



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 10 NOVEMBER 1998**

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CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON TUESDAY, 10 NOVEMBER 1998

ATTENDANCES

Commissioners:

C T ANSELL	Chairman	
H MORGAN, AM	Deputy Chairman	<i>Absent from 1827 hrs to 1829 hrs</i>
R M ROWELL		
M C CLARK-MURPHY		
W BUCKLEY		

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Acting Director, Strategic Planning:	J KIRTON
Director, Resource Management:	J B TURKINGTON
Acting Director, Development Services:	R FISCHER
Director, Technical Services:	R McNALLY
Director, Community Services:	C HALL
Manager, Division Taskforce:	B PERRYMAN
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Committee Clerk: J AUSTIN	
Minute Clerk:	L TAYLOR

In Attendance

Chief Executive Officer	
Shire of Wanneroo:	K WHITE

APOLOGIES AND LEAVE OF ABSENCE

Nil

There were 21 members of the Public and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1800 hrs.

PUBLIC QUESTION TIME

The following questions were submitted by Mr B Higgins of Bernard Road, Carabooda:

- Q1 Do each of the Commissioners support in principle, the concept of establishing a youth radio station, covering the City of Joondalup and the Shire of Wanneroo?*
- A1 The Commissioners would support in principle the establishment of either a radio or television station which would be unique to this area.
- Q2 Will Commissioners give their full support to any funding application for such a proposal, made to local Federal Members of Parliament, under the Federation Community Projects Program?*
- A2 The Commissioners would support any funding application for worthy community projects.
- Q3 Would "Radio Cool" be a 'wicked' name for the station?*
- A3 The name "Radio Cool" could be quite fitting for a youth radio station.

The following questions were submitted by Mrs A Hine of Dundobar Road, Wanneroo:

- Q1 Could we have the outcome of the Whitford Shopping Centre Tribunal Appeal decision?*
- A1 The Whitford City Appeal decision was handed down by the Town Planning Appeal Tribunal on 4 November 1998. The appeal was dismissed.
- It appears that the appeal decision was based largely on local traffic and amenity grounds. These issues formed a major part of the City's evidence to the tribunal.
- A more detailed report on this matter will be prepared for the Joint Commissioners' next Meeting.
- Q2 How much did it cost for legal fees? - (and congratulations for a huge effort in fairness).*
- A2 The account has not been finalised at this time. However, to date the cost has been in the order of \$110,000.00.
- Q3 Reference Meeting of Joint Commissioners 27 October 1998 (Ref No 011122). Is Council going to get something going such as the Lunch Bar in close proximity to Council Chambers? People would like to have a facility they could get a bite to eat or drink during breaks to meetings and also when spending time at Joondalup Library? (The lunch bar is a great loss to all) and the pleasant girls that looked after us.*

- A3 There is no plan to replace the lunch bar at the Administration Centre that closed when the lease expired on 30 October. The decision not to renew the lease was taken based on the number of lunch facilities in close proximity to the Civic and Cultural precinct and the need for the floor space for administrative purposes.

Consideration has been given to develop a coffee shop adjacent to the Library but gained no response when previously advertised.

Response by Chief Executive Officer: Chief Executive Officer advised concern had been expressed by local businesses regarding any proposal to set up a coffee shop in competition with businesses in the area.

- Q4 *Query 5, page 3. I feel I have given the wrong impression on this one. My query was that the stress and pressure put on the staff attending the public was too much for them. (I did not feel they were unable to cope). They could only go as fast as their machines would allow them. "The workers deserve a rise in wages for such a great effort".*

- A4 Mrs Hine's support for the staff working within the Customer Service Centre during the busy rate period is greatly appreciated. During this period the City deals with many hundred of customers on a daily basis and the efforts of the staff in ensuring that all customers are attended to as quickly and efficiently as possible is to be commended.

In relation to the second part of Mrs Hine's question, the City is currently negotiating an Umbrella Enterprise Bargaining Agreement with all internal staff. When implemented this will pave the way for further increase in salary associated with increases in productivity.

- Q5 *When Junior Council is held, are the concerns of Wanneroo Shire Council considered in depth? If so, what has been looked into in regards to the townsit? I would like to know what the youth feel. I would like to hear of some suggestions for young teens so that all are catered for.*

- A5 The Junior Council comprises of a representative from each High School within the districts of the City of Joondalup and Shire of Wanneroo. It is established in February/March of each year and concludes at the end of the school year. The 1998 Junior Council had its last meeting in October.

The Junior Council considers various matters including those that affect the youth in the area. They were briefed regarding the proposed Wanneroo Town Centre project.

Mr A Bryant, Craigie:

Re CJ231-11/98 - Tender 58-98/99 - Supply and Installation of Cart Identification and Weighing System

- Q1 *Does this item refer to the charging of ratepayers for removing or recycling rubbish?*

A1 *Response by Cmr Morgan:* No. This is a trial that has been undertaken in respect to recycling. Special equipment has been purchased (a truck and bins) and the trial will commence later this month. Dependant on the results of the trial, a decision will then be made as to whether a recycling system will be instituted for both the City of Joondalup and the Shire of Wanneroo.

Q2 *Is the trial to test the result and profitability of your recycling regime?*

A2 *Response by Cmr Morgan:* I am not sure it is correct to say the profit aspects at present, as the price of recycling material fluctuates. It is more to test the support or otherwise from the community to a recycling program that could possibly replace the current bag collection which did not cover all recycling materials.

Q3 *At the last Council meeting the Joint Commissioners agreed to certain local laws in regard to parking on street verges. I realise this requires to be gazetted and may not be in force at present, but how does Council propose to police this? Does Ranger Services conduct patrols to check for unlicensed vehicles parking on street verges?*

A3 *Response by Director, Community Development:* The Rangers are empowered to enforce the local laws.

Mr S Magyar, Heathridge:

In relation to CJ223-11/98 - Review of Delegation of Development Control Powers:

Q1 *Can the Commissioners explain how this delegation of power, down to the officers, will enhance open and accountable local government in Joondalup and Wanneroo?*

Q2 *The report states:*

“The recommendation also provides an ability for any Commissioner/Councillor to call in applications of significance or other interest and does not preclude any matter being referred to the Joint Commissioners/Council if considered necessary.”

How will a Commissioner or Councillor know that an application is significant or of other interest, if the application is not reported to the Commissioners or Councillors?

Q3 *How will a person who has lodged an objection know that their objection has been properly considered, if the application is not the subject to a publicly available report to the Commissioners or Councillors?*

Q4 *As information will be withheld from the people ultimately responsible for the administration of the City, that is the Commissioners or Councillors, can the Commissioners assure the residents of Joondalup and Wanneroo, that this new process will not create another Manakoora Rise, which the Minister for Local Government described as “a terrible indictment of the City of Wanneroo”?*

Q5 Currently the state of the road verges on Marmion Avenue and other major roads is terrible. Dried out winter weeds are becoming a fire hazard. When will the Council mow the weeds?

Q6 The weeds have now gone to seed, so the problem will be much worse next year. Will the Commissioners ensure that the City develops a proper weed management program for its major roads and parks?

Response by Cmr Ansell: These questions will be taken on notice.

Mr V Harman, Ocean Reef:

- *Referring to his question asked at Meeting of Joint Commissioners held 27 October 1998 in relation to liquid crystal display monitors at the Whitford Customer Service Centre, Mr Harman pointed out that these monitors cost \$5,000, not \$15,000 as previously stated. He understood that these monitors were purchased because of the design structure of the desk at the Centre not being deep enough to accommodate a standard size monitor.*

Q1 Is it envisaged that there would be other community service centres located in other shopping centres?

A1 *Response by Chief Executive Officer:* It is proposed in this current financial year to consider a service centre in the Wanneroo Townsite. At present, the actual location has not been determined.

Q2 Will a Customer Service Centre be located at Warwick and Joondalup shopping centres?

A2 *Response by Chief Executive Officer:* At this stage it is not proposed to locate a service centre at either Warwick or Joondalup shopping centres.

- *Mr Harman advised he had been in contact with the City of Stirling to gauge the outcome of its supplying of bins for the removal of dog excreta. He requested that Council officers contact the City of Stirling to ascertain the merits of introducing a similar system in parks within the City's boundaries.*

Q3 At the Meeting of Joint Commissioners held on 27 October 1998 during the Premier's visit, mention was made of the possible extension of the freeway and the railway? Was any indication given as to the degree of extension or likely dates?

A3 *Response by Cmr Ansell:* At that stage no indication was given. I will come back to you at the Meeting of Joint Commissioners to be held 24 November 1998 with an answer in this regard.

Mr B Higgins, Carabooda:

Q1 I refer to an article appearing on page 2 of today's West Australian newspaper - "Inside Cover" and query whether Commissioners had seen this article and intended to make a public response?

A2 Response by Cmr Morgan:

Reply to Pam Cassellas - Inside Cover rubbish complaint.

"Mr Bowman complains about paying \$30.00 for his recycling cart while others get theirs for free."

Cmr Morgan read the following statement sent to the West Australian in response to the article appearing in Inside Cover.

"The Council has been reviewing its current bag collection recycling system with a view to replacing it with a cart system and commissioned an extensive community survey which identified that a majority of residents favoured a voluntary service, based on an additional charge.

Before committing the large amount of capital required to provide a cart system, estimated at \$8,000,000, Council decided to undertake an extensive trial to gather information on which to base a decision. Split recycling carts were selected for the trial since no valid information on their use is available in Australia.

A 12 months trial using split recycling carts (one of which is outside) for both voluntary and compulsory users has been initiated to collect data for making a decision on how future recycling programs will be provided. The trial involves a large voluntary component of over 5,000 residents, who have chosen to pay and a smaller controlled group who have been compulsorily issued with split recycling carts free of any additional charge.

The City of Joondalup's Environmental Manager, Robert Elliott, advised there were groups in nine suburbs covering several economic groups. These were selected at random to provide statistically important data, comparing their usage of the recycling carts to those who chose to pay to be part of the trial. The trial covers approximately 10% of the City of Joondalup and Shire of Wanneroo residents and will chart the course for the future system and funding structure for their recycling programs.

