

CITY OF WANNEROO

MINUTES OF COUNCIL MEETING HELD ON
22 OCTOBER 1997

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120 **DATE OF NEXT MEETING**

120 **CLOSE OF BUSINESS**

CITY OF WANNEROO

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON
WEDNESDAY, 22 OCTOBER 1997**

ATTENDANCES AND APOLOGIES

Councillors:

B A COOPER, JP, Mayor		Central Ward
Chairman		
A G TAYLOR,	<i>Absent from 2205 hrs to 2015 hrs;</i>	South Ward
Deputy Mayor	<i>from 2100 hrs to 2103 hrs and from</i>	
	<i>2238 hrs to 2243 hrs</i>	
L O'GRADY	<i>Absent from 2208 hrs to 2211 hrs</i>	North Ward
P O HEALY	<i>Absent from 2100 hrs to 2103 hrs</i>	North Ward
L A EWEN-CHAPPELL		Central Ward
S P MAGYAR	<i>Absent from 2215 hrs to 2219 hrs</i>	Central Ward
M J ZUVELA	<i>Absent from 2255 hrs to 2300 hrs</i>	Central Ward
A W WIGHT	<i>Absent from 2230 hrs to 2236 hrs</i>	South Ward
T W POPHAM	<i>Absent from 2315 hrs to 2323 hrs</i>	South Ward
D K TIPPETT, JP		South Ward
J HOLLYWOOD, JP		South Ward
G A MAJOR		South-West Ward
M E LYNN, JP		South-West Ward
J BOMBAK, JP		South-West Ward
V G HANCOCK		South-West Ward

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Corporate Services:	R E DYMOCK
Director, Strategic Planning:	R FISCHER
Director, Resource Management:	J B TURKINGTON - <i>Absent from 2100 hrs to</i> <i>2104 hrs</i>
Director, Technical Services:	R McNALLY
Director, Development Services:	O G DRESCHER
Director, Community Services:	C HALL - <i>Absent from 2100 hrs to 2104 hrs</i>
Manager, Council Support Services:	M SMITH
Publicity Officer:	K LEE
Acting Committee Clerk:	L TAYLOR
Minute Clerk:	S BRUYN

There were 42 members of the Public and 1 member of the Press in attendance.

The Mayor declared the meeting open at 1930 hrs.

PUBLIC QUESTION TIME

The following questions, submitted by Mr Bruce Brislin, were taken on notice at the Council meeting held on 24 September 1997:

- Q1 What is the Council policy regarding use of the mayoral car?*
- A1 Upon election to the office of Mayor, the elected member will be supplied, as a Councillor entitlement for the position of Mayor, a luxury saloon for the term of his/her office.
- Q2 What are the implications in terms of the Fringe Benefits Tax, in terms of the ratepayers or on the Councillor using this vehicle?*
- A2 Councillors are not "employees" for the purposes of the Income Tax Assessment Act. As the Fringe Benefits Tax Act draws upon the definition of "employee" contained in the ITAA, fringe benefits tax therefore does not apply to Councillors.
- Q3 What commitment will you give in regard to being a full time Mayor and getting on top of some of the serious deficiencies in this Council, particularly in relation to the operations of the Building Approval Section?*
- A3 The position of Mayor is not classified as a full-time position by the City of Wanneroo or by the Local Government Act 1995. During my time as Mayor of the City of Wanneroo I will endeavour to uphold the provisions of the Local Government Act 1995 (and any other associated legislation), the policies of the City of Wanneroo and its code of conduct, as I declared when taking office.
- Q4 Given the report into the City of Wanneroo's lack of performance as handed down by the Department of Local Government, what assurances can you give ratepayers that this Council will get on top of the problems, particularly in relation to the final findings which have been found in the report?*
- A4 Answered in Question 5.
- Q5 What steps are you going to take in relation to the staff concerned that have been named in that report, particularly in regards to tendering the advice to Council which the report makes some fairly scathing comments about?*
- A5 The Council will give due consideration to the findings of the report as prepared by the Department of Local Government.
- Q6 This has been a stressful time for parties involved, and in view of the severe devaluation of our properties, will this Council now amend our rates - if not, why not and further will the Council as a matter of urgency, ask the Valuer General to look at our properties in terms of valuation and then amend our rates accordingly next year?*

- A6 Individual property owners may lodge, within 42 days of the date of issue of the rate assessment, an objection against the valuation placed on their property to the Valuer General's Office. Objections have been heard outside the 42 day limit in special circumstances. Objections should be made on the grounds that the valuation is unfair, unjust, inequitable or incorrect.

Enquiries should be made direct to the Valuer General's Office at 18 Mount Street, Perth 6000.

It is to be noted that the rates as assessed must be paid irrespective of whether an objection has been lodged. Any reduction in rates as a result of a successful objection will be refunded.

The following questions, submitted by Mrs Hine, were taken on notice at the Council meeting held on 24 September 1997:

- Q1 *In relation to Edgewater Drive development (DP202-09/97 - Karinya Nominees) with regard to the protection of remnant vegetation, is there any way Council could claim money through the sale of Telstra; that is money that has been promised by the Federal arena for the environment to enable Council to purchase the land.*

- A1 The National Heritage Trust at certain times of the year seeks applications for grant funding. The Trust operates under very strict guidelines. It is highly unlikely that a project of this nature would qualify, nevertheless Council's Environmental Officer will continue to monitor the situation.

- Q2 *Who watches the "Watchers"? There is obviously a bug in the system if people are relaying information within the Council.*

- A2 The Local Government Act 1995 states that only the Mayor, or in his/her absence the Deputy Mayor, or the Chief Executive Officer (if the Mayor agrees) may speak on behalf of the Council.

Any document that is marked confidential or not for publication is to remain that until the Council resolves otherwise. All elected members and staff are bound by the City's Code of Conduct. Section 2.2(1) of that Code states:-

"Councillors, committee members and staff shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially in the public interest; or to improperly cause harm, detriment or impairment to any person, body or the Council".

The Code further states that:-

"Unless confidentiality is essential, administrative and management practices shall be open and accessible."

Any actions taken as a result of a breach of the Code of Conduct will be in accordance with the provisions of any applicable legislative requirements and the Council's responsibilities as an employer.

The following question was submitted by Mr Sam Genovese:

Q Does Council realise that the problem existing with the so called Telstra Buffer Zone and the ratepayers is not one of compensation but merely one of finalising a normal transaction which by resolving would benefit both the ratepayers, Telstra and the Wanneroo Shire?

The solution is simple. All that is required is for both parties and State Government to finalise an agreement to suit and benefit all parties.

A Council is aware that most of the landowners in the Telstra Buffer area at Landsdale are seeking an outcome which will involve them either being able to develop their land for urban purposes or receiving a payment from Telstra of an amount which they may have realised if they had been able to develop their land for urban purposes.

The following questions were submitted by Mr A Deegan:

Q1 Does the Council intend to continue a day labour work force?

A1 Yes

Q2 Is Council prepared to guarantee the security of the existing outside work force?

A2 Yes, on the grounds that it continues to provide a high level of service in a competitive manner.

Q3 Why is the Chief Executive Officer and the Director of Human Resources and Administration not prepared to negotiate with the outside work force enterprise bargaining committee?

A3 The Managers in the Technical Services Directorate have, for many months, been prepared to negotiate with the outside workforce and in fact the Parks unit presented a draft Enterprise Agreement to the Council for adoption in February 1997 which then saw the Municipal Employees Union withdraw its support.

It is of concern to the Council that MEU members have refused to negotiate any agreement with non-union members of the same workforce.

Q4 When does Council believe that the Council will be split?

A4 If the Minister's proposal is adopted then the City is proposed to be divided into two local governments in the year 2001.

Q5 Will Council agree to provide continuity of employment for employees through and after the split and with any successor council?

A5 The current Council is, under the Minister's proposal, to be dissolved in 1999 and Commissioners appointed to run the Council through the transitional period to the year 2001 when new Councils will be elected.

The Council sees no reason why employees should not be provided with continuity of employment. It is highly likely that the two new local governments will require higher numbers of staff than currently exist.

Q6 *Is Council aware that the outside work force has voted no confidence in the line of the Managers excepting Bob Dymock and yet the C.E.O. insists that the work force deal with them through enterprise bargaining?*

A6 The Council supports the views expressed by the C.E.O. that the Managers in the Technical Services Directorate are the appropriate people to negotiate with the workforce and are more than competent to do so.

The following questions were submitted by Mrs A Hine:

Q1 *What date did you have my questions checked by your legal person or persons?*

A1 The reply was received from Council's Solicitors the day of the Council meeting, 24 September 1997.

Q2 *How many of those nine (9) questions were you led to believe were or could be defamatory?*

A2 I believe the questions submitted were improper to answer prior to the City's Insurers concluding settlement with the complainants as reported in the Minutes.

These questions will be answered within the Council's detailed response to the Department of Local Government's Inquiry Report.

Q3 *Do you feel that the impression you, Mr C.E.O. gave the Public, "the impression" that my questions were linked with another person's list of queries, as you have linked our names and questions together in the Minutes of the last Council meeting on page 4?*

A3 No. The Minutes clearly state that the questions raised by Mr Holmes contained statements which may be defamatory.

Q4 *Why is Council not being honest with the workers at the Depot regarding the security of their jobs in the near future?*

A4 The Council sees no reason for the Council workers at the Depot to feel their job security is at risk. If the Council is divided in the year 2001 the two new local governments may require a larger workforce than at present.

Q5 *Why can Council not give them a direct answer in writing to assure the men of the security of their jobs which is causing so much stress and low morale?*

A5 The C.E.O. has addressed the total outside workforce on the proposed boundary changes. Regular newsletters have been sent out to keep staff informed and a Staff Liaison Committee with four outside workforce delegates on it has been formed to discuss issues as they arise.

It is important to realise that the decision to divide the City of Wanneroo is one proposed by the State Government, not this Council.

Q6 *Could anybody in this Council survive on a wage packet of \$320 per week and do such a hard day's work for that menial amount when at the end of the day our Council has brought down a budget of some \$130M?*

A6 The minimum payments able to made to Council staff are governed by an Award brought down by the Industrial Commission. In most cases the City of Wanneroo staff are paid above Award and Industry averages.

Q7 *What is so secretive about the value of Tamala Park, which incidentally, went behind closed doors at the last Finance meeting?*

A7 Valuation on property is traditionally treated on a confidential basis. In this instance the City shares ownership of the property with the Cities of Perth and Stirling and it was not deemed proper to make the valuation details public.

Q8 *Instead of reallocating the funds of \$10,000 from Perry's Paddock to the Summer Concert Series, why couldn't the forgotten ratepayers on the east side of Wanneroo have that money allocated for something in the Showgrounds for the Community to enjoy?*

A8 Funds are allocated on a priority basis judged by the Council. The funds for Perry's Paddock are part of the Council's cultural budget and therefore have been reallocated to a worthy project in that same area.

The following questions were submitted by Mr Peter Yujnovich of Realty Group (WA) Pty Ltd:

Q1 *Is it normal Shire practice or procedure to approve redevelopments prior to approving and implementing the rezoning ?*

A1 No, however as Lot 10 is currently zoned Commercial, most of the uses proposed for the developed squash centre can be accommodated.

The proposed amendment No 766 intends to downgrade the zoning from Commercial to a Special Zone with specified uses which will be of a lesser intensity than those that can be approved within a Commercial zone.

Q2 *Can you please confirm if the redevelopment of the Carine Squash Courts has been approved?*

A2 The City granted approval for the redevelopment of the squash centre on 23 July 1997.

- Q3 What type of investigations did the Shire carry out, or have carried out, with regard to what effect the redevelopment would have on the existing businesses and their customers?*
- (a) *what consideration was given to the availability of convenient customer parking within easy access to shops and businesses?*
- (b) *what consideration was given to the safety of staff car parking?*
- (c) *what consideration was given to conflicting business?*
- A3 In assessing this application, the City took into consideration the requirement of its Town Planning Scheme No 1 and took particular regard to the requirement of car parking which is to be added to the existing car parking bays within the Carine Glades shopping centre precinct.
- A3a The parking was negotiated on the basis that additional parking would be provided within the Carine Glades shopping precinct and that this would be controlled by an Easement in Gross to ensure that the parking is available for all users.
- The Easement in Gross was also required of the shopping centre development.
- A3b This is a matter for the Centre owners to consider.
- A3c The negotiations revolved around the uses to be permitted as a result of agreement between the shopping centre and the squash court owners. However recognising that the land is currently zoned Commercial, the uses proposed, and many others, could, in fact, be accommodated on Lot 10 (the squash court).
- Q4 Who carried out the investigations?*
- A4 The City's Planning staff.
- Q5 Will you or your department make available to us a hard copy of the investigations?*
- A5 A copy of the City's report No TP159-07/96 dated 15 July 1996 can be made available however I understand that this has already been forwarded to your office.
- Q6 Apart from the letter received from Mr Ian Bignell ref: 790-766 (727112), dated September 30th 1997. Could you please advise us as to why the Owners of the Carine Glades Professional Centre were not previously consulted about the redevelopments. Given the content of the communications that have taken place between the Shire, the owner of the Carine Glades Shopping Centre and the owner of the Carine Squash Courts, why leave out the Professional Centre?*
- A6 The commercial zone can potentially accommodate a wide range of commercial uses. Following extensive negotiations between the owners of the shopping centre, squash centre and the City to resolve a dispute, Council agreed to approve the squash centre redevelopment on the basis of restricting its use to a range of comparatively low intensity commercial uses, the provision of additional carparking

in the vicinity of the nearby Kindergarten and the provision of easements in gross over all of the squash centres carparking areas and accessways to provide for reciprocal carparking and access amongst all of the individual sites at the Carine Glades commercial area. This approval was part of a package of actions which helped to resolve the dispute and it was considered that the approval would improve the existing situation. On this basis it was not considered necessary to consult with the owner of the professional centre.

The following questions were submitted by Mr & Mrs Doust:

Q1 Why did the Committee approve a boundary retaining wall of 1.793m which has no screening around the area which is virtually at the same level as the top of the fence?

A1 The retaining wall was approved at 1.793m high with a 1.8m fence on the top of the wall. Council's Local Law for fencing indicates that if a retaining wall is constructed then the height of the fence is measured from the top of the retaining wall. (This fence will screen a large section of the ground floor level of Lot 780.)

Q2 Did the Committee receive a copy of my report and detailed diagram setting out the cross section aspect?

A2 No. The Committee did not see Mr Doust's letter to Council as it is not practice to table all correspondence as agendas become unwieldy. The detailed diagram referred to was a proposal Mr Doust put to Mr Gartrell which was unacceptable. Council could not consider the proposal as it would have resulted in a boundary fence of excessive height not in accordance with the local law.

Q3 Why does the report, prepared by the Director of Development Services, claim that Lot 780 has extensive lattice in place when in fact it has none at all?

A3 The report was meant to refer to Lot 781 (The Doust property) but the incorrect lot number was given.

Q4 The same report does not provide any details of what we were objecting about. It merely says that we had concerns about privacy. It does not provide the basis for our objection being that the ground level of the block will virtually be as high as the top of the fence and that no screening is to be installed by the owners of Lot 780. Why did the report not provide the reasons for our objections?

A4 It was considered that the main issue in Mr Doust's letter was the issue of privacy which was addressed in the report. The terrain is of such a nature that it is not possible to avoid some overlooking. The viewing deck on Mr Doust's property provides a similar overlooking situation to the properties below including the rear portion of Lot 780. It was also considered that as Lot 781 is itself extensively screened and the loss of privacy would be minimal

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

Q1 In relation to youth affairs, Mr Higgins asked if the City submitted any projects to the Commonwealth Government for funding under 'work for the dole' scheme.

A1 *Director, Community Services' response:* Not in the first round, but we have some proposals under consideration in the second round of funding.

Q2 *Mr Higgins referred to previous queries he had asked in relation to this issue in June and July and asked why the City did not make any proposals for funding projects.*

A2 *Director, Community Services' response:* The proposals were not ready for presentation at that time.

The following questions were raised by Mr Nicholas Bell:

Q1 *Mr Bell referred to Item TS295-10/97 - Marangaroo Golf Course - Tender No 037-97/98. He noted that the selected tenderer's price this year was below what the price was 5 years ago, with the scope of the work being increased significantly and asked if the tender was in complete accordance with the specifications or were cost reducing alternatives offered.*

A1 *Director, Technical Services' response:* I will have to take this question on notice. As far as I am aware the tender submitted was in accordance with the documentation.

The following questions were raised by Mr Des Carbell of 74 Ashmore Way, Sorrento:

Q1 *Mr Carbell referred to the proposed three-storey dwelling in Ashmore Way and the recommendations in the agenda from the applicant. He asked how these recommendations came about without the approval of the residents of Ashmore Way and why there wasn't a recommendation from the residents of Ashmore Way.*

A1 *Director, Development Services' response:* The recommendation given to Council arises from a meeting held about a week ago dealing with the issues of the R Codes. The report and the memo to Council that indicated the residents were not happy with the three-storey building stems from a recommendation from the officers professionally advising that certain modifications can be introduced in terms of height reduction, marginal set backs, the reduction of the void and some corbelling on the side of the building. Basically as per the first and second recommendation, the recommendation is to approve construction as it does comply with the principles of the R Codes.

The following question was raised by Ms Jill Brown:

Q1 At our recreation association meeting at Quinns Rocks about ten days ago, which Lynn O'Grady attended, when discussing Alice's Cafe she commented that if we were serious about wanting to start the Alice's Cafe project, we could have a community hall any night of the week for free. Is this correct that we can have a hall any night of the week for nothing and would there be any public liability?

A1 Cr O'Grady's response: I did indicate at that meeting that if you and Mr Wilson were serious about the proposal, that they could apply to Council in the form of a submission to use a hall, as juniors do not pay for the venue.

Mayor's response: The Director, Community Services will respond to you in writing outlining the situation in relation to this matter.

The following question was raised by Mr Mark Doust of Jervis Way, Sorrento:

Q1 Mr Doust referred to the proposed application to build a three-storey house in Jervis Way Sorrento. He asked that given the rationale for approving this licence was that there was lattice in place, the Committee did not receive his report and the report incorrectly states that the lattice is located on Lot 780 and not 781, is the Committee likely to be influenced by this incorrect statement?

A1 Director, Development Services' response: Although there was an incorrect lot number quoted, its clear that the lattice work had to be on the adjoining property, Lot 781, not the vacant lot. I would believe that the Council would have understood that the lattice work was on your property, which does provide some screening.

The following comments were raised by Mr Ron Hodge, representing the Carine Glades Professional Centre:

Q1 We have two main objections to the amendments concerning the extensions to the squash court development. The main one is that the shopping centre and the squash court developers had agreed on the development providing there was no conflicting businesses concerning the tenancies. The professional centre strata company believes it should have the same rights. Secondly, is the parking situation. The parking situation at the moment at the Carine Glades Shopping Centre is over used. We believe that any further extensions will lead to it being further over used and also that if the squash court development goes ahead, the parking will become diabolical. Also having trouble at the moment with shopping centre patrons using the Carine Professional Centre's car parks and parking space at the moment and this will get worse if this does go ahead.

The following questions were raised by Mrs Audrey Hine:

Q1 Mrs Hine referred to questions asked by her at the September Council meeting in relation to Manakoora Rise and asked why her questions had not been read out and answered at this meeting as the Chief Executive Officer had stated that he had received advice from Council's lawyer that day. She also asked if the answers to those questions were in the agenda for tonight's meeting.

A1 *Chief Executive Officer's response:* Read an excerpt from the September Council minutes which stated "the Chief Executive Officer advised that following referral of these questions to Council's solicitors for comment, which had been received, which states that it would be improper for a response to be given prior to the City's insurers concluding the settlement with the complaining neighbours as this may complicate or compromise the settlement process". I believe your questions fell into that category and the documents are in the process of being finalised at the moment. I would anticipate that by the November meeting you will have all your answers.

Q2 *On 21 August in the Mindarie Regional Council minutes it was asking to ascertain the value of Tamala Park. On page 4 of that same report it was asking about buffer boundaries, lease boundaries, proposed exchange of lease land to permit the creation of a golf course on the north eastern locality of Lot 17 and creation of a further structure plan for the area of proposed residential land to the north of the leased area. Don't you think the public are entitled to know what is going on with a public asset?*

A2 *Mayor's response:* I think your earlier questions were answered on that night by the Director, Development Services. It was explained earlier that the City of Wanneroo doesn't own the whole lot and it was a valuation that Council had done for Council purposes. I will contact the other two owners of the land to ascertain whether they will agree to release the valuation and if so this information will be made available to the public.

The following question was raised by Mr Lance Wilson of 37 Sail Terrace, Heathridge:

Q1 *With the issue of Alice's Cafe pending, and with certain issues that Council has been enquiring about such as correlation of data on youth supporting youth, would it be possible to have a meeting with the Councillors in one of the committee rooms to fully inform Councillors on what the Alice's Cafe youth supporting youth concept is, where the data that we have collected on youth supporting youth from around the country and overseas would be available?*

Cr Taylor left the Chamber at 2005 hrs.

A1 *Mayor's response:* If you let us know when you have all the information together, a meeting can be arranged with Councillors.

The following question was raised by Mrs Diane Doust of Jervis Way, Sorrento:

Q1 *Given the misrepresentation of information that was contained in the report given to Council by the Director, Development Services, can we now request Council to re-visit the building approval with the full objection and the facts accurately presented to the lot on Lot 780 Jervis Way?*

A1 *Mayor's response:* Any Councillor can move in that direction if they wish.

The following questions were raised by Mr Chris Webb of Gngangara:

Q1 Why are Council adamant about this clause 45 in our pay deal and why are we dealing with middle management, who really lack the expertise in this field anyway?

Cr Taylor entered the Chamber at 2015 hrs.

A1 Chief Executive Officer's response: At the meeting held last Friday, the Chamber of Commerce and Industry representatives clearly explained that a clause 45 agreement was being phased out of awards and commented that it did not offer protection for both parties. The situation with a certified agreement is it is for a set period of time and binding on both parties. Council has received a legal opinion on this from an industrial lawyer who has indicated agreement with this and the WA Municipal Association have also received an independent legal opinion advising them on a similar line. In relation to negotiating with managers, the idea of any enterprise agreement is that the managers of the respective areas are the people responsible for those areas and they are also fully aware of the working conditions and the items which come under consideration with the negotiations of an enterprise agreement. Therefore it is normal practice that those managers would negotiate with their own staff.

Q2 I believe that some Councils have adopted this policy, so why are the lawyers not telling them the same thing?

A2 Chief Executive Officer's response: The information has only come to light relatively recently and believe CCI indicated to the representatives on Friday that they would be better protected under a certificate agreement because the clause 45 is about to be phased out. If that is the case, then the agreement we may negotiate would be null and void before the expiry date.

Q3 Why aren't any of the enterprise agreements from other Councils being submitted.

A3 Chief Executive Officer's response: To the best of our knowledge, we brought a draft enterprise agreement before this Council in February of this year which would have paid for example, all the Parks personnel approximately an additional \$25. It was the Union who withdrew from that and it was adopted by the Council and could have been paid in February.

CONFIRMATION OF MINUTES

C356-10/97 MINUTES OF COUNCIL MEETING, 24 SEPTEMBER 1997

Correction

Page 94, Item C354-09/97: The words "Moved Cr Popham" be amended to read "Moved Cr Healy"

MOVED Cr O'Grady, SECONDED Cr Hollywood that the Minutes of the Council Meeting held on 24 September 1997, amended as above, 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

Cr Bombak raised the following questions:

- 1 What was the total number of employees in the Development and Planning Services Directorate for each year from 1987 to the present day?
- 2 What was the total number of planning approvals granted for each year from 1987 to the present day?
- 3 What was the number of employees of the Building Department for each year from 1987 to the present day?
- 4 What was the total number of building approvals for each year from 1987 to the present day?

The Mayor advised he would take these questions on notice.

ANNOUNCEMENTS BY THE MAYOR, WITHOUT DISCUSSION**CR VICKI HANCOCK**

The Mayor welcomed Vicki Hancock back to the Council. Vicki was elected to the position of Councillor for the South-West Ward following the extraordinary election on Saturday, 4 October. Congratulations Vicki. We are looking forward to working with you once again.

AWARD FOR JOONDALUP CIVIC CENTRE AND LIBRARY COMPLEX

The Joondalup Civic Centre and Library complex was recently awarded the 1997 ACROD Excellence in Access Award. The judges of the award were particularly impressed by the way the design team considered access needs of the entire community. Architects James Christou and Partners and the City's project management team were complimented for the use of many easy access features, including automatic doors, lifts and ramps, non-slip surfaces, tactile paving and extra-wide halls.

The Mayor circulated the Award for all Councillors to view.

MEETING WITH MINISTER FOR LANDS, THE HON. DOUG SHAVE, MLA

The Deputy Mayor, Councillors, Council officers, business representatives, LandCorp officers and myself met with Minister for Lands, the Hon. Doug Shave MLA, on Tuesday, 23 September to discuss a number of items. During this discussion, it was heartening to hear the Minister reaffirm the on-going commitment of the Government towards developing Joondalup as a regional centre and the need for Government presence in Joondalup to assist future development in the North-West Corridor. The Minister also said he was sympathetic with the view that any boundary rationalisation undertaken should consider Alkimos as remaining part of the proposed City of Joondalup, rather than becoming part of the proposed Shire of Wanneroo, until it becomes self sufficient.

WASTE MINIMISATION AND RECYCLING STRATEGY WORKSHOP

A workshop involving Councillors from the City of Wanneroo, Directors from WAMA and a representative from the City of Stirling was held on Thursday, 9 October to consider issues relating to waste management and recycling. A report on issues discussed at the meeting will be compiled for the November Technical Services Committee Meeting.

CITY OF CASEY TOUR

Deputy Mayor, Arthur Taylor deputising for myself received a delegation from the City of Casey (Victoria). The delegation was given a comprehensive tour of our facilities by Councillors and Directors on Monday, 13 October. The Casey delegation comprised Mayor, Wayne Smith, Councillors John Hastie and Brian Oates and Chief Executive Officer, Mike Tyler. The City of Casey is very similar to the City of Wanneroo, as it is experiencing rapid growth, it is located on the urban fringe and has a significant population.

