



City of
Joondalup

NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Joondalup will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 25 July 2000 at 7.00 pm.

LINDSAY DELAHAUNTY
Chief Executive Officer
19 July 2000

PUBLIC QUESTION TIME

Council allows a 15 minute public question time at each Council meeting which is open to the public.

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

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

The following general rules apply to question time:

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

DEPUTATION

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

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

MOBILE TELEPHONES

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

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

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

CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 25 JULY 2000** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
19 July 2000

Joondalup
Western Australia

AGENDA

OPEN AND WELCOME

[Invited Guest - Mr Greg Morton, Shire President, Shire Of Gingin](#)

APOLOGIES AND LEAVE OF ABSENCE

LEAVE OF ABSENCE – CR T BARNETT

Cr Barnett has requested Leave of Absence from Council duties for the period 1 September 2000 to 9 October 2000 inclusive.

RECOMMENDATION

That Council APPROVES the Leave of Absence requested by Cr T Barnett for the period 1 September 2000 to 9 October 2000 inclusive.

PUBLIC QUESTION TIME

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 27 JUNE 2000

At the Council meeting held on 11 July 2000, it was resolved that:

“the Minutes of the Council Meeting held on 27 June 2000, be confirmed as a true and correct record, subject to the confirmation of the following correction.

Page 2, Question 1 raised by Mr Ron De Gruchy, be amended to read: “In relation to the Principal Activity Plan for the next five years....”

A check has been undertaken of the tape recording of the meeting and the proposed correction is required to be made.

RECOMMENDATION

That the Minutes of the Council Meeting held on 27 June 2000, amended as follows, be confirmed as a true and correct record:

Page 2, Question 1 raised by Mr Ron De Gruchy, be amended to read: “In relation to the Principal Activity Plan for the next five years....”

MINUTES OF COUNCIL MEETING, 11 JULY 2000

RECOMMENDATION

That the Minutes of the Council Meeting held on 11 July 2000, be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

PETITIONS

PETITION SUGGESTING ALTERNATIVE PROPOSAL OF A LEFT TURN ONLY SLIP LANE ACCESS FROM BADRICK STREET INTO BEACH ROAD, WARWICK – [05378]

A 19-signature petition has been received from Warwick residents concerning the permanent road closure of Badrick Street, Warwick at Beach Road and suggesting an alternative proposal of a left turn only slip lane access from Badrick Street into Beach Road, Warwick.

This petition will be referred to Infrastructure Management for action.

REPORTS**POLICY**

CJ182 - 07/00	PROPOSED POLICY – SUBDIVISION AND DEVELOPMENT ADJOINING AREAS OF PUBLIC SPACE – [44588].....	1
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FINANCE AND COMMUNITY DEVELOPMENT

CJ183 - 07/00	VISIT FROM JI'NAN MUNICIPAL PARLIAMENT - CHINA - [43458J].....	4
CJ184 - 07/00	COMMUNITY FACILITIES AT CONNOLLY – [25066].....	7
CJ185 - 07/00	WARRANT OF PAYMENTS FOR THE PERIOD ENDING 30 JUNE 2000 - [09882]...12	
CJ186 - 07/00	URBAN ANIMAL MANAGEMENT COMMITTEE – [07086].....	14
CJ187 - 07/00	WANNEROO BICENTENNIAL TRUST - [43652].....	15
CJ188 - 07/00	TRANSFER OF SPONSORSHIP - WHITFORDS AND OCEAN RIDGE OUTSIDE SCHOOL HOURS CARE SERVICE -	23

INFRASTRUCTURE MANAGEMENT

CJ189 - 07/00	PETITION - INSTALLATION OF SECURITY FLOODLIGHTING AT PLUMDALE PARK, WOODVALE - [41903].....	29
----------------------	--	-----------

PLANNING AND DEVELOPMENT

CJ190 - 07/00	PROPOSED ANCILLARY ACCOMMODATION TO EXISTING SINGLE HOUSE: LOT 542 (33) TILLER ROAD, OCEAN REEF - [49341].....	31
CJ191 - 07/00	PROPOSED SHOPPING CENTRE, CONSULTING ROOMS, STAGE AND OTHER FACILITIES, LOT 715 (NO 110) FLINDERS AVENUE, (CNR WATERFORD DRIVE) HILLARYS – [04412].....	36
CJ192 - 07/00	REQUESTS FOR CANCELLATION AND SUBSEQUENT PURCHASE OF PORTIONS OF RESERVE 33747: MINCHIN RESERVE, PADBURY - [41156].....	43
CJ193 - 07/00	REQUESTED CLOSURE OF A PORTION OF A ROAD BETWEEN LOT 151 (88) CLIFF STREET AND LOT 113 (31) MARINE TERRACE, SORRENTO - [04061, 44521].....	47
CJ194 - 07/00	DELEGATED AUTHORITY REPORT - [07032].....	50
CJ195 - 07/00	SUBDIVISION REFERRALS PROCESSED 1 JUNE – 30 JUNE 2000 – [05961].....	51

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR J HOLLYWOOD..... 52

DATE OF NEXT MEETING

CLOSURE

CJ182 - 07/00 PROPOSED POLICY – SUBDIVISION AND DEVELOPMENT ADJOINING AREAS OF PUBLIC SPACE – [44588]

WARD - All

CJ000718_BRF.DOC:ITEM 1

SUMMARY

The policy aims to maximise the outlook onto and casual surveillance of areas of public space (public open space and underpasses) from adjoining properties and streets, whilst ensuring an appropriate level of privacy for those living on adjoining properties, through the introduction of subdivision and development guidelines. Such casual surveillance is considered to be useful in reducing anti-social behaviour. The policy is intended to apply to all future subdivision and development adjoining areas of public space.

The draft policy was considered and adopted by Council at its meeting on the 9 May 2000 (CJ103-05/00 refers) to enable it to be advertised for public comment. The draft policy was advertised for a period of 21 days (18 May – 8 June 2000), during which, no public submission was received.

The draft policy entitled ‘Subdivision and Development Adjoining Areas of Public Space’ is brought before Council for consideration of final adoption.

It is recommended that Council finally adopts the attached draft policy.

BACKGROUND

The draft policy was considered and adopted by Council at its meeting on the 9 May 2000 (CJ103-05/00 refers) to enable it to be advertised for public comment. The draft policy was advertised for a period of 21 days (18 May – 8 June 2000), during which, no public submission was received.

DETAILS

The draft policy (Attachment 1 refers), entitled ‘Subdivision and Development Adjoining Areas of Public Space’, aims to maximise the outlook onto and casual surveillance of areas of public space from adjoining properties and streets, whilst ensuring an appropriate level of privacy for those living on adjoining properties, through the introduction of subdivision and development guidelines. The resulting increase in casual surveillance of public areas should achieve a noticeable improvement in actual and perceived safety in these areas compared to previous practices, and compliments Council’s initiatives relating to community safety and security.

For the purposes of this policy public space is considered to be defined as any space available for use by the general public. This includes public open space, underpasses, walkways and any other such areas as may be determined by Council. It does not include pedestrian accessways as these are the subject of separate investigation and proposed policy. The policy is intended to apply to all future subdivision and development adjoining areas of public space.

Relevant Legislation

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

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

The City's Private Property Local Law 1998 will need to be amended to enforce the fencing guidelines of the policy. Under the existing Local Law the City's approval is only required for the erection of fencing within the front setback line. The Local Law needs to be amended so that the City's approval is required prior to the erection of fencing along the boundaries of public space. The City is currently in the process of preparing such an amendment for Council's future consideration.

COMMENT

Public space and its adjoining properties are often subject to anti-social behaviour. Such behaviour can result in damage to people and property and give rise to fears in relation to safety and security. Such fears can result in the under-utilisation of public areas and reinforce the problem. It is believed that anti social behaviour is more prevalent where there is inadequate surveillance. Surveillance can be undertaken formally through rangers undertaking inspections, or informally through the visual supervision of passersby and adjoining residents. Opportunities for informal surveillance of public space can be maximised through both subdivision and development design. The policy seeks to increase opportunities for informal surveillance.

As no submission was received during the advertising period it is recommended that Council finally adopts the attached draft policy. A minor technical modification has been made to the policy since its advertisement so that reference is made to 'lighting' as opposed to 'globes'.

RECOMMENDATION

That Council, in accordance with Clause 5.11 of the City of Joondalup's Town Planning Scheme No. 1, ADOPTS the policy entitled, 'Subdivision and Development Adjoining Areas of Public Space' forming Attachment 1 to Report CJ182-07/00.

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

To access this attachment on electronic document, click here: [Attach1brf250700.pdf](#)

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CJ183 - 07/00 VISIT FROM JI'NAN MUNICIPAL PARLIAMENT - CHINA - [43458J]

WARD - All

CJ000718_BRF.DOC:ITEM 2

SUMMARY

On 29 June 2000, the City of Joondalup was visited by four delegates from the Ji'nan Municipal Parliament of China. The visit was successful and the City was privileged to receive a Memorandum of Understanding from Ms Wang Baoling, Vice Chairperson of the Ji'nan Municipal Parliament.

BACKGROUND

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

Ji'nan has a long history of more than 2,600 years, which has been recognised by the State Council as a famous historical and cultural City. Additionally, the Municipal Parliament has made tremendous progress in economic development and social development, since the initiation of national policies of reform in the 1970's.

On 29 June 2000, the Mayor, representative Councillors and Senior Officers welcomed four delegates from the Ji'nan Municipal Parliament to the City of Joondalup. These delegates were visiting Western Australia at the invitation of Edith Cowan University (ECU), who invited the delegates to investigate education opportunities and suggested the visit to the City of Joondalup, due to the City's strong affiliation with the University.

DETAILS

The visit commenced with a luncheon and the exchange of gifts. Ji'nan presented the Mayor with a Golden Dragon, and the City presented the delegates with the corporate information pack and City of Joondalup pens. The visit progressed with a tour of the Central Business District of Joondalup.

The head of the delegation, Ms Wang Baoling, offered the Mayor a Memorandum of Understanding for the City of Joondalup to sign (Attachment 1 refers). This memorandum promotes friendly relations and co-operation in the areas of economy, science and technology, education, culture and tourism. It also encourages the exchange of delegations of Government and business between both Cities.

The Hon P Omodei, Minister for Local Government, hosted a small function for the visiting delegates at Parliament House before their visit to Joondalup. Furthermore, the delegates visited the City of Stirling, where the exchange of gifts and a tour was conducted.

