

CITY OF WANNEROO

MINUTES OF COUNCIL MEETING HELD ON
24 SEPTEMBER 1997

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- 91 C351-09/97 CLEANING AND REPAIRS - COUNCILLORS' LOUNGE - [702-4]
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- 92 COMPLIANCE AUDIT OF COUNCIL COMMITTEES - [702-1]
- 92 C353-09/97 INQUIRY INTO GRANTING OF DEVELOPMENT APPLICATION FOR LOT 560 MANAKOORA RISE, SORRENTO - [3090/560/3]

MOTIONS FOR FURTHER ACTION AND MOTIONS FOR REPORT

- 94 C354-09/97 NOTICE TO RESCIND DP156-08/97 - CR HEALY -
[702-0, 319-7-1]
95 PROPOSED SUBDIVISION - PT LOT 503 (253)
95 EDGEWATER DRIVE, EDGEWATER - [740-104398]
HEPBURN HEIGHTS LAND OWNERS ASSOCIATION

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

- 95 C355-09/97 NOTICE OF MOTION IN RELATION TO TELSTRA
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100 **NOTICE OF MOTIONS FOR CONSIDERATION AT THE
FOLLOWING MEETING, IF GIVEN DURING THE
MEETING**

101 **PUBLIC QUESTION TIME**

103 **CONFIDENTIAL BUSINESS**

103 **DATE OF NEXT MEETING**

103 **CLOSE OF BUSINESS**

CITY OF WANNEROO

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON WEDNESDAY, 24 SEPTEMBER 1997

ATTENDANCES AND APOLOGIES

Councillors:	B A COOPER, JP - Mayor - Chairman	Central Ward
	<i>(Absent 2140 hrs to 2142 hrs)</i>	
	A G TAYLOR, Deputy Mayor <i>(Absent 2148 hrs to 2153 hrs; Acting Chairman from 2140 hrs to 2142 hrs)</i>	South Ward
	L O'GRADY <i>(Absent 2302 hrs to 2303 hrs)</i>	North Ward
	P O HEALY <i>(Absent 2309 hrs to 2310 hrs)</i>	North Ward
	L A EWEN-CHAPPELL <i>(Absent 2132 hrs to 2142 hrs)</i>	Central Ward
	S P MAGYAR <i>(Absent 2131 hrs to 2136 hrs)</i>	Central Ward
	M J ZUVELA <i>(Absent 2147 hrs to 2153 hrs)</i>	Central Ward
	A W WIGHT <i>(Absent 2145 hrs to 2147 hrs)</i>	South Ward
	T W POPHAM <i>(Absent 2030 hrs to 2032 hrs; and 2033 hrs to 2304 hrs)</i>	South Ward
	D K TIPPETT, JP	South Ward
	J HOLLYWOOD, JP	South Ward
	G A MAJOR <i>(Absent 2045 hrs to 2046 hrs; and 2206 hrs to 2207 hrs)</i>	South-West Ward
	M E LYNN, JP <i>(Absent 2131 hrs to 2135 hrs)</i>	South-West Ward
	J BOMBAK, JP <i>(Present to 2300 hrs)</i>	South-West Ward

Chief Executive Officer:	L O DELAHAUNTY
Director, Corporate Services:	R E DYMOCK
Director, Strategic Planning:	R FISCHER
Director, Resource Management:	J B TURKINGTON
Director, Technical Services:	R McNALLY
Director, Development Services:	O G DRESCHER
Director, Community Services:	C HALL
Manager, Council Support Services:	M SMITH
Publicity Officer:	K LEE
Committee Clerk: J AUSTIN	
Minute Clerk:	L TAYLOR

There were 87 members of the Public and 1 member of the Press in attendance.

The Mayor declared the meeting open at 1935 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Mr G Dunjey, was taken on notice at the Council meeting held on 27 August 1997:

Q What procedure did Telstra follow to have our land reclassified from Rural to Special Category Buffer Zone?

A The subject land is still zoned Rural under the Metropolitan Region Scheme and rural (except for one lot which is zoned Rural, Special Zone [Restricted Use] Retail Nursery) under City of Wanneroo Town Planning Scheme No 1. Past and current reference to the area as a buffer "zone" has used the expression "zone" in terms of referring to a particular area, rather than a type of zone under the Metropolitan Region Scheme or City of Wanneroo Town Planning Scheme No 1.

The following questions have been submitted by Mr Colin Edwardes for the Council Meeting to be held on 24 September 1997:

Q1 Detail the number of lines of approval for legal costs for present and former Councillors and staff of the City since the commencement of the Royal Commission into the City of Wanneroo.

A1 The following is a list of approvals for legal assistance:

APPLICATIONS FOR LEGAL ASSISTANCE

APPLICANT	DATE OF APPLICATION	COUNCIL APPROVAL
Arnold Dammers	1 August 1996	28 August 1996
Ron Coffey	2 August 1996	28 August 1996
John Turkington	5 August 1996	28 August 1996
Brian Cooper	6 August 1996	28 August 1996
Arnold Dammers	10 September 1996	
Colin Edwardes	26 September 1996	23 October 1996
Peter Nosow	October 1996	23 October 1996
John Humphreys	29 October 1996	27 November 1996
Oscar Drescher	21 October 1996	27 November 1996
Ray Fischer	4 November 1996	27 November 1996
John Jodrell	6 November 1996	27 November 1996
Oscar Drescher	4 November 1996	
	8 November 1996	
	8 November 1996	
Dennis Blair	12 November 1996	27 November 1996
Ron Coffey	12 November 1996	27 November 1996
Beverley Moloney	13 November 1996	27 November 1996
William Marwick	21 November 1996	27 November 1996
Roger Hope-Johnstone	25 November 1996	27 November 1996

Oscar Drescher	26 November 1996	
Paul Higgs	19 December 1996	
William Marwick	20 December 1996	
Arnold Dammers	20 December 1996	
William Marwick	23 December 1996	
Arnold Dammers	3 January 1997	
Arnold Dammers	7 January 1997	
Alexandra Davidson	14 January 1997	26 February 1997
Tony Robson	24 January 1997	26 February 1997
John Turkington	28 January 1997	26 February 1997
Odelle Davidson	10 February 1997	26 February 1997
Graeme Major	March 1997	26 March 1997
Beverley Moloney	25 February 1997	
Arnold Dammers	6 March 1997	26 March 1997
Brian Cooper	20 March 1997	26 March 1997
Oscar Drescher	17 March 1997	26 March 1997
Oscar Drescher	20 March 1997	26 March 1997
Philip Thompson	14 April 1997	28 May 1997
Phil Melling	8 April 1997	28 May 1997
Fleur Freame	14 April 1997	28 May 1997
Oscar Drescher	22 April 1997	28 May 1997
Roger Hope-Johnstone	14 April 1997	28 May 1997
Tim Koroveshi	20 May 1997	28 May 1997
Robert Dymock	1 May 1997	28 May 1997
Lindsay Delahaunty	1 May 1997	28 May 1997
John Turkington	14 July 1997	23 July 1997
Arnold Dammers	1 July 1997	23 July 1997
John Turkington	28 July 1997	27 August 1997
Oscar Drescher	25 August 1997	27 August 1997
Colin Edwardes		27 August 1997

Q2 Detail the number of approvals for legal costs for present and former Councillors and staff of the City other than that related to the terms of reference of the Royal Commission for the financial years 1995/96, 1996/97, 1997/98.

A2 The only approvals for legal assistance relate to those granted to the previous Mayor, Arnold Dammers.

At its meeting of 27 November 1996, Council approved of legal assistance to defend a defamation action taken by Dr W Bradshaw. In respect of this issue, a further approval was granted on 26 March 1997.

Q3 In the case of questions 1 and 2, please provide the names of each applicant and the number of approvals against each applicant.

A3 Answered by 1 and 2.

Q4 In the case of questions 1 and 2, against the name of each applicant, please list the date of application and the date Council approval was obtained.

A4 Answered by 1 and 2.

Questions submitted by Mrs A Hine and Mr K Holmes in relation to Lot 560 Manakoora Rise, Sorrento:

The Chief Executive Officer advised that, following referral of these questions to Council's solicitors for comment, advice has been received which states that it would be improper for a response to be given prior to the City's insurers concluding the settlement with the complaining neighbours, as this may complicate or compromise the settlement process. Further, the insurers' solicitors have requested the questions be taken on notice, in particular the questions raised by Mr Holmes which contain statements which may be defamatory of officers and Councillors. The Chief Executive Officer said for the questions to be read publicly may amount to republication of defamation and recommended that officers and Councillors avoid that risk.

The details required to answer these questions will take time to prepare and will depend on Council's response to the report tabled by the Minister for Local Government in Parliament. In view of the above, these questions were therefore taken on notice.

Mr Bruce Brislin:

Q1 What is the Council policy regarding use of the mayoral car?

Q2 Has any Councillor, apart from the Mayor, used the mayoral car, and for what purpose?

Q3 On what days has the car been used by a Councillor, other than the Mayor, and what are the implications in terms of the Fringe Benefits Tax, in terms of the ratepayers or on the Councillor using this vehicle?

(The Following Questions Were Directed To the Mayor)

Q4 How many days do you spend each month out of the State and therefore unavailable to properly perform your Mayoral duties?

Q5 What commitment will you give in regard to being a full time Mayor and getting on top of some of the serious deficiencies in this Council, particularly in relation to the operations of the Building Approval Section?

Q6 Given the report into the City of Wanneroo's lack of performance as handed down by the Department of Local Government, what assurances can you give ratepayers that this Council will get on top of the problems, particularly in relation to the final findings which have been found in the report?

Q7 What steps are you going to take in relation to the staff concerned that have been named in that report, particularly in regards to tendering the advice to Council which the report makes some fairly scathing comments about?

A2 *Response by Mayor:* Regarding use of the Mayoral car, there are policies for the use of the Mayoral car. In my time as Mayor, the only person to use the car has been the Deputy Mayor, while I was on holiday for two weeks.

A4 *Response by Mayor:* I have business interests outside of the State and spend approximately five days per month out of the State on business, and also some time on personal business.

Questions 1, 3, 5, 6 and 7 were taken on notice.

Mr Gary Young, representing Hepburn Heights Landowners Association:

Q On 10 June we had a meeting with the Mayor, at which the Mayor undertook a commitment to conduct a detailed traffic survey in the Hepburn heights area. The community would like a detailed response on when this would take place.

A *Response by Director, Technical Services:* This matter is in progress. I will take this matter on notice and advise Mr Young of details of the traffic survey.

Mr Barry Higgins, Carabooda:

Q (Regarding his questions submitted to the May Council meeting regarding the possibility of Council convening a Youth Summit). Is the possibility of Council convening a Youth Summit under active consideration and if so, at what stage are the deliberations.

A *Response by Director Community Services:* We are in the process of developing a Youth Action Plan for consideration, which includes consideration of a Youth Summit, and it is anticipated a report will be submitted to Council within 6-8 weeks.

Mr Lance Wilson, for Alice's Cafe and the Help Project:

Q1 Will Alice's Cafe come before the full Council from the submission in the October meeting?

Q2 Will Council take notice of the letters of support for the Youth Supporting Youth project - Alice's Cafe - and the level of experience and expertise from the source that they come from?

A1-2 *Response by Director, Community Services:* Yes to both questions. This matter is under consideration in terms of a Youth Action Plan. There will be a preliminary report on this proposal in October 1997.

Mr Vic Harman, Ocean Reef:

Q At the Technical Services Committee meeting, Mr Merv Day asked about the lighting in the underpass between Baroola Park, Baroola Place and Marion Avenue. Has this now been attended to?

- A *Response by Director, Technical Services:* I have been advised that the lights are now operational.
- Q2 Regarding the response to the Minister for Local Government, in the figures quoted there shows a shortfall of \$4.6m. Would I be right in thinking that a \$1m rate equates to 1% of the rate?
- A2 *Response by Director Resource Management:* Council's rates are \$50m. 1% of that is \$500,000.
- Q3 On this basis then, would \$4.6m mean 9%.
- A3 *Response by Director Resource Management:* Yes, approximately.
- Q4 In light of this, who would be responsible for paying this shortfall, will it be the residents of the proposed Shire of Wanneroo, the Government, or this City?
- A4 *Response by Mayor:* I have asked the same question and have not received a satisfactory answer.
- Q5 Will the submission be available for the Koondoola meeting which is due to take place.
- Q5 *Response by Mayor:* The submission will be a public document after this evening.
- Q6 When the commissioners are appointed for the split, do you know of any Councillor who is prepared to assist the commissioners in the splitting up of this Council.
- A6 *Response by Mayor:* If the Government makes the decision to split this City, I think it would be entirely responsible for any Councillor, if they wished, to assist the Government in an advisory capacity, as Councillors have experience in the running of the City.

Mr Keith Holmes:

- Q1 At what stage can I receive some answers to the questions I have raised in relation to Lot 560 Manakoora Rise?
- A1 *Response by Mayor:* We have only just received the appendix to the document from the Report to the Minister. Council has to give a response to the Government within 2 months. Within that time we will be endeavouring to answer as many questions as possible. Some questions have legal implications.
- Response by Chief Executive Officer:* Several of the questions will be clarified in the response that the Council undertakes, and others will be answered once they are cleared by Council's legal advisers.
- Q2 (Question to Director, Strategic Planning) Would you comment on the aspects of the report which says the possibly exists that none of the required checks under the R-Codes were carried out on the plans for Lot 560 Manakoora Rise.

- A2 *Response by the Mayor:* I will not allow Mr Fischer to answer that question until the report is addressed fully.
- Q3 Do you think that, within the next foreseeable months, Mr Fischer will still be working for the City of Wanneroo?
- A3 *Response by Mayor:* This is not a question that I am prepared to put.

Mr Des Carbell (currently building residence at 601 Ashmore Way, Sorrento)

- Q1 Regarding the proposal for the three storey residents adjoining my house, does Council have a Height Policy which states that the average height of all residential developments shall be two storeys or six metres average building height. The proposed house will be 10.2 metres.
- Q2 Does the Council follow this policy, if not, why does it have this Policy? Is anything to be done about this policy?
- Q3 Have the Councillors studied both sets of plans at Lots 600 and 601 and have Councillors noted the impact on my family's privacy?
- Q4 As a resident of the City of Wanneroo for 20 years, is my family entitled to privacy?
- Q5 How many residents in Ashmore Way notified of the proposed building and how many opposed it?
- Q6 Do the Councillors represent the ratepayers, do they express the ratepayers' views, or do they express their own views?

Response by Director, Development Services: Council has a policy which requires the Council to advertise for public comments any structure in excess of six metres. There is not a six metre height limit for construction. Advertising can either be by way of an on-site sign, or by asking those properties which immediately abut the premises, as was in this instance.

Persons surrounding the premises would have been asked for comment; from the plan it is assumed that at least six surrounding premises would have been asked for comment. Four people objected to the proposal. Council makes a determination on submissions received, recognising the R-Codes and issues of overshadowing and privacy, which have been taken into consideration in this case.

Response by Mayor: Councillors will answer the other questions during this evening's debate.

Mrs A Hine (Regarding Edgewater Drive, Page 27 of Council Agenda):

- Q1 Has Council considered buying that land and resuming it for parkland?
- A1 *Response by Mayor:* I think the answer is No.
- Q2 Has an EPA study ever been done on that land since Karinya Nominees bought the land? If there had not been an EPA study, is it possible for Council, before land is divided for housing or roads, to insist an EPA study is undertaken?

- A2 I do not believe an environmental study has been undertaken on any part of their land, although studies have been undertaken on the Regional Open Space abutting the lake.
- Q3 How long have Karinya owned the land, who owned it before them, and have they had an EPA study been done on the flora and fauna in the area?
- A3 *Response by Director, Development Services:* The land was owned by the Realty Development Corporation in 1972/73. Prior to that the bulk of Edgewater was Crown land, Crown Reserve Stock Route, since about 1830 or 1850. It was owned by the developers, and subdividers from 1974 onwards. The northern part, north of the Quarry in Edgewater, was taken over by Karinya Nominees and the land has been progressively subdivided, and this is the last piece of land.

CONFIRMATION OF MINUTES

C337-09/97 MINUTES OF COUNCIL MEETING, 27 AUGUST 1997

The following questions, submitted by Mr Harman, were omitted from the minutes of the Council meeting held on 27 August 1997:

- Q1 *What is the wording of the current Policy in respect of Council's hosting of luncheons and dinners?*
- A1 *Council generally authorises luncheons and dinners, however where urgent circumstances arise the Mayor may approve such functions.*
- Q2 *What is the current Policy in respect of Councillors entertaining guests?*
- A2 *No policy exists at this stage.*
- Q3 *Would Council instigate a system whereby details of Councillor's name, the name(s) of any guests and the purpose of the luncheon or dinner is recorded in the monthly report of the Finance and Community Services Committee?*
- A3 *This suggestion will be noted for consideration by the Council's House Working Party.*
- Q4 *What benefit is envisaged from the replacing of the current seating arrangement by round tables?*
- A4 *The Committee has not yet discussed the advantages/disadvantages of the use of round tables. This matter will be discussed at the next meeting of the Council's House Working Party.*
- Q5 *What cost savings to ratepayers is anticipated by employment of an in-house chef?*
- A5 *Council has not resolved to employ a chef. Tenders are currently being called for a catering contract.*

Q6 What salary range is anticipated?

A6 See Answer 5.

MOVED Cr O'Grady, SECONDED Cr Lynn that the Minutes of the Council Meeting held on 27 August 1997, amended as above, be confirmed as a true and correct record.

CARRIED

Cr Bombak requested that his name be recorded as voting against the resolution as he believed Item P78-08/97 and "Attendances and Apologies" to be incorrect.

C338-09/97 MINUTES OF SPECIAL COUNCIL MEETING - 10 SEPTEMBER 1997

MOVED Cr Taylor, SECONDED Cr O'Grady that the Minutes of the Special Council Meeting held on 10 September 1997, be confirmed as a true and correct record.CARRIED

QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN, WITHOUT DISCUSSION

PERSONAL EXPLANATION - CR T POPHAM - [702-0]

Cr Popham responded to the question asked by Cr Ewen-Chappell at the Council meeting held on 27 August 1997, and gave a personal explanation in relation to the incident which occurred on Friday 22 August 1997.

Cr Cooper thanked Cr Popham for his explanation and answer to the question raised by Cr Ewen-Chappell.

Cr Cooper stated that, in view of Cr Popham's behaviour on 22 August 1997, he had no alternative but to censure him for behaviour unbecoming of a Councillor of the City of Wanneroo and a breach of the Council's adopted Code of Conduct. Cr Cooper requested this censure be recorded in the Minutes as official steps taken against such action.

PERSONAL EXPLANATION - CR J BOMBAK - [702-0]

In accordance with Standing Orders, Cr Bombak gave a personal explanation in relation to his behaviour at the Council meeting held on 27 August 1997, having regard to the incident which occurred on Friday 22 August 1997.

QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN, WITHOUT DISCUSSION

ANNOUNCEMENTS BY THE MAYOR, WITHOUT DISCUSSION

WELLNESS WEEK AWARD

The Mayor said he was delighted to advise that the City was recently announced a category winner in the 1997 WA Healthy Hearts Local Government Awards. The category was the "Most Outstanding Project with Limited Resources" and the project was "Wellness Week",

which was undertaken at the Hainsworth Leisure Centre by Facilities Manager, Tanya-Marie Davies and Program Co-ordinator, Sara Kane.

The aim of Wellness Week was to promote the concept of healthy living by developing physical, mental and spiritual wellness through participation in a variety of recreation activities.

The Health Promotion Director of the Heart Foundation, Trevor Shilton, was present at this meeting and presented the award to the Council.

Tanya-Marie Davies will attend the National Awards presentation in Sydney next month.

LOCAL GOVERNMENT ADVISORY BOARD PUBLIC MEETINGS

The last of the four public meetings by the Local Government Advisory Board to discuss the Local Government Minister's proposal to split the City was held on 4 September in this building. At all four meetings there was a common theme of frustration with the lack of information available and the inability of the Board to explain why the division is required.

The Mayor thanked all residents who attended and participated in the meetings.

The Council has prepared a detailed computer model on the viability and timetable proposed by the Minister which, if adopted by the Council this evening, will become a public document.

EXTRAORDINARY ELECTION - 4 OCTOBER

An Extraordinary Election will be held on 4 October. The vacant seat in the South-West Ward came about by the passing of Councillor Fleur Freame.

Nominations for the seat closed on 4 September and early and postal voting started on 15 September. A ballot was held and the three nominees will appear in the following order on the ballot paper:

- | | |
|---|------------------|
| 1 | Andrew Patterson |
| 2 | Vicki Hancock |
| 3 | Glynis Monks |

The term of office will be until 1 May 1999. The Mayor encouraged all City of Wanneroo ratepayers in the South-West Ward to exercise their democratic right by voting on election day.

REPORT ON MANAKOORA RISE

The inquiry by the Local Government Department into the building of a house in Manakoora Rise, Sorrento was tabled in Parliament on 11 September 1997.

The Mayor believed this action denied the Council, and Council officers named, the right to natural justice. No opportunity was given to those criticised in the report to respond to the criticism, as principles of natural justice would ordinarily require.

People who gave evidence in good faith should have been given the opportunity to respond to the criticism before the report was made public.

The Council must accept that human errors were made when dealing with this building application. Procedures must be put in place to minimise the chance of this happening again.

The day the report was released, the Mayor issued a media release calling on the State Government to tidy up the anomalies and poor wording of the Residential Planning Codes Legislation and to clarify the uncertainty facing Local Government building surveyors on the extent to which they may apply these codes on a building licence application.

On behalf of the Council, the Mayor took the opportunity to apologise to the Delborello and Brislin families who became victims of this unfortunate incident.

OTHER EVENTS

- | | |
|-------------------------|---|
| Thursday, 28 August | Cr Major deputised for the Mayor at the 50th wedding anniversary of Duncraig couple, Mr and Mrs Frederick Davis. |
| Sunday, 31 August | Cr Taylor took part in the Season 1997 West Coast Netball Regional Breakfast Celebration. |
| Wednesday, 3 September | Cr Taylor and the Mayor attended a celebration for James Christou & Partners - the architects who designed this centre - called "A Dozen Good Years".

Cr Hollywood deputised for the Mayor at the Zonta Club of Perth (Northern Suburbs) Eighth Annual Youth Awards Presentation. |
| Sunday, 7 September | Cr Zuvela and Hollywood attended an Elected Members course in Canberra.

