within the city;
- Have the potential to become self-funding;
- Fill an identified economic need within the community; and
- Do not operate as direct competition to existing business.

### Funding Priorities

Projects, events or activities which:

- Support strategic economic development within the City;
- Encourage participation of the local business community in partnership arrangements with other business sectors.

The Community Funding Program was promoted locally from November 1999 until the closing date for all applications which was 29 February 2000.



Paid advertisements and editorial statements promoting the new Program were published in the Wanneroo Times Community newspaper. Articles appeared in various Council publications. Information on the Program was posted on the Council's Web page. Promotional material was forwarded via direct mail to a large number of relevant organisations and community groups.

A package of information which contained the Community Funding Policy, Guidelines and applications forms was sent, upon request, to approximately 180 organisations and community groups. The package of information was also available electronically via the City's Web site but no record was maintained of the number of packages accessed via this means.

A number of workshops were conducted for representatives from 20 organisations or community groups who had expressed an interest in receiving assistance to complete the application forms or obtain additional information about the Program. A number of one to one meetings were also held between Council officers and representatives from various organisations and community groups for the same purposes.

Each application received was assessed against the generic eligibility and assessment criteria together with the specific funding objectives and priorities for the 1999/2000 financial year as contained in the Community Funding Policy and Guidelines. Assessment panels, consisting of Council Officers and external community members, were established as follows:

#### Sport and Recreation Development Fund:

- Mr Jeff Ernst Mullaloo Surf Club
- Mr Dean Solly Manager Arena Joondalup
- Mr Milton Sanders Northern Districts Junior Football Association
- Mr Mark Stanton Manager Leisure and Ranger Services

#### Community Services Fund:

- Mr Andrew Hall Manager, Wanneroo Youth Accommodation and Support Service
- Ms Rhonda King Children's Services Officer, Family and Children's Services
- Ms Trish Jack Secretary, Kingsley Senior Citizens Group
- Ms Marilyn Beresford Manager, Community and Health Services

#### Culture and the Arts Development Fund:

- Ms Marie Keating Community Artist
- Ms Miv Egan Community Artist
- Ms Julia Wren Primary School Teacher – Art and Culture
- Mr Chris Waddell Principal Policy Consultant, Ministry of Premier and Cabinet
- Mr Mark Stanton Manager Leisure and Ranger Services

#### Economic Development Fund:

- Mr Ray Fischer Executive Manager, Strategic Planning
- Mr Ian Martinus Economic Development Officer

#### Environment Development Fund:

- Mr James Kirton Manager Organisation and Strategic Development
- Mr Dennis Cluning Manager, Parks and Landscaping
- Ms Yasmine Majid Research Officer

The following chart provides a profile of the number of applications processed:

	Applications Received	Applications Received for Funding ≤ \$2,500	Applications Received for Funding > \$2,500	Applications Recommended for Full or Partial Funding	Applications referred to Formal Facilities Assessment Process
Sport & Recreation Development Fund	24	21	3	11	2
Culture & Arts Development Fund	15	12	3	9	0
Community Services Fund	18	14	4	10	0
Environment Development Fund	18	15	3	9	0
Economic Development Fund	4	0	4	1	0
<b>TOTAL</b>	<b>79</b>	<b>62</b>	<b>17</b>	<b>40</b>	<b>2</b>

Attachment 1 includes a full listing of all applications received and applications recommended for full or partial funding. A number of applications have been recommended for approval subject to the applicants agreeing to meet certain conditions of funding.

Of the 40 applications recommended for full or partial funding, 39 of these have been recommended to the Chief Executive Officer for approval as these are small grants up to the value of \$2,500. A list of these grants is included in Attachment 1.

The remaining application is recommended for approval by Council as this is for a large grant which exceeds \$2,500. This recommended grant is in the Economic Development Fund category and is as follows:

**Sunset Coast Hinterland Tourism Association - Requested: \$3,500**

The Association seeks funds for the production and distribution of a brochure outlining tourism activities and attractions in the region.

This project seeks to co-ordinate the strategic economic development of tourism within the City of Joondalup and City of Wanneroo. The objective is to increase the number of tourists visiting the City and increasing the level of economic activity while enhancing the opportunity for further tourist ventures. This will be realised initially through greater patronage of pre-existing tourist attractions.

The success of this venture depends again on the responsible project role taken by the City of Joondalup in accordance with the time value of money. The return on investment will only be achieved if the Association understands the deliverables of its project.

There is great merit in supporting a group with renewed vitality, and is in line with the generic expectations of the 1999-2003 Joondalup Strategic Plan that mention lifestyle and community involvement. It is understood that the City of Wanneroo will make a similar contribution to the project.

## COMMENT/FUNDING

The following chart shows a profile of the funding arrangements for each fund category:

	<b>Funding included in 99/00 Budget</b>	<b>Funding Requested by all Applicant Organisations</b>	<b>Funds Recommended for Allocation</b>	<b>Balance of Funds Remaining</b>
Sport & Recreation	\$22,000	\$108,178	\$15,608	\$6,392
Culture & Arts	\$18,630	\$41,054	\$17,733	\$897
Environment Development	\$10,000	\$45,749	\$7,297	\$2,703
Economic Development	\$60,000	\$58,300	\$3,500	\$56,500
Community Services	\$16,000	\$65,013	\$16,000	\$0
<b>TOTAL</b>	<b>\$126,630</b>	<b>\$318,294.00</b>	<b>\$60,138.00</b>	<b>\$66,492.00</b>

All funded organisations will be required to expend grant funds prior to 30 June 2000. However, where this is not possible, due to the nature of the funded project, activity or event, it should be noted that GST will be payable on some grants where expenditure of part or all of the grant occurs after 1 July 2000 and the provision of the grant is in consideration of a return by the City for the grant provided.

In accordance with the provisions of the Community Funding Policy and Guidelines, all applicants will be advised as to the outcomes of their applications. Successful applicants will be required to enter into contractual agreements with the City for funds allocated under the Community Funding Program and the City will establish a register to record grants allocated. Successful applicants are also required to suitably acknowledge the financial support provided by the City. The nature of such acknowledgment will be negotiated with each successful applicant as part of the process of drafting the required funding agreements.

The Community Funding Policy provides that decisions regarding funding applications are final and will not be reconsidered during the financial year in which the application is made.

The administration of the Community Funding Program for the first time this financial year has revealed that there is potential to make enhancements to the Program.

From the outset, it was envisaged that enhancements would need to be made to the Program based on the City's experience in administering the Program.

Proposed enhancements to the Program will be the subject of a further report to Council. Consideration will be given to issues such as the eligibility of organisations that are non profit in nature, the development of a corporate sponsorship policy separate to the Community Funding Program's sponsorship category, the need for more than one funding round to be available in a given financial year, the exclusion of government bodies as applicants and the simplification of the Program's documentation and application processes.

It is anticipated that the enhancements will be made to the Community Funding Program such that the next round of funding applications under the Program can be called early in the next financial year.

The advice provided by members of the community who voluntarily participated on the various assessment panels has been invaluable. It is recommended that their contributions be acknowledged by Council.