The trial is intended to facilitate community debate and Mr Bowman's comments are appreciated. His money will be refunded with regret."

Mrs M Zakrevsky, Mullaloo:

Mrs Zakrevsky referred to the questions she raised at the Meeting of Joint Commissioners held on 27 October 1998 in relation to the Customer Service Centre located at the Whitford City shopping complex and stated that to date she had not received a reply to her questions.

During the meeting, Committee Clerk supplied Mrs Zakrevsky with a copy of the letter which had been forwarded to her.

Mr G Young, Hepburn Heights:

Q1 Referring to Late Item No 2, Point (i):

“as the approval for the mosque has been granted Council is not able to retrospectively impose additional conditions;”

*This seems contrary to Point 4 of the initial approval where it stated:
“standard and appropriate conditions as considered necessary by the Manager, Approval Services”*

Is this a contradiction, or is there some difference in the actual wording?

A1 Response by Acting Director, Development Services: As with most development applications, upon approval by Council the condition “that standard conditions can be applied” is correct. The application is then prepared on that basis. Once approval is issued, there is no opportunity for Council to add further conditions.

DECLARATIONS OF FINANCIAL INTEREST

Cmr Morgan declared an interest in Report CJ224-11/98 as he was nominated for consideration of appointment to the Agricultural Practices Board.

CONFIRMATION OF MINUTES

**C18-11/98 MINUTES OF MEETING OF JOINT COMMISSIONERS -
27 OCTOBER 1998**

MOVED Cmr Morgan, **SECONDED** Cmr Buckley that the Minutes of the Meeting of Joint Commissioners held on 27 October 1998, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**RATES INCENTIVE PRIZEWINNERS**

The winners of our annual rates incentive draw will be announced later this evening.

The top prizes for both the City of Joondalup and the Shire of Wanneroo are Commonwealth Bank accounts of \$2,500 each.

There are many other prizes on offer, including luxury getaways at our best hotels and the draw will be held between the City of Joondalup and Shire of Wanneroo meetings.

Welcome to all the prizewinners, we wish you the best of luck.

IMM CONFERENCE

The Institute of Municipal Management State Conference was held last week at Rendezvous Observation City in Scarborough.

Chief Executive Officer, Lindsay Delahaunty, was convenor of the conference and was elected to the position of Vice President, Divisional Councillor. Manager, Executive Services, Kevin Robinson was re-elected to the position of Metropolitan Branch President.

Congratulations to both these gentlemen.

SPECIAL ELECTORS' MEETING

A request has been received for a Special Electors' meeting to be held in relation to the Greenwood primary school site.

This meeting will be held on Tuesday 24 November 1998 at 12 noon in the Council Chamber.

The reason for this meeting is that logistically it is not possible to cancel a meeting once it has been called. We understand that most of the matters that will be covered at this meeting have already been resolved.

APPOINTMENT OF DIRECTORS

Last Friday, 6 November 1998, formal acceptance was received from the proposed applicants for the positions of Director, Development Services and Director, Business Units.

I am pleased to announce that Mr Clayton Higham, currently Manager, Approval Services at the City of Perth will take up the position of Director, Development Services in December.

Mr Higham has more than 24 years experience in local government, including two years in England with the Epsom and Ewell Borough Council.

I am also pleased to announce that Mr David Djulbic has been appointed Director, Business Units, to commence at the end of January 1999.

Mr Djulbic is currently Manager, Engineering and Waste Management Services at the Shire of Swan and spent 4 years at the former City of Wanneroo as Manager, Engineering Operations.

Both of these appointees won their positions from particularly high quality fields and will be valuable acquisitions for the new City of Joondalup.

C19-11/98

PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS - 10 NOVEMBER 1998**1 PETITION REQUESTING A SPECIAL MEETING OF ELECTORS - [02419J]**

A 194-signature petition has been received from local residents requesting that a special meeting of electors be held to discuss the former Greenwood Primary School site.

In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors has been scheduled for 12 noon on Tuesday, 24 November 1998.

Chief Executive Officer advised a letter of withdrawal of the request for a Special Electors' Meeting had been received from one of the applicants, but stated there is no provision under the existing Local Government Act for such a withdrawal of request and therefore the meeting must be held.

2 PETITION REQUESTING INSTALLATION OF A ROUNDABOUT AT THE INTERSECTION OF WHITFORDS AVENUE AND NORTSHORE DRIVE, KALLAROO - [09029J, 00055]

A 57-signature petition has been received from local residents requesting that consideration be given to installing a roundabout at the intersection of Whitfords Avenue and Northshore Drive, Kallaroo as residents are concerned at the number of accidents that occur at this junction.

This petition will be referred to Technical Services for action.

RESOLVED that Petition Nos 1 - 2 be received and referred to the appropriate business unit for action.

POLICY SECTION

CJ223-11/98 REVIEW OF DELEGATION OF DEVELOPMENT CONTROL POWERS - (07032)

SUMMARY

The present limited extent of delegation of development control powers is hindering the City's ability to determine applications in the most efficient manner. This is having an adverse effect on customer satisfaction and making it difficult to achieve statutory processing times. To address these concerns a revised delegation resolution is recommended. This resolution is modelled on the Western Australian Planning Commission's Notice of Delegation of development control powers to Local Authorities. It aims at broadening the range of applications that can be dealt with under delegated authority. The existing two levels of delegated decision making are still provided for. It is envisaged that applications that have been advertised and an objection received would be dealt with by the Director, Development

Services, following consultation with the Chairman of Commissioners/Mayor or his nominee. Supervisory planning officers would be responsible for the remaining applications. The recommendation also provides an ability for any Commissioner/Councillor to call in applications of significance or other interest and does not preclude any matter being referred to the Joint Commissioners/Council if considered necessary.

The issue of extractive industry licences under the terms of the Extractive Industry Local Laws, approvals under the Fencing and Private Tennis Court Floodlighting Local Laws and for the endorsement of building envelopes, in accordance with the requirements of the Town Planning Scheme for Special Residential and Special Rural zones, are linked to the development approval process and are therefore also recommended for delegation.

The City's legal advisors, McLeod & Co, have advised that the recommendation is lawful.

BACKGROUND

Since the late 1970's a range of Council's development control powers have been delegated to senior officers. Since 1995, further such powers have been delegated to the Director, Development Services of the City of Joondalup in conjunction with a Commissioner/Councillor.

The current extent of delegation is outlined in Attachment No 1 to this report and can be generally summarised as follows:

1. Supervisory planning officers of the City of Joondalup generally for the approval of the more straightforward applications;
2. Director, Development Services of the City of Joondalup following consultation with Commissioner Rowell for the remaining applications except where objection has been received, where an application has merit but is inconsistent with a policy, structure plan or the like, or involves a use not listed in the Town Planning Scheme.

COMMENT

Broad delegation of development control power is essential if customer expectations are to be satisfied and statutory processing times met.

A similar extent of delegation has been in existence now since 1995. This is however considered limited and is hindering the ability to determine applications in the most efficient manner. Many non-controversial applications that have planning merit, however, require some discretion, are being prejudiced by an extended processing time simply because there is limited delegated authority. Similarly, many applications that should be clearly refused for reasons such as the use not being permitted in a particular zone or the applicant failing to provide a satisfactory standard of application, are being delayed and an inappropriate amount of officer time is expended on unnecessary report writing.

To address these concerns a revised delegation resolution is recommended. This resolution is modelled on the Western Australian Planning Commission's Notice of Delegation of

development control powers to Local Authorities. It aims at broadening the range of applications that can be dealt with under delegated authority. The existing two levels of delegated decision making are still provided for. It is envisaged that applications that have been advertised and objection received would be dealt with by the Director, Development Services of the City of Joondalup, following consultation with the Chairman of Commissioners/Mayor or his nominee. Supervisory planning officers of the City of Joondalup would be responsible for the remaining applications. The recommendation also provides an ability for any Commissioner/Councillor to call in applications of significance or other interest and does not preclude any matter of known concern or interest being referred to the Joint Commissioners/Council for determination. A summary of all delegated decisions made over the preceding fortnight will be included in a schedule for information at each meeting of Joint Commissioners/Council.

The issue of extractive industry licences under the terms of the Extractive Industry Local Laws, approvals under the Fencing and Private Tennis Court Floodlighting Local Laws and for the endorsement of building envelopes in accordance with the requirements of the Town Planning Scheme for Special Residential and Special Rural zones are linked to the development approval process and are therefore also recommended for delegation. The head of power for these delegations is under the Local Government Act and as these functions are normally functions of the Council they can only be delegated to the Chief Executive Officer.

Finally, given the time frames normally required to be adhered to during the appeal process, it is also recommended that the Joint Commissioners authorise the Director, Development Services, following consultation with the Chairman of Commissioners/Mayor or his nominee, to determine the City's position with respect to the mediation process resulting from appeals to the Town Planning Appeal Tribunal or Minister for Planning.

The City's legal advisors, McLeod & Co, have advised that the recommendation is lawful.

MOVED Cmr Buckley, SECONDED Cmr Clark-Murphy that the Joint Commissioners:

1 pursuant to the powers contained in the Western Australian Planning Commission instrument of delegation under the Western Australian Planning Commission Act 1985, published in the Government Gazette of 28 November 1997 as amended, and pursuant to the powers contained in Section 3.34 of the City of Joondalup Town Planning Scheme No 1 DELEGATE AUTHORITY to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, composite applications and the exercise of discretion under the Town Planning Scheme and the Residential Planning Codes) to:

- (a) the Director, Development Services of the City of Joondalup following consultation with the Chairman of Commissioners/Mayor or his nominee where the application has been advertised for comment and objection has been received, except where one or more Commissioners/Councillors has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Joint Commissioners/Council for determination;**

- (b) each of the planners who is a member of the Approval Services Business Unit of the City of Joondalup (being the officers appointed to supervise the development control functions of the Council) for the remaining applications, except where one or more Commissioners/Councillors has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Joint Commissioners/Council for determination;
- 2 pursuant to the powers contained in Section 5.42 of the Local Government Act 1995 DELEGATE AUTHORITY to the Chief Executive Officer to issue Extractive Industry Licences under the terms of the Extractive Industry Local Laws, to deal with all applications pursuant to the Fencing and Private Tennis Court Floodlighting Local Laws and endorse and vary building envelopes in accordance with the requirements of Town Planning Scheme No 1 for Special Rural and Special Residential zones;
- 3 AUTHORISE the Director, Development Services, following consultation with the Chairman of Commissioners/Mayor or his nominee, to determine the City's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning;
- 4 for the purpose of this resolution where the Director, Development Services is unable to exercise the authority granted by this resolution for reason of absence, qualification or other reason, delegate that authority to the Manager, Approval Services.

