



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 10 AUGUST 1999**

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CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP ON TUESDAY, 10 AUGUST 1999

ATTENDANCES

Commissioners:

H MORGAN, AM

M CLARK-MURPHY

R M ROWELL

Deputy Chairman

Officers:

Chief Executive Officer:

L O DELAHAUNTY

Director, Resource Management:

J B TURKINGTON

Director, Planning & Development:

C HIGHAM

Director, Infrastructure Management:

D DJULBIC

Director, Community Development:

C HALL

Executive Manager, Strategic Planning:

R FISCHER

Manager, Division Taskforce

B PERRYMAN

Manager, Executive Services:

K ROBINSON

Manager, Council Support Services:

M SMITH

Publicity Officer:

L BRENNAN

Committee Clerk:

J AUSTIN

Minute Clerk:

L TAYLOR

APOLOGIES AND LEAVE OF ABSENCE

Cmr C Ansell 2 – 11 August 1999

Cmr W Buckley 6 August – 14 September 1999

There were 10 members of the Public and 1 member of the Press in attendance.

The Deputy Chairman declared the meeting open at 1900 hrs.

PUBLIC QUESTION TIME**Mr V Harman, Ocean Reef:**

- Q1 The Safety WA pamphlet states there are grants of \$50,000 available. After a number of telephone calls, I have discovered I have to apply through the local government. Who do I see regarding applying for a grant?*
- A1 Response by Director, Community Development: I will be happy to provide details to Mr Harman.*
- Q2 Regarding the petition in relation to the possible privatisation of the Ocean Ridge Recreation Centre, when this is discussed by the relevant department could the savings and rate per dollar be clarified as a result of this privatisation?*
- A2 Response by Cmr Morgan: Yes, that information would normally be included.*
- Q3 Are the reports in the Council agenda recyclable in the newspaper section of the recycling bin?*
- A3 Response by Chief Executive Officer: Yes, all Council paper is recyclable.*
- Q4 Has the Minister confirmed the date of the elections as 11 December 1999?*
- A4 Response by Cmr Morgan: This date has yet to be confirmed, but Commissioners are confident that elections will be held on 11 December 1999.*

Mr J Hollywood, Burns Beach:

- Q1 On the 25 August 1998 I asked a question of the Director, Technical Services as to when a footpath will be constructed from Marmion Avenue to Burns Beach? The reply was - "the developer is responsible for a sealed path in the very near future. The developer will be constructing through a staged subdivisional development a portion of that path from Marmion Avenue to Delgado Parade and the balance will require funding from Council for it to go ahead." Is this footpath going to be constructed, as last week landscapers were on site beautifying the corner and when I asked where the footpath was to be placed, the landscapers had no knowledge of this?*
- A1 Response by Director, Infrastructure Management: The portion of the footpath that is the responsibility of Council is included in the current budgetary considerations. As far as the developer's portion is concerned, I will follow that matter up and advise you accordingly.*

Q2 Are developers given a specific timeframe for construction of the footpath?

A2 Response by Director, Infrastructure Management: Often the construction of a footpath is subject to the current stage of housing development. In this particular case, I am unsure as to what the time constraints are. I will follow this up and advise you.

Q3 Have any of the Commissioners or Directors had discussions with Peet and Co regarding Burns Beach bushland – Lot 2 in the past three months?

A3 Response by Cmr Morgan: This question will be taken on notice.

Response by Director, Planning & Development: I cannot recall having any discussions with Peet and Co regarding Bush Plan.

Response by Cmr Rowell: I have had no discussions with Peet and Co.

Mr S Magyar, Heathridge:

Item CJ270-08/99 – Review of Local Laws – Attachment 1, Page 20 – Permissible Verge Treatments – Section 49:

Q1 Considering Council is to adopt a local law saying that people will not be allowed to plant poisonous plants, and considering oleanders are one of the most poisonous plants in common use, will Council obey its own rules and therefore remove the oleanders planted in the median strip in Hepburn Avenue between the freeway and Wanneroo Road?

A1 Response by Director, Infrastructure Management: This question will be taken on notice.

Item CJ275-08/99 – Principal Activity Plan and Strategic Plan: Page 6 of the Draft Strategic Plan under Critical Success Factors, bullet point 2 states “to achieve effective public participation”.

Q2 Do the Commissioners consider that the public participation process for this strategic plan has been effective considering that only the education facilities of Edith Cowan and TAFE have commented on the plan?

A2 Response by Chief Executive Officer: The education institutes were the only ones who actually made a submission for change. A number of focus groups were consulted and also ratepayer associations regarding the strategic plan and most of these responses were complementary and therefore did not require the alteration.

Mrs M Zakrevsky, Mullaloo:

Re agenda for meeting held on 30 June 1999 – Policy Manual, Page 6-20 – Item 6.3.9. The objective in that Policy Statement is to minimise the effect of vandalism and graffiti on Council assets. In this instance the Council assets is children's playground equipment and a garbage bin in Korella carpark, Mullaloo. Last Sunday, 8 August 1999 these were destroyed by deliberately lit fires. This is the third time to my knowledge that the garbage bin has been vandalised in this manner. This new carpark with amenities which include a toilet block and cricket nets has attracted groups of youngsters of various ages bent on damaging these amenities. I ask the officer and/or committee trying so hard to combat anti-social behaviour in the City of Joondalup to address this steadily growing problem in the area around our carpark.

Q1 Should the bin near the play equipment be removed, there being another bin in the carpark for rubbish?

Q2 Should the playground equipment be moved to an area where it may be better treated in view of the fact there is a similar playground in Gunida Park very close by which is under scrutiny by vehicular traffic and local homes? The playing fields are used by many residents to exercise their dogs which urinate on equipment and in the sandpit.

Q3 Should local residents be advised of the vandalism and cost to ratepayers with a telephone number of the body best able to deal with vandals?

Q4 Should the carpark be visited by Council rangers regularly after school hours and over weekends and who needs to endorse such a request?

A1 – 4 Response by Chief Executive Officer: Your comments have been noted and certainly this will be investigated. Rangers are requested to pay particular attention to areas that are reported as being hit by vandalism and to submit their report accordingly.

As far as removal of the rubbish bin is concerned, this will need to be assessed as to its need and whether there are alternative options in the area.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C35-08/99

**MINUTES OF MEETING OF JOINT COMMISSIONERS –
27 JULY 1999**

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Minutes of the Meeting of Joint Commissioners held on 27 July 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE DEPUTY CHAIRMAN WITHOUT DISCUSSION

RATES INCENTIVE PRIZES

The City has again been fortunate to secure the Commonwealth Bank as the major sponsor of its rates incentive scheme which offers a chance of prizes to those who pay their rates within 21 days of issue of their notice.

