



CITY OF WANNEROO

MINUTES OF MEETING OF JOINT COMMISSIONERS HELD ON 26 NOVEMBER 1997

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CITY OF WANNEROO

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON WEDNESDAY, 26 NOVEMBER 1997

ATTENDANCES AND APOLOGIES

Commissioners:

C T ANSELL - Chairman

H MORGAN AM - Deputy Chairman

R M ROWELL

Absent: 1920 hrs to 1921 hrs

M C CLARK-MURPHY

W BUCKLEY

Officers:

Chief Executive Officer:

L O DELAHAUNTY

Director, Corporate Services:

R E DYMCK

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 51 members of the Public and 4 members of the Press in attendance.

The Chairman declared the meeting open at 1830 hrs.

C371-11/97 LEAVE OF ABSENCE - CMR M CLARK-MURPHY

Cmr M Clark-Murphy has requested leave of absence from Council duties for the period 27 November 1997 to 19 December 1997 inclusive.

MOVED Cmr Morgan, **SECONDED** Cmr Rowell that the Joint Commissioners approve the leave of absence for Cmr M Clark-Murphy for the period 27 November 1997 to 19 December 1997 inclusive.

The Motion was Put and

CARRIED

AMENDMENT TO STANDING ORDERS

Cmr Ansell requested that Standing Orders be amended to permit Announcements by the Chairman to be heard at this point in the meeting.

MOVED Cmr Morgan, SECONDED Cmr Rowell that Standing Orders be amended to permit Announcements by the Chairman to be heard at this point.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**Announcement by Cmr C Ansell, Chairman:**

"As you are no doubt aware, the State Government in accordance with the Local Government Act, has suspended all 15 Councillors of the City of Wanneroo and appointed myself and four Commissioners in their place.

We have been appointed for an initial period of three months, pending the outcome of an inquiry which will determine whether the Councillors' suspensions should become dismissals or whether the Council should be reinstated.

During this three month period, services to ratepayers will continue. Council offices remain open for business and staff will continue to perform their duties in providing services to ratepayers and residents.

The Commissioners are responsible for overseeing the day-to-day running of the City of Wanneroo and for ensuring that there are no disruptions to services. Our duties are similar to those which would ordinarily be carried out by Councillors.

This is our first of what will be regular and public meetings of the Commissioners of the City of Wanneroo. The meetings of Commissioners will consider all issues which would normally come before Council.

The Commission has decided that it wishes to continue conducting its operation through Committee which will meet as normal on a monthly basis or until further notice. Therefore the following Committees will fall under the same titles as previous, namely:

*Policy
Technical Services
Development and Planning
Finance and Community Services*

Except for Policy, all Committees will remain open to the public.

The Committees will all meet on the third Tuesday of each month with a Council or Joint Commissioners Meeting on the fourth Tuesday of each month. All Commissioners will serve on each Committee.

I have indicated to Commissioners that these Committees are required to elect their own chairperson as their first item of business.

As a result of these arrangements I do not expect any delays in the processing of Council business.

In the next three months, the Commissioners aim to achieve three major objectives at the City of Wanneroo. They are:

- 1 To ensure that services to the ratepayers of Wanneroo continue to be provided and that they are provided in an efficient and ethical manner.*
- 2 To hold monthly, public meetings of the Commissioners to discuss matters which would usually come before Council, without delay or disruption to ratepayers.*
- 3 To examine the report of the Wanneroo Royal Commission and seek ways to improve the efficiency, accountability and ethical environment at the City of Wanneroo.*

The Commissioners are taking a fresh look at the City of Wanneroo and the way it does business. We are working to restore public confidence in the City of Wanneroo so that ratepayers know their rates are being spent appropriately.

We are also reviewing the processes, personnel and business practices of the Council in light of the Royal Commission's findings. The public will be informed of developments and improvements in these important management areas as they occur.

In regard to senior staff named in the Royal Commissioner's Report, the City has asked these people to provide a written response to matters raised in the report. These responses will be examined by myself and my fellow Commissioners as soon as they become available. Appropriate actions will follow.

Standing Orders

I wish to give notice that to take advantage of the small number of commissioners and expediency of the decision making process, the Joint Commissioners will be reviewing the Council's current Standing Orders with a view to suspending those clauses which are identified as being superfluous to the Joint Commissioners' requirements. Examples would be the possible deletion of Questions with Due Notice, Questions without Due Notice, Notice of Motions and Motions for Further Action which currently are listed as part of the Council's Order of Business.

Code of Conduct

The Joint Commissioners intend to operate in accordance with the Code of Conduct adopted by the City in April 1997. Commissioners have flagged their intention to make amendments in accordance with Royal Commission finding.

I am also pleased to advise that the staff has voluntarily agreed that any gifts and hospitality offered shall be either refused or passed onto a charitable fund.

Finally, the Commissioners and myself thank the ratepayers and staff of the City of Wanneroo for their support and patience during the tumultuous events of the past weeks. We look forward to your continued support, as we set about restoring the integrity and public standing of the City of Wanneroo."

At this point, Chairman introduced his fellow Commissioners, Harry Morgan AM, Rob Rowell, Wendy Buckley and Marilyn Clark-Murphy.

PUBLIC QUESTION TIME

The following question, submitted Mr Nicholas Bell, was taken on notice at the Council meeting held on 22 October 1997:

Q1 Mr Bell referred to Item TS295-10/97 - Marangaroo Golf Course - Tender No 037-97/98. He noted that the selected tenderer's price this year was below what the price was 5 years ago, with the scope of the work being increased significantly and asked if the tender was in complete accordance with the specifications or were cost reducing alternatives offered.

A All tenders submitted by Kim Gorey Turf Maintenance Contractors conformed to the specification as per the documentation submitted. Council officers assessed the tenders to ensure the lowest tenderer clearly understood the work procedures and requirements to maintain the golf course playing area to the current high standard.

The following question, submitted by Mr Peter Yujnovich, Realty Group (WA) Pty Ltd, Suite 10, Carine Glades Professional Centre, 12 Davallia Road, Duncraig re Carine Glades Squash Courts was taken on notice at the October Development and Planning Services Committee meeting:

Q1 Has the proposed redevelopment and rezoning of the Carine Glades Squash Courts been approved, and if so, why is Council seeking an amendment?

A1 The City has granted development approval dated 23 July 1997 for the redevelopment of the squash centre into commercial units and associated car parking on Lot 10 (6) Davallia Road and portion of Lot Pt 3 (521) Beach Road.

In December 1995, Council considered the use of Lot 10 and a boundary fence on adjoining Lot Pt 11 (Carine Glades Shopping Centre). Extensive negotiations between the City's officers and the two affected landowners eventually resulted in an agreement involving a rezoning of the squash centre, a redevelopment of the squash centre with additional parking on another site (a portion of Lot Pt 3 in front of Council's kindergarten), the removal of the fence, an extension to the shopping centre and the provision of reciprocal parking and access over the subject lots.

Council at its meeting held on 24 July 1996 (Item TP159-07/96 refers) resolved to support the rezoning of the squash centre site (ie proposed Amendment No 766 to Town Planning Scheme No 1) and approve the redevelopment of the squash centre.

Amendment No 766 is in accordance with the above agreement and will actually restrict the uses which Council can allow compared to the current commercial

zoning of the property. The development approval, which included a condition restricting the use of the development for the purposes set out in Amendment No 766, was also in accordance with the above agreement and Council's resolution.

The following questions were submitted by Mr V Harman, Ocean Reef:

- Q1 What money has been allocated to the Reserve Fund?*
- Q2 To what specific Reserve Fund?*
- Q3 What money will be taken out of the Reserve Fund?*
- Q4 please list the particular Reserve Fund the money is taken out of.*
- Q5 What is the proposed use of this money?*

A1-5. The information requested by Mr Harman is outlined in Appendix I hereto "Schedule of Reserves" and as follows:

(a) Art Purchases Reserve

Created in 1991/92 to provide for the acquisition of special works of art as they become available. This reserve is maintained by the amount of unspent funds allocated for the purchase of items of art each financial year.

(b) Asset Replacement Reserve

Created in 1986/87 to assist with financing of various revenue-producing or essential assets. Maintained by sale of assets, eg land.

(c) Badgerup/Ocean Reef Road Construction Reserve

Created in 1993/94 as a consequence of AAS 27 with funds previously held in Trust Fund. Represents developer contribution towards future roadworks.

(d) Cash in Lieu of Parking Reserve

Created in 1993/94 as a consequence of AAS 27 with funds previously held in Trust Fund. Represents funds received from developers in lieu of providing car parking and will be utilised to fund future car parking requirements.

(e) Cash in Lieu of Public Open Space Reserve

Created in 1993/94 as a consequence of AAS 27 with funds previously held in Trust Fund. Represents funds received from developers in lieu of providing public open space and will be utilised to fund future public open space requirements.

(f) Craigie Leisure Centre - Asset Replacement Reserve

Created to assist with funding future asset replacement at Craigie Leisure Centre.

(g) Domestic Cart - Refuse Collection Reserve

Created in 1990/91 to provide for additional plant and equipment used specifically for the provision of the domestic cart refuse collection service. This reserve is maintained by an annual allocation equivalent to the operating surplus achieved by this service.

(h) Domestic Cart Refuse Collection - Plant Replacement Reserve

Created in 1987/88 to provide for replacement plant and equipment used specifically for the provision of the domestic cart refuse collection service. This reserve is maintained by an annual allocation of an amount equivalent to the 'depreciation' rate which would be charged against the works associated with this service.

(i) Golf Course Facilities Reserve

Created in 1986/87 to finance future expenditures associated with provision of golf facilities within the City. Maintained by an annual allocation from Municipal Fund of an amount equivalent to the 'surplus' on the Marangaroo and Carramar Golf Course operations.

(j) Heavy Vehicle Replacement Reserve

Created in 1996/97 to provide for the replacement of Council's fleet of heavy vehicles previously accommodated by the plant replacement reserve. This reserve is maintained by an annual allocation of an amount equivalent to the 'depreciation' rate which would be charged against all Council works and services on which the vehicles are used.

(k) Historic Village - Perry's Paddock Reserve

Created in 1987/88 to assist with financing future costs associated with the development of this project.

(l) Hodges Drive Drainage Reserve

Created in 1988/89 to finance the provision of drainage at Hodges Drive. Maintained by equal annual allocations from Municipal Fund over the years 1989/90 to 1994/95.

(m) Joondalup City Centre Public Parking Reserve

Created in 1995/96 to accumulate funds received from developers within the Joondalup Central Business District in lieu of providing car parking and will be utilised to fund future car parking requirements.

(n) Light Vehicles Replacement Reserve

Created in 1996/97 to provide for the replacement of Council's fleet of light vehicles previously accommodated by the plant replacement reserve. This reserve is maintained by an annual allocation of an amount equivalent to the 'depreciation' rate which would be charged against all Council works and services on which the vehicles are used.

(o) Ocean Reef Road Construction Reserve

Created in 1988/89 from the proceeds of the sale of Council land to assist in the financing of the construction of Ocean Reef Road east of Wanneroo Road.

(p) Office Equipment Replacement Reserve

Created in 1987/88 to assist with financing future replacement of large items of office equipment, eg switchboard.

(q) Plant Replacement Reserve

Used to assist with financing of Council's plant and equipment. This reserve is maintained by an annual allocation of an amount equivalent to the 'depreciation' rate which would be charged against all Council works on which plant is used, excluding Trade, Industrial, Commercial and Domestic Refuse Cart Collection equipment.

(r) Private Swimming Pool Reserve

Created in 1992/93 to set aside surplus funds from the four yearly inspection of private swimming pools. As these funds resulted from an inspection charge levied on pool owners, it is considered equitable to offset any surplus against future inspection charges.

(s) Refuse Disposal Reserve

Created to assist with financing operation associated with the delivery of Council's refuse disposal, eg rehabilitation of Badgerup and Pinjar land fill sites, purchase and delivery of mobile carts, etc. This reserve is maintained by an annual allocation equivalent to the net 'surplus' in the household refuse operations.

(t) Revaluation Reserve

Created in 1988/89 to provide for the valuation of all properties within the City to be revalued by the Valuer General's Office every three years for rating purposes.

(u) Road Maintenance - Northern Quarry Area Reserve

Created in 1989 to finance extraordinary expenses for repairing and maintaining roads in the immediate area of quarries. Funded via negotiated contributions from quarry developments.

(v) Road Maintenance - Southern Quarry Area Reserve

Created in 1989 to finance extraordinary expenses for repairing and maintaining roads in the immediate area of quarries. Funded via negotiated contributions from quarry developments.

(w) Section 20A Land Reserve

Created in 1993/94 to comply with the Department of Land Administration Guidelines on the sale of unwanted Section 20A "Public Recreation" reserve land which requires that the proceeds be applied to capital improvements on other recreation reserves in the general locality.

(x) **Town Planning Scheme No 10 (Revoked) Reserve**

Created in 1993/94 as a consequence of AAS 27 with funds previously held in Trust Fund. Represents residual funds from Town Planning Scheme No 10 (Revoked) and will be utilised on the provision of facilities generally within or in close proximity of the scheme area.

(y) **Town Planning Scheme 20 - District Distributor Road Headworks Reserve**

Created in 1993 to provide for Council's future commitment to the construction of District Distribution Roads associated with Town Planning Scheme 20.

(z) **Trade/Industrial/Commercial Refuse Collection Reserve**

Created in 1990/91 to assist with financing of future Council initiatives. Maintained by an annual allocation from Municipal Fund of an amount equivalent to the 'surplus' on the Trade, Industrial, Commercial Refuse Collection Service.

(aa) **Trade/Industrial/Commercial Refuse Collection Plant Replacement Reserve**

Created in 1990/91 to provide for replacement plant and equipment used specially on the Trade, Industrial, Commercial Refuse Collection Service. Maintained by an allocation equivalent to the 'depreciation' rate which would be charged against the works associated with this service.

(bb) **Wanneroo Bicentennial Trust Reserve**

Created in 1993/94 as a consequence of AAS 27 with funds previously held in Trust Fund. The Trust was established in 1988 to perpetuate the spirit of Australia's Bicentennial celebrations by serving as a source of encouragement of residents of the community who would not otherwise have the resources to progress in their chosen field of endeavour. The award of a grant by the Trust will assist these people in realising their goals and developing their talents to the benefit of the community. The Trust is administered by a Board of Trustees supported by a Senior Officer of the City.

(cc) **Welfare Facility Reserve**

Created in 1995/96 to initially preserve the anticipated proceeds from the sale of the property at 57 Nanovich Way, Girrawheen previously used as emergency accommodation. The funds will be utilised for the construction of a future general welfare facility.

Appendix I refers

The following questions were submitted by Mr P Yujnovich, Strata Manager of Realty Group (WA) Pty Ltd relating to the redevelopment of Carine Squash Centre, Davallia Road, Duncraig:

Q1 *Have the additions to Carine Glades Shopping Centre (Lot 11) been approved and construction commenced in anticipation of Rezoning of Carine Squash Centre (Lot 10) with the attendant provision of additional parking on Lot 3?*

- A1 No. The additions to the Carine Glades Shopping Centre stand alone and are not dependant on any Scheme amendment or additional parking located on Pt Lot 3. The approval was, however considered in the light of an agreement reached between the Council and the owners of Lot 10 and Lot Pt 11.
- Q2 *If not, how does an additional 750m² of retail space equate with a loss of 15-30 parking bays and the minimum requirement for parking lots at a shopping centre?*
- A2 The agreement mentioned above included provision for additions to the Shopping Centre and the exercise of Council discretion regarding the provision of parking.
- Q3 *If so, is this legal when the Rezoning application has not yet been put to Council?*
- A3 The approval of the shopping centre additions is in accordance with the provisions of Council's Town Planning Scheme No1.
- Q4 *Again if so, what will be the outcome regarding parking if the Rezoning application is rejected?*
- A4 The rejection or otherwise of the Scheme Amendment will have no effect on the current development approvals on Lot 10 and Lot Pt 11. The purpose of the Scheme amendment is to limit the range of uses permitted on Lot 10.
- Q5 *Does the City Planner consider that parking bays provided some 150m-200m from the proposed redevelopment, and blocked from the view of visitors to the redevelopment by other buildings is a realistic provision in view of the proximity of the parking area of the Carine Professional Centre?*
- A5 When the Carine Glades Centre is considered as a whole, it is the aggregate number of parking bays that is critical. The distribution of the use of those bays is related to parking management which is the responsibility of the landowners.
- Q6 *Has the City Planner personally viewed the redevelopment site in consideration of its proximity to the Carine Professional Centre?*
- A6 Yes.
- Q7 *If so, can he not but agree that the Carine Professional Centre is approximately equidistant from both Lot 10 and Lot 11 and whatever effect the redevelopment of Lot 11 and the additions to Lot 10 have on each other as to parking and conflict of business, will also affect the Carine Professional Centre?*
- A7 Lot 201 (the Carine Professional Centre) is close to Lot 10 and Lot Pt 11. The discussions were not directly related to any effect of parking or conflict of business.
- Q8 *At the last Council meeting on Wednesday, 22 October 1997 the City Planner was asked by Councillor Hancock why the Carine Professional Centre owners were not included in discussions and negotiations regarding the re-development and Rezoning of the Carine Squash Centre and was given the answer 'it was not considered necessary'. In view of the foregoing, why was it not considered necessary?*

- A8 The discussions between Council and the owners of Lot10 and Lot Pt 11 related to the construction of a barrier fence on the common boundary of the two lots. It did not concern any other landowner.
- Q9 *The proposed Rezoning provides for a variety of uses including Health Centre, Consulting Rooms, Medical Clinic, Office, Veterinary Consulting Rooms, and in the proposed plans is detailed Veterinary Rooms, six office suites and five showroom units. In view of the long negotiated and agreed arrangement of non conflict with the shopping centre why has there been no consultation and similar agreement sought with the Carine Professional Centre which comprises Veterinary, Dental, Orthodontal, Accounting, Medical, Beauty Treatment, Financial and Real Estate Services?*
- A9 The existing zoning of Lot 10 (Commercial) allows a greater number of land uses than are proposed by the amendment. The amendment is therefore restricting the possible uses of the land and thus reducing the amount of possible conflict. There is no basis for the other landowners in the Centre to be involved in the discussions.
- Q10 *With the apparent acceptance of the Planning Department that there will be a shortfall of parking bays following the redevelopment of Lot 11 and the additions to Lot 10, can the City Planner envisage that the Carine Professional Centre parking area will remain isolated and not invaded by the overflow of vehicles which cannot be accommodated or the owners of vehicles who will not walk 200m from the new parking area or who simply do not know of its existence or intended purpose to accommodate patrons of the redevelopment?*
- A10 The shortfall of parking in the Centre below the Scheme requirements was created when the Minister for Planning approved the extension to the squash courts without additional parking or other arrangement in 1978. Council's recent approvals on the two lots basically maintain the aggregate situation regarding parking.