In a sign of friendship and goodwill the delegates offered the City of Joondalup a Memorandum of Understanding. This Memorandum is a sign of good faith and will help to establish a good and strong friendship between both countries and may possibly lead to a sister city relationship in the future.

The Memorandum of Understanding from the People's Congress of Ji'nan, requests the City of Joondalup to:

- '1. Actively promote friendly relation between two Cities, strengthen the understanding and friendship, and eventually lead to establish friendly city relations at matured time.'**

Friendly relations with the Ji'nan Municipal Parliament would be of benefit to the City of Joondalup, as a friendship can enhance the sporting, educational, cultural, tourism and business sectors. Also it will provide a link to Ji'nan Sister Cities – being Russia, Japan, Papua New Guinea, America, China, Japan, Britain and the Republic of Korea. This could possibly allow the City of Joondalup to foster friendly relations with these countries.

- '2. Strengthening the cooperation in the area of economy, science and technology, education, culture and tourism between the two cities. The two cities will help each other and provide convenience to each other.'**

Currently the City of Joondalup has strong links with Edith Cowan University. One major initiative is the development of the business incubator project. Ji'nan City, with its knowledge and tremendous progress in economic development, could be a benchmark for development opportunities the City may consider, especially in research, development and technology.

Furthermore, cooperation with Ji'nan will benefit the potential image of Joondalup as a 'Learning City', through ECU's drive to provide its courses to the Asia Pacific Regions. Currently the Municipal Parliament and the Sandong Financial University have organised with ECU to conduct a Master of Business Administration course, which is specific to the Municipal Parliament region. The ECU course encourages student exchange to the Joondalup campus, however the course will also be conducted in Ji'nan.

The Ji'nan MBA course will begin in the middle of September 2000 and will be an inaugural event, as it will be the first time Australia would receive a group of students to study a specific course.

- '3. Exchange of delegations of Government and business are encouraged. The city government will arrange invitations for other side according and make necessary arrangement.'**

The exchange of delegations of Government may be an issue that the City of Joondalup could pursue in the future, however the exchange of business would be beneficial in pursuing synergistic business relations, in order to see the real flow of commerce into the Joondalup region.

- ‘4. The formal communication should be through the foreign affairs office or International relation office between the two cities.’**

This clause addresses the administrative arrangements.

COMMENT

The signing of the Memorandum of Understanding will further cement the current ties between Ji’nan and Edith Cowan University by recognising Local Government influence and interest in the education sphere. The Memorandum aims to foster a friendly relationship between the City of Joondalup and Ji’nan Municipal Parliament. This friendship is the stepping stones to building a sister city relationship with Ji’nan in future years, if both parties agree that a committed relationship is beneficial. The Memorandum also provides opportunities for the City to promote the areas of business and culture. A joint media statement from the Mayor and Vice Chancellor of Edith Cowan University which explains the nature and purpose of the Memorandum would be useful.

RECOMMENDATION

That Council:

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

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

To access this attachment on electronic document, click here: [Attach2brf250700.pdf](#)

CJ184 - 07/00 COMMUNITY FACILITIES AT CONNOLLY – [25066]**WARD - Marina**

CJ000718_BRF.DOC:ITEM 3

SUMMARY

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 pending further consideration by elected members (Report CJ062-30/00 refers). On 12 June 2000, a meeting was held involving the Mayor, Ward Councillors, the Chief Executive Officer and City Officers, Connolly Residents' Association representatives and local parliamentary members to consider the issue of support for a facility at Connolly. It was agreed at the meeting that Ward Councillors and Acting Executive Manager Strategic Planning should review the assessment in relation to the provision of a facility and the matter was re-evaluated at a meeting held on 28 June 2000.

The Administration has endeavoured for a considerable time to assist the Connolly Residents Association in this matter however no significant need has been identified for a facility at Connolly and this was also the conclusion reached at the re-evaluation meeting of 28 June 2000. This report re-affirms the recommendations of the report CJ062-30/00 in that matching funding or the development of a facility at Connolly is not approved.

The Connolly Residents' Association has since 1996, been trying to establish a community facility at Connolly to compensate for State Government selling the Joondalup Golf Course and restricting access to the course that locals previously enjoyed. As a result of lobbying, 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.

Following the outcome of a community needs assessment in Connolly, 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.

During 1999, the Administration agreed to assist the Association by preparing the design concept options and a brief for a facility, similar to Yanchep community centre, with the aim of keeping within the State Government grant of \$200,000. The Association rejected this and provided a revised larger 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 and a report was put to Council on 28 March 2000.

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 (2429m²) Glenelg Place, Connolly, between the local shopping centre and Hodges Drive (Attachment 1 refers).

In August 1997, the former City of Wanneroo 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.

Council resolved at the meeting of 28 March 2000, that consideration of matching funding for the development of a community facility at Connolly be deferred pending further consideration by elected members (Report CJ0062-30/00 refers).

On 12 June 2000, a meeting to consider the issue of support for a facility at Connolly was held. Present at the meeting were the Mayor; Ward Councillors Carlos and Magyar; Cr L Ewen-Chappell; the Chief Executive Officer; Director Planning and Development; Acting Executive Manager Strategic Planning; Connolly Residents' Association representatives included Messrs. Davies (President), Albones (Secretary) and Williams. Local parliamentary members, Mr C Baker MLA and Dr M Washer MHR also attended the meeting. It was agreed at the meeting that Ward Councillors and the Acting Executive Manager Strategic Planning review the assessment in relation to the provision of a facility and the matter was re-evaluated at a meeting held on 28 June 2000.

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 Residents' Association's President, Mr David Davies and Secretary Mr Ross Albones 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 Mr Mike Guile, 1st 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 Tuesdays (6.45 pm to 8.15 pm) and Wednesdays (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.

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.

The Administration has endeavoured for a considerable time to assist the Connolly Residents' Association in this matter however no significant need has been identified for a facility at Connolly and this was also the conclusion reached at the re-evaluation meeting of 28 June 2000. Councillors D Carlos and S Magyar held a separate meeting with the Residents' Association in early July 2000 on this matter. Based on the above review it is difficult to substantiate the construction of a facility at Connolly.

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, and the subsequent re-evaluation of the proposal by Ward Councillors, it is considered that a significant need to support matching funding for a facility is still not substantiated. 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 Currambine that will provide additional venues for residents from Connolly to access. This project is a joint project with Family and Children's Services and will contain a wide range of facilities such as Child Care, Meeting rooms etc.

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.

Alternatively, it could be suggested that consideration could be given to redirecting the \$200,000 towards the proposed centre at Currambine. This would be justified on the basis it will serve the needs of the region, including Connolly, and its proximity to Connolly being in the adjacent suburb.

The proposed centre at Currambine is to be located off Delamere Avenue, Currambine which is 3.2 km from the community purpose site at Connolly. It is estimated that the travel time from Connolly to the proposed centre location is less than 5 minutes (Attachment 4 refers).

The public consultation phase for the planning of the centre at Currambine is currently underway. Arrangements can be made for the Connolly Residents' Association to be part of this needs analysis to ensure that the centre caters for any needs identified.

If the Residents' Association wish to continue with the development of a facility, at their own cost and utilising the State Government grant of \$200,000, Council will need to address the lease arrangement for use of Lot 404 Glenelg Place, Connolly.

A facility built on Council land becomes a Council asset and a lease arrangement would need to be developed for the facility. The lease would reflect that the Association has exclusive use of the facility and would address issues such as lease fees, payment of rates and term of lease. Lease fees for facilities managed by community groups have been established at one percent of the current replacement value of the building. It is also reasonable to expect that groups that have exclusive use of facilities are responsible for the on-going operational cost associated with the facility. This arrangement is similar to that for the clubroom at Windermere Park (Item CJ448-12/99 refers).

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; and**
 - (b) Connolly is located at a short distance from a range of existing and proposed community services and facilities;****
- 2 should the Association wish to develop a facility on the Community Purposes site at Lot 404 Glenelg Place, Connolly at its own cost, lease arrangements would need to be developed for the facility addressing term of lease, lease fees, payment of rates and the Association's responsibility for on-going operational costs;**
- 3 the Connolly Residents' Association is invited to participate in the public consultation process for the centre to be located at Currambine and to consider the benefits the centre will bring; and, if considered appropriate, seek the redirection of the State Government grant of \$200,000 to the development of the centre at Currambine.**

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

To access this attachment on electronic document, click here: [Attach3brf250700.pdf](#)

**CJ185 - 07/00 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 30 JUNE 2000 - [09882]**

WARD - All

CJ000718_BRF.DOC:ITEM 4

SUMMARY

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

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	022776-023794	6,640,958.10
Municipal	000208-000210	6,640,958.10
Trust		0
	TOTAL \$	13,281,916.20

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of June 2000, the amount was \$2,097,308.98

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,281,916.20 which is to be submitted to the June or and each Councillor on 25 July 2000 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,281,916.20 submitted to Council on 25 July 2000 is recommended for payment.

.....
Mayor John Bombak

RECOMMENDATION

That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 June 2000, certified by the Mayor and Director of Resource Management and totalling \$13,281,916.20.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	022776-023794	6,640,958.10
Municipal Trust	000208-000210	6,640,958.10
		0
	TOTAL	\$ 13,281,916.20

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

To access this attachment on electronic document, click here: [Attach4brf250700.pdf](#)

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**CJ186 - 07/00 URBAN ANIMAL MANAGEMENT COMMITTEE –
[07086]****WARD - All**

CJ000718_BRF.DOC:ITEM 5

SUMMARY

A meeting of the Urban Animal Management Committee was held on 29 June 2000 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Urban Animal Management Committee meeting held on 29 June 2000 are included as Attachment 1.

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Urban Animal Management Committee held on 29 June 2000 forming Attachment 1 to Report CJ186-07/00.

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

To access this attachment on electronic document, click here: [Attach5brf250700.pdf](#)

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CJ187 - 07/00 WANNEROO BICENTENNIAL TRUST - [43652]**WARD - All**

CJ000718_BRF.DOC:ITEM 6

SUMMARY

The Wanneroo Bicentennial Trust is a fund established by the former City of Wanneroo to assist and encourage residents to develop their communities in the spirit of the Bicentennial.

Following the division of the former City of Wanneroo into the Cities of Joondalup and Wanneroo, a review of the Bicentennial Trust has been undertaken in conjunction with the City of Wanneroo.

Following consultation with the Bicentennial Trustees and the City of Wanneroo, this report outlines a scheme of arrangement for the distribution of funds held in the Bicentennial Trust prior to the Trust's expiration in 2001.