The Commonwealth Bank is offering an account of \$2,500 as a major prize.

Other prizes this year include a shopping spree and weekend packages at luxury hotels.

More details will be announced shortly.

CITY SPONSORS BUSINESS AWARDS

I am pleased to announce that the City of Joondalup is sponsoring the district's annual business awards.

The awards are being run by the North West Metro Business Association, the City of Joondalup being the major sponsor.

Awards will include "most innovative product or service", "best new business", "best community service" and "business person of the year".

The awards will be presented at the Joondalup Civic Centre on Friday, 17 September 1999.

Having spent some \$14 million in the region in the past year, sponsorship of these awards is part of the City's on-going support for local business.

CITY WORKS FOR HEPBURN HEIGHTS RESIDENTS

City of Joondalup officers are continuing to work for Hepburn Heights residents to help the State Government find an acceptable solution to planning problems.

Even though the original planning of the subdivision was done by the State Government, the City continues to work with the Minister for Lands and the Minister for Planning to investigate possible solutions.

PLANNING FOR NEW PERFORMING ARTS COMPLEX

You may have seen a media report in the Wanneroo Times community newspaper concerning plans for a new performing arts complex.

Preliminary plans include a performing arts theatre, a youth facility and possibly an underground carpark.

The idea is to create an arts precinct around or near the present library building.

A feasibility study is being commissioned to ensure, if it goes ahead, Joondalup will have the best performing arts complex possible.

CONGRATULATIONS TO COMMISSIONER BUCKLEY

Sincere congratulations to Commissioner Wendy Buckley who has given birth to a baby boy, James Donald Buckley (7lb 12 oz).

On behalf of all Commissioners and staff, we congratulate Wendy and Glen on the new arrival.

PETITIONS

C36-08/99

PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 10 AUGUST 1999

1 **REZONING OF LAND – CHURCH OF CHRIST – CORNER BARRIDALE DRIVE AND NEW CROSS ROAD, KINGSLEY – [02726J]**

A 37-signature petition has been received from Kingsley residents objecting to the proposed change of zone and usage for the property at the corner of Barridale Drive and New Cross Road (currently a church) to a “mixed use” zone and the associated range of permitted activities for the following reasons:

- Barridale Drive and New Cross Road are totally residential areas;
- Lowering of property values;
- increase in noise;
- increase in traffic;
- increase in crime;
- lack of parking.

This petition will be referred to Planning and Development for action.

2 **PETITION CONCERNING SPEED VEHICLES IN MILLPORT DRIVE, WARWICK – [49176J]**

A 64-signature petition has been received from Warwick residents outlining their concerns regarding the increase in speeding vehicles in Millport Drive, Warwick. The petition lists possible options as a means of alleviating this problem.

The petition will be referred to Infrastructure Management for action.

3 **PETITION EXPRESSING CONCERN AT THE POSSIBLE PRIVATISATION OF OCEAN RIDGE RECREATION CENTRE – [06903J]**

A 32-signature petition has been received from members of the Wallabies Badminton Club expressing concern at the possible privatisation of the Ocean Ridge Recreation Centre.

This petition will be referred to Community Development for action.

4 PETITION OBJECTING TO PROPOSED RELOCATION OF MOSQUE TO PUBLIC OPEN SPACE KNOWN AS FERNWOOD PARK, HEPBURN HEIGHTS – [29876J]

A 104-signature petition has been received from residents of the City of Joondalup objecting to the proposed relocation of a mosque to public open space now known as Fernwood Park, Hepburn Heights.

This petition will be referred to Planning and Development for action.

5 PETITION REQUESTING CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CROMER GROVE AND WHITFORDS AVENUE, KALLAROO – [35268J]

A 13-signature petition has been received from residents of Cromer Grove, Kallaroo requested the closure of the pedestrian accessway between Cromer Grove and Whitfords Avenue, Kallaroo.

This petition will be referred to Planning and Development for action.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the petition:

- 1 objecting to the proposed change of zone and usage for the property at the corner of Barridale Drive and New Cross Road (currently a church);**
- 2 outlining residents' concerns regarding the increase in speeding vehicles in Millport Drive, Warwick;**
- 3 from members of the Wallabies Badminton Club expressing concern at the possible privatisation of the Ocean Ridge Recreation Centre;**
- 4 objecting to the proposed relocation of a mosque to public open space now known as Fernwood Park, Hepburn Heights;**
- 5 requesting the closure of the pedestrian accessway between Cromer Grove and Whitfords Avenue, Kallaroo;**

be received and referred to the appropriate business units for action.

The Motion was Put and

CARRIED

POLICY

Items CJ270-08/99 and CJ271-08/99 were Moved by Cmr Clark-Murphy and Seconded by Cmr Rowell. Cmr Clark-Murphy stated her intention to speak on both Items.

**CJ270-08/99 REVIEW OF LOCAL GOVERNMENT AND
PUBLIC PROPERTY LOCAL LAW [22513 &
05885]**

Summary of Purpose and Effect *(was read aloud at the Meeting of Joint Commissioners)*

The first action in the process of adopting a local law, requires a summary of the purpose and effect of the proposed local law to be read aloud by the chairman. The summary is as follows:-

“ The purpose of this local law is to:

*provide for the regulation, control and management of activities and facilities
on local government and public property within the district.*

The effect of this local law is to:

*establish the requirements with which, any persons using or being on local
government or public property within the district, must comply.”*

SUMMARY

This report covers the first of two parts of the process to be followed in adopting the proposed new Local Government and Public Property Local Law 1999. The process is in accordance with section 3.12 of the Local Government Act 1995. The first part involves:

reading aloud the purpose and effect of the proposed local law, at the meeting

the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:

- (i) the purpose and effect of the local law;
- (ii) advice that copies of the proposed local law can be obtained from the local government; and
- (iii) inviting submissions for six weeks after giving the notice.

This process is outlined in greater detail in the background section of this report.

The report outlines the objectives of the local law review process, plus the content of the local law being: general use of local government property, golf courses, swimming pools, reserves, beaches and bathing, plus activities in thoroughfares relating to verge treatments, vehicle crossings, footpath protection and shopping trolleys. The local law provides for the setting aside of local government property, buildings and reserves for specific uses, conditions of use that may be applied, the need to obtain written approval and payment of fees.

The report also recommends that the proposed adoption of the local law be advertised to seek public comment, in order to progress making of the local law.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The need to review these local laws was previously recognised and an officer working party was established to do this work .

The officer working party, have completed the review of local laws relating to local government and public property. Officers responsible for enforcement and application of the various sections of the proposed local law were consulted to ensure areas of difficulty experienced in the past, have been addressed in the proposed local law.