The following questions were submitted by Mr L M Bistrup of Duncraig, in relation to the Redevelopment of Carine Squash Centre, Davallia Road, Duncraig:

- Q1 *If the shopping centre requirement of no conflict is considered vital to the issue of rezoning, did the Carine Professional Centre which is adjacent, equidistant and in the same complex, receive no consideration because of no previous conflict with either the shopping centre or the squash centre?*
- A1 The issue of conflict between land uses in different developments is not normally an issue taken into account for either a development approval or rezoning. In this instance the issue was addressed as part of package forming the resolution of a dispute considered to be preferable to alternative legal resolutions.
- Q2 *How could the Carine Professional Centre have a conflict with such a vital issue when no advice was provided until 30 September, after the development had been approved?*

- A2 The question is unclear. The City is amending its Town Planning Scheme to excise the squash centre land from the Commercial zone and include it in a Special zone with a limited number of permitted uses. The proposed zoning is much more restrictive in its range of permitted uses than the existing zone. Where two lots are included in the same zone they should be able to support the same range of land uses.
- Q3 *Did the City recognise the potential conflict between the redevelopment and the Carine Professional Centre.*
- A3 The City does not use its planning powers to regulate the numbers of different land uses in particular areas. Multiple instances of a particular use in an area is not considered to be a conflict and would not adversely affect the use of the adjoining properties. With regard to parking, the squash centre is changing from a situation of significant under provision of parking to one where parking is being provided albeit at a distance from the site.
- Q3a *If so why was the redevelopment approved and rezoning recommended to include conflicting options when the shopping centre was to be protected.*
- A3a The development approval was granted for a lesser range of land uses than were permitted under the current Commercial zone and the Scheme amendment is to limit the range of permitted uses. Neither the approval nor the amendment were promoted as a protection of any property but both were part of a negotiated solution to a conflict regarding access.
- Q3b *If not - why not. Should it not have been a consideration in view of existing businesses within the Professional Centre or was it ignored in the hope that nobody would notice.*
- A3b The protection of existing businesses from competition was not a consideration in the negotiations, the approval or the Scheme amendment.
- Q3c *Further, if not, could this be regarded as incompetence in not recognising the potential conflict in one area having agreed to protection in the other.*
- A3c No. Protection was not and is not a consideration in this matter.
- Q3d *If not incompetence was it merely a matter of settling a long running dispute between the owners of the shopping centre and the squash centre in order to easily and conveniently release the City from the long running dispute.*
- A3d See answer to 3 above.
- Q3e *Will you please explain how the shopping centre has preference as regards non conflicting businesses over other businesses in the complex.*
- A3e The shopping centre had requested a veto over conflicting uses but the City rejected the proposal.

- Q4 *Report DP275-11/97 in Comments para 1- "If there is a perceived car parking problem in this commercial precinct, this is principally a problem of management and the location of parking areas."*
If this is to be accepted can the City please advise why the other managers of businesses/premises in the precinct were not involved in the discussions which led to a decision which will impact on their present parking arrangements.
- A4 The City's primary concern regarding parking is that each development has an appropriate amount of parking with adequate access and is developed and maintained to acceptable standards. In this instance the number of parking bays is not considered to be any worse than the pre development situation and access will be improved by the provision of easements over the two properties concerned. The question of control of the use of individual bays remains with individual property managers.
- Q5 *In regard to the total redevelopment approval including the new car parking provisions some 150-200 metres from the squash centre, was the Carine Professional Centre given any consideration as to the potential impact, and if so, by whom, when and what conclusions were drawn. Can a copy of related minutes be provided?*
- A5 As far as parking is concerned the combined effect of the two approvals should be close to neutral for the overall precinct so little resultant impact on any of the other sites was considered likely. Therefore potential impact on any of the other sites was not considered an issue. The City's report TP159-07/96 detailed the outcome of the negotiations and the consideration of the development applications.

The following question was submitted by Mr D Tippett in relation to Report B118-10/97 - referring to three pedestrian accessway closures in Girrawheen:

- Q1. *Will the Council classify this as a single application and levy a single \$100.00 application fee?*
- A1 As the request relates to a variation of an application fee, this matter will need to be referred to the Development and Planning Services Committee for a report and consideration by the Joint Commissioners.

The following questions, submitted by Mrs A Hine of Wanneroo, were taken on notice at the Council meeting held on 24 September 1997:

- Q1. *Reference item 10 paragraph 5, page 35 of the report. Memorandum sent to senior officers for explanations as to what had gone wrong with the approval process for Lot 560. The date quoted 12/8/96. Why was not written report presented by Mr Fischer to full Council with all the relevant facts?*
- A1. Under the terms of Council's insurance policy it was not possible to make any admissions, therefore it was not appropriate to present Council with a written report. Further the insurer had advised it would make its own investigation and it was anticipated the two reports would be dealt with together. Reports were submitted verbally on a confidential basis to the Council.

- Q1a. Does Council agree the house in question, Lot 560 Manakoora Rise was built with an invalid licence?*
- A1a. No, the City Building Surveyor had delegated authority to issue building approvals. In this case the Deputy City Building Surveyor signed the licence. His authority to sign the building licence depended on the application of the alter ego rule. Council's legal advisor states that reliance ought not be placed on the alter ego rule and that is preferable that clear and specific delegation should be put in place to avoid doubt.
- Q2. Why did Councillors who voted against the stop work notice and demolition orders ignore the plight of the neighbours and others in that particular area?*
- A2. Councillors did not vote against the stop work notice, the stop work notice was issued by the City Building Surveyor under delegated authority. Council did not consider an order for demolition as this was an issue affected by the Insurance Company right of subrogation enabling the Insurance Company to influence the conduct of the City to the extent it might impact on insurance cover. Council was concerned about the plight of neighbours and others in that particular area, but could only work within the framework of the law, and its insurance policy and on legal advice received.
- Q3. There was an article in the Wanneroo Times, December 1994, page 4. There was a public meeting held for people to air their grievances. People showed their grave concerns about massive multi-storey homes being built that I thought would have prompted staff who were at the meeting to question the licence approval for oversized building in Wanneroo?*
- A3. Staff were conscious of concerns about large buildings and implemented Council's policy. This provided for affected owners to be consulted where a proposed dwelling exceeds 6m in height and advising that plans could be examined in this instance correspondence was sent on 29 March 1995. Unfortunately the letters did contain some inaccurate information. Nonetheless some of the owners did examine the plans and no objections were received.
- Q3b. And yet on page 34 of this report a building licence issued on the 21/12/95 (the reference to the number 5 by the author of this report and I quote "This is arguable that the grant of the building licence WAS INVALID since the person concerned had no delegated authority to issue it. It still did not gel in the minds of the Council officers and I question why?*
- A3b. See answer to question 1a. The comment in the report is that the validity of the building licence is arguable. This suggests that the matter is inconclusive.

Q4. Does Council and do Councillors who voted to go along with this charade at ratepayers expense feel ashamed at the abuse of ratepayers money instead of listening to the aggrieved owners, and does this Council risk being sued for breaching its duty of care to the adjoining owners? Was the building site inspected by AN AUTHORISED PERSON prior to approval and prior to the footings being installed? Why is there a discrepancy in the payment of fees i.e. building fees for the house at Lot 560 Manakoora Rise.

A4. There are a number of parts to this question:

- a) Council regrets that this incident has occurred and notes that enquiries by various investigating authorities reveal that the problem occurred as a result of human error.
- b) Yes, the building site was inspected prior to approval and prior to the pouring of the footings.
- c) The correct building fees were paid for the Building Licence, albeit that the applicant overpaid the fee for the 'Approval in Principle' which was adjusted when the building licence application was received.

Q5. Can a list be seen of the Councillors who voted for the building to be continued before and after the STOP WORK ORDER was put on?

A5. There was no Council resolution prior to the issue of the stop work notice where Councillors voted to allow the construction to continue. Council at its meeting on October 1996 resolved:

That Council in respect to the dwelling under construction at Lot 560 (3)Manakoora Rise, Sorrento:

- 1 endorses the action of the Chief Executive Officer in writing (letter dated 23 October 1996) to Mr and Mrs Parin proposing the lifting of the Stop Work Notice subject to conditions;
- 2 requests its Insurers to deal expeditiously with Messrs Brislin and Del Borello in the matter of compensation;
- 3 reserves its right to pursue the issue of non-compliance with the Residential Planning Codes;
- 4 seeks a report on the steps necessary to require a development application under Town Planning Scheme 1 for single residences and the implications of such a change.

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

FOR: Crs Dammers, Major, Cooper, Magyar, Ewen-Chappell, Wight, Taylor, Tippet and Healy

AGAINST: Crs Freame, Lynn, Popham, Duffy and Hancock

C484-10/96 refers

It should be noted that Council's power was limited, see answer to question 6.

- Q6. Why didn't the stop work order ever cover the breach to the R Codes, if it had covered the R Codes, does that mean that the stop work order could have remained on the building and possibly ensured that the building was brought back to compliance?*
- A6. The legislative power to serve a stop work notice is found in the Local Government (Miscellaneous Provisions) Act 1960. The Act does not allow or provide for the service of a notice with respect to a breach or non compliance with the Residential Planning Codes which are enforceable through Local Government Planning Schemes. When the non complying building issues had been resolved it was necessary to lift the stop work notice. Given the present provisions of the City of Wanneroo Town Planning Scheme the Residential Planning Codes are not enforceable on the issue of a building licence on a single residential development. This situation is being addressed by an amendment to the Scheme.
- Q7. Who answered my questions on notice at the July 1997 full Council meeting? Do you realise they are mainly all incorrect in relation to this REPORT by the Local Government Department?*
- A7. Council is considering a report which deals with a number of points of disagreement with the Local Government Inquiry Report. These points of disagreement may have a bearing on the answer given at the July Council meeting.
- Q8. How much money has been spent on lawyers fees on this particular case from the beginning? (This is ratepayers money and not counting insurance payout). Could this confidentiality clause be misconstrued as legal blackmail?*
- A8. This question is in two parts:
- a) It is not known what legal fees have been incurred by all parties. The legal fees incurred by Council to date are \$34,258.00 including an estimate for the legal advisors attendance at the Policy meeting on 11 November 1997.
 - b) No, confidentiality is a normal requirement in compensation agreements.
- Q9. Is there any action that Council can initiate against the architect for not following or interpreting all of the Building Codes of Australia?*

A9. There has been no finding that the building does not comply with the Building Code of Australia.

Q9a. *When an architect presents plans and specifications to Council what considerations are looked at such as (1) Loss of Privacy, (2) Loss of Property Value, (3) Height and Bulk of the proposed dwelling for the block size, (4) Overshadowing, (5) Amenity of the overall area such as harmony in the neighbourhood, streetscape, even if the R Codes fit?*

Q9a Compliance with the expressed provisions of the R Codes is deemed to achieve the objectives of the Codes.

At present an Application to Commence Development (DA) is not required under the City's Town Planning Scheme for a single dwelling.

The matters raised in the question are amenity considerations which would ordinarily be relevant to a DA. Amenity considerations are not ordinarily relevant on the issue of a building licence.

Q9b. *Page 2 of the flier, file reference number 2583 - 600 - 72 Council's policy relating to height of buildings in residential neighbourhood states that the standard height of all residential development shall be two stories or 6 metres average building height. If a building exceeds this standard height, affected adjoining owners are to be consulted prior to consideration of the application, and if an objection is received, the application is required to be referred to Council for determination. Lot 560 Manakoora Rise never went to full Council, why?*

A9b No objection was received.

Item 3. Approvals Officer should be held accountable for their work etc..... What about those officers who are mentioned in the report who have already left. Will they be held accountable?

Answer

Item 3 The question is out of context as the recommendation in the Inquiry Report refers to leaving an "audit trail" so that Officers completing forms, drafting reports, letters etc. can be identified. This action has been implemented. Council carries professional indemnity insurance to cover cases which are shown to be human error.

Item 4 The need for delegated authority to approve preliminary building plans should be investigated. Legal advice should be sought on correcting any invalidity in the approval granted to the owners of Lot 560. When will you be seeking legal advice on this? And if you find that the invalidity does not correct what will then happen to that house? Does this mean that it may be pulled down or at least brought back to where it complied?

Answer

Item 4 Legal advice regarding approval of preliminary building plans has been obtained which indicates that there is no power of delegation for the purpose of preliminary (provisional) approvals. With respect to the correcting of any invalidity in this case it made no significant difference in the long run as there is no substantial conflict between any preliminary approval and the building as constructed under the approval of a building licence.

Mr Terry Popham:

Q1 With the Royal Commission's findings against Mr Drescher of inappropriate and improper conduct, when will the Commissioners sack Mr Drescher?

Q2 Regarding the Manakoora Rise Inquiry and the level of incompetence shown, when will Commissioners sack the person ultimately responsible, Mr Ray Fischer?

Q3 Will the Commissioners be taking action to recoup the legal fees from the persons mentioned in the Royal Commission's report with adverse findings against them?

A *Response by Chairman:* The Royal Commission has made a number of accusations and those persons accused will need to be given the right to answer the questions. The Joint Commissioners are now involved in a \$130 million business, one of the largest enterprises in Western Australia, and will not be acting precipitously. Another separate investigation is being undertaken, of which the Commissioners have no control. Matters have also been referred to the Director of Public Prosecutions. All matters will be taken into consideration by the Commissioners before any action is taken.

Mr Barry Higgins, Carabooda:

Q1 By what procedural mechanism was the time of tonight's meeting rescheduled?

A1 *Response by the Chief Executive Officer:* It was originally envisaged that this evening's meeting would be held as previously arranged, however the Commissioners felt they would like to commence the meeting at 6.30 pm and appropriate advertising was carried out in The West Australian and the Wanneroo Times.

Q2 By what procedural mechanism was this carried out; does this contravene Standing Order 2.1?

A2 *Response by Chief Executive Officer:* This question will be taken on notice.

Q3 At the September I asked "Is the possibility of Council convening a Youth Summit under active consideration and if so, at what stage are the deliberations." The response I received was that Council was in the process of developing a Youth Action Plan for consideration, which included consideration of a Youth Summit and it was anticipated a report would be submitted to Council within six to eight weeks.

Will Council consider convening a Youth Summit, if so when, if not why not?

A3 *Response by Chairman:* This question will be taken on notice.

Mr Vic Harman, Ocean Reef:

Q1 Has a work order been issued for the alterations to the bar in the Councillors' lounge?

A1 Response by Chairman: No

Q2 In that case, do you have the authority to review the decision reached to spend \$12,800 for that alteration and replace it with a Smart Card entry for approximately \$500?

A2 Response by Chairman: Yes

Q3 As a result of the new practice proposed for the Standing Committees, when will the reports be available to the public before those meetings?

A3 Response by Chief Executive Officer: The agenda will be made available at the same time as in the past. This means the agenda will be completed by the Friday evening prior to the meeting, and be available with all City of Wanneroo Libraries on the Saturday morning.

Q4 It has been the custom before that Councillors make themselves available for ratepayers following meetings. Will Commissioners and officers be available for such consultation?

A4 Response by Chairman: This will not be possible tonight, however will be given further consideration.

Mr Steve Magyar, Heathridge:

Q Agendas for the meetings of Technical Services, Development and Planning Services and Finance and Community Services Committees were publicly released by the City of Wanneroo for November 1997. Several items listed on those agendas have not been included in the agenda for tonight's meeting. Can the Chairman of Commissioner explain:

- (a) Why those items are no longer listed after they have been included in a agenda which was duly released to the public?*
- (b) By whose authority were those items withdrawn?*
- (c) What is the proper process as defined in the Local Government Act as to the withdrawal of items after they have been included?*
- (d) How can the Commissioners and senior staff assure the people of Wanneroo that they are serving the City of Wanneroo better than the suspended Councillors by withdrawing items and not allowing open public debate on these important issues?*

- A *Response by Chairman:* As previously stated, this is a \$130 million business and Commissioners were only appointed two weeks ago. Some of the issues are very important and Commissioners require more time to obtain an understanding of certain issues. As a result, some reports were removed from the agenda to allow research. These items will be referred to the December Standing Committee meetings.

Mrs L O'Grady, Clarkson:

Mrs O'Grady presented a 900-signature petition in relation to Item CS304-11/97 - Skateboard Facilities.

- Q1 *Has the Council obtained Commonwealth funding which is available for a youth worker in the Yanchep/Two Rocks area as the current funding runs out in January, and the area will be without a youth worker?*

A1 *Response by Director, Community Services:* Council has not secured funding as yet. An application will be submitted to the Commonwealth by the end of this week for funding which is expected will cover that region.

- Q2 *How much is each Commissioner being paid per month and who is paying the bill - is it the Government or the ratepayer?*

A2 *Response by Chairman:* The total amount that is being paid has been disclosed in the newspapers. I (Cmr Ansell) will receive \$12,000 per month; Cmr Morgan will receive \$6,000 per month; and the other Commissioners each receive \$5,000 per month.

- Q3 *Is Cmr Clark-Murphy being paid for her three weeks leave of absence?*

A3 *Response by Cmr Clark-Murphy:* I will defer to the Chief Executive Officer, to whatever is considered appropriate.

Response by Chairman: This question will be taken on notice.

- Q4 *Did Cmr Morgan and Cmr Rowell have knowledge prior to the suspension of the Councillors of the City of Wanneroo that they would be asked to be Commissioners?*

A4 *Response by Cmr Morgan AM:* I was approached by the Government six weeks ago to see whether I was prepared to be appointed as a Commissioner. I was advised on the Sunday evening, prior to the announcement, that the Government wished to appoint me as a Commissioner. On the Tuesday I resigned my position with Perth City Council.

Response by Cmr Rowell: I was asked on the Sunday prior to the announcement. I was reluctant to accept the appointment, and only agreed on the Tuesday night.

- Q5 *Why when asked to be Commissioners of the City of Wanneroo did they not ask for leave of absence for the short time of the Inquiry? Why was a resignation felt necessary?*

A5 *Response by Cmr Morgan AM:* I understand that the legal situation does not permit me or another Commissioner to be a member of more than one Council.

Response by Cmr Rowell: The Act does not allow this. A Commissioner is considered a Councillor and is sworn in, and a person cannot be a Councillor on two Councils.

Q6 *Were any Commissioners informed before the announcement of the suspension of the City of Wanneroo Councillors that they would be here longer than three months?*

A6 *Response by Cmr Morgan AM:* I was not told that I would be here longer than three months. I was informed that the activities of the Commission should conclude after three months. After that the Government will determine the matter following the result of the Inquiry.

Cmr Rowell, Cmr Buckley and Cmr Clark-Murphy gave a similar response.

Response by Chairman: I was told that I may be here for three months, but maybe longer, depending on the decision.

Q7 *Has any Commissioner made comment that the Council will be sacked and that they will remain as Commissioner at the City of Wanneroo?*

A7 *Response by all Commissioners:* No statement has been made to that effect.

Q8 *Will Community Advisory Committees be informed of their current position and will there be opportunity for community input in the near future?*

A9 *Response by Chairman:* Commissioners will look at the election of representatives to those committees and communicate the position to them.