**MOVED Cr Wight, SECONDED Cr Mackintosh that Council:**

- 1 APPROVES the large grant pursuant to the City of Joondalup's Community Funding Program for the financial year 1999/2000, of \$3,500 to the Sunset Coast Hinterland Tourism Association;**
- 2 NOTES the small grants recommended for approval by the Chief Executive Officer under delegated authority pursuant to the City of Joondalup's Community Funding Program for the financial year 1999/2000 and forming Attachment 1 to Report CJ077-04/00;**
- 3 ACKNOWLEDGES and thanks those members of the community who participated on the various assessment panels;**
- 4 NOTES that a report will be provided to Council proposing enhancements to the Community Funding Program.**

**The Motion was Put and**

**CARRIED**

Appendix 3 refers – click here: [Attach3min11042000.pdf](#)

## **CJ078-04/00 SUPPLY AND DELIVERY OF HOME SUPPORT SERVICES - SUMMARY EVALUATION REPORT FOR TENDER NUMBER: 084-99/00 - [43606]**

**WARD - All**

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### **SUMMARY**

Tenders for the supply and delivery of up to 9506 hours of Home Support Services to aged people and people with disabilities living in the City of Joondalup were invited on 12 February 2000 and closed on 2 March, 2000. Seven tenders were received. This Report recommends the acceptance of the tenders from Perth Home Care Services and Bell Home Care Services.

The budget provision for 9506 hours of Home Support Services for eight months is limited to \$228,399 without any GST). The Contract will commence from 1 May 2000.

### **BACKGROUND**

The former City of Wanneroo, and subsequently the newly created City of Joondalup, has been involved in the provision of Home Support Services to aged people and people with disabilities since 1975. The City's Aged and Disability Care Services are funded through the Home and Community Care Program (HACC), the Commonwealth's Community Aged Care Packages Program and the Disability Services Commission. The aim of the Home Support Service is to provide a comprehensive and integrated range of basic support services for aged people and people with disabilities within the City of Joondalup. Examples of services provided include:

Home help - cleaning, shopping and cooking

Personal Care - assistance with personal hygiene, dressing, grooming etc.,

Respite - provision of a break from the caring role

During the 1998/99 financial year, home support services were purchased to support the HACC, Community Aged Care Packages and the Disability Services Child Respite program to the extent of 13,391 hours of care.

### **DETAILS**

The Invitation to Tender was advertised Statewide on 12 February, 2000 in WA in accordance with Reg. 14(a) of *Local Government (Functions & General) Regulations 1996 (amended 2000)* and on 15 February, 2000 in Community News Papers as per City's Regional Purchasing Policy and also posted in websites.

Perth All Care Nursing Services requested to be allowed to submit a part tender in accordance with clause 8(e) of the General Conditions of Tendering. This organization thus disallowed itself to provide services for Home Help Services and was permitted to do so subject to compilation of clauses 8 and 11 of the Special Conditions of Tendering and Clause 17 of the General Conditions of Tendering.

Tenders closed on 2 Thursday March, 2000. The following companies submitted tenders:

- Bellhealth
- Drake International
- Homecare Pursuits
- Perth Home Care Services Inc.
- Stanhope – Perth All Care Nursing Services
- St Ives – Aged Care Services Australia Pty Ltd
- The Carers

Each tender received was assessed against the following selection criteria provided in the City's Conditions of Tendering:

- Quality of home support services
- Schedule of rates
- Relevant experience
- Secure financial base
- Tenderer's resources

Assessment of the tender was performed by a Tender Evaluation Committee (Committee) made up of the following staff:

- Manager Community and Health Services
- Coordinator Aged and Disability Services
- Special Projects Officer, Community and Health Services
- Manager Contract Management

A multi-criterion selection evaluation method was used by the Committee to assess the tender under the general guidelines of AS4120-1994 Code of Tendering and City's Contract Management Framework. Each member of the Committee was provided with a copy of the tenders received and a tender information document for perusal prior to the meeting. Two tender evaluation meetings were held on 8 March and 10 March, 2000.

The Committee was of the view that evaluation of the criterion "secure financial base" required an expert opinion. Therefore, the City's Manager Accounting Services, a professional chartered accountant was requested to evaluate the tenders against that criterion. On his advice, further clarification was sought from each tenderer in accordance with clause 13 of the General Conditions of Tendering under clause 11 (d) of the Special Conditions of Tendering. Based on the clarification received, all tenders were evaluated against the criterion for a "secure financial base".

The Committee carefully evaluated each tender in strict accordance with the Conditions of Tendering.

## COMMENT/FUNDING

Under Clause 12 of the General Conditions of Tendering, the City may select more than one Tenderer. The final outcome of the tender evaluation was that Perth Home Care Services and Bell Home Support Services are the recommended Tenderers to be accepted subject to Council's approval.

The Committee carefully evaluated each tender in strict accordance with the Conditions of Tendering. Scores were not awarded against those criteria or sub criteria where no information was evident from the submission. The Committee observed the following:

- Two tenderers were not prepared to accept the terms and conditions under which the Contract was to be awarded. Both Tenderers were, in effect, making counter offers to the City's stated requirements which could potentially increase the cost per unit of service from that stated as well as incurring unanticipated administrative costs for the City.
- A third tenderer failed to indicate the provision for the services for Prepared Meals in contravention of the requirements for the tender.
- It was evident from the tenders received that:
  - value for money
  - levels of experience,
  - financial information
  - the tenderers' resources

of all of the unsuccessful tenderers were not comparable with those of Bell Home Care and Perth Home Care Services.

Both Bell Home Care and Perth Home Care Services outperformed their competitors overall. They were able to substantiate the excellent quality of their services.

Perth Home Care Services is one of the largest providers of Home Support Services in Western Australia. It is currently funded to provide 90,000 hours per annum by the HACC program. It also has substantial contracts with Mental Health Services and the Disability Services Commission to the extent of 40,000 hours, making a total of 130,000 hours of support to approved clients.

The tender submitted by Perth Home Care Services substantially demonstrated its capacity to provide high quality services to the target population. A well planned structure and in house training programs support its operations in the community. Letters of commendation from individual clients and organisations that use Perth Home Care Services were included in the tender document. That information and the follow up reference checks substantiated the Quality Assurance Award (ISO 9002) obtained by this organisation.

Bell Home Care is currently contracted to provide home support services to clients of the City. Its tender outlined its ongoing commitment to providing very high quality services to clients and demonstrated that its in-house training and structure would support this. Bell Home Care provided two price schedules. Only the prices provided in the City's Schedule of Rate form was considered for evaluation.

Referees for Bell Home Care, including two other Local Governments and a highly recommended non-government aged care service agreed that the quality of the service and the rates for providing it were extremely competitive. This organisation currently provides home

support services to a number of other Local Government Authorities in the metropolitan area and has just been awarded a substantial tender for the City of Stirling. In total, Bell Home Care Services is currently providing services to eight organisations within the metropolitan area.

If approved, the City may elect to enter into contracts with Perth Home Care and Bell Home Care Services with effect from 1 May, 2000 to 31 December, 2000 with the price schedules submitted in Attachment 1 with an option to extend for a further six months. The contracts are of an eight-month duration as all Community Services operations are currently being reviewed to determine the future direction of these services.

