



## CITY OF WANNEROO

MINUTES OF COUNCIL MEETING HELD ON  
27 AUGUST 1997

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 158 B100-08/97 FINANCIAL REPORT FOR THE PERIOD ENDED 30 JUNE  
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 159 C316-08/97 **CHIEF EXECUTIVE OFFICER'S REPORT**  
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 161 C318-08/97 RESIGNATION OF MEMBER - TECHNICAL  
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 163 C320-08/97 1997 NATIONAL GENERAL ASSEMBLY OF  
 AUSTRALIAN LOCAL GOVERNMENT - [312-2]

163	C321-08/97	NATIONAL URBAN ANIMAL MANAGEMENT CONFERENCE - [020-1]
165	C322-08/97	VACANCY - LOCAL GOVERNMENT ASSOCIATION MEMBER - FLOOD WARNING CONSULTATIVE COMMITTEE - [312-2]
165	C323-08/97	DELEGATION OF AUTHORITY IN RESPECT OF BUILDING LICENCE ISSUES - [201-1-1]
166	C324-08/97	DONATION - ROYAL WA INSTITUTE FOR THE BLIND - [061-376]
167	C325-08/97	APPEAL AGAINST COUNCIL'S REFUSAL OF THE PROPOSED PHYSIOTHERAPY CONSULTING ROOMS - LOTS 535 (20) BURRAGAH WAY - [30/5640]
326	C326-08/97	VACANCY - LOCAL GOVERNMENT ASSOCIATION MEMBER - LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE - [312-2]
170	C327-08/97	1997 HEALTHY HEARTS LOCAL GOVERNMENT AWARDS - [701-0]
171	C328-08/97	LEGAL REPRESENTATION - [702-8]
173	C329-08/97	PURCHASE OF ARTWORKS - [429-1-13]

**MOTIONS FOR FURTHER ACTION AND MOTIONS FOR REPORT**

174	C330-08/97	LEGAL REPRESENTATION - [702-8]
174	C331-08/97	DAMAGE TO COUNCILLORS' LOUNGE - [702-0]
175	C332-08/97	TRAFFIC MANAGEMENT - WEST COAST DRIVE - [510-2648]
175	C333-08/97	TELSTRA SHARE OFFER - [320-2]
175	C334-08/97	CONVERSION OF COUNCIL FLEET TO NATURAL GAS - [507-1]

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

176	C335-08/97	REQUEST FOR COUNCIL TO CONDEMN ACTIONS OF CR POPHAM - [702-3]
177		EXPLANATION - MINUTES OF FINANCE AND COMMUNITY SERVICES COMMITTEE MEETING - [702-0]
177	C336-08/97	NOTICE OF MOTION - CR HOLLYWOOD - [702-0, 790-801]

**NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING**

178		TELSTRA BUFFER AREA - [790-801]
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**PUBLIC QUESTION/COMMENT TIME**

**CONFIDENTIAL BUSINESS**

**DATE OF NEXT MEETING**

**CLOSE OF BUSINESS**

## CITY OF WANNEROO

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,  
JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON  
WEDNESDAY, 27 AUGUST 1997**

### ATTENDANCES AND APOLOGIES

Councillors:	B A COOPER, Mayor to 2259 hrs and from 2300 hrs	Central Ward
	A G TAYLOR, Deputy Mayor - to 2125 hrs; from 2127 hrs to 2211 hrs; from 2219 hrs to 2259 hrs Acting Mayor from 2259 hrs to 2300 hrs	South Ward
	L O'GRADY to 0021 hrs	North Ward
	P O HEALY	North Ward
	L A EWEN-CHAPPELL to 2203 hrs; and from 2220 hrs	Central Ward
	S P MAGYAR to 2257 hrs; and from 2303 hrs	Central Ward
	M J ZUVELA to 2215 hrs; and from 2218 hrs	Central Ward
	T W POPHAM to 2249 hrs; and from 2251 hrs	South Ward
	D K TIPPETT, JP to 2305 hrs; and from 2314 hrs	South Ward
	J HOLLYWOOD, JP to 2145 hrs; and from 2148 hrs	South Ward
	G A MAJOR	South-West Ward
	M E LYNN, JP to 2201 hrs; and from 2208 hrs	South-West Ward
	J BOMBAK, JP	South-West Ward

Chief Executive Officer:	L O DELAHAUNTY
Director, Corporate Services:	R E DYMOCK
Director, Strategic Planning:	R FISCHER
Director, Resource Management:	J B TURKINGTON
Director, Technical Services:	R McNALLY
Director, Development Services:	O G DRESCHER
Director, Community Services:	C HALL
Manager, Council Support Services:	M SMITH
Publicity Officer:	K LEE
Acting Committee Clerk:	L TAYLOR
Minute Clerk:	S BRUYN

#### In Attendance

Katie Mair - Mayor, City of Melville

An apology for absence was tendered by Cr Wight.

There were 62 members of the Public and 2 members of the Press in attendance.

Prior to the opening of the Council meeting, the Mayor welcomed Katie Mair, Mayor of Melville.

The Mayor also welcomed Mr Bernard Sharp of Trafford Borough Council, Manchester, England.

The Mayor advised that Friday was 'RED NOSE' Day for SIDS (Sudden Infant Death Syndrome) and encouraged all Councillors, staff and members of the public to all contribute to this cause by purchasing a red nose.

The Mayor declared the meeting open at 1937 hrs.

#### **PERSONAL EXPLANATION - CR POPHAM - [702-3]**

Cr Popham sought leave to make a personal explanation.

"Cr Popham advised he attended the Bankwest Small Business Awards last Friday evening. After an approach by a member of his table, he showed his guests the Councillors' lounge and bar.

Cr Popham advised that after this they left and apologised to his fellow Councillors for the untidy condition the lounge and bar were left in and for any embarrassment he may have caused this Council.

Again, Cr Popham offered his apologies and hoped this would stop any unfounded rumours."

#### **INFORMATION REGARDING LEGAL REPRESENTATION FOR C. EDWARDES - [702-8]**

Cr Popham advised that on checking after full Council meeting of 23 July 1997, he found a memo from Director, Corporate Services advising that information was available prior to this meeting and apologised for his comments made to Director, Corporate Services regarding the unavailability of information in regard to this item.

#### **MEDIA BROADCAST ON 6PR - [702-3]**

The Mayor referred to a media broadcast on 6PR in relation to an alleged sexual harrasment complaint against a Councillor of the City of Wanneroo.

The Mayor advised that neither the Chief Executive Officer, himself or the Human Resources Unit have any knowledge of this matter. He expressed his disappointment that an anonymous facsimile had been forwarded to a radio station.

#### **WELCOME OF GUESTS**

The Mayor welcomed Mr Jim Clarko, a former Member of Parliament who retired as Speaker of the House.

The Mayor also extended a welcome to Mr Colin Edwardes, a former Councillor of the City of Wanneroo; as well as Mr Frank Griffin, former Manager, Parks Department.

**PUBLIC QUESTION TIME**

The following questions were submitted to the Council meeting held on 23 July 1997:

- Q1 Submitted by Jenny Dean of 8 Hydrangea Place, Alexander Heights:**  
The RSPCA has recently launched an Australia wide campaign against the use of performing animals in circuses. The RSPCA encourages concerned people to contact local Council in an effort to have the obvious abuse of animals stopped. Over the past six months, Wanneroo Council has been presented with petitions signed by well over 500 residents, asking that Council adopt a policy banning circuses with performing animals.
- Why does Council refuse to act on the wishes of the residents? When will Council adopt this much awaited policy?
- Q2 Submitted by Karen Boothey of 20 Gilmerton Way, Greenwood:**  
How many letters has Council received in favour of circuses with performing animals and how many against?
- Q3 Submitted by Paula McManus of 51 Aberdare Way, Warwick:**  
Does Council recognise the RSPCA as Australia's pre-eminent animal welfare body? If so, why does it continue to disregard the RSPCA's Policy in relation to circuses which states: "RSPCA Australia is totally opposed to the use and exhibition of performing animals in travelling zoos and menageries."
- Q4 Submitted by Ruth Dawson of 51 Aberdare Road, Warwick:**  
Is Council aware that in England 300 Councils (representing half) have banned circuses with performing animals because of the animal welfare issue?
- Q5 Submitted by Kathy Poynter of 24 Sixth Avenue, Maylands:**  
Council's policy in relation to circuses states: "Circuses affiliated with the Circus Federation and non-traditional circuses be permitted to use Council facilities at Ariti Reserve and Liddell Reserve South." The Circus Federation is made up of 13 Australian circuses, who together, have an appalling track record of deaths, accidents and convictions of cruelty and mistreatment. As far as I know, there have been 17 attacks on humans, 5 deaths, 11 animal deaths, numerous cases of animals being injured, 7 escapes and 3 convictions - not bad, considering the RSPCA's limited authority.
- Bearing this in mind, and in light of the recent attack on a Girrawheen man by a tiger belonging to Lennon Brothers Circus, will Council now adopt a policy prohibiting the use of Council land by circuses with performing animals?
- Q6 Submitted by Yvette Watt of 42 Kingsway, Nedlands:**  
In Bathurst (NSW) in May this year, a lion belonging to Burton's Circus (members of Circus Federation) escaped and was later captured and sedated in a nearby backyard. In April, in Girrawheen, a man was attacked by a tiger from Lennon Bros. Circus (also members of Circus Federation). In light of these incidents, will Council consider not only the health and well being of performing animals, but also the health and safety of residents and visitors in the Wanneroo district?

**A1 to 6** Council at its meeting held on 23 July 1997 considered a motion to alter its policy relating to circuses. This motion was declared lost.

**The following questions, submitted by Mr Bernard Eastman, 31 Pandora Drive, City Beach were taken on notice at the Council meeting held on 23 July 1997:**

I have been informed by the City of Wanneroo that applications for substantial development proposed within one kilometre of Telstra Telecommunication Centre would normally be referred to Telstra for its comments prior to the City determining the application.

I am also informed that the authority for Council referring such applications to Telstra is largely on the basis that Telstra is an authority.

I am informed by Telstra that they are no longer an authority but in fact an Australian company known as Telstra Corporation Limited ACN 051 775 556.

If Telstra's information is correct:

**Q1** Under what authority does Council refer planning applications to Telstra?

**A1** As previously advised in the City's correspondence dated 22 July 1997, Clause 7.4 (i) of the City's Town Planning Scheme No.1 provides that Council may take into consideration of any matter it considers relevant when determining an application for development which may include comments from Telstra, whether Telstra is a statutory authority or not.

**Q2** Is Telstra obliged to apply to the City of Wanneroo for development projects on its land?

**A2** Telstra is no longer an agency of the Crown, therefore it is required to apply for and obtain approval under both the Metropolitan Region Scheme and Town Planning Scheme No. 1 prior to commencement of all development.

The subject Telstra telecommunications site straddles the boundary of both the City of Wanneroo and Shire of Swan. Most of the development exists on the Shire of Swan portion of the site. The application for any proposed development would be referred to the relevant Council for determination.

**Q3** If so, why are submissions from surrounding residents not sought in terms of Clause 7.4 (f) of the City's Town Planning Scheme No. 1?

- A3** If development is proposed within the City of Wanneroo portion of the site, depending upon the scale and nature of the proposed development and the likely impact on the amenity of the locality, comments may be sought from the surrounding landowners prior to the determination of the proposal.

**The following questions, submitted by Mr Behnam Bordbar, Director of BSD Consultants, were taken on notice at the Council meeting held on 23 July 1997:**

Re: Subdivision Application in relation to Lots 1, 2 and 3 Wanneroo Road and Lot 33 Lancaster Road, Wangara:

- Q1** 'Will the Director of Development Services here tonight please confirm or otherwise whether the proposed subdivision of lots 1, 2 and 3 Wanneroo Road and Lot 33 Lancaster Road, Wangara complies with the current approved local structure plan for the South Wangara region.'
- A1** Although the proposed subdivision application does not entirely comply with the approved local structure plan (LSP) for South Wangara, the application is generally consistent with the principles of that plan.
- Q2** 'Will the Director of Development Services here tonight please confirm or otherwise whether the proposed subdivision complies in terms of road hierarchy and vehicle access on to Wanneroo Road with the findings and recommendations of the East Wanneroo Structure Plan Study recently prepared on behalf of the Council by BSD Consultants in close liaison with Council officers, officers from Ministry for Planning and officers from Main Roads WA?'
- A2** The draft LSP for the South Wangara area as prepared by BSD Consultants pursuant to the East Wanneroo Consultancy is exactly the same as the previously approved LSP for the subject area. Therefore, the proposed application does not directly accord with the draft LSP.
- Q3** 'Does the Mayor believe that the proposed subdivision and subsequent changes required to the structure plan set a precedent for other landowners to change the structure plan for commercial reasons?'
- A3** Previously answered by the Mayor - "No".
- Q4** 'Will the Director of Development services here tonight please confirm or otherwise whether the proposed subdivision complies with Amendment No 657 to the City of Wanneroo Town Planning Scheme No 1 that is - the establishment of a 10m wide parks and recreation reserve along Wanneroo Road to provide a continuous landscaped buffer strip to restrict access on to Wanneroo Road?'



**A4** The proposed application is not at odds with the rationale behind Amendment No 657 which established the 10 metre wide local authority reserve for Parks and Recreation along Wanneroo Road. In fact, the application is consistent with the overall philosophy that led to this reserve being provided as it does not promote direct lot access to Wanneroo Road, but rather, proposes to eliminate existing driveway access onto Wanneroo Road.

**Q5** 'Given the fact that any condition imposed by Council and agreed to by the applicants can be appealed to the minister, can the Director of Development Services guarantee that construction of the north side extension of Berriman Drive through Lots 1 and 2 and the permanent closure of the existing accessway from Wanneroo Road - Lot 1 including the rights of carriage way on to Lots 262, 263, 264 and 2 would occur under the subdivisional process.'

**A5** No.

**The following question, submitted by Ms Jill Brown, of Merriwa, was taken on notice at the Council meeting held on 23 July 1997:**

**Q** Ms Brown asked that Council provide a drop-in centre in the Merriwa/Quinns area, with such a facility being dedicated to the memory of the late Councillor Fleur Freame.

**A** This matter will be given due consideration.

**The following question, submitted by Mrs A Hine, was taken on notice at the Council meeting held on 23 July 1997:**

**Q** Is it correct that the State Library truck cannot pass through the undercroft parking area to the Library?

**A** Problems were experienced during the pre-opening stage of the library, but these have been resolved.

**The following questions were raised by Mr Lance Wilson of Sail Terrace, Heathridge, Committee member for the Northern Suburbs Youth Development Association, the Hilston Project and Alice's Cafe:**

**Q** Did Council receive the submission for the instigation of Alice's Cafe and will Council act on the submission as quickly as possible?

- A *Mayor's response:* I confirm that I received a copy of your correspondence and as it was only received after the recent round of Council meetings the City has not had an opportunity to address it. This will be addressed at a future Finance and Community Services meeting.

**The following questions were raised by Mr Barry Higgins of Carabooda:**

- Q Mr Higgins referred to Items P69 and P70 and noted that in relation to Item P70 the assessment of the audit required by the Local Government Department is published in full as an addendum to tonight's agenda. He asked why the compliance audit referred to in P69 was not also published.
- A *Director, Corporate Services' response:* It was planned to have been appended to the agenda. We will take action to append it to the next agenda.
- Q Recommendation 3 in Item P69 refers to amendments to Council procedures. Could we be briefed on what the major amendments are.
- A *Chief Executive Officer's response:* That is the review of Standing Orders.
- Q I note that it refers to the fact that there are amendments to procedures and I was wondering what the major amendments are.
- A *Chief Executive Officer's response:* A lot of it is similar to the Standing Orders that Council have had for many years. The only changes are to bring it into conformity with the new Local Government Act 1995.

**The following questions were raised by Mr Bruce Brislin of Ashmore Way, Sorrento:**

- Q Mr Brislin referred to the building at 3 Manakoora Rise, Sorrento. He asked what action does this Council intend to take on this matter given that the building is in breach of approved plans? What action this Council and its officers intend to take in terms of inspection of the building again to make sure that it does comply with the approved plans and it doesn't breach any of the approvals that it was given in the first place.
- A *Director, Strategic Planning's response:* We are aware of the issues that have been raised and are pursuing them with both the owner and the builder. The building is still under construction at this stage and whilst it may not comply with the final intent, there is still opportunity for the builder to rectify those concerns that have been raised.
- Q I would like to know when the Council is going to carry out an inspection and when its going to take some action in regard to the building by-laws?
- A *Director, Strategic Planning's response:* We can certainly arrange inspections for tomorrow. There have been a number of inspections and meetings on site with the owner and the builder over the last three or four weeks.

The Mayor requested that a copy of findings of the inspections be circulated to all Councillors immediately following the inspections.

## **CONFIRMATION OF MINUTES**

### **C263-08/97      MINUTES OF COUNCIL MEETING, 23 JULY 1997**

**MOVED Cr O'Grady, SECONDED Cr Magyar that the Minutes of the Council Meeting held on 23 July 1997 be confirmed as a true and correct record. CARRIED**

## **QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN, WITHOUT DISCUSSION**

Nil

## **QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN, WITHOUT DISCUSSION**

### **QUESTION TO CR POPHAM - [702-3]**

Cr Ewen-Chappell queried Cr Popham as to who the people were in the Councillor's lounge on Friday evening and whether those concerned were involved in unprofessional behaviour?

Cr Popham advised he wished to take these questions on notice.

Cr Ewen-Chappell advised she wished to foreshadow a Motion at the end of this meeting in relation to this incident.

### **QUERY IN RELATION TO CIRCUSES**

Cr Hollywood raised the Item on Circuses and queried how many letters had been received for and against this matter.

In response to Cr Hollywood's query, petitions and letters containing approximately 760 signatures in favour, together with one objection were received.

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

### **ATTENDANCE OF CITY OF MELVILLE MAYOR, KATIE MAIR**

On behalf of the City of Wanneroo, I would like to thank City of Melville Mayor, Katie Mair, for attending our Council meeting. Katie expressed an interest in observing the running of our Council meeting.

**POLICE ACADEMY SUBMISSION**

Minister for Police, the Hon John Day, MLA, visited Joondalup on Tuesday, 5 August 1997 for a presentation by the stakeholders group on their submission for the establishment of the Police Academy in Joondalup. The Chief Executive and I attended this meeting on behalf of the Council. I have since called on the State Government via the local press to locate the Academy in Joondalup in a bid to increase employment prospects in the region.

**ENVIRONMENTAL OPTIONS UPDATE**

The City received 361 calls to its telephone poll in July from local residents responding to the Environmental Waste Services unit's Options Paper. Of the people who called, 91 per cent supported the Council being involved in activities to reduce the greenhouse effect, and 93 per cent supported ecologically sustainable development. The unit will present the results and the background of the Options Paper to Councillors in October. Following this workshop, we will endeavour to have an appropriate environmental strategy ready to implement by the end of the year.

**FIRST PUBLIC MEETING REGARDING THE PROPOSAL TO SPLIT THE CITY**

The first of the Local Government Advisory Board's public meetings regarding the proposed boundary changes to the City was held Tuesday, 26 August at the Wanneroo Function Centre with approximately 25 people in attendance. I must express some concern with the format of the meeting and lack of information provided to the public from which to judge the Local Government Minister's proposal.

The Council has again redeveloped a computer model based on the actual boundaries. This provided reason for some concern in the areas of viability and timetable. The Council will develop more detail on this proposal in coming weeks and make a formal submission to the Advisory Board.

There is a growing concern regarding the ability for a predominantly rural shire to meet the demands required to develop the satellite city of Alkimos. I share these concerns. The remaining three public meetings will be held on:

Thursday 28 August at Dorchester Hall, Warwick  
Tuesday 2 September at Gumblossom Hall, Quinns Rocks  
Thursday 4 September in Council Chambers building.

All meetings start at 7.30 pm and I urge the public to attend and make their views known.

**NORTHERN METROPOLITAN REGIONAL DEVELOPMENT ORGANISATION MEETING**

Representatives from the Northern Metropolitan Regional Development Organisation met with the Mayor and other Councillors on Wednesday 20 August.

Our group was briefed on the organisation's Economic Development strategy which reports on the future development of the region to the year 2010. The Council was advised how the strategies will be implemented, what the identified priorities are and what the organisation's role will be. One of the major initiatives discussed was the development of courses at the local campuses of Edith Cowan University and TAFE which promote tourism career opportunities.

### **OTHER EVENTS**

- Wednesday 30 July           The Mayor attended 1997/98 Homeswest Capital Works Programme breakfast seminar.
- Saturday 2 August           Mayor and Deputy Mayor, Cr Taylor attended an Immunisation Awareness Day run by the City's Health Services unit in conjunction with State and Federal Health Departments at Lakeside Joondalup and Kingsway shopping centres. The day was a big success, with 125 local children and adults immunised.
- Tuesday 5 August           Representatives from Aboshi Senior High School (Japan) visited the City as part of an exchange program with their sister school, Woodvale Senior High School.
- Cr Taylor gave the group a tour of the new buildings and presented gifts on behalf of Council. In return, the Japanese group presented Council with a book - "Japan - An Invitation", and an ornamental chopstick display.
- Friday 8 August           The Mayor, together with North Ward Councillors took part in the opening of the Two Rocks Road, Yanchep; which was also attended by the Minister for Planning, Hon. Graham Kierath, MLA.
- The opening of the road was a significant event as for the first time residents of two Rocks have a direct route to Wanneroo Road. Prior to the opening of the road, the only entry to and exit from Two Rocks was via Yanchep.
- Wednesday, 13 August     Cr O'Grady was involved in the judging of the 1997 Heart Foundation's Healthy Heart Local Government Awards. The City of Wanneroo won the category for the Most Outstanding Project with Limited Resources. A City representative has been invited to Sydney to receive the award.
- Saturday, 16 August       Councillors attended a memorial service for VJ Day (Victory in the Pacific) at the Wanneroo War Memorial. The service was held by the Wanneroo Branch of the Burma Star Association.
- Monday, 18 August        The Mayor was involved in the launch of children's Book Week activities within the City.

- Tuesday, 19 August Cr Taylor attended the opening of the upgrade of the Water Authority's Wanneroo Groundwater Treatment Plant, Jandabup.
- Thursday, 21 August A group of delegates from local governments in Indonesia was given a tour of the City's facilities by Cr Magyar. The delegation presented the City with booklets on local government in Jakarta and medallions.
- Friday, 22 August The Mayor attended the North West Metropolitan Business Centre Bank West Small Business and the Telstra Small Business Development Awards.
- Saturday, 23 August The Mayor attended the 10th anniversary of the City of Wanneroo's Neighbourhood Watch Program. The City was presented with a plaque and 10 year badge pin memento.
- In recognition of the late Cr Freame's involvement with the Neighbourhood Watch scheme over many years, a plaque was presented to her son, Tony in appreciation of her dedicated service.

### **OTHER PRESENTATIONS**

Leo, Arrigo, on behalf of the Sicilian Club, presented to the Council a picture of the late Cr Fleur Freame and the Mayor of Sinagra.

The photograph was taken in May when the Mayor of Sinagra visited the City of Wanneroo.

The Mayor of the City of Philadelphia presented the City of Wanneroo with a book on Philadelphia and decorative elephant momentos. This followed Wanneroo Lions Club member Bruce Dyer's trip to Philadelphia for the Lions Convention. As a Council representative was unable to attend, Mr Dyer presented the Convention with a plaque and gifts from our City.

### **C264-08/97 LOCAL GOVERNMENT ADVISORY BOARD - [702-0]**

Cr Lynn sought leave to move a Motion in relation to an item raised in the Mayoral Announcements with regard to the Local Government Advisory Board meeting.

Discussion ensued.

**MOVED Cr Lynn, SECONDED Cr Hollywood that Council writes to the Hon. Minister for Local Government:**

- 1 **expressing concern and disappointment in the manner in which the first of the public consultation meetings on the proposed split of the City of Wanneroo was conducted on Tuesday 26 August 1997 by the Chairman of the Local Government Advisory Board;**
- 2 **expressing dissatisfaction at the apparent lack of information which the Chairman of the Board was able to provide to the public on the Government's proposed split of the City;**

- 3 requesting the Hon Minister for Local Government to ensure that information given by the Chairman, or any member, of the Local Government Advisory Board (on behalf of the Government) to members of the public in regard to the proposed split of the City is accurate, properly founded and factual. **CARRIED**

**MOVED** Cr Taylor, **SECONDED** Cr Lynn that Council, in this instance, sets aside Policy A2-02 in respect of "Communication of Council Resolutions" to allow for immediate action on this matter. **CARRIED**

#### **PETITIONS, MEMORIALS AND DEPUTATIONS**

**C265-08/97** **LETTER OBJECTING TO THE SPRAYING OF WALLUBURNUP AND BEENYUP SWAMPS FOR MOSQUITOES - [750-4, 750-9, 855-3]**

Cr Magyar submitted a letter from Mr Trevor Johnson of Crown Mushrooms regarding his concern at damage caused to many species due to the spraying of Walluburnup and Beenyup swamps for mosquitoes.

This letter will be referred to Parks Landscaping Services for action.

**MOVED** Cr O'Grady, **SECONDED** Cr Magyar that the letter from Mr Johnson regarding his concern at damage caused to many species due to the spraying of Walluburnup and Beenyup swamps for mosquitoes be received and referred to Parks Landscaping Services for action. **CARRIED**

**C266-08/97** **LETTER REQUESTING SPONSORSHIP - SPEECH CONTEST FOR PRIMARY SCHOOLS - [009-1]**

Cr Lynn submitted a letter from Audrey Anderson seeking Council sponsorship of a speaking contest for primary school children in the City of Wanneroo.

This letter will be referred to Community Services for action.

**MOVED** Cr O'Grady, **SECONDED** Cr Magyar that the letter from Audrey Anderson seeking Council sponsorship of a speaking contest for primary school children in the City of Wanneroo be received and referred to Community Services for action. **CARRIED**

**C267-08/97** **REQUEST FOR SPONSORSHIP OF A 'PET DAY' - RUBY BENJAMIN ANIMAL FOUNDATION - [009-3]**

Cr Lynn referred to a request she had received from Mrs Ruby Benjamin of the Ruby Benjamin Animal Foundation in Wanneroo seeking Council sponsorship of a 'Pet Day' in the City.

Cr Lynn wished this request to be referred to the Director, Community Services to evaluate the merits of Council being one of the sponsors of this event.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the request from Mrs Ruby Benjamin of the Ruby Benjamin Animal Foundation in Wanneroo seeking Council sponsorship of a 'Pet Day' in the City be received and referred to Community Services for action.**

**CARRIED**

**C268-08/97                    LETTER REGARDING WEST COAST DRIVE - [510-2648]**

Cr Bombak submitted a letter from Mr Smalpage, Secretary of the Sorrento Sunset Estate Body Corporation Council expressing concern at the condition of the dual carriageway on West Coast Drive.

This letter will be referred to Technical Services for action.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the letter from Mr Smalpage, Secretary of the Sorrento Sunset Estate Body Corporation Council expressing concern at the condition of the dual carriageway on West Coast Drive be received and referred to Technical Services for action.**

**CARRIED**

**C269-08/97                    LETTER RELATING TO STRATEGY AREA 6 - LOCAL RURAL STRATEGY - [290-0-1]**

Cr Bombak submitted a letter from Mr Keith Melville on behalf of the Lake Neerabup Residents Group relating to the recommendation endorsed by the Development and Planning Services Committee on 18 August 1997 regarding Strategy Area 6 of the Local Rural Strategy.

This letter will be referred to Development Services for action.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the letter from Mr Keith Melville on behalf of the Lake Neerabup Residents Group relating to the recommendation endorsed by the Development and Planning Services Committee on 18 August 1997 regarding Strategy Area 6 of the Local Rural Strategy be received and referred to Development Services for action.**

**CARRIED**

**C270-08/97                    LETTER SUGGESTING A PROJECT TO REMOVE GRAFFITI - [210-7]**

Cr Taylor submitted a letter from Elizabeth Morris of Greenwood suggesting a programme whereby Greenwood High School students decorate bus stops along Coolibah Drive to help address the graffiti problem and to prevent further graffiti occurring.

This letter will be referred to Technical Services for action.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the letter from Elizabeth Morris of Greenwood suggesting a programme whereby Greenwood High School students decorate bus stops along Coolibah Drive to help address the graffiti problem and to prevent further graffiti occurring be received and referred to Technical Services for action.**

**CARRIED**

**C271-08/97                    PETITION REQUESTING THE MAINTENANCE AND UPKEEP OF ENTRANCE TO STAGE 6 BEAUMARIS HEIGHTS - [512-0]**



A 44-signature petition has been received from residents of Stage 6 Beaumaris Heights requesting maintenance and upkeep of the entrance to Stage 6 Beaumaris Heights.

The petitioners ask that the area in question be upgraded to its original state at the time residents purchased their block of land. In addition to this they request the area to be watered during summer, mowed on a regular basis and the plants to be maintained.

This petition will be referred to Parks and Landscaping Services for a report to Technical Services Committee.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the petition from residents of Stage 6 Beaumaris Heights requesting maintenance and upkeep of the entrance to Stage 6 Beaumaris Heights be received and referred to Parks and Landscaping Services for a report to Technical Services Committee. CARRIED**

**C272-08/97                    PETITION OBJECTING TO NOISE EMANATING FROM A PROPERTY IN MALABAR CRESCENT, CRAIGIE - [0608/428/23]**

An 18-signature petition has been received from residents of Craigie objecting to excessive noise and obscene language emanating from a property in Malabar Crescent.

This petition will be referred to Health Services for action.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the petition from residents of Craigie objecting to excessive noise and obscene language emanating from a property in Malabar Crescent be received and referred to Health Services for action. CARRIED**

**C273-08/97                    PETITION SUPPORTING THE INSTALLATION OF ROUNDABOUTS ON MOOLANDA BOULEVARD, KINGSLEY - [510-1156]**

An 88-signature petition has been received from Kingsley residents in support of the installation of roundabouts on Moolanda Boulevard, Kingsley.

This petition will be referred to Technical Services for a report to Technical Services Committee.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the petition from Kingsley residents in support of the installation of roundabouts on Moolanda Boulevard, Kingsley be received and referred to Technical Services for a report to Technical Services Committee. CARRIED**

C274-08/97

**PETITION REQUESTING INSTALLATION OF REMOVABLE BOLLARD/CHAIN LINK BARRIER BETWEEN CORWIN LANE AND EMILA CLOSE, CURRAMBINE - [510-3683, 510-3684]**

A 21-signature petition has been received from Currambine residents requesting the installation of removable bollards or alternatively chain link type barriers thereby closing off the area between Corwin Lane and Emila Close to through traffic.

The petitioners state the constant flow of traffic through this area, often at speed, is a safety hazard to the number of young children living in these streets.

This petition will be referred to Technical Services for a report to Technical Services Committee.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the petition from Currambine residents requesting the installation of removable bollards or alternatively chain link type barriers thereby closing off the area between Corwin Lane and Emila Close to through traffic be received and referred to Technical Services for a report to Technical Services Committee.**

**CARRIED**

C275-08/97

**PETITION REQUESTING THE CLOSURE OF PEDESTRIAN ACCESSWAYS BETWEEN MEAKERS WAY AND PANNELL WAY, MEAKERS WAY AND MEAKERS WAY AND MEAKERS WAY AND HAINSWORTH AVENUE - [510-0496]**

A 32-signature petition has been received from Girrawheen residents requesting the closure of three pedestrian accessways; these being between Meakers Way and Pannell Way, Meakers Way and Meakers Way and Meakers Way and Hainsworth Avenue.

The reasons given for these requested closures are as follows:

- unsightly graffiti
- broken fences
- damage to property adjoining laneways
- escape route for people who have caused damage or are being chased by Police
- unruly behaviour
- dangerous litter items

This petition will be referred to Development Services for action.

**MOVED Cr O'Grady, SECONDED Cr Magyar that the petition from Girrawheen residents requesting the closure of three pedestrian accessways; these being between Meakers Way and Pannell Way, Meakers Way and Meakers Way and Meakers Way and Hainsworth Avenue be received and referred to Development Services for action.**

**CARRIED**

**DECLARATIONS OF FINANCIAL INTEREST**

At the Technical Services Committee meeting, Cr Magyar declared an interest in Item TS241-08/97 as it involved his employer, the Department of Transport Licensing Centre. This Item was resolved to be a trivial interest.

Director, Strategic Planning declared an interest in item DP147-08/97 as he is a member of the Salvation Army and on the management committee which is responsible for the Salvation Army Crossroads Programme in Landsdale.

Director, Strategic Planning declared an interest in item DP149-08/97 as he is a member of the Salvation Army and on the management committee which is responsible for the Salvation Army Crossroads Programme in Landsdale.

Cr Healy declared an interest in Item as he owns land in the area. The Development and Planning Services Committee considered this to be a trivial matter.

At the Development and Planning Services Committee meeting, Cr Healy declared an interest in Item DP151-08/97 as he owns a business in the area. On reconsideration, Cr Healy believes he does not have a financial interest.

Cr Cooper declared an interest in Item DP194-08/97 as he has been involved on all three projects.

Cr Magyar declared an interest in Item FA142-08/97 as his wife is employed at Mullaloo Primary School. This was resolved to be a trivial interest.

At the Technical Services Committee meeting, Cr Popham declared an interest in Item B91-08/97 in relation to a traffic project for St Stephen's High and Primary Schools as he is the President of the P & F Association. This was resolved to be a trivial interest.

**BUSINESS REQUIRING ACTION**

**C276-08/97****PRESENTATION OF 1997/98 DRAFT BUDGET**

The Mayor gave a special welcome to the people of Wanneroo here this evening to witness the presentation of the 1997/98 Budget and expressed his appreciation to all Councillors and staff for their efforts in presenting this year's Budget.

The Mayor made special mention of the staff members of the Resource Management Directorate for their efforts in compiling this year's Budget in view of the fact it was necessary for this to be restructured to reflect the new directorate business unit format.

He stated it took eight (8) months for the Budget to arrive at the stage it is this evening. Numerous Councillor and staff workshops had been conducted in which various Council works and services were discussed, debated and prioritised. Not all projects were accepted, each was subjected to a rigid priority approach and some have been postponed until next year.

The Mayor advised this year's Budget at \$135,000,000 is the largest in this Council's history.

<b>1997/98 BUDGET</b>
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<b>THE PROCESS</b>
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It is important to note that Council conducted a series of workshops in relation to the compilation of the 1997/98 Budget.

The following staff workshops were conducted:-

16 July 1997	Corporate Services Directorate Strategic Planning Directorate
17 July 1997	Technical Services Directorate
18/21 July 1997	Community Services Directorate
21 July 1997	Resource Management Directorate
22 July 1997	Development Services Directorate
28 July 1997	Mayor and Elected Members

Councillor's workshops were conducted as follows:-

4 August 1997	Community Services Directorate
6 August 1997	Corporate Services Directorate Development Services Directorate

7 August 1997	Technical Services Directorate
12 August 1997	Strategic Planning Directorate Resource Management Directorate Mayor and Elected Members Office of the Chief Executive Officer

These workshops were highly successful and assisted in healthy debate in relation to all items associated with Council's 1997/98 Budget.

In addition a workshop was conducted to explain Council's Principal Activities Plan prior to advertising it to the public for a period of 42 days. The advertising period ended on 14 August 1997. There was no public submission in relation to Council's Principal Activities Plan.

## THE FACTS

The City of Wanneroo's \$135 m 1997/98 Budget demonstrates Council's commitment and ability to deliver top quality facilities and services with minimal increases in rates.

Prudent financial management has restricted the residential rate increase this year to a modest 3% despite a growth in operating and capital expenses.

For most of the City's 75,000 residential ratepayers the rise will be between \$11 and \$20. With the minimum residential charge being \$391. The commercial rate in the \$ has been held at 90% of the residential rate.

Council will again offer generous incentives for early rates payment:-

- Eligibility to enter a draw for prizes provided rates/refuse and swimming pool fees and all arrears are paid within 21 days.
- 5% discount on rates if paid within 28 days.

The domestic refuse charge has, for the fifth successive year been held at \$110 ..... a competitive fee when compared with a number of other local governments.

Again, for the fifth consecutive year, Council will not be borrowing funds to undertake its works and services. This reduction in borrowings together with Council's debt reduction strategy over the last decade has seen Council's debt service costs reduced from 27¢ in each rate \$ in 1983/84 to 0.4¢ this year. This reduction offers great advantages to ratepayers through increased services and facilities.

Council's 1997/98 \$45 m capital works programme is well balanced with numerous facilities and services programmed across all four wards. Some of the major projects include:-

	\$
• Lotteries House	2,400,000
• Woodvale/Kingsley Day Care Centre	370,000
• Warwick Sports Club	400,000
• Anthony Waring Community Facility	330,000
• Wanneroo Districts Netball	500,000
• Footpaths	
- new	123,000
- replacement	456,000
• Carpark Works	410,000
• Play Equipment	468,000
• Road Construction	5,750,000
• Drainage	1,341,000
• Traffic Management	621,000
• Building - Minor	618,000
• Iluka Oval and Sports Area	600,000
• Refurbishment of Joondalup Administration Building	2,548,000

This year Council will embark on a number of new initiatives. .... some of which are:-

	\$
• Community Security	600,000
• Dry Park Reticulation	500,000
• Verges - Hardstanding	300,000
• Median/Verge Reticulation Programme	250,000
• Intersection Treatments	150,000

These initiatives will be funded from a combination of a rate increase, transfers from reserve accounts and profits generated from Council's golf courses.

It is important to note that this year's budget has been restructured into business unit format which will ensure that services are benchmarked and tested on the open market to prove their quality and contestability.

This year's budget is very responsible and affordable. It is one which addresses the needs of the current ratepayers while also focussing on the future direction of the City.

It is in short a positive and responsible approach to addressing the demands and responsibilities placed on Council to provide and maintain the many and varied services within the municipality.

The budget and supporting papers are commended for Council's adoption.

**C277-08/97      FUNDS HELD IN RESERVE ACCOUNTS TO BE USED FOR ANOTHER PURPOSE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.11 of the Local Government Act 1995 uses \$1,097,440 held in the Golf Course Facilities Reserve Account to finance the following works:-

\$

Joondalup Lotteries House	335,500
Warwick Sports Club	330,000
Computer Irrigation System - Various Parks	150,000
Median/Verge Reticulation Program	250,000
Wanneroo Townsite Redevelopment (Part only)	31,940

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C278-08/97      FUNDS HELD IN RESERVE ACCOUNTS TO BE USED FOR ANOTHER PURPOSE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council, in view of the recent advice from the Department of Conservation and Land Management which prevents development of Perry's Paddock in the form originally intended, pursuant to the provisions Section 6.11 of the Local Government Act 1995 uses \$782,600 held in the Historic Village - Perry's Paddock Reserve Account to finance the following works:-

Dry Park Development Program - Stage 1	500,000
Yellagonga Stormwater Drainage Outfall Upgrade	120,000
Koondoola Regional Bushland	75,000
Foreshore Management	
- Limestone Cliff Face Protection Works	30,000
- Ocean Reef Limestone Cliff Face Protection Works	12,000
- Burns Beach Groyne Restoration	20,000
Chichester Park Conservation	25,600

**CARRIED BY**

AN

**ABSOLUTE MAJORITY**

**C279-08/97            FUNDS HELD IN RESERVE ACCOUNTS TO BE USED FOR ANOTHER PURPOSE - [006-3]**

**MOVED Cr Magyar, SECONDED Cr Lynn that Council in accordance with the provisions of Section 6.11 of the Local Government Act 1995 uses \$728,000 held in the Asset Replacement Reserve Account for the following purpose:-**

**Joondalup Administration Centre - Refurbishment  
(Part Funding)     \$728,000**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C280-08/97            FUNDS HELD IN RESERVE ACCOUNTS TO BE USED FOR ANOTHER PURPOSE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council, in accordance with the provisions of Section 6.11 of the Local Government Act 1995 uses \$400,000 held in the Office Equipment Reserve Account to partly fund the Joondalup Administration Centre - Refurbishment.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C281-08/97            FUNDS HELD IN RESERVE ACCOUNTS TO BE USED FOR ANOTHER PURPOSE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.11 of the Local Government Act 1995 uses residue funds of \$36,500 held in the Badgerup Ocean Reef Road Construction Reserve Account to partly fund Hodges Drive Heathridge Construction.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C282-08/97            FUNDS HELD IN RESERVE ACCOUNTS TO BE USED FOR ANOTHER PURPOSE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.11 of the Local Government Act 1995 uses residue funds of \$112,200 held in the Ocean Reef Road Construction Reserve Account to partly fund Hodges Drive Heathridge Construction.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C283-08/97            1997/98 MUNICIPAL FUND BUDGET - [006-3]****RECOMMENDATION**

That Council in accordance with the provisions of Section 6.2 of the Local Government Act 1995:

- 1        adopts the 1997/98 Municipal Fund Budget of estimated operating revenues and expenditures as summarised in the Operating Statements forming Appendices I and II hereto;



- 2 adopts the Supporting Documentation and Notes To and Forming Part of the 1997/98 Municipal Fund Budget as laid on the table.