The Chief Executive Officer attended the Pasta Run at the Wanneroo Showgrounds which was organised by the Alfa Romeo Owners Club of WA. The Club gave the Council a bottle of vintage wine which is on display in the Councillors' lounge. |
| Tuesday, 9 September | The Mayor attended the "Keep Australia Beautiful Council of WA" Awards. |
| 12-14 September | Winners of the Wanneroo Eisteddfod were presented trophies by Cr Major, Cr Taylor and the Mayor. |
| Sunday, 14 September | Councillors were invited to celebrate the Yanchep Volunteer Fire and Rescue Service's 10 years of service. |
| Monday, 15 September | The Mayor attended the Woodvale Senior High School Open Day/Night. |
| Wednesday, 17 September | Cr Hollywood deputised for the Mayor at a function for the Department of Transport's Perth Metropolitan Freight Transport Strategy discussion paper. |

- Thursday, 18 September The Mayor presented awards at the Wings Youth Development Course (APEX) which was held at Prendiville Catholic Senior High School.
- The Mayor also planted a tree with students from Connolly Primary school for National Tree Day.
- Saturday, 20 September Cr Major deputised for me at the Challenge Brass Band's 10th anniversary reunion dinner.
- The Mayor attended the presentation dinner for the Joondalup City Wolves.
- Monday, 22 September Councillors attended a luncheon and library tour as part of the Library Board of WA's 1997 Intamel Conference.

On this day, the Mayor attended the official opening of the relocated Fire and Rescue Service of WA (Perth North Regional Office), which has been relocated from Malaga to Joondalup.

During Mayoral announcements, Cr Popham left the Chamber at 2030 hrs and returned at 2032 hrs.

PETITIONS, MEMORIALS AND DEPUTATIONS

NOTICE OF MOTION - CR HEALY - [319 -7-1, 702-0]

Cr Healy submitted a letter from the Two Rocks/Yanchep Residents Association asking that Council rescinds its motion DP156-08/97 - Metropolitan Region Scheme Proposed Amendment No 987/33 "North West Corridor Omnibus Amendment No 3. Cr Healy advised he had circulated a Notice to Rescind to Councillors and sought permission to move this later in the meeting, under Motions for Further Action.

The Chief Executive Officer advised that Local Government (Administration) Regulations 1996 No 10 allows for a rescission motion to take place, and this will require one third of the Council to vote in favour of this motion, prior to its consideration by the Council.

C339-09/97

PETITION IN SUPPORT OF THE CLOSURE OF PEDESTRIAN ACCESSWAY - BEXLEY WAY, GIRRAWHEEN - [510-488]

Cr Hollywood submitted copy of a 40-signature petition from residents of Girrawheen requesting the closure of the pedestrian accessway in Bexley Way, Girrawheen.

This petition will be referred to Development Services for action.

MOVED Cr Wight, SECONDED Cr Healy that the 40-signature petition from residents of Girrawheen requesting the closure of the pedestrian accessway in Bexley Way, Girrawheen be received and referred to Development Services for action. CARRIED

C340-09/97 **LETTER IN RELATION TO UPPER STOREY ADDITIONS :
LOT 180 (34) HAZEL AVENUE QUINNS ROCKS - [413/180/34]**

Cr Magyar submitted a letter from Mr Miguel Castillo of Hazel Avenue, Quinns Rocks asking Council to protect his rights to overshadowing and privacy in relation to the proposed upper storey additions at Lot 180 Hazel Avenue, Quinns Rocks - Item DP200-09/97.

This letter will be referred to Development Services for action.

MOVED Cr Wight, SECONDED Cr Healy that the letter from Mr M Castillo in relation to the proposed upper storey additions at Lot 180 Hazel Avenue, Quinns Rocks be received and referred to Development Services for action. CARRIED

C341-09/97 **LETTER IN RELATION TO PROPOSED SPLIT OF THE
CITY OF WANNEROO - [802-5]**

Cr Magyar submitted a letter from the Wanneroo and Districts Historical Society in relation to the proposed split of the City of Wanneroo and requesting that the State Government to allow the local authority called Wanneroo to exist for at least 100 years.

Cr Magyar advised he would move a motion in this regard later in the meeting.

MOVED Cr Wight, SECONDED Cr Healy that the letter from the Wanneroo and Districts Historical Society in relation to the proposed split of the City of Wanneroo be received. CARRIED

C342-09/97 **PETITION REQUESTING THE REMOVAL OF GROYNE AT
CLUB CAPRICORN - [765-16]**

A 1,213-signature petition has been received from Iain MacLean, MLA on behalf of residents of the City of Wanneroo requesting removal of the groyne at Club Capricorn which is causing the silting up of Yanchep Lagoon Beach as a result of the groyne now being above the high tide mark.

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

MOVED Cr Wight, SECONDED Cr Healy that the petition from Iain MacLean, MLA on behalf of residents of the City of Wanneroo requesting removal of the groyne at Club Capricorn be received and referred to Technical Services for a report to the Technical Services Committee. CARRIED

C343-09/97 **PETITION OBJECTING TO THE CONDITION OF FLOOR,
WHITFORD SENIOR CITIZENS HALL - [335-1-1]**

A 67-signature petition has been received from senior citizens using the Whitford Senior Citizens Hall.

The petitioners state the condition of the floor in this hall is no longer suitable for the dances which are held on a weekly basis, and in its present condition; may cause further injury to people using the hall.

This petition will be referred to Technical Services for action.

MOVED Cr Wight, SECONDED Cr Healy that the petition from senior citizens using the Whitford Senior Citizens Hall be received and referred to Technical Services for action. **CARRIED**

C344-09/97 **PETITION REQUESTING THE INSTALLATION OF LIGHTING AT PLUMDALE PARK, PARKWOOD AVENUE, WOODVALE - [061-494]**

A 45-signature petition has been received from Woodvale residents requesting the installation of lighting at Plumdale Park, Parkwood Avenue, Woodvale in an attempt to alleviate the problems of bad behaviour, vandalism, graffiti and drug use associated with youths frequenting the park during the hours of darkness.

The petition will be referred to Technical Services for a report to Technical Services Committee.

MOVED Cr Wight, SECONDED Cr Healy that the petition from Woodvale residents requesting the installation of lighting at Plumdale Park, Parkwood Avenue, Woodvale be received and referred to Technical Services for a report to Technical Services Committee. **CARRIED**

C345-09/97 **PETITION EXPRESSING CONCERN AT NOISE LEVELS AND POLLUTION EMANATING FROM SHOPPING CENTRE COMPLEX, WOODVALE - [1287/6/931, 30/3676]**

A 20-signature petition has been received from residents of Timberside Villas, Woodvale expressing their concern at the noise levels and pollution from delivery vans awaiting to off-load goods at the nearby shopping complex.

This petition will be referred to Health Services for action.

MOVED Cr Wight, SECONDED Cr Healy that the petition from residents of Timberside Villas, Woodvale expressing their concern at the noise levels and pollution from delivery vans awaiting to off-load goods at the nearby shopping complex be received and referred to Health Services for action. **CARRIED**

DECLARATIONS OF FINANCIAL INTEREST

Cr Major declared an interest in Item TS272-09/97 as he has had previous dealings with one of the tenderers.

Cr Cooper declared an interest in Item FA157-09/97 as he is Chairman of the Belgrade Village Trust.

Cr Cooper wished it noted that he is a patron of the Wanneroo Basketball Association - Item CS272-09/97 refers.

Cr Cooper referred to Item DP194-09/97; Points 1, 13 and 29. He believed he was not required to declare a financial interest as these items were handled under delegated authority. The Chief Executive Officer confirmed this was correct.

Cr Major declared an interest in Item C348-09/97 as he had been nominated for consideration of appointment to the position of WAMA Member - Advisory Council on Waste Management.

Director, Strategic Planning declared an interest in Item C355-09/97 as he is a member of the Salvation Army Management Committee which has responsibility for the Crossroads Youth Programme.

BUSINESS REQUIRING ACTION

POLICY COMMITTEE

REPORT NO:

P79-09/97 **PROPOSED MODIFICATIONS TO LOCAL LAW F1:
FENCING & PRIVATE TENNIS COURT FLOODLIGHTING -
[2358/162/32, 210-0]**

Summary of Purpose and Effect (as read aloud at Council by the Mayor)

Minor modifications are proposed to Council's Local Law F1: Fencing and Private Tennis Court Floodlighting to include provision for electric fencing in special rural areas. The changes are a result of several proposals for such fencing on land zoned Special Rural (which the Local Law does not presently allow), and Council's resolution at the April 1997 meeting to investigate such changes (P37-04/97).

The existing Local Law relating to fencing was adopted in 1987 to control fencing throughout the Council District. Review is necessary to recognise that electric fencing has dual purposes of security (in industrial and commercial areas) and stock control (in rural and special rural areas), and to provide for the erection of electric fencing in special rural areas.

MOVED Cr Wight, SECONDED Cr Healy that Council, in accordance with Section 3.12 of the Local Government Act 1995, amends its Local Law F1: Fencing and Private Tennis Court Floodlighting as described in Attachment 2 to Report No P79-09/97.CARRIED

Appendix I refers

P80-09/97 **ISSUE AND RETURN OF COUNCIL RELATED EQUIPMENT
TO ELECTED MEMBERS - [702-12]**

The matter of issuing and returning items of equipment to elected members in order for them to perform their duties has been the subject of a number of reports over the last few months.

At the June meeting of the Council, Policy A2-14 was adopted. During discussion on that item, it was requested that consideration be given to the issue of one pair of safety footwear and a hat to elected members.

This report suggests that Policy A2-14 be amended to include the issue of these pieces of equipment to elected members upon request.

Discussion ensued at the Policy Committee meeting,, with the following points raised:

- a dedicated telephone line would be required for the operation of the computer;
- street directory to be added to list of equipment;
- reference to "hard" hat to be removed from Report P80-09/97 as the request is for a sun hat;

- expense sheets to be deleted as this is covered by “appropriate stationery”;
- “bar key” to be amended to read “Councillors lounge key”;
- safety footwear and hat to be listed as “optional”

RECOMMENDATION THAT Part 1 of Policy A2-14 be amended to include the following:

- 1 pair safety footwear
- 1 hat

MOVED Cr Wight, **SECONDED** Cr Healy that Part 1 of Policy A2-14 be amended as follows:

1 inclusion of:

- pair safety footwear (optional)
- hat (optional)
- street directory

2 removal of “expense sheets”;

3 “bar key” to be amended to read “Councillors lounge key”;

4 “personal computer or laptop computer and printer” to be amended to read
“.....and dedicated telephone line”. **CARRIED**

P81-09/97

REVIEW OF COUNCIL POLICY A2-12 LEGAL REPRESENTATION - [702-8]

At the Council meeting of 27 August 1997, it was agreed that Council’s Policy A2-12, Legal Representation for present and former Councillors and staff of the City, be included on the agenda of the Policy Committee.

In addition, it was agreed that the summing up in respect to the operation of the Royal Commission be included on the Agenda.

At the Policy Committee meeting, Cr Popham submitted comments from Dr Jerry Pinnow, Department of English, Edith Cowan University, in relation to Policy A2-12 Legal Representation.

MOVED Cr Wight, **SECONDED** Cr Healy that Council forwards the comments provided by Dr J Pinnow of Edith Cowan University regarding clauses 6 and 8.1 to Mr Laurie James of Kott Gunning, City’s Solicitors, for an opinion as to whether:

1 clauses 6 and 8.1 should be reworded in order to make them more easily interpreted;

2 clauses 6 and 7 should be read in conjunction with one another. **CARRIED**

P82-09/97 **COUNCILLORS SUPPORT SYSTEM - [702-3]**

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

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

The development is at a stage where it is appropriate to consider providing the system to all Councillors.

At the Policy Committee meeting, Cr Magyar reported on certain problems he has experienced in the testing of the system and advised of the need for attachments to report items to be made available electronically.

MOVED Cr Wight, SECONDED Cr Healy that Council:

- 1 **notes progress in respect to the development and implementation of the Councillor support system;**
- 2 **agrees in principle to the purchase of laptop computers for Councillors.**

CARRIED

P83-09/97 **REQUEST FROM MRS WATERS TO PAY EXPENSES RELATED TO THE ROYAL COMMISSION - [702-8]**

Former Councillor Rita Waters has requested that Council pay costs associated with the Royal Commission.

The request was considered at the Policy Committee meeting of 11 August 1997. However the matter was deferred pending a report on the sequence of events which lead to the incurring of costs.

Discussion ensued.

MOVED Cr Wight, SECONDED Cr Healy that Council agrees to pay Metcalf Spahn's account for \$171.85 which was rendered on Mr & Mrs Waters and which related to the supply of information to the Royal Commission.

CARRIED

P84-09/97 **EMPLOYMENT OF LOBBYIST - [702-0]**

At the 22 February 1995 Council meeting, it was resolved that Council investigate the feasibility of employing a professional lobbyist in Canberra to represent the City of Wanneroo at a Commonwealth level on various issues. This report examines the feasibility of the City employing a professional lobbyist in Canberra.

MOVED Cr Wight, SECONDED Cr Healy that Council does not employ a full time lobbyist. **CARRIED**

P85-09/97 **DRAFT CIVIC AND CORPORATE PROTOCOL AND PROCEDURES MANUAL - [702-3]**

A draft Civic and Corporate Protocol and Procedures Manual for Elected Members has been prepared for the Policy Committee's consideration.

At the Policy Committee meeting, Cr Taylor requested item 7.3 - Equipment, Reference Materials and Manuals be amended to reflect changes made to Policy A2-14 as raised in Item P80-09/97.

Councillors were requested to submit any comments they may wish to make in relation to the Manual to Mr P Higgs, Executive Officer.

MOVED Cr Wight, SECONDED Cr Healy that consideration of the draft Civic and Corporate Protocol Procedures Manual for Elected Members be referred for consideration to the October 1997 meeting of the Policy Committee. **CARRIED**

P86-09/97 **RESPONSE TO ROYAL COMMISSION - [702-8]**

Discussion ensued in relation to the summing up by Ms N Johnson in respect to the operation of the Royal Commission.

MOVED Cr Wight, SECONDED Cr Healy that Council ratifies the decision of the Policy Committee to authorise the Chief Executive Officer, in conjunction with the City's Solicitors, to reply to the criticism raised by Ms N Johnson in the summing up of the Royal Commission and to inform the Royal Commission of changes in practices and policies which have been instigated to overcome any apparent shortfalls in the Council's operations. **CARRIED**

PERRY'S PADDOCK PICNIC DAY - [703-1-12]

At the Policy Committee meeting, Cr Ewen-Chappell referred to the meeting of the Perry's Paddock Picnic Day Organising Working Party held on 4 September 1997, and to the recommendation of the Working Party that the 1997 Picnic Day be cancelled. Cr Ewen-Chappell gave her views as to why she believed the Picnic Day need not be cancelled and advised that this matter would be considered at the Special Council meeting to be held on 10 September 1997.

GUIDELINES FOR USE OF CIVIC BUILDING - [730-8-8-1]

At the Policy Committee meeting, Cr Ewen-Chappell referred to meetings of the Community Policing Committee, which were scheduled to coincide with meetings of the Policy Committee. She stated that on occasions when a Council representative was not in attendance at a Community Policing Committee meeting, members of the Committee had made use of the kitchen facilities without permission. Cr Ewen-Chappell requested that guidelines be issued to persons using the Civic Building.

POLICY J3-11 - RETAINING WALLS - [702-1]

At the Policy Committee meeting, Cr Major believed information that is being provided to members of the public by Approval Services in relation to ground levels is different to information contained within Policy J3-11 and requested this item be clarified.

REQUEST FOR SPONSORSHIP - RUBY BENJAMIN ANIMAL FOUNDATION - [009-3]

At the Policy Committee meeting, Cr Lynn referred to the request submitted to the August 1997 Council meeting from Mrs Ruby Benjamin of the Ruby Benjamin Animal Foundation in Wanneroo seeking Council sponsorship of a 'Pet Day' in the City, and asked that this matter be given urgent consideration in order that this might be operational prior to Christmas 1997.

MOVED Cr Wight, SECONDED Cr Healy that the Report of the Policy Committee Meeting held on 8 September 1997 be received. **CARRIED**

TECHNICAL SERVICES COMMITTEE**REPORTS:****TS261-09/97 STATE GOVERNMENT - LEGISLATIVE AMENDMENTS TO THE ENVIRONMENTAL PROTECTION ACT, DRAFT WESTERN AUSTRALIAN WASTE MANAGEMENT STRATEGY AND WASTE REDUCTION & RECYCLING POLICY. - [508-4]**

The State Government has released three major discussion papers relating to Waste Management. The closing date for comments on two of the documents is 30 September 1997 and the other closes on 31 October 1997. The documents are fairly complex and there has not been time to prepare a report. A letter has been sent to the Minister for the Environment advising of the time constraints created by Council's meeting schedule and requesting that the closing date for comment on these important documents be extended to at least 31 October 1997.

A copy of the documents have been distributed to all Councillors.

MOVED Cr Ewen-Chappell, **SECONDED** Cr O'Grady that Council endorses the action of the Chief Executive Officer in writing to the Minister for the Environment requesting an extension of time for comment to 31 October 1997 for the 'Proposed Waste Management Amendments to the Environmental Protection Act' and 'Draft Western Australian Waste Management Strategy'. **CARRIED**

TS262-09/97 MURAL ARTS PROGRAMME - COUNCIL'S BULK BINS - [429-1-21, 508-2]

Council's bulk bins may be suitable for a Youth mural arts programme. As graffiti is not a significant problem on the bins, such a programme should not be funded from the rubbish service. The Joondalup Regional Community Policing Committee may be able to access state funds for the programme.

REPORT RECOMMENDATION: That Council informs the Joondalup Regional Community Policing Committee that it approves of the committee seeking funds and arranging a mural arts programme on Council bulk bins located at Council facilities subject to the concurrence of the facility manager at each location.

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

- 1 **informs the Joondalup Regional Community Policing Committee that it approves of the committee seeking funds and arranging a mural arts programme on Council bulk bins located at Council facilities subject to the concurrence of the facility manager at each location;**
- 2 **actively seeks outside funds through the Anti-Graffiti Task Force for a mural arts programme for underpasses in the City of Wanneroo. CARRIED**

2 from 30 meters east of Griffiths Road to Franklin Road of 70 km/h;

3 advises Main Roads WA accordingly. **CARRIED**

TS268-09/97 SPEED REVIEW - WANNEROO ROAD TOWNSITE - [510-3000]

Main Roads WA has recently carried out a speed survey of Wanneroo Road and requests comments from Council on the possible increase in the speed limit from 60 km/h to 70 km/h through the Wanneroo Townsite.

MOVED Cr Ewen-Chappell, **SECONDED** Cr O'Grady that Council advises Main Roads WA that it does not support the possible increase in speed limit from 60km/h to 70 km/h along Wanneroo Road through the Wanneroo Townsite. **CARRIED**

TS269-09/97 FUNCTIONAL ROAD HIERARCHY - [313-7]

Main Roads Western Australia has reviewed and updated the 1990 draft Metropolitan Functional Road Hierarchy. Minor amendments to the Road Hierarchy are now put forward for Council's consideration.

MOVED Cr Ewen-Chappell, **SECONDED** Cr O'Grady that Council endorses the Functional Road Hierarchy as presented by Main Roads Western Australia, provided that the following amendments of:

- 1 the realignment and renaming of Joondalup Drive at the new Burns Beach Road;
- 2 Aberdare Way, Warwick as an access road;
- 3 Constellation Drive, Ocean Reef as a local distributor;
- 4 Belleville Gardens, Clarkson as a local distributor;
- 5 Moore Drive and Connolly Drive, Currambine as District Distributors (category A)

are shown in the Functional Road Hierarchy. **CARRIED**

TS270-09/97 TRAFFIC CALMING - BRAZIER ROAD/LAGOON FORESHORE ACCESS, YANCHEP - [510-444, 765-11]

A request has been made to prepare appropriate traffic calming proposals for Brazier Road and the Lagoon Foreshore access at Yanchep.

It is considered that this matter should be deferred pending finalisation of the Foreshore management plan for Yanchep - Two Rocks.

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

- 1 defers consideration of a traffic calming proposal for Brazier Road and the ungazetted road ('Lagoon Foreshore access') in Yanchep pending the finalisation of the Foreshore Management Plan for Yanchep - Two Rocks;
- 2 monitors the traffic in this area with a view to developing a comprehensive traffic management scheme in the future for Brazier Road and the Yanchep townsite;
- 3 requests the Police Service to increase its surveillance to lessen the incidences of speeding along Brazier Road. **CARRIED**

TS271-09/97 PETITION REQUESTING THE RELOCATION OF SCHOOL BUS SHELTER ADJOINING 50 & 52 LEICHHARDT DRIVE, TWO ROCKS - [510-0546, 212-1]

A petition was received from residents of Leichhardt Drive Two Rocks requesting the relocation of a school bus shelter from Leichhardt Drive to an area in Blaxland Avenue opposite the junction of Leichhardt Drive. The petitioners stated that as residents living opposite and alongside the bus shelter they have been subjected to continual anti-social behaviour from school children waiting to use the bus. They considered that the area opposite the end of Leichhardt Drive in Blaxland Avenue more appropriate for the siting of the bus shelter as it is removed from the vicinity of immediate residences.

It is recommended that the shelter remain at its present location pending a decision of the Yanchep District High School Bus Committee and subsequent approval from the Department of Transport to relocate the school bus stop.

At the Technical Services Committee Meeting, Cr O'Grady requested that this matter be dealt with as soon as possible.

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

- 1 agrees to the school bus shelter in Leichhardt Drive remaining at its present location pending a decision from the Yanchep District High School Bus Committee and subsequent approval from the Department of Transport to relocate the school bus stop to Fawcner Road;
- 2 subject to the Yanchep District High School Bus Committee and the Department of Transport agreeing to relocate the school bus stop to Fawcner Road, authorises the Director Technical Services to relocate the shelter to the proposed site;
- 3 advises the organiser of the petition of its decision. **CARRIED**

- 1 the work is funded by the Greenwood Tennis Club;
- 2 all facilities erected on site are co-ordinated by and to the satisfaction of the Manager Parks Landscaping Services. **CARRIED**

TS275-09/97 **CONNOLLY RESIDENTS ASSOCIATION FAIRWAY CIRCLE DEVELOPMENT - [325-31]**

The Connolly Residents Association, LandCorp and Council representative met to review the proposed landscape alterations in Fairway Circle.