Cr Taylor tabled a Presentation Pack from the City of Casey comprising an Annual Report, other documentation, as well as ties.

MEETING WITH JOONDALUP BUSINESS REPRESENTATIVES

A further meeting with Joondalup Business Representatives was held on Thursday, 16 October as part of an ongoing effort to foster partnerships in the development and promotion of the Joondalup CBD. Attended by senior representatives of LandCorp, the North-West Metro Business Association and the Joondalup Owners and Traders Association, the meeting enabled the exchange of information on initiatives designed to establish the CBD as a vibrant regional centre, attractive to business investors and visitors alike. Discussion centred on the coordination of major events within the regional centre, traffic issues, the Joondalup Markets proposal, the freeway extension, progress on the Joondalup Cinema complex and the City's new Approvals Unit structure and function.

OTHER EVENTS

September 25-26 (Thursday-Friday): Councillors Magyar and Hollywood attended the 1997 Reduce and Recycle Conference.

September 26 (Friday): The Mayor took part in the official opening of the WA Folk Arts Festival.

October 1 (Wednesday): Cr O'Grady and myself attended the opening ceremony of the 1997 YMCA Youth Parliament Legislative Council at Parliament House.

October 2 (Thursday): The Mayor attended the Wanneroo Districts Cricket Club's annual pre-season dinner.

October 4 (Saturday): Cr O'Grady attended the Community Action on Drug Abuse Conference.

October 5 (Sunday) was an eventful day:

The Mayor attended the opening of 1997/98 season of the WA Surf Lifesaving Association. I also performed the opening of the match between the Wanneroo Junior Cricket Club's past players and current 17's.

Cr Taylor deputised at the Hillary's Yacht Club's opening day ceremony.

Cr Taylor deputised at the launch of the State Community Relations Strategy entitled "Living in Harmony"

Cr Lynn deputised at the Whitford Sea Sports Club's opening day celebrations.

Cr Major deputised at the opening of the 1997/98 season of the Sorrento Bowling Club.

October 8 (Wednesday): The Mayor attended the CommonHealth Games at Burswood Dome.

October 12 (Sunday): Cr Healy took part in Yanchep/Two Rocks Recreation Centre's presentations.

October 14 (Tuesday): Cr Taylor performed the official opening of a mural arts project at Hainsworth Leisure Centre.

October 16 (Thursday): The Mayor opened the City of Wanneroo's 1997 Art Award and Exhibition.

October 17 (Friday): Cr O'Grady deputised at the official opening of the Two Rocks Maritime Centre.

October 19 (Sunday): The Mayor took part in the official opening of the Wanneroo International Netball Stadium and Community Centre.

October 20 (Monday): Cr Hollywood deputised at the official opening of the Alinjarra Primary School Arts Festival.

October 21 (Tuesday): Cr Lynn took part in the Naval Reserve Cadets (WA) Trafalgar Day Cocktail Party.

Today: The Mayor attended a presentation by LandCorp to the People of the Virgin Group.

Cr Bombak sought clarification from the Mayor as to the process undertaken for nominating a Councillor to represent the Mayor at any event that he is unable to officiate at.

The Mayor advised that should he be unable to attend an event for any reason, Cr Taylor as Deputy Mayor is approached to attend in the Mayor's absence. Should he be unable to do so, the Mayor's Secretary contacts other Councillors with a view to one of those Councillors representing the Mayor.

C357-10/97 PETITIONS, MEMORIALS AND DEPUTATIONS

Petitions submitted to Council Meeting held 22 October 1997:

1 PETITION REQUESTING ALLOCATION OF PLAYGROUND EQUIPMENT, PARK - BRAZIER RISE, PADBURY - [061-43]

A 24-signature petition has been received from residents of Padbury requesting allocation of playground equipment to the dry park in Brazier Rise, Padbury.

The petitioners state the existing equipment in the park is old and in a poor condition which is a potential safety hazard to children using the facilities.

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

2 VARIOUS CORRESPONDENCE RECEIVED - FOR ACTION - [702-0]

Cr Bombak submitted the following documentation for referral to the appropriate Business Units:

- letter from Marmion Sorrento Duncaig Progress and Ratepayers Association Incorporated in relation to traffic problems in West Coast Drive, Sorrento - to be referred to Technical Services;
- letter from Whitford Community Ratepayers and Recreation Association Incorporated regarding the renaming of MacDonald Pavilion and problems associated with the signage - to be referred to the Mayor;
- letter from Mark and Dianne Doust, Jervis Way, Sorrento in relation to Lot 780 Jervis Way, Sorrento - to be referred to Development Services

3 PETITION REQUESTING RECONSIDERATION OF COUNCIL'S DECISION IN RESPECT OF TRAFFIC CALMING MEASURES - CHESSELL DRIVE, DUNCRAIG - [510-1467]

A 46-signature petition has been received from residents of Chessell Way, Duncaig requesting Council to reconsider its decision in respect of traffic calming measures in Chessell Drive, Duncaig.

The petitioners state the issue of speeding traffic in Chessell Drive has been a contentious issue over many years and request that traffic calming measures be installed to help alleviate this problem.

This petition will be referred to Technical Services for action.

DECLARATIONS OF FINANCIAL INTEREST

Cr Taylor declared an interest in Item P92-10/97 as he had an interest in the Telstra share offer.

Cr Healy declared an interest in Item P92-10/97 as he had an interest in the Telstra share offer.

Director, Resource Management and Director, Community Services declared an interest in Item P92-10/97 as they had an interest in the Telstra share offer.

Cr Magyar declared an interest in Item TS287-10/97 as he is employed by the Department of Transport. This was Moved to be a trivial interest.

Cr Hollywood declared an interest in No 18 of Item DP218-10/97 - (Two transportable sheds, Lot 5 (180) Karoborup Road, Carabooda) as he was relocating these to the Northam Army Barracks.

Cr Hancock declared an interest in Item FA179-10/97 as she was employed by one of the organisations named in the Warrant of Payments. After discussions with the Chief Executive Officer, Cr Hancock did not believe she had a financial interest.

At the Finance and Community Services Committee meeting, Cr Magyar declared an interest in Item FA185-10/97 as he was employed by the Department of Transport. The Committee resolved this to be a trivial matter.

At the Council Meeting, Cr Magyar stated it had not been his intention to declare an interest in FA185-10/97 at the Finance & Community Services Committee meeting, he merely wished it noted he was employed by the Department of Transport.

Cr Magyar declared an interest in item C363-1/97 as he had been nominated for appointment to the Local Government Association - Control of Vehicles (Off Road Areas) Act Advisory Committee.

Cr Taylor declared an interest in Item C364-10/97 as he had been nominated for appointment to the Western Australian Municipal Association - Community Titles Advisory Committee.

BUSINESS REQUIRING ACTION

POLICY COMMITTEE

REPORT NO:

P87-10/97

DRAFT CIVIC AND CORPORATE PROTOCOL AND PROCEDURES MANUAL - [702-3]

At the 24 September 1997 Council meeting, it was resolved that consideration of the draft Civic and Corporate Protocol and Procedures Manual be referred for consideration to the October 1997 meeting of the Policy Committee.

At the Policy Committee meeting, the following amendments were made to the Civic and Corporate Protocol and Procedures Manual:

- “personal computer of laptop” to be amended to read “personal computer or laptop”
- 11.6: Councillor Pigeonhole: to be amended to read “Each Councillor is issued with a pigeonhole in the Chamber Clerk’s office”
- 11.7: Councillor Parking: to be amended to read “one parking bay each”
- Councillors Seating Diagram to be amended to include “Cr Vicki Hancock, South-West Ward”

REPORT RECOMMENDATION THAT the Civic and Corporate Protocol and Procedures Manual be adopted as Policy, with the following amendments as listed:

7.3 Equipment, Reference Materials and Manuals

- a) inclusion of:
 - pair of safety footwear (optional)
 - hat (optional)
 - street directory
- b) removal of ‘expense sheets’
- c) bar key to be amended to read ‘Councillors lounge key’
- d) ‘personal computer of laptop computer and printer’ to be amended to read ‘... and dedicated telephone line’.

8.1 General Expenses

The last paragraph read ‘All expenses which are to be claimed shall be submitted to the Directorate of Resource Management...’

10.4 Code of Conduct

The fourth paragraph, third line, fifth word read ‘or’

The tenth paragraph, point four, second line, third word read ‘or’

Discussion ensued.

MOVED Cr Hollywood, SECONDED Cr Healy that the Civic and Corporate Protocol and Procedures Manual be adopted as Policy, with the following amendments as listed:

7.3 Equipment, Reference Materials and Manuals

- (a) **inclusion of:**
 - pair of safety footwear (optional)
 - hat (optional)
 - street directory
- (b) **removal of 'expense sheets'**
- (c) **bar key to be amended to read 'Councillors lounge key'**
- (d) **'personal computer or laptop computer and printer' to be amended to read '...and dedicated telephone line'.**

8.1 General Expenses

The last paragraph read 'All expenses which are to be claimed shall be submitted to the Directorate of Resource Management...'

10.4 Code of Conduct

The fourth paragraph, third line, fifth word read 'or'

The tenth paragraph, point four, second line, third word read 'or'

11.6: Councillor Pigeonhole:

To be amended to read "Each Councillor is issued with a pigeonhole in the Chamber Clerk's office"

11.7: Councillor Parking:

To be amended to read "one parking bay each"

Councillors Seating Diagram

To be amended to include "Cr Vicki Hancock, South-West Ward" CARRIED

P88-10/97

ROYAL COMMISSION - LEGAL REPRESENTATION - [702-8]

Originally applications for legal assistance were put before Council on the basis that each approval covered \$3,000 of costs.

Although subsequent summonses were approved by the Chief Executive Officer, they were not placed before Council for endorsement.

To settle this issue, it is suggested that Council endorses the action of the Chief Executive Officer in granting interim assistance.

At the Policy Committee meeting, Director, Corporate Services was requested to provide Councillors with information in relation to the lines of enquiry for Mr W Marwick, Mr A Dammers and Mr O Drescher.

REPORT RECOMMENDATION THAT Council endorses the actions of the Chief Executive Officer in granting the following interim approvals :

A Dammers	10 September 1996 3 January 1997 7 January 1997	Joondalup Corporation Board Mosey Street Lunch Bar Hooker line of enquiry
O Drescher	4 November 1996 8 November 1996 26 November 1996	Chichester Reserve Woodvale Shopping Centre Unspecified
W Marwick	20 December 1996	Woodvale Shopping Centre
B Moloney	25 February 1997	Girrawheen/Koondoola Recreation Association

COMMITTEE RECOMMENDATION: THAT Council endorses the actions of the Chief Executive Officer in granting the following interim approvals :

A Dammers	10 September 1996 20 December 1996 3 January 1997 7 January 1997	Joondalup Corporation Board Joondalup Corporation Board Mosey Street Lunch Bar Hooker line of enquiry
O Drescher	4 November 1996 8 November 1996 26 November 1996	Chichester Reserve Woodvale Shopping Centre Unspecified
W Marwick	20 December 1996	Woodvale Shopping Centre
B Moloney	25 February 1997	Girrawheen/Koondoola Recreation Association

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that consideration of granting interim approval for legal assistance for A Dammers, O Drescher, W Marwick and B Moloney be deferred and referred back to Policy Committee pending further consideration.

CARRIED

P89-10/97**LEGAL ADVICE IN RESPECT TO COUNCIL'S POLICY ON
LEGAL REPRESENTATION - [702-8]**

As a result of a memo from Dr Jerry Pinnow, legal advice has been sought from Council's Solicitors in respect to Council's policy on legal representation.

That advice brought to light an anomaly and it is suggested that the Policy be amended to correct the situation.

REPORT RECOMMENDATION: THAT Council agrees to amend its policy A2-12 Legal Representation for Present and Former Councillors and staff of the City by:

- 1 Inserting a new heading "Ceiling on Grants" above clause 6
- 2 Replacing the current clause 7 with the following clause 7

Each Applicant is to be advised that there is a potential for a conflict of interest arising between the City and the Applicant or between the Applicant and other Applicants and that the grant of assistance is conditional upon the Applicant acknowledging this and consenting to the withdrawal from acting on his behalf by the City's solicitors in that instance, while continuing to act for the City and other Applicants. In a case where such conflict arises, provided that the Applicant is otherwise entitled to a grant of assistance, the City will provide funding to the extent of the sum granted (or the unspent proportion thereof) such sum not to exceed \$3,000 unless increased under clause 6 above and to be paid to meet accounts rendered to the Applicant by the lawyer of the Applicant's choice.

COMMITTEE RECOMMENDATION: THAT Council defers consideration of amending its Policy A2-12 Legal Representation for Present and Former Councillors and Staff of the City pending the outcome of the Legal Services Evaluation Committee's evaluation of legal services for the City of Wanneroo.

Discussion ensued.

MOVED Cr Healy, SECONDED Cr Bombak that no further action be taken in respect of Council's Policy on legal representation and that Council reaffirms its Policy A2-12 - Legal Representation for Present and Former Councillors and Staff of the City of Wanneroo. **LOST**

MOVED Cr Taylor, SECONDED Cr Popham that Council defers consideration of amending its Policy A2-12 Legal Representation for Present and Former Councillors and Staff of the City pending the outcome of the Legal Services Evaluation Committee's evaluation of legal services for the City of Wanneroo. **CARRIED**

P90-10/97**LEGAL REPRESENTATION - MR COLIN EDWARDES -
[702-8]**

To date Council has paid \$15,930.00 to provide legal representation for Mr Colin Edwardes. A further amount of \$8,750.00 for maintaining a watching brief on behalf of Mr Edwardes has been rejected by Council.

Mr David Clyne who acted for Mr Edwardes has now submitted a further account for \$13,000.00 and has requested that Council reviews its decision not to pay the account for maintaining a watching brief.

REPORT RECOMMENDATION: THAT Council:

1 agrees to pay the latest claim for Mr Edwardes legal expenses which amounts to \$13,000;

2 does not agree to pay the amount of \$8,750 for maintaining a watching brief .

COMMITTEE RECOMMENDATION: THAT Council:

1 agrees to pay the sum of \$11,000 towards the latest claim for legal expenses submitted by Mr Edwardes;

2 defers consideration of payment of the following amounts:

(a) \$1,250 in relation to Buckeridge Batching Plant;

(b) \$750 in relation to Chichester Park;

3 does not agree to pay the amount of \$8,750 for maintaining a watching brief .

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

1 agrees to pay the sum of \$11,000 towards the latest claim for legal expenses submitted by Mr Edwardes;

2 defers consideration of payment of the following amounts:

(a) \$1,250 in relation to Buckeridge Batching Plant;

(b) \$750 in relation to Chichester Park;

(c) \$8,750 for maintaining a watching brief

Discussion ensued.

MOVED Cr O'Grady, SECONDED Cr Lynn that the Motion be Put.

LOST

Cr Bombak requested that voting be recorded, with the following result:

FOR: Crs O'Grady, Tippett, Wight, Ewen-Chappell, Magyar, Lynn and Taylor

AGAINST: Crs Healy, Hollywood, Popham, Zuvela, Major, Bombak, Hancock and Cooper

Further discussion ensued.

The original Motion was Put and

LOST

Cr Taylor requested that voting be recorded, with the following result:

FOR: Crs Tippett, Wight, Ewen-Chappell, Magyar, Lynn and Taylor

AGAINST: Crs O'Grady, Healy, Hollywood, Popham, Zuvela, Major, Bombak and Hancock and Cooper

MOVED Cr Popham, SECONDED Cr O'Grady that Council:

1 agrees to pay the sum of \$11,000 towards the latest claim for legal expenses submitted by Mr Edwardes;

2 defers consideration of payment of the following amounts:

(a) \$1,250 in relation to Buckeridge Batching Plant;

(b) \$750 in relation to Chichester Park;

3 does not agree to pay the amount of \$8,750 for maintaining a watching brief .
CARRIED

Cr Taylor requested that voting be recorded, with the following result:

FOR: Crs Cooper, Taylor, O'Grady, Popham, Wight, Zuvela, Major, Bombak, Hancock

AGAINST: Crs Healy, Hollywood, Tippett, Ewen-Chappell, Magyar and Lynn.

P91-10/97 LEGAL REPRESENTATION - MR PAUL HIGGS - [702-8]

Mr Paul Higgs was summonsed to appear before the Royal Commission on 13 January 1997. He sought and was granted interim assistance in accordance with Policy A2-12 Legal Representation for Present and Former Councillors and Staff of the City.

MOVED Cr Hollywood, SECONDED Cr Healy that Council endorses the Chief Executive Officer's decision to grant interim assistance to Mr Paul Higgs. CARRIED

P92-10/97 FINANCIAL INTEREST - TELSTRA SHARE ISSUE - [702-3]

At its meeting of 27 August 1997, Council resolved to seek legal advice in respect to financial interests which could arise as a result of the Telstra share offer, and the powers of the Minister to grant an exemption (Item C333-08/97 refers).

Crs Taylor and Healy declared an interest in this item as they had an interest in the Telstra share offer.

Crs Taylor and Healy left the Chamber at 2100 hrs.

The Director, Resource Management and Director, Community Services declared an interest in this Item and left the Chamber at 2100 hrs.

REPORT RECOMMENDATION THAT Council:

- 1 notes the legal opinion;**
- 2 seeks advice from the Minister in respect to a general exemption.**

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

- 1 provides a copy of the legal advice to Councillors and to WAMA for its information;
- 2 seeks advice from the Minister in respect to a general exemption. CARRIED**

Crs Taylor and Healy entered the Chamber at 2103 hrs.

The Director, Resource Management and Director, Community Services entered the Chamber at 2104 hrs.

P93-10/97 LIBRARIANS - SALARIES - [404-0]

Under the Local Government Officers' (WA) Award 1988, Library Clerks are paid a 10% loading for shift work. Professional Librarians have requested that they also be paid this loading.

MOVED Cr Hollywood, SECONDED Cr Healy that Council:

- 1 notes the question of working hours and the payment of shift allowance request received from professional Librarians;
- 2 accepts that these issues will be addressed by an enterprise agreement to be developed by the business unit. **CARRIED**

P94-10/97 POLICY - PROVISION OF FOOTPATHS AND DUAL USE PATHS IN RESIDENTIAL STREETS - [740-93]

A policy has been requested for the location of footpaths and dual use paths in residential streets.

A number of issues still need to be resolved prior to formal adoption of a policy. It is proposed that further trials on the location of paths, adjacent to the kerb in various streets, be continued.

MOVED Cr Hollywood, SECONDED Cr Healy that Council authorises the Director Technical Services to continue trialing footpaths and dual use paths adjacent to the kerb on appropriate roads. **CARRIED**

P95-10/97 **REQUIREMENTS FOR DEVELOPERS TO MULCH - [502-8, 740-1]**

Council has sought a report in the development of a policy requiring developers to mulch green material removed from land being developed. The Department of Environmental Protection will be considering an outright ban on burning in early 1998 and it is considered that this needs to be addressed prior to formal adoption of a policy.

REPORT RECOMMENDATION: THAT Council defers its consideration to formulate a policy prohibiting the burning of cleared vegetation from development sites until such time as the Department of Environmental Protection considers its outright ban at the end of 1997.

MOVED Cr Hollywood, **SECONDED** Cr Healy that Council formulates a policy prohibiting the burning of cleared vegetation from development sites and initiates the process to create a Local Law. **CARRIED**

P96-10/97 **POLICY FOR CONTESTING TOWN PLANNING APPEAL TRIBUNAL APPEALS - [702-1, 290-3]**

It is recommended that the Council adopts the prepared policy regarding the contesting of appeals to the Town Planning Appeal Tribunal generally up to the first sitting and mediation stage.

REPORT RECOMMENDATION: THAT Council, in accordance with Clause 5.11 of Town Planning Scheme No. 1, adopts the policy for contesting Town Planning Appeal Tribunal appeals shown in Attachment 1 to Report P96-10/97 as a draft planning policy for advertising for a period of thirty (30) days subject to the following amendment:

COMMITTEE RECOMMENDATION: THAT Council, in accordance with Clause 5.11 of Town Planning Scheme No. 1, adopts the policy for contesting Town Planning Appeal Tribunal appeals shown in Attachment 1 to Report P96-10/97 as a draft planning policy for advertising for a period of thirty (30) days, subject to the following amendment:

Statement 3.1 be amended to read "to contest every appeal ..."

MOVED Cr Hollywood that this Item be deferred and referred back to Policy Committee.

There being **NO SECONDER**, the Motion

LAPSED

Discussion ensued.

MOVED Cr Magyar, **SECONDED** Cr Taylor that Council, in accordance with Clause 5.11 of Town Planning Scheme No. 1, adopts the policy for contesting Town Planning Appeal Tribunal appeals shown in Attachment 1 to Report P96-10/97 as a draft planning policy for advertising for a period of thirty (30) days, subject to the following amendment:

Statement 3.1 be amended to read "to contest every appeal ..."

CARRIED

Cr Magyar requested that voting be recorded, with the following result:

FOR: Crs Cooper, Taylor, Healy, O'Grady, Tippett, Wight, Ewen-Chappell Magyar, Zuvela, Major, Lynn,

AGAINST: Crs Hollywood, Popham, Bombak and Hancock

P97-10/97 NAMING OF PAVILION - MACDONALD PARK, PADBURY - [061-231]

Whitford Recreation Association has requested MacDonald Pavilion, MacDonald Park, Padbury be renamed Fleur Freame Pavilion .

It is recommended, in line with Council policy, Council agrees to renaming MacDonald Pavilion, in recognition of the late Councillor Freame's community work

At the Policy Committee meeting, discussion ensued in relation to the condition of the sign at MacDonald Pavilion and the need to replace the sign on the renaming of the pavilion. Cr Bombak was requested to consult with the Whitford Recreation Association in relation to the wording of the new sign.

MOVED Cr Hollywood, SECONDED Cr Healy that Council renames MacDonald Pavilion to "Fleur Freame Pavilion" in recognition of the community work of the late Councillor Fleur Freame. CARRIED

P98-10/97 REPORT OF THE ROYAL COMMISSION INTO THE CITY OF WANNEROO - [702-8]

Councillors will be aware that the findings of the Royal Commission into the City of Wanneroo will be tabled in Parliament on 14 October 1997.

It is considered appropriate that Council takes a proactive stance in its response and develops a positive theme to address the findings.

This report recommends the engagement of Bill Gill of Corporate Dynamics to assist Council in formulating a response to the findings of the Royal Commission.

At the Policy Committee meeting, Cr Taylor brought to the attention of the meeting that as this matter was of an urgent nature and required resolution before the October Council meeting, the provisions of Section 6.8(1)(c) of the Local Government Act 1995 should apply, that is the Mayor authorise the expenditure as an emergency payment with ratification being at the next ordinary meeting of Council.

REPORT RECOMMENDATION That Council:

- 1 engages the services of Mr Bill Gill of Corporate Dynamics to assist with the formulation of a response to the Report on the Royal Commission into the City of Wanneroo.

- 2 authorises BY AN ABSOLUTE MAJORITY in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995, the allocation of \$8,000 for this consultancy.

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

- 1 **endorses the action of the Mayor in engaging the services of Mr Bill Gill of Corporate Dynamics to assist with the formulation of a response to the Report on the Royal Commission into the City of Wanneroo.**
- 2 **ratifies, in accordance with the provisions of Section 6.8(1)(c) of the Local Government Act 1995 the Mayor's actions in authorising a budget allocation of \$8,000 to effect this consultancy.**
- CARRIED BY AN
ABSOLUTE MAJORITY**

COUNCIL FUNCTIONS - [703-3]

At the Policy Committee meeting, Cr Cooper sought Councillors' views in relation to the holding of cocktail parties, in preference to dinners, and advised he would circulate a memorandum in this regard.

LETTER FROM NORTHERN CORRIDOR RADIO GROUP - [727-13-2]

At the Policy Committee meeting, Cr Healy submitted a letter from Northern Corridor Radio Group asking for a response to its letter sent on 15 August 1997 requesting a site for a radio repeater station.

This letter will be referred to Approval Services for action.

EXTRAORDINARY ELECTION - [801-1]

At the Policy Committee meeting, Cr Taylor queried which account would be charged for the provision of refreshment for staff members involved in the count for the Election held on Saturday 4 October 1997.

Acting Chief Executive Officer advised that this cost would be an election cost and charged to Governance.

REMOVAL OF ELECTION SIGNAGE - [801-1]

At the Policy Committee meeting, Cr Hancock referred to her election signage used on Saturday 4 October 1997 which had been removed during the period of the election, and asked who had been responsible for the removal of this signage.

This question was taken on notice.

At the Council Meeting, Cr Hancock pointed out at the Policy Committee Meeting she had asked who was responsible for the ordering the removal of her election signage.

The Mayor advised that the order was given by the Chief Executive Officer.

The Chief Executive Officer advised that complaints had been received regarding election signage and that orders were given to Ranger Services to remove those signs that infringed Council's Local Law. A copy of the Local Law was provided to Ranger Services in order for this procedure to be administered.

The Chief Executive Officer further stated that not all election signage was removed by Ranger Services, only those signs which infringed Council's Local Law.

CORPORATE MEMBERSHIP - UNIVERSITY OF CANBERRA - [702-0]

At the Policy Committee meeting, Cr Hollywood submitted information regarding Corporate Membership for the University of Canberra for consideration.

REQUEST FOR NAMING OF PEDESTRIAN ACCESSWAY - [510-291, 510-2648]

At the Policy Committee meeting, Cr Major submitted a letter from a resident of Leach Street Marmion requesting consideration be given to naming the right of way between Leach Street and West Coast Highway after Mr Clifford C K Coleman.

This letter will be referred to Development Services for action.

