



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 8 DECEMBER 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, 8 DECEMBER 1998

ATTENDANCES

Commissioners:

H MORGAN, AM	Deputy Chairman	
R M ROWELL		<i>Absent from 1852 hrs to 1854 hrs</i>
M C CLARK-MURPHY		
W BUCKLEY		

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Technical Services:	R McNALLY
Director, Community Services:	C HALL
Acting Director, Development Services:	R FISCHER
Acting Director, Strategic Planning:	J KIRTON
Manager, Division Taskforce:	B PERRYMAN
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Manager, Health & Ranger Services:	M BARRY
Manager, Leisure Services:	M STANTON
Manager, Library Services:	N CLIFFORD
Manager, Building & Fleet Maintenance Services:	A MILLARD
Manager, Environmental Waste Services:	R ELLIOTT
Manager, Infrastructure Design Services:	P PIKOR
Acting Manager, Engineering Construction & Maintenance Services:	P CALLEY
Manager, Parks & Landscaping Services:	D CLUNING
Recreation Development Officer West Zone:	K KITCHIN
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

Cmr C T Ansell

Chairman of Commissioners

There were 13 members of the Public and 1 member of the Press in attendance.

The Deputy Chairman declared the meeting open at 1800 hrs.

C25-12/98 LEAVE OF ABSENCE - CMR M CLARK-MURPHY

Cmr M Clark-Murphy has requested leave of absence from Council duties for the period 14 December to 24 December 1998 inclusive.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners APPROVE the leave of absence requested by Cmr Clark-Murphy for the period 14 December to 24 December 1998 inclusive.

The Motion was Put and

CARRIED

PUBLIC QUESTION TIME

The following question, submitted by Mrs M Zakrevsky of Korella Street, Mullaloo, was taken on notice at the Meeting of Joint Commissioners held on 24 November 1998:

Q1 In the Terms of Reference, Clause 4.5 relating to quorum, what constitutes a simple majority for the Conservation Advisory Committee?

A1 The Conservation Advisory Committee has a total membership of eleven persons. Therefore, for a meeting to proceed, a minimum of six members must be in attendance at any one time. Section 5.19 of the Local Government Act specifies what is required for a quorum of a committee.

The following questions, submitted by Mr Steve Magyar of Heathridge, were taken on notice at the Meeting of Joint Commissioners held on 24 November 1998:

Re: Responses provided to Mr Magyar in relation to delegation of power (as shown on page 2 Minutes of Meeting of Joint Commissioners held on 24 November 1998):

Q1 In relation to the answer to question 1, how does faster decisions in relation to planning matters increase accountability?

A1 The ability to provide approvals in the shortest turnaround time in itself does not increase accountability. Accountability is a function of the process, the checks that are applied and the documentation of that process.

The City's processes provide for various levels of reporting, depending on issues and complexity of the application.

This assumes that simple applications are dealt with expeditiously whilst with increasing levels of complexity, there are higher levels of consideration and approval required.

This enables Council to focus on the matters requiring a higher level of decision making whilst allowing simple matters to be processed expeditiously to meet the customer's demonstrated need.

Q2 In relation to the answer to question two, how will the community know of local or important issues to enable them to contact Councillors or Commissioners if the issues are only officially disclosed after approval is granted?

A2 Most applications which are unusual or likely to impact upon adjoining owners are advertised by either written notice or an on-site sign. Councillors/Commissioners are advised through the weekly publication "Desk of the CEO" of all on-site advertising.

Q3 In relation to the answer to question three, how will the community know that their objections to a development application were interpreted correctly, if the details of the assessment process are not easily available to the general public?

A3 The responsibility of ensuring that due process of consideration of submissions has been followed rests with the delegate or decision maker. Processes require that all submissions are recorded and dealt with in the same manner. Records are available to the public on application.

Re: Report CJ257-11/98 - Landscape & Community Infrastructure Design:

Q4 Has the consultant's report been referred to the Environmental Advisory Committee?

A4 Yes.

Q5 Has the consultant's report been referred to the Conservation Advisory Committee?

A5 No. General discussion only has occurred.

Q6 On page 61 of attachment 1, Item (J), the idea that all trees on road reserves should be under pruned at a level of two metres is questionable. Will consideration be given to listing appropriate situations and species of plants where this practice will not be done, where such pruning would reduce the visual appeal of the plant or the desired screen effect of the plant in certain locations?

- A6 Two metre clearance is required for public safety. As stated, these are guidelines only.
- Q7 *On page 64 of attachment 1, dot point two, which recommends that retained bushland shall have at least the understorey planting reinforced by supplementary planting. This paragraph states "or a robust species of a similar type and appearance to the dominant endemic species" are acceptable to use in bushland reserves. How does compromising the natural values of a piece of bushland conform to the City's Strategic Plan of preserving the natural biodiversity of the City?*
- A7 These guidelines specifically relate to areas of road reserves and Public Open Space where development has occurred, or is occurring. Part of the Strategic Plan is to develop and implement policies and standards for streetscape and urban infrastructure covering new developments and upgrading of older suburbs. These guidelines will assist in preserving the biodiversity of the City.
- Q8 *On page 64 of attachment 1, dot point three, watering of bushland reserves. Considering that Western Australian native plants are adapted to growing without summer watering, and that exotic weeds generally thrive with extra summer watering, is it wise to encourage developers to water bushland reserves?*
- A8 Again, this is in reference to areas being redeveloped, or with supplementary planting. Indigenous plant species also require watering to assist in establishment where development/disturbance has occurred.

Note: Questions 4 to 8 inclusive will be listed with the general submissions received during the public submission period.

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

- Q1 *Could Council please incorporate as part of their policy on Environment for the future. Report CJ257-11/98, Page 11.*
- Please support all newly planted trees with at least 2-4 strong stakes while watering is in progress. Then we will have nice straight trees instead of bent or dangerous ones left.*
- A1 This recommendation will be listed for consideration in the guidelines during the separation of matters into Policy and Procedures.
- Q2 *Can the Chief Executive Officer please tell me, have we got another home development happening alongside the library, or is it an extension of the Sanctuary? If so, how many lots will there be?*
- A2 The recent subdivisional work that has taken place adjacent to the City of Joondalup Library is proposed to accommodate residential development (with some mixed uses on larger sites) consistent with the Structure Plan for the Joondalup City Centre. This area has previously been referred to as "The Sanctuary".

- Q2(a) Will there be any further clear felling along that road?*
- A2(a) Further subdivision including public open space is proposed for the land directly to the south of the current works. This will ultimately result in some further land clearing.*
- Q3 What are the new huge 4-pronged metal poles for along Burns Beach Road? (each side). I've guessed they are electric. But if so, should or could these have been put underground? They are monstrous and a blight on the environment.*
- A3 Western Power is currently installing high voltage power lines to connect with the recently completed Sub Station on Wanneroo Road.*
- Western Power advises that its practice is to install overhead power, as the cost of installing powerlines of this magnitude underground is prohibitive.*
- Q4 Who pays for all the trees and shrubs which have been removed? What cost were those plants to begin with?*
- A4 Trees and shrubs within the area have been damaged or destroyed by various projects, e.g. Main line and pump station, Driver Road redevelopment, drainage to Joondalup Drive, overhead power supply line.*
- Funds have been allocated to replant the median and verge areas upon completion. Parks Landscaping Services has liaised with Water Corporation and Western Power for part costs.*
- Q5 Can Council give us an answer to the Court case or Tribunal case in relation to Marmion Squash Courts Pty Ltd -v- City of Joondalup and Strata Proprietors of Strata Plan 18773 and others?*
- A5 This question relates to an appeal to the Town Planning Appeal Tribunal against the City of Joondalup's refusal of an application for a proposed car wash, video library and shop at Lot 60 (4) Warburton Avenue, Padbury.*
- The appeal was dismissed by the Tribunal on 23 November 1998 as the form of the appellant's proposal was different from the proposal considered by the Council, and the Tribunal therefore did not have jurisdiction to deal with the matter.*
- A new application proposing a car wash, shop and professional office has since been lodged with the City.*

The following questions were submitted by Mr Steve Magyar, Heathridge:

- Q1 The Westminster System of Government includes the doctrine of the separation of powers. This doctrine protects the liberty of citizens by dividing power among the branches of government. I believe that this doctrine also applies in a limited form to the running of local government insofar as attempting to keep the final decision makers and the administration separate.*

Do the principles of the doctrine of the separation of powers have a place in local government in Western Australia?

Does the administration of local government require that the final decision makers and the administrative staff of the Council remain sufficiently separated to ensure that advice from the administration to the Council remains professionally impartial?

If so, then how is this achieved at the City of Joondalup and Shire of Wanneroo?

A1 The question whether the “separation of powers” of government is desirable and, if so, to what extent, are questions of political theory on which people have different views.

Local government is, however, a creature of statute and, as such, must operate in accordance with the Local Government Act 1995 and the State’s other laws.

Under the Act and other relevant laws, decision-making in local government may be exercisable by not only the Council, but also by its committees and by its officers (administration) according to the nature of the decision and the applicable legislation.

Mr John Hollywood of Burns Beach:

Q1 *Would it be possible to have a light installed at the park in Burns Beach?*

A1 *Response by Cmr Morgan:* This morning Commissioners met ratepayers at Wanneroo where I spoke with the President of the Burns Beach Ratepayers Association regarding this request. I have passed this request on to the appropriate officer for immediate consideration and will report to you in the near future.