REPORT RECOMMENDATION: THAT Council:

- 1 authorises the redevelopment of Fairway Circle verge area according to the design prepared by Parks Landscaping Services and Connolly Residents Association;
- 2 utilises the bore and pumping facilities located in Fairway, Baltusrol and Huntingdale Parks with all cost associated to be funded via the Government Grant;
- 3 retains the 15% Administration costs applied to the project.

COMMITTEE RECOMMENDATION: That Council:

- 1 authorises the redevelopment of Fairway Circle verge area according to the design prepared by Parks Landscaping Services and Connolly Residents Association;
- 2 utilises the bore and pumping facilities located in Fairway, Baltusrol and Huntingdale Parks with all cost associated to be funded via the Government Grant;
- 3 retains the 15% Administration costs applied to the project.

MOVED Cr Magyar, SECONDED Cr Major that:

- 1 Council:
 - (a) authorises the redevelopment of Fairway Circle verge area according to the design prepared by Parks Landscaping Services and Connolly Residents Association;
 - (b) utilises the bore and pumping facilities located in Fairway, Baltusrol and Huntingdale Parks with all cost associated to be funded via the Government Grant;
 - (c) retains the 15% Administration costs applied to the project;
- 2 the works only to proceed subject to completion of a public consultation process where Council is satisfied that every Connolly resident is informed of the proposed works and given 21 days to supply a written comment to the Connolly Residents Association either supporting or rejecting the proposed works. **LOST**

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

- 1 authorises the redevelopment of Fairway Circle verge area according to the design prepared by Parks Landscaping Services and Connolly Residents Association;
- 2 utilises the bore and pumping facilities located in Fairway, Baltusrol and Huntingdale Parks with all cost associated to be funded via the Government Grant;
- 3 retains the 15% Administration costs applied to the project. **CARRIED**

TS276-09/97 TENDER NO 031-97/98 - HILLARYS PARK AUTOMATIC IRRIGATION SYSTEM - [208-031-97/98]

Tender No. 031-97/98 - Hillarys Park Automatic Irrigation System, was advertised in August 1997.

The tender is for the upgrading of an existing system at Hillarys Park due to age and condition of the system.

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

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

- 1 accepts the tender submitted by Malua Reticulation for Tender No 031-97/98 for the Hillarys Park Automatic Irrigation System at a cost of \$80,023;
- 2 endorses the signing of tender documents. **CARRIED**

TS277-09/97 PETITION FROM STAGE 6 BEAUMARIS HEIGHTS CURRAMBINE - [512-0, 740-93]

A petition has been received, signed by 30 residents in Currambine, requesting specific maintenance to the entry statement which was initially installed by the land developer, Beaumaris Land Sales.

The residents' concerns were anticipated as this problem often occurs when developers enhance small, isolated residential estates. Irrigation of local road verges, that is, Shenandoah Mews and Providence Drive would commit Council to a massive expansion of maintenance expenditure.

The concern expressed by residents is repeated in all areas where distributor roads have no residential property frontage, for example, Joondalup residential, sections of Beaumaris Boulevard in Ocean Reef and Fairway Circle in Connolly.

The verge areas of Shenandoah Mews and Providence Drive are considered standard corner properties and therefore the property owner is responsible.

REPORT RECOMMENDATION: THAT Council advises the Northern Districts Football Club Inc that provision of floodlights additional to the existing floodlight policy is the Club's responsibility.

MOVED Cr Ewen-Chappell, **SECONDED** Cr O'Grady that Council defers consideration of the request from the Northern Districts Junior Football Club Inc for Council's support in providing additional floodlights for Penistone Park in Greenwood on a "dollar for dollar" basis. **CARRIED**

TS280-09/97 **GIBSON AVENUE PADBURY - VERGE LANDSCAPE - [512-0]**

Council, at its meeting dated 28 May 1997, requested that a report be submitted on the most suitable landscaping treatments for the verge of Gibson Avenue in Padbury, and procedures to implement the project.

Due to the extent of works involved, this project has been split into sections, that is, road works, hard landscape and soft landscape.

MOVED Cr Ewen-Chappell, **SECONDED** Cr O'Grady that Council prepares a design and construct cost analysis for the landscape treatment of Gibson Avenue, to be listed for consideration in its 1998/99 draft budget. **CARRIED**

TS281-09/97 **STORMWATER DRAINAGE IMPROVEMENTS AND SUMP SITE - DUGDALE STREET AND ELLERSDALE AVENUE, WARWICK - [510-138]**

At its July 1997 meeting Council authorised the Director Technical Services to enter further negotiations with Westpoint Corporation, acting on behalf of Silkchime Pty Ltd, for the purchase of a portion of land within the Warwick Commercial Park for the purpose of constructing a drainage sump.

Negotiations have proceeded with Westpoint Corporation and a mutually agreeable price for the proposed lot has been reached.

After examining all feasible options on where stormwater generated from the adjacent catchment can be discharged it is recommended that a drainage sump be constructed within the Commercial Park.

REPORT RECOMMENDATION: THAT Council:

- 1 authorises the Director Technical Services to proceed with the design option to construct a drainage sump in the Warwick Commercial Park for the stormwater improvements for Dugdale Street and Ellersdale Avenue;
- 2 approves the purchase of a lot of 1115 square metres with associated easements of 195 square metres within the Warwick Commercial Park from Silkchime Pty Ltd for the purpose of constructing a stormwater drainage sump at a price of \$350,000 to be funded from Account No: 34178.

ADDITIONAL INFORMATION

An additional point number 3 was requested to be added to the recommendation to reflect the allocation of the land component as a separate account from the total construction costs, namely:

- 3 authorises, **BY AN ABSOLUTE MAJORITY**, in accordance with the provisions of section 6.8 (1) of the Local Government Act 1995 the reallocation of \$350,000 from Account No 34178 to Account No 32685 - Land Acquisition for Regional Stormwater Drainage.

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

- 1 authorises the Director Technical Services to proceed with the design option to construct a drainage sump in the Warwick Commercial Park for the stormwater improvements for Dugdale Street and Ellersdale Avenue;
- 2 approves the purchase of a lot of 1115 square metres with associated easements of 195 square metres within the Warwick Commercial Park from Silkchime Pty Ltd for the purpose of constructing a stormwater drainage sump at a price of \$350,000 to be funded from Account No: 34178.
- 3 authorises, in accordance with the provisions of section 6.8 (1) of the Local Government Act 1995 the reallocation of \$350,000 from Account No 34178 to Account No 32685 - Land Acquisition for Regional Stormwater Drainage.

**CARRIED BY AN
ABSOLUTE MAJORITY**

TS282-09/97

VANDALISM - PADBURY COMMUNITY HALL - [635-6]

Cr Major submitted a letter from Mrs I Brown of Padbury in relation to problems experienced with vandalism in the vicinity of Jason Place, Padbury due to antisocial behaviour from youths congregating at Padbury Community Hall.

This letter will be referred to Technical Services for action.

Cr Lynn advised that this had been a long drawn out issue and related to an application for closure of a pedestrian accessway which has been approved by Council.

To date, closure of the accessway has not been undertaken and Cr Lynn requested that Council take this matter up with the appropriate authorities in order to expedite the matter. The Mayor indicated he would write to the Minister for Planning in this regard.

MOVED Cr Ewen-Chappell, **SECONDED** Cr O'Grady that the letter from Mrs I Brown of Padbury in relation to problems experienced with vandalism in the vicinity of Jason Place, Padbury be received and referred to Technical Services for action.

CARRIED

TS283-09/97 LIGHTING - OCEAN RIDGE TENNIS CLUB - [250-9]

Cr Cooper submitted a letter from Mr L Dawes of the Ocean Ridge Tennis Club requesting the upgrading of lighting to the Club's tennis courts.

The Director, Technical Services advised that a programme would commence soon to upgrade lighting on a number of tennis courts.

This letter will be submitted to Technical Services for action.

MOVED Cr Ewen-Chappell, SECONDED Cr O'Grady that the letter from Mr L Dawes of the Ocean Ridge Tennis Club requesting the upgrading of lighting to the Club's tennis courts be received and referred to Technical Services for action. CARRIED

TS284-09/97 RETAINING WALL - LOT 265 WOODLAND LOOP, EDGEWATER - [510-1300]

Cr Cooper submitted a letter and attached plans from the Metropolitan Water Centre dated 5 November 1981 addressed to Mr K Russell of Edgewater in relation to the siting of a swimming pool.

Cr Cooper referred to problems arising from a retaining wall and fence on the property situated at Lot 265 Woodland Loop, Edgewater and requested a report be submitted on this matter.

MOVED Cr Ewen-Chappell, SECONDED Cr O'Grady that the letter and attached plans from the Metropolitan Water Centre dated 5 November 1981 addressed to Mr K Russell of Edgewater be received and a report be submitted to Development and Planning Services Committee on problems arising from a retaining wall and fence on the property situated at Lot 265 Woodland Loop, Edgewater. CARRIED

SIGNAGE - BREAKWATER DRIVE, TWO ROCKS - [219-1]

At the Technical Services Committee meeting, Cr Healy referred to a request he had received from the Two Rocks Business Association for appropriate signage to be placed indicating entrance and exit points into Two Rocks leading from the new road off Breakwater Drive, Two Rocks.

This matter will be referred to Technical Services for action.

PUBLIC ADDRESS SYSTEM - CONFERENCE ROOM NO 1 - [210-2]

At the Technical Services Committee meeting, Cr Cooper queried the position in relation to a request he had made at a previous meeting regarding the feasibility of installing a public address system in Conference Room No 1.

The Director, Strategic Planning advised that a report was near completion addressing this issue.

SKATEBOARD COMMITTEE - [468-2]

At the Technical Services Committee meeting, Cr O'Grady referred to the proposed Skateboard Committee and requested that a meeting be convened as soon as possible.

At the Ordinary meeting of Council held on 24 September 1997, Cr Lynn queried when a meeting of the Skateboard Facility Working Party was to be convened.

Cr O'Grady advised this meeting was scheduled for Friday, 26 September 1997.

Cr Lynn advised that South-West Ward Councillors had received a large amount of letters from the Marmion Primary School requesting skateboarding facilities in the south of the South-West ward, together with a letter from Katie Hodson-Thomas - Member of Parliament for Carine.

PERRY'S PADDOCK - SAFETY ISSUES - [703-1-12]

At the Technical Services Committee meeting, Cr Ewen-Chappell referred to the proposed postponement of this year's Perry's Paddock Picnic Day and requested the Manager Parks Landscaping Services to comment on the safety issues.

The Manager Parks Landscaping Services reported on compaction that would be carried out following excavation of the area for the sewerage pipeline.

He advised that due to the ground being significantly wheel rutted by large machinery and then filled with loose soil, the area would be unsafe for horses and ponies due to the variable compaction.

The Manager Parks Landscaping Services advised that the suggestion to split the function would also cause a safety problem as pedestrians would need to cross the bridge to the school, thereby bringing them into contact with the proposed horse area.

Cr Cooper advised that a meeting would be convened as soon as possible to discuss this issue.

At the Ordinary meeting of Council held on 24 September 1997, Cr Ewen-Chappell queried whether the funds allocated for the Perry's Paddock Picnic Day could be reallocated to those projects that were not included in the 1997/98 Budget, as opposed to the funds remaining in the Municipal Funds Account.

The Chief Executive Officer advised that a portion of those funds allocated for the Perry's Paddock Picnic Day may be required for repairs that are currently being undertaken to upgrade the grounds at Perry's Paddock.

The Mayor believed that the cost of the upgrading of Perry's Paddock should be borne by the Water Authority.

MOVED Cr Ewen-Chappell, SECONDED Cr O'Grady that the Report of the Technical Services Committee Meeting, held on 10 September 1997, be received. **CARRIED**

DP196-09/97

DRAFT NEERABUP LOCAL STRUCTURE PLAN - [30/2280, 290-15]

Mitchell Goff and Associates, Roberts Day Group, and Chapman Glendinning and Associates have forwarded a draft Neerabup Local Structure Plan (LSP) for the land owned by LandCorp, Homeswest and Yatala Nominees Pty Ltd on Lots 1 and 2 Flynn Drive and Swan Location 2579 Neerabup respectively. The subject land is currently zoned Urban and Reserved for Important Regional Roads in the Metropolitan Region Scheme and Residential Development and Special Residential in the City's Town Planning Scheme No 1 with the corresponding regional road reservations.

The draft LSP has been examined in detail and is recommended that the same be advertised as per the provisions of the City's Town Planning Scheme No.1, inviting public comments.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

1 requests Mitchell Goff & Associates, Roberts Day Group, Chapman Glendinning & Associates to make the following changes to the draft Neerabup Local Structure Plan, including the report for the land owned by LandCorp, Homeswest and Yatala Nominees Pty Ltd, on Lots 1 and 2 Flynn Drive and Swan Location 2579 Neerabup respectively:

(a) Neighbourhood Centre -

Area H

- 1. To show the Neighbourhood Centre as one unit so that it would not be bifurcated by a road and to locate the community centre next to the POS;**
- 2. To re-configure the POS whereby the existing stand of trees would adjoin the western boundary of the POS thereby ensuring maximum usage of the POS;**

Area V

- 1. To locate the POS between the Primary School and Community Centre/Neighbourhood Shopping Centre;**

(b) Public Open Space

Area G

- 1. To provide a centrally located POS;**

Area K

1. **To ensure satisfactory road frontage to the proposed POS;**
- 2 **advises the consultants that further justification for the Mixed Use areas is required to ascertain the appropriateness of such areas;**
- 3 **subject to the above amendments, advertises the revised draft Neerabup Local Structure Plan for a period of 42 days, under Clause 10.5 of the City's Town Planning Scheme No.1, inviting public comments;**
- 4 **forwards a copy of the draft Local Structure Plan to the Western Australian Planning Commission as required under Clause 10.4.1 of the City's Town Planning Scheme No.1.** **CARRIED**

DP197-09/97 **EXTRACTIVE INDUSTRY ON LOT 22 (370) FLYNN DRIVE, NEERABUP - [30/1455]**

An application for the renewal of an extractive industry licence has been submitted by CSR Construction Materials for a Limestone Quarry on Lot 22 (370) Flynn Drive, Neerabup. The development approval has been issued under delegated authority, however, as no delegation is in place for extractive licences, Council must determine the licence. Approval is recommended subject to standard conditions.

MOVED Cr Taylor, SECONDED Cr Tippett that Council approves the application for an extractive industry licence submitted by CSR Construction Materials for the limestone quarry on Lot 22 (370) Flynn Drive, Neerabup, subject to:

- 1 **the licence being valid until 1 September 1998;**
- 2 **the payment of a \$20,000 rehabilitation bond prior to the issue of the licence;**
- 3 **the payment to the City of a road charge contribution of one cent for each cubic metre of material removed from the site for extraordinary expenses for the repairing and maintaining of roads under the City's control in the neighbourhood of the proposed excavation.** **CARRIED**

DP198-09/97 **SUBDIVISION CONTROL UNIT AND DELEGATED AUTHORITY COMMITTEE 1 AUGUST 1997 TO 28 AUGUST 1997 - [290-1]**

This report provides a resumé of the Subdivision Applications processed by the Subdivision Control Unit 1 August to 28 August 1997. All applications were dealt with in terms of Council's delegation of subdivision control powers to the Chief Executive Officer at its April 1997 meeting. The Chief Executive Officer subsequently delegated to the Director, Development Services, the authority to deal with these applications.

MOVED Cr Taylor, SECONDED Cr Tippett that Council endorses the action taken by the Subdivision Control Unit in relation to the applications described in Report DP198-09/97. CARRIED

Appendix VI refers

DP199-09/97 TENDER FOR THE STRUCTURAL CHECKING OF COMMERCIAL DEVELOPMENTS AND MULTI-STOREY RESIDENTIAL BUILDINGS - [210-0, 210-1]

In accordance with the requirements of the Local Government Act 1995 and the Local Government Function and General Regulations 1996, a tender was placed by Council for the structural checking of commercial developments and multi-storey residential buildings as the budget allowance exceeds \$50,000. (Tender Contract No. 141-96/97 refers).

Legal opinion obtained by Council indicates that if Council has received drawings from a structural engineer, duly signed by the engineer and with a statement of his/her qualifications, Council would be entitled to rely upon those drawings and a certificate from the professional engineer as sufficient evidence to satisfy the Council that the design meets the requirements of the Building Code of Australia. It is recommended that Council ceases the practice of obtaining an independent check of engineers' structural drawings and advises the five respondents to the tender that it is withdrawn.

At the Development and Planning Services Committee meeting, Cr Hollywood asked whether costs for the structural checking of commercial developments could be levied on the applicant. Director Development Services advised he would investigate this matter and advise Councillors accordingly.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 does not accept any of the tenders for the structural checking of commercial developments and multi-storey residential buildings and advises the five respondents accordingly (Tender Contract No 141-96/97 refers);**
- 2 ceases the practice of obtaining an independent check of engineer's structural drawings subject to:**
 - (a) provision of an engineer's certificate of structural sufficiency - design generally in the form of Attachment No 1 to Report DP199-09/97;**
 - (b) confirmation from the structural engineer of a satisfactory level of professional indemnity insurance;**
- 3 authorises the Co-ordinator Building Approvals (Principal Building Surveyor) to have discretion to send the drawings to an independent structural engineer for an assessment notwithstanding the existence of the certificate of structural sufficiency from an engineer. CARRIED**

Appendix VII refers

DP200-09/97 **UPPER STOREY ADDITIONS : LOT 180 (34) HAZEL AVENUE QUINNS ROCKS - [413/180/34]**

Council, at its August 1997 meeting, resolved that prior to consideration for approval of the above application, properly drafted plans be provided to allow these to be accurately assessed for compliance with the R-Codes. (Item DP164-08/97 refers).

Although the plans submitted were not the quality which would come from an architect's office, the information provided was in accordance with the requirements of Part 4, Section 11 of the Building Regulations 1989 "Building Applications" and although the plans provided appeared "crowded" with information the plans were able to be assessed to determine whether or not the proposal complied with the R-Codes. In this case the plans complied.

The subject development was found to comply with the R-Codes but not with Council's 6 metre height policy. That policy requires that affected neighbours be consulted and the matter placed before Council for determination if objections are received.

One neighbour lodged a letter of no objection but later withdrew that letter. No written objection has been received.

In this instance Council's request for further "properly drafted" plans to be submitted for consideration is considered to be an unwarranted burden being placed upon the owner.

RECOMMENDATION That Council exercises its discretion and approves the additional height in excess of six (6) metres for the proposed building at Lot 180 (34) Hazel Avenue, Quinns Rocks.

MOVED Cr Magyar, SECONDED Cr Popham that Council exercises its discretion and approves the additional height in excess of six (6) metres for the proposed building at Lot 180 (34) Hazel Avenue, Quinns Rocks, subject to the proposed additions fully complying with the setback requirements of the R-Codes to safeguard neighbours' privacy and overshadowing.

CARRIED

DP201-09/97 **TATTOO AND SCREEN PRINTING BUSINESS : LOT 1 (8/925) WANNEROO ROAD, WANNEROO - [30/207]**

An application has been received from J M Addison seeking approval to operate a Tattooing and Screenprinting business from Lot 1 (8/925) Wanneroo Road, Wanneroo. The business will be open during normal business hours. The proposal was advertised on site. One objection was received. The proposal is supported subject to conditions.

MOVED Cr Taylor, SECONDED Cr Tippett that Council approves the application submitted by J M Addison on behalf of Gemworth; Landsden Holdings and D & I Mackay for the operation of a tattoo and screenprinting business from Lot 1 (8/925) Wanneroo Road, Wanneroo subject to:

- 1** **the hours of business being restricted to 9.00am - 5.00pm Mondays - Fridays and Saturdays from 9.00am - 12.00 noon.;**

- 2 only clothing that has been screenprinted on the premises can be sold from the premises;
- 3 standard and appropriate conditions deemed necessary by the Director, Development Services. **CARRIED**

DP202-09/97 PROPOSED SUBDIVISION - PT LOT 503 (253) EDGEWATER DRIVE, EDGEWATER - [740-104398]

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

The same subdivision design was submitted under a previous application, which was deferred by Council (TP295-12/96) pending a deputation to the Minister for Planning. Prior to that deputation, however, the application was refused by the Western Australian Planning Commission, as it proposed the replacement of the intended Edgewater Drive alignment with residential lots. An appeal was lodged with the Town Planning Appeals Tribunal, however, that appeal was subsequently withdrawn.

REPORT RECOMMENDATION: THAT Council does not support the application submitted by K A Adam & Associates on behalf of Karinya Nominees Pty Ltd for the subdivision of Pt Lot 503 (253) Edgewater Drive, Edgewater, 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 & Recreation reserve.

COMMITTEE RECOMMENDATION That Council:

- 1 advises the applicant that it is not prepared to support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, however it would be willing to support a revised plan, to be lodged with Council and the Western Australian Planning Commission prior to 10 October 1997, which includes a 14 metre wide road not linking to Lakeside Drive where the application area abuts the Parks and Recreation Reserve, lots orientated toward the Parks and Recreation Reserve and a minimum lot size of 450m2.
- 2 should the applicant not provide a revised plan which addresses the issues described in 1. above, to the satisfaction of the Director Development Services, by 10 October 1997, advise the Western Australian Planning Commission that it does not support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, as it does not provide a suitable road interface to adjoining Parks and Recreation reserve, however it would be willing to support a revised plan, which includes a 14 metre wide road not linking to Lakeside Drive where the application area abuts the Parks and Recreation Reserve, lots orientated toward the Parks and Recreation Reserve and a minimum lot size of 450m2.

MOVED Cr Magyar That Council:

- 1 advises the applicant that it is not prepared to support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, however it would be willing to support a revised plan, to be lodged with Council and the Western

Australian Planning Commission prior to 10 October 1997, which includes a 14 metre wide road not linking to Lakeside Drive where the application area abuts the Parks and Recreation Reserve, lots orientated toward the Parks and Recreation Reserve and a minimum lot size of 450m2.