MOVED Cr Hollywood, SECONDED Cr Healy that the Report of the Policy Committee Meeting held on 6 October 1997 be received. CARRIED

TECHNICAL SERVICES COMMITTEE**REPORTS:****TS285-10/97 TENDER NUMBER 46-97/98 SHENTON AVENUE AND DAVIDSON TERRACE ROUNDABOUT - [510-1664, 30/0609]**

A dual lane roundabout is proposed to be constructed at the intersection of Shenton Avenue, Davidson Terrace and the main entry to the Joondalup Health Campus. Tenders have been called for this project and it is recommended that Council accepts the tender submitted by Malavoca Pty Limited to carry out the construction of this project.

At the Technical Services Committee meeting, Cr Taylor requested that future reports of this nature include a map.

MOVED Cr Taylor, SECONDED Cr Wight that Council:

- 1 accepts Tender Number 46-97/98 from Malavoca Pty Ltd to undertake the construction of a dual lane roundabout at the intersection of Shenton Avenue and Davidson Terrace for the lump sum price of \$198,291;**
- 2 approves the funding of \$213,291 for the construction of a dual lane roundabout at the intersection of Shenton Avenue and Davidson Terrace with a funding contribution of \$120,000 from the Joondalup Health Campus;**
- 3 authorises, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the reallocation of \$93,291 from Account Number 33311 - Development and Subdivision Road Project Co-ordination for the construction of the dual lane roundabout at the intersection of Shenton Avenue and Davidson Terrace.**

**CARRIED BY AN
ABSOLUTE MAJORITY**

TS286-10/97 TRIAL MEDIAN CLOSURE AT INTERSECTION OF WANNEROO ROAD AND TEMPLETON CRESCENT, GIRRAWHEEN - [510-3000, 510-0197, 510-1403]

Main Roads WA is planning to install traffic signals at the intersection of Marangaroo Drive and Templeton Crescent, Girrawheen. Recently, an alternative Traffic Management Scheme has been suggested which involves the closure of the median in Wanneroo Road at Templeton Crescent. While Main Roads WA proposes a trial of this alternative treatment, the preferred strategy is the installation of traffic signals at the intersection of Marangaroo Drive and Templeton Crescent.

At the Technical Services Committee meeting, Cr Taylor believed the words 'Marangaroo Drive' should replace the words 'Wanneroo Road' in the last sentence of the second last paragraph of the report. The Director, Technical Services advised he would investigate this matter and provide an answer prior to the next meeting of Council to be held on 22 October 1997.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 does not support the trial closure of the median in Wanneroo Road, at Templeton Crescent;**
- 2 reiterates its request that the installation of traffic signals at the Templeton Crescent and Marangaroo Drive intersection be expedited;**
- 3 advises Main Roads WA accordingly. **CARRIED****

TS287-10/97 PARKING SITUATION - WARWICK TRANSPORT LICENSING CENTRE - [510-0150]

At its February 1997 meeting, Council requested an additional report regarding the provision of parking at the Warwick Transport Licensing Centre (Warwick Police Centre). Information has been received regarding proposed operational changes that are likely to reduce the demand for parking.

At the Technical Services Committee meeting, Cr Taylor requested that an assessment of the size of the lot be conducted to determine the maximum number of bays possible, with allowance for landscaping. Cr Taylor also requested the Mayor to write to the local member of Parliament in relation to parking problems experienced at this Centre.

REPORT RECOMMENDATION: That Council reviews the on street parking at the Warwick Transport Licensing Centre, Eddington Road in April 1999.

Cr Magyar declared an interest in this Item as he is employed by the Department of Transport.

MOVED Cr Taylor, SECONDED Cr Healy that this be considered a trivial matter.

CARRIED

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that consideration of additional parking at the Warwick Transport Licensing Centre be deferred pending further investigation into parking options for this Centre. **CARRIED**

TS288-10/97 TENDER FOR CONTRACT NO 045-97/98 TENNIS COURTS LIGHTING UPGRADE - [061-390-3, 061-166-2, 745-3-2]

Council has approved an amount of \$240,000 in the 1997/98 Budget for the upgrade of existing lighting at the tennis court complexes on Heathridge Park, Warwick Regional Open Space and Timberlane Park. Tender No 045-97/98 was advertised on 6 September 1997 and closed on 22 September 1997. The tender submissions have been evaluated by Electrical Technology Consultants and it is recommended that Council accepts the tender of Nilsen Electric (WA) Pty Limited.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 approves the upgrading, to Association Standard, of the lighting of all tennis courts on Heathridge Park, Warwick Regional Open Space and Timberlane Park as single project, with the works to be funded from Account Numbers 29264 and 37133 - Tennis Court Lighting Upgrade;
 - 2 accepts the tender of Nilsen Electric (WA) Pty Ltd for Tender Number 045-97/98 Tennis Courts Lighting Upgrade with a lump sum price of \$218,421 plus \$15,000 as contingencies to be expended as authorised in writing by the Manager, Engineering Construction and Maintenance Services in accordance with the specifications and schedule of prices;
 - 3 agrees to the signing of the contract documents;
 - 4 advises the Ocean Ridge, Greenwood and Kingsley Tennis Clubs accordingly.
- CARRIED**

TS289-10/97

PETITION REQUESTING FLOODLIGHTING IN PLUMDALE PARK, WOODVALE - [061-494, 727982]

Two petitions, signed by 43 residents of Woodvale, have been received requesting installation of floodlighting in Plumdale Park, Woodvale, to alleviate anti-social activities.

This park is a passive park abutting the Conservation and Land Management Research area's eastern boundary.

REPORT RECOMMENDATION: That Council:

- 1 advises Mr Chris Ince and Mr John Hardman as presenters of the petitions, that installation of park lighting within Plumdale Park, Woodvale is unwarranted at this stage.
- 2 requests a report on the development of a policy document with specific criteria for provision of general floodlighting in Public Open Space areas.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 requests a report on the development of a policy document with specific criteria for provision of general floodlighting in Public Open Space areas;
 - 2 advises Mr Chris Ince and Mr John Hardman as presenters of the petitions, that installation of park lighting within Plumdale Park, Woodvale will be further considered after a policy document as outlined in point (1) above is developed.
- CARRIED**

TS290-10/97**SUBDIVISIONAL RETAINING WALLS OVER 2.0 METRES
IN HEIGHT - LOT 52 TOULON CIRCLE, MINDARIE - [740-
101761]**

Cossill & Webley Consulting Engineers, on behalf of Smartmar Pty Ltd., proposes to construct a section of retaining wall in Toulon Circle, Mindarie which is over 2.0 metres in height to a maximum of 2.8 metres. The proposed retaining wall does not have an adverse impact on the amenity of the area and no objection has been raised by adjacent property owners. Approval of the proposed retaining wall over 2.0 metres and up to a maximum of 2.8 metres in height is therefore supported.

At the Technical Services Committee meeting, following a query by Cr O'Grady as to whether replies had been received relating to objections, the Director, Technical Services advised he would submit information on this matter prior to the Council meeting to be held on 22 October 1997.

ADDITIONAL INFORMATION

At the Technical Services Committee meeting on 8 October 1997, further conformation was sought that all affected owners have indicated no objection to the retaining walls over 2 metres in height on Lot 52 Toulon Circle.

The Directorate of Development Services advice on 29 April 1997 indicated that the applicant's initial proposal was advertised to the two adjoining owners. There was no response from the Strata Manager of Lot 53 Toulon Circle, while the owner of Lot 51 Toulon Circle had lodged an objection.

Subsequent discussions and meetings between the owner of Lot 51 and the applicant took place whereby the proposal was amended to the satisfaction of the owner of Lot 51. A letter of acknowledgement was received from the owner of Lot 51 and the applicant's engineer has also confirmed this course of action.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council approves the proposed retaining wall over 2.0 metres in height up to a maximum of 2.8 metres for the subdivision of Lot 52 Toulon Circle, Mindarie subject to the retaining walls being structurally sound. CARRIED

Appendix XXII refers

TS291-10/97**WHITFORD SENIOR CITIZENS CENTRE - FLOOR
CONDITION - [335-1-1]**

A 67 signature petition has been received expressing displeasure with the condition of the floor at Whitford Senior Citizens Centre. This report addresses the present condition of the floor and the finish in use.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 endorses the action taken to maintain the floor of the Whitford Senior Citizens Centre for the safety of all users;
- 2 requests a further report in February 1998 after the floor has been in use for a further three (3) months. **CARRIED**

TS292-10/97 **1997/98 BUS SHELTER INSTALLATION AND RELOCATION PROGRAMME. - [503-3]**

The 1997/98 Bus Shelter Installation Programme is fully funded by Council and \$30,000 has been allocated in the budget for this purpose. The budgeted funds allow for the supply, erection and anti-graffiti coating of 12 new bus shelters within the district. Proposed sites have been investigated and recommendations made based on patronage figures, site constraints and comments from adjoining residents. In addition, sites have been identified where a shelter is no longer being utilised and can be relocated to a nearby stop that warrants placement of a shelter.

REPORT RECOMMENDATION: That Council:

- 1 Endorses the following 12 sites for bus shelter placement through the 1996/97 Bus Shelter Installation Programme and charges the expenditure to Account 27872:

Marmion Avenue (Southbound), South of Hester Avenue, Clarkson	33 passengers boarding
Hocking Road (opposite Cherokee Caravan Park) Kingsley	23 passengers boarding
Marmion Avenue (Southbound), South Renshaw Boulevard, Clarkson	22 passengers boarding
Marmion Avenue (Southbound), South Santa Barbara Parade, Quinns Rocks	19 passengers boarding
Hepburn Avenue (Eastbound), West Walter Padbury Boulevard, Padbury	14 passengers boarding
Erindale Road (adjoining Warwick Grove Shopping Centre), Warwick	12 passengers boarding
Moore Drive (Northside), West of Joondalup Drive, Joondalup	12 passengers boarding
Shenton Avenue (Eastbound) East Delamere Avenue, Currambine	12 passengers boarding
Whitfords Avenue (Westbound), East Kingsley Drive, Kingsley	10 passengers boarding
Templeton Crescent (adjoining 66 & 68), Girrawheen.	10 passengers boarding
Walyungah Boulevard (Adjacent Clarkson High School) Clarkson.	8 passengers boarding
Sovereign Drive (adjoining 11 & 15), Two Rocks.	6 passengers boarding

- 2 approves the relocation of the following shelters to the identified sites below and charges the expenditure to Account 27821:

- (a) Gibson Avenue (adjoining 100), to Gibson Avenue (north Pinnaroo Drive), Padbury, subject to on site advertising at the existing shelter.
- (b) Whitfords Avenue (Eastbound), east Barridale Drive to Whitfords Avenue (Westbound), west Moolanda Boulevard, Kingsley.
- (c) Joondalup Drive (Northbound), south of Hodges Drive to Joondalup Drive (Northbound), Between Wedgewood Drive & Treetop Avenue, Joondalup
- (d) Blue Mountain Drive, between Candlewood Boulevard & Yellowstone Way to Candlewood Boulevard (eastside), opposite Joondalup Primary School, Joondalup, and;
- (e) Blue Mountain Drive, between Candlewood Boulevard & Yellowstone Way to Yellowstone Way (near Burns Beach Road), Joondalup.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 endorses the following 13 sites for bus shelter placement through the 1996/97 Bus Shelter Installation Programme and charges the expenditure to Account 27872:**

Marmion Avenue (Southbound), South of Hester Avenue, Clarkson	33 passengers boarding
Hocking Road (opposite Cherokee Caravan Park) Kingsley	23 passengers boarding
Marmion Avenue (Southbound), South Renshaw Boulevard, Clarkson	22 passengers boarding
Marmion Avenue (Southbound), South Santa Barbara Parade, Quinns Rocks	19 passengers boarding
Hepburn Avenue (Eastbound), West Walter Padbury Boulevard, Padbury	14 passengers boarding
Erindale Road (adjoining Warwick Grove Shopping Centre), Warwick	12 passengers boarding
Moore Drive (northside), West of Joondalup Drive, Joondalup	12 passengers boarding
Shenton Avenue (Eastbound) East Delamere Avenue, Currambine	12 passengers boarding
Whitfords Avenue (Westbound), East Kingsley Drive, Kingsley	10 passengers boarding

Templeton Crescent (adjoining 66 & 68), Girrawheen.	10 passengers boarding
Walyungah Boulevard (Adjacent Clarkson High School) Clarkson.	8 passengers boarding
Sovereign Drive (adjoining 11 & 15), Two Rocks.	6 passengers boarding
Camberwarra Drive (adjacent to 2 Dromana Place) Craigie	5 passengers boarding

- 2 deletes the requirement for anti graffiti coating from the Bus Shelter Installation Programme;
- 3 approves the relocation of the following shelters to the identified sites below and charges the expenditure to Account 27821:
- (a) Gibson Avenue (adjoining 100), to Gibson Avenue (north Pinnaroo Drive), Padbury, subject to on site advertising at the existing shelter;
 - (b) Whitfords Avenue (Eastbound), east Barridale Drive to Whitfords Avenue (Westbound), west Moolanda Boulevard, Kingsley;
 - (c) Joondalup Drive (Northbound), south of Hodges Drive to Joondalup Drive (Northbound), Between Wedgewood Drive & Treetop Avenue, Joondalup;
 - (d) Blue Mountain Drive, between Candlewood Boulevard & Yellowstone Way to Candlewood Boulevard (eastside), opposite Joondalup Primary School, Joondalup;
 - (e) Blue Mountain Drive, between Candlewood Boulevard & Yellowstone Way to Yellowstone Way (near Burns Beach Road), Joondalup. **CARRIED**

TS293-10/97

LAKESIDE PARK DEVELOPMENT - LANDCORP - [061-486]

Landcorp has advised that its proposal for Lakeside Park was a concept plan only and this has now been revised. The five year maintenance component was also rejected.

Landcorp proposes to commence installation of a bore and drainage lake system as Stage 1 of the Lakeside park Development.

The final decision on development is subject to Council withdrawing its requirement for development as per the concept plan provided.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 accepts installation of the bore and pumping facility only;
- 2 retains the proposed Public Open Space as natural bushland;
- 3 instructs Landcorp to relocate the proposed drainage basin outside the proposed Public Open Space area. **CARRIED**

TS294-10/97 **EXPRESSION OF INTEREST - LAKE GOOLLELAL
MANAGEMENT PLAN - [208-034-97/98]**

The West Australian Planning Commission and the City of Wanneroo are commissioning the preparation of a management plan and development concept for the area known as Lake Goollelal. Lake Goollelal forms the southern section of Yellagonga Regional Park.

Ten submissions were received and assessed.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council engages Ecologia, Environmental Consultants, to prepare the Lake Goollelal Management Plan for a total price of \$24,875. Funding has been allocated by the West Australian Planning Commission.

CARRIED

TS295-10/97 **TENDER NO 037-97/98 MAINTENANCE AND GENERAL
UPKEEP - MARANGAROO GOLF COURSE - [208-037-97/98]**

Tender No 037-97/98 - Maintenance and General Upkeep - Marangaroo Golf Course - was advertised on 16 August 1997.

Five tenders were received and Council's endorsement is sought for the engagement of the selected tenderer to undertake the works.

MOVED Cr Wight, SECONDED Cr Hollywood that Council:

- 1** **accepts the tender submitted by Kim Gorey Turf Maintenance Contractors for Tender No 037-97/98 Maintenance and General Upkeep - Marangaroo Golf Course, for the sum of \$224,760 annually, being a fixed sum for the period of three years;**
- 2** **subject to a written and formal application by the contractor, determines if the agreement is to be extended for an additional three year period;**
- 3** **authorises, the reallocation of unexpended funds in the amount of \$23,240 from Account No 30319 Marangaroo Golf Course Maintenance Contract to Account No 30317 Maintenance Marangaroo Golf Course Council Works, for the upgrading of tees 3 and 9 and directional signage.**

**CARRIED BY AN
ABSOLUTE MAJORITY**

Cr Taylor requested that his name be recorded as having voted against the Motion.

TS296-10/97 **YANCHEP LAGOON SAND ACCRETION - [765-16]**

The Two Rocks Residents' Association has expressed concern over the sand accumulation in Yanchep Lagoon. If siltation of the lagoon is creating problems, the City must consider what coastal management plan should be adopted to address this situation. The engagement of a coastal engineering consultant to investigate and report on this matter is considered an important foundation that should be established to assist Council in its deliberations on this matter.

REPORT RECOMMENDATION: THAT:

- 1 Council approves the appointment of Coastal Engineering consultant to investigate and report on :
- (a) extent of siltation in Yanchep Lagoon;
 - (b) the contributing factors to the problem;
 - (c) what action should be taken to restore the situation;
- 2 the costs associated in (1) above be charged to Engineering Maintenance Services Consultancy Fees Account Number 46343;
- 3 Council does not give consideration to authorising any Council funding contributions toward the management and maintenance of the Club Capricorn groyne until a legal opinion is provided by WAMA to define which sphere of government has the statutory responsibility to manage structures that extend beyond high water mark.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that:

- 1 Council approves the appointment of Coastal Engineering consultant for the sum of \$5,000 to investigate and report on :
- (a) extent of siltation in Yanchep Lagoon;
 - (b) the contributing factors to the problem;
 - (c) what action should be taken to restore the situation;
- 2 the costs associated in (1) above be charged to Engineering Maintenance Services Consultancy Fees Account Number 46343;
- 3 Council does not give consideration to authorising any Council funding contributions toward the management and maintenance of the Club Capricorn groyne until a legal opinion is provided by WAMA to define which sphere of government has the statutory responsibility to manage structures that extend beyond high water mark. **CARRIED**

TS297-10/97

**VERGE AND MEDIAN LANDSCAPE WORKING PARTY
RECOMMENDATIONS - [250-0]**

Council has allocated funds in the 1997/98 Budget for the first stage of a programme to upgrade dry parks and road medians throughout the municipality. The Verge and Median Landscape Working Party, at its meeting held on 17 September 1997, recommended specific projects to be included in Stage 1 of the upgrade.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that:

- 1 the Minutes of the Verge and Median Landscape Working Party meeting, held on 17 September 1997 forming Attachment 1 to Report TS297-10/97 be noted;
- 2 Council adopts the recommendations of the Verge and Median Landscape Working Party meeting on 17 September 1997 for reticulation and landscape upgrade of 15 existing dry parks and approximately 10,465 linear metres of road medians. **CARRIED**

Appendix II refers

TS298-10/97 STATE GOVERNMENT DISCUSSION PAPERS ON WASTE MANAGEMENT AND RECYCLING - [508-1, 508-4]

The State Government has released three discussion papers on various aspects of waste management and recycling for public comment. A copy of the three discussion papers were distributed to all Councillors on 27 August 1997.

The primary objective of reducing waste to landfill by the year 2000 was set purely as a political objective without any sound technical basis. The objective needs to be reviewed and replaced with a more realistic and soundly based goal that is suited to the welfare of the residents and environment of Western Australia.

The three discussion papers are reviewed in detail and it is recommended that the comments be referred to the Minister for the Environment.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Report TS298-10/97 "State Government Discussion Papers on Waste Management and Recycling", be included on the Agenda for discussion at the "Ecologically Sustainable Waste Minimisation and Recycling Strategy" Workshop to be held on 9 October 1997. **CARRIED**

TS299-10/97 AIR CONDITIONING MAINTENANCE CONSULTANCY - [730-8-81]

Consultant Norman Disney and Young is employed by Council on a contract basis to oversee the maintenance of air conditioning and fire alarm systems in various Council buildings. Extensive documentation is required to enable the calling of tenders for this service. This report addresses interim arrangements.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that Council:

- 1 agrees to roll over the existing Norman Disney and Young contract of \$40,552.00 for Fire Alarm and Air Conditioning maintenance services for the City of Wanneroo for 1997/98;
- 2 authorises the documentation of the work in respect of fire alarms and air conditioning maintenance expert advice in order to call tenders for 1998/99;

- 3 **calls tenders during 1998 for a contract to be executed for the period 1 April 1998 to 30 June 1999.** **CARRIED**

TS300-10/97 **REQUEST FOR FOOTPATH - MARMION AVENUE TO BURNS BEACH ROAD - [502-33]**

At the Technical Services Committee meeting, Cr Hollywood referred to complaints he had received from residents concerned at the lack of a footpath between Marmion Avenue and Burns Beach Road and requested a report be submitted on the feasibility of installing a limestone path in this area.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that a report be submitted to the Technical Services Committee on the feasibility of installing a limestone path between Marmion Avenue and Burns Beach Road. **CARRIED**

NORTH WEST REGIONAL BUSINESS GROUP - [702-0]

At the Technical Services Committee meeting, Cr Hollywood referred to a recent function he had attended hosted by the North West Regional Business Group who had expressed concern at the lack of communication it had with Council.

Cr Cooper advised of meetings held on a regular monthly basis with this group to discuss business and community issues and commented that matters arising from these meetings were referred to Council.

Cr Ewen-Chappell suggested that the group submit a formal letter to Council outlining its concerns.

CITIZENSHIP CEREMONIES - REQUEST TO VIDEO TAPE - [703-1]

At the Technical Services Committee meeting, Cr Hollywood referred to a request received by the Marketing Assistant for a video production professional to conduct a trial video of a citizenship ceremony.

Cr Ewen-Chappell suggested that Cr Hollywood liaise with the Marketing Manager on this matter with a view to further discussing it at the next Finance and Community Services Committee meeting to be held on 17 October 1997.

TRAFFIC CALMING - CHESSELL DRIVE, DUNCRAIG - [502-16]

At the Technical Services Committee meeting, Cr Hollywood referred to a telephone call he had received from a resident of Chessell Drive who requested action be taken in relation to vehicles speeding along this road.

Cr Hollywood suggested the temporary closure of two lanes of traffic in Chessell Drive for a six week trial period.

The Director, Technical Services advised that a petition in relation to this matter was currently being addressed.

EXPENDITURE ON ANTI GRAFFITI MEASURES - [210-7]

At the Technical Services Committee meeting, Cr Hancock queried the amount of funds that had been expended on anti graffiti measures since October 1996.

Cr Ewen-Chappell advised that this matter would be taken on notice.

MOVED Cr O'Grady, SECONDED Cr Ewen-Chappell that the Report of the Technical Services Committee Meeting held on 8 October 1997, be received. CARRIED

DEVELOPMENT AND PLANNING SERVICES COMMITTEE**REPORT NO:****DP216-10/97 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.

At the Development and Planning Services Committee meeting, Director, Strategic Planning circulated a drawing, together with a letter in relation to this facility being located at Perry's Paddock in which Mr Garmson suggested three sites that may be suitable for his project.

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;
- 7 supports Mr Garmson in his approach to the Department of Conservation and Land Management and the Minister responsible for that department, to find a suitable area within Yellagonga Regional Park.

COMMITTEE 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 and the Minister responsible for that department, to find a suitable area within Yellagonga Regional Park;
- 8 also in respect to finding a suitable site for Mr Garmson's proposal, requires a report on an evaluation of the following sites for the December 1997 Development and Planning Services meeting:
 - (a) Lot 200, corner Ocean Reef Road and Backshall Place, Wanneroo;
 - (b) Reserve 43290 (former Lot 1), corner Joondalup Drive and Lakeside Drive, Joondalup;
 - (c) Lot 3 Ocean Reef Road, Edgewater.

Discussion ensued.

MOVED Cr Tippett, SECONDED Cr Ewen-Chappell 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 with reference to the Conservation Plan;
- 3 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;
- 4 refers Mr Garmson's second proposal for his "Olde World Charm" project for Perry's Paddock to the Department of Conservation and Land Management and WA Planning Commission, advising that although a few aspects of the proposal are not consistent with the recommendations of the Conservation Plan, it should be given consideration for inclusion within Perry's Paddock having regard for the benefits it will provide in terms of:
- (a) local history education;
 - (b) recreation;
 - (c) tourism;
 - (d) local employment opportunities
- 5 supports a deputation by Mr Garmson to the Minister responsible for the Department of Conservation and Land Management, seeking the Minister's support to the provision to Mr Garmson on appropriate terms of a suitable site in Perry's Paddock for an appropriate historical project;
- 6 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 note, be further considered by the Historical Sites Advisory Committee for formulation of a recommendation to Council on the matter.

CARRIED

DP217-10/97

ENVIRONMENT WESTERN AUSTRALIA 1997 DRAFT STATE OF THE ENVIRONMENT REPORT - [305-6]

The State Government has released the document Environment Western Australia 1997 Draft State of the Environment Report. The draft report canvasses environmental conditions throughout Western Australia, drawing conclusions about fundamental pressures on the State's environment, statewide environmental priorities, and progress towards sustainable environmental resource use. The draft report is open for comment until 30 October 1997. It is recommended that Council provide comments in response to the draft report. As an outcome from the draft report, a recommendation relating to the Agenda 21 principles (of environmental, social and economic sustainability), preparation of a Local Agenda 21 for the City, and of their relevance to the City's Strategic Plan is also made.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 submits comments to the Department of Environmental Protection in response to the document Environment Western Australian 1997 Draft State of the Environment Report in accordance with Report DP217-10/97;

2 acknowledges the -

- (a) validity of the Agenda 21 principles of achieving environmental, socially and economically sustainable development;
- (b) appropriateness of preparing a Local Agenda 21 for the City;
- (c) relevance of these principles and the Local Agenda 21 in terms of the implementation and review of the City's Strategic Plan. CARRIED

Appendix III refers

DP218-10/97 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 29 August 1997 to 25 September 1997.

Cr Hollywood declared an interest in No 18 of this Report (Two transportable sheds, Lot 5 (180) Karoborup Road, Carabooda) as he was relocating these to the Northam Army Barracks.

MOVED Cr Zuvella, SECONDED Cr Taylor that Council notes the action taken by the Development Assessment Unit and Delegated Authority Committee in relation to the applications described in Report DP218-10/97.