As a result of the division of the former City of Wanneroo and the formation of the two new Local Authorities the funds have been held in a Reserve Account by the City of Joondalup on behalf of both Local Authorities.

It is proposed that the Trust be jointly managed by the City of Joondalup and City of Wanneroo with the Bicentennial Trust Working Party to be established by both Councils to administer the remaining Trust funds. The Bicentennial Trust Working Party has also recommended the following:

- 1 That the Bicentennial Trust should continue to operate with the intention of conducting one or more funding rounds as necessary to wind the Trust up in 2001; and
- 2 Council Officers from both City of Joondalup and City of Wanneroo work with members of the Trust to update Trust guidelines and promote and advertise the Trust and its funding rounds.

BACKGROUND

Based to a large extent on the Queen Elizabeth II Silver Jubilee Trust, the Bicentennial Trust was established in 1988 with the aim to assist people to realise their goals and develop their talents to the benefit of the community.

The former City of Wanneroo applied and received funds from the Australian Bicentennial Trust Authority in the amount of \$40,000 in 1986, which Council matched dollar for dollar. This project, referred to as "the historic sculpture project" did not proceed and Council made application to develop a Trust Fund with a Board of Trustees to administer the funds.

At its 23 November 1988 meeting the following proposal was accepted by Council:

“It is intended that nominations or expressions of interest will be called for, with the official launch in December this year. The inaugural awards will be made in 1989, and annual awards will be made thereafter, up to and including the year 2001. At this time the Trustees will evaluate the Wanneroo Bicentennial Trust and make recommendations to Council in light of the prevailing conditions.” (Report C91120 refers)

The Australian Bicentennial Trust funding originated from the former Australian Bicentennial Authority which disbanded following Bicentennial Celebrations in 1986, and a matching contribution from Council. The fund has been supplemented by a return on investment, which has maintained a balance greater than \$50,000 over the past ten years.

Each year, applications have been invited from candidates in the fields of community services, sport, recreation, arts, humanities, business, commerce, and science and technology. Since its inception, the Trust has provided allocations of funds up to \$10,000 per annum.

In July 1997 the Bicentennial Trust Working Party met to consider the future of the Trust programme as it approached the end of its intended life and recommended that Council:

1. Increases the annual allocation of grant monies available for distribution to \$20,000 per annum, with a view to allocating all monies prior to the expiration of the Trust in the year 2001;
2. Amends the funding guidelines to provide for the funding of projects, which extend beyond the twelve month period presently, prescribed for acquittal.

At this meeting, the Committee was also briefed on the possibility that the Trust Fund would have to be split between the two Councils as the result of the split of the former City of Wanneroo.

At the meeting of the Trust Committee held in March 1999, former Commissioner Rob Rowell made the following suggestions to the Committee:

- The Recreation Officer could look into the Terms of Reference for the Trust Fund to see if it must be wound up in 2001 or whether the Trust Committee could continue administering it;
- The Trust Committee submit a proposal to Council recommending that the Trust Committee continue in their annual fund distribution and that Council assist it by finding additional sources of funding to build up the Bicentennial Trust;
- The Recreation Officer was to research possibilities for the Trust Committee and set up meetings to assist it with their proposal to Council; and
- The Trust Committee would need to become a Body Corporate. The Recreation Officer also commented that the Trust Committee would need to adhere to the new Community Funding Guidelines.

The Committee also expressed the view that a social function should be held to present the cheques to successful applicants and Commissioner Rowell considered that a function was an important way of uniting the Committee and thanking members of the Trust for their contribution.

The Joint Commissioners at their meeting 27 April 1999 in considering these proposals resolved to:

- Adopt the grant allocations recommended by the Trust Committee;
- Note the Bicentennial Trust guidelines will be reviewed in line with the Community Funding Policy;
- Note that a scheme of arrangement will be developed for the distribution of the funds held in the Bicentennial Trust prior to the Trust's expiration in 2001 for consideration by the Joint Commissioners; and
- Thank the members of the Bicentennial Trust.

At the meeting of the Joint Commissioners on 13 April 1999 it was noted that the Bicentennial Trust funding selection procedures were inconsistent with the City's recently adopted Community Funding Policy (Report CJ123/04/99 refers).

In particular, the Bicentennial Trust has previously provided some funding to individuals. Such allocations to individuals present similar potential accountability problems as those which have led to the development of the City's Community Funding Policy. It is now proposed, following discussion with the Bicentennial Trust Working Party, that funding through the Bicentennial Trust be made available only to individuals where a sponsoring organisation to administer the funds on behalf of the individual can be sourced as set out in the Revised Bicentennial Guidelines (Attachment one refers).

The general nature of the Bicentennial Trust guidelines has led to considerable duplication with other more specific Council funding schemes. To enhance the strategic focus of the Community Funding Policy to fund identified priority areas it is important that duplication is minimised.

At an informal meeting with the Bicentennial Trust Committee held on 1 February 2000 attended by the following representatives from the City of Joondalup; Cr Carlos, the Cultural Development Co-ordinator, Special Events Officer and Manager Leisure and Ranger Services there was considerable discussion concerning the Bicentennial Trust.

The Committee expressed the following views:

- 1 Its opposition to the potential split of funds between the City of Joondalup and City of Wanneroo as it would not leave adequate funds to support significant projects;
- 2 They as a Board of Trustees were responsible for the funds and should determine its allocation rather than Council;
- 3 Its preference to continue to operate the Bicentennial Trust past 2001;
- 4 Its opposition to focusing its funding priorities towards audience development for the proposed Performing Arts Complex. (This was a proposal put forward by Staff to the Committee in relation to acquitting all of the Trust Funds before 2001;
- 5 It wished to be kept fully informed of any decisions of Council in relation to its activities; and
- 6 That a Councillor from the City of Wanneroo should have been present.

As a consequence, extensive research has been conducted into the City's records and following consultation with members of the Trust, former Mayors of the then City of Wanneroo and members of staff into the status and operation of the Bicentennial Trust the following information is provided:

Deed of Trust

A deed of trust for the Bicentennial Trust does not exist. Council has however approved the following:

- Establishment and operation of the Wanneroo Bicentennial Trust utilising funds previously set aside for the Historic Sculpture Project;
- Sought the consent of the Minister for Local Government to the establishment of the Trust Fund in accordance with the provisions of Section 522(1)(c) of the Local Government Act (1960);
- Appointed a Wanneroo Bicentennial Trust Committee to oversee the project;
- Sought nominations from the Wanneroo Bicentennial Trust Committee for appointment to the Board of Trustees, with each member being selected for his/her involvement within a field of the award categories;
- Sought detailed selection criteria and operational guidelines from the Wanneroo Bicentennial Trust Committee.

In January 1989, the Trust Fund was established by the then City Treasurer. Later that year the City appointed the following people to the Board of Trustees of the Wanneroo Bicentennial Trust for a period of three years.

Nick Trandos
Rob Augustin
Graeme Wood
Nominee of Ron Banham
Dawn Chivers
Bill Jefferies
Jean Powell
John Gilkes
Father Patrick Boyle
Nominee Wanneroo Chamber of Commerce
Nominee WACAE
Nominee District Superintendent of Education

Membership of the Trust has not changed substantially since this time although Mrs Ruth Reid became the patron of the Trust in 1990. Discussions with trust members indicate that Mr Rob Augustin has been chairperson since its inception.

All people appointed to the Trust have been appointed by Council. In the July 1992 Council minutes a report to Council on the appointment of the Board of Trustees noted the following.

"Council appointed a number of persons with expertise in the various fields to serve a three year term as Board Members of the City of Wanneroo Bicentennial Trust. The Board has the legal standing of an Advisory Committee and recommends the allocation of grant monies from the Bicentennial Trust Fund each year."

The general conditions of the Bicentennial Trust stipulated that:

- The conditions apply to the former City of Wanneroo Bicentennial Trust Grant projects approved by the Board of Trustees and the Council of the former City of Wanneroo.
- The Board of Trustees is appointed by the Council from time to time.

The funds have been administered and controlled by Council on the recommendation of the Board of Trustees. The Director Resource Management has advised that as a consequence of ASA27 and the Financial Management Regulations the Trust Fund does not fit the guidelines to be a trust as the funds belong to Council and therefore should be managed through a Reserve Account.

The trust funds totalling \$ 57,000 as at 30 June 2000 are held in a reserve account awaiting the determination of the future direction of the Committee and Council. These funds were subject to the division of assets of the former City of Wanneroo between the City of Joondalup and the City of Wanneroo and are currently held by the City of Joondalup on behalf of both Councils.

No indication has been found that outlines why the trust is to wind up in 2001. It is believed that the Australian Bicentennial Authority's approval to transfer funds provided by it to the original sculpture project into the Trust Fund may have been conditional on the Bicentennial Trust winding up in 2001.

DETAILS

Council staff have met with representatives of the City of Wanneroo to discuss this matter and subsequently met with members of the Bicentennial Trust to discuss the future direction of the Bicentennial Trust.

At a meeting of the Bicentennial Trust held 14 June 2000 with representatives of the City of Wanneroo in attendance, the background to the Bicentennial Trust and its legal status was outlined and the future of the Bicentennial Trust discussed. The minutes of that meeting are shown as attachment one.

The Bicentennial Trust Working Party has recommended to Council that:

- 1 the Bicentennial Trust should continue to operate with the intention of conducting one or more funding rounds as necessary to wind the Trust up in 2001; and
- 2 Council Officers from both City of Joondalup and City of Wanneroo would work with members of the Trust to update Trust guidelines and promote and advertise the Trust and its funding rounds.

COMMENT/FUNDING

Draft guidelines have been prepared and distributed to the members of the Trust for their review and comment. Changes to the guidelines are shown in italics (Attachment two refers).

The current Trust Guidelines (attachment three refers) do not specify the amount of monies available to applicants and this has been altered in the revised guidelines to include a maximum of \$20,000 per application.

The draft guidelines stipulate that funding will only be provided to not for profit groups. Individuals may be considered for funding if they have a local sponsoring organisation prepared to manage the funds on their behalf.

Selection Criteria have been included that will apply to all projects. These are as follows:

- Direct benefit to the wider community;
- Achievable objectives and outcomes;
- Innovative projects which advantage communities;
- Capital projects and items which will have a lasting community benefit;
- Seeding grants for projects which can demonstrate independent viability after an appropriate period; and
- Projects that examine issues which are critical to the development of the community in the region.
- *A sound budgeting process by developing a full financial plan of the project that includes all income and expenditure details*
- The proposed project must commence within the 2000-2001 financial year

Guidelines concerning what will not be funded have also been included as follows:

- Applications from profit making concerns or have no apparent benefit for the greater community
- Activities that pertain to the day to day operations of a particular group or organisation.
- Groups which have received funding from other City of Joondalup or City of Wanneroo schemes within the same financial year such as the Community Funding Programs.
- Government Departments.
- Deficit funding for organisations which are experiencing a shortfall in cash or revenue or anticipated revenue.
- Recurrent salaries and recurrent operational costs.