Q2 *I refer to a question asked by a ratepayer at the Meeting of Joint Commissioners held on 24 November 1998 as to whether it was necessary to build the shopping centre at Currabine. Cmr Rowell advised this had been planned since 1990. Does this mean the centre is going to be proceeded with in any case, or with the demographics in this particular area is another shopping centre not required? Is Mr Rowell saying that as a Commissioner he cannot vote against this proposal, or is it unfortunate for other shopping centres?*

A2 *Response by Cmr Rowell:* When the Structure Plan for that subdivision was approved by the Council, it included a shopping centre for that particular area. There have been variations over past years. The only variation that has occurred at last month’s Meeting of Joint Commissioners was under the new Town Planning Scheme the zonings have been slightly changed, and the owners of the site have more closely determined the boundaries of the shopping centre and in some areas denser residential and have asked Council to clarify a more specific boundary to their development. As to whether those parties who may be interested will want to

build a shopping centre of whatever size is between the owner and the commercial interests they will negotiate with. The Council's position is that this has always been zoned for the activities that the owners are still asking for and at present the zoning is being clarified under the new Town Planning Scheme.

Response by Cmr Buckley: I understand there is no proposal currently before Council to build a shopping centre on this location and that the Structure Planning process dealt with continuing the existing zoning that would allow a shopping centre to be built there should there be an application for one. This planning was in place well before the appointment of Commissioners.

Q3 Has a final decision been made by Commissioners as to whether a shopping centre will be built at Currambine?

A3 Response by Cmr Buckley: There is no application at this stage to build a shopping centre.

Response by Cmr Morgan: If an application is received, you will be made aware of it.

Response by Cmr Rowell: If Councillors were in office, they would be debating the zoning that Commissioners have before them. Obviously, if the zoning is refused, the owners of the land, LandCorp would have every right to sue Council on the change of use in that particular area. Council had very little alternative representing its electors not to clarify the zoning. It is the responsibility of the developers to interest prospective clients who consider it is commercially viable to build a centre.

Q4 Lot 2, Burns Beach is zoned rural. Is this zoning going to remain, and should it be changed, am I able to sue the developers?

A4 Response by Cmr Rowell: I will take this question on notice, as I am unsure where this particular lot is located. You will probably be aware that the Minister and State Planning has allowed a certain development on one particular site on a Burns Beach Trust land. I assume you have seen the Minister's report on the other area which was subject to a further survey which still leaves it open for the developers or owners of the land to subsequently make an application for urban development. I do not feel the question can be answered as simply as it has been put.

Mr Steve Magyar of Heathridge:

I refer to Page 34 - Report CJ282-12/98 - Delegated Authority Report. On the schedule of determinations made under delegated authority, No 1 is an "Indoor 50m competition pool/leisure pool, Lot 3 (25) Kennedy Drive, Joondalup. Under comment, discretion, it states that "Pursuant to C 10.8.3(c) of Town Planning Scheme No 1, discretion under C1 5.10 of Town Planning Scheme No 1 - Carparking:

Q1 Can further information regarding the level of discretion be made publicly available, for example, how many carparking bays is the development short of from the normal number required in the Town Planning Scheme?

A1 *Response by Cmr Rowell:* We will take this question on notice. As you are aware this is the aquatic development at the Joondalup Arena.

Q2 *What is the Council's level of involvement in this project (the development of the 50m swimming pool)?*

A2 *Response by Chief Executive Officer:* The initial allocation by Council was \$3,000,000. The project originally had a total budget of \$9,000,000. This has now extended out during the design phase to almost \$12,000,000. Commissioners agreed to continue with the one third contribution, which meant an additional \$800,000 was required. Council's contribution now equates to \$3,800,000.

Q3 *Have the plans approved changed in any way from the information made publicly available in the reports that were previously reported to the Council or Commissioners?*

A3 *Response by Cmr Morgan:* To my knowledge there had been no changes that Commissioners have been advised of to the report presented approximately three months ago.

Item 2 - Delegated Authority Report - a 60 person nursing home, Reserve 36696 (60) Shenton Avenue, Joondalup:

Q4 *Am I correct that in Reserve 36696 (60) Shenton Avenue is a parcel of land that is owned by the government*

Q5 *If Reserve 36696 is owned by the government, then in which government authority is the land vested?*

Q6 *If Reserve 36696 is vested in a government authority, for what purpose is the land vested in that authority?*

A4 - 6 *Response by Cmr Morgan:* These questions will be taken on notice.

Mrs A Hine of Dundobar Road, Wanneroo:

Q1 *In relation to Q4, (as shown on Page 5 hereto) which I raised earlier in the meeting regarding who pays for the removal of the trees, shrubs and flowers along Burns Beach, am I correct in assuming that Council pays a proportion of the cost as well as the Water Corporation and Western Power?*

A1 *Response by Chief Executive Officer:* Yes this is correct.

Q2 Why should Council pay any of the costs when initially this area was planted out by Council?

A2 Response by Manager, Parks & Landscaping Services: The work carried out is part of the Drover Road engineering project to redevelop that road. An agreement has been arrived at with both the Water Corporation and Western Power in that Council is only responsible for the part it has damaged.

Q3 Have Commissioners been along Marmion Avenue, Burns Beach recently and viewed the concentration of Christmas trees in that area? If the trees are disturbed by developers, they will die as they depend on the fungi in the ground. Is there any way these trees could be saved?

A3 Response by Cmr Morgan: Commissioners saw the trees this morning, and certainly agree that these trees must be retained.

Response by Cmr Buckley: Currently Council does not have a policy relating to trees, but Manager, Parks & Landscaping Services has been developing a tree policy in conjunction with a consultant to Council. It is envisaged that by February there will be steps taken to advertise the policy within the community for public comment as to whether it is thought necessary for both the City of Joondalup and Shire of Wanneroo to have a tree policy, and if so, what form it should take.

Q4 Whilst Commissioners were in Wanneroo this morning, did they take the opportunity to visit the proposed location for the new administration offices for the Shire of Wannero? Did they see the large amount of rubbish in the shopping centre car park, which is a disgrace?

A4 Response by Cmr Morgan: I am not aware of Commissioners visiting Dundebur Road this morning, although Commissioners have done so previously. We did not see the rubbish.

Q5 Is there any reason as to why morale is low in certain areas and why so many senior staff are leaving the employ of the City of Joondalup?

A5 Response by Cmr Morgan: Commissioners do not believe there is low morale amongst the staff. We have recruited staff as you know, and Commissioners are very conscious of the work being undertaken by staff.

Response by Chief Executive Officer: Unfortunately, in any time of change and uncertainty, staff will have concerns and this is the case. During the intervening period staff are being kept informed by way of regular newsletters of actions that are being taken. A staff consultative committee has also been convened that includes representatives from all sections, including the outside workforce. This committee meets on a regular basis to discuss any concerns staff may have. Of those staff who have left, endeavours have been made to recruit replacements. In the majority of cases, staff have left of their own accord. As the list provided to Mr Cooper suggests many staff have gone on to other positions.

DECLARATIONS OF FINANCIAL INTEREST

Cmr Rowell declared an interest in Item CJ280-12/98 as his family has an interest in the Mullaloo Plaza Shopping Centre.

CONFIRMATION OF MINUTES

C26-12/98 **MINUTES OF MEETING OF JOINT COMMISSIONERS - 24
NOVEMBER 1998**

Correction

CJ263-11/98, Page 57

The comments:

“Cmrs Rowell and Morgan spoke in support of the Motion, believing that the closure of the pedestrian accessway between Crawley Grove and Fairlawn Gardens, Heathridge would not unduly hinder pedestrian access to the Edgewater railway station.”

be amended to read:

Cmr Rowell advised that Commissioners had attended the site this morning and had given consideration as to how the closure of the accessway would affect pedestrian access to the Edgewater train station. Cmr Rowell referred to incidents of vandalism and graffiti and said the general feeling amongst the Commissioners was that access to Edgewater station would not be significantly hindered by the closure of this pedestrian accessway. Cmr Morgan spoke in support of the motion and believed that there will not be any great inconvenience to residents in the nearby area but there will be a great benefit in closing the accessway.

MOVED Cmr Buckley, SECONDED Cmr Clark-Murphy that the Minutes of the Meeting of Joint Commissioners held on 24 November 1998, amended as above, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE DEPUTY CHAIRMAN WITHOUT DISCUSSION

CHRISTMAS CAROLS

The Christmas lights have been installed as the festive season bears down upon us.

The Christmas carols function in Neil Hawkins park on Saturday, 5 December 1998 saw the debut of the lights, and an early taste of the spirit of Christmas for the thousands of residents who came along.

I would like to thank the 60 volunteers from the Joondalup City church gospel choir and the Joondalup Academy of Performing Arts for a great night's entertainment.

Thank you and well done.

ROAD SAFETY

This is the time of year, of course, when we celebrate with family and friends. It is very important that while we are celebrating, we remember road safety.

Again this year, both the City of Joondalup and Shire of Wanneroo are fully supporting the "White Ribbons" for road safety campaign.

The aim of the campaign is to encourage us all not to drink and drive and to take great care on the road over the christmas season.

"White Ribbons" not "White Crosses" is the slogan to remember.

AUSTRALIA DAY AWARDS

Among our busy calendar of events approaching, including the Joondalup Festival in March, is our annual Australia Day Citizenship Ceremony in Neil Hawkins park.

As well as this, nominations are being called for the 1999 Australia Day awards.

There are three awards to recognise people who have made outstanding contributions to our community.

The Australia Day Citizen award is for people 27 years and older, whilst the Australia Day Young Citizen award is for those under 27 years of age.

In addition to this, there is an award for the Outstanding Community Event of the Year.

Nominations should be lodged with the City of Joondalup by 18 December 1998.

INTERVIEWS FOR DIRECTOR, RESOURCE MANAGEMENT

Commissioner Clark-Murphy, the Chief Executive Officer and consultant, Anne Lake, have been conducting interviews for this position.

Due to the unavailability of one candidate, a further interview will be conducted next week prior to an appointment being made.

