

C I T Y O F W A N N E R O O

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER
ADMINISTRATION BUILDING, BOAS AVENUE, JOONDALUP,
ON WEDNESDAY, 18 DECEMBER 1996

ATTENDANCES AND APOLOGIES

Councillors:	A V DAMMERS, JP - Mayor	Central Ward
	F D FREAME, Deputy Mayor, Acting Chairman from 2225 to 2305 hrs	South-West Ward
	L O'GRADY	North Ward
	P O HEALY	North Ward
	B A COOPER	Central Ward
	L A EWEN-CHAPPELL	Central Ward
	S P MAGYAR	Central Ward
	A W WIGHT	South Ward
	A G TAYLOR	South Ward
	T W POPHAM	South Ward
	W D DUFFY	South Ward
	D K TIPPETT, JP	South Ward
	G A MAJOR	South-West Ward
	M E LYNN, JP	South-West Ward
	V G HANCOCK	South-West Ward

Chief Executive Officer:	L O DELAHAUNTY
Manager, Corporate Services:	R E DYMCK
City Planner:	O G DRESCHER
Acting City Engineer:	D BLAIR
City Treasurer:	J B TURKINGTON
City Building Surveyor:	R G FISHER
City Environmental Health Manager:	M AUSTIN
Acting City Parks Manager:	D CLUNING
City Recreation and Cultural Services Manager:	R BANHAM
Manager, Municipal Law & Fire Services:	T M TREWIN
Acting Manager Welfare Services:	G MARTELLI
City Librarian:	N CLIFFORD
Executive Officer:	P HIGGS
Publicity Officer:	O DAVIDSON
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

There were 31 members of the Public and 2 members of the Press in attendance.

The Mayor declared the meeting open at 1933 hrs.

PUBLIC QUESTION TIME

Mr C Isaacs, City of Wanneroo ratepayer, submitted the following questions for the Council Meeting held on 27 November 1996. These questions were taken on notice to be answered at the December Council meeting:

- Q1 Regarding legal aid, how long will this continue and will it be an open cheque book?
- A1 There is not an open cheque book policy in respect of legal aid.
- Council has adopted a policy which enables Councillors and Officers to be provided limited legal assistance if they become involved in a legal action through carrying out their duties.
- Q2 Why shouldn't the Councillors be responsible for their own positions?
- A2 If a Councillor becomes involved in a legal action through carrying out the duties of his or her public office, it is appropriate that legal support be provided.
- Q3 Poverty is going unnoticed by Council; when will Council provide financial aid to the people in poverty in the City of Wanneroo?
- A3 The issue of income maintenance and support is the responsibility of Federal Government.

However, the Council employs three financial counsellors to advise and advocate for people who are financially disadvantaged. This service has access to Federal Government emergency relief which it distributes to families in need. \$22,000 was distributed in 1995/96. Council also provides \$5,000 for families in need at Christmas.

The financial counsellors are also actively involved in the Financial Counselling Association and WACOSS. Both groups lobby governments on the needs of people experiencing poverty. The City's staff ensure that issues relevant to this region are introduced at these forums.

Mr and Mrs Best, 19 (Lot 56) Leach Street, Mr and Mrs Gherinich, 17 (Lot 55) Leach Street, Mr and Mrs Hall, 40 (Lot 36) West Coast Drive and Mr and Mrs Mort, 44 (Lot 34) West Coast Drive submitted the following questions for the Council Meeting held on 18 December 1996 (Item TP322-12/96 refers):

- Q1 At which Town Planning Committee were the plans for Lot 35 (42 West Coast Drive) considered?
- A1 The plans were not submitted to the Town Planning Committee. Planning Approval is not required for a class 1 building. The Technical Services Committee considered it at its meeting on 1 March, 1995.
- Q2 What was the Committee's recommendation to Council?
- A2 The Committee recommended approval.
- Q3 At which Council meeting was this application approved?
- A3 The application was approved at the Council meeting held on 8 March, 1995.
- Q4 Were our letters of objection tabled at the relevant Town Planning Committee or Council - or at both meetings?
- A4 No letters were tabled. In accordance with accepted practice, the objections submitted are listed in the report to Council.
- Q5 What action was taken regarding our objections?
- A5 Council considered the objections in making its decision.
- Q6 If any amendments were made after considering our objections were these amendments then passed by Council?
- A6 No.
- Q7 On what date was building approval granted?
- A7 The plans were approved on 13 March, 1995 and collected and validated by the builder on 21 March, 1995.
- Q8 Should this development have been advertised on site?
- A8 There is no requirement for advertising on site for a Class 1 Dwelling.

Mrs A Hine of Dundobar Road, Wanneroo submitted the following question at Technical Services Committee Meeting on 4 December 1996 for Council Meeting held on 18 December 1996:

Q1 Has Council been given a good reason as to why such a destructive type of "burn" was needed on land "vested" in W/C/Council opposite Works depot on Wanneroo Road?

Who are responsible for the burn? Does Council intend to use these people again in a professional way?

"This burn was a disgrace and environmental vandalism of the worst kind".

A1 Enquiries reveal that this was normal hazard reduction procedure for this time of the year. The area was burnt off by the City's Volunteer Central Bush Fire Brigade and was carried out on a Work Order (No 38) issued by the Chief Bush Fire Control Officer.

Mrs A Hine of Dundobar Road, Wanneroo submitted the following question for Council Meeting held on 18 December 1996:

Q1 Why are developers allowed to bulldoze bushland when young birds are still in their nests and unable to fly?

A1 When developers receive subdivision or development approval from the relevant approval agencies conditions are generally not imposed which involve checking for nests (with young birds in) in trees, and either protection or removal if found. Consequently, when such approvals have been given, the development has generally been undertaken without consideration of that issue.

This is not to say, however, that people are permitted to deliberately kill native wildlife. The Wildlife Conservation Act prohibits people from knowingly or purposely killing native wildlife. When developers clear land in accordance with approval processes as outlined above, wildlife are, unfortunately, sometimes killed. However, such killing of wildlife would most likely be seen as being of an inadvertent rather than a deliberate nature and consequently it is unlikely that the Department of Conservation and Land Management (CALM) would seek to prosecute the developer concerned in such a situation. However, should it be made known to a developer that a nest with young birds in it was in a particular tree and the developer proceeded to bulldoze the tree anyway, technically, a developer may be exposed to possible legal action under the Wildlife Conservation Act, in such a situation.

Q2 Why can Council not use their power to restrict developers by a policy stating that they have their land searched by Council to save living creatures, such as birds, lizards, blue tongues, skins of various species and anything that lives within their land?

A2 Council may have power to impose such a requirement, either under the Town Planning and Development Act (through the introduction of new Town Planning Scheme provisions, subject to approval of the WA Planning Commission and the Minister for Planning) or the Local Government Act (through the introduction of a Local Law). Legal opinion would be required to confirm this. As to whether Council would wish to impose such a requirement if it indeed had power to do so, to date as best as can be ascertained, Council has not formally considered such a proposal. Should Council wish to formally consider the matter, it would be appropriate for it to require that a full report upon the matter be prepared.

Q3 I have witnessed today at least (6) birds in nests all squashed into the ground, a huge lizard (Race Horse Goanna) also flattened out.

The people opposite say they had not been told that the developer was to move into develop. They say they heard about three years ago what was planned, that's all. Now, why Can Council not insist on a developer putting up a sign and allow people at their own risk to go on the land and save plant species or seeds and that Council insists they keep certain trees (no nonsense about significant trees and such like). That depends on the person's interpretation of the time. What I say is significant will not be the same as another person's idea of the meaning "significant". I am not against development - just the time is wrong. People should have been warned.

A3 This contains two questions ie:

- (a) *Why can Council not insist on a developer putting up a sign and allow people at their own risk to go on the land and save plant species or seeds?*
- (b) *Why can Council not insist developers keep certain trees?*

Response:

- (a) Same answer as for question 2. above.
- (b) If Council identifies certain trees it wishes to be protected in a proposed urban area, it will generally seek to have the land containing the trees included in the public open space area to be provided as a condition of subdivision of the area. If such trees are within a site the subject of a Development Application, Council may impose a condition of Development Approval that the trees be protected.

Under Part. 6 of Council's district town planning scheme ('Preservation and Conservation of Objects of Natural Beauty and Historical Buildings and Objects of Historic or Scientific Interest') Council may require protection of trees. A right to compensation from the Council is provided to affected landowners in such cases.

Mrs A Hine of Dundobar Road, Wanneroo submitted the following questions for Council Meeting held on 18 December 1996:

- Q1 Where exactly are the extra cinemas at Warwick to go?
- A1 The proposal is to extend the Warwick cinema complex, comprising a 500 seat mega-screen facility. This is to be located on the north-eastern corner of the existing cinema complex on the existing elevated parking area.
- Q2 What is the explanation of Waldeck's lease?
- (a) how long does it run?
- (b) what was the length of the original lease?
- (c) did they get an extension of lease?
- A2 The City does not lease any land to or from Waldeck.
- Q3 Who gave permission to demolish the old Duffy House?
- (a) What was the date?
- (b) Was a demolition order or licence issued?
- (c) If yes, please advise the date of such order or licence.
- A3 This question requires a search of Council's archives and is therefore taken on notice.
- Q4 Is there any plan to build double or triple storey car parking and save some of the bush? This would stop the urban sprawl of concrete - the way to go in car parking is triple storey.

A4 There are currently no proposals in the Capital Works Forward Plan for the construction of multi storey car parking facilities.

Re Wanneroo Townsite:

Q5 Why are the new light poles coloured maroon?

A5 The two colours on the light poles were chosen in an effort to match the colour scheme of the Wanneroo Shopping Centre.

Q6 Why not keep to heritage colours brown and light?

A6 See Answer 5 above.

Q7 What is the explanation of one very sick tree being left encased by tiles in a very long strip of median red bricks - from Dundobar Road to Conlan Avenue? I believe six trees so far have been planted, three on either side of the centre. Three have been very well supported, the other three are not. They should all be uniform to look good and effective.

A7 It was felt that the tree should be left to see if it improved in any way. If it was removed, due to Engineering and Main Roads guidelines, it would not be able to be replaced.

Q8 What about some goodwill being shown by our officers and Councillors to give some encouragement to the foreign owners of the shopping centre? It is the small shopkeepers who are suffering and most of them have been very loyal ratepayers. Why not show them that you people care about them and stop putting all your priorities in support of the large owners. I'm still certain Mr Villanova could act as a go-between the parties if he were asked.

A8 The Wanneroo Town Centre Study has been developing in close consultation with the landowners from within the study area and the public. It is considered that the eventual outcomes of the study will lead to enormous benefits to the overall Wanneroo Townsite which will, in turn, benefit the landowners, both large and small.

Q9 CS141-08/96 Rollerblading, Craigie:

Why not give these kids an outdoor facility? It's long overdue and please don't sell the skateboard and ramp

trailer, as Cr O'Grady can get something going with professional help.

You could satisfy most teenagers if you put up some ramp for either grass or artificial snow slopes, and of course, your rollerblading or skateboarding. There needs to be more done for the youth and you will then stop all the vandalism. The young people have to use up their excess energy. Yes, Wanneroo is trying hard to satisfy everyone. These are thoughts and suggestions.

- A9 At its meeting on 27 November 1996, Council resolved to allow the present rollerblading operator to continue at Craigie Leisure Centre under certain conditions. These include the use of one of the sports halls and a section of the south west car park.

Council also agreed to the sale of its mobile skate board ramp to the operator.

Council has undertaken extensive research on the provision, management and insurance aspects associated with skateboard amenities within the City of Wanneroo.

Council's insurers believe that adequate supervision would be required in all cases where there is a potential risk of injury to users, spectators or passers-by. This requirement and the risk of litigation have been the predominant factors influencing local government authorities in this State when considering the provision of facilities for skateboard enthusiasts.

Mr John Hollywood of Burns Beach Road submitted the following question at Council Meeting of 18 December 1996:

- Q1 I asked a question last month regarding illegal signs along Marmion Avenue. I believe they were supposed to be taken down within 14 days - they are still there? When is action going to be taken on this issue please?

- A1 The City Building Surveyor advised that the owners of the signs had been advised that the signs were to be removed within 14 days. The 14 days allowed expires on the 20 December 1996. A number of those owners have sought an extension of time as they wish to make alternative arrangements and it is proposed that an extension be given, and a report submitted to Council in February 1997.

Mr Hollywood stated he was not afforded the same opportunity of an extension of time when instructed to remove the sign he had

erected and queried why others had been offered an extension of time.

Mr Hollywood indicated he would be reinstating his own sign and applying for an extension of time as had been afforded to other owners of signs.

Mr Bill Duncanson, 50 Lakeview Drive, Edgewater submitted the following questions at Council Meeting of 18 December 1996:

Mr Duncanson raised various queries in relation to the proposed closure of the existing Edgewater Drive and Lakeside Drive road truncation and referred to a development proposal which would have effectively closed the area in question.

He queried whether Council intended to entertain the recommendation for a 10m wide emergency access and stated Emergency Services had been contacted in this regard.

Mr Duncanson made reference to the item on Jasper Way and indicated there was a Jasper Way in Edgewater about 200m from the area in question and queried whether this was the one being referred to.

The City Planner advised there was a further Item on the Agenda that gave Council the option to support a subdivision along a certain set of guidelines which recommended a 12m access to lots fronting on to the access place overlooking Edgewater Drive.

He stated whether it be a service or fire access or cycle way/dual use path is immaterial. What is being suggested is if Council wishes a subdivision to be supported, it would be on the basis of a service road and frontage overlooking a 12m Edgewater Drive.

As it has been pointed out, Council has resolved to close a portion of road that was dedicated some years ago and it is for Council to make a determination as to whether it wishes to support the subdivision or whether it stays with the original determination that it be closed and that option was put to Council in the report submitted to the Town Planning Committee.

CONFIRMATION OF MINUTES

C520-12/96 MINUTES OF COUNCIL MEETING, 27 NOVEMBER 1996

Cr Hancock queried why questions she had raised, together with a request for a report, had not been recorded in the minutes of the Council Meeting of 27 November 1996.

The Chief Executive Officer advised the matters referred to took place Behind Closed Doors. He stated that only decisions from Behind Closed Doors issues were recorded and as no decisions were arrived at, no reference was made in the Minutes.

MOVED Cr Freame, **SECONDED** Cr Healy that the Minutes of the Council Meeting held on 27 November 1996 be confirmed as a true and correct record.

CARRIED

C521-12/96 **MINUTES OF SPECIAL COUNCIL MEETING,
11 DECEMBER 1996**

MOVED Cr Freame, **SECONDED** Cr Healy that the Minutes of the Special Council Meeting held on 11 December 1996, be confirmed as a true and correct record.

CARRIED

QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN, WITHOUT DISCUSSION

Nil

QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN, WITHOUT DISCUSSION

Nil

ANNOUNCEMENTS BY THE MAYOR, WITHOUT DISCUSSION

NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

The Chief Executive Officer, Lindsay Delahaunty and myself were among the 800 delegates who attended the National General Assembly of Local Government three-day conference in Canberra earlier this month.

It was coincidental that the Assembly was able to discuss telecommunications issues while they were being debated in Parliament.

The resolution passed expressed concern in the areas of cabling and towers and was sent directly to the Parliament.

However, as a few days later the Minister extended the carriers' rollout period for an additional three months, the resolution had little effect.

Nevertheless, the Assembly enabled the Chief Executive Officer and I to gather invaluable information on progress in local government reform in other States.

CERTIFICATE OF APPRECIATION

The City of Wanneroo has received a Certificate of Appreciation from the Joondalup Community Foundation and Trust for its contribution to the recent Spirit of Christmas Festival.

JOB EXCHANGE

Assistant Aquamotion Manager, Mark Nelli has swapped jobs with his counterpart, Doug Pleysier from Calgary, Canada for one year.

At a welcome afternoon tea for Doug recently, he presented the City of Wanneroo with a history of his home town called, "Calgary - Spirit of the West".

END OF YEAR MESSAGE

As this is the last meeting before the Christmas and the New Year break, I wish all City of Wanneroo councillors, their families and staff a happy festive season.

Also, season's greetings to those citizens in the gallery this evening, particularly those who take a keen interest in Council's activities and attend most meetings come rain, hail or shine.

PETITIONS, MEMORIALS AND DEPUTATIONS

C522-12/96 PETITION OBJECTING TO ANTISOCIAL BEHAVIOUR,
WANDOO ROAD, DUNCRAIG - [0068/119/7]

A 69-signature petition has been received from Duncraig residents objecting to the antisocial behaviour of youths living an at address in Wandoo Road, Duncraig.

This petition will be referred to Municipal Law & Fire Services, who in conjunction with the Police Department will attend to this matter.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from Duncraig residents objecting to the antisocial behaviour of youths living an at address in Wandoo Road, Duncraig be received and referred to Municipal Law & Fire Services, who in conjunction with the Police Department will attend to this matter.

CARRIED

C523-12/96

PETITION OBJECTING TO OVER-DEVELOPMENT OF SERVICE
STATION/SHOWROOM/VIDEO/FAST FOOD OUTLETS -
[30/5545, 30/5546]

A 166-signature petition has been received from residents of the City of Wanneroo objecting to the over-development of the Shell Service Station, Currambine to allow for additional facilities to be made available through the service station.

The petitioners believe that the amount of vehicular traffic not only increases with this type of facility, but also poses health and safety hazard problems.

This petition will be referred to Town Planning Department for a report to Town Planning Committee.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from residents of the City of Wanneroo objecting to the over-development of the Shell Service Station, Currambine to allow for additional facilities to be made available through the service station be received and referred to Town Planning Department for a report to Town Planning Committee.

CARRIED

C524-12/96

PETITION IN SUPPORT OF SOUTH ACCESS ROAD TO
HILLARYS BOAT HARBOUR - [30/1733]

A copy of a 265-signature petition has been received from visitors to Hillarys Boat Harbour in support of the creation of a second access road to the south at Hillarys Boat Harbour.

The petitioners feel this would go some way to alleviating the amount of time it has been necessary on occasions for motorists to queue awaiting entry to the complex.

This petition will be considered in conjunction with Item TP287-12/96.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from visitors to Hillarys Boat Harbour in support of the creation of a second access road to the south at Hillarys Boat Harbour be received and considered in conjunction with Item TP287-12/96.

CARRIED

LANDSDALE FARM OPEN DAY

Cr Freame advised she had deputised for the Mayor at the Landsdale Farm Open Day.

She stated it was very interesting to see the number of community groups who have made their home at the farm.

1996 SPIRIT OF CHRISTMAS FESTIVAL

Cr Freame deputised for the Mayor at the 1996 Spirit of Christmas Festival.

She advised the Mayor of Nedlands, Cr Italiano (on behalf of the Mayor of Stirling) and the President of Chittering also attended this function.

The City of Perth donated several hampers, which were forwarded to the Salvation Army at Merriwa for distribution for Christmas.

LANDCORP - BOOK LAUNCH

Cr Freame represented the Mayor at Landcorp Book Launch which was held to launch the book "Lakeside City - A Dreaming of Joondalup" by WA historian, Tom Stannage.

This book, which is an autographed copy, is presented to Council by Mr Stannage with his compliments.

C525-12/96 LETTER RELATING TO LACK OF STREET TREES IN THE CITY OF WANNEROO - [253-3]

Cr Freame submitted a letter from a Sorrento resident in relation to the lack of tree lined streets within the boundaries of the City of Wanneroo, the maintenance of public open spaces and the possibility of paving the narrow strips between the footpath and road areas.

This letter will be referred to Parks Department and Engineering Departments for a report to Technical Services Committee.

MOVED Cr Healy, **SECONDED** Cr Popham that the letter from a Sorrento resident in relation to the lack of tree lined streets within the boundaries of the City of Wanneroo, the maintenance of public open spaces and the possibility of paving verge strips be received and referred to Parks Department and Engineering Departments for a report to Technical Services Committee.

CARRIED

C526-12/96 DIE BACK OF TREES ON COUNCIL LAND - [253-3]

Cr Freame submitted a letter from Mr and Mrs Reynolds of Kinross in relation to die back of trees on Council land bordering a drainage pit which fronts onto Dunscore Way.

Mr and Mrs Reynolds point out that other tree species are now dying and the problem is affecting trees within their own property.

This letter will be referred to Parks Department for action.

MOVED Cr Healy, **SECONDED** Cr Popham that the letter in relation to die back of trees on Council land bordering a drainage pit fronting onto Dunscore Way be received and referred to Parks Department for action.

CARRIED

C527-12/96 **GRAFFITI ON PUBLIC AMENITIES - [210-7]**

Cr Hancock tabled a copy of a letter from a Duncraig resident which had been forwarded to Anti Theft Squad, Joondalup Police Station, in relation to graffiti on public amenities, and in particular amenities surrounding Burragah Way, Beddi Road and Percy Doyle Reserve.

This letter will be referred to Building Department for action.

MOVED Cr Healy, **SECONDED** Cr Popham that the copy of a letter forwarded to Anti Theft Squad, Joondalup Police Station in relation to graffiti on public amenities be received and referred to Building Department for action.

CARRIED

HOUSE BREAK-IN - CR HANCOCK - [702-3]

Cr Hancock reported on the recent break-in of her private residence and the theft of a three-in-one telephone/fax/answering machine unit owned by Council.

ADVICE OF FORESHADOWED MOTION - [3090/560/3]

Cr Hancock gave notice of her intention to foreshadow a Motion to go Behind Closed Doors at the conclusion of this meeting in an attempt to resolve the issues relating to Lot 3 (560) Manakoora Rise, Sorrento.

ISSUES RELATING TO LAND ACQUISITION/RESUMPTION - [755-7]

Dr Duffy wished to give Notice of his intention in the New Year to seek the support of both Councillors and staff regarding land acquisition/resumption with reference to the State Government and sections of the Aboriginal community.

QUERY RELATING TO FORESHADOWED MOTION - [3090/560/3]

Cr Ewen-Chappell queried whether a Seconder would be required in relation to Cr Hancock's advice of her intention to move a Motion to go Behind Closed Doors to discuss issues relating to Lot 3 (560) Manakoora Rise, Sorrento.

The Mayor, Cr Dammers, advised that due to the fact that Cr Hancock had not given Notice of Motion, she would be unable to move any Motion unless Council was prepared to set aside Standing Orders.

C528-12/96 REDUCTION OF OPERATING HOURS - BP SERVICE STATION, PRINDIVILLE AVENUE/GRAFFITI TASK FORCE PROGRAMME - [30/2256, 210-7]

Cr Magyar tabled a letter from Ocean Reef Residents Association in relation to the possible reduction of operating hours at the BP service station, Prindiville Avenue, Ocean Reef.

In view of the fact that this service station operates 24 hours a day, undesirable antisocial behaviour is being experienced early hours in the morning by nearby residents.

The Ocean Reef Residents Association also referred to Council's proposed participation in the Graffiti Task Force Programme run by the Government and queried the inclusion by Council of removal of graffiti from public access ways and fences facing busy roads.

This letter will be referred to Town Planning Department and Building Department for reports to Town Planning Committee and Technical Services Committee respectively.

MOVED Cr Healy, **SECONDED** Cr Popham that the letter from Ocean Reef Residents Association relating to a reduction in trading hours of BP service station, Prindiville Avenue, Ocean Reef and the Graffiti Task Force Programme be received and referred to Town Planning Department and Building Department for reports to Town Planning Committee and Technical Services Committee respectively.

CARRIED

C529-12/96 PETITION REQUESTING INSTALLATION OF NEW PLAY EQUIPMENT, MCKIRDY PARK, MCKIRDY WAY, MARMION - [061-425]

A 31-signature petition has been received from children of McKirdy Way and surrounding streets requesting the installation of new play equipment at McKirdy Park, McKirdy Way, Marmion.

This Item was considered at November Council Meeting (C490-11/96 refers) and will be referred to Parks Department for action.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from children of McKirdy Way and surrounding streets requesting the installation of new play equipment at McKirdy Park, McKirdy Way, Marmion be received and referred to Parks Department for action.

CARRIED

C530-12/96 **PETITION OBJECTING TO INCREASE OF SPEED LIMIT IN LANDSDALE ROAD BETWEEN EVANDALE AND RANGEVIEW ROADS, LANDSDALE - [510-225]**

A 17-signature petition has been received from Landsdale residents objecting to the proposed increase in speed from 60 kph to 70kph in Landsdale Road between Evandale and Rangeview Roads.

The petitioners state the area in question is already used as a speed racetrack and believe an increase in the speed limit is an open invitation to further abuse of the road rules.

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

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from Landsdale residents objecting to the proposed increase in speed from 60 kph to 70kph in Landsdale Road between Evandale and Rangeview Roads be received and referred to Engineering Department for a report to Technical Services Committee.

CARRIED

C531-12/96 **PETITION OBJECTING TO AMENDMENT NO 772 TO TOWN PLANNING SCHEME NO 1 TO RECODE SEVEN GROUPED DWELLING SITES IN NEERABUP FROM R20 TO R40 (HOMESWEST) - [779-772]**

A 41-signature petition from residents of Greenhaven Estate, Neerabup has been received objecting to the proposed high-density group housing at Frond Circuit, Neerabup.

The petition will be referred to Town Planning Department for a report to Town Planning Committee.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from residents of Greenhaven Estate, Neerabup objecting to the proposed high-density group housing at Frond Circuit, Neerabup be received and referred to Town Planning Department for a report to Town Planning Committee.

CARRIED

C532-12/96

LETTER OPPOSING NEW LAND DEVELOPMENT, NARRAN
CLOSE, EDGEWATER - [770-0, 510-3177]

A 6-signature letter has been received from residents of Tandou Court, Edgewater opposing new land development in Narran Close, Edgewater.

The residents state the newly constructed limestone retaining walls, above two metres in height in some cases are higher than the top of the fences. They feel this will not only impinge on their privacy, but also cause a security risk to their properties.

This letter will be referred to Town Planning Department for a report to Town Planning Committee.

MOVED Cr Healy, **SECONDED** Cr Popham that the letter from residents of Tandou Court, Edgewater opposing new land development in Narran Close, Edgewater be received and referred to Town Planning Department for a report to Town Planning Committee.

CARRIED

C533-12/96

PETITION REQUESTING CLOSURE OF STORMWATER
CATCHMENT, WEST SIDE OF JOSEPHINE WAY, ALEXANDER
HEIGHTS - [510-2978]

A 6-signature petition has been received from Alexander Heights residents requesting the closure of the stormwater catchment situated in the west side of Josephine Way, Alexander Heights.

The petitioners state the area in question is used to gain access to nearby residences to commit crimes.

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

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from Alexander Heights residents requesting the closure of the stormwater catchment situated in the west side of Josephine Way, Alexander Heights be received and referred to Engineering Department for a report to Technical Services Committee.

CARRIED

C534-12/96

PETITION REQUESTING THE INSTALLATION OF TRAFFIC
CALMING DEVICES, OTISCO CRESCENT, JOONDALUP -
[510-2894]

A 37-signature petition has been received from residents of Joondalup requesting the installation of traffic calming devices

in Otisco Crescent in an attempt to reduce the current situation of speeding vehicles causing a danger in respect of:

- 1 other local traffic;
- 2 residents attempting to drive off from their own residences;
- 3 local pedestrians (including children);
- 4 creating excessive noise pollution at all hours.

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

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from residents of Joondalup requesting the installation of traffic calming devices in Otisco Crescent, Joondalup be received and referred to Engineering Department for a report to Technical Services Committee.

CARRIED

C535-12/96 PETITION OPPOSING UNAUTHORISED HOME OCCUPATION, HEATHERTON MEWS, HILLARYS - [2806/557/39]

A 9-signature petition has been received from Hillary residents opposing the unauthorised home occupation in Heatherton Mews, Hillarys.

This petition will be referred to Town Planning Department for action.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from Hillary residents opposing the unauthorised home occupation in Heatherton Mews, Hillarys be received and referred to Town Planning Department for action.

CARRIED

C536-12/96 PETITION - PARKING PROVISIONS FOR EDDYSTONE AVENUE CHILD CARE CENTRE: LOT 301 (185) EDDYSTONE AVENUE, BELDON - [30/2906]

A 77-signature petition has been received from residents of the City of Wanneroo expressing their concern at the additional parking provisions required to be provided by the owners of Eddystone Avenue Child Care Centre and the associated problems this requirement would create for the users of the Child Care Centre.

This petition will be referred to Town Planning Department for a report to Town Planning Committee.

MOVED Cr Healy, **SECONDED** Cr Popham that the petition from residents of the City of Wanneroo expressing their concern at the additional parking provisions required to be provided by the owners of Eddystone Avenue Child Care Centre be received and referred to Town Planning Department for a report to Town Planning Committee.

CARRIED

MINUTES OF MANAGEMENT COMMITTEES, ADVISORY COMMITTEES AND OTHER ORGANISATIONS

MANAGEMENT COMMITTEES

A GLOUCESTER LODGE MUSEUM MANAGEMENT COMMITTEE
Meeting held 6 November 1996

MOVED Cr Freame, **SECONDED** Cr O'Grady that the Minutes listed at Item A be received.

CARRIED

ADVISORY COMMITTEES

A DISABILITY ACCESS ADVISORY COMMITTEE
Meeting held 17 October 1996

B MULTICULTURAL ADVISORY COMMITTEE
Meeting held 14 November 1996

C CHILDREN'S SERVICES ADVISORY COMMITTEE
Meeting held 25 November 1996

MOVED Cr Freame, **SECONDED** Cr O'Grady that the Minutes listed at Items A to C be received.

CARRIED

OTHER COMMITTEES

A YANCHEP TWO ROCKS RECREATION ASSOCIATION INC
Meeting held 11 November 1996
Minutes of Annual General Meeting held 11 November 1996

B 15TH LOTTERIES HOUSE STEERING COMMITTEE
Meeting held 20 November 1996

C BURNS RATEPAYERS & RESIDENTS ASSOCIATION (INC)
Meeting held 14 November 1996

D YANCHEP TWO ROCKS RECREATION ASSOCIATION INC
Meeting held 2 December 1996

MOVED Cr Freame, **SECONDED** Cr O'Grady that the Minutes listed at Items A to D be received.

CARRIED

DECLARATIONS OF FINANCIAL INTEREST

Cr Taylor declared an interest in Item TS351-12/96.

Cr Cooper declared an interest in Item TP315-12/96

Cr Duffy declared an interest in Items TP289-12/96 and TP302-12/96 and C547-12/96

Cr Wight declared an interest in item CS208-12/96

Cr Dammers declared an interest in Item C554-12/96.

BUSINESS REQUIRING ACTION

Legend - Numbering System:

B - Business for Information	OC - Occasional Committee
C - Council	P - Policy
CS - Community Services	TP - Town Planning
FA - Finance & Admin Resources	TS - Technical Services
SC - Special Council	

C537-12/96 TECHNICAL SERVICES COMMITTEE

MOVED Cr O'Grady, **SECONDED** Cr Taylor that the Report of the Technical Services Committee Meeting, held on 4 December 1996, be received.

CARRIED

ATTENDANCES

Councillors: A G TAYLOR - Acting Chairman from
1803 hrs South Ward
G A MAJOR - Acting Chairman from
1847 hrs to 1849 hrs South-West Ward

P O HEALY	North Ward
T W POPHAM	South Ward
V G HANCOCK	South-West
Ward	
S P MAGYAR - Deputising for	
Cr Ewen-Chappell	Central Ward
L O'GRADY - Observer	North Ward
A W WIGHT - Observer	South Ward
D K TIPPETT, JP - Observer from	
1814 hrs	South Ward
F D FREAME - Observer to 1837 hrs	South-West Ward
M E LYNN, JP - Observer	South-West
Ward	

Manager, Corporate Services:	R E DYMOCK
Acting City Engineer:	D BLAIR
City Building Surveyor:	R G FISCHER
Deputy City Parks Manager:	D CLUNING
Minute Clerk:	S BRUYN

APOLOGIES

An apology for absence was tendered by Cr Dammers, JP.

An apology for absence was tendered by Cr Ewen-Chappell; Cr Magyar deputised.

An apology for absence was tendered by Cr Cooper.

PUBLIC/PRESS ATTENDANCE

There were 8 members of the Public and 1 member of the Press in attendance.

APPOINTMENT OF ACTING CHAIRMAN

Cr Taylor was elected Acting Chairman.