Appendix IV refers

DP219-10/97 MODIFIED DRAFT TWO ROCKS-YANCHEP FORESHORE MANAGEMENT PLAN - CONSIDERATION OF SUBMISSIONS - [765-16]

The public comment period for the modified draft Two Rocks/Yanchep Foreshore Management Plan (FMP) closed on 14 March 1997. The City received four submissions. The City also received from Yanchep Sun City Pty Ltd, a copy of the report on the natural seasonal and long-term movement of the coastline to the north and south of the Two Rocks marina. The modified draft FMP has been examined with reference to the submissions and the coastal study. It is recommended that further modifications be made to the modified draft FMP prior to it being adopted and then advertised in the 'Wanneroo Times' and 'The West Australian' to advise the public about the adoption of the FMP.

A copy of the abovementioned report received from Yanchep Sun City Pty Ltd has been placed in the Councillors' reading room for perusal.

REPORT RECOMMENDATION: THAT Council:

- 1 further amends the modified draft Two Rocks/Yanchep Foreshore Management Plan by;
 - (a) extending the dual-use pathway proposed between Leemans Boat Landing and Club Capricorn Resort up to Yanchep Lagoon;
 - (b) closing the southern beach accessway (boardwalk) off Sovereign Drive, Two Rocks and reconstructing the northern beach accessway (boardwalk) to a suitable gradient;
- 2 subject to the amendments referred to above, adopts the Two Rocks/Yanchep Foreshore Management Plan and advertises it once in 'The West Australian' and the 'Wanneroo Times' to advise the public of the adoption of the plan;
- 3 investigates the matter relating to the accumulation of seaweed at the Two Rocks Marina.

Cr O'Grady left the Chamber at 2208 hrs.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 further amends the modified draft Two Rocks/Yanchep Foreshore Management Plan by;
 - (a) extending the dual-use pathway proposed between Leemans Boat Landing and Club Capricorn Resort up to Yanchep Lagoon;
 - (b) closing the southern beach accessway (boardwalk) off Sovereign Drive, Two Rocks and reconstructing the northern beach accessway (boardwalk) to a suitable gradient;
- 2 subject to the amendments referred to above, adopts the Two Rocks/Yanchep Foreshore Management Plan and advertises it once in 'The West Australian' and the 'Wanneroo Times' to advise the public of the adoption of the plan;
- 3 acknowledges that the seagrass drifts are a natural phenomenon which are known to play an essential role in both the maintenance of erosion prevention and many fish populations, investigates the matter relating to the accumulation of "seaweed" at the Two Rocks Marina and submits a further report to the Development and Planning Services Committee. **CARRIED**

DP220-10/97

**WANNEROO TOWN CENTRE STRUCTURE PLAN AND
PROPOSED REZONING OF LOT 300 (917) WANNEROO
ROAD, WANNEROO - [290-15]**

The Wanneroo Town Centre Study and Wanneroo Town Centre Structure Plan were considered by Council in November 1996 and received as a draft for advertising. Advertising of the draft Structure Plan resulted in a poor response, and it is recommended that the

Structure Plan be readvertised for public comment and landowners within the study area being notified and given 28 days in which to comment. In addition, a request has been received for the rezoning of Lot 300 (917) Wanneroo Road, Wanneroo from Special Zone (Restricted Uses) Service Industrial excluding Light Industrial, Lunch Bar, Motor Repair Station, Petrol Filling Station and Service Station to permit Restaurant uses. It is recommended that Council initiates an amendment to Town Planning Scheme No 1 accordingly.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 **The Wanneroo Town Centre Structure Plan be readvertised for public comment for a period of 28 days and all landowners within the Wanneroo Town Centre Study Area and the Ministry for Planning and Main Roads WA, be notified in writing and invited to comment;**
- 2 **Council initiates an amendment to Town Planning Scheme No 1 to rezone Lot 300 (917) Wanneroo Road, Wanneroo by adding Restaurant to the list of Special Zone (Restricted Uses) applying to the site. CARRIED**

DP221-10/97

EAST WANNEROO CONSULTANCY - [780-21]

A report on the East Wanneroo Consultancy was considered at a Special Meeting of Council on 10 September 1997 where it was generally resolved to endorse the documentation prepared and initiate an amendment to Town Planning Scheme No 1 accordingly. This documentation has now been submitted to the Western Australian Planning Commission and Minister for Planning for their consideration and seeking support to advertise.

The next phase of the project is likely to take a considerable time and in view of the time already taken to reach this point, it would be in the interest of all parties concerned if the City's officers were to now undertake the conclusion of this project.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 **discharges BSD Consultants of its obligations toward the finalisation of the East Wanneroo Consultancy on the basis that the payments made to date in relation to this consultancy are accepted by both parties as a full and final settlement;**
- 2 **advises BSD Consultants accordingly. CARRIED**

DP222-10/97

**WESTERN AUSTRALIAN PLANNING COMMISSION -
DRAFT STATEMENT OF PLANNING POLICY ON POULTRY
FARMS - A SUBMISSION - [920-13]**

The Western Australian Planning Commission has requested comments on its draft Statement of Planning Policy relating to Poultry Farms, by 14 November 1997. The policy is intended to provide guidance on matters relating to rezoning, subdivision and development applications for land in the vicinity of existing and future poultry farms and to the determination of proposals for new poultry farms and expansion of existing poultry farms.

A copy of the draft policy has been placed in the Councillors' reading room for perusal.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council forwards to the Western Australian Planning Commission its comments on their Draft Statement of Planning Policy on Poultry Farms as outlined in Report DP222-10/97. CARRIED

Appendix V refers

DP223-10/97 APPOINTMENT OF MEMBER - ENVIRONMENTAL ADVISORY COMMITTEE - [702-3]

Following the recent election of Cr Hancock, consideration may now be given to filling the vacancy which exists on the Environmental Advisory Committee, formed by the Development and Planning Services Committee.

At the Development and Planning Services Committee meeting, Cr Ewen-Chappell nominated Cr Hancock. Cr Hancock declined the nomination at this time.

MOVED Cr Zuvela, SECONDED Cr Taylor that the Development and Planning Services Committee does not nominate a member to the Environmental Advisory Committee at this time. CARRIED

DP224-10/97 BREACH OF CONDITION OF DEVELOPMENT APPROVAL - LOT 341(6) O'CONNOR WAY, WANGARA - [30/2427]

Inspection carried out of Lot 341 (6) O'Connor Way, Wangara on 4 June 1997 by the City revealed a breach of the Development Approval (30/2427) for the site.

Almost half of the ten parking bays at the rear of the property have been taken up with open storage involving a sea container refrigeration unit, tin shed and metal/plastic industrial bins.

Repeated requests to the owner of the stored items and strata company to remove the storage has failed to resolve the situation.

It is recommended that the owner of the storage and strata company for Lot 341 be requested to comply with the conditions of the Development Approval and remove the items within fourteen days notification or face legal action.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 advises Butcher Tom Pty Ltd and the strata company that open storage of materials, including refrigeration unit, tin shed, plastic and metal industrial bins stored within the rear carpark area of Lot 341(6) O'Connor Way, Wangara is in breach of the Development Approval 30/2427 dated 17 February 1997 for the property;**
- 2 advises Butcher Tom Pty Ltd and the Strata Company for Lot 341 that the open storage of materials are to be removed from the carparking bays at the rear of the property within fourteen days of notification and on a permanent basis;**

as listed in the Schedule of Modifications forming Attachment 6 to Report DP226-10/97;

- 2 endorses the revised Development Guide Plan (Development Planning Strategies drawing number LOVGN001) received on 1 October 1997 which is to replace the earlier plan and form part of Amendment No 628;
- 3 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 VII refers

DP227-10/97 **CLOSE OF ADVERTISING: AMENDMENT NO 779 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTION OF LOT 100 ST ANDREWS DRIVE, YANCHEP FROM RESIDENTIAL DEVELOPMENT R20 AND PRIVATE RECREATION/CLUBS TO RESIDENTIAL DEVELOPMENT R40 - [790-779]**

Amendment No 779 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 2 September 1997. The amendment seeks to rezone two portions of the subject land from Residential Development R20 and Private Recreation/Clubs to Residential Development R40. Assuming the rezoning gains final approval, it is proposed to develop grouped housing on the land, yielding approximately 132 residential units. A total of six 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 Council resolves to advise the applicant that it is prepared to proceed to final adoption of the amendment subject to the applicant satisfactorily resolving the outstanding matters outlined in Council's resolution in Report TP304-12/96, negotiating the extent of the southern amendment area with the affected objecting landowner and the finalisation of the North West District Omnibus Amendment No 3 to the Metropolitan Region Scheme.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 advises Greg Rowe and Associates acting on behalf of Sun City Country Club Inc. that it is prepared to proceed to final adoption of Amendment No 779 to Town Planning Scheme No 1, subject to the satisfactory resolution of the following matters:
 - (a) the ceding of land on the corner of St Andrews Drive and Yanchep Beach Road required by the City for drainage purposes;
 - (b) the impact of the golf course operation on the safety and amenity of the future occupants of the proposed residential areas;
 - (c) the means of access to proposed Lot 101 and the existing golf course carpark;
 - (d) the retention of existing mature trees within the subject land;

- (e) the proponent negotiating the extent of the southern portion of the proposed Residential Development Zone with the affected objecting landowners at Lot 20 St Andrews Drive, Yanchep, the owners having selected their land because of its location abutting land zoned Private Recreation under the Metropolitan Region Scheme and Private Recreation/Club, under the City of Wanneroo Town Planning Scheme No 1;
- (f) finalisation of North West Districts Omnibus Amendment No 3 to the Metropolitan Region Scheme and modification as appropriate to accord with the finalised version of the MRS Amendment.

2 requires a further report on this subject to determine whether the matters referred to in 1 above have been satisfactorily resolved and to consider formal adoption of Amendment No 779. CARRIED

DP228-10/97 **PROPOSED AMENDMENT NO 809 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTION OF LOT 998 CONNOLLY DRIVE, CURRAMBINE FROM VARIOUS ZONES TO CENTRE ZONE AND RESIDENTIAL DEVELOPMENT R20/R40 - [790-809]**

An application has been submitted by Mitchell Goff and Associates, on behalf of LandCorp, seeking to rezone portion of Lot 998 Connolly Drive, Currambine from Commercial, Tavern, Service Station, Civic and Residential Development R20/R40 to Centre Zone and Residential Development R20/R40. The proposed Centre Zone would enable a more flexible means of locating land uses within the Currambine Local Centre area through the subdivision and development process and an agreed structure plan. In addition, two new grouped housing lots of R40 are proposed in close proximity to the Local Centre, one of which is being relocated from further to the east. It is recommended that Council advises the applicant that it supports the modifications to the Local Structure Plan and prior to initiating the proposed amendment a legal agreement will be required ceding the 5,000 square metre community purpose site to the City, free of cost.

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

- 1 supports the Revised Local Structure Plan for Lot 998 Connolly Drive Currambine subject to :
- (a) the provision of a traffic management study justifying the proposed roundabout to the satisfaction of the Director of Technical Services;
 - (b) modification of the Revised Local Structure Plan to delete vehicle access connections to the existing Eastleigh Loop;
 - (c) the applicant demonstrating that the 10% Public Open Space requirement can be achieved in this landholding to the satisfaction of the Director Development Services;

2 advises the applicant that:

- (a) prior to Council considering Amendment No 809 to Town Planning Scheme No 1, Council requires that the landowners enter into a legal agreement with the City ceding the 5000 square metres community purpose site to the City, free of cost;
- (b) the draft Centre Structure Plan has not yet been formally assessed, and will therefore be subject to further consideration by Council;

3 rescinds resolution number I20525 of Council's ordinary meeting of 25 May 1994 viz:

“That Council:

- 1 rezones Lot 998 Connolly Drive, Currabine to Residential Development R20, Commercial, Service Station, Tavern, Civic and Special Zone (Restricted Use) Fast Food, generally in accordance with the updated Structure Plan (dated October 1993) and particularly in accordance with the Centre Structure Plan (to be submitted as required below) and initiates Amendment No 677 for this purpose;
- 2 recodes the nominated group housing sites to R40;
- 3 includes reference to the Special Zone (Restricted Use) Fast Food in Part 2 of Schedule 2 of the Scheme Text;
- 4 advises the applicant that prior to forwarding the documents for Amendment No 677 to the Hon Minister for Planning for preliminary approval to advertise it requires a Centre Structure Plan which better facilitates the development of a cohesive, integrated and effective community focal point to the satisfaction of the City Planner;
- 5 advises the applicant that in the interest of facilitating the prompt development of the subject land it has resolved to seek the above amendment, but prior to granting final approval to Amendment No 677, it requires that the owners enter into a legal agreement with the City ensuring that the following obligations are met:
 - (a) ceding and 50 percent contribution to the total cost of the construction of full earthworks, one carriageway and a dual use path for Connolly Drive and Moore Drive, abutting the subject land;
 - (b) provision of one pedestrian underpass on Moore Drive (to service the proposed primary school site) the total cost of which is to be met by the owner of Lot 998;

- (c) contribution to half the cost of the proposed pedestrian underpass on Connolly Drive;
- (d) ceding to the City, free of cost, the 5000m² community purpose site.”
- CARRIED BY AN
ABSOLUTE MAJORITY**

DP229-10/97

**PROPOSED AMENDMENT NO 811 TO TOWN PLANNING
SCHEME NO 1 TO RECODE PORTION OF LOT 50 (659)
JOONDALUP DRIVE, JOONDALUP FROM RESIDENTIAL
DEVELOPMENT R5 & R20 TO RESIDENTIAL
DEVELOPMENT R10 - [790-810]**

A request has been submitted by Chappell & Lambert on behalf of Carine Nominees Pty Ltd for the recoding of portion of Lot 50 (659) Joondalup Drive, Joondalup from Residential Development R5 and R20 to Residential Development R10. The availability of reticulated sewer in the vicinity of the subject land now makes it feasible for the applicant to service and hence to subdivide the land into smaller lots. The site is fairly constrained by its steep topography and contains significant vegetation worthy of retention. The applicant's draft subdivision plan and proposed clearing controls address the majority of Council's concerns and as such, it is recommended that Council resolves to initiate the proposed amendment.

REPORT RECOMMENDATION: THAT Council:

- 1 in accordance with Section 7 of the Town Planning and Development Act 1928, initiates Amendment No 810 to Town Planning Scheme No 1 to recode portion of Lot 50 (659) Joondalup Drive, Joondalup from Residential Development R5 and R20 to Residential Development R10;
- 2 refers the amendment to the Education Department of WA for comments during the formal advertising period;
- 3 advises the applicant that this amendment supersedes the previous proposal for the subject land received by Council on 5 December 1995 (file reference 790-755).

ADDITIONAL INFORMATION

At the October Development and Planning Services Committee a question was asked as to how many buildings could be placed on each of the proposed lots within this subdivision.

Council will recall the report outlines that the land is currently coded partly R5 and partly R20 and it is the applicant's request to recode the land as per the attached plan to R10 to enable the land to be fragmented into lots of approximately 1,000 m². - Appendix XXIII refers

Having perused the subdivisional design, none of the original lots proposed were capable of accommodating a second dwelling on the lot.

Equally, the new design submitted for the 1,000m² would also only accommodate the construction of a single dwelling.

Therefore, if Council supports the request for recoding to R10, as recommended in the report, some 32 lots would be created each being capable of accommodating one dwelling.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council does not initiate Amendment No 810 to Town Planning Scheme No 1 to recode portion of Lot 50 (659) Joondalup Drive, Joondalup from Residential Development R5 and R20 to Residential Development R10. CARRIED

Appendix XXIII refers

DP230-10/97

PROPOSED AMENDMENT NO 814 TO TOWN PLANNING SCHEME NO 1 TO REQUIRE PLANNING APPROVAL FOR SINGLE HOUSES NOT COMPLYING WITH THE R CODES - [790-814]

It is recommended that Council resolves to initiate Amendment No 814 to Town Planning Scheme No 1 to require planning approval for single houses not complying with the R Codes.

ADDITIONAL INFORMATION

Council should be advised that the proposed amendment to require planning approval for single houses not complying with the R Codes should be expanded to include the same requirement for those applications not complying with structure plans prepared and adopted in accordance with Part 10 of Town Planning scheme No 1 and planning policies adopted in accordance with Clause 5.11 of Town Planning Scheme No 1. This modification is necessary to properly address the action requirements arising out of the Department of Local Government Inquiry into the Manakoora Rise residence, and is considered to be particularly important in light of the review of Council Policy G3-17 Height of Buildings in Residential Neighbourhoods.

The comments made in Report DP230-10/97 regarding variations to the R Codes similarly apply to structure plans and planning policies that include specific requirements relating to single houses.

It is recommended that Council adopts the revised recommendation and revised amending text which is appended - Appendix VIII refers.

REPORT RECOMMENDATION: THAT Council, in accordance with Section 7 of the Town Planning and Development Act, initiates Amendment No 814 to Town Planning Scheme No 1 to require planning approval for single houses not complying with the R Codes, and, in view of the minor and urgent nature of the amendment, seeks a reduced advertising period.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council, in pursuance of Section 7 of the Town Planning and Development Act, amends Town Planning Scheme No 1 to require planning approval for single houses requiring the exercise of discretion under the Residential Planning Codes and for single houses where required by the provisions of a Structure Plan prepared and adopted under Part 10 of the Scheme or a Policy prepared and adopted under Clause 5.11 of the Scheme, and adopts Amendment No 814 accordingly.

CARRIED

Appendix VIII refers.

**DP231-10/97 PROPOSED MODIFICATION TO BUILDING ENVELOPE,
LOT 515 THE FAIRWAYS, GNANGARA - [740-99994]**

Council has received an application from River Stone Pty Ltd on behalf of Mr and Mrs Ray to modify the approved location of a building envelope for Lot 515 The Fairways, Gngangara (Special Rural Zone number 27). The proposed envelope location is considered adequate to meet the objectives of this zone and therefore should be endorsed by Council.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council approves the proposed relocation of the Building Envelope for Lot 515 The Fairways, Gngangara as depicted in plan revised by the City of Wanneroo on the 2 September 1997, originally prepared by WD Consultants and submitted by River Stone Pty Ltd on behalf of Mr and Mrs Ray.

CARRIED

**DP232-10/97 PROPOSED MODIFICATION TO BUILDING ENVELOPE -
LOT 510 GOLFVIEW PLACE, GNANGARA - [740-99994]**

Council has received an application to modify the approved location of a building envelope for Lot 510 Golfview Place, Gngangara (Special Rural zone number 27). The proposed envelope location is considered adequate to meet the objectives of this zone and therefore should be endorsed by Council.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council approves the proposed relocation of the Building Envelope for Lot 510 Golfview Place, Gngangara as depicted in the plan revised by the City of Wanneroo on the 24 September 1997, originally prepared by WD Consultants and submitted by Des Stephens.

CARRIED

**DP233-10/97 LOT 53 BURNS BEACH ROAD, JOONDALUP - CASH IN
LIEU OF SUBDIVISIONAL PUBLIC OPEN SPACE - [740-
97333]**

The subdivision of Lot 53 Burns Beach Road, Joondalup was approved, subject to the applicant setting aside an area of land for public open space or, a payment being made to the City in lieu of ceding the applicant's ten percent public open space (POS) requirement. A valuation of \$29,400 has recently been received for that payment and it is recommended that Council accepts that valuation and seeks Ministerial approval to expend the cash-in-lieu on upgrading three parks in the immediate area.

MOVED Cr Zuvela, SECONDED Cr Taylor that:

- 1 the valuation of \$29,400 carried out by the Valuer General's Office in accordance with the principles established under Section 20 (c) of the Town Planning and Development Act, be received;
- 2 Council requests an amount of \$29,400 from the subdivider of Lot 53 Burns Beach Road, Joondalup being the contribution for cash-in-lieu for Public Open Space;
- 3 Council requests that the Minister for Planning endorses the proposal to expend the cash-in-lieu of public open space funds received from the subdivision of Lot 53 Burns Beach Road, Joondalup on:
 - (a) provision of play equipment at Windermere Park (\$16,000);
 - (b) provision of bollards around Candlewood Park (\$5,400);
 - (c) provision of additional play equipment at Manapouri Park (\$8,000).

CARRIED

DP234-10/97

**COUNCIL REQUEST FOR UPDATE REGARDING
REPLANTING PROGRAMME, LOT 249 (65) LORIAN ROAD,
GNANGARA - [214/249/65, 30/4450]**

At its meeting held on 28 August 1996, as part of its resolution regarding a replanting programme to be carried out on Special Rural Lot 249 (65) Lorian Road, Gnangara, Council requested further reports on the progress in March 1997 and September 1997 (TP194-08/96).

Another part of Council's resolution was that a substantial replanting programme was to be implemented on Lot 249 within six months of notification (ie by 14 April 1997).

Inspections carried out of Lot 249 on 1 May 1997 and 22 September 1997 by the City's Parks Landscaping Services revealed that a replanting programme had commenced and was being adequately maintained.

The vegetation replaced on the property, however, is not mature species and it will take several years before the property is again covered with any type of trees or reasonable vegetation. It is recommended that further inspections of the property be carried out once every six months for a period of 24 months, when a further report will be submitted to Council.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council advises the owners of Lot 249 (65) Lorian Road, Gnangara that due to the slow progress of the growing of the vegetation on the property the City intends to carry out inspections of Lot 249 over the next twenty-four months after which a further report is to be submitted to Council concerning the replanting programme.

CARRIED

DP235-10/97

**UNAUTHORISED CLEARANCE OF TREES/VEGETATION
FROM LOT 173 (100) RUSTIC GARDENS, NEERABUP -
[1800/173/100]**

Lot 173 (100) Rustic Gardens, Neerabup, being a property situated within Special Rural Zone No 1, has been extensively cleared of trees and natural bush vegetation, contrary to the provisions of the City of Wanneroo Town Planning Scheme No 1. There is sufficient evidence to initiate legal action against the owners of the property for removal of the trees/vegetation, however it is recommended that they be requested to replace the trees/vegetation within a six month period.

REPORT RECOMMENDATION: THAT Council:

- 1 advises the owners/occupiers of Lot 173 (100) Rustic Gardens, Neerabup that by stripping the land of vegetation and trees they have breached provisions of the City's Town Planning Scheme No 1 and are subject to legal action by Council;
- 2 requests the owners/occupiers of Lot 173 to provide a professionally prepared horticultural plan detailing a replanting programme and indicating mature plant/tree location and species to the satisfaction of Council's Parks Landscaping Services within 30 days of notification;
- 3 advises the owners of Lot 173 that unless a substantial replanting programme has been implemented within six months of notification by the City and to the satisfaction of Council's Parks Landscaping Services, legal action will be initiated;
- 4 authorises the Chief Executive Officer to initiate legal action should requests in 2 and 3 above not be satisfied.
- 5 approves the inclusion of warnings and advice on removal of vegetation/trees from special rural areas, in appropriate City and other publications.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 **advises the owners/occupiers of Lot 173 (100) Rustic Gardens, Neerabup that by stripping the land of vegetation and trees they have breached provisions of the City's Town Planning Scheme No 1 and are subject to legal action by Council;**
- 2 **requests the owners/occupiers of Lot 173 to provide a professionally prepared horticultural plan detailing a replanting programme and indicating mature plant/tree location and species to the satisfaction of Council's Parks Landscaping Services within 30 days of notification;**
- 3 **advises the owners of Lot 173 that unless a substantial replanting programme has been implemented within six months of notification by the City and to the satisfaction of Council's Parks Landscaping Services, legal action will be initiated;**

- 4 authorises the Chief Executive Officer to initiate legal action should requests in 2 and 3 above not be satisfied;
- 5 approves the inclusion of warnings and advice on removal of vegetation/trees from special rural areas, in appropriate City and other publications;
- 6 carries out regular inspections over a 12 month period. **CARRIED**

DP236-10/97

**UNAUTHORISED ACCESSWAY AND UNAUTHORISED
CROSSOVER FROM PEDESTRIAN ACCESSWAY : LOT 793
(46) MEADOWBANK GARDENS, HILLARYS - [2796/793/46]**

On 4 August 1997 the City received a complaint concerning the unauthorised construction of an accessway and crossover from a pedestrian accessway (PAW) on the south-western corner of Lot 793 (46) Meadowbank Gardens, Hillarys.

Inspection of the property by the City validated the complaint and request to the owners of Lot 793 to remove the unauthorised crossover and seal the accessway failed to resolve the situation.

On 23 September 1997 the City received written information from the owners of Lot 793 stating that they would like to withdraw an application to access the PAW on the property by vehicle, however, required access for a lawnmower and 6 foot x 4 foot trailer.

The owners of the property removed the unauthorised crossover from the PAW, however, wish to modify the PAW opening to allow for access of trailer/lawnmower.

Legal advice received from Council's solicitors concerning the matter, allows for the City to prosecute for the unauthorised crossover, however, there is no legal restraint regarding fencing or access across the PAW other than possibly no motor vehicles.

It is recommended that the owners of Lot 793 be requested to narrow the access in the PAW to a single pedestrian gate only.

REPORT RECOMMENDATION: THAT Council:

- 1 advises the owners of Lot 793 (46) Meadowbank Gardens, Hillarys that the construction of an unauthorised crossover accessing the pedestrian accessway on the north-western side of their property is in breach of the Local Government Regulations 1996 and that they are subject to legal action;
- 2 advises the owners of Lot 793 that the unauthorised crossover accessing the pedestrian accessway is to be removed within 28 days notification by the City and on a permanent basis;
- 3 advises the owners of Lot 793 that access to the pedestrian accessway is to be permanently sealed within 28 days notification;
- 4 advise the owners of Lot 793 that any consideration to access the pedestrian accessway by Council would be for a single pedestrian gate only;

- 5 authorises the Chief Executive Officer to initiate legal action against the owners of Lot 793 (46) Meadowbank Gardens, Hillarys in the direction contained in 2 and 3 above.

MOVED Cr Zuvela, SECONDED Cr Taylor that consideration of the unauthorised accessway and unauthorised crossover from pedestrian accessway: Lot 793 (46) Meadowbank Gardens, Hillarys be deferred for one month. CARRIED

DP237-10/97 DISPOSAL OF A PORTION OF LOT 3 TRAPPERS DRIVE, WOODVALE - WOODVALE COMMUNITY PURPOSE SITE - [890-11, 30/3676]

The City has been approached by Foodland Australia Ltd (FAL) about a proposed northward expansion of the supermarket at the Woodvale Shopping Centre at the corner of Whitfords Avenue and Trappers Drive Woodvale. To accommodate this expansion, FAL is seeking to acquire a portion of the City's 1.5 hectare community purpose site located at Lot 3 Trappers Drive, Woodvale.