HEPBURN HEIGHTS LAND ISSUES

A meeting has been held with representatives of the Hepburn Heights Landowners Association, Shiloh group, Water Corporation and the Department of Land Administration.

The Water Corporation has officially advised that it does not require the Hepburn Heights land and discussion took place on a likely redesign of the area which would see a relocation of the mosque and alternative access to the Shiloh site.

To develop a concept, it was decided that officers from the Water Corporation, Department of Land Administration and Perth Metropolitan Cemeteries Trust meet with Council officers to develop options on a possible solution to the problems now being experienced.

DEVELOPMENTS

Among developments being considered this evening for the City of Joondalup are:

- 50 metre indoor competition pool for the Western Australian Sports Centre Trust at Kennedy Drive, Joondalup;
- 60 person nursing home in Shenton Avenue, Joondalup;
- display home village and sales office in Hepburn Avenue, Hillarys.

WAMA BEST PRACTICE AWARDS

The inaugural WAMA Best Practice Awards were presented on Monday, 16 November 1998. This was the first time that local government as an industry has recognised its commitment to best practice. A total of 53 entries from 22 local governments were received, with the City of Joondalup receiving three awards for best practice. I would now like to recognise the staff responsible for winning these awards by inviting Managers to accept the following awards:

- Best Practice in Quality Innovation: Leisure Services - Mark Stanton, Manager Leisure Services

This award recognises the innovation used in providing a specific service delivery. In particular the Skate Facility Needs Analysis conducted by the Leisure Services unit in 1997.

- Best Practice in Workplace Change: Leisure Services - Mark Stanton, Manager Leisure Services

This award recognises the processes and successful outcome of the restructure of the City's Leisure Services Unit.

- Best Practice Award in Customer Service: Library and Information Services - Nerida Clifford, Manager Library Services

This award recognises the Joondalup Library's ongoing development and commitment to providing the highest standard of customer service and satisfaction.

The City of Joondalup also received the following Awards in recognition of its advancement and commitment to Best Practice:

- Advancement in Quality Innovation: Corporate Services Directorate - Mike Smith, Manager, Council Support Services

This award recognises the former Corporate Services Directorate's commitment to its Directorate Plan, development of the Internet/Intranet and the adoption of the Information Technology Strategic Plan.

- Advancement in Competitive Reform: Resource Management Directorate - John Turkington, Director Resource Management

This award recognises the City's corporate restructure in 1997 and its commitment to establishing a framework for competitive reform, contestability and National Competition Policy principles.

- Advancement in Workplace Change: Ranger Services - Mike Barry, Manager Health and Ranger Services

This award recognises the amalgamation and restructure of Health and Ranger Services into one business unit and the adoption of the Ranger Services Certified Agreement.

- Advancement in Quality Innovation: Technical Services Directorate -Peter Pikor, Manager, Infrastructure Design Services

This award recognises the successful restructure of the Technical Services Directorate into five business units and the adoption of individual Business Unit plans.

- Commitment in Benchmarking: Technical Services Directorate - Dennis Cluning, Manager, Parks & Landscaping Services

This award recognises the Directorate's commitment to benchmarking by the inclusion of benchmarking principles within the recently adopted Enterprise Bargaining Agreements and Collective Workplace Agreements.

- Advancement in Competitive Reform: Technical Services Directorate - Phil Calley, Acting Manager, Engineering Construction & Maintenance Services

This award recognises the successful restructure of the Technical Services Directorate, the implementation of Certified Agreements and Workplace Agreements, and the establishment of best practice principles within Business Unit Plans.

- Advancement in Workplace Change: Building and Fleet Maintenance - Allan Millard Manager, Building and Fleet Maintenance Services

This award recognises the implementation of a successful Enterprise Bargaining Agreement for Building and Fleet Maintenance Services Staff.

- Advancement in Quality Innovation: Environmental Waste Services - Robert Elliott, Manager, Environmental Waste Services

This award recognises Environmental Waste Services Unit recent Quality Assurance Accreditation.

- Advancement in Workplace Change: Environmental Waste Services - Robert Elliot Manager, Environmental Waste Services

This award recognises the implementation of a successful Enterprise Bargaining Agreement for Environmental Waste Services staff.

- Commitment in Quality Innovation: Environmental Waste Services - Robert Elliott, Manager, Environmental Waste Services

This award recognises the successful processes adopted in delivering a quality environmental waste service to all customers.

Congratulations to all Staff involved in the WAMA Best Practice Awards. It is rewarding to see the City of Joondalup receive industry recognition for our commitment to best practice.

The Chief Executive Officer advised the City of Joondalup Library also received the Disability Awareness Award from People with Disabilities Incorporated. This award was presented by Hon Paul Omodei, Minister for Disability Services and was received for access provided to the Joondalup Library for people with disabilities.

Comr Morgan stated the citizens of the City of Joondalup can be very proud indeed as the Commissioners are at the recipients of both the Library Award and the awards received at the recent WAMA Conference.

C27-12/98

PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS - 8 DECEMBER 1998

PETITION OBJECTING TO THE PROPOSED REZONING AT LOT 998 CONNOLLY DRIVE, CURRAMBINE

A copy of a 247-signature petition has been received from local residents objecting to the proposed rezoning and possible future shopping centre development at Lot 998 Connolly Drive, Currambine. The original petition document has been forwarded by residents to the Legislative Assembly of the Parliament of WA.

A further 53-signature petition from the Currambine Landowners Association objecting this proposal has also been received.

These petitions will be referred to Development Services for action.

RESOLVED that the petitions from local residents objecting to the proposed rezoning and possible future shopping centre development at Lot 998 Connolly Drive, Currambine be received and referred to the appropriate business unit for action.

POLICY SECTION

REQUIREMENT FOR ABSOLUTE MAJORITY VOTE

The Deputy Chairman, Comr Morgan stated that for the purpose of this meeting, where a simple majority vote was taken, such vote would be considered to be an Absolute Majority vote.

**CJ269-12/98 REVIEW OF BUSHFIRE PREVENTION AND
CONTROL LOCAL LAW - [29061J & 05885J]**

SUMMARY

This report provides details of the progress reached in the review of the proposed, "City of Joondalup Bushfire Prevention and Control Local Law 1998."

Local Law Adoption

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 13 October, 1998, when the following summary was read aloud by the Chairman:

“The purpose of the local law is to provide for the prevention, regulation, control and management of bushfires and the reduction of fire hazards in the district.”

“The effect of the local law is to require all owners and occupiers of land in the district to establish and maintain firebreaks on land owned or occupied by them to assist in prevention of fires and provide access for firefighting vehicles and equipment.”

There is no provision for bushfire brigades in the proposed City of Joondalup Bushfire Prevention and Control Local Law 1998, as the whole of the City of Joondalup district is in the response zone of the W A Fire and Rescue Service ,

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the reviewed local law was advertised for comment, closing on Friday 27 November, 1998.

BACKGROUND

This matter was first considered at the meeting of Joint Commissioners held on 13 October, 1998 (Item CJ159-10/98 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. It was subsequently resolved:

“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, advertise the proposed local law, “City of Joondalup Bushfire Prevention and Control Local Law 1998”, in order to seek public comment.”

DETAILS

Advertising

In accordance with section 3.12 (3) of the Local Government Act 1995 statewide public notice was given of the proposed adoption of the City of Joondalup Bushfire Prevention and Control Local law, in the West Australian on 17 and 28 October 1998.

The proposal was also advertised in the Wanneroo Times on 20 and 27 October 1998, to ensure the local community was given ample opportunity to be informed and obtain a copy of the proposed local laws.

Public Comment

No written comment or submissions have been received.

Action to Progress Local Law

The following actions are required to progress the proposed local law to local law stage.

They are in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995. The relevant sections are:

- 3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Special majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give Statewide public notice -
- (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

Local laws to be publicised

- 3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

Section 3.13 of the Act is of particular relevance at this stage of making a local law. It states:

“Procedure where significant change in proposal

3.13 If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”

Action By Others

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation.

It has become standard practice that ten copies of the local law together with an Explanatory Memorandum and details of any submissions be forwarded to the Joint Standing Committee On Delegated Legislation, to assist in their review of the local law.

COMMENT

As there has been no comment received relating to the proposed local law and there has been no alteration made to the document previously submitted to the meeting of Joint Commissioners, it is recommended that the proposed local law be adopted.

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

- 1 in accordance with Section 3.12 of the Local Government Act 1995, ADOPT the proposed local law as per Attachment 1 to Report CJ269-12/98 , as the “City of Joondalup Bushfire Prevention and Control Local Law 1998”;**
- 2 APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.**

Cmr Buckley spoke in support of the Motion.

The Motion was Put and

**CARRIED BY A
SPECIAL MAJORITY**

Appendix I refers

FINANCE AND COMMUNITY SERVICES SECTION

Items CJ270-12/98 to CJ273-12/98 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy gave notice of her intention to speak on Item CJ271-12/98.

**CJ270-12/98 SIGNS, HOARDINGS & BILLPOSTINGS REVIEW
WORKING PARTY - [20458J, 05885J]**

SUMMARY

A meeting of the Signs, Hoardings & Billpostings Review Working Party was held on Thursday 12 November 1998 and the minutes are submitted for noting by the Joint Commissioners.

DETAILS

A meeting of the Signs, Hoardings & Billpostings Review Working Party was held on Thursday 12 November 1998.

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

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners **NOTE** the minutes of the Signs, Hoardings & Billpostings Review Working Party meeting held on 12 November 1998, shown as Attachment 1 to **Report CJ270-12/98**.

The Motion was Put and

CARRIED

Appendix II refers

CJ271-12/98 LUISINI WINERY - [03186J]

SUMMARY

The Western Australian Planning Commission through the Ministry for Planning has requested the City undertake the business studies necessary for the restoration and reuse of the Luisini Winery and to seek expressions of interest from potential tenants.