PUBLIC QUESTION TIME

Mrs A Hine submitted the following questions:

Q1 Has Council been given a good reason as to why such a destructive type of "Burn" was needed on land "vested" in Wanneroo City Council opposite Works Depot on Wanneroo Road.

Q2 Who was responsible for the Burn.

Q3 Does Council intend to use these people again in a professional way. This Burn was a disgrace and environmental vandalism of the worst kind.

A1 - A3 Acting Chairman's response: These questions will be taken on notice and referred to the Municipal Law and Fire Services Department.

Mr V Harman:

Q1 In relation to the roundabouts on Venturi Drive, Ocean Reef, what is Council going to plant there.

Q2 Would Council consider removing the traffic lights at Hodges Drive and replacing them with roundabouts.

The Acting City Engineer and the Deputy City Parks Manager will take these questions on notice.

Mrs L Bateman:

Q1 In relation to the proposed parking prohibitions in Alfreton Way, could Council request the HOPE Group to advise their clients to use the access provided by the Council from Doveridge Drive instead of from Alfreton Way. This would then ensure there were no problems and no necessity for parking in the area. I believe a resolution was passed by Council in 1995 that there should be no access to the HOPE Group shed from Alfreton Way.

A1 Acting City Engineer's response: Council can certainly correspond with the HOPE Group and in particular with the Principal of the school and submit that request.

Mrs M Tate submitted the following questions at the Technical Services Committee Meeting held on 13 November 1996 which are answered as followed:

Q1 I would like to raise a number of questions in relation to TS134-11/96. My husband and I are the owners and residents of Lot 2, Gibbs Road, Nowergup. Item 2 of the management procedure of the application states that all vegetation adjacent to Gibbs Road and extending for 150 metres east is retained as a buffer zone.

It also adds that the closest the excavation comes to the resident is approximately 70 metres. It is also contained in the buffer strip.

Item 2.3 states that a 150 metre buffer zone is proposed on Gibbs Road.

According to the policy statement of the Perth Metropolitan Region basic raw materials, it is essential that adequate buffer zones be retained. By definition, a buffer zone allows protection and ensures safe measures are in place.

I would like to question why the buffer zone is not 150 metres from our boundary instead of including our property and home in the buffer zone. We consider that the inclusion of our property in the buffer zone is unjust.

A1 The buffer zone mentioned relates to a requirement set by the Department of Agriculture when the owner cleared his land for pasture. The requirement was for a percentage of the land to remain uncleared. The owner chose to leave the land adjacent to Gibbs Road since it was the most wooded portion. The required area equated to all of the portion of Lot 11 within 150m of Gibbs Road. This buffer area is not related to the application for the limestone quarry.

Q2 In the report it is noted that the original application has taken 12 months to meet the appropriate requirements. Prior to this the acoustic report stated that the noise levels received at the closest residence would at all times exceed the regulations.

The application required amendments to control the noise impact on the local community. To meet the regulations it is necessary to build a 12 metre high bund. If this earth bund is 12 metre high what is the measurement and width of the base and where does this commence in relation to 70 metres from the boundary.

A2 The original application did not recognise the house on Lot 2 and the proposed noise control system was aimed at the more distant residents. The residence on Lot 2 was identified during an evaluation visit by Council staff. The applicant was then requested to address the noise impact on this residence as the acoustic report indicated that the noise levels were unacceptable.

The applicant has put an alternative noise control system to Council that reduces the bund height from 12m to 5m and moves the centre of the bund from 70m east of Lot 2 to 110m east of Lot 2.

- Q3 Do you consider that this 12 metre high bund is appropriate and reasonable and the visual impact acceptable.
- A3 With appropriate vegetation the 12m bund would have had a moderate long term visual impact. The new proposed 5m bund with tree planting in front should be more visually acceptable.
- Q4 There is a 45-signature petition from every resident in Gibbs Road who are of the opinion that this will cause a visual intrusion into the area, be a potential source of dust and have a negative effect on property values. How is this bund going to be adequately stabilised and also not create a dust problem.

The quarry operations in the area have a long history of not meeting Council conditions. Complaints regarding these issues are well documented with Council's Health Department.

- A4 The use of a 5m bund with tree planting will minimise the visual intrusion of the proposal. The applicant is proposing to use a movable sprinkler system supplied from an existing bore on the site to control dust from the bund.
- Q5 The Gibbs Road Action Group are concerned that there is information contained in the current report that differs significantly to that which formed part of the documents available to the community at the time of advertising this application late last year. In particular, we are concerned that this applicant is proposing to construct a 12 metre high noise attenuation bund at the quarry site to achieve the noise reduction levels required by your Health Officers. This detail did not form part of the applicant's proposal during the advertising period.

Would Council consider the need to readvertise applications in the future when major amendments which impact on the whole community have been included.

- A5 Yes, the determination of what constitutes a major amendment will be determined on an individual basis by the City Planner.

Mr P Green submitted the following question at the Technical Services Committee Meeting held on 13 November 1996 which is answered as follows:

Q1 Regarding 30/100, I am concerned about the 12 metre high bund and would like to know or have some sort of guarantee that this is to prevent noise. What sort of guarantee can be given to prevent reverberation of that noise and also what steps will be taken regarding increased traffic to Gibbs Road.

A1 The applicant has submitted an alternative proposal to Council reducing the proposed bund to 5m. The Environmental Health Manager advised that the proposed bunding will reduce noise and is not the shape or material type to cause noise amplification by reverberation.

CONFIRMATION OF MINUTES

MINUTES OF TECHNICAL SERVICES COMMITTEE MEETING HELD ON 13 NOVEMBER 1996

The Minutes of the Technical Services Committee Meeting held on 13 November 1996, were confirmed as a true and correct record.

PETITIONS AND DEPUTATIONS

REQUEST TO ESTABLISH PARKING PROHIBITIONS - ALFRETON WAY, DUNCRAIG - [510-1770]

Cr Freame submitted a copy of a 24-signature petition in relation to establishing parking restrictions on the eastern and southern side of Alfreton Way between the houses at 11 and 19 Alfreton Way. (This petition was previously submitted to Council at its October 1996 meeting - Item TS298-10/96 refers).

DECLARATIONS OF FINANCIAL INTEREST

Cr Taylor declared an interest in Item TS351-12/96.

CONFIDENTIAL BUSINESS

Nil

MEETING TIMES

Commenced: 1802 hrs
Closed: 2005 hrs

REPORT NO:

TS345-12/96 **PLANT ADDITIONAL PURCHASES - TENDER NUMBER 06-96/97 - [208-066-96/97]**

Council awarded Tender Number 066-96/97 to Skipper Trucks at its 23 October 1996 meeting. This report details the omission of the price for the supply and fitment of cranes to two trucks and recommends that this tender be recalled.

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

1 rescinds, part of its resolution of 23 October 1996, that:

"Council accepts Tender No 066-96/97 from Skipper Trucks, Belmont for the changeover price of \$354,270.00 as outlined in Attachment 5 to Report No TS291-10/96;

2 recalls Tender No 066-96/97 for the supply of five (5) full forward control tip trucks of 15,000 kg GVM minimum.

**CARRIED BY AN
ABSOLUTE MAJORITY**

TS346-12/96 **VEHICLES AND PLANT PURCHASES REPLACEMENT RESERVE - TENDER NOS: 087-090-96/97 - [208-087-090-96/97]**

Council, at its adoption of the 1996/97 Budget, approved the calling of tenders for the replacement of plant and vehicles as detailed in the Plant Replacement Programme to be funded out of the Plant Replacement Reserve.

This report details the tender submissions for tip trucks, ride on mowers and a high roof delivery van.

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

1 accepts the following tenders:

<u>Tender No</u>	<u>Company</u>	<u>Changeover</u>
088-96/97	Skipper Trucks Belmont (one unit only - 94 003)	\$11,784.00
089-96/97	Rover Mowers Pty Ltd	\$89,858.00

- 2 lists plant number 94 005 for replacement in the 1997/98 Budget;
- 3 makes suitable allowance in the Vehicle (Additional) Purchases Programme for 1997/98 to fund the shortfall in Budget Account No 50500 for replacement of plant number 94 005;
- 4 does not accept the submission of Skipper Trucks at Tender No 090-96/97 for the provision of a four cylinder high roof delivery van;
- 5 approves the replacement of plant number 95 292 with a four cylinder high roof delivery van by the calling of quotations and authorises the Chief Executive Officer to accept a quotation subject to the price being in accordance with the Budget provision.

CARRIED

**TS347-12/96 TENDER NO 92-96/97 - SUPPLY AND APPLICATION OF
CRACK SEALANT - STAGE 1 - [540-2]**

Crack sealing of asphalt seals is a common process to prevent intrusion of water into the road pavement. This process extends the life of the road pavement before resurfacing works are required.

An allocation in the 1996/97 budget of \$150,000 from Account No 32604 has been established for this purpose. Accordingly Tender No 92-96/97 was called for the treatment of first stage streets. The second stage treatment of streets utilising the remainder of funds available will be advertised during January 1997.

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

- 1 accepts Tender No 92-96/97 submitted by Warrmax Road Repairs for crack sealing of roads for the lump sum price of \$55,200.00;
- 2 agrees to the signing of contract documents.

CARRIED

**TS348-12/96 VEHICLE AND PLANT PURCHASES - PLANT REPLACEMENT
RESERVE - TENDER NOS: 112-118-96/97 - [208-112-
118-96/97]**

Council, at its adoption of the 1996/97 Budget approved the calling of tenders for the replacement of motor vehicles as detailed in the Light Vehicle Replacement Programme to be funded out of the Plant Replacement Reserve.

This report details the tender submissions for a number of utilities, wagons and vans.

Cr Taylor queried the configuration of the vehicle referred to in Tender No 117-96/97 on Attachment 6 to Report TS348-12/96 and requested that the configuration of vehicles be shown in future attachments.

The Acting City Engineer will provide Cr Taylor with this information.

MOVED Cr Taylor, **SECONDED** Cr Hancock that Council accepts the following tenders as outlined in Attachments 1 - 8 to Report No TS348-12/96:

<u>Tender No</u>	<u>Company</u>	<u>Changeover</u>
112-96/97	Nuford	\$ 6,499.00 CR
113-96/97	Skipper Trucks	\$ 201.00 CR
114-96/97	Nuford	\$ 2,092.00 CR
115-96/97	Titan Ford	\$ 174.00 CR
116-96/97	Titan Ford	\$ 931.00
117-96/97	Titan Ford	\$ 2,078.00
118-96/97	Nuford	\$11,234.00

CARRIED

Appendix I refers.

TS349-12/96 **VEHICLE AND PLANT PURCHASES - VEHICLE REPLACEMENT RESERVE - TENDER NOS: 119-122-96/97 - [208-119-122-96/97]**

Council, at its adoption of the 1996/97 Budget approved the calling of tenders for the replacement of plant and vehicles as detailed in the Vehicle Replacement Programme to be funded out of the Vehicle Replacement Reserve.

This report details the tender submissions for a number of private use vehicles.

In respect to Tender No 121-96/96, Cr Taylor expressed his concern about the tender value of the trade-in in view of earlier evaluations. He requested further information in respect of this matter prior to the Council meeting which is to be held on 18 December, 1996.

The Manager Corporate Services advised that this issue would be addressed with Cr Taylor prior to the meeting.

RECOMMENDATION

That Council:

- 1 does not accept any submissions for Tender Nos 119, 120, 121 - 122-96/97;
- 2 requests reports to Policy Committee dealing with:
 - (a) the changeover policy on Council vehicles approved for private use;
 - (b) standard of private use vehicles and conditions under which a vehicle is to be supplied to an employee;
- 3 approves the sale of Ford Fairlane sedan, plant number 99 956 when this vehicle has travelled 40,000 kms.

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

- 1 does not accept any submissions for Tender Nos 119, 120, 121 - 122-96/97;
- 2 requests reports to Policy Committee dealing with:
 - (a) the changeover policy on Council vehicles approved for private use;
 - (b) standard of private use vehicles and conditions under which a vehicle is to be supplied to an employee;
- 3 requests a further report be submitted to the Technical Services Committee dealing with ways to maximise the return for plant number 99 956.

CARRIED

TS350-12/96 **HILLARYS BOAT HARBOUR - LAKESIDE JOONDALUP**
SHOPPING CENTRE PARKING STATIONS - [30/1733,
30/3513]

At its meeting on 25 September 1996 (Items TS240-09/96 and TS241-09/96 refer) Council resolved to amend its Local Laws Relating to Parking Facilities by including Hillarys Boat Harbour car park and Lakeside Joondalup Shopping Centre car park as parking stations. Following advertising of the proposal, Council is requested to formally amend its local laws to incorporate the two Parking Stations.

In accordance with Section 3.12 of the Local Government Act 1995 Council may, BY A SPECIAL MAJORITY, (12 or more Councillors) make a Local Law amendment.

MOVED Cr Freame, **SECONDED** Cr Wight that Council:

- 1 makes an amendment to its Local Laws Relating to Parking Facilities as described in Attachment 1 to Report No TS350-12/96;
- 2 authorises the affixation of the Common Seal to and endorses the signing of the document;
- 3 authorises administrative action in accordance with Section 3.12 of the Local Government Act 1995.

CARRIED

BY A SPECIAL MAJORITY

Appendix II refers.

Cr Taylor left the Chamber at this point, the time being 2006 hrs.

TS351-12/96 **PARKING STATION NUMBER 6 - WARWICK RAIL STATION -**
[727-9-4]

(Summary of purpose and effect was read aloud at Council by person presiding.)

"Council has received a request from the Acting General Manager Urban Passenger Division of Westrail seeking to revoke the Warwick Rail Station car park as a Parking Station.

Prior to this, it will be necessary to amend the Parking Facilities Local Laws to delete the Warwick Rail station car park as a parking station location.

This will cancel the application of the City of Wanneroo Parking Facilities Local Laws within the car park".

Cr Taylor had declared an interest in this Item as he owned a business in this area. (Cr Taylor was not present in the Chamber at this point).

MOVED Cr Wight, **SECONDED** Cr Cooper that Council, in accordance with the provisions of Section 3.12 of the Local Government Act 1995, advertises its intention to amend its Local Laws relating to Parking Facilities to delete Warwick Rail Station, Parking Station Number 6 car park as a parking station.

Cr Taylor entered the Chamber at this point, the time being 2008 hrs.

TS352-12/96 ALFRETON WAY - PROPOSED PARKING PROHIBITIONS -
[510-1770]

Council has received a 24-signature petition from residents of Alfreton Way seeking an additional parking prohibition in this street to reduce the impact of traffic generated by the HOPE Group recycling programme which operates out of Glengarry Primary School (Item TS298-10/96 refers). The residents claim that repeated requests to Glengarry Primary School to run its Saturday recycling through the school car park have not received a response.

REPORT RECOMMENDATION: That Council:

- 1 does not approve the installation of "NO PARKING 7.00AM - 12.00PM SATURDAY" signs on the southern side of Alfreton Way as shown on Attachment 1 to Report No TS352-12/96;
- 2 advises the petitioners accordingly.

COMMITTEE RECOMMENDATION: That Council:

- 1 approves the installation of "NO PARKING 7.00AM - 12.00PM SATURDAY" signs on the southern side of Alfreton Way as shown on Attachment 1 to Report No TS352-12/96;
- 2 advises the petitioners accordingly;
- 3 writes to the HOPE Group requesting that it use the parking facilities at Doveridge Drive car park for its Saturday morning recycling operations;
- 4 authorises the Engineering Department to liaise with residents on the northern side of Alfreton Way to seek their opinion on parking prohibitions on this side of the street and to submit a further report to Council.

At the Technical Services Committee meeting, Crs Magyar and Major wished it recorded that they did not support the Committee's Recommendation.

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

1 does not approve the installation of "NO PARKING 7.00AM
- 12.00PM SATURDAY" signs on the southern side of
Alfreton Way as shown on Attachment 1 to Report No
TS352-12/96;

2 advises the petitioners accordingly. **LOST**

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

1 approves the installation of "No Loading or Unloading
Any Time" signs on the southern side of Alfreton Way as
shown on Attachment 1 to Report No TS352-12/96;

2 advises the petitioners accordingly;

3 writes to the HOPE Group requesting that it use the
parking facilities at Doveridge Drive car park for its
Saturday morning recycling operations;

4 authorises the Engineering Department to liaise with
residents on the northern side of Alfreton Way to seek
their opinion on parking prohibitions on this side of
the street and to submit a further report to Council.

Discussion ensued. Cr Lynn with the approval of Cr Hancock
advised that she wished to have this Motion **WITHDRAWN**

MOVED Cr Lynn, **SECONDED** Cr Hancock that consideration of the
installation of "NO PARKING 7.00 AM - 12.00 PM SATURDAY" signs
on the southern side of Alfreton Way be deferred and referred
back to February 1997 Technical Services Committee to allow for
clarification on the legality of the placement of "No Loading or
Unloading Any Time" signs.

CARRIED

Appendix III refers.

TS353-12/96 **KAROBORUP ROAD - WANNEROO ROAD TO GIBBS ROAD -
[510-466]**

Council has requested a further report on the land requirements
for the road realignment of Karoborup Road between Wanneroo Road
and Gibbs Road to modify the impact on Lot 1 (Item TP203-08/96
refers).

The existing land acquisition scheme was devised in May 1994 to
enable the section of Karoborup Road, just east of Wanneroo
Road, to be upgraded in conjunction with the realignment at
Gibbs Road and Kiln Road. In assessing the original land
requirements the scheme developed was on the basis of minimising
impact on all affected land owners.

REPORT RECOMMENDATION: That Council:

- 1 approves the revised road land requirement plan for Lots 11 and 14 Karoborup Road as shown on Attachment 1 to Report No TS353-12/96;
- 2 authorises the City Planner to commence negotiations with the owners of Lot 11 and 14 to acquire land for Karoborup Road Reserve.

MOVED Cr Taylor, **SECONDED** Cr Hancock that Council authorises the City Planner to commence negotiations with the owners of Lots 14, 11 and 1 to acquire land for Karoborup Road Reserve in accordance with the proposed land requirements as set out in Attachment 1 to Report No TS353-12/96.

CARRIED

Appendix IV refers.

TS354-12/96 USE OF SOLAR LIGHTING - [221-2]

Council has requested a report on the feasibility of the use of solar lighting (Item P84-08/96 refers). To assist in evaluating this matter, this report provides detailed investigations of three examples of solar lighting, two of which are outlined in a report prepared by Consulting Engineers, Electrical Technology Consultants and the third based upon a lighting scheme for Finney Park, Marmion.

REPORT RECOMMENDATION: That Council:

- 1 encourages the use of solar lighting installation where practically possible based upon the full cost of installation and maintenance and that it is of an equivalent illumination standard and performance to Western Power based installations;
- 2 monitors the performance of the trial unit in Mawson Park, Hillarys.

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

- 1 encourages the use of solar lighting installation where practically possible based upon the full cost of installation and maintenance and that it is of an illumination standard and performance comparable to Western Power based installations;

2 monitors the performance of the trial unit in Mawson Park, Hillarys.

CARRIED

TS355-12/96 **RURAL STREET LIGHTING - CARABOODA ROAD, CARABOODA**
- [510-0465]

A request has been received for Council to provide street lighting along Carabooda Road to assist motorists traversing the street between Karaborup Road and Cutler Road.

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

- 1 accepts the quotation submitted by Western Power to install street lighting at the two right angle bends in Carabooda Road at a cost of \$1,658.40 with the works funded from Budget Item No 34756 - Rural Roads Street Lighting;
- 2 advises the property owners along Carabooda Road of this proposal.

CARRIED

TS356-12/96 **DUAL USE PATHS CLARKSON COMMUNITY HIGH SCHOOL -**
[3815/299/20]

Clarkson Community High School has requested that the dual use path network servicing the school be completed before the school opens in 1997.

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

- 1 approves supply and delivery of limestone, at an estimated cost of \$1,500 for the dual use path on the west of Marmion Avenue, between the proposed Rochester Drive and the underpass opposite Cheney Vale with The Fini Group responsible for construction of the limestone path;
- 2 authorises, in accordance with the provisions of Section 6.8 (1) of the Local Government Act the following unbudgeted expenditure of \$1,500 for the supply and delivery of limestone for construction of a limestone dual use path, west side of Marmion Avenue;
- 3 recognises that funding of this project is by savings generated on the following footpath project:

Budget Item No

Project

Amount

32849 Sandgate Way, Marangaroo \$1,500

4 approves construction of the dual path in Hester Avenue, between Willoughby Retreat and Connolly Drive, in conjunction with the works for the roundabout at the Connolly Drive/Hester Avenue intersection;

5 advises Clarkson Community High School accordingly.

**CARRIED BY AN
ABSOLUTE MAJORITY**

TS357-12/96 HAWKER AVENUE, WARWICK - [510-1446]

Residents on Hawker Avenue are concerned about the Warwick Rail Station being used as a shortcut from Beach Road to Warwick Road and traffic speeds on Hawker Avenue. A traffic survey has shown the traffic volume and speed to be within acceptable limits. Monitoring of the traffic will be carried out once the 40kph School Zone has been implemented.

Cr Taylor advised that he had a business in the area but that did not constitute a financial interest.

Cr Popham queried whether the letter submitted with regard to an increase in traffic volumes on Hawker Avenue also dealt with the need for embayments for Hawker Park Primary School.

The Acting City Engineer advised he would take this matter on notice.

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

1 monitors traffic on Hawker Avenue following the implementation of the 40kpm School Zone;

2 advises petitioners accordingly.

CARRIED

TS358-12/96 RECYCLING OF PLASTICS - [508-4]

Council at its meeting in September 1996 (Item TS263-09/96 refers) requested a report on the feasibility of collecting plastic items for recycling. This report addresses the issue and provides information on the overall review of Council's Waste Minimisation and Recycling Strategy. It is concluded that the review of the Strategy should be completed before the recycling programme is changed.

Cr Major provided Councillors with a copy of an item in relation to the recycling of plastics - refer Appendix V.

MOVED Cr Taylor, **SECONDED** Cr Healy that Council defers consideration of incorporating plastic collection in its kerbside recycling service until a report is presented on the "ecologically sustainable waste minimisation and recycling strategy".

CARRIED

Appendix V refers.

TS359-12/96 **CLEANING SERVICES YANCHEP/TWO ROCKS AREA - [82-96/97]**

Five tenders were received on 16 October 1996 for the provision of cleaning services to the Yanchep/Two Rocks area.

Council endorsement is sought for the engagement of the lowest tenderer to undertake the works.

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

- 1 accepts the tender of \$27,767.33 from Delron Cleaning for the provision of cleaning services to the Yanchep/Two Rocks area;
- 2 agrees to the signing of the contract documents.

CARRIED

TS360-12/96 **EXTENSION TO UNDERCROFT BRIDGE CLUB, PERCY DOYLE RESERVE, DUNCRAIG - [061-285-6]**

The Undercroft Bridge Club Inc has lodged sketch plans proposing to extend the existing building by some 53m² and seeks Council approval to be able to proceed with the works.

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

- 1 agrees to increase the area leased to the Undercroft Bridge Club in Percy Doyle Reserve to accommodate the proposed addition;
- 2 agrees to the extension of the existing Undercroft Bridge Club building as presented by the Undercroft Bridge Club Inc subject to the Club:
 - (a) funding the costs of the works;
 - (b) submitting working drawings for building licence approval;

- (c) submitting plans for development approval;
- (d) submitting working drawings for building licence approval;
- (e) submitting a performance undertaking for the purpose of ensuring the due and proper performance of the works;
- (f) completing the works to the satisfaction of the City Building Surveyor.

CARRIED

**TS361-12/96 PROPOSED CARPORT: LOT 97 (6) STAFF COURT, BELDON
- [1546/97/6]**

An application has been submitted for approval to construct a carport with a reduced front building setback at Lot 97 (6) Staff Court, Beldon.

MOVED Cr Taylor, **SECONDED** Cr Hancock that Council approves the proposed carport at Lot 97 (6) Staff Court, Beldon with a reduced front building setback of 1600.

CARRIED

**TS362-12/96 PROPOSED GARAGE: LOT 587 (3) HORNPIPE COURT,
YANCHEP - [535/587/3]**

An application has been submitted for approval to construct a Garage with a reduced front building setback at Lot 587 (3) Hornpipe Court, Yanchep.

MOVED Cr Taylor, **SECONDED** Cr Hancock that Council approves the proposed garage to be constructed at Lot 587 (3) Hornpipe Court, Yanchep with a reduced front building setback of 1500.

CARRIED

TS363-12/96 SALE OF FLOWERING SHRUBS - [502-15]

Council at its meeting of September 1996 requested that a report be submitted to the Technical Services Committee on the feasibility of a proportion of flowering shrubs from Council's verges being picked and sold.

REPORT RECOMMENDATION: That Council:

- 1 restricts the picking of flowering shrubs from vested road reserves;

2 authorises Parks Department to approve seed collection from various plant species upon request from community groups or commercial seed suppliers.

MOVED Cr Taylor, **SECONDED** Cr Hancock that:

- 1 Council restricts the picking of flowering shrubs from vested road reserves;
- 2 Council authorises Parks Department to approve seed collection from various plant species upon request from community groups or commercial seed suppliers;
- 3 a report be submitted to the Technical Services Committee considering the option of charging a licence fee for commercial picking.

CARRIED

TS364-12/96 **REQUEST FOR FOOTPATH - ANGOVE DRIVE, HILLARYS - [502-33]**

Cr Freame submitted a letter from Mr D Eisenhammer in relation to the lack of a footpath from Angove Drive to the existing footpath leading south to the Hillarys Marina.

Cr Lynn also submitted a copy of this letter.

This letter will be referred to Engineering Department for action.

MOVED Cr Taylor, **SECONDED** Cr Hancock that the letter from Mr D Eisenhammer relating to the lack of a footpath from Angove Drive to the existing footpath leading south to the Hillarys Marina be received and referred to Engineering Department for action.

CARRIED

TS365-12/96 **REQUEST FOR LANDSCAPING - LIONEL COURT, DUNCRAIG - [1897/ /16]**

Cr Lynn submitted a letter from Mr & Mrs J Ord in relation to problems experienced with a house under construction at 16 Lionel Court, Duncraig.

She requested Parks Department, Town Planning Department and Building Department to provide answers to questions raised in this letter.

This letter will be referred to Parks Department, Town Planning Department and Building Department for action.

MOVED Cr Taylor, **SECONDED** Cr Hancock that the letter from Mr & Mrs J Ord in relation to problems experienced with a house under construction at 16 Lionel Court, Duncraig be received and referred to Parks Department, Town Planning Department and Building Department for action.

CARRIED

TS366-12/96 **TRAFFIC ACCIDENTS - DUNDEBAR ROAD, WANNEROO -**
[502-16]

Cr Hancock submitted a letter from Mrs A Hine relating to the need to improve the safety along Dundebur Road due to the frequency of traffic accidents.

This letter will be submitted to the Engineering Department for action.

RECOMMENDATION

That the letter from Mrs A Hine relating to the need to improve the safety along Dundebur Road due to the frequency of traffic accidents be received and referred to Engineering Department for action.

MOVED Cr Cooper, **SECONDED** Cr Taylor that:

- 1 the letter from Mrs A Hine relating to the need to improve the safety along Dundebur Road due to the frequency of traffic accidents be received and referred to Engineering Department for action;
- 2 Council writes to Police Department with a view to the Department policing the area in order that a more immediate solution may be arrived at in the short term.

CARRIED

TS367-12/96 **OBJECTIONS TO GRANTING OF A BUILDING LICENCE AT**
42 (LOT 35) WEST COAST DRIVE, MARMION - [019-2]

Cr Hancock submitted a letter from Mrs C Ghersinich in relation to objections to the granting of a building licence at Lot 35, West Coast Drive, Marmion

This letter will be referred to Building Department for action.

MOVED Cr Taylor, **SECONDED** Cr Hancock that the letter from Mrs C Ghersinich in relation to objections to the granting of a building licence at Lot 35, West Coast Drive, Marmion be received and referred to Building Department to respond.

CARRIED

TS368-12/96

CONSTRUCTION OF NOWERGUP ROAD BETWEEN WANNEROO
ROAD AND GIBBS ROAD, NOWERGUP - TENDER NO
109-96/97 - [510-3107]

Council has approved funds in the Budget for the construction of Nowergup Road to provide an alternative route to Gibbs Road for truck traffic.

Consulting Engineers, Sinclair Knight Merz, was commissioned to undertake the design of Nowergup Road between Wanneroo Road and Gibbs Road, Nowergup. Tenders have been called for this project and approval is sought for RJ Vincent & Company to be awarded the tender.

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

- 1 accepts Tender No 109-96/97 from RJ Vincent & Company for the construction of Nowergup Road between Gibbs Road and Wanneroo Road, Nowergup for the adjusted lump sum price of \$557,450 to allow the total asphalt surfacing of Nowergup Road;
- 2 approves the construction of the Nowergup Road longitudinal Profile Option B;
- 3 approves Sinclair Knight Merz to undertake the supervision of the contract for the construction of Nowergup Road between Gibbs Road and Wanneroo Road;
- 4 authorises the City Engineer to administer the contract funding, including contingency amounts, for the construction of Nowergup Road;
- 5 authorises the signing of the contract documents.

CARRIED

TS369-12/96

UPGRADE OF STORMWATER DRAINAGE FACILITIES IN
FLORIBUNDA AND NUYTSIA AVENUES, SORRENTO - TENDER
NUMBER 110-96/97 - [510-050]

Council has approved funds in the budget for stormwater drainage improvements to be undertaken in Floribunda and Nuytsia Avenues, Sorrento.

Ewing Consulting Engineers was commissioned to undertake the investigation and design of the required stormwater drainage improvements. Tenders have been called and approval is sought for Direct Drainage (WA) Pty Limited to be awarded the tender.

MOVED Cr Cooper, **SECONDED** Cr Healy that Council:

- 1 approves the proposed remedial stormwater drainage improvements which incorporate the use of an underground storage tank in Floribunda Avenue and a retaining wall structure utilising Tensar Geogrid to increase the capacity of the Myrtle Avenue drainage sump;
- 2 accepts Tender No 110-96/97 from Direct Drainage (WA) Pty Ltd for the construction of Stormwater Drainage Improvements in Floribunda and Myrtle Avenues, Sorrento for the lump sum price of \$507,409;
- 3 approves the commissioning of Ewing Consulting Engineers to undertake the administration and supervision of the contract at a cost of \$13,400;
- 4 authorises, in accordance with the provision of section 6.8(1) of the Local Government Act 1995 the additional unbudgeted expenditure of \$70,000 for the upgrade of stormwater drainage facilities in Floribunda and Nuytsia Avenues, Sorrento;
- 5 authorises the reallocation of \$70,000 from Budget Item 34174 - Duncraig Drainage Scheme to Budget Item 34172 Sorrento Drainage Scheme to accommodate the shortfall in funding;
- 6 agrees to the signing of contract documents.

**CARRIED BY AN
ABSOLUTE**

MAJORITY

TS370-12/96 **LIMESTONE BLOCK CUTTING QUARRY - LOT 6 (86) WESCO ROAD, NOWERGUP - [30/2831]**

Lunard Pty Limited, trading as Al Limestone, has applied for renewal of its Extractive Industry Licence and Development Approval for the limestone quarry on Lot 6 Wesco Road, Nowergup. The current approval is for a "Monday to Friday" operation and the operator has applied for this to be extended to the weekend in recognition of the improved soundproofing of equipment.

Cr Lynn left the Chamber at this point, the time being 2035 hrs.

Cr O'Grady queried whether payments had been received from Lunard Pty Limited for road rehabilitation. In addition she queried whether the operator had adhered to all the requirements of the original approval, including the entry to Lot 6.

The Acting City Engineer advised he would take this matter on notice.

Cr Lynn entered the Chamber at this point, the time being 2037 hrs.