This community purpose site is held by the City in fee simple and was transferred to it by the former developers of this part of Woodvale ie Australian Housing and Land (formerly Portland Developments P/L). The area proposed to be acquired by FAL is not required by the City for future development and the proposed sale will assist in funding current and future development proposals for community facilities on the site.

It is recommended that Council agrees to the disposal of the subject portion of Lot 3 to FAL at the fair market value of the land.

REPORT RECOMMENDATION: THAT Council:

- 1 writes to Foodland Australia Ltd seeking confirmation of its requirements for an area of land (approximately 4000m²) located in the south western corner of Lot 3 Trappers Drive, Woodvale;
- 2 writes to the Western Australian Planning Commission advising it of this proposal and seeking its comments;
- 3 subject to affirmative responses being received in regard to points 1 and 2 above, offers to dispose of approximately 4000m² located in the south western corner of Lot 3 Trappers Drive, Woodvale to Foodland Australia Ltd at the fair market valuation of the land in accordance with Section 3.58 of the Local Government Act 1995.

COMMITTEE RECOMMENDATION: THAT

- 1 Council:
 - (a) writes to Foodland Australia Ltd seeking confirmation of its requirements for an area of land (approximately 4000m²) located in the south western corner of Lot 3 Trappers Drive, Woodvale;

- (b) writes to the Western Australian Planning Commission advising it of this proposal and seeking its comments;
- (c) subject to affirmative responses being received in regard to points 1 and 2 above, offers to dispose of approximately 4000m² located in the south western corner of Lot 3 Trappers Drive, Woodvale to Foodland Australia Ltd at the fair market valuation of the land in accordance with Section 3.58 of the Local Government Act 1995;
- 2 all costs for work undertaken and rezoning necessary to effect access to this land be borne by Foodland Australia Limited.

Discussion ensued.

Cr O'Grady entered the Chamber at 2211 hrs.

MOVED Cr Bombak, SECONDED Cr Hancock that Council:

- 1 **takes no further action in respect of disposal of a portion of Lot 3 Trappers Drive, Woodvale - Woodvale Community purpose site and that Council;**
- 2 **reaffirms to Foodland Australia Ltd that the subject land is not offered for sale. CARRIED**

Cr Bombak requested that voting be recorded, with the following result:

FOR: Crs Cooper, Healy, O'Grady, Hollywood, Tippett, Popham, Magyar, Zuvela, Major, Lynn, Hancock and Bombak

AGAINST: Crs Ewen-Chappell, Wight and Taylor

DP238-10/97 APPEAL ADVICE - NORTH WHITFORDS ESTATES, STAGE 5 SUBDIVISION, CELL 5, LANDSDALE - [740-93627, 780-21]

Advice has been received from the City's solicitors, McLeod & Co, in relation to the former Minister for Planning's appeal determination on behalf of North Whitfords Estates Stage 5 subdivision in Landsdale. Despite the former Minister's intention that the amount of infrastructure contribution set in his appeal decision (ie \$2,750 per lot) applies to all stages of subdivision in Cell 5, the legal advice received unequivocally confirms the City's views that this determination cannot apply beyond the Stage 5 subdivision.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 **notes the advice provided by McLeod & Co in relation to the appeal determination with respect to the Stage 5 subdivision in Landsdale - Cell 5;**
- 2 **submits this advice to the Minister for Planning for his consideration and action. CARRIED**

DP239-10/97

PROPOSED SUBDIVISION - PT LOT 503 (253) EDGEWATER DRIVE, EDGEWATER - [740-104398]

This application proposes the subdivision of Pt Lot 503 (253) Edgewater Drive, Edgewater into 29 single residential lots.

Council at its September 1997 meeting resolved to advise the applicant that it was not prepared to support the application however would be willing to support a revised application which took account of specific changes that Council was seeking.

The applicant has now advised that his client is not prepared to submit a revised application as proposed. It is therefore recommended that Council conveys its advice with regard to this application, directly to the Western Australian Planning Commission.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council amends its decision of 24 September 1997 (DP202-09/97) as follows:

“That Council advises the Western Australian Planning Commission that it does not support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, as it does not provide a suitable road interface to the adjoining Parks and Recreation Reserve. However, it would be willing to support a revised plan which incorporates the following:

- 1 a 10 metre wide road reserve where the application area abuts the Parks and Recreation Reserve (not linking through to Lakeside Drive);**
- 2 lots orientated toward the Parks and Recreation Reserve, with access from the rear (ie from within the subdivision);**
- 3 a minimum lot size of 450m² being maintained.”**

CARRIED

Cr Magyar left the Chamber at 2215 hrs.

DP240-10/97

PROPOSED PHYSIOTHERAPY CONSULTING ROOMS: LOT 535 (20) BURRAGAH WAY, DUNCRAIG - [30/5640]

An application submitted by G Duffy for physiotherapy consulting rooms on Lot 535 (20) Burragah Way, Duncraig was refused by Council on 23 July 1997. This application largely complied with the intent and provisions of the City's Consulting Rooms Policy and was recommended for approval. The applicant lodged an appeal to the Town Planning Appeal Tribunal against Council's refusal and has also lodged a new application for the same proposal. The appeal mediation has been held and the issues were not resolved. It is recommended that Council approves the new application and withdraws from the appeal.

REPORT RECOMMENDATION: THAT Council:

- 1 approves the application submitted by G Duffy for consulting rooms on lot 535 (20) Burragah Way, Duncraig subject to:**

- (a) arrangements being made to the satisfaction of the City to ensure that patients, staff or visitors to the premises do not park on street verges;
- (b) adjacent street verges being reticulated and lawns maintained thereon to the satisfaction of the City;
- (c) applications for signs being in accordance with Council's Consulting Rooms Policy;
- (d) the provision of a safety barrier to the reversing area at the rear of the property to the satisfaction of the City;
- (e) a maximum number of one practitioner operating at the premises at any one time;
- (f) the practitioner to hold a certificate of qualification as a physiotherapist;
- (g) the practitioner to provide physiotherapy services for treatment of physical disability or otherwise incidental to or in association with medical treatment;
- (h) other standard and appropriate conditions deemed necessary by the Director, Development Services;

2 exercises discretion under Clause 5.9 of Town Planning Scheme No 1 to reduce:

- (a) the minimum lot size requirement from 800m² to 703m² ;
- (b) the minimum rear setback from 7.5 metres to 5.2 metres;

3 withdraws from the Town Planning Appeal Tribunal appeal by Corrs Chambers Westgarth Lawyers on behalf of G Duffy against its refusal of the previous application for a physiotherapy consulting rooms on the subject Lot 535.

ADDITIONAL INFORMATION

The Director, Development Services referred to Item DP240-10/97 which was considered by the Development and Planning Services Committee on 13 October 1997, and the current Town Planning Appeal Tribunal appeal against its refusal of the previous application for physiotherapy consulting rooms on the subject lot.

The City's Solicitors, have given advise relevant to the Council's conduct of opposition to Gabriella Duffy's appeal. Although details of the advice have been given to Councillors orally, it is not appropriate for that advice, or the views of the Tribunal, to be included in the public record of the City while there is a prospect of the present appeal going ahead. If the Council should resolve to approve the re-application, there would be no serious impediment to inclusion of the relevant parts of the solicitors advice in the public record.

It is therefore recommended that the Recommendation contained in Item No DP240-10/97 be adopted.

Discussion ensued.

Cr Magyar entered the Chamber at 2219 hrs.

MOVED Cr Bombak, SECONDED Cr Lynn that the application submitted by G Duffy for consulting rooms on Lot 535 (20) Burragah Way, Duncraig be refused on the following grounds:

- 1 the application does not comply with Scheme requirements in terms of lot size and rear setbacks;
 - 2 the development will adversely affect the amenity of the surrounding properties;
 - 3 will have an undesirable impact on the functioning of the adjacent roundabout.
- CARRIED**

DP241-10/97

PROPOSED TWENTY FIVE TWO STOREY HOUSES (FOUR OF WHICH ARE GROUPED DWELLINGS) ON SMALL LOTS: LOT 974 (6) ASWAN VIEW, JOONDALUP - [30/5558]

An application has been received from Mitchell Goff and Associates on behalf of Macadam Nominees Pty Ltd for twenty five two storey houses on small lots. Four of the houses are grouped dwellings. The application includes a proposed reduction in the front setback from an average of 6 metres with a minimum of 3 metres to a minimum of 1.5 metres in some cases.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 exercises discretion under Clause 2.5.3 of the Residential Planning Codes and reduces the minimum front setback requirement from 6 metres average and 3 metres minimum to 1.5 metres minimum;
- 2 approves the application submitted by Mitchell Goff & Associates on behalf of Macadam Nominees Pty Ltd for the proposed 21 single houses and 4 grouped dwellings on Lot 974 (6) Aswan View, Joondalup subject to:
 - (a) the crossovers and driveways being constructed of consistent materials and design throughout the development;
 - (b) the provision of a schedule of materials and colours to be used in the buildings to the satisfaction of the City prior to the submission of the first building licence application;
 - (c) the buildings being designed and developed in accordance with the approved plan and the approved schedule of materials and colours;

- (d) the subdivider making arrangement satisfactory to the City to ensure prospective purchasers of the Lots created will be advised that each lot has an approved house plan which must be adhered to or that any further proposal must comply with the materials, colours and intent of the original approval;
- (e) the lodging of detailed landscape plans, to the satisfaction of the City for the development site and the adjoining road verges with the building licence application;
- (f) the landscaping to be established in accordance with the approved plans and thereafter maintained to the satisfaction of the City;
- (g) the approval being valid for a period of five years;
- (h) standard and appropriate conditions of development as determined by the Director, Development services. **CARRIED**

DP242-10/97 2.5M HIGH RETAINING WALL ON LOT 214 (17) LISFORD AVENUE, TWO ROCKS - [572/214/17]

A building licence application has been received from I & S Contractors for the construction of a 2500 high limestone retaining wall on the left hand boundary and four 1500 high terraced limestone retaining walls in the front portion of Lot 214 (17) Lisford Avenue, Two Rocks. Where the retaining walls exceed 2.0m in height the application is to be referred to Council for consideration.

Cr Wight left the Chamber at 2230 hrs.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council authorises the Co-ordinator Building Approvals to issue a building licence for the proposed retaining walls at 2500 high on the left-hand boundary adjacent to Lot 213 Lisford Avenue and the four 1500 high terraced retaining walls at Lot 214 (17) Lisford Avenue, Two Rocks. CARRIED

DP243-10/97 TWO STOREY HOUSE, LOT 26 (38) BAYPORT CIRCUIT, MINDARIE - [740-89020]

A building licence application has been received for a two storey house on Lot 26 (38) Bayport Circuit, Mindarie. The proposal does not comply with the intended design guidelines for the small lot subdivision of which this lot forms a part. The application is recommended for refusal.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

1 refuses the application for a building licence for a two storey house on Lot 26 (38) Bayport Circuit, Mindarie for the following reasons:

- (a) the two storey construction will adversely affect the amenity of the properties within and adjacent to the subject small lot subdivision area;

- (b) the proposed roof pitch and materials of construction do not comply with the development guidelines;
- (c) the proposal is contrary to the orderly and proper planning of the area;
- (d) the proposal is contrary to the intent and expectation of the development within the subject small lot subdivision area;

2 investigates the preparation of a policy to guide the future development of the small lot subdivision area generally bordered by Anchorage Drive, Honiara Way and Bayport Circuit, Mindarie. CARRIED

DP244-10/97 MINISTERIAL APPEAL DETERMINATION: PROPOSED GUEST HOUSE, LOT 120 (24) DORCHESTER AVENUE, WARWICK - [30/5567]

An application by Mr Burton-Wigley for a guest house to accommodate a maximum of 8 guests at any time on Lot 120 (24) Dorchester Avenue, Warwick was refused by Council at its meeting on 28 May 1997. The applicant lodged an appeal with the Hon Minister for Planning. The appeal was upheld by the Hon Minister on 18 September 1997.

MOVED Cr Zuvela, SECONDED Cr Taylor that the information in relation to the appeal determination regarding the proposed guest house, Lot 120 (24) Dorchester Avenue, Warwick be noted. CARRIED

DP245-10/97 LEGAL ACTION AGAINST NON-COMPLIANCE WITH DEVELOPMENT APPROVAL FOR A SHOWROOM/WAREHOUSE DEVELOPMENT - LOT 105 (631) WANNEROO ROAD, WANNEROO - [30/671]

Legal action has been initiated against D Crouch and S and S Salfinger for non-compliance with the development approval for a showroom/warehouse development on Lot 105 (631) Wanneroo Road. The City and landowners have accepted reasonable terms to be satisfied so that legal action can be averted. It is recommended that Council defer legal action subject to these requirements and withdraw legal action upon completion of these requirements.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

- 1 defers legal action against D Crouch and B and S Salfinger for the failure to comply with Conditions 8, 14, 15 and 16 of the development approval dated 17 July 1995 for a four showroom/warehouse development on Lot 105 (631) Wanneroo Road, Wanneroo, on the basis of the landowners' agreement to the following:

- (a) the temporary access/crossover onto Wanneroo Road can continue to operate until the vehicle access on the property links with the first available permanent access arrangement as approved by the City between the subject and adjacent properties or when the City determines that this crossover is to be closed;
- (b) the preparation of a legal agreement between the landowners and the City, supported by Absolute Caveat on the relevant Certificate of Title that addresses the following matters:
 - (i) should the City consider the existing temporary crossover has become structurally inadequate for its purpose or unsafe due to activities associated with the subject Lot 105, the owners are to reconstruct the crossover to the specification and satisfaction of the City within 30 days of notification from the City;
 - (ii) the temporary crossover being removed, the road verge reinstated and kerbed, the portion of the connecting accessway within 3.0m of the Wanneroo Road boundary being removed, landscaped and kerbed, and the works undertaken to provide reasonable vehicle access to adjacent lots as part of a permanent access arrangement. These works being undertaken to the satisfaction of the City when the vehicle access on the subject property links with the first available permanent access arrangement as approved by the City between the subject and adjacent properties or when the City determines that this crossover is to be closed;
 - (iii) no direct access to Wanneroo Road other than the temporary crossover being permitted and that Condition 15 of the development approval dated 17 July 1995 relating to the provision of a 0.1m wide pedestrian accessway along Wanneroo Road being satisfied within three months of the date of the registered legal agreement.
- (c) landscaping is to be completed in accordance with Condition 8 of the development approval dated 17 July 1995 for the landscaping areas shown on the approved site plan dated 17 July 1995;
- (d) the legal agreement providing reciprocal vehicular access is to be registered in accordance with Condition 16 of the development approval dated 17 July 1995. (The City's preferred form of legal document here is an Easement in Gross in favour of the City);
- (e) all costs associated with the above works and legal documentation together with all legal costs associated with the legal action are to be met by the applicant and/or landowner;

- (f) the landscaping detailed in Point (c) above is to be completed within 14 days of when the development or any part thereof is first occupied. Whilst all the remaining above works and legal documentation are to be completed prior to the next hearing date of the legal action;

- 2 withdraws the legal action upon completion of 1(a) to 1(f) above, to the satisfaction of the City. **CARRIED**

DP246-10/97 **PROPOSED THREE STOREY DWELLING: LOT 600 (72)**
ASHMORE WAY, SORRENTO - [2583/600/72]

Following deferral of this matter by Council in September 1997 (DP214-07/97 refers), a meeting between the applicants and the adjoining owners was held to look for solutions to their concerns. Whilst the applicants have offered some changes generally, the adjoining owners do not find the proposed house acceptable.

REPORT RECOMMENDATION: THAT Council having considered the submissions and further report on the proposal approves the three-storey dwelling on Lot 600 (72) Ashmore Way, Sorrento and authorises the issue of a building licence, subject to the design being amended to:

- 1 reduce the height of the building by approximately 620mm by reducing the floor level on the ground floor by 100mm and the ceiling heights by 6^o total;
- 2 shift the building back by one metre;
- 3 place nibs on the balcony;
- 4 reduce the void by one metre;
- 5 add corbelling features to the side elevations.

ADDITIONAL INFORMATION

The above report was considered by the Development and Planning Services Committee on 13 October 1997 (Item DP246-10/97 refers).

The recommendation contained in this report adopted by the Committee contains a typographical error in point 1.

Point one of the recommendation reads:

“and the ceiling heights by 6^o total;”

but should read:

“.....”and the ceiling heights by 6 courses total;”

Attachment No 2 to the report sets out the details of the agreed reduction of various ceiling heights.

The corrected recommendation should read:

RECOMMENDATION

THAT Council having considered the submissions and further report on the proposal approves the three-storey dwelling on Lot 600 (72) Ashmore Way, Sorrento and authorises the issue of a building licence, subject to the design being amended to:

- 1 reduce the height of the building by approximately 620mm by reducing the floor level on the ground floor by 100mm and the ceiling heights by 6 courses total;
- 2 shift the building back by one metre;
- 3 place nibs on the balcony;
- 4 reduce the void by one metre;
- 5 add corbelling features to the side elevations.

Cr Wight entered the Chamber at 2236 hrs.

Cr Taylor left the Chamber at 2238 hrs.

Discussion ensued.

Cr Taylor entered the Chamber at 2243 hrs.

MOVED Cr Bombak, SECONDED Cr Hancock that Council refuses the application for the proposed three storey dwelling at Lot 600 (72) Ashmore Way, Sorrento on the following grounds:

- 1 **the height of the proposed dwelling is in excess of Council's height policy which currently stands at six (6) metres;**
- 2 **the proposal would adversely affect the amenity of the surrounding area;**
- 3 **seven (7) objections were received objecting to this type of building.CARRIED**

DP247-10/97

**REVIEW OF DELEGATION OF DEVELOPMENT
APPLICATION AND SUBDIVISIONAL CONTROL POWERS -
[201-1-1, 960-1]**

The Council's resolution delegating authority to the City Planner and the Chief Executive Officer to approve development applications and subdivisional matters requires review due to recent legal advice and the present administration framework of the City.

MOVED Cr Zuvela, SECONDED Cr Taylor that:

- 1 Council pursuant to the powers contained in the Western Australian Planning Commission instrument of delegation under the State Planning Commission Act 1985, published in the Government Gazette of 2 December 1992 as amended, and pursuant to the powers contained in s.3.34 of the City of Wanneroo Town Planning Scheme No 1, (TPS 1) delegates its authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, and composite applications) or for approval to exercise the discretion contained in TPS 1 (including the Residential Planning Codes) to:**
- (a) each of the planners who is a member from time to time of the Approvals Business Unit of the City (being the officers appointed to supervise the development control functions of the Council), but only where the decision would involve:**
 - (i) an approval in accordance with Council Policy and/or TSP1 requirements, except in the case where that application has been advertised and objection has been received;**
 - (ii) the exercising of discretion permitted under the Residential Planning Codes for setbacks by up to 10% where it is considered that the reduced setback will not detrimentally affect the development, adjoining properties of the streetscape;**
 - (iii) the exercising of discretion under the provisions of Town Planning Scheme No 1 to reduce building setbacks, carparking, and/or landscaping by up to 10% where it is considered the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape;**
 - (iv) the exercising of discretion to determine whether or not advertising/neighbour consultation is required;**
 - (b) the Chairman of the Town Planning Committee, in conjunction with the Director Development Services (or the Manager of Approval Services in the absence of the Director Development Services), for the remaining applications with the exception of the following categories which the delegates shall refer to the Council for determination;**
 - (i) where the application would involve the modification of a structure plan, an amendment to TSP1 or the relocation of a building envelope;**
 - (ii) where objection has been received regarding the application;**
 - (iii) where the application has planning merit but is inconsistent with Council policy; or**

(iv) where the application involves a use not listed.

2 for the purpose of s.24 of the Town Planning and Development Act 1928, specifies the functions of the Council under s.24 of that Act as functions to be performed by the Chief Executive Officer, and further recognises:

(a) the Chief Executive Officer may wish to delegate to any of the planners who is a member from time to time of the Business Unit which has responsibility for dealing with subdivision issues the authority to deal with subdivision applications in the following categories:

(i) subdivision applications received which are generally consistent with an approved or agreed Structure Plan (including Outline Development Plan and Development Guide Plan);

(ii) subdivision applications previously supported or not supported by Council and subsequently determined by the Western Australian Planning Commission (WAPC) consistent with the Council's recommendation;

(iii) applications for extension of subdivision approval issued by the Western Australian Planning Commission which were previously supported by Council;

(iv) applications for subdivision or amalgamation which result from conditions of development approval given by or on behalf of Council;

(v) applications for subdivision or amalgamation of lots which would allow the development of the land for uses permitted in the zone within which that land is situated including applications involving the excision of land for road widening, sump sites, school sites, etc;

(vi) applications for subdivision or amalgamation of lots solely involving excision of land for public purposes including, but without limiting the foregoing, road widenings, sump sites, school sites and community purpose sites.

for the purpose of the above powers of delegation, vacant lot strata and survey strata applications shall be regarded as subdivision.

(b) the Chief Executive Officer should refer to the Council any subdivision application where the decision to support or not support the application would be inconsistent with Council Policy;

- 3 where decisions have been made by a delegate pursuant to any of the preceding delegations or a decision made by the Chief Executive Officer consequent upon the specification of functions related to subdivision, requires a schedule of decisions to be provided at a subsequent meeting of Council, setting out in each case brief details of the land and the determination made, with a short summary explanation;
- 4 the Development and Planning Services Committee amends the membership of the Delegation of Authority Working Group to delete Mr O G Drescher, City Planner and Mr D Butcher, Co-ordinator of Urban Projects and to include the Director of Development Services and/or the relevant Business Unit Manager.

**CARRIED BY AN
ABSOLUTE MAJORITY**

DP248-10/97 JOONDALUP NIGHT MARKETS - [730-8-1]

Council's approval and support is requested by LandCorp for the establishment of night markets in the Joondalup City Centre as a catalyst to its development. Unbudgeted expenditure of half the cost of preparation of a Market Management Concept Document is recommended to provide detail for further consideration.

MOVED Cr Hollywood, SECONDED Cr Taylor that Council:

- 1 in accordance with Section 6.8 (1) of the Local Government Act 1995 authorises the expenditure of \$7,500.00 as a 50% contribution to the preparation of a Market Management Concept Document;
- 2 advises LandCorp that it agrees with the principle of the establishment of a night market in the Joondalup City Centre and will share the cost of the preparation of a Market Management Concept Document for further consideration but cannot give a commitment to proceed with the project at this stage;
- 3 defers consideration of other issues relating to the establishment and operation of night markets pending receipt of a detailed Market Management Concept Document.

**CARRIED BY AN
ABSOLUTE MAJORITY**

**DP249-10/97 CONSTRUCTION OF SIGNS - BREEN PLACE AND RENO
STREET, PADBURY - [510-723, 510-741]**

At the Development and Planning Services Committee meeting, Cr Hancock tabled a letter from Mr Fairbanks in relation to damage occurring to his property in Newcombe Way, Padbury.

Mr Fairbanks refers to a grassed public open space area at the rear of his property where teenagers congregate using the area as a playing field. As a result of these activities properties in close proximity to the public open space constantly experience damage to their homes.

It is requested that signs displaying appropriate warnings be constructed at the end of Breen Place and Renou Street where these meet the grassed public open space area as a deterrent to those congregating in this vicinity.

MOVED Cr Zuvela, SECONDED Cr Taylor that a report be submitted to Technical Services Committee with regard to displaying appropriate warning signs at the end of Breen Place and Renou Street, Padbury. CARRIED

DP250-10/97 TRAFFIC CALMING MEASURES - TWO ROCKS ROAD AND BRAZIER ROAD, YANCHEP LAGOON - [510-442, 510-444]

At the Development and Planning Services Committee meeting, Cr Healy requested Council implements traffic calming measures at the ungazetted section of road in the Yanchep Lagoon area around Two Rocks Road and Brazier Road with the view to improving safety.

MOVED Cr Zuvela, SECONDED Cr Taylor that a report be submitted to Technical Services Committee in relation to implementing traffic calming measures at the ungazetted section of road in the Yanchep Lagoon area around Two Rocks Road and Brazier Road. CARRIED

DP251-10/97 VARIOUS APPLICATIONS SEEKING RETROSPECTIVE DEVELOPMENT APPROVAL - [30/5663 (6389, 30/5564 (6048), 30/5637 (6278), 30/241 (6311), 30/5172 (6248)]

The City has received five applications seeking approval for existing development works. The City's Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act require that all development is to be approved/licensed prior to the commencement of development works and do not contain any provision for retrospective approval. It is therefore recommended that Council refuses the five applications and requests all unauthorised development works to be removed. In the event that the unauthorised works are not removed, legal action is recommended.

MOVED Cr Zuvela, SECONDED Cr Taylor that Council:

1 refuses the applications submitted by:

- (a) Stoneridge Nominees Pty Ltd for a workshop and offices, Lot 26 (26) Rangeview Road, Landsdale;
- (b) Don Fini for a temporary sales office, Lot 962 (1995) Marmion Avenue, Mindarie;
- (c) Greg Rowe and Associates for a metal kiln and associated structures, Lot 26 (329) Karoborup Road, Carabooda;

as the City's Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act do not provide for the approval or licensing of existing development;

- 2 refuses the following application submitted by David Crisp for a test tank, storage shed, access point to the right of way and general car park works, Lot 45 (76) West Coast Drive, Sorrento as:
- (a) the City's Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act do not provide for the approval or licensing of existing development;
 - (b) setbacks are less than those required under Town Planning Scheme No 1.
- 3 refuses the application submitted by Meyer Shircore & Associates for four stores and carport additions, Lot 50 (2) Baretta Road, Wangara as:
- (a) the City's Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act do not provide for the approval or licensing of existing development;
 - (b) as a shortfall of ten carparking bays would exist on site as a result of the development;
- 4 advises the applicants/owners of the properties listed above that the above works are in breach of the City's Town Planning Scheme No 1, the Metropolitan Region Scheme and the Local Government Act and are to be removed within 60 days of notification, with the exception of Don Fini for the temporary sales office for which six months notification shall be given;
- 5 investigates the most appropriate form of legal action and then initiates such legal action against the relevant landowners should the request outlined in point 4 above not be complied with. **CARRIED**

ACCUMULATION OF RUBBISH, WALK/CYCLE WAY - HILLARYS MARINA TO BEACH ROAD - [510-2143]

At the Development and Planning Services Committee meeting, Cr Bombak submitted a letter from Mr Dobson of Sorrento in relation to rubbish which is accumulating along the walk and cycle way from Hillarys Marina to Beach Road.