**MOVED Cr Rowlands, SECONDED Cr Walker that Council ACCEPTS the tenders from Perth Home Care Services and Bell Home Support Services to commence services with effect from 1 May 2000 to 31 December 2000 on the basis of the schedule of rates provided in Attachment 1 to Report CJ078-04/00, with an option to extend the contracts for a further six months and enter into contract agreements with them.**

**The Motion was Put and**

**CARRIED**

Appendix 4 refers – click here: [Attach4min11042000.pdf](#)

## **CJ079-04/00      COMMUNITY FACILITY AT CONNOLLY - [25066]**

**WARD - Marina**

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### **SUMMARY**

In the early 1990's the Joondalup Golf Course was sold by the State Government. This took away access to the course that local residents previously enjoyed. Lobbying resulted in the Government making funds available for use in Connolly.

As a result, in 1997 the State Government made provision for \$200,000, which is being held by LandCorp, towards a community facility in Connolly. In addition, the State Government allocated a further \$300,000 for verge and landscaping treatment for Connolly. During 1997/98 the Administration worked with the Residents Association to assess the needs for a community facility. Following the outcome of a community needs assessment, a report to Council in February 1999 concluded that matching funding support should not be provided as there was no significant need identified for a facility. Also Connolly is a short distance from a range of existing community services and facilities.

At a subsequent meeting with the Association it was agreed that the Administration would assist by preparing the design concept options and a brief for a facility with the aim of keeping within the State Government grant of \$200,000. Options explored included a development to utilise the funding similar to the Yanchep Community Centre, which could be built for less than \$200,000. The Association rejected this and provided a revised sketch plan, which was estimated by Council to cost \$450,000. In addition, the revised plan would not fit on the community purpose site at Connolly.

In November 1999, at a further meeting with the Association, the Administration agreed to re-evaluate the request for matching funding support for a facility provided that a submission



was made under the Facilities Funding Assessment process. The Administration's assessment did not support the Connolly Residents Association submission for a community facility.

In recent correspondence the Local Member suggested that if Council did not contribute on a dollar for dollar basis for a small community centre that the State Government's contribution be permitted to be expended upon verge or suburb enhancement proposals as determined by the Connolly residents.

## **BACKGROUND**

LandCorp developed the suburb of Connolly in the 1980's with the feature of the development being a golf course, which was available to residents in the estate. In the early 1990's the golf course was sold and access to the course was restricted.

In 1997 the State Government made provision for \$200,000, which is being held by LandCorp, towards a community facility in Connolly. A community purpose site considered for a facility is Lot 404 (2429m<sup>2</sup>) Glenelg Place, Connolly, between the local shopping centre and Hodges Drive (Attachment 1 refers).

In August 1997 the former City of Wanneroo Council endorsed a process to assess the need for community facilities in Connolly prior to the development of any facility (Item TS255-08/97 refers). During 1998 a community needs assessment was undertaken to determine the need for and uses of a community facility. The Residents Association also sought matching funding from Council for the facility.

The Administration worked with and assisted the Residents Association with the design and analysis of the community survey during 1998.

A report to Council in February 1999 recommended that no matching funding be provided to the Residents Association as there was no significant need identified for a facility and Connolly is a short distance from a range of existing community services and facilities. It was further agreed to work with the Connolly Residents Association, and other relevant parties, to identify appropriate uses for the expenditure of the State Government grant. (Item CJ44-02/99 refers). The Association continued to argue there was a need for a facility. In parallel with a further needs analysis the Administration subsequently agreed to assist the Residents Association by preparing the concept design and the brief for a facility with the aim of keeping within the State Government grant of \$200,000. The Yanchep Community Centre was proposed as a model. However, this was rejected by the Association proposing a revised larger design estimated to cost \$450,000.

Endeavours by the Administration to establish a bona fide need for the construction of a facility have been lengthy due to the need to clarify matters and the time taken in attaining information from the Association.

In November 1999 at a further meeting with the Association, the Administration agreed to re-evaluate the request for matching funding support for a facility.

Landscaping and verge treatments have been made in Connolly and the remaining \$58,000 is held by LandCorp for future improvement projects that may be identified by the Residents Association.

## **DETAILS**

During 1999, the Administration at all times tried to provide assistance to the Association and community to progress the development of a facility within the State Government amount of \$200,000.

Concept drawings of Yanchep Community Centre were forwarded to the Association for comment (Attachment 2 refers) and an indicative quote obtained for construction (\$185,000).

This option was rejected and the Association provided a revised sketch plan (Attachment 3 refers), which was estimated by Council to cost \$450,000 to construct. In addition, the revised plan would not fit on the community purpose site at Connolly.

Also considerable time and effort was spent in discussions with Australand, the developers who were trying to redevelop the Connolly Shopping Centre with the owners, in an endeavour to make it a viable concern and to provide other possible options for the development of a community facility. Australand however withdrew attempts to reconfigure the shopping centre.

As part of the assessment of the Association's submission an investigation and a review of the original community needs assessment was undertaken. Further discussions were held in January 2000 with the Resident Association's President and the Secretary to try to establish the need for and use of a facility to determine size and possible configuration. The groups that were identified included the Scouts, childcare, craft and general meeting rooms.

A meeting was held with the 1<sup>st</sup> Joondalup Scout Group, to discuss potential use of the facility for the group. The group has Cubs, Scouts and a Venturers unit and meets on Tuesday (6.45 pm to 8.15 pm) and Wednesday (7.00 pm-9.00 pm) at Beaumaris Primary School. The Group has operated at the school since 1992 and has also built a shed (20m x 30m) that it shares with the school for storage needs. The Scout requirements are for a facility capable of active games in the hall and lighting for Scout activities outside the facility. A large shed would be required to accommodate the group's trailer and other storage needs.

It is considered that the site would not be suitable for a Scout group, as it is situated in a shopping area and adjacent to an aged persons housing. In addition, the nearest public open space is some distance from the site. The site would also not be able to accommodate a shed for the group's storage needs.

In relation to childcare the Department of Family and Children's Services were consulted and they confirmed that they did not regard Connolly as an area in need of such services. There is also a general under utilisation of childcare facilities in the area.

The Residents Association was asked to provide contact details of the craft and other groups that were proposed for the facility to determine needs, however Council has not received details to date to enable the matter to be considered. It is understood the Association proposes undertaking a further survey to establish needs for the facility.

A review of current usage rates of facilities surrounding Connolly supports the view that there is sufficient capacity to meet the community's needs and the building of a large facility is questionable. Also with the services now available at Lotteries House, Boas Avenue, Joondalup, the community's need for support services would be adequately catered for at this facility.

An appropriate design of a facility can only be determined when all the requirements have been established and substantiated. Based on the above review it is difficult to substantiate the construction of a facility.

### COMMENT/FUNDING

The Residents Association's request for matching funding is in effect a request for funds and use of the City's Community Purposes site at Glenelg Place, Connolly. Based on the information provided to date it is considered that the need for a facility is still not substantiated. Apart from the suggested use by a Scout Group, which is not supported, no other groups have been identified or other uses substantiated for a facility. It is considered that there are sufficient community facilities surrounding Connolly to meet the community's needs for meeting facilities. Further, Council is developing a Community Centre in the adjacent suburb of Currabine that will provide additional venues for residents from Connolly to access.