REPORT RECOMMENDATION: That Council:

lapproves the application from Lunard Pty Limited, trading as Al Limestone, to operate a limestone block cutting quarry on Lot 6 Wesco Road, Nowergup in accordance with the provision of its Town Planning Scheme 1 for a two year period, subject to:

- (a) all works ceasing within two years from the date of the approval unless a further application for approval to commence development is submitted to, and approved by the City by that date;
- (b) the operator of the quarry maintaining a water allocation or secure water supply for dust control and installing an automatic sprinkler system along the entire length of the quarry access road to wet the road periodically in order to control the dust;
- (c) all fuel storage on site being in approved underground tanks or in above ground tanks on a bunded, hardstand area that will contain any leaks being constructed in accordance with the Water Authority of Western Australia's specification for temporary, small, elevated, flammable liquid (hydrocarbons) installations in underground water pollution control areas;
- (d) submission of an annual rehabilitation report incorporating an updated site contour plan and statement of quantity of material removed from the site to the satisfaction of the City Engineer and the City Planner;
- (e) the applicants entering into an agreement with the City of Wanneroo, under Section 85 of the Road Traffic Act to pay the City of Wanneroo a road charge contribution for each cubic metre of material removed from the site for extraordinary expenses for repairing and maintaining roads under its care in the neighbourhood of the proposed excavation at the rate agreed. Such payment to be made quarterly;

- (f) all stockpiles and work areas being stabilised and suitable dust suppression methods being used to prevent the movement of dust beyond the boundaries of the site;
- (g) hours of quarry operation being restricted to:
 Monday to Friday 0700 - 1700
 (except public holidays)

Block cutting with two saws only and no transportation of limestone off site or undertaking of earthmoving activities (unless otherwise approved by the City Environmental Health Manager)

Saturdays 0800 - 1700
 Sundays 0800 - 1700
 Public Holidays (work not permitted)

- (h) all site equipment being suitably soundproofed so as to comply with relevant sections of the Environmental Protection Act 1986;
- (i) maintaining a sealed crossover and sealing up to the first 30m of the quarry access road from the crossover to the satisfaction of the City Engineer to stop dust and material being tracked onto the road and sealing the remainder of the access road if required by the City Engineer to control dust;
- (j) operating in accordance with the submitted report and documentation accompanying the application for Development Approval, except as modified to meet the requirements of Council's specific approval conditions;
- (k) operator not to cut capstone whenever it appears in the cutting face;
- (l) rehabilitation, other than in pasture areas, occurring with native species only from the approved Plant Material List available from the City's Parks Department;
- (m) standard conditions;

NOTE

It is to be clearly understood that regardless of the conditions imposed, these approvals do not indemnify the

quarry operators from any future action under the provisions of the Environmental Protection Act 1986.

2approves an Extractive Industry Licence for Lunard Pty Limited, trading as Al Limestone, to operate a limestone block cutting quarry on Lot 6 Wesco Road, Nowergup with the following conditions:

- (a) annual fee - \$300;
- (b) period of licence - 2 years to 30 December 1998;
- (c) rehabilitation bond - \$20,000;
- (d) agreement to the operators paying Council a road charge contribution for each cubic metre of material removed from the site for extraordinary expenses for repairing and maintaining roads under its control in the neighbourhood of the proposed excavation at the agreed rate. This agreement is in accordance with By-law 7 of the Extractive Industry By-laws and Section 85 of the Road Traffic Act.

COMMITTEE RECOMMENDATION: That:

- 1 Council defers consideration to February 1997 of the application from Lunard Pty Limited, trading as Al Limestone, to operate a limestone block cutting quarry on Lot 6 Wesco Road, Nowergup;
- 2 Council grants an extension to Lunard Pty Limited, trading as Al Limestone, of its Extractive Industry Licence until 28 February, 1997;
- 3 Ward Councillors to liaise with the City Engineer with a view to clarifying the issues of concern;
- 4 a further report be submitted to Council.

ADDITIONAL INFORMATION

Council is requested to give consideration to adding an additional condition to the recommendation on the Council agenda for tonight's meeting to clarify the position with respect to the expired development approval.

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

- 1 Council defers consideration to February 1997 of the application from Lunard Pty Limited, trading as Al

Limestone, to operate a limestone block cutting quarry on Lot 6 Wesco Road, Nowergup;

- 2 Council acknowledges that the development approval for a limestone block cutting quarry expired on 30 October 1996 however, acknowledging that an application for reapproval has been received, defers consideration of any action over the continued use until such time as the present application has been determined, so long as the continued use is conducted in accordance with operational conditions outlined in the previous approval dated 4 April 1996;
- 3 Council grants an extension to Lunard Pty Limited, trading as Al Limestone of its Extractive Industry Licence until 28 February 1997;
- 4 Ward Councillors liaise with the City Engineer with a view to clarifying the issues of concern;
- 5 a further report be submitted to Technical Services Committee.

CARRIED

TS371-12/96 MONTHLY REPORT - BUILDING DEPARTMENT - [201-0]

This report outlines the number and value of building licences issued during the month of November 1996, building control activity, swimming pool inspections and Council's building works programme.

MOVED Cr Taylor, **SECONDED** Cr Hancock that Council endorses the action taken in relation to the issuing of licences as set out in Attachment 'A' to Report No TS371-12/96.

CARRIED

Appendix VI refers.

TS372-12/96 DRAFT TRAFFIC MANAGEMENT SCHEME OCEANSIDE PROMENADE, MULLALOO - 510-2606]

A Draft Traffic Management Scheme for Oceanside Promenade, Mullaloo was circulated to the community in November for comments. This report deals with the submissions from the community and recommends a Traffic Management Scheme for Oceanside Promenade.

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

- 1 adopts the Draft Traffic Management Scheme, Oceanside Promenade, Mullaloo as shown on Attachment 1 to Report No TS372-12/96 and finalises the design of the scheme;
- 2 further develops traffic calming on Oceanside Promenade between Mullaloo Drive and Warren Way;
- 3 monitors the traffic impact on Key West Drive following implementation of the Traffic Management Scheme, Oceanside Promenade.

CARRIED

Appendix VII refers.

**TS373-12/96 PROPOSED SANTA BARBARA PARADE PRE-FUNDING
ARRANGEMENTS - QUINNS ROCKS SUBDIVISION -
[510-403, 510-4084]**

Council considered a report at its meeting on 23 October 1996 (Item TS266-10/96 refers) on the proposed Santa Barbara Parade pre-funding arrangements and resolved to:

- 1 defer consideration of the proposal from Silverton Limited to promote the major access to the Quinns Beach Estate via Marmion Avenue, Santa Barbara Parade, Morialta Avenue and Tapping Way and refer it to the December 1996 Technical Services Committee meeting for further consideration;
- 2 organise a public meeting at an appropriate venue which has the capacity to accommodate approximately 600 people;
- 3 request the City Engineer to investigate alternative sources of funding for the construction of Santa Barbara Parade.

This report outlines the results of the Public Meeting and a proposed meeting with land developers.

MOVED Cr Taylor, **SECONDED** Cr Hancock that REPORT TS373-12/96 be received.

CARRIED

**TS374-12/96 GRAFFITI AND STREET LIGHTING, WHITFORDS BEACH
ESTATE, HILLARYS - [210-7, 221-2]**

Cr Lynn referred to a letter she had submitted from Whitfords Beach Estate at the November meeting of the Technical Services Committee in relation to vandalism and graffiti on newly

developed but unoccupied streets in the Whitfords Beach Estate, Hillarys.

She queried the position in relation to its offer to pay the electricity consumption costs for 12 months to enable street lights to be turned on.

The Acting City Engineer reported that Council policy requires 20% of housing to be constructed before street lighting is commenced. Negotiations are being conducted with Western Power in relation to the advantages that could be achieved by the earlier installation of street lighting and advised that a report will be submitted to the Policy Committee in relation to a review of Council policy regarding street lighting.

MOVED Cr Taylor, **SECONDED** Cr Hancock that a report be submitted to the Policy Committee in relation to a review of Council policy regarding street lighting.

CARRIED

TS375-12/96 ANIMAL EXERCISE BEACH - [765-22-2]

Cr Lynn referred to her request at the Policy Committee meeting held on 11 November 1996 for an advertisement to be placed in the Community Newspaper showing a map of the animal exercise beach and outlining the designated areas for dogs and horses and requested that this advertisement be placed in the newspaper as soon as possible.

The Manager Corporate Services advised he would attend to this matter.

Cr Lynn requested a report from Town Planning Department in relation to the early termination of the 12 month trial period for the segregation of the horses and dogs within the Hillarys Animal Exercise Beach.

MOVED Cr Taylor, **SECONDED** Cr Hancock that a report be submitted to Town Planning Committee in relation to the early termination of the 12 month trial period for the segregation of the horses and dogs within the Hillarys Animal Exercise Beach.

CARRIED

TS376-12/96 MEMORIAL PLAQUES - SCENIC DRIVE - [30/1690]

Cr Tippett referred to a recent telephone call from a resident who queried the position in relation to planting of trees along Scenic Drive to commemorate the SAS soldiers killed in the Blackhawk disaster in Townsville.

The Deputy City Parks Manager advised that of the 18 trees planted, 6 had been vandalised and would be replaced in due course. He also advised that the commemorative plaques had been removed from the trees.

Cr Tippettt queried Council's policy in relation to replacing the plaques and suggested investigating the relocation of these plaques to a more secure area.

The Deputy City Parks Manager reported there was no Council policy in relation to the placement of plaques and advised this matter would be reviewed with regard to consideration of a policy concerning placement of plaques.

MOVED Cr Taylor, **SECONDED** Cr Hancock that a report be submitted to Policy Committee in relation to consideration of a policy concerning placement of plaques.

CARRIED

TS377-12/96 WANNEROO SHOW GROUNDS - [061-376]

The Deputy Parks Manager raised his concerns at the poor condition of the Wanneroo Show Grounds following the recent Wanneroo Show and in particular commented on litter left on the grounds and trees unnecessarily pruned.

Cr O'Grady requested a report be submitted on reviewing the Agricultural Society's right of use of the Wanneroo Show Grounds.

Cr Magyar advised that he was Council's delegate to the Agricultural Society and that he had not been made aware of the problem, however he would take the matter up with the Agricultural Society.

MOVED Cr Taylor, **SECONDED** Cr Hancock that a report be submitted to Technical Services Committee on reviewing the Agricultural Society's right of use of the Wanneroo Show Grounds.

CARRIED

ALFRETON WAY - PROPOSED PARKING PROHIBITIONS - [510-1770]

Cr Lynn referred to a facsimile she had received from residents of Alfreton Way, Duncraig in relation to proposed parking prohibitions.

DEVELOPMENT OF ALEXANDER HEIGHTS PARK - [061-6]

Cr Tippettt, following a request from Mrs Dean, read a section of the newspaper to the Committee concerning plans for Homeswest

to expend considerable funds in Alexander Heights and queried the location of the park referred to.

The Deputy City Parks Manager reported that Homeswest would be expanding the existing Alexander Heights Park and advised that Council had authorised the project and work was already in progress.

Cr Tippett queried if the existing indigenous trees and shrubs would be retained and also whether this area was in the vicinity of the proposed high school.

The Deputy City Parks Manager advised that existing indigenous trees and shrubs would be retained and commented that the area was not in the vicinity of the proposed high school.

GOLF COURSE LIGHTING - CONNOLLY - [790-758]

Cr Magyar referred to a recent telephone call from a Connolly resident who was concerned that Councillors or City of Wanneroo staff had not been present at the recent testing of the lights at the Joondalup Golf Course.

The resident raised his concerns in relation to the overspill of lighting and requested Council to view the overspill at the golf course.

SPIRIT OF JOONDALUP CHRISTMAS PAGEANT - [702-3]

Cr Hancock advised that the recent Spirit of Joondalup Christmas Pageant parade had been excellent but commented that she was disappointed at the lack of involvement from Councillors.

EXPRESSION OF THANKS - ACTING CITY ENGINEER - [702-3]

Cr Popham expressed his thanks to the Acting City Engineer for his prompt response to matters referred to him.

FERAL CAT POPULATION - KINSALE PARK, MINDARIE - [061-432]

Cr Healy referred to a recent conversation with the Chief Executive Officer in relation to concerns with the feral cat population in Kinsale Park, Mindarie and advised that the Management Committee attending to the park had submitted comprehensive information on this matter.

This matter will be referred to Parks Department for action.

ATTENDANCE AT YOUTH SEMINAR - [702-3]

Cr Healy advised that on Sunday, 1 December 1996 he had attended a seminar with Cr Magyar to discuss youth issues affecting young people in Wanneroo.

GREY KANGAROO POPULATION - [901-1]

The Acting City Engineer advised that a meeting had been arranged for Friday, 13 December, 1996, commencing at 12 pm, to be held in Committee Room One of the Administration Centre, to discuss the impact of the expansion of Lakeside Drive on the grey kangaroo population.

C538-12/96 TOWN PLANNING COMMITTEE

MOVED Cr Major, **SECONDED** Cr Popham that the Report of the Town Planning Committee Meeting, held on 9 December 1996 be received.

CARRIED

ATTENDANCES

Councillors:	G A MAJOR - Chairman	South-West Ward
	A V DAMMERS, JP - Mayor	Central Ward
	S P MAGYAR	Central Ward
	P O HEALY - Deputising for Cr O'Grady from 1805 hrs	North Ward
	A W WIGHT	South Ward
	W D DUFFY - From 1803 hrs	South Ward
	A G TAYLOR - Observer from 1805 hrs, deputising for Cr Duffy from 1846 hrs to 1857 hrs and from 1951 hrs to 1952 hrs	South Ward
	D K TIPPETT, JP - Observer, Deputising for Cr Duffy to 1803 hrs	South-Ward
	M E LYNN, JP	South-West Ward
	B A COOPER - Observer	Central Ward
	L A EWEN-CHAPPELL - Observer from 1803 hrs	Central Ward
	T W POPHAM - Observer from 2014 hrs	South-Ward
	F D FREAME - Observer from 1803 hrs	South-West Ward
	V G HANCOCK - Observer from 1945 hrs	South-West Ward

Chief Executive Officer:	L O DELAHAUNTY
Manager, Corporate Services:	R E DYMOCK
City Planner:	O G DRESCHER

City Treasurer:	J B TURKINGTON from 2028 hrs
City Building Surveyor	R FISCHER from 2028 hrs
Deputy City Planner:	J HUMPHREYS from 1804 hrs
Deputy City Building Surveyor:	L CANDIDO from 2028 hrs
Co-ordinator, Urban Projects:	D BUTCHER from 1804 hrs
Senior Planning Officer:	R PEAKE from 1804 hrs
Committee Clerk:	J AUSTIN
Minute Clerk:	S BRUYN

In Attendance

Mr Dennis McLeod	McLeod and Co from 2028 hrs
Mr Ken Adam	K A Adam & Associates from 2028 hrs
Mr Paul McQueen	Phillips Fox from 2028 hrs
Ms Georgina Morris	Phillips Fox from 2028 hrs

APOLOGIES

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

Apologies for late attendance were tendered by Crs Hancock and Popham.

PUBLIC/PRESS ATTENDANCE

There were 15 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

Mrs A Hine:

- Q1 I am enquiring about proposed amendment 751 Town Planning Scheme No 1 Ref: Ex TP403-12/95 and Item ex TP49-03/96. Both relating to report on Wanneroo Townsite study. Purple pages, what constraint or prejudice does Council envisage and is there a report for the public to read in regard to the \$30,000 consultancy being done by Hocking on the townsite.
- A1 City Planner's response: The Wanneroo townsite study deals with the enhancement of the commercial precinct. The East Wanneroo study is a long exercise but the two studies are unrelated. The townsite study will be advertised for community input in the new year following changes by the consultant to accommodate Council's resolution. Council will advertise the documentation shortly.

Q2 What is wrong with a conservation group erecting a sign on bushland (Wanneroo Times 6/12/96). Is it one law for "developers" and a different law for the ordinary people who want to save this land at Burns Beach and is part of System 6. The final decision has not been made as far as I know. Let the public be allowed to erect the sign and save the bush and why is a sign still on land in Dundobar Road for over a year.

A2 City Planner's response: The Burns Beach Environmental Study has been deferred to be considered in conjunction with the foothill study. A determination will be made in December and released in the new year.

Not familiar with sign in Dundobar Road and it is not a Council matter to determine whether a sign can be placed on land not owned by Council. This will be investigated to see whether the sign ought not to be there.

Mr Bill Duncanson:

Q1 Concerning Edgewater Drive and the road reserve to Lakeside Drive. This matter was considered in June and October by the full Council. At each of those meetings Council resolved that it would take steps to close that road reserve.

Decided as a group to seek advice and information as to stance taken and in this regard have been advised by both major political parties that they would support Council's resolution to close this road.

How can Council now entertain the proposal that that area be developed but that the road reserve remains in place.

A1 Chairman's response: This is to be discussed as an item on the agenda tonight.

CONFIRMATION OF MINUTES

MINUTES OF TOWN PLANNING COMMITTEE MEETING HELD ON 18 NOVEMBER 1996

The Minutes of Town Planning Committee Meeting held on 18 November 1996 were confirmed as a true and correct record.

PETITIONS AND DEPUTATIONS

Cr Major advised of the following requests for deputations which had been declined:

- 1 Richard Pawluk & Associates in relation to Report TP234-10/96 Flynn Drive Industrial Area - District Structure Plan;
- 2 residents of Coles Place in relation to Report TP290-12/96 Alleged Use of Residential Lot 113 (5B) Coles Place, Yanchep for Holiday Accommodation;
- 3 residents of Edgewater in relation to Report TP295-12/96 Proposed Subdivision - Pt Lot 503 (24L) Jasper Way, Edgewater and Existing Edgewater Drive/Lakeside Drive Road Truncation, Edgewater.

PETITION - HILLARYS ANIMAL EXERCISE BEACH - [765-22-2] - Item TP314-12/96 refers

DECLARATIONS OF FINANCIAL INTEREST

Cr Duffy declared an interest in Items TP289-12/96 and TP302-12/96.

CONFIDENTIAL BUSINESS

The meeting went Behind Closed Doors to discuss legal issues relating to house under construction, Lot 560 (3) Manakoora Rise, Sorrento.

MEETING TIMES

Commenced: 1802 hrs
Closed: 2230 hrs

REPORT NO:

TP284-12/96

DEVELOPMENT ASSESSMENT UNIT AND DELEGATED
AUTHORITY COMMITTEE - 1 NOVEMBER TO 25 NOVEMBER
1996 - [290-1]

This report provides a resumé of the development applications processed by the Development Assessment Unit and Delegated Authority Committee from 1 November to 25 November 1996.

Cr Ewen-Chappell referred to Item 30/566 on page 1 of the attachment to Report TP284-12/96 and queried why this application had been refused and requested the application to be re-considered.

The City Planner advised he would take this matter on notice and circulate a memorandum outlining reasons for the determination.

Cr Freame also referred to this Item and requested the Development Assessment Unit to consider their new application in connection with Unit 7 (Lots 5 and 6) Prendiville Drive, Wangara.

The City Planner advised that this matter would be considered at the December meeting of the Development Assessment Unit.

Cr Taylor referred to Item 30/5537 on page 6 of the attachment to Report TP284-12/96 and queried if this involved a commercial usage.

Cr Lynn referred to Item 30/3885 on page 2 of the attachment to Report TP284-12/96 and queried approval of the proposed night club.

The City Planner advised he would provide information on these matters by way of a memorandum.

MOVED Cr Major, **SECONDED** Cr Hancock that Council endorses the action taken by the Development Assessment Unit and Delegated Authority Committee in relation to the applications described in Report TP284-12/96.

CARRIED

Appendix VIII refers.

TP285-12/96

PROPOSED SHOPPING AND MEDICAL CENTRE - LOT 107
(36) ANCHORAGE DRIVE, MINDARIE AND MODIFICATIONS
TO MINDARIE CENTRAL NEIGHBOURHOOD CENTRE PLANNING
POLICY (G3-43) - [30/5519]

Sandover Pinder Pty Ltd has submitted a development application on behalf of Grangeridge Nominees Pty Ltd for a shopping and medical centre on Lot 107 (36) Anchorage Drive, Mindarie. The proposed medical centre is a use not listed under Council's Mindarie Central Neighbourhood Centre Planning Policy (G3-43) and the applicant has therefore requested a modification to that policy which will incorporate consulting rooms as a permitted use, and set a minimum car parking requirements for that use. Advertising of the proposed policy amendment expires on 10 December 1996, and at the time of preparing this report, no submissions had been received. Council will be advised should any objection be received prior to the close of advertising. It is recommended that if no objections are received, the development application be approved and the requested modifications to the Planning Policy be adopted.

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

- 1 subject to no objection being received during advertising, finally adopts the amendments to the Mindarie Central Neighbourhood Centre Planning Policy to:
 - (a) incorporate consulting rooms as a permitted use into guideline clause 3;
 - (b) incorporate an additional car parking requirement (v) into guideline clause 8, requiring six bays per practitioner for the consulting room use;
 - (c) modify Plan 92/08/109 to incorporate the consulting room use as shown on the subject development application;

- 2 subject to the submission of a revised plan addressing the following to the satisfaction of the City Planner:
 - (a) the proposed additional opening in the Castellon Entrance median should be deleted, necessitating redesign of the service area;
 - (b) the levels between the super deli unit and the community purpose site should be flat, enabling easy integration in the future;
 - (c) the pedestrian access from Castellon Entrance to the super deli unit should meet standard criteria for disabled access;

- (d) the accessway to the eastern service yard should be increased to a 6 metre minimum width, shared between Lot 107 and the adjoining fast food site (Lot 972), as per the concept plan;

- 3 approves the development application submitted by Sandover Pinder Pty Ltd on behalf of Grangeridge Nominees Pty Ltd for a shopping and medical centre on Lot 107 (36) Anchorage Drive, Mindarie subject to standard and appropriate conditions as determined by the City Planner.

CARRIED

TP286-12/96 **PROPOSED BUILDING ENVELOPE RELOCATION: LOT 253**
(291) BADGERUP ROAD, WANNEROO - [208/253/291]

A letter has been received from Mr T Ashenden and Ms S Bain in regard to relocating the building envelope on their property known as Lot 253 (291) Badgerup Road, Wanneroo. This lot is within Special Rural Zone No 19 which makes provision for each lot to have a building envelope of up to 2000m². It is not considered appropriate to support the building envelope relocation in this instance because it would result in future buildings being located closer to Lake Badgerup, increasing the difficulty of locating the effluent disposal system the required 100 metres from Lake Badgerup.

MOVED Cr Major, **SECONDED** Cr Hancock that Council refuses the request by Mr T Ashenden and Ms S Bain to relocate their building envelope ten metres west of its endorsed location at Lot 253 (291) Badgerup Road, Wanneroo as it is considered inappropriate to allow development closer to Lake Badgerup in this instance.

CARRIED

ADDITIONAL INFORMATION

The applicant, Mr T Ashenden, has confirmed in writing that he no longer wishes to relocate the building envelope at the subject lot and has requested this Item be withdrawn.

TP287-12/96 **RESERVE 39197 HILLARYS BOAT HARBOUR (255) WEST**
COAST DRIVE, HILLARYS - PROPOSED SOUTH ACCESS
ROAD - [30/1733]

The Department of Transport has requested Council to reconsider its resolution regarding the proposed southern access point to the Hillarys Boat Harbour and has also submitted a new application specifically proposing this southern access point. The proposal was considered as part of a report on a proposed

2000m² second storey restaurant/office/retail addition to commercial facilities at the boat harbour (TP211-09/96 refers) where Council resolved to defer the southern access until a carparking management strategy had been submitted and assessed.

The Department believes that Council's decision ignores the advice of its own officers along with additional advice from external consultants.

The applicant's proposal is seen to address traffic congestion along West Coast Drive without contributing to local traffic, reduce internal congestion and from a traffic management perspective create an overall better development.

Re-consideration of Council's previous resolution and the approval of the development application is recommended.

REPORT RECOMMENDATION: That Council approves the application for the proposed southern access on Reserve 39197 Hillarys Boat Harbour (255) West Coast Drive, Hillarys as submitted by the Department of Transport, subject to:

- 1 the design being a left in only slip lane access from West Coast Drive, entering south of St Helier Drive, including the relocation of the existing dual use path and stabilisation of the foreshore dunes, to the satisfaction of the City Engineer and all costs associated with these works being at the applicant's expense;
- 2 standard and appropriate conditions.

COMMITTEE RECOMMENDATION

That Council:

- 1 defers consideration of the application for the proposed southern access on Reserve 39197 Hillarys Boat Harbour (255) West Coast Drive, Hillarys submitted by the Department of Transport until the Council meeting to be held on 18 December 1996;
- 2 requests the Department of Transport to provide relevant advice to substantiate the need for a second access point.

ADDITIONAL INFORMATION

At the Town Planning Committee meeting on 9 December 1996, it was resolved that this item be deferred to the December 1996 Full Council meeting to allow the applicant an opportunity to provide relevant engineering advice to substantiate the need for a second access point.

The Department of Transport, as the applicant, was contacted and has provided a letter of justification which referred to previous advice to the City. Attached to this letter was updated traffic statistics. The City's Engineering Department has assessed this information and provides the following comments:

1 TRAFFIC IMPACTS:

(a) West Coast Drive.

Since the proposed access is restricted to left turn in only for northbound motorists there will be no extra traffic attracted to this section of West Coast Drive. The major impact will be on the intersection at Hepburn Avenue where there will be a reduction in traffic turning left into Hillarys Boat Harbour. Appendix D of the Department of Transport's report gives detailed analysis which is supported ie: overall level of service at the existing roundabout at the West Coast Drive/Hepburn Avenue intersection will increase from E to C on high traffic days.

Level of service E for a roundabout is where the intersection has reached capacity and excessive queuing occurs. Level of service C relates to satisfactory operation of the intersection. (See Attachment No 1 for further explanation.)

(b) St Helier Drive

There will be no impact on St Helier Drive provided the proposed access is located far enough to the south.

(c)&(d) Clontarf Street and High Street

The traffic calming measures on these streets have kept traffic flows to an acceptable level (400 vehicles per day) since their installation.

It is unlikely that traffic will filter across these streets from Marmion Avenue which is a higher speed environment.

Internally

The proposed access will have no affect on the internal congestion at Hillarys Boat Harbour. The purpose of the proposed access is to relieve

the congestion at the Hepburn Avenue roundabout whilst attempting to minimise the affect on the existing parking arrangements.

2 PROPOSED ACCESS

The proposed access is to relieve the congestion at the Hepburn Avenue roundabout. The congestion at the roundabout can be relieved by either a reduction in the traffic volumes or an increase in the capacity of the roundabout. In order to increase the capacity of the roundabout, it would be necessary to increase it to a dual lane roundabout which would be prohibitively expensive. A reduction in the traffic volume can be achieved by creating a new entrance so that traffic currently using the roundabout has an alternative access. Due to the concerns regarding increases in traffic on local roads, it is advisable to keep any access to the south of St Helier Drive. The location of the proposed access has therefore been determined by engineering constraints.

3 COASTAL DUAL USE PATH

The construction of the proposed access will involve the relocation of the existing coastal Dual Use Path and possibly encroachment into the dune area.

4 "NO RIGHT TURN" (referred to in Report TP287-12/96)

The proposed southern access roundabout needs to be modified to a T-junction layout but with a solid median to prevent right turn out. This will be of particular concern at night or when traffic flows are light when drivers have fewer visual cues that the access is one way. If drivers go the wrong way down the slip road they will ultimately be faced by oncoming traffic on West Coast Drive and will be unable to cross the solid median which prevents right turn into the proposed access. It is therefore important that the proposed access is laid out to clearly indicate it is one way only.

CONCLUSION:

The level of service at the intersection of Hepburn Avenue and West Coast Drive will be improved by the construction of a second access. Currently the level of service during peak periods is Level E, this will be improved to Level C. (Appendix XXII refers)

A peak period has been taken to be a day on which there are more than 9,500 car visits in the day. To Saturday, 7 December there were 6 such days in 1996. On an average weekend in 1995 there were 5,700 car visits in a day.

RECOMMENDATION:

Based on the traffic study report presented by the Department of Transport, the City Engineer supports the application for a southern access to Hillarys Boat Harbour in order to relieve the congestion during peak periods at the intersection of Hepburn Avenue and West Coast Drive. The City Planner's recommendation outlined in Report TP278-12/96 therefore remains unchanged.

MOVED Cr Cooper, **SECONDED** Cr Popham that Council approves the application for the proposed southern access on Reserve 39197 Hillarys Boat Harbour (255) West Coast Drive, Hillarys as submitted by the Department of Transport, subject to:

- 1 the design being a left in only slip lane access from West Coast Drive, entering south of St Helier Drive, including the relocation of the existing dual use path and stabilisation of the foreshore dunes, to the satisfaction of the City Engineer and all costs associated with these works being at the applicant's expense;
- 2 standard and appropriate conditions.

CARRIED UNANIMOUSLY

Appendix XXII refers.

TP288-12/96 PROPOSED TELECOMMUNICATIONS TOWERS AND LEASES -
VODAFONE - [727-13-2]

Vodafone is proceeding with the development of communications facilities in accordance with the Telecommunications Act without Council support. Leases have been requested for facilities in Warwick Open Space, Tamala Park and Kingsway Reserve.

REPORT RECOMMENDATION That Council:

- 1 subject to no submission being received during the state-wide advertising period, agrees to enter into a sub-lease agreement with Vodafone over a portion of Lot 145 Beach Road, Warwick (Warwick Open Space) for the purpose of a Telecommunications Site for a term to expire on 31 December 2009 at an annual rental of \$8,500.00 net for the first year of the term to be increased by 5% and compounded annually for each succeeding year;

- 2
- (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Lot 17 Tamala Park;
 - (b) authorises the state-wide advertising of the proposed lease between the City and Vodafone over a portion of Lot 17 Tamala Park in accordance with the requirements of the Local Government Act;
 - (c) agrees to enter into a lease agreement with Vodafone over a portion of Lot 17 Tamala Park for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years at an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year;
- 3
- (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Reserve 28058 Kingsway, Landsdale;
 - (b) authorises the state-wide advertising of the proposed lease between the City and Vodafone over a portion of Reserve 28058 Kingsway, Landsdale in accordance with the requirements of the Local Government Act;
 - (c) agrees to enter into a lease agreement with Vodafone over a portion of Reserve 28058 Kingsway, Landsdale for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years with an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year.

ADDITIONAL INFORMATION

The recommendation included in Report No TP288-12/96 does not recognise that Lot 17 Tamala Park is co-owned by the Cities of Wanneroo, Perth and Stirling and any lease agreement must be with the three owners. The Cities of Perth and Stirling have been advised of the request for a lease.

Accordingly, a modified recommendation which recognises the co-ownership is submitted.

COMMITTEE RECOMMENDATION

That Council:

- 1 subject to no submissions being received during the state-wide advertising period, agrees to enter into a sub-lease agreement with Vodafone over a portion of Lot 145 Beach Road, Warwick (Warwick Open Space) for the purpose of a Telecommunications Site for a term to expire on 31 December 2009 at an annual rental of \$8,500.00 net for the first year of the term to be increased by 5% and compounded annually for each succeeding year;
- 2 subject to the agreement of the co-owners of the land, the Cities of Perth and Stirling;
 - (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Lot 17 Tamala Park;
 - (b) authorises the state-wide advertising of the proposed lease between the three owners and Vodafone over a portion of Lot 17 Tamala Park in accordance with the requirements of the Local Government Act;
 - (c) agrees to enter into a lease agreement with Vodafone over a portion of Lot 17 Tamala Park for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years at an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year;
- 3
 - (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Reserve 28058 Kingsway, Landsdale;
 - (b) authorises the state-wide advertising of the proposed lease between the City and Vodafone over a portion of Reserve 28058 Kingsway, Landsdale in accordance with the requirements of the Local Government Act;
 - (c) agrees to enter into a lease agreement with Vodafone over a portion of Reserve 28058 Kingsway, Landsdale for the purpose of a

telecommunications site for an initial term of five years with an option for a further two terms of five years with an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year.

ADDITIONAL INFORMATION

Following the meeting of the Mindarie Regional Council on Wednesday 11 December 1996, a further modification to the recommendation on this matter is proposed. The Mindarie Regional Council requested that several issues relating to the appearance of the towers be addressed.