Cr Popham raised queries in regard to this Item and wished to move an amended Motion:

*Cr Magyar left the Chamber at 2059 hrs and returned at 2101 hrs.*

Discussion ensued.

**MOVED Cr Popham, SECONDED Cr Bombak that:**

- 1 the \$600,000 allocated for security patrols be withdrawn from the Budget;
- 2 the sum of \$225,000 for close circuit television and \$375,000 for the Craigie Youth Club be relisted in the Budget. **LOST**

Cr Ewen-Chappell requested that voting be recorded, with the following result:

FOR: Crs Healy, Hollywood, Popham, Zuvela and Bombak

AGAINST: Crs Cooper, Taylor, O'Grady, Tippett, Ewen-Chappell, Lynn, Major and Magyar

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.2 of the Local Government Act 1995:**

- 1 **adopts the 1997/98 Municipal Fund Budget of estimated operating revenues and expenditures as summarised in the Operating Statements forming Appendices I and II hereto;**
- 2 **adopts the Supporting Documentation and Notes To and Forming Part of the 1997/98 Municipal Fund Budget as laid on the table. CARRIED BY AN ABSOLUTE MAJORITY**

Appendices I and II refer.

At this time, the Mayor expressed his disappointment at the conduct of the meeting to date and asked that the remainder of the meeting be conducted under more appropriate conditions.

**C284-08/97      1997/98 STATEMENT OF CASH FLOWS - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.2 of the Local Government Act 1995, adopts the 1997/98 Budget of Estimated Cash Flows forming Appendix III hereto.      **CARRIED BY AN ABSOLUTE MAJORITY**

Appendix III refers.

**C285-08/97      1997/98 STATEMENT OF NON OPERATING EXPENDITURES - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.2 of the Local Government Act 1995, adopts the 1997/98 Statement of Non Operating Expenditures as detailed in the 1997/98 Municipal Fund Budget and Five Year Works Programme as laid on the table.      **CARRIED BY AN ABSOLUTE MAJORITY**

**C286-08/97      DIFFERENTIAL RATING - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Sections 6.32 and 6.33 of the Local Government Act 1995:

- 1      imposes differentiating rates for the 1997/98 financial year; and
- 2      sets the differential general rates in accordance with the following tables:

**TABLE 1 - GROSS RENTAL VALUES****ZONE GROUP 1****Residential Zones****Rural Zones**

- Residential
- General Residential GR4
- Residential Development
- Civic
- Special Developments Zone A
- Special Residential
- Special Rural
- Rural
- Joondalup City Centre
- Metropolitan Region Scheme Reserves
- Local Scheme Reserves
- Special Zone Additional Use
- Special Zone Restricted Use
- Marina Development
- Centre
- Urban Development

**ZONE GROUP 2****Industrial Zone****Commercial Zones - Not Improved**

- Commercial
- Hotel
- Service Stations
- Private Recreation/Clubs
- Two Rocks Town Centre
- Tavern
- Joondalup City Centre
- Service Industrial
- Light Industrial
- General Industrial
- Mixed Business
- Metropolitan Region Scheme Reserves
- Local Scheme Reserves
- Special Zone Additional Use
- Special Zone Restricted Use
- Marina Development
- Centre
- Whitford Town Centre

**ZONE GROUP 3****Commercial Zones - Improved**

- Commercial
- Hotel
- Service Station
- Whitford Town Centre
- Two Rocks Town Centre
- Tavern
- Joondalup City Centre
- Private Recreation/Clubs
- Marina Development
- Mixed Business
- Metropolitan Region Scheme Reserves
- Local Scheme Reserves
- Special Zone Additional Use
- Special Zone Restricted Use
- Centre

**TABLE 2 - UNIMPROVED VALUES****ZONE GROUP 1****Residential Zones****Rural Zones**

- Residential
- Residential Development
- Special Development Zone A

- Civic
- General Residential GR4
- Mining Tenement
- Rural
- Special Residential
- Special Rural
- Metropolitan Region Scheme Reserves
- Local Scheme Reserves
- Special Zone Additional Use
- Special Zone Restricted Use
- Marina Development
- Centre
- Urban Development

### ZONE GROUP 2

#### Industrial Zones

#### Commercial Zones

- Commercial
- Hotel
- Service Station
- Whitford Town Centre
- Two Rocks Town Centre
- Tavern
- Joondalup City Centre
- Private Recreation/Clubs
- Marina Development
- Mixed Business
- Service Industrial
- Light Industrial
- General Industrial
- Special Zone Additional Use
- Special Zone Restricted Use
- Centre
- Urban Development

**CARRIED BY AN  
ABSOLUTE MAJORITY**

C287-08/97

### 1997/98 RATES SETTING STATEMENT - [006-3]

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.2 of the Local Government Act 1995 adopts the 1997/98 Rates Setting Statement forming Appendix IV hereto.

**CARRIED BY AN  
ABSOLUTE MAJORITY**

Appendix IV refers.

**C288-08/97            1997/98 STATEMENT OF RATING INFORMATION - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.2 of the Local Government Act 1995 adopts the 1997/98 Statement of Rating Information forming Appendix V hereto.            CARRIED BY AN ABSOLUTE MAJORITY**

Appendix V refers.

**C289-08/97            GENERAL RATE - RESIDENTIAL - GROSS RENTAL VALUE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Residential Improved and Not Improved Gross Rental Valuation rate of 7.2050 cents in the dollar of Gross Rental Valuation.            CARRIED BY AN ABSOLUTE MAJORITY**

**C290-08/97            GENERAL RATE - COMMERCIAL NOT IMPROVED - GROSS RENTAL VALUE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Commercial Not Improved Gross Rental Valuation Rate of 7.2050 cents in the dollar of Gross Rental Value.            CARRIED BY AN ABSOLUTE MAJORITY**

**C291-08/97            GENERAL RATE - COMMERCIAL IMPROVED - GROSS RENTAL VALUE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Commercial Improved Gross Rental Valuation Rate of 6.4845 cents in the dollar of Gross Rental Value.            CARRIED BY AN ABSOLUTE MAJORITY**

**C292-08/97            GENERAL RATE - INDUSTRIAL - GROSS RENTAL VALUE - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes an Industrial Improved and Not Improved Gross Rental Valuation Rate of 7.2050 cents in the dollar of Gross Rental Valuation.            CARRIED BY AN ABSOLUTE MAJORITY**

**C293-08/97      GENERAL RATE - RURAL - GROSS RENTAL VALUE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Rural Improved and Not Improved Gross Rental Valuation Rate of 7.2050 cents in the dollar of Gross Rental Valuation.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C294-08/97      GENERAL RATE - RESIDENTIAL - UNIMPROVED VALUE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Residential Improved and Not Improved Unimproved Valuation Rate of 0.5805 cents in the dollar of Unimproved Valuation.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C295-08/97      GENERAL RATE - COMMERCIAL - UNIMPROVED VALUE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Commercial Improved and Not Improved Unimproved Valuation Rate of 0.5805 cents in the dollar of Unimproved Valuation.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C296-08/97      GENERAL RATE - INDUSTRIAL - UNIMPROVED VALUE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes an Industrial Improved and Not Improved Unimproved Valuation Rate of 0.5805 cents in the dollar of Unimproved Valuation.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C297-08/97      GENERAL RATE - RURAL - UNIMPROVED VALUE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Rural Improved and Not Improved Unimproved Valuation Rate of 0.5805 cents in the dollar of Unimproved Valuation.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C298-08/97      GENERAL RATE - MINING TENEMENT - UNIMPROVED VALUE - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 of the Local Government Act 1995, imposes a Mining Tenement Unimproved Valuation Rate of 0.5805 cents in each dollar of Unimproved Valuation.

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C299-08/97      MINIMUM RATES - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.32 and 6.35 of the Local Government Act 1995, imposes the 1997/98 minimum rates as follows:-

**GRV**

- Each Residential and Rural Lot or other piece of rateable land - \$391.00
- Each Commercial and Industrial Lot or other piece of rateable land - \$719.00

**UV**

- Each Residential Rural and Mining Tenement lot or other piece of rateable land - \$391.00
- Each Commercial and Industrial lot or other piece of rateable land - \$719.00

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C300-08/97      DISCOUNTS AND EARLY PAYMENT INCENTIVES - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.46 of the Local Government Act 1995, offers the following discount and early payment incentives for the payment of rates and charges:-

- Full payment of all current and arrears of rates, domestic refuse charge and private swimming pool inspection fees within 21 days of the issue date on the annual rate notice:
  - a 5% discount on 1997/98 general rates only; and
  - eligibility to enter the early incentive draw for the following prizes ( none of which is a cost to the ratepayers of the City).

**1 Commonwealth Bank of Australia**

**Streamline Account - Account to the value of \$5,000.**

**2 Town and Country Bank**

A holiday of your choice within Australia or overseas to the value of \$2,000.

**3 Bank of Western Australia**

Account to the value of \$1,000 plus another \$1,000 if the prize winner is already a Bankwest account holder.

**4 Novotel Langley Perth**

A 'Weekender' for two including two nights accommodation, breakfast, welcome cocktail, champagne and chocolates, late check out, free carparking and full use of gym, sauna and jacuzzi.

**5 Esplanade Hotel Fremantle**

A "Two Night Breakaway Package" for two including two nights accommodation and breakfast in the Atrium Garden Restaurant.

**6. Mercure Hotel Perth**

A "Weekend Interlude" for two including two nights accommodation, breakfast, valet parking and late check out.

**7. Joondalup Resort Hotel**

One nights accommodation for two including dinner, complimentary drink, breakfast and 18 holes of golf.

**8. Radisson Observation City Hotel Perth**

One nights accommodation for two including breakfast.

**9. Rydges Perth**

A "Weekend Package" for two including one nights accommodation and valet carparking.

- Full payment of all current and arrears of rates, domestic refuse charges and private swimming pool inspection fees within 28 days of the issue date of the annual rate notice.
- a 5% discount on 1997/98 general rates only.

**CARRIED BY AN  
ABSOLUTE MAJORITY**



**C301-08/97            PAYMENTS OPTIONS - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell** that Council in accordance with the provisions of Section 6.45 of the Local Government Act 1995, offers the following payment options for the payment of rates, domestic refuse charges and private swimming pool inspection fees:

**1            One Instalment**

Payment in full within 21 days of the issue date of the annual rate notice and be eligible for a 5% discount on current general rates only and eligibility to enter the rates incentive scheme for prizes.

Payment in full within 28 days of the issue date of the annual rate notice and be eligible for a 5% discount on current general rates only.

Payment in full within 35 days of the issue date of the annual rate notice.

**2            Two Instalments**

The first instalment of 50% of the total current rates, domestic refuse charge, private swimming pool inspection fee and instalment charge, plus the total outstanding arrears payable within 35 days of date of issue of the annual rate notice.

The second instalment of 50% of the total current rates, domestic refuse charge private swimming pool inspection fee and instalment charge, payable on 15 December 1997.

**3            Four Instalments**

The first instalment of 25% of the total current rates, domestic refuse charge, private swimming pool inspection fee and instalment charge, plus the total outstanding arrears payable within 35 days of date of issue of the annual rate notice.

The second, third and fourth instalment, each of 25% of the total current rates, domestic refuse charge, private swimming pool inspection fee and instalment charge, payable on 15 December 1997, 16 February 1998 and 16 April 1998.

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C302-08/97            LATE PAYMENT INTEREST - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell** that Council in accordance with the provisions of Section 6.13 and 6.51 of the Local Government Act 1995, imposes interest on all current and arrears general rates, current and 1996/97 arrears domestic refuse charges and current and 1996/97 arrears private swimming pool inspection fees at a rate of 9.25% per annum, calculated on a simple interest basis on arrears amounts that remain unpaid and current amounts that remain unpaid after 15 December 1997,

excluding deferred rates, instalment current amounts not due under the four payment option, registered pensioner portions and current government pensioner rebate amounts. Such interest to be charged once per month on the outstanding balance on the day of calculation for the number of days from 15 December 1997 or the previous calculation date to the day of calculation.

CARRIED BY AN  
ABSOLUTE MAJORITY

C303-08/97      INSTALMENTS AND ARRANGEMENTS ADMINISTRATION  
FEES AND INTEREST CHARGES - [006-3]

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council:

- 1      in accordance with the provisions of Section 6.45 of the Local Government Act 1995, for the 1997/98 financial year, imposes the following administration fees and interest charges for payment of rates, domestic refuse charges and private swimming pool inspection fees:

**Two Instalment Option**

An administration fee of \$5.00 for instalment two , together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:

- \* 50% of the total current general rate calculated 35 days from the date of issue of the annual rate notice to 15 December 1997.

**Four Instalment Option**

An administration fee of \$5.00 for each instalment two, three and four, together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:

- 75% of the total current general rate calculated 35 days from the date of issue of the annual rate notice to 15 December 1997;
- 50% of the total current general rate calculated from 16 December 1997 to 16 February 1998; and
- 25% of the total current general rate calculated from 17 February 1998 to 16 April 1998.

**Hardship Cases**

An administration fee of \$10.00 per assessment for each payment agreement, plus \$2.00 for each instalment other than the first.

- 2      in accordance with the provisions of Section 6.49 of the Local Government Act 1995, authorises the Chief Executive Officer to enter into special payment agreements with ratepayers for the payment of rates, domestic refuse charges and private swimming pool inspection fees during the 1997/98 financial year.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C304-08/97**      **DOMESTIC REFUSE CHARGES - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of the Health Act 1911, imposes the following domestic refuse charges for the 1997/98 financial year:

- 1      \$110.00 per existing unit serviced; and
- 2      \$145.00 per existing unit serviced by collection from within the property boundary; and
- 3      \$140.00 per new unit serviced, incorporating \$30.00 bin levy.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C305-08/97**      **PRIVATE SWIMMING POOL INSPECTION FEES - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 245A (8) of the Local Government Act 1995, imposes for the 1997/98 financial year, a Private Swimming Pool Inspection Fee of \$20.00 on those properties where a swimming pool was constructed between 1 July 1993 and 30 June 1994.

CARRIED BY AN  
ABSOLUTE MAJORITY

**C306-08/97**      **SCHEDULE OF DISBURSEMENTS - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council adopts the out of pocket and travelling allowances and levels of donations outlined in the Schedule of Disbursements for the 1997/98 financial year forming Appendix VI hereto.

CARRIED BY AN  
ABSOLUTE MAJORITY

Appendix VI refers.

**C307-08/97**      **SCHEDULE OF FEES AND CHARGES - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council in accordance with the provisions of Section 6.16 of the Local Government Act 1995, adopts the 1997/98 Schedule of Fees and Charges forming Appendix VII hereto.

CARRIED BY AN  
ABSOLUTE MAJORITY

Appendix VII refers.

**C308-08/97**      **CONCESSIONS - [006-3]**

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council:

- 1      in accordance with the provisions of Section 6.47 of the Local Government Act 1995, grants a concession equal to the amount that would otherwise have been levied on rates if late payment interest calculations were applied on the

outstanding balance on a daily basis rather than the balance on a given day once per month;

- 2 in accordance with the provisions of Section 6.47 of the Local Government Act 1995, grants a concession equal to the amount that would otherwise have been levied on the current rates if late payment interest calculations were applied after the expiry of three calendar months rather than the agreed 15 December 1997.

**CARRIED**

**C309-08/97      COMMUNICATION OF COUNCIL RESOLUTIONS - [006-3]**

**MOVED Cr Taylor, SECONDED Cr Lynn that Council sets aside its Policy A2-02 - Communication of Council Resolutions to allow for immediate action of all items relating to the 1997/98 Budget.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**MOVED Cr Lynn, SECONDED Cr Magyar that a vote of thanks be extended to Director, Resource Management and his staff not only for the considerable amount of work carried out in the preparation of the Budget, but also for his patience and tolerance.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**C310-08/97 POLICY COMMITTEE**

**MOVED Cr O'Grady, SECONDED Cr Hollywood** that the Report of the Policy Committee Meeting held on 11 August 1997 be received.

**CARRIED****ATTENDANCES**

Councillors:	B A COOPER, Mayor, Chairman	Central Ward
	P O HEALY	North Ward
	L A EWEN-CHAPPELL	Central Ward
	A W WIGHT <i>to 2007 hrs; then from 2017 hrs</i>	South Ward
	T W POPHAM <i>to 1842 hrs; then from 1844 hrs</i>	South Ward
	G A MAJOR	South-West Ward
	M E LYNN, JP - Deputy <i>to 2036 hrs; then from 2037 hrs</i>	South-West Ward
	S P MAGYAR - Observer <i>to 2018 hrs; then from 2031 hrs</i>	Central Ward
	M ZUVELA - Observer <i>to 2045 hrs</i>	Central Ward
	A G TAYLOR - Observer <i>to 1833 hrs; then from 1835 hrs to 1940 hrs; then from 1942 hrs to 1945 hrs; then from 1947 hrs to 2018 hrs; then from 2031 hrs (deputising for Cr Wight from 2007 hrs to 2017 hrs)</i>	South Ward
	D K TIPPETT, JP - Observer <i>from 1850 hrs</i>	South Ward
	J HOLLYWOOD, JP - Observer, <i>Deputising for Cr Popham from 1842 hrs to 1844 hrs</i>	South Ward
	J BOMBAK, JP - Observer <i>to 1927 hrs; then from 1930 hrs to 2036 hrs; then from 2037 hrs to 2039 hrs; then from 2047 hrs</i>	South-West Ward

Chief Executive Officer:	L O DELAHAUNTY
Director, Corporate Services:	R E DYMOCK
Director, Strategic Planning:	R FISCHER
Director, Development Services:	O DRESCHER
Director, Resource Management:	J B TURKINGTON
Director, Community Services:	C HALL
Marketing Manager:	M BARCLAY <i>to 1840 hrs</i>
Manager, Health Services:	M AUSTIN
Executive Officer:	P HIGGS <i>to 1852 hrs</i>
Manager, Council Support Services:	M SMITH
Committee Clerk:	J AUSTIN

**APOLOGIES**

An apology for absence was tendered by Cr O'Grady.

An apology for late attendance was tendered by Cr Tippet.

**DECLARATIONS OF FINANCIAL INTEREST**

Nil

**CONFIRMATION OF MINUTES**

**MINUTES OF POLICY COMMITTEE MEETING - 7 JULY 1997**

The Minutes of Policy Committee Meeting held on 7 July 1997 were confirmed as a true and correct record.

**PETITIONS AND DEPUTATIONS**

Nil

**MEETING TIMES**

Commenced: 1800 hrs  
Closed: 2100 hrs

**REPORT NO:****P67-08/97****REVIEW OF STANDING ORDERS - [200-0]****Summary of Purpose and Effect (was read aloud at the Council meeting by the Mayor.)**

*The purpose of the proposed standing order local law is to provide a set of enforceable procedures to assist in the good conduct of Council, committee and electors meetings.*

*This will result in better decision making by the Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council.*

At the 25 June 1997 Council meeting, it was resolved that Council submit the proposed standing orders local law to its solicitor for examination. Council's solicitor has now examined the proposed standing orders and the amendments recommended are listed for consideration. In addition, upon a further review of the standing orders by Council staff, additional amendments are listed for consideration.

At the Policy Committee meeting, concern was raised at the standard of the sound system within the Council Chamber. The Director, Strategic Planning was requested to investigate this matter.

Councillors present raised further amendments to Standing Orders.

**REPORT RECOMMENDATION** THAT Council adopts the Standing Order Local Law attached as Appendix A to Report P67-08/97.

**MOVED** Cr O'Grady, **SECONDED** Cr Hollywood that Council adopts the Standing Order Local Law attached as Appendix A to Report P67-08/97 subject to the following amendments:

**1 inclusion of the following point in Section 4:**

**"Members to Rise**

**At a Council meeting any member moving a motion or amendment, or taking part in a discussion thereon, shall stand to address the Mayor except when prevented from doing so by sickness or infirmity."**

**2 Point 4.1.1 - Official Titles to be Used: the word "present" to be removed;**

**3 inclusion of the following point:**

**"After a meeting of the Council has been formally constituted and the business thereof commenced, a member shall not enter, leave or withdraw from such meeting, without first paying due respect to the Chair by deferring to the Mayor."**CARRIE

**P68-08/97****VIDEO TAPING OF CITIZENSHIP CEREMONIES - [703-1]**

It was requested that investigations into a private operator coming in to video Citizenship Ceremonies be undertaken. It was also suggested that these tapes could be sold to those persons attaining their Australian citizenship. This concept was discussed with three other Councils and quotes were requested from three private companies offering a video service. The companies were not interested in this opportunity without Council covering their filming costs.

It is not considered reasonable for Council to subsidise a private commercial venture in this manner.

At the Policy Committee meeting, Cr Hollywood advised he would personally pursue this matter further.

**MOVED Cr O'Grady, SECONDED Cr Hollywood that in view of the cost to Council, Council does not support the suggestion of a private operator videoing Citizenship Ceremonies. CARRIED**

**P69-08/97****COMPLIANCE AUDIT OF COUNCIL COMMITTEES - [702-1]**

As a result of an investigation carried out in respect to an amendment to the previous Town Clerk's contract, the Minister requested that a full compliance audit be undertaken in respect to the creation and operation of all Council Committees.

**MOVED Cr O'Grady, SECONDED Cr Hollywood that Council:**

- 1 notes the contents of the reports;**
- 2 agrees to the reports being forwarded to the Minister for Local Government;**
- 3 reviews the effectiveness of the amended procedures and a further report be submitted to Policy Committee in November 1997. CARRIED**

**P70-08/97****LOCAL GOVERNMENT STATUTORY COMPLIANCE ASSESSMENT RETURN - [702-1]****Certification by the Mayor (read aloud at the Council meeting by the Mayor)**

*"I hereby Certify that:*

- The information contained in Parts A and B of this Return are true and correct to the best of my knowledge.*
- This Return was included in the agenda papers and considered by Council at the Ordinary Meeting of the Council held on 27 August 1997.*
- The contents of this Certification were read out aloud to the meeting.*
- Each Councillor has had the opportunity to review the Return and to make comment to the Council.*



- *The particulars of any matters of concern relating to the Return were recorded in the Minutes of the meeting.*
- *The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes.*

*Cr Taylor left the Chamber at this point, the time being 2125 hrs.*

- *Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of the Council for the period 1 July 1996 to 31 March 1997.”*

At its meeting of 27 November 1996 (Item FA153-11/96 refers) Council agreed to participate in the voluntary Compliance Audit and complete the Local Government Statutory Compliance Assessment Return.

At the Policy Committee meeting, concern was raised at the response of “Not applicable” given to items 6.2 and 11.5. The Chief Executive Officer advised a covering letter would be sent with the Compliance Audit to clarify these areas.

**MOVED Cr Lynn, SECONDED Cr Magyar that Council:**

- 1 notes the completed Local Government Statutory Compliance Assessment Return and appended explanatory notes, attached hereto in the Minute Book;
- 2 agrees to the completed Return being forwarded to the Executive Director of the Local Government Department.

There being 13 votes in favour, the Motion was declared

**CARRIED**

P71-08/97

**PAYMENT OF EXPENSES RELATED TO THE ROYAL COMMISSION - [702-8]**

Former Councillor Rita Waters has requested that Council pay costs associated with the Royal Commission.

The costs are not associated with legal expenses and are therefore not covered by a Council policy. As costs of this nature have not been paid by Council in the past, it is recommended that Council does not agree to pay Mrs Waters' costs.

**REPORT RECOMMENDATION** THAT Council does not pay the costs associated with the production of financial records to the Royal Commission.

**MOVED Cr O'Grady, SECONDED Cr Hollywood that consideration of this item be deferred for one month pending further details being obtained as to the process of the summons issued by the Royal Commission.**

**CARRIED**

P72-08/97

**OBJECTIONS AND APPEALS AGAINST CERTAIN COUNCIL DECISIONS - [1970-6]**

Part 9 of the Local Government Act 1995, provides for affected persons to lodge either an objection or an appeal against certain decisions. These decisions relate to whenever a Local Government makes a decision that grants, renews, varies or cancels an authorisation under Part 3 of the Act or under any local law or regulation that operates as if it were a local law.

An objection or an appeal may also be lodged by an affected person whenever a Local Government gives the owner or occupier of the land a notice requiring them to do certain things to that land (Section 3.25 refers).

If an affected person is of the opinion that a decision is unfavourable, they may either lodge an objection with the Council or an appeal to either the Minister for Local Government or the Local Court.

**REPORT RECOMMENDATION** THAT in accordance with Section 5.10 of the Local Government Act 1995 Council, BY AN ABSOLUTE MAJORITY decision, establishes an 'Objections Committee' along the following terms:

**ROLE:** delegated authority to deal with objections lodged by affected persons in accordance with the Local Government Act 1995

**MEMBERSHIP:** four (4) chairpersons of the Standing Committees

**DEPUTIES:** to be determined

**QUORUM:** two (2) members

**MOVED** Cr Popham, **SECONDED** Cr O'Grady that, in accordance with Section 5.10 of the Local Government Act 1995 Council decision, establishes an 'Objections Committee' along the following terms:

**ROLE:** delegated authority to deal with objections lodged by affected persons in accordance with the Local Government Act 1995

**MEMBERSHIP:** Mayor, and four (4) chairpersons of the Standing Committees

**QUORUM:** three (3) members

**CARRIED BY AN  
ABSOLUTE MAJORITY**

P73-08/97

**REVIEW OF COMMITTEES - [702-3]**

Council, at its ordinary meeting held on 23 July 1997, resolved to review the committees established at its special meeting held in May 1997. It is suggested that those committees formed by Council in May be disbanded and established by the appropriate standing committee.

At the Policy Committee meeting, Cr Taylor believed it appropriate that the Koondoola Regional Bushland Working Group be renamed the Koondoola Regional Bushland Advisory Committee.

**MOVED Cr O'Grady, SECONDED Cr Hollywood that:**

**1 Council disbands the following committees:**

**Annual Scholarship Award Panel  
Children's Book Week  
Cultural Development Advisory  
Delegation of Authority Working Group  
Disability Access Advisory  
Environmental Advisory  
Gloucester Lodge Museum Management  
Historical Sites Advisory  
Junior Council  
Koondoola Regional Bushland Working Group  
Lotteries House Steering Committee**

**2 the Finance and Community Services Standing Committee establishes the following groups:**

**(a) Annual Scholarship Award Panel**

**Vacant (to be decided)  
Mr P Higgs, Executive Officer  
Ms J Kulisa, Youth Services Co-ordinator  
Ms B Alexander, Education Department  
Mr G Carlin, Community Representative  
Mr W Marwick, Community Representative  
Mr M Rose, Community Representative**

**(b) Children's Book Week**

**Vacant (to be decided)  
Ms Amanda MacFarlane, Children's Librarian, Joondalup Library  
Ms Carol Willox, Casual Co-ordinator  
Mrs C McMulkin, Hillarys District Education Department representative  
Ms L Weisenberger, Library Department Media & Graphics Technician**

**(c) Cultural Development Advisory, with the following amended membership:**

**Cr P Healy  
Vacant (to be decided)  
Cr M Lynn - deputy  
Cr J Hollywood - deputy  
Mr Chris Hall, Director Community Services or nominee  
Mrs J Abbott - community representative  
Mrs M Capetta - Joondalup Community Foundation  
Mrs S Forde - Community Representative**

Ms J Mackay - Heritage Officer  
 Mr R Pascoe - Community Representative  
 Mrs G Monks - Historical Sites Advisory Committee  
 Ms L Venditti - Multicultural Advisory Committee  
 Mr A True - Wanneroo Eisteddfod Committee  
 Ms T Graham - Community Representative

(d) Disability Access Advisory

Cr L O'Grady  
 Cr M Lynn  
 Cr J Hollywood  
 Mr R Fischer, Director Strategic Planning  
 Ms P Stuart, Manager Welfare Services  
 Mr J Edwards, Disability Access Officer  
 Ms E Webster, Community Representative  
 Mr S Deschamp, Community Representative  
 Mr K Martin, Community Representative

(e) Gloucester Lodge Museum Management

Cr O'Grady  
 Cr P Healy  
 Ms J MacKay, Heritage Officer  
 Mr S Daley, Yanchep Two Rocks Recreation Association  
 Mrs A Paley, Curator, Gloucester Lodge  
 Mrs J Price, CALM  
 Mr J Hill, Community Representative  
 Mrs L Gibbs, Community Representative  
 Mrs J Gloudemans, Community Representative  
 Miss M Cockman, Community Representative  
 Mr C Paley, Community Representative  
 Mr K Austin, Principal, Yanchep District High School

(f) Historical Sites Advisory

Cr P Healy	Cr O'Grady - Deputy
Vacant (to be decided)	Cr J Hollywood - Deputy
Cr S Magyar	Cr L Ewen-Chappell - Deputy

Ms J MacKay, Heritage Officer  
 Mr P Whelan, Senior Council Buildings Officer  
 Mr P Thompson, Co-ordinator Strategic Planning  
 Mr T Dawson, Planning Officer  
 Mr B Ruscoe, Land Information Systems Officer  
 Ms B Boardman, Local Studies Librarian  
 Mrs L Snape, Curator, Cockman House  
 Mr P McKenzie, Kingsley Woodvale Community & Recreation Association Inc  
 Mr J Parin, Wanneroo & Districts Historical Society  
 Mr T Martin, Wanneroo & Districts Historical Society  
 Mr W H Marwick, Wanneroo & Districts Historical Society

**Mrs G Monks, Community Representative**  
**Mr P Renkin, Community Representative**  
**Mrs P Ryan, Community Representative**  
**Miss M Cockman, Community Representative**

**(g) Junior Council**

**Cr L O'Grady**  
**Cr G Major**  
**Cr A Taylor**  
**Mr M Ramsay, Senior Administration Officer**

**(h) Lotteries House Steering Committee**

**Cr T Popham**  
**Cr J Hollywood - Deputy**  
**Ms P Stuart, Manager Welfare Services**  
**Mr M Rose, Community Representative**  
**J Jodrell, Community Representative**  
**A Hall, Wanneroo Accommodation & Support**  
**M Stringer, Whitfords Women's Health**  
**P Morris, Australian Red Cross**  
**F Edmeads, Relationships Australia**  
**E Morris, Joondalup Parent Support**  
**P Tassell, Joondalup Job Link**  
**L Ethell, Citizens Advice Bureau**  
**J McAlister, Joondalup Community Foundation**

**3 the Development and Planning Services Standing Committee establishes the following groups:**

**(a) Delegation of Authority Working Group:**

**Cr B Cooper - Mayor**  
**Cr L O'Grady**  
**Cr A Wight**  
**Cr G Major**  
**Mr O Drescher, Director Development Services**  
**Mr D Butcher, Manager Approvals.**

**(b) Environmental Advisory Committee**

**Cr P Healy**  
**Cr G Major**  
**Vacant (to be decided)**  
**Cr J Hollywood**  
**Cr S Magyar**

- 4 the Technical Services Standing Committee establishes the Koondoola Regional Bushland Advisory Committee, comprising:

Cr A Wight

Cr A Taylor

Cr J Hollywood

Cr T Popham - Deputy

Cr D Tippett - Deputy

Mr D Cluning, Manager Parks Landscaping Services

Ms R Murray, Conservation Officer

Mr D Pike, Community Representative

Ms C Tauss, Community Representative

Mr J Lavers, Community Representative

Ms T Davies, Facility Manager, Hainsworth Leisure Centre

**CARRIED**

P74-08/97

**ADDITIONAL PAYMENTS (GRATUITIES) TO RETIRING STAFF MEMBERS - [404-0]**

The policy relating to additional payments to retiring staff has been amended and led to some confusion in administering it. Following a comparison with the Cities of Perth, Melville, Canning and Fremantle, it is suggested that the intent of the existing policy remain with authority being granted to the Chief Executive Officer to make such payments in accordance with the policy.

**REPORT RECOMMENDATION THAT Council:**

- 1 cancels Policy B2-11 - 'Additional Payments to Retiring Staff Members';
- 2 BY AN ABSOLUTE MAJORITY, adopts the following Policy - B2-11:-

**PAYMENT TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

**Objectives**

To highlight the City's degree of appreciation on retirement or resignation of a staff member's contribution during the term of employment

**Policy Statement**

That as a formal recognition of appreciation of the level of service and contribution made by an employee, the Chief Executive Officer MAY, pay an additional payment to a retiring or resigning staff member who has been employed by council for at least ten (10) years.

The decision of the Chief Executive Officer will be based up to a maximum amount of \$100 for each year of service to a total maximum amount of \$2,000. Any further payments shall be referred to Council for consideration.

It must be noted that the payment of these amounts is not a right, but as a reward to those members who have demonstrated exceptional levels of service.

- 3 in accordance with the provisions of Section 5.50 of the Local Government Act 1995, agrees to give local public notice of its 'Payment to Employee in Addition to Contract or Award' policy.

**COMMITTEE RECOMMENDATION:** THAT Council:

- 1 cancels Policy B2-11 - 'Additional Payments to Retiring Staff Members';  
2 adopts the following Policy - B2-11:-

**PAYMENT TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

Objectives

To highlight the City's degree of appreciation on retirement or resignation of a staff member's contribution during the term of employment

Policy Statement

That as a formal recognition of appreciation of the level of service and contribution made by an employee, the Chief Executive Officer MAY, pay an additional payment to a retiring or resigning staff member who has been employed by council for at least ten (10) years.

The decision of the Chief Executive Officer will be based up to a maximum amount of \$50 for each year of service to a total maximum amount of \$1,000.

It must be noted that the payment of these amounts is not a right, but as a reward to those members who have demonstrated exceptional levels of service.

- 3 in accordance with the provisions of Section 5.50 of the Local Government Act 1995, agrees to give local public notice of its 'Payment to Employee in Addition to Contract or Award' policy.

*Cr Taylor entered the Chamber at this point, the time being 2127 hrs.*

**MOVED Cr Magyar, SECONDED Cr Hollywood that:**

- 1 cancels Policy B2-11 - 'Additional Payments to Retiring Staff Members';  
2 adopts the following Policy - B2-11:-

**PAYMENT TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

Objectives

To highlight the City's degree of appreciation on retirement or resignation of a staff member's contribution during the term of employment



### Policy Statement

That as a formal recognition of appreciation of the level of service and contribution made by an employee, the Chief Executive Officer MAY, pay an additional payment to a retiring or resigning staff member who has been employed by council for at least five (5) years.

The decision of the Chief Executive Officer will be based up to a maximum amount of \$50 for each year of service to a total maximum amount of \$2,000.

It must be noted that the payment of these amounts is not a right, but as a reward to those members who have demonstrated exceptional levels of service.

- 3 in accordance with the provisions of Section 5.50 of the Local Government Act 1995, agrees to give local public notice of its 'Payment to Employee in Addition to Contract or Award' policy. **LOST**

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

- 1 **cancel Policy B2-11 - 'Additional Payments to Retiring Staff Members';**
- 2 **adopts the following Policy - B2-11:-**

### **PAYMENT TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD**

#### **Objectives**

**To highlight the City's degree of appreciation on retirement or resignation of a staff member's contribution during the term of employment**

#### **Policy Statement**

**That as a formal recognition of appreciation of the level of service and contribution made by an employee, the Chief Executive Officer MAY, pay an additional payment to a retiring or resigning staff member who has been employed by council for at least ten (10) years.**

**The decision of the Chief Executive Officer will be based up to a maximum amount of \$50 for each year of service to a total maximum amount of \$1,000.**

**It must be noted that the payment of these amounts is not a right, but as a reward to those members who have demonstrated exceptional levels of service.**

- 3 in accordance with the provisions of Section 5.50 of the Local Government Act 1995, agrees to give local public notice of its 'Payment to Employee in Addition to Contract or Award' policy.

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**P75-08/97****TWO HOUSES ON ONE LOT POLICY - [702-1]**

Council has required that a report be submitted outlining background information to the creation of the Two Houses on One Lot Policy and the ramifications if such policy were removed. A report has also been required of the feasibility of a Policy for Two Houses on Special Rural Lots over 1 hectare. This report addresses these matters and concludes that although the current policy should be retained, the current requirement for caveats to be placed on title to support continuation of deed obligations, should be replaced with a requirement for agreement to restrictive covenants being registered as provided for under recent amendments to the Transfer of Land Act. Regarding the feasibility of a policy for Two Houses on Special Rural Lots Over 1 Hectare, it is noted that this would entail an amendment to Town Planning Scheme No 1, and it is recommended that this not be pursued.

**MOVED Cr O'Grady, SECONDED Cr Hollywood that Council:**

- 1. pursuant to Clause 5.11 of City of Wanneroo Town Planning Scheme No 1, adopts the following draft policy and advertises it for a public submission period of 21 days:**

**Draft Two Dwellings on One Lot Planning Policy**

- “(a) Council may support the development of a second dwelling on any lot within the municipality if:**
- (i) In the case of a “Rural” zoned lot not identified as future urban under the North West Corridor Structure Plan, the lot is at least the minimum lot size as shown on Two Dwelling on One Lot plan (ie ranging from 2ha to 8ha);**
  - (ii) In the case of lots zoned “Residential”, “Residential Development” or areas identified as future urban under the North West Corridor Structure Plan, the proposed location of the dwelling is in accordance with an overall structure plan where one has been approved or as determined by the Director, Development Services;**
  - (iii) The desirable criteria outlined by the Environmental Protection Authority and the Water and Rivers Commission are met;**
- (b) The following standard requirement shall be met before an Approval to Commence Development or a Building Licence is issued for a second dwelling on a lot in the Rural Zone that is not proposed for future urban development under the North West Corridor Structure Plan:**

**The owner agrees to the creation of a restrictive covenant in gross in favour of the Council as provided for under Section 129BA of the Transfer of Land Act 1893 (as amended) to provide that the owner will not seek subdivision of the lot. The owner is also to meet all costs involved in the creation of the restrictive covenant.**

- (c) **Second dwellings will not be permitted on any lots:**
- (i) **zoned Rural and less than 2 hectares in area;**
  - (ii) **zoned “Special Rural” or “Special Residential”;**
  - (iii) **zoned Rural and identified as future industrial under the North West Corridor Structure Plan;**
- (d) **On lots less than 2 hectares in area and/or zoned “Special Rural” or “Special Residential” Council may permit the development of ancillary accommodation only provided it takes the form of an extension to the existing dwelling and shall have permanent direct access between the main dwelling and the ancillary accommodation;**
- (e) **Where a second dwelling does not comply with this policy and where the existing building is to be occupied during the construction of a new dwelling on a single lot, a legal agreement is to be drawn up at the owner’s expense and entered into, requiring the owner to demolish the existing dwelling or make it uninhabitable to the satisfaction of the Principal Building Surveyor upon completion of construction of the second dwelling;**
- (f) **No more than two dwellings may be permitted on a lot other than in accordance with the R Codes;**
- (g) **Any historically significant homes are to be assessed by Council and/or the Wanneroo Historical Society and/or the National Trust for possible retention or preservation.”**

2 **does not amend the Two Houses on One Lot Policy or City of Wanneroo Town Planning Scheme No 1 in respect to removing the restrictions to only one house being permitted on a Special Rural Lot.** **CARRIED**

**P76-08/97** **DELEGATION OF AUTHORITY - CARAVAN PARKS - [201-1 C920-5 C241-0]**

On 20 June 1997 the Caravan Parks and Camping Grounds Regulations 1997 were gazetted. Also on that day the Caravan Parks and Camping Grounds Act 1995 was proclaimed, effective from 1 July 1997.