The Local Member of Parliament, Mr C Baker MLA, has approached Council on a number of occasions with the view of progressing the construction of a community facility in Connolly. In correspondence (8 March 2000) from Mr Baker it is suggested that in lieu of funding for the community centre the State Government's commitment to Connolly be permitted to be expended upon verge or suburb enhancement proposals as determined by Connolly residents. This is acceptable, subject to such proposals going through the normal approval processes.

At its meeting held on 28 March 2000, Council resolved that:

*consideration of matching funding for the development of a community facility at Connolly be DEFERRED to the next Council meeting scheduled to be held on 11 April 2000 pending further consideration by elected members.*

**OFFICER'S RECOMMENDATION:** That Council ADVISES the Connolly Residents Association and the local member of Parliament Mr C Baker MLA that:

- 1 matching funding or the development of a community facility is not approved as:
  - (a) no significant need has been identified;
  - (b) Connolly is located at a short distance from a range of existing community services and facilities;

- 2 it will consider proposals from the Connolly Residents Association which utilise the State Government's funding commitment to Connolly for the upgrading of verge and suburb enhancement subject to the normal approval processes.

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Carlos that Council consideration of matching funding for the development of a community facility at Connolly be **DEFERRED** to allow a meeting to be organised between the residents, elected members, Mr Chris Baker, MLA Member for Joondalup and Dr Mal Washer, MP Member for Moore.

**The Motion was Put and**

**CARRIED**

## **INFRASTRUCTURE MANAGEMENT**

### **CJ080-04/00 BURNS BEACH COMMUNITY - EXPRESSION OF INTEREST FOR A 40 KMPH SPEED TRIAL - [02018] [01096]**

**WARD** – North Coastal

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#### **SUMMARY**

Residents of Burns Beach have petitioned Council to support inclusion in a trial of 40km/h speed limit on local roads. Main Roads WA have conducted a trial in Ellenbrook that showed little support by motorists to comply with a 40km/h speed limit. This assessment by Main Roads WA has concluded that no further trials will be undertaken.

#### **BACKGROUND**

In January 2000, a 97-signature petition was received from Burns Beach residents seeking the City's support for inclusion of this locality in a trial of 40km/h speed limit on local roads. An article was later printed in the Wanneroo Times, which indicated those residents

*“are not even sure if there is a trial, but if the Government wants one, we are happy to be part of it”.*

A copy of the article is shown on Attachment 1 to this report.

Prior to this, Main Roads WA, who are responsible for the implementation of all speed zones, conducted a trial in the Ellenbrook Estate. The aim of the trial was to determine the effectiveness of the speed limit within a precinct. Details of the trial are given below.

More recently a report on the possible implementation of a 50km/h general urban speed limits on all local roads was presented for consideration. In this instance, Council, at its meeting on 28 March 2000 resolved to:

***“SUPPORTS, in principle, the implementation of a 50 km/h general urban speed limit on all local roads within the metropolitan area, subject to the implementation of an appropriate comprehensive driver education and enforcement campaign undertaken by the State Government....”***

## **DETAILS**

In 1998, Main Roads WA initiated a trial introduction of a 40km/h local area speed limit to determine the community's willingness to drive at 40km/h without the extensive use of traffic management devices.

Prior to this, the main criteria for implementing lower speed zones was a requirement that the 85 percentile speed of vehicles was around the 40km/h mark. This required either the road environment to be conducive to lower speed or the implementation of sometimes costly traffic treatment to force driver compliance.

Ellenbrook Estate was chosen for the trial because of its recent development, enclosed road network and the desire of the estate management to promote and participate in the trial.

The road geometry was not altered during the trial but required installation of regulatory and promotional signage throughout the estate to advise motorists of the new 40km/h speed limit. Local residents were advised of the trial through a promotional campaign conducted by the Estate Management. Emphasis was placed on the safety benefit to the community of maintaining a lower speed.

To properly evaluate the trial, a speed survey was conducted before the trial began. The baseline reading could then be compared with subsequent surveys to evaluate the community's compliance of the lower speed limit.

During the trial, the first survey was conducted in July about one month into the trial and the second in October 1998. Results of the speed survey showed that on average, motorists had reduced their speed by 3.5km/h initially and by a further 1km/h in the follow-up survey.

While a reduction of 4.5km/h was achieved a significant number of motorists (60%) exceeded the posted speed limit and 10% continued to exceed the previous 60km/h limit. The extent of the speed reduction varied significantly across streets within the estate, with some streets recording no reduction in speed and others up to 9km/h.

On the basis of these results, Main Roads WA has recommended that a 50km/h speed limit would be more appropriate as it would be perceived as more acceptable to residents and motorists. This would most likely result in greater compliance amongst all drivers.

The Woodlake Community Association and the Shire of Swan have agreed with Main Roads report and findings on the trial.

Given that the National Road Rules now allow implementation of 50km/h speed limits, Main Roads WA has advised it is no longer conducting any further trials.

In the meantime, the Institute of Municipal Engineers Australia who have also expressed concern at the current ad hoc process of introducing 40km/h (or 50km/h) speed limits on a precinct by precinct basis. A final determination on the appropriateness of the precinct implementation which has been facilitated by the National Australian Road rules as opposed to implementation of a metropolitan area wide 50km/h General Urban Speed Limit is currently being debated.

The City has previously gone on record as supporting, in principle, the implementation of a 50 km/h general urban speed limit on all local roads within the metropolitan area, subject to the implementation of an appropriate comprehensive driver education and enforcement campaign undertaken by the State Government.

### COMMENT/FUNDING

As Main Roads WA have indicated that no further trialling of 40km/h speed zones are planned, it is recommended that the petitioners be advised accordingly.

However, pending a determination by Main Roads WA and the State Government, the City may take this opportunity to reiterate its support for implementation of a 50km/h general urban speed limit.

### **MOVED Cr Rowlands, SECONDED Cr Carlos that Council:**

- 1 ACKNOWLEDGES the request by the residents of Burns Beach to be included in any trial of 40 km/h speed limit on local roads;**
- 2 ADVISES the residents of Burns Beach that there are no additional trials planned by Main Roads WA.**

**The Motion was Put and**

**CARRIED**

<b>PLANNING AND DEVELOPMENT</b>
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### **CJ081-04/00 HILLARYS STRUCTURE PLAN – SIGNING OF DOCUMENTS – [16047]**

**WARD - Whitfords**

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### **SUMMARY**

A modification to the Hillarys Structure Plan was referred to the Western Australian Planning Commission (WAPC) for endorsement and certification. This modification is a minor one correcting an omission relating to the application of private open space requirements to one of the precincts.

The modified document has been endorsed and certified by the WAPC and Clause 10.6.5 of Town Planning Scheme No 1. Clause 10.6.5 of the Scheme requires Council to adopt, sign and seal the document.

## BACKGROUND

### Previous Council Decisions

The Joint Commissioners resolved at their meeting on 23 November 1999 (CJ415-11/99) to adopt, sign and seal the Hillarys Structure Plan (Attachment 1), which refers to two areas within the suburb of Hillarys, Part Lot 7 Swan location 1370 (45.64ha) and Lot 475 Flinders Avenue (1.19ha). A small portion of the Structure Plan area, Part Lot 158 Swan location 1315 is located in the suburb of Sorrento on the southern side of Hepburn Avenue, north of Seaward Loop (Attachment 1, Page 6).