CONFIRMATION OF MINUTES

C372-11/97 MINUTES OF COUNCIL MEETING, 22 OCTOBER 1997

Due to the suspension of the Council on 12 November 1997, it is not possible to confirm the minutes of the Council Meeting held on 22 October 1997. These minutes will therefore remain unconfirmed minutes.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Minutes of the Council meeting held on 22 October 1997 be accepted.

The Motion was Put and

CARRIED

DECLARATIONS OF FINANCIAL INTEREST

Cmr R Rowell declared an interest in Item DP280-11/97 due to a family business interest.

QUESTIONS WITH DUE NOTICE

The following questions, submitted by Cr Bombak, were taken on notice at the Council meeting held on 22 October 1997:

Q1 What was the total number of employees in the Development and Planning Services Directorate for each year from 1987 to the present day?

Q2 What was the total number of planning approvals granted for each year from 1987 to the present day?

Q3 What was the number of employees of the Building Department for each year from 1987 to the present day?

Q4 What was the total number of building approvals for each year from 1987 to the present day?

A1-4 The questions are in fact contradictory and the response is based on providing the numbers of employees working essentially in the area of approving building licences and development approvals.

It is difficult to estimate the past staff resource that has dealt with both Building and Planning applications as within the larger divisions, the same person may have undertaken several tasks that do not relate to either the Building Licence or Development Approval processes, or work occurring within different divisions.

Whilst the Building area has been easier to estimate, the Planning area is more difficult because of the past work streams. It is not known what administrative support was used in the planning area to deal with just development proposals and consequently it has been estimated.

	Building Licences	Building Licences \$M	Estimated Staff	Development Applications *	Estimated Staff
1987	6006	219	20		
1988	8445	376		693	5
1989	6457	301		742	
1990	4799	205	21	543	
1991	5767	232		404	
1992	7235	330		590	6
1993	8306	442		745	
1994	9158	444		805	
1995	6877	320		778	8
1996	6479	345		751	
1997	5376	298	21	571	8
Present					

* Plus approximate 150-200 Home Occupations per year

Of particular concern, however, is the change in workload from approvals to customer service and the resolution of problems associated with retaining walls and dividing fences.

The time that the Building service for example spent on these activities in September 1997 was:

Phone calls	3398 -	24 working days
Customer service		25 working days
Complaints		<u>64 working days</u>
<i>Total</i>		<u>113 working days</u>

The nature of the Approvals workload has additionally changed over the past decade with:

- the R Codes
- smaller lots and bigger houses
- more retaining walls and reduced setbacks
- more community consultation and concern and complaint.

QUESTIONS WITHOUT DUE NOTICE

Nil

C373-11/97 PETITIONS SUBMITTED TO THE COUNCIL MEETING - 26 NOVEMBER 1997

1 PETITION OBJECTING TO NOISE/TRAFFIC SPEED PROBLEMS IN RELATION TO PROPERTY IN GLENDEVON TURN, KINROSS - [3670/857/36]

An 18-signature petition has been received from residents of Kinross in relation to on-going problems being experienced from a property in Glendevon Turn Kinross.

The concerns of the petitioners are as follows:

- (a) continuous revving of car engines (V8's) at the weekend (early morning and late evening hours) as well as other weekday hours;
- (b) loud music emanating from vehicles;
- (c) unacceptable speed at which cars drive around the Turn, as there are children living/playing in this area which causes a potential safety risk;
- (d) as many as 7 to 9 vehicles parked in this area at various times.

This petition will be referred to Health Services for action.

2 PETITIONS SUPPORTING THE CREATION OF SKATEBOARD FACILITIES
WITHIN THE CITY OF WANNEROO BOUNDARIES - [468-2]

Two petitions of 311-signatures and 63-signatures respectively have been received from residents of the City of Wanneroo supporting the creation of skateboard facilities within the City of Wanneroo boundaries.

These petitions will be considered in conjunction with Item CS304-11/97.

3 PETITION EXPRESSING CONCERN AT TRAFFIC PROBLEMS,
CAMBERWARRA PRIMARY SCHOOL, CRAIGIE - [0592/36690/34]

A 24-signature petition has been received from residents of Currajong Crescent, Craigie expressing their concern at the on-going traffic problems in relation to parking at Camberwarra Primary School.

The petitioners state these problems are caused by parents parking their vehicles on the north side of the street opposite the primary school, where the vehicle is left for some time, thereby causing traffic congestion and obstruction

The petitioners request the City of Wanneroo to give consideration to creating a carparking area on the vacant block of land at the end of Argus Road in an attempt to alleviate this on-going problem.

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

MOVED Cmr Rowell, SECONDED Cmr Morgan that Petitions No 1 - 3 be received and referred to the appropriate business units for action.

The Motion was Put and

CARRIED

BUSINESS REQUIRING ACTION

POLICY COMMITTEE**REPORT NO:****P100-11/97 DEPARTMENT OF LOCAL GOVERNMENT INQUIRY REPORT INTO THE GRANTING OF DEVELOPMENT APPROVAL FOR LOT 560 MANAKOORA RISE, SORRENTO - [3090/560/3]**

Following complaints from the neighbours the Minister for Local Government directed that an inquiry be carried out into the approval of the development at Lot 560(3) Manakoora Rise, Sorrento. The Inquiry Report was tabled in Parliament on 11 September 1997. It contained a number of recommendations and required the City of Wanneroo to prepare a plan of action to overcome problems in the residential development application approval process.

A number of findings contained within the report are disputed. However there can be no resigning from the fact that human error played a significant part. Other influencing issues were a breakdown in procedures and incompatibility of legislative systems. The recommendations seek to improve the processes that were in place at the time of the approval for Lot 560(3) Manakoora Rise to ensure that this type of event does not arise in the future.

Major changes to the organisational structure, responsibilities and procedures have occurred since the problems at Manakoora Rise became known. The changes are wide reaching and address the approvals processes specifically and the organisation generally.

A plan of action that builds upon these improvements is recommended for forwarding to the Minister for Local Government as required by the Inquiry Report.

During the informal discussion held prior to the commencement of the Policy meeting, the following amendments were raised:

- Report title to be amended to read: "Comments by Council on a Summary of Findings - Lot 560 Manakoora Rise, Sorrento".
- The response to note that comments to the present Chief Executive Officer are not relevant as he was not Chief Executive Officer at the time.

REPORT RECOMMENDATION That Council forwards its response to the Department of Local Government Inquiry Report into the Granting of Development Approval for Lot 560 Manakoora Rise, Sorrento to the Minister for Local Government as outlined in Report P100-11/97.

COMMITTEE RECOMMENDATION: That Council forwards its response to the Department of Local Government Inquiry Report into the Granting of Development Approval for Lot 560 Manakoora Rise, Sorrento to the Minister for Local Government as outlined in Report P100-11/97, subject to Councillors receiving a copy of the Appendix and being satisfied that there is no alteration required to Council's response.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that consideration of the response to the Department of Local Government Inquiry Report into the Granting of Development Approval for Lot 560 Manakoora Rise, Sorrento as outlined in Item P100-11/97 be deferred subject to more detailed consideration by the Joint Commissioners.

Discussion ensued.

The Motion was put and CARRIED

Appendix II refers

P101-11/97 ABOLITION 2000 - SAVE OUR CITIES CAMPAIGN - [702-0]

The Australian Peace Committee Inc. has requested that the Council endorse the Abolition 2000 - Local Authorities Resolution. The Abolition 2000 resolution calls for all governments of nuclear weapons states to begin negotiations immediately on a nuclear weapons convention to prohibit and eliminate all nuclear weapons by the year 2000. The resolution declares support for the further development of legally binding national and international nuclear weapon free zones throughout the world.

REPORT RECOMMENDATION That Council endorses the following resolution:

1 The City of Wanneroo noting that:

- (a) nuclear weapons continue to pose the most dangerous threat to the existence of the human species and the planet; towns and cities have been targets of nuclear weapons throughout the Nuclear Age and remain vulnerable to the massive destructive effects of nuclear weapons;
- (b) the development and maintenance of nuclear arsenals are a huge burden on public finance, costing billions of dollars each year, when resources ought to be employed in rebuilding the infrastructure of our communities, improving the health and welfare of our citizens, and protecting and enhancing the quality of the environment;
- (c) the five declared nuclear weapons states (China, France, Russia, The United Kingdom, and the United States) promised at the Non-Proliferation Treaty Review and Extension Conference in May 1995 to make "systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating these weapons";
- (d) the International Court of Justice ruling of July 1996 unanimously declared that "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.";
- (e) over sixty former Generals, Admirals and Air Chiefs world-wide (including representatives from all five declared nuclear weapon states) in December 1996 called for urgent efforts to secure a nuclear free world noting: "The dangers of proliferation, terrorism, and a new nuclear arms race render it necessary ... There is no alternative"; and

- (f) the end of the Cold War provides an unprecedented opportunity to hand a precious gift to all future generations -- an end of the nuclear weapons era.

2 resolves to:

- (a) call upon the governments of all nuclear weapons states to begin negotiations immediately on a Nuclear Weapons Convention to prohibit and eliminate all nuclear weapons early in the next century, and to complete these negotiations by the year 2000;
- (b) call for all nuclear weapons to be immediately taken off alert status, for all nuclear warheads to be separated from their delivery vehicles, and for the nuclear weapons states to agree to unconditional no first use of these weapons; and
- (c) declare support for the further development of legally binding national and international Nuclear Weapon Free Zones throughout the world.

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

1 **The City of Wanneroo noting that:**

- (a) **nuclear weapons continue to pose the most dangerous threat to the existence of the human species and the planet; towns and cities have been targets of nuclear weapons throughout the Nuclear Age and remain vulnerable to the massive destructive effects of nuclear weapons;**
- (b) **the development and maintenance of nuclear arsenals are a huge burden on public finance, costing billions of dollars each year, when resources ought to be employed in rebuilding the infrastructure of our communities, improving the health and welfare of our citizens, and protecting and enhancing the quality of the environment;**
- (c) **the five declared nuclear weapons states (China, France, Russia, The United Kingdom, and the United States) promised at the Non-Proliferation Treaty Review and Extension Conference in May 1995 to make "systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating these weapons";**
- (d) **calls upon the Government to implement permanent nuclear waste storage procedures by ceramic glass containment;**
- (e) **the International Court of Justice ruling of July 1996 unanimously declared that "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.";**

- (f) over sixty former Generals, Admirals and Air Chiefs world-wide (including representatives from all five declared nuclear weapon states) in December 1996 called for urgent efforts to secure a nuclear free world noting: "The dangers of proliferation, terrorism, and a new nuclear arms race render it necessary ... There is no alternative";
- (g) the end of the Cold War provides an unprecedented opportunity to hand a precious gift to all future generations -- an end of the nuclear weapons era.

2 resolves to:

- (a) call upon the governments of all nuclear weapons states to begin negotiations immediately on a Nuclear Weapons Convention to prohibit and eliminate all nuclear weapons early in the next century, and to complete these negotiations by the year 2000;
- (b) call for all nuclear weapons to be immediately taken off alert status, for all nuclear warheads to be separated from their delivery vehicles, and for the nuclear weapons states to agree to unconditional no first use of these weapons; and
- (c) declare support for the further development of legally binding national and international Nuclear Weapon Free Zones throughout the world.

The Motion was Put and CARRIED

P102-11/97 REIMBURSEMENT OF EXPENSES - ELECTED MEMBERS - [702-3]

A request has been received for the review of policy relating to the reimbursement of costs relating to telephone calls. Policy A2-06 - Travel and Other Expenses has been operational since July 1997.

The policy has been operational for in excess of 12 months and has been working reasonably effectively.

With the recent change in technology and the issue of mobile telephones and dedicated telephone lines for elected members, it is necessary to review the entire policy.

REPORT RECOMMENDATION THAT Council:

- 1 deletes Policies A2-06 (Members of Council - Travelling and Other Expenses), A2-09 (Telephone Rental - Councillors) and A2-10 (Members of Council - Child Minding Fees);

2 adopts Policy A2-06 - Members of Council - Reimbursement of Expenses:

Objectives

To provide for the reimbursement of expenses incurred by an Elected Member while performing their duties

Policy Statement

Expenses necessarily incurred by Elected Members in carrying out the functions of their office, or in the performance of an act under express authority of Council, may be claimed.

The Council will meet costs associated with:

- 1 child care incurred by the member where that member attends at a Council meeting or a Committee meeting, where he or she is a member, to a maximum of \$10 per hour. Child minding fees are applicable for children, either of natural birth or guardianship, determined by legal process;
- 2 where a member attends a meeting of a Recreation Association or Council appointed management or advisory Committee, as a Council delegate or deputy delegate;
- 3 where a member attends any meeting of a Ratepayer, Progress or other Civic Association;
- 4 where a member attends any function organised by Council, including naturalisation ceremonies, official opening of Council facilities, public electors' meetings, receptions, seminars and local conferences;
- 5 where a member attends at a Council appointed deputation;
- 6 where a member attends a meeting of the Local Government Association or Regional Council meetings as a Council delegate or deputy delegate;
- 7 where a member attends at the Joondalup Centre for discussion in respect of matters listed on any Council Agenda paper, or meetings and interviews with ratepayers, electors and representatives of businesses which deal with Council;
- 8 where a member attends a site the subject of matter listed on a Council Agenda paper;
- 9 where a member response to an official invitation to Council to attend any commercial, industrial, charitable, educational or welfare premises;
- 10 (a) costs incurred being rental and calls associated with Council allocated mobile telephone and facsimile machine relating to Council business;

- (b) rental charges and call costs (call costs to a maximum of \$100 per month) associated with one telephone at a member's place of residence for calls associated with Council business;
- (c) rental charges and call costs pertaining to Council business for the dedicated line to a members residence for access by the laptop computer.

In submitting a claim for expenses incurred under these circumstances, members shall detail on the prescribed form the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total travelled in kilometres.

Details of other expenses, including telephone call charges and postage expenses should also be submitted on this form, supported by actual accounts or receipts.

The amount payable in respect of travelling expenses shall be that assessed at the application rate per kilometre as detailed in the Local Government Officers' Award.

Where a member does not have private means of transport or is unable to use a private vehicle, the cost of public transport will be met.

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy shall submit the appropriate claim form, together with supporting documentation, within two months of those expenses being incurred. Expenses not claimed within two months of being incurred or falling due shall be deemed forfeited.

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

- 1 **delete Policies A2-06 (Members of Council - Travelling and Other Expenses), A2-09 (Telephone Rental - Councillors) and A2-10 (Members of Council - Child Minding Fees);**
- 2 **adopt Policy A2-06 - Members of Council - Reimbursement of Expenses:**

Objectives

To provide for the reimbursement of expenses incurred by an Elected Member while performing their duties

Policy Statement

Expenses necessarily incurred by Elected Members in carrying out the functions of their office, or in the performance of an act under express authority of Council, may be claimed.

The Council will meet costs associated with:

- 1 child care incurred by the member where that member attends at a Council meeting or a Committee meeting, where he or she is a member, to a maximum of \$10 per hour. Child minding fees are applicable for children, either of natural birth or guardianship, determined by legal process;
- 2 where a member attends a meeting of a Recreation Association or Council appointed management or advisory Committee, as a Council delegate or deputy delegate;
- 3 where a member attends any meeting of a Ratepayer, Progress or other Civic Association;
- 4 where a member attends any function organised by Council, including naturalisation ceremonies, official opening of Council facilities, public electors' meetings, receptions, seminars and local conferences;
- 5 where a member attends at a Council appointed deputation;
- 6 where a member attends a meeting of the Local Government Association as a Council delegate or deputy delegate;
- 7 where a member attends at the Joondalup Centre for discussion in respect of matters listed on any Council Agenda paper, or meetings and interviews with ratepayers, electors and representatives of businesses which deal with Council;
- 8 where a member attends a site the subject of matter listed on a Council Agenda paper;
- 9 where a member responds to an official invitation to Council to attend any commercial, industrial, charitable, educational or welfare premises;
- 10 (a) costs incurred being rental and calls associated with Council allocated mobile telephone relating to Council business;
- (b) rental charges and call costs (call costs to a maximum of \$100 per month) associated with one telephone and facsimile machine at a member's place of residence for calls associated with Council business;
- (c) rental charges and call costs pertaining to Council business for the dedicated line to a members residence for access by the laptop computer.

In submitting a claim for expenses incurred under these circumstances, members shall detail on the prescribed form the date of the claim, particulars of travel and nature of business, distance travelled, vehicle displacement and the total travelled in kilometres.

Details of other expenses, including telephone call charges and postage expenses should also be submitted on this form, supported by actual accounts or receipts.

The amount payable in respect of travelling expenses shall be that assessed at the application rate per kilometre as detailed in the Local Government Officers' Award.

Where a member does not have private means of transport or is unable to use a private vehicle, the cost of public transport will be met.

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy shall submit the appropriate claim form, together with supporting documentation, within two months of those expenses being incurred. Expenses not claimed within two months of being incurred or falling due shall be deemed forfeited.

The Motion was Put and CARRIED

P103-11/97 MAYORAL VEHICLE - [702-3]

It has been past practice for the City of Wanneroo to issue a vehicle to the position of Mayor for his or her term of office, in order to attend the many promotions required by that position.

This report outlines the position of other local authorities and suggests that the type of vehicle issued to the Mayor be adopted as policy.

The Local Government Act 1995 allows for elected members to be paid an annual meeting allowance and reimbursement of certain expenses. Recent advice from the Department of Local Government states that the provision of a vehicle to the Mayor is not contrary to the Act.

MOVED Cmr Buckley, SECONDED Cmr Morgan that the Joint Commissioners adopt the following policy - Vehicle - Mayor

Objective :

To identify the standard adopted for a vehicle to be assigned to the Mayor.

Policy Statement :

“The Mayor shall be assigned the use of a fully serviced and maintained Council owned vehicle being of a large 6 cylinder or V8 engined sedan with interior fittings to be of a high standard including air conditioning and automatic transmission.

This vehicle will be replaced within the normal vehicle replacement program of the City”

The Motion was Put and CARRIED

P104-11/97 WORKSHOP - STANDING ORDERS - [200-0]

Council adopted a new standing order local law which is due to be enforceable on 13 November 1997, following its 14 day gazettal period.

It is suggested that a workshop be held for elected members to inform them of the new requirements of the standing orders. The report also suggests that a number of other workshops be held on a number of other issues that currently face the local government industry and have an effect on the way Councillors should approach their responsibilities.

MOVED Cmr Buckley, SECONDED Cmr Clark-Murphy that the Joint Commissioners agree to the conducting of a number of workshops/seminars for elected members on the following matters:

- 1 new Standing Orders Local Law**
- 2 role of the elected member and the code of conduct;**
- 3 confidentiality and solidarity;**
- 4 financial interest;**
- 5 corruption and anti-corruption commission;**
- 6 conflict of interest and bias;**
- 7 actions against the Council and Councillors for negligence or break of duty and the good faith protection;**
- 8 defamation and privilege defences;**
- 9 problems for Councillors in Council litigation, including:**
 - (a) confidentiality, loyalty and duties arising as acceptance of office;**
 - (b) FOI and discovery;**
 - (c) legal professional privilege problems**

The Motion was Put and CARRIED

P105-11/97 COMPLIANCE AUDIT OF COUNCIL COMMITTEES - [702-1]

The Minister for Local Government previously requested a full compliance audit be taken in respect to the creation and operation of all Council committees. A report was presented to the August 1997 meeting of the Council which highlighted some concerns in the committee structure. A number of changes have been implemented to ensure that the committees are compliant to the Local Government Act 1995 and correct minute taking procedures.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the information relating to the compliance audit of Council's Committees be noted.