Section 17 of the Act provides for a local government to appoint such persons as authorised persons as it considers necessary. This report nominates officers to be delegated under that Act.

**ADDITIONAL INFORMATION**

Manager, Health Services advised the addition of the following name to those listed in the Recommendation:

Greg Reid

Health Services

**MOVED Cr Taylor, SECONDED Cr Major that Council under Section 17 of the Caravan Parks and Camping Grounds Act 1995 appoints the following officers as “authorised persons” for the purposes of this Act and issues each officer with an identity card as prescribed:**

Keith Weymes	Approval Services
Phil Wesley	Approval Services
Nick Lee	Approval Services
Ray Scarce	Approval Services
Mick Austin	Health Services
Phil Swain	Health Services
Greg Spicer	Health Services
Alison Edmunds	Health Services
Scott Favacho	Health Services
Nicole Foxcroft	Health Services
Ian Penegar	Health Services
Darryl Bray	Health Services
Craig Cullen	Health Services
Neil McGuinness	Health Services
Marko Pasalich	Health Services
Elizabeth French	Health Services
David Gianfrancesco	Health Services
Greg Reid	Health Services

P77-08/97

**DELEGATION OF AUTHORITY - HEALTH ACT - [241-0]**

Section 26 of the Health Act 1911 provides that a local authority may appoint and authorise a person to be its deputy to exercise and discharge all or any of the powers and functions of the local authority for such time and subject to such conditions and limitations (if any) as the local authority shall see fit. Such appointment shall not affect the exercise or discharge by the local authority itself of any power or function.

This report seeks Council’s endorsement to nominate the Manager, Health Services as the delegate of the local authority under Section 26 of the Health Act and to authorise all Health officers to administer various Health legislation on behalf of the local authority.

**ADDITIONAL INFORMATION**

Manager, Health Services advised the addition of the following name to those listed in the Recommendation:

Nick Lee

**MOVED Cr Taylor, SECONDED Cr Major that Council:**

- 1 under Section 26 of the Health Act 1911, as amended, appoint the Manager, Health Services or the person acting in that position from time to time as its deputy for the purpose of discharging its powers and functions (excepting for prosecutions) as a local authority under this Act;
- 2 under Section 26 of the Health Act authorises the following Environmental Health Officers to administer the provisions of the Health (Food Hygiene) Regulations 1993, Health (Public Buildings) Regulations 1992, Bacteriolytic Treatment of Sewage and Disposal of Liquid Waste Regulations, Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Health Act (Swimming Pools) Regulations 1964, Health (Air Handling and Water Systems) Regulations 1994 and Health (Sewerage, Drainage and Underground Water Supply) Regulations 1959:

Mick Austin  
Phil Swain  
Elizabeth French  
David Gianfrancesco  
Phil Wesley  
Darryl Bray  
Craig Cullen  
Neil McGuinness  
Greg Spicer  
Alison Edmunds  
Scott Favacho  
Nicole Foxcroft  
Nick Lee

**CARRIED**

**P78-08/97    LEGAL REPRESENTATION - MR COLIN EDWARDES - [702-8]**

At its meeting of 23 July 1997, Council considered a recommendation in respect to Mr Edwardes application to fund legal expenses. It resolved to refer the matter to the next meeting of the Policy Committee.

Prior to his voting on this matter at the Policy Committee meeting, Cr Popham asked whether a precedent had previously been set for the payment of fees over the maximum of \$3,000 per item. The Mayor advised that such a precedent had been set. Cr Popham asked that his question, and the response, be recorded in the Minutes.

**RECOMMENDATION**

That Council agrees to fund costs amounting to \$12,930 incurred by Mr Colin Edwardes relating to the Royal Commission.

**MOVED Cr Ewen-Chappell, SECONDED Cr Lynn** that Council agrees to fund further costs amounting to \$12,930 incurred by Mr Colin Edwardes relating to the Royal Commission.

**MOVED Cr Magyar, SECONDED Cr Taylor that the Motion be put. CARRIED**

*Cr Healy wished to record his objection to the way in which voting on this Item had been conducted*

**MOVED Cr Ewen-Chappell, SECONDED Cr Lynn that Council agrees to fund further costs amounting to \$12,930 incurred by Mr Colin Edwardes relating to the Royal Commission. CARRIED**

Cr Ewen-Chappell requested that voting be recorded, with the following result:

FOR: Crs O'Grady, Tippet, Ewen-Chappell, Magyar, Lynn, Taylor and Cooper, Hollywood, Major and Zuvella

AGAINST: Crs Healy, Popham, and Bombak

Cr Bombak queried the correct procedural steps he should take in order that he may submit a Recission Motion in this regard.

The Chief Executive Officer explained the correct procedures in relation to submitting a Recission Motion in accordance with the Local Government Act 1995.

**Cr Bombak moved** a Recission Motion in relation to Item P78-08/97.

The Motion failed as it was not supported by one third of Councillors.

*Cr Hollywood left the Chamber at this point, the time being 2145 hrs.*

#### **CUSTOMER COMPLAINTS SYSTEM - [206-18]**

Cr Cooper queried the current situation regarding the installation of a complaints system. The Director Corporate Services advised that the document management system was expected to be in operation within four weeks. It was possible that an additional complaints system module can be added to the system; if this proves satisfactory the system could be operational by October 1997. Expressions of interest will be called on Saturday 16 August for complaints system software. This action is being taken to cover the possibility that the additional module proves unsatisfactory. If an alternative system is purchased, implementation will take one to two months longer.

*Cr Hollywood entered the Chamber at this point, the time being 2148 hrs.*

#### **FORMATION OF POLICY - USE OF COUNCIL CHAMBER/LECTURE THEATRE - [702-1]**

Cr Cooper requested that the House Working Party formulate a policy for public use of the Council Chamber and lecture theatre.

**PHOTOGRAPH OF QUEEN ELIZABETH II - [702-0]**

Cr Lynn displayed a photograph of Queen Elizabeth II, which might be appropriate for use in the Council Chamber. Cr Lynn advised she would make the negative available if this was required.

**USE OF ELECTRONIC VOTING BOARD - [702-0]**

Cr Major referred to the previous suggestion that an electronic voting board be used in the Council Chamber and asked whether this matter would be pursued. Director Strategic Planning advised that initial costs relating to the use of an electronic voting board and also projection of the Minutes were extremely high. Alternative options are currently being investigated.

**C311-08/97               REQUESTS FOR LEGAL REPRESENTATION - [702-8]**

At the Policy Committee meeting, Cr Popham requested that any future requests for legal representation be submitted individually, to enable Councillors to consider each item separately.

Cr Popham queried a late item for this evening's meeting and the fact that two items were listed on this for consideration.

The Mayor advised until the item was passed by this evening's meeting, it does not become part of the system.

Cr Popham sought clarification on requests for legal representation exceeding the limit of \$3,000 per item and whether a special majority was required?

The Chief Executive Officer advised that under Clause 6 of the Policy, only a simple majority was required when this is being reviewed.

**MOVED Cr Popham, SECONDED Cr Healy that any future requests for legal representation be submitted individually, to enable Councillors to consider each item separately. CARRIED**

It was requested that voting be recorded, with the following result:

FOR:                         Crs Healy, Hollywood, Popham, Tippett, Zuvela, Bombak and Cooper

AGAINST:                 Crs Magyar, Major, Lynn, Ewen-Chappell, Taylor and O;Grady

**1997 AWARD EXHIBITION - [429-1-12]**

Cr Healy referred to the forthcoming Award exhibition and queried whether this might be held in the lobby area of the Chamber building. Director Community Services was requested to investigate this request.

**ORDER OF BUSINESS FOR NEXT MEETING OF POLICY COMMITTEE - [702-0]**

Cr Cooper requested that "Election of Chairman" be included on the Order of Business at the Policy Committee meeting to be held on 8 September 1997.



**C312-08/97 TECHNICAL SERVICES COMMITTEE**

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor** that the Report of the Technical Services Committee Meeting, held on 13 August 1997, be received. **CARRIED**

**ATTENDANCES**

Councillors:	L A EWEN-CHAPPELL - Chairman	Central Ward
	L O'GRADY	North Ward
	S P MAGYAR	Central Ward
	A G TAYLOR - <i>from 1821 hrs</i>	South Ward
	T W POPHAM	South Ward
	M E LYNN, JP - <i>from 1821 hrs</i>	South-West Ward
	J BOMBAK, JP	South-West Ward
	A W WIGHT - Observer, <i>deputising for Cr Taylor to 1821 hrs</i>	South Ward
	G A MAJOR - Observer <i>from 1825 hrs</i>	South-West Ward
	P O HEALY - Observer <i>from 1841 hrs</i>	North Ward
	B A COOPER - Mayor - Observer <i>from 1824 hrs</i>	Central Ward
	J HOLLYWOOD, JP - Observer	South Ward

Chief Executive Officer:	L O DELAHAUNTY - <i>from 1824 hrs</i>
Director, Technical Services:	R McNALLY
Director, Strategic Planning:	R G FISCHER
Manager, Parks Landscaping Services:	D H CLUNING
Manager, Council Support Services:	M SMITH
Minute Clerk:	S BRUYN

**APOLOGIES**

Apologies for absence were tendered by Crs Tippett and Zuvela.

Apologies for late attendance were tendered by Crs Cooper, Taylor, Major, Lynn, Healy and the Chief Executive Officer.

**PUBLIC/PRESS ATTENDANCE**

There were 4 members of the Public and 1 member of the Press in attendance.

**DECLARATIONS OF FINANCIAL INTEREST**

Cr Magyar declared an interest in Item TS241-08/97 as it involved his employer, the Department of Transport Licensing Centre. The Technical Services Committee meeting resolved this to be a trivial interest.

Cr Popham declared an interest in Item B91-08/97 in relation to a traffic project for St Stephen's High and Primary Schools as he is the President of the P & F Association. The Technical Services Committee meeting resolved this to be a trivial interest.

### **PUBLIC QUESTION TIME**

#### **Mr V Harman:**

Q1 To the Manager of the Parks Department in relation to Item TS252-08/97. Assuming that Council accepts the recommendation, I would like to confirm that the one-third, two-thirds is purely a funding exercise. Following on from that, can we hope that the standard of the median strips will be to Council's standard and not to Main Roads' standard. Will this have any effect on what you said in correspondence about the planting?

A1 *Manager Parks Landscaping Service's response:* Plants are on order for the planting that Council proposes and will go ahead irrespective of who is responsible. The report has been presented as we believe that Council standards should apply.

#### **Mr M Day:**

Q1 In Prendiville Drive, Ocean Reef there are two power poles that are not illuminated at night, making this a very dark and dangerous section of road. Can someone have a look at that.

Q2 The underpass between Baroola Place and Marmion Avenue. I reported to Council that the lights are not working. Can someone investigate this as that underpass is completely dark at night.

These questions were taken on notice.

#### **Mrs A Hine:**

Q1 In relation to the soak wells on the corner of Hepburn Avenue and Wanneroo Road:

- when did Council give permission for a new business to open adjacent to Waldecks Nursery?
- has due consideration been given to the closeness of Lake Gngangara to the business?
- what is the buffer zone at that point?
- will there be any fencing erected on the Hepburn Avenue side?
- is Council going to plant any decent trees in the area, for example native trees and something with some colour in it would be very nice as there is a very dull outlook for the community?

- Q2 In relation to car parks on page 75 of the Agenda. At Neil Hawkins, how many extra car spaces or bus spaces are being added to the car par?

These questions were taken on notice.

### **CONFIRMATION OF MINUTES**

#### MINUTES OF TECHNICAL SERVICES COMMITTEE MEETING HELD ON 9 JULY 1997

The Minutes of the Technical Services Committee Meeting held on 9 July 1997 were confirmed as a true and correct record.

### **PETITIONS AND DEPUTATIONS**

Nil.

### **MEETING TIMES**

Commenced: 1820 hrs  
Closed: 1922 hrs

**REPORTS:****TS234-08/97      TENDER NUMBER 015-97/98 - HIRE OF PLANT, AUXILIARY PLANT, VEHICLES, DOMESTIC AND COMMERCIAL REFUSE TRUCKS - [208 - 6]**

Tender Number 015-97/98 for the hire of plant and other machinery was advertised in April 1997. Tenders closed on 16 April 1997. The tender submissions have been evaluated and the recommendations are now available for Council's consideration.

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

- 1      accepts the Tender Number 019-97/98 for hire of different types of plant, vehicle and equipment from different contractors as listed below and as detailed on Attachments 1 to 11 to Report No TS234-08/97:**

Item No 1: Bulldozers	:	Mayday Earthmoving
Item No 2 : Scrapers	:	Mayday Earthmoving
Item No 3 : Loaders	:	Alvito Pty Ltd
Item No 4 : Graders	:	Executive Plant Hire for short term hire
		Spot On for long term hire
Item No 5 : Backhoe Loaders	:	Mayday Earthmoving
Item No 8 : Cranes	:	Dalco Earthmoving
Item No 9 : Self Propelled Vibratory Rollers	:	Mayday Earthmoving
Item No 10 : Watercarts (Tractor drawn)	:	Alvito Pty Ltd
Item No 11 : Watercarts (Truck)	:	Alvito Pty Ltd
Item No 12 : Rubber Tyred Rollers	:	Dalco Earthmoving
Item No 13 : Low Loaders	:	Alvito Pty Ltd
Item No 14 : Skid Steer Loaders	:	Alvito Pty Ltd
Item No 15 : Tip Trucks	:	Alvito Pty Ltd
Item No 16 : Domestic Refuse Trucks	:	Alvito Pty Ltd

- 2      recalls tenders for the hire of:**

Item No 6 : Excavators
Item No 7 : Hydraulic Hammers
Item No 17 : Commercial Refuse Trucks

- 3      endorses the signing of contract documents.**

**CARRIED**





**TS240-08/97      MAIN ROADS WA - PROPOSED SPEED REDUCTIONS - [510-1287, 510-1900, 510-2648]**

Main Roads WA has advised that it has recently conducted speed reviews on West Coast Drive, Hepburn Avenue and Whitfords Avenue. Speed reductions are proposed for sections of these Roads and this matter is submitted for consideration.

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

**1      concurs with Main Roads WA proposed speed reductions on:**

- (a)      **West Coast Drive - 170 metres south of St Helier Drive to Hepburn Avenue**  
Reduction in speed limit from 70 kms per hour to 60 kms per hour;
- (b)      **Hepburn Avenue - West Coast Drive to 100 metres east of Seacrest Drive**  
Reduction in speed limit from 80 kms per hour to 70 kms per hour;
- (c)      **Whitfords Avenue - 480 metres north of Hepburn Avenue to 100 metres east of Endeavour Road**  
Reduction in speed limit from 80 kms per hour to 70 kms per hour;

**2      advises Main Roads WA accordingly.**

**CARRIED**

**TS241-08/97      PARKING PROHIBITIONS - EDDINGTON ROAD, WARWICK - [510-0150]**

Following the closure of Warwick Primary School the existing parking prohibitions adjacent to the former school site in Eddington Road are no longer required. Accordingly the removal of these prohibitions are proposed to allow on street parking which may assist with the parking situation at the Warwick Police Centre.

At the Technical Services Committee meeting, Cr Magyar declared an interest in Item TS241-08/97 as it involved his employer, the Department of Transport Licensing Centre.

**MOVED Cr Taylor, SECONDED Cr O'Grady** that Cr Magyar's declaration of interest in this Item was resolved to be a trivial interest.

**CARRIED**

**REPORT RECOMMENDATION:** THAT Council:

- 1      revokes the 'NO PARKING, 8:15-9:15AM, 3:00-4:00PM, MONDAY - FRIDAY' prohibition in Eddington Road adjacent to the former Warwick Primary School as shown on Attachment 1 to Report No TS241-08/97;
- 2      revokes the 'NO STANDING ANYTIME' prohibition in Eddington Road adjacent to Lots 715 and 716 as shown on Attachment 1 to Report No TS241-08/97

**MOVED Cr Taylor, SECONDED Cr Hollywood that Council revokes the 'NO PARKING, 8:15-9:15AM, 3:00-4:00PM, MONDAY - FRIDAY' prohibition in Eddington Road adjacent to the former Warwick Primary School as shown on Attachment 1 to Report No TS241-08/97. CARRIED**

**TS242-08/97 PARKING PROHIBITIONS - NEWPORT GARDENS, HILLARYS - [510-2810]**

For some time concern has been expressed by residents and motorists about the congestion caused by users of Mawson Park parking in Newport Gardens. A draft parking prohibition plan has been circulated to street residents for comment and a revised parking prohibition plan is now presented for consideration.

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

- 1 approves the installation of 'NO PARKING ANYTIME CARRIAGEWAY OR VERGE' signs on the residential (east) side of Newport Gardens from New England Drive to the southern boundary of LOT 229 as shown on Attachment 3 to Report No TS242-08/97;**
- 2 approves the installation of 'NO PARKING ANYTIME CARRIAGEWAY OR VERGE' signs on the north side of Greenmount Heights from Newport Gardens to the western boundary of LOT 211 as shown on Attachment 3 to Report No TS242-08/97;**
- 3 approves the installation of 'NO PARKING ANYTIME CARRIAGEWAY OR VERGE' signs on the south side of Greenmount Heights from Newport Gardens to the western boundary of LOT 227 as shown on Attachment 3 to Report No TS242-08/97;**
- 4 authorises the Director of Technical Services to further investigate the provision of parking for Mawson Park.**
- 5 advises all affected parties accordingly. CARRIED**

**TS243-08/97 BUS SHELTERS - LANDSDALE - [503-3; 510-3657]**

Council, at its meeting held on 23 April 1997, gave approval for North Whitfords Estates to construct three (3) bus shelters in The Broadview, Landsdale.

Development Planning Strategies Pty Ltd has, on behalf of North Whitfords Estate, advised that a new design has now been sourced which will blend more appropriately with the current theme of the estate and provide an increased resistance to vandalism and graffiti over the previously selected limestone shelters.

The new proposed shelter is considered to afford more protection from the weather than the previous design and is conditionally supported.



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

- 1 gives approval to North Whitfords Estates to construct three Federation bus shelters supplied by Urban Design Furniture Pty Ltd, as shown on Attachment 1 to Report TS243-08/97 in The Broadview Landsdale at the locations depicted on Attachment 2 to Report TS243-08/97 subject to the following conditions:**
  - (a) the bus shelters being provided at no cost to Council;**
  - (b) the bus shelters being anti-graffiti coated;**
  - (c) North Whitfords Estates agreeing to maintain the three bus shelters for the first 24 months after construction;**
- 2 advises North Whitfords Estates that the provision of these three Federation bus shelters in Landsdale supplied by Urban Design Furniture Pty Ltd does not create a precedent or set a standard that needs to be maintained by Council should additional bus shelters be required. CARRIED**

**TS244-08/97      FOOTPATH - AINSBURY PARADE, CLARKSON - [510-3725]**

At its meeting in April 1997, Council requested a report on the status of the footpath in Ainsbury Parade, Clarkson between the Child Care Centre and Clarkson Primary School. This section of footpath will be constructed once the proposed shopping centre at the corner of Ainsbury Road and Renshaw Boulevard has been completed.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that Council authorises the Director Technical Services to programme the construction of the footpath in Ainsbury Parade between the Child Care Centre and Renshaw Boulevard after completion of the Clarkson Shopping Centre. CARRIED**

**TS245-08/97      DUNSCORE WAY, KINROSS - STORMWATER DRAINAGE SUMP TREATMENT - [506-7, 510-3489]**

At present Council does not have a formalised policy for the fencing and landscaping treatment of its stormwater drainage sumps. To enable the development of a policy, Consulting Engineers were commissioned to undertake a review of the City's present stormwater drainage sump treatments and investigate the suitability of the various treatments.

This report on the fencing and landscaping treatment of stormwater drainage sumps provides for further discussion on how the City's future sumps should be treated and how existing facilities can be enhanced.

It is recommended that a pilot trial be undertaken on the landscaping of the stormwater drainage sump in Dunscore Way, Kinross and that a working party be established to formalise a policy for the treatment of the City's sumps.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that:**

- 1 the Technical Services Committee forms a working party to formalise a policy for the treatment of the City's stormwater drainage sumps;**
- 2 Council:**
  - (a) approves the trial landscaping of the interior stormwater drainage sump in Dunscore Way, Kinross;**
  - (b) lists the upgrading of existing sump sites in the 1998/99 Capital Works program for funding consideration. CARRIED**

**TS246-08/97 FLOODING OF 2 HYACINTH CLOSE, HEATHRIDGE - [510 - 1594]**

The house and property at 2 Hyacinth Close, Heathridge has been flooded on several occasions during the past few years. The property is located at the low point in the road at the end of a cul-de-sac and adjacent to a stormwater drainage sump.

Consultants were engaged recently to undertake an investigation into the adequacy of the existing stormwater drainage system in the vicinity of this property and the results of their investigation indicate that there are inadequacies which need to be addressed. The primary problem is insufficient capacity in the drainage sump.

The sump presently has a pump system in place to increase its effective capacity and the Consultants have recommended as an option that the pump capacity be upgraded to meet current design requirements.

However, as this will not provide a fail safe solution the alternative option which is the purchase of the property at 2 Hyacinth Close and the demolition of the house to facilitate increasing the capacity of the existing sump to meet current design requirements, requires consideration.

**REPORT RECOMMENDATION:** THAT Council gives approval to the Director Technical Services to liaise with the owners of 2 Hyacinth Close, Heathridge and nearby street residents on the option of the purchase of the property for the purpose of enlarging the existing stormwater drainage sump.

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

- 1 gives approval to the Director Technical Services to liaise with the owners of 2 Hyacinth Close, Heathridge and nearby street residents on the option of the purchase of the property for the purpose of enlarging the existing stormwater drainage sump;**
- 2 enhances the landscaping in the vicinity of the stormwater drainage sump. CARRIED**



- 2 approves the submission of the Quinns Sand Renourishment Project to CoastCare/CoastWest for 1998/99 funding when submissions are invited later this year. **CARRIED**

**TS250-08/97 ROLLOVER OF ANNUAL TENDER NO 52-94/95 - MAINTENANCE AND GENERAL UPKEEP OF ALL GRASSED AND GARDEN AREAS - CARRAMAR PUBLIC GOLF COURSE, GOLFLINKS DRIVE, NEERABUP - [208-52-94/95]**

Tender No 52-94/95 Maintenance and General Upkeep of All Grassed and Garden Areas Carramar Public Golf Course was awarded to Australian Turf Industries for an initial three year period, with the option of three additional years. Australian Turf Industries has sought to exercise this option in accordance with the Contract Agreement.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that Council authorises the three year extension of Tender No 52-94/95 Maintenance and General Upkeep of all Grassed and Garden Areas - Carramar Public Golf Course, Golflinks Drive, Neerabup.**

**CARRIED**

**TS251-08/97 OSPREY ESTATE QUINNS ROCKS LANDSCAPE PROPOSAL - [201-5]**

Parks Landscaping Services has received preliminary concept plans for upgrading of the Osprey Estate in Quinns Rocks. It is proposed that the junction of Santa Barbara Parade and Marmion Avenue be enhanced by the planting of large, mature palms.

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

- 1 requests a detailed commitment from the land developer of Osprey Estate in Quinns Rocks, with specific regard to:

- (a) maintenance factors, ie. duration, method;
- (b) a commitment that Santa Barbara Parade will be enhanced over the entire area within its control;

- 2 accepts the street tree planting concept for Stage 7 of the subdivision. **CARRIED**

**TS252-08/97 MARMION AVENUE LANDSCAPE MAINTENANCE - JOINT VENTURE MAIN ROADS/CITY OF WANNEROO - [510-0]**

Parks Landscaping Services has received correspondence from the Main Roads Department requesting that Council enter into a maintenance agreement for the Marmion Avenue median, similar to the existing Wanneroo Road landscape agreement. This agreement is for an enhanced standard median funded on a one-third City of Wanneroo and two-thirds Main Roads Department basis.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that:**

- 1 Council accepts the funding agreement of one-third by Council and two-thirds by Main Roads Department for landscape maintenance of the Marmion Avenue median, Beach Road junction through to the Ocean Reef Road junction.**
- 2 Parks Landscaping Services pursues negotiations to extend the agreement area to the Burns Beach Road junction. CARRIED**

**TS253-08/97 VERGE RESTORATION - ALINTA GAS MAINLINE - [512-0, 250-0]**

Council, at its meeting dated 28 May 1997 requested that contact be made with Alinta Gas expressing concern at the extent of clearing undertaken during installation of the gas main along Wanneroo Road and Hester Avenue, bordering the Neerabup National Park.

Alinta Gas has advised Parks Landscaping Services that the restoration works proposed will be funded to a maximum of \$10,060, in accordance with the works quote supplied.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that Council supports the restoration works proposed by Parks Landscaping Services to areas of road verge controlled by Council. CARRIED**

**TS254-08/97 PETITION REQUESTING LIGHTING IN TOM WALKER PARK SORRENTO - [1843/521/11, 061-346]**

Mr Martin Wright of 11 Sandpiper Street, Sorrento presented a petition from 159 residents requesting that Tom Walker Park be illuminated.

Tom Walker Park is a passive, reticulated park which is bordered by Seacrest Drive, Sandpiper Street and Marmion Avenue, with an area of 2.23ha.

Minor play items are located in the south-west corner and large natural bush islands have been retained within the eastern portion of the park.

Floodlighting is requested to control antisocial activities.

**REPORT RECOMMENDATION:** THAT Council advises Mr Martin Wright, as presenter of the petition, that installation of park lighting within Tom Walker Park is unwarranted at this stage.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that Council defers consideration of the installation of park lighting within Tom Walker Park pending further information on lighting at this park being submitted to the Technical Services Committee. CARRIED**

**TS255-08/97 CONNOLLY COMMUNITY FACILITIES - [635-18]**

A sum of \$200,000 has been allocated by the State Government for the construction of a community hall in Connolly. Information is provided on this funding, what facilities may be established on Council's community purpose site and facility needs in this area. It is

recommended that Council works with the Connolly Residents Association to develop a process for assessing the need for community facilities in Connolly prior to the development of any facility at Lot 404 Glenelg Place, Connolly.

**MOVED Cr Ewen-Chappell, SECONDED Cr Taylor that Council works with the Connolly Residents Association to develop and implement a process to assess the need for community facilities in Connolly prior to the development of any facility at Lot 404 Glenelg Place, Connolly. CARRIED**

**TS256-08/97 SORRENTO SOCCER CLUB - PERCY DOYLE RESERVE, DUNCRAIG - BUILDING STRUCTURAL ASSESSMENT - [472-01-1, 061-285-3]**

Following advice that cracks appeared in the Sorrento Soccer Club building, Pritchard Francis Associates, Civil and Structural Engineering Consultants were engaged to provide a structural report as to the conditions prevailing at the Sorrento Soccer Clubroom Building at Percy Doyle Reserve. Minimal maintenance work is required to be undertaken to repair the building until a proposal to construct additions is resolved.

At the Technical Services Committee meeting, Cr Lynn referred to page 2 to Report TS256-08/97 and advised that the proposal to extend the Soccer Club building had been received and had been submitted to the Director Strategic Planning.

**REPORT RECOMMENDATION: THAT Council:**

- 1 agrees to limit the remedial work to be undertaken at the Sorrento Soccer Clubrooms at this point in time to the dry packing of wall cracks in the brick work as recommended by the Consulting Engineers, Pritchard Francis & Associates;
- 2 reviews this matter on an annual maintenance inspection basis and/or when details of the proposed expansion is received;
- 3 notifies the Sorrento Soccer Club accordingly.

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

- 1 agrees to limit the remedial work to be undertaken at the Sorrento Soccer Clubrooms at this point in time to the dry packing of wall cracks in the brick work as recommended by the Consulting Engineers, Pritchard Francis & Associates;
- 2 reviews additional remedial works in conjunction with details of the proposed expansion;
- 3 notifies the Sorrento Soccer Club accordingly. **CARRIED**

**TS257-08/97      FLINDERS PARK COMMUNITY CENTRE, HILLARYS - STORE ROOM ADDITIONS TO THE CLUBROOMS - [061-472-01]**

This submission is lodged on behalf of the spokesperson for the Sorrento Junior Rugby League Club who has requested that the City on its behalf prepares plans for the construction of a store room and seeks Council's approval for the work to proceed.

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

- 1      **agrees in principle to the store room extensions at the Flinders Community Centre as proposed by the Sorrento Junior Rugby League Club provided that:**
  - (a)      **the work is funded by the Sorrento Junior Rugby League Club and the Whitfords Cricket Club;**
  - (b)      **development approval and a building licence application is made for the work;**
- 2      **agrees to not levee the minimum monetary charges due for town planning administration and building licence fees.      CARRIED**

**TS258-08/97      INSTALLATION OF RESIDUAL CURRENT DEVICES (RCD'S) IN ALL WORK PLACES WITHIN COUNCIL FACILITIES - [405-0]**

There is a statutory obligation effective from 1 September 1997 for the City to have installed residual current devices in all situations where employees work. This is a requirement under the Occupation Safety & Health Regulations 1996 part 3.60 and expenditure as listed on the installation of RCD's needs to be included in the 1997/98 budget.

At the Technical Services Committee meeting, Cr Taylor requested the Director Strategic Planning to submit information in relation to regulations applying to Council buildings following the proposed announcement by the Minister, prior to the next Council meeting to be held on 27 August 1997.

**REPORT RECOMMENDATION: THAT Council**

- 1      **agrees to include in the 1997/98 budget the sum of \$192,700.00 for the supply and installation of residual current devices in Council owned and managed facilities as required under the Occupation Safety & Health Regulations 1996 part 3.60;**
- 2      **notes that correspondence has been sent to all lease holders of Council owned facilities advising that they are subject to the Occupation Safety & Health Regulations 1996 part 3.60 and will need to upgrade the facility in compliance with the regulations.**

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Taylor that Council defers consideration of including funds in the 1997/98 budget for the supply and installation of residual current devices in Council owned and managed facilities pending further information being submitted regarding the proposed draft regulations and the proposed announcement by the Minister. **CARRIED**

**TS259-08/97**            **REVIEW OF COMMITTEES - [702-3]**

At the meeting of the Policy Committee held on 11 August 1997 it was agreed to recommend to the Council that a number of Committees established by the Council should be disbanded and established by the relevant Standing Committee.

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Taylor that the Technical Services Standing Committee establishes the Koondoola Regional Bushland Advisory Committee, comprising:

Cr A Wight  
 Cr A Taylor  
 Cr J Hollywood  
 Cr T Popham - Deputy  
 Cr D Tippett - Deputy  
 Mr D Cluning, Manager Parks Landscaping Services  
 Ms R Murray, Conservation Officer  
 Mr D Pike, Community Representative  
 Ms C Tauss, Community Representative  
 Mr J Lavers, Community Representative  
 Ms T Davies, Facility Manager, Hainsworth Leisure Centre **CARRIED**

**TS260-08/97**            **APPOINTMENT OF MEMBER - VERGE AND MEDIAN LANDSCAPE WORKING PARTY - [702-0]**

With the recent passing of Cr Fleur Freame, consideration is required to be given to filling the vacancy which exists on the Verge and Median Landscape Working Party.

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Taylor that the Technical Services Committee nominates Cr M Lynn to fill the existing vacancy on the Verge and Median Landscape Working Party. **CARRIED**

**HEALTHY HEARTS LOCAL GOVERNMENT AWARDS - [702-0]**

At the Technical Services Committee meeting, Cr O'Grady referred to the recent 'Healthy Hearts Local Government Awards' function she had attended and advised that the City of Wanneroo had received an award in the category "Outstanding Project with Limited Resources".

She tabled a copy of an entry submitted by the Town of Kwinana and requested that a copy be distributed to all Councillors as she believed its project titled 'Recreational Equipment Vouchers' could be of benefit to City of Wanneroo residents.



**SIGNS - HODGES DRIVE AND SHENTON AVENUE - [219-1]**

At the Technical Services Committee meeting, Cr O'Grady queried the Ramtec signs and walls placed on verges along Hodges Drive and Shenton Avenue.

The Manager Parks Landscaping Services advised that these were rammed earth walls on a concrete base placed there for advertising purposes by LandCorp.

**LIGHTING IN UNDERPASSES - [511-1]**

At the Technical Services Committee meeting, Cr O'Grady requested that while staff officers are investigating the lighting situation at an underpass where the lights were not functioning, they also examine the lighting in all other underpasses.

**MATERIALS RECOVERY FACILITY - CITY OF GREATER DANDENONG - [508-4]**

At the Technical Services Committee meeting, Cr Taylor submitted a copy of an article titled 'J J Richards and Sons Open Showpiece MRF for the City of Greater Dandenong' and requested that the Director Technical Services distribute copies to all Councillors for their information.

He referred to the forthcoming seminar in Melbourne to be attended by a Business Unit Manager and Councillor and requested them to arrange a tour of this facility.

Cr Taylor also requested that this matter be included on the Council Agenda for consideration.

Cr Wight advised that the Manager Engineering Construction/Maintenance Services had arranged a tour of two other Councils while in Melbourne and a tour of the Regional Recycling Facility would be considered in conjunction with these.

**RESIGNATION - CR POPHAM - [702-3]**

At the Technical Services Committee meeting, Cr Popham advised that following discussions with fellow South Ward Councillors, he would be resigning from the Technical Services Committee in order to allow Cr Hollywood a place on a Standing Committee.

He commented that he would fill the position of Deputy for Cr Hollywood on this Committee.

The Chief Executive Officer advised that he would submit a report on this matter to the next Council meeting to be held on 27 August 1997 as he explained it would be necessary to have a resolution of Council.

**AVAILABILITY OF DIRECTORS - [702-3]**

At the Technical Services Committee meeting, Cr Popham referred to numerous phone calls he had made to Directors and expressed concern at their unavailability due to attendance at various meetings.

He questioned what constituted a meeting and queried the procedure practiced by Personal Assistants with regard to Councillors endeavouring to contact Directors.

The Chief Executive Officer believed that Personal Assistants were able to determine the direction of most calls and commented that normally phone calls were returned as soon as possible.

**LETTER BOX - DUNCRAIG SENIOR CITIZENS CENTRE - [335-3-2]**

At the Technical Services Committee meeting, Cr Lynn requested the Director Strategic Planning to investigate relocating the letterbox at the Duncraig Senior Citizens Centre on to the brickwork of the building as they had experienced problems with vandalism with the letterbox being situated apart from the building.

She advised that the members had suggested carrying out this work themselves if permitted to do so.

The Director Strategic Planning advised that this work would be carried out in conjunction with the installation of windows in the games room at the Centre and commented that an officer would negotiate with members of the Centre.

**PRIMARY SCHOOL PARKING - [910-1]**

At the Technical Services Committee meeting, Cr Bombak referred to a proposed survey of the school community in relation to primary school parking.

He believed meetings held to discuss school parking had already highlighted the options preferred and submitted correspondence from a resident which he believed addressed this issue.

This correspondence will be referred to Technical Services for information.

The Director Technical Services advised that Council needed to formally resolve the question of parking bays at primary schools and commented that the survey had already been initiated.

The Manager Parks Landscaping Services advised that he would be meeting on Wednesday, 20 August 1997 with a representative from the Education Department and Traffic Management to clarify this situation.

Cr Bombak wished it recorded that he was referring to Davallia Primary School in this instance.

**VERGE TREATMENTS - EDGEWATER PRIMARY SCHOOL - [910-1]**

At the Technical Services Committee meeting, Cr Bombak referred to the recent works carried out on Treetop Avenue, Edgewater adjacent to Edgewater Primary School and expressed concern at the compacted limestone used as a verge treatment.

He advised that due to recent rains there had been considerable erosion, with loose rocks causing a safety hazard and requested this matter be investigated.

**SORRENTO PRIMARY SCHOOL - RUBBISH BINS - [508-1]**

At the Technical Services Committee meeting, Cr Bombak referred to problems experienced with the lack of rubbish bins at the western end of Elfreda Avenue near Sorrento Primary School and suggested that rubbish bins be placed in the park near this area to assist in containing the problem with drifting rubbish..

**BUS STOP - SEACREST DRIVE, SORRENTO - [503-4]**

At the Technical Services Committee meeting, Cr Major referred to problems experienced with a school bus from St John's in Scarborough not parking at the designated bus stop in Seacrest Drive, Sorrento, thereby causing a dangerous situation.

He requested that St John's be contacted to advise them of the problem and to ensure that the bus driver parks in the appropriate place in future.

**C313-08/97 DEVELOPMENT AND PLANNING SERVICES COMMITTEE**

MOVED Cr O'Grady, SECONDED Cr Zuvela that Report of the Development and Planning Services Committee Meeting, held on 18 August 1997 be received. **CARRIED**

**ATTENDANCES**

Councillors:	A W WIGHT - Chairman	South Ward
	L O'GRADY	North Ward
	B A COOPER, Mayor, to 2037 hrs and then from 2039 hrs	Central Ward
	S P MAGYAR	Central Ward
	D K TIPPETT, JP	South Ward
	G A MAJOR	South-West Ward
	J BOMBAK, JP to 1947 hrs; and then from 2034 hrs	South-West Ward
	P O HEALY - Observer to 1935 hrs; and then from 1936 hrs to 2027 hrs; and then from 2030 hrs	North Ward
	L A EWEN-CHAPPELL - Observer from 2010 hrs to 2013 hrs; and then from 2019 hrs (Deputising for Cr Cooper from 2037 hrs to 2039 hrs)	Central Ward
	M J ZUVELA - Observer to 2033 and then from 2035 hrs	Central Ward
	A G TAYLOR - Observer to 1912 hrs; and then from 2019 hrs to 2036 hrs; and then from 2037 hrs	South Ward
	T POPHAM - Observer from 1814 hrs	South Ward
	J HOLLYWOOD, JP - Observer	South Ward
	M E LYNN, JP- Observer from 1814 hrs to 1938 hrs; and then from 2014 hrs (Deputising for Cr Bombak from 2014 hrs to 2034 hrs)	South-West Ward

Chief Executive Officer:	L O DELAHAUNTY
Director, Corporate Services:	R E DYMOCK
Director, Development Services:	O G DRESCHER
Director, Strategic Planning:	R G FISCHER
Manager, Infrastructure Design Services:	P PIKOR
Traffic Engineer:	L ROUND
Manager, Urban Design Services:	D BUTCHER
Manager, Development Management Services:	R W ZAGWOCKI
Committee Clerk:	J AUSTIN

**APOLOGIES**

Nil

**PUBLIC/PRESS ATTENDANCE**

There were 35 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following questions, submitted by Mr B Eastman were taken on notice at the Development and Planning Services Committee meeting held on 14 July 1997:

Q1 Is it true all applications to use rural land within the Telstra "buffer zone" for rural purposes or for a building licence to build a rural building on such land, are referred to Telstra for its advice, formally or informally, as to the possible impacts on its operations?