This letter will be referred to Technical Services for action.

CLOSURE OF PEDESTRIAN ACCESSWAYS, ALYCON PLACE AND TIFERA CIRCLE, KALLAROO/ALYCON PLACE, TIFERA CIRCLE AND SULINA PLACE, KALLAROO [510-1792, 510-573, 510-613, 510-575]

At the Development and Planning Services Committee meeting, Cr Bombak submitted a letter from Mr Kennedy of Kallaroo regarding the possible closure of pedestrian accessways in the vicinity of both Alycon Place and Tifera Circle; also Alycon Place, Tifera Circle and Sulina Place, Kallaroo.

Mr Kennedy sites vandalism, graffiti, disorderly conduct and unruly behaviour as reasons for requested the closure of these accessways.

This letter will be referred to Development and Planning Services for action.

LETTER OF OBJECTION TO PROPOSED REDEVELOPMENT AND REZONING OF SQUASH CENTRE, LOT 10 (6) DAVALLIA ROAD, DUNCRAIG - [790-766]

At the Development and Planning Services Committee meeting, Cr Bombak tabled a letter from Mr L Bistrup objecting to the proposed redevelopment and rezoning of the Carine Glades squash centre on the following grounds:

- 1 lack of consultation with the proprietors and owners of the Carine Glades Professional centre;
- 2 the totally inadequate parking provisions at present and proposed for the redevelopment.

In addition to the above, Cr Bombak also submitted a letter from Mr P Yujnovich, Realty Group (WA) Pty Ltd objecting to the redevelopment and rezoning.

These letters will be referred to Development and Planning Services to be considered in conjunction with the proposed redevelopment and rezoning of the Carine Glades squash centre.

RATES ASSESSMENT NO 4/24123441/4-52 BANKS AVENUE, HILLARYS - [390/227/52]

At the Development and Planning Services Committee meeting, Cr Bombak tabled a letter from Marilyn Loveday & Associates, Barristers and Solicitors, acting on behalf of Mr A Walters in relation to a rates assessment notice for a property in Banks Avenue, Hillarys.

This letter will be referred to Resource Management for investigation.

BUILDING APPROVAL FOR CONSTRUCTION OF RESIDENCE - 31 JERVIS WAY, SORRENTO - [2279/780/31]

At the Development and Planning Services Committee meeting, Cr Bombak submitted a letter from Mr and Mrs Doust expressing their concern in relation to the height of a retaining wall to be built on the adjoining property at 31 Jervis Way, Sorrento.

This letter will be referred to Approvals for action.

PETITION OBJECTING TO NOISE EMANATING FROM SHOPPING CENTRE COMPLEX, WOODVALE - [1729/1/153]

At the Development and Planning Services Committee meeting, Cr Popham tabled a 20-signature petition on behalf of residents of Timberside Villas in relation to the noise emanating from delivery trucks and refrigeration fans at a supermarket in the shopping complex at Woodvale.

This petition will be referred to Health Services.

MOVED Cr Zuvela, SECONDED Cr Taylor that the Report of the Development and Planning Services Committee meeting held on 13 October 1997 be received. CARRIED

Cr Zuvela left the Chamber at 2255 hrs.

FINANCE & COMMUNITY SERVICES COMMITTEE**FINANCE & ADMINISTRATIVE SECTION****REPORT NO:****FA170-10/97 FUNDING FOR THE COMMUNITY INFORMATION DIRECTORY - [705-4]**

During the development of the 1997/98 budget, funding for the production of the Community Information Directory was inadvertently overlooked. Councillors will be aware that the Community Information Directory is a very useful resource for residents and has been issued annually for the past 5 years.

At the Finance and Community Services Committee meeting, Cr Major advised of complaints he had received from residents who had been unable to locate Council's emergency numbers in the Community Information Directory. The Director, Community Services advised he would investigate this matter.

At the Finance and Community Services Committee meeting, Cr Lynn referred to Council's After Hours Emergency Service and queried how information could be accessed by residents who did not possess a touch phone. The Director, Corporate Services advised he would take this matter on notice.

MOVED Cr Taylor, SECONDED Cr Wight that Council authorises, in accordance with Section 6.8 (1) of the Local Government Act 1995 an overexpenditure of \$100,000 to cover the production and distribution of the 1997/98 Community Information Directory.

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA171-10/97 CITIZEN OF THE YEAR, YOUNG CITIZEN OF THE YEAR AND COMMUNITY EVENT OF THE YEAR AWARDS - [301-5]

In keeping with the presentation of Citizen of the Year, Young Citizen of the Year and Community Event of the Year at the Australia Day Citizenship Ceremony, it is suggested to again call for nominations in the community and advertise for a selection panel to convene in due course to select winners from the nominations.

Advertising would commence in the Wanneroo Times, from Tuesday 21 October 1997 and Friday, 24 October for a period of five weeks with nominations closing on Friday, 28 November 1997.

MOVED Cr Taylor, SECONDED Cr O'Grady that:

- 1 Council invites nominations for the Citizen of the Year, Young Citizen of the Year and Community Event of the Year Awards;**

- 2 **the Finance and Community Services Committee establishes a selection panel to assess and recommend to Council its preference of successful nominations for the awards as outlined in 1 above;**
- 3 **the selection panel as detailed in 2 above comprise:**
- 1 Councillor;**
 2 community representatives (to be determined by the Mayor and Chief Executive Officer). **CARRIED**

FA172-10/97 APPRECIATION FOR COMMUNITY GROUPS - [703-3]

At Council's Policy Meeting of 12 May 1997, a Councillor made reference to the Ocean Ridge Women's Community Group which had recently received an award, and requested a report on how Council could best honour community groups that won recognition through their efforts.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council:

- 1 **continues the practice of holding Mayoral cocktail parties for those members of the community who are currently engaged in Council volunteer services;**
- 2 **acknowledges the achievements of Community Groups who receive nominations or awards, by way of a letter of congratulations from the Mayor, together with a Certificate of Achievement.** **CARRIED**

FA173-10/97 AUSTRALIA DAY COUNCIL OF WESTERN AUSTRALIA - RENEWAL OF MEMBERSHIP - [301-5]

The Australia Day Council of Western Australia membership subscription for 1997/98 is due for renewal. It is recommended that the Council resolve to renew the membership for 1997/98 at the subscription fee of \$400.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council renews the 1997/98 membership subscription for the Australia Day Council of Western Australia, \$400 - Account 20038 Members Subscriptions. **CARRIED**

FA174-10/97 SPONSORSHIP FOR SPEECH CONTEST IN PRIMARY SCHOOLS - [009-1]

A request has been received from International Training in Communication seeking sponsorship from the City for the holding of a speaking competition for primary schools in the district of Wanneroo.

REPORT RECOMMENDATION: THAT Council advises International Training in Communication that it is not in a position to sponsor a speaking competition for primary schools in the district of Wanneroo.

MOVED Cr Taylor, **SECONDED** Cr O'Grady that Council defers consideration of sponsoring a speaking competition for primary schools in the district of Wanneroo for one month to enable further information to be sought in relation to this matter.

CARRIED

FA175-10/97

**VACANCIES TO VARIOUS COMMITTEES FORMED BY
FINANCE AND COMMUNITY SERVICES COMMITTEE -
[702-0]**

Following the recent election of Cr V Hancock, consideration may now be given to filling vacancies which exist on various Committees formed by the Finance and Community Services Committee.

At the Finance and Community Services Committee meeting, Cr Taylor advised of his intention to resign from the Perry's Paddock Picnic Day Organising Working Party.

At the Council meeting, Cr Ewen-Chappell:

- believed the vacancy on the Art Collection Working Party was for the position of deputy;
- nominated for the position of deputy on the Children's Book Week committee;
- nominated Cr Magyar for the position of member on the Perry's Paddock Picnic Day Organising Working Party.

Cr Taylor submitted his resignation from the Perry's Paddock Picnic Day Organising Working Party.

RECOMMENDATION That the Finance and Community Services Committee:

- 1 increases the membership on the Annual Scholarship Award Panel to two Councillors;
- 2 appoints Cr Hancock and Cr Hollywood as members on the Annual Scholarship Award Panel;
- 3 appoints Cr Magyar as a member on the Art Collection Working Party;
- 4 appoints Cr Hancock as a member on the Children's Book Week Committee;
- 5 amends its membership on the Cultural Development Advisory Committee and appoints Cr Lynn as a member on this Committee;
- 6 appoints Cr Healy as a member on the Cultural Development Fund Peer Assessment Advisory Committee;
- 7 defers consideration of appointing a member to the Historical Sites Advisory Committee to the Council meeting to be held on 22 October 1997;
- 8 defers consideration of appointing a member to the Perry's Paddock Picnic Day Organising Working Party to the Council meeting to be held on 22 October 1997;

- 9 amends its membership on the Wanneroo Bicentennial Trust Working Party and appoints Cr Cooper as a member on this Committee, and Cr Tippett as a deputy.

MOVED Cr Ewen-Chappell, SECONDED Cr Magyar that the Finance and Community Services Committee:

- 1 increases the membership on the Annual Scholarship Award Panel to two Councillors;
- 2 appoints Cr Hancock and Cr Hollywood as members on the Annual Scholarship Award Panel;
- 3 appoints Cr Magyar as a deputy on the Art Collection Working Party;
- 4 appoints Cr Hancock as a member and Cr Ewen-Chappell as deputy on the Children's Book Week Committee;
- 5 amends its membership on the Cultural Development Advisory Committee and appoints Cr Lynn as a member on this Committee;
- 6 appoints Cr Healy as a member on the Cultural Development Fund Peer Assessment Advisory Committee;
- 7 does not appoint a member to the Historical Sites Advisory Committee at this point;
- 8 accepts the resignation of Cr Taylor and appoints Cr Magyar as member to the Perry's Paddock Picnic Day Organising Working Party;
- 9 amends its membership on the Wanneroo Bicentennial Trust Working Party and appoints Cr Cooper as a member on this Committee, and Cr Tippett as a deputy.
- CARRIED**

FA176-10/97 HOUSE WORKING PARTY MEETING - 30 SEPTEMBER 1997 - [200-0]

This report seeks endorsement of recommendations made by the House Working Party at its meeting held on 30 September 1997.

Discussion ensued at the Council meeting in relation to Item 5(c) of the recommendation.

Cr Zuvela entered the Chamber at 2300 hrs.

MOVED Cr Taylor, SECONDED Cr O'Grady that:

- 1 the minutes of the House Working Party meeting held on 30 September 1997, forming Attachment 1 to Report FA176-10/97 be noted;

2 Council:

- (a) reaffirms its Policy A1-02 - Use of Council Chamber, viz:

“The Council Chamber shall not be used for any purpose other than the conduct of Council and committee meetings, unless the prior consent of the Mayor is obtained”;

- (b) investigates this matter further following the outcome of the review of the use of the Joondalup Library meeting rooms;

3 Council awards Beaumonde Catering the City of Wanneroo Catering Contract No 032-97/98 for the period 1 November 1997 to 30 September 1998;

4 Council approves the installation of stainless steel grills to the stair voids within the Civic Chambers as shown on Attachment 2 to Report FA176-10/97 at a cost of \$3,140;

5 Council:

- (a) approves the modifications to the Councillor’s bar within the Civic Building as outlined on Attachment 3 to Report FA176-10/97;

- (b) investigates the possibility of utilising the bar stools from the former Councillors’ Lounge;

- (c) authorises, in accordance with Section 6.8(1) of the Local Government Act 1995 the reallocation of \$12,800 from Account No 34699 (Modifications to Mobile Library Stopping Areas) for the purpose of modifications to the Councillors’ bar layout within the Civic Building;

6 the photographs of Presidents and Mayors be displayed in the Joondalup Civic Chambers as outlined in Location 1 (being the passage between the foyer and the Mayoral lobby) on Attachment 4 to Report FA176-10/97;

7 the grand piano be located within the Councillors’ Lounge, Joondalup Civic Centre, with funding available within Account 20023 - Civic Functions;

8 in relation to presentation items, Council:

- (a) continues to present items that are currently in stock and begins a phase-out programme of designated items rather than discard them;

- (b) introduces some selected new items for presentation at the upper end of the range to supplement and replace items;

- (c) explores further design options for ties and scarves;

- 9 **the Finance and Community Services Committee appoints Cr Arthur Taylor to the House Working Party.**
CARRIED BY AN ABSOLUTE MAJORITY

Appendix IX refers

FA177-10/97 ACCEPTANCE OF TENDERS FOR SUPPLY OF LAPTOP COMPUTERS FOR COUNCILLORS - [208-030-97/98]

Some time ago Council embarked on a programme to replace its information systems. As part of this programme, it is critical that Councillors have access to modern communication and information systems.

At its meeting of 26 March 1997, (P19 - 03/97 refers) Council agreed to the purchase of three laptop computers in order that Councillors could become involved in the development and pilot testing of a new Councillor information support system.

The development is at a stage where it is appropriate to consider providing the system to all Councillors. To that end it is proposed that laptop computers be purchased.

At the Council meeting, Cr Magyar tabled information in relation to the MMX microchip.

RECOMMENDATION That Council accepts the tender of \$57,040 submitted by ioSYS for the supply of 16 laptop computers.

MOVED Cr Magyar that Council defers acceptance of the tender for the supply of 16 laptop computers pending consideration of information relating to MMX microchip.

Discussion ensued, following which this motion was not pursued.

Cr Popham left the Chamber at 2315 hrs.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council accepts the tender of \$57,040 submitted by ioSYS for the supply of 16 laptop computers. **CARRIED**

FA178-10/97 MINUTES OF VARIOUS COMMITTEES - [702-0]

This report submits minutes of various Committees for adoption by Council.

At the Finance and Community Services Committee meeting, Cr Healy queried whether the Minutes of the following Committees required to be 'noted' or 'adopted' by Council. The Director, Corporate Services advised he would investigate this matter.

At the Council meeting Cr Lynn advised that minutes of the meeting of the Urban Animal Management Working Party held on 2 October 1997 had not been presented. The Chief Executive Officer advised these minutes would be presented to the November meeting of the Finance and Community Services Committee.

MOVED Cr Taylor, SECONDED Cr O'Grady that:

- 1** the Minutes of the following Committees and the recommendations contained therein, be noted:
 - Children's Services Advisory Committee meeting held 25 August 1997;
 - Cultural Development Advisory Committee meeting held 25 August 1997;
 - Gloucester Lodge Museum Management Committee meeting held 25 August 1997;
 - Historical Sites Advisory Committee meeting held 27 August 1997;
 - Multicultural Advisory Committee meeting held 28 August 1997;
 - Joondalup Festival Committee meeting held 3 September 1997;
 - Perry's Paddock Picnic Day Organising Working Party meeting held 4 September 1997;
 - Disability Access Advisory Committee meeting held 1 October 1997;

- 2** a further report be submitted to Finance and Community Services Committee reviewing the Terms of Reference for the Disability Access Advisory Committee. **CARRIED**

FA179-10/97 **WARRANT OF PAYMENTS FOR THE PERIOD ENDING 26 SEPTEMBER 1997 - [021-1]**

This report details the cheques drawn on the funds during the month of September 1997. It seeks Council's approval for the payment of the September 1997 accounts.

At the Finance and Community Services Committee meeting, Cr Hancock declared an interest in this item as she was employed by one of the organisations named in the Warrant of Payments. After discussions with the Chief Executive Officer, Cr Hancock did not believe she had a financial interest

MOVED Cr Taylor, SECONDED Cr O'Grady that Council passes for payment the following vouchers, as presented in the Warrant of Payments to 26 September 1997, certified by the Chairperson of Finance and Community Services Committee and Director Resource Management, and totalling \$27,825,917.29:

FUNDS	VOUCHERS	AMOUNT
		\$
Treasurer's Advance Account No 1	50980 - 52053	6,819,208.32
Municipal	000469 - 000479	21,006,683.32
Trust	000062	25.65
	TOTAL	\$27,825,917.29

CARRIED

Appendix X refers

FA180-10/97 **AUTHORISATION OF REALLOCATION OF FUNDS - [006-2]**

Various requests have been received for authorisation, in accordance with Section 6.8 (1) of the Local Government Act 1995, to incur unbudgeted expenditure. In most instances, a source of funding has been identified to accommodate the additional expenditure. A number of necessary adjustments to the budget estimates have also been identified. Items approved by Council, but not previously listed in the Schedule, are also included for consistency and to facilitate presentation of an accumulated balance.

At the Finance and Community Services Committee meeting, Cr Lynn advised that the outstanding amount owed by the Recycling Company of WA had been paid in full.

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council authorises, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995, amendments to the "revised budget figures" of the 1997/98 Budget as detailed in the Schedule of Budget Reallocation Requests - 15 October 1997. CARRIED BY AN ABSOLUTE MAJORITY

Appendix XI refers

FA181-10/97 **OUTSTANDING GENERAL DEBTORS - 26 SEPTEMBER 1997 - [020-0]**

This report details the outstanding general debtors as at 26 September 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 \$2,951.38.

MOVED Cr Taylor, SECONDED Cr O'Grady 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 \$2,951.38 representing debts considered irrecoverable, as detailed in Attachment 'B' to Report FA181-10/97. CARRIED

Appendix XII refers

FA182-10/97 **VEHICLE PURCHASES - LIGHT VEHICLE REPLACEMENT RESERVE - TENDER NUMBERS 041-044-97/98 - [208-041-044-97/98]**

Council deferred tendering several of its motor vehicles pending a decision on the type of vehicle to be afforded to Business Unit Managers following the management restructure.

It was agreed at Director level that Council may be able to attract a similar arrangement for Business Unit Manager vehicles as that recently secured for Council's executive fleet.

Consequently tenders were called in late August/early September 1997 on that basis - tenders 041-97/98 and 043-97/98 refer.

A further 15 vehicles were also identified as meeting Council's vehicle changeover policy of 2 years or 40,000 kilometres. These were included as tenders 042-97/98 and 044-97/98.

Based on the tenders received and a cost benefit analysis undertaken this report recommends:

- 1 Vehicles used by Business Unit Managers be mid size 4 cylinder sedans.
- 2 Acceptance of tender 041-97/98 and 042-97/98 (part only).
- 3 Recalling of tenders in relation to plant 99131, 99132 and 99133.
- 4 Rejection of tenders 043-97/98 and 044-97/98.

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

- 1 **sets the standard of motor vehicle for Business Unit Managers and Executive Officer at a mid size 4 cylinder in accordance with the specification detailed in Report FA182-10/97;**
- 2 **accepts tender 041-97/98 from Skipper Mitsubishi for six Mitsubishi Magna Executive 2.4 litre sedans and one Mitsubishi Magna Executive Wagon at a total changeover price of \$71,227;**
- 3 **authorises, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the over budget expenditure of \$17,177 - such expenditure to be funded from the Light Vehicle Replacement Reserve Account;**
- 4 **accepts tender 042-97/98 from Skipper Hyundai for 10 Hyundai Lantra GL sedans and 2 Hyundai Lantra GL Wagons on items other than plant item 99131, 99132 and 99133 at a changeover price of \$96,878;**
- 5 **rejects on tender 042-97/98 the offers on plant items 99131, 99132 and 99133;**
- 6 **recalls tenders in relation to plant items 99131, 99132 and 99133;**
- 7 **authorises, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the over budget expenditure of \$5,528 - such expenditure to be funded from the Light Vehicle Replacement Reserve Account;**
- 8 **rejects all offers in relation to tenders 043-97/98 and 044-97/98;**
- 9 **following the appointment of the Asset Manager, undertakes a comprehensive study on the benefits of leasing its light vehicle fleet.**

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XIII refers

FA183-10/97 DISPOSAL OF SURPLUS PLANT - [507-1]

Following an assessment of plant requirements Engineering Construction and Maintenance Services has identified a number of surplus items. This report seeks Council's authorisation to dispose of these items by tender together with a surplus engine and transmission.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council authorises the calling of tenders to dispose of the surplus plant listed in Attachment 1 to Report No FA183-10/97. CARRIED

Appendix XIV refers

FA184-10/97 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.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council authorises the amendments to the list of Orders for Goods and Services - Approving and Requisitioning Officers as outlined in Report FA184-10/97. CARRIED

Appendix XV refers

FA185-10/97 INTERIM BUS SERVICE - NEERABUP - [012-0-2-6A]

The Department of Transport has approached Council to be involved with it and Homeswest in a jointly sponsored interim bus service for Neerabup. It is intended that the service will operate for two years, until a permanent service is established in 1998/99. The request for the service is based on a survey of residents in Neerabup (Greenhaven estate) who have experienced difficulties with access to facilities and services because of the relative isolation of Neerabup.

The project is an innovative undertaking for Council stemming from Council's Integrated Human Services Project Stage II (1995). A request is being made to Council to approve expenditure of \$16,667 from the \$20,000 'seeding funding' identified in the budget this financial year as Council's contribution to this project.

At the Finance and Community Services Committee meeting, Cr Cooper was requested to write to all Local Members, and the Minister for Transport, with a copy being sent to the Wanneroo Times, expressing concern at Council being requested to help fund this project and seeking clarification of the Department of Transport's responsibility in this regard.

At the Finance and Community Services Committee meeting, Cr Magyar declared an interest in this item as he was employed by the Department of Transport. The Committee resolved this to be a trivial matter.

At the Council Meeting, Cr Magyar stated it had not been his intention to declare an interest at the Finance & Community Services Committee meeting, he merely wished it noted he was employed by the Department of Transport.

REPORT RECOMMENDATION: THAT Council:

- 1 endorses the introduction of an interim interpeak bus service for Neerabup jointly sponsored by Council, Department of Transport and Homeswest, for a period of two years with Council's contribution being \$16,667 per year for two years (a total of \$33,334), subject to CPI adjustments being made;
- 2 authorises the entering into by the Council of a legal agreement between Department of Transport, Homeswest and the Council, formalising each party's obligations in respect of the operation of the interim bus service, and in particular confirming Council's agreement to contribute the funding referred to in 1. above and acceptance of the Department of Transport's conditions relating to this proposal;
- 3 approves the expenditure of \$16,667 to fund Council's contribution for the first year of operation of the interim bus service, such funding to be drawn from Account No. 41231 (Seeding Funding), with appropriate CPI adjustment being made in respect of the second 6 monthly payment.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council:

- 1 **defers consideration of partly funding the introduction of an interim interpeak bus service for Neerabup for one month;**
- 2 **writes to the Minister of Transport, relevant government authorities and Local Members of Parliament in relation to the Department of Transport's responsibility to implement this service.** **CARRIED**

**FA186-10/97 EXTENSION OF WANGARA INDUSTRIAL ESTATE -
ADDITIONAL SEWER WORKS - [740-9966]**

In order to complete the development works within the extension of the Wangara Industrial Estate the Water Corporation requires two sewer boundary traps to be installed. The installations are minor works that will enable the sewer reticulation system that was constructed by Council to be accepted by the Water Corporation for ongoing control.

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council authorises, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995 over-budget expenditure of \$1 920 from Account No 33198 (Extension of Wangara Industrial Area) for sewer boundary traps to be installed by Triad Contractors.

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA187-10/97 VALUATION OF LOT 17 TAMALA PARK - [508-050-3]

Council has received a Valuation report on its landholding at Lot 17 Tamala Park from the firm of Colliers Jardine Consultancy and Valuation Pty Ltd.

At the Finance and Community Services Committee meeting, Cr Bombak queried the number of quotes obtained to carry out the valuation, the Director, Resource Management advised he would investigate and provide Cr Bombak with this information.

ADDITIONAL INFORMATION SUBMITTED TO THE COUNCIL MEETING

Additional information, marked "Not for Publication" was submitted to the Council meeting - Appendix XXIV refers.

MOVED Cr Major, SECONDED Cr Tippett that Council:

- 1 receives the valuation report on Lot 17 Tamala Park submitted by Colliers Jardine Consultancy and Valuation Pty Ltd;**
 - 2 authorises, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995, over budget expenditure of \$18 552 from Account No 27761 (Land Management Valuation Expenses) for fees paid to Colliers Jardine Consultancy and Valuation Pty Ltd.**
- CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XXIV refers.

COMMUNITY SERVICES SECTION**CS279-10/97 AUTHORISATION OF OFFICERS - [404-0, 905-1]**

Staff shortages in the Ranger Services Business Unit due to sick leave and assignment of staff for special projects has resulted in the employment of two temporary Rangers. These officers need to be authorised by Council to make complaints and act under and enforce the various Acts, Regulations and Local Laws policed by Ranger Services within the City of Wanneroo.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council, in accordance with the Justices Act 1902, authorises Sharnelle Nyree Beanland and Ian Stewart Whyborn 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 (Section 9.10);
Dog Act 1976, Regulations and Local Laws thereunder;
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 Relating 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.**

CARRIED

**CS280-10/97 APPOINTMENT OF HONORARY PARKING INSPECTORS
FOR GLENGARRY SHOPPING CENTRE, DUNCRAIG -
[910-1]**

A request has been received from Richard Ellis (WA) Pty Ltd, Managing Agents for the Glengarry Shopping Centre, Duncraig, for the re-authorisation of two people as Honorary Parking Inspectors for the Glengarry Shopping Centre.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council:

- 1 in accordance with Section 9.13 of the Local Government Act 1995 appoints Vincent William Butler and John Edward Anderson as Honorary Parking Inspectors for the Glengarry Shopping Centre, Duncraig;**

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 Glengarry Shopping Centre, Duncraig as detailed hereunder:

- (a) Local Laws Relating to Parking Facilities;
 - (b) Local Government (Parking for Disabled Persons) Regulations 1988.
- CARRIED**

CS281-10/97 **RANGER SERVICES - CLAUSE 74, ENTERPRISE FLEXIBILITY AGREEMENT - [905-1]**

The Ranger Services Business Unit has been negotiating a Clause 74 - Enterprise Flexibility Agreement for Rangers in order to achieve a mechanism for the introduction of workplace reform.