The Motion was Put and CARRIED

P106-11/97 LEGAL REPRESENTATION - MR COLIN EDWARDES - [702-8]

Council at its meeting held on 22 October 1997 considered Report P90-10/97 - Legal Representation - Mr Colin Edwardes and resolved to:

- “1 *pay the sum of \$11,000 towards the latest claim for legal expenses submitted by Mr Edwardes;*
- 2 *defer consideration of payment of the following amounts:*
 - (a) *\$1,250 in relation to Buckeridge Batching Plant;*
 - (b) *\$750 in relation to Chichester Park;*
- 3 *not agree to pay the amount of \$8,750 for maintaining a watching brief “.*

Accordingly, Report P90-10/97 has been resubmitted to the Policy Committee to give further consideration to Point 2 above.

REPORT RECOMMENDATION That Council gives consideration to the payment of outstanding amounts for Mr Colin Edwardes on the following matters:

- Buckeridge Batching Plant \$1,250
- Chichester Park \$750

COMMITTEE RECOMMENDATION: That Council refuses payment of the following amounts for Mr Colin Edwardes as such payment would exceed the maximum permitted under Council's Policy:

Buckeridge Batching Plant	\$1,250
Chichester Park	\$750

MOVED Cmr Buckley, **SECONDED** Cmr Clark-Murphy that consideration to the payment of outstanding amounts for Mr Colin Edwardes on the following matters be deferred subject to more detailed consideration by the Joint Commissioners:

Buckeridge Batching Plant	\$1,250
Chichester Park	\$750

The Motion was Put and CARRIED

P107-11/97 PROPOSED EASTERN FREEWAY - [502-37]

At its August 1997 meeting, Council requested a report addressing the formulation of a policy regarding the proposed eastern freeway. Because of the limited practical relevance of any Council policy specifically addressing the eastern freeway, the option of Council adopting a broader statement addressing development of an environmentally, socially and economically sustainable transportation strategy for the North West Corridor and the area to the north is submitted for consideration.

REPORT RECOMMENDATION That Council makes a submission to the Department of Transport in respect of its Discussion Paper regarding the preparation of a Freight Transport Strategy for the Metropolitan Region, advising that in preparing the Strategy, the Department should give consideration to the matters of the possibility of a major industrial area north of Wanneroo, the consequential transport links which would be required through Wanneroo, and the planning of such links having regard for environmental issues such as Gngangara Mound protection.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the Joint Commissioners make a submission to the Department of Transport in respect of the Discussion Paper regarding the preparation of a Freight Transport Strategy for the Metropolitan Region, advising that in preparing the Strategy, the Department should give consideration to the matters of the possibility of a major industrial area north of Wanneroo, the consequential transport links which would be required through Wanneroo, and the planning of such links having regard for environmental issues such as Gngangara Mound water catchment protection.

The Motion was Put and CARRIED

P108-11/97 DELEGATION OF POWERS & DUTIES UNDER THE LOCAL GOVERNMENT ACT 1995 - [201-1-1]

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

A document outlining the various provisions in the Local Government Act related to delegations is attached. Also appended is a schedule listing various powers and duties contained in the Act and associated Regulations. The schedule indicates whether a power can be delegated and makes recommendations on the delegations.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that:

- 1 the Register of Delegations “lay on the table” for one month, with it being included on the agenda for the December 1997 Policy meeting;**
- 2 the draft Register of Delegations under the Local Government Act 1995 and associated regulations be deferred pending consideration at the December 1997 meeting of the Policy Committee.**

The Motion was Put and CARRIED

P109-11/97 CHRISTMAS DECORATIONS JOONDALUP CBD - [704-1]

The 1997/98 budget has allocated an amount of \$50,000 to be spent on Joondalup CBD Christmas lights. An undertaking was given to Council that proposed capital works expenditure of \$50,000 and above would be presented to Council. Endorsement is sought to proceed with this project immediately otherwise there will be insufficient time to have them manufactured and installed for Christmas 1997.

REPORT RECOMMENDATION That Council endorses the action of the Chief Executive Officer in approving the expenditure on the Joondalup CBD Christmas lights to take effect immediately in order to meet the manufacturing deadline.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the Joint Commissioners endorses the action of the Chief Executive Officer in approving the expenditure to a maximum of \$50,000 on the Joondalup CBD Christmas lights to take effect immediately in order to meet the manufacturing deadline.

The Motion was Put and **CARRIED**

P110-11/97 AUSTRALIA DAY CITIZENSHIP CEREMONY 1998 - [301-5-1]

Council holds a Citizenship Ceremony on Australia Day which has been successfully run in Neil Hawkins Park for the past two years. This year, a request has been received from Sorrento Quay to ask if Council would run its ceremony at Hillarys Boat Harbour as part of their Australia Day celebrations. A decision needs to be reached on the choice of venue and preferred time.

REPORT RECOMMENDATION That Council:

- 1 declines the invitation from Sorrento Quay to hold a Citizenship Ceremony there on 26 January 1998;
- 2 approves a Citizenship Ceremony to be held on Australia Day at Neil Hawkins Park at 8.00 am followed by a breakfast for participants and invited guests.

MOVED Cmr Buckley, **SECONDED** Cmr Morgan that the Joint Commissioners:

- 1 declines the invitation from Sorrento Quay to hold a Citizenship Ceremony there on 26 January 1998;
- 2 approves a Citizenship Ceremony to be held on Australia Day at Mawson Park, Hillarys at 5.00 pm followed by refreshments for participants and invited guests.

The Motion was Put and **CARRIED**

NOMINATION - BOARD OF THE WA FIRE BRIGADE - [312-2]

Cr Wight advised that nominations were being called for member of the Board of the WA Fire Brigade, with the closing date for nominations being 24 November 1997. Cr Wight said he would like to be nominated for this position.

Chief Executive Officer advised that the nomination could be submitted and endorsed at the Council meeting to be held on 26 November 1997.

REQUEST FOR COPY LETTER REGARDING BUFFER ZONES - [790-801]

Cr Hollywood requested a copy of the letter from Telstra in relation to buffer zones in other countries be provided to Mr G Dunjey.

Director, Strategic Planning advised that, subject to approval from Telstra, a copy of this letter would be provided to Mr Dunjey.

UNDERPASS - BURNS BEACH ROAD, KINROSS - [510-239]

Cr Tippett queried the ownership of the underpass on Burns Beach Road at Kinross as there had been discussion at the Community Policing meeting regarding removal of graffiti.

Director, Development Services advised that this underpass was the responsibility of Council.

COUNCIL MEETING PROCEDURES - [702-0]

Cr Major raised the following concerns in relation to the procedures of Council meetings:

- Mayoral announcements are quite lengthy: Cr Cooper responded that this issue was being investigated.
- Tabling of ratepayers' letters; these should be referred to the relevant Business Unit directly;
- Reading of Public Questions by the Chief Executive Officer: It was suggested that questions submitted to Council and Committee meetings be photocopied and made available for persons attending meetings.

TECHNICAL SERVICES SECTION**REPORTS:**

TS301-11/97 JOONDALUP ADMINISTRATION CENTRE
REFURBISHMENT - LETTING OF CONTRACTS - [605-2-1,
208-173-96/97 (1 & 2), 208-054-97/98

Council at its July meeting accepted the design in principle for the refurbishment and fitout work to be undertaken at the Joondalup Administration Centre and authorised the calling of tenders. Tenders closed on the 27 October 1997.

Approval is sought to accept the tender from Bridan Projects as the principal contractor for the refurbishment work at the Joondalup Administration Centre and the letting of the other associated contracts and adjustments to consultancy fees. Approval is also sought for the disposal of surplus furniture presently housed within the Joondalup Administration Centre.

The scope of the work includes building refurbishment, fitout and technology upgrade to all floors of the Joondalup Administration Centre.

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

- 1 agree to proceed with the refurbishment work at the Joondalup Administration Centre, Boas Avenue Joondalup; as the acceptable principal tenders and sum of management costs and priced items received for the balance of the works are within the project budget;**
- 2 accept the tender of \$2,350,00.00 from Bridan Projects as the principal contractor for the documented refurbishment work at the Joondalup Administration Centre, Boas Avenue Joondalup;**
- 3 accept the tender of \$695,081.00 (in lieu of the PC sum of \$650,000.00) from Schiavello Commercial Interiors for the supply of screen and workstations as a sub-contractor to the above refurbishment work at the Joondalup Administration Centre, Boas Avenue Joondalup;**
- 4 accept the tender of \$89,964.35 from Brownbuilt Metalux for the supply of Tambour metal storage units as a sub-contractor to the above refurbishment work at the Joondalup Administration Centre, Boas Avenue Joondalup;**
- 5 accept the sum of \$32,786.00 from the nominated firm of Design Farm for the supply of directors, visitors & foyer waiting chairs as recommended by the consultants;**
- 6 accept the tender of \$12479.00 from Dexion Australia for the supply of compactuses as recommended by the consultants;**
- 7 accept the tender of \$3,720.00 from Brownbuilt for the supply of compactuses as recommended by the consultants;**

- 8 accepts the tender of \$16,435.00 from Sign On for the supply of signage as recommended by the consultants;
- 9 accept the tender of \$43,500.00 from Grace Removals for removalist services as recommended by the consultants;
- 10 accept the tender of \$4,290.00 from Finchers for the supply of vertical plan files as recommended by the consultants;
- 11 agree to the signing of the contract documents;
- 12 accept that Marshall Kusinski Design Consultants manage the sale of surplus furniture by disposal off site into a warehouse for sale by public auction;
- 13 accept that on completion of the works the consultant Marshall Kusinski Design Consultants fee as 6% of the sum of the contracts, plus sub-consultants fees be adjusted in the prescribed terms with respect to the various contracts comprising this project.

Discussion ensued.

The Motion was Put and

CARRIED

TS302-11/97

**JOONDALUP ADMINISTRATION CENTRE AIR
CONDITIONING CHILLERS AND MECHANICAL SERVICES
SWITCHBOARD - (730-8-81)**

This report deals with the condition of the No: 1 Chiller in the air-conditioning system and the mechanical services step controller in the Joondalup Administration Centre and recommends the provision of \$25,000 for urgent repairs and replacement of both units in accordance with the Consulting Engineers report.

Section 6.8 (1) of the Local Government Act 1995 requires decisions relating to over-expenditure to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4 (2) (a) of the Act requires all decisions by Commissioners to be by Simple Majority.

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

- 1 accept the report from the consulting engineers Norman Disney & Young, relating to the Joondalup Administration Centre Air Conditioning Chillers and Mechanical Service Switchboard;
- 2 authorise, under Section 6.8 (1) of the Local Government Act 1995, the over expenditure of \$25,000 for the repair of the chillers and the replacement of the step controller to the Joondalup Administration Centre with DDC control.

Discussion ensued. The Chief Executive Officer reported that conflicting legal advice had been received in relation to voting requirements for Joint Commissioners, and therefore further investigation was being conducted. In order to meet the requirements of the Local Government Act 1995, the Chief Executive Officer recommended that, where appropriate, motions moved during the course of this evening's meeting be carried by the majority required by the Local Government Act 1995.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

TS303-11/97

**RELOCATED HEPBURN AVENUE DUAL CARRIAGEWAY,
HILLARYS - CONTRIBUTION TO DEVELOPER WORKS -
[510-1900]**

The current Local Structure planning for Lot 7 Hepburn Avenue, Hillarys is based on the adjacent section of Hepburn Avenue between Howland Road and West Coast Drive being converted to a "Boulevard" with service roads. This concept results in relocation of the existing carriageway and proposed dual carriageway. The City is currently dualling the section of Hepburn Avenue between Marmion Avenue and Howland Road. As the developer proposes to construct the "Boulevard" works a contribution from the City, based on constructing a standard dual second carriageway, is proposed.

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

- 1 contribute to Estates Development Company an amount of \$328,700, being the estimated cost of duplicating Hepburn Avenue between Station 580 and West Coast Drive, to allow for the upgrading of this section of Hepburn Avenue to the "Boulevard" standard and incorporating a roundabout at Howland Road, as shown on Attachment 2 to Report No TS303-11/97 at an estimated total cost of \$430,000;**
- 2 make payment of its contribution on the basis of progress claims submitted by Wood & Grieve and Grieve Pty Limited in accordance with completed stages of the contract for the construction of Hepburn Avenue to the "Boulevard" standard.**

The Motion was Put and

CARRIED

Appendix III refers

TS304-11/97

**TENDER FOR CONTRACT NO. 033-97/98 JOONDALUP CITY
CENTRE LIGHTING MAINTENANCE - [730-8-1]**

Funds have been approved in the budget for the maintenance of street lights in the Joondalup City Centre which have become Council's responsibility. Tender Number 033-97/98 for the Joondalup City Centre Lighting Maintenance was advertised on 16 August 1997 and closed on 8 September 1997. The tender submissions have been evaluated by Electrical Technology Consultants and it is recommended that Council accepts the tender of High Speed Electric Pty Limited.

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

- 1 accept the tender of High Speed Electric Pty Ltd for Tender Number 033-97/98 Joondalup City Centre Lighting Maintenance with a lump sum price of \$45,902.10 for item no 1 and unit rates as shown at Attachment 2 to Report No TS304-11/97;**
- 2 agree to the signing of the contract documents.**

The Motion was Put and

CARRIED

Appendix IV refers

TS305-11/97 TENDER NO. 057-97/98 OLD YANCHEP ROAD SPRAY SEALING WORKS - [510-456]

The reconstruction of Old Yanchep Road between Nisa Road and Cutler Road to a 6.0 metre wide stone chip seal is currently underway and is programmed for completion by the end of the year.

In the past, it was standard practice for the day labour workforce to undertake the aggregate spreading operations on road projects with the bitumen spraying and aggregate supply components of the works carried out by annual supply contractors. It is considered more cost effective and safer to use contractors for the whole of the sealing operation.

Tenders were called in October 1997 for these sealing operations and it is recommended that Council accepts the tender submitted by Pioneer Road Services.

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

- 1 accept Tender Number 057-97/98 from Pioneer Road Services to undertake the spray sealing of Old Yanchep Road between Nisa Road and Cutler Road for the lump sum price of \$46,171.25;**
- 2 agree to the signing of the contract document.**

The Motion was Put and

CARRIED

TS306-11/97 TENDER NO. 047-97/98 CONSTRUCTION OF CAST INSITU CONCRETE PATHWAYS - VARIOUS LOCATIONS - [208-047-97/98]

As part of the Budget deliberations, Council approved a footpath construction programme that was beyond the resource capacity of its annual footpath contractor. It was agreed that the construction of a number of footpath upgrading projects would be subject to a separate contract.

Tender Number 047-97/98 was advertised in September 1997 for the upgrading of specified slab footpaths to the insitu concrete standard in Greenwood, Warwick, Kallaroo, Girrawheen and Wanneroo.

This report addresses the submissions and recommends that Council accepts the tender submitted by Austral Concrete.

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

- 1 accept the tender of Austral Concrete for Tender Number 047-97/98 Construction of Cast Insitu Pathways Various Locations with a lump sump price of \$150,037.30 including \$5,000 as contingencies to be expended as authorised in writing by the Manager, Engineering Construction and Maintenance Services;
- 2 agree to the signing of the contract documents.

The Motion was Put and

CARRIED

TS307-11/97 VERGE PARKING - CORNER WEST COAST DRIVE AND MARINE TERRACE, SORRENTO - [510-0012, 510-2648]

Verge parking adjacent to the boat yard on the corner of West Coast Drive and Marine Terrace, Sorrento is having a negative impact on the verge condition and compromising pedestrian safety. A verge parking ban to prevent this activity is submitted for consideration.

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

- 1 amend the existing 'NO STANDING ANYTIME' signs in West Coast Drive at the Marine Terrace junction to 'NO STANDING ANYTIME CARRIAGEWAY OR VERGE' as shown on Attachment 2 to Report No TS307-11/97;
- 2 amend the existing 'NO PARKING ANYTIME' signs on the north side of Marine Terrace between West Coast Drive and Lot 128 to 'NO STANDING ANYTIME CARRIAGEWAY OR VERGE' as shown on Attachment 2 to Report No TS307-11/97.

The Motion was Put and

CARRIED

Appendix V refers

TS308-11/97 PETITION REQUESTING INSTALLATION OF REMOVABLE BOLLARD/CHAIR LINK BARRIER BETWEEN CORWIN LANE & EMILA CLOSE, CURRAMBINE - [510-3683, 5103684]

At Council's meeting of August 1997, a 21-signature petition was received from Currumbine residents requesting the installation of removable bollards or alternatively chain link type barriers to close off Corwin Lane to through traffic between Clermont Gardens and Emila Close.

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

- 1 do not permit the installation of removable bollards or chain link type barriers in Corwin Lane, Currambine between Emila Close and Clermont Gardens;**
- 2 advise the petitioners accordingly.**

The Motion was Put and

CARRIED

TS309-11/97

TENDER NO. 036-97/98 CONTRACT LABOUR - [036-97/98]

Council's outside workforce labour requirements are progressively being adjusted to improve efficiencies.

Part of this process is the utilisation of contract labour for specific projects and work programs. Contract labour is also used as replacement labour for permanent employee long service leave, extended sick leave and worker rehabilitation periods.

Tenders were called for provision of supplementary labour to comply with the Local Government Act regarding expenditure exceeding \$50,000. Fifteen tenders were received with rates per hour ranging from \$13.60 to \$19.50.

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners accept the schedule prices as submitted by Prestige Trojan Recruitment and Integrated Workforce for Tender No 036-97/98 - Contract Labour, for a period of 12 months.

The Motion was Put and

CARRIED

TS310-11/97

PETITION - BRAZIER PARK PADBURY - [061-43]

A petition from 24 residents of Padbury has been received requesting additional play equipment for Brazier Park. The current items are approximately 12-15 years of age. Replacement will be listed for consideration in the 1998/99 Budget submissions to Council.

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

- 1 list the provision of new playground equipment at Brazier Park, Padbury for consideration in the 1998/99 Capital Works Programme;**
- 2 advise Mr Brian Marshall, as presenter of the petition, of the decision of the Council in (1) above;**
- 3 note that the appropriate remedial action with regard to existing facilities has been taken.**

Discussion ensued.

The Motion was Put and

CARRIED

TS311-11/97

PETITION - GALSTON PARK DUNCRAIG

Council has received a petition signed by 15 residents of Duncraig requesting a BMX track to be constructed on Galston Park.