A1 Applications for substantial development proposed within one kilometre of Telstra's telecommunication centre, located on Lot 1 (620) Gnangara Road, corner Alexander Drive, Landsdale, would normally be referred to Telstra for its comment prior to the City determining the application.

Depending on the use proposed, the City may also refer applications to use land within this one kilometre buffer area to Telstra for its comment prior to the City determining the application.

Applications for building licences proposing development within one kilometre are not normally referred to Telstra for its comment prior to the City determining the application.

Q2 If so, under what authority does the Council do this?

A2 The Metropolitan Region Scheme (MRS) and the City's Town Planning Scheme No 1 (TPS1) are the documents relevant in this case.

Clause 30(1) of the MRS states that:

The Authority or a local authority exercising the powers of the Authority so delegated to it under the Scheme Act may consult with any authority that in the circumstances it thinks appropriate; and having regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality may, in respect of an application for approval to commence development, refuse its approval or may grant its approval subject to such conditions if any as it may deem fit.

Clause 7.4 of TPS1 states that:

In granting its approval to commence development the Council shall take into consideration the following matters:

(f) Any representations which may be made by any statutory authority and any submissions received from surrounding residents;

(i) Such other matters as the Council considers relevant.

and

Clause 7.3 of TPS1 states that:

In the case of an application for the Council's approval to commence development the Council shall consider the application and may grant the approval or may refuse its approval or grant its approval upon such conditions as it thinks fit, or may refer the matter to a subsequent meeting of the Council to be held not less than three weeks nor more than six months after the passing of a resolution recommending referral.

Whilst Telstra is not a statutory authority therefore Clause 7.4(f) of TPS1 may not be entirely relevant, part (i) of this clause allows Council to consider any matters it deems relevant when determining an application. This may include comments received from Telstra.

Q3 If as a result of Telstras advice, the Council refuses or delays dealing with these applications or imposes otherwise unnecessary conditions, will the Council pay compensation for resulting loses suffered by the owners of the rural land?

A3 I am unaware of any planning related legislation that provides for compensation under the circumstances you describe. A right of appeal either to the Minister for Planning or the Town Planning Appeal Tribunal does however exist should an applicant be aggrieved by a decision.

**The following question, submitted by Mr Graham Dunjey was taken on notice at the Development and Planning Services Committee meeting held on 14 July 1997:**

Q1 At the Council workshop held on 17 June 1997, Cr Major queried the size of the buffer zone for two similar satellite stations in Europe and Canada and also Cr Popham requested advice on ownership of the land within the buffers for these stations. Mr Dunjey stated that these questions had been taken on notice at this time and queried whether a response had been received.

A1 A report on this issue will be submitted to Development and Planning Services Committee meeting to be held 18 August 1997 - Item DP147-08/97 refers.

At this stage, investigations have been unable to ascertain ownership of the land within the buffers referred to.

**Ms Helen Maher of 102 Franklin Road, Wanneroo, regarding Item B98-08/97 - Proposed Eastern Freeway:**

"At a recent EPARAG Committee meeting it was resolved that EPARAG request the following questions to be addressed by Council and the Councillors when formulating policy and providing decisions and input to the final plan of a Proposed Eastern Freeway. EPARAG would also appreciate notification of any future decisions to the proposed eastern freeway:"

- Q1 In the light of this new eastern freeway proposal, will the proposal for upgrading existing roads throughout east Wanneroo ie Lenore/Franklin/Rousset roads be implemented?
- Q2 Where is exactly the Breton Bay Industrial area situated?
- Q3 What exactly is the "industry" that will be focused in this area?
- Q4 How will it affect one of our major primary industries - crayfishing?
- Q5 Who will the new highway serve?
- Q6 What other feeder roads will be required if this proposal is pursued? Will any east/west feeder roads through Wanneroo be required?
- Q7 Will this eastern highway be part of a new coastal highway heading to Geraldton?
- Q8 When Councillors are studying the concept of an eastern perimeter road over the Gnangara Mound, we believe a thorough study of the road structure and safety of spillage of contamination materials into the water mound should be implemented. The State Government should not spare or become financially tight in respect of the best road available to transverse the Gnangara Mound. Money should be available for the actual construction and not the consultation process.
- Q9 Will landowners who are actually affected by these decisions be advised and properly compensated at today's market prices?
- Q10 Who owns the land at Breton Bay or more to the point who are the individuals/companies responsible for advocating an industrial concept at this bay?

These questions were taken on notice.

**Ms Barbara Bruce:**

- Q1 In 1987 when OTC (now Telstra Corporation Limited) requested a 1km rural buffer zone what scientific or other justification was given to the City of Wanneroo Council for the need for the buffer?
- Q2 What investigations were made by the Council into the need for the buffer?

These questions were taken on notice.

**Mr G Dunjey:**

- Q1 Is there any legal or statutory requirement for the buffer zone around the satellite tracking facilities in Canada, France and California?
- Q2 What is the radius of the buffer zone (if any) that surrounds these satellite tracking facilities?

- Q3 What are actual land areas of these individual satellite tracking sites?
- Q4 Is the land that immediately adjoins these satellite tracking facilities privately owned. If not who are the owners?
- Q5 Are these satellite tracking facilities located in rural country areas?
- Q6 What is the distance of the nearest residential development to these satellite tracking facilities?
- Q7 What is the distance of these satellite tracking facilities from a capital city or major community business district?
- Q8 What are the area populations that surround these satellite tracking facilities?

These questions were taken on notice.

#### **DECLARATIONS OF FINANCIAL INTEREST**

Cr Healy declared an interest in item DP149-08/97 as he owns land in the area.

Cr Healy declared an interest in item DP151-08/97 as he owns a business in the area.

Director, Strategic Planning declared an interest in items DP147-08/97 and DP149-08/97 as he is a member of the Salvation Army and on the management committee which is responsible for the Salvation Army Crossroads Programme in Landsdale.

Cr Cooper declared an interest in item DP194-08/97 as he has been involved on all three projects.

#### **CONFIRMATION OF MINUTES**

#### **MINUTES OF DEVELOPMENT AND PLANNING SERVICES COMMITTEE MEETING HELD ON 14 JULY 1997**

The Minutes of the Development and Planning Services Committee Meeting held on 14 July 1997, were confirmed as a true and correct record.

#### **PETITIONS AND DEPUTATIONS**

#### **DEPUTATION - PERRY'S PADDOCK**

Mr V Garmson (Developer) and Mr Tony Bennett addressed the Committee in relation to the proposed tourist development project at Perry's Paddock, Woodvale - Item DP146-08/97 refers.

Mr Garmson presented a brief history of the "Olde" World Charm Tourist Project for the benefit of new Councillors. Mr Garmson submitted papers on his presentation.



Mr Garmson requested that, in the event that Council does not proceed with its Historical project in Perry's Paddock, his project be allowed to proceed in the south-eastern corner, behind the olive trees. Mr Garmson submitted comments in support of the project and requested that the Development and Planning Committee submit the following recommendation to the full Council:

"That if the City does not proceed with its own project in Perry's Paddock, then our project should not be jeopardised and should be given the full credit it deserves, by recommending that:

- 1 our project be positioned in the south-eastern area of Perry's Paddock;
- 2 the City to adopt our 2nd proposal, which is for the City to beautify the main area of Perry's Paddock with a tree planting program, the construction of paths, lights and plaques of significance etc;
- 3 this will also add to the security of the Perry's Paddock area;
- 4 as the area of Perry's Paddock is vested in the City of Wanneroo, we would like to negotiate with the City as regarding the maintenance and upkeep of the Perry's Paddock area, that we hope will satisfy both parties;
- 5 to have this project finalised so we can then proceed with confidence."

Following questions from Councillors, the Chairman thanked the deputation for addressing the Committee and advised that the matter would be considered later in the meeting.

#### DEPUTATION - PROPOSED RESIDENTIAL SUBDIVISION OF LOT 7 HEPBURN AVENUE, HILLARYS

Mr Bill Burrell of Taylor Burrell, Ms Fiona Roche of Estates Development, Mr Mike Jones of Paltara Pty Ltd and Alan Kleidon of Sinclair Knight Mertz addressed the Committee in relation to the proposed residential subdivision of Lot 7 Hepburn Avenue, Hillarys - Item DP190-08/97 refers.

Mr Burrell advised that their major concern is that the subdivision integrity would be compromised by the deletion of the proposed roundabout at the intersection of Hepburn Avenue and subdivision road "A". Mr Bill Burrell presented to Councillors a planning summary of the development and Mr Alan Kleidon outlined the traffic summary.

Mr Mike Jones advised that this subdivision represented the last piece of land resulting from a subdivision proceed which started in the 1960's and the developers wish to achieve the best possible result from this landholding. Mr Jones stated that considerable research had been undertaken in relation to the roundabout and requested that the application be approved in its entirety. Mr Jones also pointed out that savings would be made by Council by constructing the roundabout at this point in time.

Following questions from Councillors, the Chairman thanked the deputation for addressing the Committee and advised that the matter would be considered later in the meeting.

**MEETING TIMES:**

Commenced: 1803 hrs

Closed: 2050 hrs

**REPORT NO:****DP146-08/97      PERRY'S PADDOCK - (057-4)**

A number of studies concerning Perry's Paddock area have now been completed, namely the Conservation Plan (Kelly Aris Conservation Architect), wetlands boundary/buffer study (V & C Semeniuk Research Group) and Aboriginal Heritage Survey (McDonald, Hales & Associates). These studies, particularly the Conservation Plan, have significant implications for the future of the Perry's Paddock Historical Village project and for the 'Olde World Charm' development proposal for the site by Mr Vic Garmson. It is recommended that the Conservation Plan be adopted and that it be used to guide the preparation of plans for the future use and management of this land. It is also recommended that Mr Garmson's project not be accepted.

**REPORT RECOMMENDATION:** THAT Council:

- 1            adopts the Conservation Plan for Perry's Paddock prepared for the City by Kelly Aris Conservation Architect;
- 2            pursues the preparation of plans for the future use and management of Perry's Paddock in accordance with the recommendations of the Conservation Plan;
- 3            does not accept Mr Garmson's proposals for Perry's Paddock due to conflict with the Conservation Plan, and the minimal land available for development having regard to the Conservation Plan and the Semeniuk study on wetland boundaries/buffers and the Aboriginal sites studies;
- 4            acknowledges that Mr Garmson has been working for many years with the City on his proposal and that the City will therefore use its best endeavours to find a possible alternative suitable site for his project;
- 5            requires that the matter of whether an historical village of a type similar to that previously envisaged for Perry's Paddock should be pursued for an alternative site, or not, be further considered by the Historical Sites Advisory Committee for formulation of a recommendation to Council on the matter;
- 6            refers the Conservation Plan to the Department of Conservation and Land Management and the WA Planning Commission for inclusion in the consideration of the management plan for Yellagonga Regional Park.

**RECOMMENDATION**

## THAT Council:

- 1            adopts the Conservation Plan for Perry's Paddock prepared for the City by Kelly Aris Conservation Architect;
- 2            pursues the preparation of plans for the future use and management of Perry's Paddock in accordance with the recommendations of the Conservation Plan;

- 3 does not accept Mr Garmson's proposals for Perry's Paddock due to conflict with the Conservation Plan, and the minimal land available for development having regard to the Conservation Plan and the Semeniuk study on wetland boundaries/buffers and the Aboriginal sites studies;
- 4 acknowledges that Mr Garmson has been working for many years with the City on his proposal and that the City will therefore use its best endeavours to find a possible alternative suitable site for his project;
- 5 requires that the matter of whether an historical village of a type similar to that previously envisaged for Perry's Paddock should be pursued for an alternative site, or not, be further considered by the Historical Sites Advisory Committee for formulation of a recommendation to Council on the matter;
- 6 refers the Conservation Plan to the Department of Conservation and Land Management and the WA Planning Commission for inclusion in the consideration of the management plan for Yellagonga Regional Park;
- 7 supports Mr Garmson in his approach to the Department of Conservation and Land Management to find a suitable area within Yellagonga Regional Park.

#### **ADDITIONAL INFORMATION**

Correspondence has been received this week from Mr Vic Garmson and Mr Tony Bennett proponents of the "Old Worlde Charm Tourist Project in Perry's Paddock, requesting a meeting with the Mayor and Council officers. The purpose of the meeting is to discuss concerns regarding the historical studies undertaken for the Perry's Paddock site and their subsequent impact on Messrs Garmson and Bennett's project.

Council has undertaken a number of studies regarding the Perry's Paddock site and careful consideration needs to be given to the options presented for the site. In light of Messrs Garmson and Bennett's concerns, the need to arrange a meeting with the Mayor and Council officers and preparation of reports to Council, it is requested that the matter be deferred until the October Council meeting.

**MOVED Cr Magyar, SECONDED Cr Ewen-Chappell that consideration of Mr Garmson's proposals for Perry's Paddock be deferred pending the outcome of a meeting to be arranged with the Mayor, Councillors and Council officers. CARRIED**

#### **DP147-08/97      TELSTRA BUFFER AREA, EAST LANDSDALE - [790-801]**

Council has sought advice from Telstra about two satellite stations in Europe and Canada, similar to the station in East Landsdale, regarding the size of the buffer zones and the ownership of land within those buffer zones. Advice has now been received from Telstra.

Director, Strategic Planning declared an interest in item DP147-08/97 as he is a member of the Salvation Army and on the management committee which is responsible for the Salvation Army Crossroads Programme in Landsdale.

**REPORT RECOMMENDATION:** THAT Council notes that information has been received from Telstra regarding the buffer zones and the surrounding land use of satellite stations in Europe and Canada, that are similar to the Perth International Telecommunications Centre.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council notes that information has been received from Telstra regarding the buffer zones and the surrounding land use of satellite stations in Europe and Canada.** **CARRIED**

**DP148-08/97      OCEAN REEF COASTAL LAND - [615-0-3]**

A number of issues affecting the land adjacent to the Ocean Reef Boat Launching Facility are presented for Council's consideration. These relate to negotiations concerning long term responsibility for the southern part of the breakwater, construction of a dual-use path and fencing along the coastline, advertising of the modified draft Mullaloo-Ocean Reef Foreshore Management Plan, a request for a pathway to be provided along the access road to the boat launching facility, and a proposal received from the firm, Marine & Offshore Training, for development of a training facility in the area.

**REPORT RECOMMENDATION:** THAT Council:

- 1      defers consideration of the request submitted by the Ocean Reef Residents Association for a footpath along the access road from Ocean Reef Road to the Ocean Reef Boat Launching Facility pending completion of the proposed feasibility study to be undertaken in respect of the Ocean Reef Lot 1029 project;
- 2      advises Marine & Offshore Training that it is not prepared at this stage to consider its proposal for a marine and offshore training facility on Lot 1029 Ocean Reef due to the likely imminent preparation of a feasibility study in respect of the Lot 1029 Ocean Reef project and Council does not wish to jeopardise future plans for this area by accepting a proposal prior to consideration of the overall planning of the area. Council would welcome reconsideration of the matter by Marine & Offshore Training following completion of the feasibility study.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that:**

- 1      **the request submitted by the Ocean Reef Residents Association for a footpath along the access road from Ocean Reef Road to the Ocean Reef Boat Launching Facility be considered in the proposed feasibility study to be undertaken in respect of the Ocean Reef Lot 1029 project;**
- 2      **Council advises Marine & Offshore Training that it is not prepared at this stage to consider its proposal for a marine and offshore training facility on Lot 1029 Ocean Reef due to the likely imminent preparation of a feasibility study in respect of the Lot 1029 Ocean Reef project and Council does not wish to jeopardise future plans for this area by accepting a proposal prior to consideration of the overall planning of the area. Council would welcome reconsideration of the matter by Marine & Offshore Training following completion of the feasibility study.** **CARRIED**

**DP149-08/97      LOCAL RURAL STRATEGY - [290-7-2]**

Councillors have held a Workshop with its consultant, Mr Tim Auret, who is assisting in the preparation of the Local Rural Strategy. The Workshop participants have recommended a number of actions which Council should endorse as the basis for the preparation of the Draft Local Rural Strategy. It is recommended that Council endorse these actions, subject to a modification being made to the action relating to Strategy Area 6, being the rural land located between Wanneroo Road and Lake Neerabup.

Director, Strategic Planning declared an interest in item DP149-08/97 as he is a member of the Salvation Army and on the management committee which is responsible for the Salvation Army Crossroads Programme in Landsdale.

**REPORT RECOMMENDATION: THAT Council:**

1            endorses the actions recommended by the Councillors' Local Rural Strategy Workshop as outlined in Report DP149-08/97 with the exception of Strategy Area 6, for which the following action is endorsed:

              'Place a moratorium on all subdivision for 10 years and then re-assess the situation'.

2            requires that the Draft Local Rural Strategy be prepared based upon the actions endorsed under 1 above.

**ADDITIONAL INFORMATION**

In accordance with Council's Resolutions regarding the Local Rural Strategy (LRS), a questionnaire survey of landowners in the Lake Neerabup area encompassed by Strategy Area 6 and a subsequent workshop with landowners have been conducted. A preliminary analysis of the questionnaire results and minutes from the workshop are attached - Appendix XIV refers

As can be seen neither the questionnaire results nor the workshop minutes indicate a consensus about future development within the area. In fact both the questionnaire and the workshop have in effect only provided a forum for those in favour of and those opposing the Gray and Lewis proposed rezoning and subdivision to express their points of view.

However, since the workshop, two further submissions have been received from the consulting team that developed the Gray and Lewis proposal. The first of these proposes an alternative to the moratorium on subdivision being suggested for Strategy Area 6. The alternative proposition that has been submitted is to the effect "THAT Council may consider subdivision upon resolution of all outstanding issues, including foundation stability, environmental impact and community concerns."

The second submission requests the withdrawal of Item DP150-08/97 dealing with the proposed rezoning of Strategy Area 6. Given that this request has been received there is no longer a proposal for Council to consider. However, the matter of how Strategy Area 6 is to be treated in progressing the LRS still needs to be determined.

In terms of progressing the LRS, perhaps the most salient points raised through either the questionnaire or the workshop were concerns that the suggested moratorium on subdivisional development would not satisfy either of the underlying objectives (ie achieving acceptable development and ensuring that environmental quality throughout Strategy Area 6 was protected), and that in a strategic sense, the probability of development related difficulties being encountered within Strategy Area 6 because of prevailing environmental conditions could be considered as high. The precautionary principle would therefore suggest that development as proposed by Gray and Lewis might not be an appropriate option.

With regard to progressing the LRS, the second of the perceived most salient points arising from the workshop would be considered to provide the most appropriate basis for action. That is, because of the probability of development difficulties being encountered within the Strategy Area, any propositions through the LRS to promote more intensive subdivisional development could lead to some exposure for Council in the event of such difficulties occurring. In this sense the suggested moratorium could still be regarded as valid as it precludes more intense subdivision development in the medium term thereby enabling more comprehensive geotechnical investigations to be undertaken should landowners wish to persevere with development proposals. Should such investigations be undertaken and demonstrate that all geotechnical and other constraints can be overcome, the option of lifting the moratorium would always be available to Council.

There is however, concern that if a moratorium was introduced without some form of supporting policy framework (to ensure that any proposal which was considered during the life of the moratorium was compatible with environmental conditions within the Strategy Area), undesirable environmental consequences could still arise. On this basis, it is felt that the most appropriate course of action in progressing the LRS would be as follows:

- 1 implement a moratorium on subdivision within Strategy Area 6 as proposed following the workshop with Councillors on the LRS;
- 2 develop planning policies for Strategy Area 6 that will ensure that any proposal affecting the Strategy Area during the life of the moratorium properly addresses all relevant environmental issues.

If this approach is regarded as acceptable the first part of the recommendation in report DP149-08/97 would need to state:

“Place a moratorium on subdivision for ten years and then re-assess the situation, and develop planning policies for Strategy Area 6 that will ensure that any proposal affecting the Strategy Area during the life of the moratorium properly addresses all relevant environmental issues.”

Submitted for the Development and Planning Services Committee’s consideration.

*Cr Lynn left the Chamber at this point, the time being 2201 hrs.*

*Cr Healy declared an interest in this item as he owns land in the area. The Development and Planning Services Committee considered this to be a trivial matter.*

**MOVED Cr Ewen-Chappell, SECONDED Cr Bombak** that Cr Healy's declaration of interest in this Item was resolved to be a trivial interest. **CARRIED**

*Cr Ewen-Chappell left the Chamber at this point, the time being 2203 hrs.*

## **RECOMMENDATION**

THAT Council:

1 endorses the actions recommended by the Councillors' Local Rural Strategy Workshop as outlined in Report DP149-08/97 with the exception of Strategy Area 6, for which the following action is endorsed:

'Place a moratorium on subdivision for 10 years and then re-assess the situation, and develop planning policies for Strategy Area 6 that will ensure that any proposal affecting the Strategy Area during the life of the moratorium properly addresses all relevant environmental issues.'

2 requires that the Draft Local Rural Strategy be prepared based upon the actions endorsed under 1 above.

*Cr Lynn entered the Chamber at this point, the time being 2208 hrs.*

**MOVED Cr Healy, SECONDED Cr Popham** that consideration of the Draft Local Rural Strategy be deferred and referred back to Development and Planning Services Committee.

The Mayor exercised his casting vote, and declared the Motion **LOST**

Cr O'Grady requested that voting be recorded, with the following result:

FOR: Crs Healy, Hollywood, Tippett, Popham, Zuvella and Bombak

AGAINST: Crs O'Grady, Magyar, Lynn, Major, Taylor and Cooper

**MOVED Cr Magyar, SECONDED Cr O'Grady** that Council:

1 endorses the actions recommended by the Councillors' Local Rural Strategy Workshop as outlined in Report DP149-08/97 with the exception of Strategy Area 6, for which the following action is endorsed:

'Place a moratorium on subdivision for 10 years and then re-assess the situation, and develop planning policies for Strategy Area 6 that will ensure that any proposal affecting the Strategy Area during the life of the moratorium properly addresses all relevant environmental issues.'

2 requires that the Draft Local Rural Strategy be prepared based upon the actions endorsed under 1 above. **CARRIED**

Appendix XIV refers



**DP150-08/97      APPLICATION FOR REZONING TO SPECIAL RESIDENTIAL AND SPECIAL ZONE (ADDITIONAL USE) COMMERCIAL USES: VARIOUS LOTS BETWEEN WANNEROO ROAD AND LAKE NEERABUP - [790-790]**

At the request of the applicants, this item was WITHDRAWN

**DP151-08/97      AMENDMENT NO. 800 TO TOWN PLANNING SCHEME NO. 1 TO REZONE PORTION OF LOT 41 WANNEROO ROAD, NEERABUP FROM 'RURAL' TO 'RURAL SPECIAL ZONE (ADDITIONAL USE) RURAL STORE NOT EXCEEDING 200M<sup>2</sup> - [790-800]**

On behalf of the landowners, Gray and Lewis Planning Consultants have submitted an application for rezoning Lot 41 (1910) Wanneroo Road, Neerabup from 'Rural' to 'Rural Special Zone (Additional Use) Rural Store Not Exceeding 200m<sup>2</sup>.

The landowners have made a previous application to rezone Lot 41 to enable the current 'Market Garden Sales' use to be expanded to permit a corner store to supply convenience goods. Although Council supported the rezoning (Amendment 518) the Hon. Minister for Planning refused permission to advertise.

The application is not considered to be in keeping with the recommended moratorium on subdivision for 10 years within Local Rural Strategy Area 6. In addition, the application does not comply with Council's Rural Stores Policy. Given these two factors the application should not be supported.

*Cr Taylor left the Chamber at this point, the time being 2211 hrs.*

*Cr Bombak left the Chamber at 2212 hrs and returned at 2214 hrs.*

*Cr Zuvella left the Chamber at 2215 hrs and returned at 2218 hrs.*

*At the Development and Planning Services Committee meeting, Cr Healy declared an interest in this item as he owns a business in the area. On reconsideration, Cr Healy believes he does not have a financial interest.*

*Cr Taylor entered the Chamber at 2219 hrs.*

*Cr Ewen-Chappell entered the Chamber at this point, the time being 2220 hrs.*

**MOVED Cr Healy, SECONDED Cr Popham** that Council supports the proposed rezoning of Lot 41 (1910) Wanneroo Road from 'Rural' to 'Rural Special Zone (Additional use) Rural Store Not Exceeding 200m<sup>2</sup>.

**LOST**

It was requested that voting be recorded, with the following result:

FOR: Crs Healy, Hollywood, Popham, Zuvela and Bombak

AGAINST: Crs O'Grady, Tippett, Ewen-Chappell, Magyar, Lynn, Major, Taylor and Cooper

**MOVED Cr Magyar, SECONDED Cr O'Grady that Council does not support the proposed rezoning of Lot 41 (1910) Wanneroo Road from 'Rural' to 'Rural Special Zone (Additional Use) Rural Store Not Exceeding 200m<sup>2</sup>' for the following reasons, and advises Gray and Lewis Planning Consultants accordingly:**

- 1 **the moratorium on subdivision for 10 years within Area 6 of the Local Rural Strategy;**
  - 2 **the proposed application does not comply with Council's Rural Stores Policy.**
- CARRIED**

**DP152-08/97**      **AMENDMENT NO 782 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOTS 24, 25, 26, 27 AND 28 BADGERUP ROAD, GNANGARA FROM RURAL TO SPECIAL RURAL - [790-782]**

Greg Rowe and Associates Planning Consultants on behalf of the owners of Lots 24, 25, 26, 27 and 28 Badgerup Road, Gngangara has requested Council to initiate an amendment to City of Wanneroo Town Planning Scheme No 1 to rezone these lots from Rural to Special Rural. The proposal generally accords with the principles and directions accepted by Council for the preparation of the Local Rural Strategy and it is therefore recommended that Council supports the proposed amendment.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **in accordance with Section 7 of the Town Planning and Development Act (1928) as amended, supports Amendment No 782 to Town Planning Scheme No 1 to:**
  - (a) **rezone Lots 24, 25, 26, 27 and 28 Badgerup Road, Gngangara from Rural to Special Rural;**
  - (b) **include in Part 2 of Schedule 4 of the Scheme Text the following Special Provisions to apply to this proposed Special Rural zone:**
    - (i) **the minimum lot size shall be not less than one hectare and subdivision shall generally be in accordance with the "Development Guide Plan";**
    - (ii) **the land the subject of this zone may be used for residential and equestrian purposes only. Ancillary land uses may be permitted on the condition that they do not generate further significant nutrient application, or involve the clearing of**

- land (other than for building envelopes, fences, fire breaks, access and servicing);
- (iii) the keeping of livestock for commercial purposes is prohibited;
  - (iv) no more than one horse shall be permitted on any lot;
  - (v) a cleared building envelope measuring no greater than 1,200 m<sup>2</sup> will be permitted on each lot as shown on the Development Guide Plan. The clearing of trees and native vegetation outside of the building envelope is prohibited other than for fences, fire breaks, access and servicing. The position of the building envelope shown on each lot may be varied subject to Council approval;
  - (vi) should a horse be kept on any lot the landholder shall confine the horse to the building envelope area shown on the Development Guide Plan by fencing, and should damage be caused to tree and shrub vegetation by the horse, the Council may require that the horse be removed from the lot until such time as improvements to the satisfaction of the Council have been made to fencing which is intended to protect the trees and shrubs;
  - (vii) the land is to be managed in such a manner as to avoid the land being laid bare of vegetation resulting in loose, wind erodible conditions. In particular, lots shall not be cleared of trees except as provided for by Special Provision (v) or where trees are dead or pose a hazard to safety;
  - (viii) on-site effluent disposal system requirements:
    - (a) the underside of effluent disposal chambers of conventional effluent disposal systems servicing dwellings shall be a minimum of two (2) metres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency;
    - (b) the underside of effluent disposal chambers or effluent disposal pads of modified nutrient attenuating on-site sewage disposal systems servicing dwellings shall be a minimum of five hundred (500) millimetres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency;

- (c) the effluent disposal chambers of conventional on-site sewage disposal systems servicing dwellings shall be a minimum horizontal distance of one hundred (100) metres from areas determined from time to time by the City of Wanneroo to be subject to periodic inundation;
  - (d) the effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewage disposal systems servicing dwellings shall be a minimum horizontal distance of fifty (50) metres from areas determined from time to time by the City of Wanneroo to be subject to periodic inundation.
- (ix) where re-vegetation is indicated on the Development Guide Plan, the subdivider of the estate shall re-vegetate the area in accordance with the recommendations contained in Appendix D1 of the 'Special Rural Rezoning Proposal Report for Lots 24, 25, 26, 27 and 28 Badgerup Road, Gnangara' prepared by Greg Rowe and Associates and dated November 1996 and such re-vegetation shall be undertaken by the subdivider prior to application for subdivision approval being made to the Commission;
- (x) the subdivider shall provide a reticulated water supply to all proposed lots within this zone;
- (xi) the 2.5 metre widening of Badgerup Road shown on the Development Guide Plan shall be ceded free of cost to the Crown at the time of subdivision of the land within this zone;
- 2 approves the Development Guide Plan prepared by Greg Rowe and Associates, shown on Attachment No 3 to Report DP152-08/97, as the Development Guide Plan referred to in the proposed Special Provisions referred to in 1 (b) above, noting that this approval related to Lots 24, 25, 26, 27 and 28 Badgerup Road only.
- 3 requires that the commitments given by the applicants in respect to their agreement to contribute toward the provision of future public open space area on Lot 29 Badgerup Road to the north of the application area, and the ceding of the widening required to Badgerup Road, now be formalised as a deed prepared at the cost of the applicants. **CARRIED**

**DP153-08/97 AMENDMENTS TO THE ENVIRONMENTAL PROTECTION ACT - [305-5]**

The State Government is proposing a number of amendments to the Environmental Protection Act and is seeking comment on these proposals. The deadline for comment has necessitated officer level comment in advance of Council consideration of the proposed amendments. It is recommended that Council notes the comments that have already been made, and identifies any other issues stemming from the proposed amendments on which it wants further comments to be made.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council notes the comments that have already been forwarded to the Hon Minister for the Environment in response to the proposed amendments to the Environmental Protection Act. CARRIED**

**DP154-08/97 APPOINTMENTS TO THE CITY OF WANNEROO ENVIRONMENTAL ADVISORY COMMITTEE - [305-6]**

To enable the City's Environmental Advisory Committee to function, appointment of community representative members is necessary. Nominations for appointment have been obtained, and it is recommended that Council confirms these appointments to the Committee.

**REPORT RECOMMENDATION:** THAT the Development and Planning Services Committee appoints the following community representative members to the City of Wanneroo Environmental Advisory Committee:

- Ms Diana James;
- Mr Martin Bowman;
- Mr Allen Carman-Brown;
- Mr Garry De Piazzi;
- Dr Ray Froend;
- Mr Vic Harman
- Mr David Wake

**ADDITIONAL INFORMATION**

## SUMMARY

At the meeting of the Policy Committee held on 11 August 1997 it was agreed to recommend to the Council that a number of Committees established by the Council should be disbanded and established by the relevant Standing Committee.

It is proposed that the Development and Planning Services Committee Meeting establishes the:

- Delegation of Authority Working Group
- Environmental Advisory Committee

Report DP154-08/97, submitted to the Development and Planning Services Committee meeting on 18 August 1997, proposes the appointment of Community representatives to the Environmental Advisory Committee. An amended recommendation to DP154-08/97 is

therefore submitted to establish these two committees and appoint additional delegates to the Environmental Advisory Committee.

## BACKGROUND

The Council at its July 1997 ordinary meeting agreed that a further report be presented to the Policy Committee reviewing the City of Wanneroo's Committees.

At the same meeting, the Council agreed to consider the following terminology when establishing groups:

- Standing Committee - Council members only appointed by the Council;
- Sub-committee, working group, advisory committee, taskforce - appropriate titles given to groups or committees appointed by standing committees.

## DETAILS

As previously stated (Report P66-07/97), Section 5 of the Local Government Act 1995 allows for the Council, by an absolute majority decision, to establish a committee comprising of three or more persons. There are now a number of different classes of committee that may be established which are:

- Council members only;
- Council members and employees;
- Council members, employees and other persons;
- Council members and other persons;
- employees and other persons; or
- other persons only.

Once the Council establishes a committee under the Act, it must observe a number of statutory procedures.

A committee, other than one consisting of other persons only, may be delegated authority by the Council. However the power to delegate to committees is limited to those comprising:

- Council members, employees and other persons;
- Council members and other persons; or
- employees and other persons.

is limited to the power and duty necessary or convenient for the proper management of:

- (i) the local governments, or
- (ii) an event in which the local government is involved.

If a committee has been delegated power:

- its meetings must be open to the public;
- its meeting dates and times must be advertised (once every 12 months);

- its agendas must be made available to the public (including any reports or material to be considered);
- a minimum of 15 minutes must be allocated for public question time;
- its unconfirmed minutes must be made available to the public within 5 days of the meetings.

The only committees of the Council that are currently opened to the public are Technical Services, Development Services and Finance and Community Services. These are required to give public notice of the meeting dates and times.

Section 5.23 of the Local Government Act 1995 states that all Council meetings and all meetings of any committee to which a local government power or duty has been delegated, are to be open to the public.

For those other committees of the Council that do not have delegated authority or that are not proposed to be open to the public, the following requirements are to be observed:

- members are to elect a presiding member (Section 5.12);
- certain declarations of financial provisions (Section 5.65);
- unconfirmed minutes are to be made available to the public within 5 (committee) and 10 (Council) days of the meeting (Administration Regulation 13);
- names of members present and their movements (Administration Regulation 11);
- details of each decision made (Administration Regulation 11);

Since the introduction of the Local Government Act 1995, the Council has established a number of committees that report directly to it. These are:

Annual Scholarship Award Panel  
Children's Book Week  
Cultural Development Advisory  
Delegation of Authority Working Group  
Disability Access Advisory  
Environmental Advisory  
Gloucester Lodge Museum Management  
Historical Sites Advisory  
Junior Council  
Koondoola Regional Bushland Working Group  
Lotteries House Steering Committee

## COMMENT

In light of the July 1997 decision of Council and in order to monitor the activities of individual committees, it is suggested that the above committees previously formed by Council, report to an appropriate standing committee. In order to achieve this, Council will need to disband the Committees and have the appropriate standing committee establish them with the same membership.

The following amended recommendation is therefore submitted for Report DP154-08/97:

“That the Development and Planning Services Standing Committee:

1 establishes the following groups:

(a) Delegation of Authority Working Group:

Cr B Cooper - Mayor  
Cr L O’Grady  
Cr A Wight  
Cr G Major  
Mr O Drescher, Director Development Services  
Mr D Butcher, Manager Urban Design Services;

(b) Environmental Advisory Committee

Cr P Healy  
Cr G Major  
Vacant (to be decided)  
Cr J Hollywood  
Cr S Magyar

2 appoints a Councillor to the vacant position on the Environmental Advisory Committee;

3 appoints the following community representative members to the Environmental Advisory Committee:

Ms Diana James;  
Mr Martin Bowman;  
Mr Allen Carman-Brown;  
Mr Garry De Piazzi;  
Dr Ray Froend;  
Mr Vic Harman;  
Mr David Wake”

**MOVED Cr O’Grady, SECONDED Cr Zuvela that the Development and Planning Services Standing Committee:**

1 establishes the following groups:

(a) Delegation of Authority Working Group:

Cr B Cooper - Mayor  
Cr L O’Grady  
Cr A Wight  
Cr G Major  
Mr O Drescher, Director Development Services  
Mr D Butcher, Manager Urban Design Services;



**(b) Environmental Advisory Committee**

Cr P Healy  
 Cr G Major  
 Vacant (to be decided)  
 Cr J Hollywood  
 Cr S Magyar

- 2 does not appoint a Councillor to the vacant position on the Environmental Advisory Committee at this time;
- 3 appoints the following community representative members to the Environmental Advisory Committee:

Ms Diana James;  
 Mr Martin Bowman;  
 Mr Allen Carman-Brown;  
 Mr Garry De Piazzi;  
 Dr Ray Froend;  
 Mr Vic Harman;  
 Mr David Wake

**CARRIED**

**DP155-08/97      ASSESSMENT AND MANAGEMENT OF CONTAMINATED LAND AND GROUNDWATER IN WESTERN AUSTRALIA - [305-5]**

The State Government has sought comment on proposals for the management of contaminated sites and groundwater in Western Australia. The deadline for comment necessitated officer level comment in advance of Council consideration of the Government's proposals. It is recommended that Council notes the comments that have already been made, and identifies any other issues stemming from the proposed amendments on which it wants further comments to be made.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council notes the comments that have already been forwarded to the Department of Environmental Protection in response to the proposals for management of contaminated land and groundwater in Western Australia.**

**CARRIED**

**DP156-08/97      METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO. 987/33 - "NORTH WEST CORRIDOR OMNIBUS AMENDMENT NO. 3" - [319 - 7 - 1]**

The North West Districts Omnibus No. 3 Metropolitan Region Scheme Amendment was released on 13 June 1997 for a three (3) month public comment period. Many of the proposals contained within this amendment are located within the City of Wanneroo. These proposals are considered to be appropriate and it is recommended that the modifications to the Metropolitan Region Scheme be supported by the Council.

At the Development and Planning Services Committee, Cr Magyar queried whether there was a requirement for item TP19-02/97 - Lots 132-135 Two Rocks Road, Yanchep to be rescinded. This matter will be investigated by the Director Strategic Planning and Councillors advised prior to the Council meeting to be held on 27 August 1997.

**REPORT RECOMMENDATION:** THAT Council advises the Western Australian Planning Commission that it supports the proposals contained within the Metropolitan Region Scheme North West Districts Omnibus (No. 3) Amendment No. 987/33 in accordance with the comments and considerations as discussed in Report DP156-08/97.

**COMMITTEE RECOMMENDATION** that Council:

- 1 advises the Western Australian Planning Commission that it supports the proposals contained within the Metropolitan Region Scheme North West Districts Omnibus (No. 3) Amendment No. 987/33 in accordance with the comments and considerations as discussed in Report DP156-08/97;
- 2 a further recommendation be prepared for submission to the Council meeting to be held on 27 August 1997 providing advice to the Minister in respect of Council's preferred position that the residents of Lots 132-135 Two Rocks Road, Yanchep be allowed to maintain their residence on the property for their natural lives.

### **ADDITIONAL INFORMATION**

#### **BACKGROUND**

At the Development and Planning Services Committee Meeting of the 18 August 1997 additional information was requested regarding Report No. DP156-08/97. The report details the Metropolitan Region Scheme (MRS) North West Corridor Omnibus Amendment No. 3.

The information refers specifically to Proposal 11 being Lots 132, 133, 134 and 135 Two Rocks Road, Yanchep. The requested information relates to the options available to the landowners should the proposed Parks and Recreation Reservation proceed. In researching these issues, additional information has emerged that will require rescinding a previous Council resolution (TP19-02/97) not to support the Parks and Recreation reservation on these lots

#### **DETAIL**

The information provided by the Western Australian Planning Commission (WAPC) in the supporting documentation to the amendment mentions the issue of land ownership. The WAPC states that should the land be reserved for Parks and Recreation the land will eventually be acquired by the WAPC when the present landowners may reasonably wish to sell.