- 2 should the applicant not provide a revised plan which addresses the issues described in 1. above, to the satisfaction of the Director Development Services, by 10 October 1997, advise the Western Australian Planning Commission that it does not support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, as it does not provide a suitable road interface to adjoining Parks and Recreation reserve, however it would be willing to support a revised plan, which includes a 14 metre wide road not linking to Lakeside Drive where the application area abuts the Parks and Recreation Reserve, lots orientated toward the Parks and Recreation Reserve and a minimum lot size of 450m2.
- 3 initiate a minor amendment to the Metropolitan Planning Scheme to rezone portion of the Lakeside Drive road reserve abutting Lot 530 on attachment 2 to Report DP202-09/97 from "Road Reserve" to "Parks and Recreation.

Discussion ensued, following which this Motion was not pursued.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 **advises the applicant that it is not prepared to support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, however it would be willing to support a revised plan, to be lodged with Council and the Western Australian Planning Commission prior to 10 October 1997, which includes a 14 metre wide road not linking to Lakeside Drive where the application area abuts the Parks and Recreation Reserve, lots orientated toward the Parks and Recreation Reserve and a minimum lot size of 450m2.**
- 2 **should the applicant not provide a revised plan which addresses the issues described in 1. above, to the satisfaction of the Director Development Services, by 10 October 1997, advise the Western Australian Planning Commission that it does not support the current subdivision proposal for Pt Lot 503 (253) Edgewater Drive, Edgewater, as it does not provide a suitable road interface to adjoining Parks and Recreation reserve, however it would be willing to support a revised plan, which includes a 14 metre wide road not linking to Lakeside Drive where the application area abuts the Parks and Recreation Reserve, lots orientated toward the Parks and Recreation Reserve and a minimum lot size of 450m2.**

CARRIED

DP203-09/97

MODIFICATION OF AMENDMENT NO 794 TO TOWN PLANNING SCHEME NO 1 - CLARKSON DISTRICT CENTRE AREA - [790-794]

Amendment No 794 to Town Planning Scheme No 1 seeks to rezone land within the Clarkson District Centre area to Centre Zone. The Western Australian Planning Commission (WAPC) has granted conditional consent to advertise the amendment subject to the extent of Centre

zoning being reduced and the balance zoned Urban Development or similar prior to the advertising commencing. The modification requested would not have any real effect on the planning proposals for the Clarkson District Centre area, and it is recommended that Council endorses the requested modification of Amendment No 794.

An update is also provided on the status of structure planning for the Clarkson District Centre area for the information of Council.

RECOMMENDATION That Council endorses the modification of Amendment No 794 to include an Urban Development zoning for the eastern portion of the Clarkson District Centre area as requested by the Western Australian Planning Commission in its correspondence dated 14 August 1997.

ADDITIONAL INFORMATION

During consideration of this item at the development and Planning Services Committee Meeting on 15 September 1997, the matter of the location of the Community Purpose Sites was raised.

Council last considered this matter at its meeting in March 1997 (TP47-03/97) where it resolved in part to:

advise the landowner that subject to satisfactory design outcomes the community purpose uses should be accommodated on three sites (central and eastern) rather than four to accommodate a library building on the central site north of the main street, a youth facilities building on the central site south of the main street, and a recreation/community facility on an enlarged eastern site;

At a recent meeting with LandCorp and their consultants held on 3 September 1997 to discuss progress of the structure plan, a revised concept was discussed in which LandCorp proposed the creation of a town park in front of the Youth Facility site (Appendix XVII refers). This concept is not final as LandCorp is still firming up some components. The proposed Community Purpose sites have been evaluated and it is considered that the Youth Facilities site would be better located fronting the cross (north/south) street (Appendix XVIII refers) rather than having common boundaries with three other sites.

LandCorp indicated a proposed program to achieve subdivision approval by March 1998 and subdivision clearance by December 1998. LandCorp will be advised of the preferred location for the sites and the need for the City to have access to the Library and Youth Facility sites prior to finalisation of the subdivision process. There should be no problem associated with gaining rights of entry in order to commence construction of the Youth Centre and/or the Library in the new locations. LandCorp have indicated that both these sites could be accommodated as part of the first stage subdivisional construction.

It is therefore recommended that Council modify the Development and Planning Services Committee recommendation DP203-09/97.

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

- 1 **endorses the modification of Amendment No 794 to include an Urban Development zoning for the eastern portion of the Clarkson District Centre area as requested by the Western Australian Planning Commission in its correspondence dated 14 August 1997.**
- 2 **advises LandCorp that the location of the proposed community purposes sites are generally acceptable subject to the boundary adjustments prepared for the Youth Facility sites and request that urgent action is taken so that the City may gain access to them for construction of the facilities. CARRIED**

Appendices XVII and XVIII refer

DP204-09/97 **PROPOSED AMENDMENT NO 798 TO TOWN PLANNING SCHEME NO 1 TO REFLECT THE AMENDED METROPOLITAN REGION SCHEME - [790-798]**

The North West Corridor Omnibus Metropolitan Region Scheme (MRS) Amendment No 2 took effect on 30 October 1996. The City is required to amend its Town Planning Scheme No 1 to accord with the amended MRS. In this respect only one modification is outstanding, and the City is required to suitably zone an unzoned portion of the Mitchell Freeway reserve at Connolly. The owner of the affected parcel, LandCorp, has advised that it prefers the land be reserved for Parks and Recreation and amalgamated with adjoining reserved land. It is recommended that Council initiates Amendment No 798 accordingly.

MOVED Cr Taylor, SECONDED Cr Tippett that Council, in accordance with Section 7 of the Town Planning and Development Act 1928, initiates Amendment No 798 to Town Planning Scheme No 1 to rezone portion of Pt Loc 9974 Mitchell Freeway, Connolly from unzoned to Local Reserve - Parks and Recreation. CARRIED

DP205-09/97 **PROPOSED AMENDMENT NO 803 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 132 (977) WANNEROO ROAD (CNR CHURCH STREET), WANNEROO FROM RESIDENTIAL DEVELOPMENT R20 TO RESIDENTIAL R40 - [790-803]**

An application has been submitted by Chappell and Lambert on behalf of the Government Employees Housing Authority, seeking to recode Lot 132 (977) Wanneroo Road, Wanneroo from R20 to R40. The subject land is within the area covered by the Wanneroo Town Centre Study and the draft Wanneroo Town Centre Structure Plan. Whilst a concept development plan has not been submitted to date, it is recommended that Council initiates a rezoning of the site subject to later approval to a concept development plan addressing the Town Centre Study and draft Structure Plan requirements for the site.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 in accordance with Section 7 of the Town Planning and Development Act initiates Amendment No 803 to Town Planning Scheme No 1 to rezone Lot 132 (977) Wanneroo Road (cnr Church Street), Wanneroo from Residential Development R20 to Residential R40;
- 2 advises the applicant that prior to finalisation of the amendment, a concept development plan for the site is to be submitted incorporating the guidelines included for Lot 132 in the Wanneroo Town Centre Study and draft Wanneroo Town Centre Structure Plan to the satisfaction of Council.

CARRIED

DP206-09/97

PROPOSED AMENDMENT NO 811 TO TOWN PLANNING SCHEME NO 1 TO RECODE PORTION OF PT LOT 38 (672) WANNEROO ROAD (CNR EAST ROAD), HOCKING FROM RESIDENTIAL DEVELOPMENT R40 TO RESIDENTIAL DEVELOPMENT R20 - [790-811]

A request has been submitted by Taylor Burrell on behalf of Galea Building Co Pty Ltd for the recoding of a portion of Pt Lot 38 Wanneroo Road, Hocking from Residential Development R40 to Residential Development R20. Land previously set aside for grouped housing is proposed to be subdivided to create single housing lots. It is recommended that Council resolves to initiate the proposed amendment.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 in accordance with Section 7 of the Town Planning and Development Act 1928, initiates Amendment No 811 to Town Planning Scheme No 1 to recode portion of Pt Lot 38 Wanneroo Road, Hocking from Residential Development R40 to Residential Development R20;
- 2 does not initiate proposed Amendment No 581 to Town Planning Scheme No 1.

CARRIED

DP207-09/97

CONDITION OF DEVELOPMENT APPROVAL NOT SATISFIED REGARDING DRIVEWAY/ CROSS-OVER, LOT 42 (4B) GIDGEE PLACE, DUNCRAIG - [30/4065]

On 13 April 1994 Council approved a development application for an additional group dwelling on Lot 42 (4) Gidgee Place, Duncraig. Condition 3 of the approval required the driveways and crossovers to be designed and constructed to the specification and satisfaction of the City Engineer before occupation of the dwellings.

The two dwellings (4A and 4B) Gidgee Place, Duncraig are now occupied and have been for some time. The driveway to 4B has not been constructed correctly, allowing water run-off into neighbouring property 6A. Repeated requests by the City to the owner of 4B to reconstruct the crossover has not resolved the situation.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 advises the owner of Lot 42 (4B) Gidgee Place, Duncraig that failure to comply with Condition 3 of the development approval 30/4065 dated 13 April 1994 for the site is in breach of the City's Town Planning Scheme No.1;
- 2 advises the owner of Lot 42 (4B) that unless Condition 3 of the approval is satisfied to the satisfaction of the Director, Technical Services, within fourteen days of notification, legal action will be initiated;
- 3 initiates legal action against the owner of Lot 42 (4B) Gidgee Place, Duncraig in the direction contained in 2. above. **CARRIED**

**DP208-09/97 WANNEROO COMMUNITY BAPTIST CHURCH, LOT 12
(192) DUNDEBAR ROAD, WANNEROO - UNLICENSED SIGN
- [30/4124]**

An unlicensed sign erected at the above address advertises church services elsewhere in the City and implies that a church complex is to be erected there. Council directives to remove the sign have been refused. It is recommended that Council instigates prosecution proceedings.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 advises the Wanneroo Community Baptist Church that the unlicensed sign on Lot 12 Dundobar Road, Wanneroo, is to be removed within fourteen days of written communication from the City;
- 2 instigates prosecution proceedings against the Wanneroo Community Baptist Church for the erection of an unlicensed sign on Lot 12 Dundobar Road, Wanneroo, if the sign is not removed within that time-frame. **CARRIED**

**DP209-09/97 RENEWAL OF LEASE : AJS MOTORCYCLE CLUB OF WA
INC - PART OF RESERVE 10866 - WATTLE ROAD EAST -
NEERABUP - [30/778]**

The AJS Motorcycle Club of WA (Inc) has occupied an area of 19.3990 hectares of Reserve No 10866 for a period of twenty-one years that expired on 30 June 1997. It is recommended that the Club be granted a new lease for a period of five years commencing on 1 July 1997.

MOVED Cr Taylor, SECONDED Cr Tippett that Council enters into a further Lease with the AJS Motorcycle Club of WA over a portion of Reserve 10866 on the following terms and conditions:

- 1 the Lease term is to be five years commencing on 1 July 1997;
- 2 the rental for the first year is to be \$1,000;
- 3 the rental is to be increased for each succeeding year in line with the Consumer Price Index movement for the preceding year;

- 4 the AJS Motorcycle Club Inc is to be responsible for all maintenance costs and outgoings. **CARRIED**

DP210-09/97 IRREGULARLY PRESENTED OBJECTIONS : PROPOSED SERVICE STATION AND CONVENIENCE STORE : LOT 153 (518) ALEXANDER DRIVE, CNR GNANGARA ROAD, LANDSDALE- - [30/1539]

A letter has been received from the Joondalup District Office of the Western Australian Police Service outlining the results of its investigation of irregularly presented letters submitted during the advertising of an application for a service station and convenience store on Lot 153 (518) Alexander Drive, Cnr Gnarara Road, Landsdale.

The outcome of the investigation appears to indicate that an offence has not been committed.

MOVED Cr Taylor, SECONDED Cr Tippett that the solicitors of the applicant for the proposed service station and convenience store at Lot 153 (518) Alexander Drive, Landsdale, be advised of the outcome of the investigation. **CARRIED**

DP211-09/97 ALTERATIONS AND ADDITIONS TO SERVICE STATION TO ACCOMMODATE CONVENIENCE STORE: LOT 1 (941) WHITFORDS AVENUE, CORNER TRAPPERS DRIVE, WOODVALE - [30/3924 (6394)]

An application for alterations and additions to an existing service station to accommodate a convenience store on Lot 1 (941) Whitfords Avenue, cnr Trappers Drive, Woodvale, has been submitted by Richard Pawluk and Associates on behalf of BP Australia. The proposal has been advertised in accordance with Clauses 3.10 - 3.17 of Town Planning Scheme No 1. No submission has been received and the proposal is recommended for approval subject to conditions.

RECOMMENDATION That Council:

- 1 approves the application for alterations and additions to an existing service station to accommodate a convenience store on Lot 1 (941) Whitfords Avenue, cnr Trappers Drive, Woodvale, as submitted by Richard Pawluk and Associates on behalf of BP Australia, subject to:
 - (a) the submission of three copies of amended plans incorporating a design that ensures the proposed building additions maintain adequate sightlines, accessway widths and safety aspects to the satisfaction of the City prior to the submission of a building licence application;
 - (b) standard and appropriate conditions as considered necessary by the Director, Development Services;
- 2 exercises its discretion under Clause 5.10 of Town Planning Scheme No 1 and determines the provision of 21 carparking bays to be satisfactory for this development.

ADDITIONAL INFORMATION

Report DP211-09/97 was considered by the Development and Planning Services Committee on 15 September 1997.

Three submissions were received after writing the report and prior to the conclusion of the advertising period and the issues raised in the submissions relate mainly to the following matters:

1. The area is already adequately serviced by convenience stores.
2. The proposal will adversely affect the commercial viability of existing stores.
3. The proposal will create additional traffic at the busy Whitfords Avenue and Trappers Drive intersection and may result in accidents and disadvantage customers accessing the Woodvale Boulevard shopping centre.
4. Additional staff will park at the shopping centre car park rather than on site.

The following comments are made in respect to the above issues:

- The level of service and competition issue has traditionally not been a planning issue.
- The car parking issue has already been addressed in the report DP211-09/97, where it states that the proposal requires 21 car bays and 22 bays exist on site, therefore a one bay surplus will exist. It is considered appropriate, however, to include an additional condition to prevent any storage or display of items such as hire trailers in the carparking areas. The parking of staff vehicles in the adjacent shopping centre car park is an issue that needs to be addressed by the owners of the two properties.
- The City's Infrastructure Design Unit has advised that the proposal is not expected to increase traffic in the area to an unreasonable level mainly as traffic generation will be similar to that of the existing service station.

A modified recommendation which includes the additional condition discussed above is therefore submitted.

MOVED Cr Major, SECONDED Cr Zuvela that Council:

1. **approves the application for alterations and additions to an existing service station to accommodate a convenience store on Lot 1 (941) Whitfords Avenue, Cnr Trappers Drive, Woodvale, as submitted by Richard Pawluk and Associates on behalf of BP Australia, subject to:**
 - (a) **the submission of three copies of amended plans incorporating a design that ensures the proposed building additions maintain adequate sightlines, accessway widths and safety aspects to the satisfaction of the City prior to the submission of a building licence application;**

- (b) no storage or display of items, including hire trailers in the carparking areas or vehicular accessways;
 - (c) standard and appropriate conditions as considered necessary by the Director, Development Services;
2. exercises its discretion under clause 5.10 of Town Planning Scheme No 1 and determines the provision of 21 carparking bays to be satisfactory for this development. **CARRIED**

DP212-09/97 **ALTERATIONS AND ADDITIONS TO SERVICE STATION TO ACCOMMODATE CONVENIENCE STORE: LOT 1 (2) WARBURTON AVENUE, CORNER MARMION AVENUE, PADBURY - I30/367 (6355)**

An application for alterations and additions to an existing service station to accommodate a convenience store on Lot 1 (2) Warburton Avenue, Padbury, has been submitted by Richard Pawluk and Associates on behalf of BP Australia. The proposal has been advertised in accordance with Clauses 3.10 - 3.17 of Town Planning Scheme No 1. No submission has been received during the advertising period and the proposal is recommended for approval subject to conditions.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 **approves the application for alterations and additions to an existing service station to accommodate a convenience store on Lot 1 (2) Warburton Avenue, Padbury, submitted by Richard Pawluk and Associates on behalf of BP Australia, subject to:**
- (a) **the submission of three copies of amended plans incorporating the provision of 20 carparking bays in close proximity to the entry to the convenience store to the satisfaction of the City prior to the submission of a building licence. For the purposes of this calculation approved refuelling positions shall be regarded as car bays up to a maximum of 8 bays and no service bays (water and air or vacuum facility) may be included;**
 - (b) **the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act 1986;**
 - (c) **service deliveries being restricted to between the hours of 6.00 am - 10.00 pm;**
 - (d) **standard and appropriate conditions as considered necessary by the Director, Development Services.**

- 2 exercises its discretion under Clause 5.10 of Town Planning Scheme No 1 and determines the provision of 20 carparking bays to be satisfactory for this development. **CARRIED**

DP213-09/97 UNAUTHORISED DEVELOPMENT - LANDFILL: LOT 218 (24) GRAHAM ROAD, QUINNS - REQUEST TO WITHDRAW CURRENT LEGAL ACTION - [421/218/24]

At its meeting on 28 May 1997, Council resolved to request the owners of Lot 218 (24) Graham Road, Quinns Rocks to remove the unauthorised landfill from the property within 28 days of notification or face legal action.

The landfill was not removed from Lot 218 in the time period requested and the matter was referred to the City's solicitors for legal action. Prior to the initial court hearing of the matter on 29 August 1997, the unauthorised landfill was removed from Lot 218 to the satisfaction of the City.

It is recommended that further legal action in this matter be withdrawn against the owners of Lot 218 should they be prepared to meet the City's legal costs incurred.

MOVED Cr Taylor, SECONDED Cr Tippett that Council:

- 1 advises the owners of Lot 218 (24) Graham Road, Quinns Rocks that Council is prepared to withdraw pending legal action with regard to the unauthorised landfill providing that the City's legal costs are paid in full by them to the City prior to 1 October 1997;
- 2 continue legal action against the owners of Lot 218 (24) Graham Road, Quinns Rocks should they not be prepared to pay the City's legal costs. **CARRIED**

DP214-09/97 PROPOSED THREE STOREY DWELLING AT LOT 600 (72) ASHMORE WAY, SORRENTO - [2583/600/72]

A building licence application has been received from Evergold Construction for a three storey dwelling on Lot 600 (72) Ashmore Way, Sorrento. As the proposal was three storeys in height, the affected adjoining owners were consulted in accordance with Council policy. Four objections have been received, all of which relate to the loss of privacy and property value, the overall height and bulk of the proposed dwelling, overshadowing and harmony within the street.

At the Development and Planning Services Committee meeting, Cr Major requested that the Council's Policy in relation to height of buildings be reviewed.

RECOMMENDATION That Council having considered the Policy and submissions received for the additional height in excess of six (6) metres for the proposed three storey dwelling on Lot 600 (72) Ashmore Way, Sorrento authorises the issue of a building licence.

MOVED Cr Lynn, SECONDED Cr Bombak that Council having considered the Policy and submissions received for the additional height in excess of six (6) metres for the proposed three storey dwelling on Lot 600 (72) Ashmore Way, Sorrento refuses the issue of a building licence.

Discussion ensued. Cr Lynn, with the approval of Cr Bombak, advised she wished the above Motion to be **WITHDRAWN**

MOVED Cr Lynn, SECONDED Cr Bombak that:

- 1 consideration of the application for the proposed three storey dwelling on Lot 600 (72) Ashmore Way, Sorrento be deferred for one month;
- 2 Council facilitates a meeting between the applicant and adjoining owners to resolve issues of concern regarding the height and bulk of the proposed building and the issue of privacy. **CARRIED**

DP215-09/97 **TRANSPORT DEPOT: LOT 36 (129) TRICHET ROAD, JANDABUP - [30/5202 (6280)]**

An application has been submitted by Land Planning Consultants seeking approval for an existing transport depot on Lot 36 (129) Trichet Road, Jandabup. A separate application has been previously considered by Council and deferred pending the formulation of a Commercial Vehicles in Rural Zones Policy. The applicant lodged an appeal to the Minister for Planning against the deemed refusal of the application. The Minister declared the appeal invalid as the applicant had not obtained the other strata owner's consent to the proposal. This consent has now been obtained and the approval of a limited transport depot is recommended subject to conditions.

At the Development and Planning Services Committee meeting, discussion ensued regarding hours of operation. Cr Taylor requested that both parties be contacted with a view to their submitting written confirmation that they are in agreement to the hours of operation. Director Development Services believed hours of operation had been agreed between the parties; however he will contact the parties and advise Councillors should this not be the case.

Concern was expressed at the need for approval to be given by the Water and Rivers Commission.

REPORT RECOMMENDATION THAT Council approves the application for a Transport Depot on Lot 36 (129) Trichet Road, Jandabup submitted by Land Planning Consultants on behalf of L D and S Ritchie subject to:

- 1 only vehicles and attachments/trailers owned by Mr L D Ritchie and his immediate family are permitted on the abovementioned lot;
- 2 approval is limited to Mr L D Ritchie and is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it is granted;
- 3 the maximum number of commercial vehicles to be kept on site at any time is limited to 2 (two) prime movers and 3 (three) attachments/trailers per prime mover;

- 4 no fuel storage, general freight (including chemicals and poisons), stock vehicles (or attachments/trailers) or refrigerated vehicles (or attachments/trailers) are permitted on site;
- 5 hours of operation are restricted to:
- Monday to Saturday between 6.30 am and 10.00 pm
 - Sunday 8.00 am to 10.00 pm;
- 6 while on the lot, commercial vehicle motors are not to be left running while the vehicle is unattended or in any event for any period in excess of five minutes;
- 7 servicing and/or cleaning are only to be conducted upon commercial vehicles permitted by this approval and is limited to that which generates easily contained liquid waste. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same;
- 8 repairs are only to be conducted upon the commercial vehicles permitted under this approval and are to be limited to greasing, servicing and minor mechanical adjustments only. Engine/gearbox dismantling and removal, panel beating, welding, reshaping, filling, rubbing down and spraypainting of bodywork are not permitted;
- 9 crossovers and accessways to be constructed to the satisfaction of the City;
- 10 all equipment or materials whether disused or not which is not specifically permitted under this approval is to be removed from the site within 3 months to the satisfaction of the City;
- 11 no servicing, storage or cleaning to take place in locations visible from the street or adjoining residences;
- 12 the approval of the Water and Rivers Commission;
- 13 the provision of screen fencing and/or landscaping to the satisfaction of the City to screen the transport depot operations from the street and adjoining properties;
- 14 the transport depot operations being restricted to that part of the site indicated on the approved plan;
- 15 standard and appropriate conditions as considered appropriate by the Director of Development Services.