The agreement will form the basis for the multi skilling of Rangers to undertake all duties associated with the function of local law enforcement pertinent to the Ranger Services Unit and security of Council owned facilities. The agreement also provides for the flexibility of work practices which will enable Rangers to substantially improve productivity and customer service.

Section 10 of the draft Agreement identifies the expected benefits to the City of Wanneroo and the varied conditions for Rangers.

The increase in remuneration for Rangers in exchange for workplace reform can be accommodated from within the 1997/98 budget. Funds to meet this additional expense can be achieved in the main from the savings gained in not replacing the position of 'Deputy Manager'.

A revised budget will be prepared for Ranger Services in light of the changes which are occurring and submitted to the Council at the November meeting.

At the Finance and Community Services Committee meeting, the Director, Community Services circulated photographs of the proposed uniform for Rangers.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council endorses the Ranger Services Clause 74 - Enterprise Flexibility Agreement negotiated between the City of Wanneroo and the Australian Services Union and the agreement be executed under the Common Seal of the Council.

CARRIED

CS282-10/97 **HEALTH LICENCES/REGISTRATIONS - [930-17]**

Council is advised of a number of premises that are operating without the requisite licence and registration under Council's Local Laws relating to Offensive Trades and Catteries.

The above Licences/Registrations were due for renewal on 1 July 1997. It is recommended that Council initiates legal action to recover these debts.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council initiates legal action in accordance with Part X of Council's Model Local Laws Series 'A' made pursuant to the

Health Act, 1911 against the proprietors of all unregistered Offensive Trades and unlicensed Catteries. CARRIED

CS283-10/97 SERVICE OF HEALTH ACT 1911 NOTICE - FLY ERADICATION REGULATIONS - [273/4/150]

Council is advised of an incident of fly breeding at Lot 4 (150) East Road, Pearsall on 30 September 1997 contrary to a Health Notice issued on 25 September 1997.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council initiates legal action against Mr Ante Radich, Lot 4 (150) East Road, Pearsall for a breach of Regulation 4 and default of a Health Notice issued under Regulation 5 of the Fly Eradication Regulations. CARRIED

CS284-10/97 FAMILY DAY CARE ADVISORY COMMITTEE - [856-6]

This report proposes Council accepts the nominations of Mrs Tracey Evans, Mrs Anntina Hessels and Mrs Gail Conlan to fill current vacancies on the Family Day Care Advisory Committee.

MOVED Cr Taylor, SECONDED Cr O'Grady that the Finance and Community Services Committee:

- 1 accepts the resignation of Mrs Tracey Evans from the position of parent representative and accepts her nomination as a carer representative;**
- 2 accepts the resignation of Mrs Phyllis Denic from the position of carer representative;**
- 3 accepts the nominations of Mrs Anntina Hessels and Mrs Gail Conlan as parent representatives to the Family Day Care Advisory Committee.**

CARRIED

CS285-10/97 TENDER NO 040-97/98 - MEALS SERVICE - [862-1, 208-040-97/98]

Tenders were received from five agencies for provision of the City's delivered meals service. Measured against the selection criteria, Home Chef met all requirements satisfactorily. Approval is sought from Council to accept the tender from Home Chef for a period of two years and to authorise the signing of contract documents.

MOVED Cr Taylor, SECONDED Cr O'Grady that:

- 1 Council accepts the tender as submitted by Home Chef for the provision of a meals services, Tender No 040-97/98, for a period of two (2) years at a total cost of \$6.20 per meal;**
- 2 the Mayor and the Chief Executive Officer be authorised to execute the contract document under the seal of the City of Wanneroo. CARRIED**

CS286-10/97

SIGNAGE - COMMUNITY SERVICES CENTRE, KINGSLEY - [880-3]

Relationships Australia has moved into the leased area of the City's Community Services Centre, Kingsley and has requested permission to affix signage to the building. This report recommends Council approves its request.

At the Finance and Community Services Committee meeting, Cr Taylor requested that the recommendation include some form of 'making good' clause. The Director, Community Services advised he would submit a modified recommendation prior to the next meeting of Council to be held on 22 October 1997.

ADDITIONAL INFORMATION

At the Finance and Community Services Committee held on 15 October 1997, it was requested that the recommendation include a clause in some form of 'making good' the premises upon vacating.

The following is an example of the style of clause that will be included in the lease with Relationships Australia:-

"Vacating Premises

To yield up the Premises and all Lessor's fixtures and fittings at the expiration or sooner determination of the term in good and substantial repair order and condition in all respects and clean and free from rubbish damage by fire flood lightning storm tempest earthquake Act of God and war excepted and upon vacating the Premises or immediately prior thereto remove any sign or names advertisements or notices erected painted displayed or affixed or exhibited upon the Premises and all Lessee's effects and fittings thereon and make good any damage or disfigurement caused by reason of such erection painting display affixing exhibiting or removal thereof and the Lessee agrees that any such items effects and fittings not so removed by the Lessee within seven (7) days of the end or sooner determination of this Lease shall if the Lessor so decides to be deposited in a public warehouse or elsewhere at the cost and for the account of the Lessee and the Lessor shall not be liable to the Lessee for any loss or damage occasioned thereby."

It is suggested that this clause is not included in the Recommendation, but noted by elected members and included in the Lease documentation.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council approves the request from Relationships Australia to affix three signs to the Community Services Centre building in Kingsley.
CARRIED

CS289-10/97

COMMUNITY SPORT AND RECREATION FACILITY FUND
- SUBMISSION PRIORITISATION - [323-1-1]

The Minister for Sport and Recreation has allocated \$8 million from the Community Sport and Recreation Facility Fund for the 1998/99 round of applications. Council is requested to assess, rank and rate all applications that fall within its boundaries.

Applications have been received from the Penistone Users Group, Whitford Sea Sports Club and the Wanneroo Shooting Complex. The applications ranged from extensions and refurbishments to upgrading fences.

It is recommended that the Penistone Users Group application be ranked number 1, Whitford Sea Sports Club's number 2 and Wanneroo Shooting Complex number 3.

Penistone Users Group and Whitford Sea Sports Club's applications are well planned and the projects needed by the clubs. It is recommended both receive a rating of Medium/high. Wanneroo Shooting Complex's application is needed by the applicant, but more planning is required and is recommended to receive a rating of Medium/low.

REPORT RECOMMENDATION: THAT Council:

- 1 forwards the following Community Sport and Recreation Facilities Fund applications to the Ministry of Sport and Recreation with the following rankings and ratings:

Organisation	Ranking	Rating
Penistone User Group	1	Medium/high
Whitford Sea Sports Club	2	Medium/high
Wanneroo Shooting Complex	3	Medium/low

- 2 lists for consideration in the 1998/99 Draft Budget \$49,133 on the proviso that the Whitfords Sea Sports Club is granted \$49,133 from the 1998/99 round of the CSRFF;
- 3 advises Wanneroo Shooting Complex it is not prepared to financially assist its project based on the information provided.

ADDITIONAL INFORMATION - SUBMITTED TO THE FINANCE AND COMMUNITY SERVICES COMMITTEE MEETING

A late submission for the Community Sport and Recreation Facility Fund (CSRFF) posted before the close of applications has been received from Joondalup & Districts Rugby League Club. The application is for a covered 370m², concreted base, shelter to be located on Admiral Reserve, Heathridge costed at \$40,000.

It is recommended Council ranks the application number 3, ahead of the Wanneroo Shooting Complex, in turn placing this application to number 4.

It is reasonable to assume a shelter for the players and spectators would be useful and therefore needed by the applicant, however more planning is required and as such it is recommended it receives a rating of Medium/low.

BACKGROUND

Joondalup & Districts Rugby League Club's application is an annual grant as the total cost of the project is between \$2,250 and \$150,000. Grants given in this category must be claimed within the year of allocation.

The Minister for Sport and Recreation will announce the successful applications in early March 1997. The grants will become available in the 1998/99 financial year or in another financial year nominated by the applicant.

DETAILS

Joondalup & Districts Rugby League Club was formed in 1990 and fields teams from Under 7's to A Grade. It utilises Admiral Park 7 days per week for training and junior matches, as well as the Football Ground, Kingsway for its Senior grades.

This club is not the exclusive user of Admiral Reserve. The reserve is also used by Ocean Ridge Cricket Club, Seniors and Juniors, Joondalup/Kinross Cricket Club, and Joondalup Jaguars Softball Club.

Admiral Park is located centrally in the suburb of Heathridge and the surrounding area is fully developed residential. Heathridge Primary School is located adjacent to the reserve and utilises it for sport.

The Club is also involved in the Kingsway Sports Association Steering Committee, with the aim of forming a Sports Association to have its home ground and clubrooms in the Kingsway Football Clubrooms. The club has fixtured its home games for the senior grades at Kingsway for the 1997 Winter season, as well as conducting some of the Senior team's training sessions.

COMMENT/FUNDING

It is commendable for a sporting group to commit its own resources and seek alternative funding for facilities that enhance the comfort of its players and supporters. The Club has stated in its application that the Local Government contribution is to be negotiated up to a third of the total cost of the project.

The layout of Admiral Park, in a fully developed residential area, is not conducive to an expansion of substantial facilities, e.g. carparking. Periodic complaints are received by Council from local residents in regard to parking and noise problems from this park. This would increase with extra use, and the provision of a licensed facility on the site. While a shelter would not contribute to an increase in substantial facilities, future development of facilities on Admiral Reserve.

Before Council commits funds to this project, the construction of the shelter, further planning is required. Joondalup & Districts Rugby League Club has been negotiating with other sporting groups and Council since early 1996 to become a member club of the Kingsway Sports Association and make Kingsway Reserve its home ground.

As the shelter will become Council property and there is no provision under Section 20A of the Town Planning and Development Act for Council to lease a reserve (except to preserve the rights of the public to enjoy recreation there) Council will be solely responsible for maintenance. Joondalup & Districts Rugby League Club states it will 'combine' with the City of Wanneroo in respect to of any future maintenance and/or repairs, however no agreement has been discussed or reach with no guarantees been given that this will indeed be the case.

An amended recommendation was submitted for the Committee's consideration.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council:

1 forwards the applications to the Ministry of Sport and Recreation with the following revised rankings and ratings:

Organisation	Ranking	Rating
Penistone User Group	1	Medium/high
Whitford Sea Sports Club	2	Medium/high
Joondalup & Districts Rugby League Club	3	Medium/low
Wanneroo Shooting Complex	4	Medium/low

2 lists for consideration in the 1998/99 Draft Budget \$49,133 on the proviso that the Whitfords Sea Sports Club is granted \$49,133 from the 1998/99 round of the Community Sport and Recreation Facility Fund;

3 advises Wanneroo Shooting Complex it is not prepared to financially assist its project based on the information provided. CARRIED

CS290-10/97 KINGSWAY SPORTS ASSOCIATION - [061-198-12/ 061-198-1]

Kingsway Sports Association Steering Committee has been meeting since April 1996 with the aim of forming a Sports Association to assume management responsibilities for the Football Clubrooms, Kingsway Sporting Complex.

Wanneroo Baseball Club, one of the original members of the Steering Committee, has verbally advised Council it will not become a member of the Association as it wishes to extend its clubrooms at Kingsway Sporting Complex. It is recommended Council advises Wanneroo Baseball Club it is not prepared to assist with any upgrade of its facilities at Kingsway or any other venue.

At the Finance and Community Services Committee meeting, Cr Tippet requested Cr Cooper to write a letter to the Wanneroo Baseball Club informing it that Council is not prepared to contribute funds to assist with any upgrade of its facilities.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council:

- 1 endorses as at October 1997 the following as member clubs of Kingsway Sports Association:
Wanneroo Football and Sporting Club;
Superoos Darts Club;
Wanneroo Sportsman's Cricket Club;
Joondalup Giants Rugby League Club;
 for the purpose of managing the Kingsway Football Clubrooms under a lease;
- 2 advises Wanneroo Baseball Club it is not prepared to assist with any upgrade of its present facilities at Kingsway or any other venue. **CARRIED**

CS291-10/97 REALLOCATION OF FUNDS - 1998 SUMMER CONCERT SERIES - [429-1-2]

At its meeting on 27 September 1997, Council resolved to cancel the 1997 Picnic Day due to the condition of the grounds leaving \$17,700 remaining in Account Number 32364 - Perry's Paddock Picnic Day. It is recommended that \$10,000 be reallocated towards the 1998 Summer Concert Series.

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that Council authorises, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995, a reallocation of \$10,000 from the Account Number 32364 - Perry's Paddock Picnic Day to Account Number 32156 - Music For All Seasons Programme. CARRIED BY AN ABSOLUTE MAJORITY

CS292-10/97 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 Taylor, SECONDED Cr O'Grady that Council donates \$50, totalling \$550, to each of the following persons to assist with costs of representing Western Australia in their chosen sports:

Christopher McGibbon	1 Risdon Court, Woodvale WA 6026
David Foster	11 Haynes Road, Sorrento WA 6020
Darren Broxton	56 Flinders Avenue, Hillarys WA 6025
Kenny Wilson	9 Leroux Retreat, Padbury WA 6025
Craig Simpson	31 Bottlebrush Drive, Greenwood WA 6024
Wayne Wilson (Jnr)	22 Narrabeen Place, Kallaroo WA 6025
Shaun Kilkelly	11 Grey Smith Gardens, Woodvale WA 6026
Tyrone Livingstone	23 Carnwarth Way, Duncraig WA 6023
Mark Coppack	6 Teak Court, Woodvale WA 6026
Sarah Fisk	91 Wentletrap Way, Mullaloo WA 6027
Aaron Ritchie	99 Dorchester Avenue, Warwick WA 6024

such donations to be drawn from Account Number 29470 - Sundry Donations - Recreation and Sport Other. **CARRIED**

CS293-10/97 **WAIVER OF HIRE FEES - MACDONALD PARK - [909-1]**

A request has been received from the Lions Club of Whitford for the waiver of charges relating to the hire of 40 rubbish bins for its community fair to be held on 5 April 1998 at MacDonald Park, Padbury.

MOVED Cr Taylor, SECONDED Cr O'Grady that Council makes a non statutory donation of \$168.00 to the Lions Club of Whitford from Account 26531 (Other Welfare Services - Sundry Donations). **CARRIED**

CS294-10/97 **MANAGEMENT REVIEW - RECREATION SERVICES - [260-0]**

A review of Recreation Services has been undertaken with the goal of developing a management structure that improves Recreation Services capacity to meet National Competition policy requirements. The desired outcomes of the new structure are to realise:

- decision making closer to customers;
- improved customer service;
- improved business management practices; and
- improved opportunities for staff in areas of professional and career development.

It is recommended the management of Recreation Services be restructured to achieve these objectives.

REPORT RECOMMENDATION: THAT Council:

- 1 approves the changes in Council's organisational structure in relation to Recreation Services;
- 2 offers the lease of Warwick Leisure Centre to the Warwick Church of Christ subject to satisfactory negotiations of lease conditions;
- 3 calls for expressions of interest from community groups to lease Hainsworth Leisure Centre;
- 4 calls tenders for Cleaning Services at Aquamotion, Sorrento Duncraig Recreation Centre and Ocean Ridge Community Centre.

Discussion ensued.

MOVED Cr Taylor, SECONDED Cr O'Grady that:

- 1 **the Finance and Community Services Committee endorses the options as outlined in Stage One of Report CS294-10/97;**
- 2 **Council approval be sought prior to commencement of Stage Two;**

- 4 lists for consideration in the draft 1998/99 budget the transfer of the balance of funds from the Historic Village - Perry's Paddock Reserve Account being \$137,564 to the Luisini Winery Project. **CARRIED**

CS297-10/97 **COMMUNITY SECURITY AND SAFETY - [905-4]**

The Night Security Patrol Committee conducted a meeting on 14 October 1997 to consider the progress of the Registration of Interests for mobile security patrols and also to evaluate a strategic proposal for the ongoing management of community security and safety in the City of Wanneroo. The Committee endorsed the recommendations that the title of the Committee be changed, and its terms of reference and membership be broadened and that a Community Security and Safety Action plan be developed.

MOVED Cr Taylor, SECONDED Cr O'Grady that the Finance and Community Services Committee:

- 1 renames the Night Security Patrol Committee to the "Community Security and Safety Advisory Committee";
- 2 adopts the terms of reference for the Community Security and Safety Advisory Committee forming Attachment 1 to Report CS297-10/97.

CARRIED

ADVANCED ELECTED MEMBERS COURSE - [202-1-5]

At the Finance and Community Services Committee meeting, Cr Magyar submitted for consideration a circular from the Australian Centre for Regional and Local Government Studies detailing various courses for 1998.

This circular will be referred to Marketing for action.

PERCY DOYLE FOOTBALL OVAL- [061-285]

At the Finance and Community Services Committee meeting, Cr Major referred to the recent on site meeting attended by Mr Noel Gannon and the Manager, Compliance Services at the Percy Doyle Football Oval and requested an update on matters arising from this meeting.

This matter will be referred to Compliance Services for action.

SALE OF LOTS IN WANGARA - [006-2]

At the Finance and Community Services Committee meeting, Cr Major queried the position in relation to the supplementary budget arising from the sale of lots in Wangara.

The Director, Resource Management advised that 6 lots in Wangara had recently been sold at auction. He commented that funds would not be available until the production of Certificates of Title which was envisaged to be in approximately two to three months time.

DISSATISFACTION WITH CUSTOMER SERVICE - [702-0]

At the Finance and Community Services Committee meeting, Cr Major referred to complaints he had received from residents who were dissatisfied with the customer service they had received, particularly in relation to Council's one stop shop facility, and suggested that appropriate training be given to relevant staff members to enable them to provide a satisfactory level of service.

RESIGNATION FROM JUNIOR COUNCIL - CR MAJOR - [702-3]

At the Finance and Community Services Committee meeting, Cr Major advised that as he had recently resigned from Junior Council, a vacancy now existed on this Committee.

JOONDALUP FESTIVAL - [429-1-2]

At the Finance and Community Services Committee meeting, Cr O'Grady requested that the Joondalup Festival Committee give consideration to including a skate board competition at the forthcoming Joondalup Festival.

The Manager, Recreation and Cultural Services advised he would submit this request at the next meeting of the Joondalup Festival Committee.

SOUND SYSTEM - CONFERENCE ROOM ONE - [702-0]

At the Finance and Community Services Committee meeting, Cr Hollywood queried the position in relation to the proposed sound system for Conference Room One.

The Director, Strategic Planning advised that a report would be submitted to the Committee in November.

MOVED Cr Taylor, SECONDED Cr O'Grady that the Report of the Finance and Community Services Committee meeting held on 15 October 1997, be received. **CARRIED**

BUSINESS FOR INFORMATION**TECHNICAL SERVICES COMMITTEE****B112-10/97 TECHNICAL SERVICES CURRENT WORKS - [220-0]**

The Technical Services Directorate Current Works report is valid for works during the period ending 26 September 1997.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information relating to Technical Services Current Works to the period ending 26 September 1997 be noted.

CARRIED

B113-10/97 ARBORICULTURAL REPORT - DECLINE OF TUART TREES - [250-0]

Mr John Banks was engaged to investigate the cause of the decline and death of Tuart trees within the City's Public Open Space and road reserves.

Areas inspected were Hepburn Avenue, Lloyd Drive, Warwick Open Space and Cornish Park in Woodvale.

All the research into and observation of declining Tuart trees strongly suggests that their ultimate decline is due to the damage caused by wood boring insects which take advantage of the trees' reduced vigour as a result of environmental pressures and/or changes and which, in turn and in large part, have resulted from human activities.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information relating to the Arboricultural Report on the decline of Tuart trees be noted.

CARRIED

B114-10/97 MONTHLY REPORT SEPTEMBER 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 September 1997 by Parks Landscaping Services.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information submitted relating to Monthly Report ending September 1997 - Parks Landscaping Services, be noted.

CARRIED

B115-10/97 FINNEY PARK MARMION - [061-123]

Council, at its meeting dated 28 May 1997, received Report No TS167-05/97 Finney Park Marmion.

This report was deferred pending the recommendation of the Verge and Median Landscape Working Party. The Working Party's recommendations have been determined and Finney Park has been listed for consideration in Stage 2 works associated with the Dry Park Development Programme 1998/99.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information relating to Finney Park, Marmion be noted. CARRIED

DEVELOPMENT AND PLANNING SERVICES COMMITTEE

B116-10/97 LAKE NEERABUP - [290-7-2]

Concerns about falling water levels in Lake Neerabup and consequent adverse impacts on the lake's environmental values have been raised through consultation processes for the City's Local Rural Strategy. Council has now sought a report on this matter. Recent advice from the Water and Rivers Commission indicates a decline in water levels in Lake Neerabup, but concludes that this decline follows the long term climatic trend.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information in relation to the water levels and consequent environmental conditions within Lake Neerabup be noted. CARRIED

B117-10/97 DEVELOPMENT ENQUIRIES : SEPTEMBER 1997 - [290-0]

This report lists those enquiries received for the month of September 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 Taylor, SECONDED Cr O'Grady that the information contained within the report dated 13 October 1997 relating to Development Enquiries for September 1997, be noted. CARRIED

B118-10/97 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.

At the Development and Planning Services Committee meeting, Cr Tippett requested an update regarding the closure of pedestrian accessways in relation to Hainsworth Avenue and Meakers Way and Pannell Way, Girrawheen. Director, Development Services advised that Council is awaiting payment of application fee before initiating closure of the accessways in question.

At the Development and Planning Services Committee meeting, Cr Taylor advised that when this Item goes before Council he would declare an interest in No 25 - Closure of Pedestrian Accessway, Felgate Place and Beach Road, Warwick as he owns a business in this locality.

MOVED Cr Taylor, SECONDED Cr O'Grady that the monthly progress report relating to the closure of pedestrian accessways, be noted. CARRIED

B119-10/97 APPEAL DETERMINATION : SUBDIVISION OF LOT 2 TOWNSEND ROAD, JANDABUP - [740-102334]

An application to subdivide Lot 2 Townsend Road, Jandabup into two, 2 hectare lots was received by the City on 14 November 1996. The application was inconsistent with the City's Rural Subdivision Policy which stipulates a minimum lot size of four hectares and as such was not supported under Council's delegated authority on 31 January 1997. The Western Australian Planning Commission refused the proposal and the applicant later appealed the decision to the Hon Minister for Planning who resolved not to uphold the appeal.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information relating to the appeal determination in regard to subdivision of Lot 2 Townsend Road, Jandabup, be noted. CARRIED

FINANCE AND COMMUNITY SERVICES COMMITTEE

B120-10/97 1997/98 RATE INCENTIVE SCHEME DRAW - [018-20]

Councillors will be aware that to be eligible to enter the 1997/98 Rates Incentive Scheme draw, rates and refuse (including arrears) had to be paid in full by 30 September 1997.

Drawing of the prize winners was conducted on Friday, 3 October 1997. The nine prize winners have been notified and the matching of winners to the prizes will be conducted at a Cocktail Party on Friday, 31 October 1997.

There was a huge response to this year's draw with 32,747 ratepayers entering.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information in relation to the 1997/98 Rate Incentive Scheme Draw be noted. CARRIED

B121-10/97 FINANCIAL REPORT FOR THE QUARTER ENDED 26 SEPTEMBER 1997 - [002-3]

In accordance with the Local Government (Financial Management) Regulations 1996, the financial statements for the September quarter ended 26 September, 1997 are presented to Council. The Operating Statements and the Statement of Cash Flows reflect the financial position at 26 September, 1997.

At this early stage no real expenditure or revenue trends are apparent. The Change in Net Assets resulting from Operations at 26 September, 1997 was \$47.086 m. This position reflects the total rate and refuse revenue levied, against three months expenditure. As the year progresses, this position will alter as expenditure increases.

It is to be recognised that due to the early cut off for October reports it was necessary to close the end of the quarter on Friday, 26 September, 1997. With the 1997/98 Rates Incentive Scheme closing on 30 September, 1997 the quarterly statements did not reflect the revenue received on Monday, 30 September, 1997. This was a sizeable \$6.8 m in rates alone!!

MOVED Cr Taylor, SECONDED Cr O'Grady that the Financial Report for the quarter ended 26 September 1997 be noted. CARRIED

B122-10/97 BIENNIAL BUDGET PROPOSAL - [006-1]

This report examines a proposal to implement two year budgets instead of annual budgets and determines that in addition to legislative requirements there are clear benefits in retaining the annual budget process.

MOVED Cr Taylor, SECONDED Cr O'Grady that the report examining the proposal for biennial budgets be noted. CARRIED

B123-10/97 DISABILITY SERVICE PLAN - STATUS REPORT 1996/97 - [880-8-11]

This report outlines details of the 1996/97 Status Report on the implementation of the City of Wanneroo Disability Service Plan, as submitted to the Disability Services Commission on 29 August 1997.

MOVED Cr Taylor, SECONDED Cr O'Grady that the Disability Service Plan Status Report 1996/97 be noted. CARRIED

B124-10/97 CITY OF WANNEROO PROPOSED YOUTH ACTION PLAN - [485-0]

An external consultant has been engaged by the Director Community Services to develop a Youth Action Plan. The Alice's Cafe proposal tabled at September's Finance and Community Services Committee will be considered in Stage 2 of this brief.

At the Finance and Community Services Committee meeting, Cr Lynn read out a copy of a letter addressed to Cr Cooper from Mr P Filing MP dated 15 October 1997, in support of Alice's Cafe proposal for the information of members.