The following modified recommendation was submitted:

"That Council:

- 1 subject to no submissions being received during the state-wide advertising period, agrees to enter into a sub-lease agreement with Vodafone over a portion of Lot 145 Beach Road, Warwick (Warwick Open Space) for the purpose of a Telecommunications Site for a term to expire on 31 December 2009 at an annual rental of \$8,500.00 net for the first year of the term to be increased by 5% and compounded annually for each succeeding year;
- 2 subject to the agreement of the co-owners of the land, the Cities of Perth and Stirling and the proposal being modified when no longer required, painting and landscaping;
 - (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Lot 17 Tamala Park;
 - (b) authorises the state-wide advertising of the proposed lease between the three owners and Vodafone over a portion of Lot 17 Tamala Park in accordance with the requirements of the Local Government Act;
 - (c) agrees to enter into a lease agreement with Vodafone over a portion of Lot 17 Tamala Park for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years at an initial annual rental to be determined by the Valuer

General to be increased by 5 percent and compounded annually for each succeeding year;

- 3
- (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Reserve 28058 Kingsway, Landsdale;
 - (b) authorises the state-wide advertising of the proposed lease between the City and Vodafone over a portion of Reserve 28058 Kingsway, Landsdale in accordance with the requirements of the Local Government Act;
 - (c) agrees to enter into a lease agreement with Vodafone over a portion of Reserve 28058 Kingsway, Landsdale for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years with an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year."

Following submission of the above additional information, the City Planner advised of the need to amend Point 2 to provide for removal of towers when no longer required.

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

- 1 subject to no submissions being received during the state-wide advertising period, agrees to enter into a sub-lease agreement with Vodafone over a portion of Lot 145 Beach Road, Warwick (Warwick Open Space) for the purpose of a Telecommunications Site for a term to expire on 31 December 2009 at an annual rental of \$8,500.00 net for the first year of the term to be increased by 5% and compounded annually for each succeeding year;
- 2 subject to the agreement of the co-owners of the land, the Cities of Perth and Stirling and the proposal being modified by provision for its removal when no longer required, and for appropriate painting and landscaping;
- (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Lot 17 Tamala Park;
 - (b) authorises the state-wide advertising of the proposed lease between the three owners and

Vodafone over a portion of Lot 17 Tamala Park in accordance with the requirements of the Local Government Act;

(c) agrees to enter into a lease agreement with Vodafone over a portion of Lot 17 Tamala Park for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years at an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year;

3 (a) requests the Valuer General to set an annual rental for the proposed telecommunications site on a portion of Reserve 28058 Kingsway, Landsdale;

(b) authorises the state-wide advertising of the proposed lease between the City and Vodafone over a portion of Reserve 28058 Kingsway, Landsdale in accordance with the requirements of the Local Government Act;

(c) agrees to enter into a lease agreement with Vodafone over a portion of Reserve 28058 Kingsway, Landsdale for the purpose of a telecommunications site for an initial term of five years with an option for a further two terms of five years with an initial annual rental to be determined by the Valuer General to be increased by 5 percent and compounded annually for each succeeding year.

CARRIED

TP289-12/96

MODIFICATIONS TO SPECIAL PROVISIONS OF SPECIAL RURAL ZONE NO 15 (MEADOWLANDS) NEAVES ROAD, MARIGINIUP - WESTERN AUSTRALIAN PLANNING COMMISSION REQUEST FOR THE INCLUSION OF AN ADDITIONAL CLAUSE - [790-736]

Amendment No 736 to Town Planning Scheme No 1 proposes to introduce new Special Provisions regarding separation requirements for new dwellings and their effluent disposal systems and the estimated maximum water table level in the Meadowlands Special Rural estate at Neaves Road, Mariginiup. At its meeting of 25 September 1996, Council deferred consideration of a recommended modification of the amendment pending submission of a further report to Town Planning Committee regarding the discrepancy in the expected maximum water table levels shown on the Development Guide Plan for this estate and

subsequent "estimated maximum water table" levels provided by the former Water Authority of W A. Clarification is provided on this matter and it is recommended that Council proceed to make the modifications to the amendment recommended in September of this year.

The City Planner was requested to confirm with the Water and Rivers Commission the water table levels that they have adopted.

Cr Duffy declared an interest in this Item as he owned land in the area.

Cr Duffy left the Chamber at this point, the time being 2047 hrs.

MOVED Cr Cooper, **SECONDED** Cr Wight that Council:

1 modifies Amendment No 736 to Town Planning Scheme No 1 to read as follows:

"2 As the land is subject to periodic flooding, no dwelling shall be constructed unless it is on at least a 1,000m² portion of the lot, located behind the building setback, which will result in:

(a) the finished floor level of the dwellings being:

(i) within areas determined by the City of Wanneroo to be flood prone - a minimum of thirteen hundred (1300) millimetres above the Reduced Level to which flooding may occur (as determined from time to time by the City of Wanneroo);

(ii) within areas determined by the City of Wanneroo to not be flood prone - a minimum of four hundred (400) millimetres above natural ground level;

(b) the underside of effluent disposal chambers of conventional effluent disposal systems servicing dwellings being a minimum of two (2) metres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government agency;

- (c) the underside of effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewage disposal systems servicing dwellings being a minimum of five hundred (500) millimetres above the estimated maximum water table level as determined from time to time by the Water and Rivers Commission or equivalent State Government Agency;
- (d) the effluent disposal chambers of conventional on-site sewage disposal systems servicing dwellings being a minimum horizontal distance of one hundred (100) metres from areas determined from time to time by the City of Wanneroo to be subject to periodic inundation;
- (e) the effluent disposal chambers or effluent disposal pads of modified, nutrient attenuating on-site sewage disposal systems servicing dwellings being a minimum horizontal distance of fifty (50) metres from areas determined from time to time by the City of Wanneroo to be subject to periodic inundation."

2 adopts the modified form of Amendment No 736 to Town Planning Scheme No 1;

3 lifts its deferral of approval of new building applications in the Meadowlands estate, Special Rural Zone No 15.

CARRIED

TP290-12/96 **ALLEGED USE OF RESIDENTIAL LOT 113 (5B) COLES PLACE, YANCHEP FOR HOLIDAY ACCOMMODATION - [30/3487]**

At its meeting held on 25 September 1996, Council requested that a report be submitted in respect to the rental of condominiums, namely a property in Yanchep, Lot 113 (5B) Coles Place, Yanchep (P96/09/96 refers).

Complaints have been received regarding the residential unit at No 5B being used for short term holiday letting, overcrowding and noise associated with overcrowding.

A search of the current Scheme Text and information supplied by Council's Solicitors would suggest that no breach of the Scheme has resulted through current use of the property.

MOVED Cr Major, **SECONDED** Cr Hancock that Council advises both the owners of Lot 113 (5A and 5B) Coles Place, Yanchep that the lease of No 5B either on a short term, long term or holiday basis does not involve a breach of City of Wanneroo Town Planning Scheme No 1 and suggests to the owners of the strata development that their disputes should be referred to the Strata Titles Referee's Office.

CARRIED

TP291-12/96 **BREACH OF PROVISIONS OF HOME OCCUPATION APPROVAL
TO OPERATE AN ELECTRICAL BUSINESS FROM LOT 249
(65) LORIAN ROAD, GNANGARA - [214/249/65,
30/4450]**

The City has received several complaints regarding an electrical contracting business being operated from Lot 249 (65) Lorian Road, Gnangara.

On investigation of the complaints, it was established that an unauthorised home occupation (electrical business) was taking place on the property and that the type of business was more suited to a commercial/industrial area. The owners of the property insisted, however, that they could comply with the provisions regarding a home occupation approval and subsequently an approval was granted on 7 June 1996 for office use of the site.

Investigation of ongoing complaints regarding the operation of the electrical business revealed that the home occupation approval conditions have been breached in several areas and on regular occasions. It is recommended that the home occupation approval be rescinded and the owners of the property be requested to remove the business from the property on a permanent basis.

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

- 1 advises the owners of Lot 249 (65) Lorian Road, Gnangara that they are operating an electrical contracting business from the property in breach of their home occupation approval granted on 7 June 1996;
- 2 rescinds the home occupation approval granted for a business to operate at Lot 249 (65) Lorian Road, Gnangara;

- 3 requires the owners of Lot 249 (65) Lorian Road, Ghangara to cease operating the business from the property on a permanent basis within 28 days of notification;
- 4 requires the owners of the property to remove all storage in connection with the business, along with all commercial vehicles within the 28 day period - only one commercial vehicle may remain on the property;
- 5 refers the matter to its solicitors should items 3 and 4 above not be satisfied within the time specified.

CARRIED

**TP292-12/96 SUBDIVISION CONTROL UNIT AND DELEGATED AUTHORITY
COMMITTEE - 1 NOVEMBER TO 25 NOVEMBER 1996 -
[740-1]**

This report provides a resumé of the Subdivision Applications processed by the Subdivision Control Unit and Delegated Authority Committee during the period 1 November to 25 November 1996. All applications were dealt with in terms of Council's Subdivision Control Unit Policy adopted at its December 1982 meeting.

MOVED Cr Major, **SECONDED** Cr Hancock that Council endorses the action taken by the Subdivision Control Unit and Delegated Authority Committee in relation to the applications described in Report TP292-12/96.

CARRIED

Appendix IX refers.

**TP293-12/96 PROPOSED SUBDIVISION: LOT 303 LYSANDER DRIVE,
HEATHRIDGE, CASH-IN-LIEU OF PUBLIC OPEN SPACE -
[740-96575]**

The Western Australian Planning Commission (WAPC) granted LandCorp subdivisional approval in respect of Lot 303 Lysander Drive, Heathridge, allowing the applicant to make a cash-in-lieu contribution in respect of the public open space (POS) requirement of 1273m². The Valuer General and licensed valuers, Knight Frank and Hooker, have provided valuations for this area of land which amounts to \$25,950 and \$28,743 respectively.

It is recommended that Council accepts the value of \$28,743 in this case and requests the applicant to remit this figure together with the associated valuation fees incurred by the City.

Cr Ewen-Chappell suggested that the funds remitted from LandCorp be used to provide a basketball court in the area and requested a report on other options for the expenditure of the funds.

REPORT RECOMMENDATION: That Council accepts from LandCorp \$28,743 together with the associated valuation fees incurred by the City in lieu of its required 1273m² public open space contribution for the subdivision of Lot 303 Lysander Drive, Heathridge.

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

- 1 Council accepts from LandCorp \$28,743 together with the associated valuation fees incurred by the City in lieu of its required 1273m² public open space contribution for the subdivision of Lot 303 Lysander Drive, Heathridge;
- 2 a report be submitted to Town Planning Committee on the requirements of the cash-in-lieu policy and where these funds can be used to enhance or to develop a reserve within Heathridge.

CARRIED

TP294-12/96 **FUTURE AIRPORTS NORTH OF PERTH - [727-1]**

Council has requested that a report be submitted to it on the feasibility of Council developing a position paper on future airports north of Perth. This report reviews the background to this issue and proposes a policy on the matter for Council's consideration.

REPORT RECOMMENDATION: That Council adopts the following policy:

"Policy on General Aviation Airports
in the City of Wanneroo

Council shall oppose the siting of a general aviation airport in the City of Wanneroo, having regard to the following considerations:

- 1 the need to protect existing and proposed residential areas from noise and safety problems associated with airports and their associated flight paths;
- 2 the need to protect the Gngangara Mound groundwater resource, recognising its importance as a public water supply for the Perth Metropolitan region;

3 the need to avoid conflict with the safe operation of Pearce RAAF base."

MOVED Cr Major, **SECONDED** Cr Hancock that Council refers consideration of a policy on General Aviation Airports in the City of Wanneroo to Policy Committee for further discussion.

CARRIED

Cr Duffy entered the Chamber at this point, the time being 2048 hrs.

TP295-12/96 **PROPOSED SUBDIVISION - PT LOT 503 (24L) JASPER WAY, EDGEWATER AND EXISTING EDGEWATER DRIVE/LAKESIDE DRIVE ROAD TRUNCATION, EDGEWATER - [740-101940]**

This application proposes the subdivision of both Pt Lot 503 (24L) Jasper Way, Edgewater (which includes the intended Edgewater Drive alignment), and the existing Lakeside Drive and Edgewater Drive road truncation, into single residential lots.

Council resolved at the October 1996 meeting (TP256-10/96 refers) that it agrees to the closure of the existing Edgewater Drive and Lakeside Drive road truncation. However, it is recommended that the subdivision application not be supported, as it is considered desirable from a planning perspective to retain the ability to link Edgewater Drive and Lakeside Drive in the future.

REPORT RECOMMENDATION: That Council does not support the application submitted by Chappell and Lambert on behalf of Karinya Nominees Pty Ltd for the subdivision of Pt Lot 503 (24L) Jasper Way, Edgewater and the existing Edgewater Drive and Lakeside Drive intersection, as it does not permit the future extension of Edgewater Drive to Lakeside Drive nor does it provide a suitable interface with the adjacent Parks and Recreation reserve.

COMMITTEE RECOMMENDATION

That Council defers consideration of the application submitted by Chappell and Lambert on behalf of Karinya Nominees Pty Ltd for the subdivision of Pt Lot 503 (24L) Jasper Way, Edgewater subject to the developer providing a revised plan prior to the next meeting of Council to be held on 18 December 1996.

ADDITIONAL INFORMATION

The Town Planning Committee at its meeting on 9 December 1996 recommended as follows:

- "1. Report TP295-12/96 be received;
2. it be recommended that Council defers consideration of the application submitted by Chappell and Lambert on behalf of Karinya Nominees Pty Ltd for the subdivision of Pt Lot 503 (24L) Jasper Way, Edgewater subject to the developer providing a revised plan prior to the next meeting of Council to be held on 18 December 1996."

The applicant was subsequently advised of the resolution, which sought the provision of a suitable public road interface between the proposed residential lots and the abutting Regional Open Space, but was unwilling to prepare a revised plan as they anticipate receiving a refusal from the Western Australian Planning Commission (WAPC) for this subdivision application.

If Council wishes to pursue the Town Planning Committee's intention, it would be appropriate to adopt a resolution along the following lines:

"That Council:

1. does not support the application submitted by Chappell & Lambert Planning Consultants on behalf of Karinya Nominees Pty Ltd for the subdivision of Pt Lot 503 (24L) Jasper Way, Edgewater, as the design does not provide a suitable interface with the adjacent Parks and Recreation Reserve;
2. advises the applicant that it would be prepared to support a revised application for the subdivision of this land subject to the following conditions:
 - (a) the provision of a 12 metre wide public road interface to the satisfaction of the City of Wanneroo along the boundary of the application area and the adjacent Parks and Recreation Reserve. This road pavement not to be connected to Lakeside Drive;
 - (b) the provision of a pedestrian path within the road reserve referred to in point 2(a) above, to the satisfaction of the City of Wanneroo;

- (c) lots being orientated to encourage a residential frontage to the adjacent Parks and Recreation Reserve;
- (d) arrangements being made with the Department of Land Administration for the disposal of the Crown owned land at the intersection of Lakeside Drive the Parks and Recreation Reserve noted on the present subdivision plan as "Road to be closed";
- (e) the provision of a 0.1 metre wide pedestrian accessway and a uniform style of fencing along the boundary of the proposal lots where they abut Lakeside Drive;
- (f) standard and appropriate conditions deemed appropriate by the City Planner."

Since the December Town Planning Committee meeting, the City has received a letter from an Edgewater resident, Mr Glenn Oakley of 1 Ridge Close, which encloses copies of letters from four candidates of the recent State Government election. Each candidate has indicated opposition to the extension of Edgewater Drive to the proposed Lakeside Drive.

The resident has advised that he is acting on behalf of Edgewater residents opposing the extension and has asked that the candidates letters be made available to all Councillors before the December Council meeting. He also advises that questions to Council are currently being prepared and will be submitted early in the week commencing 16 December 1996.

Copies of the letters from each of the candidates form Appendix XXIII hereto.

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

- 1 defers consideration of the application submitted by Chappell and Lambert on behalf of Karinya Nominees Pty Ltd for the subdivision of Pt Lot 503 (24L) Jasper Way, Edgewater;
- 2 seeks a deputation to the Minister for Planning.

CARRIED

Appendix XXIII refers.

APPEAL RELATING TO ITEM TP289-12/96 - MODIFICATIONS TO SPECIAL PROVISIONS OF SPECIAL RURAL ZONE NO 15 (MEADOWLANDS) NEAVES ROAD, MARIGINIUP - WESTERN AUSTRALIAN PLANNING COMMISSION REQUEST FOR THE INCLUSION OF AN ADDITIONAL CLAUSE - [790-736]

Cr Duffy stated he would be seeking advice from the Minister with regard to the possibility of an appeal relating to Item TP289-12/96.

TP296-12/96 PROPOSED SUBDIVISION - LOT 4 (390) GRAND BOULEVARD, JOONDALUP - [740-101796]

This application proposes the excision of a 3.8551 hectare portion from Lot 4 Joondalup Drive, Joondalup for vesting in the City as a Public Open Space Reserve (ie, "Stage One" of Central Park). It is recommended that the application be supported, subject to the proposed reserve being transferred free of cost to the Crown for Recreation, Civic and Parking Purposes, for vesting in the City for that purpose under the Land Act with the power to lease.

MOVED Cr Major, **SECONDED** Cr Hancock that Council supports the application submitted by John Bullock and Associates on behalf of LandCorp for the subdivision of Lot 4 (390) Grand Boulevard, Joondalup subject to:

- 1 the proposed lot being transferred to the Crown free of cost and without compensation for Recreation, Civic and Parking purposes, with the power to lease and vesting in the City for that purpose;
- 2 the proposed lot boundaries being amended on the Diagram/Plan of Survey such that the existing carpark access road, the lake, boardwalk, the eastern pathway and the northern-most grassed area are incorporated in the proposed lot;
- 3 provision of a suitable legal agreement with the Joondalup College of TAFE to provide for shared maintenance of the lake to the satisfaction of the City of Wanneroo.
- 4 standard and appropriate conditions as determined by the City Planner.

CARRIED

TP297-12/96 APPEAL DETERMINATION: TRANSPORT DEPOT, MR AND MRS RITCHIE, LOT 36 (129) TRICHET ROAD, JANDABUP - [30/5202, 268/36/129]

The owners of Lot 36 (129) Trichet Road, Jandabup lodged an appeal with the Minister for Planning, on the basis of Council's decision being a deemed refusal. The Minister drew the applicants' attention to the provisions of the Strata Titles Act which requires an application involving the use of common strata property to be submitted in the name of the strata company and signed by those authorised to do so on behalf of the strata company. As this had not happened in this case, the Hon Minister consequently regarded the appeal as being invalid.

The Hon Minister has not changed his decision involving this matter therefore it is recommended that Council requests the part owners of Lot 36 (129) Trichet Road, Jandabup to cease the use of the property as a transport depot on a permanent basis.

REPORT RECOMMENDATION: That Council:

- 1 advises the owners of Lot 36 (129) Trichet Road, Jandabup, Mr L D & Mrs S Ritchie, that based on advice from the Minister for Planning and Council's solicitors, any application for a transport depot to operate on the property cannot be considered unless signed by all the owners of the land;
- 2 advises Mr L D and Mrs S Ritchie that the use of Lot 36 (129) Trichet Road, Jandabup as a transport depot without Council approval is in breach of the City's Town Planning Scheme;
- 3 requests the owners of Lot 36 (129) Trichet Road, Jandabup, Mr and Mrs Ritchie, to cease the use of the property as a transport depot, on a permanent basis within 90 days notification;
- 4 refers the matter to its solicitors for legal action if the use continues beyond the notified time.

COMMITTEE RECOMMENDATION

That Council:

- 1 seeks advice from the Strata Titles Referee's Office as to the owners ability to lodge a lawful development application;
- 2 advises the land owners accordingly.

Cr Cooper advised he had additional information in relation to this item and requested it be discussed later in the meeting, Behind Closed Doors.

TP298-12/96 **REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY
BETWEEN TRANMERE PLACE AND KILLARA WAY, CRAIGIE
- [510-1387]**

The residents adjoining the pedestrian accessway between Tranmere Place and Killara Way, Craigie have requested Council to close the accessway on the grounds of vandalism and antisocial behaviour. No objection to the closure has been received and closure is therefore recommended.

MOVED Cr Major, **SECONDED** Cr Hancock that Council requests the Department of Land Administration to close the pedestrian accessway between Killara Way and Tranmere Place, Craigie subject to the benefiting adjoining property owners meeting all of the associated costs.

CARRIED

TP299-12/96 **PROPOSED EXCISION OF A PORTION OF RECREATION
RESERVE 28058 KINGSWAY, LANDSDALE FOR A PUBLIC
SERVICES RESERVE - [260-2]**

Council, at its meeting in September 1995 (Item TP325-09/95 refers), resolved to request the Hon Minister for Lands to dedicate a 16 metre wide section of Reserve 28058 along the western boundary as a Public Road.

The dedication has not yet occurred as it is awaiting the subdivision of the adjoining Lot 6. This subdivision is likely to take some time and the Water Corporation wishes to install a water main along the boundary of the road to service the proposed netball stadium on Reserve 28058 and the Kingsway Christian College. The Water Corporation is not prepared to install the water main until the road is dedicated or a Public Services Reserve is created to protect access and land tenure for the main. As dedication of the road may be some time away, a Public Service Reserve could be created as an interim measure.

MOVED Cr Major, **SECONDED** Cr Hancock that Council requests the Department of Land Administration to excise a portion of Recreation Reserve 28058 to create a new reserve for the purpose of Public Services vested in the City over the land contained within the proposed link road between Kingsway and Hepburn Avenue, Landsdale.

CARRIED

TP300-12/96 **APPLICATION TO PURCHASE A PORTION OF PINJAR
ROAD, NEERABUP - [510-250]**

The owners of Lot 1 Pinjar Road, Neerabup, the Wanneroo Golf Club, has requested the City to determine the future requirements of the Pinjar Road reserve adjoining its property and to sell the Club any surplus land. The City Engineer has advised that the East Wanneroo Traffic Study indicates the need for wider road reserve and therefore he does not support the Club's application to purchase any of the land.

MOVED Cr Major, **SECONDED** Cr Hancock that Council does not agree to sell any of the land within the road reserve adjoining Lot 1 Pinjar Road, Neerabup to the Wanneroo Golf Club.

CARRIED

TP301-12/96 **REQUESTED CLOSURE OF A PORTION OF OLD FLYNN DRIVE, NEERABUP - [510-0474]**

Council at its meeting on 25 September 1996 (Item TP224-09/96 refers) resolved to initiate road closure procedures by advertising the proposed closure of the old portion of Flynn Drive, Neerabup. The proposed closure was advertised for a period of thirty-five days and at the close of the advertising, one objection from the adjoining property owner was received.

MOVED Cr Major, **SECONDED** Cr Hancock that Council requests the Hon Minister for Lands to close the portion of 'Old' Flynn Drive, Neerabup adjoining Lots 1, 2 and 51 in accordance with Section 288A of the Local Government Act (Misc Provisions) 1960.

CARRIED

TP302-12/96 **AMENDMENT NO 719 - PROPOSED REZONING OF LOTS 500, 501 AND LOCATION 1441 FURNISS ROAD, LANDSDALE FROM RURAL TO MIXED BUSINESS AND RESIDENTIAL DEVELOPMENT R20 - [790-719]**

Feilman Planning Consultants has requested Council to allow the rezoning of its clients' landholdings (Lots 500, 501 and Loc 1441 Furniss Road, Landsdale) to now proceed by initiating Amendment No 719. When Council previously considered this proposal, some issues affecting the application required resolution. These matters have now been addressed by the Consultants and consequently the rezoning can now proceed.

Cr Duffy declared an interest in this Item as he has a business in the area.

Cr Duffy left the Chamber at this point, the time being 2054 hrs.

MOVED Cr Wight, **SECONDED** Cr Healy that Council:

- 1 in accordance with the provisions of Section 7 of the Town Planning and Development Act (1928) as amended supports the rezoning of Lots 500 and 501 and Location 1441 Furniss Road, Landsdale from Rural to Residential Development R20 and Mixed Business;
- 2 in accordance with Cl 5.11(b) of Town Planning Scheme No 1 adopts and advertises the Draft Planning Policy for the Furniss Road Mixed Business Zone as attached to Report TP302-12/96;
- 3 advises Feilman Planning Consultants that before granting final approval to Amendment No 719, the applicants will be required to:
 - (a) demonstrate to Council's satisfaction that the land located within 500 metres of the poultry and pig farms can be developed to the satisfaction of the Ministry for Planning and Department of Environmental Protection;
 - (b) demonstrate to Council's satisfaction that the subject lots are not adversely affected from previous filling operations and that residential development can be accommodated.

CARRIED

Appendix X refers.

Cr Duffy entered the Chamber at this point, the time being 2056 hrs.

TP303-12/96 **PROPOSED AMENDMENT NO 745 TO TOWN PLANNING SCHEME NO 1 TO REZONE A PORTION OF MEDICAL CENTRE SITE TO ACCOMMODATE A PHARMACY, LOT 1256 (23) EDINBURGH AVENUE, KINROSS - [790-745]**

Council, at its meeting of 24 July 1996, resolved that prior to supporting the application to rezone a portion of Lot 1256 (23) Edinburgh Avenue, Kinross to permit a pharmacy, that the prescribed payment for five commercial car bays, in accordance with Council's Cash-in-Lieu of Car Parking Policy, is required to be finalised by an agreement or prepayment.

After further investigations, it is considered appropriate to require the applicants to pay the full cost of one car bay and the land component costs of two car bays, which in total is \$11,950. The applicant has submitted a letter agreeing to pay this amount prior to Council finally adopting of Amendment No 745. It is considered that this cash-in-lieu payment together

with the existing reciprocal parking agreements compensate for the small parking shortfall. Additionally it is recognised that the pharmacy complements the existing medical centre and has not caused an adverse impact to date. It is therefore considered appropriate for Council to support the finalisation of this amendment.

RECOMMENDATION

That Council:

- 1 in accordance with Section 7 of the Town Planning and Development Act (1928) as amended, supports Amendment No 745 to Town Planning Scheme No 1 to:
 - (a) rezone a portion of Lot 1256 (23) Edinburgh Avenue, Kinross from Special Zone (Restricted use) Medical Centre to Special Zone (Restricted Use) Pharmacy;
 - (b) include reference to the Special Zone in Section 2 of Schedule 1 of the Scheme Text;
- 2 advises the applicant that prior to it finally adopting Amendment No 745, the full cash-in-lieu of car parking amount of \$11,950 must be paid to the City.

ADDITIONAL INFORMATION

It is proposed to modify the initial recommendation to Report TP303-12/96.

The modification is to rezone the whole of the subject lot to Special Zone (Restricted Use) Pharmacy not exceeding 150m² and Medical Centre, rather than only rezoning a portion of the lot, specifically Unit 2, to Special Zone (Restricted Use) Pharmacy. This change maintains the existing medical centre zoning while also allowing the landowner to operate a pharmacy. At some time in the future the subject unit may then revert to medical centre use, as originally approved, without requiring a further rezoning. The area limit also ensures that there is only one pharmacy operating at this lot.

In accordance with this modification, the recommendation as per Report TP303-12/96 is no longer valid and the following new recommendation is submitted.

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

- 1 in accordance with Section 7 of the Town Planning and Development Act (1928) as amended, supports Amendment No 745 to Town Planning Scheme No 1 to:
- (a) rezone Lot 1256 (23) Edinburgh Avenue, Kinross from Special Zone (Restricted Use) Medical Centre to Special Zone (Restricted Use) Pharmacy Not Exceeding 150m² and Medical Centre;
 - (b) modify reference to the existing Special Zone affecting the subject lot in Section 2 of Schedule 1 of the Scheme Text in accordance with Point 1(a) above;
- 2 advises the applicant that prior to the finalisation of Amendment No 745, the full cash-in-lieu of car parking amount of \$11,950 must be paid to the City.

CARRIED

TP304-12/96 **PROPOSED AMENDMENT NO 779 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTIONS OF LOT 100 ST ANDREWS DRIVE, YANCHEP FROM RESIDENTIAL DEVELOPMENT R20, PRIVATE RECREATION/CLUBS AND PUBLIC USE RESERVE TO RESIDENTIAL DEVELOPMENT (R40) - [790-779]**

An application has been submitted by Greg Rowe & Associates on behalf of Sun City Country Club (Inc) seeking to rezone portion of Lot 100 St Andrews Drive, Yanchep from Residential Development R20, Private Recreation/Clubs and Public Use Reserve to Residential Development (R40).

The proposal would ensure that there is a variety of housing types and densities in the Yanchep area and is therefore in accordance with the Ministry for Planning's draft Residential Densities and Housing Mix Policy. The future development of the subject areas would complement the existing golf course and residential development in the Yanchep area. It is considered appropriate to support the rezoning and recoding.

Cr Major suggested it would be advisable to formalise a policy regarding golf driving distances from hit off tees to residential areas.

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

- 1 in accordance with Section 7 of the Town Planning and Development Act (1928) as amended, supports Amendment No 779 to Town Planning Scheme No 1 to rezone portion of Lot 100 St Andrews Drive, Yanchep from Residential Development R20 and Private Recreation/Clubs to

Residential Development (R40) generally as shown in Attachment No 2 to Report TP304-12/96 noting that the land currently reserved for public use on the corner of St Andrews Drive and Yanchep Beach Road is excluded from this amendment;

- 2 requests the North West District Planning Committee to request the Western Australian Planning Commission to amend the Metropolitan Region Scheme to rezone the portions of subject land which are currently zoned Private Recreation to Urban;
- 3 advises the applicant that it will require the following issues to be satisfactorily resolved prior to finally adopting Amendment No 779:
- (a) the ceding of land on the corner of St Andrews Drive and Yanchep Beach Road required by the City for drainage purposes;
 - (b) the impact of the golf course operation on the safety and amenity of the future occupants of the proposed residential areas;
 - (c) the means of access to proposed Lot 101 and the existing golf course carpark;
 - (d) the retention of existing mature trees within the subject land.

CARRIED

Appendix XI refers.

TP305-12/96 PROPOSED AMENDMENT NO 780 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 6 (440) BADGERUP ROAD, GNANGARA FROM RURAL TO SPECIAL RURAL AND REZONE PART LOT 7 (424) BADGERUP ROAD, GNANGARA FROM RURAL, SPECIAL ZONE (ADDITIONAL USE) RURAL STORE NOT EXCEEDING 100m² TO SPECIAL RURAL AND SPECIAL ZONE (ADDITIONAL USE) - RURAL STORE NOT EXCEEDING 100m² - [790-780]

An application has been submitted by Landvision Land Planning and Development Consultants on behalf of Mr and Mrs D'Uva seeking to rezone Lot 6 (440) Badgerup Road, Gngangara from Rural to Special Rural and rezone Part Lot 7 (424) Badgerup Road, Gngangara from Rural, Special Zone (Additional Use) Rural Store not Exceeding 100m² to Special Rural and Special Zone (Additional Use) Rural Store not Exceeding 100m². The proposal does not meet the objectives of Council's Preliminary Draft

Local Rural Strategy and it is recommended that the rezoning of the subject land not be supported.

MOVED Cr Major, **SECONDED** Cr Hancock that Council does not support proposed Amendment No 780 to Town Planning Scheme No 1 which seeks to rezone Lot 6 (440) Badgerup Road, Gngangara from Rural to Special Rural and rezone Part Lot 7 (424) Badgerup Road, Gngangara from Rural, Special Zone (Additional Use) Rural Store not Exceeding 100m² to Special Rural, and Special Zone (Additional use) Rural Store not exceeding 100m² as the proposal conflicts with the objectives of the preliminary Draft Local Rural Strategy, pre-empting the final boundaries of this Strategy and does not represent a logical expansion of the existing Special Rural Development Area.

CARRIED

TP306-12/96 **PROPOSED AMENDMENT NO 781 TO TOWN PLANNING SCHEME NO 1 TO RECODE PORTION OF PART LOT 158 (12) HEPBURN AVENUE, SORRENTO FROM RESIDENTIAL DEVELOPMENT R20 TO RESIDENTIAL DEVELOPMENT R30 AND R50 - [790-781]**

An application has been submitted by Jones Coulter Young on behalf of Paltara Pty Ltd seeking to recode portion of Part Lot 158 (12) Hepburn Avenue, Sorrento from Residential Development R20 to Residential Development R30 and R50.

The proposal would provide a variety of housing types and densities within the Sorrento Beach Estate and in Sorrento generally, and is in accordance with the Ministry for Planning's draft Residential Densities and Housing Mix Policy.

The proposal would result in medium density housing being located close to existing transport, recreational and community facilities. It is considered appropriate to support the recoding.