COMMITTEE RECOMMENDATION That Council approves the application for a Transport Depot on Lot 36 (129) Trichet Road, Jandabup submitted by Land Planning Consultants on behalf of L D and S Ritchie subject to:

- 1 only vehicles and attachments/trailers owned by Mr L D Ritchie and his immediate family are permitted on the abovementioned lot;
- 2 approval is limited to Mr L D Ritchie and is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it is granted;
- 3 the maximum number of commercial vehicles to be kept on site at any time is limited to 2 (two) prime movers and 3 (three) attachments/trailers per prime mover;
- 4 no fuel storage, general freight (including chemicals and poisons), stock vehicles (or attachments/trailers) or refrigerated vehicles (or attachments/trailers) are permitted on site;
- 5 hours of operation are restricted to:
 - Monday to Saturday between 6.30 am and 10.00 pm
 - Sunday 8.00 am to 10.00 pm;
- 6 while on the lot, commercial vehicle motors are not to be left running while the vehicle is unattended or in any event for any period in excess of five minutes;
- 7 servicing and/or cleaning are only to be conducted upon commercial vehicles permitted by this approval and is limited to that which generates easily contained liquid waste. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same;
- 8 repairs are only to be conducted upon the commercial vehicles permitted under this approval and are to be limited to greasing, servicing, minor mechanical adjustments and minor welding only. Engine/gearbox dismantling and removal, panel beating, reshaping, filling, rubbing down and spraypainting of bodywork are not permitted;
- 9 crossovers and accessways to be constructed to the satisfaction of the City;
- 10 all equipment or materials whether disused or not which is not specifically permitted under this approval is to be removed from the site within 3 months to the satisfaction of the City;
- 11 no servicing, storage or cleaning to take place in locations visible from the street or adjoining residences;
- 12 the approval of the Water and Rivers Commission;

- 13 the provision of screen fencing and/or landscaping to the satisfaction of the City to screen the transport depot operations from the street and adjoining properties;
- 14 the transport depot operations being restricted to that part of the site indicated on the approved plan;
- 15 standard and appropriate conditions as considered appropriate by the Director of Development Services.

Cr Lynn left the Chamber at 2131 hrs and returned at 2135 hrs.

Cr Magyar left the Chamber at 2131 hrs and returned at 2136 hrs.

Cr Ewen-Chappell left the Chamber at 2132 hrs.

ADDITIONAL INFORMATION (1)

Director, Development Services advised that a meeting was held with Mr and Mrs Ritchie and their consultant, Mr Chris Warrener, in the Chief Executive Officer's Office on Friday 19 September 1997 at which a number of issues were discussed.

Hours of Operation

Council will recall that at the Committee meeting the hours of operation were discussed and were modified as outlined in the Minutes.

The Ritchies' believe that the 6.30am start would be unreasonable as many other activities in the rural area commence prior to that time and they believe that a 5.30am start would be more in keeping with other permitted activities within the rural zone.

They were not perturbed about the hours of operation suggested for Sunday, ie 9.00am to 9.00pm as they rarely operate on Sunday. They did, however, indicate that on the rare occasion in the event of an emergency, they may be required to leave or arrive at the site outside of specified hours and this I do not believe is unreasonable, provided it is not a regular activity.

In view of the above, the conditions of the hours of operation as shown below in this memorandum, have been modified to accommodate this concern.

Numbers of Commercial Vehicles on Site

The Committee will recall that the recommendation suggested that only two prime movers be permitted on the site. Mr and Mrs Ritchie have indicated that they have four prime movers and they are seeking Council's consideration to accommodate them on-site, although a number of these vehicles would rarely come to the site as they are either working outside of the metropolitan area or south of the river, however, on the rare occasion, the four prime movers may need to be stored on-site. This may occur at Christmas time or other periods when the vehicles are not in use.

Council may, if it wishes, extend the number of vehicles to be stored on site, however, I believe that the recommendation put forward in the Report which was considered by the Committee should be maintained, limiting the number of prime movers to two with each prime mover being capable of three additional attachments.

Condition No 15 Standard and Appropriate Conditions

The applicants sought a clear indication on what requirements Council may have beyond those listed in the report and these have been outlined in the new recommendations Nos 15-18 with Footnotes 1 and 2 which I believe will satisfy their concerns.

It is therefore recommended that Council adopts the following recommendation in lieu of that recommended in the report to the Development and Planning Services Committee.

RECOMMENDATION:

THAT Council approves the application for a Transport Depot on Lot 36 (129) Trichet Road, Jandabup submitted by Land Planning Consultants on behalf of L D and S Ritchie subject to:

- 1 only vehicles and attachments/trailers owned by Mr L D Ritchie and his immediate family are permitted on the abovementioned lot;
- 2 approval is limited to Mr L D Ritchie and is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it is granted;
- 3 the maximum number of commercial vehicles to be kept on site at any time is limited to 2 (two) prime movers and 3 (three) attachments/trailers per prime mover;
- 4 no fuel storage, general freight (including chemicals and poisons), stock vehicles (or attachments/trailers) or refrigerated vehicles (or attachments/trailers) are permitted on site;
- 5 hours of operation are restricted to:
 - Monday to Saturday between 5.30 am and 10.00 pm
 - Sunday 9.00 am to 9.00 pm;

Occasional movements of vehicles in the case of an emergency is accepted so long as activities are conducted in a manner that is not likely to generate noise or other amenity complaints.

- 6 while on the lot, commercial vehicle motors are not to be left running while the vehicle is unattended or in any event for any period in excess of five minutes;
- 7 servicing and/or cleaning are only to be conducted upon commercial vehicles permitted by this approval and is limited to that which generates easily contained liquid waste. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same;

- 8 repairs are only to be conducted upon the commercial vehicles permitted under this approval and are to be limited to greasing, servicing, minor mechanical adjustments and minor welding only. Engine/gearbox dismantling and removal, panel beating, reshaping, filling, rubbing down and spraypainting of bodywork are not permitted;
- 9 crossovers and accessways to be constructed to the satisfaction of the City;
- 10 all equipment or materials whether disused or not which is not specifically permitted under this approval is to be removed from the site within 3 months to the satisfaction of the City;
- 11 no servicing, storage or cleaning to take place in locations visible from the street or adjoining residences;
- 12 the approval of the Water and Rivers Commission;
- 13 the provision of screen fencing and/or landscaping to the satisfaction of the City to screen the transport depot operations from the street and adjoining properties;
- 14 the transport depot operations being restricted to that part of the site indicated on the approved plan;
15. Any screen landscaping, required by condition 13, to be established in accordance with the approved plans within 42 days of the date of this approval and thereafter maintained to the satisfaction of the City.
16. Any screen fencing required by condition 13 to be constructed in accordance with the City's local-laws within 42 days of the date of this approval.
17. Prior to any vehicle servicing or cleaning taking place, an approved wash-down area with petrol and oil trap or plate separator and a bunded concrete oil storage facility is to be provided in compliance with the requirements of the City.

Footnotes:

- 1 You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building and health requirements. In this regard your particular attention is drawn to:
 - (a) the Occupational Health, Safety and Welfare Regulations.
- 2 Applicant/Owner is to submit plans and specifications to the Water Corporation of Western Australia for approval.

ADDITIONAL INFORMATION (2)

Director, Development Services referred to his memorandum dated 23 September 1997 which provided Additional Information (1) above, in relation to Report DP215-09/97 and advised that the hours of operation for Sunday, ie between 9.00am and 9.00pm did not form part of the Committee's recommendation to Council. Although the matter was discussed, the Committee did not formally recommend those hours of operation to Council.

This matter was discussed with Land Planning Consultants who have indicated that their clients would have no difficulty with the suggested Sunday 9.00am to 9.00pm operation.

Under the circumstances, this information is only forwarded to Council for its consideration, it does not need to make any modifications to the recommendation presented in Additional Information (1) above.

MOVED Cr Healy, SECONDED Cr Taylor that Council approves the application for a Transport Depot on Lot 36 (129) Trichet Road, Jandabup submitted by Land Planning Consultants on behalf of L D and S Ritchie subject to:

- 1 only vehicles and attachments/trailers owned by Mr L D Ritchie and his immediate family are permitted on the abovementioned lot;**
- 2 approval is limited to Mr L D Ritchie and is not capable of being transferred or assigned to any other person and does not run with the land in respect of which it is granted;**
- 3 the maximum number of commercial vehicles to be kept on site at any time is limited to 4 (four) prime movers and 3 (three) attachments/trailers per prime mover;**
- 4 no fuel storage, general freight (including chemicals and poisons), stock vehicles (or attachments/trailers) or refrigerated vehicles (or attachments/trailers) are permitted on site;**
- 5 hours of operation are restricted to:**
 - Monday to Saturday between 5.30 am and 10.00 pm**
 - Sunday 9.00 am to 9.00 pm;**

Occasional movements of vehicles in the case of an emergency is accepted so long as activities are conducted in a manner that is not likely to generate noise or other amenity complaints.

- 6 while on the lot, commercial vehicle motors are not to be left running while the vehicle is unattended or in any event for any period in excess of five minutes;**
- 7 servicing and/or cleaning are only to be conducted upon commercial vehicles permitted by this approval and is limited to that which generates easily contained liquid waste. Liquid waste shall be as defined in the Health (Liquid Waste) Regulations 1993 and shall be disposed of in accordance with the same;**

- 8 repairs are only to be conducted upon the commercial vehicles permitted under this approval and are to be limited to greasing, servicing, minor mechanical adjustments and minor welding only. Engine/gearbox dismantling and removal, panel beating, reshaping, filling, rubbing down and spraypainting of bodywork are not permitted;
- 9 crossovers and accessways to be constructed to the satisfaction of the City;
- 10 all equipment or materials whether disused or not which is not specifically permitted under this approval is to be removed from the site within 3 months to the satisfaction of the City;
- 11 no servicing, storage or cleaning to take place in locations visible from the street or adjoining residences;
- 12 the approval of the Water and Rivers Commission;
- 13 the provision of screen fencing and/or landscaping to the satisfaction of the City to screen the transport depot operations from the street and adjoining properties;
- 14 the transport depot operations being restricted to that part of the site indicated on the approved plan;
15. Any screen landscaping, required by condition 13, to be established in accordance with the approved plans within 42 days of the date of this approval and thereafter maintained to the satisfaction of the City.
16. Any screen fencing required by condition 13 to be constructed in accordance with the City's local-laws within 42 days of the date of this approval.

Footnotes:

- 1 You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building and health requirements. In this regard your particular attention is drawn to:
 - (a) the Occupational Health, Safety and Welfare Regulations.
- 2 Applicant/Owner is to submit plans and specifications to the Water Corporation of Western Australia for approval. **CARRIED**

CONDITIONS IMPOSED BY WATERS AND RIVERS COMMISSION - [322-18]

At the Development and Planning Services Committee meeting, Cr Magyar requested that Council approaches the Waters and Rivers Commission for an explanation as to why it imposes conditions on transport depots but not on market gardens and intensive agricultural use. This matter will be referred to Development Services for action.

ABBEVILLE PARK, MINDARIE - [061-462]

At the Development and Planning Services Committee meeting, Cr O'Grady advised that a rogue magpie was attacking children in Abbeville Park, Mindarie and requested action in this regard.

This matter will be referred to the Department of Conservation and Land Management for action.

CUSTOMER FEEDBACK SYSTEM - [206-18]

At the Development and Planning Services Committee meeting, Cr Wight submitted papers on the Customer Feedback System developed for the City of Manningham for Councillors' information.

LETTER AND PETITION IN SUPPORT OF APPLICATION FOR PROPOSED PHYSIOTHERAPY CONSULTING ROOMS - LOT 535 (20) BURRAGAH WAY, DUNCRAIG - [30/5640]

At the Development and Planning Services Committee meeting, Cr Wight submitted a letter from Ms Gabriella Duffy of Duncraig Medical Centre in relation to the proposed Physiotherapy Consulting Rooms, Lot 535 (20) Burragah Way, Duncraig together with an 82-signature petition in support of the application.

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

LETTER IN RELATION TO UPPER STOREY ADDITIONS : LOT 180 (34) HAZEL AVENUE QUINNS ROCKS - [413/180/34]

At the Development and Planning Services Committee meeting, Cr Wight submitted a letter from Mr John Byrne in relation to the application for Upper Storey Additions, Lot 180 (34) Hazel Avenue, Quinns Rocks - Item DP200-09/97 refers.

Copies of this letter will be distributed to all Councillors for their information.

MOVED Cr Taylor, **SECONDED** Cr Tippet that the **Report of the Development and Planning Services Committee Meeting, held 15 September 1997** be received. **CARRIED**

FINANCE & COMMUNITY SERVICES COMMITTEE**FINANCE & ADMINISTRATIVE SECTION****REPORT NO:**

FA154-09/97 WANNEROO AGRICULTURAL SOCIETY ANNUAL PRESENTATION NIGHT - [703-1-1]

The Wanneroo Agricultural Society has requested that Council consider hosting the Society's combined annual trophy presentation function and appreciation dinner for Committee members. This report recommends that Council hosts an appreciation dinner for the Society's Committee members.

REPORT RECOMMENDATION: THAT Council hosts the annual appreciation dinner for the Wanneroo Agricultural Society Committee Members and advises the Society that it is not prepared to contribute any additional funds towards the trophy presentation function.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

- 1 hosts the annual appreciation dinner for the Wanneroo Agricultural Society Committee Members;**
- 2 investigates the costs for holding this function in the Councillors Dining Room and Lounge;**
- 3 ascertains the number of people to attend this function. CARRIED**

FA155-09/97 WARRANT OF PAYMENTS FOR THE PERIOD ENDING 31 JULY AND 31 AUGUST 1997 - [021-1]

This report details the cheques drawn on the funds during the months of July and August 1997. It seeks Council's approval for the payment of the July and August 1997 accounts.

MOVED Cr Lynn, SECONDED Cr Taylor that Council passes for payment the following vouchers, as presented in the Warrant of Payments to 31 July and 31 August 1997, certified by the Chairperson of Finance and Community Services Committee and Director Resource Management, and totalling \$36,875,549.01:

Appendix VIII refers

FUNDS	VOUCHERS	AMOUNT
		\$
Treasurer's Advance Account No 1	49331 - 50979	11,081,570.45
Municipal	000454 - 000468	18,165,796.58
Trust	000058 - 000061	2,368.98
East Wanneroo Development Area Cell 3	0905721Q	2,690.00
East Wanneroo Development Area Cell 4	0905719J	2,030.00
Town Planning Scheme 7A (4)	0905761M	2,220.00
Town Planning Scheme 5	0905756L	1,200.00
Berkley Road Local Structure Plan	0905749B	24,100.00
Reserve Account	000009 - 000009C	7,593,573.00
	TOTAL	\$36,875,549.01

CARRIED

FA156-09/97 OUTSTANDING GENERAL DEBTORS - 31 AUGUST 1997 - [020-0]

This report details the outstanding general debtors as at 31 August 1997 and outlines the action being taken to effectively control those debtors which have been outstanding for in excess of 90 days. It recommends a write off of debts totalling \$4,500.76.

At the Finance and Community Services Committee meeting, Cr O'Grady referred to a letter from the Quinns Rocks Bowling Club querying possible options to reduce the 11.25% interest applicable on their loan repayments.

The Director, Resource Management advised that he was not aware of this letter but would take the necessary action to follow up this matter.

MOVED Cr Wight SECONDED Cr Popham that Council, in accordance with the provisions of Section 6.12 (1) (c) of the Local Government Act 1995 writes out of its General Debtors Ledger an amount of \$4,500.76 representing debts considered irrecoverable, as detailed in Attachment 'B' to Report No. FA156-09/97.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix IX refers

FA157-09/97 APPOINTMENT OF TRUST AUDITOR 1997/98 FINANCIAL YEAR - SHIRE OF WANNEROO AGED PERSONS HOMES TRUST (INC) - [319-8]

This report considers the re-appointment of Mr Domenic Carbone as the Shire of Wanneroo Aged Persons Homes Trust's Auditor for the period commencing 1 April 1997 to 31 March 1998. It is recommended that Council re-appoints Mr Domenic Carbone as the Trust's Auditor for the 1997/98 financial year.

At the Finance and Community Services Committee meeting, Cr Cooper advised he is the Chairman of the Shire of Wanneroo Aged Persons Homes Trust and did not declare a financial interest as he believed this interest to be trivial.

Cr Cooper declared an interest in this item as he is the Chairman of the Shire of Wanneroo Aged Persons Homes Trust.

Cr Cooper left the Chamber at this point, the time being 2140 hrs; Cr Taylor assumed the Chair.

MOVED Cr Wight, SECONDED Cr O'Grady that Council, in accordance with the Shire of Wanneroo Aged Persons' Homes Trust Constitution, re-appoints Mr Domenic Carbone as the Trust's Auditor for the period commencing 1 April 1997 to 31 March 1998. CARRIED

Cr Cooper entered the Chamber and resumed the Chair, the time being 2141 hrs.

Cr Ewen-Chappell entered the Chamber at 2142 hrs.

FA158-09/97 ORDERS FOR GOODS AND SERVICES - APPROVING /REQUISITION OFFICERS - [010-0-1]

This report details requests for amendments to the list of Orders for Goods and Services - Approving and Requisitioning Officers.

MOVED Cr Lynn, SECONDED Cr Taylor that Council authorises the amendments, as detailed on Attachment 'A' to Report No. FA158-09/97 to the list of Orders for Goods and Services - Approving and Requisitioning Officers. CARRIED

Appendix X refers

FA159-09/97 ORDERS FOR GOODS AND SERVICES - PERSONS ABLE TO SIGN ORDERS ON BEHALF OF COUNCIL - [010-0-1]

This report requests an amendments to the list of Officers able to sign orders for goods and services on behalf of Council.

MOVED Cr Lynn, SECONDED Cr Taylor that Council authorises the amendment, as outlined in Report FA159-09/97 and included on Attachment 'A' to that Report to the List of Officers able to sign orders on behalf of Council. CARRIED

Appendix XI refers

FA160-09/97 PROPOSED BEAUMARIS SPORTS CLUB - ILUKA - [260-05-1, 745-8]

Funding for the construction of the Beaumaris Sports Club at Iluka has been approved. Sketch plans have been prepared for the sporting group that will constitute the Beaumaris Sports Club. Arrangements for the project management of the building have been discussed with Beaumaris Land Sales who are prepared to undertake the task subject to an indemnity.

However, it is proposed that Council undertakes the tendering and management of the project. Council is requested to endorse the design and proceed with the project subject to the Incorporation of the Beaumaris Sports Association and the endorsement of the plans by the Association or the individual sporting groups that will make up the Association.

REPORT RECOMMENDATION: THAT Council:

- 1 endorses the sketch plans prepared by the Bollig Design Group for the proposed Beaumaris Sports Club;
- 2 agrees to manage the tendering and building process;
- 3 engages Bollig Design Group and the individual Consultants;
- 4 requires the Beaumaris Sports Association to be incorporated and either the individual incorporated sporting bodies that will make up the Beaumaris Sports Association or the incorporated Association, to provide a written commitment that they or it will enter into a lease prior to the signing of the building contract.

COMMITTEE RECOMMENDATION That Council:

- 1 defers consideration of the Beaumaris Sports Club project pending receipt of an estimate on lease fees;
- 2 seeks legal advice to clarify Council's position in relation to management of this project.

ADDITIONAL INFORMATION

The Finance and Community Services Committee at its meeting on 17 September 1997 considered a report on the design and management of the construction of the proposed Beaumaris Sports Club at Iluka. The Committee resolved:

"it be recommended that Council:

- (a) defers consideration of the Beaumaris Sports Club project pending receipt of estimate on lease fees;*
- (b) seeks legal advice to clarify Council's position in relation to the management of this project."*

Lease Fees & meeting with Sporting Group Representatives

The issue of the lease fee was discussed with the Beaumaris Sports Association at a meeting on 23 September 1997. It was agreed that the lease fee and conditions will be finalised once the building design process was completed. This should be in October 1997. The Beaumaris Sports Association was made aware that it needs to be incorporated for the lease to be signed.

Management of Project

The Committee expressed concern about Council's ability to enter into individual agreements with the consultants that will be involved in the preparation of the contract drawings, in that the total fees will be approximately \$85,000 and that the local government tender regulations requires the calling of tenders where a contract will or is likely to exceed \$50,000.

This issue was referred to Council's Solicitors, including a letter from Bollig Design Group detailing the current status of the project and advising that it had not engaged any of the consultant team. In addition, a copy of the grant application was provided which indicated the Professional Fees and disbursements was estimated at \$85,000.

The Solicitor advises given none of the fees will exceed \$50,000, even though the total cost of the work of all consultants would clearly exceed the \$50,000 limit in his opinion there is no obligation for the Council to aggregate the fees and that he can see no difficulty in the City separating out the different consultants for separate contracts subject to this being the normal practice. It is not unusual for Council to separately engage the different consultants that are involved in a single project.

Timetable

The estimated project timetable assuming Council accepts the recommendations is as follows:

September	-	Council Endorsement of plans and the process.
October	-	Council engages consultants;
	-	Architect coordinates and finalises working drawings with the sporting groups;
	-	Tenders called.
November	-	Tenders close;
	-	Report to Committee; and
	-	Council consideration.
December	-	Award contract;
	-	Works commence.

It should be noted that the timetable is quite tight. If the tender dates are delayed beyond November, it will be necessary to delay tendering to February 1998 as the building industry is generally in recess over the Christmas break.

Comments

Other Council's methods for determining lease fees and conditions were canvassed during the meeting with Beaumaris Sports Association. The table below provides a summary of these methods.