The Motion was put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

FINANCE AND COMMUNITY SERVICES SECTION

**CJ224-11/98 VACANCY - WESTERN AUSTRALIAN MUNICIPAL
ASSOCIATION MEMBER AND DEPUTY MEMBER -
AGRICULTURAL PRACTICES BOARD - [02011]**

SUMMARY

The Western Australian Municipal Association has invited member Councils to submit nominations to the Agricultural Practices Board.

DETAILS

The Western Australian Municipal Association has invited member Councils to submit nominations for the positions of member and deputy member on the Agricultural Practices Board. Nominations are invited from elected members or serving officers.

The Agricultural Board has:

- statutory powers to help find a fair solution to disputes arising from the use of land for farming;
- a wide range of expertise in Local Government agriculture and law. It can intervene to prevent disputes escalating and help those involved reach an amicable solution through mediation.

The term will commence on appointment and run until July 1999. Meetings are held on the last Friday every two months. Meetings are held at 2nd Floor, 32 St George's Terrace, Perth.

There is a meeting fee of \$3,700 per annum.

Membership comprises:

- Mr Colin Philpott, Chairman
- 2 representatives from Farm Lobby Organisations;
- 2 representatives on Environmental Matters;
- 2 representatives from the Public.

Cmr Morgan declared an interest in Report CJ224-11/98 as he was nominated for consideration of appointment to the Agricultural Practices Board.

Cmr Morgan left the Chamber at 1827 hrs.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners NOMINATE Cmr H Morgan AM for consideration of appointment to the Agricultural Practices Board.

The Motion was Put and

CARRIED

Cmr Morgan entered the Chamber at 1829 hrs.

Items CJ225-11/98 to CJ230-11/98 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Morgan.

CJ225-11/98 JUNIOR COUNCIL - [07382]

SUMMARY

A meeting of the Junior Council was held on 23 September 1998 and the minutes are submitted for noting by the Joint Commissioners.

DETAILS

A meeting of the City of Joondalup Junior Council was held on 23 September 1998.

No action has arisen as a result of these minutes and these are attached for noting and inclusion in the Minute Book.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Minutes for Junior Council meeting held 23 September 1998 forming Attachment 1 to Report CJ225-11/98 be NOTED and included in the Minute Book.

The Motion was Put and

CARRIED

Appendix I refers

CJ226-11/98 BUSH FIRE ADVISORY COMMITTEE - [02499]

SUMMARY

A meeting of the Bush Fire Advisory Committee was held on Thursday 15 October 1998 and the minutes are submitted for noting by the Joint Commissioners.

DETAILS

A meeting of the Bush Fire Advisory Committee was held on Thursday 15 October 1998.

No recommendation was made by the Committee, and the minutes are attached for noting by the Joint Commissioners.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the minutes of the Bush Fire Advisory Committee meeting held on 15 October 1998, shown as Attachment 1 to Report CJ226-11/98.

The Motion was Put and

CARRIED

Appendix II refers

CJ227-11/98 PERRY'S Paddock PICNIC DAY WORKING PARTY

SUMMARY

Meetings of the Perry's Paddock Picnic Day Working Party were held on 23 September 1998 and 7 October 1998 and the minutes are submitted for noting by the Joint Commissioners.

DETAILS

Meetings of the Perry's Paddock Picnic Day Working Party were held on 23 September 1998 and 7 October 1998.

No action has arisen as a result of these minutes and these are attached for noting and inclusion in the minute book.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the minutes of the Perry's Paddock Picnic Day Working Party meetings held 23 September 1998 and 7 October 1998 forming Attachments 1 and 2 to Report CJ227-11/98.

The Motion was Put and

CARRIED

Appendix III refers

CJ228-11/98 LOTTERIES HOUSE STEERING COMMITTEE - [01113J]

SUMMARY

A meeting of the Lotteries House Steering Committee was held on 14 October 1998 and the minutes are submitted for noting by the Joint Commissioners.

DETAILS

A meeting of the Lotteries House Steering Committee was held on Wednesday, 14 October 1998.

No action has arisen as a result of these minutes and these are attached for noting and inclusion in the Minute Book.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners NOTE the minutes of the Lotteries House Steering Committee meeting held on 14 October 1998, shown as Attachment 1 to Report CJ228-11/98 and that these minutes be included in the Minute Book.

The Motion was Put and

CARRIED

Appendix IV refers

CJ229-11/98 JOONDALUP LOTTERIES HOUSE - [01113J]

SUMMARY

An inaugural general meeting of the Joondalup Lotteries House Inc was held on Thursday, 15 October 1998. At this meeting a management committee was elected to manage the Joondalup Lotteries House. The constitution of the organisation calls for two representatives from the City of Joondalup. An endorsement of these representatives is being sought together with a recommendation to disband the Council appointed steering committee which has been managing the project since 1994.

BACKGROUND

The Joondalup Lotteries House Steering Committee was first formed in 1994. Its main tasks were to:

- examine the feasibility of developing a Lotteries House at Joondalup;
- examine possible sites for the facility;
- seek funding for the project;
- develop a business plan and management structure for the facility.

All of the above tasks have now been achieved with the facility presently being constructed in Davidson Terrace, Joondalup and due for completion in January 1999. The project is jointly funded by the Lotteries Commission and the City of Joondalup. The Commission has contributed \$2,000,000 and the City of Joondalup \$402,500 with a further commitment to provide future parking and podiums. (CS230-07/97 refers)

DETAILS

An incorporated association has now been formed to take-over the management of both the construction and the ongoing management of the facility. The objects of the association are:

- to provide, maintain and manage office accommodation at the Premises for the exclusive use of eligible organisations for benevolent or charitable purposes;
- to act as a trustee of any property or funds settled on trust for the furtherance of any of the objects of the Association; and
- to support the members' community work for the benefit of individuals who are disadvantaged.

The membership of the management group includes:

- 7 tenant representatives
- 2 community members
- 2 Local Government representatives

At the inaugural general meeting of the Association seven tenant representatives and one community representative were duly elected. The Local Government representatives were not required to be elected but are to be endorsed and put forward by the City of Joondalup. Of the above representatives the following were elected as office bearers for a one year term:

Chairperson	Ms Patricia Tassell	(Community)
Vice Chairperson	Ms Helen McCarthy	(Relationships Australia)
Secretary	Ms Sue Allan	(Workpower)
Treasurer	Mr Kim Law	(Australian Red Cross)

COMMENT/FUNDING

In view of the formation of Incorporated Association it is no longer necessary to maintain the Lotteries House Steering Committee. Accordingly, it is recommended that the Committee be disbanded and that the contributions of the members who have served on the Committee be acknowledged.

Given the tasks associated with the management of the Joondalup Lotteries House and the vested interest of the City of Joondalup in maintaining the asset, it is being recommended that the Asset Manager be endorsed as a representative of the Committee. Given that the Manager Community Services has administered the Steering Committee since its inception and is familiar with the project and its objectives it is being recommended that she be endorsed as the second City representative.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners:

- 1 DISBAND the previously appointed Lotteries House Steering Committee and that the contributions of members who have served on the Committee be acknowledged;**
- 2 ENDORSE the Asset Manager - Larry Middleton and the Manager Community Services - Pauline Stuart as the City of Joondalup's representatives on the management of the Joondalup Lotteries House Inc.**

The Motion was Put and

CARRIED

CJ230-11/98 AQUATIC FACILITY-ARENA JOONDALUP - [06719J]

SUMMARY

The Western Australian Sports Centre Trust has requested that the City reschedule its commitment to provide an additional \$800,000 to the Joondalup Arena Aquatic Facilities Project from the 2000/01 financial year to the 1999/00 financial year.

It is recommended that due to the substantial commitments to effect the transition of the former City of Wanneroo to the City of Joondalup and Shire of Wanneroo that the existing funding arrangements of \$2 million in 1998/99, \$1 million in 1999/00 and \$800,000 in 2000/01 not be rescheduled.

BACKGROUND

At its February 1997 meeting, Council of the former City of Wanneroo agreed to contribute \$3 million to the development of an aquatic facility at the Arena Joondalup and listed \$1.5 million in each of its 1998/99 and 1999/2000 budgets.

Initial cost for this project was estimated at \$ 9 million and it was proposed that the former City of Wanneroo pay one third of these costs. Architects Cox Bailey and Howlett were commissioned to undertake the detailed design work of this facility and a cost limit estimated at \$11,435,000 was established.

The State Government requested in June 1998 that the former City of Wanneroo contribute an additional \$1 million to meet this projected budget shortfall on the basis of contributing \$2 million in 1998/99 and \$2 million in 1999/00. This request was declined but the funding was rescheduled to contribute \$2 million in 1998/99 financial year and \$1 million in the 1999/00 financial year.

Subsequently the Joint Commissioners at the 22 September 1998 meeting resolved to:

- provide additional funds to a maximum amount of \$800,000 based on a one third contribution to cover the \$2.4 million shortfall; and
- provide the additional funds in the 2000/01 financial year.

DETAILS

The WA Sports Centre Trust has now requested the additional funds be included in the 1999/00 financial year to meet construction deadlines. It is proposed that construction commence in January 1999 and conclude in November 1999.

At the 22 September 1998 meeting of the Joint Commissioners it was resolved to contribute the additional funds to a maximum amount of \$800,000 in the 2000/01 financial year giving priority to the cost involved with the split of the former City of Wanneroo to the City of Joondalup and the Shire of Wanneroo.