The Ministry has advised if the Joint Commissioners are unwilling to proceed with the investigation that the Western Australian Planning Commission intends to postpone indefinitely the development programme.

It is recommended the Ministry for Planning be advised that in view of the split of the former City of Wanneroo and transition to two Local Authorities this project is not seen as a high priority. Further as it has not been demonstrated through the previous Feasibility and Management Studies that the project has community acceptance or will be financially and socially viable that the Joint Commissioners advise the Western Australian Planning Commission Council will not conduct the necessary business studies and not seek further expressions of interest from potential tenants.

BACKGROUND

Luisini Winery is located on Lots 41 - 45 Lakeway Drive, Kingsley. The land is vested in the Ministry for Planning and is within the boundaries of Yellagonga Regional Park.

In May 1995 the Council of the former City of Wanneroo resolved to "endorse in principle its involvement in the ongoing planning process for the Luisini Winery" (Item CS74-05/95 refers) and in November 1996 agreed to part fund a Feasibility and Management Study to identify options for the use of the building. (Item CS188-11/96 refers)

The proposal, in essence, is that the Ministry for Planning will fund refurbishment of the winery at a cost of approximately \$1 million. The City would accept vesting of the property and would subsequently manage the venue. Costs to Council in doing this include any operating losses that may be incurred if the building does not cover its costs and the fitout of the proposed cafe. Fitout costs have been estimated at \$250,000.

Council's endorsement of the project in principle was on the basis of it being at no cost to Council.

A Feasibility and Business Management Study was commissioned by the Ministry of Planning on behalf of the former Council of the City of Wanneroo and itself for the restoration and use of Luisini Winery. The objectives of the study were:

- to establish a new function or functions for Luisini Winery that satisfies its contextual setting within the bounds of Yellagonga Regional Park, adjacent to a residential precinct, and allows for conservation of the cultural heritage significance of the site;
- based on the principle of the 'user contributes' and financing being the responsibility of an identified contract manager. The users of the facility are to be determined by their ability to pay a user fee (lease or rent) or contribute a percentage of income generated from sales or services. For the contract managers a cost recovery of profit objective prevails. It is not intended to subsidise the operational cost of the facility.

The Feasibility and Management Study investigated four options for the use of the building:

- education and training;
- environmental administration;
- cultural recreation centre; and
- community recreation centre.

Environmental administration was rejected as an option as there was insufficient demand. The other options were then assessed using a decision model weighting contextual issues with financial considerations. This process identified the development of Luisini Winery into a Cultural Recreation Centre as providing the most favourable social and financial results.

- 77% of the people responding to the public consultation process approved of this type of development;
- 55% of residents in Lakeway Drive and its intersecting cul de sac, most affected by any development at Luisini Winery also approved of this type of development; and
- restoration of Luisini Winery as Cultural Recreation Centre provides a financial return to the former City of Wanneroo, though the return does not maximise its investment.

Sources of income identified for this project include:

- Display area - Department for Conservation and Land Management;
- Wood Turning or Pottery;
- Artists in Residence;
- Eisteddfods;
- Amphitheatre;
- Cafe;

The Feasibility and Management Study was considered by the former Council in October 1997. The study demonstrated the project has the potential to satisfy the social issues surrounding it and also be financially viable.

It was considered however that some of the proposed uses were unlikely to be implemented due to concerns from nearby residents at a potential loss of amenity in the area adjacent to the Winery and the financial projections of revenue based on expressions of interest from community groups were not confirmed and subsequently may not be realised. In particular a proposal to include an amphitheatre which was to provide a major revenue source could cause noise problems for nearby residents. As a result it was considered that a Cultural Recreation Centre was unlikely to be financially viable.

Consequently it was resolved to

- 1 advise the Ministry for Planning:
 - 1.1 further investigation to identify and confirm potential users of Luisini Winery so that a preliminary plan of operation can be developed in the context of a Cultural Recreation Centre is required;
 - 1.2 once it has considered the preliminary plan it will release it for public comment prior to final consideration of whether it will accept a vesting of the site;
- 2 advises Gloucester Lodge Museum Working Party it will investigate the potential relocation of the Gloucester Lodge Museum Collection to Luisini Winery;
- 3 liaise with the Department of Conservation and Land Management in the development of the preliminary plan of operation for Luisini Winery; and
- 4 lists for consideration in the draft 1998/99 budget the transfer of the balance of funds from the Historic Village - Perry's Paddock Reserve Account being \$137,564 to the Luisini Winery Project.

DETAILS

The Ministry for Planning agreed to undertake further investigation as requested and reengaged the original Consultant and further work began this year. Unfortunately the Consultant was unable to complete the preliminary plan of operation.

An Officer from the Ministry subsequently developed a business plan for Luisini Winery and forwarded it to Council Officers for comment. Essentially the business plan did not address the requirement to identify and confirm potential users and produce a preliminary plan of operation for the Winery to operate as a Cultural Recreation Centre.

The Western Australian Planning Commission subsequently resolved:

- 1 to request the Ministry for Planning to formally request Council to undertake the business studies necessary for the restoration and of the Luisini Winery and to seek expressions of interest from potential tenants.
- 2 to further request the City of Joondalup, following its investigations, to endorse the development and agree to accept the vesting and management of the premises following the completion of the Commission funded restoration and development works at the site.
- 3 to advise Council that the Commission intends to postpone indefinitely the development program should Council be unwilling to proceed.

COMMENT/FUNDING

The work done to date has not demonstrated that the Luisini Winery will be a financially and socially viable community asset if developed as a Cultural Recreation Centre. The project from Council's perspective has always been on the basis of being at no cost to Council. If it could not operate at break even the view has been that Council should not become involved in the management of the facility.

It is unlikely further research will demonstrate that the venue can be operated on a financially viable basis. For example one of the major projected sources of income was from the proposed amphitheatre with revenue ranging from \$1,000 in the first year of operation to \$15,223 in the tenth year. In light of residents concerns regarding noise and traffic, it would be doubtful whether an amphitheatre could operate at all without a significant impact on nearby residents. Without this revenue the financial model for Luisini Winery becomes increasingly marginal in its forecasts.

There are concerns regarding this project on a number of grounds:

- there is strong resistance to the proposed development from nearby residents most likely to be affected by any activities at the Winery. Local residents have expressed concern on various occasions to both Officers and local members of Parliament voicing their objections to the proposed redevelopment;

- whether \$1 million will be sufficient for the renovation and refurbishment of the building;
- whether the proposed uses will generate sufficient revenue to cover operating costs; and
- the priority of this project from both the corporate and heritage perspective.

Museum Studies Consulting conducting the Heritage and Museum Services and Facilities Planning Study have recommended in relation to Luisini Winery:

That the City of Joondalup encourages the Western Australian Government to find a new use for the Luisini Winery that:

- protects the heritage values of the site;
- upgrades the building quality and services to allow commercial rental of individual areas for an appropriate use such as a design studio;
- protects and enhances the landscape.

The consultants believe resolution of this scheme has a lower priority than other identified heritage projects identified within the Shire of Wanneroo and City of Joondalup.

Further development of Luisini Winery will consume financial and staff resources that could be better utilised elsewhere while the split of the former City of Wanneroo is taking place. From a heritage point of view the most urgent matters requiring attention concern Gloucester Lodge Museum and the future of the district collection and the proposed development of a regional museum.

One of the proposed uses for Luisini Winery is as a museum, potentially housing the Gloucester Lodge Museum collection. This proposal is not supported by the Consultants - Museum Studies Consulting who have prepared the Heritage and Museum Services and Facilities Planning Study:

In order to make the Winery suitable for use as a general historical museum, considerable and costly alterations would need to be made to the buildings and surrounding site. This would be an extremely expensive process but more importantly would seriously undermine the heritage significance of the Winery and contravene the conservation plan.

Museum Studies Consulting have recommended that the Gloucester Lodge collection be relocated to the first floor of the old Shire of Wanneroo Council Administration Building as part of a three stage process. A core component of the process would be to upgrade the museum storage shed at the depot in which to house the collections between 2000 and the time the building becomes available. This would be done under the supervision of the Shire's co-ordinating curator.

These issues are of more importance than refurbishing Luisini Winery and converting it into a Cultural Recreation Centre. If the Ministry for Planning simply maintained the building as is, its future use could be revisited in a couple of years time.

To progress the current proposal under the terms now proposed by the Ministry for Planning involves the City conducting the feasibility study. Based on the cost of the initial feasibility study for Luisini Winery it is likely the cost will be around \$14,500. Funds are not available in the current heritage budget for this purpose.

The Commission has now taken the view that Council, as the future lessor of the premises following alteration and restoration, should properly be undertaking its own initiatives for seeking expressions of interests.

Should the City not commit to undertaking its own investigation, the Commission has advised that the project is to be abandoned for the foreseeable future, with security and building stabilisation works only being carried out.

In view of this it is considered that further work should not be undertaken to progress this project. It is considered the City has undertaken all reasonable steps to evaluate the proposal and further investigation particularly in light of the comments from Museum Studies Consulting would not serve a useful purpose.

It is recommended therefore that the Joint Commissioners advise the Western Australian Planning Commission that Council will not conduct the necessary business studies and not seek further expressions of interest from potential tenants.

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

- 1 ADVISE the Western Australian Planning Commission that the City will not conduct the necessary business studies and will not seek further expressions of interest from potential tenants;**
- 2 ENCOURAGE the Western Australian Government to find a new use for the Luisini Winery that:**
 - protects the heritage values of the site;
 - upgrades the building quality and services to allow commercial rental of individual areas for an appropriate uses such as a design studio;
 - protects and enhances the landscape.
- 3 ADVISE residents adjacent to Luisini Winery, the City will not be proceeding with any proposals at this time to establish a Cultural Recreation Centre and that the Ministry for Planning will abandon the project for the foreseeable future, with security and building stabilisation works only being carried out.**

Cmr Clark-Murphy stated Council has in the past spent considerable time and funds in seeking suitable alternative uses for the Luisini site, but to date has been unable to identify any. At this stage it is not thought appropriate to revisit these issues. Should any possible uses come forward in the future that have not already been identified, Council would again approach the Ministry for Planning to establish whether its offer for funding was still available.