MOVED Cr Major, **SECONDED** Cr Hancock that Council, in accordance with Section 7 of the Town Planning and Development Act (1928) as amended, supports Amendment 781 to Town Planning Scheme No 1 to recode portion of Part Lot 158 (12) Hepburn Avenue, Sorrento from Residential Development R20 to Residential Development R30 and R50 as shown on Attachment No 2 to Report TP306-12/96.

CARRIED

Appendix XII refers.

TP307-12/96 **CLOSE OF ADVERTISING: AMENDMENT NO 756 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 3 ROMEO ROAD, ALKIMOS FROM RURAL TO RESIDENTIAL DEVELOPMENT ZONE R20 - [790-756]**

Amendment No 756 to Town Planning Scheme No 1 was advertised for a 42-day period which closed on 12 November 1996. This amendment seeks to rezone Lot 3 Romeo Road, Alkimos from Rural to Residential Development R20. Nine submissions have been received all of which support the proposal, however a number of the submissions raise particular issues. These submissions have been considered and final adoption of the proposed amendment is recommended.

REPORT RECOMMENDATION: That Council:

- 1 advises Gray & Lewis Planning Consultants acting on behalf of Northern Corridor Holdings that it is prepared to proceed to final adoption of Amendment No 756 to Town Planning Scheme No 1, subject to the satisfactory resolution of the following matters:
- (a) determination of the eastern boundary of the Residential Development zone with Westrail, Main Roads and Ministry for Planning;
 - (b) approval by Council of a satisfactory local structure plan, incorporating substantial changes to the submitted local structure plan, as outlined in Report TP55-03/96, including:
 - (i) inclusion of a site specific vegetation study;
 - (ii) improvement to the road layout and internal road networks;
 - (iii) improvement in the relationship of the eastern areas of Lot 3 to future railway reserve and stations;
 - (iv) increase in the provision of and improvement in the location of medium density housing;
 - (v) improvement of pedestrian/cycle access;
 - (vi) provision of a minimum of two additional underpasses;
 - (vii) validation of the need for only one primary school;

- (viii) reduction of the size of the Marmion Avenue Local Centre to accommodate a Service Station and convenience store only;
 - (ix) provision of an additional community purpose site;
 - (x) modification of the provision and location of public open space;
 - (xi) provision of a drainage study to justify the size of drainage sumps and locate these outside POS areas;
 - (xii) improvement of the relationship to abutting land including extension of structure planning to include land to the east of the site and to show road and pedestrian connections beyond the site;
- (c) finalisation of a legal agreement with the Council, pursuant to Clause 8.9 of Town Planning Scheme No 1, prepared at the applicant's expense to:
- (i) cede free of cost to Council the land required for Romeo Road, Connolly Drive and Marmion Avenue;
 - (ii) contribute toward the cost of provision of full earthworks, one carriageway, underpasses, dual use paths and drainage for the length of these roads within and abutting the site (the basis of the contribution to be now negotiated between the City, the Ministry for Planning, the Lot 3 landowner and abutting landowners);
 - (iii) provide two sites of 5000m² each for community purposes in a location to the Council's satisfaction (to form part of the 10% POS credit);
- (d) modification of the eastern boundary of the Residential Development zone to the satisfaction of the City Planner, following consultation with Westrail, Main Roads Western Australia and the

Ministry for Planning, to accommodate the proposed northern suburbs railway;

- 2 requires a further report on this subject to determine whether the matters referred to in 1 above have been satisfactorily resolved and to consider formal adoption of Amendment No 756.

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

- 1 advises Gray & Lewis Planning Consultants acting on behalf of Northern Corridor Holdings that it is prepared to proceed to final adoption of Amendment No 756 to Town Planning Scheme No 1, subject to the satisfactory resolution of the following matters:

- (a) determination of the eastern boundary of the Residential Development zone with Westrail, Main Roads and Ministry for Planning;
- (b) approval by Council of a satisfactory local structure plan, incorporating substantial changes to the submitted local structure plan, as outlined in Report TP55-03/96, including:
 - (i) inclusion of a site specific vegetation study;
 - (ii) improvement to the road layout and internal road networks;
 - (iii) improvement in the relationship of the eastern areas of Lot 3 to future railway reserve and stations;
 - (iv) increase in the provision of and improvement in the location of medium density housing;
 - (v) improvement of pedestrian/cycle access;
 - (vi) provision of a minimum of two additional underpasses;
 - (vii) validation of the need for only one primary school;
 - (viii) reduction of the size of the Marmion Avenue Local Centre to accommodate a

- Service Station and convenience store only;
- (ix) provision of an additional community purpose site;
 - (x) modification of the provision and location of public open space;
 - (xi) provision of a drainage study to justify the size of drainage sumps and locate these outside POS areas;
 - (xii) improvement of the relationship to abutting land including extension of structure planning to include land to the east of the site and to show road and pedestrian connections beyond the site;
- (c) finalisation of a legal agreement with the Council, pursuant to Clause 8.9 of Town Planning Scheme No 1, prepared at the applicant's expense to:
- (i) cede free of cost to Council the land required for Romeo Road, Connolly Drive and Marmion Avenue;
 - (ii) contribute toward the cost of provision of full earthworks, one carriageway, underpasses, dual use paths and drainage for the length of these roads within and abutting the site (the basis of the contribution to be now negotiated between the City, the Ministry for Planning, the Lot 3 landowner and abutting landowners);
 - (iii) provide two sites of 5000m² each for community purposes in a location to the Council's satisfaction (to form part of the 10% POS credit);
- (d) modification of the eastern boundary of the Residential Development zone to the satisfaction of the City Planner, following consultation with Westrail, Main Roads Western Australia and the Ministry for Planning, to accommodate the proposed northern suburbs railway;

- (e) investigation of the merits of creating an open space link between Neerabup National Park and Yanchep National Park. This investigation shall be carried out in consultation with Council officers, relevant government agencies and the landowners (and their consultants) to the north of Lot 3 Romeo Road. Consideration must be given to incorporating areas of high conservation value remnant native vegetation (as identified by the recent Malcolm Trudgeon [consultant botanist] study on this matter) situated along the eastern portions of Lot 3 and the land to the north of Lot 3 in any future open space link. This investigation is in addition to the matters referred to in points (a), (b) (xii) and (d) above which also relate to the delineation of the eastern boundary of the proposed Residential Development zone.

- 2 requires a further report on this subject to determine whether the matters referred to in 1 above have been satisfactorily resolved and to consider formal adoption of Amendment No 756.

CARRIED

Appendix XIII refers.

TP308-12/96 **CLOSE OF ADVERTISING: AMENDMENT NO 763 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 37 WINDSOR ROAD, WANGARA FROM RURAL TO LIGHT INDUSTRIAL - [790-763]**

Amendment No 763 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 13 September 1996. This amendment seeks to rezone Lot 37 Windsor Road from Rural to Light Industrial. One submission in support of the proposal was received, and no objection. Final adoption of the proposed amendment is recommended.

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

- 1 finally adopts Amendment No 763 to Town Planning Scheme No 1 to rezone Lot 37 Windsor Road, Wangara from Rural to Light Industrial;
- 2 authorises the affixation of the Common Seal, and endorses the signing of, the amendment documents.

CARRIED

TP309-12/96

CLOSE OF ADVERTISING: AMENDMENT NO 767 TO TOWN
PLANNING SCHEME NO 1 TO REZONE PORTION (UNIT 7)
OF LOT 103 (1) THE GATEWAY, EDGEWATER FROM MIXED
BUSINESS TO MIXED BUSINESS, SPECIAL ZONE
(ADDITIONAL USE) PHARMACY - [790-767]

Amendment No 767 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 22 November 1996. This amendment seeks to rezone portion (Unit 7) of Lot 103 (1) The Gateway, Edgewater from Mixed Business to Mixed Business, Special Zone (Additional Use) Pharmacy. As a result of advertising, two submissions which oppose the subject proposal were received. These submissions have been considered and final adoption of the proposed amendment is recommended.

MOVED Cr Major, **SECONDED** Cr Hancock that Council, subject to the provision of six additional car parking bays for the pharmacy:

- 1 finally adopts Amendment No 767 to Town Planning Scheme No 1 to:
 - (a) rezone portion (Unit 7) of Lot 103 (1) The Gateway, Edgewater from Mixed Business to Mixed Business, Special Zone (Additional Use) Pharmacy;
 - (b) include reference to the Special Zone in Section 1 of Schedule 1 of the Scheme Text;
- 2 authorise the affixation of the Common Seal to, and endorse the signing of, the amendment documents.

CARRIED

TP310-12/96

ASSESSMENT OF REMNANT NATIVE VEGETATION WITHIN
THE CITY OF WANNEROO - [305-6]

Council considered an initial report on the outcomes from the quantitative and qualitative assessment of remnant native vegetation within the City of Wanneroo undertaken by a consultant botanist (Mr Malcolm Trudgen) at its November 1996 meeting. At that meeting, Council resolved (inter alia) to request a full report on the consultant's assessment (through the City's Environmental Advisory Committee) at the earliest opportunity.

The Environmental Advisory Committee has now considered the outcomes from the consultant's assessment.

The remnant native vegetation assessment is an important initiative that raises substantial challenges both for the City of Wanneroo and various State Government agencies. Implementation of initiatives to better protect remnant native vegetation within the City of Wanneroo recommended by the consultant will require appropriate actions at both the State and regional levels, and by the City and will necessitate changes to current planning and development management philosophies and practices and, very importantly, recognition of the significant values of such vegetation and the consequent importance of protecting these values in a sustainable way.

The outcomes from the remnant native vegetation assessment can be regarded as the beginning of a process that will lead to better protection of such vegetation (and other environmental resources) within the City of Wanneroo. On this basis, support for the essential principles presented in the consultant's report, submission of comments on the report to relevant State Government agencies, further consideration of the detailed proposals for the protection of remnant native vegetation presented in the report and other relevant actions are recommended.

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

- 1 supports the conservation principles and criteria and overall recommendations contained in the consultant's report on the assessment of remnant native vegetation in the City of Wanneroo and advises the agencies involved in the Urban Bushland Strategic Plan and System 6 update initiatives accordingly;
- 2 further advises agencies involved in the Urban Bushland Strategic Plan and System 6 update initiatives that these initiatives should not be constrained in relation to making recommendations for the protection of areas because of current Metropolitan Region Scheme zonings or other designations;
- 3 requests a further report on the detailed proposals for the protection of remnant vegetation arising from application of the conservation principles and criteria presented in the consultant's report following:
 - (a) completion of the draft Urban Bushland Strategic Plan and review of the System 6 recommendations;
 - (b) release of the consultant's report for public comment (for a two-month period) and completion of associated community consultation initiatives

(eg public workshop or workshops, and correspondence with affected landowners);

4 agrees that the principles of sustainability should be incorporated as fully as practicable in the City's Strategic Plan and other relevant planning mechanisms and in its day-to day practices;

5 approves the appointment of a consultant to advise the City on the extent to which the conservation principles applied in the consultant's report could be prejudiced by future demands upon and management of the Gngarara groundwater mound, and delegates authority to the Chief Executive Officer to make the appointment with funding to a maximum of \$20,000 being authorised from Budget Account 2760

CARRIED

**TP311-12/96 NEERABUP NATIONAL PARK EAST-WEST ROAD STUDY -
[727-8-2]**

The Neerabup National Park East-West Roads Study has now been completed. The study assesses the impacts of three proposed District Distributor Roads passing through or adjacent to Neerabup National Park. The study is one of a number of documents currently being prepared to support a major Metropolitan Region Scheme (MRS) Amendment likely to be initiated early next year. The study's key recommendations are that Important Regional Road Reserves for the future upgrading of Hester Avenue and the construction of Neerabup Road across the Park should be shown in the MRS. Further that an Important Regional Road Reserve for the future construction of Lukin Drive should be incorporated into the MRS if and when the Nowergup and Carabooda areas are rezoned for urban development.

These road reserves should incorporate environmental conditions relating to the protection of the park environment and these conditions need to be implemented during the design and construction of the roads.

Cr Magyar requested that the Neerabup National Park East-West Road study be available for viewing by the public in City of Wanneroo libraries.

The City Planner will investigate this matter.

MOVED Cr Major, **SECONDED** Cr Hancock that Council notes and receives the Neerabup National Park East-West Road Study.

CARRIED

**TP312-12/96 VESTING OF PUBLIC RECREATION RESERVE - KESTRAL
MEWS, EDGEWATER - [510-1925]**

The Department of Land Administration has advised that Swan Location 12614 Kestral Mews, Edgewater is being set aside as a Public Recreation Reserve and it has enquired as to whether the City is interested in obtaining the vesting of the land. The land contains a lookout which the City has fenced off for safety reasons. The lookout is a hazard and a security risk for the properties at the bottom of the lookout and the City should therefore not accept the vesting order.

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

- 1 does not accept the vesting order for the proposed Public Recreation Reserve over Swan Location 12614 Kestral Mews, Edgewater;
- 2 advises the Department of Land Administration that the only solution to the problem is to pursue the cancellation and closure of the Public Open Space Reserve and the pedestrian accessway so that it may be sold to the adjoining owners.

CARRIED

TP313-12/96 **PUBLIC OPEN SPACE POLICY - [727-6]**

Following a request by Council for the preparation of a Public Open Space (POS) Policy, City officers have prepared a draft policy document which it had anticipated placing before Council for approval to advertise. It has become apparent to City officers, however, that the recent initiative by the Western Australian Planning Commission to undertake a comprehensive review of its residential subdivision and related policies, (the preparation of Western Australian Community Codes), will have a very significant impact on the City's planning policy and practices. This includes the size and distribution of POS and it means that the City's draft policy, if released, would be based on outmoded planning policy in a very short period (the Community Codes are likely to be advertised in March 1997). As a result, City officers will seek to familiarise themselves with the proposed Community Codes so that they can fully assess its impacts on POS as well as other planning issues affecting the City. Further to this Council's policy can be modified and advertised.

It is felt that the POS Policy should only be one component of a wider Open Space Policy which should address Council's policy position in respect to national parks and regional open space as well as POS.

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

1 defers further consideration of a draft Public Open
Space Policy pending the further progression and
release of the Western Australian Planning Commission's
Community Codes;

2 supports the preparation of a wider Open Space Policy
for the City of Wanneroo which addresses the City's
policies and position towards National Parks, Regional
Reserves and Public Open Space as three different
components under an overall "Open Space Policy" which
meets Council's overall strategic objectives.

CARRIED

TP314-12/96 PETITION - HILLARYS ANIMAL EXERCISE BEACH -
[765-22-2]

Cr Lynn submitted a 98-signature petition requesting Council to
reassess the arrangements for separating dogs and horses on the
Hillarys Animal Exercise Beach which made the following points:

1 the dog owners daily usage averages 15 dogs per hour in
the early morning up to 100 dogs per hour at peak times
during the weekend;

2 the horse owners usage average 50 horse visits per
month;

3 during peak times, horses are rarely seen on the beach,
yet all the dogs are squeezed into a small portion of
the Animal Exercise Beach leaving the horse's portion
empty and unused;

4 there has been no local media advertising to explain
the new arrangements to beach users, and there is much
confusion;

5 the horse float parking area is south of the sealed car
park so for horses to access the beach on the "Horses
Only" pathway, means horses have to traverse the path
across the car park;

6 dog owners have to proceed south to the access sign for
"Dogs Only", and this access is not sealed being thick
beach sand with an abrupt end. At this point it is
dangerous for the 'less than fit' to access the beach;

7 there are not sufficient collection bins for the used
"pooch pouches". An additional 3 evenly spaced along
the beach would encourage owners to use them as
intended. At present, lack of bins encourages mess on
the beach;

8 there was no public consultation with regular users before the new arrangements were put in place;

9 we appreciate the use of a portion of the beach to exercise our dogs, yet we believe we are being penalised because of one or two complaints brought about by a small number of irresponsible horse and dog owners.

This matter will be referred to Town Planning Department for a report to Town Planning Committee.

MOVED Cr Major, **SECONDED** Cr Hancock that the 98-signature petition requesting Council to reassess the arrangements for separating dogs and horses on the Hillarys Animal Exercise Beach be received and referred to Town Planning Department for a report to Town Planning Committee.

CARRIED

TP315-12/96

ROYAL AUSTRALIAN PLANNING INSTITUTE:
CANADIAN/NORTHERN EUROPEAN 1997 STUDY TOUR -
[202-1]

Council will recall that during the 1996/97 budget considerations it allocated funds for a study tour to be undertaken in 1997 by the City Planner. However, in view of the number of issues presently affecting the City, it is not proposed to participate in the study tour.

Cr Ewen-Chappell nominated Cr Cooper.

Cr Cooper declared an interest in this item as he had been nominated to attend this Study Tour.

Cr Cooper left the Chamber at this point, the time being 2057 hrs.

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

1 does not participate in the Royal Australian Planning Institute Canadian/Northern European 1997 Study Tour and reallocates the funds allocated to local and interstate conferences and congresses;

2 authorises registration for the City Planner at the 1997 Urban Development Institute of Australian Congress to be held in Melbourne between 3-6 March 1997;

3 nominates Cr Cooper to attend the Congress proceedings.

CARRIED

Cr Cooper entered the Chamber at this point, the time being 2059 hrs.

TP316-12/96 COOPER'S LIME KILNS - MINDARIE KEYS - [055-4]

The Draft Conservation Management Plan for Coopers Lime Kilns at Mindarie Keys has been prepared by Kevin Palassis Architects on behalf of Council and the Heritage Council of Western Australia.

The draft Plan strongly recommends retention of the kilns in their original form so as to retain the cultural significance of the place. A future use option design is provided within the Plan demonstrating modifications required to take advantage of the kilns as coastal lookouts that will provide visitor enjoyment of the place.

It is considered appropriate Council negotiate with Fini Group, landowners in the area, for permission to undertake urgently needed fencing and repair works and to seek the inclusion of the kilns in one Public Open Space area rather than two separate sites.

Heritage matters contained in this report have been prepared in a report for presentation to the Finance and Community Services Committee meeting on 11 December 1996 (Report CS209-12/96 refers).

MOVED Cr Major, **SECONDED** Cr Hancock that Council forwards a copy of the Conservation Management Plan to the Fini Group emphasizing the recommendations of the Plan, particularly the retention of the kilns within the public open space.

CARRIED

**TP317-12/96 NIGHT DRIVING RANGE AT JOONDALUP GOLF COURSE
PART LOT 1 (39) COUNTRY CLUB BOULEVARD, CONNOLLY
- [30/1336]**

The lighting fixtures associated with the abovementioned night driving range have now been changed. In order to gauge the acceptability of the new fixtures, a trial period was arranged whereby the lights were switched on for a limited time and adjacent residents given the opportunity to comment. That advertising period concluded on 2 December 1996, during which six respondents advised that they remain unreasonably affected by the modified lighting. The lighting consultant advised that glare levels were unacceptable, and seeks to investigate another alternative arrangement. It is recommended that the further investigation be supported, on the basis that only one

further trial period be accepted, in which to resolve the matter satisfactorily.

REPORT RECOMMENDATION: That Council:

- 1 accepts the lighting consultant's assessment of the modified lighting fixtures at the Joondalup Golf Course night driving range;
- 2 advises the applicant that a further trial period, date to be confirmed, will be accepted in order to achieve compliance with the condition of approval that there be no lighting overspill onto adjoining residential lots;
- 3 advises the respondents accordingly.

COMMITTEE RECOMMENDATION

That Council:

- 1 advises Joondalup Country Club Holdings that the lights on the night driving range are to be turned off until such time as the lights have been modified, following which a 5 day test period of the lights will be conducted;
- 2 advises Councillors when the 5 day trial period is to be conducted;
- 3 advises the respondents accordingly.

ADDITIONAL INFORMATION

The applicant has advised that correspondence from their lighting consultant was misinterpreted in the abovementioned report. That situation is considered to have arisen as the lighting consultant's correspondence did not accurately reflect their client's wishes.

Further advice has now been received which clarifies those wishes. The applicant's request can be described in two parts:

1. To use the lighting arrangement which was recently tested, on an ongoing basis, with a modification to the angle of the lighting that, as calculated, will bring the glare within acceptable limits as determined by the interim Australian Standard. This involves modifying the angle of the lighting from 90° to 70° (see Appendix XXIV). The basis for the request is that although the arrangement will be less than adequate for their use:

- they have commitments with their teaching staff whose livelihood depends on using the night driving range;
 - any adoption of their lighting consultant's recommendations (regarding a new lighting arrangement) will take several months to implement and then test via public comment.
2. To prepare a new lighting arrangement which would both address the residents' concerns and be suitable for night driving range use.

The City Planner's recommendation for this item has been revised on the basis of this clarification. Although the modified angle may comply with the interim Australian Standard as calculated, it is considered that a further test period will be necessary.

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

- 1 advises the applicant that a further trial period of five days duration shall be conducted at a time to be arranged by the City, when the angle of the existing lighting has been modified to aim the light fittings to a 70° angle as shown in Attachment No 1 to this memorandum, and that the lights shall not be turned on until the trial period commences;
- 2 requires the City Planner to advise Councillors when the five day trial period is to be conducted;
- 3 delegates authority to the Town Planning Occasional Committee to determine the acceptability of the modified lighting, as an interim measure, until more suitable permanent lighting can be provided, following the five day trial period;
- 4 requires the driving range lighting to be turned off at the conclusion of the trial period until such time as the City advises the applicant that the lighting may be used.

CARRIED BY AN ABSOLUTE MAJORITY

Appendix XXIV refers.

TP318-12/96 AMENDMENT NO 720 TO TOWN PLANNING SCHEME NO 1 TO REZONE THE NORTHERN PORTION OF LOT 79 GNANGARA ROAD, LANDSDALE FROM RURAL TO GENERAL INDUSTRIAL - [790-720]

Amendment No 720 to Town Planning Scheme No 1 to rezone the northern portion of Lot 79 Gngangara Road, Landsdale from Rural to General Industrial was modified after the close of advertising by Council in August 1996 (TP186-08/96 refers).

Following advice from the Ministry for Planning that additional advertising of this amendment was not necessary, it is considered appropriate for Council to support the finalisation of the modified Amendment No 720 to TPS1.

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

- 1 finally adopts the modified form of Amendment No 720 to Town Planning Scheme No 1 to rezone the northern portion of Lot 79 Gngangara Road, Landsdale from Rural to General Industrial;
- 2 authorises the affixation of the Common Seal to, and endorses the signing of, the amendment documents.

CARRIED

TP319-12/96 **FLYNN DRIVE INDUSTRIAL AREA - PROPOSED REZONING OF PORTION LOT 22 FLYNN DRIVE, NEERABUP TO "GENERAL INDUSTRIAL" UNDER TOWN PLANNING SCHEME NO 1 - [790-785]**

The City of Wanneroo has received a request from Richard Pawluk & Associates, on behalf of LandCorp, to rezone 50 hectares of Lot 22 Flynn Drive, Neerabup, which is located within the Flynn Drive Industrial Area. Presently, the land is zoned "Rural" and the proposed amendment requests that the land be rezoned to "General Industrial". It is recommended that Council supports the rezoning subject to an Extractive Industrial Plan for the area being prepared, as this will help alleviate Cockburn Cement's concerns (regarding adjacent industrial development prejudicing its extractive industry operations), plus an agreement from LandCorp for contributions to overall infrastructure and service provisions such as major roads and open space.

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

- 1 in accordance with Section 7 of the Town Planning and Development Act (1928) as amended, supports Amendment No 785 to Town Planning Scheme No 1 to rezone portion of Lot 22 Flynn Drive, Neerabup as shown in Attachment No 2 to Report TP319-12/96 from "Rural" to "General Industrial";
- 2 advises LandCorp that prior to considering final adoption of the amendment, it will require that an

agreement is entered into with the City of Wanneroo pursuant to clause 8.9 of Town Planning Scheme No 1 to ensure that LandCorp will contribute toward the cost of provision of infrastructure and other services required for the development of the Flynn Drive Industrial Area, such as major roads and public open space;

- 3 advises Cockburn Cement that it acknowledges its concerns and that it will be preparing an Extractive Industry Plan (EIP) for the area, one of the objectives of this being to ensure that future extraction of important raw materials will not be prejudiced by progressive industrial development within the Flynn Drive Industrial Area;
- 4 proceeds with the preparation of an EIP for the Flynn Drive Industrial Area and delegates authority to the Chief Executive Officer to appoint a consultant to undertake this work.

CARRIED

Appendix XIV refers.

TP320-12/96 **TOWN PLANNING SCHEME NO 1 - AMENDMENT NO 592 -
PROPOSED SPECIAL RURAL ZONE, LOTS 5, 7 AND 53
AND PORTION LOCATION 3144 ADAMS ROAD, MARIGINIUP
- [790-592]**

At its November meeting of this year, Council resolved to generally support Amendment No 592 to City of Wanneroo Town Planning Scheme No 1 to rezone Lots 5, 7 and 53 and portion Location 3144 Adams Road, Mariginiup from Rural to Special Rural. This support was subject to a number of matters being resolved to Council's satisfaction. Those matters are now considered to have been satisfactorily resolved and Council is therefore recommended to formally adopt Amendment No 592 with a number of modifications being made to it.

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

- 1 agrees that the four matters required by Council at its meeting of 27 November 1996 to be satisfactorily resolved as a prerequisite to its support of Amendment No 592 to City of Wanneroo Town Planning Scheme No 1 to rezone Lots 5, 7 and 53 and Portion Location 3144 Adams Road, Mariginiup from Rural to Special Rural, have been satisfactorily resolved in the manner described in Report TP320-12/96;
- 2 modifies Amendment No 592 to Town Planning Scheme No 1 by:

- (a) modifying the southern boundary of the area to be zoned Special Rural to make that boundary coincide with the northern boundary of Coogee Road (as realigned) shown on the Subdivision Guide Plan shown on Attachment No 7 of Report TP320-12/96;
- (b) modifying the Subdivision Guide Plan to accord with that shown on Attachment No 7 of Report TP320-12/96;
- (c) modifying the Special Provisions to accord with those shown on Attachment No 8 of Report TP320-12/96;

- 3 finally adopts Amendment No 592 to Town Planning Scheme No 1 in a modified form as per 2 above;
- 4 authorises the affixation of the Common Seal to, and endorses the signing of, the amending documents;
- 5 lists for consideration as a high priority in its 1997/98 draft Budget a 25% contribution of approximately \$28,000 towards the cost of construction of the portion of Coogee Road which abuts Crown Reserve 38656;
- 6 does not agree to contribute towards the construction cost of the portion of Coogee Road between Adams Road and Crown Reserve 38656;
- 7 notes the Lake Adams Structure Plan Report prepared by Feilman Planning Consultants, subject to it including a revised Concept Structure Plan which reflects the adopted Subdivision Guide Plan.

CARRIED

Appendix XV refers.

TP321-12/96 PROPOSED EASTERN FREEWAY - [502-2]

In response to a query from Cr Magyar, Cr Duffy commented on the location of the proposed eastern freeway and advised this freeway would be somewhere east of Wanneroo.

He stated that the proposed route had not been determined and suggested Council investigate this matter as most link roads were in place.

MOVED Cr Major, **SECONDED** Cr Hancock that a report be submitted to Town Planning Committee in relation to determining the route for the proposed eastern freeway.

CARRIED

TP322-12/96 **OBJECTIONS TO GRANTING OF A BUILDING LICENCE AT 42 (LOT 35) WEST COAST DRIVE, MARMION - [019-2]**

Cr Hancock submitted questions on notice for the Council meeting to be held on 18 December 1996 and accompanying correspondence from adjoining landowners in relation to objections to the granting of a building licence at Lot 35, West Coast Drive, Marmion - Item TS367-12/96 also refers.

These questions will be referred to Building Department for action.

MOVED Cr Major, **SECONDED** Cr Hancock that the questions on notice for the Council meeting to be held on 18 December 1996 and accompanying correspondence from adjoining neighbours in relation to objections to the granting of a building licence at Lot 35, West Coast Drive, Marmion be received and referred to Building Department for action.

CARRIED

OLDHAM PARK YANCHEP - [061-272]

Cr Hancock referred to a recent telephone call from Mrs K Cleal of 12 Dyer Court, Yanchep who was concerned with the possibility of large poles on Oldham Reserve being used as spotlights and queried what the poles would be used for.

This matter will be referred to Engineering Department for action.

OPTION FOR DIVISION OF CITY OF WANNEROO - [702-3]

Cr Hancock referred to an item published in the "Desk of the CEO" concerning a meeting to discuss options for the division of the City of Wanneroo and queried when this public meeting would be held.

The Chief Executive Officer reported that he had received advice that the proposed public meeting had been cancelled and will now be held in the new year and that discussion will be held on Monday 16 December, 1996, commencing at 5.00 pm.

C539-12/96 **FINANCE & COMMUNITY SERVICES COMMITTEE**

MOVED Cr Lynn, **SECONDED** Cr Tippettt that the Report of the Finance and Community Services Committee Meeting, held on 11 December 1996, be received.

CARRIED

ATTENDANCES

Councillors:	M E LYNN, JP - Chairman	South-West
	Ward	
	A V DAMMERS, JP - Mayor	Central
	Ward	
	P O HEALY - From 1815 hrs	North
	Ward	
	B C COOPER	Central Ward
	A G TAYLOR	South
	Ward	
	D K TIPPETT, JP	South
	Ward	
	F D FREAME	South-West Ward
	L O'GRADY - Observer from 1840 hrs	North
	Ward	
	L A EWEN-CHAPPELL - Observer from	
	1935 hrs	Central Ward
	S P MAGYAR - Observer	Central
	Ward	
	T W POPHAM - Observer from 2005 hrs	South Ward

Chief Executive Officer:	L O DELAHAUNTY
Manager, Corporate Services:	R E DYMOCK
City Treasurer:	J TURKINGTON
City Environmental Health	
Manager:	M AUSTIN
City Recreation and	
Cultural Services Manager:	R BANHAM
Manager, Municipal Law &	
Fire Services:	T TREWIN
Acting City Engineer:	D BLAIR
City Building Surveyor:	R G FISCHER
Manager Welfare Services:	P STUART
City Librarian:	N CLIFFORD
Facilities Manager:	M STANTON
Disability Access Officer:	J EDWARDS
Publicity Officer:	O DAVIDSON
Minute Clerk:	S BRUYN

APOLOGIES

An apology for absence was tendered by Cr Wight.

Apologies for late attendance were tendered by Crs Ewen-Chappell, Hancock and Popham.

PUBLIC/PRESS ATTENDANCE

There were 8 members of the Public in attendance.

PUBLIC QUESTION TIME

Nil

CONFIRMATION OF MINUTES

MINUTES OF FINANCE AND COMMUNITY SERVICES COMMITTEE MEETING HELD ON 20 NOVEMBER 1996

The Minutes of the Finance and Community Services Committee Meeting held on 20 November 1996, were confirmed as a true and correct record.

PETITIONS AND DEPUTATIONS

PRESENTATION: PROPOSED AQUATIC FACILITY - ARENA JOONDALUP

Mr Hallam Pereira, Principal Policy Officer for the Minister for Sport and Recreation, Mr Murray Etherington, Director of Cox Howlett & Bailey and Mr Peter Fuhrmann, Chief Executive Officer for Western Australian Swimming Association (Inc) addressed the Committee in relation to the proposed Aquatic Facility, Arena Joondalup - Item B206-12/96 refers.

Mr Pereira gave an overview of the State Government's position in relation to the proposed aquatic facility at Arena Joondalup and reported on the commitment made by the Minister for Sport and Recreation to this facility.

He advised of the various components in the proposed facility, which will include a swimming pool for training and competitive swimming, training for water polo and diving and a leisure component which will include a range of play structures and features.

In conclusion, Mr Pereira commented on the need for an aquatic facility in the Joondalup area and requested Council to give consideration to this proposal.

Mr Etherington, a representative from the project architects, briefly reported on the findings of a feasibility study commissioned by Challenge Stadium to analyse the development of aquatic facilities at the Arena Joondalup.

He believed this proposal would not only cater for the elite end of the sporting fraternity but would also provide for the needs of the community, with a blend of shallow and deep water and outdoor pool facilities being proposed.

Mr Etherington illustrated the various components of the proposed facility on conceptual drawings and advised that the second stage would allow for an additional 25 metre x 33 metre pool to cater for diving and water polo.