Galston Park in Duncraig is a dry park with an area of 2.25 hectares, which is bordered by Warwick Road, Chessell Drive, Poynter Drive and Galston Place.

Section 6.8 (1) of the Local Government Act 1995 requires decisions relating to over-expenditure to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4 (2) (a) of the Act requires all decisions by Commissioners to be by Simple Majority.

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

- 1 **authorise the installation of a limestone cycle track at Galston Park in Duncraig;**
- 2 **authorise, in accordance with Section 6.8(1) of the Local Government Act 1995, the reallocation of unexpended funds from Account No 29299 Various Backnets \$4,030, for the construction of a limestone cycle track at Galston Park in Duncraig;**
- 3 **advise Mrs J Emory and Mrs C Morrison, as presenters of the petition, of its decision.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

TS312-11/97

**NEWCOMBE PARK PADBURY - INSTALLATION OF
WARNING SIGNS - [061-265]**

A letter has been received from a resident abutting Newcombe Park in Padbury requesting the installation of signage to deter youths congregating in the vicinity.

The area is a developed open area which connects the active area to Marmion Avenue. This area is Public Open Space and the installation of signage, as requested, is not supported.

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners are unable to support the request for installation of signage due to the following:

- 1 **Public Open Space is public land for recreational use;**
- 2 **Council's local laws do not prohibit use of Public Open Space for recreational activities.**

The Motion was Put and

CARRIED

DEVELOPMENT & PLANNING SERVICES SECTION**DP252-11/97****REVIEW OF COUNCIL POLICY G3-17 HEIGHT OF BUILDINGS IN RESIDENTIAL NEIGHBOURHOODS - [216-1]**

Council has previously resolved to review Policy G3-17 Height of Buildings in Residential Neighbourhoods, and this was also an action requirement resulting from the Department of Local Government Inquiry into the approval of the Parin residence in Sorrento. This report provides a background to the existing policy, comparison of the approaches taken by other northern metropolitan Local Authorities in relation to residential building height, and considers the policy options available to Council. It is recommended that the Joint Commissioners adopt the revised policy appended to this report.

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

- 1** in accordance with Clause 5.11 of Town Planning Scheme No 1 adopt the policy Height and Scale of Buildings within a Residential Area, shown in Attachment 5 to report DP252-11/97 as a draft policy for advertising for a period of thirty (30) days for public comment;
- 2** apply the principles of the policy referred to in 1 above to all applications for development in residential areas pending final adoption of the policy, noting that the requirement for development approval for certain applications will not apply until gazettal of Amendment No 814 to Town Planning Scheme No 1;
- 3** seek comment on the draft policy from appropriate representatives of the building industry, and architectural and planning professions, for consideration prior to final adoption.

Discussion ensued.

The Motion was Put and

CARRIED

Appendix VI refers

DP253-11/97**FLYNN DRIVE INDUSTRIAL AREA - [740-3]**

At its meeting of October 1996, Council considered the District Structure Plan for the Flynn Drive Industrial Area, that had been prepared by Richard Pawluk and Associates on behalf of the various landowners. Council's resolution necessitated a number of actions and such have been undertaken. Nevertheless, there are several issues that still need to be resolved prior to further development within the Flynn Drive Industrial Area and the area north of Wattle Avenue.

This report canvasses these issues, concluding that their resolution could best be achieved by a two stage consultancy. The first stage would entail consideration of these issues in a broad spatial context encompassing both the Flynn Drive Industrial Area and the area to the north of Wattle Avenue which has been designated at the regional scale for basic raw materials (limestone) extraction and long term urbanisation. At this scale, the focus would be on identifying appropriate parameters for more detailed developmental planning within the Flynn Drive Industrial Area, and would entail consideration relating to:

- broad final levels (following extraction) for the total basic raw materials area;
- minimising the potential for land use conflict in both the short and long terms;
- definition of the eastern boundary of the Lake Neerabup Parks and Recreation Reserve;
- alignment of the major north - south route servicing the industrial area and its connections to the broader road network; and
- environmental impact assessment requirements.

The second stage of the consultancy would focus on the Flynn Drive Industrial Area and resolution of these issues to the level of detail required to finalise the District Structure Plan and enable development processes within the industrial area to proceed.

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

- 1 **endorse the general programme outlined in Report DP253-11/97 for completion of the Flynn Drive Industrial Area District Structure Plan staged consultancy;**
- 2 **endorse the Stage 1 Consultancy Brief for the Flynn Drive Industrial Area District Structure Plan as detailed in Attachment 7 to Report DP253-11/97.**

The Motion was Put and

CARRIED

Appendix VII refers

DP254-11/97

EAST WANNEROO GROUNDWATER AND SURFACE WATER STUDY - [305-6]

In its 1997/98 budget, the City has allocated \$4,000 for engagement of a consultant to prepare a brief for a hydrological study of East Wanneroo (East Wanneroo Groundwater and Surface Water Study). Proposals have been sought from three consultants regarded as competent to prepare the brief. These submissions have been assessed on the basis of information requirements identified in the City's request for proposals, and the preferred consultant has been identified. Engagement of this consultant for preparation of the study brief (in accordance with their written proposal) is recommended.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners appoint Woodward Clyde to prepare the brief for an East Wanneroo Groundwater and Surface Water Study in accordance with the Company's written submission dated 30 October 1997 under reference Project No. A3300558/1001.

The Motion was Put and

CARRIED

DP255-11/97

OCEAN REEF BOAT LAUNCHING FACILITY - [765-11]

The Water Corporation of Western Australia has advised that it wishes to divest itself of responsibility for maintenance of the southern groyne at the Ocean Reef Boat Launching Facility and has submitted a proposal involving that responsibility being transferred to the City of Wanneroo. The Department of Transport has advised that it also wishes to transfer its responsibilities in respect of that facility, namely maintenance of the remainder of the breakwater structures and harbour depth, to this City. It has also advised that it will not proceed with budgeted dredging works required for the facility until the issue of repair and ownership of the southern groyne has been resolved. It is recommended that the Joint Commissioners agree that the Water Corporation should not have a continued responsibility in respect of maintenance of the southern groyne and that that responsibility should be transferred to the Department of Transport. However, should the City be able to undertake a suitable development project on land adjacent to the facility, there may be potential for the City to assume responsibility for the breakwaters, but this would first need to be further investigated through a feasibility study to be undertaken by the City. It is also recommended that the Hon Minister for Transport's support be sought to the above matters and to accepting a transfer of vesting from this City of the reserve which contains the Mindarie Keys breakwater.

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

- 1 **advise the Water Corporation of Western Australia and the Department of Transport that:**
 - (a) **it agrees that the Water Corporation should not continue to have ongoing management/maintenance responsibility for the southern groyne at the Ocean Reef Boat Launching Facility;**
 - (b) **management/maintenance responsibility for the southern groyne should rest with Department of Transport, having regard for the regional level of significance of such marine facilities;**
 - (c) **notwithstanding (b) above, there may be potential for the Ocean Reef breakwaters to become the responsibility of this City should the City be able to undertake a commercial development project (with uses appropriate to this type of location), including lands in the vicinity currently owned by the Water Corporation and Ministry for Planning. The prospects for such a project are to be investigated through a feasibility study to be undertaken shortly by the City;**

- 2 **advises the Hon Minister for Transport of 1 above and seeks the Minister's assistance in ensuring that the matter of resolution of the issues of repairs and ownership of the southern groyne is resolved as soon as possible so that any present risk of groyne failure is removed as soon as possible and dredging works budgeted for by Department of Transport may be proceeded with;**

- 3 request the Department of Land Administration to seek the Governor's approval to the cancellation of the current Vesting Order relating to the vesting of Reserve 41659 in the City of Wanneroo, and seek the Hon Minister for Transport's support to the re-vesting of this reserve in the Minister for Transport;
- 4 seek the support of the Western Australian Municipal Association in the promotion of the position that construction and maintenance of major coastal protection structures such as harbour breakwaters should be the responsibility of the State Government, through the Department of Transport, except where such structures form part of private sector development projects in which case such responsibility should rest with the developer concerned.

The Motion was Put and

CARRIED

DP256-11/97

**DEVELOPMENT ASSESSMENT UNIT AND DELEGATED
AUTHORITY COMMITTEE 26 SEPTEMBER TO 29
OCTOBER 1997 - [290-1]**

This report provides a resumé of the development applications processed by the Development Assessment Unit and Delegated Authority Committee from 26 September to 29 October 1997.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners note the action taken by the Development Assessment Unit and Delegated Authority Committee in relation to the applications described in Report DP256-11/97.

Discussion ensued.

The Motion was Put and

CARRIED

Appendix VIII refers

DP257-11/97

**AMENDMENT TO THE WHITFORDS BEACH FORESHORE
MANAGEMENT PLAN - [765-18]**

Council, at its meeting of 23 October 1991 adopted the final Whitfords Beach Foreshore Management Plan (FMP) for a stretch of foreshore south of Mullaloo beach between the Indian Ocean and Northshore Drive (F21032 refers). The FMP amongst other matters made provision for a north-south dual-use pathway (DUP) through the dunes.

A development application was submitted to the Western Australian Planning Commission seeking approval to construct the DUP. Citing the conservation value of the northern section of this coastal area through which the DUP was proposed, the Ministry for Planning officers have requested consideration of an alternative alignment. It is recommended to realign the northern half of the DUP situated to the north of the proposed carpark, along the western side of Northshore Drive.

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

- 1** in accordance with Council's policy on Public Review Procedures for Management Plans, advertise the proposed amendment to the Whitfords Beach Foreshore Management Plan in respect of realigning the northern half of the dual-use pathway to the north of the proposed carpark along the western side of Northshore Drive, inviting public comments for a period of six weeks;
- 2** write to the Western Australian Planning Commission, the Department of Environment Protection, and the Department of Conservation of Land Management seeking their views within the public comment period.

The Motion was Put and

CARRIED

DP258-11/97

TOWN PLANNING SCHEME NO 773 - EAST WANNEROO DEVELOPMENT AREA - [780-21]

Council at its Special Meeting on 10 September 1997 considered the East Wanneroo Development Area and resolved, inter alia, to prepare Amendment No 773 to Town Planning Scheme No 1 and to endorse a District Structure Plan and Local Structure Plans for each of the eight East Wanneroo development cells. Pursuant to Section 7A1(b) of the Town Planning and Development Act (1928) a copy of the amendment documents (and local structure plan documents) was forwarded to the Environmental Protection Authority (EPA) for its consideration.

The EPA has now advised that it has determined that the Scheme amendment should be assessed under the Environmental Protection Act.

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

- 1** modify Amendment No 773 to Town Planning Scheme No 1 by deleting the proposed Part 11 Scheme Text, Schedule 11 and new Clause 1.8 Interpretations from the amendment;
- 2** in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended) amend Town Planning Scheme No 1 to:
 - (a)** insert a new Part 11 as follows:

“Part 11 - East Wanneroo Planning and Developer Contribution Arrangements - Cells 1 to 8”;
 - (b)** insert a new Schedule No 11 as follows:

“Schedule No 11 - East Wanneroo Planning and Developer Contribution Arrangements (Cells 1 to 8) Cell Works and Contribution Provisions”;

(c) undertake modifications to Clause 1.8 titled "Interpretation" by inserting new definitions for:

- Cell(s)
- Cell Accounts
- Cell Costs
- Cell Works
- Infrastructure Cost

and adopts Amendment No 816 accordingly;

3 write to the Minister for Planning seeking his support to the City recouping the costs incurred in undertaking an environmental assessment of East Wanneroo from East Wanneroo landowners as a part of the developer contribution arrangements.

Discussion ensued.

The Motion was Put and

CARRIED

DP259-11/97

**PROPOSED LIGHT INDUSTRIAL DEVELOPMENT: LOT 37
(45) WINDSOR ROAD, WANGARA - [30/5696]**

An application has been received from Urban Focus on behalf of Jennifer Pell for light industrial development on Lot 37 (45) Windsor Road, Wangara. The development is designed to be a storage and maintenance facility for amusement equipment. The proposal can comply with the relevant development requirements under Town Planning Scheme No 1, however the draft structure plan for the area will require modification to accommodate this development. The application is recommended for refusal.

ADDITIONAL INFORMATION

The applicants, Urban Focus, have requested that the Commissioners approve the Application to Commence Development without modification. (Copy of letter forms Appendix IX hereto.)

In support of their request, they submit the following information:

- The proposed east/west road is not required.
- The development has been specially designed for the owner's particular use.
- A modification of the design would not suit the owner.
- The owner does not wish to subdivide the site but if he did, the buildings could be removed to accommodate the road at that time.

In response, Approval Services has advised:

- The east/west road is required as part of the normal and expected traffic circulation in the expanded Wangara area.

- The circulation is complicated by the proposed lack of access to both Wanneroo and Gnaragara Roads by the future abutting lots, the traffic movements needed to get to those lots, and the lack of connectivity of other streets. (Refer to attached confidential plan)
- The road is not required in the short-term as the road network will be incrementally constructed as development rolls out, but will be an important link in the medium term.
- The construction of buildings and development over the future road alignment will probably render the road option as not possible due to the economics of demolition and loss of equity.

It is felt that the recommendation as outlined in Report DP259-11/97 should remain.

Note: The attached plan is an extract of the proposed East Wanneroo Development Scheme which has been held as confidential by the Council in the past as it depicts land to be resumed. The plan is in draft form and consent for it to be advertised has not yet been granted.

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

- 1 refuse the application submitted by Urban Focus on behalf of Jennifer Pell for an industrial development on Lot 37 (45) Windsor Road, Wangara as the proposal is not consistent with the draft Local Structure Plan for the area;**
- 2 seek a further report on a revised proposal which:**
 - (a) makes provision for both the proposed north south and east west roads;**
 - (b) provides for the construction of only the north south road in the short term;**
 - (c) includes the following conditions:**
 - (i) 23 car parking bays being provided and constructed. However the City reserves the right to require the provision and construction of further carparking up to a maximum of 92 bays should there be a change in the occupancy, ownership or nature of the landuse from that submitted;**
 - (ii) the applicant making an infrastructure contribution toward the provision of arterial roads and associated facilities (including reasonable administration costs) to service East Wanneroo Infrastructure Contribution Cell 7;**

- (iii) the applicant making suitable arrangements for the dedication and half the construction of the proposed internal loop road which straddles the lot's western boundary to the satisfaction of the City;
- (iv) a minimum of 8% of the site to be landscaped, to the satisfaction of the City;
- (v) the caretaker's residence complying with the requirements of the Residential Planning Codes in respect to access, car parking and open space;
- (d) the outdoor storage areas being screened from existing and proposed streets to the satisfaction of the City;
- (e) the building elevation to the proposed road being of a high quality to the satisfaction of the City;
- (f) standard and appropriate conditions of development as deemed appropriate by the Manager, Approval Services.

Discussion ensued.

The Motion was Put and

CARRIED

Appendix IX refers

DP260-11/97

**DESIGN GUIDELINES FOR STAGE 4 LOT M1722
NATURALISTE BOULEVARD, ILUKA - [740-98553]**

The draft design guidelines for Stage 4 Iluka, were advertised for comment until 21 October 1997. The only submission received was from the applicant, (Development Planning Strategies), on behalf of Beaumaris Land Sales requesting modifications to the draft policy, mainly in relation to fencing. The requested modifications are considered acceptable, and the policy should be amended accordingly and finally adopted.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners finally adopt the planning policy for the portion of Pt Lot M1722, (proposed Lots 938-952 and 973) Naturaliste Boulevard, Iluka, as shown in Attachment No 3 to Report DP260-11/97, which includes guidelines that reflect the following modifications to the advertised draft policy:

- 1 H. Fencing, by amending the fencing specifications where colorbond fencing is proposed such that this fencing is changed from colorbond to capped hardfence;
- 2 Appendix 2A, by deleting this appendix and renumbering the remaining appendices;
- 3 H. Fencing, by deleting reference to Appendix 2A and altering the reference to the remaining appendices;

- 4 **A. Area of Influence, by adding “(refer Appendix 1)”;**
- 5 **H. Fencing, by amending the third point such that the limestone retaining wall with timber picket fence and limestone piers above, will now only applied to the side fencing of Lots 952 and 973 and not the rear fencing for all lots.**

The Motion was Put and

CARRIED

Appendix X refers

DP261-11/97 DELEGATION OF AUTHORITY IN RESPECT TO BUILDING ISSUES - [201-1-1]

Council at its meeting on the 25 June 1997, appointed Mr Ray Scarce to be the City’s Building Surveyor for the purposes of Part XV of the Local Government (Miscellaneous Provisions) Act. (Report DP112-06/97 refers)

In his absence Council delegation is required for other qualified staff to carry out the powers and duties associated with that position.

Section 5.42(1) of the Local Government Act 1995, requires a decision relating to delegation of powers and duties to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4(2)(a) of the Act requires a decision by Commissioners to be by Simple Majority.

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

- 1 **delegate authority to those persons deputising in the position of City Building Surveyor to perform those functions required under Part XV of the Local Government (Miscellaneous Provisions) Act in the absence of Mr Ray Scarce;**
- 2 **authorises the following Acting Senior Building Surveyors to deputise for the City Building Surveyor when called upon:**

**Grahame Westaway
Frank Boardman
Colin Hallett**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

DP262-11/97

PROPOSED CONSULTING ROOMS, LOT 63 (2) PORTTREE WAY, DUNCRAIG - [30/5708]

An application has been received from Dr Judith Findlay for a consulting room at Lot 63 (2) Portree Way, Duncraig. The application has been advertised on site and 6 objections have been received. The application does not comply with the intent of the Consulting Rooms Policy and is recommended for refusal.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners refuse the application submitted by Dr Judith Findlay for a consulting room at Lot 63 (2) Portree Way, Duncraig for the following reasons:

- 1 **approval would be contrary to the orderly and proper planning and would adversely affect the amenity of the area;**
- 2 **the site is inappropriately located for use as consulting rooms;**
- 3 **approval of this application would create an undesirable precedent for the development of further consulting rooms in the area west of Glengarry Drive;**
- 4 **the number and nature of public submissions objecting to the proposal;**
- 5 **the proposal does not provide for a 3 metre wide landscaped strip adjacent to the entire Glengarry Drive frontage;**
- 6 **the design of the car park does not provide for vehicles to easily exit the site in forward gear and would encourage offsite carparking by clients;**
- 7 **the site does not comply with 800m² minimum lot area requirement specified under Town Planning Scheme No 1 for consulting rooms;**
- 8 **the building does not comply with the minimum 3 metre side setback requirement specified under Town Planning Scheme No 1 for consulting rooms.**

The Motion was Put and

CARRIED

DP263-11/97

PROPOSED TWO GROUPED DWELLINGS: LOT 290 (3) KIRRA COURT, HILLARYS - [30/5680]

A development application has been received from Gulla Developments Pty Ltd for two grouped dwellings on Lot 290 (3) Kirra Court, Hillarys.

The application was refused under delegated authority as it did not comply with Council's Residential Planning Codes Streetscape Policy.

The applicant has requested a reconsideration for the above application and has modified the proposal to reflect the objective of Council's Streetscape Policy.