The Motion was Put and

CARRIED

CJ272-12/98 AUTHORISATION OF OFFICERS - [01996, 24041]

SUMMARY

Two Rangers have been employed to fill the Ranger positions established last financial year to achieve the complement necessary to undertake the 'Security Watch' Service. The positions in the interim have been occupied on a temporary basis. These officers need to be authorised by Council to make complaints and act under and enforce the various Acts and Regulations policed by Ranger Services within the City of Joondalup.

BACKGROUND

The Rangers will receive appropriate on-the-job training to gain the knowledge required to act under and enforce the relevant Acts and Regulations policed by the Business Unit.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners in accordance with the Justices Act 1902, **AUTHORISE** Samantha Michelle Brewer and Roy Keith Bone to make complaints and act under and enforce the various Acts and Regulations for the Municipality of the City of Joondalup as detailed hereunder:-

Local Government Act 1995;
Dog Act 1976 and Regulations thereunder;
Control of Vehicles (Off Road Areas) Act 1978 and Regulation thereunder;
Litter Act 1979 and Regulations thereunder;
Spearguns Control Act 1955 and Regulations thereunder.

The Motion was Put and

CARRIED

**CJ273-12/98 CLOSURE OF OUT OF SCHOOL HOURS CARE -
CRAIGIE PRIMARY SCHOOL - [06049]**

SUMMARY

It is being proposed that the Out of School Hours service which the City of Joondalup operates from premises at the Craigie Primary School be closed at the conclusion of this school year. The closure is recommended following two independent reviews and a determination by the Community Services Business Unit that there are sufficient service providers in the area who are able to accommodate the small number of children accessing the service.

The service employs a supervisor for 18.5 hours per week and a child care worker for 15 hours per week. The likelihood of re-deploying these staff within another part of the organisation is remote. It is considered therefore that the best solution would be to negotiate financial settlements based on voluntary severance packages. The cost of severance packages for the two workers amounts to an estimated \$ 12,000 This funding can be allocated from anticipated savings within the Out of School Care salaries budget.

BACKGROUND

In 1997 the former City of Wanneroo determined to review its Out of School Hours Care Program. The review was conducted in order to determine the potential for each of the services to be viable and to ascertain the community need for each service.

The City has had a strong commitment to the provision of Out of School Hours Care services and was one of the first providers in the region 20 years ago. Currently it provides 4 After School services and 4 Vacation Care services. The following summary gives the location and type of care service:

Name of Service (Location)	After School Care	Vacation Care
Girrawheen/Koondoola (Hainsworth Leisure Centre)	✓	✓
Whitfords (McDonald Sports Complex)	✓	✓
Heathridge (Ocean Ridge Community Centre)	✓	✓
Warrandyte (Craigie Primary School)	✓	
Sorrento/Duncraig (Sorrento/Duncraig Recreation Centre)		✓

In recent years the region has developed and changed with a number of private and community providers establishing services. This has been particularly the case in the older, more settled, areas where Council services are located. Changes in the industry legislation has allowed greater choice and flexibility for parents. Parents are now able to access both private and community based childcare centres as well as family day care for out of school hours care. This is particularly relevant when children can stay in the same service from pre school to school age. It can be said that the traditional centre based service which Council established in the 1970's no longer fully meets the changing needs of families.

Over the past five years a comparison of Council's Out of School Hours Care services with those of other community providers has indicated that, due largely to infrastructure and overheads, the costs of providing Council services is greater than the costs incurred by community based providers.

In 1997, the former City of Wanneroo commissioned an independent review of its Out of School Hours Care Program. The review was carried out in order to determine the potential for each of the services to be viable and to ascertain the community need for each service. The YMCA WA State Council undertook the review. This review recommended a number of strategies aimed at improving the financial viability and operational effectiveness of the services.

A temporary Project Officer was employed to implement these strategies which included:

- providing transport from schools to out of school centres;
- comprehensive promotion;
- improved programming
- staff training.

The strategies also involved an assessment of any improvements to the service's viability as a result of implementing the recommended changes. The evaluation carried out by the Project Officer indicated that, despite an investment of time and resources in the Out of School Hours Care Programme, a number of services remain non-viable. This is due primarily to the number of other service providers within close proximity of Council's services and their generally lower fees.

DETAILS

This report details the situation at the Warrandyte service presently operating at the Craigie Primary School.

Service Usage

An average of 9 children per day currently use the service. There are no new enrolments for 1999 and four of the current children will leave the service at the end of this school year. This indicates an anticipated average daily usage of 5 children a day in 1999.

Costs based on current salary and operational expenses indicate an average daily usage capacity of 22 children in order for the service to achieve a break-even budget.

Costs

The current operating budget for the service is \$44,705. If the current utilisation continues at its present level the service will end the current financial year with an operating deficit of \$27,155.

Redundancy Package

At its meeting in July 1996, Council agreed to implement a voluntary redundancy package for permanent staff (Item P70-07/96 refers). This package, excluding annual leave, long service leave and superannuation includes:

- 1 Two weeks pay for each completed year of service.
- 2 Four weeks pay in lieu of notice or five weeks in the case of employees over 45 years of age.
- 3 Pro-rata long service leave for employees who have worked in excess of five years.

- 4 For the purpose of calculating items 1 and 2, the annual salary to be adjusted to recognise motor vehicle use, as follows:

Full private use	\$10,000.00
Limited private use	\$ 5,000.00
Commuter use	\$ 2,400.00

One of the two officers for whom redundancy packages are being sought has been employed by Council in a permanent, part-time capacity since 1981. The second officer has been employed on a permanent, part-time basis since 1994.

The total estimated cost of the redundancy packages is calculated at \$11,989 excluding annual leave and long service entitlements which have been estimated at \$ 1,067.

COMMENT/FUNDING

It would be beneficial to the City and to the staff concerned if negotiated settlements could be achieved. Funds within the current Out of School Care salaries budget have been identified to cover this cost. These funds are available due to savings resulting from the project officer completing the evaluation in a shorter period than was expected.

In order to assist current service users to make arrangements with other providers, it is important that a decision on the closure of the service is made before the end of the school year. It is not anticipated that service users will have difficulty in finding alternative care. Children's Services staff will assist them in the transition.

It is considered that the remaining out of school services should continue to operate in the short term. However, a more extensive report which relates to the ongoing role of the City of Joondalup and the Shire of Wanneroo in the provision of current and future Out of School Hours Care Services will be presented in February, 1999.

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

- 1 **APPROVE the closure of the Out of Hours School Care Programme presently operating at the Craigie Primary School;**
- 2 **OFFER staff holding the positions of Supervisor, Out of School Care Service and Playleader Out of School Care Service, redundancy packages at an estimated total cost of \$11,989 and \$1,067 in estimated pro rata leave and long service leave entitlements;**

Allocations:

23601 - Salaries/Wages, After School Care Warrandyte

24301 - Salaries/Wages, School Vacation Programme - Sorrento/Duncraig

The Motion was Put and

CARRIED

TECHNICAL SERVICES SECTION

Items CJ274-12/98 to CJ278-12/98 inclusive were Moved by Cmr Morgan and Seconded by Cmr Rowell. Cmr Morgan gave notice of his intention to speak on Item CJ277-12/98.

CJ274-12/98 HARBOUR RISE HILLARYS SUBDIVISION - [05069J]

SUMMARY

The Joint Commissioners, at the meeting dated 22 September 1998, adopted Report No CJ143-09/98 Harbour Rise Entry Statement Landscape Concept Plan.

Discussions with the developer have been progressing and recission of Item 2(d) of the recommendation "*delete all Norfolk Island Pines on residential verges due to size and impact*" is recommended.

BACKGROUND

Extensive discussions have taken place with the landscape consultants regarding the overall impact of the use of Norfolk Island Pines within the estate. The recommendation adopted in Report No CJ143-09/98 required the developers to reduce the use of Norfolk Island Pines.

Parks Landscaping Services has reviewed the request and the impacts on existing views where roads are aligned north/south. There is a short section of road aligned east/west which may impact on the views in 20-30 years time.

This review and subsequent recommendation has minimal impact on the overall intent of Report CJ143-09/98.

DETAILS

The use of Norfolk Island Pines within the major access roads has been agreed to where the verges:-

- (a) are five metres in width;
- (b) have minimal impact on the proposed dual use path or footpath.

Two roads within the estate conform to this criteria (refer Attachment 1).

Parks Landscaping Services officers have repeatedly expressed their concern that the amount of trees proposed will totally block out the existing views as they develop.

During the recent planting of palms within the Hepburn Avenue median, various residents expressed their gratitude that the existing views would be retained.

The Norfolk Island Pine has been used extensively in coastal locations with success. There is not an existing site where this tree has been similarly densely planted. Where views have been of concern, residents affected often become critical of Council. They require/request Council to exercise control of landscape proposals to ensure that existing views are retained, or the long term impacts minimised. The proposed tree spacing and road alignment has been assessed, with specific consideration to the long term impact to existing views.

Norfolk Island Pines can be utilised as verge trees in the roads identified, with minimal impact on the existing or long term views.