Following questions from Councillors, the Chairman thanked the deputation for addressing the Committee.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIDENTIAL BUSINESS

The following Item was considered Behind Closed Doors:

FA200-12/96 DEVELOPMENT OF ORGANISATIONAL STRUCTURE -
[404-17]

MEETING TIMES

Commenced: 1806 hrs
Closed: 2021 hrs

FINANCE & ADMINISTRATIVE SECTION

FA179-12/96 POSTAL ELECTION 1997 - [801-1]

This report details matters relating to conducting the 1997 election by postal voting.

RECOMMENDATION

That Council advises the State Electoral Commission that the City of Wanneroo wishes to proceed with postal voting for the conduct of its 1997 May election subject to costs per elector being comparable with those relating to conducting an election by this method in Victoria and Tasmania.

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

- 1 conducts its May 1997 election as previously;
 - 2 conducts a referendum of electors to ascertain whether:
 - (a) there is support for expenditure of \$700,000 for biennial elections; or
 - (b) it should continue with the previous system with the current expenditure of approximately \$66,000.
- LOST**

MOVED Cr Lynn, **SECONDED** Cr Hancock that Council advises the State Electoral Commission that the City of Wanneroo does not wish to proceed with postal voting for the conduct of its 1997 May election. **LOST**

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

FOR: Crs Wight, Taylor, Popham, Hancock, Lynn and Freame.

AGAINST: Crs Healy, O'Grady, Magyar, Cooper, Ewen-Chappell, Tippett, Duffy, Major and Dammers.

MOVED Cr Cooper, **SECONDED** Cr O'Grady that Council advises the State Electoral Commission that the City of Wanneroo wishes to proceed with postal voting for the conduct of its 1997 May election subject to costs not exceeding \$450,000 over a two year period.

CARRIED

This report outlines the Electoral Roll provisions contained in Part 4 Division 8 the Local Government Act 1995.

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

- 1 advises, by individual letter, those persons who will be disenfranchised as a consequence of changes to the electoral provisions of the Local Government Act 1995;
- 2 in accordance with the provisions of Section 6.8 of the Local Government Act 1995 authorises the budget over expenditure of \$60,000 for costs associated with advising persons who could be disenfranchised as a consequence of changes to Electoral Roll compilation procedures.

**CARRIED
BY AN ABSOLUTE MAJORITY**

Council's Auditor, Mr Graham McHarrie, Deloitte Touche Tohmatsu, Chartered Accountants, has completed the audit of Council's records for the 1995/96 financial year.

The Audit Report, together with the Annual Financial Report will form an integral part of Council's Annual Report to the ratepayers of the municipality at the Annual General Meeting.

The new Local Government Act 1995 (Section 5.27) requires that the Annual General Meeting is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

Accepting this and given Council's January 1997 recess, the most appropriate date is Thursday, 6 February 1997.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 receives the Auditor's Report for the 1995/96 financial year;
- 2 convenes the Annual General Meeting of Electors on Thursday, 6 February 1997 at 7.30 pm;
- 3 advertises the meeting in The West Australian and Wanneroo Times Community.

CARRIED

FA182-12/96

WARRANT OF PAYMENTS FOR THE PERIOD ENDING 27
NOVEMBER 1996 - [021-1]

This report details the cheques drawn on the funds during the month of November 1996. It seeks Council's approval for the payment of the November 1996 accounts.

REPORT RECOMMENDATION: That the amounts detailed in Report No FA182-12/96 and amounting to:

<u>FUNDS</u> <u>AMOUNT</u>		<u>VOUCHER</u>	
Treasurer's Advance Account No 1	03806	- 039436	\$ 8,348,945.89
Municipal	000319	- 000340	\$14,879,163.08
Trust	000034	- 000035A	\$ 3,023.79
East Wanneroo Dev Area Cell 1	000001	- 000001A	\$ 3,477.51
East Wanneroo Dev Area Cell 2	0905730	- 0905730A	\$ 1,792.22
East Wanneroo Dev Area Cell 3	0905721F		\$ 2,848.58
East Wanneroo Dev Area Cell 4	0905719A		\$ 5,281.20
East Wanneroo Dev Area Cell 5	0905712	- 0905712A	\$ 1,518.01
East Wanneroo Dev Area Cell 6	000001	- 000001A	\$ 11,717.04
East Wanneroo Dev Area Cell 7	0905745	- 0905745A	\$ 1,124.91
East Wanneroo Dev Area Cell 8	0905739B		\$ 484.43
Town Planning Scheme 7A(2)	0905766E		\$ 5,610.27
Town Planning Scheme 7A(4)	0905761D		\$ 2,257.95
Town Planning Scheme 5	0905756D		\$ 1,801.29
Berkley Road Local Structure Plan	0905746G		\$ 8,783.32
Reserve Account	0905753	- 0905753A	\$ 1,711,252.98
			<hr/>
			\$24,989,082.47

for the period ending 27 November 1996 be passed for payment.

MOVED Cr Freame, **SECONDED** Cr Popham that Council passes for payment the following vouchers, as presented in the Warrant of Payments to 27 November 1996, certified by the Chairman of Finance and Community Services Committee and City Treasurer, and totalling \$24,989,042.47:

<u>FUNDS</u> <u>AMOUNT</u>		<u>VOUCHER</u>	
Treasurer's Advance Account No 1	03806	- 039436	\$ 8,348,945.89
Municipal	000319	- 000340	\$14,879,163.08

Trust	000034 - 000035A	\$	3,023.79
East Wanneroo Dev Area Cell 1	000001 - 000001A	\$	3,477.51
East Wanneroo Dev Area Cell 2	0905730 - 0905730A	\$	1,792.22
East Wanneroo Dev Area Cell 3	0905721F	\$	2,848.58
East Wanneroo Dev Area Cell 4	0905719A	\$	5,281.20
East Wanneroo Dev Area Cell 5	0905712 - 0905712A	\$	1,518.00
East Wanneroo Dev Area Cell 6	000001 - 000001A	\$	11,717.04
East Wanneroo Dev Area Cell 7	0905745 - 0905745A	\$	1,124.91
East Wanneroo Dev Area Cell 8	0905739B	\$	484.43
Town Planning Scheme 7A(2)	0905766E	\$	5,610.27
Town Planning Scheme 7A(4)	0905761D	\$	2,257.95
Town Planning Scheme 5	0905756D	\$	1,801.29
Berkley Road Local Structure Plan	0905746G	\$	8,783.32
Reserve Account	0905753 - 0905753A	\$	1,711,252.98

\$24,989,082.47

CARRIED

Appendix XVI refers.

FA183-12/96 OUTSTANDING GENERAL DEBTORS - NOVEMBER 1996 -
[020-0]

This report details the outstanding general debtors as at 27 November 1996.

Cr Lynn advised that a payment of \$1,500 had been received on 11 December 1996 from the Sorrento Soccer Club.

In relation to the Sorrento Soccer Club, Cr Cooper indicated that there is no need for an investigation but that there was a need to ascertain whether in fact the car park is connected to the Club's power.

MOVED Cr Taylor, **SECONDED** Cr Freame that Council, writes out of its General Debtors Ledger an amount of \$1,409.67 representing debts considered irrecoverable, as detailed in Attachment B to Report No FA183-12/96.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XVII refers.

FA184-12/96 AUTHORISATION OF REALLOCATION OF FUNDS - [006-2]

Various requests have been received for authorisation, in accordance with Section 6.8 (1) of the Local Government Act

1995, to incur unbudgeted expenditure. In most instances, a source of funding has been identified to accommodate the additional expenditure. A number of necessary adjustments to the budget estimates have also been identified. Items approved by Council, but not previously listed in the Schedule, are also included for consistency and to facilitate presentation of an accumulated balance.

The City Treasurer submitted an addendum to Schedule of Budget Reallocation Requests - refer Appendix XVIII.

MOVED Cr Cooper, **SECONDED** Cr Tippett that Council authorises, in accordance with the provisions of Section 6.8(1) of the Local Government Act, amendments to the "revised budget figures" of the 1996/97 Budget as detailed in Schedule of Budget Reallocations Requests - 11 December 1996, and Addendum.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XVIII refers.

FA185-12/96 WRITE OFF RATES - [018-13]

This report lists the properties considered to be "borderline" cases" where payment of rates/refuse was received after the discount period but the where for various reasons discount could be permitted.

MOVED Cr Tippett, **SECONDED** Cr Taylor that Council, in accordance with the provisions of Section 6.12 (1) (c) of the Local Government Act 1995 writes off \$2,550.93 in rates levied as detailed in Attachment A to Report No FA185-12/96.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XIX refers.

FA186-12/96 CASH ADVANCES - [280-5]

Increase in petty cash float for Environmental Health Department and new cash floats for departments relocating to the Wanneroo depot.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 authorises the increase of Environmental Health Services petty cash float from \$300 to \$400;
- 2 authorises advances of \$100 for Recreation and Cultural Services Department and \$150 for Municipal Law and Fire Services Department for cash floats;

3 ensures the cash floats are operated in accordance with accepted accounting principles;

4 authorises the Administration Officers and Clerks for Recreation and Cultural Services and Municipal Law and Fire Services as outstation collection officers.

CARRIED

FA187-12/96 DONATIONS - [009-1]

This report details requests for financial donations during the month of November, 1996.

Cr Tippett reported on previous donations he had presented on behalf of Council and commented that the recipients of these donations were appreciative to Council for its support.

He advised he wished to present donations to other residents in his area and will liaise with the City Treasurer in this regard.

RECOMMENDATION

That Council donates \$50.00 to each of the following persons to assist with costs to participate in his/her respective sport:

Mr Michael Williams
Miss Suzie Freeman
Mr Richard Marian
Miss Larissa Hoskins
Miss Kristie Georgeff
Mr Ben Rowe
Mr David Southern
Mr Casey Douglas
Miss Leah Bridges

such donations to be from Budget Item No 29470 - Sundry Donations - Recreation and Sport - Other.

ADDITIONAL INFORMATION

Requests for donations were received subsequent to the closing of the Finance and Community Services Committee Agenda.

BACKGROUND

Requests for financial assistance have been received from the following:

1. Mr Richard Rhodes - 20 Rudall Way, Padbury
6025

Mr Marc Thomas - 5 Leo Place, Mullaloo
6027
Mr Paul McPherson - 11 Kilburn Rise, Kingsley
6026

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2.Mr Just.

- 39 Glenbar Road, Duncraig
6023

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3. Miss Rel

- 10 Manly Vale, Kallaroo 6025

Rebekah has been selected to represent Western Australia in the Australian Skiff Championships to be held in Victoria during January 1997.

4. Miss Bree Atkinson - 16 Henty Loop, Woodvale
6026

Bree has been selected to represent Western Australia in
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MOVED Cr Freame, **SECONDED** Cr Taylor that Council donates \$50.00 to each of the following persons to assist with costs to participate in his/her respective sport:

Mr Michael Williams
Miss Suzie Freeman
Mr Richard Marian
Miss Larissa Hoskins
Miss Kristie Georgeff
Mr Ben Rowe
Mr David Southern
Mr Casey Douglas
Miss Leah Bridges
Mr Richard Rhodes
Mr Marc Thomas
Mr Paul McPherson
Mr Justin Chan
Miss Rebekah Poole
Miss Bree Atkinson

such donations to be from Budget Item No 29470 - Sundry Donations - Recreation and Sport - Other.

CARRIED

FA188-12/96 **DONATION - NORTH METROPOLITAN COLLEGE/NORTHERN ADVISORY BODY 1997 SCHOLARSHIP SCHEME - [009-1]**

This report details a request for sponsorship to the North Metropolitan College/Northern Advisory Body Scholarship Scheme.

REPORT RECOMMENDATION: That Council lists for consideration in its 1997/98 Draft Budget an amount of \$500 for the North Metropolitan College/Northern Advisory Body Scholarship Scheme.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 lists for consideration in its 1997/98 Draft Budget an amount of \$500 for the North Metropolitan College/Northern Advisory Body Scholarship Scheme;
- 2 seeks due recognition for the City of Wanneroo and further details on recipients of the scholarship scheme from the North Metropolitan College/Northern Advisory Body Scholarship Scheme.

CARRIED

FA189-12/96 **DONATION - WEST LION PUBLICATION - [009-1]**

This report details a request for assistance to the West Lion Publication.

MOVED Cr Freame, **SECONDED** Cr Popham that Council does not accede to the request of the Lions Club to sponsor advertising in the West Lion Publication.

CARRIED

FA190-12/96 DISPOSAL SURPLUS SCRAP METALS - [010-0-1]

An offer has been received from a Council employee to purchase about 300 damaged metal sign poles ranging in size from 1.5M to 2.0M which are currently stored at the Depot compound.

MOVED Cr Freame, **SECONDED** Cr Popham that Council, pursuant to the provisions of Section 3.58(d) of the Local Government Act 1995, accepts the offer of \$100 from Mr G Morrow for the purchase of approximately 300 damaged metal sign poles.

CARRIED

FA191-12/96 DISPOSAL OF FITNESS EQUIPMENT - CRAIGIE LEISURE CENTRE - [680-5]

This report details matters associated with disposal of fitness equipment from the Craigie Leisure Centre.

MOVED Cr Freame, **SECONDED** Cr Popham that, Council ratifies the action of the Finance & Community Services Committee, as empowered by the November 1996 meeting of Council, and in accordance with the provisions of Section 3.58 of the Local Government Act 1995, in authorising the sale of the following assets by public tender:

Asset Number	Item
4671	Side Curl Leg Press
4700	Arm Curl Machine
4703	Leg Curl
4705	Lateral Machine
5917	Pectoral Deck
5918	Seated Row Machine
5921	Total Hip Machine
5924	Squat/Calf Combination 125 kg
5925	Upright Rowing 75 kg
5914	Bench Press
5926	Knee Extension

CARRIED

FA192-12/96 PROVISION OF TOILET FACILITIES ON PERIDOT PARK, GREENHAVEN, NEERABUP - [4151/483/22, 890-16-2]

Approval for the expenditure of \$85,000 is sought for the construction of toilet facilities on Peridot Park, Greenhaven, Neerabup.

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

1 accepts the offer from Homeswest of \$25,000 towards the construction of a toilet block on Peridot Park, Neerabup;

2 authorises, in accordance with Section 6.8(1) of the Local Government Act 1995 the following unbudgeted expenditure:

Peridot Park Toilets - \$85,000.00

3 authorises the preparation of tender documents and calling of tenders.

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA193-12/96 **TELEPHONE SYSTEM - [320-0]**

A proposal to change to Telstra's Spectrum has been examined. The rapid changes in technology that are allowing the combining of voice, data and video into the same system and other networks suggest that no commitment to change to Spectrum should be undertaken at this time. A taskforce to examine Council's communications strategy is recommended.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

1 does not proceed with the implementation of Spectrum;

2 establishes a taskforce to determine Council's communications strategy with respect to voice, data and video;

3 seeks a further report on the timeframe for the taskforce and terms of reference.

CARRIED

FA194-12/96 **CLEANING SERVICES - WORKS DEPOT WANNEROO -
[84-96/97]**

Nine tenders were received on 20 November 1996 for the provision of cleaning services to the City of Wanneroo Works Depot, on Wanneroo Road, Wanneroo.

Council endorsement is sought for the engagement of the lowest tenderer, Southern Cross Cleaning Service, to undertake the works.

Documentation for this contract was worded to provide an initial contract period of approximately 17 months to 30 June 1998, with an option to extend for a further 12 months if agreeable to both parties.

The tender amounts represent annual values.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

1 accepts the tender of \$18,559.00 from Southern Cross Cleaning Service for the cleaning of the Works Depot at Wanneroo for 12 months, plus five additional payments of \$1,546.58 per month until 30 June 1998;

2 agrees to the signing of the contract documents.

CARRIED

FA195-12/96 **NON STATUTORY DONATION - YANCHEP SPORTS CLUB (INC) - [009-1, 323-3-1]**

Council is in receipt of a request from Yanchep Sports Club (Inc) for financial assistance to purchase two Laedell air resuscitators at a total cost of \$600.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

1 does not accede to the request from Yanchep Sports Club (Inc) to purchase two Laedell air resuscitators;

2 suggests it approaches the Yanchep Recreation Association (Inc) direct for assistance.

CARRIED

FA196-12/96 **TENDER NUMBER 111-96/97 - ROMAN ROAD CONDITION AND INVENTORY SURVEY - [208-111-96/97]**

Council has approved an amount of \$80,000 in the 1996/97 Budget for consultants to undertake an inventory and condition survey of Council's existing road and footpath network.

Tenders were called and eight submissions were received. Two tenderers were interviewed and the lowest tenderer, Traffic Australia, has been recommended accordingly.

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

- 1 accepts the tender lump sum fee of \$54,200.00 with variation being rated at \$60 per hour per data collection team and \$0.45 per kilometre per vehicle from Traffic Australia for Tender Number 111-96/97 Roman Road Condition and Inventory Survey;
- 2 agrees to the signing of the contract documents;
- 3 authorises, accordance with the provisions of Section 6.8(1) of the Local Government Act the additional unbudgeted expenditure of \$4,000 for the purchase of a computer suitable for operation of the ROMAN Road Management software package;
- 4 approves the reallocation of funds from Budget Item 46574 - Professional Retainer/Consultancy Fees for the purchase of this computer.

**CARRIED BY AN
ABSOLUTE MAJORITY**

**FA197-12/96 HIRE CHARGES FOR USE OF WANNEROO CIVIC CENTRE BY
CAPRICORN DANCERS GROUP - [635-11]**

A request has been received from Mrs L Routledge of the Capricorn Dancers Square Dance Group for a reassessment of the hire charges levied for the use of the Wanneroo Civic Centre.

This report considers the operation of the group and offers the opinion that the community rate is the most appropriate fee to be charged for this particular programme.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 agrees to charge the Capricorn Dancers the community hire rate of \$20.80 per hour for the use of Wanneroo Civic Centre Hall on Monday and Tuesday evenings; and
- 2 reviews this arrangement in twelve months.

CARRIED

**FA198-12/96 REGIONAL ECONOMIC DEVELOPMENT GROUP (INC) -
APPLICATION FOR FUNDING: 1996/97 - [320-0]**

The City of Wanneroo is one of the principal funding providers of the Regional Economic Development Group (Inc). The RED Group aims to facilitate economic growth and employment initiatives, and help with the further development of the business sector (including retail, commercial, industrial and manufacturing) appropriate to the Wanneroo region. The 1996/97 funding

submission of the RED Group has been received and is submitted for consideration by the Council.

REPORT RECOMMENDATION: That Council:

- 1 makes a \$35,000 donation to the Regional Economic Development Group in accordance with its 1996/97 budget allocation 39784;
- 2 advises the Regional Economic Development Group (Inc) that Council is not in a position to consider the extension of its financial commitment to the RED Group until such time as a strategic plan/business plan has been finalised;
- 3 encourages the RED Group to submit an Application for Funding, supported by a Business Plan and/or Strategic Plan, prior to the finalisation of Council's 1997/98 Annual Budget.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 makes a \$35,000 donation to the Regional Economic Development Group in accordance with its 1996/97 budget allocation 39784;
- 2 advises the Regional Economic Development Group (Inc) that Council is not in a position to consider the extension of its financial commitment to the RED Group until such time as a strategic plan/business plan has been finalised;
- 3 encourages the RED Group to submit an Application for Funding, supported by a Business Plan and/or Strategic Plan, prior to the finalisation of Council's 1997/98 Annual Budget;
- 4 informs the RED Group that Council wishes to discuss the further direction and future projects of the RED Group.

CARRIED

FA199-12/96 **REFUSE ADVERSELY AFFECTING PROPERTY -**
[1742/1370/38]

This item was considered later in the meeting, prior to "Business for Information"

FA200-12/96 **DEVELOPMENT OF ORGANISATIONAL STRUCTURE -**
[404-17]

In advancing the implementation of the agreed organisational structure, OCR Management Consultants Pty Ltd has been approached to review the position description, and recommend a remuneration package, for the position of Director, Community Services. Council direction is now sought as to the remuneration package to be offered, and approval sought to advertise the position.

REPORT RECOMMENDATION: That Council:

- 1 adopts the remuneration package recommended by Organisational Consulting Resources Pty Ltd for the position of "Director, Community Services", the total package value being \$117,000;
- 2 advertises the position of "Director, Community Services" both internally and nationally;
- 3 reconvenes the Senior Staff Appointment and Review Committee appointed by Council at its meeting on 25 October 1995 (C518-10/95) to negotiate the CEO's contract - that sub-committee comprising the Mayor Cr Dammers, Deputy Mayor Cr Freame, Crs Major and Cooper, and now the CEO - in order to determine applications, negotiate and execute contracts for all Directors;
- 4 delegates authority, **BY AN ABSOLUTE MAJORITY**, to the Senior Staff Appointment and Review Committee to determine applications, negotiate and execute contracts for all Directors.

COMMITTEE RECOMMENDATION

That Council:

- 1 adopts the remuneration package recommended by Organisational Consulting Resources Pty Ltd for the position of "Director, Community Services", the total package value being \$117,000;
- 2 advertises the position of "Director, Community Services" both internally and nationally;
- 3 reconvenes the Senior Staff Appointment and Review Committee appointed by Council at its meeting on 25 October 1995 (C518-10/95) to negotiate the CEO's contract - that sub-committee comprising the Mayor Cr Dammers, Deputy Mayor Cr Freame, Crs Major and Cooper, and now the CEO - in order to determine applications, negotiate and execute contracts for all Directors;

4 nominates Cr Lynn to deputise for Councillors unable to attend meetings of the Senior Staff Appointment and Review Committee;

5 delegates authority, to the Senior Staff Appointment and Review Committee to determine applications, negotiate and execute contracts for all Directors.

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

1 adopts the remuneration package recommended by Organisational Consulting Resources Pty Ltd for the position of "Director, Community Services", the total package value being \$117,000;

2 advertises the position of "Director, Community Services" both internally and nationally;

3 reconvenes the Senior Staff Appointment and Review Committee appointed by Council at its meeting on 25 October 1995 (C518-10/95) to negotiate the CEO's contract - that sub-committee comprising the Mayor Cr Dammers, Deputy Mayor Cr Freame, Crs Major and Cooper, and now the CEO - in order to determine applications, negotiate and present contracts for all Directors to Council for adoption;

4 nominates Cr Lynn to deputise for Councillors unable to attend meetings of the Senior Staff Appointment and Review Committee;

5 delegates authority, to the Senior Staff Appointment and Review Committee to determine applications, negotiate and present contracts for all Directors to Council for adoption.

**CARRIED BY AN
ABSOLUTE MAJORITY**

COMMUNITY SERVICES SECTION

CS198-12/96 TELEPHONE SYSTEM - CRAIGIE LEISURE CENTRE - [680-1]

The telephone system at Craigie Leisure Centre is inadequate for the call traffic being experienced. As a result, the Centre is losing customers and developing a reputation for poor customer service. An upgraded system is considered a priority. This report outlines the rationale, proposed solution and the method of funding.

MOVED Cr Tippett, **SECONDED** Cr Freame that Council:

- 1 authorises, in accordance with the provisions of Section 6.8(1) of the Local Government Act, additional unbudgeted expenditure of \$20,000 for the purchase and installation of a telephone system at Craigie Leisure Centre from Account No 31294, Craigie Leisure Centre Control - Equipment Major;
- 2 recognises that funding of this project is by savings generated on the following accounts:

Budget Amount Item	Description	
28493	Fitness Centre - Equipment Major	
\$6,600		
28482	Fitness Centre - Furniture & Office Equip	\$
650		
28324	Pool - Advertising General	
\$2,800		
28353	Pool - Promotions	\$
750		
28406	Aerobics - Promotions	
\$2,700		
28688	Aerobics - Advertising General	
\$1,500		
28374	Fitness Centre - Promotions	
\$1,600		
28634	Control - Promotions	\$
600		
28610	Control - Protective Clothing	
\$1,000		
28488	Kiosk - Furniture & Equipment	\$
650		
28311	Kiosk - Staff Uniforms	
\$1,150		

CARRIED BY AN

CS199-12/96 METAL SHED FOR YOUTH ACTIVITIES - [485-13 (FA138-09/96), 680-01]

This report is submitted in response to the Council's request for costing the erection of a large metal shed which could be used for recreation purposes by young people and be suitable to house basketball courts.

MOVED Cr Freame, **SECONDED** Cr Popham that Council defers consideration of this item pending the outcome of the monitoring of court four at Craigie Leisure Centre in May 1997.

CARRIED

CS200-12/96 KIOSK - CRAIGIE LEISURE CENTRE - [680-5]

Eight tenders were received on 22 November 1996 for the operation of the Craigie Leisure Centre Kiosk.

Council endorsement is sought for the engagement of the highest tenderer to operate the kiosk.

Documentation for this contract provides an initial contract period of 5 years, with two further options of 5 years if agreeable to both parties.

Tender amounts represent the first year's rent.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 accepts the tender of \$48,000 from Australian Kiosk Enterprises for the operation of the Craigie Leisure Centre Kiosk;
- 2 agrees to the signing of the contract documents;
- 3 incorporates a requirement that the kiosk operator maintains service levels at a satisfactory standard subject to a mutually agreed evaluation process.

CARRIED

CS201-12/96 FORMATION OF SPORTS CLUB - WANNEROO FOOTBALL CLUB - [061-198-6-1]

At its meeting on 24 July 1996, Council received a report on the progress made towards formation of a sports club to assume management responsibilities for the football clubrooms, Kingsway Sporting Complex (Item B120-07/96 refers).

This report outlines further progress towards this objective.

REPORT RECOMMENDATION: That Council appoints a representative to the Kingsway Sporting Club Steering Committee, that representative to sit on the Steering Committee until the Kingsway Sports Club is formed and assumes management responsibilities for the Football Clubrooms, Kingsway Sporting Complex.

Cr Taylor nominated Cr Wight.

MOVED Cr Taylor, **SECONDED** Cr Popham that Council appoints Cr Wight as representative to the Kingsway Sporting Club Steering Committee, that representative to sit on the Steering Committee until the Kingsway Sports Club is formed and assumes management responsibilities for the Football Clubrooms, Kingsway Sporting Complex.

CARRIED

CS202-12/96 CHICHESTER PARK CLUBROOMS - [061-396, C895-11]

The clubrooms at Chichester Park will be available for use by 1 January 1997. Hire Fees for the facility need to be established.

MOVED Cr Wight, **SECONDED** Cr Taylor that Council adopts, in accordance with the provisions of Section 6.16 of the Local Government Act 1995 the Schedule of Charges for the hire of Chichester Park Clubrooms as type "H" being:

Commercial	\$13.90 per hour
Functions	\$10.50 per hour
Community - Regular	\$ 6.90 per hour
Community - Casual	\$ 8.40 per hour

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CS203-12/96 LUISINI WINERY FEASIBILITY AND MANAGEMENT STUDY
WORKING PARTY - [050-15]**

At its meeting on 27 November 1996, Council endorsed a report regarding the development of a Feasibility and Management Study for Luisini Winery (Item CS188-11/96 refers).

Cr Taylor nominated Cr Magyar.

MOVED Cr Taylor, **SECONDED** Cr O'Grady that Council nominates Cr Magyar as delegate to act as a representative on the Luisini Winery Feasibility and Management Study Working Party due to be established in December 1996 by the City of Wanneroo.

CS204-12/96 TRANSFER OF OUT OF SCHOOL HOURS CARE SERVICES TO
YMCA (WHITFORDS, WARRANTYTE AND SORRENTO-
DUNCRAIG) - [262-1]

At its meeting on 28 June 1995, Council supported the transfer of sponsorship of its Out of School Hours Care programmes to other community based agencies (Item CS105-06/95 refers).

Council has been negotiating with the YMCA over the past 22 months the transfer of its Out of School Hours Care programmes. Negotiations are currently under way to transfer the Whitfords, Warrantyte and Sorrento-Duncraig Out of School Hours Care programmes.

Correspondence has been received from the YMCA detailing its respective proposals for these programmes. These have been discussed with the relevant Recreation Facility Managers and the outcomes are listed below.

REPORT RECOMMENDATION: That Council:

- 1 endorses the transfer of sponsorship for the Whitfords and Warrantyte, Out of School Hours Care programmes as of the beginning of Term 2 1997, and the Sorrento-Duncraig programme as of the April 1997 Vacation Care period to the YMCA in accordance with the terms and conditions as detailed in Report No CS204-12/96;
- 2 authorises, **BY AN ABSOLUTE MAJORITY**, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995, the additional unbudgeted expenditure of \$223.00 by way of a donation of assets to the YMCA;
- 3 advises the YMCA to formally seek permission from the City Building Surveyor to affix signage to the MacDonald and Warrantyte Clubrooms only, detailing diagrammatically the proposed signage and location;
- 4 makes arrangements to ensure that Out of School Hours Care staff employed at the Whitfords, Warrantyte and Sorrento-Duncraig programmes received all accrued entitlements including annual leave, long service leave and wages, prior to re-employment. In addition to this, arrangements are made to roll over superannuation;
- 5 retains the sick leave accruals (up to a maximum of 8 weeks per person) of all existing staff for a period of five years after the date of transfer of the programmes,

and to negotiate appropriate arrangements with the YMCA for management of this;

- 6 gives consideration to providing financial assistance to the YMCA to operate the Whitfords, Warrandyte, and Sorrento-Duncraig Out of School Hours Care programmes in the event that either State or Federal Government funding is not available.

ADDITIONAL INFORMATION

Subsequent to the compilation of Report CS204-12/96 a meeting was held with the Chief Executive Officer and the Manager, Human Resources, to further discuss the impact on staff involved in the transfer of After School Care Services to the YMCA.

Twelve months ago, when the programmes at Quinns Rocks and Wanneroo were transferred, Council became involved in an industrial dispute with the Miscellaneous Workers Union in connection with this matter. The Union contended that staff members were affected by the decision to transfer sponsorship to the YMCA and lodged an unlawful termination claim with the Industrial Relations Commission.

The claim was subsequently settled out of court, however Council was obliged to pay an additional four weeks to the respective staff members in lieu of redundancy. It is anticipated that the Union may lodge a similar claim on behalf of the four staff involved in the present transfer arrangements. It is appropriate, therefore, for Council to consider the payment of a redundancy to these particular staff members.

Council's Human Resources Manager has calculated that the total cost of providing a redundancy package to these staff is in the vicinity of \$6,300.00.

It should be noted that Report CS205-12/96 indicates that Council's 1996/97 budget provides a \$70,810.00 subsidy for After School and Vacation Care programmes during the current financial year. The transfer of these programmes to the YMCA represents an attractive proposition to Council in the long term. The cost of the redundancy package can, therefore, be offset against the savings incurred through the transfer of these particular programmes prior to the end of the current financial year.

As a result of the abovementioned discussions, it was agreed that the report should recommend the payment of a redundancy package to each of the affected staff members, in line with their respective years of service. It was also agreed that the offer to retain sick leave accruals for these staff following their transfer to the YMCA, not be recommended.

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

- 1 endorses the transfer of sponsorship for the Whitfords and Warrandyte Out of School Hours Care programmes as of the beginning of Term 2 1997, and the Sorrento-Dun Craig programme as of the April 1997 Vacation Care period to the YMCA in accordance with the terms and conditions as detailed in Report No.
- 2 authorises in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995, the additional unbudgeted expenditure of \$223.00 by way of a donation of assets to the YMCA;
- 3 advises the YMCA to formally seek permission from the City Building Surveyor to affix signage to the MacDonald and Warrandyte Clubrooms only, detailing diagrammatically the proposed signage and location;
- 4 makes arrangements to ensure that Out of School Hours Care staff employed at the Whitfords, Warrandyte and Sorrento-Dun Craig programmes receive all accrued entitlements including annual leave, long service leave and wages, prior to re-employment. In addition to this, arrangements are made to roll over superannuation;
- 5 offers an appropriate redundancy package to each of the staff members transferred to the YMCA in line with their respective years of service;
- 6 gives consideration to providing financial assistance to the YMCA to operate the Whitfords, Warrandyte, and Sorrento-Dun Craig Out of School Hours Care programmes in the event that either State or Federal Government funding is not available.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XX refers.

Cr Popham left the Chamber at this point, the time being 2133 hrs.

CS205-12/96 **WAIVER OF FACILITY HIRE FEES - YMCA OUT OF SCHOOL HOURS CARE - [262-1]**

At its meeting on 28 June 1995, Council supported the transfer of sponsorship of the Council Out of School Hours Care programmes to other community based agencies (Item CS105-06/75 refers).