The following objectives have been applied to preparation of new local laws:

- 1 consolidate existing local laws relating to similar subjects;
- 2 ensure they comply with the Local Government Act 1995 and other relevant legislation;
- 3 ensure they are relevant to today's needs;
- 4 use plain English so they are easy to read and understand;
- 5 delete duplication of similar clauses;
- 6 include infringement issue as an enforcement process;
- 7 remove forms previously included in schedules to the local laws;
- 8 to be read alone without the need to refer to other documents.

DETAILS

Local law structure

This local law will replace 7 previous by-laws and it has out of necessity, numerous clauses which relate to the operation and management of most local government property buildings and reserves. Several of these clauses are broad in their interpretation and do away with the need to be very specific in detailing prohibitions and restrictions as was the case in the old by-laws. Some examples of these clauses are: 14, 16, 17.

Some clauses apply to all or many areas of the local law, whereas others are quite specific to particular areas, for example golf courses and swimming pools. The more general clauses are spread through out the document in relevant locations and the specific clauses are grouped under their particular heading, for example the need to obtain written approvals, conditions of hire and use, responsibilities of hirer.

Removal of duplication

As with other local laws, the local government and public property local law does not duplicate matters that are covered under more relevant local laws. Some examples of what is meant by this are:

Trading in Public Places local Law - Details the necessity to obtain a licence to trade on a reserve or other public place;

Animals Local Law - Details the dog and horse exercise areas and the need to pick up animal excreta from a reserve or other public place;

Parking Local Law - Details the prohibition on driving a vehicle on a reserve or foreshore;

Signs Local law - Details the need to obtain a licence or written approval to erect a sign on local government property.

Sand boarding and sand dune protection

Clause 40 of the local law prohibits the use of sandboards or other things to slide down sand dunes. It also prohibits the traverse of sand dunes except along pathways designated by signs or fences. Clause 40 was inserted into the local law to assist in the protection of the coastal sand dune system and support the extensive work already carried out in re vegetation to stabilise the dunes and prevent wind erosion.

The need to create a local law to assist in the control of sandboarding was considered by the then City of Wanneroo at its meeting held on 9 August 1995. At that meeting it was resolved in part:

“That Council ... (3) endorses the strategic plan to draft and introduce a local law relating to sandboarding, as soon as the new Local Government Act is Promulgated”

Launching Personal Water craft (jet skis) from the Beach

Clause 41 of the local law prohibits the launching of a boat or personal water craft (jet ski) into the sea, other than at a boat launching ramp designed and approved for the purpose, or from the beach where this activity is permitted and designated by signs. This clause effectively prohibits the launching of all boats and jet skis from any beach including Pinnaroo Point.

The matter of launching jet skis from Pinnaroo Point was considered -

At the meeting of Joint Commissioners on 28 April 1998, when it was resolved in part “.... (2) include in the review of the City’s local laws the matter of preventing the launching of jet skis from the beach”

Permissible Verge Treatments

Outlined in the local law are the four verge treatments that an owner or occupier may install. Provisions have also been included which require the owner or occupier to maintain their verge treatment.

Permissible Vehicle Crossover Treatments

The local law details the standards that apply to the construction of vehicle cross overs in different town planning zones of the City. An owner who constructs a cross over to the relevant standard according to the zoning of their land, will be entitled to a 50% cost contribution for their 1st crossing.

Infringement Issue

The issue of infringements rather than initiating prosecution in the local court for minor offences, has been applied where considered appropriate. This approach enables persons authorised under the local law to enforce the provisions of that local law promptly. It also provides for the least cost for both the local government and the alleged offender and has been encouraged through the local law making provisions of the Local Government Act 1995 and local courts.

Modified penalty values have been included at appropriate levels to provide some deterrent and in recognition of the seriousness of the offence.

Unnecessary Schedules

Several forms that would have previously been included in schedules to the local law have been treated as “forms provided and used for the purpose.” This allows greater flexibility for these forms to be amended without the need to amend the local law which would result in a lengthy process under the Local Government Act 1995.

Compliance With Local Government Act 1995

The new Act has introduced new terminology and provides greater flexibility, autonomy and responsibility for local governments in the creation and application of their local laws. The inclusion of infringements as previously mentioned, is expected to be of great assistance to enforcement staff in gaining compliance with licence conditions.

Fees and charges applicable under the local law have been removed from schedules and form part of the attachments to the annual budget. This is in accordance with the provisions of the Local Government Act 1995. At the conclusion of the public comment period, appropriate fees and charges will be set and advertised in accordance with the Local Government Act 1995.

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12**
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
 - (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (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 ”

COMMENT/FUNDING

The proposed local law includes the repeal of the current by laws carried over from the former City of Wanneroo, being:

By Law B1: Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing, published in the Government Gazette - 21 July 1964 and amendments;

By Law F3: Prevention of Damage to Footpaths, published in the Government Gazette - 10 March 1978 and amendments;

By Law H1: The Control and Management of Halls, Community Recreation Centres, Equipment and Property, published in the Government Gazette - 7 April 1978 and amendments;

By Law P5: Public Golf Courses, published in the Government Gazette - 8 April 1988 and amendments;

By Law R3: Relating to Reserves and Foreshores, published in the Government Gazette - 28 September 1990 and amendments;

By Law S6: Street Lawns and Gardens, published in the Government Gazette – 12 April 1967;

By Law S7: Swimming Pools, published in the Government Gazette - 5 February 1988;

The repeal of the above by-laws coincides with the coming into operation of the proposed local law.

The proposed local law has been reviewed by the City's solicitors to ensure that its contents are within the bounds of operation of the Local Government Act 1995. It is considered that the proposed local law will effectively meet the current and future requirements of both local governments.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, APPROVE THE ADVERTISING of the proposed Local Law, "City of Joondalup Local Government and Public Property Local Law 1999", in order to seek public comment.

Cmr Clark-Murphy spoke in support of the Motion, and encouraged interested members of the public to make a submission in relation to the local law.

The Motion was Put and

CARRIED

Appendix I refers

CJ271-08/99 REPEAL LOCAL LAW - [05885J]

Summary of Purpose and Effect (was read aloud at the Meeting of Joint Commissioners)

The first action in the process of adopting a local law, requires a summary of the purpose and effect of the proposed local law to be read aloud by the chairman. The summary is as follows:-

“ The purpose of this local law is to:

repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.

The effect of this local law is to:

repeal obsolete or outdated local laws within the City of Joondalup.”