The structure plan provides the framework for the progressive development of the subject land, dividing into six precincts with different residential design requirements.

Council at its meeting on 22 February 2000 (CJ027-02/00), resolved to modify clause 6.4.3 of the Hillarys Structure Plan by the inclusion of item (m) to 6.4.3(a) to read: “as 6.2.3 (a) to (j) and (m)”, and that the modifications were of a minor nature not requiring advertising. The modification was submitted to the WAPC for adoption and certification.

## DETAILS

### Current Proposal or Issue

The modified document has been returned from the WAPC following adoption and certification and Clause 10.6.5 of the Scheme requires Council to adopt, sign and seal the documents.

## COMMENT

The WAPC has adopted and certified the document without modification so it should now be adopted signed and sealed as required by Town Planning Scheme No 1.

**MOVED Cr Mackintosh, SECONDED Cr Hurst that Council, pursuant to Clause 10.6.5 of Town Planning Scheme No 1, ADOPTS, SIGNS AND SEALS the amended Hillarys Structure Plan.**

**The Motion was Put and**

**CARRIED**

**CJ082-04/00 APPLICATION TO CLOSE THE PEDESTRIAN ACCESSWAY BETWEEN SPORING WAY AND VENUS WAY, HILLARYS - [28451]**

**WARD - Whitfords**

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## SUMMARY

In September 1998, all four of the adjoining landowners applied to close the pedestrian accessway (PAW) between Sporing Way and Venus Way, Hillarys. Various and frequent

acts of anti-social behaviour were put forward by the applicants as justification for the closure. The application for closure was submitted to the Joint Commissioners' meeting of 9 November 1999 (Report No. CJ392-11/99 refers). As part of the Joint Commissioners' resolution, it was determined not to support the immediate closure of the pedestrian accessway between Sporing Way and Venus Way, Hillarys and review the matter once the structure plan for the Whitford City Shopping Centre had progressed sufficiently to identify the pedestrian/cyclist network for the area.

As the abovementioned structure plan has not advanced and the City has not completed its plans for the preparation of a structure plan, continual deferment of this application is inappropriate. The preparation of the proposed structure plan is envisaged to be initiated next financial year, and will involve an extensive public consultation period. Some of the issues to be considered will be the overall pedestrian and cycle access network in the vicinity of the commercial complex and the investigation of the possible rationalisation of PAWs in the area.

The subject PAW forms part of a pedestrian link to the Whitford City commercial centre and as the same rationale applies now as it did when the Joint Commissioners determined it previously; at this stage it is recommended that the request for closure of the above PAW not be supported.

## **BACKGROUND**

In September 1998, all four of the adjoining landowners applied to close the pedestrian accessway (PAW) between Sporing Way and Venus Way, Hillarys. Various and frequent acts of anti-social behaviour were put forward by the applicants as justification for the closure. The application for closure was submitted to the Joint Commissioners' meeting of 9 November 1999 (Report No. CJ392-11/99 refers). As part of the Joint Commissioners' resolution, it was determined not to support the immediate closure of the pedestrian accessway between Sporing Way and Venus Way, Hillarys and review the matter once the structure plan for the Whitford City Shopping Centre had progressed sufficiently to identify the pedestrian/cyclist network for the area.

As the structure plan as detailed above has not progressed, it is considered unsatisfactory to continually defer this application and therefore a further Council resolution is considered a sensible course of action.

## **DETAILS**

The original letter from the four adjoining landowners applying for closure claimed grounds of various and regular acts of vandalism and anti-social behaviour as justification. Continual graffiti on walls and fences, several attempted burglaries, cars broken into and vandalised, rocks rubbish and broken glass thrown into the adjoining landowners' pools and back yards are the type of incidents adjoining landowners detailed in their application. The letter states that the problems began when the cinema complex opened and occur especially on Thursday, Friday and Saturday evenings. The applicant advised that youths wander the streets at night, vandalising and graffitiing the area and that several elderly residents living close to the PAW are concerned for their personal safety and the safety of their property. The applicants suggest that should this PAW be closed, the PAW connecting Sporing Way with Endeavour Road provides an alternative route.



The City contacted the servicing authorities, the Western Australian Planning Commission (WAPC) and the Department of Transport (DOT) seeking their comments on the proposal. Western Power, Telstra and Alinta Gas raised no objection to the proposal, as the PAW does not have any service plant within it. The Water Corporation objected to the proposal based on there being a sewer main located within the PAW. However, the Water Corporation will withdraw its objection if due care is given to the location of any new boundaries in relation to existing manholes.

The WAPC objected to the proposal advising that closure would result in longer and less convenient pedestrian and cycle access to the nearby school, reserves and commercial centre. In addition, it forms part of the pedestrian/cycle network of the area. The Department of Transport did not object to the proposal.

A City officer carried out a site inspection of the PAW (see Attachment 2) and though there was little rubbish, one of the walls adjoining the PAW was quite badly graffitied. The accessway sloped to a depression in the middle and sight lines were reasonable except for an overhanging tree from one property which has since been cut back. The accessway does not have any security lighting.

### **Public Advertising Period**

At the time the application was advertised for public comment, the City received one letter of support and eight letters of objection though three letters were from the same address.

The letter of support stated that the accessway is used mostly by non-residents who have created excessive pedestrian traffic onto Sporing Way, which has brought unreasonable noise, vandalism and litter to the area. The supporter further stated that the walls in the accessway are permanently graffitied and the lack of lighting makes the accessway dangerous and there is potential for injury and criminal activity. Also that Sporing Way will remain accessible via two other pedestrian accessways and to close this one will decrease the unnecessary thoroughfare from the Whitford City Shopping complex.

The objectors all stated that they used the PAW on a regular basis. All objections made reference to the point that this PAW is a quick and convenient access to Whitford City Shopping Centre and cinema complex and the inconvenience they would suffer should this PAW be closed. Objectors advised that this PAW is used for visiting friends and accessing bus stops on a regular basis.

Property owners residing next to the accessway connecting Sporing Way with Endeavour Road objected to this application, stating closure of the subject PAW is likely to transfer the anti-social problems being experienced to the accessway adjoining their property. The letter further stated that all three of the PAWs leading from Sporing Way are used by school children accessing St. Mark's school, local residents accessing bus stops as well as the shopping centre. It is suggested that better maintenance and proper lighting of these PAWs may go some way to mitigating the worst effects of any anti-social behaviour.

**COMMENT**

To support a PAW closure application based on the argument that other pedestrian accessways nearby can be utilised needs careful consideration, as such an action may have the effect of transferring and concentrating any problems that may exist to another local PAW. Also, when there are a number of PAWs in proximity to each other, they often form a pedestrian network offering convenience to pedestrians and cyclists by forming a link to various local amenities. This PAW does offer a convenient link to the western end of the Whitford City shopping and cinema complex.