New and improved accountability requirements have also been included in the revised guidelines.

It is considered that the Bicentennial Trust Working Party and its members have made a significant contribution to the communities of the City of Joondalup and the City of Wanneroo over many years. It would be appropriate therefore to acknowledge their contribution by hosting an appreciation function for them in 2001.

The Trust funds are currently held in reserve by the City of Joondalup on behalf of both Councils. In light of the background to the operation and purpose of the Trust it is considered that the Trust funds should not be split between the two Councils. The members of the Trust felt there would be more benefit to the community if the funds were held jointly available for use in either municipality and therefore the City of Joondalup and City of Wanneroo should jointly manage the Bicentennial Trust until its expiration in 2001.

It is understood that the City of Wanneroo will be appointing a Bicentennial Trust Working Party comprising the same members as listed for the City of Joondalup Bicentennial Trust Working Party. The Working Party will make the same recommendations for Grant Allocations for consideration to both Councils, effectively making the Working Party a joint committee to both Councils. The implementation of any recommendations of the Bicentennial Trust Working Party can only therefore occur with the endorsement of both Councils.

RECOMMENDATION**That Council:**

- 1** ENDORSES the continued operation of the Bicentennial Trust Working Party up to 31 December 2001 with the intention of conducting one or more funding rounds as necessary to wind the Bicentennial Trust up by this date;
- 2** NOTES that following the determination of the Joint Commissioners in relation to the division of assets of the former City of Wanneroo the funds held in the Bicentennial Trust Reserve Account by the City of Joondalup are held on behalf of the City of Joondalup and City of Wanneroo;
- 3** NOTES the minutes of the meeting of the Bicentennial Trust Working Party held 14 June 2000;
- 4** AMENDS by an ABSOLUTE MAJORITY the membership of the Bicentennial Trust and APPOINTS the following persons to be members of the Bicentennial Trust Working Party:

Mrs Ruth Reid
Mr Robert Augustin
Mrs Dawn Chivers
Mr Joe Hawkins
Mr Bill Jeffries
Mr Bob Fawcett
Mrs Jean Powell
Father Patrick Boyle
Mr Nick Trandos
Mr David Carvosso
Councillor Glynis Monks City of Wanneroo
Ms Helen Baron St John Director Community Development, City of Wanneroo

Councillor Don Carlos City of Joondalup
Mr Kevin Robinson Manager Executive Services, City of Joondalup
- 5** NOTES that any recommendation submitted to Council by the Bicentennial Trust Working Party will also be submitted for consideration to the City of Wanneroo;
- 6** ENDORSES the Bicentennial Trust being jointly funded by the City of Joondalup and City of Wanneroo with an equal contribution to costs associated with its operation;
- 7** ENDORSES the draft revised guidelines for the Bicentennial Trust subject to any amendments by the members of the Bicentennial Trust Working Party;
- 8** ENDORSES promotion of the Bicentennial Trust with larger grants being made available up to \$20,000 per project on a best project for the region basis, ie funds be available to groups based in either Local Authority; and

- 9 ACKNOWLEDGES the significant contribution of the Trust Members to the Community since the Trusts inception by way of an Appreciation Function in 2001.**

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

To access this attachment on electronic document, click here: [Attach6brf250700.pdf](#)

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CJ188 - 07/00 TRANSFER OF SPONSORSHIP - WHITFORDS AND OCEAN RIDGE OUTSIDE SCHOOL HOURS CARE SERVICE – [09761]

WARDS - Pinnaroo and Marina

CJ000718_BRF.DOC:ITEM 7

SUMMARY

The City of Joondalup currently operates two Outside School Hour Care (OSHC) Services. Both services operate after school hours care and vacation care. The Whitfords OSHC is located on the corner of Marmion Avenue and Forrest Road Padbury (McDonald's Reserve Clubroom). The Ocean Ridge OSHC is located at the Ocean Ridge Leisure Centre on the corner of Sail Terrace and Siren Road Ocean Ridge Heathridge.

Both services now have low attendance rates in after school care due in part to increased competition. Numbers currently average 12 children per day after school and 29 per day during vacation periods for Whitfords and 14 per day after school and 39 per day during vacation periods for Ocean Ridge.

The two Services were reviewed in 1998 and recommendations were made as a result of that review. Some of the recommendations for short-term directions were addressed and implemented. Other recommendations regarding future directions have not been implemented.

This report recommends the transfer of the City's Whitfords Service to the Padbury Education and Child Care Centre Ltd and the transfer of the City's Ocean Ridge Service to the YMCA of Perth.

BACKGROUND

Whitfords

The Whitfords OSHC has been operating for approximately 17 years. It has been heavily subsidised by the former City of Wanneroo and now City of Joondalup. It has been a service provider for schools in the Padbury and Hillarys areas. Traditionally it has had problems due to provision of transport and the location of competition services in the near vicinity.

In 1998 a review of the service was carried out but not all of the recommendations have yet been acted upon. The 1998 review recommended that the Council consider contracting an external operator to manage the service or close the service. This recommendation was based on the two factors of:

1. Low numbers
2. Poor financial performance

This recommendation was not acted on but a decision was made to upgrade the quality of the Service. Since July 1999, a Family Day Care staff member has been allocated time to support the two OSHC services to assist staff improve the standard of care provided. Improved practices have been put in place but there appears to be the need for marked improvements if Whitfords OSHC is to meet the proposed Regulations for OSHC. The proposed regulations are currently in draft form and the State Government Department of Family and Children's Services anticipates the introduction of these Regulations some time over the next twelve months.

The Commonwealth Child Care Program sets the standards for Outside School Hours Care and the Regulations will require Services to meet these standards. The Regulations will also set out the requirements regarding qualifications of staff. In the area of staff qualifications, both Services will not be able to meet the requirements of the Regulations.

Ocean Ridge

Ocean Ridge OSHC has provided a service for a high number of children over the years, although after school care numbers have decreased gradually since 1996 and are now at a low level. The vacation care service is traditionally full and the Service also caters for quite a large number of special needs children during vacation care.

A report on a review of the Service in February 1998 states that the Service should be experiencing moderate financial success given its good utilisation rates. However, the review report went on to state that this is not the case due to high overheads and other costs such as wages. It recommended that the Council look at reducing the Service's expenses. The review outlined four options concerning Ocean Ridge's future:

1. Continue to operate the Service and provide Ocean Ridge with ongoing support of operational funding including capital improvements or reallocation to another location, active marketing of the Services and improvement of transport arrangement. If the Service became viable then it should continue to operate.
2. Transfer the management of the Service to the current lessee of the facility to incorporate into their existing program service base.
3. Contract an external operator to manage Ocean Ridge along with the other Wanneroo OSHC services.
4. Close the Service.

Since the review, the Service has been promoted within the local community and has remained in the existing building with the facility having been upgraded.

DETAILS

Service Usage

Centre	Places Available	Existing average attendance	Special needs children
<i>Whitfords</i>			
After School Care	30	12	0
Vacation Care	30	29	4

<i>Ocean Ridge</i>			
After School Care	45	14	3
Vacation Care	40	39	8

The 1999/2000 budget for both centres (after school care and vacation care) appears below:

Income	Expenditure	Council Contribution to Operations
\$126,300	\$225,899	\$99,599

These figures do not include:

- Non operating grants/contributions
- Profit/loss on asset disposal
- Depreciation
- Corporate overheads

FUTURE OPTIONS

Closure of the Services

Despite the low numbers of children utilising the Services after school, there is a demand for OSHC in both areas. Vacation Care numbers are strong. Closure of the services would disadvantage those families currently using the services.

Proposal for Transfer of Sponsorship

In June 1995, Council resolved to support the transfer of sponsorship of Council's OSHC programs to other community based agencies. This decision was in light of the strategic plan that stated that the challenge for the City was to meet best practice standards and to explore alternative avenues of funding and service delivery. Of the nine OSHC services, five were transferred to the YMCA over a period of 12-18 months. Of the remaining four, one was transferred to Anglicare in December 1998 and the other was closed.

Whitfords

The Padbury Education and Child Care Centre Ltd which is located in Giles Avenue Padbury (across the park from the City's OSHC service) has approached Council and expressed interest in providing the service at Whitfords. The Padbury Education and Child Care Centre Ltd opened in 1987 and has a proven record in the provision of OSHC, a strong commitment to the provision of quality and affordable care for families and specialises in the area of children's services.

Transfer of the City's Whitfords service to this Centre offers the following benefits to the families currently using the service:

- The amalgamation of the City's service with the Padbury service would increase the service's viability thus ensuring its long term survival;
- The Padbury service also offers before school care which would add to its attractiveness to a wider range of parents and consequently to its viability;
- The service would continue to be offered at the same venue – the Padbury Centre does not have sufficient space to offer the service in its own venue;
- The service would continue the strong emphasis on inclusion of children with special needs;
- The Padbury Education and Child Care Centre Ltd has a long history in the provision of quality children's services.

A comparison of the fees at the City's service and those charged by the Padbury Centre follows:

Service Type	Padbury Centre Fees	City's fees - 1999/2000	City's fees - proposed for 2000/2001
Vacation Care	\$25.00 per day \$110.00 per week	\$26.00 per day \$130.00 per week (no reduction for full time children)	\$29.50 per day \$147.50 per week
After School Care	\$11.00 per day	\$10.00 per day	\$11.00 per day

As can be seen, families would be better off in Vacation Care at Padbury in comparison with both current and proposed City fees. In After School Care families would experience a \$1.00 per day increase in under the City's current fee schedule but would pay the same fees under the City's proposed 2000/2001 fee.

Ocean Ridge

The YMCA of Perth has expressed an interest in providing the service at Ocean Ridge. The YMCA of Perth, which commenced its operations in Western Australia in 1909 and has been providing quality OSHC services for some 15 years, currently provides 8 OSHC services in the North Metropolitan area. It is well respected by Family and Children's Services and other funding providers, is a public benevolent institution run by a Board of Management and has demonstrated its commitment to the provision of a range of quality and affordable services for young people.