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

- 1** **rescind resolution 2(d) Item CJ143-09/98 of 22 September 1998, viz:**

 “delete all Norfolk Island Pines on residential verges due to size and impact.”
- 2** **APPROVE the use of Norfolk Island Pines on verges in the Harbour Rise Hillarys Subdivision subject to:**
 - (a)** **verges being greater than 5 metres in width;**
 - (b)** **the trees having minimal impact on the proposed dual use path or footpath.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ275-12/98 SUBDIVISIONAL RETAINING WALLS OVER 3.5
METRES IN HEIGHT - BEAUMARIS BEACH ESTATE,
ILUKA - STAGE 6 [15036J]**

SUMMARY

Cossill & Webley Consulting Engineers, on behalf of Beaumaris Land Sales, proposes to construct a portion of retaining walls which are over 3.0 metres in height up to a maximum of 3.5 metres for the subdivision in Iluka : Stage 6A. The land form and subdivision design suggests that the proposed retaining walls over 3.0 metres in height will not have an adverse impact on the amenity of the surrounding area. Approval of the retaining walls to a maximum of 3.5 metres in height is, therefore, recommended.

BACKGROUND

The current proposal is part of subdivisional development by Beaumaris Land Sales of its landholding in Iluka. This subdivision proposes the release of 28 lots as part of Stage 6A at the western end of Shenton Avenue in Iluka. The Consulting Engineers for the subdivision, Cossill & Webley, has proposed the use of retaining walls over three metres in height. In accordance with Council's policy, retaining walls over three metres in height are to be referred to Council for approval.

DETAILS

A submission from the Consulting Engineers for the subdivision, Cossill & Webley, has indicated that a portion of the site has been difficult to earthwork adjacent to Shenton Avenue and Delgado Parade. This resulted in a section of retaining wall over 3.0 metres in height up to a maximum of 3.5 metres at the rear of lots 736 and 740.

In support of its proposal, the consulting engineers submitted the following details :

- the nature of the ground condition in Beaumaris Estate facilitates the construction of level building pads to minimise the site works costs to the purchasers ;
- this subdivision is bounded by Shenton Avenue to the south and Burns Beach Road (adjacent to the foreshore reserve) to the west. In need to tie these roads in and not interfere with the foreshore reserve, helped facilitate in the proposed lot levels ;
- it is more aesthetically pleasing to have elevated lots to take advantage of the proximity to the ocean ;
- this subdivision abuts previously completed stages and the need to tie into the existing levels was another reason for the proposed design levels..

Approval of the retaining walls within the subdivision in excess of 3.0 metres in height is therefore sought.

Attachment 1 shown the location of the proposed retaining walls within Stage 6A.

COMMENT

The land form and subdivision design suggests that the proposed retaining walls over 3.0 metres in height and up to the maximum of 3.5 metres in some instances, will not have an adverse impact on the amenity of the surrounding area. A precedent exists for approving retaining walls of similar height where topographical constraints have existed. The proposed height of the retaining walls will not create overshadowing of adjoining lots.

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners APPROVE the retaining walls up to the maximum of 3.5 metres in height as proposed in Iluka Stage 6A subdivision of Beaumaris' land holding in Iluka subject to the retaining walls being structurally sound.

The Motion was Put and

CARRIED

CJ276-12/98 DRAFT LAKE GOOLLELAL IMPLEMENTATION MANAGEMENT PLAN - [03370J]

SUMMARY

In August 1997 the WA Planning Commission and the former City of Wanneroo initiated the preparation of a management plan for Lake Goollelal. Funds were provided by the Planning Commission and all works were co-ordinated by Parks Landscaping Services.

The document presented to Council has undergone a full public consultation process and receipt of the document is therefore recommended.

BACKGROUND

The community of Kingsley and surrounding areas had been requesting the upgrading of the area bordering Lake Goollelal and the provision of access paths for many years.

Council and the Planning Ministry had joint vesting of the lake area initially and as the area is within Kingsley, requests were directed to Council.

The initiation of any work was rejected until a management plan was prepared for Yellagonga Regional Park, which encompasses Lake Goollelal. The Lake Goollelal area was identified in an earlier study by the Department of Planning and Urban Development as having a major passive recreation component vested with Council.

Application was made to the Planning Commission for funding via the Area Assistance Grant Scheme to prepare a management plan for the Lake Goollelal area. This plan, when prepared, would form part of the ultimate Yellagonga Regional Park Management Plan. Upon receipt of funding approval. The project brief and the consulting firm Ecologia was contracted to prepare a draft document, was advertised.

DETAILS

Ecologia representatives met with a designated project team consisting of Council, CALM, Ministry officers and community representatives throughout the document preparation period. CALM was allocated funding in January 1998 for the preparation of the Yellagonga Regional Park Management Plan and it was noted that this plan would over-ride the Lake Goollelal Management Plan if a recommendation was in conflict.

Ecologia prepared draft documents incorporating a literature review of previous studies and information for discussion at a series of community consultation meetings. The final draft was presented on 29 May 1998.

Submissions were received from CALM, Yellagonga Regional Park Community Advisory Committee and Mike Bamford, Environment Consultant.

COMMENT/FUNDING

CALM has recently presented a Draft Management Plan for Yellagonga Regional Park for Council's comments. Adoption of this document by CALM and National Parks & Nature Conservation Authority (NPNC) is listed for 1 September 1999. It is therefore recommended that Council receives the Lake Goollelal Management Plan and defer any recommendations pending completion of the Yellagonga Regional Park Management Plan.

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

- 1 RECEIVE the Lake Goollelal Management Plan;**
- 2 DEFER any recommendations pending completion of the Yellagonga Regional Park Management Plan.**

The Motion was Put and

CARRIED

**CJ277-12/98 FOOTPATH AROUND GLENGARRY PARK,
DUNCRAIG - [18229J]**

SUMMARY

The footpath around Glengarry Park, Duncraig is of slab construction and is extensively cracked from vehicle damage. Local residents have presented the Member for Carine, Ms Katie Hodson-Thomas MLA with a 70 signature petition requesting that the footpath be upgraded. Two local residents have also made a separate request to Ms Katie Hodson-Thomas MLA to pursue this matter due to concerns they have following a trip injury that was sustained from the use of this footpath early this year.

Immediate local selective repairs and total footpath replacement within twelve months may suitably resolve this matter.

BACKGROUND

In the letter from Ms Katie Hodson-Thomas MLA dated 14 October 1998 she acknowledged that the slab footpath is programmed for replacement in concrete during 1999/2000 but requested that staff meet Mr and Mrs Hoops on site to examine the areas of concern so that areas most badly affected could be considered for repair now.

DETAILS

On 28 July 1998 an officer met Mr and Mrs Hoops at their home to discuss their dissatisfaction over the work that had been carried out in May and June 1998, as mentioned in the City's letter dated 22 July 1998. The staff members inspected the footpath and found that approximately 90% of the slabs were cracked and a few were uneven. The worst area, 40 linear metres of cracked and uneven slabs, was located and programmed for immediate replacement with in situ concrete. The remaining uneven slabs were also programmed to be repositioned at that time. The remainder of the slab footpath was assessed to be in acceptable condition and free from trip hazards.

On 23 October 1998 an officer again met Mr and Mrs Hoops and inspected this footpath following the request from Ms Katie Hodson-Thomas. The badly affected areas which continue to cause them the most concern amount to approximately 75% of the slab paved footpath. The expense of this amount of paving slab replacement cannot be justified in view of the existing proposal to list for consideration the replacement of this entire footpath with in situ concrete in the 1999/2000 Capital Works Budget.

If this amount of paving slabs were to be replaced then the in situ concrete footpath would not be listed for 5 years due to the new life expectancy of the renewed slab footpath. Alternatively, if a smaller proportion of these slabs were replaced then the in situ concrete footpath would remain programmed for 1999/2000. Mr and Mrs Hoops have been advised by telephone of these two possible scenarios.

It was felt that the areas pointed out by Mr and Mrs Hoops for replacement were excessive and that a more reasonable area would be approximately 20% (160 metres) of the slab footpath.

COMMENT/FUNDING

The estimated cost for replacement of this footpath in concrete during 1999/2000 is \$30,000. The estimated cost to replace 75% (600 metres) of the slab paved footpath immediately with slabs is \$12,000. It is recommended that if this amount of slabs is replaced then they should be protected from vehicle damage by placing timber bollards in the verge at an additional cost of approximately \$12,000 so that the service life of the slab footpath can be extended to five years. The estimated cost to replace 20% (160 metres) of the slab paved footpath is \$3,500 and the bollard installation would not then be necessary since full replacement with in situ concrete would remain programmed for consideration within the next 12 month period.

It would clearly therefore be in the best interests of the City if only a smaller portion of the slab footpath be replaced and the in situ concrete footpath remain programmed for as early as possible in 1999/2000. The alternative would be for consideration to be given to a reallocation of funds from the operational budget funding provisions or from project savings identified late in the current financial year.

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

- 1 APPROVE the replacement of 160 linear metres of slabs around Glengarry Park; at an estimated cost of \$3,500 from Account 80010668;**
- 2 LIST for priority consideration in the 1999/2000 Capital Works Draft Budget the estimated sum of \$30,000 for complete replacement of the slab footpath with an in situ concrete footpath;**
- 3 ADVISE Ms Katie Hodson-Thomas MLA accordingly.**

Cmr Morgan spoke in support of the Motion.

The Motion was Put and

CARRIED

CJ278-12/98 ROADSIDE ADVERTISING. - [05094; 06004]

SUMMARY

Main Roads Western Australia (MRWA) introduced regulations in October 1996 to control advertising within, directed at, the reserves of all declared highways and main roads. Council has a current contract with Streetside Advertising for the supply and installation of street benches containing advertising throughout the former district of the City of Wanneroo.

In addition, the Joint Commissioners have recently approved contract negotiations with Adshel Pty Ltd for the supply of integrated bus shelters with advertising throughout the City of Joondalup district. It will be necessary for the Joint Commissioners to seek delegated authority from MRWA to approve this form of advertising within Wanneroo Road and Marmion Avenue reserves.