The City has not proceeded with the preparation of a structure plan for the area and has not completed its plans to do so. However, once the structure plan is being prepared, it will involve extensive public consultation and provide an opportunity for issues relating to PAWs to be addressed in the appropriate context. Rather than continue the deferment of this application, it is recommended that the application should not be supported for closure. Once the structure plan has been prepared, there may be an opportunity for some rationalisation in the area.

**MOVED Cr Rowlands, SECONDED Cr Barnett that Council DOES NOT SUPPORT the application to close the pedestrian accessway between Spring Way and Venus Way, Hillarys.**

**The Motion was Put and**

**CARRIED**

**CJ083-04/00 APPLICATION TO CLOSE THE PEDESTRIAN ACCESSWAY BETWEEN CROMER GROVE AND WHITFORDS AVENUE, KALLAROO – [35268]**

**WARD – Whitfords**

**SUMMARY**

In December 1998, an adjoining landowner to the pedestrian accessway (PAW) that leads from Cromer Grove to Whitfords Avenue requested its closure. The one other adjoining landowner and a number of residents living in Cromer Grove also supported the request. The grounds put forward for the closure were numerous and various acts of anti-social behaviour and the application was submitted to the Joint Commissioners' meeting of 14 September 1999 (Report No. CJ318-09/99 refers). The recommendation was to defer consideration of the application and reconsider the matter once the structure plan that was being prepared by consultants for Whitford City Shopping Centre had progressed sufficiently to identify the pedestrian/cyclist network for the area, and the Joint Commissioners supported that recommendation.

The Department of Land Administration (DOLA) has requested a decision to be made on this application. In the light of DOLA's request and the fact that the abovementioned structure plan has not advanced and the City has not completed its plans for the preparation of a structure plan, continual deferment of this application is inappropriate. The preparation of the proposed structure plan is envisaged to be initiated next financial year, and will involve an extensive public consultation period. Some of the issues to be considered will be the overall

pedestrian and cycle access network in the vicinity of the commercial complex and the investigation of the possible rationalisation of PAWs in the area.

The subject PAW appears to be in a strategic location as a pedestrian link from Kallaroo to the Whitford City commercial centre and as the same rationale applies now as it did when the Joint Commissioners determined it previously; at this stage it is recommended that the request for closure of the above PAW not be supported.

## **BACKGROUND**

In December 1998, an adjoining landowner to the above PAW requested its closure. The grounds put forward for the closure were numerous and various acts of anti-social behaviour and the application was submitted to the Joint Commissioners' meeting of 14 September 1999 (Report No. CJ318-09/99 refers). The recommendation was to defer consideration of the application and reconsider the matter once the structure plan that was being prepared by consultants for Whitford City Shopping Centre had progressed sufficiently to identify the pedestrian/cyclist network for the area, and the Joint Commissioners supported that recommendation.

DOLA has requested a decision to be made with regard to this application. Due to this request, and the fact that the structure plan as detailed above has not progressed, Council's further determination of this application is considered a sensible course of action.

## **DETAILS**

In August 1998, the applicants purchased Lot 591 (7) Cromer Grove. On clearing the property for building purposes, the owners advised that they discovered sixteen syringes and several spoons that had been thrown over the side boundary fence from the PAW over a period of time and this caused them great concern. The applicants further advised that there is no shortage of access points in this area, offering Castle Court and Wingala Grove quite close to the above PAW as examples. Also there are roads, cul-de-sacs, avenues and streets etc., which run into Dampier Avenue from the Northshore Estate in Kallaroo.

The City contacted the servicing authorities, the Western Australian Planning Commission (WAPC) and the Department of Transport (DOT) seeking their comments on the proposal. Water Corporation, Telstra and Alinta Gas do not object to the proposal, as they do not have any service plant within the PAW. Modifications are necessary to Western Power plant and an easement over the entire length and width of the PAW would also be required. The landowners of Lot 951 (7) Cromer Grove have agreed to pay all the associated costs in respect of closure and grant Western Power the necessary easement.

The WAPC objected to the proposal advising that closure will result in longer and less convenient pedestrian and cycle access to the nearby school, recreation reserve, library and commercial centre. Also, it forms part of the pedestrian/cycle network of the area. The DOT objected stating Transperth operates six bus routes near this area of Whitfords Avenue and closure will increase the walking distance for some residents to these services by up to 150 metres.

## **Public Advertising Period**

At the time the application was advertised for public comment, the City received a petition from residents in Cromer Grove, three of the petitioners also submitting individual letters of support. Five further letters of support were received. Two of these supporters are not shown on Attachment 1 due to one letter being received from the Member for Hillarys and the other from the local volunteer graffiti remover, who does not live within the boundaries of the plan attached. Three letters objecting to closure were also received.

The objectors all stated that they used the PAW on a regular basis. One objection was that the PAW provides direct access to Whitford City Shopping Centre and the bus route on Whitfords Avenue and having this access was the reason they purchased their property 10 years ago. They also stated they have not experienced any vandalism in the area. A family from Wingala Grove, who claims to use the PAW on a regular basis, advised that its closure would not solve the type of problems being experienced, only transfer them elsewhere. Other comments made in respect of closure were that graffiti is not a major problem in this particular PAW and rowdy youths using the PAW on occasions does not justify closure.

Supporters stated that the type of anti-social behaviour having to be endured are vandalism, graffiti, rubbish being discarded, discovery of syringes and other drug related implements within the PAW and thrown over neighbouring fences. Disruption of residents' quiet lifestyle by rowdy youths and verbal abuse from youths loitering around the PAW is also a problem. One supporter stated that closure would prevent the children who live in and visit Cromer Grove from accessing Whitfords Avenue, which is a busy road.

In a letter from an adjoining landowner, it is stated that in the four years they have lived in Cromer Grove, they have had to continually clean up the PAW. They have discovered wallets and purses discarded in the PAW, identified as being stolen from the adjacent shopping centre.

A City officer carried out a site inspection of the PAW (see Attachment 2) and found there to be very little in the way of graffiti. There is a light pole at the Cromer Grove end of the PAW. The PAW is short with good vision and though it does not provide direct access to bus stops on Whitfords Avenue, as a pedestrian link to the local cinema and shopping centre, its location is significant.

## **COMMENT**

The two adjoining properties to this PAW back onto the pedestrian footpath on Whitfords Avenue and therefore closure of the accessway will not necessarily prevent items being thrown over their fences. Compared to many residential pedestrian accessways, this one is short with good visibility and appears to be clean and in good order.

To support a PAW closure application based on the argument that other pedestrian accessways nearby can be utilised requires careful consideration, as such an action may have the effect of transferring and concentrating any problems that may exist to another local PAW. When making the decision to purchase a property in an area close to a PAW, adjoining landowners should have some expectation that there will be a certain amount of pedestrian movement generated, especially when its location provides a link to a large shopping complex. However, discovering drug-related objects within the PAW or on adjoining properties is likely to be rather distressing.

The City has not proceeded with the preparation of a structure plan for the area and has not completed its plans to do so. However, once the structure plan is being prepared, it will involve extensive public consultation and provide an opportunity for issues relating to PAWs to be addressed in the appropriate context. Rather than continue the deferment of this application, it is recommended that the application should not be supported for closure. Once the structure plan has been prepared, there may be an opportunity for some rationalisation in the area.