The proposal is now considered acceptable and approval is recommended.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners approve the development application submitted by Gulla Developments Pty Ltd for two grouped dwellings on Lot 290 (3) Kirra Court, Hillarys, subject to:

- 1 the provision of advanced trees in the front setback area to the satisfaction of the City in the general locations shown in red on the approved plan;
- 2 a minimum of 4m² to the storage areas of both dwellings;
- 3 a minimum of 1.5m setback to the side boundary from the study and lounge of unit 1 and the study and kitchen/meals area of unit 2;
- 4 standard and appropriate conditions as considered appropriate by the Manager, Approval Services.

The Motion was Put and

CARRIED

DP264-11/97

**PROPOSED TWO GROUPED DWELLINGS: LOT 830 (228)
TRAPPERS DRIVE, WOODVALE - [30/5677]**

An application has been received by Mr T Caccamo on behalf of Bartels Pty Ltd and A M Lombardo for two grouped dwellings on Lot 830 (228) Trappers Drive, Woodvale.

The application was refused under delegated authority as it did not comply with Council's Residential Planning Codes Streetscape Policy.

The applicant has requested a reconsideration for the above application and has modified the proposal to reflect the objective of Council's Streetscape Policy.

The proposal is now considered acceptable and approval is recommended.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners approve the development application submitted by Tony Caccamo for two grouped dwellings on Lot 830 (228) Trappers Drive, Woodvale subject to:

- 1 the provision of advanced trees in the front setback area to the satisfaction of the City in the general location shown in red on the approved plan;
- 2 the northern wall of the garage to unit 2 being built up to the northern side boundary;
- 3 the unit 2 garage being set back 3 metres from the front boundary measured at right angles to this boundary;
- 4 standard and appropriate conditions as considered appropriate by the Manager, Approval Services.

The Motion was Put and

CARRIED

DP265-11/97

**PROPOSED GARAGE AT LOT 14 (4) DECORA COURT,
WANNEROO - [2611/14/4]**

A building licence application has been received from Outdoorworld on behalf of Mr and Mrs Abbott to construct a free standing colorbond garage with zincalume roof on Lot 14 (4) Decora Court, Wanneroo. The proposed garage is to be set back 12.0 metres from the front boundary of the lot, ie 3.0 metres less than the required 15 metres for structures in special residential areas. The proposal is, however, considered acceptable in terms of the objectives and requirements for Special Residential Zones.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners approve the proposed garage to be constructed on Lot 14 (4) Decora Court, Wanneroo, with a reduced front building set back of 12 metres with the condition that the roof and wall of the proposed garage are to be of a colour that will blend in with the surrounding vegetation.

The Motion was Put and**CARRIED**

DP266-11/97

**REDUCED FRONT SETBACK - GARAGE: LOT 308 (16) ST
ANDREWS WAY, DUNCRAIG - [0662/308/16]**

A building licence application has been received from the owners of Lot 308 (16) St Andrews Way, Duncraig, for the conversion of an existing garage into a habitable room, with a new ensuite connecting it to the main dwelling and a new garage with a reduced front setback of 2000. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes, particularly in relation to the impact on the amenity and streetscape. An approval is therefore recommended.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners exercise discretion under Clause 1.5.5(b) of the Residential Planning Codes and approve the proposed additions and alterations at Lot 308 (16) St Andrews Way, Duncraig, to allow a front setback of 2 metres to the proposed garage.

The Motion was Put and**CARRIED**

DP267-11/97

**REDUCED SIDE SETBACK: LOT 152 (62) LITHGOW DRIVE,
CLARKSON - DELEGATED AUTHORITY - [3748/152/62]**

The subject property is on the corner of a crossroad one leg of which is only to be constructed as a pedestrian linkage. The applicant wishes to have the side setback of the proposed dwelling reduced from that applicable to a secondary street (1.5m to 750mm).

The proposal is supported and the granting of delegated authority to approve similar applications is recommended.

Section 5.42(1) of the Local Government Act 1995, requires a decision relating to delegation of powers and duties to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4(2)(a) of the Act requires a decision by Commissioners to be by Simple Majority.

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

- 1** approve the reduction of the secondary street setback to 750mm with respect to the proposed dwelling on Lot 152 (62) Lithgow Drive, Clarkson;
- 2** add to the extent of delegated authority adopted by Council in October 1997 by adding to 1(a):
 - “(v) the exercising of discretion allowable under R Codes Clause 1.5.8(c) such that the setback to a secondary street which is not proposed to be constructed for road purposes may be reduced to not less than that set out in the R Codes Tables 2 and 3.”**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

DP268-11/97 **OVERHEIGHT RETAINING WALLS: LOT 780 (31) JERVIS WAY, SORRENTO - [2279/780/31]**

Council at its meeting on the 22 October 1997, requested that report DP167-08/97, tabled at the meeting held on the 27 August 1997, be adjusted to address an error in the report relating to wrongly indicated lot numbers and to inform the affected adjoining owner, Mr Doust of Lot 781 (33) Jervis Way Sorrento of Council's approval of the retaining walls.

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

- 1** acknowledge the error in lot numbering occurring in the report DP167-08/97 approved at the Council meeting held on the 27 August 1997 and approve the nominated changes from Lot 780 to Lot 781 Jervis Way, Sorrento;
- 2** inform Mr Doust of Lot 781 (33) Jervis Way, Sorrento that the retaining walls were approved by Council at its meeting held on 27 August 1997.

The Motion was Put and

CARRIED

Appendix XI refers

DP269-11/97 **PROPOSED REAR BOUNDARY WALL 2400 HIGH AT LOT 23 (3) PUTNEY PLACE, JOONDALUP - [4105/23/3]**

An application has been received from the owners of Lot 23 (3) Putney Place, Joondalup for the construction of a 2400mm high brick fence which abuts a rear right of way. The proposal is not considered acceptable in terms of the Joondalup City Centre Development Plan and Manual or Council's Local Law F1: Fencing and Private Tennis Court Floodlighting.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners refuse the proposed 2400mm high brick fence on the rear of Lot 23 (3) Putney Place, Joondalup for E Eindorf and L McNair, as it does not comply with the Joondalup City Centre Development Plan and Manual and Council's Local Law F1 : Fencing and Private Tennis Court Floodlighting.

The Motion was Put and

CARRIED

DP270-11/97

SUBDIVISION CONTROL UNIT 26 SEPTEMBER TO 29 OCTOBER 1997 - [290-1]

This report provides a resumé of the Subdivision Applications processed by the Subdivision Control Unit 29 May to 26 June 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 Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners endorse the action taken by the Subdivision Control Unit in relation to the applications described in Report DP270-11/97.

The Motion was Put and

CARRIED

Appendix XII refers

DP271-11/97

CLOSE OF ADVERTISING: AMENDMENT NO 719 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOTS 500 & 501 FURNISS ROAD, LANDSDALE FROM RURAL TO MIXED BUSINESS AND RESIDENTIAL DEVELOPMENT R20 - [790-719]

Amendment No 719 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 26 September 1997. The amendment seeks to rezone the subject land from Rural to Mixed Business and Residential Development R20. A draft planning policy entitled Furniss Road Mixed Business Zone, which is to address issues relating to the buffer between the mixed business lots and future residential land, forms part of the amendment and was advertised concurrently. No submissions were received as a result of the advertising. The applicant has requested that the proposed zoning be modified to Urban Development in lieu of Residential Development and Mixed Business as previously proposed. It is recommended that the Joint Commissioners adopt the amendment for final approval in modified form as requested. The draft policy should not be proceeded with as it is not required due to relevant provisions to address the interface area being included in the statutory Landsdale Local Structure Plan.

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

- 1 note that the requirement for the piggery buffer issue to be resolved to the satisfaction of the Department of Environmental Protection & the Western Australian Planning Commission would be able to be addressed at the future structure planning stage under an Urban Development zoning;**

- 2 **modify Amendment No 719 to Town Planning Scheme No 1 by altering the proposed zoning to Urban Development in lieu of Residential Development R20 and Mixed Business;**
- 3 **adopt the modified Amendment No 719 to Town Planning Scheme No 1 for final approval to rezone Lots 500 and 501 Furniss Road, Landsdale from Rural to Urban Development;**
- 4 **following advice that the Minister for Planning is prepared to finally approve the amendment, authorise the affixation of the common seal to, and endorses the signing of, the amendment documents;**
- 5 **do not proceed with the draft policy - Furniss Road Mixed Business Zone, and advises the Western Australian Planning Commission accordingly.**

The Motion was Put and

CARRIED

DP272-11/97

CLOSE OF READVERTISING: AMENDMENT NO 752 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOTS 30, 31 AND 39 LANDSDALE ROAD, LANDSDALE FROM RURAL TO RESIDENTIAL DEVELOPMENT R20 - [790-752]

Amendment No 752 to Town Planning Scheme No 1 seeks to rezone Lots 30, 31 and 39 Landsdale Road, Landsdale from Rural to Residential Development R20. The amendment was initiated in February 1996, advertised for public comment, and adopted for final approval by Council at its meeting of 24 July 1996 subject to resolution of a piggery buffer issue. At the 27 August 1997 meeting, Council supported a request for modification of the amendment to an Urban Development zoning in lieu of the Residential Development zoning previously proposed. The Minister for Planning subsequently directed that the modified amendment be readvertised for a period of 21 days closing on 21 October 1997. No submission was received, and it is recommended that the Joint Commissioners adopt the modified amendment for final approval.

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

- 1 **adopt the modified Amendment No 752 to Town Planning Scheme No 1 for final approval to rezone Lots 30,31 & 39 Landsdale Road, Landsdale from Rural to Urban Development;**
- 2 **authorise the affixation of the common seal to, and endorses the signing of, the amendment documents.**

The Motion was Put and

CARRIED

DP273-11/97

CLOSE OF ADVERTISING: AMENDMENT NO 753 TO TOWN PLANNING SCHEME NO 1 TO REZONE LAND TO ACCORD WITH METROPOLITAN REGION SCHEME AMENDMENT NO 963/33] - [790-753]

Amendment No 753 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 10 October 1997. The amendment seeks to rezone various land parcels from Rural and unzoned to Urban Development and Residential Development to accord with the Metropolitan Region Scheme (MRS) following the approval of North West Corridor Omnibus No 1 Amendment Reference 963/33. A total of 13 submissions were received as a result of the advertising, of which one objected to the proposals. These submissions have been considered and it is recommended that the amendment be adopted for final approval with modification.

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

- 1** modify Amendment No 753 by amending the proposed zoning of Lot 5 Villanova Street, Wanneroo to Special Zone Service Industry (Additional Use) Restaurant and Take-away and that of Lot 8 Mangano Place, Wanneroo to Special Zone Service Industry (Additional Use) Restaurant and Function Centre;
- 2** pursuant to Town Planning Regulation 17(2), adopt Amendment No 753 to Town Planning Scheme No 1 with modification, as per 1 above;
- 3** subject to advice that the Minister for Planning is prepared to finally approve the amendment, authorise the affixation of the common seal to, and endorses the signing of, the amendment documents.

The Motion was Put and

CARRIED

DP274-11/97

CLOSE OF ADVERTISING: AMENDMENT NO 766 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 10 (6) DAVALLIA ROAD, DUNCRAIG FROM COMMERCIAL TO SPECIAL ZONE (RESTRICTED USE) - [790-766]

Amendment No 766 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 10 October 1997. The amendment seeks to rezone the subject land from Commercial to Special Zone (Restricted Use) - Consulting Rooms, Educational Establishment, Health Centre, Health Studio, Laundrette, Medical Clinic, Office, Private Recreation, Public Amusement, Restaurant, Service Industry, Showroom, Veterinary Consulting Rooms, Video Library, Warehouse. A total of five submissions were received as a result of the advertising, all of which objected to the proposal. These submissions have been considered and it is recommended that the amendment be adopted for final approval without modification.

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

- 1** pursuant to Town Planning Regulation 17(2), adopt Amendment No 766 to Town Planning Scheme No 1 to rezone Lot 10 (6) Davallia Road, Duncraig from Commercial to Special Zone (Restricted Use) - Consulting Rooms, Educational Establishment, Health Centre, Health Studio, Laundrette, Medical Clinic, Office, Private Recreation, Public Amusement, Restaurant, Service Industry, Showroom, Veterinary Consulting Rooms, Video Library, Warehouse without modification;
- 2** following advice that the Minister for Planning is prepared to finally approve the amendment, authorise the affixation of the common seal to, and endorses the signing of, the amendment documents.

The Motion was Put and

CARRIED

DP275-11/97 **CLOSE OF ADVERTISING: AMENDMENT NO 788 TO TOWN PLANNING SCHEME NO 1 TO INTRODUCE AN INDUSTRIAL DEVELOPMENT ZONE - [790-788]**

Amendment No 788 to Town Planning Scheme No 1 was advertised for a 42 day period which closed on 31 October 1997. The amendment seeks to introduce an Industrial Development Zone with accompanying Scheme provisions. No submission was received as a result of the advertising. It is recommended that the Council resolve to adopt the amendment for final approval without modification.

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

- 1** pursuant to Town Planning Regulation 17(2), adopt Amendment No 788 to Town Planning Scheme No 1 to introduce an Industrial Development Zone without modification;
- 2** authorise the affixation of the common seal to, and endorses the signing of, the amendment documents.

The Motion was Put and

CARRIED

DP276-11/97 **PROPOSED AMENDMENT NO 791 TO TOWN PLANNING SCHEME NO 1 - REMOVAL OF GRAFFITI - [790-791]**

Consideration of proposed Amendment No 791 to Town Planning Scheme was deferred by Council at its meeting of 26 February 1997 pending the receipt of information on the State Government Graffiti Program, and this information has now been received. It is recommended that the Joint Commissioners do not initiate the proposed amendment and investigate alternative means to address the community graffiti problem.

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

- 1** do not initiate proposed Amendment No 791 to Town Planning Scheme No 1;

- 2 further investigate alternative means to address the community graffiti problem in liaison with agencies including the State Government Graffiti Programme and the Western Australian Municipal Association.

The Motion was Put and

CARRIED

DP277-11/97

PROPOSED TOWN PLANNING SCHEME AMENDMENT NO 805 AND STRUCTURE PLAN FOR PART LOT 614, LOT 609 AND 612 YANCHEP SOUTH - [790-805]

Richard Pawluk and Associates, on behalf of Peet and Company Ltd are seeking support for the initiation of an amendment to the City's Town Planning Scheme No.1 to rezone Pt Lot 614, Yanchep South. The application proposes to rezone the existing Residential Development R20 and R40, Commercial, Service Station and Special Zone (Restricted Use - Medical Centre) to Urban Development Zone and create a new Commercial, Special Zone (Restricted Use - Medical Centre) and Service Station zone in an appropriate location south of the existing zones. Pursuant to Part 10 of the City's scheme, Peet and Company Ltd also seek Council's adoption of a Structure Plan for its landholding. In general, the Structure Plan (which is similar to a Local Structure Plan already adopted by Council in June 1992) is satisfactory and, subject to some modifications being addressed, can be advertised.

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

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No 1 to rezone and recode Part Lot 614 from 'Residential Development R20 and R40, Commercial, Service Station and Special Zone (Restricted Use) Medical Centre to Urban Development Zone, Commercial, Service Station and Special Zone (Restricted Use) Medical Centre and adopts Amendment No 805 accordingly;
- 2 pursuant to Part 10 of the City of Wanneroo Town Planning Scheme No.1 determine that the Yanchep South Structure Plan is satisfactory subject to:
 - (a) modifications to the Structure Plan's internal road design in general accordance with the modified plan on Attachment 4 to Report DP277-11/97 which depicts improved road links in the north - east portion of the application area;
 - (b) the need for a revised drainage strategy to be prepared and included in a revised Local Structure Plan Report;
 - (c) the inclusion of a revised POS schedule in the Structure Plan addressing the applicants 10% requirement and the proposed revised drainage requirements. The size of the POS areas should also be shown on the Structure Plan;
 - (d) the designation of a site for a proposed pump station within the Structure Plan to the satisfaction of the City and the Water Corporation;

- (e) a search being carried out on the landholding for the Declared Rare Flora species *Eucalyptus argutifolia* (Yanchep Mallee) as per the recommendation of the Department of Conservation and Land Management;
- (f) the inclusion of Traffic Assessment which includes modelled traffic volumes for Lagoon Drive, internal roadways and a Pedestrian/Bicycle Plan showing the proposed location of dual use paths, footpaths and their interrelations with the adjoining developments and landholdings.

The Motion was Put and

CARRIED

Appendix XIII refers

DP278-11/97

PROPOSED AMENDMENT NO 812 TO TOWN PLANNING SCHEME NO 1 TO REZONE LOT 9 KINGSWAY ROAD, LANDSDALE FROM RURAL TO URBAN DEVELOPMENT - [790-812]

A request has been submitted by Taylor Burrell on behalf of S Trimboli for the rezoning of Lot 9 Kingsway Road, Landsdale from Rural to Urban Development. As the proposed amendment is consistent with Amendment No 773 (the East Wanneroo Amendment) and the subject land would be subject of the same Cell Local Structure Plan as has been prepared and adopted for advertising by Council, it is recommended that the Joint Commissioners resolve to initiate the proposed amendment.

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

- 1 in pursuance of Section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No 1 to rezone Lot 9 Kingsway Road, Landsdale from Rural to Urban Development, and adopts Amendment No 812 accordingly;
- 2 advise the applicant that Council has prepared a draft Local Structure Plan for Landsdale which will be advertised for public comment in the near future. Future development of Lot 9 Kingsway Road, Landsdale would be only in accordance with the Agreed Structure Plan adopted by Council.

The Motion was Put and

CARRIED

DP279-11/97

**REQUEST TO WITHDRAW LEGAL ACTION CONCERNING
USE OF A RESIDENTIAL PROPERTY AS A MOTOR REPAIR
STATION IN BREACH OF THE CITY'S TOWN PLANNING
SCHEME NO 1: LOT 329 (22) CURTIS WAY, GIRRAWHEEN -
[505-329/22]**

At its meeting of 27 August 1997, Council resolved to initiate legal action against the owners of Lot 329 (22) Curtis Way, Girrawheen, Mr Jayson Barber and Mrs Danika Mackenzie for use of their property as a motor repair station in breach of the City's Town Planning Scheme No 1.

Correspondence was received from Mr J Barber and Mrs D Mackenzie on 24 September 1997 and 20 October 1997 requesting withdrawal of legal action against them as they had resolved the vehicle repairs on their property. Mr Barber and Mrs Mackenzie have also requested that any of the City's legal fees, which they might be expected to pay, be waived as they are already in financial difficulties.

It is recommended that the Joint Commissioners withdraw pending legal action regarding this matter, subject to the City's legal fees (presently \$120.00) being paid by Mr Barber and Mrs Mackenzie.