COMMENT/FUNDING

The City faces many substantial commitments to effect the establishment of the Shire of Wanneroo and City of Joondalup following the abolition of the City of Wanneroo on 1 July 1998. From this broad perspective there are many competing priorities that need to be addressed for the smooth transition to two Local Authorities.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners ADVISE the Western Australian Sports Centre Trust the additional funds to a maximum amount of \$800,000 for the completion of the Arena Joondalup project will be made available in the 2000/01 financial year.

The Motion was Put and

CARRIED

TECHNICAL SERVICES SECTION

**CJ231-11/98 TENDER 58-98/99 SUPPLY AND INSTALLATION OF
CART IDENTIFICATION AND WEIGHING SYSTEM -
[25442, 09104]**

SUMMARY

Tenders were considered in September 1998 for a Cart Identification and Weighing System and it was resolved to recall tenders. New tenders have now been received. The tender from Bintrak has offered an established system that is within budget and is suitable.

BACKGROUND

There is a need for a Cart Identification and Weighing System as part of the Recycling Trial to allow the systematic collection of data from the large number of participants. The identification system will allow effective tracking and inventory control of the carts. It will also allow a record to be made each time the cart is put out for collection. The weighing equipment will give information on the amount of recyclables put out each week and how this varies between participants and with time. The system also provides a progressive total so that legal loads can be maximised on the recycling truck.

The equipment on the two one man rubbish trucks will provide weekly weights of rubbish put out by trial participants as well as the other properties on their runs. This will allow consideration of how the amount of rubbish put out varies with recycling activity and if participants use the spare room in the cart for additional rubbish. It will also provide information on how much variability there is in the amount of rubbish put out by different households.

The collection of a wide range of data during the recycling trial will maximise its effectiveness. It will also provide better information for long term planning including competitive tendering of the service.

At item CJ141-09/98 Council considered a previous tender for this equipment. At that time the only tender considered was from Amskan and there was concern about the weighing system being offered as it was untested on a side loading rubbish truck. The tender price was \$302,712 which was significantly above budget and it was felt that recalling tenders would give Council the opportunity to access more suitable suppliers.

DETAILS

Tenders were advertised on 26 September 1998 and closed on Monday 19 October 1998 after the tender closing was extended from 13 October by a state-wide advertisement. Two tenders were received.

The tender from Amskan was incomplete in that it did not include a weighting system. The company included advice that it was initiating a design and development project for such a system and hoped to have some results in 2-3 months. It is also looking at overseas equipment. It proposed to supply an identification system for \$196,316. The tender is non complying and has not been considered.

The other tender was from Bintrak and was for a complete system similar to one it has successfully installed for Collex in Victoria.

The identification system uses a passive tag that works in a similar way to the security system in the Administration building. The system on the truck sends out a radio signal that is strong enough to power the tag when it is within about 1m of the aerial. The tag sends back a serial number that identifies the tag and therefore the cart. The system on the truck records that the cart has been emptied. Bintrak use a tag that is mass produced and cost \$4 each compared with the tags that were tendered by Amskan which were \$6.45 when ordered in minimum size lots of 10,000 units

The weighing system measures the hydraulic pressure in the rams that lift the cart and calculates the weight. This is then recorded against the property as identified by the tag reader. If the cart is not tagged then the weight is still recorded as an unidentified empty. The required accuracy for the trial is +/- 1.0kg at the individual cart level to provide trend data for the fortnightly use of the recycling carts and the corresponding weekly weights for the rubbish carts. Unlike Mosman Park, the only other local authority to experiment with cart weighing systems, this is not intended for charging residents by weight but future strategy development. The level of accuracy is adequate for this purpose and will give Council the best possible data for determining the future for its rubbish and recycling services

When the truck returns to the Depot it automatically transmits all of the recorded information by radio to the base station for permanent recording of the data. The data can then be analysed in a variety of ways to provide the required reports.

COMMENT/FUNDING

Bintrak has supplied the tendered system to Collex in Sydney for contracts serving the municipalities of Warringah and Ryde totalling 150,000 properties. The contractor has spoken well of the both the company and the supplied equipment and is considering placing orders for equipping trucks and carts in several other contract areas.

The tendered price for the components of the system Council requires is \$248,900 compared to a budget allocation of \$248,200 and an original budget estimate of \$254,000. The schedule of prices is shown at attachment 1. It is intended to purchase 16,000 tags at items (3 & 4) and

not to use items (9) and (13) and item (14) relates to a maintenance contract which may not be entered into next year. The split between the tags and the main system is different than the budget assumption and will require a reallocation of \$30,700 between accounts 26859 and 26875.

The available funds are spread over the following accounts:

Account No	Budget Item	Budget Amount	Actual Cost
a/c 26875	Major furniture and equipment	\$104,200	\$134,900
a/c 26981	Major furniture and equipment	\$50,000	\$50,000
a/c 26859	Minor furniture and equipment	\$90,000	\$60,000
a/c 26982	Minor furniture and equipment	\$4,000	\$4,000

MOVED Cmr Morgan, SECONDED Cmr Clark-Murphy that the Joint Commissioners:

- 1 ACCEPT the tender from Bintrak for the supply and installation of a Cart Identification and Weighing System for a total cost of \$248,900 paid from accounts 26875, 26981, 26859 and 26982;**
- 2 in accordance with Section 6.8(1) of the Local Government Act 1995 authorise the reallocation of \$30,700 from Account 26859 Minor Furniture and Equipment to Account 26875 Major Furniture and Equipment.**

Cmr Morgan spoke in support of the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

DEVELOPMENT AND PLANNING SERVICES SECTION
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CJ232-11/98 DRAFT STRUCTURE PLAN FOR HARBOUR RISE ESTATE, HILLARYS - [05069J]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT/OWNER:	Estates Development Company
CONSULTANT:	Taylor Burrell & Sharni Howe Architects

SUMMARY

The developers of Harbour Rise Estate have requested Council to approve a Structure Plan prepared by Taylor Burrell and Sharni Howe Architects to control the density and form of development on the estate. The accompanying document complies with the requirements of the City of Joondalup Town Planning Scheme No 1 in respect of a Structure Plan and is requested to be advertised as a draft Structure Plan in accordance with the Scheme provisions.

The general provisions are also requested to be advertised as a draft Policy for Stage 1 of the development so that they can be implemented pending the approval of the Structure Plan by the Western Australian Planning Commission.

BACKGROUND

An application for a Local Structure Plan for Harbour Rise Estate was received by Council on 16 April 1998 and was advertised for public comment for a period of 42 days, ending on 24 June 1998. The comments that were received have been incorporated in the layout plan and in the Structure Plan, prepared under Part 10 of the Scheme, as appropriate.

This Structure Plan will determine the detailed land use and form for urban development within the estate. It incorporates the variations to Policy DS4, Height and Scale of Buildings within a Residential Area that were approved by the Joint Commissioners at their meeting on 13 October 1998.

DETAILS

The subject land (Attachment 1) is a residential development of 45.64 hectares, most of which is bounded by Hepburn Avenue, Whitfords Avenue, Angove Drive, and existing development on Ewing Drive and Waterford Drive, Hillarys. It is a portion of Part lot 7, Swan Location 1315 and was previously subdivided according to a plan approved by Council in September 1993 and by the Western Australian Planning Commission (WAPC) in December 1993, but was not then developed. Subdivision applications for Stages 1 and 2, following a new layout, were conditionally approved by WAPC on 9 September 1997 and 18 November 1997, respectively.

The land is presently subject to Amendments 839 and 840 which propose to rezone the land to Urban Development Zone with various density codings.

As provided for under Clause 10.1.1 of the City of Wanneroo Town Planning Scheme; "The Council may require the preparation and presentation to it of a Structure Plan as a prerequisite to: (a) the Council's support for a proposal to rezone or classify land in the District;....". Taylor Burrell and Shami Howe Architects acting on behalf of Estates Development Company, have submitted a draft Structure Plan for Harbour Rise Estate as part of the application for the rezoning of the land to Urban Development Zone. The Structure Plan has been examined by officers of the Council and is enclosed as Attachment 2.

The Structure Plan will determine the overall detailed land use and form for urban development within the Harbour Rise Estate. The subject area is divided into four precincts which accommodate mainly residential uses and are shown on the enclosed Structure Plan Map. These are: General Residential Precinct, Residential Mixed Use/Commercial Precinct, Small Lot Precinct, and Cascade Precinct.

A Structure Plan is generally considered to provide a satisfactory basis for addressing the access road network, the distribution of landuses and development guidelines. The provisions are divided into objectives, which describe in general terms the intentions to be addressed in each precinct; and criteria, which set out built form requirements and preferred treatments. Matters addressed include street setbacks, vehicle access and roof pitch.

The first stage of the development is intended to be marketed shortly, before the expected approval of the Structure Plan by WAPC. In order that the requirements can be implemented in an orderly manner for Stage 1 of the development, the proponent has requested that the enclosed provisions (Attachment 3) be adopted as a Policy in the interim. It is suggested that this should be as an addendum to the Variation to Policy DS4 adopted by Council at its meeting on 13 October 1998.

COMMENT

The draft Structure Plan as proposed, conforms with the requirements of Part 10 of the City of Wanneroo Town Planning Scheme and is acceptable for the control of development within the Structure Plan area.

Under the provisions of Part 10.5.1 of Town Planning Scheme No 1, a structure plan is to be advertised as a draft for a minimum period of 21 days. Council shall then adopt the draft policy or modify it in the light of any objections and give notice of final adoption.

The proposed Structure Plan is considered to be suitable for advertising.

The interim provisions (Attachment 3) are considered suitable to be advertised for adoption as a draft Policy in the interim. It is considered appropriate to attach them to the previous variation to Policy since they relate to substantially the same area and the policies can be administered together. If adopted as an addendum to the Variation to Policy DS4 adopted by Council at its meeting on 13 October 1998, they will be also be retired when the Structure Plan comes into effect.

REPORT RECOMMENDATION: That the Joint Commissioners:

- 1 pursuant to Clause 10 of the City of Wanneroo Town Planning Scheme No 1, ADOPT the draft Structure Plan for Harbour Rise Estate as satisfactory and make it available for public comment;
- 2 ADOPT the provisions relating to the first stage of development of Harbour Rise Estate as a draft Policy additional to the variation to Policy DS4 and make it available for public comment.