**MOVED Cr Rowlands, SECONDED Cr Wight that Council DOES NOT SUPPORT the application to close the pedestrian accessway between Cromer Grove and Whitfords Avenue, Kallaroo.**

**The Motion was Put and**

**CARRIED**

<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>
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**CJ084-04/00      EDDYSTONE AVENUE BRIDGE CONSTRUCTION -  
[06763] [05763]**

**WARD - Marina**

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**SUMMARY**

This report outlines the history in relation to Council's decisions pertaining to the Eddystone Avenue Bridge project and its importance as a connection in the City's road network system.

**BACKGROUND**

The City has resubmitted an application to the Minister for Transport and Regional Services to direct surplus funds from the recently completed Mitchell Freeway Project towards the construction of the Eddystone Avenue Bridge.

The City had previously unsuccessfully requested the Minister and Main Roads WA to include the construction of the Eddystone Avenue Bridge structure in the Mitchell Freeway extension to Hodges Drive. This was based on previous planning and traffic modelling that shows the construction of the Eddystone Avenue Bridge is a integral link in the strategic road network and would be required in the short term. Traffic studies carried out by the Traffic consultants, Uloth and Associates for the Freeway Master Plan (January 1998), show that the Eddystone Avenue Bridge will be required between the years 2003-2006.

The Minister had previously advised that due to funding constraints, it was intended that a two lane bridge be constructed with the extension of the Freeway north of Hodges Drive, which is programmed to commence in 2004.

The matter of the Eddystone Avenue Bridge has been under consideration and subject to community involvement for a period of time.

At its May 1998 meeting, the City of Wanneroo received a multi-signature petition in support of the construction of the Eddystone Avenue Bridge as part of the project to extend the Mitchell Freeway. Main Roads WA had previously advised that due to the funding situation and that the associated Eddystone Avenue section is not part of the existing constructed network, it does not support the bridge construction in the Freeway project. Previous planning and traffic modelling shows that the construction of the Eddystone Avenue Bridge is an integral link in the strategic road network. The Joint Commissioners resolved to request the Minister for Transport and Main Roads WA to include the Eddystone Avenue Bridge in the construction tender for the Mitchell Freeway extension to Hodges Drive. This request for the bridge construction supported the previous position adopted by the Council on the need for the Eddystone Avenue connection.

In previous reports on the proposed planning for the Joondalup City centre, the Eddystone Avenue connection to Joondalup Drive over the proposed Mitchell Freeway was recognised as an important link. At Council's meetings held during November 1993 and November 1995 respectively, the Council of the former City of Wanneroo resolved to reiterate the function of Eddystone Avenue as an important Regional Road connecting to Joondalup Drive as follows:

**10 November 1993 part resolution:**

**“That Council:**

- 1 reiterates that the function of Eddystone Avenue is an important regional road connecting Joondalup Drive ...”**

**8 November 1995 resolution:**

**“That Council:**

- 1 concurs in principle to a joint submission with LandCorp to the State Government on extending the Mitchell Freeway extension to Hodges Drive;**
- 2 advises LandCorp that it requests the dualling of Hodges Drive, between Joondalup Drive and Marmion Avenue and the Eddystone Avenue bridge to be included, as part of the Mitchell Freeway extension project works;**

**Initiates discussions with the State Government on funding contributions to the Mitchell Freeway extension to Hodges Drive.”**

**At the Joint Commissioners meeting held on 28 July 1998 it was resolved that:**

**“That the Joint Commissioners:**

- 1 request the Minister for Transport and Main Roads to include the Eddystone Avenue Bridge in the construction tender for the Mitchell Freeway Extension;**

## 2 Request LandCorp to transfer its payment for land acquisition from the Mitchell Freeway Project to the construction of the Eddystone Avenue Bridge.

### DETAILS

Eddystone Avenue between Ocean Reef Road and Joondalup Drive (refer to Locality Plan at Attachment 1) has always been designated as an important Regional Road in the Metropolitan Regional Scheme. In fact, subdivisions over the past 20 years have made provision for this ultimate connection and strategic link to the City Centre.

The previous Joondalup City Centre Transportation Study (1990) indicated that with the development of the City Centre, Eddystone Avenue is likely to carry significant traffic loads.

Accordingly, an independent traffic study to assess the design and management strategies for this road was jointly commissioned by the then Joondalup Development Corporation (now LandCorp) and the City. Uloth and Associates (Traffic Consultants) completed a report on the future role of Eddystone Avenue and a summary of this report was considered by Council in August 1991 and then released for public comment.

In order to gauge residential opinion on the traffic study findings, a questionnaire was circulated to households along Eddystone Avenue and main connecting roads. The questionnaire sought comment upon the consultant's recommended short term and long term solutions, which included an ultimate dual carriageway connection to Joondalup Drive. The response rate to this questionnaire was very low (approximately 7%) however, it did generate petitions from various interested groups and concerns particularly from Beldon residents on the extensive verge widths for their section of road.

Subsequent to the questionnaire distribution, a special electors meeting was held on Wednesday, 30 June 1993. There were 27 electors in attendance at this meeting which passed the following resolution:

**“that the City of Wanneroo does not build a bridge over the railway and Freeway”.**

This resolution was not formally endorsed by Council at any stage.

The residential interest in the Eddystone Avenue proposals was particularly strong in Beldon. For a number of years, residents on the west side had an extensive verge to maintain. Generally, they supported the extension of Eddystone Avenue to Joondalup Drive but sought some interim treatment for their section of the road. A suggestion to relocate the existing carriageway to the centre of the road reserve, together with a tree lined boulevard design, was promoted. (A central two lane pavement with service roads was subsequently constructed).

Various options for the treatment of Eddystone Avenue were analysed including the road not being connected to Joondalup Drive and traffic management devices installed to restrict free flow of traffic.

The most significant impact on the abutting residents is the option where Eddystone Avenue is connected to Joondalup Drive and widened to a four lane divided carriageway between Ocean Reef Road and Joondalup Drive. The traffic flows for this situation are anticipated to be 21,000 vpd north of Ocean Reef Road.

The initial traffic analysis also showed that any traffic management measures introduced to restrict traffic flows in Eddystone Avenue, north of Craigie Drive, tend to push additional traffic through Craigie Drive east of Eddystone Avenue, Ocean Reef Road east of Craigie Drive, Joondalup Drive, Marmion Avenue and Hodges Drive.

In addition, the anticipated traffic flows in Ocean Reef Road and Joondalup Drive are such that heavy congestion is likely to occur at the Ocean Reef Road signalised intersections with the Freeway and with Joondalup Drive. Excessive delays then will be experienced at these intersections if the Eddystone Avenue Bridge is not constructed over the Mitchell Freeway.

With regard to traffic management devices, the directness of Eddystone Avenue, coupled with the anticipated heavy traffic congestion in Ocean Reef Road in the vicinity of the Mitchell Freeway interchange and Joondalup Drive intersection, will ensure that Eddystone Avenue remains a desirable route for a large number of drivers, even if traffic devices are introduced in order to reduce speeds in Eddystone Avenue.

The environmental analysis shows that the minimum impact for Eddystone Avenue residents will occur where no connection is made with Joondalup Drive. However, under this proposal, traffic flows are estimated to increase in Craigie Drive, east of Eddystone Avenue, by 3,300 vpd.