	City of Melville	City of Stirling	Shire of Swan
Lease fee	Yes	Yes	Negotiated on individual basis
Lease fee calculation	1% of the Assessed Capital Value, plus an administration fee. Assessed Capital Value for buildings is based on replacement cost of the building. Assessed Capital Value for land area based on an estimation of the land value per metre.	Based on capitation at \$2 per member, reviewed every 5 years.	Negotiated on individual basis. Based on the group's ability to pay. New groups provided "Easy Start" with Council support for some operating costs limited by a sunset clause.
Leased area	Building and/or land	Building and/or land	Building and/or land
Lessee Responsibilities	All maintenance & operating costs. Maintenance and cleaning schedule has to adhered to. Lessor inspects the facility annually.	All maintenance & operating costs.	All maintenance & operating costs.
Lessor Responsibilities	Major structural maintenance only	Major structural maintenance only	Major structural maintenance only

Negotiations with the Beaumaris Sports Association will help develop a uniform, consistent approach to the provision of lease for Council property. This will enable Council to:

- provide uniformity and rationalisation in lease fee calculations;
- create a reasonable recovery from the Council assets;
- enable a method to be known by all groups seeking leases of Council properties.

There has been some confusion about the necessity for the Clubs/Association to enter into a commitment prior to the signing of the building contract. The intent is that the Clubs/Association provide a written statement to the effect that the Clubs in being members of the Association intend to enter into a lease arrangement for the building.

RECOMMENDATION That Council:

1. endorse the sketch plans prepared by the Bollig Design Group Ltd for the proposed Beaumaris Sports Club;
2. agrees to manage the tendering and building process;
3. engages Bollig Design Group and the individual Consultants;

4. confirm that the Beaumaris Sports Association is to become an incorporated body prior to entering into a lease agreement;
5. seeks written confirmation from the sporting groups that they are fully committed to proceeding with the Beaumaris Sporting Club project and that as members of the Beaumaris Sports Association (in process of incorporation) will negotiate in good faith the terms of the lease.

MOVED Cr Wight, SECONDED Cr Popham that Council:

1. endorse the sketch plans prepared by the Bollig Design Group Ltd for the proposed Beaumaris Sports Club;
2. agrees to manage the tendering and building process;
3. engages Bollig Design Group and the individual Consultants;
4. confirm that the Beaumaris Sports Association is to become an incorporated body prior to entering into a lease agreement;
5. seeks written confirmation from the Beaumaris Sports Association that it is fully committed to proceeding with the Beaumaris Sporting Club project and that the Beaumaris Sports Association (in process of incorporation) will negotiate in good faith the terms of the lease. **CARRIED**

FA161-09/97 TOWN PLANNING SCHEME NO 7A PART A STAGE 2 - DEED OF COMPROMISE AND RELEASE - LEGAL FEES - [780-7A]

At its meeting held on 25 June 1997 (Item FA112-06/97) Council agreed to enter into a Deed of Compromise and Release with certain Plaintiff owners in Stage 2 of Part A of Town Planning Scheme No 7A at Marangaroo for the purpose of settling Supreme Court Action No CIV2324 of 1993.

The Deed of Settlement and Release required each of the parties to pay their own legal costs.

Following a query from Cr Popham as to whether an itemised account had been received from Malcolm McCusker QC, the Director, Development Planning advised that further information would be submitted at the next meeting of Council to be held on 24 September 1997.

MOVED Cr O'Grady, SECONDED Cr Lynn that Council authorises, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995, over budget expenditure of \$12,037.45 from Account No 44180 (Land Management Legal Expenses) to pay Malcolm McCusker QC for fees incurred in settling Supreme Court Action No CIV2324 of 1993.

**CARRIED BY AN
ABSOLUTE MAJORITY**

Following a query from Cr Ewen-Chappell in relation to when the minutes of the Perry's Paddock Picnic Day Organising Working Party held on 4 September 1997 would be confirmed, the Chief Executive Officer advised that the minutes of a committee could only be confirmed by the committee itself. It was advised that they would be confirmed at the next meeting of this Committee.

Cr Lynn suggested that the minutes be submitted to the Finance and Community Services Committee as unconfirmed minutes, in the event of there being no further meetings of this committee.

MOVED Cr Lynn, SECONDED Cr Taylor that:

- 1** the Minutes of the following Committees and the recommendations contained therein, be noted:
- Historical Sites Advisory Committee meeting held on 23 July 1997;
 - Disability Access Advisory Committee meeting held on 6 August 1997;
 - Junior Council meeting held on 7 August 1997 and 9 September 1997;
 - Lotteries House Steering Committee meeting held on 27 August 1997;
- 2** (a) the Minutes of the Perry's Paddock Picnic Day Organising Working Party meeting held on 15 August 1997 be received;
- (b) the Finance and Community Services Committee accepts the resignation of Ms J MacKay and appoints Ms L Ledger to the Committee of the Perry's Paddock Picnic Day Organising Working Party.
- CARRIED**

Appendix XII refers

FA165-09/97 **HOUSE WORKING PARTY COMMITTEE - [200-0]**

This report seeks endorsement of recommendations made by the House Working Party at its meeting held on 1 September 1997.

REPORT RECOMMENDATION: THAT:

- 1** as the House Working Party believes that there is adequate provision in the current policy to recognise community groups no further action be taken in relation to the formulation of a policy for use of the Councillors' Dining and Bar Areas;
- 2** the Director, Strategic Planning submit a further report to the House Working Party in relation to the proposal submitted by Cr Taylor for the redesign of the Councillors' Lounge Bar;

- 3 Council does not consider changes to tables used in the Councillors' dining room and maintains the existing tables;
- 4 funds be listed for consideration in the 1997/98 draft Budget for the provision of carpeted steps with handrails from the public gallery to the floor of the Council Chamber;
- 5 a further report be submitted on a simplified design for the provision of mail boxes for Councillors;
- 6 Council provides the Council Steward with a mobile phone.

ADDITIONAL INFORMATION

Item four of the recommendation is incorrect and should read as follows:

- "4 in accordance with Section 6.8(1) of the Local Government Act 1995, the Council **BY AN ABSOLUTE MAJORITY** agrees to reallocate an amount of \$2500 from Account 50095 - Buildings - Joondalup Civic Centre to Account 20081 - Furniture and Equipment Major for the provision of carpeted steps with handrails from the public gallery to the floor of the Council Chamber."

The intention of the working party was for the steps to be provided this year if funds were available and not wait for consideration in future draft budgets.

At the Council meeting, Cr Ewen-Chappell referred to the vacancy on the House Working Party, due to the passing of Cr Fleur Freame. Cr Ewen-Chappell believed it appropriate that this vacancy be filled and nominated Cr Arthur Taylor.

Cr Ewen-Chappell was requested to raise this matter at the next meeting of the House Working Party scheduled for Tuesday 30 September 1997.

MOVED Cr Taylor, SECONDED Cr Ewen-Chappell that:

- 1 as the House Working Party believes that there is adequate provision in the current policy to recognise community groups no further action be taken in relation to the formulation of a policy for use of the Councillors' Dining and Bar Areas;
- 2 the Director, Strategic Planning submit a further report to the House Working Party in relation to the proposal submitted by Cr Taylor for the redesign of the Councillors' Lounge Bar;
- 3 Council does not consider changes to tables used in the Councillors' dining room and maintains the existing tables;
- 4 in accordance with Section 6.8(1) of the Local Government Act 1995, the Council agrees to reallocate an amount of \$2500 from Account 50095 - Buildings - Joondalup Civic Centre to Account 20081 - Furniture and

Equipment Major for the provision of carpeted steps with handrails from the public gallery to the floor of the Council Chamber.

5 a further report be submitted on a simplified design for the provision of mail boxes for Councillors;

6 Council provides the Council Steward with a mobile phone. CARRIED BY AN ABSOLUTE MAJORITY

FA166-09/97 REQUEST FOR ADDITIONAL CAR PARKING SPACE - QUINNS ROCKS BOWLING CLUB (INC) - [317-4, 505-1]

At the Finance and Community Services Committee meeting, Cr O'Grady submitted a letter from the President of the Quinns Rocks Bowling Club (Inc) requesting additional car parking space at the Club premises.

This letter will be referred to Technical Services for action.

MOVED Cr Lynn, SECONDED Cr Taylor that the letter from the President of the Quinns Rocks Bowling Club (Inc) requesting additional car parking space at the Club premises be received and referred to Technical Services for action. CARRIED

FA167-09/97 REQUEST FOR FUNDING - TWO ROCKS BLESSING OF THE FLEET AND COMMUNITY DAY - [009-1]

At the Finance and Community Services Committee meeting, Cr O'Grady submitted a letter from Mr H Northwood on behalf of the Two Rocks Blessing of the Fleet and Community Day requesting Council support in funding the hire of sound equipment for use at the 1997 Blessing of the Fleet and Community Day on Sunday, 2 November 1997.

At the Finance and Community Services Committee meeting, Cr O'Grady requested that a report be submitted on this matter prior to the next meeting of Council to be held on 24 September 1997.

COMMITTEE RECOMMENDATION that:

- 1 the letter from Mr H Northwood on behalf of the Two Rocks Blessing of the Fleet and Community Day be received;
- 2 a report be submitted to the next meeting of Council to be held on 24 September 1997 regarding Council support in funding the hire of sound equipment for use at the 1997 Blessing of the Fleet and Community Day on Sunday, 2 November 1997.

ADDITIONAL INFORMATION

SUMMARY

The Blessing of the Fleet Taskforce, in assistance with the Yanchep/Two Rocks community, is co-ordinating and organising the annual Blessing of the Fleet Community Day festivities to take place on Sunday, 2 November 1997, and seek Council's support in a cash donation.

BACKGROUND

The Blessing of the Fleet is a Yanchep/Two Rocks community celebration held in October/November each year at the Two Rocks Marina to mark the opening of the crayfish season. This festivity has been held every year since 1993 with each successive year increasing in popularity.

In 1996 two Blessing of the Fleet ceremonies were held in the district - one at Mindarie where the Mayor represented Council and one at Two Rocks where Cr O'Grady represented Council.

DETAILS

Co-ordinated by the Two Rocks Blessing of the Fleet Taskforce, comprising Mr Harold Northwood, Ms Rosemary Charsley, Ms Coral Western, Mr Tom Darcey and a representative from the Professional Fishermen's Association, the Two Rocks event attract over 3500 visitors to the area and has become a day long community fair.

Invitations are extended to all organisations within the community to participate. Commercial organisations contribute \$100 participation fee, while community groups, using the event to fundraise for their own causes, are requested to make a donation to the Blessing of the Fleet Community Day Fund.

Organisation of the day is undertaken on a voluntary basis, with Taskforce committee members recruiting donations of plant and equipment to minimise costs. Proceeds from the day, once operating costs are met, are being accrued in a separate fund for the purchase of medical equipment to be donated by the Yanchep/Two Rocks Blessing of the Fleet Community Day Fund to the new children's wing of the Joondalup Health Campus.

Dignitaries such as the Premier, Members of Parliament and Councillors of the City of Wanneroo are invited to attend and participate in the day's events. The 1996 ceremony was officially opened by the Premier, Hon. Mr Richard Court. This year the Honourable Minister for the Environment, Employment & Training Mrs Cheryl Edwardes, will be officiating.

Council has in previous years provided support with the loan of the portable P.A System and the participation of the Ward Councillor (s).

COMMENT/FUNDING

Given the growing popularity of this event which is financially supported by the community, and that all proceeds, once expenses are met, go into fundraising for the good of the community, Council's support in the provision of a cash donation to hire a PA system is sought.

Council's portable P.A System, which was loaned to community for this event is no longer large enough to meet the broadcasting requirements of the festival. A quotation has been sourced from Rossound Hire for the provision of a suitable system, plus operator for the day. The sound caravan, operator, amplifying equipment, public speakers and provision for a roving microphone have been quoted at \$1, 028.

The only appropriate area for this type of donation is the Cultural Development Sub Unit. As there are no funds listed in the 1997/98 Budget to accommodate a donation to the organisers of this event, the Acting Manager Recreation and Cultural Services has been consulted and supports a one-off donation of \$1,000. It is considered for future events that the organisers should apply for funding through the Recreation or Cultural Services Development Fund.

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

1. **authorises in accordance with Section 6.8 (1) of the local Government Act an overexpenditure for a one-off cash donation of \$1,000 to assist the Blessing of the Fleet Community Day Taskforce with expenses incurred in the hiring of suitable sound equipment.**
2. **is given recognition for its participation at this community event by displaying the City of Wanneroo banner on the hospitality marquee.**
3. **advises the Taskforce that any future applications for funds for the Blessing of the Fleet be directed through the correct channel of the Recreation or Cultural Development Fund and will be required to meet the set guidelines in order to receive a grant.**

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA168-09/97

**RESPONSE TO THE MINISTER FOR LOCAL GOVERNMENT -
PROPOSAL FOR THE DIVISION OF THE CITY OF
WANNEROO - [802-5]**

This report submits the recommendation of the Finance and Community Services Committee's 'Structural Reform Working Party' in relation to the City's response to the Minister's proposal for the division of the City of Wanneroo.

At the Finance and Community Services Committee meeting, Cr Hollywood advised that he had been incorrectly recorded in the minutes as leaving the room during the meeting of the Structural Reform Working Party.

REPORT RECOMMENDATION: That Council:

- 1 receives the minutes of the meeting of the Structural Reform Working Party, held on 16 September 1997, forming attachment 1 hereto; and
- 2 endorses the submission of the response to the Hon Minister's proposal for the division of the City of Wanneroo, forming attachment 2 hereto.

COMMITTEE RECOMMENDATION That Council:

- 1 receives the minutes of the meeting of the Structural Reform Working Party, held on 16 September 1997, be noted;
- 2 endorses the submission of the response to the Hon Minister's proposal for the division of the City of Wanneroo, forming Attachment 2 to Report FA168-09/97.

Cr Wight entered the Chamber at 2147 hrs.

Cr Zuvella left the Chamber at 2147 hrs and returned at 2153 hrs.

Cr Taylor left the Chamber at 2148 hrs and returned at 2153 hrs.

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

- 1 receives the minutes of the meeting of the Structural Reform Working Party, held on 16 September 1997, be noted;
- 2 endorses the submission of the response to the Hon Minister's proposal for the division of the City of Wanneroo, forming Attachment 2 to Report FA168-09/97.
- 3 receives the letter from the Wanneroo and Districts Historical Society (Inc);
 - (a) notes the concerns of the Society regarding the serious disadvantages to the residents and businesses in the proposed Shire of Wanneroo;
 - (b) notes and concurs with the Society that should the City of Wanneroo be split, the split should occur after the 100th Anniversary of the City of Wanneroo as a local authority;
 - (c) forwards the Society's letter to the Local Government Advisory Board as an attachment to its own submission. **LOST**

MOVED Cr Taylor, SECONDED Cr Bombak that Council:

- 1 **receives the minutes of the meeting of the Structural Reform Working Party, held on 16 September 1997, be noted;**
- 2 **endorses the submission of the response to the Hon Minister's proposal for the division of the City of Wanneroo, forming Attachment 2 to Report FA168-09/97. CARRIED**

Appendix XIII refers

FA169-09/97 ILLEGAL PARKING - [502-6]

At the Finance and Community Services Committee meeting, Cr Magyar submitted a plan received from a resident outlining the position of an illegally parked commercial vehicle in Hocking.

This plan will be referred to Technical Services for action.

MOVED Cr Lynn, SECONDED Cr Taylor that the plan received from a resident outlining the position of an illegally parked commercial vehicle in Hocking be received and referred to Technical Services for action. CARRIED

2 writes to Mr Wilson and Ms Brown informing them of this decision.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

1 **authorises the Acting Manager Welfare Services to research the viability and relevance of the Alice's Cafe Concept Plan to the City of Wanneroo community;**

2 **seeks a report in relation to the viability of the Alice's Cafe Concept Plan, to be submitted to the Finance and Community Services Committee meeting to be held on 15 October 1997;**

3 **writes to Mr Wilson and Ms Brown informing them of this decision. CARRIED**

CS268-09/97 USE OF KINGSWAY SPORTS COMPLEX BY WANNEROO DISTRICTS NETBALL ASSOCIATION - [061-198]

Wanneroo Districts Netball Association has had an agreement for the use of the Indoor Pavilion and Netball Courts at Kingsway Sporting Complex at a fee of \$6,000 per annum. This agreement finished 31 August 1997.

A new agreement is required as the Netball Association has discontinued regular use of the Pavilion because of the impending opening of the Indoor Netball Stadium.

It is recommended a new agreement for use of the Netball Courts only at a fee of \$3,000 per annum be endorsed.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

1 **agrees to Wanneroo Districts Netball Association use of the Netball Courts, Kingsway Sporting Complex, at a fee of \$3,000 per annum;**

2 **authorises the Wanneroo Districts Netball Association to use the Indoor Pavilion, Kingsway Sporting Complex, to operate a temporary food facility at the long weekend in June each year, subject to the approval of the Manager Health Services;**

3 **reviews the agreement at July 2002. CARRIED**

CS269-09/97 MULLALOO SURF LIFE SAVING CLUB - APPLICATION FOR CLUB LIQUOR LICENCE - [313-5 c930-17 c061-198-1]

Council has received a request from the Mullaloo Surf Life Saving Club to apply for a Club Liquor Licence. This licence is for the Mullaloo Surf Life Saving Club clubrooms located on Mullaloo Beach, Mullaloo.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

- 1 approves the application by the Mullaloo Surf Life Saving Club to apply for a Club Liquor Licence for Mullaloo Surf Life Saving Club Clubrooms, Mullaloo Beach, Mullaloo on the following days and times:

Sundays	12.00pm to 8.00pm
Mondays	5.00pm to 12.00pm Midnight
Tuesdays	5.00pm to 12.00pm Midnight
Thursdays	5.00pm to 12.00pm Midnight
Fridays	5.00pm to 12.00pm Midnight
Saturdays	7.00pm to 1.00am;

- 2 informs the applicant that no structural alterations are to be made to the building without Council approval;
- 3 provides the applicant with a letter of endorsement from Council that can be presented to the Office of Racing and Gaming along with the required site and floor plans. **CARRIED**

CS270-09/97 **YANCHEP / TWO ROCKS RECREATION ASSOCIATION**
REQUEST TO USE OFFICE AT YANCHEP RECREATION
CENTRE - [330-9-1]

Yanchep/Two Rocks Recreation Association has requested free use of the office at the Yanchep/Two Rocks Recreation Centre to assist it in the organisation and conduct of its activities. It is recommended that Council gives approval to use the office at a charge of \$330 per annum.

REPORT RECOMMENDATION: THAT Council advises Yanchep/Two Rocks Recreation Association:

- 1 it may use the office at the Yanchep/Two Rocks Recreation Centre for a fee of \$330 per year, subject to the charge increasing annually in line with CPI;
- 2 should it require use of the Office the Association will be required to relocate at its expense.

MOVED Cr Lynn, SECONDED Cr Taylor that Council advises Yanchep/Two Rocks Recreation Association it may use the office at the Yanchep/Two Rocks Recreation Centre for a fee of \$1 per year, for a period of three years, with a review to be conducted following this three year period. **CARRIED**

CS271-09/97 **DONATIONS - [009-1]**

Requests for financial assistance have been received from sports persons who have been selected to represent Western Australia in their chosen sport.

MOVED Cr Lynn, SECONDED Cr Taylor that Council donates \$50, totalling \$700, to each of the following persons to assist with costs of representing Western Australia in their chosen sports:

Bridie Guatta	3 Riviera Court, Connolly WA 6027
Ben Godridge	6 Lytham Mews, Connolly WA 6023
Amber Spear	48 Casilda Road, Duncraig WA 6023
Sara Gawned	Unit 6/5 Birdland Court, Edgewater WA 6027
Craig Allen	40 Raleigh Road, Sorrento WA 6020
Shaun O'Neil	90 Azelia Street, Alexander Heights WA 6064
Greg Mulchay	30 Eradu Ramble, Wanneroo WA 6065
Zack Tuckett	62 Westview Boulevard, Mullaloo WA 6027
Kim Paton	14 Lofty Court, Woodvale WA 6026
Stefan Klein	167 Kingsley Drive, Kingsley WA 6026
Matthew Sercombe	68 Hainsworth Avenue, Girrawheen WA 6064
Cameron Walker	6 Stansted Crescent, Marangaroo WA 6064
Donna Harris	59 Ailsacraig Ramble, Kinross WA 6028
Michael Richards	18 Clinton Street, Kingsley WA 6027

such donation to be drawn from Account No. 29470 - Sundry Donations - Recreation and Sport Other. **CARRIED**

CS272-09/97 JOONDALUP BASKETBALL STADIUM LEASE - [322-11-1]

As the Wanneroo Basketball Association's sub-lease for the Joondalup Basketball Stadium expires on 23 December 2002 the Association has requested information pertaining to the sub-lease arrangements to assist planning its future.

The site is leased by Council from LandCorp and sub leased to the Basketball Association. LandCorp have indicated its preferred position is that the lease be terminated on 24 December 2002 and the premises vacated.

According to Council's lease with LandCorp Council has two options to continue the lease with LandCorp for two additional five year terms. This would extend the lease to 24 December 2007 and 24 December 2012.

It is recommended Council indicates it is prepared to exercise its lease options and begin dialogue with the Wanneroo Basketball Association and LandCorp to secure a site and funding for a major basketball facility for the Association.

At the Finance and Community Services Committee meeting, Cr Cooper advised he is a patron of the Wanneroo Basketball Association and did not declare a financial interest as he believed this interest to be trivial.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

1 advises Wanneroo Basketball Association that:

- (a) Council's lease with LandCorp expires 24 December 2002;**

- (b) its sub-lease with Council expires 23 December 2002;
- (c) it has a payment plan with Council expiring in 2006;
- (d) it indicates it is prepared to exercise the option to extend the lease with LandCorp for the first and possibly the second additional five year term, and in turn grant an extension of the sub-lease to the Wanneroo Basketball Association for the same terms;

- 2 commences discussions with Wanneroo Basketball Association and LandCorp to identify possible sites for a new basketball stadium and funding options. CARRIED

CS273-09/97 VEHICLE ACCESS - BEACH RESERVES WITHIN THE CITY OF WANNEROO - [765-23]

Mr T Howard, State Manager of the Surf Life Saving Association of WA is seeking permission for three Surf Life Saving vehicles to access beach reserves within the Municipality.