ADDITIONAL INFORMATION

Attachment 3, Page 1 - Policy Statement Point 3:

The words "Garages shall be set back a minimum of 6m" be amended to read:

"Garages shall be set back a minimum of 4.5m"

The draft Structure Plan, as amended above, forms Appendix VIII hereto.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners:

- 1 pursuant to Clause 10 of the City of Wanneroo Town Planning Scheme No 1, **ADOPT** the draft Structure Plan for Harbour Rise Estate as satisfactory and make it available for public comment;
- 2 **ADOPT** the provisions relating to the first stage of development of Harbour Rise Estate as a draft Policy additional to the variation to Policy DS4 and make it available for public comment, subject to the following amendment:

Attachment 3, Page 1 - Policy Statement Point 3:

The words "Garages shall be set back a minimum of 6m" be amended to read:

"Garages shall be set back a minimum of 4.5m"

The Motion was Put and

CARRIED

Appendix VIII refers

**CJ233-11/98 INDUSTRIAL SITES EVALUATION WORKING
PARTY : 1998 ANNUAL AWARDS : IMPROVEMENT
AND MAINTENANCE OF BUSINESS PREMISES IN
INDUSTRIAL ZONES IN THE CITY OF JOONDALUP
AND SHIRE OF WANNEROO - [29181]**

SUMMARY

The Industrial Evaluation Working Party met on 8 September 1998 and 6 October 1998. Copies of the minutes are submitted for noting by the Joint Commissioners.

The Industrial Evaluation Working Party's role is to recommend to the Council the recipients for the best depot and most improved premises within the City of Joondalup and Shire of Wanneroo industrial zones. Accordingly, recommendations are made in this report regarding the awards to be presented on 8 December 1998.

DETAILS

Inspections were made of the industrial areas of the City of Joondalup and Shire of Wanneroo. The response to the property improvements were considered very reasonable except for Flynn Drive, where no awards were recommended.

The following properties were recommended to Council for awards for the "Most Improved" and "Best Maintained" premises within the City of Joondalup and Shire of Wanneroo industrial zones.

<i>Location</i>	<i>Best Maintained</i>	<i>Most Improved</i>
Joondalup	3 Vanden Way Joondalup (Service Industry)	144 Winton Road Joondalup (8 Units) (Service Industry)
Joondalup	Special Award Most Consistent for Ongoing Maintenance: Hooley Auto Electrics 14 Lincoln Lane Joondalup (Service Industry)	
Canham Way	Nil	Atkins Carlyle 4 Canham Way Greenwood (Service Industry)
Landsdale	Penrite Oil 37 Rogers Way Landsdale (General Industrial)	Nil
Enterprise Park Wangara	Turbomaster Pump 37 Paramount Drive Wangara (General Industrial)	Phil Snapes Accident Repair Centre 11 Paramount Drive Wangara (General Industrial)
Wangara	57 Buckingham Drive Wangara (Light Industrial) (7 units)	35 Berriman Drive Wangara (2 Units) (Light Industrial)
Wangara	Special Award Most Consistent for Ongoing Maintenance: Wangara Centre 34 Prindiville Drive Wangara (Mixed Business)	
Flynn Drive	Nil	Nil

The Working Party also recommended that the Minister for the Environment and a representative from Keep Australia Beautiful be invited to this year's presentation to be held on 8 December 1998. In addition, it was recommended to make a request to local nurseries to donate vouchers to be given out to the winners as a further incentive.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners:

- 1 **NOTE the minutes of the Industrial Sites Evaluation Working Party held on 8 September 1998 and 6 October 1998 shown as Attachments 1 and 2 to Report CJ233-11/98;**
- 2 **APPROVE the recommendation for awards contained in Report CJ233-11/98;**
- 3 **INVITE the Minister for the Environment and a representative from Keep Australia Beautiful to attend the presentation of awards to be made on 8 December 1998.**

Cmr Rowell spoke to the Motion.

The Motion was Put and

CARRIED

Appendix V refers

Items CJ234-11/98 to CJ237-11/98 inclusive were Moved by Cmr Rowell and Seconded by Cmr Buckley.

**CJ234-11/98 LEASE OF LAND TO TELSTRA CORPORATION LTD
FOR TELECOMMUNICATIONS SITE, PART OF LOT
146 BEACH ROAD, WARWICK- [14151J]**

SUMMARY

The City of Joondalup has been requested by Telstra Corporation Ltd for a lease arrangement over an area of 35 square metres of the land the City holds by a lease from the Ministry for Planning over part of Lot 145 Beach Road, Warwick for the purpose of a mobile phone relay station. The subject land adjoins an area that the City leases to Vodafone Network Pty Ltd for the same purpose.

BACKGROUND

The City of Joondalup currently leases an area of 84 square metres within the Warwick Open Space on Part Lot 145 Beach Road, Warwick to Vodafone Network Pty Ltd for a mobile phone relay aerial and equipment shelter.

Telstra Corporation Ltd has requested the City to grant it a lease of 35 square metres contiguous to the Vodafone site in the position shown on Attachment No 1 so that it can place its aerial on the existing Vodafone tower and construct its own equipment shelter. This is a common arrangement within the mobile phone communications industry and Vodafone has agreed to it in this instance.

City's power to sub-lease

The City's lease of part of Lot 145 comprising 74.25 hectares from the Ministry for Planning, dates from December 1984.

The purpose of the lease is to enable the City to manage the land for public parks and recreational purposes. The rent charged to the City is a peppercorn one.

The lease requires the City to obtain the prior consent of the Ministry before using any part of the land for any other purpose or before sub-letting any part of it. It provides that where approval to sub-let is given, such approval may be conditional on the City paying a portion of the rent it receives from the sub-lessee to the Ministry.

The Ministry for Planning has granted its approval to the sub-lease to Telstra Corporation subject to the City agreeing to expend the rental received in the development and maintenance of Parks and Recreation reserves in Warwick. In consideration of an undertaking by the City to comply with that condition, the Ministry has waived its entitlement to any part of the rent received.

Rent and Term

Vodafone pays a base rent of \$8,500 with yearly reviews to the City for the 84 square metres it occupies. Telstra Corporation Ltd has offered to pay an initial rent of \$4,000 for the 35 square metres it wishes to occupy. This initial rent is to be increased by 5.00% compounded annually throughout the term.

The lease is to be for an initial period of five years with options to renew up to the date the City's lease from the Ministry for Planning expires in January 2010.

The rental of \$4,000 per year offered by Telstra Corporation Ltd exceeds the rental value of \$800 as assessed by the Valuer General's Office and is recommended for acceptance.

Statutory Requirements

Section 3.58(3) of the Local Government Act 1995 requires a local government to give State-wide public notice of its intention to dispose of property by lease under private treaty. That notice is to include a description of the property, the names of all of the parties, the rental to be received and the current market valuation.

At its meeting held on 8 March 1995 at Item TP60-02/95, the Council of the City of Wanneroo authorised the City Planner to process any applications for telecommunication site leases in commercial or industrial zones where they would have little or no impact on residential amenity. Acting under that authority, State-wide public notice of the Telstra Corporation Ltd lease proposal was published on 7 October 1998. The period allowed for submissions ended on 21 October 1998 without any submissions being received.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners AUTHORISE a sub-lease being entered into with Telstra Corporation Ltd in respect to an area of 35 square metres within Part Lot 145 Beach Road, Warwick, on the basis of:

- 1 a rental of \$4,000 for the first year;
- 2 the rental to be compounded annually at the rate of 5.00% for each succeeding year of the term;
- 3 an initial term of five years with an option to renew up to the year 2010;
- 4 Telstra Corporation Ltd meeting all costs associated with establishing the sub-lease;
- 5 the rental received throughout the term being placed in an account for the specific purpose of development and maintenance of parks and recreation reserves in Warwick.

The Motion was Put and

CARRIED

CJ235-11/98 DELEGATED AUTHORITY REPORT- [07032]

SUMMARY

This report provides a resumé of the development applications processed under Delegated Authority from 7 October 1998 to 23 October 1998.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners NOTE the actions taken and determinations made under Delegated Authority in Report CJ235-11/98.

The Motion was Put and

CARRIED

Appendix VI refers

CJ236-11/98 PROPOSED PARAPET WALL: LOT 222 (15) CRONULLA PLACE, HILLARYS [24824J]

SUMMARY

A building licence application has been received from Honest Holdings (Trading As Atrium Homes) to construct a single storey dwelling, including garage with parapet wall, on the northern boundary of Lot 222 (15) Cronulla Place, Hillarys. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes particularly in relation to the impact on amenity. Approval is recommended.

DETAILS

The subject lot is 766m², zoned R20, is undeveloped and falls slightly to the north. The proposed parapet wall is to be constructed on the northern boundary adjacent to Lot 221 which is vacant (no application for building has been received for Lot 221 as of 15 October 1998). The proposed parapet wall is set back 3.800m from the front boundary, is 5.800m long and 2.900m high (See attachments).

The proposal complies with Section 1.5.8(f) of the Residential Planning Codes which states that "Walls not exceeding 3.0 metres average and 4.0 metres maximum height can be built to a maximum of one quarter of the length of the boundary". In accordance with 1.5.10 (a) of the Residential Planning Codes the owners of the affected adjoining property were contacted, and a letter of objection was received. Council delegation policy states that if any objections are received, the matter is to be placed before the Commissioners for their consideration.

The complainant is concerned that any future proposed dwelling on his lot will no longer be "free-standing" if the proposed parapet wall is approved. Concern was also expressed in relation to the interruption of the continuous flow of the fenceline and the perceived detrimental impact of the proposed parapet wall on the aesthetics of his proposed future dwelling. The surrounding streetscape reveals several garages with parapet walls and construction forward of the 6.0 metre building line. The complainant's Lot (Lot 221) is a corner lot with no defined "frontage".

SUMMARY OF SUBMISSIONS

	FROM	RELATIONSHIP	SUMMARY
1	Owner of Lot 221 (17) Cronulla Place, Hillarys	Adjoining affected owner	<ul style="list-style-type: none"> • Parapet wall will make houses attached; • No need for parapet wall; • Interruption of fenceline; • Height of parapet wall.