Therefore, the overall preferred traffic management strategy option was for Eddystone Avenue to be connected to Joondalup Drive.

While direct residential access has developed along Eddystone Avenue, this road has been designated with a 30m road reserve to accommodate a future dual carriageway.

Eddystone Avenue, between Ocean Reef Road and Caridean Street has been constructed as a 7.4 metre wide road. The carriageway has been constructed off centre to the east, in order to allow for the dual carriageway to be constructed in the future.

The Eddystone Primary School is located on the western side of Eddystone Avenue halfway between Ocean Reef Road and Caridean Street and on the eastern side, thirty-eight residential lots abut Eddystone Avenue between Caridean Street and Ocean Reef Road

### Recent Traffic Modelling

As part of the Freeway Master Planning, Main roads WA's Traffic Consultant, Uloth and Associates undertook further local road modelling because of concerns on various issues including the timing associated with the construction of the bridge



This traffic modelling confirms that the construction of the Eddystone Avenue Bridge is an integral link in the strategic road network. If the bridge is not built, it will have an adverse dramatic impact on the operation of the regional and local road network and, in particular, Caridean Street and Craigie Drive. Traffic forecasts show that the traffic on Caridean Street south of Hodges Drive will increase by about 4,400 vehicles per day. The traffic volumes for the 2006 pm peak hour with the Eddystone Avenue Bridge options are shown on Attachments 2 and 3 respectively

In the Freeway Master Plan, it states that the Eddystone Avenue link over the Freeway could be justified because it:

- Provides the most direct link between Joondalup City Centre and the suburbs of Heathridge, Beldon, Craigie, Mullaloo and Kallaroo
- Reduces traffic on Caridean Street, Heathridge and Craigie Drive in Beldon
- Reduces overall road network travel time and distance with associated savings in vehicle operating costs and accidents
- Improves the operation of intersections such as Hodges Drive, Caridean Street and Ocean Reef Road/Joondalup Drive

The Master Plan indicates that the estimated costs (as at 1998) for the Eddystone Avenue earthworks and pavement is \$1,546,072 and the Bridge structure for a single carriageway \$3.2M. From traffic modelling, the need for a dual carriageway bridge is not considered warranted in the short to medium term.

The Eddystone Avenue Bridge will be a flyover facility that does not connect to the Freeway. The general layout is shown on Attachment 4.

### Community Expectation

There is a community expectation that the Eddystone Avenue Bridge will be constructed as part of the Mitchell Freeway extension project. This expectation is based on the knowledge that the bridge forms an important part of the road network planning for the area and that traffic problems on the surrounding road network will arise if the bridge is not constructed.

A 157 signature petition was presented to the Council of the former City of Wanneroo in May 1998 requesting urgent consideration be given to allocating funds towards the total cost of the planned Eddystone Avenue bridge to enable it to be included in the works programme to extend the Mitchell Freeway to Hodges Drive. The petitioners further requested that a submission be made to the State Government for a similar contribution of funds. The petitioner's reasons for the request were:

1. To reduce through traffic in Caridean Street, Heathridge and Hodges Drive
2. To allow quicker, direct access to retail, business, health, educational and leisure facilities in Joondalup by residents of Heathridge, Beldon, Craigie and adjacent suburbs
3. To complete the planned road network for suburbs established for the past 18 years.

### **COMMENT/FUNDING**

It is recognised that if the Eddystone Avenue Bridge is constructed then traffic flows on Eddystone Avenue between Ocean Reef Road and Caridean Street will exceed the social/environmental capacities for residential streets.

Initially, it is proposed that the Eddystone Avenue Bridge be constructed as a two lane bridge over the Mitchell Freeway and railway line. A two lane bridge will limit traffic flows on the residential section of Eddystone Avenue between Ocean Reef Road and Caridean Street to approximately 16,000 vehicles per day. This will leave the future option of a dual carriageway for Eddystone Avenue to be considered if additional significant traffic generation occurs in the longer term. In the short to medium term this will allow for “service roads” to be installed adjacent to the residents and the primary school through converting the existing two lane carriageway to a Boulevard with service roads. This concept will reflect what has already been undertaken for the sections between Ocean Reef Road and Craigie Drive as shown on Attachment 5. This will alleviate some of the social and environmental concerns associated with the Eddystone Avenue link whilst retaining the important function of the road in the overall road network.

It is important to recognised that if the bridge is not built within the next 5 to 10 year timeframe traffic studies predict that the forecast traffic volumes on Craigie Drive and Caridean Street will approximately double from currently approximately 6,000 vpd to 12,000 vpd. Increases of 30% and 70% for Ocean Reef Road and Hodges Drive respectively are also forecast. (Refer to table Attachment 6). From this, Council must be mindful of the fact that if Eddystone Avenue Bridge does not proceed, then the forecast traffic problems will in time transfer from Eddystone Avenue onto the surrounding network, e.g. Caridean Street and Craigie Drive as the City Centre develops and becomes a far greater attraction as a destination for shoppers, entertainment and employment opportunities.

The estimated cost to construct the bridge, in today’s prices, is \$6 million. This does not include approach road works or pedestrian facilities, which would be provided for by the City of Joondalup at an order of cost estimate of approximately \$1,000,000.

The final decision on the allocation of any funds surpluses from the Freeway extension project rests with the Federal Government and would require a commitment from Council to construct the approach works in conjunction with the bridge works.

As the former City of Wanneroo has made a number of decisions supporting the construction of the Eddystone Avenue Bridge, if the Council is of the opinion that it is no longer supported, then there may be the need to revoke the previous decisions. If an elected member is to submit a “notice of motion” to rescind a previous decision of the Council, they are to comply with Clause 4.4 of the Standing Orders Local Law.

**MOVED Cr Barnett, SECONDED Cr Patterson that Council:**

- 1 CONFIRMS the function of the Eddystone Avenue Bridge as an important strategic link in the road network;**
- 2 ADVISES the Federal and State Ministers for Transport to direct any available surplus Freeway Extension Federal funds towards the Eddystone Avenue Bridge project.**

Discussion ensued.

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Carlos** that an additional Point 3 be added to the Motion as follows:

- 3 a further report be presented to the Council detailing the traffic calming devices and other road works required to significantly reduce the negative impacts of the increased traffic volumes on the residents of Eddystone Avenue and on the safety of the children attending the Eddystone Primary School.

Discussion ensued.

**The Amendment 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 vote on the amendment of all members present be recorded:

In favour of the Amendment: Crs Kadak, Ewen-Chappell, Carlos, Magyar, Nixon, Walker and Rowlands

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

**The Original Motion was Put and** **CARRIED UNANIMOUSLY**

#### **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **WEDNESDAY, 26 APRIL 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 2020 hrs; the following elected members being present at that time:

J BOMBAK, JP  
P KADAK  
L A EWEN-CHAPPELL  
D S CARLOS  
S P MAGYAR  
A T NIXON  
A A WALKER  
P ROWLANDS  
T BARNETT  
A W WIGHT, JP  
A L PATTERSON  
G KENWORTHY  
J A HURST  
C MACKINTOSH