The WAPC have indicated that there are several options for the acquisition of reservations. The following has been paraphrased from the brochure "Your Property and the Metropolitan Region Scheme".

Firstly, the landowners could continue to enjoy their property until it is needed for the purpose for which it has been reserved. In this scenario it is possible to complete any development or subdivision of the property that was approved prior to the reservation coming into effect.

Secondly, the landowners may sell the property on the open market to another person(s). The WAPC recognises that due to the reservation this may be difficult and, subject to acquisition priorities and the availability of funds, would be willing to consider the purchase of a reserved property if an owner is unable to achieve a private sale on the open market.

Thirdly, the landowners may offer the property for sale to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider the early acquisition of a reserved property. In these cases the property is valued at the current market value had the property not been affected by the reservation, with the value being determined by independent valuations of the property. In addition a further option of being able to lease back the property could be considered under this scenario.

The fourth option refers to a 'Claim for Compensation for Injurious Affection' following the WAPC's refusal of a development application which has either been refused or approved subject to conditions which are unacceptable to the landowner. In such cases the WAPC may elect to purchase the property instead of paying compensation with the purchase price being determined in the same way as a negotiated purchase.

These options have been outlined to inform Councillors of the options available to the landowners/residents affected by Proposal 11 in the MRS North West Corridor Omnibus Amendment No. 3. Generally the owner initiates discussions with the WAPC regarding an option for the property following reservation. The type of acquisition is determined by the landowners in conjunction with the WAPC.

Attached is a copy of the brochure titled "Your Property and the Metropolitan Region Scheme".

#### COMMENT

The above information regarding the options available to the landowners has been provided as requested.

Council may also be aware that the property owner of Lot 132 currently holds an 'Use Approval' for an aquaculture hatchery subject to several conditions. This 'Use Approval' is valid until September 1997. The City has received an 'Application to Commence Development' for the aquaculture hatchery which is currently being assessed. The City is awaiting a response from the WAPC regarding the application.

The above options regarding acquisition may provide an opportunity for the landowners aspirations to be met within the Parks and Recreation Reservation. Such options would need to be negotiated by the landowners or their representatives with the WAPC. The options could include the development of the aquaculture hatchery, continued residency or acquisition of the properties. These issues can be addressed through an agreement between the landowners and the WAPC.

As Council has raised concerns regarding the options available for the landowners and the ownership of their properties, these concerns should be forwarded to the WAPC and reference be made to Council supporting an agreement between the WAPC and the landowners.

In Council's consideration of these lots in February 1997 (TP19-02/97) following the gazettal of the St Andrews MRS Amendment, Council resolved not to support the Parks and Recreation reservation and suggested that the lots remain rural and in private ownership.

Due to the recommendation in this report supporting Proposal 11 of the MRS Amendment for Parks and Recreation reservation Council would be required to rescind its previous resolution regarding these lots.

Discussion ensued.

**MOVED Cr Healy, SECONDED Cr Bombak** that Council reaffirms its decision of 26 February 1997 being:

“that Council does not support the inclusion of Lots 132, 133, 134 and 135 Two Rocks Road, Yanchep in the Coastal Parks and Recreation Reserve, and that such lots remain rural and in private ownership.” **LOST**

**MOVED Cr O'Grady, SECONDED Cr Tippett** that Council:

1. rescinds its decision of 26 February 1997 (TP19-02/97) being:

“Council does not support the inclusion of Lots 132, 133, 134 and 135 Two Rocks Road, Yanchep in the Coastal Parks and Recreation Reserve, and that such lots remain rural and in private ownership.”

2. advises the Western Australian Planning Commission (WAPC) that it supports the inclusion of Lots 132, 133, 134 and 135 Two Rocks Road in the Parks and Recreation Reserve, and requests that a reasonable agreement is sought between the landowners and the WAPC.

2. advises the Western Australian Planning Commission that it supports the proposals contained within the Metropolitan Region Scheme North West Districts Omnibus (No. 3) Amendment No. 987/33 in accordance with the comments and considerations as discussed in Report DP156-08/97.

**CARRIED BY AN  
ABSOLUTE MAJORITY**

*Cr Healy requested that his name be recorded as having voted against the recommendation.*

Appendices XVI and XXX refer

**DP157-08/97      DEVELOPMENT ASSESSMENT UNIT AND DELEGATED  
AUTHORITY COMMITTEE - [290-1]**

This report provides a resumé of the development applications processed by the Development Assessment Unit and Delegated Authority Committee from 27 June 1997 to 31 July 1997.

**MOVED Cr O’Grady, SECONDED Cr Zuvela that Council notes the action taken by the Development Assessment Unit and Delegated Authority Committee in relation to the applications described in Report DP157-08/97. CARRIED**

Appendix XVII refers

**DP158-08/97      DRAFT NEERABUP LOCAL STRUCTURE PLAN - [30/2280, 290-15]**

Mitchell Goff and Associates, Peter Webb and Associates and Chapman Glendinning and Associates have forwarded a draft Neerabup Local Structure Plan (LSP) for the land owned by LandCorp, Homeswest and Yatala Nominees Pty Ltd on Lots 1 and 2 Flynn Drive and Swan Location 2579 Neerabup respectively. The subject land is currently zoned Urban and Reserved for Important Regional Roads in the Metropolitan Region Scheme and Residential Development and Special Residential in the City’s Town Planning Scheme No 1 with the corresponding regional road reservations.

Since receiving this plan, Homeswest has advised that it is no longer proceeding with the current LSP for its landholding and that it wishes to pursue “Traditional Neighbourhood Design Principles” for the planning of its landholding. Since planning of Homeswest land based on these planning principles will result in substantial modifications to the draft LSP, it is recommended that Council defers consideration of the draft LSP until such time as Homeswest forwards a revised version of the draft LSP.

**MOVED Cr O’Grady, SECONDED Cr Zuvela that Council:**

- 1            defers consideration of the draft Local Structure Plan for Neerabup, submitted by Mitchell Goff & Associates, Peter D Webb & Associates, Chapman Glendinning & Associates on behalf of LandCorp, Homeswest and Yatala Nominees Pty Ltd;**
- 2            requests Homeswest to modify the draft Local Structure Plan for Neerabup to include its current intentions for its landholding pursuant to the traditional neighbourhood design principles as previously discussed with Council officers;**
- 3            advises the three owners that since Homeswest is currently pursuing ‘Traditional Neighbourhood Design Principles’ for the planning of its landholding thus requiring substantial changes to the draft Local Structure Plan for Neerabup, Council will require a modified draft Local Structure Plan for Neerabup for the entire land incorporating the structure planning proposals of each landholding, for further consideration. CARRIED**

**DP159-08/97      DESIGN GUIDELINES FOR STAGE 4 LOT M1722 NATURALISTE BOULEVARD, ILUKA - [740-98553]**

The design guidelines for Stage 4 Iluka, submitted by Development Planning Strategies on behalf of Beaumaris Land Sales, are required to satisfy a subdivision condition and will become

a planning policy for the subject land. The draft guidelines will need to be modified prior to advertising as a planning policy.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1** adopts as a draft, the planning policy for the portion of Pt Lot M1722, (proposed Lots 938-952 and 973) Naturaliste Boulevard, Iluka, as shown in Attachment No 2 to Report DP159-08/97, subject to the draft policy first being modified to reflect the following:
  - (a) the inclusion of a clause stating that dwellings are to address the main street while vehicular access to the lots is from the rear laneway only;
  - (b) the inclusion of a clause stating that no major openings to habitable rooms on the second storey southern elevation;
  - (c) the modification of Clause 1.3.1 to ensure that side setbacks are to be in accordance with the Residential Planning Codes;
  - (d) the modification of Clause 3.0 such that patios not visible from public view and verandas may be designed at an alternative roof pitch provided the design is complementary to the main building;
  - (e) the modification of Clause 4.0 to ensure that:
    - (i) any fencing provided by the developer which is visible from public view is not to be removed but also not modified unless it is damaged and needs to be replaced;
    - (ii) separate pedestrian access gates to the rear laneway, in addition to garage doors, are permitted;
  - (f) the modification to Appendix 1B subdivision plan to reflect the correct subdivision plan;
  - (g) the modification of the layout to be similar to that of the adopted planning policy/design guidelines for Stage 8C Currambine.
- 2** following the modifications outlined in Point 1 above, advertises the draft planning policy in accordance with Clause 5.11 of Town Planning Scheme No 1 for a period of thirty days;
- 3** in the event that no objection is received as a result of advertising, finally adopts the planning policy;
- 4** upon finally adopting the planning policy, exercises discretion under:

- (a) **Clause 1.5.7 of the Residential Planning Codes and reduces the front setback requirements from 6.0 metres average with a 3.0 metre minimum to 4 metre average with a 2.0 metre minimum for all lots within the policy area;**
- (b) **Clause 1.5.7 of the Residential Planning Codes and reduces the rear setback requirements for the main building from 4.0 metre average to nil for all lots within the policy area;**
- (c) **Clause 1.5.5c of the Residential Planning Codes and reduces the rear setback requirement for carports and garages from 4.0 metre average to 1.5 metre minimum for all lots within the policy area;**
- (d) **Clause 5.9 of Town Planning Scheme No. 1 and reduces the minimum open space requirement from 50% to 40% of the site area for all lots within the policy area;**
- (e) **Local law 3 of City of Wanneroo Fencing and Private Tennis Court Floodlighting Local Law and increases the height requirement of the front gates from 1.8 metres to 2.1 metres for all lots within the policy area.**

**CARRIED**

Appendix XVIII refers

**DP160-08/97      PROPOSED TELECOMMUNICATIONS TOWER AND SHELTER, LOT 8 (41) PRINDIVILLE DRIVE, WANGARA - [30/5653, 1267/8/41]**

Telstra Corporation Ltd has served a notice on Council of its intention to install a mobile telephone facility on the Council owned land at Lot 8 at the corner of Prindiville Drive and Irwin Road, Wangara, and has lodged a development application. The proposal is considered to be acceptable, subject to a suitable lease being entered into.

**REPORT RECOMMENDATION:** THAT Council supports the application submitted by Telstra Corporation Ltd for a 25 metre high mobile telephone communications tower and shelter on the Council owned land at Lot 8 (41) Prindiville Drive, Wangara, subject to:

- 1 Telstra providing a written undertaking to remove any obsolete equipment at its expense, to the satisfaction of the Director of Development Services;
- 2 the facilities being constructed to blend with the surrounding environment, to the satisfaction of the Director of Development Services and painted with an anti-graffiti paint;
- 3 an appropriate lease being entered into based on a rental that reflects the commercial zoning of the land.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council supports the application submitted by Telstra Corporation Ltd for a 25 metre high mobile telephone communications tower and shelter on the Council owned land at Lot 8 (41) Prindiville Drive, Wangara, subject to:**

- 1 Telstra providing a written undertaking to remove any obsolete equipment at its expense, to the satisfaction of the Director of Development Services;**
  - 2 the facilities being constructed to blend with the surrounding environment, to the satisfaction of the Director of Development Services and painted with an anti-graffiti paint;**
  - 3 an appropriate lease being entered into based on a rental that reflects the commercial zoning of the land;**
  - 4 Telstra agreeing to allow other telecommunication carriers to utilise the tower.**
- CARRIED**

**DP161-08/97 SINGLE DWELLING WITH ANCILLARY ACCOMMODATION:  
LOT 504 (322) BADGERUP ROAD, GNANGARA - [0208/504/322]**

An application has been received from Julie Carter and Michael Stangroom for a single house with attached ancillary accommodation on Lot 504 (322) Badgerup Road, Gnangara. The proposal complies with all relevant requirements and Council's policy and is recommended for approval.

**REPORT RECOMMENDATION: THAT Council:**

- 1 approves the application submitted by Julie Carter and Michael Stangroom for a single dwelling with attached ancillary accommodation on Lot 504 Badgerup Road, Gnangara, subject to:**
  - (a) the proposal being redesigned, to the satisfaction of the Director, Development Services, so as to give the appearance of a single dwelling and the internal connection being not via another room;**
  - (b) the permanent direct access between the main dwelling and the accommodation being maintained;**
  - (c) prior to the issue of a building licence the owners entering into a legal agreement with the City, prepared by the Council's solicitors at the owners' expense, which shall bind the owner, heirs and successors in title, requiring the occupier of the ancillary accommodation to be a member of the family of the occupier of the main dwelling. To ensure that this agreement passes on to all subsequent owners, this agreement is also to enable the Council to lodge an Absolute Caveat against the Title of the land to preclude the owner from assigning the land to another person unless that person enters into a similar agreement with the City. This Caveat is not to be removed without the written consent of the Council;**



- 2 requires the preparation of a comprehensive draft policy relating to ancillary accommodation.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **approves the application submitted by Julie Carter and Michael Stangroom for a single dwelling with attached ancillary accommodation on Lot 504 Badgerup Road, Gnangara, subject to:**

- (a) **the proposal being redesigned, to the satisfaction of the Director, Development Services, so as to give the appearance of a single dwelling and the internal connection being not via another room;**
- (b) **the permanent direct access between the main dwelling and the accommodation being maintained;**
- (c) **prior to the issue of a building licence the owners lodging a restrictive covenant in gross on the title of the subject land or alternatively entering into a legal agreement with the City, prepared by the Council's solicitors at the owners' expense, which shall bind the owner, heirs and successors in title, restricting the occupier of the ancillary accommodation to be a member of the family of the occupier of the main dwelling. If the legal agreement option is exercised, then to ensure that the agreement passes on to all subsequent owners, the agreement is also to enable the Council to lodge an Absolute Caveat against the Title of the land to preclude the owner from assigning the land to another person unless that person enters into a similar agreement with the City. This Caveat is not to be removed without the written consent of the Council;**

- 2 **requires the preparation of a comprehensive draft policy relating to ancillary accommodation.** **CARRIED**

Cr Bombak referred to the Minutes of the Development and Planning Services Committee held on 18 August 1997 wherein reference was made to his absence from the room.

The Mayor advised Cr Bombak it would be necessary to raise this issue at the commencement of the September Development and Planning Services Committee meeting.

**DP162-08/97      SINGLE DWELLING WITH ANCILLARY ACCOMMODATION  
: LOT 509 (30) GOLFVIEW PLACE, GNANGARA - [2403/509/30]**

An application for a building licence has been received from Domain Homes on behalf of the Messrs Ruffles to construct a single dwelling with ancillary accommodation on Lot 509 (30) Golfview Place, Gnangara. The proposal complies with all relevant requirements however, is recommended for refusal.

## **RECOMMENDATION**

**THAT Council refuses the application submitted by Domain Homes on behalf of Messrs Ruffle to construct a single house and ancillary accommodation on Lot 509 (30) Golfview Place, Gngangara for the following reasons:**

- 1 the scale of the additional accommodation is excessive in that it proposes essentially two four bedroom, two bathroom dwellings;**
- 2 the proposal is inconsistent with the principle of one dwelling per lot in Special Rural zones;**
- 3 the proposal is inconsistent with the City's draft policy Two Dwellings on One Lot in that the proposal is not in the form of an extension to the existing dwelling but rather an additional dwelling;**
- 4 the proposal would set an undesirable precedent for the City to approve similar proposals.**

## **ADDITIONAL INFORMATION**

The applicant is aware of the Development and Planning Services Committee recommendation to refuse the application and has submitted some background information to provide Council with a better understanding of the design rationale. The applicant's main points can be summarised as follows:

1. The lot is jointly owned by 4 family members and the owners have lived together in one home as one family for the past 15 years;
2. Prior to purchasing the lot, the owners' builder submitted a concept plan to City officers and was told that that the proposal was acceptable;
3. The proposed house was designed to allow space for each of the family members to pursue their individual interests with each part of the house accessible to everyone;
4. Five of the bedrooms would be used as such with the other three allocated for use as a study, computer room and sewing room;
5. The two kitchens are needed to suit the family lifestyle.

In an endeavour to overcome Council's concern that the proposal represents two individual dwellings, the applicant has also submitted a draft revised plan indicating the deletion of one of the front entry doors and the grouping of the three carports to one as opposed to each end of the development.

Whilst the floorplan still indicates two-self contained components linked by a common games room, direct internal access is available to all rooms, a single front entrance now provides access to the overall development and with these design changes, the elevation now presents the appearance of a single dwelling.

On the basis of the following, the proposal is now considered acceptable:

1. the above design changes;
2. the deletion of a laundry to ensure the development does not contain two self-contained components; and
3. the owners entering into a legal agreement or lodging a restrictive covenant on the title of the land to ensure the development is used in accordance with the Residential Planning Code definition of a single dwelling.

**MOVED Cr Magyar, SECONDED Cr Ewen-Chappell that Council approves the application submitted by Domain Homes on behalf of L G, J J, S L and J A Ruffle for a single dwelling on Lot 509(30) Golfview Place, Gngangara, subject to:**

- 1 **the submission of revised plans incorporating the following design changes:**
  - (a) a single front entry door serving the overall development;
  - (b) the grouping of the three carports at one end of the development;
  - (c) the deletion of one laundry;
  - (d) the entire development located within the endorsed building envelope;
- 2 **prior to the issue of a building licence the owners lodging a restrictive covenant in gross on the title of the subject land or alternatively entering into a legal agreement with the City, prepared by the City's solicitors, at the owners' expense, which shall bind the owner, heirs and successors in title, restricting the use of the dwelling to that outlined in the Residential Planning Codes viz:**

*“dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation of an permanent basis by -*

- *a single person,*
- *a single family, or*
- *no more than six (6) persons who do not comprise a single family”*

If the legal agreement option is exercised, then to ensure that the agreement passes on to all subsequent owners, the agreement is also to enable the City to lodge an Absolute Caveat against the title of the land to preclude the owner from assigning the land to another person unless that person enters into a similar agreement with the City. This Caveat is not to be removed without the written consent of the City;

3 the approval of a building licence prior to the commencement of any works.

**CARRIED**

Appendix XXX1 refers

**DP163-08/97**      **PROPOSED THIRD STOREY ADDITION: LOT 392 (21)  
CLONTARF STREET, SORRENTO - APPROVAL IN PRINCIPLE  
- [14/392/21]**

An application for Approval In Principle has been received from Ivanhoe Building Company on behalf of P & J Yarwood for a third storey addition at Lot 392 (21) Clontarf Street, Sorrento. As the proposal is three storeys high, the affected adjoining owners have been contacted for comment in accordance with Council Policy G3-17, and all three comments have been favourable.

The proposed setback to the western boundary is 3.22m, 780mm less than the 4m required under the Residential Planning Codes. The proposal is considered acceptable in terms of the objectives of the R-Codes particularly in relation to the impact on privacy and amenity. An approval is therefore recommended.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council exercises its discretion under clause 1.5.7 of the Residential Planning Codes and reduces the setback requirement to the western boundary of Lot 392 from 4 metres to 3.22 metres and approves the application for Approval In Principle to erect a third storey addition at Lot 392 (21) Clontarf Street, Sorrento and authorises the Principal Building Surveyor to issue the building licence upon submission of formal documents, subject to such conditions deemed necessary.**

**CARRIED**

**DP164-08/97**      **APPROVAL IN PRINCIPLE - UPPER STOREY ADDITIONS,  
LOT 180 (34) HAZEL AVENUE, QUINNS ROCKS - [97031807]**

An application has been received from the owner of Lot 180 (34) Hazel Avenue, Quinns Rocks, for approval in principle to erect upper storey additions. The additions although complying with Residential Planning Code requirements, result in a partial three storey construction with an average height exceeding six metres. Council's Policy G3-17 requires buildings in residential areas exceeding two storeys or six metres in average height be referred to Council for approval where there is an adjoining owner objection. It is recommended that approval be granted.

*Cr Popham left the Chamber at this point, the time being 2249 hrs.*

**RECOMMENDATION**

THAT Council approves the application in principle to erect upper storey additions and renovations at Lot 180 (34) Hazel Avenue, Quinns Rocks.

**MOVED Cr Magyar, SECONDED Cr O'Grady that Council will consider an application for an upper storey addition on receipt of a properly drafted plans showing full details so that the plans can be accurately assessed for compliance with the R codes in relation to overshadowing and overlooking of adjoining properties. CARRIED**

*Cr Popham entered the Chamber at this point, the time being 2251 hrs.*

**DP165-08/97      PROPOSED CHURCH AND HALL : LOTS 356, 357 AND 358  
AINSBURY PARADE, CLARKSON - [30/5639]**

An application has been received from Pastor Michael Worker on behalf of the Australian Conference Association for a church and hall on Lots 356, 357 and 358 Ainsbury Parade, Clarkson. The application has been advertised on site in accordance with Town Planning Scheme No 1 requirements. As objections have been received the application is required to be determined by Council. The site is considered suitable for the proposed development and the application is recommended for approval.

At the Development and Planning Services Committee meeting, Cr O'Grady raised concerns in relation to the following items, and requested that these be resolved prior to consideration of this matter at the Council meeting to be held on 27 August 1997:

- hours of operation
- the location of driveway
- issues relating to hard landscaping which have not been covered by Report DP165-08/97
- parking ratio and feasibility of applicant managing the parking
- applicant's concerns relating to entrance

**REPORT RECOMMENDATION:** THAT Council:

- 1      approves the application submitted by Pastor Michael Worker on behalf of the Australian Conference Association for a church and hall on Lots 356, 357 and 358 Ainsbury Parade, Clarkson subject to:
  - (a)    a maximum of 200 people attending the site at any one time;
  - (b)    the exact location of the crossover being to the satisfaction of the City;
  - (c)    amalgamation of Lots 356, 357 and 358 Ainsbury Parade, Clarkson. The new Certificate of Title is to forwarded to the City prior to the occupation of the building;
  - (d)    standard and appropriate conditions as determined by the Director, Development Services.

- 2 exercises discretion under clause 5.9 of Town Planning Scheme No 1 and reduces the front setback for the development from 9 metres to 3 metres.

**COMMITTEE RECOMMENDATION** That consideration of the application submitted by Pastor Michael Worker on behalf of the Australian Conference Association for a church and hall on Lots 356, 357 and 358 Ainsbury Parade, Clarkson be deferred to the Council meeting to be held on 27 August 1997 pending resolution of issues raised by Cr Lynn O'Grady.

### **ADDITIONAL INFORMATION (1)**

Since the above Committee report was prepared:

- additional information requested from the applicant has been received;
- the Committee has requested that a variety of issues be addressed prior to the Council meeting.

A meeting held on 1 August involving Councillors, Council staff and adjoining residents and church representatives discussed a variety of issues. The Church was requested to provide:

- details of the street and crossovers nearby to enable alternative access arrangements to be examined;
- landscaping plans depicting more mature initial planting.

### **Alternative Access Location**

The alternative access arrangements discussed at the 1 August 1997 meeting and now depicted on the applicant's modified proposal (attached) is acceptable.

### **Landscaping**

The information submitted by the Church relevant to landscaping is not adequate and will need to be further refined to satisfy the "standard and appropriate conditions" to be applied by the Director, Development Services. The Church's present submission involves planting 2 metre high screening trees which will have a height at maturity of 6 metres along the Ainsbury Parade frontage.

### **Carparking**

The development has provided carparking in excess of the minimum Scheme requirements and is only likely to be exceeded (like in retail centres) on rare occasions, eg Christmas and Easter Services.

Because the arrival and departure times of patrons of these events has a narrow time spread, on-site car parking can be managed by the Church by directing that excessive parking be in the parking aisles.

A condition expressing the above has been included.

### Hours of Operation

The hours of operation have been addressed in the main report and will essentially be Saturday mornings from 9.00 am to 1.00 pm for regular worship, early evening two or three nights per week and during the day once or twice per week.

### Standard and Appropriate Conditions

These are general conditions which are included on all development approvals and include matters such as:

- standards of car park construction;
- submission of plans, eg landscaping, traffic management;
- procedural matters;
- stormwater control;
- finished levels;
- signage.

The purpose of not reporting standard and appropriate conditions is so that Council can focus on the bigger issues rather than the detail.

### Further Submission

An additional submission has been received from Ken Travers MLC, who has been contacted by local residents who expressed their concerns regarding the hall component of this proposal. He urges Council to address the concerns of local residents.

A modified recommendation is submitted.

## RECOMMENDATION

THAT Council:

1. approves the application submitted by Pastor Michael Worker on behalf of the Australian Conference Association for a church and hall on Lots 356, 357 and 358 Ainsbury Parade, Clarkson subject to:
  - (a) a maximum of 200 people attending the site at any one time;
  - (b) the location of the site access be as set out in the amended plan received by the City on 6 August 1997;
  - (c) amalgamation of Lots 356, 357 and 358 Ainsbury Parade, Clarkson. The new Certificate of Title is to be forwarded to the City prior to the occupation of the building;
  - (d) the applicant managing the on-site car parking at times of peak usage in order to prevent car parking on the street.

- (e) landscaping along Ainsbury Parade adjacent to the building being of semi-mature plants;
- (f) the times of operation to be generally Saturday mornings from 9.00 am to 1.00 pm for regular worship, early evening two or three nights per week and during the day once or twice per week;
- (g) standard and appropriate conditions as determined by the Director, Development Services.

### **ADDITIONAL INFORMATION (2)**

Cr Lynn O'Grady has sought to modify several conditions of the recommendation as set out in my memo of 22 August 1997.

The changes relate to 1(e) and 1(f) which will read as follows:

- 1(e) all landscaping around the perimeter of the property except Marmion Avenue frontage to be of semi-mature plants;
- 1(f) the times of operation to be generally not exceeding:
 

Saturday	8.30 am to 11.00 pm
Sunday	9.00 am to 9.00 pm
Monday to Friday	9.00 am to 10.00 pm

The motion to be put by Cr O'Grady at tonight's meeting is as follows:

**MOVED Cr O'Grady, SECONDED Cr Popham that:**

**THAT Council:**

- 1 approves the application submitted by Pastor Michael Worker on behalf of the Australian Conference Association for a church and hall on Lots 356, 357 and 358 Ainsbury Parade, Clarkson subject to:**
  - (a) a maximum of 200 people attending the site at any one time;
  - (b) the location of the site access be as set out in the amended plan received by the City on 6 August 1997;
  - (c) amalgamation of Lots 356, 357 and 358 Ainsbury Parade, Clarkson. The new Certificate of Title is to be forwarded to the City prior to the occupation of the building;
  - (d) the applicant managing the on-site car parking at times of peak usage in order to prevent car parking on the street.
  - (e) all landscaping around the perimeter of the property except Marmion Avenue frontage to be of semi-mature plants;



**(f) the times of operation not exceeding:**

<b>Saturday</b>	<b>8.30 am to 11.00 pm</b>
<b>Sunday</b>	<b>9.00 am to 9.00 pm</b>
<b>Monday to Friday</b>	<b>9.00 am to 10.00 pm</b>

**(g) standard and appropriate conditions as determined by the Director, Development Services. CARRIED**

Appendix XXX1 refers.

**DP166-08/97 REDUCED FRONT SETBACK - GARAGE : LOT 299 (21) NEWHAM WAY, KINGSLEY - [1850/299/21]**

A building licence application has been received from the owners of Lot 299 (21) Newham Way, Kingsley for the conversion of an existing garage into a habitable room with a reduced front setback of 1.93 metres for a proposed new garage. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes particularly in relation to the impact on the amenity and streetscape. An approval is therefore recommended.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council exercises its discretion under Clause 1.5.5(b) of the Residential Planning Codes and approves the proposed additions and alterations at Lot 299 (21) Newham Way, Kingsley to allow a front setback of 1.93 metres to the proposed garage. CARRIED**

**DP167-08/97 OVERHEIGHT RETAINING WALLS: LOT 780 (31) JERVIS WAY, SORRENTO - [2279/780/31]**

A building licence application has been received from Webb & Brown-Neaves Pty Ltd to erect a two storey dwelling at Lot 780 (31) Jervis Way, Sorrento, with proposed retaining walls in excess of 1000 in height above the natural ground level on the right hand, left hand and rear boundaries including a maximum height of 2150. Council's Policy J3-11 requires written comment from affected adjoining owners for retaining walls exceeding 1000 in height and retaining walls exceeding 2.0 metres in height must also be referred to Council. It is considered that approval be given for the proposed retaining walls.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council approves the proposed retaining walls to be constructed on Lot 780 (31) Jervis Way, Sorrento consisting of:**

- 1 adjacent Lot 781 Jervis Way, a limestone retaining wall up to 1793 in height and a twinside retaining wall up to 1500 high;**
- 2 an internal limestone retaining wall supporting the patio with a maximum height of 2150. CARRIED**

**DP168-08/97      PROPOSED 2800 HIGH RETAINING WALL: LOT 1 (5/18)  
PARKLAND CLOSE, EDGEWATER - [30/2456]**

The owners of the dwelling at Lot 1 Parkland Close, Edgewater have submitted a Building Licence application to Council for approval to construct a retaining wall to a maximum height of 2.8 metres along the front and side boundary. The Building Surveyor is only authorised to approve retaining walls up to 2 metres in height. It is recommended that Council approves the proposed retaining wall.

**MOVED Cr O’Grady, SECONDED Cr Zuvela that Council approves the retaining wall not exceeding 2.8 metres high along the front and side boundary which adjoins a pedestrian access way at Lot 1 Parkland Close, Edgewater.                          CARRIED**

**DP169-08/97      USE OF RESIDENTIAL PROPERTY AS A MOTOR REPAIR  
STATION IN BREACH OF THE CITY’S TOWN PLANNING  
SCHEME NO 1 - LOT 329 (22) CURTIS WAY, GIRRAWHEEN -  
[505/329/22]**

Since 30 January 1997 the City has received complaints concerning repairs to motor vehicles being carried out on Lot 329 (22) Curtis Way, Girrawheen.

Repeated requests to the owners of the property from the City, both in writing and verbally, have failed to resolve the situation.

It is recommended that legal action be initiated against the owners for use of the property as a motor repair station breaches of the City’s Town Planning Scheme No 1 (TPS1).

**MOVED Cr O’Grady, SECONDED Cr Zuvela that Council:**

- 1                advises the owners of Lot 329 (22) Curtis Way, Girrawheen, Mr Jayson Barber and Mrs Danika MacKenzie, that the use of the property as a motor repair station is in breach of the City’s Town Planning Scheme No 1;**
- 2                advises the owners of Lot 329 that Council intends to initiate legal action against them for using Lot 329 as a motor repair station in breach of the City’s Town Planning Scheme No 1;**
- 3                authorises the Chief Executive Officer to initiate legal action against the owners of Lot 329 (22) Curtis Way, Girrawheen in the direction contained in 2 above and thereafter at all times for any further breaches involving vehicle repairs on the property.                          CARRIED**

**DP170-08/97      BREACH OF HOME OCCUPATION APPROVAL AND SIGNS,  
HOARDINGS AND BILLPOSTING LOCAL LAW : LOT 38 (111)  
MIRRABOOKA AVENUE, GIRRAWHEEN - [168/38/111]**

Since 1993 the City has received complaints concerning unauthorised signs being erected on Lot 38 (111) Mirrabooka Avenue, Girrawheen.

On 15 June 1993, the owners of Lot 38 were issued with a home occupation approval for office use of their property for a mobile mechanic business.

Repeated requests both written and verbally from the City to the owners of Lot 38 to comply with the sign provisions of their home occupation approval have been blatantly ignored and a mobile sign has now been erected on the property verge in breach of the home occupation approval provisions and in breach of the City's Local Law S3.

It is recommended that the home occupation approval for office use of Lot 38 (111 Mirrabooka Avenue, Girrawheen be rescinded, after 7 days' notification, should the provisions of the home occupation approval not be satisfied at all times. It is also recommended that legal action be initiated against the owners of Lot 38 for any further breaches of the City's Local Law S3, Signs Hoardings and Billposting after a 7 day notification period.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **advises the owners of Lot 38 (111 Mirrabooka Avenue, Girrawheen that they are operating a mobile mechanic business from the property in breach of their home occupation approval granted 15 June 1993 by displaying unauthorised signs on the property and adjoining road verge;**
- 2 **advises the owners of Lot 38 that the business sign displayed on the property/verge in the form of a sign-written trailer is in breach of the City of Wanneroo Local Law S3 - Signs, Hoardings and Billposting;**
- 3 **rescinds the home occupation approval granted for a business to operate on Lot 38 (111 Mirrabooka Avenue, Girrawheen after 7 days' notification, should the provisions of the home occupation approval not be complied with at all times thereafter;**
- 4 **requires the owners of the property to remove all unauthorised signs from Lot 38 and the adjoining road verge within 7 days of notification and on a permanent basis;**
- 5 **initiates legal action against the owners of Lot 38 for any further breaches of the City's Local Law S3 - Signs, Hoardings and Billposting after the 7 day notification period;**
- 6 **refers the matter to its solicitors for legal action should a business operate on Lot 38 after the home occupation is rescinded at any time. CARRIED**

**DP171-08/97      PROPOSED RADIO MAST : LOT 675 (16) LARKSPUR PLACE  
HEATHRIDGE - [30/5081]**

An application has been received from Mr Johannes Muller seeking approval to erect a radio mast at his property at Lot 675 (16) Larkspur Avenue, Heathridge to allow him to conduct his hobby as an amateur radio operator. Surrounding owners were notified by means of a letter. Five (5) objections were received. The applicant then changed the location of the proposed mast, and the objectors were notified again. Only two of the five owners submitted a second

objection. The applicant is now proposing to relocate the mast to an even less conspicuous position on the property. The proposal is supported subject to conditions.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council approves the application submitted by Mr Johannes Lambertus Muller to erect a 7 metre high radio mast and antenna adjacent to the southern wall of the dwelling on Lot 675 (16) Larkspur Place, Heathridge, subject to:**

- 1 the antenna being designed and maintained in a manner that does not cause television/radio interference to adjacent properties;
- 2 standard and appropriate conditions deemed necessary by the Director, Development Services. **CARRIED**

**DP172-08/97**      **OFFENSIVE TRADE APPLICATION - FISH PROCESSING :  
LOT 195 (SHOP 7/6) BLACKWATTLE PARADE, PADBURY -  
[930-14, 30/5234]**

Council is advised of an application from Mr E and Mrs C Bouhlas of 14 Hazelwood Loop, Carine to establish an Offensive Trade (fish processing establishment) at Lot 195 (Shop 7/6) Blackwattle Parade, Padbury.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council approves the establishment of an Offensive Trade (fish processing establishment) at Lot 195 (Shop 7/6) Blackwattle Parade, Padbury, subject to the premises complying in all aspects with the Health Act Regulations and Local Laws made hereunder. **CARRIED****

**DP173-08/97**      **JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND  
MANUAL - PROVISIONS RELATING TO ROOFS - [1096/269/5,  
730-8-2]**

A building licence application has been received for a dwelling with verandas which does not comply with the requirement for roofs to be pitched at not less than 25° unless the roof is a flat roof with a parapet. Modifications to the Development Plan and Manual should be undertaken to exempt verandas from the roofing requirement.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 in accordance with Part 10 of Town Planning Scheme No 1 amends the requirements relating to roofscape in the Joondalup City Centre Development Plan and Manual by altering item B4.2 to read:  
  
"Pitched Roofs. Where pitched, roof pitches should be greater than 25° except for verandah roofs."
- 2 considers the amendment to be of a minor nature not requiring public notice as provided in Clause 10.7 of Town Planning Scheme No 1. **CARRIED**



- 2 requires that the owner meet all costs, including the City's legal costs, associated with the preparation and registration of the restrictive covenant.  
CARRIED

**DP176-08/97 PROPOSED SUBDIVISION, PT LOT 962 (1995) AND LOT 79 (1971) MARMION AVENUE, MINDARIE - [740-103709]**

This subdivision application proposes the creation of 315 single residential lots south of the northern neighbourhood centre in Mindarie. It is referred to Council, as the application is a variation to the approved local structure plan and as such, cannot be dealt with under delegated authority. It is recommended that the application be supported subject to several standard and non-standard conditions of approval being applied.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council supports the application submitted by Chappell and Lambert Planning Consultants on behalf of various landowners for the subdivision of Pt Lot 962 (1995) and Lot 79 (1971) Marmion Avenue, Mindarie, subject to:**

- 1 the size and configuration of Public Open Space Area A being to the satisfaction of the Manager Parks Landscaping Services and reticulated at the developer's expense;
- 2 Public Open Space Area C being deleted from its present location and relocated to another site within the Mindarie local structure plan area to the satisfaction of the City of Wanneroo;
- 3 the internal road within Cell 1 being connected to the adjoining roundabout to the satisfaction of the City of Wanneroo;
- 4 the uncontrolled four-way intersections either being provided with roundabouts or being staggered to the satisfaction of the City of Wanneroo;
- 5 the proposed rear laneways serving the 450 m<sup>2</sup> lots being deleted and the subdivision being re-designed to the satisfaction of the City of Wanneroo;
- 6 the existing roundabout at the intersection of Bergen Way and Mulgrave Loop being modified to the satisfaction of the City of Wanneroo;
- 7 standard and appropriate conditions as determined by the Director, Development Services.  
CARRIED

**DP177-08/97 CLOSE OF ADVERTISING: AMENDMENT NO 758 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTION OF LOT 1 (39) COUNTRY CLUB BOULEVARD, CONNOLLY FROM SPECIAL ZONE (RESTRICTED USE) GOLF COURSE TO RESIDENTIAL DEVELOPMENT R40 - [790-758]**

Amendment No 758 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 30 May 1997. The amendment seeks to rezone portion of Lot 1 (39) Country Club Boulevard, Connolly from Special Zone (Restricted Use) Golf Course to Residential

Development R40. If the rezoning gains approval, the land at the southern end of Pine Valley Pass is to be subdivided to create three additional lots. As a result of the advertising, a total of four submissions were received, one of which objected to the proposal. These submissions have been considered and it is recommended that the amendment be adopted for final approval without modification.

The proposal was deferred at Council's meeting of 23 July 1997 (DP136-07/97), and at the time of preparing this report, the applicant was arranging a meeting with the President of Connolly Residents Association and Ward Councillors to resolve the outstanding issues.

**REPORT RECOMMENDATION:** THAT Council:

- 1 pursuant to Town Planning Regulation 17(2), adopts Amendment No 758 to Town Planning Scheme No 1 to rezone portion of Lot 1 (39) Country Club Boulevard, Connolly from Special Zone (Restricted Use) Golf Course to Residential Development R40 without modification;
- 2 following advice that the Minister for Planning is prepared to finally approve the amendment, authorises the affixation of the common seal to, and endorses the signing of, the amendment documents;
- 3 advises the Commission that a public open space contribution has not been provided for the subject land, and this would be further considered at the subdivision stage.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **in accordance with Regulation 17(2) of the Town Planning Regulations does not proceed with the finalisation of proposed Amendment No 758 to Town Planning Scheme No 1 to rezone portion of Lot 1 (39) Country Club Boulevard, Connolly from Special Zone (Restricted Use) Golf Course to Residential Development R40 as the application does not comply with the original agreement relating to the golf course and would further reduce open space provision in the locality of Connolly;**
- 2 **advises the Western Australian Planning Commission and the applicant accordingly.** **CARRIED**

DP178-08/97

**CLOSE OF ADVERTISING: AMENDMENT NO 784 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 714 (114) FLINDERS DRIVE, HILLARYS FROM SERVICE STATION TO COMMERCIAL - [790-784]**

Amendment No 784 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 5 August 1997. The amendment seeks to rezone the subject land from Service Station to Commercial to enable its development for the new Hillarys Police Station. Prior to advertising of the amendment, a copy of a 196-signature petition from Hillarys residents objecting to the proposed police station location was presented to Council (DP97-05/97). A total of seven submissions were received as a result of the advertising, of which one objected to the proposal. These submissions have been considered and it is recommended that the amendment be adopted for final approval without modification.