COMMENT

The proposed wall is set back 3.800 metres from the front boundary, is standard length and height, the cut/fill is insignificant. The impact on the amenity of the adjoining property will be minimal. Added to this, the proposal complies in every way with the Residential Planning Codes.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners:

- 1 **having considered the Policy and submission received for the proposed single storey dwelling with parapet wall adjacent to the boundary on Lot 222 (15) Cronulla Place, Hillarys APPROVE the proposal;**
- 2 **authorise the issuing of a building licence.**

The Motion was Put and**CARRIED****CJ237-11/98 PROPOSED PARAPET WALL : LOT 272 (12) DAMSON WAY, GREENWOOD - [27509J]**

METRO SCHEME: Urban
 LOCAL SCHEME: Residential Development
 APPLICANT/OWNER: Mr M Caston
 APPLICATION RECEIVED: 18 September 1998

SUMMARY

A building licence application has been received from Mr M Caston to construct a garage addition to the existing garage and dwelling including a parapet wall on the western boundary of Lot 272 (12) Damson Way, Greenwood. The proposal for the parapet wall on the western boundary is not in accordance with the requirements of the Residential Planning codes. The affected adjoining owners have no objection to the wall stating that they have sighted the plans and are aware of the height and length of the proposed parapet wall. Approval is therefore recommended.

DETAILS

The subject lot of 690m² is zoned R20 and is developed with an existing house. The parapet wall for the proposed garage addition is to be constructed on the western boundary of the subject lot with a setback of 7.5 metres from the front boundary. It will be 10.490 metres long and 4.830 metres high at the highest point (See attachments). The proposal does not comply with Section 1.5.8(f) of the Residential Planning Codes (R-Codes) which states that "walls not exceeding 3.00 metres average and 4.00 metres maximum height can be built to a maximum of one quarter of the length of any common boundary".

SUMMARY OF SUBMISSIONS

	FROM	RELATIONSHIP	SUMMARY
1	Owners of Lot 273 (10) Damson Way, Greenwood	Adjoining owners on common boundary	Letter of no objection received

COMMENT

The plans for the proposed parapet wall to the garage on the western boundary have been sighted by the affected adjoining owners, who have indicated that they have no objection. The existing dwelling on the affected adjoining property is 2,10 metres from the common boundary where the parapet wall is proposed to be built. The affected side of the adjoining boundary

will have no major openings adjacent to the proposed parapet wall. Therefore it is considered that the impact on the amenity of the adjoining property will be minimal that even though the proposed parapet wall does not comply with the requirements of the Residential Planning Codes.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners:

- 1 having considered the proposal to erect a parapet wall on the boundary of Lot 272 (12) Damson Way, Greenwood and the submission, APPROVE the proposal pursuant to Clause 1.5.8 of the Residential Planning Codes;**
- 2 authorise the issue of a building licence.**

The Motion was Put and

CARRIED

**CJ238-11/98 PROPOSED CLOSURE OF PUBLIC ACCESSWAY -
BETWEEN MICHIGAN COURT AND TYRRELL
COURT, EDGEWATER - [02981J]**

SUMMARY

The owners of three of the properties adjoining the pedestrian accessway between Michigan Court and Tyrrell Court, Edgewater have requested the closure of the accessway on the grounds of anti-social behaviour and attempted burglaries. The owners of the fourth property that adjoins the pedestrian accessway have objected to the closure, as they consider the community at large is best served by the accessway remaining open.

The proposed closure was advertised to gauge the opinions of the local residents of the area and at the close of the advertising period eight letters of objection were received and two letters of support. Based on the letters of objections from local residents, the concerns raised by the Department of Transport and the fact that one of the residents actually abutting the pedestrian accessway objects to the closure, closure should not be supported.

BACKGROUND

At the Meeting of Joint Commissioners held on 27 October 1998 (Item CJ218-10/98 refers) it was resolved:

“MOVED Cmr Rowell, SECONDED Cmr Morgan that consideration of the request to close the pedestrian accessway between Michigan Court and Tyrrell Court, Edgewater be deferred pending a full inspection of the site by Joint Commissioners.”

This matter is now resubmitted for further consideration.

One of landowners adjoining the pedestrian accessway who has applied for closure claims that they have experienced attempted burglaries and on one occasion, their dog being beaten requiring veterinary attention. Another of the adjoining landowners claims that it has been necessary, on many occasions, to telephone the police due to disturbances within the accessway. Claims of other anti-social behaviour experienced are objects being thrown over the fences such as glass bottles; a used syringe in a soft drink can; stones; rubbish and pieces of wood. It is claimed that this anti-social behaviour is causing a great deal of anxiety for the applicants and their young children.

The three landowners supportive of the closure have agreed to purchase the land within the accessway and meet all associated costs.

The proposed closure was referred to the servicing authorities, the Ministry for Planning, and the Department of Transport for their comments. The Ministry for Planning did not submit any comments with regard to the proposed closure.

The Department of Transport has objected to the proposed closure. They have advised that public transport users in the Michigan Court and Superior Rise area will have an increased distance of approximately 100 metres (660 metres to 770 metres) to their nearest bus stop on Joondalup Drive. For the same residents choosing to walk directly to Edgewater railway station, Edgewater Primary School or Mater Dei College, the proposed closure would increase their walking distance by approximately 320 metres.

The Water Corporation has a water main that is located within the accessway which will be required to be cut and capped at an approximate cost of \$2768.00.

Western Power has a cable within the accessway which will need to be encased in concrete and protected by an easement.

Alinta Gas and Telstra have no objections to the proposed closure.

An application has also been received requesting the closure of the pedestrian accessway between Tyrrell Court and Tahoe Court, Edgewater. Adjoining landowners to this accessway also claim to be experiencing the same type of anti-social problems.

DETAILS

The proposed closure was advertised for a period of thirty days by way of on site signs and a notice in the local newspaper. At the close of the advertising period eight letters of objection were received and two letters of support. The location of the objectors and supporters is shown on Attachment No. 1.

A recent inspection of the pedestrian accessway revealed it to be in a clean condition and fences in good order.

Concerns raised by the objectors were the increase in walking distance to various regularly used community facilities such as Edgewater Primary School, Edgewater railway station, the closest bus stop located on Regatta Drive, St Clair Park, Mater Dei College, Edith Cowan University and Joondalup TAFE.

COMMENT

Although some sympathy must go to the landowners adjoining the pedestrian accessway who claim to be experiencing anti social behaviour, one of the adjoining landowners actually objects to the proposal, acknowledging the community at large benefits if it remains open.

Due to the number of community facilities that this accessway leads to, and the added walking distance that would occur if closure went ahead, the accessway should remain open.

REPORT RECOMMENDATION: That the Joint Commissioners DO NOT AGREE to close the pedestrian accessway between Michigan Court and Tyrrell Court, Edgewater.

MOVED Cmr Rowell, **SECONDED** Cmr Ansell that the Joint Commissioners **SUPPORT** the closure of the pedestrian accessway between Michigan Court and Tyrrell Court, Edgewater subject to the benefiting adjoining property owners agreeing to meet all of the associated costs and requests the Department of Land Administration to close the accessway accordingly.

Cmrs Rowell and Ansell spoke in support of the Motion.

Cmr Morgan stated his opposition to the Motion.

The Motion was Put and

CARRIED

CJ239-11/98 REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN MELLOWS PLACE AND BELLINGHAM WAY PADBURY - [031225]

METRO SCHEME:	Urban
APPLICANT/OWNER:	Adjoining property owners/Crown

SUMMARY

The four property owners adjoining the pedestrian accessway between Mellows Place and Bellingham Way, Padbury have requested the City to close the accessway on the grounds of vandalism. The proposed closure was advertised to gauge the opinion of local residents and at the close of the advertising period two letters were received objecting to the proposal. An alternative route is available for pedestrians and closure should therefore be supported.

BACKGROUND

The four property owners applied to have the accessway closed as they have experienced problems with a prowler, graffiti, water mains being regularly turned off, and other undesirable activities.

The proposed closure was referred to the servicing authorities, the Department of Transport and the Ministry for Planning for comments.

The Department of Transport has advised that it sees no significant benefit in maintaining the accessway and it has therefore supported the closure. The Ministry for Planning has raised no objections to the closure.

The Water Corporation has a water main within the accessway which will need to be cut and capped at an approximate cost of \$1869.00.

Western Power has a cable within the accessway which will need to be encased in concrete at an estimated cost of \$6,477.00. Western Power also require a one metre easement over their cables to protect future access. No other services will be affected by the closure. The four adjoining property owners have agreed to purchase the land within the accessway and to meet the associated costs.

ADVERTISING

The proposed closure was advertised for a period of thirty days by way of a notice in the local newspaper and on site signs. At the close of the advertising period, two written submissions were received objecting to the closure.

One of the objectors uses the accessway frequently. Their family use it to access the Shopping and Medical Centre and as part of a walk around the Water Supply reserve and Hepburn Heights Bushland reserves. The other objector uses the accessway for walks, jogging and cycling.

COMMENT

The accessway provides a convenient north-south link for pedestrians, however alternative routes are available between Brazier Rise and Rockett Vale or along Gibson Avenue with only a minimal increase in distance. Based on this, it is considered that the closure of the accessway could be supported.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners SUPPORT the closure of the pedestrian accessway between Mellows Place and Bellingham Way, Padbury subject to the benefiting adjoining property owners agreeing to meet all of the associated costs and requests the Department of Land Administration to close the accessway accordingly.

The Motion was Put and

CARRIED

CJ240-11/98 PROPOSED ROAD CLOSURE - PORTION OF MERRIFIELD PLACE MULLALOO - [11816J]

SUMMARY

The Joint Commissioners at their meeting on 28 April 1998 (Item DP149-04/98 refers) resolved to support the closure of a portion of Merrifield Place, Mullaloo adjoining Lot 3 Merrifield Place and to request the Hon Minister for Lands to close the road and dispose of a portion of the land to the adjoining property owner with the balance being amalgamated with the adjoining Parks & Recreation Reserve.