BACKGROUND

The MRWA (Control of Advertisements) Regulations 1996 that came into effect on 1 July 1996 empowers the Commissioner of Main Roads to approve an advertisement on or in the vicinity of a highway or main road. The regulations specify that this is subject to the approval of local government.

MRWA, in consultation with local government, will control roadside advertising to meet the safety and amenity needs of all road users. To provide for smooth implementation of these new Regulations, MRWA have developed a policy on roadside advertising and a guide to the Management of Roadside Advertising.

These regulations and policies have been developed acknowledging the potential business development opportunities and the need for commercial equity in the implementation of advertising regulations.

Only certain types of advertising signs will be permitted (subject to Local Government agreement). These are identified in the guidelines together with the number, size and location of the signs.

Three categories of signs have been defined.

1. Large free standing signs and signs on overhead bridges (Category 1)
2. Signs on bus stop shelters, seats and illuminated street name signs (Category 2)
3. All other signs including community service signs and small free standing signs (Category 3).

The Council of the former City of Wanneroo, at its meeting held on 28 August 1993 resolved to advise Streetside Advertising that its right to exercise the option pursuant to the current agreement for the supply and maintenance of street benches for a further three (3) years commencing on 1 July 1996 is acknowledged (Item TS209-08/96 refers). It was also resolved to undertake a review of the policy in relation to street bench advertising prior to the expiry of the current contract in June 1999.

In addition the Joint Commissioners of the City of Joondalup and the Shire of Wanneroo, at their meetings of 13 October 1998, resolved to accept the tender submitted by Adshel Pty Ltd, for the Supply and Maintenance of Integrated Bus Shelters, with advertising panels (Reports CJ167-10/98 and SW119-10/98 refer).

Under MRWA definitions the advertising signs on these street benches and integrated bus shelters, would be classified as "Category 2" which include advertising devices attached to bus passenger shelters and seats.

MRWA may delegate authority to local government to control advertising on or directed at highways and main roads, where the local government has suitable local laws in place and is willing to undertake the necessary controls using MRWA guidelines. MRWA will encourage local government to promulgate local laws to facilitate the delegation.

As MRWA controls and approves advertising on Main Arterial Roads, it will be necessary for the City of Joondalup to seek delegated authority from Main Roads to place street benches and bus shelters with advertising on such roads as Wanneroo Road.

DETAILS

MRWA has advised that it will delegate the authority to approve Category 2 signs to local authorities on the condition that signs comply with the technical requirements of the new MRWA Guide for the Management of Roadside Advertising.

At the Council meeting held on the 26 February 1997, the former City of Wanneroo resolved to seek delegated authority from Main Roads Western Australia to control and approve category 2 signs in the reserves of Wanneroo Road and Marmion Avenue (Declared Highway Section) as it has an agreement in place prior to 1 January 1997 with Streetside Advertising for advertising on street benches (Report TS31-02/97). Delegated authority to the former City of Wanneroo was received by the Commissioner of Main Roads on 14 April 1997.

In accordance with Section 9(1) of the Joondalup and Wanneroo Order 1998 (Gazetted on 26 June 1998), all real and personal property owned by or vested in the former City of Wanneroo is transferred to, or becomes vested in the City of Joondalup.

However the delegation from the Commissioner of Main Roads to control and approve category 2 signage within Wanneroo Road and Marmion Avenue as per the resolution of the former City of Wanneroo, is not covered in that order, and therefore approval is sought to seek delegated authority from MRWA to approve category 2 advertising signs within the Wanneroo Road and Marmion Avenue reserves.

COMMENT/FUNDING

The delegated authority from MRWA will allow for Council's current contractor and proposed contractor to install bus seats and shelters with advertising on Wanneroo Road and Marmion Avenue without seeking the approval from MRWA.

Taking cognisance of the above it is considered that the joint Commissioners seek delegated authority from MRWA to approve category 2 advertising signs within the road reserves of Wanneroo Road and Marmion Avenue.

MOVED Cmr Morgan, **SECONDED** Cmr Rowell that the Joint Commissioners **SEEK** delegated authority from Main Roads Western Australia to control and approve category 2 signs in reserves of Wanneroo Road and Marmion Avenue (Declared highway Section).

The Motion was Put and

CARRIED

DEVELOPMENT & PLANNING SERVICES SECTION

**CJ279-12/98 CLOSE OF ADVERTISING - STRUCTURE PLAN FOR
LOT 475 FLINDERS AVENUE, HILLARYS - [24131J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Special Development A
APPLICANT/OWNER:	WR Carpenter Properties Pty Ltd
CONSULTANT:	Koltasz Smith & Partners

SUMMARY

A Structure Plan prepared for a small lot subdivision on Lot 475 Flinders Avenue, Hillarys by Koltasz Smith was adopted by the Joint Commissioners at their meeting on 8 September 1998 and advertised for public comment for a 30 day period which closed on 30 October 1998.

Two submissions were received and revisions requested by the proponents have been incorporated. The document complies with the requirements of the Scheme in respect of a Structure Plan and is recommended to be adopted.

BACKGROUND

At their meeting on 8 September 1998, the Joint Commissioners resolved to accept the draft Structure Plan for Lot 475 Flinders Avenue, Hillarys attached to Report No CJ109-09/98 and advertise it for public comment.

The subject land comprises Lot 475 Flinders Avenue, Hillarys and measures 1.19 hectares. It is on the south side of Flinders Avenue at the junction with Whitfords Avenue. The south boundary runs along a part of the Ern Halliday Reserve. (Attachment 1).

The Structure Plan will control the form and details of development on this area and will allow flexible development of residential properties which achieve adequate standards of amenity. It is submitted in order to meet the requirements of the Residential Planning Codes for the control of development on small lots.

DETAILS

The draft Structure Plan was advertised for public comment for a 30 day period which closed on 30 October 1998. Two submissions were received. One was from a prospective purchaser who has repeated his comments to the consultant and they are incorporated in the revisions made to the Structure Plan (enclosed as Attachment 2).

The second submission was from a building designer concerned that the high standards which are the objectives of the provisions would not be achieved. His concerns were about graffiti, lack of surveillance in the laneways and the density of development. He objected to the restriction of roof angle and to the proximity of clothes lines to roads and suggested that the courtyards were too small.

Comments were received from the Ministry for Planning before advertising.

Other comments were received by the proponent and have been incorporated in revisions to the Structure Plan as follows:

- Building form: defined by reference to Council Policy DS4 and the specified setbacks;
- Height Limits: modified to incorporate table of levels and to allow habitable rooms to be below ground floor level;
- Side setbacks reduced to a minimum of 1.0 metres; and
- Fencing: rear setback reduced to 1.2 metres but must allow for a visibility splay to garages; fibre-cement sheeting not permitted for internal side fences.

Clause 2.5.1 of the Residential Planning Codes reads "Any application for subdivision which requires the creation of a lot smaller in area than 350m² shall be accompanied by or integral with an application for approval of the development of a house on such lot. Any approval of one shall be contingent on approval of the other."

Where small lot subdivisions have been created, Council has generally been prepared to accept the substitution of a set of guidelines in place of a Development Application. Guidelines for the development are included in this Structure Plan.

COMMENTS

The Structure Plan 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. It has been discussed with officers of the Ministry for Planning, who have provided preliminary officer level comment.

The revised provisions are considered acceptable in order to encourage the construction of a variety of house styles that will be compatible with each other, will provide acceptable standards of amenity and will create attractive public frontages. They are considered to be an acceptable substitute for the submission of a Development Application for the full development, and can be adopted and administered as a part of the approval process.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners, pursuant to Clause 10 of the City of Wanneroo Town Planning Scheme No 1, ADOPT as satisfactory the Structure Plan for Lot 475 Flinders Avenue, Hillarys.

Discussion ensued.

The Motion was Put and

CARRIED

**CJ280-12/98 APPEAL DETERMINATION - PROPOSED
EXTENSION TO EXISTING MEDICAL CENTRE : LOT
252 (4/19) KOORANA ROAD, MULLALOO - [01134J]**

METRO SCHEME	Urban
LOCAL SCHEME	Special Zone (RU) Medical Centre
APPLICANT	K C Si
COUNCIL DECISION	Refusal
COUNCIL DECISION DATE	26/5/1998
MINISTERIAL DECISION	Upheld
MINISTERIAL DECISION DATE	2/11/1998

SUMMARY

An appeal was lodged with the Minister for Planning against the former City of Wanneroo's refusal for an extension to the existing Mullaloo Medical Centre, Lot 252 (4/19) Koorana Road, Mullaloo.

The application was refused under clause 7.2 of the Town Planning Scheme No 1, whereby the owner(s) of the land are required to sign or provide written authorisation for the signing of the Form 1. In consideration of the City's time limitation to convey a decision under clause 7.7 of the Town Planning Scheme No 1, and clause 31(2) of the Metropolitan Region Town Planning Scheme 1959-1982, the application was refused, as the applicant did not provide written authorisation from the owner, to sign the Form 1.

The appeal was upheld by the Minister on 2 November 1998.

BACKGROUND

An application was received 12 May 1997 from J Koh on behalf of Dr K Si, for additions to the existing medical centre, on Lot 252 (4/19) Koorana Road, Mullaloo. The proposal was for a therapy and teaching room additions.

The application was refused by the former City of Wanneroo for the following reason:

1. Written authorisation from the owner of the adjoining strata lot was not received.

DETAILS

The Minister has upheld the appeal and has provided the following reasons:

1. Approval from all strata owners, or the strata company representing those owners, should be required where the property or where the proposal relates to a change in use, where Section 7(2) of the Strata Titles Act would not apply. Section 7(2) states:

The proprietor of a lot shall not cause or permit -

- (a) any structure to be erected; or
- (b) any alteration of a structural kind, or extension of, a structure,

on his lot except -

- (c) with the prior approval of the proprietor of the other lot in the case of a strata scheme in which there are not more than 2 lots; and
- (d) in any other case with the prior approval, expressed by resolution without dissent, of the strata company.