Transfer of the City's Ocean Ridge service to the YMCA offers the following benefits to the families currently using the service:

- The provision of the service by this agency would provide economies of scale which would increase the service's viability thus ensuring its long term survival;
- The service would continue to be offered at the same venue;
- The service would continue the strong emphasis on inclusion of children with special needs;
- The YMCA has a long history in the provision of quality OSHC services.

Service Type	YMCA fees	City's fees - 1999/2000	City's fees - proposed for 2000/2001
Vacation Care	\$29.500 per day \$147.50 per week	\$26.00 per day \$130.00 per week	\$29.50 per day \$147.50 per week
After School Care	\$11.00 per day	\$10.00 per day	\$11.00 per day

As can be seen from the table, the fees at the YMCA would be more expensive than those currently offered by the City but the same as those proposed by the City for the 2000/2001 financial year for both After School Care and Vacation Care.

Redundancy packages for staff

From discussions with the two organisations concerned, it is clear that redundancies of the City's existing staff will result from the transfer. A meeting has been held with the four staff concerned and each staff member has been provided with details of her redundancy package.

COMMENT/FUNDING

Contact has been made with the Commonwealth funding body and they are agreeable to the transfer of sponsorship.

Transfer of sponsorship will involve:

- Transfer of Commonwealth funding under the Commonwealth Child Care Program;
- Transfer of existing furniture and equipment as part of the package;
- Subsidised rental of the premises from which the current services operate – pepper corn rental for the 2000/2001 year and then rental at the established subsidised community rate;
- Redundancy packages for staff.

The subsidised rental will reduce the operating deficit of the services in the short term. This will provide both services with the opportunity to build numbers in after school care to enable long term viability.

Savings to Council from the proposed change of sponsorship will easily meet the cost of staff severance payments.

Redundancy Package

Under the Enterprise Bargaining Agreement 1999, a redundancy package includes:

1. 3 weeks pay for each completed year of service up to a maximum payment of 52 weeks;
2. 4 weeks pay in lieu of notice of 1 week in the case of employee over 45 years of age;
3. Pro-rata long service leaves for employees who have worked in excess of five years.

Whilst the Senior playleader and the three playleaders are not covered by the Umbrella Agreement, to be consistent and to maintain an equitable outcome for all staff, it is proposed that the City offer the playleaders a redundancy package as outlined above. As at 22 September 2000, the cost of the redundancy packages is calculated as follows:

- Total Redundancy and Notice – \$33,335
- Annual Leave Accrued – \$10,060
- Long Service Leave Accrued – \$6,620
- TOTAL COST – \$50,015

Benefits to Council

Transferring the Services will result in annual financial savings of \$99,599.00. A transfer of the Services will meet rate payer demands and local expectations for provision of services while minimising the cost to the ratepayer.

Date of transfer

It is proposed that the services be transferred from Friday 22 September 2000 (the end of Term 3). This would ensure a smooth transition.

Communication Strategy

Once Council's approval of the transfer has been gained, the City, in conjunction with the two new service providers, will communicate with all families using the services to explain the new arrangements and to ensure a smooth transition. The City will include in its communication with families the issues of fees, venue, accommodation of children with special needs and background information about the new sponsoring bodies.

RECOMMENDATION

That Council:

- 1 APPROVES the transfer of sponsorship of the Whitfords Outside School Hours Care Service to the Padbury Education and Child Care Centre Ltd with effect from 22 September 2000;**
- 2 APPROVES the transfer of sponsorship of the Ocean Ridge Outside School Hours Care Service to the YMCA of Perth with effect from 22 September 2000;**
- 3 NOTIFIES the Commonwealth Department of Family and Community Services of the City's intention to transfer its Whitfords and Ocean Ridge Outside School Hours Care services;**
- 4 OFFERS staff holding the positions of Senior Playleader and Playleader at Whitfords and the two staff holding the positions of Playleader at Ocean Ridge redundancy packages at an estimated \$33,335 in total redundancy and notice and an estimated \$16,680 in accrued annual leave and long service leave.**

**CJ189 - 07/00 PETITION - INSTALLATION OF SECURITY
FLOODLIGHTING AT PLUMDALE PARK,
WOODVALE - [41903]**

WARD - Lakeside

CJ000718_BRF.DOC:ITEM 9

SUMMARY

Council has received a 49 unverified signature petition requesting the installation of a suitable security floodlight at Plumdale Park car park in Woodvale.

The area of concern is the car park, which is in a location, sunken below the adjacent road level. This environment is providing a concealed location for would be burglars to park and observe the activities of local households.

This area is also being used for anti-social behaviour and illegal drug use.

Investigation confirms the petitioners' comments and the provision of security lighting is proposed for the car park to deter such anti – social behaviour.

DETAILS

The current six bay car park lighting has no existing lighting. This is below Council's normal standard and the option to provide one security pole and light is currently under investigation. Preliminary cost estimate for an additional light is \$1,500. A surplus pole in the Works Depot is available for immediate utilisation.

COMMENT/FUNDING

This project is supported on security grounds, which will prove beneficial to the local community at large.

Account No:	11-60-72-721-0507-1705
Budget Item:	Maintenance
Budget Amount:	\$
Actual Cost:	\$1,500

RECOMMENDATION

That Council APPROVES the installation of a pole and luminaire to the car park at Plumdale Park, Woodvale, funded via Account No 11-60-72-721-0507-1705 - Car Park Lighting maintenance account.

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

To access this attachment on electronic document, click here: [Attach7brf250700.pdf](#)

**CJ190 - 07/00 PROPOSED ANCILLARY ACCOMMODATION TO
EXISTING SINGLE HOUSE: LOT 542 (33) TILLER
ROAD, OCEAN REEF - [49341]**

WARD - Marina

CJ000718_BRF.DOC:ITEM 10

SUMMARY

An application has been received for the addition of ancillary accommodation to an existing house on Lot 542 (33) Tiller Road, Ocean Reef. The proposal exceeds the City's "Height and Scale of Buildings within a Residential Area" Policy 3.1.9. and has been advertised, with 2 objections being received.

Councillor Magyar has asked that Council list this matter for consideration. This request is made in accordance with the adopted delegated authority guidelines. The guidelines include provision for applications to be brought forward for Council deliberation, rather than being determined under delegated authority.

Technically, the proposal projects into the height envelope, described in the Height and Scale of Buildings Policy. The extent of the intrusion is minor (and is described hereunder).

It is recommended that Council exercises discretion by varying the policy and approves the proposed projection into the height envelope.

BACKGROUND

Lot No	Lot 542 D 73953 Vol 1805 Fol 218		
Street Address	33 Tiller Road, Ocean Reef WA 6027		
Land Owner	Margot R Denkinger & Max Denkinger		
MRS Zoning	Urban		
TPS Zoning	Residential Development R20		
Land Use	Single House	Permissibility of Use	P
Lot Area	819m ²		

Site History

The site is located on the corner of Tiller Road and Spinnaker Drive. An existing single storey house has been developed, with minor additions being added to the ground floor level. A substantial brick fence surrounds the property and screens the house from both streets.

The site is situated on the west side of a hill. Homeowners in the immediate area enjoy views westward to the ocean. Often, views are obtained by looking over other neighbouring properties on the hillside.

DETAILS

Proposal

The proposal is comprised of an upper floor addition to be used as “ancillary accommodation”. Ancillary accommodation is defined in the R Codes as;

“Self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot.”

The term has essentially replaced that of a “granny flat”.

The ancillary accommodation proposal contains 2 bedrooms, lounge, kitchen, bathroom, toilet, study and balcony and has an area of 143.6m², which is in addition to the existing 218.6m² of the ground floor. The proposal has a separate entry point at ground level, and is self-contained.

TPS1 and Policy

The City’s Height and Scale of Buildings in Residential Area Policy 3.1.9 was adopted under the City’s Town Planning Scheme No 1. The Policy identifies a three dimensional building envelope. If a development projects outside the envelope an application for Approval to Commence Development is required in addition to a building licence. Adjoining owners are invited to comment on applications that exceed the height envelope.

A portion of the upper floor projects into the side of the height envelope, due to its proximity to the side boundary. This is shown on the attachment plan. The proposal does not project through the top of the height envelope.

The proposed setbacks conform to the requirements of the Residential Planning Codes.

Advertising and Submissions

At the close of the 14-day submission period, two letters of objection were received from the nearby owners. Concerns were raised in relation to the following aspects of the proposal:

- *The proposal exceeds the City’s Height and Scale of Buildings within a Residential Area Policy;*
- *The proposed addition blocks/impedes the ocean views of adjoining lots. The loss of these ocean views would adversely affect the owner’s rightful enjoyment and amenity of their property and the surrounding area;*
- *The loss of these ocean views would adversely affect property value by reducing it in any future sale; and*
- *The current owners/occupiers of the subject lot have purchased this building with full knowledge of the existing surrounding area and that any extension of the sort proposed would seriously affect the enjoyment of their properties by adjoining owners and the surrounding area generally.*

The objectors’ enjoy a view over the subject lot toward the ocean to the west.

Significantly, the adjoining property owner who is closest to the area of the upper floor in question has not objected to the proposed addition.

Applicant Justification

In order for the building to comply with the policy, the upper floor would need to be repositioned away from the boundary. Alternately, a 700mm portion would need to be removed from its side (which is nearest the side lot boundary) for the proposed building to comply with the policy. The applicant has advised that to reduce the proposal would make it too small and relocation is not viable. Furthermore the applicant has provided the following justification for the proposal:

- *We designed the two storey development generally in accordance with your building threshold envelope;*
- *The north western part of the development is up to 90% in compliance with the City's Policy;*
- *At the front corner the ground floor garage wall was followed for structural reasons for the second storey addition and this part of the first floor side wall exceeds the building envelope by 30-40cms;*
- *There are no major window openings on the northern side boundary which maintains privacy;*
- *The rear part of the proposed extension complies with the City's Policy and would block views, therefore the front portion of the extension would not add to the obstruction of views.*

The owners and their daughter occupy the existing residence. The extension would enable the owners to lead a somewhat independent life following their retirement.

COMMENT

The City's policy does not constitute a prohibition on the height and scale of buildings. It provides for an "as of right approval" if residential buildings are within the building envelope. The policy also provides guidance for the assessment of applications that may exceed the policy limits.

Requests for the exercise of discretion in regard to the policy are managed through the Development (Planning) Approval process.

The Height Policy seeks to regulate the height and scale of development by taking into account:

- The measurement from the natural ground level or levels after subdivision;
- Allowing a maximum wall height on the boundary of 3.5 metres, a roof sloping up at 45 degrees to a maximum height of 8.5 metres;
- Making provision for minor projections into the envelope. (Eaves and chimneys and the like may project).