SUMMARY

This report covers the first of two parts of the process to be followed in adopting the proposed City of Joondalup Repeal Local Law 1999. The process is in accordance with section 3.12 of the Local Government Act 1995. The first part involves:

reading aloud the purpose and effect of the proposed local law, at the meeting

the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:

- (i) the purpose and effect of the local law;
- (ii) advice that copies of the proposed local law can be obtained from the local government; and
- (iii) inviting submissions for six weeks after giving the notice.

This process is outlined in greater detail in the background section of this report.

The objective of the local law is to repeal all local laws that have not previously been repealed as part of the overall local law review and consolidation process and which have been identified as obsolete or no longer relevant. The report recommends that the proposed adoption of the local law be advertised to seek public comment, in order to progress making of the local law.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The need to review these local laws was previously recognised and an officer working party was established to complete this task.

The officer working party has completed the review and consolidation of local laws that previously applied to both local governments. As part of that review process, former local laws have been progressively repealed as the new, revised local laws have taken their place. The remaining local laws listed in the proposed City of Joondalup Repeal Local Law 1999, have been identified as obsolete or no longer relevant.

It is necessary to make a local law to repeal the local laws that are obsolete or considered no longer relevant in meeting the needs of the City. The making of such a local law is a tidy up process. It will ensure that there is no conflict with remaining current local laws or other legislation.

DETAILS

The proposed local law repeals the remaining current local laws (by-laws) carried over from the former City of Wanneroo. These local laws have been either replaced by new legislation or are no longer required. They are listed as follows:

By Law B3: Relating to Building Lines, published in the Government Gazette - 16 January, 1963;

By Law E1: Eating Houses, published in the Government Gazette – 12 August, 1988;

By Law H2: Holiday Accommodation No 18, published in the Government Gazette - 21 February, 1975;

By Law M3: Construction, Establishment, Operation and Maintenance of Motels, published in the Government Gazette - 27 October, 1960;

By Law O1: Removal and Disposal of Obstructing Animals or Vehicles, published in the Government Gazette – 29 August 1963;

By Law O2: Old Refrigerators and Cabinets, published in the Government Gazette - 1 May, 1962;

By Law P3: Pest Plants, published in the Government Gazette - 18 March, 1985;

By Law R1: Deposit of Refuse and Litter, published in the Government Gazette - 12 April, 1967;

By Law R2: Removal of Refuse and Rubbish, published in the Government Gazette - 20 July, 1979;

By Law R4: Payment of Rates, published in the Government Gazette - 19 May, 1989;

By Law R5: Removal of Refuse, Rubbish or Disused Material, published in the Government Gazette - 21 December, 1990;

By Law S1: Sewerage, published in the Government Gazette - 13 April, 1973.

By Law S4: Stallholders, published in the Government Gazette - 31 October 1986;

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12**
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
 - (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (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 ”*

COMMENT

Adoption and gazettal of the proposed “City of Joondalup Repeal Local Law 1999” is the final stage in the review and consolidation of local laws (by-laws) project. The City of Joondalup will have 10 new, modern local laws, which have replaced the previous 39 by-laws, carried over from the former City of Wanneroo.

It is expected that the 10 new, modern local laws, will be much easier for the public to understand and for staff to administer. The broad application of infringement issue, as an enforcement tool, is expected to achieve quicker results in gaining compliance with provisions of the local laws.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners in accordance with section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, “City of Joondalup Repeal Local Law 1999”, in order to seek public comment.

Cmr Clark-Murphy spoke in support of the Motion.

The Motion was Put and

CARRIED

Appendix II refers

FINANCE AND COMMUNITY DEVELOPMENT
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Items CJ272-08/99 to CJ275-08/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Rowell.

**CJ272-08/99 REGISTER OF DELEGATED AUTHORITY -
[07032]**

SUMMARY

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to keep a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of July 1999.

BACKGROUND

Part 5 of the Local Government Act 1995 empowers a local government to delegate many of its powers and duties to the Chief Executive Officer.

Section 5.46 requires the Chief Executive Officer to maintain a register and record of delegations and to review the delegations once every financial year.

Register of, and records relevant to, delegations to Chief Executive Officer's and employees

- 5.46.** (1) *The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

DETAILS

The Register documenting all delegated authority exercised by the Chief Executive Officer for the month of July 1999 is shown as Attachment A.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners NOTE the register documenting all delegated authority exercised by the Chief Executive Officer, forming Attachment 1 to Report CJ272-08/99 for the month of July 1999.

The Motion was Put and

CARRIED

Appendix III refers

CJ273-08/99 INTERNATIONAL COUNCIL ON SOCIAL WELFARE – 28TH ASIA AND PACIFIC REGIONAL CONFERENCE, 14 – 17 SEPTEMBER 1999

SUMMARY

The 28th Asia and Pacific Regional Conference on Social Welfare will be conducted by the International Council on Social Welfare and hosted by the Australian Council of Social Service (ACOSS) in Sydney from 14 – 17 September 1999. It is recommended that the Director Community Development attend the conference. It is further recommended that the Director Community Development use the opportunity to visit some relevant local government authorities in the greater Sydney area on 13 September 1999.

BACKGROUND

The 28th Asia and Pacific Regional Conference will be conducted by the International Council on Social Welfare and hosted by the Australian Council of Social Service, for the first time in Sydney, from 14 to 17 September 1999. The theme of the conference is Social Welfare and Social Development in the New Millennium.

DETAILS

The conference is promoted as providing delegates from Australia and the Asia Pacific region with the opportunity to address issues facing social welfare and development services as the new millennium is entered and to exchange information about innovative ways to tackle the immense challenges ahead.

A wide range of topics will be addressed at the conference by leading international experts from throughout the region, including income support for older people, standards and accountability of welfare organisations, women and work, housing and poverty, health and poverty, urban poverty, working with business organisations, population change and social development, assistance for people with disabilities, local government and social welfare, programs for children and younger people and policies and services for families. A large number of these and other topics are of relevance to the City.

COMMENTS/FUNDING

The Director, Community Development is a member of the Board of the Western Australian Council of Social Service.

It is recommended that the Director Community Development attend the conference.

It is further recommended that the Director Community Development use the opportunity to visit some local government authorities in the greater Sydney area on 13 September 1999 for the purpose of gaining information about relevant community services currently being provided by these authorities.

Funds to meet the costs of attendance for the Director Community Development at the conference including airfare, registration, accommodation, conference dinner and incidentals, plus to meet the costs of the visits to other local government authorities are allocated in the 1999/00 draft budget as follows:

Account No: 11-80-81-811-3302-0001

Budget Item: Conference Expenses

Budget Amount: \$4,000

A detailed report on the conference and visits will be provided.