2. The definition of lot in the Strata Titles Act refers to a strata lot and Section 4(2) of the Act allows such a lot to be dealt with in the same manner and form as land held under the provisions of the Transfer of Land Act

The appeal has been upheld subject to:

1. The consent from the other proprietors of the strata scheme prior to the development taking place;
2. Such other conditions that the City might reasonably impose on a development of this kind.

Cmr Rowell declared an interest in this item as his family has an interest in the Mullaloo Plaza Shopping Centre.

Cmr Rowell left the Chamber at 1852 hrs.

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

- 1 **NOTE the information in relation to the appeal determination relating to the proposed extension to an existing medical centre on Lot 252 (4/19) Koorana Road, Mullaloo;**

2

AUTHORISE the Manager, Approval Services to determine the appropriate conditions to be imposed.

The Motion was Put and

CARRIED

Cmr Rowell entered the Chamber at 1854 hrs.

CJ281-12/98

BREACH OF DEVELOPMENT APPROVAL
CONDITIONS INVOLVING COFFEE SHOP,
SPOTLIGHT STORE : LOT 101 (6) THE GATEWAY,
EDGEWATER - [22090J]

METRO SCHEME:	Urban
LOCAL SCHEME:	Mixed Business
APPLICANT/OWNER:	Gateway Properties Australia Pty Ltd, Spotlight Store and Coffee Shop Proprietor - Mrs J Knight

SUMMARY

On 22 November 1998, the City was made aware of the unauthorised use of a coffee shop within the Spotlight Store, Lot 101 (6) The Gateway, Edgewater.

A coffee shop is defined as a shop under Town Planning Scheme No 1 and is not permitted in a Mixed Business zone.

The coffee shop was approved subject to conditions which ensured that the use could not operate independently from the predominate use and was also an ancillary incidental use for the benefit of customers of Spotlight store.

A recent inspection has revealed that the premises have been constructed and has unauthorised signs and is operating in breach of the development approval.

Written requests by the City to the owners of the property and coffee shop proprietor to comply with the original approval (use) for the coffee shop have been ignored. The sign on the awning on the front of the building has since been temporarily covered over.

It is recommended that legal action be initiated against the owners of Lot 101, Spotlight Store owners and the Coffee Shop Proprietor for breach of development approval for the site.

BACKGROUND

Lot 101 (6) The Gateway, Edgewater, is zoned Mixed Business within the City's Town Planning Scheme No 1. A shop within a Mixed Business Zone is not permitted within Town Planning Scheme No 1. The property is 2.078 hectares in size and is owned by Gateway Properties Australia Pty Ltd of 11/69 Malcolm Street, West Perth. Current approvals and development for the site are as follows.

1. Car wash and mixed business units approved on 27 February 1997.
2. 4 showroom units (Mixed Business) approved on 10 July 1997.

Only the car wash and one of the four business units have been developed on the site. Development Approval dated 10 July 1997 to operate a coffee shop within the showroom (occupied by Spotlight Store) was on the proviso that the following conditions were complied with at all times.

- 1(c) A re-design of the coffee shop component so that access to it is through the showroom only and the seating restricted to 45 square metres.
2. Coffee shop component of the Stage 1 showroom not to operate independently of the showroom and not to be advertised externally.

DETAILS

Inspections of the coffee shop carried out by the City on 22 October 1998 and 23 October 1998 revealed that the coffee shop was being used in breach of the development approval for the site. An unauthorised single door on the eastern side of the building has been constructed and fitted with a fly-screen. The door was being used to access the coffee shop from the Joondalup Drive side of the building. Approved access to the coffee shop was via the main door of the showroom on the western side of the building.

Above the unauthorised single door and on the outside of the eastern wall of the building, a canvas awning has been fitted and displays the wording 'Coffee Shop'. No approval has been granted for the awning or coffee shop advertising.

A table and chairs have also been placed outside the single door so that patrons attending the coffee shop can consume food/drink sitting outside the premises. A framed sign with the wording 'Coffee Shop Open' has been removed from the verge area on Joondalup Drive and placed outside the coffee shop next to the table and chairs.

On 29 October 1998, the City forwarded correspondence to the owners of Lot 101 (6) The Gateway, Edgewater and coffee shop proprietor, Mrs J Knight, requesting the following:

1. Removal of advertising signs for the coffee shop from public view on receipt of the City's correspondence.

The signs advertising the coffee shop have not been removed although the awning on the front of the coffee shop has now been temporarily screened.
2. The unauthorised single door to be sealed so that it could not be accessed from outside the building on the eastern side. This was to be carried out within 14 days (ie by 10 November 1998).

No attempt has been made to stop patrons accessing the coffee shop via the unauthorised door on the eastern side of the building.

Within the same 14 days, the City requested that the unauthorised canvas awning with the wording 'Coffee Shop' be removed from the eastern wall of the building. The awning has not been removed

The proprietor of the coffee shop is trading as normal in breach of the development approval conditions approved for the site.

COMMENT

It is recommended that the various owners/proprietors be advised of the breaches of the Scheme, be requested to remedy them and further, if not fully resolved within the specified time, legal action be initiated against the property owners, Spotlight Store and Coffee Shop Proprietor for breach of the development approval.

REPORT RECOMMENDATION: That the Joint Commissioners:

- 1 ADVISE the owners of Lot 101 (6) The Gateway, Edgewater, the owners of Spotlight Store and coffee shop proprietor, Mrs J Knight, that the current use of the coffee shop on the lot is in breach of the development approval conditions dated 10 July 1997 for the site;
- 2 ADVISE the owners/occupants and coffee shop proprietor that a shop within a Mixed Business Zone is not permitted under the City's Town Planning Scheme No 1 and therefore the coffee shop cannot be operated independently of the store;
- 3 ADVISE the owners of Lot 101 (6) The Gateway, Edgewater, the owners and proprietors of the Spotlight Store and coffee shop to:
 - (a) immediately seal the door on the eastern side of the building to prevent customers accessing the coffee shop from outside the building and immediately and on a permanent basis remove the tables and chairs outside the building;
 - (b) remove within 7 days of notification the unauthorised canvas awning and sign and door on the eastern side of the building;
- 4 AUTHORISE the Chief Executive Officer to initiate legal action should requests in 3. above not be satisfied in the time period specified.

ADDITIONAL INFORMATION

On 8 December 1998 the City received a written request from Greg Rowe and Associates acting on behalf of the owner of Lot 101 (6) The Gateway, Edgewater requesting approval for the unauthorised single door on the eastern side of the Spotlight Store building to remain.

Greg Rowe and Associates have stated that the canvas awning and all signs advertising the coffee shop have been removed as requested and that consideration be given to allow the single door accessing/exiting the building on the eastern side to remain.

In order for the City to assess any application for the unauthorised single door to remain on the eastern side of the Spotlight building, Lot 101 (6) The Gateway, Edgewater, the following amendments to the previous resolution are proposed.

In 3(b) of the recommendation, the words “*and door on the eastern side of the building;*” are to be deleted and 3(c) is to be added as follows:

“3(c) Remove the unauthorised single door from the eastern side of the Spotlight Store building should the City refuse the door after any consideration of an application for its construction.”

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

- 1 ADVISE the owners of Lot 101 (6) The Gateway, Edgewater, the owners of Spotlight Store and coffee shop proprietor, Mrs J Knight, that the current use of the coffee shop on the lot is in breach of the development approval conditions dated 10 July 1997 for the site;**
- 2 ADVISE the owners/occupants and coffee shop proprietor that a shop within a Mixed Business Zone is not permitted under the City's Town Planning Scheme No 1 and therefore the coffee shop cannot be operated independently of the store;**
- 3 ADVISE the owners of Lot 101 (6) The Gateway, Edgewater, the owners and proprietors of the Spotlight Store and coffee shop to:**
 - (a) immediately seal the door on the eastern side of the building to prevent customers accessing the coffee shop from outside the building and immediately and on a permanent basis remove the tables and chairs outside the building;**
 - (b) remove within 7 days of notification the unauthorised canvas awning and sign;**
 - (c) remove the unauthorised single door from the eastern side of the Spotlight Store building should the City refuse the door after any consideration of an application for its construction;**
- 4 AUTHORISE the Chief Executive Officer to initiate legal action should requests in 3. above not be satisfied in the time period specified.**

The Motion was Put and

CARRIED

Items CJ282-12/98 and CJ283-12/98 were Moved by Cmr Rowell and Seconded by Cmr Clark-Murphy.

CJ282-12/98 DELEGATED AUTHORITY REPORT- [07032]

SUMMARY

This report provides a resumé of the development applications processed under Delegated Authority from 6 November 1998 to 18 November 1998.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners note the actions taken and determinations made under Delegated Authority in Report CJ282-12/98.

The Motion was Put and

CARRIED

Appendix III refers

CJ283-12/98 SUBDIVISION CONTROL UNIT - DIRECTOR, DEVELOPMENT SERVICES - 5 NOVEMBER TO 18 NOVEMBER 1998 - [05961]

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit from 5 November to 18 November 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 Clark-Murphy that the Joint Commissioners endorse the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ283-12/98.

The Motion was Put and

CARRIED

Appendix IV refers

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY 22 DECEMBER 1998** to be held at Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Deputy Chairman declared the Meeting closed at 1855 hrs, the following Commissioners being present at that time:

COMMISSIONERS: MORGAN
ROWELL
CLARK-MURPHY
BUCKLEY