Cr Lynn raised her concerns in regard to the proposed Police Station being built in a residential area and stated she felt for a number of reasons this was not an appropriate location.

Cr Bombak also raised his concerns in this regard.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **pursuant to Town Planning Regulation 17(2), adopts Amendment No 784 to Town Planning Scheme No 1 to rezone Lot 714 (114) Flinders Avenue, Hillarys from Service Station to Commercial without modification;**
- 2 **following advice that the Minister for Planning is prepared to finally approve the amendment, authorises the affixation of the common seal to, and endorses the signing of, the amendment documents. CARRIED**

**DP179-08/97 CANCELLATION OF PROPOSED AMENDMENT NO 789 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 63 (37) ANNA PLACE, WANNEROO FROM RURAL TO RESIDENTIAL DEVELOPMENT R20 - [790-789]**

Amendment No 789 to Town Planning Scheme No 1 proposes to rezone Lot 63 (37) Anna Place, Wanneroo from Rural to Residential Development R20. The applicants have submitted a request for cancellation of the proposal. In addition, the advertising procedure for the proposed amendment was not properly undertaken. Given these circumstances, it is recommended that the Council accedes to the request for cancellation of Amendment No 789.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **in accordance with Regulation 17(2) of the Town Planning Regulations, does not proceed with proposed Amendment No 789 to Town Planning Scheme No 1 and advises the Western Australian Planning Commission and the applicants accordingly;**
- 2 **further advises the applicants that it should be noted that the land has an Urban zoning under the Metropolitan Region Scheme and will be the subject of further consideration under structure planning and subsequent future rezoning of the East Wanneroo area. CARRIED**

**DP180-08/97 PROPOSED AMENDMENT NO 804 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTION OF LOT 8587 (RESERVE 30952) MARRI ROAD, DUNCRAIG FROM LOCAL RESERVE - PUBLIC USE TO MIXED BUSINESS - [790-804]**

Taylor Burrell has submitted an application for rezoning of portion of Lot 8587 (Reserve 30952) Marri Road, Duncraig from Local Reserve - Public Use to Mixed Business to facilitate its development for mixed business uses. The land is well-located, adjoining Duncraig Shopping Centre and ancillary commercial and community uses, and on this basis the proposal is supported.



**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council in accordance with Section 7 of the Town Planning and Development Act:**

- 1 initiates Amendment No 804 to Town Planning Scheme No 1 to rezone portion of Lot 8587 (Reserve 30952) Marri Road, Duncraig from Local Reserve - Public Use to Mixed Business;
- 2 advises the applicant that prior to finalisation of the amendment, the granting of an easement in gross in favour of the City of Wanneroo is required, at the applicant's expense (including legal expenses incurred by the City) and to the satisfaction of the City and its solicitors, over the adjacent vehicle accessway on Lot 703 to facilitate reciprocal vehicular access and car parking between Lots 703 and Lot 8587 (Reserve 30952). **CARRIED**

**DP181-08/97**      **PROPOSED AMENDMENT NO 806 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTION OF LOT 1252 FENCHURCH STREET (CNR SHAFTESBURY AVENUE), ALEXANDER HEIGHTS FROM LOCAL RESERVE - PARKS AND RECREATION TO RESIDENTIAL DEVELOPMENT R20 - [790-806]**

A request has been submitted by Warren F Johnson on behalf of Homeswest for the rezoning of a portion of Lot 1252 Fenchurch Street, Alexander Heights from Local Reserve - Parks and Recreation to Residential Development R20. Due to Homeswest acquiring further land abutting the proposed Hepburn Avenue alignment, the Shaftesbury Avenue and Fenchurch Street alignments and intersection has been modified from those previously planned, as has the proposed lot configuration. As such, the subject land is not required for public open space purposes, and it is recommended that Council resolves to initiate the proposed amendment.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council in accordance with Section 7 of the Town Planning and Development Act 1928, initiates Amendment No 806 to Town Planning Scheme No 1 to rezone portion of Lot 1252 Fenchurch Street (Cnr Shaftesbury Avenue), Alexander Heights from Local Reserve - Parks And Recreation to Residential Development R20. **CARRIED****

**DP182-08/97**      **APPLICATION TO PURCHASE HORNPIPE PARK (PORTION OF 38260) HORNPIPE COURT, YANCHEP - [755-38260]**

The owners of Lot 602 Hornpipe Court, Yanchep have applied to purchase a portion of the public recreation reserve which adjoins their property. The other adjoining property owner has also expressed an interest in purchasing a portion of the land. The reserve is too small to provide recreational benefit to the community and the application should therefore be advertised to gauge the opinions of the residents in the vicinity.

#### **ADDITIONAL INFORMATION**

Pet and Company Limited who are the subdividers of Lot 614 Lagoon Drive, Yanchep have submitted a late objection to the proposal to retain a pedestrian access link between Hornpipe Court and Foreshore Vista through Hornpipe Park. Pete and Company consider that the whole of the reserve should be cancelled and disposed of to the adjoining properties. It

considers that the path is not required because it will be constructing a dual use path within the foreshore reserve as a condition of subdivision. It also believes that owners of lots within the adjoining Ocean Lagoon Estate will object to the path.

As stated in Report DP182-08/97 both the Ministry for Planning and the Water Corporation require the access route through the park to be retained. The recommendation to advertise the proposal remains unchanged.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council agrees in principle to the cancellation of a portion of Hornpipe Park (Reserve No 38260) Hornpipe Court, Yanchep and advertises the proposal to cancel a portion of the reserve and dispose of the land to the adjoining property owners. CARRIED**

**DP183-08/97 HILLARYS ANIMAL EXERCISE BEACH - [765-20]**

Council at its meeting of 23 April 1997 resolved to designate the present horse exercise area at Hillarys Animal Exercise Beach as the area where horses may be exercised with no time restriction and to allow dogs in the horse exercise area, only if on leashes. These proposals were advertised twice in "The West Australian" and the "Wanneroo Times" of 27 May 1997 and 3 June 1997, inviting comments for a period of 42 days, closing on 7 July 1997. The City received no comments.

**REPORT RECOMMENDATION: THAT Council, BY A SPECIAL MAJORITY:**

- 1 makes amendments to its Local Laws Relating to Dogs and Local Laws Relating to Reserves and Foreshores, as described in Attachment No 1 to Report DP183-08/97;
- 2 authorises affixation of the Common Seal to, and endorses the signing of, the documents;
- 3 authorises administrative action in accordance with Section 3.12 of the Local Government Act 1995.

**RECOMMENDATION**

THAT consideration of this item be deferred for one month.

**MOVED Cr Lynn, SECONDED Cr Taylor that in view of the fact sufficient Councillors were present this evening to vote that this Recommendation be considered this evening.**

**MOVED Cr Lynn, SECONDED Cr Taylor that Council:**

- 1 makes amendments to its Local Laws Relating to Dogs and Local Laws Relating to Reserves and Foreshores, as described in Attachment No 1 to Report DP183-08/97;
- 2 authorises affixation of the Common Seal to, and endorses the signing of, the documents;

- 3 **authorises administrative action in accordance with Section 3.12 of the Local Government Act 1995.**  
**CARRIED UNANIMOUSLY BY  
 A SPECIAL MAJORITY**

**DP184-08/97** **AMENDMENT NO 752 TO TOWN PLANNING SCHEME NO 1  
 TO REZONE LOTS 30, 31 AND 39 LANDSDALE ROAD,  
 LANDSDALE FROM RURAL TO RESIDENTIAL  
 DEVELOPMENT R20 - [790-752]**

Amendment No 752 to Town Planning Scheme No 1 seeks to rezone Lots 30, 31 and 39 Landsdale Road, Landsdale from Rural to Residential Development R20. The amendment was initiated in February 1996, advertised for public comment, and adopted for final approval by Council at its meeting of 24 July 1996 subject to the applicant demonstrating that a nearby piggery will not adversely affect the amenity of the proposed residential area. The applicant has not satisfied this condition, but has submitted a request for modification of the amendment to an Urban Development zoning in lieu of the Residential Development zoning previously proposed. An Urban Development zoning would enable the piggery buffer issue to be resolved at the future structure planning stage. Given this, and noting that the land now has an Urban zoning under the Metropolitan Region Scheme, the proposed modified zoning to Urban Development would be consistent with the intentions of the East Wanneroo structure planning project, and is therefore able to be supported.

**ADDITIONAL INFORMATION**

Director, Development Services advised the incorrect attachments formed part of this report and submitted the correct ones - Appendix XX refers.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 **notes that the requirement for the piggery buffer issue relating to Lots 30, 31 and 39 Landsdale Road, Landsdale to be resolved to the satisfaction of the Department of Environmental Protection and the Western Australian Planning Commission has not been resolved but can be addressed at the future structure planning stage under an Urban Development zoning;**
- 2 **modifies Amendment No 752 to Town Planning Scheme No 1 by altering the proposed zoning to Urban Development in lieu of Residential Development R20;**
- 3 **readopts Amendment No 752 to Town Planning Scheme No 1 for final approval in a modified form as per 2 above;**
- 4 **following advice that the Minister for Planning is prepared to finally approve the amendment, authorises the affixation of the common seal to, and endorses the signing of, the amendment documents.** **CARRIED**

Appendix XX refers

**DP185-08/97      REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY  
BETWEEN MULLIGAN DRIVE AND RICKETTS WAY  
GREENWOOD - [510-0763]**

The residents adjoining the pedestrian accessway between Mulligan Drive and Ricketts Way, Greenwood applied to have the accessway closed on the grounds of vandalism and antisocial behaviour. Closure of the accessway should be supported as it will have little impact on the pedestrian movement through the vicinity. One objection has been received to the closure during the advertising period.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council agrees to the closure of the pedestrian accessway between Mulligan Drive and Ricketts Way, Greenwood subject to the benefiting adjoining land owners agreeing to meet all of the associated costs.**

**CARRIED**

*Cr Magyar requested that his name be recorded as have voted against the recommendation.*

**DP186-08/97      REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY  
BETWEEN BENDIX WAY AND CASSERLEY AVENUE,  
GIRRAWHEEN - [510-0185]**

The residents adjoining the pedestrian accessway between Bendix Way and Casserley Avenue, Girrawheen have applied to have the accessway closed on the grounds of vandalism and antisocial behaviour. No objection to the closure has been received from residents during the advertising period and closure should therefore be supported.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council agrees to the closure of the pedestrian accessway between Bendix Way and Casserley Avenue, Girrawheen subject to the benefiting adjoining property owners meeting all of the associated costs.****CARRIED**

**DP187-08/97      REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY  
BETWEEN LOTS 998 & 999 PENN PLACE, KOONDOOLA -  
[510-0878]**

An application has been received from the adjoining property owners to close the unconstructed pedestrian accessway which runs between Lots 998 and 999 Penn Place, Koondoola. The accessway serves little purpose and no objection has been received to the closure during the advertising period. Subject to the adjoining property owners purchasing the land and meeting all of the associated costs, closure should be supported.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council agrees to the closure of the pedestrian accessway between Lots 998 and 999 Penn Place, Koondoola subject to the benefiting adjoining property owners purchasing the land and agreeing to meet all of the associated costs.**

**CARRIED**

**DP188-08/97      REQUESTED CLOSURE OF A PORTION OF SCENIC DRIVE,  
WANNEROO - [510-1690]**

The owners of Lot 474 Wallawa Street, Wanneroo have applied to purchase a portion of the Scenic Drive road reserve which adjoins their property. The road reserve is not surplus to requirements and the application should therefore not be supported.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council does not agree to close the portion of Scenic Drive road reserve adjoining Lot 474 (2) Wallawa Street, Wanneroo.**  
**CARRIED**

**DP189-08/97      PROPOSED WIDENING OF OLD YANCHEP ROAD,  
NOWERGUP THROUGH STATE FOREST NO 65 - [410-0456]**

The City is currently upgrading portions of Old Yanchep Road, Nowergup. The Department of Conservation and Land Management (CALM) agreed to cede the land required for the road works free of consideration and Council previously resolved to dedicate the land being excised from the State Forest as a public road. Another portion of Old Yanchep Road needs to be upgraded and a Council resolution is required to dedicate the new portion of land being excised from the State Forest as a public road.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council requests the Hon Minister for Lands to excise the land required for the upgrading of the intersection of Old Yanchep Road and Nisa Road, Nowergup from State Forest No 65 and dedicate the excised land as a public road in accordance with Section 288 of the Local Government Act (Miscellaneous Provisions).**  
**CARRIED**

**DP190-08/97      PROPOSED RESIDENTIAL SUBDIVISION: LOT 7, HEPBURN  
AVENUE, HILLARYS - [740-104069]**

An application has been received from Taylor Burrell Town Planning Consultants on behalf of Paltara Pty Ltd for the subdivision of Pt Lot 7, Hepburn Avenue, Hillarys. The applicant proposes to subdivide the land into 154 residential lots, ranging in size between 457m<sup>2</sup> and 978m<sup>2</sup> in area. The application represents a major departure to the previously supported Local Structure Plan and subsequent subdivision approval. As such the applicant has submitted a revised Local Structure Plan to Council for assessment. Although the City is yet to formally accept the Local Structure Plan, it has been generally advised by other Council departments that the proposal is acceptable and as such the subdivision can be supported.

At the Development and Planning Services Committee meeting, Cr Taylor requested that the matter of traffic flows be addressed at the construction stage.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council supports the application submitted by Taylor Burrell on behalf of Paltara Pty Ltd for the proposed subdivision of Lot 7, Hepburn Avenue, Hillarys, subject to the following conditions:**

- 1            the proposed roundabout at the intersection of Hepburn Avenue and subdivisional road 'A' being deleted;**

- 2 those portions of the landholding containing the WA Christmas Tree (Nuytsia Floribunda) being incorporated into an area of Public Open Space (POS), to the satisfaction of the Manager, Parks and Landscaping Services;
- 3 the deletion of the small pockets of POS abutting Hepburn Avenue and the abutting road reserves being redesigned accordingly;
- 4 intersection spacing along Hepburn Avenue being increased to achieve a minimum separation of 200 metres for a median opening;
- 5 the proposed laneway loop road being redesigned as a full road pavement and extended to provide an additional road link into this stage of subdivision from Waterford Drive;
- 6 the proposed western most portion of the POS in the Northern part of the application area being excluded from this application;
- 7 arrangement being made to the satisfaction of the Manager of Approval Services for the creation of design guidelines or other suitable mechanism, addressing the issues associated with dual frontage lots;
- 8 the secondary intersection (road B and Hepburn Avenue) being redesigned as a suitable single access point to this stage of subdivision and constructed to full arterial standard to the satisfaction of the Director, Technical Services;
- 9 the provision of a 0.1 metre pedestrian accessway to the frontage of all lots with dual frontage (rear access only)'
- 10 the provision of carparking embayments within the road reserves adjoining the proposed POS;
- 11 standard and appropriate conditions. **CARRIED**

DP191-08/97 APPEAL: HOME OCCUPATION FOR BATTERY RECONDITIONING BUSINESS: LOT 148 (57) WINDLASS AVENUE, OCEAN REEF - [1744/148/57]

Mr R Edmonds has withdrawn his Tribunal appeal against the Council's refusal of a proposed home occupation for a battery reconditioning business on Lot 148 (57) Windlass Avenue, Ocean Reef. A new application has been lodged but for an office only and part of the garage set up as a model to show the scale and nature of operations. No chemicals are proposed to be stored, and there will be no processing and no operation of machinery. The model component of the application is not considered appropriate as it relies on clients visiting the premises. Approval is therefore only recommended subject to no clients visiting the premises, no batteries and equipment being stored or displayed at the property, and other standard conditions.

**REPORT RECOMMENDATION:** THAT Council approves the application by R Edmonds for a home occupation for an office only, being the State office for the master franchise of a battery reconditioning business on Lot 148 (57) Windlass Avenue, Ocean Reef, subject to:

- 1 no clients visiting the premises;
- 2 no batteries, materials and equipment associated with the battery reconditioning process being stored or displayed or sold from or at the property;
- 3 the applicant advising all prospective purchasers who are interested in establishing a franchise within the City of Wanneroo of the City's home occupation requirements and that components of the franchise may not conform with these requirements and would be considered most appropriate in industrial areas within the City;
- 4 standard and appropriate conditions as determined by the Director, Development Services.

**COMMITTEE RECOMMENDATION** That consideration of the application by R Edmonds for a home occupation for an office only, being the State office for the master franchise of a battery reconditioning business on Lot 148 (57) Windlass Avenue, Ocean Reef be deferred pending the formulation of a policy regarding home occupations.

#### **ADDITIONAL INFORMATION**

I refer to Item DP191-08/97 considered by the Development and Planning Services Committee at its meeting held on 18 August 1997 regarding the above matter. The Committee has recommended that the matter be deferred until the Council's home occupation policy is reviewed.

The matter has been previously subject to a Town Planning Appeal Tribunal appeal, and it is likely that the applicant will again appeal against Council's decision if the matter is deferred.

In order to avoid any further delay and costs associated with another appeal, it is recommended that Council adopts the recommendation of the Director, Development Services as stated in Item DP191-08/97 with an additional part that advises the applicant that a new application can be considered following the review of the home occupation policy.

**MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that:**

**That Council approves the application by R Edmonds for a home occupation for an office only, being the State office for the master franchise of a battery reconditioning business on Lot 148 (57) Windlass Avenue, Ocean Reef, subject to:**

1. no clients visiting the premises;
2. no batteries, materials and equipment associated with the battery reconditioning process being stored or displayed or sold from or at the property;
3. the applicant advising all prospective purchasers who are interested in establishing a franchise within the City of Wanneroo of the City's home occupation requirements and that components of the franchise may not conform with these requirements and would be considered most appropriate in industrial areas within the City;

4. **standard and appropriate conditions as determined by the Director, Development Services;**
5. **the applicant being advised that Council is reviewing its home occupation provisions under Town Planning Scheme No 1 and the review may result in the Council considering the matter differently in the future. CARRIED**

*Cr Magyar left the Chamber at this point, the time being 2257 hrs.*

**DP192-08/97      UNAUTHORISED LANDFILL - DIFFICULTIES IN OBTAINING EVIDENCE AND RESOLVING BREACHES OF THE CITY'S TOWN PLANNING SCHEME NO 1 - [2938/210/8, 836/83/8, 546/1346/41, 30/5172, 30/5663, 3507/221/16, 30/5547]**

Investigation of unauthorised development/use of land (landfill) on seven properties has not resulted in the problems being satisfactorily resolved.

As prosecution in each of the cases is unlikely to succeed, it is not recommended.

It is recommended that:

- future development on the sites be subject to resolution of the fill problem, ie ensure that the fill is suitable or removed;
- measures be taken to record the above;
- the Council's concern about unauthorised landfill be included in appropriate publications

**REPORT RECOMMENDATION: THAT Council:**

- 1            advises the owners of Lot 210 (8) Collaroy Court, Kallaroo; Lot 83 (8) Evans Place, Two Rocks; Lot 1346 (41) Leichhardt Drive, Two Rocks; Lot 26 (26) Rangeview Road, Landsdale; Lot 23 (64) Rees Drive, Quinns Rocks; Lot 221 (16) Shetland Rise, Kinross and Lot 34 (111) Trichet Road, Jandabup that landfill placed on their property without Council approval is in breach of the City's Town Planning Scheme No 1;
- 2            advises the owners of Lot 210, Lot 83, Lot 1346, Lot 26, Lot 23, Lot 221 and Lot 34 that Council will not be prepared to approve development approvals or issue any building licences for each property until the matter of the unauthorised landfill placed on each site is resolved to the satisfaction of the City of Wanneroo;
- 3            requires the details of the unauthorised landfill sites to be placed on the City's file of each lot and that development approval or building licences being granted by the Council be subject to the unauthorised landfill being resolved to the satisfaction of the City;
- 4            approves the inclusion of warnings and advice on landfill in appropriate City and other publications;



- 5 review its Town Planning Scheme provisions and procedures relevant to this matter and enforcement generally.

### **ADDITIONAL INFORMATION**

Advice from Council's Solicitors has confirmed that condition 2 of the Recommendation of this report may be ultra vires.

Existing condition 2 states that Council:

- "2. advises the owners of Lot 210, Lot 83, Lot 1346, Lot 26, Lot 23, Lot 221 and Lot 34 that Council will not be prepared to approve development approvals or issue any building licenses for each property until the matter of the unauthorised landfill placed on each site is resolved to the satisfaction of the City of Wanneroo;"

Council's Solicitors have advised as follows:

"We cannot concur with draft recommendation number 2 that in terms states that Council will not grant development approval until this situation has been resolved. As a matter of law, if the fill has been placed unlawfully, then it is not open to the City to approve the placing of that fill retrospectively. It would be possible for the City to amend its scheme to provide for retrospective approval, however as it is presently drafted TPS 1 does not create any such power in Council and accordingly the works will always remain unlawful.

Therefore to that extent the unlawful situation is not capable of being made lawful.

The next issue that arises is that if Council were simply on the face of it to refuse to process development approvals if unlawful fill had not been made lawful, then that is tantamount to a refusal and would give rise to a right of appeal under Part 5 of the Town Planning and Development Act 1928 to either the Minister for Planning or the Town Planning Appeal Tribunal. That is not a desirable situation as an appeal may be upheld if conditions have been set that are not entirely acceptable to Council.

There is also the additional area of concern that if Council approves a building on land which it knows to be defectively filled, then Council would almost certainly face an action in negligence in the event that any building constructed on unstable fill was subsequently damaged. If Council has knowledge of the defect then it must be very cautious to properly discharge its duty of care.

In our view where land is known to be defective Council must take additional care with its data base to ensure that no approvals or consents are given in ignorance of the defect.

If a planning application or an application for a building licence is received then if it is to be approved, it should be approved subject to a clear condition informing the applicant that Council's records indicate that the land may contain inadequate fill and that no development may commence until such time as the applicant has obtained and produced to Council a certificate from a practising structural engineer certifying that the soil is in all respects adequate for the building or development the subject of the application."

As a consequence of the above legal advice, the Solicitors recommended that condition 2 be reworded.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 advises the owners of Lot 210 (8) Collaroy Court, Kallaroo, Lot 83 (8) Evans Place, Two Rocks, Lot 1346 (41) Leichhardt Drive, Two Rocks, Lot 26 (26) Rangeview Road, Landsdale, Lot 23 (64) Rees Drive, Quinns Rocks, Lot 221 (16) Shetland Rise, Kinross and Lot 34 (111) Trichet Road, Jandabup that landfill placed on their property without Council approval is in breach of the City's Town Planning Scheme No 1;
- 2 advises the owners of Lot 210, Lot 83, Lot 1346, Lot 26, Lot 23, Lot 221 and Lot 34 that any future consideration of Applications to Commence Development or Building Licence applications for the subject properties will require the applicants to satisfy the City that the properties are suitable and capable of the development proposed due to the unlawful fill;
- 3 requires the details of the unauthorised landfill sites to be placed on the City's file of each lot and that development approval or building licences being granted by the Council be subject to the unauthorised landfill being resolved to the satisfaction of the City;
- 4 approves the inclusion of warnings and advice on landfill in appropriate City and other publications.
- 5 review its Town Planning Scheme provisions and procedures relevant to this matter and enforcement generally. **CARRIED**

**DP193-08/97      PETROL FILLING STATION AND INCIDENTAL SHOP TO EXISTING SHOPPING CENTRE: LOT 929 (1244) MARMION AVENUE, CURRAMBINE - [30/5102]**

An application for a petrol filling station has been submitted by Coney Stevens Project Management Group Pty Ltd on behalf of Australian Independent Retailers Pty Ltd for the Currumbine District Centre on Lot 929 (1244) Marmion Avenue, Currumbine. The application proposes the construction of a canopy area, four pump stands, a pay point facility (including a drinks machine, cigarettes and minor confectionery sales) and associated landscaping and access ways. The application has been advertised and one letter of objection was received. The development requirements for the proposal are required to be set by Council. The proposal is considered an acceptable component of the Currumbine District Centre and approval is therefore recommended.

**MOVED Cr O'Grady, SECONDED Cr Zuvela that Council:**

- 1 approves the application for a petrol filling station and incidental shop, submitted by Coney Stevens Project Management Pty Ltd on behalf of Australian Independent Retailers Pty Ltd on Lot 929 (1244) Marmion Avenue, Currumbine, subject to:

- (a) the submission of revised plans, prior to the issue of a Building Licence, to the satisfaction of the City, incorporating the following:
  - (i) an amended design of road layout and road markings between Shenton Avenue and the exit from the petrol filling station to facilitate safer traffic movements to the satisfaction of the City;
  - (ii) the access point to the south east of the site is to be 'exit only' and separate from any future access points serving the proposed mixed business lots to the east;
  - (iii) the provision of two on site car bays located and designed to the satisfaction of the City;
  - (iv) eight percent of the site in the immediate vicinity of the proposed development (including the 3m to any public road frontage) being set aside for landscaping;
- (b) the provision and implementation of a traffic report, addressing such issues as queue lengths, semi trailer and petrol tanker movements, to the satisfaction of the City;
- (c) compliance with the requirements of the Ministry for Planning;
- (d) standard and appropriate conditions as considered applicable by the Director, Development Services;

2 exercises its discretion under Clause 5.10 of Town Planning Scheme No 1 and applies the development requirements of a 'Service Station' with the exception of carparking which is to be applied at the ratio of one bay per employee.

**CARRIED**

**DP194-08/97      WHITFORD CITY SHOPPING CENTRE APPEAL - PT LOT 501 (470) WHITFORDS AVENUE, HILLARYS - [30/300]**

The Town Planning Appeal Tribunal is in the process of considering an appeal against Council's refusal of an application on behalf of Permanent Trustee Australia Ltd for major alterations and additions to the Whitford City Shopping Centre, Pt Lot 501 (470) Whitfords Avenue, Hillarys. The mediation was unsuccessful in resolving the matter and a block of 10 days, commencing 23 October 1997, has been set aside for the full hearing.

The external costs associated with this appeal to date equate to approximately \$9,000 and further external costs in the vicinity of \$30,000 to \$40,000 are estimated. The cost for this significant appeal can be contained to this level as the Western Australian Planning Commission and the owners of the Lakeside Joondalup and Karrinyup Shopping Centres have been joined as co respondents with the City in the appeal. The City will therefore incur less of a burden in respect to preparation.

If the Whitford proposal was to proceed it is considered that significant regional planning and local amenity implications would result. The Tribunal's decision is also likely to have wide ranging implications for the future success of strategic planning throughout the North West corridor and the broader Metropolitan area. The appeal is therefore considered an important one for Council to continue to contest.

*Cr Cooper declared an interest in this item as he has been involved on all three projects.*

*Cr Cooper left the Chamber at this point, the time being 2259 hrs. Cr Taylor assumed the Chair.*

**MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:**

**1 continues to contest the appeal by Watts and Woodhouse, Solicitors and Legal Consultants on behalf of Permanent Trustee Australia Ltd against its decision to refuse the application for major alterations and additions to the Whitford City Shopping Centre on Pt Lot 501 (470) Whitfords Avenue, Hillarys;**

**2 engages legal representation to assist officers in contesting the appeal.**

**CARRIED**

*Cr Cooper entered the Chamber at this point, the time being 2300 hrs and resumed the Chair.*

**NOTICE OF MOTION - CR HOLLYWOOD - [702-0, 790-801]**

At the Development and Planning Services Committee meeting, Cr Hollywood gave notice that he will move the following motion at the Council meeting to be held on 27 August 1997:

“That approval be granted to allow the proposed amendment to the Telstra buffer zone to go to advertising”.

**APPLICATION FOR CONVENIENCE STORE - LOT 1 (2) WARBURTON AVENUE, PADBURY - [30/367]**

At the Development and Planning Services Committee meeting, Cr Lynn referred to the application for a convenience store at the BP Garage, Lot 1 (2) Warburton Avenue, Padbury, which is currently being advertised. Cr Lynn queried the present position regarding this application as it appeared that work had commenced prior to the close of the advertising period. Director, Development Services advised he would investigate this matter.

**FORMULATION OF POLICY REGARDING PROPOSED EASTERN FREEWAY - [502-37]**

At the Development and Planning Services Committee meeting, Cr Magyar requested that a report be submitted to Policy Committee on the formulation of a policy regarding the proposed Eastern Freeway, following the determination by the State Government, such policy to give consideration to environmental issues.

**REQUEST FOR INSPECTION OF ROAD VERGES - YANCHEP BEACH ROAD - [510-0454]**

At the Development and Planning Services Committee meeting, Cr O'Grady submitted a letter from Mrs C Vaz of Yanchep requesting an inspection of the road verges near the Service Station, Yanchep Beach Road. Mrs Vaz expressed concern that during rainy periods there is no drainage/gutter for the water to pass through.

Cr O'Grady requested this matter be dealt with urgently. This will be referred to Technical Services for action.

**REQUEST FOR REPORT - RESIDENTS' CONCERNS REGARDING LAKE NEERABUP - [290-7-2]**

At the Development and Planning Services Committee meeting, Cr O'Grady referred to the public meeting held on Thursday 14 August 1997 regarding Lake Neerabup and advised that Edith Cowan University is to issue a report within the next two weeks. Cr O'Grady requested that a report be submitted to Development and Planning Services Committee addressing concerns of the residents in relation to the drying of Lake Neerabup, in particular relating to the channel within the lake, weeds and natural discharge.

**REPORT ON LANDSCAPE PROTECTION ZONE - [290-7-2]**

At the Development and Planning Services Committee meeting, Cr Cooper requested that a brief report be submitted to Development and Planning Services Committee outlining what would be encompassed within a Landscape Protection Zone.

**C314-08/97 FINANCE & COMMUNITY SERVICES COMMITTEE**

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that** the Report of the Finance & Community Services Committee Meeting held on 20 August 1997, be received.

**ATTENDANCES**

Councillors:	M E LYNN, JP - Chairman	South-West Ward
	P O HEALY	North Ward
	B C COOPER - Mayor <i>from 1839 hrs</i>	Central Ward
	M J ZUVELA	Central Ward
	A G TAYLOR	South Ward
	G A MAJOR - deputy <i>from 1809 hrs to 1811 hrs</i>	South-West Ward
	T W POPHAM - deputising <i>for Cr Tippett</i>	South Ward
	J BOMBAK, JP - Observer <i>to 1811 hrs; from 1817 hrs to 1823 hrs; then from 1850 hrs (deputising for Cr Major to 1809 hrs; and then from 1817 hrs to 1823 hrs; and then from 1850 hrs onwards)</i>	South-West Ward
	L O'GRADY - Observer	North Ward
	A W WIGHT - Observer <i>to 1837 hrs and then from 1838 hrs</i>	South Ward
	S P MAGYAR - Observer <i>from 1852 hrs</i>	Central Ward
	J HOLLYWOOD, JP - Observer	Central Ward

Chief Executive Officer:	L O DELAHAUNTY <i>from 1843 hrs</i>
Director, Corporate Services:	R E DYMOCK
Director, Resource Management:	J TURKINGTON
Director, Community Services:	C HALL
Manager, Health Services:	M AUSTIN <i>to 1855 hrs</i>
Manager, Recreation & Cultural Services (Acting):	M STANTON
Manager, Welfare Services:	P STUART
Manager, Council Support Services:	M SMITH
Minute Clerk:	S BRUYN

**APOLOGIES**

An apology for absence was tendered by Cr Tippett; Cr Popham deputised.

An apology for absence was tendered by the Director, Strategic Planning.

Apologies for late attendance were tendered by Cr Cooper and the Chief Executive Officer.

**PUBLIC/PRESS ATTENDANCE**

There were 2 members of the Public in attendance.

**PUBLIC QUESTION TIME**

**The following question was submitted by Mr V Harman:**

Q1 *Has there been any discussion at the Council House Committee in relation to re-introducing a facility for Councillors to invite guests for lunch or dinner?*

A1 This matter was discussed at the House Working Party meeting, minutes of which are attached to Report FA140-08/97.

**Mr V Harman:**

Q1 In relation to Item FA138-08/97, the members of the Environmental Advisory Committee were named at the meeting on Monday night. According to this report that Committee has been temporarily disbanded. What is the appropriate Standing Committee that will reconvene that Advisory Committee?

Q2 In relation to Item FA140-08/97, and in particular the minutes of the House Working Party. The recommendation on page 3 says "gives consideration to the formulation of a policy for the use of the Councillors' Dining and Bar Areas at its next meeting". In the summary it does say that it would be the policy to include appreciation lunches and dinners for Councillors and guests. I have no problem with appreciation dinners for groups but would Council remove the word 'guest'.

These questions were taken on notice.

**Mrs A Hine:**

Q1 I would like the position with regard to the agendas for Committee meetings clarified. I have a problem sometimes getting an agenda and cannot always get one from the libraries. Is there anything wrong with a person requesting an agenda?

This question was taken on notice.

**DECLARATIONS OF FINANCIAL INTEREST**

Nil

**CONFIRMATION OF MINUTES****MINUTES OF FINANCE AND COMMUNITY SERVICES COMMITTEE MEETING HELD ON 16 JULY 1997**

The Minutes of the Finance and Community Services Committee Meeting held on 16 July 1997, were confirmed as a true and correct record.

**PETITIONS AND DEPUTATIONS**

Nil

**CONFIDENTIAL BUSINESS**

The meeting went behind closed doors to consider a matter of a community sensitive nature.

**MEETING TIMES**

Commenced: 1808 hrs

Closed: hrs





**2 Children's Book Week**

Vacant (to be decided)

Ms Amanda MacFarlane, Children's Librarian, Joondalup Library

Ms Carol Willox, Casual Co-ordinator

Mrs C McMulkin, Hillarys District Education Department representative

Ms L Weisenberger, Library Department Media & Graphics Technician

**3 Cultural Development Advisory, with the following amended membership:**

Cr P Healy

Vacant (to be decided)

Cr M Lynn - deputy

Mr J Hollywood - deputy

Manager, Recreation Services or nominee

Manager, Library Services or nominee

Mrs J Abbott - community representative

Mrs M Capetta - Joondalup Community Foundation

Mrs S Forde - Community Representative

Ms J Mackay - Heritage Officer

Mr R Pascoe - Community Representative

Mrs G Monks - Historical Sites Advisory Committee

Ms L Venditti - Multicultural Advisory Committee

Mr A True - Wanneroo Eisteddfod Committee

Ms T Graham - Community Representative

**4 Disability Access Advisory**

Cr L O'Grady

Cr M Lynn

Cr J Hollywood

Mr R Fischer, Director Strategic Planning

Ms P Stuart, Manager Welfare Services

Mr J Edwards, Disability Access Officer

Ms E Webster, Community Representative

Mr S Deschamp, Community Representative

Mr K Martin, Community Representative

**5 Gloucester Lodge Museum Management**

Cr O'Grady

Cr P Healy

Ms J MacKay, Heritage Officer

Mr S Daley, Yanchep Two Rocks Recreation Association

Mrs A Paley, Curator, Gloucester Lodge

Mrs J Price, CALM

Mr J Hill, Community Representative

Mrs L Gibbs, Community Representative

Mrs J Gloude-mans, Community Representative



**FA139-08/97                    APPOINTMENT OF MEMBERS - VARIOUS COMMITTEES - [702-0]**

With the recent passing of Cr Fleur Freame, consideration is required to be given to filling vacancies which exist on various Committees formed by the Finance and Community Services Committee.

The Finance and Community Services Committee resolved to await the results of the forthcoming extraordinary election prior to filling the vacant positions.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that the vacancies on the following Committees be further considered by the Finance and Community Services Committee following the extraordinary election to be held on 4 October 1997:**

**Annual Scholarship Award Panel  
 Art Collection Working Party  
 Children's Book Week Committee  
 Cultural Development Advisory Committee  
 Cultural Development Fund Peer Assessment Advisory Committee  
 Historical Sites Advisory Committee  
 House Working Party  
 Perry's Paddock Picnic Day Organising Working Party  
 Wanneroo Bicentennial Trust Working Party.**

**CARRIED**

**FA140-08/97                    MINUTES OF VARIOUS COMMITTEES - [702-0]**

This report submits minutes of various Committees for adoption by Council.

*Cr Tippett left the Chamber at this point, the time being 2305 hrs.*

*Cr Magyar entered the Chamber at this point, the time being 2303 hrs.*

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that the Minutes of the following Committees and the recommendations contained therein, be noted:**

- 1            Cultural Development Working Party meeting held on 23 June 1997 and 28 July 1997**
- 2            Historical Sites Working Party meetings held on 28 May 1997 and 25 June 1997**
- 3            Junior Council meeting held on 2 July 1997**
- 4            Lotteries House Steering Committee meeting held on 16 July 1997**
- 5            House Working Party meeting held on 21 July 1997**
- 6            Multicultural Advisory Committee meeting held on 22 July 1997**
- 7            Youth Advisory Committee meeting held on 23 July 1997**

**8 Children's Services Advisory Committee meeting held on 28 July 1997**  
**CARRIED**

**FA141-08/97 REPORT ON ACCESS AUDIT - [880-8-11]**

At its meeting of 6 August 1997 the Disability Access Advisory Committee considered a report on the access audit of Council services and facilities submitted by the Disability Access Officer. The Committee is seeking endorsement from Council for the recommendations contained in this report which aim to improve access to Council services and facilities for people with a variety of disabilities.

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

- 1 lists an amount of \$3,750 to be re-allocated from the capital works budget for improvements to buildings and facilities to produce a manual on signage guidelines which will meet the communication needs of people with disabilities;**
- 2 prepares an Information policy which includes strategies to maximise the opportunity for people with disabilities to access all public information produced by Council;**
- 3 develops a comprehensive disability training program for all staff, new and existing;**
- 4 informs Business Unit Managers of the responsibility to ensure planning and service delivery within each area considers and responds appropriately to the access needs of people with disabilities;**
- 5 in the preparation of the Public Participation Strategy provides opportunities for people with disabilities to participate in the consultation process;**
- 6 establishes guidelines to ensure that people with disabilities have equal opportunity to access all decision making processes typically available to the community;**
- 7 in the implementation of a standardised complaints procedure across Council considers the access needs of people with disabilities. CARRIED**

**FA142-08/97 MULLALOO HEIGHTS PRIMARY SCHOOL - FUNDING REQUEST FOR COVERED ASSEMBLY AREA - [C197-06/97, (510-1836 )]**

An evaluation of the request for a \$10,000 financial contribution presented by the Principal of the Mullaloo Heights Primary School for the upgrade of its covered assembly area was under taken and endorsement is required for the recommendation.

*Cr Magyar declared an interest in this Item as his wife is employed at Mullaloo Primary School.*

**MOVED Cr Taylor, SECONDED Cr Popham** that Cr Magyar's declaration of interest in this Item was resolved to be a trivial interest. **CARRIED**

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

- 1 declines to contribute funds as requested by the Principal of the Mullaloo Heights Primary School in its effort to develop its existing covered assembly area into a enclosed multi purpose facility;
- 2 advises the Principal of the reasons as outlined in Report FA142-08/97.

**CARRIED**

**FA143-08/97                    WARRANT OF PAYMENTS FOR THE PERIOD ENDING 30 JUNE 1997 - [021-1]**

This report details the cheques drawn on the funds during the month of June 1997. It seeks Council's approval for the payment of the June 1997 accounts.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell** that Council passes for payment the following vouchers, as presented in the Warrant of Payments to 30 June, 1997, certified by the Chairperson of Finance and Community Services Committee and Director Resource Management, and totalling \$39,191,742.23.