The requested variation to the City's Height and Scale of Buildings in a Residential Area Policy 3.1.9 is minimal. The proposal would not exceed the maximum height allowable under the policy.

The proposal would project into the 'side' of the height envelope, due to its proximity to the side lot boundary. The near neighbour has not objected to the bulk of the proposal.

The proposal as submitted is considered to be in context with the existing streetscape and the general amenity of the area. The street is characterised by a mix of single and double storey dwellings.

The use of the ancillary accommodation aspect can be regulated by appropriate conditions of approval.

The view from the proposed extension and the interruption of view to be caused by the proposed building can also be considered pursuant to clause 3.20 (c) of TPS1. Notably, if the proposal were modified to comply with the City's standards, the proposal would have essentially the same impact on views.

Given that the development does not create excessive building bulk or scale, it is supported. The proposal conforms to the minimum setback and site requirements of the R-Codes. It is recommended that discretion be exercised to grant a variation to policy.

The use of the site for ancillary accommodation is typically regulated by way of a legal agreement between the applicant and Council. This is triggered by the adoption of a condition of development approval, as included below. The title for the property is proposed to be modified by the granting of an approval such that a notation is added to maintain the use of the site in keeping with the permissible uses of the Town Planning Scheme.

RECOMMENDATION

That Council APPROVES the application and plans dated 30 March 2000 and 8 June 2000, submitted by P R Developments on behalf of the owners Max and Margo Denkinger for ancillary accommodation to the existing single house on Lot 542 (33) Tiller Road, Ocean Reef, subject to the following conditions:

- 1 the ancillary accommodation shall not be used otherwise as accommodation for dependent member(s) of the family of the occupier(s) of the principal dwelling on the same lot;**
- 2 that wherever possible, service utilities including sewer; water; telephone connections, electric power and gas shall be common and not separate from the existing single house on the subject land;**
- 3 a notification under Section 70a of the Transfer of Land Act is to be prepared in a form acceptable to the City and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the commencement of development works. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the ancillary accommodation as stipulated under condition 1 of this approval. The notification should (at the full cost of the applicant) be prepared by the City's solicitor McLeod & Co and be executed by both the landowner and the City;**

- 4 the materials and finishes of the ancillary accommodation must compliment the existing single house on the lot.**

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

To access this attachment on electronic document, click here: [Attach8brf250700.pdf](#)

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CJ191 - 07/00 PROPOSED SHOPPING CENTRE, CONSULTING ROOMS, STAGE AND OTHER FACILITIES, LOT 715 (NO 110) FLINDERS AVENUE, (CNR WATERFORD DRIVE) HILLARYS – [04412]

WARD - Whitfords

CJ000718_BRF.DOC:ITEM 11

SUMMARY

In December 1999, Council approved the development of Lot 715 for a neighbourhood shopping centre (CJ452-12/99 refers). The approval acknowledged the scale of the proposal and the unsuitability of some of the land uses proposed, by including conditions that required the plans be modified. The conditions sought to reduce the extent of development so that it would be in keeping with the context of the surrounding neighbourhood, the size of the development site and the foreshadowed amount of development on the land. The assessment balanced these aspects against the need for a local centre in the area.

The proponent has lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against many of the conditions of approval and mediation hearings have been held. The mediation process is conducted confidentially and without prejudice to the appellant's further rights, if a mediated agreement cannot be reached.

Revised plans had been submitted as part of the mediation process, however, these have now been withdrawn, and discussion has re-focused on the appeal application. Councillors will recall that a resolution was passed on 11 July 2000, to continue with mediation, based on the December 1999 proposal and to request that the amended plans lodged during the mediation process be the subject of a separate Development Application.

As a consequence, a mediation hearing was convened on 12 July 2000. Further discussions have lead to the appellants making an offer, without prejudice, based on a 'package proposal' that incorporates acceptance of the bulk of the conditions of approval (including removal of the stage and skate ramp, and no amplification of sound within the al fresco area). The appellant seeks negotiation on 3 conditions of approval, related to car parking provision, hours of operation of the liquor store, and the designation of the restaurant/tavern.

It is recommended that Council supports the brokered solution, subject to minor clarification, as discussed hereunder.

BACKGROUND

The December 1999 resolution is produced in entirety as follows.

"1 EXERCISES discretion pursuant to clause 9.1 (1) of the City of Joondalup Town Planning Scheme No.1 (TPS 1) by:

- (a) *applying the car-parking ratios of (Draft) District Planning Scheme No 2 (DPS 2) of 7 bays per 100sqm GFA and 5 car bays per practitioner, in keeping with Council resolution CJ152-09/98 for this development, in lieu of the carparking provisions of TPS 1;*
- (b) *reducing the landscaping strip of 3.0 metres to 1.0 metre in width, as allowed by clause 5.9 of TPS 1;*

2 *APPROVES the development application (dated 25 March 1999) and plans (dated 25 October 1999) subject to the following conditions:*

- (a) *the total retail Net lettable area (NLA) of the centre being reduced to a maximum of 3,000 m²;*
- (b) *the outdoor stage and skateboard ramp being deleted;*
- (c) *the tenancy marked "restaurant/tavern" being approved and used as a restaurant only;*
- (d) *plans being submitted showing the carparking area amended to provide additional carparking bays in accordance with the requirements of Draft DPS2, prior to the submission of a building licence, to the satisfaction of the City;*
- (e) *the service entry to the supermarket being the subject of a management agreement with the owner of the land to ensure that servicing occurs during the day only, within the parameters expressed under noise abatement regulations, and to the satisfaction of the City;*
- (f) *traffic management measures being designed and constructed at the intersection on Waterford Drive (at the cost of the proponent) to the satisfaction of the City;*
- (g) *all traffic management measures being completed prior to occupation of building alterations and additions;*
- (h) *the visual bulk of the proposed building being reduced to the western facade by using materials, colours and mature landscaping when viewed from adjoining residential development to the satisfaction of the City;*
- (i) *detailed plans being submitted depicting pedestrian access improvements at all entrances and exits to the centre and their relationship with taxi ranks, bus stops and into car parks;*
- (j) *submission and implementation of a Construction Management Plan prior to commencement of any works and being to the satisfaction of the City. Such a plan must detail phasing in construction, construction vehicle access, storage areas, refuse disposal, maintenance of shopper access and parking bays, ameliorative measures to control noise and dust pollution to adjacent residents associated with earthworks and general construction;*

- (k) disabled parking bays being provided in accessible locations to main entrance and constructed/marked in accordance with specifications approved by the City;*
- (l) the undercroft carpark area being secured after business hours, to discourage anti-social behaviour;*
- (m) all car park lighting should be reduced after 10pm at night and thereafter limited to security lighting only. All lighting must be internally directed and must not overspill into adjacent residential properties or roads;*
- (n) the car park design, landscaping and lighting to be designed to improve visibility and security of shoppers during the day and night;*
- (o) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied;*
- (p) retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Details, signed by a practising Structural Engineer, must approved by the City prior to construction;*
- (q) all plant, air conditioners must be designed to comply with the Environmental Protection (Noise) Regulations and be located behind facade walls in unobtrusive locations relative to adjoining residential development;*
- (r) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge/s. Landscaping being thereafter maintained to the satisfaction of the City;*
- (s) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;*
- (t) suitably screened bulk bin area(s) are to be provided prior to the development first being occupied in accordance with the attached specification. Provision being made for service vehicle access to all food tenancies and bin storage areas for all tenancies within the centre. Bin storage areas must be drained to connect with sewer;*
- (u) measures being implemented to maintain the visual privacy of adjoining residents along the southern and western lot boundary which may include fencing and screen planting to the satisfaction of the City;*

- (v) *no amplification of sound being permitted in the al fresco area;*
- (w) *an anti-graffiti coating being applied to the development to the satisfaction of the City;*
- (x) *the liquor store and supermarket having the same hours of operation.*

Footnotes

- 1 *The applicant must obtain separate approvals for proposed building works, signage and public buildings and eating house approvals from the City.*
- 2 *Verge parking embayments on Waterford Drive do not form part of this application, and are not supported.*

3 *ADVISES the respondents accordingly.*"

The applicant has offered to accept most conditions of Development Approval in good faith and subject to negotiation of detail in appropriate respects (such as the negotiation of appropriate traffic calming treatments).

The applicant has asked that 3 conditions of approval, being conditions (c), (d) and (x) be the subject of reconsideration by Council.

Should the negotiations fail, the matter would proceed to a full hearing of the Tribunal.

DETAILS

The applicant has submitted a written request for the above conditions to be varied, and this follows for information.

"As an outcome of the mediation hearing on July 12 2000 it was agreed to forward for Council's deliberation the conditions 2(c), 2(d) and 2(x) of the Development Approval dated 23 December 1999. The other items, which were the subject of the appeal, are now at a point where agreement can be reached. However, the abovementioned items are at a point where agreement cannot be reached and will be the subject of an appeal should we fail to reach agreement.

2(c) **Restaurant/Tavern**

As previously advised, the tenancy we are trying to provide is a European-style café where meals/alcohol can be purchased collectively or individually. This model has operated successfully in Europe for centuries.

Under current Liquor Licensing requirements, this facility can only operate under a tavern licence.

The size of this tenancy, 100m², is clearly described on drawings and correspondence previously submitted.

Its size reflects the intended use and does not in any way represent a “conventional tavern” development.

As you would be aware, a variation in the approved size of the facility would be subject to Council approval. Therefore, control can be exercised over its size.

In addition to the enclosed area, an alfresco area of 50m² will be designated specifically to the tenancy and marked on drawings to be submitted to the Licensing Court. Hours of operation will be 9am to 10pm Monday to Saturday and limited hours on Sunday.

Control of the tenancy is a management issue. The Developer of the complex will initiate procedures to ensure control of patrons’ behaviour. Within the context of this proposal, it is self evident that any anti-social behaviour is not in the interests of the tenant or the landlord. It would be prejudicial to their collective commercial interests and clearly would alienate customer/community patronage and support for the facility.

2(d) Parking

From our initial discussions, we have consistently argued that the parking provision required by the City of Joondalup was in excess of actual requirements, on the basis of total parking provisions and the extent of reciprocity of parking for the varying uses on the site.

The City has stated that reciprocity had not been substantiated adequately, so they could not support this aspect of our proposal.