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

- 1 **advise the owners of Lot 329 (22) Curtis Way, Girrawheen, Mr Jayson Barber and Mrs Danika Mackenzie that Council is prepared to withdraw pending legal action against them providing the following provisions are satisfied that:**
 - (a) **Lot 329 (22) Curtis Way, Girrawheen is no longer used as a motor repair station in breach of the City's Town Planning Scheme No 1;**
 - (b) **the current legal fee of \$120.00 incurred by the City is paid in full by them, within thirty days of notification;**
- 2 **authorise the Chief Executive Officer to initiate further legal action should direction contained in 1(a) above not be satisfied at all times and to authorise the Chief Executive Officer to continue current legal action should direction in 1(b) not be satisfied in the time period required.**

The Motion was Put and

CARRIED

DP280-11/97

**WHITFORD CITY SHOPPING CENTRE APPEAL - PT LOT
501 (470) WHITFORDS AVENUE, HILLARYS - [30/300]**

The City is currently engaged in an appeal in the Town Planning Appeal Tribunal against the refusal of an application on behalf of Permanent Trustee Australia Ltd for major alterations and additions to the Whitford City Shopping Centre, Pt Lot 501 (470) Whitfords Avenue, Hillarys.

The full hearing was scheduled to commence on 23 October 1997. In view of the volume of evidence that has been produced, however, this hearing has now been adjourned until 16 February 1998. The Tribunal also anticipates that the full hearing will now run for four to five weeks rather than the two weeks initially considered sufficient.

The original estimate of the City's solicitors costs for this appeal was in the order of \$40 000 - \$50 000. The solicitors costs incurred by the City to date is \$28 336.65, which is on target with that predicted. As a consequence of the scale to which this appeal has now escalated, the City's solicitors now estimate that its fees in relation to the appeal may well extend to between \$50 000 and \$60 000.

The City's continued involvement in this appeal is considered important. If the Whitford proposal was to proceed, significant regional planning and local amenity implications would be likely to result. The Tribunal's decision is also likely to have wide ranging implications for the future success of strategic planning throughout the north west corridor and the broader metropolitan region.

Notwithstanding the cost increase, the City's costs have been able to be contained to a modest level because much of the evidence has been prepared by the co-respondents, the Western Australian Planning Commission and the Lakeside Joondalup Shopping Centre. Given the complexity of the issues involved with this appeal, continued legal representation is considered essential to a favourable outcome.

It is recommended that the Joint Commissioners continue to contest the appeal with legal representation.

Declaration of Interest

Commissioner R Rowell declared an interest in this Item due to a family business interest.

Cmr Rowell left the Chamber at 1920 hrs.

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

- 1** continue to contest the appeal by Watts and Woodhouse Solicitors and Legal Consultants on behalf of Permanent Trustee Australia Ltd against its decision to refuse the application for major alterations and additions to the Whitford City Shopping Centre on Pt Lot 501(470) Whitfords Avenue, Hillarys;
- 2** retain their legal representatives to assist officers in contesting the appeal.

The Motion was Put and

CARRIED

Cmr Rowell entered the Chamber at 1921 hrs.

DP281-11/97

UNAUTHORISED CLEARING OF TREES AND VEGETATION FROM SPECIAL RURAL PROPERTY AND FAILURE TO SATISFY REQUEST BY COUNCIL TO REPLANT VEGETATION - LOT 141 (157) LAKELANDS DRIVE, GNANGARA - [2594/141/157]

At its meeting of 26 March 1997 Council resolved to require the owner of Lot 141 (157) Lakelands Drive, Gnangara, Mr Matthew Botica, to submit a prepared horticultural plan detailing a replanting programme for the property and to implement a replanting programme on the site within six months.

As none of the abovementioned requests was satisfied by Mr Botica, the matter was referred to Council's solicitors for legal action. The matter was heard in the Joondalup Court of Petty Sessions on 6 November 1997. The magistrate found the case proven and Mr Botica received a fine of \$500.00 with legal costs of \$1,064.50.

It is recommended that should a substantial replanting programme not be implemented on Lot 141 within 30 days of notification, the matter be referred again to Council's solicitors requesting further legal action which may involve a daily penalty.

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

- 1 **advise Mr M Botica, the owner of Lot 141 (157) Lakelands Drive, Gnangara, that by stripping the land of all vegetation and trees he has breached provisions of the City's Town Planning Scheme No 1;**
- 2 **advise the owner of Lot 141 that the cut-down vegetation, tree stumps, wood, tin and other materials which were buried on the property are to be removed as previously requested by Council. The removal of these items are to take place within 30 days of notification;**
- 3 **advise Mr Botica that Council is not prepared to extend the commencement of the replanting programme required on the site for an indefinite period and that unless a substantial replanting programme is completed on the property within 30 days of notification, further legal action will be initiated;**
- 4 **authorise the Chief Executive Officer to initiate further legal action should the request in 2 and 3 above not be complied with.**

The Motion was Put and

CARRIED

DP282-11/97

UNLICENSED SIGN - LOT 879 (2) COOLIBAH DRIVE, GREENWOOD - [30/1209]

An unlicensed sign erected on the boundary fence of a residence on the corner of Coolibah Drive and Warwick Avenue, Greenwood advertises film processing at a shop located in the Greenwood Shopping Centre. Council's directives to remove the sign have not been acted upon. It is recommended that legal action be commenced against the property owner.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners instigate prosecution proceedings against Mr Ghulam Rind for the erection of an unlicensed sign on Lot 879 (2) Coolibah Drive, Greenwood.

The Motion was Put and

CARRIED

DP283-11/97 **APPLICATION TO PURCHASE HORNPIPE PARK (PORTION OF RESERVE 38260 HORNPIPE COURT, YANCHEP) - [755-38260]**

The owners of Lots 602 and 580 Hornpipe Court, Yanchep have expressed an interest in purchasing a portion of Hornpipe Park, Yanchep, for amalgamation with their properties. The proposed sale of the reserve was advertised extensively to determine the views of the local residents. No objection to the proposed sale of the reserve has been received and the application should therefore be supported.

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

- 1 agree to the cancellation of Hornpipe Park (portion of Reserve 38260) Hornpipe Court, Yanchep;
- 2 request the Hon Minister for Lands to:
 - (a) create an 8m wide reserve for the purpose of water main and pedestrian access between the rear boundary of Lot 818 Foreshore Vista and Hornpipe Court, Yanchep;
 - (b) set a purchase price for and dispose of the balance of Hornpipe Park to the owners of Lots 602 and 580, Hornpipe Court, Yanchep in accordance with the provisions of Section 118CA of the Land Act.

The Motion was Put and

CARRIED

DP284-11/97 **REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN NEWLYN PLACE AND LAGOON DRIVE, YANCHEP - [510-1483]**

The owners of Lot 1 Lagoon Drive, Yanchep applied to have the accessway between Lagoon Drive and Newlyn Place, Yanchep, closed. The accessway provides limited benefit to pedestrians and sufficient alternative routes are available. The City owns a lot adjoining the accessway and it would be appropriate for the City to purchase a portion of the accessway to provide legal access to its lot.

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

- 1 agree to the closure of the pedestrian accessway between Newlyn Place and Lagoon Drive, Yanchep, subject to the owners of Lot 1 Lagoon Drive meeting the costs associated with purchasing the full width of the accessway adjoining their property;

- 2 agree to purchase the full width of the pedestrian accessway between Lots 157 and 158 Newlyn Place, Yanchep, and to meet the associated costs of relocating the water main (approximately \$818.00 and purchasing the land \$1,420.00) from Account No 32685.

The Motion was Put and

CARRIED

DP285-11/97 AMBULANCE DEPOT - RESERVE 36696 SHENTON AVENUE, JOONDALUP - [30/0609]

An ambulance depot and training facility is proposed on the corner of Shenton Avenue and Lakeside Drive. The proposal does not comply with the provisions of the Joondalup City Centre Development Plan and Manual with regard to the location and design of the building and egress from the site to Shenton Avenue. The building issues can be resolved with an emergency egress for ambulances being permitted to Shenton Avenue, subject to design conditions.

MOVED Cmr Rowell, **SECONDED** Cmr Buckley that the Joint Commissioners advise St. John Ambulance that they support the proposal to site the ambulance depot on Shenton Avenue frontage of Reserve 36696 with emergency only egress for ambulances onto Shenton Avenue with a median crossing subject to:

- 1 further investigation being undertaken to modify the proposal to satisfy other requirements of the Joondalup City Centre Development Plan and Manual;
- 2 the cross-over and median crossing being designed to the satisfaction of the City.

The Motion was Put and

CARRIED

DP286-11/97 WINDOW TREATMENT - LOT 513 CNR SHENTON AVENUE AND LAKESIDE DRIVE, JOONDALUP - [30/5552]

Council has been requested to modify an approved plan and allow a departure from the provisions of the Joondalup City Centre Development Plan and Manual to permit the use of tinted glass at street level. Departure from the approved plan is not supported.

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

- 1 advise J and D Hay that they have considered their request to use tinted glass on the building on Lot 513 Corner of Shenton Avenue and Lakeside Drive Joondalup and decided that tinted glass is able to achieve an adequate level of interaction between building interiors and street spaces to satisfy the policy set out in the Joondalup City Centre Development Plan and Manual and that they are prepared to accept revisions to the approved plans indicating the use of tinted glass;

- 2 amends the Joondalup City Centre Development Plan and Manual in accordance with Part 10 of Town Planning Scheme No 1 so that the provision in B2.1 reads - *“Obscured and totally reflective glazing should not be used at ground floor level, but tinted glass is acceptable.”*

Discussion ensued.

The Motion was Put and

CARRIED

FINANCE & COMMUNITY SERVICES SECTION**REPORTS:****FA188-11/97 SPONSORSHIP FOR PRIMARY SCHOOL SPEECH CONTEST
- [009-1]**

International Training in Communication has requested that the Joint Commissioners sponsor a speaking competition for primary school students within the district of Wanneroo. This report recommends that the Council resolve not to sponsor the proposed speaking competition.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Morgan that the Joint Commissioners advise International Training in Communication that they are not in a position to sponsor a speaking competition for primary school students within the district of Wanneroo.

The Motion was Put and

CARRIED

**FA189-11/97 REORGANISATION & RESTRUCTURE AGREEMENT 1997 -
[404-17]**

At its meeting of 26 June 1996 (Item C323 - 06/96) Council agreed to enter into the City of Wanneroo - Interim Re-organisation and Restructuring Agreement 1996. This agreement was effective for a period of one year and it is proposed that it be rolled over for a further period of one year on the basis that a 2% increase be paid to staff from 1 July 1997, 1% being paid in respect to the rollover of the agreement and 1% to be offset against proven productivity gains under an umbrella agreement if in place by 31 January 1998.

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

- 1 agree to the roll over of the Reorganisation and Restructure Agreement for the period 1 July 1997 to 30 June 1998;
- 2 approve a 2% increase being paid to inside staff members from 1 July 1997. One percent being paid in respect to the rollover of the agreement and the further one percent to be offset against proven productivity gains under an umbrella agreement if in place by 31 January 1998.

The Motion was Put and

CARRIED

FA190-11/97 TENDERS - PERSONAL COMPUTERS - [208-48-97/98]

A tender was advertised on 20 September 1997 for the supply of 40 Personal Computers. The closing date was 6 October 1997 and a total of 16 companies supplied tenders. The tender from Gateway 2000 was incomplete in that certain details requested in the tender specification were not supplied.. Six tenders were shortlisted and an evaluation unit was requested from each company.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that:

- 1 the Joint Commissioners accept the tender as submitted by Todaytech Computers Pty Ltd for forty (40) personal computers at a price of \$1390 per unit;**
- 2 costs associated with (1) above be charged to Account No. 45796.**

The Motion was Put and

CARRIED

FA191-11/97 INSTALLATION OF RESIDUAL CURRENT DEVICES (RCD'S) IN WORK PLACES WITHIN COUNCIL FACILITIES - [405-0]

Council at its 13 August 1997 meeting resolved to defer consideration for the installation of residual current devices (RCD'S) in work places within Council facilities until Parliamentary approval was given to amended legislation.

Approval is now sought to proceed with the engagement of a consultant to assess the risk, document and manage the implementation of RCD'S within Council facilities for a financial commitment that is within the 1997/98 budget funding allowance as required under the revised Occupational Safety & Health Regulations 1996 Part 3.60.

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

- 1 agree to the engagement of consulting engineers Lincolne Scott for the sum of \$19,920.00 to assess, document, tender and oversee the implementation of non portable RCD'S within Council facilities as required under the revised Occupational Safety & Health Regulations 1996 part 3.60;**
- 2 agree to advertising the work for tender submissions and allows the work to proceed to the limit of the 1997/98 budgeted funding.**

The Motion was Put and

CARRIED

FA192-11/97 SORRENTO SOCCER, SPORTS AND SOCIAL CLUB INC - BUILDING ADDITIONS - [472-01-1]

The Sorrento Soccer, Sports and Social Club Inc is seeking additional funds from Council on a dollar for dollar basis in order to construct a change room and other facilities to the Clubrooms at Percy Doyle Reserve, Duncraig. The additions are necessary so that the Club can maintain its position in the league. The funds sought by the Club are \$63,966.50 and the total cost to Council for the additions estimated to cost \$154,778.00 would be \$92,000.00. Council's costs include \$22,000.00 and would also provide for connection to sewer.

It is proposed that Council agrees to the Club's request on the basis that it surrenders the current lease and a new lease is entered into that includes a suitable lease fee, and that it satisfies statutory and accountability requirements.

Section 6.8 (1) of the Local Government Act 1995 requires decisions relating to over-expenditure to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4 (2) (a) of the Act requires all decisions by Commissioners to be by Simple Majority.

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

- 1 advise the Sorrento Soccer, Sports and Social Club Inc they are not prepared to approve extensions to the Soccer Clubrooms on the following basis:
 - (a) the Club surrenders the current lease over the existing Clubroom's and re-enters into a new lease, such lease to include the proposed extensions;
 - (b) a lease fee is agreed that is commensurate with the responsibilities and obligations of the parties;
 - (c) in the event suitable lease arrangements are agreed the project proceeds under the following terms:
 - development approval and building licence being issued for the works;
 - the Club lodging with the City, prior to commencement of the project, a Bank guarantee to the value \$65,000.00;
 - the Club submitting confirmation of its funding capacity;
- 2 authorise, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the additional funds of \$52,000. Such funds to be allocated from the Asset Replacement Reserve account following the receipt of funds from the sale of land in North West Wangara;
- 3 advise the Club its contribution will be made on the basis of a pro rata payments based on invoices for materials purchased or works carried out.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA193-11/97

**WARRANT OF PAYMENTS FOR THE PERIOD ENDING 31
OCTOBER 1997 - [021-1]**

This report details the cheques drawn on the funds during the month of October 1997. It seeks approval for the payment of the October 1997 accounts.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners pass for payment the following vouchers, as presented in the Warrant of Payments to 31 October 1997, certified by the Chairman of Commissioners and Director Resource Management, and totalling \$35,777,385.51:

FUNDS	VOUCHERS	AMOUNT
		\$
Director Resource Management Advance Account	52054 - 53533	6,517,930.22
Municipal	000480 - 000503D	28,175,461.84
Trust	000063 - 000065	1,240.00
East Wanneroo Development Area Cell 1	000008	1,172.83
East Wanneroo Development Area Cell 3	905721R	62,210.00
East Wanneroo Development Area Cell 4	905719K	6,800.00
East Wanneroo Development Area Cell 5	905714V	72,000.00
East Wanneroo Development Area Cell 6	000008	1,634.37
East Wanneroo Development Area Cell 7	000006	418.68
East Wanneroo Development Area Cell 8	000004	651.50
Town Planning Scheme 7A (4)	905761N	5,800.00
Town Planning Scheme 5	905756M	3,200.00
Berkley Road Local Structure Plan	905749C	278,900.00
Reserve Account	000010	649,966.07
	TOTAL	\$35,777,385.51

The Motion was Put and

CARRIED

Appendix XIV refers

FA194-11/97

OUTSTANDING GENERAL DEBTORS - 31 OCTOBER 1997 - [020-0]

This report details the outstanding general debtors as at 31 October 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 \$3,160.84.

Section 6.12 (1) (c) of the Local Government Act 1995 requires a decision to be by Absolute Majority. Schedule 2.4 (2) (a) of the Local Government Act 1995 requires decisions by Commissioners to be by Simple Majority.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Morgan that the Joint Commissioners, in accordance with the provisions of Section 6.12 (1) (c) of the Local Government Act 1995 write out of its General Debtors Ledger an amount of \$3,160.84 representing debts considered irrecoverable, as detailed in Attachment 'B' to Report No FA194-11/97.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XV refers

FA195-11/97 **PLANT PURCHASE - TENDER NO. 49-97/98 ONE RUBBER
TYRED FRONT END LOADER - [208-6-49-97/98]**

As an integral part of the 1997/98 Budget, Council approved \$64,824 for the replacement of plant as detailed in the Plant Replacement Programme.

This report addresses the submissions for Tender 49-97/98 for the replacement of a rubber tyred front end loader and recommends the tender of CFC Equipment.

The net changeover offered by CFC Equipment for the Samsung SL120-2 is \$77,200, compared to a budget estimate of \$64,824, resulting in a budget shortfall of \$12,376.

Section 6.8 (1) of the Local Government Act 1995 requires decisions relating to over-expenditure to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4 (2) (a) of the Act requires all decisions by Commissioners to be by Simple Majority.

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

- 1 accept Tender 49-97/98 from CFC Equipment for a Samsung SL120-2 wheel loader at a total changeover of \$77,200;
- 2 authorise, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the over budget expenditure of \$12,376;
- 3 note that the expenditure in (2) above can be accommodated from funds from the Plant Replacement Reserve Account.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA196-11/97 **ORDERS FOR GOODS AND SERVICES
APPROVING/REQUISITION OFFICERS - [010-0-1]**

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

Contract Manager

Barun Dutta
Approving Officer

Limit \$30,000

Disability Access Officer	Jeff Edwards Requisitioning Officer	Limit \$ 2,000
Administration Officer - Wanneroo Recreation Centre	Linda Wheeler Requisitioning Officer	Limit \$ 1,000

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners authorise the following amendments to the list of Orders for Goods and Services - Approving and Requisitioning Officers:

Contract Manager	Barun Dutta Approving Officer	Limit \$30,000
Disability Access Officer	Jeff Edwards Requisitioning Officer	Limit \$ 2,000
Administration Officer - Wanneroo Recreation Centre	Linda Wheeler Requisitioning Officer	Limit \$ 1,000

The Motion was Put and

CARRIED

FA197-11/97 AUTHORISATION OF REALLOCATION OF FUNDS - [006-2]

Various requests have been received for authorisation, in accordance with Section 6.8 (1) of the Local Government Act 1995, to incur unbudgeted expenditure. In most instances, a source of funding has been identified to accommodate the additional expenditure. A number of necessary adjustments to the budget estimates have also been identified. Items approved by Council, but not previously listed in the Schedule, are also included for consistency and to facilitate presentation of an accumulated balance.