The Department of Land Administration (DOLA) was requested to seek the Minister's approval. DOLA has requested the City to reconsider the closure on the grounds that the closure may impact on the ability of articulated trucks to manoeuvre in the street. As there are many other similar cul-de-sacs within the municipality which function satisfactorily, it is considered that the closure will not impact on traffic movement and DOLA should be advised accordingly.

BACKGROUND

The Owners of Lot 3 Merrifield Place, Mullaloo requested Council to close the road reserve which adjoins their property.

The applicants have over the past few years complained about the number of vehicles parked opposite their property whose occupants amuse themselves in the reserve or simply stay in the car consuming alcohol and creating a noise problem. The Council agreed to modify this portion of Merrifield Place with kerbing, bollards and pine branching to discourage people from congregating in the area. Parking restriction signs were also installed. Unfortunately, funds were not available to do the works immediately and they were listed for consideration in the budget. The applicants were concerned over the possible time frame and they applied to purchase a half width of the road to resolve the problems. The balance of the road reserve would be amalgamated with the adjoining recreation reserve.

ADVERTISING

The proposed closure was advertised by way of an on site sign and a notice in the local newspaper for a period of thirty five days. At the close of the advertising period four letters objecting to the closure were received from owners within the street.

All four objectors were concerned that the addition of the land with the adjoining property will give the applicants the potential to construct an additional unit on their property when the sewerage is connected. They considered this to be detrimental to the area. Another concern from the objectors was that the closure will restrict access to the Parks and Recreation reserve. However, as can be seen on attachment No.1 access to the reserve will not be affected.

The objectors seem to believe that the closure will add to traffic and parking congestion in Merrifield Place. The portion of road reserve being considered for closure is a no parking area and therefore its closure should not affect the parking problems in the road. Obviously if the road was not closed and the parking restrictions removed it would provide a limited parking area for people accessing the beach or the Parks and Recreation reserve, however overall the impact on parking would be minimal.

One of the objectors who lives diagonally opposite the road reserve claims he designed his house to take advantage of the outlook over the Parks and Recreation reserve. He believes that he would lose his outlook if the applicant built a wall around the additional land or built another unit on the property. The house constructed on this lot was erected in 1972. The parks and Recreation reserve was not created until 1986.

The Joint Commissioners at their meeting on 28 April 1998 resolved to agree to the road closure and request the Minister for Lands to close the portion of road reserve.

The Department of Land Administration was advised of the Commissioners resolution and requested to seek the Minister for Land's approval. Copies of the objections received from residents were also forwarded to DOLA for its consideration.

LATE SUBMISSIONS

DOLA has received several objections to the road closure from residents who had not objected during the advertising period undertaken by the City. It has advised that it considers there to be little substance in most of the complaints, however it has received one objection concerning the use the road reserve as a space in which to reverse and manoeuvre an articulated truck before it leaves Merrifield Place. DOLA considers this to be a valid concern and requested the City to review the proposed closure.

Several residents on becoming aware that the closure was being reconsidered by the City, have submitted letters objecting to the closure to the City. The location of the objectors is shown on Attachment No.1.

DETAILS

Ten individual letters representing six households have been received objecting to the road closure. Four of these households also lodged objections during the initial advertising period. They claim that closure of this portion of Merrifield Place will present difficulty for large vehicles entering and leaving the road and they are especially concerned about emergency vehicles.

They also believe that traffic speed around this corner will increase as cars will no longer be required to give way where the portion of the road being closed intersects with the rest of Merrifield Place.

Several of the objectors advise that they do not consider that there is a problem with youths congregating in the subject road reserve and they have not experienced any problems. The City's Ranger Services Unit advises that it has not received any complaints about anti social behaviour in the street.

TRAFFIC MOVEMENT

Technical Services has reviewed the road closure and advised that he considers that the closure will not have an adverse impact on traffic in Merrifield Place. He states that there are many similar cul-de-sacs within the municipality which function satisfactorily and that a road of this nature does not need to accommodate articulated trucks. The two bends in Merrifield Place are both at 90° angles and this in itself will force motorists to slow down. Emergency vehicles trying to enter the Parks and Recreation reserve will still have access through the portion of the road being amalgamated with the Parks & Recreation reserve.

PARKING

The City's Rangers Services Unit received two complaints about cars parked in contravention of restrictions during the last 12 months.

The City's Manager of Infrastructure Design Services advises that the current parking prohibitions in Merrifield Place were approved by the former City of Wanneroo in September 1996. However, problems in Merrifield Place were first reported in March 1994.

Dr Stuart of 4 Merrifield Place wrote to complain about litter, parking problems and damage to the dunes in March 1994. Subsequently he submitted a petition, signed by the residents of Merrifield Place, expressing similar concerns. A report on this petition was considered at the February 1995 meeting of the former City of Wanneroo (Item TS5-02/95 refers).

After consideration of the report the former Council of the City of Wanneroo did not approve the installation of road and verge parking prohibitions along the full length of Merrifield Place adjacent to the foreshore reserve. The Council deferred consideration of the installation of parking prohibitions adjacent to the residential properties in Merrifield Place pending further liaison with the local residents on the extent and type of prohibitions.

In March 1995 a report on proposed prohibitions was considered by the City of Wanneroo, Item TS101-03/95 refers. The prohibitions **"NO PARKING ANY TIME CARRIAGEWAY OR VERGE"** and **"NO STANDING ANY TIME CARRIAGEWAY OR VERGE"** were approved as shown on the attached diagram.

In May 1996 a letter from Mr Wilke of 2 Merrifield Place was received requesting restricted access along the eastern boundary of his property. In September 1996 the Council considered a report on the closure of this portion of Merrifield Place, item TS248-09/96 refers. The report gave details that this section of road was being used as a meeting place. The only cars being reported there were groups of youths. The youths were creating noise, lighting fires, fighting, acting offensively and leaving rubbish. Consequently the prohibition **"NO PARKING ANY TIME CARRIAGEWAY OR VERGE"** was approved for this portion of the road. Attachment No.2 shows the extent and nature of the current prohibitions in Merrifield Place.

REPORT RECOMMENDATION: That the Joint Commissioners advise the Department of Land Administration that they still SUPPORT the road closure and do not consider that the closure of a portion of Merrifield Place, Mullaloo adjoining Lot 3 (2) Merrifield Place will impact on traffic movement in the road.

MOVED Cmr Rowell, **SECONDED** Cmr Clark-Murphy that the Joint Commissioners:

- 1 **having considered the concerns of the Department of Land Administration regarding the road closure of a portion of Merrifield Place, Mullaloo adjoining Lot 3 (2) Merrifield Place rescind their decision (DP149-04/98) of 28 April 1998, viz:**

“That the Joint Commissioners:

- 1 agree to the closure of the road reserve adjoining Lot 3 Merrifield Place, Mullaloo and the subsequent disposal of half of the land to the adjoining property and the balance of the road reserve being amalgamated with Parks and Recreation reserve No 39497;*
- 2 request the Minister for Lands to close the portion of Merrifield Place road reserve adjoining Lot 3 Merrifield Place, Mullaloo in accordance with the provisions of Section 288A of the Local Government Act (Miscellaneous Provisions).”*

- 2 **do not close the portion of Merrifield Place road reserve adjoining Lot 3 Merrifield Place, Mullaloo.**

Cmr Rowell spoke to the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ241-11/98 SUBDIVISION CONTROL UNIT - DIRECTOR
DEVELOPMENT SERVICES - 7 OCTOBER 1998 TO 20
OCTOBER 1998 - [05961]**

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit from 7 October 1998 to 20 October 1998. All applications were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98). The Chief Executive Officer subsequently delegated to the Manager Development Management Services, the authority to deal with these applications as follows:

- SCU1 Subdivision applications received which are generally consistent with an approved or agreed Structure Plan (including Outline Development Plan and Development Guide Plan).
- SCU2 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.
- SCU3 Applications for extension of subdivisional approval issued by the WAPC which were previously supported by Council.
- SCU4 Applications for subdivision or amalgamation which result from conditions of development approval given by or on behalf of Council.
- SCU5 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.
- SCU6 Applications for subdivision or amalgamation of lots contrary to Council or WAPC Policy or are not generally consistent with an approved or agreed Structure Plan.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners ENDORSE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ241-11/98.

The Motion was Put and

CARRIED

Appendix VII refers

REPORT OF THE CHIEF EXECUTIVE OFFICER
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**C20-11/98 REPORT ON THE PROPOSED NEW STAFF
STRUCTURE FOR THE CITY OF JOONDALUP -
[23176]**

SUMMARY

The staffing structure for the former City of Wanneroo was adopted in September 1997 and with the recent departure of the Directors Development Services and Corporate Services and the advertising of Directors Development Services and Business Units, it is necessary to make some acting appointments and endorse recommended permanent appointments to the City of Joondalup. The recommendations require endorsement of the Joint Commissioners, including the new directorate structure of the City of Joondalup.

BACKGROUND

The staffing structure for the former City of Wanneroo was adopted by the Council in September 1997. The structure was based on a contemporary corporate organisational structure with six directorates and twenty five business units. This structure has since been refined with the transfer of some responsibilities and a reduction of business units.

As part of the restructuring process in dividing the former City of Wanneroo, service evaluations are currently being reviewed by Indec. However, there is a need for the basic management teams for the City of Joondalup to be put in place as soon as possible. These teams must be in a position to finalise business unit structures and staff transfers as soon as service responsibilities for each new local government is known.

DETAILS

The City of Joondalup has a responsibility to continue services to both local governments until 30 June 1999. At the same time staff structures are required to be in place for both local governments to act independently as from 1 July 1999. This requires Director positions to be replaced and appointed for Joondalup as a matter of urgency to ensure that existing resources do not become over taxed.

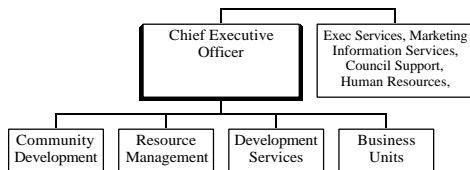
The recent inquiry into the operations of the former City of Wanneroo recommended that all senior management positions be advertised in the open market place. The only senior management position contained within the proposed staffing structure that has not been subject to this recommendation is the Director Resource Management. An advertisement seeking interest from suitable applicants was placed in Saturday's 7 November 1998 edition of the 'West Australian' newspaper.