MOVED Cr Taylor, SECONDED Cr O'Grady that the report on the City of Wanneroo Proposed Youth Action Plan be noted. CARRIED

B125-10/97 STAFF AND OUTSIDE WORKERS' OVERTIME SEPTEMBER 1997 - [404-10]

This report details the staff and outside workers' overtime for the month of September 1997.

MOVED Cr Taylor, SECONDED Cr O'Grady that the information in relation to Staff and Outside Workers' Overtime for the month of September 1997 be noted. CARRIED

MOVED Cr Taylor, SECONDED Cr O'Grady that Business for Information Reports be received. CARRIED

CHIEF EXECUTIVE OFFICER'S REPORT**C358 -10/97****SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [200-0-1]**

Document: Scheme Amendment
Parties: City of Wanneroo and Minister for Planning
Description: TPS No 1 Amendment No 773
Date: 24.9.97

Document: Withdrawal of Caveat
Parties: City of Wanneroo
Description: Lot 25 Mather Drive, Neerabup
Date: 25.9.97

Document: Withdrawal of Caveat
Parties: City of Wanneroo and Sizzler Aust Pty Ltd
Description: Lot 1 Belridge Shopping Centre
Date: 25.9.97

Document: Deed of Agreement
Parties: City of Wanneroo and Conral Pty Ltd
Description: Lot 25 Mather Drive, Neerabup
Date: 1.10.97

Document: Withdrawal of Caveat
Parties: City of Wanneroo and Sizzler Aust Pty Ltd
Description: Lot 1 Beldon Shopping Centre
Date: 1.10.97

Document: Withdrawal of Caveat
Parties: City of Wanneroo and De Marchi
Description: Lot 25 Mather Drive, Neerabup
Date: 1.10.97

Document: Withdrawal of Caveat
Parties: City of Wanneroo and S L Silvestro
Description: Lot 8 (588) Neaves Road, Mariginiup
Date: 6.10.97

Document: Deed
Parties: City of Wanneroo and Sofia Koroveshi
Description: Copyright Agreement
Date: 6.10.97

Document:	Deed
Parties:	City of Wanneroo and Pat Davies
Description:	Copyright Agreement
Date:	6.10.97
Document:	Deed
Parties:	City of Wanneroo and Pamela Beggs
Description:	Copyright Agreement
Date:	6.10.97
Document:	Deed
Parties:	City of Wanneroo and Vitalek Zacrevskey
Description:	Copyright Agreement
Date:	6.10.97
Document:	Deed
Parties:	City of Wanneroo and Laurie Birchall
Description:	Copyright Agreement
Date:	6.10.97
Document:	Scheme Amendment
Parties:	City of Wanneroo and Minister for Planning
Description:	TPS No 1 Amendment No 736
Date:	9.10.97

MOVED Cr Major, SECONDED Cr Taylor that the schedule of documents executed by means of Affixing the Common Seal be received. CARRIED

C359 -10/97 EVALUATION OF LEGAL SERVICES - [028-97/98]

Council has recently sought expressions of interest from suitably qualified legal firms to undertake the City's legal services. Following the advertisement placed in The West Australian newspaper, 14 submissions were received.

Council at its June 1997 meeting resolved that in order to obtain the most competitive legal rates, expressions of interest be called with a view for calling for selective tenderers following a shortlisting process. At that meeting it was also resolved to establish a Legal Services Evaluation Committee comprising of Crs Major and Magyar, the Chief Executive Officer and the Director of Corporate Services.

Meetings of the Legal Services Evaluation Committee were held on 8 October 1997 and 13 October 1997. Minutes of these meetings form Appendix XVIII hereto.

The Committee after much discussion agreed to shortlist to eight legal firms to invite to tender.

MOVED Cr Major, SECONDED Cr Taylor that:

- 1 the Minutes of the Legal Services Evaluation Committee Meetings held on 8 October 1997 and 13 October 1997 be received;**

- 2 the expressions of interest submitted by legal firms to undertake the City's legal services be received;
- 3 in accordance with the Local Government (Functions & General) Regulations 1996, Council invites the following legal firms to tender for the legal services of the City of Wanneroo:
- Clayton Utz
Corrs Chambers Westgarth
Corser & Corser
Kott Gunning
McLeod & Co
Mallesons Stephen Jaques
Minter Ellison
Watts Woodhouse**
- 4 all legal firms which submitted an expression of interest be advised of the decision of Council accordingly. **CARRIED**

Appendix XVIII refers

C 360-10/97 ADOPTION OF LOCAL LAW - STANDING ORDERS - [200-0]

SUMMARY

At the 27 August 1997 Council meeting, Council resolved to propose a new Local Law Relating to Standing Orders. This report recommends that Council resolves to repeal its Local Laws Relating to Standing Orders as published in the Government Gazette on 18 October 1985 and adopt a new Local Law Relating to Standing Orders, attached as Appendix XIX hereto.

BACKGROUND

Council has been in the process of drafting a new Local Law Relating to Standing Orders since the beginning of the year. At the 27 August 1997 Council meeting, Council resolved to propose a new Local Law Relating to Standing Orders.

DETAILS

Following the Council resolution to propose a new Local Law Relating to Standing Orders, the Council was required to give statewide public notice of the proposed Local Law on at least two days and invite submissions for a period of 42 days. Advertisements were placed in The West Australian on the 6 and 9 September 1997. The submission period closed on 17 October 1997 and no submission was received.

To allow for the Local Law Relating to Standing Orders to be in operation for the November 1997 Council meeting, the Policy A2-02 "Communication of Council Resolutions" needs to be set aside by the Council to allow for the immediate advertising in the Government Gazette. The

Local Law will come into effect 14 days after gazettal, on 11 November 1997. The Council is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of this local law.

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

- 1 **repeals its Local Laws Relating to Standing Orders as published in the Government Gazette on 18 October 1985 and adopts a new Local Law Relating to Standing Orders, attached as Appendix XIX hereto;**
- 2 **authorises the affixation of the common seal to and endorses the signing of the document;**
- 3 **authorises administrative action in accordance with Section 3.12 of the Local Government Act 1995;**
- 4 **sets aside Policy A2-02 "Communication of Council Resolutions" to allow for the immediate gazettal and subsequent commencement of the Local Law Relating to Standing Orders on 11 November 1997.**

CARRIED BY A SPECIAL MAJORITY

Appendix XIX refers

C361-10/97 EXTRAORDINARY ELECTION - SOUTH WEST WARD - 4 OCTOBER 1997 - [801-1-97A]

Councillors are advised that the Extraordinary Election conducted in South-West ward on Saturday 4 October 1997 proceeded smoothly and no significant problems were experienced on polling day.

A minor breach of the Local Government Act 1995 relating to candidate electoral material not bearing the printer's name and address, was brought to my attention.

The election result was as follows:

Andrew Patterson	344 votes
Glynis Monks	469 votes
Vicki Hancock	687 votes

Vicki Hancock was duly sworn in as Councillor following declaration of the election result on 4 October 1997. Cr Hancock made an Oath of Allegiance and Declaration of Councillor before the Mayor, Brian Cooper, JP (Appendix XX refers).

MOVED Cr Major, SECONDED Cr Taylor that the information regarding the Extraordinary Election - South-West Ward - 4 October 1997 be received. CARRIED

Appendix XX refers

C362-10/97 APPOINTMENT OF MEMBERS - VARIOUS COMMITTEES - [702-0]

SUMMARY

Following the election of Cr V Hancock, consideration may now be given to filling vacancies which exist on Standing and external Committees.

BACKGROUND

Vacancies exist on the following committees:

Standing Committees

Policy Committee	Member
Technical Services Committee	1st Deputy to Cr Lynn 2nd Deputy to Cr Bombak
Development and Planning Services Committee	1st Deputy to Cr Major 2nd Deputy to Cr Bombak
Finance and Community Services Committee	Member

External Committees

Local Government Association of WA North Metropolitan Zone	Delegate
North Metropolitan Region Recreation Advisory Committee	Deputy
Wanneroo Employment and Skills Training	Delegate
Whitford Recreation Association	Delegate

Appendix XXI hereto provides a complete list of members on these Committees.

Consideration is required to be given to filling these vacancies.

At the Council meeting, Cr Major nominated Cr Hancock as member to the Policy Committee and member to the Finance and Community Services Committee.

Cr Ewen-Chappell nominated Cr Lynn as member to the Policy Committee. Cr Lynn declined this nomination.

Cr Hancock will assume the vacant deputy positions on the Development and Planning Services Committee and Technical Services Committee.

MOVED Cr Major, SECONDED Cr Popham that Council appoints Cr Hancock as:

- 1 member to the Policy Committee;**
 - 2 member to the Finance and Community Services Committee;**
 - 3 first deputy to Cr Lynn and second deputy to Cr Bombak on the Technical Services Committee;**
 - 4 first deputy to Cr Major and second deputy to Cr Bombak on the Development and Planning Services Committee.**
- CARRIED BY AN
ABSOLUTE MAJORITY**

Cr Lynn nominated Cr Tippett as delegate to the Local Government Association of WA North Metropolitan Zone. Cr Wight nominated Cr Hollywood for the position as deputy.

Cr Wight nominated Cr Tippett as deputy to the North Metropolitan Region Recreation Advisory Committee.

Cr Major nominated Cr Zuvela as delegate to the Wanneroo Employment and Skills Training committee.

Cr Hancock to attend meetings of Whitford Recreation Association in rotation with South West Ward Councillors.

RESOLVED that Council appoints:

- 1 Cr Tippett as delegate and Cr Hollywood as deputy to the Local Government Association of WA North Metropolitan Zone;**
- 2 Cr Tippett as deputy to the North Metropolitan Region Recreation Advisory Committee;**
- 3 Cr Zuvela as delegate to the Wanneroo Employment and Skills Training Committee;**

- 4 **Cr Hancock as delegate to the Whitford Recreation Association, to attend meetings on a rotational basis with other South West Ward Councillors.**

Appendix XXI refers

C363-10/97

VACANCY - LOCAL GOVERNMENT ASSOCIATION MEMBER AND DEPUTY MEMBER - CONTROL OF VEHICLES (OFF ROAD AREAS) ACT ADVISORY COMMITTEE - [312-2]

SUMMARY

The Local Government Association has invited member Councils to submit nominations to the Control of Vehicles (Off Road Areas) Act Advisory Committee.

DETAILS

The Local Government Association has invited member Councils to submit nominations to the Control of Vehicles (Off Road Areas) Act Advisory Committee for two positions.

The Committee's terms of reference is to provide advice and recommendations to the Minister for Local Government on policies and proposals relating to the Control of Vehicles (Off Road) Areas Act.

The term is for an appointment of three years. Meetings are held quarterly at the Department of Local Government in Perth. There is a meeting fee of \$108 per day or \$73 per half day plus public service mileage rates.

Committee membership includes the Minister for the Environment, Country Shire Councils' Association, Motor Cycling Australia WA, WA Beach Buggy Association and WA Association of Four Wheel Drive Clubs.

A ballot will be held at the Local Government Association Executive Committee following close of nominations.

Cr Ewen-Chappell nominated Cr Magyar.

Cr Magyar declared an interest in this item as he had been nominated for appointment to this Committee. Cr Magyar left the Chamber at this point, the time being 2334 hrs.

MOVED Cr Major, SECONDED Cr Taylor that Council nominates Cr Magyar for consideration of appointment to the Local Government Association - Control of Vehicles (Off Road Areas) Act Advisory Committee. CARRIED

Cr Magyar entered the Chamber at 2335 hrs.

C364-10/97

VACANCY - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION MEMBER AND DEPUTY MEMBER - COMMUNITY TITLES ADVISORY COMMITTEE - [312-2]

SUMMARY

The Western Australian Municipal Association has invited member Councils to submit nominations to the Community Titles Advisory Committee.

DETAILS

The Western Australian Municipal Association has invited member Councils to submit nominations to the newly created Community Titles Advisory Committee.

The Committee's terms of reference is to prepare proposals for legislative reforms in relation to property developments having separate ownership of lots with either or both shared services and property owned in common.

The serving term is for a maximum of two years and meetings are held monthly at a time and location to be advised. There is a \$50 sitting fee for each meeting attended.

Committee membership includes the Department of Land Administration, Ministry for Planning, Office of Strata Titles Referee, Water Corporation, Real Estate Institute of Western Australia, Institute of Surveyors, Law Society of Western Australia, Australian Institute of Conveyancers, Urban Development Institute of Australia, Strata Titles Institute and representatives of lot owners.

A ballot will be held at the Western Australian Municipal Association Executive Committee following close of nominations.

Cr Ewen-Chappell nominated Cr Taylor.

Cr Taylor declared an interest in this item as he had been nominated for appointment to this Committee. Cr Taylor left the Chamber at this point, the time being 2336 hrs.

MOVED Cr Ewen-Chappell, SECONDED Cr Wight that Council nominates Cr Taylor for consideration of appointment to the Western Australian Municipal Association - Community Titles Advisory Committee. CARRIED

Cr Taylor entered the Chamber at 2337 hrs.

C365-10/97**VACANCY - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION MEMBER - BOARD OF MANAGEMENT, RESEARCH INSTITUTE FOR CULTURAL HERITAGE, CURTIN UNIVERSITY OF TECHNOLOGY - [312-2]****SUMMARY**

The Western Australian Municipal Association has invited member Councils to submit nominations to the Board of Management, Research Institute for Cultural Heritage, Curtin University of Technology.

DETAILS

Due to the resignation of an Elected Member, the Western Australian Municipal Association has invited member Councils to submit nominations to the Board of Management, Research Institute for Cultural Heritage, Curtin University of Technology. Nominees must have a knowledge of local government heritage issues.

The Committee's terms of reference is to advise the program area through the Head of School concerning the relevance, structure and presentation of courses and their future development, directions and scope of research and development, management of resources and the overall functioning of the program area.

The term is for an appointment of three years. Meetings are held yearly at the Curtin University of Technology. There is no meeting fee associated with this position.

A ballot will be held at the Western Australian Municipal Association Executive Committee following close of nominations.

Cr Ewen-Chappell nominated Cr Magyar.

MOVED Cr Ewen-Chappell, SECONDED Cr O'Grady that Council nominates Cr Magyar for consideration of appointment to the position of Western Australian Municipal Association Member - Board of Management, Research Institute for Cultural Heritage, Curtin University of Technology. CARRIED

C366-10/97**VACANCY - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION MEMBER - STATE RECYCLING ADVISORY COMMITTEE - [312-2]****SUMMARY**

The Western Australian Municipal Association has invited member metropolitan Councils to submit nominations to the State Recycling Advisory Committee.

DETAILS

Due to the resignation of an Elected Member, the Western Australian Municipal Association has invited member metropolitan Councils to submit nominations to the State Recycling

Advisory Committee. The Elected Member must have an interest and/or experience in the area of recycling and waste management.

The Committee's terms of reference is to advise the Advisory Council of Waste Management on the necessary review and implementation of the Recycling Blueprint, assess ongoing community recycling performance, develop and review the State's Waste Minimisation and Recycling Strategy and to review applications for program or funding assistance that may become available for recycling initiatives.

The term is from February 1998 through to 31 December 1999. Meetings are held on the second Tuesday of each month at the Advisory Council on Waste Management, Westralia Square Perth. There is no sitting fee associated with this position.

A ballot will be held at the Metropolitan Waste Advisory Council following close of nominations.

Cr Ewen-Chappell nominated Cr Magyar.

MOVED Cr Ewen-Chappell, SECONDED Cr Zuvela that Council nominates Cr Magyar for consideration of appointment to the position of Western Australian Municipal Association Member - State Recycling Advisory Committee. CARRIED

C367-10/97

SIDE LOADING DOMESTIC REFUSE TRUCKS - TENDER NO 158-96/97 - [208-158-96/97]

SUMMARY

A problem has been experienced with the supplier of compactor bodies for five domestic rubbish trucks. The next lowest tenderer for the bodies is still willing to supply at the tendered price and can supply the units in time to be operational this summer. Cancellation of the old contract and letting of a new contract is recommended.

BACKGROUND

The first batch of single operator domestic refuse trucks have reached the end of their economic life and have been programmed for replacement. The contract was let to have replacement trucks in service before summer. This was to avoid the operational difficulties experienced with the old trucks during hot weather.

DETAILS

At its meeting on 23 April 1997, Council considered tenders for the replacement of six domestic refuse trucks (Item TS110-04/97 refers). The tender for five of these was let to Skipper Trucks for International ACCO trucks with Tusk bodies. Subsequently, Tusk Industries moved its production facility from Queensland to Victoria. It joined a well established sister company in Kockums and is now trading as Kockums/Tusk Pty Ltd. Problems appear to have been experienced in transferring the technical expertise of the Queensland operation. This has resulted in failure to meet the contract delivery dates and raises concerns on the technical reliability of the product.

Skipper Trucks has advised Council of its concern with the current situation and offered to supply the next lowest price bodies on its trucks for the rate originally tendered in March 1997. This is a MacDonald Johnston Engineering Pty Ltd body which would have been the recommended unit if the Tusk body had not been available. The additional cost is \$95,700 raising the total contract price to \$979,810.

COMMENT/FUNDING

The prices received in the tender last April are considered competitive and recalling tenders is most likely to result in a higher tender price. Tenders called now would be reported to the December meeting of Council. If a different truck supplier was successful Council would then need to wait 3-4 months for the cab chassis to be built then 2 months for the manufacture and fitting of the compactor bodies. During this period Council would experience increased maintenance on the old trucks plus a significant amount of overtime to maintain the current high level of customer service. There are no penalty clauses in the contract for late delivery other than contract termination.

It is disappointing that problems have been experienced with the Tusk units since the Council's current units have functioned very well. A pragmatic approach is needed however, to minimise the chance of operational problems this summer. McDonald Johnston have the advantage of being locally manufactured and it has indicated that it can supply the compactor bodies to a similar timetable as Kockums/Tusk are now indicating. The performance of Kockums/Tusk in this contract has been such that there is little confidence in its ability to meet its commitment as well as concern about the overall quality of the final product. The MacDonald Johnston compactor bodies have also performed well for Council and can be recommended. The units are more expensive and the additional cost of \$95,700 will need to come from the Domestic Collection Reserve.

RECOMMENDATION That Council:

1. authorises, **BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the Local Government Act 1995 the allocation of an additional \$95,700 to Account No 26896 Vehicles-Heavy Replacement;
2. rescinds resolution TS110-04/97 item (1) relating to the purchase of five trucks from Skipper Trucks;
3. accepts Tender Number 158-96/97 from Skipper Trucks for the supply of four (4) International ACCO 2350G/250 trucks with MacDonald Johnston bodies and one International ACCO 2350/250 truck in 6x2 configuration with MacDonald Johnston body and trading plant numbers 96579 and 96581, for a changeover price of \$979,810.

ADDITIONAL INFORMATION SUBMITTED TO THE COUNCIL MEETING

An amended Recommendation for Late Item No 1 of the CEO's Report - Side Loading Domestic Refuse Trucks Tender No 158-96/97 was submitted for Council's consideration.

MOVED Cr Major, SECONDED Cr Taylor that Council:**1. rescinds part 1 of its resolution (TS110-04/97) dated 23 April 1997 being:**

"1 Skippers Trucks for four (4) International ACCO 2350G/250 trucks with Tusk compactor bodies and one (1) International ACCO 2350G/250 truck in 6 x 2 configuration with Tusk compactor body and trading plant numbers 96579 and 96581, for a changeover price of \$891,860;"

2. accepts Tender No 158-96/97 from Skipper Trucks for the supply of four (4) International ACCO 2350G/250 trucks with MacDonald Johnston bodies and one (1) International ACCO 2350G/250 truck in 6 x 2 configuration with MacDonald Johnston body and trading plant numbers 96579 and 96581, for a changeover price of \$979,810;**3. authorises in accordance with section 6.8(1) of the Local Government Act 1995 the allocation of an additional \$87,950 to Account No 26896 - Vehicles - Heavy Replacement to be funded from the Domestic Refuse Carts Collection Reserve Account.**

**CARRIED BY AN
ABSOLUTE MAJORITY**

C368-10/97

**DEPARTMENT OF LOCAL GOVERNMENT INQUIRY
REPORT - LOT 560 (3) MANAKOORA RISE, SORRENTO -
[3090/560/3]**

Copies of a report prepared in response to the Department of Local Government Inquiry Report into the development of a residence on Lot 560 (3) Manakoora Rise, Sorrento were provided to Councillors. The report has been prepared in consultation with Council's legal advisor and Insurer with some advice being received as late as 21 October 1997.

The Minister for Local Government in forwarding the Inquiry Report sought the submission of a plan of action within two months of receipt of the report, ie November 1997. This imposes constraints on when the report can be considered. Further at the September 1997 Council meeting the Mayor indicated that the matter would be addressed at the next Council meeting. It is proposed that the report is considered at the October Council meeting, however it is acknowledged the report is lengthy and Councillors may wish further time to consider it. The alternatives are a Special Council meeting or at the Policy Committee meeting on 10 November 1997. If the latter is the preferred course of action the Council will need to authorise the Policy Committee to act in this matter.

Discussion ensued at the Council meeting.

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that consideration of the response to the Department of Local Government into the development of a residence at Lot 560 (3) Manakoora Rise, Sorrento be deferred and referred to the Policy Committee meeting on 10 November 1997, such meeting to be attended by Denis McLeod, Council's Solicitor.

CARRIED

MOTIONS FOR FURTHER ACTION AND MOTIONS FOR REPORT**C369-10/97 COMMERCIAL DOG WASHING OPERATIONS - HILLARYS ANIMAL BEACH - [765-22]**

Cr Magyar requested a report on whether Council has approved any applications for commercial dog washing operations at Hillarys Animal Beach and queried the process to allow such an activity to be conducted at the animal beach.

RESOLVED that a report be submitted to Development and Planning Services Committee on whether any applications have been approved to conduct commercial dog washing operations at Hillarys Animal Beach and the process to allow such an activity at the animal beach.

C370-10/97 CHEMICAL FREE WEED CONTROL - [251-2]

Cr Magyar referred to an article in the Local Government Focus Magazine issued in October 1997 which outlined a chemical free weed control system which uses high pressure steam to kill weeds and requested that a report be submitted on the possibility of Council implementing chemical free weed control systems wherever possible.

RESOLVED that a report be submitted to Technical Services Committee on the possibility of Council implementing chemical free weed control systems wherever possible.

OVERHEIGHT RETAINING WALLS - LOT 780 (31) JERVIS WAY, SORRENTO - [2279/780/31]

Cr Bombak referred to the possible misinformation submitted in the report relating to Lot 780 (31) Jervis Way, Sorrento and believed that as Council had acted on this information, the correct information should be included in the report to enable this issue to be addressed.

COUNCIL POLICY ON HEIGHT OF BUILDINGS - [702-1]

Cr Bombak referred to Council's height policy, which he believed to be inadequate, and requested the policy used by the Town of Cottesloe be considered as this provision is included in its Town Planning Scheme requirements and has proved successful in limiting the height of buildings.

The Mayor requested Cr Bombak to submit this information to the Director, Development Services for consideration and incorporation into the report being prepared on Council's height policy.

CARINE PROFESSIONAL CENTRE - [790-766]

Cr Hancock referred to the proposed change of zoning for this Centre from commercial to special commercial, requiring additional parking bays under Town Planning Scheme No 1 and queried where these parking bays would be placed.

The Director, Development Services advised that a report had been submitted previously indicating the proposed parking, with an indication that the parking would be behind the Tavern and between the Tavern and the kindergarten site. He stated that that report had been adopted by Council with the recommendation being included in the amendment and the development application had been approved on that basis.

Cr Hancock queried why the people in the professional centre had not been consulted on this issue until 30 September 1997.

The Director, Development Services advised there had been no need for Council to advertise or consult with any other party in the shopping centre and stated that the present amendment currently being advertised was the formal amending process which calls for public comment.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

Cr Hollywood gave notice that he will move the following Motion at the Council meeting to be held on 26 November 1997.

“THAT any reports asked by Councillors that cost more than \$3,000 be brought back to the Council for approval.”

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 Bruce Brislin:

Q Given the last item that was discussed in relation to the Manakoora Rise planning situation, have all Councillors received the report from the Local Government Minister tabled on Manakoora Rise, which was compiled by Anne Marshall.

A *Mayor's response:* Yes, Councillors received a copy of this report.

Mr Barry Higgins:

Q On the front page of tonight's agenda, the embargo relates to 24 September 1997. Does that invalidate the embargo on tonight's agenda.

This question was taken on notice.

Mr Roy Robinson of Selina Crescent, Kingsley, the Administrator of the Sports Stadium at Warwick:

- Q In relation to CS294-10/97: Section 2 of the report and the recommendation states that Council offers a lease of the Warwick Leisure Centre to the Warwick Church of Christ. Should that not read the Churches of Christ Sport and Recreation Association Incorporated.
- A *Chief Executive Officer's response:* Representatives from the Church of Christ group visited Council yesterday, and are the people Council has previously negotiated with.

Mrs A Hine:

- Q In relation to Page 62, FA176-10/97, and the money being spent on the Councillor's bar. I have no objection to that but feel that as Perth City Council is fighting over what it spends on Councillors and parties, it would be a good idea that information was published to advise on what Councillors are entitled to spend or what do they spend.
- A *Mayor's response:* The issue in the Perth City Council concerns its dining room where guests are invited to dinners. We don't have the same system at Wanneroo. All our functions are approved by Council and are appreciation dinners for the groups that work for and with Council.

CONFIDENTIAL BUSINESS

Nil

DATE OF NEXT MEETING

The next Ordinary Meeting of Council has been scheduled for 7.30 pm on **WEDNESDAY, 26 NOVEMBER 1997**

CLOSE OF BUSINESS

There being no further business, the Chairman declared the Meeting closed at 0010 hrs, the following Councillors being present at that time:

COUNCILLORS: BOMBAK
COOPER
EWEN-CHAPPELL
HANCOCK
HEALY
HOLLYWOOD
LYNN
MAGYAR
MAJOR
O'GRADY
POPHAM
TAYLOR
TIPPETT
WIGHT
ZUVELA