Council had previously transferred the Kingsley Out of School Hours Care programme to the YMCA in 1994. Since then, the YMCA has provided an effective transport service between the local schools and the centre. This has assisted the continuation of the programme by increasing enrolments.

In December 1995 the YMCA assumed responsibility for the Wanneroo & Quinns Rocks programmes on the understanding that the remaining services would be progressively transferred over the following 24 months.

Correspondence has now been received from the YMCA detailing the terms and conditions under which they are prepared to take over the next programmes, these being: Whitfords After School and Vacation Care; Sorrento Duncraig Vacation Care; and Warrandyte After School Care (Report CS204-12/96 refers).

Further to this, correspondence has also been received seeking a waiver of all rental fees for a period of two years for the programmes at Wanneroo; Quinns Rocks; and Kingsley, as well as those programmes remaining to be transferred.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 grants the YMCA a rental concession of 50% of the community regular facility hire rate for all existing programmes and for those programmes remaining to be transferred for a two year period commencing 1 January 1997;
- 2 advises the YMCA that all amounts outstanding on rental for the Wanneroo and Kingsley Out of School Care programmes are due and payable.

CARRIED

CS206-12/96 **FINANCIAL GRANTS TO COMMUNITY GROUPS - [330-7, C264-1]**

At its meeting on 27 November 1996 Council resolved to donate \$3,900.66, being unexpended funds from the former Wanneroo Recreation Association, to a new group to be known as the Wanneroo Townsite Community Group.

It now becomes necessary to alter the Recreation Association's Manual of Operations to reflect this change.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 alters paragraph 8.1.1 of the Recreation Association's Manual of Operations to read:

"It shall be the policy of Council to make annual budget allocations to the various Recreation Associations, and the Wanneroo Townsite Community Group, for the purpose of providing financial assistance to those organisations meeting the leisure time needs of the residents of the City and for the promotion of recreation projects of a community development nature.";

- 2 includes this decision in its Policy Manual.

CARRIED

**CS207-12/96 1997 AWARD EXHIBITION AND COMMUNITY ART
EXHIBITION - [429-1-12]**

At its meeting on 23 October 1996, Council endorsed the review of the City Art and Craft Awards (Item CS173-10/96 refers).

Original negotiations with the Joondalup Arena identified the Arena as a suitable venue for the Award exhibition due to be held in May/June 1997.

Recent developments have resulted in the Arena's venue space availability being minimal in May/June 1997. Due to sporting/recreation commitments scheduled at this venue, a specific booking for the Award exhibition could not be confirmed until March 1997. Marketing for the Award requires implementation by December 1996.

It was considered by the Award's Curator, that the City's new civic facility would be the most appropriate venue. In order to accommodate this, it will be necessary to reschedule the Award exhibition to September/October 1997 and bring forward the community exhibition due to be held at Lakeside Shopping City to May/June 1997.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 agrees to hold the Community Art Exhibition at Lakeside Shopping City in May/June 1997;
- 2 endorses the Award exhibition to be held in the new civic building in September/October 1997.

CARRIED

**CS208-12/96 1997 ANNUAL RECREATION CONFERENCE - 10TH
ANNIVERSARY - [202-1-2]**

The Ministry of Sport and Recreation and the Institute of Recreation (WA) have organised the 1997 Annual Recreation

Conference to be held at the Esplanade Hotel, Fremantle, from 23-26 March 1997.

Cr Ewen-Chappell nominated Cr Wight.

Cr Wight declared an interest in this item as he had been nominated to attend this Conference.

Cr Wight left the Chamber at this point, the time being 2134 hrs.

MOVED Cr Ewen-Chappell, **SECONDED** Cr Taylor that Council nominates Cr Wight to attend the 1997 Annual Recreation Conference to be held at the Esplanade Hotel, Fremantle from 23-26 March 1997.

CARRIED

Cr Wight entered the Chamber at this point, the time being 2135 hrs.

CS209-12/96 COOPER'S LIME KILNS - MINDARIE KEYS - [055-4]

The Draft Conservation Management Plan for Cooper's Lime Kilns at Mindarie Keys has been prepared by Kevin Palassis Architects on behalf of Council and the Heritage Council of Western Australia.

The draft Plan strongly recommends retention of the kilns in their original form so as to retain the cultural significance of the place. A future use option design is provided within the Plan demonstrating modifications required to take advantage of the kilns as coastal lookouts that will provide visitor enjoyment of the place.

It is considered appropriate Council negotiate with Fini Group, landowners in the area, for permission to undertake urgently needed fencing and repair works and to seek the inclusion of the kilns in one Public Open Space area rather than two separate sites.

Town Planning matters contained in this report have been prepared in a report for presentation to Town Planning Committee on 9 December 1996 (Report CS209-12/96 refers).

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

1 endorses the draft Conservation Management Plan prepared for the historic Cooper's Lime Kilns, Mindarie Keys;

2 enters into negotiations with the Fini Group, owners/developers of Mindarie Keys, to undertake urgent site works at the historic Cooper's Lime Kilns.

CARRIED

CS210-12/96 MATTERS ARISING FROM MANAGEMENT AND ADVISORY COMMITTEES - [264-3]

This report submits details of matters arising from a meeting of the Historical Sites Advisory Committee.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 negotiates with the developers of Lot 50 and PT Swan Location 3288 Carabooda, Linpark Holdings Pty Ltd, for permission to enter their property and carry out survey work on the lime kilns and associated historical structures;
- 2 seeks the support of Linpark Holdings Pty Ltd to assist with the funding of a heritage survey and report on the lime kilns within the proposed subdivision area, requesting a contribution of \$1,500 from the developers;
- 3 requests the City Planner to negotiate with Linpark Holdings Pty Ltd to set aside the land on which the lime kilns are situated, as public open space so that they may be retained and accessible to the public.

CARRIED

Cr Popham entered the Chamber at this point, the time being 2135 hrs.

CS211-12/96 POLLUTION ABATEMENT NOTICE SERVED ON LOT 6 WHITFORDS AVENUE, WOODVALE - [30/2260]

Council is advised of a Pollution Abatement Notice issued on 12 November 1996 and served on Action Food Barns (WA) Pty Ltd, 218 Bannister Road, Canning Vale in respect of its supermarket located on Lot 6 Whitfords Avenue, Woodvale.

MOVED Cr Freame, **SECONDED** Cr Popham that Council:

- 1 endorses the issue of the Pollution Abatement Notice served on 12 November 1996 upon Action Food Barns (WA) Pty Ltd, 218 Bannister Road, Canning Vale in regard to Action Supermarket, Woodvale Boulevard Shopping Centre, Lot 6 Whitfords Avenue, Woodvale;

- 2 authorises legal action under the provisions of the Environmental Protection Act, 1986 against Action Food Barns (WA) Pty Ltd, 218 Bannister Road, Canning Vale in the event of a breach of the Pollution Abatement Notice dated 12 November 1996.

CARRIED

CS212-12/96 BREACH OF HEALTH ACT 1911 AND HEALTH (PESTICIDES) REGULATIONS 1956 - [851-1, 3000/1708/1531]

Council is advised of the results of a recent analysis conducted for pesticide residues in strawberries purchased from 1531 Wanneroo Road, Neerabup. The analysis revealed a residue of 0.11 milligrams/kilogram of Permethrin, a prohibited substance in strawberries.

REPORT RECOMMENDATION: That Council, in accordance with the provisions of the Health Act 1911 and the Health (Pesticides) Regulations 1956 instigates legal proceedings against Mr Men Lu of 14 Sarre Place, Marangaroo and occupier of 1531 Wanneroo Road, Neerabup in regard to:

- 1 the use of a pesticide not in accordance with its registered use;
- 2 the preparation, packing and sale of adulterated food being strawberries.

MOVED Cr Freame, **SECONDED** Cr Popham that Council, in accordance with the provisions of the Health Act 1911 and the Health (Pesticides) Regulations 1956 instigates legal proceedings against:

- 1 Mr Men Lu of 14 Sarre Place, Marangaroo and occupier of 1531 Wanneroo Road, Neerabup;
- 2 Mr V Catt Lieu of Lot 59 Alexander Drive;
- 3 Mr Min Nguyen of Lot 14, No 1 East Road, Wanneroo;
- 4 Mr Ta and L Phan of 1505 Wanneroo Road, Wanneroo;

in regard to:

- (a) the use of a pesticide not in accordance with its registered use;
- (b) the preparation, packing and sale of adulterated food being strawberries.

CARRIED

CS213-12/96 LOTTERIES HOUSE STEERING COMMITTEE - [730-8-8-1]

The Lotteries House Steering Committee is seeking approval from Council to endorse new membership and amend its Terms of Reference to accommodate an increase in representation.

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

- 1 approves the amended Terms of Reference for the Lotteries House Steering Committee as listed in Attachment 1 to Report No CS213-12/96;
- 2 endorses, the appointment of representatives, as put forward in Report CS213-12/96, to the Lotteries House Steering Committee for the period 1 January 1997 to 31 December 1997, pursuant to Section 5.10(1) of the Local Government Act.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XXI refers.

CS214-12/96 APPOINTMENT OF LIFEGUARDS AS HONORARY BEACH INSPECTORS - [765-1-2]

Applications have been received from four part time Lifeguards for the City to be authorised as Honorary Beach Inspectors.

MOVED Cr Freame, **SECONDED** Cr Popham that Council approves the appointments of Beach Lifeguards Blair Jonathon McNaught, Steven John Kane, Alison Patricia Tomczak, Darren Hurst Earnshaw and Glen Adrian Walsh as Honorary Beach Inspectors for a period of twelve months subject to renewal. Such authority to be contained to the beach Reserve No 20561 and areas adjacent thereto lying between Sorrento and Mullaloo.

CARRIED

CS215-12/96 APPOINTMENT OF HONORARY PARKING INSPECTORS AT SCHOOLS - [910-1]

Council at its meeting on 28 February 1996 resolved to write to all schools within the City of Wanneroo seeking their views on the appointment of Honorary Parking Inspectors.

The response from 84 schools circulated was disappointing and somewhat belated. In September 1996 all schools were again circulated and on this occasion the response was a little more encouraging.

Out of 84 schools, 4 have registered an interest and were still doing so as at November 1996.

MOVED Cr Freame, **SECONDED** Cr Popham that Council endorses the proposal to appoint Honorary Parking Inspectors to those four schools who have registered an interest in such appointments.

CARRIED

CS216-12/96 GALLERY ART SCHOOL - SCHOLARSHIP - [429-1-12]

An initiative by the Art Gallery of WA has been the provision of scholarship positions for students to attend the Gallery Art School. The aim of the school is to give students an opportunity to work with established Western Australian artists in the stimulating environment of the Art Gallery of WA.

The scholarship donation is listed within Council's 1996/97 Cultural Development Fund budget. Each of the four scholarships is valued at \$100.00.

MOVED Cr Freame, **SECONDED** Cr Popham that Council endorses the following scholarship placements to the Art Gallery of WA's Gallery Art School for 1997:

Krystal Ogle	Term 1	Mixed Media
Katie Brown	Term 2	Textiles
Ross Vander Wal	Term 1	Drawing
Vanessa Havel	Term 2	Painting

at a cost of \$100 per person, to be deducted from Allocation No 32151147 Donations - Cultural Sponsorship Scheme.

CARRIED

PROBLEMS WITH MILK DELIVERIES - [851-7]

Cr Cooper raised his concerns in relation to milk deliveries to supermarkets being left in an outside area for a period of time prior to storage in the supermarket as this could lead to deterioration of the milk.

He queried the possibility of investigating milk deliveries to supermarkets to ensure milk was transferred directly to a cool room in the supermarket and not left standing outside.

The Environmental Health Manager advised he would investigate this matter.

CS40-12/96 MIDGE CONTROL - [855-3]

Cr Dammers raised his concerns in relation to problems associated with midges and advised he had requested the

Environmental Health Officer to provide costings on spraying lakes in the area to help control this problem.

He advised Councillors would be informed on the cost of spraying midges at the next Council meeting to be held on 18 December 1996.

Cr Magyar queried whether the City Environmental Health Manager had received similar complaints regarding midges around Lake Goollelal.

The City Environmental Health Manager advised that although several complaints had been received from the Lake Goollelal area, most of the complaints were from the Lake Joondalup area.

Cr Dammers also believed that the lights in the car park at the Wanneroo Recreation Centre required changing as they appeared to exacerbate the problem.

ADDITIONAL INFORMATION

As requested, the City Environmental Health Manager has obtained a quotation for the use of a helicopter should Council elect to treat Lake Joondalup for midge.

The larvacide product that would be used is called Abate 50SG which is an organophosphate whose active constituent is "Temephos". This is a granulated product with an LD50 (Acute Toxicity Rating) of -

Rat Oral	>5000mg/kg
Rabbit Dermal	>2000mg/kg.

Other information in the Data Sheet states:

PROTECTION OF WILDLIFE, FISH, CRUSTACEA AND ENVIRONMENT

Do NOT apply to areas of water where birds are actively foraging, particularly where birds may obtain large quantities of larvae affected by ABATE or where rapidly dropping water levels or shallow depth allows birds easy access to larvae.

Do NOT apply granules to dry areas where birds can eat them.

Do NOT apply to areas where treated water may affect crustacea or molluscs.

Where possible, consider reducing application rates where water on breeding sites is of a general depth less than 30cm.

APPLICATION RATE

1 - 2 kg/hectare/50 centimetres of water depth.

The water depth in Lake Joondalup averages around 800mm. If the Lake is treated, a rate of 2.5 kg/hectare would be applied which is well below the maximum permitted.

HELICOPTER RATES

\$385 per hour (Jandakot to Jandakot) + \$25 cleaning fee.

The helicopter can distribute approximately 80kg of Abate in 20 minutes.

Lake Joondalup is 453.9 hectares. It is usual to treat only 250 hectares due to shallow depth of the southern aspect.

250 x 2.5 kg/hectare	=	625 kg Abate	
	=	31 x 20 kg drums	
	=	31 x \$380 drum	= \$11780

Helicopter Time: 3.5 hours x \$385 and Cleaning = \$1373

TOTAL **\$13153**

PRO'S AND CONS

Chemical control of midge is a stop-gap measure, however, it must be conceded that any integrated approach (light traps, nutrient striping of run-off, nutrient binding of Lake sediment, lakeside vegetation) are all long term strategies that will not relieve any immediate midge concerns.

Environmentally, the midge larvae, usually known as blood worms, are a source of food for invertebrates, birds and tortoises. In shallow waters waterfowl feed on the larvae. In turn the larvae assist the Lake ecology by feeding on debris, bacteria and algae.

Finally, the percentage of breeding in the Lake is showing a definite decline, viz:

5 September 1996	25.0%
23 September 1996	19.0%
14 October 1996	37.1%
8 November 1996	31.9%
29 November 1996	38.6%
16 December 1996	30.8%

NOTE: On 11 October 1991 the level was 40.0%. Treatment of Lake Joondalup occurred on 14 October 1991 which was the last occasion warranting such action.

MOVED Cr Major, **SECONDED** Cr Magyar that Council does not spray Lake Joondalup for midge. **LOST**

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

FOR: Crs Major, Magyar, Hancock, Tippet, Taylor and Healy.

AGAINST: Crs O'Grady, Cooper, Ewen-Chappell, Wight, Popham, Dammers, Freame, Lynn and Duffy.

MOVED Cr Cooper, **SECONDED** Cr Ewen-Chappell that Council delegates authority to the Finance and Community Services Occasional Committee, in conjunction with the City Environmental Health Manager, to consider treating Lake Joondalup should the 1991 breeding levels be exceeded.

**CARRIED BY AN
ABSOLUTE MAJORITY**

EXECUTIVE COMMITTEE MEETING - [702-3]

The Chief Executive suggested that the Executive of the Western Australian Municipal Association would like to meet at Council offices. They had suggested the first Wednesday of several months.

Council agreed to accept the proposal and it was suggested that February may be an appropriate month to arrange a meeting.

City Environmental Health Manager requested that Item FA199-12/96 be raised at this point.

**FA199-12/96 REFUSE ADVERSELY AFFECTING PROPERTY -
[1742/1370/38]**

Council is advised of a complaint regarding accumulated garden refuse within the curtilage of Lot 1370 (38) Tiller Road, Ocean Reef, owned/occupied by Mr Henry Sampson.

Cr Cooper referred to accumulated rubbish left on a large number of verges in local areas and requested the Environmental Health Department to take action to have this rubbish removed.

City Environmental Health Manager advised that the accumulated rubbish at this property had now been removed and requested that Items 1 and 2 to the Recommendation be deleted.

RECOMMENDATION

That Council:

- 1 serves a Notice on the owner of Lot 1370 (38) Tiller Road, Ocean Reef, Mr Henry Sampson, to remove all garden refuse from the front of his lot and dispose of it at an approved refuse site within seven (7) days of the service of this Notice;
- 2 authorises legal action against Mr Henry Sampson of 38 Tiller Road, Ocean Reef in the event of failure to comply with Council's Notice;
- 3 under the authority of Section 5.42 of the Local Government Act, 1995 delegates the Chief Executive Officer to exercise the authority of Council with respect to the By-laws Relating to Removal of Refuse, Rubbish and Disused Material.

ADDITIONAL INFORMATION

City Environmental Officer requested that Points 1 and 2 of the recommendation be removed as the complainant has advised that the rubbish has now been disposed of.

MOVED Cr Taylor, **SECONDED** Cr Popham that Council, under the authority of Section 5.42 of the Local Government Act, 1995 delegates the Chief Executive Officer to exercise the authority of Council with respect to the By-laws Relating to Removal of Refuse, Rubbish and Disused Material.

**CARRIED BY AN
ABSOLUTE MAJORITY**

C541-12/96 BUSINESS FOR INFORMATION

MOVED Cr Healy, **SECONDED** Cr Freame that the Business for Information Reports be received.

CARRIED

TECHNICAL SERVICES COMMITTEE

B190-12/96 ENGINEERING CURRENT WORKS - [220-0]

This report details current work undertaken by the Engineering Department for the period ending 22 November 1996.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B190-12/96 be received.

CARRIED

B191-12/96 **REGULATORY SIGNS - BERRIMAN DRIVE, WANGARA -**
[510-1267, 510-1269, 502-16]

Main Roads WA has been requested to investigate the operation of the intersection of Berriman Drive (west) and Prindiville Drive, Wangara to determine the need for regulatory signing.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B191-12/96 be received.

CARRIED

B192-12/96 **SCHOOL ZONE - 40 KMS PER HOUR - [218-1-1, 313-7]**

The implementation of the 40 kms per hour school zone will be progressively undertaken in the metropolitan area. Main Roads WA has produced a list of schools within this City which will have the 40 km per hour School Zone implemented in the first phase of the programme.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B192-12/96 be received.

CARRIED

B193-12/96 **YELLAGONGA REGIONAL PARK DRAINAGE STUDY - [061-408]**

Council has requested a report to provide information in relation to the recommendations contained in the Yellagonga Regional Park Drainage Study prepared by Ove Arup in 1994, compared to current practices and plans undertaken by Council (Item C399-08/96 refers).

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B193-12/96 be received.

CARRIED

B194-12/96 **PROPOSED FENCE: LOT 163 (7) TRENTON WAY,**
DUNCRAIG - [683/163/7]

The owners of Lot 163 (7) Trenton Way, sought approval for fence forward of the building line, which does not comply with Council's Bylaws relating to Fencing and Private Tennis Court

Floodlighting. The Minister for Local Government has upheld an appeal lodged by the owners.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B194-12/96 be received.

CARRIED

B195-12/96 **PROPOSED PYLON SIGN: LOT 80 QUINNS ROAD, QUINNS ROCKS - [30/2908]**

Council at its meeting on 27 March 1996 refused an application for a non-complying pylon sign at the above location.

Mobil Oil after an unsuccessful action against Council in the Supreme Court has now appealed to the Full Supreme Court.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B195-12/96 be received.

CARRIED

TOWN PLANNING COMMITTEE

B196-12/96 **DEVELOPMENT ENQUIRIES - NOVEMBER 1996 - [290-0]**

This report provides a Schedule of Development enquiries received during November 1996, together with a resumé of advice given by the Town Planning Department.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B196-12/96 be received.

CARRIED

B197-12/96 **APPEAL DETERMINATION: ADDITIONS TO CHILD CARE CENTRE, LOT 680 (38) KINROSS DRIVE, KINROSS - [30/4159]**

This application proposed to increase the child numbers from 32 to 38 and therefore the number of car bays required to be provided on site from 7 to 12. The additional bays were proposed by means of a revised parking layout incorporating six tandem bays. The application was refused as the tandem car bays were not considered appropriate.

The Minister shared the City's concern about the inappropriateness of tandem parking bays in these circumstances and felt that the site is not of sufficient size to accommodate the proposed increase in child numbers and the resultant additional car bays. The appeal was not upheld on this basis.

MOVED Cr Healy, SECONDED Cr Freame that REPORT B197-12/96 be received.

CARRIED

B198-12/96 APPEAL DETERMINATION: PROPOSED CHILD CARE CENTRE, LOT 292 (143) GLENGARRY DRIVE, DUNCRAIG - [30/5259]

This application was to convert an existing residence into a child care centre for sixteen (16) children. The development of the site was constrained by its small size and by the position and design of the existing residence. The applicant was unable to provide adequate parking and manoeuvring space and the application was refused on this basis.

The Minister shared the City's concerns that the site was not the most appropriate for the proposed use and has dismissed the appeal.

MOVED Cr Healy, SECONDED Cr Freame that REPORT B198-12/96 be received.

CARRIED

B199-12/96 APPEAL DETERMINATION: PROPOSED RELOCATION OF AN APPROVED NURSERY FROM LOT 30 (27) TO LOT 31 (27) LANDSDALE ROAD, LANDSDALE - [30/4160]

Two separate appeals lodged by Greg Rowe & Associates on behalf of J B and J E Tilbrook against Council's refusal of an application for the proposed relocation of an approved nursery from Lot 30 to Lot 31 Landsdale Road, Landsdale and a renewal application for the nursery approval on Lot 30, were upheld by the Minister for Planning and Heritage.

MOVED Cr Healy, SECONDED Cr Freame that REPORT B199-12/96 be received.

CARRIED

B200-12/96 APPEAL DETERMINATION - APPROVAL FOR SWIMMING TUITION IN RESIDENTIAL AREA, LOT 257 (15) ARNISDALE ROAD, DUNCRAIG - [1177/257/15]

Early September 1995, the City received a complaint regarding noise made by children while being taught swimming on a daily basis at Lot 257 (15) Arnisdale Road, Duncraig. The owners of Lot 257 had no Council approval to operate swimming tuition on the site.

On 27 May 1996, the owner of the property, Mrs C Fryters, applied for a home occupation to teach swimming at her home.

The application was refused as most of the home occupation provisions could not be complied with and the use was considered inappropriate in a residential area.

Mrs Fryters appealed to the Minister for Planning who upheld her appeal, allowing swimming tuition to be conducted at her residential home.

Cr Cooper requested that a copy of Report B200-12/96 and the reply from the Minister for Planning be sent to the RED Group for its information.

Cr Taylor queried who had responsibility for conducting regular inspections of the pool.

The City Planner advised he would investigate this matter.

MOVED Cr Healy, **SECONDED** Cr Freame that Council writes to adjoining neighbours advising them of the Minister's decision.

CARRIED

B201-12/96 **NATIVE TITLE CLAIM NO WC96/45 RESERVES 27366, 8121, 39177 AND 834 MUNICIPAL DEPOT SITE - [702-1]**

A claim under the Native Title Act has been lodged over certain Crown Reserves on either side of Wanneroo Road, south of Ashley Road, including the reserves on which the municipal depot and extensions thereto are situated. The claim which has been registered as No WC96/45 was lodged by Corrie Christopher Robert Bodney on behalf of the Ballaruk Group and the Bodney Family Group.

Council has registered with the National Native Title Tribunal to be a party to the claim process and has authorised negotiations with the Claimants to resolve the matter (Item TP280-11/96 refers).

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B201-12/96 be received.

CARRIED

FINANCE AND COMMUNITY SERVICES COMMITTEE

B202-12/96 **FUTURE REVALUATIONS - VALUER GENERAL'S OFFICE - [018-14]**

This report outlines a revised revaluation programme for gross rental values for rating purposes for the City.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B202-12/96 be received.

CARRIED

B203-12/96 **MAJOR CAPITAL PROJECTS - COST/BUDGET COMPARISON - [006-1]**

A comparison between committed expenditure and adopted budgets relating to major capital projects undertaken this financial year is submitted for Council's information.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B203-12/96 be received.

CARRIED

B204-12/96 **STAFF AND OUTSIDE WORKERS' OVERTIME - NOVEMBER 1996 - [404-10]**

This report details the staff and outside workers' overtime for the month of November 1996.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B204-12/96 be received.

CARRIED

B205-12/96 **FINANCIAL REPORT FOR THE PERIOD ENDED 27 NOVEMBER 1996 - [002-3]**

With the December meeting of Committee and Council being advanced due to Christmas, it was necessary to close the books of account for November on Wednesday, 27 November 1996, instead of the end of the month. Consequently, comparisons with previous years' performance will be marginally distorted.

As mentioned last month, with five months of the year expired, some early trends indicate that some budgetary over runs will be experienced. In accordance with sound budgetary and financial practice the majority of these over runs have been covered with budget reallocations thus lessening adverse budgetary impacts.

The recent reduction in interest rates (together with a further reduction indicated) will have an adverse impact on Council's revenue generated from this source. This could be some \$500,000.

Full financial details are shown.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B205-12/96 be received.

CARRIED

B206-12/96

PROPOSED AQUATIC FACILITY - ARENA JOONDALUP -
[260-5]

The Minister for Sport and Recreation has recently announced the development of aquatic facilities at the Arena Joondalup.

The proposal includes the following components:

- . a 50 metre, 10 lane, pool with a constant depth of 2.2 metres;
- . a 25 metre, 6 lane, training/teaching pool ranging in depth from 900 mm to 1.2 metres;
- . a free formed leisure pool of approximately 300-400 square metres which will include a range of play structures and features.

Total project costs have been calculated at \$9m. The State Government will provide \$6m and the City of Wanneroo will be asked to contribute \$3m which will be used to fund the leisure pool in the 1998/99 financial year.

Representatives from the Minister's Office, the Western Australian Swimming Association, Challenge Stadium and the project architects attended the meeting of the Finance and Community Services Committee to provide further information.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B206-12/96 be received.

CARRIED

B207-12/96

RECREATION AND CULTURAL SERVICES DEPARTMENT
MONTHLY ACTIVITIES REPORT - [260-0]

This report details activities conducted by the Recreation and Cultural Services Department for the month of November 1996.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B207-12/96 be received.

CARRIED

B208-12/96

REQUEST FOR OPERATION OF JET SKI HIRE OPERATIONS
AT SORRENTO BEACH AND PINNAROO POINT, HILLARYS -
[461-1]

Council has received two formal proposals from individuals wishing to operate commercial jet ski hire businesses from Sorrento Beach and Pinnaroo Point.

Applications of this nature also require approval from the Department of Transport (Marine and Harbours Division) and the Department of Conservation and Land Management if the operation is within the Marmion Marine Park.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B208-12/96 be received.

CARRIED

B209-12/96 **PROVISION OF A HOT MIX SURFACE FOR ROLLERBLADING
- CRAIGIE LEISURE CENTRE - [680-1]**

At its meeting on 28 August 1996, Council requested a report on the provision of a hot mix surface located in the Craigie Regional Open Space Reserve to provide an outdoor facility for rollerblading.

The Acting City Engineer has provided an estimate of cost as requested.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B209-12/96 be received.

CARRIED

B210-12/96 **PROGRESS REPORT ON THE DISABILITY SERVICE PLAN -
[880-8-11]**

This report outlines progress to date on the implementation of the City of Wanneroo Disability Service Plan, additional access strategies developed and planned access strategies over the next three (3) months.

MOVED Cr Healy, **SECONDED** Cr Freame that REPORT B210-12/96 be received.

CARRIED

B211-12/96 **URBAN ANIMAL MANAGEMENT 1996 CONFERENCE, SYDNEY -
[901-1]**

Council at its meeting on 23 October 1996 approved the attendance of Councillor Margaret Lynn and a Ranger officer to attend the abovementioned Conference in Sydney between 6-8 November 1996.

RECOMMENDATION

That Council:

- 1 establishes an Urban Animal Advisory Committee to research and recommend to Council issues and strategies to address animal matters;
- 2 formulates an Animal Management Policy for the City of Wanneroo.

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

- 1 establishes an Urban Animal Advisory Committee to research and recommend to Council issues and strategies to address animal matters;
- 2 formulates an Animal Management Policy for the City of Wanneroo;
- 3 appoints the following members to the Urban Animal Advisory Committee:
 - a representative of Town Planning Department
 - a representative of Engineering Department
 - a representative of Parks Department
 - a representative of Recreation & Cultural Services Department
 - Department Head, Municipal Law & Fire Services
 - one Ranger
 - one Patrol Officer
 - 3 Councillors
- 4 arranges the first meeting of the Urban Animal Advisory Committee to be held in January in order to look at Terms of Reference and formulate strategies.

Discussion ensued, following which this Motion was not pursued.

Councillors were requested to nominate for this Committee.

Cr Popham wished to put his name forward as a Councillor representative.

Cr O'Grady nominated Cr Magyar.

Cr Hancock nominated Cr Lynn.

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

- 1 establishes an Urban Animal Advisory Committee to research and recommend to Council issues and strategies to address animal matters;

- 2 formulates an Animal Management Policy for the City of Wanneroo;
- 3 nominates Crs Lynn, Magyar and Popham as Councillor representatives to the Urban Animal Advisory Committee.

**CARRIED BY AN
ABSOLUTE MAJORITY**

C542-12/96 REPORT OF OCCASIONAL COMMITTEE

MOVED Cr Freame, **SECONDED** Cr Cooper that the Report of the Structural Reform Advisory Committee Meeting held on 29 November 1996 be received.

CARRIED

ATTENDANCES

Councillors:	A V DAMMERS, JP - Mayor, Chairman	Central Ward
	L O'GRADY	North Ward
	B A COOPER	Central Ward
	A W WIGHT	South Ward
	G A MAJOR - to 0922 hrs	South-West Ward
	M E LYNN, JP	South-West Ward
	D K TIPPETT, JP - Observer to 0921 hrs	South Ward

Chief Executive Officer:	L O DELAHAUNTY
Manager, Corporate Services:	R E DYMOCK
City Treasurer:	J TURKINGTON
City Planner:	O G DRESCHER
Acting City Engineer:	D BLAIR
Executive Officer:	P HIGGS
Committee Clerk:	J AUSTIN

APOLOGIES

Nil

CONFIRMATION OF MINUTES

The Minutes of the Structural Reform Advisory Committee Meeting held on 12 August 1996 were confirmed as a true and correct record.

DECLARATIONS OF PECUNIARY INTEREST

Nil

MEETING TIMES

Commenced: 0736 hrs
Closed: 0946 hrs

CONSIDERATION OF SUBMISSION TO THE LOCAL GOVERNMENT ADVISORY BOARD

Chief Executive Officer advised of the current position in preparation of a submission to the Local Government Advisory Board and stated there was a need to produce a draft for consideration by Council during December, to allow submission of a report to the Minister by March 1997. He congratulated the City Treasurer, City Planner and Executive Officer for work undertaken in this regard.

Chief Executive Officer reported on various meetings held, and stated that the Mayor had met with the Premier who had assured him that there was no pre-planned agenda.

The City Planner outlined relevant information (population figures, densities, regional road boundaries, land assets, critical infrastructure etc) which had been compiled to assist in assessing boundary options, and the City Treasurer submitted various options of boundary rationalisation.

General discussion ensued, with Councillors giving their views of information which they considered should be included in the submission.

It was suggested that information be made available to the public as soon as possible on the possibilities and ramifications of boundary rationalisation.

Chief Executive Officer expressed the view that the services of a marketing consultant could be employed in communicating the relative merits of proposals for boundary rationalisation. This matter will be considered further in due course.

C543-12/96 REPORT OF OCCASIONAL COMMITTEE

MOVED Cr O'Grady, **SECONDED** Cr Healy that the Report of the Joondalup Civic and Cultural Facilities Project Committee held on 6 December 1996 be received.