We believe our proposal did demonstrate reciprocity. Justification for our position on reciprocity and for parking generally has been demonstrated by the Uloth & Associates’ traffic report in the site specific study.

The findings indicate that the varying uses of retail, non-retail commercial, medical facilities and alfresco dining can happily co-exist on the site.

Our current proposal has 279 car bays shown on the site, which we believe is adequate.

There is now sufficient evidence for Council to re-consider its position on the number of bays required.

2(x) Liquor Store

We request the hours of operation of the Liquor Store be independent to the hours of operation of the shopping centre, with trading hours conforming to the hours of operation of other liquor stores. It is anticipated that trading hours would be 8am to 9pm Monday to Saturday.”

COMMENT

The proponent has acknowledged some of the key concerns of the Council in the offer. The stage, and skate ramp would be deleted, and amplification of sound would not occur, if Council accepted the applicant's submission. These aspects of the proposal were key concerns during the public consultation phase of assessment, with 45% of the 263 negative submissions citing the skate ramp and stage as unacceptable. In addition, 47% of respondents also objected to potential noise intrusion, based on the likely operation of the stage and amplified sound system.

The deletion of the ramp, and stage would overcome the technical concerns previously held.

Parking demand has been assessed in accordance with the requirements of proposed DPS2, (this approach was adopted as policy in 1998), whereby 291 bays would be required. The applicant had proposed to provide 279 bays on site.

It should be noted that Council did not require parking spaces to be provided for the al fresco component of the initial application. The rationale applied, recognised the potential for al fresco activities to run hand in hand with the operation of the stage, thereby generating more traffic to the site and resultant demand for car parking spaces. If the stage were removed from the proposal, then demand more closely relates to a typical local centre. Given that the skate ramp and stage would be deleted in this package proposal, there would be more land available between the car park and the front of the buildings. If parking spaces on site were increased to 285 bays on site, then it is suggested in the context of this proposal that would be sufficient. The shortfall would be in the order of 2.8% below the normal 7 bays per 100m² requirement.

The applicant has requested that the liquor store operate independently of the hours of the supermarket. The normal operating hours of the liquor store would be 8am to 9pm, 6 days per week. The tenancy mix proposed indicates that the centre would have a range of land uses that would operate beyond normal trading hours, due to the shops focused on pre prepared food and convenience items. This is an emerging trend in suburban local centres. Therefore, the liquor store would not operate at isolated hours, due to the continued operation of other businesses into the evening. Under that circumstance, the potential for undesirable social behaviour is reduced by the increased surveillance that is available.

The applicant has also requested that the "tavern – restaurant" be given approval on that basis. The tenancy has an area of 100m², with the addition of 50m² outside in the al fresco area. The applicant has stated that this application includes a proposal for opening between 9am and 10pm, 6 days per week, with restricted opening on Sundays. When advertised for public submissions, 45% of submissions objected to the tavern operation. The proponent has stated that the tavern will be used as a European style restaurant, where patrons are not obliged to order food with drinks. It has also been confirmed that the premises would be managed to prohibit undesirable behaviour, which is in the interests of tenants of the centre, and the surrounding community. The hours of operation could also be reaffirmed by an appropriate condition of development approval.

In the context of the approval, it appears that the further clarification provided by the applicant, combined with the agreement to adhere to the most contentious conditions of development approval, provide a scenario that is more acceptable from a technical viewpoint.

In the event of the Council not agreeing to this proposal, the applicant has reserved his right to appeal, as originally lodged. Therefore it should be noted that the comments provided herein relate to the total scenario proposed, and should not be interpreted as acceptance of individual aspects of the proposal on a piecemeal basis.

It is also noteworthy that in the event that this application is resolved, the applicant could approach Council in future with a renewed application for additional facilities.

RECOMMENDATION

That Council:

- 1 ACKNOWLEDGES the receipt of a revised submission, received on 13 July 2000, concerning the proposed development of a local shopping centre on Lot 715 Flinders Avenue Hillarys, which was approved by Council on 21 December 1999, and AGREES to;**
 - (a) reducing the required provision of car parking on site, from 291 bays to 285 bays in this instance;**
 - (b) BY AN ABSOLUTE MAJORITY RESCINDS conditions (c) and (x) of its approval dated 21 December 1999 (CJ452-12/99) being:**
 - “(c) the tenancy marked “restaurant/tavern” being approved and used as a restaurant only”***
 - “(x) the liquor store and supermarket having the same hours of operation”;***
 - (c) the tenancy marked restaurant tavern being approved for the use of a European style restaurant/tavern, whereby patrons are not required purchasing food as a prerequisite of ordering drinks and, in addition, the hours of operation of the restaurant tavern are restricted to close at 10pm nightly Monday to Saturday, and Sundays by arrangement with the City.**
- 2 NOTES that this resolution forms part of a proposed mediated agreement in relation to the proposed development, and is conditional upon the applicant’s acceptance of the remaining conditions of development approval (issued December 21 1999) including, inter alia, the deletion of the skate board ramp, the stage, and amplification of sound in the al fresco area.**

CJ192 - 07/00 REQUESTS FOR CANCELLATION AND SUBSEQUENT PURCHASE OF PORTIONS OF RESERVE 33747: MINCHIN RESERVE, PADBURY - [41156]

WARD - Pinnaroo

CJ000718_BRF.DOC:ITEM 12

SUMMARY

Two separate applications have been received for the cancellation and subsequent purchase of portions of Minchin Reserve, Padbury. They are identified as Access (1), portion of Minchin Reserve between Lot 7 (9) and Lot 6 (7) Minchin Court and Access (2) portion of Minchin Reserve between Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way. (See Attachment 1) The report identifies a third access point (Access 3) between Lot 396 (50A and 50B) and Lot 395 (52) Buchanan Way to Minchin Reserve, because it is likely to be influenced by the treatment of the other two access points.

The first application from the landowner adjoining Access (2), stated that he endures frequent acts of anti-social behaviour and vandalism. The second application from the landowner adjoining Access (1) stated that the land is overgrown and unkempt and in summer months likely to be dangerous due to fire hazards and snakes. As any amendment to either Access (1) or (2) of Minchin Reserve may have an impact on Access (3), City officers sought the comments of the landowners adjoining Access (3). They stated that they do endure some minor nuisance with noise and rubbish from pedestrians using Access (3). However, if Access (1) or (2) were closed, it could make a dramatic difference to what they presently experience and this would be of concern to them. The Western Australian Planning Commission (WAPC) advised that it would support closure of one access only.

All three strips are used for pedestrian access to Marmion Avenue. Access (2), with its constructed footpath is used more than the other two. If Access (2) was closed, it may result in moving the anti-social problems to Access (1) and Access (3). If Access (1) was closed, those pedestrians using it would probably use the PAW further north to Nicholls Place or Access (2). All three pedestrian access points through Minchin Reserve to Marmion Avenue are used presently and rather than increase the pedestrian traffic for any particular access, the most reasonable course of action is for all three access points to remain. Based on the above, the applications to close portions of Minchin Reserve between Lot 7 (9) and Lot 6 (7) Minchin Court and Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way, are not recommended to be supported for closure.

BACKGROUND

Minchin Reserve (Reserve 33747), a Section 20A Reserve, is Crown Land with a Management Order in favour of the City of Joondalup. It has been set aside for the purposes of Public Recreation. This linear strip of Public Open Space (POS) was set aside as part of the POS requirement for the area when the surrounding land was subdivided for residential purposes.

In general, the Department of Land Administration (DOLA) Section 20A Guidelines state that a reserve created under Section 20A is required to be retained for its designated purpose. DOLA will consider amending or cancelling and disposing of a reserve when it can be demonstrated that this action will have minimal impact on the vicinity. The determination of this would include taking account of comments received as a result of public advertising period. When the disposal of a reserve is supported, the funds received from the sale of the land must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

Should Council wish to progress the application, the proposal to amend the Reserve would need to be advertised by way of on site signs and a notice in the local newspaper. Residents living opposite or adjacent to the Reserve would also need to be advised in writing of the proposal to enable them to be given the opportunity to comment.

DETAILS

Access (1) between Lot 6 (7) Minchin Court and Lot 7 (9) Minchin Court

A new owner of a property adjoining Access (1) has written to the City requesting the cancellation and subsequent purchase of the portion of Minchin Reserve adjoining her property. She states in her letter that the area is frequently overgrown and could possibly be a fire hazard in the summer. The applicant advises that she has seen many reptiles in this portion of Minchin Reserve, which concerns her in the summer months. She refers to Access (2) as a proper accessway, as it is paved and has bollards, making it a safe, even, easy access between Minchin Court and Marmion Avenue.

Access (1) does not have a footpath, however tracks through the area indicate that people do use it to get to Marmion Avenue and out of all three access points, this is the nearest access to the bus stops on both sides of Marmion Avenue.

The City referred the application to the service authorities and was advised there is no plant within this portion of Minchin Reserve and therefore there were no objections to the proposal.

Access (2) between Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way

The landowner adjoining Access (2) requested cancellation of this portion of Minchin Reserve stating that he endures regular examples of anti-social behaviour relating to the accessway. These include graffiti attacks on his side and rear fence; gatherings of people behind his back fence to drink and use drugs; missiles such as bottles thrown over his fence smashing in his yard or on his roof; several instances of fence damage; bashing the fence to deliberately create noise which then disturbs his neighbour's dog. He states that he has telephoned the police on a number of occasions due to groups of 15 to 20 youths loitering in the walkway. Recently, a group of youths damaged his fence requiring five panels of super six fencing to be replaced. He advises that the anti-social behaviour began following the installation of the footpath.

The applicant further stated that the walkway is not an essential route to shops or schools and though he uses the walkway himself when walking or cycling along Marmion Avenue, he states that there are other routes that he can take. He would rather put up with the inconvenience caused by its closure, than have to continue to put up with the vandalism and anti-social problems that take place.

This application has been referred to the service authorities and the Western Australian Planning Commission. Telstra, Alinta Gas and Western Power do not have any service plant within the PAW and therefore have raised no objections to the proposal.

The Water Corporation objected to the proposal due to having a sewer main located within the PAW. This objection will be withdrawn if the two adjoining landowners agree to two conditions. The Water Corporation requires an easement free of cost to protect its plant and the two adjoining landowners would also need to adhere to a condition regarding the location of new boundaries by existing sewer manholes. The two adjoining landowners have been advised of these conditions.