These vehicles would be present at all Surf Life Saving Carnivals conducted within the City of Wanneroo. They would assist operations with the transportation of life saving gear and equipment and if required, the transporting of first aid patients.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

- 1 grants permission in accordance with the provisions of its Local Laws Relating to Reserves and Foreshores, for the Surf Life Saving Association to gain vehicular access to beach reserves within the City of Wanneroo subject to the following conditions:
- (a) access to beach reserves being solely for the purpose of conveying safety and recreational equipment, not people, for the Surf Life Saving Carnivals;
 - (b) vehicles must be clearly marked with "Surf Life Saving";
 - (c) vehicles to travel at a reasonable speed and not to interfere with people using the beach;
- 2 advises the Surf Life Saving Association that permission would be withdrawn in the event of:
- (a) substantial complaints being received;
 - (b) the conditions of approval being breached;
 - (c) any motor vehicle or trailer used by the applicant/s not having a current valid combined motor vehicle licence and third party insurance policy in existence;

- (d) any driver of the vehicle/s not maintaining a current and valid WA Motor Driver's Licence for the class and type of motor vehicle used on the beach reserve;
 - (e) failing to produce this permit on demand by a duly Authorised Council Officer or member of the Western Australia Police Service.
- CARRIED**

CS274-09/97 FOOD COMPLAINT - SAMPLE NO 135C - [30/1733-64]

Council is advised of a complaint regarding a foreign body allegedly found in a pizza purchased on 24 March 1997 from Vulcanoes, Shop 64 Sorrento Quay, Sorrento. The presence of the foreign body in the food constitutes adulteration and the preparation and the sale of such food is an offence under the Health Act 1911.

MOVED Cr Lynn, SECONDED Cr Taylor that Council, in accordance with the provisions of the Health Act 1911 instigates legal action against the proprietors of Vulcanoes, Shop 64 Sorrento Quay for the preparation and/or sale of adulterated food on 24 March 1997 per Sample No 135C.

CARRIED

CS275-09/97 PROSECUTION PUBLIC SWIMMING POOL - [30/545]

Council is advised of water sampling conducted at Arnold's Swim Centre, 32 Balgonie Avenue, Girrawheen on both 14 August and 4 September 1997 which revealed that pH and the chlorine levels respectively were not in compliance with the Health Act (Swimming Pools) Regulations 1964. Also, on 14 August 1997, there was no log book to record the chemical tests conducted daily by the Pool Manager. This constitutes three separate offences under the Health Act and it is recommended that legal action be initiated.

MOVED Cr Lynn, SECONDED Cr Taylor that Council initiates legal action against Arnold's Swim Centre (WA) Pty Ltd operating as Arnold's Swim Centre, 32 Balgonie Avenue, Girrawheen for breaches of:

- 1 **Regulation 11 (a) and (b) and Regulation 12 (3) of the Health Act (Swimming Pools) Regulations 1964 on 14 August 1997;**
 - 2 **Regulation 11 (a) of the Health Act (Swimming Pools) Regulations 1964 on 4 September 1997.**
- CARRIED**

CS276-09/97 MIDGE CONTROL - EX CS37-03/97 - [855-3]

The March 1997 meeting of full Council required the submission of a draft Integrated Midge Control Strategy. The attached draft is now submitted for discussion and it is recommended that the document be forwarded to various State government agencies, environmental groups and the general public for comment. It is proposed that the document be resubmitted for adoption and implementation following comments and costings.

Members considered a map that had been distributed titled Future Urban Around Lake Joondalup- refer Appendix XIV.

REPORT RECOMMENDATION: THAT Council:

- 1 authorises the distribution of the document to the Department of Conservation and Land Management, the Water and Rivers Commission, the Ministry for Planning, the Water Corporation, local environmental groups and interested members of the public for comment;
- 2 requests the re-submission of the Strategy Document, including costings, following the public consultation period.

MOVED Cr Lynn, SECONDED Cr Taylor that Council:

- 1 **authorises the distribution of the document to the Department of Conservation and Land Management, the Water and Rivers Commission, the Ministry for Planning, the Water Corporation, local environmental groups and interested members of the public for comment, with copies also being made available at City of Wanneroo libraries;**
- 2 **requests the re-submission of the Strategy Document, including costings, following the public consultation period. CARRIED**

Appendix XIV refers

CS277-09/97 HEALTH LICENCES/REGISTRATIONS - [930-17]

Council is advised of a number of food premises that are operating without the requisite licence and registration under Council's Local Laws Relating to Eating Houses.

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

ADDITIONAL INFORMATION

A list was submitted of eating house licences unpaid as at 12 September 1997 - refer Appendix XV.

REPORT RECOMMENDATION: THAT Council initiates legal action pursuant to Section 162 of the Health Act 1911 against the proprietors of all unlicensed/unregistered Eating Houses listed on Appendix XV hereto.

MOVED Cr Lynn, SECONDED Cr Taylor that:

- 1 **Council initiates legal action pursuant to Section 162 of the Health Act 1911 against the proprietors of all unlicensed/unregistered Eating Houses listed on Appendix XV hereto.**
- 2 **a complaint may be withdrawn upon payment of the outstanding licence/registration fees and any legal fees incurred. CARRIED**

Appendix XV refers.

CS278-09/97

PROPOSED AMALGAMATION OF HEALTH AND RANGER SERVICES BUSINESS UNITS - [200-4]

The structures and operations of all Business Units within the Community Services Directorate are currently under review. The common aims of these reviews are to improve the Directorate's business management practices and customer service focus and ensure that Business Units are fully contestable by June 1998. To assist with achieving these aims, it is recommended that Health Services and Ranger Services be amalgamated into one Business Unit within the Community Services Directorate.

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

- 1** approves the change in the Council's organisational structure by amalgamating Health and Ranger Services Business Units into one Business Unit within the Community Services Directorate;
- 2** approves the Business Unit to be identified by the title of "Health and Ranger Services";
- 3** authorises the amalgamation to be implemented from December 1997. **CARRIED**

GRANT PROPOSAL - SORRENTO SOCCER CLUB - [472-1-1]

At the Finance and Community Services Committee meeting, Cr Major referred to a telephone call he had received from a member of the Sorrento Soccer Club querying the correct procedure to follow to enable it to apply for the \$40,000 recreation grant.

Cr Lynn advised that Strategic Planning would be holding a meeting with the Club to discuss this matter.

APPRECIATION DINNER - WANNEROO EISTEDDFOD - [429-1-1]

At the Finance and Community Services Committee meeting, Cr Major queried the date for the appreciation dinner to be held for helpers at the recent Wanneroo Eisteddfod.

The Director, Community Services advised he would investigate possible dates for this function.

TENDER PROCEDURES - [208-3]

At the Finance and Community Services Committee meeting, Cr Popham referred to the \$50,000 limit for calling for tenders and queried the procedure if projects were under this limit.

The Chief Executive Officer advised that wherever possible, three quotes were obtained through a central purchasing unit.

Cr Popham asked whether local business that could be supplying specific services are used.

The Chief Executive Officer advised that local businesses are forwarded details of items that go to tender and through a subject register supplied by local businesses, they are contacted and used wherever possible.

Cr Popham queried whether details of the winning tenderer were forwarded to the local business group.

The Chief Executive Officer advised that the opening of tenders was a public event.

The Director, Resource Management stated that the successful and unsuccessful tenderers were informed of the winning tenderer.

REFRIGERATOR - OCEAN RIDGE RECREATION ASSOCIATION - [330-5-1]

At the Finance and Community Services Committee meeting, Cr O'Grady referred to the refrigerator that had been removed from the Ocean Ridge Recreation facility and queried whether this refrigerator would be replaced as she believed the centre required two refrigerators to function properly.

This matter will be referred to Strategic Planning for action.

APPRECIATION DINNER - BLUE LIGHT DISCO - [437-1]

At the Finance and Community Services Committee meeting, Cr O'Grady referred to the valuable work carried out by members involved in the Blue Light Discos and requested that this group is included when Council is considering possible recipients of appreciation dinners.

PAYMENT OF RATES - [018-1]

At the Council meeting, Councillors raised amendments to the wording of the following item. These amendments are noted below in italic print.

At the Finance and Community Services Committee meeting, *Cr Hollywood (not Cr Bombak as previously stated)* referred to a resident who had been unable to *electronically* use his bankcard to pay his rates to the Cashier in the Administration building and queried whether the machines currently used could be connected to "Eftpos".

The Director, Resource Management advised that an "Eftpos" machine had been scheduled to arrive on 17 September 1997.

SEATING ARRANGEMENTS - COMMITTEE MEETINGS - [702-3]

At the Finance and Community Services Committee meeting, Cr Ewen-Chappell expressed concern at seating arrangements for Committee meetings in the new Civic building.

Cr Ewen-Chappell believed present arrangements created difficulties in communicating with fellow Ward Councillors and also in ascertaining members of the Committee.

Cr Lynn suggested that this issue be referred to the House Working Party for consideration.

INADEQUATE LIGHTING - CAR PARK AT MACDONALD PARK, PADBURY - [061-231-4]

At the Finance and Community Services Committee meeting, Cr Bombak referred to problems experienced due to inadequate lighting in the car park adjacent to the MacDonald Club Rooms in Padbury.

Cr Bombak advised of a suggestion from the Whitford Recreation Association who utilise this facility, to relocate the lights from the binishell as this building is no longer used.

The Director, Community Services advised that this matter was currently being actioned. He stated that discussions would soon be held with the Association with regard to a design plan developed by Technical Services.

AFTER HOURS EMERGENCY NUMBER - [905-3]

At the Finance and Community Services Committee meeting, Cr Bombak referred to the after hours emergency service and queried if there was a telephone number to enable Councillors to contact the ranger on duty.

Cr Lynn advised that the relevant number was contained in the Internal Telephone Directory.

MOVED Cr Lynn, SECONDED Cr Taylor that the Report of the Finance & Community Services Committee Meeting held on 17 September 1997, be received. **CARRIED**

BUSINESS FOR INFORMATION**TECHNICAL SERVICES COMMITTEE****B102-09/97 TECHNICAL SERVICES CURRENT WORKS - [220-0]**

The Technical Services Directorate Current Works report is valid for works during the period ending 31 August 1997.

MOVED Cr Lynn, SECONDED Cr Taylor that the information relating to the Technical Services Current Works for the period ending August 1997, be noted.

CARRIED

B103-09/97 MONTHLY REPORT AUGUST 1997 - PARKS LANDSCAPING SERVICES - [250-0]

This report details parks maintenance, play equipment, mowing, tree pruning, construction, reticulation, servicing of bores and pumps and general maintenance carried out during the month of August 1997 by Parks Landscaping Services.

MOVED Cr Lynn, SECONDED Cr Taylor that the information submitted relating to monthly report ending August 1997 - Parks Landscaping Services, be noted. CARRIED

TOWN PLANNING COMMITTEE**B104-09/97 DEVELOPMENT ENQUIRIES - AUGUST 1997 - [290-0]**

This report outlines those enquiries received in August 1997 and where possible indicates the area suggested by the enquirer to be the preferred location for such development, together with a resumé of advice given by the department.

MOVED Cr Lynn, SECONDED Cr Taylor that the information contained within the report dated 15 September 1997 relating to Development Enquiries for August 1997, be noted.

CARRIED

B105-09/97 **APPEAL DETERMINATION - STRATA SUB-DIVISION OF LOT 471 WALTON PLACE, QUINNS ROCKS - [740-3-97]**

An application to strata subdivide lot 471 Walton Place, Quinns rock into two lots was received by the City on the 9 of January 1997. The Western Australian Planning Commission refused the application on the 18 March 1997 as it was contrary to the New government sewerage policy. The Minister upheld the appeal as the Health Department of WA had indicated its support for the construction of a second dwelling contrary to the new sewerage policy.

MOVED Cr Lynn, SECONDED Cr Taylor that Report B105-09/97 be received.

CARRIED

B106-09/97 **PETITION REGARDING EXTENSION OF EDGEWATER DRIVE/LAKESIDE DRIVE ONTO JOONDALUP CAMPUS - [510-1214]**

In April 1997 (TS77-04/96 refers) Council resolved to defer consideration of a petition expressing concern at the potential loss of and access to the Grey Kangaroos' home range due to the proposed extension of Edgewater Drive and Lakeside Drive, Edgewater pending a meeting of interested parties.

MOVED Cr Lynn, SECONDED Cr Taylor that the information relating to the extension of Edgewater Drive/Lakeside Drive onto Joondalup Campus, be noted.

CARRIED

B107-09/97 **CLOSURE OF PEDESTRIAN ACCESSWAY KESTREL MEWS, EDGEWATER - [510-1925]**

The Department of Land Administration has advised the City that it is disposing of the land within the pedestrian accessway and proposed public recreation reserve in Kestrel Mews, Edgewater to three of the adjoining property owners. Council previously resolved not to accept the vesting order for the proposed reserve and this report is to inform Council of the current situation.

MOVED Cr Lynn, SECONDED Cr Taylor that the information submitted relating to the closure of the pedestrian accessway, Kestrel Mews, Edgewater, be noted. CARRIED

B108-09/97 **PEDESTRIAN ACCESSWAY CLOSURES - [520-2]**

Council, at its meeting on 26 February 1997 (Item No TP22-02/97) resolved to include in the Business for Information section a report each month on the progress of pedestrian accessway closures.

This report provides a summary detailing the current situation regarding every pedestrian accessway closure application the City is processing.

At the Development and Planning Services Committee, Cr O'Grady queried the present situation with regard to the pedestrian accessway in Caley Road and Jason Place, Padbury. Director, Development Services will provide this information to Councillors.

MOVED Cr Lynn, SECONDED Cr Taylor that the monthly progress report submitted relating to the closure of pedestrian accessways, be noted. CARRIED

FINANCE AND COMMUNITY SERVICES COMMITTEE

B109-09/97 COUNCIL INSURANCE - NAME CHANGE - [013-5]

This reports advises Council's Insurance Broker - Alexander and Alexander - has changed its name to Aon Risk Services effective 1 September 1997.

MOVED Cr Lynn, SECONDED Cr Taylor that the information submitted relating to the name change of the Council's insurance broker from Alexander and Alexander to Aon Risk Services, be noted. CARRIED

B110-09/97 FINANCIAL STATEMENTS - AUGUST 1997 - [002-3]

MOVED Cr Lynn, SECONDED Cr Taylor that Report B110-09/97 be received. CARRIED

B111-09/97 JOONDALUP LIBRARY OPERATIONS - [240-14]

The Joondalup Library opened on Sunday 13 July 1997 as the largest public library in the state. The first week's operation demonstrated high usage by the community, to a level not previously experienced in Western Australia.

MOVED Cr Lynn, SECONDED Cr Taylor that the information relating to the financial statements for the period ending 31 August 1997 not being produced, be noted. CARRIED

MOVED Cr Lynn, SECONDED Cr Taylor that the Business for Information Reports be received. CARRIED

CHIEF EXECUTIVE OFFICER'S REPORT**C346 -09/97 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [200-0-1]**

Document:	Lease
Parties:	City of Wanneroo and Western Australian Planning Commission
Description:	Drainage Sump, Hepburn Avenue, Kingsley
Date:	26.8.97
Document:	Sub-lease and Consent
Parties:	City of Wanneroo and JY and RJ Price and F&H Arnand Pty Ltd and Bank of Western Australia Ltd
Description:	Yanchep Lagoon Kiosk
Date:	28.8.97
Document:	Grant of Easement
Parties:	City of Wanneroo and Alexander Heights Shopping Centre Pty
Description:	Portion of Swan Location 1315
Date:	1.9.97
Document:	Scheme Amendment
Parties:	City of Wanneroo and Minister for Planning
Description:	TPS No 1 - Amendment No 783
Date:	9.9.97
Document:	Grant of Easement x 2
Parties:	City of Wanneroo and Modular Metals Pty Ltd and The Owners of Wangara Business Park No 1 Strata Plan 29763
Description:	Lots 177 and 178 Buckingham Drive, Wangara
Date:	9.9.97
Document:	Easement
Parties:	City of Wanneroo and WA Land Authority and Lake Joondalup Baptist College
Description:	Lot 3 (25) Kennedy Drive, Joondalup
Date:	10.9.97
Document:	Easement
Parties:	City of Wanneroo and WA Land Authority
Description:	Lot 1, 2, 3 and 4 Lawley Crescent, Joondalup
Date:	10.9.97
Document:	Deed of Variation
Parties:	City of Wanneroo and Computervision Pty Ltd
Description:	Records Document Management System
Date:	11.9.97

Document: Contract Agreement
 Parties: City of Wanneroo and Computervision Pty Ltd
 Description: Records Document Management System
 Date: 11.9.97

Document: Scheme Amendment
 Parties: City of Wanneroo and Minister for Planning
 Description: TPS No 1 Amendment No 745
 Date: 17.9.97

Document: Withdrawal of Caveat
 Parties: City of Wanneroo and G& M Scerisini
 Description: 232 Kingsway, Landsdale
 Date: 18.9.97

Document: Notification of Transfer
 Parties: City of Wanneroo and RJ and HC Geary
 Description: Lot 69 High Road, Wanneroo
 Date: 19.9.97

Document: Withdrawal of Caveat
 Parties: City of Wanneroo and J & A Huynh
 Description: Lot 260 Badgerup Road, Wanneroo
 Date: 19.9.97

MOVED Cr O'Grady, SECONDED Cr Healy that the schedule of documents executed by means of Affixing the Common Seal be received. CARRIED

C347-09/97 PERRY'S PADDOCK PICNIC DAY - [703-12]

SUMMARY

Council at its special meeting 10 September 1997 resolved an urgent meeting be called of the Perry's Paddock Picnic Day Working Party to discuss the holding of the 1997 Picnic Day. A meeting took place at Perry's Paddock 18 September 1997 with the working party recommending the 1997 Picnic Day be postponed for twelve months.

BACKGROUND

At its meeting 4 September 1997, the Perry's Paddock Picnic Day Working Party recommended to Finance and Community Services Committee the 1997 Picnic Day, scheduled for Sunday 19 October 1997, be cancelled due to the condition of the grounds.

DETAILS

At the on site meeting members of the Working Party whilst reluctant to postpone the picnic day considered there were significant difficulties in ensuring the safety of the public if the ground layout was rearranged and that there was insufficient time to organise many of the events.

COMMENT/FUNDING

Perry's Paddock Picnic Day is an important community event that has been staged successfully for the past five years. Its popularity and ability to attract attention to the history of Wanneroo is an important element in Council's heritage activities.

Promotional tools already constructed for the 1997 Picnic Day can be utilised in 1998.

REPORT RECOMMENDATION: That Council:

- I. postpones the 1997 Perry's Paddock Picnic Day for twelve months;
- II. lists for consideration in its 1998/99 Draft Budget an amount of \$20,000 to stage the annual Perry's Paddock Picnic Day in October 1998.

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

- 1 cancels the 1997 Perry's Paddock Picnic Day;**
- 2 lists for consideration in its 1998/99 Draft Budget an amount of \$20,000 to stage the annual Perry's Paddock Picnic Day in October 1998. CARRIED**

C348-09/97

VACANCY - WAMA MEMBER - ADVISORY COUNCIL ON WASTE MANAGEMENT - [312-2]

SUMMARY

The Western Australian Municipal Association has invited member Councils to submit nominations to the Advisory Council on Waste Management.

DETAILS

Due to the expiration of a present Members term, the Western Australian Municipal Association has invited member Councils to submit nominations to the Advisory Council on Waste Management. Nominees must be Elected Members with experience or an interest in waste management principles.

The Council's terms of reference is to advise the Minister for the Environment on waste management principles and regulation, and to co-ordinate recycling and implementation of the State Recycling Blueprint.

The Council membership consists of a Chairperson, two industry representatives, three community representatives and three local government representatives.

The term commences 1 January 1998 and expires 31 December 1999. Meetings are held monthly on the third or fourth Wednesday of the month at the Department of Environmental Protection in Perth. There is a sitting fee of \$73 per half day.

A ballot will be held following close of nominations.

Cr Lynn nominated Cr Major.

Cr Major declared an interest in this Item as he had been nominated for consideration of appointment to the position of WAMA Member - Advisory Council on Waste Management.

Cr Major left the Chamber at 2206 hrs.

MOVED Cr Lynn, SECONDED Cr Hollywood that Council nominates Cr Major for consideration of appointment to the position of WAMA Member - Advisory Council on Waste Management. CARRIED

Cr Major entered the Chamber at 2207 hrs.

C349-09/97

**VACANCY - LOCAL GOVERNMENT ASSOCIATION
MEMBER - MUNICIPAL BUILDING SURVEYORS
QUALIFICATIONS COMMITTEE**

SUMMARY

The Local Government Association of Western Australia has invited member Councils to submit nominations to the Municipal Building Surveyors Qualifications Committee.

DETAILS

Due to the resignation of a present member, the Local Government Association of Western Australia has invited member Councils to submit nominations to the Municipal Building Surveyors Qualifications Committee.

The Committee's terms of reference is to issue certificates of qualification in respect of building surveyors in accordance with the regulations, and to carry out and exercise all such other duties and powers imposed or conferred on the Committee by the regulations.

The Committee membership consists of a Department of Local Government representative, a Local Government Association representative, a practising building surveyor, a practising architect, a TAFE officer and a Curtin University representative.

The Committee meets twice a year in March and September at the Department of Local Government in Perth. There is no meeting fee associated with this position. The term expires on the retirement of the Elected Member.

A ballot will be held at the Western Australian Municipal Association Executive Committee following close of nominations.

Cr Magyar nominated Cr Bombak. Cr Bombak respectfully declined this nomination.

In view of Cr Bombak declining this nomination, Cr Taylor nominated Cr Hollywood.

MOVED Cr Taylor, **SECONDED** Cr Tippett that Council nominates Cr Hollywood for consideration of appointment to the position of Local Government Association Member - Municipal Building Surveyors Qualifications Committee. **CARRIED**

VACANCY - WAMA MEMBER - CHILD CARE PLANNING ADVISORY COMMITTEE - [312-2]

SUMMARY

The Western Australian Municipal Association has invited member Councils to submit nominations to the Child Care Planning Advisory Committee.

DETAILS

The Western Australian Municipal Association has invited member Councils to submit nominations to the newly created Child Care Planning Advisory Committee. Nominees must be an Elected Member or serving officer with a knowledge of child care planning at a local level.

The committee's terms of reference is to assess in each area the child care needs of below school age and above school age target groups and provide substantiated advice on the service type required to meet these needs including long day care, outside school hours care and vacation care.

The committee meets bi-annually in Perth for approximately 4-5 hours. The term of appointment is for approximately two years. There is no meeting fee associated with this position although a travelling fee is paid.

A ballot will be held at the Western Australian Municipal Association Executive Committee following close of nominations.