In view of the lead time required to get new Directors on the job it will be necessary to make some acting appointments using existing staff.

COMMENTS

Having undertaken further research on the future directions of local government I am satisfied that the directions set for the former City of Wanneroo were valid and for this reason would recommend the following structure at this stage for the City of Joondalup.

Proposed Staffing Structure City of Joondalup



With the departure of the Director Corporate Services on 30 October 1998, the business units within that directorate, being Human Resources, Council Support Services and Information Services, it is proposed to have them report to the Office of the Chief Executive Officer as an interim measure. Once the staff structure for the City of Joondalup is finalised, a further report will be presented to the Joint Commissioners for further consideration.

MOVED Cmr Ansell, SECONDED Cmr Morgan that the Joint Commissioners:

- 1** in view of the departure of the Director, Development Services on Friday, 30 October 1998, appoint the:
 - (a)** Director of Strategic Planning, Mr Ray Fischer to the position of Acting Director of Development Services until a permanent appointment is finalised;
 - (b)** Manager of Development Planning, Mr James Kirton be appointed the Acting Director of Strategic Planning for the same period as (a) above;
- 2** in view of the departure of the Director of Corporate Services on Friday, 30 October 1998, the Business Unit Managers for Corporate Services report directly to the Chief Executive Officer as an interim step until the staff structure of the City of Joondalup is finalised;
- 3** following interviews for the positions of Director Business Units and the Director Development Services, five year performance based contracts be offered to the following applicants:

Business Units	- Mr David Djulbic
Development Services	- Mr Clayton Higham
- 4** endorse the advertising of the position Director Resource Management to meet the requirement of the Inquiry Panel recommendation;
- 5** adopt the directorate structure for Joondalup as proposed by the Chief Executive Officer as detailed in Report dated 10 November 1998, being:

**Community Development
Resource Management
Development Services
Business Units**

The Motion was Put and

CARRIED

C21-11/98 SPECIAL MEETING OF ELECTORS HELD ON 2 NOVEMBER 1998 - [14169]

SUMMARY

Following receipt of a petition, a Special Meeting of Electors was held on Monday 2 November 1998, in accordance with Section 5.28 of the Local Government Act 1995, to discuss the approval of a Mosque on Location 12888 (64) Walter Padbury Boulevard, Padbury

In accordance with Section 5.33 of the Local Government Act, all decisions made at an electors' meeting are to be submitted to Council for consideration.

BACKGROUND

Following receipt of a petition, a Special Meeting of Electors was held on Monday 2 November 1998. This meeting had been called in accordance with Section 5.28 of the Local Government Act 1995 to discuss the approval of a Mosque on Location 12888 (64) Walter Padbury Boulevard, Padbury

DETAIL

There were 117 members of the public and 1 member of the press in attendance. A presentation was given by Council officers outlining:

- History of Planning of the Locality
- History of the Site
- Current application
- Resolution (conditions)

A period of question and comment time was then conducted, with the following motion being put:

“MOVED Mr Gary Young, SECONDED Mr Trevor James that, we the electors of the City of Joondalup, being mostly residents of the subdivision known as Hepburn Heights Estate, do hereby request that the Joint Commissioners:

- 1 accept the validity of opposition to the proposal for public worship facilities to be developed on sites 12888 and 12889;*
- 2 rescind the decision of 22 September 1998 to approve development on the public worship site (CJ153-09/98);*
- 3 prevent the commencement of any development on any community purpose sites, including any clearing of land, in the Hepburn Heights Estate until a proper Management Plan is developed and agreed to by Council, residents and community groups;*

- 4 *as a matter of urgency, develop a Management Committee in conjunction with residents/ratepayers and community organisations in the precinct of Hepburn Heights Estate;*
- 5 *conduct a comprehensive traffic study based on the case that if all community facilities were fully developed and fully utilised at the same time;*
- 6 *provide a comprehensive parking management plan for all proposed community facilities prior to any development commencing;*
- 7 *formally acknowledge the unsuitable topography of Walter Padbury Boulevard as a local distributor road providing access to large facilities such as those proposed;*
- 8 *comply with 5.18 of City planning scheme which states:
"no lot or building would be used in such a manner as to create or to be a nuisance to any inhabitant of the neighbourhood of such land or to traffic or persons using land in the vicinity";*
- 9 *seriously investigate the relocation of proposed community facilities in the Hepburn Heights Estate given that the Water Authority no longer requires the allocated land and associated buffer zone;*
- 10 *rezone Lots 12888, 12889, 11974, 11976, 11977, 11979, 11980, 11981, 11982 and Reserve 38757 (Location 9976) for residential purposes only or rezone the said land to A Class Reserve for the purpose of passive recreation;*
- 11 *relocate the proposed community site developments to a light industrial area in line with accepted town planning principles;*
- 12 *if the said proposed developments are not relocated, impose substantial performance bonds on the occupiers to ensure compliance with specified operational conditions, including noise, maximum accommodation and parking;*
- 13 *if the proposed developments are not relocated, to provide a detailed plan to Hepburn Heights Landowners Association advising how the imposed conditions will be monitored and enforced including noise, maximum accommodation, parking and traffic flows;*
- 14 *examine the legality of the Shiloh Faith Centre (North City Christian Centre) being approved as a religious premises where it is shown on the plan that it will include commercial uses such as a bookshop, coffee shop and child care centre and report the findings to the Hepburn Heights Landowners Association;*
- 15 *provide a copy of the minutes of, or notes taken down at the meeting held between the City, the Shiloh Faith Centre, Christmas Island Muslim Association and Mr Rob Johnson, referred to in the report to Commissioners covering the development of a public worship facility on Lot 12888;*

- 16 *if the proposed developments are not relocated, require a detailed noise survey by a qualified acoustic consultant be provided by the applicant to the satisfaction of the Hepburn Heights Landowners Association and the City of Joondalup prior to any consideration being given to allow occupancy of the building;*
- 17 *if the proposed developments are not relocated, place a condition limiting the number of persons permitted on the premises to 30 persons at any one time except for two days per year and that the design of the building be changed such that the maximum accommodation based on floor area measurements is 300 persons or less;*
- 18 *fully comply with Section 5.33(2) of the Local Government Act 1995 until all issues raised at this meeting have been fully resolved.*

The Motion was Put and

CARRIED UNANIMOUSLY"

In accordance with Section 5.33 of the Local Government Act 1995, all decisions made at an electors' meeting are to be submitted to Council for consideration.

MOVED Cmr Morgan, SECONDED Cmr Rowell that, in relation to the motion carried at the Special Meeting of Electors held on 2 November 1998, the Joint Commissioners:

- 1 **ACKNOWLEDGE the opposition to the proposal for public worship facilities to be developed on sites 12888 and 12889;**
- 2 **ADVISE the Hepburn Heights Landowners Association (Inc) that:**
- (a) **the Council is not legally able to rescind its decision of 22 September 1998 (CJ153-09/98) as an approval for the development of a Mosque at Location 12888 (64) Walter Padbury Boulevard, Padbury has been issued;**
 - (b) **locations 12888, 12889, 11974, 11976, 11977, 11979, 11980, 11981, 11982 are already zoned Residential Development, Reserve 38757 is reserved under the Metropolitan Region Scheme for public purposes and the Council has no power to amend the Metropolitan Region Scheme;**
 - (c) **the relocation of the proposed community facilities that have been granted development approval could only be achieved with the full co-operation of the relevant site owners;**
 - (d) **the imposition of performance bonds are not appropriate when issuing planning approval, however, there is sufficient power to enforce the terms of the development approval under the City's Town Planning Scheme;**

- (e) the development will be inspected both during construction and following the completion building works to ensure compliance with the terms of the development approval. Thereafter if Council is made aware of breaches to the operational conditions or breaches to Clause 5.18 of the City's Town Planning Scheme relating to nuisance then Council may commence enforcement proceedings after considering the reasons for the breach and the evidence in each case;
- (f) an independent traffic study has already been carried out for the Hepburn Height precinct with it being based on the capacity of the road system defined by the Ministry for Planning's Functional Road Classification for Planning and each of the community sites being developed to an assumed level. The approvals that have been granted by Council are consistent with the assumed levels of development;
- (g) Water Padbury Boulevard, and the proposed left in, left out access to Hepburn Avenue will facilitate the projected traffic volumes;
- (h) the Shiloh Faith Centre has been approved for the purpose of public worship, which normally involves some limited incidental ancillary activities and the Council will ensure that this development operates in accordance with the terms of the approval.
- (i) as the approval for the mosque has been granted Council is not able to retrospectively impose additional conditions.

- 3 AGREE to the development of a management plan for the Hepburn Heights precinct and the development of such a plan be subject to community consultation;
- 4 ACKNOWLEDGE that the development of such a management plan as detailed in (3) above would depend on the co-operation of those organisations that are in receipt of current development approvals;
- 5 NOT AGREE to the establishment of a management committee consisting of residents/ratepayers and community organisations from the Hepburn Heights precinct, but AGREE to recognise the Hepburn Heights Landowners Association (Inc) and commit to consult where appropriate on matters that will significantly effect the community within the precinct;
- 6 AGREE to pursue an on-site parking plan for the Hepburn Heights precinct, including reciprocal off street parking arrangements over and above the approvals already given;

- 7 **AGREE upon a formal request from the community organisations to investigate the possibility of relocating the proposed community purpose facilities within the Hepburn Heights precinct, subject to verification that the Water Corporation advise it no longer requires the community land as a buffer from future activities on reserve 38757;**
- 8 **ADVISE the residents that appropriate records were kept of the meeting referred to in Report CJ153-09/98 by the way of a file note and that the note is available upon request;**
- 9 **AGREE to comply with Section 5.33 of the Local Government Act 1995.**

The Motion was Put and

CARRIED

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY 24 NOVEMBER 1998** to be held at Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1836 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
 MORGAN
 ROWELL
 CLARK-MURPHY
 BUCKLEY