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		<b>\$</b>
Treasurer's Advance Account No 1	47236 - 49223	11,876,387.61
Municipal	000424 - 000451	24,908,909.40
Trust	000056A	2,000.00
East Wanneroo Development Area Cell 1	000006 - 000007	5,908.66
East Wanneroo Development Area Cell 2	000005 - 000006	3,048.92
East Wanneroo Development Area Cell 3	0905721O - 0905721P	2,311.35
East Wanneroo Development Area Cell 4	0905719H - 0905719I	950.16
East Wanneroo Development Area Cell 5	0905714 - 0905714A	107,942.10
East Wanneroo Development Area Cell 6	000006 - 000007	23,537.90
East Wanneroo Development Area Cell 7	000004 - 000005	1,606.17
East Wanneroo Development Area Cell 8	000003 - 000003B	927.75
Town Planning Scheme 7A (2)	0905766 - 0905768	977,790.63
Town Planning Scheme 7A (4)	0905761K - 0905761L	2,100.75

Town Planning Scheme 5	0905756J - 0905756K	1,100.36
Berkley Road Local Structure Plan	0905749 - 0905749A	139,037.23
Reserve Account	000006 - 000008	1,138,183.24
	<b>TOTAL</b>	<b>\$1,278,320.83</b>

CARRIED

**FA144-08/97                    APPOINTMENT OF AUDITOR - 1 JULY 1997 TO 30 JUNE 2000 - TENDER NO 29-97/98 - [002-1-1]**

Tenders were recently sought for the appointment of auditor to the City for the triennium 1/7/1997 to 30/6/2000.

Four tenders were received for the service. Following consideration of all factors Messrs Graham McHarrie and Peter Messer from Deloitte Touche Tohmatsu are recommended as auditors to the City of Wanneroo for the triennium 1/7/1997 to 30/6/2000.

**MOVED Cr Taylor, SECONDED Cr Popham that Council:**

**1            in accordance with the provisions of Section 7.3 of the Local Government Act 1995 appoints Mr Graham McHarrie and Mr Peter Messer of Deloitte Touche Tohmatsu as auditors to the City of Wanneroo for the triennium 1 July 1997 to 30 June 2000 at a commencing fee of \$29,500 per annum with annual increments in line with annual movements in the Consumer Price Index. The appointment to be under the terms and conditions outlined in the Local Government (Audit) Regulations 1996;**

**2            authorises the affixation of the common seal to endorse the signing of the contract documents.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**FA145-08/97                    OUTSTANDING GENERAL DEBTORS - 31 JULY 1997 - [020-0]**

With the end of the financial year accounting being finalised in July 1997, only the management report was produced for Outstanding General Debtors as at 30 June 1997.

This report details the outstanding general debtors as at 31 July 1997 and outlines the action being taken to effectively control those debtors which have been outstanding for in excess of 90 days. It recommends a write off of debts totalling \$2,319.56.

**MOVED Cr Taylor, SECONDED Cr Magyar that Council, in accordance with the provisions of Section 6.12 (1) (c) of the Local Government Act 1995 writes out of its General Debtors Ledger an amount of \$2,319.56 representing debts considered irrecoverable, as detailed in Attachment 'B' to Report FA145-08/97. CARRIED BY AN  
ABSOLUTE MAJORITY**

**FA146-08/97                    SALE OF SURPLUS PLANT/EQUIPMENT - [208-026-97/98]**

A number of items of Plant/Equipment has become surplus to Council's requirements and are recommended for disposal.

Tender Number 026-97/98 was called for the purpose of offering these items for sale. This report outlines the submissions received and recommends disposal accordingly.

**MOVED Cr O'Grady, SECONDED Cr Popham that Council:**

- 1** accepts the following offers to purchase surplus plant/equipment as outlined in Attachment 'A' to Report FA146-08/97;

Lot No	Asset No	Description	Tenderer's Name	Tender Price \$
1	5670	Stihl Brushcutter	G Kuret	111.00
2	5671	Stihl Brushcutter	B Forsyth	85.00
4	5640	Concrete Saw	K Howard	551.00
5	5637	Concrete Saw	K Howard	351.00
6	5638	Concrete Saw	K Howard	351.00
7	5639	Concrete Saw	K Howard	351.00
8	5508	Concrete Saw	K Howard	551.00
9	5641	Concrete Saw	K Howard	351.00
10	5656	Plate Compactor	B Forsyth	350.00
11	5835	Plate Compactor	B Forsyth	355.00
12	6763	Deutscher Mower	B Forsyth	290.00
13	6765	Deutscher Mower	B Forsyth	285.00
14	6818	Deutscher Mower	WA Machinery Brokers	450.00
15	6424	Cool Box	M Skroza	60.00
16	N/A	Metal Tank	B Forsyth	200.00
17	N/A	Pump and Motor	P McGriskin	25.00
18	N/A	Honda G300 Motor	P McGriskin	31.00
19	N/A	Pump and Motor	J Marinovich	20.00
21	N/A	Pump and Motor	P McGriskin	15.00

- 2** approves the necessary amendments to the fixed asset register.

**CARRIED**

**FA147-08/97**

**CASH FLOAT ISSUED TO RANGER - [905-1]**

A cash float assigned to ex Ranger I Whyborn was not handed in when he terminated his employment with Council on 20 October 1995. At this stage Mr Whyborn's whereabouts is unknown.

The amount is required to be written off.

**MOVED Cr O'Grady, SECONDED Cr Popham that Council vote in accordance with Section 6.12 (1) of the Local Government Act 1995 writes off against Account Number 48495105 - Unaligned Expenditure - Expenses Incurred Previous Year the cash float of \$50.00 assigned to Mr I Whyborn.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**



**FA148-08/97                    DISPOSAL OF PLASTIC STACKABLE CHAIRS - [010-0-1]**

Council has received two requests for second hand plastic stackable chairs which are currently held at the City Depot and due to age and condition are surplus to requirements.

Mr Gabe Morrow has made an offer on behalf of the Christian Brothers School Camp at Guilderton to purchase 150 chairs at 50 cents each.

Whitford Sea Sports Club has requested 100 of these chairs as a donation.

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

- 1            **accepts Mr Gabe Morrow's offer of 50 cents per chair for 150 chairs for use by the Christian Brother School Camp at Guilderton;**
- 2            **donates the remaining 100 chairs to the Whitford Sea Sports Club.    CARRIED**

**FA149-08/97                    1997/98 RATE INCENTIVE SCHEME - [018-20]**

It has been customary over past years for Council to offer donated prizes for payment of rates within 21 days of issue of the rate notice. Due to past success in attracting ratepayers to pay rates early Council at its meeting held 30 April 1997 resolved to again hold a Rate Incentive Scheme for 1997/98 year.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council accepts the further four offers of prizes for Council's 1997/98 Rate Incentive Scheme and expresses its sincere appreciation to the following donors for their generosity:-**

**Town and Country Bank  
Esplanade Hotel Fremantle  
Joondalup Resort Hotel  
Rydges Perth**

**CARRIED**

**FA150-08/97                    RATE EXEMPTION - LOT 1 (8) KENNEDYA DRIVE, JOONDALUP - [3335/1/8]**

This report considers a request for exemption from rates received for a property owned by the Lake Joondalup Baptist College. As it satisfies the provisions of Section 6.26 (2) (d) and 6.26 (2) (f) of the Local Government Act 1995 it has been declared non rateable.

**MOVED Cr O'Grady, SECONDED Cr Healy that Council, in accordance with the provisions of Section 6.47 of the Local Government Act 1995 to write off the amount of \$17,470.59 being rates raised for the 1996/97 year on Lot 1 (8) Kennedy Drive, Joondalup.**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

**FA151-08/97** **ORDERS FOR GOODS AND SERVICES - APPROVING/  
REQUISITION OFFICERS - [010-0-1]**

This report details requests for Amendments to the list of Orders for Goods and Services - Approving and Requisitioning officers.

**ADDITIONAL INFORMATION**

Report FA151-08/97 is to be amended by adding the name of 'Vijoy Jha' to page 6 of the list of Approving and Requisitioning Officers under the Engineering Construction and Management Services Unit.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council authorises the amendments, as detailed on Attachment 'A' to Report FA151-08/97 to the list of Orders for Goods and Services - Approving and Requisitioning Officers. CARRIED**

**FA152-08/97** **PUBLIC SUBMISSIONS - PRINCIPAL ACTIVITIES PLAN  
1997/98 - 2001/02 - [280-0]**

Council's Principal Activities Plan for the period 1997/98 - 2001/02 was advertised for public comment for 42 days. The advertising period expired on 14 August 1997. There were no public comments or submissions in relation to the Plan.

In accordance with the provisions of Section 5.58 of the Local Government Act 1995, Council is now required to adopt the Plan with or without amendment.

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

- 1** adopts its Principal Activities Plan for the financial years 1997/98 to 2001/2002 subject to the amendments made in Council's budget sessions subsequent to the advertising of the Plan; and
- 2** notes that there were no submissions from the public in relation to this Principal Activities Plan. **CARRIED**

**FA153-08/97** **EMERGENCY MANAGEMENT PLAN ADVISORY  
COMMITTEE - DEPUTY - [702-0]**

Cr Wight referred to the meeting of the Emergency Management Plan Advisory Committee to be held on 26 September 1997 and queried if Cr Taylor would be able to act as his Deputy on this occasion as he advised he would be in Cairns and unable to attend this meeting.

Cr Taylor advised he would be happy to act as Deputy for Cr Wight on this Committee.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Cr Taylor act as Deputy for Cr Wight for the next meeting of the Emergency Management Plan Advisory Committee to be held on 26 September 1997. CARRIED**

**COMMUNITY SERVICES SECTION**

CS244-08/97

**VOLUNTEER BUSH FIRE BRIGADE - CHIEF BUSH FIRE CONTROL OFFICER - [902-1]**

It is necessary to fill the positions of the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer following acceptance of the voluntary severance package offered by the City of Wanneroo, by both the Acting Manager and the Acting Deputy Manager of the Municipal Law and Fire Department.

The condition that "employees receiving a redundancy would not be eligible for re-employment by Council for a period of two years " specified in the Council's resolution at its meeting held 24 July 1996, preclude the former occupants from continuing to undertake the duties associated with the Bush Fire Brigade positions, as paid employees of the City without the prior agreement of the Council.

The involvement in the past, of the Senior Managers from the Municipal Law and Fire Department in the management of the Wanneroo Volunteer Bush Fire Brigade has resulted in a considerable amount of time and effort being redirected from the core business of the Department and therefore it is preferable that the Department's involvement in the Bush Fire Brigade is minimised.

The impending separation of the City of Wanneroo into two separate Local Authorities will result in the City of Joondalup retaining marginal areas of rural land which in all probability will be serviced by Fire and Rescue. However, the Town of Wanneroo will still require the services of a Volunteer Bush Fire Brigade given the vast areas of rural and semi-rural tracts of land. In this instance, it may be possible to share the responsibilities of the Chief Bush Fire Control Officer with other approved personnel within the District.

The Bush Fires Board, in recent discussions have indicated their intention to regionalise all Bush Fire Volunteer Brigades and encourage them to become more autonomous in their operations. It is envisaged that in the 1997/98 bush fire season that the Bush Fires Board will approve the appointment of three full time employees as Chief Bush Fire Control Officers whose salaries will attract some form of government subsidy.

Consistent with the aims of the Bush Fires Board and the establishment of the Municipal Law and Fire Department as a Business Unit, it is recommended that the Bush Fire Advisory Committee liaises closely with the Bush Fires Board to participate in the ongoing process of regionalisation of the various Volunteer Bush Fire Brigades with the intention of ensuring that adequate resources are maintained to protect the Wanneroo community.

In the meantime, the Chairman of the Bush Fire Advisory Committee suggests that the Council endorses the appointment of Mr Kevin Smith to the position of Chief Bush Fire Control Officer for the 1997/98 fire season and that an honorarium of \$16,000 be paid to Mr Smith, together with the provision of a vehicle, radios, pager and a mobile telephone for use in relation to duties as Chief Bush Fire Control Officer during the duration of his appointment.

At the Finance and Community Services Committee, Cr Wight stated that the report used the term Chief Bush Fire Control Officer. He indicated that the correct title was District Fire Officer and called for an amendment.

Cr Wight also advised that the appointment of a District Fire Officer is an appointment which must be made by a local government, not the Bush Fire Board as indicated in the report.

In addition, Cr Wight indicated that the split in the City of Wanneroo would not lead to a change in the area serviced by Fire and Rescue, therefore there would not be a diminished responsibility.

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

- 1 endorses the appointment of Mr Kevin Smith as Chief Bush Fire Control Officer for the 1997/98 fire season as suggested by the Chairman of the Bush Fire Advisory Committee;**
- 2 authorises the payment of a honorarium of \$16,000 to Mr Smith, together with the provision of a vehicle, radios, pager and mobile telephone for use in relation to duties as Chief Bush Fire Control Officer during the duration of his appointment;**
- 3 requires Mr Smith to train a suitable replacement in the position of Chief Bush Fire Control Officer as soon as possible. CARRIED**

**CS245-08/97 AUTHORISATION OF OFFICERS - [404-0, 905-1]**

Council is currently in the process of establishing Municipal Law and Fire as a Business Unit. Part of this process is to improve the efficiency and effectiveness of the Unit by integrating the Patrol Officers' and Rangers' duties. This will provide a better focus on customer service by eliminating the segregation of duties, improving staff morale and enabling all officers to undertake a variety of duties not previously authorised.

It is further proposed that the term Compliance Services be replaced with Ranger Services and that the individual title of officers be known as Ranger.

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

- 1 in accordance with the Justices Act 1902, authorises Martin Nicholas Haddock, Robert Gregory Imms, Roger Darren Mansfield, David Charles Hoath, David Wayne Middleton and Callum Jon Arnold to make complaints and act under and enforce the various Acts, Regulations and Local Laws for the Municipality of the City of Wanneroo as detailed hereunder -**

**Local Government Act 1995;**

**Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;**

**Bush Fires Act 1954, Regulations and Local Laws thereunder;**

**Litter Act 1979 and Regulations thereunder;**

**Spearguns Control Act 1955 and Regulations thereunder;**

**Local Laws Relating to the Parking of Vehicles on Street Verges;**

Local Laws Relation to Parking Facilities;  
 Local Government (Parking for Disabled Persons) Regulations 1988;  
 Local Laws Relating to Safety, Decency, Convenience and Comfort of Persons in respect of Bathing;  
 Local Laws Relating to Removal and Disposal of Obstructing Animals or Vehicles;  
 Local Laws Relating to Disused Motor Vehicles and Machinery;  
 Local Laws Relating to the Control and Management of Halls, Community Recreation Centres, Multi-Purpose Centres, Equipment and Property;  
 Local Laws Relating to Reserves and Foreshores;  
 Local Laws Relating to Street Lawns and Gardens;

- 2 authorises Kate Stewart to make complaints and act under and enforce the various Acts, Regulations and Local Laws for the Municipality of the City of Wanneroo as detailed above, inclusive of the Dog Act 1976, Regulations and Local Laws thereunder;
- 3 approves the Business Unit to be identified as Ranger Services and the individual titles of staff to be known as Ranger. **CARRIED**

CS246-08/97

**APPOINTMENT OF HONORARY PARKING INSPECTORS FOR LAKESIDE JOONDALUP SHOPPING CENTRE, JOONDALUP - [910-1]**

A letter dated 4 August 1997 has been received from Knight Frank (WA) Pty Ltd, Managing Agents for the Lakeside Joondalup Shopping Centre, Joondalup.

They have written to Council cancelling two Honorary Parking Inspector appointments, and requesting the authorisation of a further two people to be Honorary Parking Inspectors for the Lakeside Shopping Centre. At the Finance and Community Services Committee, Cr Popham queried the number of rangers employed by the City.

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

- 1 in accordance with Section 9.13 of the Local Government Act 1995 appoints Andrew Christopher Hickey and Joel Griffith Campbell as Honorary Parking Inspectors for the Lakeside Shopping Centre, Joondalup;
- 2 in accordance with the provisions of the Justices Act 1902 authorises the withinmentioned Honorary Parking Inspectors to act under and enforce the Parking Local Laws for the City of Wanneroo only within the boundaries of the Lakeside Shopping Centre, Joondalup as detailed hereunder:
- (a) Local Laws Relating to Parking Facilities;
- (b) Local Government (Parking for Disabled Persons) Regulations 1988.
- 3 cancels the appointments of Ashley Stuart Keating and David Louis Hull. **CARRIED**

**CS247-08/97                    MUNICIPAL LAW & FIRE SERVICES DEPARTMENT -  
ACTIVITIES FROM 1 JULY 1996 TO 30 JUNE 1997 - [905-1]**

Municipal Law & Fire Services Department submits its activity report from 1 July 1996 to 30 June 1997.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council accepts the table outlining the Municipal Law and Fire Services Department's activities from 1 July 1996 to 30 June 1997.**  
**CARRIED**

**CS248-08/97                    KEEPING OF PIGEONS - [241-0]**

**Summary of Purpose and Effect (was read aloud at Council by the Mayor.)**

*The purpose of the proposed Local Law concerning "Keeping of Pigeons" is to maintain the existing controls pertaining to the industry whilst opening up the opportunity for greater community input into the practice.*

*This will be enabled by revoking Council's existing Local Law regarding pigeons under the "Health Act Local Law Series 'A' and introducing the following Draft Local Law under the Local Government Act 1995.*

*The effect of these changes will be to modernise the overall provisions; provide for improved loft construction; increase the welfare of pigeons themselves; widen the parameters of comment afforded to affected neighbours whilst imposing a greater responsibility on the modern day pigeon enthusiast.*

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council under Section 3.12 of the Local Government Act 1995 declares its intention to revoke its existing Local Laws Relating to Pigeons and to adopt new Draft Local Laws "Relating to the Keeping of Pigeons".**  
**CARRIED**

**CS249-08/97                    PUBLIC SWIMMING POOL PROSECUTION - HILLARYS  
HARBOUR QUEST RESORT - [30/1733]**

Routine water sampling of the Hillarys Harbour Quest Resort swimming pool was carried out on 7 July 1997 and showed that the pool was not properly maintained due to insufficient chlorination. This is contrary to the Health Act (Swimming Pools) Regulations 1964.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council initiates legal action against Hay Constructions Pty Ltd and Tropical Nominees Pty Ltd, trading as Hillarys Harbour Quest Resort, West Coast Highway, Hillarys WA 6025 for a breach of Regulation 11(a) of the Health Act (Swimming Pools) Regulations 1964 on 7 July 1997.**  
**CARRIED**

**CS250-08/97                    SERVICE OF HEALTH ACT 1911 NOTICE - [30/212-5]**

Council is advised of a Health Act Notice served upon the proprietors of the Seafood and Salad Bar located at Shop 5 Warwick Entertainment Centre, Beach Road, Warwick on 25 July 1997

for a breach of the Health (Food Hygiene) Regulations 1993. The breach included failing to maintain the food premises in a clean and sanitary condition.

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

- 1 endorses the Notice served upon the owners, Mr Tien and Mrs Kim Nguyen of the business Seafood and Salad Bar located at Shop 5 Warwick Entertainment Centre, Beach Road, Warwick on 25 July 1997;
- 2 in accordance with the provisions of the Health Act 1911 authorises legal action against the proprietors, Mr Tien and Mrs Kim Nguyen of the business Seafood and Salad Bar located at Shop 5 Warwick Entertainment Centre, Beach Road, Warwick in the event of failure to comply with this Notice. **CARRIED**

**CS251-08/97 SERVICE OF HEALTH ACT 1911 NOTICE - FLY ERADICATION REGULATIONS 1961 - [272/16/96]**

Council is advised of a Health Act Notice served upon the owner of Lot 16 (96) Elliot Road, Hocking on 24 July 1997 for a breach of the Fly Eradication Regulations 1961. The breach included failing to cover poultry manure, allowing water to pool in around the heap and allowing flies to breed.

At the Finance and Community Services Committee, Cr Healy queried the use of mediation to resolve this conflict.

**RECOMMENDATION**

THAT Council:

- 1 endorses the Health Notice served on Mr Michael Monte, owner of Lot 16 (96) Elliot Road, Hocking dated 21 July 1997;
- 2 authorises legal action against Mr Michael Monte, owner of Lot 16 (96) Elliot Road, Hocking should default occur with this Health Notice.

**MOVED Cr Healy, SECONDED Cr Popham that Council:**

- 1 endorses the Health Notice served on Mr Michael Monte, owner of Lot 16 (96) Elliot Road, Hocking dated 21 July 1997;
- 2 authorises legal action against Mr Michael Monte, owner of Lot 16 (96) Elliot Road, Hocking should default occur with this Health Notice;
- 3 seeks a meeting with the land owner to resolve issues of concern. **CARRIED**

CS252-08/97

**BREACH OF HEALTH ACT 1911 - [30/230-11]**

Council is advised of a Health Act 1911 Notice served on Mrs T A Nguyen, the proprietor of Nghia Anh Asian Foods, Shop 11 Newpark Shopping Centre, Girrawheen on 9 July 1997. The Notice was served to prevent the current practice of selling inadequately labelled and unlabelled packaged foods contrary to the Australian Food Standards Code 1992.

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

- 1 endorses the Health Notice of 9 July 1997 served on Mrs Thu Anh Nguyen, proprietor of Nghia Anh Asian Foods, Shop 11 Newpark Shopping Centre, Girrawheen;
- 2 authorises legal action against the proprietor of Nghia Anh Asian Grocery, Shop 11 Newpark Shopping Centre, Girrawheen should default occur concerning the Health Notice of 9 July 1997. **CARRIED**

CS253-08/97

**FOOD COMPLAINT - SAMPLE NO 139C - [851-1]**

Council is advised of a complaint regarding an insect found within a small cake known as a "chocolate brownie" purchased from Kingsway City Patisserie on 8 April 1997. The inclusion of foreign matter in food is termed adulteration and the preparation and sale of such food is an offence under the Health Act 1911.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council, in accordance with the provisions of the Health Act 1911 instigates legal proceedings against the proprietors of the Kingsway City Patisserie, Unit 10/168 Wanneroo Road, Landsdale WA 6065 for the preparation and/or sale of adulterated food per Sample No:139C. **CARRIED****

CS254-08/97

**SENIOR CITIZENS WEEK - [880-12]**

Approval is being sought from Council to approve a programme of events to celebrate Seniors Week scheduled for the week beginning Sunday, 26 October 1997.

Cr Ewen-Chappell nominated Cr O'Grady.

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

- 1 approves the Senior Citizens Week projects as put forward in Report CS254-08/97;
- 2 approves expenditure of
  - \$1,400 for individual donations
  - \$300 for Council hosted morning tea
  - \$300 for promotion and printing

**to be charged to Allocation Number 25760 - Senior Citizens Week Expenses.**



- 3            **nominates Councillor O'Grady to be a representative on a judging panel for the Senior Citizens Awards.** **CARRIED**

**CS255-08/97            DONATION TO THE COMMONHEALTH GAMES ADULT DAY CARE SERVICE - [880-7]**

The CommonHealth Games is an annual event between six local government authorities who receive Home and Community Care funding for Adult Day Care services. The Planning Committee for the 1997 CommonHealth Games is requesting that Council approves a donation of \$250.00 as a contribution towards the running of the games.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council approves a donation of \$250.00 to the 1997 CommonHealth Games Planning Committee as a contribution towards running costs of the games. Payment will be allocated from Account Number 26511 - Sundry Donations.** **CARRIED**

**CS256-08/97            LEASE AGREEMENT - RELATIONSHIPS AUSTRALIA - [880-3]**

A request has been received from Relationships Australia for use of vacant office space at the Kingsley Community Services Centre. It is being proposed that Council enters into a lease agreement with the organisation at a cost of \$17,500 per annum.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council enters into a lease agreement with Relationships Australia (Western Australia) Inc. to use 175 square meters of vacant office accommodation at the Kingsley Community Centre for a period of 12 months with an option to renew for a further 12 months and at a rate of \$17,500 per annum.** **CARRIED**

**CS257-08/97            YOUTH ADVISORY COMMITTEE - [485-2]**

Ms M Zan of the Ministry of Justice has nominated to fill a current vacancy on the Youth Advisory Committee.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that the Finance and Community Services Committee appoints Melanie Zan, Ministry of Justice to the Youth Advisory Committee.** **CARRIED**

**CS258-08/97            MANAGEMENT OF FOOTBALL CLUBROOMS KINGSWAY SPORTING COMPLEX - [061-198-6 c061-198-12]**

The Kingsway Sports Association Steering Committee has advised it is unlikely it will be in a position to assume management control of the Football Clubrooms, Kingsway Sporting Complex, on 1 October 1997.

Wanneroo Baseball Club is still determining whether it will become part of the Association. It has taken some time to ascertain the various options available to this club and cost each option. As a consequence the financial and management arrangements of the Association have been unable to be finalised.

It is recommended the Wanneroo Football and Sporting Club continue management of the Football Clubrooms, Kingsway from 1 October 1997 to 31 March 1998 with no lease fee but the Club being responsible for the ongoing operating and maintenance costs.

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

- 1 endorses the continuation of management of the Football Clubrooms, Kingsway, by the Wanneroo Football and Sporting Club for the period 1 October 1997 to 31 March 1998, with no lease fee, but ongoing operating and maintenance costs remaining the responsibility of the Club;**
- 2 advises the Kingsway Sporting Association Steering Committee that this agreement ends on 31 March 1998, with the management responsibility reverting to the Sports Association on 1 April 1998. CARRIED**

**CS259-08/97 APPRECIATION DINNER - RECREATION ASSOCIATIONS - [7031-7]**

At its meeting on 28 May 1997, Council resolved to arrange a dinner to honour current and disbanded Recreation Associations, with the presentation of Life Membership of the Sorrento Duncraig Recreation Association being made to Ron Mildenhall at the function.

This report considers who should be invited to the function and associated function costs. It is recommended Council hosts a Cocktail Party to recognise the Associations.

At the Finance and Community Services Committee, Cr Lynn requested that the appreciation dinner be held as soon as possible.

**REPORT RECOMMENDATION: THAT Council:**

- 1 hosts a Cocktail Party to honour both current and disbanded Recreation Associations, with the inclusion of a presentation of Life Membership of the Sorrento Duncraig Recreation Association being made to Mr Ron Mildenhall, at a cost of \$3,000 from Account Number 20023 - Civic Functions;**
- 2 invites current members and partners of existing committees, former members and partners of the disbanded Associations at the time of dissolution, life members and partners of all Associations.**

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that:**

- 1 Council adopts Option A to Report CS259-08/97 and hosts:**
  - (a) a Cocktail Party to honour disbanded Recreation Associations, with the inclusion of a presentation of Life Membership of the Sorrento Duncraig Recreation Association being made to Mr Ron Mildenhall and invites members, life members and partners of the disbanded Associations at the time of dissolution;**

- (b) a Cocktail Party to honour current Recreation Associations and invites current and life members and partners of existing committees.

2 costs of \$3,000 be allocated from Account Number 20023 - Civic Functions.

**CARRIED**

CS260-08/97

**MANAGEMENT OF COMMUNITY EVENTS PREVIOUSLY  
PROMOTED BY THE WANNEROO RECREATION  
ASSOCIATION - [330-7]**

In November 1996 Council resolved to endorse the continuation of the Aussie Day Breakfast, Carols By Candlelight, and the Bush Dance under the co-ordination of the 1st Wanneroo Scouting Group subject to:

- (a) the establishment of separate books of account for these activities under the name of the Wanneroo Townsite Community Group;
- (b) the donation of \$3900.66 being unspent funds from the Wanneroo Recreation Association to the Wanneroo Townsite Community Group;
- (c) submission of an audited Statement of Account in April each year; and
- (d) a review of these arrangements being undertaken in twelve months (*Items CS91-06/96 and FA171 11/96 refer*).

This report reviews the arrangement and recommends its continuation for a further three years.

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

1 endorses the Wanneroo Townsite Community Group and the 1st Wanneroo Scouts to continue to organise the Aussie Day Breakfast, Carols by Candlelight and the Bush dance subject to:

- (a) submission of an audited Statement of Account in April each year;
- (b) a review of these arrangements being undertaken in three years;

2 authorises the donation of \$1,000 to the Wanneroo Townsite Community Group for the Aussie Day Breakfast, such donation to be from budget item 31161 - Australia Day Community Events-Recreation and Sport Other;

3 donates \$1,000 for the Wanneroo Townsite Community Group to assist in co-ordinating the Carols by Candlelight and Bush Dance for the local community, on the proviso that the Group duly acknowledges the support from Council, such donation to be from budget item 29460 - Wanneroo Community Association-Recreation and Sport Other.

**CARRIED**

**CS261-08/97**                    **GLOUCESTER LODGE MUSEUM ART GALLERY -  
DAMAGE TO ART WORKS - [013-3-1]**

Art works by local artist, Mrs Jenny Hunton, were attacked by rats during her exhibition, April - June 1997, at Gloucester Lodge Museum Art Gallery, Yanchep National Park, Yanchep. Total damage to art works was \$308.50. It is recommended Council reimburses Ms Hunton.

**MOVED** Cr Healy, **SECONDED** Cr Ewen-Chappell that Council reimburses Mrs Jenny Hunton \$308.50 for damage to art works displayed at Gloucester Lodge Museum Art Gallery, such funds to be drawn from Account Number 32465 - Restoration and Display of Artefacts. **CARRIED**

**CS262-08/97**                    **INSURANCE FOR SKATEBOARD FACILITIES - [468-2]**

At its meeting 28 May 1997 Council requested a report on its insurance liability relating to the provision of skateboarding facilities.

Council's insurer, Municipal Liability Scheme, has indicated it is prepared to provide public liability insurance for unsupervised skateboard facilities under the proviso that Council develops effective risk management practices.

It is recommended that Finance and Community Services Committee forms a working party to conduct a needs assessment for recommendation to Council in November 1997. If sufficient demand is demonstrated, the working party would then be responsible for the development of appropriate designs and management processes for unsupervised skateboard facilities to recommend to Council.

Cr Taylor nominated Crs O'Grady and Hollywood to the Skateboard Facility Working Party.

**MOVED** Cr Taylor, **SECONDED** Cr Ewen-Chappell that Finance and Community Services Committee:

- 1            establishes the Skateboard Facility Working Party to advise the Finance and Community Services Committee on the possible development of skateboard facilities within the City of Wanneroo;
- 2            nominates Councillors O'Grady and Hollywood to the Skateboard Facility Working Party;
- 3            appoints the following members to the Skateboard Facility Working Party:
  - Manager, Recreation and Cultural Services (Acting) or nominee
  - Manager, Welfare Services or nominee
  - Manager, Parks Landscaping Services or nominee
  - Two community representatives
- 4            endorses the Terms of Reference for the Skateboard Facility Working Party as attached to Report CS262-08/97.

CS263-08/97

DONATIONS - [009-1]

Requests for financial assistance have been received from sports persons who have been selected to represent Western Australia in their chosen sport.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Council donates \$50, totalling \$1,450, to each of the following persons to assist with costs of representing Western Australia in their chosen sports:**

Bryan Evans	6 Galant Close, Kallaroo WA 6025
Alana Donnelly	10 Bennetts Place, Sorrento WA 6020
Brendan Meikle	7 Lunar Court, Mullaloo WA 6027
Gareth Bennett	195 Eddystone Ave, Beldon WA 6025
Shaun Bennetts	20 Cutter Crescent, Beldon WA 6025
Joel Lacky	3 Ketch Close, Ocean Reef WA 6027
Eden Lacky	3 Ketch Close, Ocean Reef WA 6027
Dara Lewis	116 Barridale Drive, Kingsley WA 6026
Danny Mills	54 The Crest Woodvale, WA 6026
Ed Walkowinski	58 Oceanside Promenade, Mullaloo WA 6027
Wes Sutherland	135 Castlecraig Drive, Kallaroo WA 6025
Sacha Jeeawody	7 Jason Place, Padbury WA 6025
Mark Reilly	25 Campbell Drive, Hillarys WA 6025
Dayle Carnachan	10 Deltoid Place, Heathridge WA 6027
Todd Jackson	45 Kurrajong Place, Greenwood WA 6024
Ryan Mayvis	24 Harbour Town Heights, Connolly WA 6027
Jared Mayvis	24 Harbour Town Heights, Connolly WA 6027
Larissa Markovina	105 Allenswood Road, Greenwood WA 6024
Kavita Kumar	26 Wallangerra Court, Kingsley WA 6026
Kylie Diamond	2 Camelot Grove, Neerabup WA 6031
Russell Haxby	10 Wakelin Close, Woodvale WA 6026
Mia Walker	102 Glengarry Drive, Duncraig WA 6023
Barry Williamson	26 Gunida Street, Mullaloo WA 6027
Bradley Woolley	40 Nanika Crescent, Joondalup WA 6027
Novella Avezzu	48 Sandelewood Drive, Greenwood WA 6024
Sarah Beardmore	3 Dodanaea Court, Duncraig WA 6026
Barry Williamson	26 Gunida Street, Mullaloo WA 6027
Matthew Posselt	39 Barranjoey Way, Sorrento WA 6020
Kavita Kumar	26 Wallangerra Court, Kingsley WA 6026

such donation to be drawn from Account number 29470 - Sundry Donations - Recreation and Sport Other.

**CARRIED**

CS264-08/97

**REQUEST FOR DONATION OF HIRE FEE - COMMITTEE FOR THE PREVENTION OF CHILD ABUSE IN THE CITY OF WANNEROO - [909-1]**

A request has been received from the Committee for the Prevention of Child Abuse in the City of Wanneroo, for a waiver of hire fees for a parent education forum to be held on 23 September 1997, in the Function Room at Craigie Leisure Centre.

**REPORT RECOMMENDATION:** THAT Council makes a non statutory donation to the Committee for the Prevention of Child Abuse in the City of Wanneroo, to cover hire fees and creche charges incurred for a parent education forum to be held at Craigie Leisure Centre on 23 September 1997, on the proviso that the Committee duly acknowledges the support from Council, such donation to be drawn from Account 26531 Other Welfare Services - Sundry Donations.

**MOVED** Cr Healy, **SECONDED** Cr Ewen-Chappell that Council makes a non statutory donation to the Committee for the Prevention of Child Abuse in the City of Wanneroo, to cover hire fees and creche charges incurred for a parent education forum to be held at Craigie Leisure Centre on 23 September 1997, on the proviso that the Committee duly acknowledges the support from Council on promotional material, such donation to be drawn from Account 26531 Other Welfare Services - Sundry Donations. **CARRIED**

#### **CONSULTANT - LOCAL RURAL STRATEGY - [290-1-1]**

Cr Healy referred to the consultant employed by Council to deal with local rural strategy issues and queried the amount that has been paid to this consultant.

The Director Resource Management advised he would take this matter on notice.

#### **STAFFING LEVEL - RANGER SERVICES - [404-6]**

In reply to an earlier query from Cr Popham in relation to the number of rangers employed by Council, the Director Community Services advised that at present there were 9 Patrol Officers and 6 Rangers.

He commented that funds had been allocated in the 1997/98 Budget for an additional Ranger, with the possibility of a further Ranger position being established, thereby bringing the total to 17 Rangers.

**C315-08/97 BUSINESS FOR INFORMATION**

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that the Business for Information Reports be received. CARRIED**

**TECHNICAL SERVICES COMMITTEE****B91-08/97 ENGINEERING CURRENT WORKS - [220-0]**

The Engineering Department Current Works report is valid for works during the period ending 31 July 1997.

At the Technical Services Committee meeting, Cr Popham declared an interest in Item B91-08/97 in relation to a traffic project for St Stephen's High and Primary Schools as he is the President of the P & F Association. This was resolved to be a trivial interest.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B91-08/97 be received. CARRIED**

**B92-08/97 WANNEROO SHOWGROUNDS - [061-376]**

Council, at its meeting dated 26 February 1997, deferred consideration of the Wanneroo Agricultural Society's right of use of the Wanneroo Showgrounds pending further discussions to be held with the Wanneroo Agricultural Society.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B92-08/97 be received. CARRIED**

**B93-08/97 MONTHLY REPORT JULY 1997 - PARKS LANDSCAPING SERVICES - [250-0]**

This report details parks maintenance, play equipment, mowing, tree pruning, construction, reticulation, servicing of bores and pumps and general maintenance carried out during the month of July 1997 by Parks Landscaping Services.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B93-08/97 be received. CARRIED**

**B94-08/97**      **RENEWAL OF ANNUAL CLEANING CONTRACT FOR BUILDINGS IN QUINNS ROCKS/MERRIWA AREA - [208-35-95/96]**

Council, at its meeting of 25 September 1996, extended the contract for a second year with Dominant Property Services for the cleaning of Council facilities in the Quinns Rocks/Merriwa area and requested that:

“a report be submitted prior to the end of the 1996/97 financial year detailing any agreement proposed by the Contractor to extend the contract period and the performance of the contractor in the execution of the works.”

This report outlines that it is not proposed to extend the contract and that tenders will be called.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B94-08/97 be received.**  
**CARRIED**

**B95-08/97**      **DEPOT ADMINISTRATION AND MECHANICAL WORKSHOP BUILDINGS TENDER 118-95/96 - ARBITRATION - [208-118-95/96, 610-22]**

Pacific Building Company the principal contractor for the Depot Administration and Mechanical Workshop Buildings Tender ref : 118-95/96 has registered a dispute in the settling of accounts associated with the completion of the contract. This matter has not been settled and the construction company, Pacific Building, has referred the matter to arbitration.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B95-08/97 be received.**  
**CARRIED**

**TOWN PLANNING COMMITTEE****B96-08/97**      **DEVELOPMENT ENQUIRIES - JULY 1997 - [290-0]**

This report outlines those enquiries received during July 1997 and where possible indicates the area suggested by the enquirer to be the preferred location for such development, together with a resumé of advice given by the department.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B96-08/97 be received.**  
**CARRIED**

**B97-08/97**      **ENVIRONMENTAL ASSESSMENT OF TOWN PLANNING SCHEME NO. 1 AMENDMENT NO. 787 - [790-787]**

In July 1997 the City received notification from the Environmental Protection Authority that an Environmental Review is required for Town Planning Scheme No. 1 (TPS1) Amendment No. 787. This TPS1 amendment refers to the Yanchep - Two Rocks area and proposes to rezone the land in accordance with the Metropolitan Region Scheme.



Appeals have been lodged by the landowners regarding the Instructions for the Environmental Review. The landowners appeal states that discussions need to be held, with appropriate government agencies, regarding the number of environmental reports that they have already been undertaken for this area. The City has indicated its support for discussions between the appropriate government agencies.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B97-08/97 be received.  
CARRIED**

**B98-08/97                    PROPOSED EASTERN FREEWAY - [502-37]**

At the December 1996 Council meeting, Council requested information on the location of the proposed eastern freeway. An eastern freeway had been proposed in the "Planning Structure for the North-West Corridor" of 1977 to accommodate the option of a heavy industrial site to the north of the corridor. This freeway was also identified in the "Joondalup Regional Plan" (1977), "Planning for the Future of the Perth Metropolitan Region" (1987) and "Metroplan" (1990). In the "Draft North West Corridor Structure Plan" (1991) an alignment for the proposed freeway was not indicated but mention was made of extending Tonkin Highway north over the Gngangara mound. A proposal was put forward in the draft document for an Eastern Perimeter Arterial Road. This arterial road was the focus of many submissions during the public comment period and resulted in the eastern perimeter arterial road being deleted from the final "North West Corridor Structure Plan". In this final document, reference is again made to the option of extending the Tonkin Highway over the Gngangara mound.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B98-08/97 be received.  
CARRIED**

**B99-08/97                    PEDESTRIAN ACCESSWAY CLOSURES MONTHLY  
PROGRESS REPORT - [520-2]**

Council, at its meeting on 26 February 1997 (Item No TP22-02/97) resolved to include in the Business for Information section a report each month on the progress of pedestrian accessway closures.