No nomination was made.

C350-09/97

AMENDMENT NO 800 TO TOWN PLANNING SCHEME NO 1 TO REZONE PORTION OF LOT 41 WANNEROO ROAD, NEERABUP FROM "RURAL" TO "RURAL SPECIAL ZONE (ADDITIONAL USE) RURAL STORE NOT EXCEEDING 200M²" - [790-800]

Council would recall that at its August meeting it considered a rezoning application for a rural store on Lot 41 Wanneroo Road, Neerabup (DP 151-08/97). It was resolved:

"THAT Council does not support the proposed rezoning of Lot 41 (1910) Wanneroo Road from 'Rural' to 'Rural Special Zone (Additional Use) Rural Store Not Exceeding 200m²' for the following reasons, and advises Gray and Lewis Planning Consultants accordingly:

- 1) the moratorium on subdivision for 10 years within Area 6 of the Local Rural Strategy; and*

2) *the proposed application does not comply with Council's Rural Stores Policy."*

Reason 1) above gives the impression that the moratorium currently exists, whereas it is actually a proposal which the Council has agreed should be included in the Draft Local Rural Strategy.

It is considered appropriate to seek a change to the above resolution to clarify the Council's position regarding the recommended moratorium for Strategy Area 6.

DETAIL

Local Government (Administration) Regulation 10 sets out procedures required to be followed when revoking or changing decisions made at Council or Committee meetings. Part (3) of that regulation states that if the proposed decision would not substantially change the original decision, then Regulation 10 would not apply.

As the proposed change is not substantially different, then it is not necessary to rescind the 27 August 1997 decision, but give consideration to amending it.

REPORT RECOMMENDATION: That Council amends its decision of 27 August 1997 (DP151-08/97) to read as follows:

"That Council does not support the proposed rezoning of Lot 41 (1910) Wanneroo Road from 'Rural' to 'Rural Special Zone (Additional Use) Rural Store Not Exceeding 200m²' for the following reasons, and advises Gray and Lewis Planning Consultants accordingly:

- 1 the proposal does not comply with Council's Rural Stores Policy;
- 2 the proposal is contrary to the intent of the recommended moratorium on subdivision for 10 years within Area 6 of the Local Rural Strategy.

MOVED Cr Healy, SECONDED Cr Hollywood that consideration of the proposed rezoning of Lot 41 (1910) Wanneroo Road from 'Rural' to 'Rural Special Zone (Additional Use) Rural Store not Exceeding 200m² be deferred and referred back to Development and Planning Services Committee.

Discussion ensued. Cr Healy with the approval of Cr Hollywood advised that he wished to have his Motion **WITHDRAWN**

MOVED Cr O'Grady, SECONDED Cr Healy that Council amends its decision of 27 August 1997 (DP151-08/97) to read as follows:

"That Council does not support the proposed rezoning of Lot 41 (1910) Wanneroo Road from 'Rural' to 'Rural Special Zone (Additional Use) Rural Store Not Exceeding 200m²' for the following reasons, and advises Gray and Lewis Planning Consultants accordingly:

- 1 the proposal does not comply with Council's Rural Stores Policy;
- 2 the proposal is contrary to the intent of the recommended moratorium on subdivision for 10 years within Area 6 of the Local Rural Strategy. **CARRIED**

TERMS OF REFERENCE

The inquiry was authorised to examine;

“whether the City of Wanneroo Council followed the correct approval process in its approval of the development application for the construction of a residence on lot 560 (No. 3) Manakoora Rise Sorrento”.

The inquiry found no evidence of corruption or impropriety but said that in the absence of such evidence, the handling of the building licence application was described as grossly incompetent. The report found that the approvals process was deficient in many ways and that the then City Building Surveyor and his Deputy were responsible for presenting a report to Councillors which contained incorrect information which neither had apparently checked. It said that the combination of weak management, poor supervision and inadequate record keeping was a recipe for disaster.

The Minister has accepted the recommendations and referred them to the Council for action. The Local Government Department would monitor their compliance. The Minister advised Parliament he understood that settlement between the neighbours and the Council’s Insurers had recently been finalised on confidential terms.

COMMENT

All Councillors have been issued with a copy of this report and the matter has been referred to the City’s Solicitor, Mr Dennis McLeod, who has been involved with this issue since early July 1996.

Preliminary readings of the report by staff and Council’s Solicitor have identified a number of inaccuracies which give reasons for some concern as to the outcomes arrived at.

When a full and thorough investigation of the report is complete Council will be advised in more detail.

MOVED Cr O’Grady, SECONDED Cr Healy that:

- 1 **Council endorses the Chief Executive Officer’s action to acknowledge receipt of the report and advise that every effort will be made to address issues to improve the processes that are within the Council’s power;**
- 2 **the City’s Solicitors, McLeod & Company, be requested to comment on the contents of this report for Council’s consideration. CARRIED**

MOVED Cr O’Grady, SECONDED Cr Healy that Chief Executive Officer’s Report be received. CARRIED

MOTIONS FOR FURTHER ACTION AND MOTIONS FOR REPORT**C354-09/97 NOTICE TO RESCIND DP156-08/97 - CR HEALY - [702-0, 319-7-1]**

Cr Healy proposed a motion to rescind Item DP156-08/97. The Mayor, in accordance with Local Government (Administration) Regulations 1996 No 10 required support of one third of the members, including the mover of the motion. The Motion was Moved by Cr Healy, and was supported in accordance with the regulations.

MOVED Cr Popham, SECONDED Cr Popham that Council:**1 rescinds its Resolution DP156-08/97, viz:**

“That Council:

1 rescinds its decision of 26 February 1997 TP19-02/97 being:

“Council does not support the inclusion of Lots 132, 133, 134 and 135 Two Rocks Road, Yanchep in the Coastal Parks and Recreation Reserve, and that such lots remain rural and in private ownership”;

2 advises the WAPC that it supports the inclusion of Lots 132, 133, 134 and 135 Two Rocks Road in the Parks and Recreation Reserve, and requests that a reasonable agreement is sought between the landowners and the WAPC;

3 advises the WAPC that it supports the proposals contained within the MRS North West Districts Omnibus (No 3) Amendment No 987/33 in accordance with the comments and considerations as discussed in Report DP156-08/97”

2 refers the matter of the inclusion of Lots 132, 133, 134 and 135 in the Coastal Parks and Recreation Reserve to the Development and Planning Services Committee for reconsideration and otherwise supports Amendment 987/33.

LOST

Discussion ensued.

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

FOR: Crs Healy, Hollywood, Popham, Ewen-Chappell, Zuvella and Bombak

AGAINST: Crs O’Grady, Tippett, Wight, Magyar, Major, Lynn, Taylor and Cooper

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

Cr Magyar requested a report on when it would be appropriate for Council to consider the possibility of initiating a minor amendment to the Planning Scheme regarding the small portion of Lakeside Drive road reserve.

HEPBURN HEIGHTS LAND OWNERS ASSOCIATION

Cr Bombak referred to a meeting he had attended of the Hepburn Heights Land Owners Association which was held on Tuesday, 23 September 1997. He stated those residents in attendance raised their concerns in relation to traffic movements and queried the commitment given by the Mayor earlier this year regarding a traffic study for the Hepburn Heights area.

Cr Bombak asked that the 40kph zones be investigated; in addition to road markings in the area and queried whether this traffic study could be raised at the October Technical Services Committee meeting.

The Mayor requested Director, Technical Services to action this matter.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

C355-09/97

**NOTICE OF MOTION IN RELATION TO TELSTRA BUFFER
AREA - [790-801]**

Cr Hollywood gave notice of his intention to move the following Motion at the Council meeting to be held on 24 September 1997:

“THAT Council:

1. requests that the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme pursuant to Section 33 of the Metropolitan Region Town Planning Scheme Act to rezone Lots 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 152, 153, 154, 155, 156, 127, 128, 129, 130, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 9627/Reserve 34683 (as shown on the attached plan) from Rural to Urban;
2. pursuant to Section 7 of the Town Planning and Development Act, initiates Amendment No 801 to Town Planning Scheme No 1 to rezone Lot 57 from Special Zone (Restricted Use) Retail Nursery to Urban Development Zone and Lots 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 152, 153, 154, 155, 156, 127, 128, 129, 130, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 9627/Reserve 34683 from Rural to Urban Development Zone and Local Reserve (Parks and Recreation).”

Director, Strategic Planning declared an interest in Item C355-09/97 as he is a member of the Salvation Army and on the management committee which is responsible for the Salvation Army Crossroads Programme in Landsdale.

ADDITIONAL INFORMATION

A Notice of Motion regarding the above subject is to be considered at the Council meeting to be held on 24 September 1997. The proposed motion would involve Council supporting initiation of amendments to the Metropolitan Region Scheme (MRS) and City of Wanneroo Town Planning Scheme No 1, rezoning the land currently zoned Rural under the MRS located west of Alexander Drive, Landsdale for Urban/Residential purposes.

Further to the advice provided in the report on this matter considered by Council at its July round of meetings (Item DP 141-07/97), the following further information is submitted for Council's consideration:

RESPONSE RECEIVED FROM MR IAIN MACLEAN, MLA

At its July meeting, Council resolved to forward a letter prepared by the Mayor to Mr Iain MacLean MLA which advised as follows:

"APPLICATION FOR REZONING FOR URBAN/RESIDENTIAL PURPOSES: RURAL LOTS WEST OF ALEXANDER DRIVE, LANDSDALE

Further to our recent discussions on the above proposed rezoning, I wish to confirm the views expressed to you.

The conditions controlling this area are laid down in the Metropolitan Region Scheme with concerns in the following areas:-

- 1. Telstra Buffer Zone Policy*
- 2. Ground Water Source Protection Area*
- 3. Remnant Vegetation Protection Area*

I believe that Council would be prepared to approve a proposed rezoning on this land to residential if the Minister for Planning was prepared to release the above conditions and make appropriate amendments to the Metropolitan Regional Scheme.

I would further suggest that if you felt it would be advantageous to achieve this aim, I would be prepared to seek the Council's approval for you to lead a deputation from the Council to the Minister for Planning on this issue.

If the above suggestions meet with your approval, I would appreciate your advice at your earliest convenience."

The following response has now been received from Mr MacLean:

“re: Application for rezoning for urban/residential purposes - rural lots west of Alexander Drive, Landsdale.

Thank you for your letter in which you seek clarification of three areas relating to the above lots in Landsdale. I will deal with them in reverse order:

1. Remnant Vegetation Protection Area:

This State Government has an urban bushland policy in which remnant urban vegetation is assessed for its quality and viability, with decisions being made on those assessments. Wanneroo Council’s proactive approach to maintaining remnant vegetation on parks and reserves is also highly regarded and I am sure that if this development application proceeds a joint effort by Wanneroo City Council and the Department of Planning would lead to protection of vegetation of maximum value.

2. Groundwater Source Protection Area

The Water & Rivers Commission have indicated that Landsdale forms part of the Mirrabooka underground water pollution control area. This control area gives the Water & Rivers Commission some form of input into any development which is likely to proceed. It is not to say that development would not be allowed - an application would be assessed on its merits and I would ask you to note that Ballajura, Mirrabooka, Wangara and the Atlas tip site are also in underground water pollution control areas. In my talks with Water & Rivers, they are more concerned with an intensive horticultural industry than they are with a development which would be seweraged.

3. Telstra Buffer Zone policy

Telstra do not have a gazetted buffer zone over the property which is causing concern, nor have they at any stage taken out caveats as to the use or development of this land. The 1987 report conducted for OTC (now the Telstra site) indicated that there may be a future requirement for a buffer zone west of their property. A 1993 report on electronic hazards indicated the possibility of a requirement for a buffer. Neither report was definitive and Telstra have neglected to take any action as a result of these two reports by way of gazettement a buffer area or placing development caveats on properties.

The State Government, through the Planning Minister, has a responsibility to protect a national asset such as Telstra’s satellite communication centre. Telstra on the other hand have a requirement to prove the need for a buffer zone over the land in question.

I believe that recommending this development application go to advertising would give Telstra the opportunity to assess their requirements and decide whether they actually need a buffer zone in this area or whether it is only a nice fuzzy feeling because it doesn’t cost them any money.

At a meeting in my office on Monday, 18th August 1997, Telstra representatives indicated that if the development proposal was sent to advertising they would have to assess their situation. That is all I want them to do. If they need the buffer area, they as good corporate citizens, should be prepared to purchase the land from the current landowners. If they do not require the buffer area, then they should not be able to stand in the way of prudent development.

All the issues you have raised on behalf of the Council will be more fully dealt with when the development application is recommended for advertising. I seek the support of you and your fellow councillors in allowing the development of the rural lots west of Alexander Drive to go to advertising so that the owners of these properties can receive a definitive answer from Telstra regarding the requirement of their land as a buffer zone.

If I can be of any further assistance in this matter please don't hesitate to contact me."

LANDOWNERS' POSITION IN RESPECT OF REZONING APPLICATION

Following Council's meeting of 23 July 1997, Council's resolution on this matter passed at that meeting was conveyed to Mr Dunjey, who had submitted the rezoning application on behalf of the landowners in this area. Opportunity was taken at that time to advise Mr Dunjey that while he had made the application on behalf of all landowners in the area, the actual letters of authorisation by landowners he had submitted did not include all of the properties concerned. The following properties were not covered by the letters of authorisation: Lot 48 Gngangara Road, Lots 51 and 70 Queensway, Lots 58, 155 and 172 Alexander Drive, Lots 68, 127, 128 and 163 Kingsway, and Lots 146, 147, 149, 159, 160 and 161 Landsdale Road. Mr Dunjey was requested to provide the outstanding letters of authorisation at his earliest opportunity.

Mr Dunjey has now responded as follows:

*"APPLICATION FOR REZONING FOR URBAN/RESIDENTIAL PURPOSES:
RURAL LOTS WEST OF ALEXANDER DRIVE, LANDSDALE
790-801 DP141-07/97*

Thank you for your letter dated 25 July 1997.

Please find attached letters of authority and support for : Lots 58, 155 and 172 Alexander Drive, Lots 68, 127 and 128 Kingsway, Lots 147 and 160 Landsdale Road.

Lots 146, 149 and 161 Landsdale Road have indicated they do not want to pursue rezoning of their land at this time.

Lot 163 Kingsway is owned by the Salvation Army whom we have not been able to obtain any comment from at present.

Lot 70 Queensway is owned by the Seventh Day Adventist and developed as a school which is a necessary development within a residential zone.

Lot 159 Landsdale Road and Lot 51 Queensway are owned by people living overseas whom we have been unable to contact at present.

We are endeavouring to follow up with the overseas owners and I will forward those letters of support to you when received.

The owner of Lot 48 Gnangara Road has, through his family, given his verbal support for the application, however at present is unavailable to give his written consent. This will also be forwarded to you upon receipt."

REQUIREMENT TO HAVE DUE REGARD TO STATEMENT OF PLANNING POLICY NO 4

Section 7. (5) of the Town Planning and Development Act 1928 (as amended) provides that: *"Every Local Government in preparing or amending a town planning scheme -*

- (a) shall have due regard to any approved statement of planning policy prepared under Section 5 AA which affects its district;"*

Council has previously been advised (through Reports on this rezoning application and Statement of Planning Policy No 4 presented to the July round of meetings) that due regard accordingly needs to be had for Statement of Planning Policy No 4 - State Industrial Buffer Policy in considering this rezoning application. In particular, Council needs to determine whether a buffer is required and if so, define the area concerned and determine the manner by which it is to be secured.

The report on the rezoning application considered in July (Item DP141-07/97) recommended that the application not be supported, one of the reasons being that *"Council is required to have due regard for the provisions of Western Australian Planning Commission Statement of Planning Policy No 4 : State Industrial Buffer Policy, and in this regard, rezoning of this area for urban/residential purposes is not considered appropriate"*.

Implicit in the above reason would have been acceptance by Council that the land concerned did lie within the buffer area required for Telstra's Perth International Telecommunications Centre (PITC).

The proposed motion to be considered at Council's meeting of 24 September 1997, if adopted, could lead to criticism of Council, particularly by Telstra, on the grounds that Council is apparently not having due regard for Statement of Planning Policy No 4 as it is required to under the Town Planning and Development Act. With a view to avoiding such criticism, it is recommended that should Council decide to adopt the proposed motion, it considers including the following point 3 to form part of that motion:

"That Council:

- 3. advises the Western Australian Planning Commission that in seeking initiation of the Scheme amendments referred to in 1 and 2 above, it is aware of the requirement to have due regard for the provisions of Statement of Planning Policy No 4 : State Industrial Buffer Policy and it proposes to have such due regard, particularly in terms*

of defining any buffer area requirements, following advertising of the proposed amendments for public submissions, when it expects to receive detailed submissions on that matter”.

Discussion ensued.

MOVED Cr Hollywood, SECONDED Cr Bombak that Council:

- 1 requests that the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme pursuant to Section 33 of the Metropolitan Region Town Planning Scheme Act to rezone Lots 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 152, 153, 154, 155, 156, 127, 128, 129, 130, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 9627/Reserve 34683 from Rural to Urban;
- 2 pursuant to Section 7 of the Town Planning and Development Act, initiates Amendment No 801 to Town Planning Scheme No 1 to rezone Lot 57 from Special Zone (Restricted Use) Retail Nursery to Urban Development Zone and Lots 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 152, 153, 154, 155, 156, 127, 128, 129, 130, 146, 147, 148, 149, 150, 151, 152, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172 and 9627/Reserve 34683 from Rural to Urban Development Zone and Local Reserve (Parks and Recreation)”
- 3 advises the Western Australian Planning Commission that in seeking initiation of the Scheme amendments referred to in 1 and 2 above, it is aware of the requirement to have due regard for the provisions of Statement of Planning 4: State Industrial Buffer Policy and it proposes to have such due regard, particularly in terms of defining any buffer area requirements, following advertising of the proposed amendments for public submissions, when it expects to receive detailed submissions on that matter. **CARRIED**

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

FOR: Crs Healy, Hollywood, Tippett, Popham, Wight, Ewen-Chappell, Zuvella, Lynn, Bombak and Taylor

AGAINST: Crs O’Grady, Magyar, Major and Cooper

NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING, IF GIVEN DURING THE MEETING

Nil

PUBLIC QUESTION TIME

15-minute period of question time, during which questions may be put by the public on business discussed during the course of the meeting.

Cr Bombak left the Chamber, the time being 2300 hrs.

Mr Vic Harman:

Item P79-09/97 - Summary of Purpose and Effect (to be read aloud by the Mayor)

Q1 Mr Harman queried whether it was an omission that the Mayor had not read aloud this statement?

A1 *Response by the Mayor:* The Mayor advised he had omitted to read the Statement of Purpose and Effect with regard to Item P79-09/97 and proceeded to read this aloud at this point.

Cr O'Grady left the Chamber, the time being 2302 hrs and returned at 2303 hrs.

Cr Popham left the Chamber, the time being 2303 hrs.

Q2 P80-09/97 - Item 4. Will the dedicated telephone line be in the form of a modem?

A2 *Response by Director, Corporate Services:* The purpose of the second line is to connect a computer into the system. This is a normal telephone line, but it will allow for electronic messaging 24 hours per day. If this second line is not installed, the telephone line would be unavailable while the computer was in use.

Q3 Is Council aware that to install a telephone line, Telstra charges \$15.00 per hour which would not be discounted to the Council? The telephone line not only needs to be installed, but also requires to be removed once a Councillor has retired. Has Council taken this into consideration?

A3 *Response by Director, Corporate Services:* Most houses are automatically wired in pairs for two lines so no additional work is required.

Mr Brislin:

Cr Popham entered the Chamber, the time being 2304 hrs.

Q1 Mr Brislin advised this had been a stressful time for all parties involved, and in view of the severe devaluation of our properties, will this Council now amend our rates - if not, why not and further will the Council as a matter of urgency, ask the Valuer General to look at our properties in terms of valuation and then amend our rates accordingly next year?

The Mayor advised he would take this question on notice.

Mr Barry Higgins:

Pages ii and iii of Council Agenda - 24 September 1997

Mr Higgins referred to the last entry in the list of applications and approvals for legal assistance (Page iii)

Q1 The date of this application was 3 September 1997, yet shows being approved on 27 August 1997 - Is this correct? I would also like to know the amount if possible.

A2 *Response by Director, Corporate Services:* The payment that was approved at Council Meeting of 27 August 1997 was \$12,930. This related to the first approval that had been submitted earlier. The date of 3 September 1997 relates to the more recent claim that was lodged by Mr Edwardes solicitor.

Mrs Hine:

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

A1 *Response by Director, Resource Management:* If there are Government grants available, Council would certainly be looking at these.

Director, Resource Management advised he would take this question on notice.

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

Cr Healy left the Chamber, the time being 2309 hrs.

A2 *Response by the Mayor:* The Mayor advised he would take this question on notice.

Q3 Item in relation to Manakoora Rise - "The report found that the approvals process was deficient in many ways and that the then City Building Surveyor and his deputy were responsible for presenting a report to Councillors which contained incorrect information. Who is now the person responsible - is it the same person as mentioned was and is now? Who are Councillors taking their directions from now?"

A4 *Response by the Mayor:* Councillors do not take direction, they take guidance. The Councillors make decisions on anything that comes within this Chamber.

Cr Healy entered the Chamber, the time being 2310 hrs.

The Mayor advised that he had made a commitment to fully investigate and finalise Council's response to the Minister's report which will become a public document and did not wish to answer further questions in relation to this issue at this time.

Mr Brislin:

Q1 Following your internal investigation into what occurred in relation to the approval of the building at Manakoora Rise, Sorrento, will Council in due course take action if there is found to be incompetence and wrong doing?

A1 *Response by the Mayor:* The Mayor stated Mr Brislin would be advised accordingly.

CONFIDENTIAL BUSINESS

Nil

DATE OF NEXT MEETING

The next Ordinary Meeting of Council has been scheduled for 7.30 pm on **WEDNESDAY 22 OCTOBER 1997**

CLOSE OF BUSINESS

There being no further business, the Mayor declared the Meeting closed at 2315 hrs, the following Councillors being present at that time:

COUNCILLORS: COOPER
 EWEN-CHAPPELL
 HEALY
 HOLLYWOOD
 LYNN
 MAGYAR
 MAJOR
 O'GRADY
 POPHAM
 TAYLOR
 TIPPETT
 ZUVELA
 WIGHT