Access (3) – Lot 396 (50A and 50B) Buchanan Way and Lot 395 (52) Buchanan Way

As any amendment to Minchin Reserve would likely impact on Access (3), City officers met with the owners of the above properties to ascertain their views. Adjoining landowners stated though they do get some noise from people using the access and there was some evidence of rubbish, however, the nuisance being experienced now was not significant. They stated that should either Access (1) or (2) be closed, it could dramatically affect the amount of pedestrian traffic between their properties and the likelihood of more anti-social problems. They advised that this would certainly be cause for concern and would wish the portion between their properties closed.

COMMENT

The application received for Access (2) states anti-social behaviour as the reason for requesting closure; the application for closure of Access (1) is concerned that the subject land is unsightly and serves no real purpose. The Western Australian Planning Commission advises that it would support closure of only one access from Minchin Reserve.

If Council supports closure of Access (1), pedestrian usage and associated anti-social behaviour will possibly increase for Access (2). If Access (2) was closed, the anti-social behaviour may not necessarily cease, as adjoining fences are low and missiles could still be thrown over the fence; youths could still congregate at the back of the properties. It is also likely that the anti-social behaviour will be transferred to Access (1) or Access (3).

A convenient pedestrian route to Marmion Avenue from this area is necessary in relation to accessing bus stops and Access (2) presently appears to be the most convenient due to it having footpath. Pedestrians do use Access (1) and Access (3), although they have to walk through sand and scrub as can be seen from Attachments (2), (3) and (4). To close Access (2) on the grounds of anti-social behaviour, is likely to transfer the behaviour to the two remaining access points. In addition, the anti-social behaviour described may not be completely eliminated if closure of this access was to take place, due to low fencing on the adjoining properties and the fact that the property still abuts Minchin Reserve at the rear.

The appearance of Access (1) can be improved by regular maintenance. To assist the landowners adjoining Access (2) with the anti-social problems, the City could conduct more frequent patrols in the Minchin Court area. Accordingly, it is recommended that the applications to close portions of Minchin Reserve between Lot 7 (9) and Lot 6 (7) Minchin Court, and Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way, Padbury are not supported.

RECOMMENDATION

That Council does NOT SUPPORT the cancellation and subsequent purchase of either of the portions of Minchin Reserve between:

- 1 Lot 7 (9) and Lot 6 (7) Minchin Court, Padbury; and**
- 2 Lot 4 (3) Minchin Court and Lot 391 (60) Buchanan Way, Padbury.**

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

To access this attachment on electronic document, click here: [Attach9brf250700.pdf](#)

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**CJ193 - 07/00 REQUESTED CLOSURE OF A PORTION OF A ROAD
BETWEEN LOT 151 (88) CLIFF STREET AND LOT
113 (31) MARINE TERRACE, SORRENTO - [04061,
44521]**

WARD - South Coastal

CJ000718_BRF.DOC:ITEM 13

SUMMARY

A rear laneway system exists in an old subdivision area of Sorrento as indicated on Attachment 1. Some of these rear lanes are not fully constructed to the connecting road. A letter with a supporting petition has been received requesting the closure of a small portion of one of these laneways located between Lot 151 (88) Cliff Street and Lot 113 (31) Marine Terrace, Sorrento. There is landscaping over most of the subject area, though pedestrians use it. The applicant wishes to formally close this section of road and amalgamate the land into his property to develop a garage.

This area of Sorrento may have development potential following connection to sewer and this will be considered in the City's proposed Local Housing Strategy. A rationalisation of the laneways system may be able to be considered once the strategy for the area is determined.

It is considered that it is premature to support closure of elements of the laneway system at this stage and the request is not supported.

BACKGROUND

The applicant has requested the closure of the portion of road adjoining his property on two previous occasions. On 21 December 1994, Council resolved not to support the closure of the subject portion of road (Item I21225 refers). The report stated that closure of a small portion of the laneway would set an undesirable precedent. Closure of part of the laneway system may also restrict any future potential for subdivision for the lots adjoining the rear road system. The proposed closure was referred to the State Planning Commission. It advised that it did not support the closure, as the subject land is part of an established laneway system and closure may limit future options to use the land as part of the system.

In January 2000, the applicant again requested the closure of the road adjoining his property. The City's response was that the original rationale for non-support in December 1994 still applied; and that any road closure application would need to be considered overall rather than on an ad-hoc basis. It was further suggested that for the road closure application to have any chance of success it would be necessary for all of the residents whose properties adjoin the road to be supportive of the proposal.

DETAILS

The request for closure of a the road adjoining the applicant's property was accompanied by a petition that indicated 29 out of 32 property owners adjoining the road supported the proposal. The applicant stated that the section of road is overgrown, with a dangerous slope down to the footpath level and has rotting sleepers on the Cliff Street frontage. He also stated that it is a fire hazard in the summer. If the road is closed the applicant will use the land for the development of a garage.

Attachment 1 shows the network of rear lanes in this area of Sorrento that affects hundreds of houses. Attachment 2 shows that though vegetation covers most of the subject land, the track in the sand indicates pedestrians do use it. The rear lane is paved, except for this portion which has been landscaped at some stage. During a recent site inspection, one of the adjoining landowners advised that he accessed Cliff Street from this area.

Most of the properties within this area of Sorrento that have rear access are 711m² in area. Under the City's Town Planning Scheme No. 1 the land is zoned Residential and the Density Code for the area is R20. Presently, this area of Sorrento is not connected to mains sewer.

Legally the rear lane is a road and can be considered for closure by the Department of Land Administration, providing the City complies with Section 58 of the Land Administration Act 1997. On receipt of the request, if the City decides it has merit, it is referred to the Ministry for Planning for comments. The City also contacts the service authorities to ascertain if there is any plant in the subject area that may need to be modified or relocated. The application is also advertised for public comment for a period of thirty-five days and at the end of the advertising period, a report is submitted for Council's consideration. Though Council may support an application, the Minister for Lands makes the final decision.

COMMENT

In the older residential areas, the access lanes systems were designed to accommodate service access to the rear of the properties. Rear lanes were not provided once the services were no longer required. However, in recent years vehicular access at the rear of properties is again being incorporated in new sub-divisions to allow more efficient use of small lots and to improve streetscapes.

To formally close the end of the road and amalgamate it into the adjoining property is a permanent action. Once the Local Housing Strategy has been completed, the City can make a decision on the future of this rear lanes system that may be to retain the lanes for development purposes, or to provide for coordinated closures throughout the area.

Properties affected by these rear lanes will in the future be connected to deep sewer through the backlog sewerage program, probably utilising the lanes. At that stage they may be able to be considered for a change in residential density and the existing rear lane systems would represent a significant redevelopment option at that stage.

Any consideration of development potential should only occur in full consultation with the local community. This is one of the objections of the Local Housing Strategy proposed to be carried out in the 2000/2001 financial year as part of the City's Town Planning Scheme review program.

The petition accompanying the request for closure indicates strong support, however, adjoining landowners may not have been aware of the possible development potential of the area. As the lane is presently not constructed through to Cliff Street its closure would only impact on the pedestrian use of the area. The adjoining landowners will be able to make a more informed decision on the future of the lane once the Local Housing Strategy has been prepared for the area.

With regard to the applicant's comments that the area is overgrown and a fire hazard in the summer, regular maintenance of the area by the City may assist with this concern. Therefore, based on the foregoing, the request for the road closure should not be supported at this stage, but considered again following the outcome of the City's Local Housing Strategy.

RECOMMENDATION

That Council DOES NOT SUPPORT the closure of the road between Lot 151 (88) Cliff Street and Lot 113 (31) Marine Terrace, Sorrento, but advises the petitioners that the matter will be considered again following the consideration of the City's proposed Local Housing Strategy.

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

To access this attachment on electronic document, click here: [Attach10brf250700.pdf](#)

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CJ194 - 07/00 DELEGATED AUTHORITY REPORT - [07032]**WARD - All**

CJ000718_BRF.DOC:ITEM 14

SUMMARY

This report provides a resumé of the development applications processed by Delegated Authority from 1 June 2000 to 30 June 2000.

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ194-07/00.

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

To access this attachment on electronic document, click here: [Attach11brf250700.pdf](#)

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CJ195 - 07/00 SUBDIVISION REFERRALS PROCESSED 1 JUNE – 30 JUNE 2000 – [05961]**WARD - All**

CJ000718_BRF.DOC:ITEM 15

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 June - 30 June 2000. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The total number of subdivisions processed will enable the potential creation of 210 additional residential lots, and 8 additional strata lots. The average processing time taken was 16 days.

RECOMMENDATION

That Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ195-07/00.

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

To access this attachment on electronic document, click here: [Attach12brf250700.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION – CR JOHN HOLLYWOOD – [01369, 05885]**

In accordance with clauses 3.12 and 4.4 of the Standing Orders Local Law, Cr John Hollywood has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 25 July 2000. The following elected members have indicated their support:

Cr D Carlos

Cr S Magyar

Cr A Walker

Cr L Ewen-Chappell

Cr A Nixon

“That Council:**1 BY AN ABSOLUTE MAJORITY revokes its decision made at its ordinary meeting of the Council held on 11 July 2000, being:**

“1. *NOTES the unconfirmed minutes of the Standing Orders Review Committee held on Wednesday, 21 June 2000 forming Attachment 1 to Report CJ162-07/00;*

2. *AMENDS the proposed local law “City of Joondalup Standing Orders Local Law 2000” by only allowing “Motions of which previous notice has been given’ to be submitted in order to revoke a previous decision of the Council, the following clauses will need to be amended:*

(i) *Clause 25 - subclause 1 be deleted and replaced with:*

(1) *A notice of motion:*

(a) *may be submitted by a member only to revoke a previous decision of Council; and*

(b) *must be submitted in accordance with clause 57.*

(ii) *Clause 25 - subclause 2 be deleted and subclauses (3) to (6) inclusive be renumbered (2) to (5) accordingly.*

3. *SUBJECT to the amendments being made in (2) above, that the “City of Joondalup Standing Orders Local Law 2000” forming Attachment 2 to Report CJ162-07/00, be advertised in accordance with Section 3.12 of the Local Government Act 1995, in order to seek public comment.”*

2 REPLACES its decision of 11 July 2000 as detailed above with:

“1. *NOTES the unconfirmed minutes of the Standing Orders Review Committee held on Wednesday, 21 June 2000 and forming Attachment 1 to Report CJ162-07/00;*

2. *REFERS the proposed local law, “City of Joondalup Standing Orders Local Law 2000” and forming Attachment 2 to Report CJ162-07/00, back to the Standing Orders Review Committee for further consideration.”*

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 8 AUGUST 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

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



City of
Joondalup

QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

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QUESTION

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

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

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

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

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