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

- 1 APPROVE the attendance by the Director, Community Development at the 28th Asia and Pacific Regional Conference to be conducted by the International Council on Social Welfare and hosted by the Australian Council of Social Service in Sydney from 14 to 17 September 1999 and visits to local government authorities in the greater Sydney area on 13 September 1999;**
- 2 AUTHORISE the costs associated with recommendation 1 above to be paid from the 1999/00 draft budget account number 11-80-81-811-3302-0001 - Conference Expenses.**

The Motion was Put and

CARRIED

CJ274-08/99 JUNIOR COUNCIL WEEK [38245]

SUMMARY

At the Joint Commissioners meeting of 22 December 1998, approval was given for the development of a Youth in Government program for the City of Joondalup.

A part of the program is the development and implementation of a 5 day residential camp for participants called Junior Council Week. This was held between the 12th and 16th July 1999. It was run concurrently and jointly with the City of Wanneroo's Junior Council Week program.

The Junior Council's recommendations are submitted for the consideration of the Commissioners. This report also seeks to outline an initial evaluation of the program.

BACKGROUND

At the Joint Commissioners meeting held on 22 December 1998 (Report CJ298-12/98 refers) the Joint Commissioners resolved to:

“Endorse in principle the Youth in Government Program as put forward in Report CJ298-12/98;

Disband the Junior Council in its current form and replace it with the Junior Council Program as put forward in report CJ298-12/98.”

The Youth in Government Program incorporates a range of initiatives that include:

- the development of two Youth Advisory Councils;
- a revised Junior Council program;
- participation in State Youth Parliament;
- participation in Federal Youth Parliament.

Following the development of two Youth Advisory Councils within the City, the next step was the Junior Council program.

The main objectives of the Junior Council week were:

1. to give participants an intensive look at the processes of decision-making at a local government level.
2. to develop an awareness in participants of the scope and size of the operations and services of the City.
3. to develop awareness in participants of the role that local government plays at community, regional, state and national levels.

4. to give City Commissioners and staff an opportunity to actively consult with a representative body of young people from the community on a variety of issues.
5. to give young people in the community an opportunity to have influence on decisions within the City.
6. to give young people an opportunity to participate in an activity that portrays a positive image of young people to the community.

DETAILS

Selection Process

Young people were selected from the two existing Youth Advisory Councils in the City of Joondalup.

Standing Orders

Whilst in the Chamber the young people acted in accordance with a modified set of Standing Orders. Attachment 2 refers.

Process

Where practicable the program for the week was designed to mirror the normal operations of local government.

The program for the week consisted of educational sessions that included an address to the participants by the Chief Executive Officer, a bus tour and an overview of the history, structure and role of the City.

Following this, participants were elected to four committees by peer selection.

Each committee was briefed on an issue by a staff member from the Cities of Wanneroo and Joondalup and given time to conduct research on their issue.

The four issues chosen were: Graffiti, Youth in Public Spaces, Youth Friendly Towns and Road Safety Around Schools.

Following their research, the participants met in committees in order to develop reports on each issue.

These reports with recommendations were then presented and debated at the Junior Council meeting on Thursday July 15, 1999.

Recommendations

Attachment 1 refers - Minutes of Junior Council meeting held on Thursday 15 July 1999.

Participant details

City of Joondalup

Name	Address
Ms Megan Smolders	38 Mooring Street Ocean Reef
Mr Steven Baron	29 Gregory Avenue Padbury
Mr Ryan Clapp	21 Durban Crescent Kingsley
Mr Robert Harwood	245 Gibson Avenue Padbury
Mr Andrew Logan	3 Corima Place Craigie
Ms Natasha Newman	23 Kanangra Crescent Greenwood
Mr Neil Van Drunen	48 Sillmon Way Duncraig
Ms Heather Gibbons	14 Fontana Cove, Joondalup
Ms Sara McMillan	1 Sunbird Place Ocean Reef

COMMENT

The Junior Council program was planned and implemented by the City of Joondalup. The conclusions of the initial evaluation are as follows:

Outcomes

The participants discussed some important issues and some valuable recommendations have been made to Commissioners. Other valuable outcomes of the project include:

- many opportunities to encourage positive relationships between the young participants and the Commissioners and staff of the City and to promote this to the wider community;
- The development of a group of young people with an awareness and appreciation of the function and powers of local government as a result of their participation in the program; and
- many opportunities to promote examples of positive youth participation and active youth consultation to the wider community.

The participants mentioned that while some valuable recommendations were made by Junior Councillors, the quality of these recommendations will be improved in following years as a result of the ongoing meeting of the Youth Advisory Councils. In following years, young people will identify relevant issues, conduct research and present issues during the program which have real significance to themselves and their community. The research and report development stage will be conducted within a longer timeframe and this should develop a stronger sense of ownership of the presented issues and higher quality recommendations.

Achieving a high level of quality in the Junior Council recommendations of the program was not achievable this year given that the Youth in Government program is in its infancy and its participants had only met at the Youth Advisory Council level for a few months. With this in mind, the outcomes were valuable and form a strong platform on which to base the program for future years.

Name change

Junior Council is a name that has been associated with the City of Joondalup and other municipalities for a number of years. This association brings with it a number of expectations that are unrealistic and connotations that are both positive and negative.

The current “Junior Council” program is a new initiative with very little in common with the previous program. If the program is to be developed from its current form, it needs to be recognised both internally and externally as a new and separate entity. For this reason it is proposed that the program name be changed from JUNIOR COUNCIL to YOUTH COUNCIL in 2000.

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

- 1 NOTE the minutes of the meeting of Junior Council held on Thursday 15 July 1999 forming Attachment 1 to Report CJ274-08/99 and the recommendations contained therein;**
- 2 REQUEST further reports on the following matters raised by the Junior Council:**
 - (a) implementation of the “Defeatti Graffiti” campaign;**
 - (b) increasing the number of mural arts projects throughout the City of Joondalup and the City of Wanneroo;**
 - (c) a public awareness campaign aimed at young people, using speakers and visual media items be conducted in order to increase community awareness of road safety around schools;**
 - (d) request local Police conduct regular patrols around schools during the times that students arrive and depart from school on school days;**
 - (e) research be undertaken to determine ways to reduce the volume of traffic around schools;**
- 3 when adopting District Planning Scheme No 2, GIVE consideration that a specific area be set aside for the young people’s activity area in all shopping complexes within the City of Joondalup;**

- 4 CHANGE the program name from Junior Council Week to Youth Council Week in the year 2000.**
- 5 THANK all participants for their efforts during the program.**

The Motion was Put and

CARRIED

Appendix IV refers

CJ275-08/99 PRINCIPAL ACTIVITY AND STRATEGIC PLANS [30916, 13020]

SUMMARY

This Report notes that no submission or comment was received as a result of the public invitation to comment on the Principal Activity Plan. Comments were received from West Coast College of TAFE and Edith Cowan University in relation to the City's Strategic Plan 1999-2003.