CARRIED

ATTENDANCES

Councillors:	G A MAJOR - Acting Chairman	
	from 0805 hrs	South-West Ward
	L O'GRADY	North Ward
	M E LYNN, JP	South-West Ward

Chief Executive Officer: L O DELAHAUNTY

City Building Surveyor:	R FISCHER
City Treasurer:	J TURKINGTON
City Librarian:	N CLIFFORD
Minute Clerk:	J AUSTIN

IN ATTENDANCE

James Christou	James Christou and Partners
John Main	" " "
Bob Britton	Ralph and Beattie Bosworth

APOLOGIES

Apologies for absence were tendered by Crs Dammers and Popham.

APPOINTMENT OF ACTING CHAIRMAN

Cr Major was appointed Acting Chairman.

PUBLIC QUESTION TIME

Nil

CONFIRMATION OF MINUTES

The Minutes of the Joondalup Civic and Cultural Facilities Project Committee Meeting held on 18 October 1996 were confirmed as a true and correct record.

DECLARATIONS OF FINANCIAL INTEREST

Nil

MEETING TIMES

Commenced:	0804 hrs
Closed:	0902 hrs

REPORTS

OC37-12/96 PROGRESS REPORT NO 8 - [730-8-8-1]

This report provides information in relation to the progress of the Civic and Cultural Facilities Project.

MOVED Cr O'Grady, **SECONDED** Cr Healy that Report OC37-12/96 be received.

CARRIED

OC38-12/96 SELECTION OF CHAIRS FOR DINING ROOM - [730-8-8-1]

Following investigation of the feasibility of using the existing dining room furniture in the new Civic Centre, its refurbishment and use is recommended.

MOVED Cr O'Grady, **SECONDED** Cr Healy that the Joondalup Civic and Cultural Facilities Project Committee, as authorised by Council, endorses the refurbishment of the existing dining room furniture for use in the new Civic Centre.

CARRIED

OC39-12/96 JOONDALUP CIVIC AND CULTURAL FACILITIES - PROPOSED NAMES - [730-8-8-1]

At the 18 October 1996 Occasional Committee of the Joondalup Civic and Cultural Facilities Project it was suggested that the name for the Civic and Cultural Complex be "Joondalup Civic and Cultural Precinct.

Council at its meeting on 23 October 1996 resolved to circulate names to Councillors for further consideration as to the name of the facility.

REPORT RECOMMENDATION That Council:

- 1 adopts the name "The Joondalup Centre" for the whole of the Joondalup Civic and Cultural Facilities site;
- 2 adopts the following facility names for buildings within "The Joondalup Centre":
 - (a) Joondalup Administration Centre;
 - (b) Public Library;
 - (c) Chambers building.

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

- 1 adopts the name "Joondalup Centre" for the whole of the Joondalup Civic and Cultural Facilities site;
- 2 adopts the following facility names for buildings within the "Joondalup Centre":
 - (a) Administration Centre;
 - (b) Library;
 - (c) Civic Chambers.

CARRIED

OC42-12/96 **EXTERNAL HARD LANDSCAPING - [730-8-8-1]**

This Item was referred for consideration at Special Council Meeting on Wednesday 11 December 1996.

TENDER: LOOSE FURNITURE - [730-8-8-1]

The City Building Surveyor advised that the September 1996 Committee had deferred nomination and acceptance of the tender in relation to loose furniture for the Library and Civic Building. He stated information had now been received and sought approval to submit this item to the Special Council Meeting proposed to be held on 11 December 1996, so that the contract may be awarded prior to Christmas.

C544-12/96 **CHIEF EXECUTIVE OFFICER'S REPORT**

MOVED Cr Magyar, **SECONDED** Cr Freame that The Chief Executive Officer's Report be received.

CARRIED

C545-12/96 **SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [200-0-1]**

Document: Agreement
Parties: City of Wanneroo and Minister for Community Welfare
Description: Jenolan Way Community Centre
Date: 22.11.96

Document: Withdrawal of Caveat
Parties: City of Wanneroo and Messrs D'Uva
Description: Lot 261 Badgerup Road, Wanneroo

Date: 22.11.96

Document: Withdrawal of Caveat
Parties: City of Wanneroo and Wong and Quach
Description: Lot 259 Badgerup Road, Wanneroo
Date: 22.11.96

Document: Sub Lease
Parties: City of Wanneroo and Yanchep Sun City Pty Ltd
Description: Tandara Youth Camp Site, Two Rocks
Date: 21.11.96

Document: Withdrawal of Caveat
Parties: City of Wanneroo and McLeod & Co, Solicitors
Description: Lot 1587 on Plan 20817 Caveat No F261139
Date: 22.11.96

Document: Withdrawal of Caveat
Parties: City of Wanneroo and McLeod & Co, Solicitors
Description: Lot 2 on Plan 19212 Caveat No F289448
Date: 22.11.96

Document: Easement
Parties: City of Wanneroo and Water Corporation
Description: Lot 8 Wattle Avenue, Nowergup
Date: 5.12.96

Document: Contract of Sale
Parties: City of Wanneroo and Water Corporation
Description: Lot 8 Wattle Avenue, Nowergup
Date: 5.12.96

Document: Agreement
Parties: City of Wanneroo and City of Calgary
Description: Employee Exchange Scheme
Date: 9.12.96

Document: Transfer of Land
Parties: City of Wanneroo and N Serra and G Tatonetti
Description: Hepburn Avenue Road Revenue - Marangaroo
Date: 11.12.96

MOVED Cr Magyar, **SECONDED** Cr Freame that the Schedule of Documents executed by means of Affixing the Common Seal, be received.

CARRIED

C546-12/96

DELEGATION OF AUTHORITY TO OCCASIONAL COMMITTEES
- [702-0]

BACKGROUND

At its meeting on 20 December 1995, Council resolved:

"that Council delegates to an Occasional Committee comprising the Mayor or Deputy Mayor, Chairperson of all relevant Standing Committees or their deputies, and Town Clerk or Deputy Town Clerk, the power to act for and on behalf of Council in respect of any matters of an urgent or routine nature, arising before February 1996.

CARRIED BY AN ABSOLUTE MAJORITY"

DETAILS

In the past Council has not held the usual meetings of the Standing Committees or Council in January. Power has been delegated to an Occasional Committee to deal with routine and other urgent matters during January. This ensures that the normal business of the Council is not impeded during the January recess.

In accordance with the Local Government Act 1995 all Committees must have at least three members. Additionally all Committees with delegated powers must be open to the public and include time for public questions. Local public notice of the meeting should be given.

COMMENT

As no ordinary Committee and Council meetings will be held in January 1997 provision must be made to deal with matters that require a decision before the February round of meetings.

The most appropriate course of action is to form three Occasional Committees, one for each of the following Standing Committees: Town Planning, Technical Services and Finance and Community Services. It is not necessary to appoint a Policy Occasional Committee as there are usually no urgent matters. The Committees will only meet if there is business that requires a decision during January. Accordingly no meeting will be scheduled for any of the Committees at this stage.

Cr Taylor requested that all Councillors be advised of meetings of Occasional Committees.

MOVED Cr Cooper, **SECONDED** Cr Popham that Council:

1 appoints the following Committees:

- (a) Town Planning Occasional Committee comprising:
Mayor or Deputy Mayor;

Chairman of the Town Planning Committee;
Chief Executive Officer or Manager, Corporate
Services;

to act in relation to Town Planning issues;

- (b) Technical Services Occasional Committee
comprising:

Mayor or Deputy Mayor;
Chairman of the Technical Services Committee;
Chief Executive Officer or Manager, Corporate
Services;

to act in relation to Technical Services issues;

- (c) Finance and Community Services Occasional
Committee comprising:

Mayor or Deputy Mayor;
Chairman of the Finance and Community Services
Committee;
Chief Executive Officer or Manager, Corporate
Services;

to act in relation to Finance and Community
Services issues;

2 delegates its decision making power for the period 19
December 1996 to 7 February 1997 to the respective
committees subject to the following:

- (a) decisions shall be restricted to adopting report
recommendations;
- (b) decisions must be in accordance with Council's
Statutory obligations, adopted policies and
procedures;

3 sets a quorum of three members for each Committee.

CARRIED

BY AN ABSOLUTE MAJORITY

Cr Wight left the Chamber at this point, the time being 2208
hrs.

C547-12/96 **OCCASIONAL COMMITTEES - [740-99666, 790-421]**

The following matters are put forward with a request for
authority to refer them to the Town Planning Occasional
Committee for determination.

The position of each matter is such that it should be acted on as early as is practicable in the intervening period between the December 1996 and the February 1997 meetings of Council.

1 Wangara Industrial Estate Extension - Awarding of Tender

Council authorised the calling of tenders for the construction of infrastructure works at its meeting held in March 1996 (TP54-03/96). Tenders closed on 13 December 1996 at 11.00am.

The time required by the City's consulting engineers, Halpern Glick Maunsell to evaluate and confirm the tendered prices and to recommend the appointment of a contractor precluded a report being presented to the December Council meeting.

A full report will be submitted to the Town Planning Occasional Committee.

2 Meadowlands Special Rural Zone Land Exchange - W D Duffy

Council authorised the obtaining of legal advice and valuations and the advertising of Statewide public notice to achieve the exchange of open space land at its meeting held on 27 November 1996 (TP271-11/96) subject to an undertaking being received from W D Duffy that he will meet all costs involved.

W D Duffy's letter of undertaking has been received and the legal advice obtained. Valuations will be available shortly and documentation preparation can proceed after Statewide public notice has been given.

Authority is sought to execute the Transfer and Easement documents.

Cr Duffy declared an interest in this item.

Cr Duffy left the Chamber at this point, the time being 2209 hrs.

MOVED Cr Taylor, **SECONDED** Cr Cooper that Council delegates authority to the Town Planning Occasional Committee of Council to:

- 1 award the tender for the Wangara Industrial Estate Extension;

2 authorise the signing, sealing and execution of the Transfer and Easement documents to finalise the land exchanges at the Meadowlands Special Rural Zone.

**CARRIED BY
AN ABSOLUTE MAJORITY**

Cr Duffy entered the Chamber at this point, the time being 2210 hrs.

**C548-12/96 EXTENSION OF WANGARA INDUSTRIAL ESTATE -
[790-99666]**

Tenders for the construction of infrastructure works closed for the extension of the Wangara Industrial Estate at 11.00 am on Friday, 13 December 1996. The tenders received are being examined by the City's consulting engineers and a full report will be submitted to the Special Occasional Committee. At this time, it appears that an extremely favourable contract price will be available.

One issue that is critical is the payment to be made for the installation of underground power. Western Power has designed a service scheme for the subdivision and given a quote of \$261,247. That sum must be paid prior to 31 December 1996 in order for Western Power to allocate the power cable for the scheme.

After 31 December 1996, Western Power will not be responsible for the design, quotation or servicing of underground power schemes and any scheme that has not been accepted by that date will have to be redesigned and re-costed by private consultants and contractors acting on instructions from the client. That will inevitably result in a delay in the ordering and delivery of the power cables and that in turn will impact on the progress and completion of other components of the infrastructure works for the subdivision.

The consulting engineers, Halpern Glick Maunsell recommend that Council make payment to Western Power prior to 31 December 1996.

Funds to meet the payment are held in Account No 33198 (Extension of Wangara Industrial Estate).

MOVED Cr Healy, **SECONDED** Cr Hancock that Council authorises payment of \$261,247, payable from Account No 33198 - Extension of Wangara Industrial Estate - to Western Power for the design and installation of an underground power scheme to service the extension of the Wangara Industrial Estate.

CARRIED

MOTIONS FOR FURTHER ACTION AND MOTIONS FOR REPORT

DISABILITY PROGRAMME - [260-7]

Cr Freame referred to an article in the West Australian newspaper entitled "Mum Wants Rights for Disabled Kids".

Cr Freame requested that Council's Disability Access Officer liaise with Engineering Department to provide Mrs Lyn Daniels of Kinross, as mentioned in the newspaper article, with a list of beaches that have disability access.

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

WANNEROO TOWNSITE - [290-15]

Cr Hancock made reference to an article in the Wanneroo Times in relation to Wanneroo Townsite and stated she had been approached by a member of the public seeking an extension of time allocated for people to write in with submissions. It was felt the closing date of 21 January 1997 did not give sufficient time.

The Mayor indicated an extension of time until 21 February 1997 would be granted.

Cr Hancock queried whether this extension of time could be advertised in the Wanneroo Times.

Cr Wight entered the Chamber at this point, the time being 2214 hrs.

C550-12/96 EXPRESSION OF THANKS - MRS JULIE DAMMERS - [702-3]

Cr Lynn sought Council's permission to arrange for flowers, together with the greeting card signed by all Councillors, to be sent to Mrs Julie Dammers for Christmas.

She stated this was in appreciation of the support and time given to Council throughout the year by Mrs Dammers. She also expressed thanks to Mrs Dammers for her kind gestures afforded to many Councillors and their families in their time of need.

MOVED Cr Lynn, **SECONDED** Cr Tippettt that arrangements be made to send flowers together with the greeting card signed by all Councillors to Mrs Julie Dammers for Christmas.

CARRIED

C551-12/96

STANDARD OF MAINTENANCE OF SPORTING GROUNDS -
[260-0]

Cr Major indicated he had received complaints from sporting bodies regarding the standard of maintenance of their sporting grounds. These groups requested Council to consider allocating funds to them in order that they may maintain the grounds themselves.

Cr Major requested a report be submitted to Technical Services Committee comparing the advantages and disadvantages of this action, the mechanisms that may be involved and previous background examples.

RESOLVED that a report be submitted to Technical Services Committee comparing the advantages and disadvantages of Council allocating funds to sporting bodies to maintain their own grounds, the mechanisms that may be involved and previous background examples.

C552-12/96

COMMUNITY POLICING REGIONAL COMMITTEE - [909-3]

Cr Tippett advised he was Council's delegate to the Community Policing Regional Committee. He made reference of discussions held at Committee meetings in relation to differential rating of areas within Council to collect money for services such as security services.

Cr Tippett requested that documentation be forwarded to Community Policing Regional Committee which would outline the reality and parameters that need to be observed in order that their discussions do not proceed down incorrect lines.

RESOLVED that documentation be forwarded to Community Policing Regional Committee which would outline the necessary requirements relating to differential rating of areas within Council to collect money for services such as security services.

C553-12/96

HUDSON PARK, GIRRAWHEEN - [061-173]

Cr Duffy reported he had received several telephone calls from sporting bodies in the vicinity of Hudson Park in relation to repairs carried out by Council which the sporting bodies do not believe had been satisfactory.

He requested a report be submitted to Technical Services Committee in relation to this matter.

RESOLVED that a report be submitted to Technical Services Committee in relation to maintenance repairs carried out at Hudson Park, Girrawheen.

Cr Taylor entered the Chamber at this point, the time being 2216 hrs.

COMPLIMENTS OF THE SEASON - [702-3]

Cr Duffy expressed his compliments of the season to all Councillors, staff and members of the public.

SIGNS & HOARDINGS BY-LAWS - [920-19]

Cr Taylor requested a further review of Council's Local By-Laws S3, Signs and Hoardings, and in particular Clause 3.7.

He felt this Clause required to be reviewed in light of the problems that have occurred with Election signage recently.

STATE GOVERNMENT FUNDING - [011-1]

Cr Cooper requested that Council writes to the State Government and requests that all offers of dollar for dollar funding promises made by them during the election be made in writing to Council with sufficient detail and suggested timeframe for these projects, with a response by 30 January 1997.

TREATMENT OF VERGES - [512-0]

Cr Cooper advised he had previously requested a report on alternative treatment of verges around private houses.

Acting City Park Manager and City Engineer advised a joint report be submitted in February or March 1997.

UNAUTHORISED ACTION - MIDGE - [855-3]

Cr Magyar advised that a member of the community, on their way to this evening's meeting, believed they smelt a pesticide near the lake and requested the City Environmental Health Officer to investigate whether unauthorised action has been taken to deal with the midge problem.

DISABILITY ACCESS - [880-8-10]

Cr O'Grady referred to the article relating to beach access for disabled. She advised that she was a member of the Disability Access Committee and stated the Committee and officers were working together on the issue of access to beaches and parks. She advised she would personally contact the lady from Kinross.

MR TERRY TREWIN - [404-0]

Cr O'Grady advised that this was the last Council meeting to be attended by Mr Terry Trewin, Manager, Municipal Law and Fire Services. She thanked him for the help he has given her and wished him well for the future.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

C554-12/96 NOTICE OF MOTION - CR POPHAM - [702-3]

Cr Popham has given notice of his intention to move the following Motion at the next Ordinary Meeting of Council, to be held on Wednesday, 18 December 1996:

"That Council rescinds its resolution C510-11/96 of 27 November 1996, viz:

"That Council, in accordance with Policy A2-12, approves the application from Cr A Dammers for Legal Representation on the Defamation action brought by Mr W Bradshaw". "

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e) lay down the following procedure for dealing with revoking or changing decisions made at Council or Committee Meetings:

If a decision has been made at a Council meeting then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to then be passed by an Absolute Majority.

Cr Dammers declared an interest in this item as he had submitted this request for Legal Representation.

Cr Dammers left the Chamber at this point, the time being 2225 hrs. Cr Freame assumed the Chair.

Prior to consideration of this item, Cr Freame called for support of one-third of the members of the Council. Support for this item was shown as follows:

MOTION MOVED BY: Cr Popham

SUPPORTED BY: Crs Tippett, Taylor, Duffy and Hancock.

Cr Hancock queried whether Council could recoup any money it paid in legal representation, if it was subsequently found that Cr Dammers had not acted in his capacity as a Councillor.

Chief Executive Officer stated that Council's policy made provision for repayment of such assistance.

In opening debate, Cr Popham requested his comments be recorded.

Cr Popham: "In front of the Councillors, there will be a policy A2-12 which I have had photocopied and distributed tonight. You ought to be aware of that.

I have new information regarding legal representation for Cr Dammers. I have new information which I include from the policy A2-12 and also in the form of a video which I have here. The video is of a meeting where the Mayor, Cr Dammers is alleged to have defamed Mr Wayne Bradshaw. I did intend to show this video but after legal advice handed to me by the CEO, if I show the video I and this Council will be open to libel. This is how absurd our policy is at this moment. So I will not be showing the video.

Legal representation for the present and former Councillors and Staff of the City - A2-12. Clause 1, if Councillors would indulge me and read with me on this:

"In most cases in which present and former Councillors and City officers are involved in civil - note civil - legal proceedings because of their official responsibilities, the City's solicitors will act for the present or former Councillors or officer at the expense of the City and the City will meet any liabilities incurred in the proceedings."

A civil matter. We will meet any liabilities incurred in these proceedings. That does not mean a \$3,000 limit. This is a civil matter, not a criminal. If you go to clause 8 where it deals with repayments, repayments of assistance:

"It shall be a condition of any grant of assistance that the applicant undertakes to repay the City the sum expended by the City in respect of such assistance or their part thereof, as Council may determine in the following circumstances:

- arising out of the conduct of the applicant, subject to grant assistance, the applicant is charged with an offence;
- the applicant is found guilty of such an offence."

This would not be a chargeable offence, we could not recover any money. So the question I put to you is if we pay for Cr Dammers' legal representation, he is found guilty, awarded costs, or costs awarded the other way, we have to pay for it, is that right?"

The Chief Executive Officer requested Cr Popham to read Clause 8.4.

Cr Popham: "8.4:

"Council at its discretion resolves to seek repayment harshly, but as protection to the City against incurring expense because of the unlawful conduct of a present or former Councillor or officer."

Unlawful conduct. This is a civic proceeding, that still wouldn't count."

The Chief Executive Officer interpreted that within that Clause, there was sufficient room for Council to move.

Cr Ewen-Chappell left the Chamber at this point, the time being 2231 hrs.

Cr Popham: "Well, the information that I have received, Mr CEO, is that we would not be able to recoup any money on this issue and in fact defamation is normally a separate part in .. you know .. different lawyers to deal with defamation. It should not actually be in our policy. It is such a different thing to what it was intended for. The point I am trying to bring to the Council this year, is were they aware that this could happen. When you voted on this at the last Council meeting which was given to us at 7.30 in the night, we wanted this deferred so that we could look at it and be better informed. That didn't happen.

With the video that I was going to show, which I can't show, no-one invited the Councillor to that particular meeting. He wasn't invited to speak, he did not identify himself at that meeting as a Councillor and we get back to our policy and that's what we have to get back to all the time here, is the policy. We go to 2.2 Councillors. To matters outside the discharge of their official responsibilities. In Clause 2:

"there will be some cases where this may not apply, particularly where.."

and they go to 2.2:

"the proceedings relate to conduct of present or former Councillors or officers wholly or partly in relation to matters outside the discharge of their official responsibility"

Was it his official responsibility?"

At the request of Cr Freame, the Chief Executive then read a letter received from Mr K J Loughton, marked "Without Prejudice" in relation to the public meeting held in March 1991, which stated:

"I was Chairman of the Eastern Perimeter Arterial Road Action Group (E.P.A.R.A.G) at that time and spoke at the public meeting. Many of the residents of our area were concerned and upset at Council's plans for urbanisation of East Wanneroo. We had written to, and lobbied Councillors and if I recall correctly invited them to our meetings.

At the public meeting Cr Dammers responded to some of concerns. In my opinion, Cr Dammers, who was a Central Ward Councillor and a member of the Town Planning Committee, was speaking as a representative of the Wanneroo City Council."

Cr Ewen-Chappell entered the Chamber at this point, the time being 2235 hrs.

At the request of Cr Popham, the Chief Executive Officer then read legal advice from McLeod and Co, which stated:

"- If the video recording reproduces defamatory comments by Cr Dammers, then there is a clear risk of further publication of that defamation. While it may be that the Councillor requesting permission to show the video is the person primarily responsible for the publication, it is clear that the showing of the video can occur only with the permission of the Council. Therefore it is at least arguable that the Council would be responsible for the showing of the video, and therefore responsible for the publication of any defamation which might be contained in the recording.

- It is arguable that, if the video recording is viewed only by Councillors, then it will amount only to Cr Popham publishing the video to

the Councillors. In that case Cr Popham could be regarded as publishing the defamation, which in this case would be a libel, the Councillors being the persons to whom the defamation is published. A person cannot be made subject to criminal or civil action for defamation if the person is only the recipient of a published defamation. It is therefore arguable that if the Council consented to allow Cr Popham to show the video to it behind closed doors, and if the Council ensured that there were no officers or other persons other than Council members present, then the Council would not be publishing the video recording, but simply receiving the publication by Cr Popham who would be the only person guilty of a defamatory publication. However, while that argument is open, in our view it is subject to grave risk, and we recommend that the Council avoid that risk if possible."

Cr Popham: "With your indulgence Madam Chair, just two more points. Under criteria to be applied - Clause 4:

"Unless in the opinion of Council declared by a resolution to that effect carried by an absolute majority, special circumstances exist to justify the exercise of discretion in favour of the applicant, an applicant will not - an applicant will not - be entitled to assistance if:

- 4.1 In the opinion of the City's solicitors adverse findings have been made against the applicant in a previous Royal Commission or a duly constituted Inquiry under the Local Government legislation."

Interim Report into the City of Wanneroo - Royal Commission. Adverse findings into Cr Arnold Dammers. We are dealing with policy here, Councillors. Policy, this is what it states in our policy. Adverse findings in this one. Kyle Inquiry - adverse findings".

At this point, the Chief Executive Officer advised that the interim report did not fall into the category of adverse findings, and believed this had been explained to all Councillors by legal representative, Mr Neil Douglas, of Minter Ellison. Mr Douglas had felt only one category in the interim

which contained adverse findings. Until the final report is published, no consideration of adverse findings can be made.

Cr Popham: "Members of Parliament, once outside Parliament, are not covered by any privilege or policy, yet we as a Councillor can say what we like, when we like and the Council will pay, the ratepayers will pay, for all legal costs and damages. Is that what we really want? Is that what the ratepayers want out there?"

Cr Cooper called a point of order as he believed this comment made by Cr Popham to be misleading. He also queried whether Cr Popham had earlier said that Council's policy had restricted the showing of the video, as this action was in fact restricted by Common Law.

Cr Tippet advised he had discussed the matter over the previous weeks with Cr Popham and felt Cr Popham was concerned that no cost limit had been placed within the policy. Cr Tippet asked the Chief Executive Officer at what point an amendment could be made to the motion. Chief Executive Officer responded that amendments to the previous motion could not be submitted, however should be rescission motion be successful, a further motion could then be moved.

Cr O'Grady stated the policy had been agreed to by Council. She stated that several other Councillors had already received assistance under this policy and believed the same should apply to Cr Dammers. In reference to the video tape, Cr O'Grady believed several Councillors had viewed this prior to the November Council meeting. Cr Taylor advised that he had first viewed the tape a week prior to this evening's meeting.

At this point, Cr Freame advised that Council had a clear policy in front of it. She referred to cases of Councillors in other local authorities having action taken against them for defamation and believed most had received supported. The Chief Executive Officer reinforced this comment.

Cr Cooper also believed Council's policy was clear and protected Council and advised he would not be supporting the rescission motion.

Cr Magyar reminded Council of an earlier debate and pointed out that if it becomes widespread knowledge in the community that a prospective Councillor could be subjected to legal action for acting in good faith to represent ratepayers, few persons would seek election as a Councillor.

Cr Tippett queried that if a fine was imposed as a result of a guilty verdict, can a claim be made against Council to pay, and in Clause 8.4, can repayment be sought after the fact.

The Chief Executive Officer responded that the policy is only for legal representation and did not cover costs or fines imposed. In relation to Clause 8.4, this was designed to be retrospective.

Cr Popham was then asked to close the debate.

Cr Popham: "Thank you. I will just start with Cr Tippett just touched on, and the CEO. Clause 1 in that, and it says in the last couple of sentences there:

"Solicitors will act for the present or former Councillors or officers at the expense of the City and the City will meet any liability incurred in the proceedings."

Clause 1. We will go to what Cr O'Grady was on about. When we put this policy together basically it was put together because of the Royal Commission because of Councillors and Council officers being called to the Royal Commission and it was argued that they needed legal representation for that. This policy was never to deal, in my opinion, with defamation. Simple. Why should we as Councillors have better representation than members of Parliament. Where we can say whatever we want."

Cr O'Grady called a point of order and believed Councillors did not have the authority to say whatever they want.

Cr Popham: "What is your point of order? We do, as the policy stands, I can say whatever I want in the Chamber and Council will, as this policy stands...."

Cr Freame advised that Council did not have the privilege of Parliament and was more open to suits of defamation.

Cr Popham: "But we can say whatever we want and we are covered."

Cr Cooper stated this issued had not been raised and said Cr Popham should be answering items raised by other Councillors.

Cr Popham: "Thank you Cr Cooper. So we get back to the policy. It wasn't originally meant for defamation. The tape. Well, maybe if Cr O'Grady had seen the tape, because it's only speculation isn't it. She hasn't seen it so she can't really say whether she would change her mind, can she."

Cr O'Grady queried the debating of this item.

Cr Popham: "What we are doing is trying to decide on whether what we are doing is right. What I would put to Cr O'Grady of course is if she had seen the tape, and of course not knowing what if she hasn't seen it, could it be possible that she might change her mind. The letter we have been given tonight, it was received tonight, certainly it gives some more information to us, doesn't it. We didn't have this information at the last full Council meeting, yet everyone voted for it and all we wanted to was defer it. But no, we voted it through. Who was that special treatment for Cr O'Grady?"

Cr O'Grady objected to this comment.

Cr Popham: "When I first came up to this Council I was told that we as Councillors had no special privilege and I agreed with that. I'm certainly finding out it's different tonight, aren't I."

Cr Cooper called a point of order in that Cr Popham should be answering matters raised. Cr Freame instructed Cr Popham to keep his remarks to answer the debate already raised.

Cr Freame requested Cr Popham to keep to the debate and queried whether he had finished his debate.

Cr Popham: "Thank you Madam Chairman."

Cr Freame read the Motion to Councillors.

Cr Taylor queried whether Mr Bradshaw had applied for legal representation. The Chief Executive Officer advised that an application had been received from Mr Bradshaw's solicitors and this application is being investigated to ascertain whether it fitted within Council's policy.

MOVED Cr Popham, **SECONDED** Crs Tippet, Taylor Duffy and Hancock that Council rescinds its resolution C510-11/96 of 27 November 1996, viz:

"That Council, in accordance with Policy A2-12, approves the application from Cr A Dammers for Legal Representation on the Defamation action brought by Mr W Bradshaw". **LOST**

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

FOR: Crs Taylor, Wight, Popham, Duffy and Hancock.

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

Cr Dammers entered the Chamber at this point, and resumed the Chair, the time being 2305 hrs.

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

Nil

PUBLIC QUESTION TIME

THERE THEN FOLLOWED A 15-MINUTE PERIOD OF QUESTION TIME, DURING WHICH QUESTIONS WERE PUT BY THE PUBLIC ON BUSINESS DISCUSSED DURING THE COURSE OF THE MEETING.

Cr Lynn left the Chamber at this point, the time being 2308 hrs.

Ms Jill Brown:

1 How can conditions be applied regarding midge and, if Abate is used, how can Council control where it lands? Council should take note of Cr Magyar's comments on long term revegetation.

Response from Cr Dammers: Council is looking at various options and a report will be submitted in the New Year.

2 Where will be Vodafone tower be erected in Tamala Park.

Response from City Planner: The tower will be placed behind the recycling plant, towards the western side of the site.

Cr Lynn entered the Chamber at this point, the time being 2311 hrs.

Mrs A Hine:

Could the Wanneroo Times write an article in relation to the Wanneroo Townsite study, advising members of the public that this is the final opportunity for submissions to be made.

MOVED Cr Cooper, **SECONDED** Cr Taylor that, following a short break, the meeting be held Behind Closed Doors to discuss legal advice relating to Item TP297-12/96, the time being 2317 hrs.

CARRIED

The Public and Members of the Press left the Chamber at this point.

The meeting then resumed Behind Closed Doors, the time being 2328 hrs.

CONFIDENTIAL BUSINESS

TP297-12/96 **APEAL DETERMINATION: TRANSPORT DEPOT, MR AND MRS RITCHIE, LOT 36 (129) TRICHET ROAD, JANDABUP - [30/5202, 268/36/129]**

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

- 1 seeks advice from the Strata Titles Referee's Office on its ability to act as referee on this complaint;
- 2 advises the owners of Lot 36 (129) Trichet Road, Jandabup, Mr L D & Mrs S Ritchie, that based on advice from the Minister for Planning and Council's solicitors, any application for a transport depot to operate on the property cannot be considered unless signed by all the owners of the land;
- 3 advises Mr L D and Mrs S Ritchie that the use of Lot 36 (129) Trichet Road, Jandabup as a transport depot without Council approval is in breach of the City's Town Planning Scheme;
- 4 requests the owners of Lot 36 (129) Trichet Road, Jandabup, Mr and Mrs Ritchie, to cease the use of the property as a transport depot, on a permanent basis within 90 days notification;
- 5 refers the matter to its solicitors for legal action if the use continues beyond the notified time;
- 6 advises the land owners accordingly.

CARRIED

C555-12/96 **SUSPENSION OF STANDING ORDERS - CR HANCOCK - [702-0]**

MOVED Cr Hancock, **SECONDED** Cr Lynn that Council suspends Standing Orders to allow debate regarding the house under construction at Lot 560 (3) Manakoora Rise, Sorrento.

LOST

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

FOR: Crs Magyar, Popham, Major, Hancock, Lynn and Freame.

AGAINST: Crs Healy, O'Grady, Cooper, Ewen-Chappell, Wight,
Taylor, Duffy, Tippett and Dammers.

MOVED Cr Magyar, **SECONDED** Cr Healy that the meeting be held
with the doors open, the time being 2356 hrs.

CARRIED

DATE OF NEXT MEETING

The next Ordinary Meeting of Council has been scheduled for
7.30 pm on **WEDNESDAY 26 FEBRUARY 1997**

CLOSE OF BUSINESS

There being no further business, the Chairman declared the
Meeting closed at 2356 hrs, the following Councillors being
present at that time:

COUNCILLORS: DAMMERS
FREAME
COOPER
LYNN
EWEN-CHAPPELL
MAGYAR
O'GRADY
WIGHT
TAYLOR
MAJOR
HANCOCK
DUFFY
HEALY
POPHAM
TIPPETT