This report provides a summary detailing the current situation regarding every pedestrian accessway closure application the City is processing.

**MOVED Cr Healy, SECONDED Cr Ewen-Chappell that Report B99-08/97 be received.  
CARRIED**



**C316-08/97 CHIEF EXECUTIVE OFFICER'S REPORT**

**MOVED Cr Healy, SECONDED Cr O'Grady that the report of the Chief Executive Officer be received. CARRIED**

**C317-08/97 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [200-0-1]**

- Document: Deed  
Parties: City of Wanneroo and Silkchime, Indietro Pty Ltd and Energym (WA) Pty Ltd  
Description: Lots 945 and 950 Dugdale Street, Warwick  
Date: 17.7.97
- Document: Withdrawal of Caveat  
Parties: City of Wanneroo and Yatala Nominees  
Description: Lots 1 and 2 Flynn Drive, Neerabup  
Date: 17.7.97
- Document: Deed  
Parties: City of Wanneroo and B H Moore, Prince Oliver Constructions and West Point Constructions Pty Ltd  
Description: Lot 948 Dugdale Street, Warwick  
Date: 17.7.97
- Document: Scheme Amendment  
Parties: City of Wanneroo and Minister for Planning  
Description: TPS No 1 - Amendment No 796  
Date: 30.7.97
- Document: Scheme Amendment  
Parties: City of Wanneroo and Minister for Planning  
Description: TPS No 1 - Amendment No 766  
Date: 30.7.97
- Document: Surrender of Easement  
Parties: City of Wanneroo and E & V M Walton  
Description: Lot 275 Marmion Avenue, Mullaloo  
Date: 30.7.97
- Document: Withdrawal of Caveat  
Parties: City of Wanneroo and Warwick Entertainment Centre Pty Ltd  
Description: Lot 904 Beach Road, Warwick  
Date: 1.8.97
- Document: Grant of Easement  
Parties: City of Wanneroo and Linnpark Investments Pty Ltd  
Description: Lot 1768, 235 Baltimore Parade, Merriwa  
Date: 1.8.97

- Document: Deed  
Parties: City of Wanneroo and Tarana Holdings P/L and Bank of Western Australia Ltd  
Description: Lot 738 Dugdale Street, Warwick  
Date: 11.8.97
- Document: Consent Letter  
Parties: City of Wanneroo and Silkchime P/L and Indietro Pty Ltd  
Description: Lot 945 Dugdale Street, Warwick  
Date: 14.8.97
- Document: Lease  
Parties: City of Wanneroo and Sorrento Bowling Club  
Description: Part of Percy Doyle Reserve, Duncraig  
Date: 18.8.97
- Document: Deed  
Parties: City of Wanneroo and Rosina Smallwood  
Description: Copyright Agreement  
Date: 19.8.97
- Document: Deed  
Parties: City of Wanneroo and Irwin R Palmer  
Description: Copyright Agreement  
Date: 19.8.97
- Document: Deed  
Parties: City of Wanneroo and John I Lunder  
Description: Copyright Agreement  
Date: 19.8.97
- Document: Deed  
Parties: City of Wanneroo and Ruby Benjamin  
Description: Copyright Agreement  
Date: 19.8.97
- Document: Deed  
Parties: City of Wanneroo and Michael Hayes  
Description: Copyright Agreement  
Date: 19.8.97
- Document: Deed  
Parties: City of Wanneroo and William McKinley  
Description: Copyright Agreement  
Date: 19.8.97

Document: Deed  
 Parties: City of Wanneroo and Melville Jarvis  
 Description: Copyright Agreement  
 Date: 19.8.97

Document: Scheme Amendment  
 Parties: City of Wanneroo and Minister for Planning  
 Description: TPS No 1 - Amendment No 787  
 Date: 21.8.97

Document: Contract Document  
 Parties: City of Wanneroo and Gordon Geological Consultants  
 Description: Coastal Geological Survey  
 Date: 21.8.97

**MOVED Cr Healy, SECONDED Cr O'Grady that the schedule of documents executed by means of Affixing the Common Seal be received. CARRIED**

**C318-08/97 RESIGNATION OF MEMBER - TECHNICAL SERVICES COMMITTEE - [702-0]**

Cr Terry Popham has tendered his resignation as a member of the Technical Services Committee effective from 13 August 1997.

Cr Popham has advised that the South Ward Councillors wish to nominate Cr John Hollywood as member on the Technical Services Committee. In this event it is proposed that Cr Popham fill the positions vacated by Cr Hollywood as second deputy to the two South Ward members on this Committee.

**MOVED Cr O'Grady, SECONDED Cr Healy that Council:**

- 1 appoints Cr John Hollywood as member on the Technical Services Committee;**
  - 2 appoints Cr Terry Popham as second deputy to Cr John Hollywood and Cr Arthur Taylor.**
- CARRIED BY AN  
ABSOLUTE MAJORITY**

*Cr Tippett entered the Chamber at this point, the time being 2314 hrs.*

**C319-08/97 APPOINTMENT OF MEMBERS - VARIOUS EXTERNAL COMMITTEES - [702-0]**

**SUMMARY**

With the recent passing of Cr Fleur Freame, consideration is required to be given to filling vacancies which exist on various external Committees.

**BACKGROUND**

Council at its meetings held during May 1997 appointed members to external Committees as follows:

**LOCAL GOVERNMENT ASSOCIATION OF WA NORTH METROPOLITAN ZONE**

Cr F Freame  
Cr G Major  
Cr M Lynn  
Cr S Magyar  
Cr D Tippett - deputy

**NORTH METROPOLITAN REGION RECREATION ADVISORY COMMITTEE**

Cr A Wight  
Cr D Tippett - Deputy  
Cr F Freame - Deputy

**WANNEROO EMPLOYMENT AND SKILLS TRAINING**

Cr F Freame  
Cr J Hollywood

**WHITFORD RECREATION ASSOCIATION**

Cr G Major  
Cr F Freame  
Cr M Lynn  
Cr J Bombak

**COMMENT**

Consideration is required to be given to filling these vacancies.

As membership of the Whitford Recreation Association comprises South-West Ward Councillors, it is appropriate that this position is filled following the election of a new Councillor on 4 October 1997.

**MOVED Cr Taylor, SECONDED Cr O'Grady that consideration of the filling of the various external Committees created by the passing of Cr Fleur Freame be deferred under after the Extraordinary Election for the South Ward in October 1997. CARRIED**

C320-08/97

**1997 NATIONAL GENERAL ASSEMBLY OF AUSTRALIAN LOCAL GOVERNMENT - [312-2]****SUMMARY**

The Australian Local Government Association is holding the National General Assembly of Local Government, 23-26 November 1997 at the National Convention Centre in Canberra. This report recommends that the Chief Executive Officer attend the conference.

**DETAILS**

The Australian Local Government Association is holding the National General Assembly of Local Government, 23-26 November 1997 at the National Convention Centre in Canberra. The Council has already resolved that the Mayor be permitted to attend the conference.

The Assembly will take place as part of the 50th anniversary celebrations of the Australian Local Government Association. The theme of the conference "Celebrating our Future" will focus on the achievements of the past and the future potential of Local Government and its National Association.

**COMMENT/FUNDING**

The estimated cost of attending the conference is \$3030 and is detailed as follows:

Airfare:	\$1660
Accommodation:	\$540
Registration/Dinner	\$630
Allowance	\$200

**MOVED Cr Healy, SECONDED Cr O'Grady that Council:**

- 1. authorise the attendance of the Chief Executive Officer at the National General Assembly of Australian Local Government, 23-26 November 1997 at the National Convention Centre in Canberra with the estimated cost of \$3030;**
- 2. list for consideration in the 1997/98 draft budget the amount of \$3030 against item No 20151 - Conference Expenses. CARRIED**

C321-08/97

**NATIONAL URBAN ANIMAL MANAGEMENT CONFERENCE - [020-1]****SUMMARY**

The National Urban Animal Management Conference is being held in Adelaide from 12 to 14 November 1997. The chairperson of the Urban Animal Management working party, Cr Lynn has requested permission to attend the conference this year along with a ranger or another Councillor.

## **DETAILS**

The National Urban Animal Management Conference is being held in Adelaide from 12 to 14 November 1997. The chairperson of the Urban Animal Management working party, Cr Lynn has requested permission to attend the conference this year along with a ranger or another Councillor.

Last year Cr Lynn and a Council ranger attended the conference. The Director of Community Services is of the belief that there is very little benefit to be gained by a Council officer attending the conference this year and has recommended that no Council officers attend this years conference.

It is recommended that the chairperson of the Urban Animal Management working party attend the conference this year and report back to the working party and the Acting Manager Compliance Services on the conference proceedings.

## **COMMENT/FUNDING**

The estimated cost of attending the conference is \$2578 and is shown as follows:

Airfare:	\$1448
Accommodation:	\$620
Registration/dinner:	\$360
Allowance:	\$150

## **ADDITIONAL INFORMATION**

Attention is drawn to Item 5 of the Chief Executive Officer's report which requires the following amendment to be made. The report incorrectly states that Cr Lynn requested the Council's permission to attend the abovementioned conference this year along with a ranger or another Council.

However, Cr Lynn does not request the Council's permission to attend and only wished to draw the conference to the attention of the Council for consideration.

**MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:**

- 1. authorise the attendance of the chairperson of the Urban Animal Management working party, Cr Lynn at the National Urban Animal Management Conference, 12-14 November 1997 in Adelaide with the estimated cost of \$2578;**
- 2. list for consideration in the draft 1997/98 budget the amount of \$2578 against item No 20006 - Members Conferences.**

**CARRIED**



C322-08/97

**VACANCY - LOCAL GOVERNMENT ASSOCIATION  
MEMBER - FLOOD WARNING CONSULTATIVE  
COMMITTEE - [312-2]**

**SUMMARY**

The Local Government Association of Western Australia (Inc) has invited member Councils to submit nominations to the Flood Warning Consultative Committee.

**DETAILS**

The Local Government Association of Western Australia (Inc) has invited member Councils to submit nominations to the Flood Warning Consultative Committee.

The Committee's terms of reference is to monitor and review the performance of flood warning services in Western Australia. The Committee reports to the State Emergency Management Advisory Committee.

The term is for an indefinite period. Meetings are held quarterly at the Bureau of Meteorology in West Perth. There is no meeting fee associated with this position.

A ballot will be held at the Western Australia Municipal Association Executive Committee following close of nominations.

**MOVED Cr Healy, SECONDED Cr O'Grady that Council makes no nomination for consideration of appointment as member to the Flood Warning Consultative Committee.**

**CARRIED**

C323-08/97

**DELEGATION OF AUTHORITY IN RESPECT OF BUILDING  
LICENCE ISSUES - [201-1-1]**

Council has authorised Mr Ray Scarce, Co-ordinator Building Approvals (Principal Building Surveyor) in Part XV of the Local Government (Miscellaneous Provisions) Act to perform the duties of the City Building Surveyor.

Mr Scarce will be on leave from 25 August 1997 to 5 September 1997. However, in order to continue with processing of building licences it will be necessary for Council to authorise Mr Grahame Westaway to act in the capacity in order to perform the functions of the City Building Surveyor for that period.

It is also requested that Council sets aside its Policy A2-02 - Communication of Council Resolutions to enable Mr Westaway to perform the functions of the City Building Surveyor as of Thursday 28 August 1997.

The question of on-going delegation of authority to determine building matters will be addressed in a further report to Council so that during the absence of the Co-ordinator Building Approvals (Principal Building Surveyor) other authorised officers can act to perform those functions.

**MOVED Cr O'Grady, SECONDED Cr Tippett that Council:**

- 1 delegates authority to Mr Grahame Westaway to perform the function of the City Building Surveyor between 25 August 1997 and 5 September 1997;**
  - 2 sets aside its Policy A2-02 - Communication of Council Resolutions to enable Mr Westaway to perform the functions as of Thursday 28 August 1997 to 5 September 1997.**
- CARRIED BY AN  
ABSOLUTE MAJORITY**

**C324-08/97                    DONATION - ROYAL WA INSTITUTE FOR THE BLIND -  
[061-376]**

**SUMMARY**

The Royal WA Institute for the Blind will be the principal beneficiary of the annual 'Pasta Run'; an Italian car trial and traditional Italian food fest to be held at the Wanneroo Showgrounds on Sunday 7 September 1997. The event organisers have sought Council support for the event by waiving the Showground facility hire charges, amounting to \$446.40. This report recommends that the charges not be waived, but that a donation be made direct to the Blind Institute to offset the hire charges, and that promotional opportunities be secured for the City.

**BACKGROUND**

The Royal WA Institute for the Blind will be the principal beneficiary of the annual 'Pasta Run'; an Italian car trial and traditional Italian food fest to be held at the Wanneroo Showgrounds on Sunday 7 September 1997.

The Alfa Romeo Owners Club of Australia conducts the event on annual basis, attracting corporate sponsorship to cover costs. The event attracts considerable public interest and media coverage. A special drawcard to this years event will be the display of a rare 1931 8c 2300 Alfa Romeo, valued at approximately \$2million. This will be the most valuable car to appear in Western Australia. Other cars on display will include Ferrari Lamborghini, Maserati, Lancia and Fiat.

The event organisers have sought Council support for the event by waiving the Showground facility hire charges.

**DETAILS**

In view of the charitable purposes of the event, concessions have been granted for the hire of the grounds and facilities. The reduced fees amount to \$446.40 and it has been suggested that the organisers pay the fees prior to the Council making an offset donation to the Blind Institute.

Discussions have been held with the event organisers to secure promotional value for the City from the event, in exchange for the Council's donation to the Blind Institute. The donation/sponsorship arrangement will secure prominent acknowledgement of the City on the event program, and in all written material relating to the event, including press releases.

Coverage has been arranged for the event from Western Australian Newspapers, Community Newspapers, Triple M Radio and Channel 9.

In addition to the usual corporate sponsorship functions, the Council will also be entitled to display any promotional banners or signage at the event.

**COMMENT/FUNDING**

Council's policy relating to Hire Charges - H5-06 requires any waiving or concessional treatment of hire charges to be reported to the Council. Similarly, it is necessary for the Council to resolve to make a donation to the Blind Institute to effect a 'waiving' of the fees.

In view of the anticipated exposure for the event, the donation of an amount of \$446.40 is considered a reasonable contribution to secure promotion of the City. Funds are available within allocation 39780 - Marketing Services - Tourism and Area Promotion - to effect the donation.

**MOVED Cr Healy, SECONDED Cr O'Grady that Council donates an amount of \$446.40 to the Royal WA Institute for the Blind to offset facility hire charges associated with the 1997 'Pasta Run' - such donation being funded from allocation 39780 - Marketing Services - Tourism and Area Promotion. CARRIED**

C325-08/97

**APPEAL AGAINST COUNCIL'S REFUSAL OF THE PROPOSED PHYSIOTHERAPY CONSULTING ROOMS - LOTS 535 (20) BURRAGAH WAY - [30/5640]**

WARD	South West
METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT:	Gabriella Duffy
OWNER	Vasil & Christine Nikola
NOTICE OF APPEAL RECEIVED:	18 August 1997

## SUMMARY

Corrs Chambers Westgarth Lawyers on behalf of Gabriella Duffy have lodged an appeal to the Town Planning Appeal Tribunal against Council's refusal of the application by Gabriella Duffy for a physiotherapist on Lot 535 (20) Burregah Way, Duncraig. It is recommended that Council contests this appeal and engages legal representation to assist officers in defence of the appeal.

## BACKGROUND

At its July 1997 meeting (DP126-07/97), Council refused an application for a physiotherapist on Lot 535 (20) Burregah Way. The proposal was for an existing house to be converted to a physiotherapist consulting room for one practitioner.

The application largely complied with the intent and provisions of the Consulting Rooms policy, however required a reduced rear setback, reduced landscaped strips to street frontages and lot size. Advertising attracted a large number of submissions against the application, however it was recommended for approval by the development and Planning Services Committee on 14 July 1997 and it was refused by Council for the following reasons:

- “1. the application will adversely affect the surrounding properties;
2. the proposal would have an undesirable impact on the functioning of the adjacent roundabout.”

The Tribunal has advised that the first sitting has been convened for Friday 12 September 1997.

## DETAILS

The grounds of appeal in this instance are given in response to the reasons for refusal and are summarised as follows:

1. The application complies with the requirements of the Consulting Rooms policy in regard to the location of the development, the style, size and intensity of development, the number of practitioners and the provision of car bays. As this policy was designed to protect the amenity and the application complies, there will be no adverse effect on the surrounding properties.
2. The applicant proposes to relocate the consulting rooms from the medical centre on the opposite side of the road. The number of vehicles in the area will not increase and since the clients already gain access to the physiotherapist via the roundabout, the proposal will have no impact on the roundabout.

## COMMENT

It is recommended that the Council contests the appeal against its refusal.

If the Council does not wish to contest the appeal it would be prudent to at least attempt mediation and then advise the Tribunal of its reasons for not opposing the appeal. The purpose of the first sitting is to direct parties to mediation. The mediation is normally scheduled around seven days after the first sitting and is a forum whereby the Tribunal attempts to mediate the appeal if possible, or to get the parties to settle on the issues. Following the mediation either party can withdraw from the appeal usually without costs, or the appeal will be forwarded to a full hearing.

There appears to be an increasing number of appeals lodged with the Tribunal against the Council's decisions. In order to be successful in contesting a Tribunal appeal, expert legal representation is usually required.

The Council must also decide whether it intends to be legally represented in this appeal.

**MOVED Cr Healy, SECONDED Cr O'Grady that Council:**

- 1. contests the Town Planning Appeal Tribunal appeal by Corrs Chambers Westgarth Lawyers on behalf of Gabriella Duffy against its refusal of the application for a physiotherapist on Lot 535 (20) Burrarah Way, Duncraig;**
  - 2. engages legal representation to assist officers in the appeal;**
  - 3. requires a further report detailing the outcome of the mediation and likely costs associated with continuing the appeal.**
- CARRIED**

Appendix III refers

**C326-08/97**

**VACANCY - LOCAL GOVERNMENT ASSOCIATION**  
**MEMBER - LOCAL HEALTH AUTHORITIES ANALYTICAL**  
**COMMITTEE - [312-2]**

## SUMMARY

The Local Government Association of Western Australia (Inc) has invited member Councils to submit nominations to the Local Health Authorities Analytical Committee.

## DETAILS

The Local Government Association of Western Australia (Inc) has invited member Councils to submit nominations to the Local Health Authorities Analytical Committee.

The Committee's terms of reference is to provide a mechanism for all local governments to undertake chemical analysis of foods for compliance with food standards, and to prescribe fees for their services.

The term is for a period of 3 years commencing 15 September 1997. Meetings are held quarterly on the first Friday of March, June, September and December for approximately 2 hours in Westralia Square, Perth. There is no meeting fee associated with this position.

Cr Major is currently serving on the Committee until 1999. The Manager Health Services has requested that the Council nominate himself for the Committee.

A ballot will be held at the Western Australian Municipal Association Executive Committee following close of nominations.

**MOVED Cr Major, SECONDED Cr Magyar that Council nominates the Manager Health Services for consideration of appointment to the Local Health Authorities Analytical Committee. CARRIED**

**C327-08/97                    1997 HEALTHY HEARTS LOCAL GOVERNMENT AWARDS**  
**- [701-0]**

**SUMMARY**

Council has won the "Most Outstanding Project with Limited Resources" category of the 1997 Healthy Hearts Local Government Awards in recognition of "Wellness Week at Hainsworth Leisure Centre".

As a state winner, Council's entry goes into the National Awards. These awards will be presented in Sydney during October 1997. A return airfare and one night's accommodation is provided for a Council representative to attend the National Award presentation. It is recommended that the temporary Recreation Facilities Manager - Girrawheen Koondoola zone attends the presentation evening on behalf of Council.

**BACKGROUND**

The successful project "Wellness Week at Hainsworth Leisure Centre" was organised by the temporary Recreation Facilities Manager - Girrawheen Koondoola zone, Ms Tanya Marie Davies. The project objectives were to:

- provide an opportunity for children to discover available recreation opportunities;
- provide an opportunity for children to participate in alternative varieties of recreational activities to sport, that promotes overall well being and a sense of personal achievement;
- provide a forum for children to express the recreational activities they would like offered; and
- enable staff at Hainsworth Leisure Centre to develop recreational programmes which accurately reflect the needs of the local community.

The Wellness Week activities were rated as excellent by the judging panel and a credit to Council.

**DETAILS**

As a State winner of the Healthy Hearts Local Government Awards, Council's entry is forwarded to the National Awards scheduled for presentation at the Menzies Hotel, Sydney, 24 October 1997.

The Heart Foundation provides a return airfare and one night's accommodation at the Menzies Hotel for a representative from Council to attend a dinner presentation of the National Healthy Hearts Local Government Awards.

**COMMENT/FUNDING**

It is recommended the Officer responsible for developing and implementing the programme, Ms Tanya Marie Davies, be nominated as Council's representative to attend the National Award presentation.

**MOVED Cr O'Grady, SECONDED Cr Magyar that Council nominates Ms Tanya Marie Davies, Recreation Facilities Manager - Girrawheen Koondoola zone as its representative to attend the 1997 National Healthy Hearts Local Government Award in Sydney, 24 October 1997. CARRIED**

C328-08/97

**LEGAL REPRESENTATION - [702-8]****SUMMARY**

In accordance with the provisions of clause 3.1 of Council Policy A2-12 relating to legal representation, interim assistance was granted to Mr Turkington on 29 July 1997.

On 20 March 1997, Mr Drescher was granted interim assistance in respect to the Belridge line of inquiry. This was approved by Council on 26 March 1997. Council Solicitors advise that the sum of \$3,000 has now been exceeded and that it is appropriate that Council considers the granting of further aid in accordance with its policy.

**BACKGROUND****MR JOHN TURKINGTON**

On 29 July 1997 interim assistance was granted to Mr Turkington in respect to the ICL Tour line of inquiry.

Mr Nash, Counsel Assisting the Royal Commission presented his closing submission on the ICL Tour on 28 July. Mr Turkington had not had the opportunity of giving evidence on this line of inquiry. However, he was given until 12 August 1997 to make a submission to the Royal Commission.

The approval of interim assistance was granted to allow Mr Turkington to put a submission before the Royal Commission.

**MR OSCAR DRESCHER**

On several occasions, Mr Drescher has given evidence to the Royal Commission in respect to the Belridge line of inquiry. Approval for Mr Drescher to have legal representation was granted by Council at its meeting held on 26 March 1997.

Council's solicitors have now advised that the cost of Mr Drescher's legal representation on this line of inquiry amounts to \$4,257. A copy of the advice is appended.

Clause 6 of Council's policy provides that the ceiling of \$3,000 be set upon each grant of assistance and that the ceiling not be exceeded except by a further direction of Council.

As the limit has been exceeded, it is appropriate for Council to consider the granting of further aid in accordance with its policy.

**RECOMMENDATION**

That Council:

- 1 approves the granting of legal assistance to Mr Turkington in respect to the ICL line of inquiry
- 2 in accordance with clause 6 of its policy on legal representation, grants Mr Drescher a further approval of \$3,000 for legal representation in respect of the Belridge line of inquiry.

Discussion ensued.

**MOVED Cr Popham, SECONDED Cr Healy that:**

- 1 Council approves the granting of legal assistance to Mr Turkington in respect to the ICL line of inquiry;
- 2 in accordance with clause 6 of its policy on legal representation, grants Mr Drescher a further approval of \$3,000 for legal representation in respect of the Belridge line of inquiry;
- 3 in the event of adverse findings being made by the Royal Commission against any person who has had legal funding from the City of Wanneroo, that person shall repay all costs relating to the item which was the subject of the adverse finding.

**LOST**

Cr Taylor requested that voting be recorded, with the following result:

FOR: Crs Healy, Popham, Major, Zuvella and Bombak

AGAINST: Crs Cooper, Taylor, O'Grady, Hollywood, Tippett, Ewen-Chappell, Lynn and Magyar



**MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:**

- 1 approves the granting of legal assistance to Mr Turkington in respect to the ICL line of inquiry**
  - 2 in accordance with clause 6 of its policy on legal representation, grants Mr Drescher a further approval of \$3,000 for legal representation in respect of the Belridge line of inquiry.**
- CARRIED**

It was requested that voting be recorded, with the following result:

FOR: Crs Healy, O'Grady, Hollywood, Tippet, Ewen-Chappell, Magyar, Lynn, Taylor and Cooper

AGAINST: Crs Popham, Zuvela, Major and Bombak

Appendix XXXIII refers

**C329-08/97 PURCHASE OF ARTWORKS - [429-1-13]****SUMMARY**

The Art Collection Working Party met on 19 August 1997 to consider the purchase of a number of art works. It has recommended purchase of four art works at a total cost of \$2,720.00

**BACKGROUND**

The Art Collection Advisory Committee was formed in 1990 with the following objectives for purchasing art works for the Collection.

- to give purchasing priority to major and important artists but with consideration for emerging and local artists;
- to make one or two major acquisitions each year on average;
- to make a strong representation of good quality artwork by Western Australian artists;
- to make a strong representation of the region and its many facets; and
- to acquire significant and excellent artworks which relate to the Wanneroo region.

**DETAILS**

The Art Collection Advisory Committee has recommended purchase of the following works:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
Kate Thamo	Moorings	Collagraph	Artplace	\$ 110
Jimmy Pike	Father's Country	Silk Screen	Artplace	\$ 360
John Cullinane	Prometheus	Oil on Board	Artplace	\$1350
Richard Gunning	The Blue Kitchen Study	Oil on Canvas	Gallery Dusseldorf	\$ 900
			Total	\$2720

**COMMENT/FUNDING**

Funds are available for this purpose in Account Number 2947235 - Art Purchases.

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Healy that Council purchases the following works for its Art Collection:

<b>ARTIST</b>	<b>TITLE</b>	<b>MEDIUM</b>	<b>ART GALLERY</b>	<b>PRICE</b>
Kate Thamo	Moorings	Collagraph	Artplace	\$ 110
Jimmy Pike	Father's Country	Silk Screen	Artplace	\$ 360
John Cullinane	Prometheus	Oil on Board	Artplace	\$1350
Richard Gunning	The Blue Kitchen Study	Oil on Canvas	Gallery Dusseldorf	\$ 900
<b>Total</b>				<b>\$2720</b>

at a total cost of \$2720 from Account Number 29471235 - Art Purchases. **CARRIED**

Appendix XXXIV refers

**MOTIONS FOR FURTHER ACTION AND MOTIONS FOR REPORT****C330-08/97                    LEGAL REPRESENTATION - [702-8]**

Cr Popham requested that Policy A2-12 - Legal Representation - be referred back to the next Policy Committee meeting to be held on 8 September 1997 to enable further debate on this issue.

Cr Popham also requested that the report submitted by Narelle Johnson be tabled and discussed at that meeting.

**MOVED** Cr Popham, **SECONDED** Cr Hollywood that Policy A2-12 - Legal Representation - together with the report submitted by Narelle Johnson be referred to the next Policy Committee meeting to be held on 8 September 1997 to enable further debate on this issue. **CARRIED**

**C331-08/97                    DAMAGE TO COUNCILLOR'S LOUNGE - [702-0]**

Cr Ewen-Chappell requested a report be submitted on the full cost to repair damages to the Councillor's Lounge on Friday, 22 August 1997.

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr O'Grady that a report be submitted on the full cost to repair damages to the Councillor's Lounge on Friday, 22 August 1997. **CARRIED**

Cr Bombak requested that voting be recorded on this item, with the following results:

For: Crs O'Grady, Hollywood, Tippett, Popham, Ewen-Chappell, Magyar, Zuvela, Major, Lynn, Taylor and Cooper.

Against: Crs Healy and Bombak.

**C332-08/97**                    **TRAFFIC MANAGEMENT - WEST COAST DRIVE - [510-2648]**

Cr Bombak requested a report be submitted to Technical Services Committee on a traffic management plan of West Coast Drive, between The Plaza and Hepburn Avenue, Hillarys as he believed this section of road was inconsistent with the remainder of West Coast Drive.

Cr Bombak also requested this report to include information on the proposed entry and exit points to Hillarys Boat Harbour.

**RESOLVED that a report be submitted to Technical Services Committee on a traffic management plan of West Coast Drive, between The Plaza and Hepburn Avenue, Hillarys.**

**C333-08/97**                    **TELSTRA SHARE OFFER - [320-3]**

Cr Taylor referred to the Telstra Share Offer and requested a report be submitted to Policy Committee following receipt of legal advice in relation to obtaining a waiver of Pecuniary Interest from the Minister for Local Government.

**RESOLVED that a report be submitted to Policy Committee following receipt of legal advice in relation to obtaining a waiver of the Financial Interest provision in relation to Councillors who may be interested in purchasing Telstra shares.**

**C334-08/97**                    **CONVERSION OF COUNCIL FLEET TO NATURAL GAS - [507-1]**

Cr Taylor referred to the gas powered passenger vehicles now supplied by major car dealerships and requested that a report be submitted to Technical Services Committee on the conversion of Council's passenger fleet to gas powered vehicles.

**RESOLVED that a report be submitted to Technical Services Committee on the conversion of Council's passenger fleet to gas powered vehicles.**

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

C335-08/97

**REQUEST FOR COUNCIL TO CONDEMN ACTIONS OF CR  
POPHAM - [702-3]**

**MOVED** Cr Ewen-Chappell, **SECONDED** Cr Magyar that Council condemn the actions taken by Cr Popham and other Councillors who might have been involved in the recent incident in the Councillor's Lounge on Friday, 22 August 1997 as being unprofessional, un-Council like and totally disrespectful of the City of Wanneroo property and its people and refers this incident to the Joondalup Police for a full investigation of wilful damage and negligence to public property.

The Mayor advised that in relation to Standing Orders Local Law - Notice of Motion 54, a member may bring forward at a meeting such business as that member wishes in the form of a motion, of which notice has been given in writing to the Clerk, either at the previous meeting or at any time thereafter, being no less than seven clear days before the meeting at which it is to be brought forward.

Cr Taylor requested to move a Procedural Motion to allow this item to now be considered.

**MOVED** Cr Taylor, **SECONDED** Cr O'Grady that Standing Order 54 be suspended to allow this issue to be considered at this meeting. **CARRIED**

Voting was requested on this item, with the following results:

For: Crs Hollywood, O'Grady, Tippett, Popham, Ewen-Chappell, Magyar, Zuvela, Lynn, Taylor and Cooper.

Against: Crs Healy, Major and Bombak.

The Minute Clerk requested that the vote be taken again to ensure correct recording.

To enable the votes to be recorded the Mayor took the vote again. Cr Bombak refused to vote a second time.

Cr Taylor pointed out that the failure to vote constituted a breach of the Local Government Act and asked that Cr Bombak's refusal be recorded.

The Mayor requested Cr Bombak to reconsider his position and asked that the vote be recorded again.

The subsequent vote was recorded as follows:

For: Crs Hollywood, O'Grady, Tippett, Popham, Ewen-Chappell, Magyar, Zuvela, Lynn, Taylor and Cooper.

Against: Crs Healy, Major and Bombak.

**MOVED Cr Ewen-Chappell, SECONDED Cr Magyar** that Council condemn the actions taken by Cr Popham and other Councillors who might have been involved in the recent incident in the Councillor's Lounge on Friday, 22 August 1997 as being unprofessional, un-Council like and totally disrespectful of the City of Wanneroo property and its people and refers this incident to the Joondalup Police for a full investigation of wilful damage and negligence to public property.

The original Motion was put and

**LOST**

A request was made that voting be recorded, with the following result:

For: Crs O'Grady, Ewen-Chappell, Magyar, Lynn and Taylor.

Against: Crs Healy, Hollywood, Tippett, Popham, Zuvela, Major, Bombak and Cooper.

**MOVED Cr Taylor, SECONDED Cr Healy that Standing Orders be resumed, the time being 0006 hrs. CARRIED**

**EXPLANATION - MINUTES OF FINANCE AND COMMUNITY SERVICES COMMITTEE MEETING - [702-0]**

Cr Lynn referred to a point raised by Cr Bombak earlier in the meeting relating to an item recorded in the Finance and Community Services' minutes which advised that due to the absence of Crs Bombak and Major from the room, the South-West Ward was not represented.

Cr Lynn advised that she had requested Councillors at this meeting to bear in mind that if they leave the room during the course of the meeting, they should advise their Deputy of this fact to ensure representation of their Ward and explained that at the recent Development Planning Committee meeting Cr Bombak had left the room without advising his deputy, (Cr Lynn) as she had been absent from the room at the time.

**C336-08/97**

**NOTICE OF MOTION - CR HOLLYWOOD - [702-0, 790-801]**

Cr Hollywood gave notice at the Development and Planning Services Committee meeting held on 18 August 1997 that he will move the following motion at the Council meeting to be held on 27 August 1997:

“That approval be granted to allow the proposed amendment to the Telstra buffer zone to go to advertising”.

**ADDITIONAL INFORMATION**

At the last Development and Planning Services Committee meeting held on 18 August 1997, Cr Hollywood advised that he intended to move a motion at the Council meeting in order to initiate an amendment to rezone the land from Rural to Residential Development under Council's Scheme.

If Cr Hollywood does initiate a motion and if Council supports that motion, it should resolve to do so in accordance with the following recommendation. As it will be necessary to rezone the land under the Metropolitan Region Scheme, the first resolution requests the Western Australian Planning Commission to initiate an appropriate amendment, whilst the second sets out the requirements to initiate an amendment under Council's Town Planning Scheme No 1.

The Director of Development Services advised that it was not possible to go to advertising - that could only be done with the Minister's approval.

He indicated that should Cr Hollywood wish to proceed, the Council would have to pass the resolutions as drafted.

Cr Hollywood, with the approval of the Seconder withdrew his Motion and gave notice he would move the Motion as drafted at the next meeting.

Appendix XXXV refers

#### **NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING**

##### **TELSTRA BUFFER AREA - [790-801]**

Cr Hollywood gave notice that he will move the following Motion at the Council meeting to be held on 24 September 1997:

THAT Council:

1. requests that the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme pursuant to Section 33 of the Metropolitan Region Town Planning Scheme Act to rezone Lots 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 152, 153, 154, 155, 156, 127, 128, 129, 130, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 9627/Reserve 34683 (as shown on the attached plan) from Rural to Urban;
2. pursuant to Section 7 of the Town Planning and Development Act, initiates Amendment No 801 to Town Planning Scheme No 1 to rezone Lot 57 from Special Zone (Restricted Use) Retail Nursery to Urban Development Zone and Lots 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 152, 153, 154, 155, 156, 127, 128, 129, 130, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 9627/Reserve 34683 from Rural to Urban Development Zone and Local Reserve (Parks and Recreation).

**PUBLIC QUESTION TIME**

15-minute period of question time, during which questions may be put by the public on business discussed during the course of the meeting.

**Mr Lance Wilson:**

Q Queried what Cr O'Grady meant by the words 'airy-fairy' programmes when referring to this issue earlier in the meeting and asked if she was referring to the submission distributed to all Councillors in relation to Alice's Cafe. Would put forward that that submission does not involve finances.

A *Cr O'Grady's response:* My remarks were not addressed to you or to your submission. This submission has been taken very seriously. When I said 'airy-fairy' I was showing concern following the recent Youth Advisory Committee meeting that while some ideas are very good, unless there is a good management structure these projects will often not succeed. I was not referring to the ideas but making sure that if they succeed, then there is a good management that carries those ideas on.

**Mr Gear:**

Q (Referring to the last Item and in particular any amendment to rezone any land within the City of Wanneroo from rural to residential development). What part does the commercial implications of any industry close to the application have on the final decision whether that land is rezoned? In a recent newspaper article you were quoted as saying that it would be irresponsible to rezone the land because of the volume of traffic through the Telstra facility. Is that a factor when an application comes before Council for rezoning?

*Cr O'Grady left the Chamber at this point, the time being 0021 hrs.*

A *Mayor's response:* If someone came with a proposition to rezone a residential block alongside a chicken farm, I would make the same comment.

**Ms Jill Brown:**

Q In relation to the Alice's Cafe proposal, can we expect this to be on the agenda quite soon? What is the procedure?

A *Mayor's response:* I do not know exactly when it will but we have only received the Alice's Cafe letter in the last few days. It will be referred to the Finance and Community Services Committee.

Q Will that go to the next meeting of that Committee?

A *Mayor's response:* Not necessarily.

Q Could I ask that it does, as the situation is desperate out there and it needs something doing now.

A *Mayor's response:* I will ask the Chairperson of that Committee if this item can be considered. We will look at it very closely and as quickly as we can.

**Mr Bruce Brislin:**

Q Mr Mayor, could you answer or perhaps ask the Council officials what is the policy in this Council in relation to policing, inspecting buildings that are going up? How often are inspections carried out to ensure that builders comply with approvals?

A *Mayor's response:* The items you are asking about are not on the agenda. If you submit them in writing I will ensure you get an answer as soon as possible.

**Mr Grant Crawford, the owner of 2 Hyacinth Place, Heathridge:**

Q In the agenda it says that the Director of Technical Services will liaise with myself. When will this happen?

A *Director, Technical Services' response:* As soon as possible after Friday.

Q With the excess paid, I have submitted a claim to the Council which you have given to the insurance company. How long will that claim take?

A *Mayor's response:* Can the Director, Resource Management take this matter on notice in order to hasten the procedure.

**Mrs A Hine:**

Q I would like to ask Mr Turkington as 3% of the budget is allowed to be spent on Councillors or on Council matters - what does that include?

A *Director, Resource Management's response:* Under the Local Government Act 1960, 3% of Council's total budget could be spent on benefits for the municipality. Under the new Act there is no requirement for that and Council budgets to expend whatever it may wish to do on Council activities.

Q In relation to Item P71-08/97, why has Council deferred again the \$200 to pay for Rita Waters? Has Council not been able to put anything together in its policies since that was requested?

A *Mayor's response:* It wasn't covered by our policy and has been deferred until a new policy to cover this is prepared and agreed on.

Q I would like to ask the Chief Executive Officer if he has had any word about the two investigations that have been conducted in relation to Manakoora Rise? Is there any result?

A *Mayor's response:* It is not in our hands and is being investigated by someone else.



*Chief Executive Officer's response:* Following discussions with the inspector that was investigating on behalf of the Minister for Local Government, it is anticipated that her report will be public within two weeks. I spoke recently with the insurance company and believe their investigation has been completed and is in their hands.

**Mr G Dunjey:**

Q           What procedure did Telstra follow to have our land reclassified from Rural to Special Category Buffer Zone?

*Director, Development Planning's response:* I will take this question on notice.

**CONFIDENTIAL BUSINESS**

Nil

**DATE OF NEXT MEETING**

The next Ordinary Meeting of Council has been scheduled for 7.30 pm on **WEDNESDAY 24 SEPTEMBER 1997**

**CLOSE OF BUSINESS**

The Mayor again reiterated his earlier comments that this evening's meeting was by far the worst he had chaired in any forum and requested Councillors to consider their position for future meetings.

There being no further business, the Mayor declared the Meeting closed at 0034 hrs, the following Councillors being present at that time:

COUNCILLORS:           BOMBAK  
                              COOPER  
                              EWEN-CHAPPELL  
                              HEALY  
                              HOLLYWOOD  
                              LYNN  
                              MAGYAR  
                              MAJOR  
                              POPHAM  
                              TAYLOR  
                              TIPPETT  
                              ZUVELA