The Report recommends that the Principal Activity Plan be revised to reflect the changes to projects and activities when the 1999/2000 Budget is approved and made available to the Community for information. It is also recommended that the Strategic Plan 1999-2003 be revised to include additional strategies to reflect comments received and that the plan be endorsed for printing and public release.

BACKGROUND

Principal Activity Plan

In accordance with the Local Government Act 1995, Section 5.58, submissions and public comment were invited on the draft Principal Activity Plan for the City. The period for public comment ended on 13 July 1999 and no submission or comment was received.

It was stated in the draft Principal Activity Plan that the document would alter as a consequence of Community, Staff and Commissioner input and the 1999/2000 Budget process. Items and projects may be added or deleted during these deliberations.

When the 1999/2000 Budget is approved, it is recommended that the Principal Activity Plan be revised to reflect changes to projects and activities. Once the Joint Commissioners have approved the final Plan it would be made available to the Community for information. The Executive Management Group would ensure that appropriate monitoring processes are in place to enable the City to report, in the Annual Report, on the performance indicators, progress and achievements against the Plan.

Strategic Plan 1999-2003

The draft Strategic Plan was distributed with the Principal Activity Plan to provide to the community the context in which to consider the Principal Activity Plan. The draft Strategic Plan was also distributed for comment to community organisations, Senior Citizens' Associations, Residents' Associations, local members of Parliament (both State and Federal), business associations and the Joondalup Stakeholder Group. Comments on the draft were requested by Friday 16 July 1999.

A joint response was received from the West Coast College of TAFE and Edith Cowan University suggesting a new strategy for the plan. In essence a much stronger emphasis was suggested in the plan on the role of education and training to support employment in the City. This suggestion certainly aligns with one of the initiatives, the development of an education precinct and the concept of a learning city, identified by the Joondalup Stakeholders Group.

The suggestion was to include the following new strategy within the area of Leadership, however it was considered that it was more appropriate to include it under the area Economic Vitality:

“Develop and implement the concept of Joondalup as a Learning City as a means of integrating the economic, social and cultural development of the City.”

During discussion at the Joondalup Stakeholder Group meeting in July, it was noted that the plan did not make reference to the importance of sport and recreation to the community and development of Joondalup. Sport and recreation plays an integral part in providing the opportunity to create a range of lifestyles as stated by the objective of the Lifestyle direction. It is considered that a further point under Strategy, 2.1 Develop and Implement Community Plans, should be added to address sporting and recreation opportunities. The suggested new point is:

“Implement the Lifezone marketing and activities program to promote a healthy lifestyle and to meet the changing needs of the community.”

A copy of the revised Strategic Plan incorporating the above strategies is attached for consideration and endorsement. (Attachment A refers.)

COMMENT/FUNDING

An amount has been included in the operating budget of the Organisation and Strategic Development Business Unit for the printing and distribution of the Strategic Plan.

Account No:	164-3720-0001
Budget Item:	Printing
Budget Amount:	\$10,000

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

- 1 NOTE that no response has been received on the draft Principal Activities Plan and ENDORSE the proposed action to revise the plan following the approval of the 1999/2000 Budget;**
- 2 ENDORSE the revised Strategic Plan, forming Attachment A to Report CJ275-08/99 for printing and public release.**

The Motion was Put and

CARRIED

Appendix V refers

PLANNING & DEVELOPMENT

Items CJ276-08/99 to CJ280-08/99 inclusive were Moved by Cmr Rowell and Seconded by Cmr Clark-Murphy.

**CJ276-08/99 SUBDIVISION CONTROL UNIT - DIRECTOR,
DEVELOPMENT SERVICES - (FROM 4 JUNE
1999 TO 29 JULY 1999) - [05961]**

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit (from 4 June 1999 to 29 July 1999). 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, Urban Design and Policy 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 NOTE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ276-08/99.

The Motion was Put and

CARRIED

Appendix VI refers

CJ277-08/99 WARWICK STRUCTURE PLAN – SIGNING OF DOCUMENTS - [03162J]

SUMMARY

The Warwick Structure Plan provides for the relaxation of setback requirements for a small lot development along a part of Ellersdale Avenue, Warwick. It has been endorsed by the Western Australian Planning Commission without modification. The Warwick Structure Plan is recommended to be adopted, signed and sealed.

BACKGROUND

Lot No	Portion of Swan Location 12008
Street Address	Ellersdale Avenue, Warwick
Land Owner	Fetherstone Holdings Pty Ltd
MRS Zoning	Urban Development
TPS Zoning	Residential Development
Residential Coding	R40
Land Use	Vacant
Lot Area	0.66 hectares

Previous Council Decisions

At its meeting on 13 April 1998, Council resolved that, following advertising, the Warwick Structure Plan was satisfactory and that copies should be submitted to the Western Australian Planning Commission (WAPC) for adoption and certification in compliance with Clause 10.6.1 (b) of the City of Joondalup Town Planning Scheme No 1 ('the Scheme').

DETAILS

Current Proposal or Issue

Three copies of the Structure Plan documents were signed by the Chairman of the WAPC on 21 June 1999 and have been returned to Council.

Relevant Legislation

Clause 10.6.5 of the Scheme requires that as soon as practicable after receiving the certified copies of the Structure Plan documents the Council shall adopt, sign and seal the Structure Plan in the form set out in the front pages.

COMMENT

Assessment and Reasons for Recommendation

The Agreed Warwick Structure Plan conforms with the requirements of Part 10 of the City of Joondalup Town Planning Scheme No 1 and is considered to be acceptable for the control of development within the Structure Plan area.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners, pursuant to clause 10.6 of Town Planning Scheme No 1, ADOPT, sign and seal the certified Warwick Structure Plan.

The Motion was Put and

CARRIED

CJ278-08/99 CURRAMBINE LOCAL CENTRE STRUCTURE PLAN – SIGNING OF DOCUMENTS - [11160J]

SUMMARY

The Currambine Local Centre Structure Plan has been prepared as required by the rezoning of the Local Centre as a Centre Zone. It controls the landuses and form of development within the Centre Zone and has been endorsed by the Western Australian Planning Commission without modification. The Structure Plan for Currambine Local Centre is recommended to be adopted, signed and sealed.

BACKGROUND

Lot No	part lot 998
Street Address	Connolly Drive
Land Owner	LandCorp
MRS Zoning	Urban Development
TPS Zoning	Centre Zone
Land Use	Vacant
Lot Area	8 hectares

Previous Council Decisions

At its meeting on 24 November 1998, Council resolved that, following advertising, the Structure Plan for the Currambine Local Centre was satisfactory and that copies should be submitted to the Western Australian Planning Commission (WAPC) for adoption and certification in compliance with Clause 10.6.1 (b) of the City of Joondalup Town Planning Scheme No 1 ('the Scheme').

DETAILS

Current Proposal or Issue

Three copies of the Structure Plan documents were signed by the Chairman of the WAPC on 28 June 1999 and have been returned to Council.

Relevant Legislation

Clause 10.6.5 of the Scheme requires that as soon as practicable after receiving the certified copies of the Structure Plan documents the Council shall adopt, sign and seal the Structure Plan in the form set out in the front pages.

COMMENT

Assessment and Reasons for Recommendation

The Agreed Currambine Local Centre Structure Plan conforms with the requirements of Part 10 of the City of Joondalup Town Planning Scheme No 1 and is considered to be acceptable for the control of development within the Structure Plan area.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners, pursuant to clause 10.6 of Town Planning Scheme No 1, ADOPT, sign and seal the certified Currambine Local Centre Structure Plan.

The Motion was Put and

CARRIED

**CJ279-08/99 CHANGES TO HILLARYS STRUCTURE PLAN
- [23094J]**

SUMMARY

Council has received a request to modify the Hillarys Structure Plan which has recently been forwarded to the Western Australian Planning Commission, to accommodate additional stages of the Harbour Rise Estate. The modifications seek to extend special height controls to the whole of the Harbour Rise Estate and alter setbacks within the Small Lot Residential Precinct.

BACKGROUND

Lot No	Part Lots 7 and 158
Street Address	Hepburn Avenue
Land Owner	Estates Development Company
MRS Zoning	Urban
TPS Zoning	Urban Development
Density Code	R20
Land Use	Vacant
Lot Area	45.64 hectares

Site History

Various subdivision applications for the land have been approved by the Western Australian Planning Commission and supported by Council. Harbour Rise Estate was rezoned by Amendments 839 and 840 which were adopted by the Joint Commissioners at their meeting on 25 May 1999. Lot 7, Hepburn Avenue, Hillarys and Part Lot 158 Hepburn Avenue, Sorrento were rezoned to Urban Development Zone and the land was uncoded.

Previous Council Decisions

Variations to Policy DS4 that alter the height criteria for Stage 1 of Harbour Rise Estate were accepted for advertising at the meeting of the Joint Commissioners on 28 July 1998 (Report CJ50-07/98 refers). At the meeting on 22 September 1998, a 25-signature petition was received from residents of Hillarys objecting to these changes to Policy DS4; however, they were adopted by the Joint Commissioners at their meeting on 13 October 1998 (Report CJ161-10/98 refers).

The provisions were incorporated into the draft Structure Plan for Harbour Rise Estate which was considered by the Joint Commissioners at their meeting on 10 November 1998 (Report CJ232-11/98 refers) and made available for public comment.

At their meeting of 8 June 1999 (Report CJ208-06/99 refers) the Joint Commissioners pursuant to clause 10.6 of the City of Joondalup Town Planning Scheme No. 1 (the Scheme), resolved as follows:

That the Joint Commissioners:

- 1 *pursuant to Clause 10.6 of the City of Joondalup Town Planning Scheme No 1, RESOLVE that the draft structure plan for Hillarys is satisfactory with modifications and submit it to the Western Australian Planning Commission for adoption and certification;*
- 2 *pursuant to Clause 5.11 of the City of Joondalup Town Planning Scheme No 1, ADOPT the provisions relating to the first stage of development of Harbour Rise Estate as Planning Policy additional to the variation to Policy DS4.*

DETAILS

Current Proposal or Issue

The Hillarys Structure Plan is proposed to be modified to extend the maximum building height provisions which are currently only applicable to part of the Cascade Residential Precinct to the balance of Harbour Rise Estate.

These provisions were set out for Stage 1 of the Estate in Report CJ50-07/98 which was presented to the meeting of the Joint Commissioners on 28 July 1998 and explained as follows:

The concept of a building threshold envelope is not applied. Instead, the building height is defined as a wall height of 3.5 metres for single storey and 6.5 metres for two storey, and roof ridge of 3.5 metres for single storey and 9.5 metres for two storey. This compares with the Building Threshold Envelope set out in Council's Policy DS4 which permits a building height of 3.5 metres on the boundary and slopes in at 45 degrees to a maximum height of 8.5 metres.

Tower Elements of up to 6 metres square on plan are permitted to project up to 3 metres above the wall and ridge heights. They must complement the building.

Plot Ratio refers to the R Code definition, which imposes no maximum for R20 lots, whilst Policy DS4 requires a maximum 0.5.

A maximum site coverage of 65% is proposed which exceeds the 50% permitted under the R Codes.

These provisions are proposed to apply to all of the Harbour Rise residential lots except those which share a boundary with the existing lots on the perimeter of the estate where the existing Council policy DS4 will be applied. An additional clause in the objectives for each precinct has been added to protect the amenity of adjacent lots. The modification will simplify the Structure Plan since it will only include one set of height criteria besides DS4.

It is also proposed to modify the front setback requirements within the Small Lot Residential Setback Precinct from the present maximum front set back of 3m. Due to the small size of the lots and to increase design flexibility, a modified provision requiring a minimum of 1.5m and a maximum of 6m from the house main façade to the street is proposed. To allow flexibility for the location of houses, zero lot line development is also proposed for this precinct. The following modification to allow zero lot line construction and to vary the front setbacks to between 1.5 and 6m is therefore proposed.

Relevant Legislation

Clause 10.7 of the Scheme sets out the procedure for amending an agreed structure plan, including provision for the amendment to be advertised and considered again by Council prior to final approval. Clause 10.4.1(a) of the Scheme states that Council may “determine that the Structure Plan is satisfactory, send a copy to the Commission, and advertise it under the provisions of Clause 10.5.”

COMMENT

Issues

The proposed modifications to the draft structure plan will adequately control the detailed development of houses on the lots within the Harbour Rise Estate which can be administered as part of the building licence approval process.

The proposed modification to the height criteria excludes the lots abutting the existing residential lots fronting onto Waterford Drive. The remaining subdivision land generally slopes downwards away from the Waterford Drive lots, so minimising the impact on the existing residents.

Assessment and Reasons for Recommendation

When presented to the meeting of the Joint Commissioners on 28 July 1998 (Report CJ50-07/98), the changes to Policy DS4 that alter the height criteria were considered to be generally in conformity with the intentions of Council in regulating the height of buildings in residential areas. The ability to construct ‘tower’ features is available to all purchasers of land in the first stage this development and is proposed to be extended to the other stages as a part of a design strategy to give identity to the estate. The use of one set of height criteria that is applicable to the overall Estate area will simplify the building approval process.

The proposed modifications to the setbacks are considered to ensure an appropriate form of development in the Small Lot Precinct.

Through advertising, surrounding residents will be given an opportunity to comment on the proposals. In this circumstance, it is considered that the modified provisions are acceptable.

The proposed modifications to the structure plan are considered to be acceptable as a means of controlling building height and scale and enhancing the character of the streetscape in this development. The modified structure plan is considered suitable for advertising.

It was recommended at the 27 July 1999 Meeting of the Joint Commissioners that the Joint Commissioners in accordance with to Clause 10.7 of Town Planning Scheme No. 1, DETERMINE that the modification to the draft Structure Plan for Hillarys is satisfactory and make it available for public comment in accordance with Clause 3.11 of the Scheme.

It was subsequently deferred by the Joint Commissioners on 27 July 1999, to enable further consideration.

Additional Information – 29 July 1999

Following further consideration of the draft structure plan, a number of minor modifications are recommended, as follows:

- separate the provisions for the general residential precinct from those for the small lot residential precinct;
- remove dimensions in the definition of ‘tower’ elements so that their size can be stated in the provisions for individual precincts;
- reduce the size of towers on buildings on small lots to 3x3 metres. the size of towers on ‘standard’ lots is retained at 6x6 metres since the area concerned includes the former cascade residential precinct (stage 1 of the development) for which 6x6 towers have already been approved and included in a variation to ds4 as policy 3.1.9.1;
- include two additional precincts; waterford residential and sorrento small lot which are subject to the building envelope provisions of policy ds4 ‘height and scale of buildings in a residential area’ which does not allow towers;
- where a tower element is desired, it will only be permitted on approval of a development application specifically addressing amenity issues including overshadowing and privacy of adjoining properties;

A revised copy of the structure plan identifying the changes outlined above forms Attachment 1 hereto. Approval is sought for advertising the revised document.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners in accordance with Clause 10.7 of Town Planning Scheme No 1 DETERMINE that the modification to the revised draft structure plan for Hillarys as shown on Attachment 1 to Report CJ279-08/99 is satisfactory and make it available for public comment in accordance with Clause 3.11 of the scheme.

The Motion was Put and

CARRIED

Appendix VII refers

CJ280-08/99 DELEGATED AUTHORITY REPORT [07032]

SUMMARY

This report provides a resumé of the development applications processed under Delegated Authority from 1 July 1999 to 30 July 1999. Please note that the format of the attached report will be examined and revised before the next Council Meeting.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners NOTE the actions taken and determinations made under Delegated Authority in Report CJ280-08/99.

The Motion was Put and

CARRIED

Appendix VIII refers

REPORT OF THE CHIEF EXECUTIVE OFFICER
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**C37-08/99 DETERMINATION PURSUANT TO CLAUSE 8.1 OF
THE JOONDALUP AND WANNEROO ORDER 1998 –
TRANSFER OF THE FORMER CITY OF
WANNEROO'S SHARE IN THE MINDARIE
REGIONAL COUNCIL [03149, 23475]**

SUMMARY

The Mindarie Regional Council was formed in 1987 to perform designated functions in connection with waste treatment and disposal. The former City of Wanneroo held a one third share in the Mindarie Regional Council. As a constituent local government of the Regional Council the former City was entitled to appoint four regional councillors.

The Joondalup and Wanneroo Order 1998 (the Order) abolished the former City of Wanneroo on 1 July 1998 and in its place created two new local governments; namely the City of Joondalup and the Shire (now the City) of Wanneroo. Clause 8.1 of the Governor's Order requires the Joint Commissioners of the two new local governments to determine any adjustment or transfer that is to be made between the City of Joondalup and the new City of Wanneroo of property, rights and liabilities of the former City of Wanneroo.

A series of workshops have been conducted at which the Commissioners gave consideration to the determinations required to be made pursuant to Clause 8.1 of the Order. In regard to the former City's entitlements as a constituent member of the Mindarie Regional Council it was decided that the one third share should be divided equally between the two newly created local governments, resulting in each being entitled to a one sixth share. Consistent with this allocation each would be entitled to appoint two regional councillors.

BACKGROUND

The Cities of Perth, Stirling and Wanneroo, empowered by the Local Government Act 1960, resolved in 1987 to enter into a Constitution Agreement proposing the constitution of the whole of the districts of each of the said local governments as a regional district. Subsequently, each local government agreed to submit the Constitution Agreement to the

Minister for Local Government for his approval pursuant to Section 697 of the Local Government Act 1960. The Minister granted approval on 22 December 1987.

As a result of the restructuring of the City of Perth (in 1994), the Commissioners appointed to oversee the restructuring process resolved to divide the City of Perth's one third share equally between the City of Perth and the three new towns of Cambridge, Victoria Park and Vincent. By a Deed of Constitutional Variation made in 1996 the original constituent local governments agreed to amend the Mindarie Regional Council Constitution to admit the new towns as and from 1 July 1994.

The abolition of the former City of Wanneroo has prompted a determination to be made by the Joint Commissioners in respect of the transfer or adjustment of its share in the Mindarie Regional Council and the associated entitlement to appoint regional councillors.

DETAILS

To give effect to the Commissioners decision that the former City of Wanneroo's one third share be divided equally between the two newly created local governments it is necessary that: -

- the existing local governments and the newly created cities of Joondalup and Wanneroo agree, each with the other, to enter into a further Deed of Constitutional Variation, and
- forthwith upon its execution by them, submit same to the Minister for his approval pursuant to section 3.65 of the Local Government Act 1995.

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

1 pursuant to Clause 8.1 of the Joondalup and Wanneroo Order 1998 DETERMINE that:

- (a) the former City of Wanneroo's one third share in the Mindarie Regional Council be adjusted so that each of the Cities of Joondalup and Wanneroo will have a one sixth share in the Mindarie Regional Council;**
- (b) consistent with (a) above, each of the Cities of Joondalup and Wanneroo will be entitled to appoint two regional councillors;**

2 ADVISE the Mindarie Regional Council of their determination in 1 above and request that the necessary steps be taken by the Mindarie Regional Council to amend its Constitutional Agreement accordingly, as soon as possible;

- 3 upon gaining approval by the Minister, the Cities of Joondalup and Wanneroo will determine their respective regional councillors.**

The Motion was Put and

CARRIED

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY, 24 AUGUST 1999** to be held at the Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1922 hrs, the following Commissioners being present at that time:

COMMISSIONERS: MORGAN
CLARK-MURPHY
ROWELL