Section 6.8 (1) of the Local Government Act 1995 requires decisions relating to over-expenditure to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4 (2) (a) of the Act requires all decisions by Commissioners to be by Simple Majority.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners authorise, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995, amendments to the "revised budget figures" of the 1997/98 Budget as detailed in the Schedule of Budget Reallocation Requests - 19 November 1997.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XVI refers

FA198-11/97 1997/98 RATE DISCOUNTS - [018-1]

Council offered a 5% discount if rates payment was received by the close of business on 6 October 1997. There were approximately 900 payments made after this date on which the discount was claimed albeit that the amounts were received after the "cut off" period.

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

Section 6.12 (1) of the Local Government Act 1995 requires decisions to be by Absolute Majority. Schedule 2.4 (2) (a) of the Local Government Act 1995 requires decisions by Commissioners to be by Simple Majority.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners, in accordance with Section 6.12 (1) of the Local Government Act 1995, writes off \$655.68 in rates levied as detailed in Attachment 'A' to Report No FA198-11/97.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XVII refers

**FA199-11/97 SPOT RATING - LOT 68 (71) HIGH ROAD, WANNEROO -
[258/ 71]**

Council has received a request from Gabriel and Jilyan Morrow, the owners of rural zoned Lot 68 (71) High Road, Wanneroo, for their property to be rated on gross rental value, as the property is used for residential purposes only.

The basis of rating properties within the City of Wanneroo is that developed or subdivided residential, special residential, commercial, special rural and industrial lots and rural lots of 2.6 hectares or less where it is considered that the property is used predominantly for residential purposes are rated on gross rental values (GRV). Broadhectare residential, special rural and rural lots are rated on unimproved valuation (UV).

This property was not included on the list of rural properties to be spot rated on a GRV basis approved by the Minister for 1997/98. However, an inspection of this property has been conducted and it was evident that the property should have been "spot rated" on GRV effective 1 July 1997.

Section 6.47 of the Local Government Act 1995 requires a decision to be by Absolute Majority. Schedule 2.4 (2) (a) of the Local Government Act 1995 requires decisions by Commissioners to be by Simple Majority.

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

1 in accordance with the provisions of Section 6.47 of the Local Government Act 1995 waive the amount of \$1,157.03 for Lot 68 (71) High Road, Wanneroo for 1997/98 being the difference between the rates using a gross rental valuation as opposed to an unimproved valuation method of calculation;

- 2 include Lot 68 (71) High Road, Wanneroo on the list of spot rated properties for the 1998/99 year.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**FA200-11/97 DONATION - WANNEROO BMX RACEWAY CLUB (INC) -
[009-1]**

Council is in receipt of correspondence from the Wanneroo BMX Raceway (Inc) requesting consideration for a donation to partially offset the rates levied on club premises which are leased from Council. The lease agreement provides for the lessee to pay the rates.

In the past Council has acceded to requests of this nature where the club did not have the capacity or ability to generate funds.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Morgan that the Joint Commissioners make a non statutory donation of \$1,002.20 to the Wanneroo BMX Raceway Club (Inc) from Budget Item 29470 - Recreation and Sport - Other.

The Motion was Put and

CARRIED

**FA201-11/97 WA FIRE AND RESCUE SERVICES - FUNDING
ARRANGEMENT - [306-2]**

This report addresses the impact on Council's operations as a consequence of a new funding mechanism for fire and rescue services in the metropolitan fire district currently being developed, based on the application of a GRV rate, instead of the current insurance levy.

A special Local Government Reference Group has been established to work through the practical application of the new mechanism, to ensure that it is workable and administratively simple.

The new arrangements should result in a lower contribution for Local Governments, given the inclusive nature of a GRV based levy. The Government is aiming to have the mechanism in place for next financial year.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Morgan that the Joint Commissioners forward a copy of Report No FA201-11/97 to the Local Government Reference Group which has been established to review the impacts on local governments of the proposed WA Fire and Rescue Services levy payment arrangements.

The Motion was Put and

CARRIED

FA202-11/97

**VEHICLE PURCHASES - LIGHT VEHICLE REPLACEMENT
RESERVE & CAPITAL PURCHASES VEHICLE
ADDITIONAL - TENDER NOS. 059-060-061-97/98 - [208-059-
061-97/98]**

As part of the 1997/98 Budget, Council approved the replacement of vehicles, as detailed in the Light Vehicle Replacement Programme, funded from the Light Vehicles Replacement Reserve.

Council also approved funds in the Capital Purchases - Vehicles Additional for the purchase of vehicles for the Manager - Contract Management, and the Manager - Structure Planning.

This report outlines the submissions received for Tenders 059-060-061-97/98 for the replacement of a number of vehicles and the purchase of vehicles for the Manager - Contract Management, and the Manager - Structure Planning.

Section 6.8 (1) of the Local Government Act 1995 requires decisions relating to over-expenditure to be made by Absolute Majority. With the appointment of Commissioners, Schedule 2.4 (2) (a) of the Act requires all decisions by Commissioners to be by Simple Majority.

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

- 1 **accept Tender 059-97/98 from Wanneroo Mitsubishi for eight Mitsubishi Magna Executive 2.4 litre sedans at a total changeover price of \$90,895;**
- 2 **authorise, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the over budget expenditure of \$9,245 - such expenditure to be funded from the Light Vehicle Replacement Reserve Account;**
- 3 **accept Tender 060-97/98 from Titan Daewoo for 6 Daewoo Nubira SX sedans at a changeover price of \$27,111;**
- 4 **authorise, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995 the over budget expenditure of \$3,611 - such expenditure to be funded from the Light Vehicle Replacement Reserve Account;**
- 5 **accept Tender 061-97/98 from Nuford for 2 Ford Falcon GLi wagons at a changeover price of \$1,560.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

FA203-11/97**SELECTION PANEL FOR THE CITIZEN OF THE YEAR,
YOUNG CITIZEN OF THE YEAR AND COMMUNITY EVENT
OF THE YEAR AWARDS - NOMINATION OF
COMMISSIONER - [301-5]**

Consideration is required to be given to appointing a Commissioner to the Citizen of the Year, Young Citizen of the Year and Community Event of the Year Awards Selection Panel, which was established by the Finance and Community Services Committee at its October 1997 meeting.

Commissioner Ansell nominated Commissioner Clark-Murphy to the Citizen of the Year, Young Citizen of the Year and Community Event of the Year Awards Selection Panel.

MOVED Cmr Ansell, SECONDED Cmr Rowell that the Joint Commissioners appoint a Commissioner Clark-Murphy to the Citizen of the Year, Young Citizen of the Year and Community Event of the Year Awards Selection Panel.

The Motion was Put and

CARRIED

COMMUNITY SERVICES SECTION**CS298-11/97 SERVICE OF HEALTH ACT NOTICE - [30/3426-13]**

Council is advised of a Health Act Notice served upon the proprietors of the Marangaroo Drive Super Deli and Takeaway, Shop 13 Marangaroo Shopping Centre, Girrawheen on 13 October 1997. The Notice was served to prevent the practice of tying back fly strips provided for the entrance into the store which is an offence under the Health (Food Hygiene) Regulations 1993.

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

- 1 endorse the Health Notice of 13 October 1997 served on Mr N H Huynh and Mrs T N Truong of the Marangaroo Drive Super Deli and Takeaway, Shop 13 Marangaroo Shopping Centre, Girrawheen;**
- 2 authorise legal action against the proprietors of the Marangaroo Super Deli and Takeaway, Girrawheen should default occur on the Notice of 13 October 1997.**

The Motion was Put and

CARRIED

**CS299-11/97 CASA DEL MAR, LOT 114 (3) COLES PLACE, YANCHEP -
INSUFFICIENT CHLORINE LEVEL OF SWIMMING POOL -
[443/114/3]**

Council is advised that routine pool sampling at Casa Del Mar, 3 Coles Place, Yanchep on 9 October 1997 indicated an insufficient level of free residual chlorine when compared with the requirements under the Health Act (Swimming Pools) Regulations 1964 which is an offence.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners authorise legal action against Moreau Pty Ltd owner of the public swimming pool at "Casa Del Mar", Lot 114 (3) Coles Place, Yanchep for failing to maintain the minimum free residual chlorine level on 9 October 1997 as required under the Health Act (Swimming Pools) Regulations 1964.

The Motion was Put and

CARRIED

**CS300-11/97 NOISE - STEREO MUSIC FROM 2B MCKINLAY AVENUE,
PADBURY - [1057/2/2B]**

Sound level assessment of amplified music emanating from 2B McKinlay Avenue, Padbury was conducted on 14 September 1997 and this revealed that sound levels exceeded provisions of the Noise Abatement (Neighbourhood Annoyance) Regulations 1979 which is an offence.

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

- 1 endorse the service of a Pollution Abatement Notice dated 13 November 1997 on Mr Chris Forman and Ms Natalie Prior as occupiers of 2B McKinlay Avenue, Padbury;**
- 2 that legal action be initiated should a breach of the Pollution Abatement Notice occur.**

The Motion was Put and

CARRIED

CS301-11/97 DONATION - LIONS CLUB OF WANNEROO [312-4]

The Lions Club of Wanneroo Incorporated has requested to hire a community bus in order to provide a Christmas outing to Kings Park for residents in the Jacaranda Lodge of the Belgrade Village in Wanneroo. Approval is sought from Council to waive the hire fee for a City of Wanneroo community bus.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners approve a non statutory donation of \$75.00 to the Lions Club of Wanneroo to cover the cost of hiring a community bus to provide a Christmas outing for the residents of Jacaranda Lodge, Wanneroo

The Motion was Put and

CARRIED

CS302-11/97 MOBILE LIBRARY SCHEDULE - [240-8]

The opening of the Joondalup Library has decreased the demand for Mobile Library service at the Currambine Railway Station. The service to the Quinns location continues to be very busy. It is recommended the Mobile Library visit the Quinns location an additional day per week and the Currambine Railway Station one less day per week.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners amend the Mobile Library schedule of locations:

Monday	Wilkie Reserve, Yanchep
Tuesday	Currambine Railway Station
Wednesday - Saturday	Gumblossom Reserve, Quinns Rock

The Motion was Put and

CARRIED

CS303-11/97 LIBRARIES SCHEDULE OF CHARGES - [240-8]

A schedule of charges for the Joondalup Library was adopted by Council at the May 1997 meeting (Report CS72-05/97). This schedule requires amendment to incorporate additional charges and to enable the application of these charges across all libraries as appropriate.

Section 6.1.6 of the Local Government Act 1995 requires a decision to be by Absolute Majority. Schedule 2.4 (2) (a) of the Local Government Act 1995 requires decisions by Commissioners to be by Simple Majority.

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

1 adopt in accordance with Section 6.1.6 of the Local Government Act 1995 an amended schedule of library charges:

Photocopies	Black and white photocopier machine	
	- Each A4	\$0.20c
	- Each A3	\$0.40c
	Colour photocopier machine	
	- Each A4 (including black and white)	\$2.50
	- Each A3 (including black and white)	\$4.50
Laminating	- Each A4	\$2.00
	- Each A3	\$3.00
	- Larger items	\$7.00 per metre
Fax Service	Domestic	
	1st page	\$4.00
	Subsequent pages	\$1.00
	International	
	1st page	\$10.00
	Subsequent pages	\$4.00
Computer printing	Internet - per page	\$0.20c
	Microfilm/microfiche per page	\$0.20c
	Word processing over 10 pages	\$0.20c
Reference - Computer Study Room	General	\$5.00 per hour
	Seniors, unemployed, full-time students	\$3.00 per hour
Meeting Room Hire (from August 1 1997)	Single	
	Casual usage per hour	\$12.00 + \$50 bond
	Commercial usage per hour	\$20.00 + \$50 bond
	Double	
	Casual usage per hour	\$24.00 + \$50 bond
	Commercial usage per hour	\$40.00 + \$50 bond
	Kitchen facilities (no consumables)	
Hire	Whiteboard per hour	\$5.00
	Overhead projector	\$5.00
	Lectern	\$2.50
	Microphone	\$2.50
	Film projector	\$5.00
	VCR	\$5.00
	Stage	\$2.50

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
David Edgar	View from Cave Point	Oil on Board	Delaney Galleries	\$850
Sue Templeton	Transient Slumber	Oil on Board	Artplace	\$750
Garry Anderson	Landscape	Oil on Board	Artplace	\$700
Total				\$2,300

at a total cost of \$2,300 from Account Number 29471235 - Art Purchases.

The Motion was Put and

CARRIED

Appendix XVIII refers

CS306-11/97 LITTLE FEET FESTIVAL 1998 - [429-1-12]

Joondalup Community Foundation (Inc) and Trust has invited Council to submit an expression of interest to plan and organise the 1998 Little Feet Festival.

In previous years Council has sponsored this event through a financial donation and 'in-kind' support. The sum of \$20,000 is listed in the 1997/98 Budget.

At its meeting on Monday 27 October, the Cultural Development Advisory Committee recommended to the Finance and Community Service Committee that Council does not register an expression of interest to plan and organise the 1998 Little Feet Festival.

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

- 1 do not register an Expression of Interest to plan and organise the 1998 Little Feet Festival;
- 2 sponsor the Little Feet Festival subject to the Community group that is successful in its Expression of Interest to Plan and Organise the Little Feet Festival:
 - (a) demonstrating to Council's satisfaction, it has the capacity to successfully manage and co-ordinate the Little Feet Festival;
 - (b) Council's sponsorship of the event is recognised on all promotional and publicity material;
- 3 establish performance indicators for the event.

The Motion was Put and

CARRIED

CS307-11/97 TIGER KART CLUB - APPLICATION FOR CLUB RESTRICTED LIQUOR LICENCE - [061-377]

The Tiger Kart Club wishes to apply for a Club Restricted Liquor Licence. This licence is for the Wanneroo International Kartway in Neerabup.

It is recommended Council approves the application by the Tiger Kart Club to apply for a Club Restricted Liquor Licence.

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

- 1 approve the application by the Tiger Kart Club to apply for a Club Restricted Liquor Licence for Wanneroo International Kartway, Neerabup to cover the following days and times:
Sunday 4.00pm to 10.00pm
- 2 inform the applicant that no structural alterations are to be made to the building without Council approval;
- 3 provide 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;
- 4 in the event of any non-compliance with Council's Policy R5 - Storage and Consumption of Alcohol at Community Recreation Facilities and Reserves, withdraw permission for the Tiger Kart Club to hold a Club Restricted Liquor Licence.

The Motion was Put and

CARRIED

CS308-11/97

**JOONDALUP KINROSS CRICKET CLUB APPLICATION
FOR CLUB RESTRICTED LIQUOR LICENCE - (930-17, 447-1)**

Joondalup Kinross Cricket Club wishes to apply for a Club Restricted Liquor Licence. This licence is for the Joondalup Kinross Cricket Club use McNaughton Clubrooms at McNaughton Crescent, Kinross.

It is recommended Council approves the application by the Joondalup Kinross Cricket Club to apply for a Club Restricted Liquor Licence.

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

- 1 approve the application by the Joondalup Kinross Cricket Club to apply for a Club Restricted Liquor Licence for McNaughton Clubrooms, McNaughton Crescent, Kinross to cover from October to April for the following days and times:
Saturdays 6.30pm to 10.30pm;
- 2 inform the applicant that no structural alterations are to be made to the building without Council approval;
- 3 provide 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;

- 4 in the event of any non-compliance with Council's Policy R5 - Storage and Consumption of Alcohol at Community Recreation Facilities and Reserves, withdraws permission for the Joondalup Kinross Cricket Club to hold a Club Restricted Liquor Licence.

The Motion was Put and

CARRIED

CS309-11/97 APPRECIATION FUNCTION FOR BLUE LIGHT DISCO VOLUNTEERS - [437-1]

At the Council meeting on 24 September 1997 it was requested a report be submitted concerning Council hosting of a civic function to recognise the valuable work of the volunteers of the Blue Light Discos.

In recognition of the volunteers' efforts and the benefits they provide to young people of the City of Wanneroo it is recommended that \$675.00 be allocated from Account Number 20023 - Governance, Civic Functions for an appreciation cocktail party for the volunteers of the Blue Light Discos to be held in the Lobby Area, 1st Floor of the Civic Centre, Joondalup.

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

- 1 host an appreciation cocktail party for the volunteers of the Blue Light Discos and their partners;
- 2 allocate \$675.00 from Account Number 20023 - Governance, Civic Functions to cover costs of this function as detailed in (1) above.

The Motion was Put and

CARRIED

CS310-11/97 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 Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners donate \$50, totalling \$1,050, to each of the following persons to assist with costs of representing Western Australia in their chosen sports:

Robert Nicol	23 Southsea Road, Quinns Rocks WA 6030
James Smith	7 Ullswater Glade, Joondalup WA 6027
William Rankin	88 Virdinian Drive, Neerabup WA 6031
Matine Farlekas	16 Primrose Heights, Joondalup WA 6027
Dominic Pavicic	63 Campsbourne Street, Balcatta WA 6021
Paul McPherson	11 Kilburn Rise, Kingsley WA 6026
Amanda Frankland	11 Drummer Way, Heathridge WA 6027
Christopher McKay	18 Peckham Crescent, Kingsley WA 6026
Andrew McKay	18 Peckham Crescent, Kingsley WA 6026
Sarah Jamieson	2 Lanrick Place, Girrawheen WA 6064
Elena Daniele	108 Shillington Way, Wanneroo WA 6065
Clara Daniele	108 Shillington Way, Wanneroo WA 6065

Damian Cullura	2 Brockman Court, Duncraig WA 6023
Michael Polmear	31 Calectasia Street, Greenwood WA 6024
Brent Klesura	32 Camarine Drive, Woodvale WA 6026
Kristie Georgeff	15 Everard Close, Woodvale WA 6026
Sue Georgeff	15 Everard Close, Woodvale WA 6026
Julie Richardson	72 Allenswood Road, Greenwood WA 6024
Peter Richardson	72 Allenswood Road, Greenwood WA 6024
Christopher Cuellar	12 Callander Avenue, Kinross WA 6028
Jill Burns	57 Ellersdale Avenue, Warwick WA 6024

such donations to be drawn from Account Number 29470 - Sundry Donations - Recreation and Sport Other.

The Motion was Put and

CARRIED

CS311-11/97

**APPOINTMENT OF HONORARY PARKING INSPECTORS -
WARWICK GROVE SHOPPING CENTRE, WARWICK AND
LAKESIDE JOONDALUP SHOPPING CENTRE - [910-1,
2143/928/643]**

Letters have been received from the Managing Agents for both the Warwick Grove Shopping Centre, Warwick and the Lakeside Joondalup Shopping Centre, Joondalup.

Council is requested to cancel one Honorary Parking Inspector appointment for each shopping centre, and authorise a further two persons to be Honorary Parking Inspectors for the Warwick Grove Shopping Centre and one person for the Lakeside Shopping Centre.

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

- 1 in accordance with Section 9.13 of the Local Government Act 1995 appoints Andrew Mark Skipper and Jamie Anthony Reed as Honorary Parking Inspectors for the Warwick Grove Shopping Centre, Warwick and Michael Andrew Gibson as an Honorary Parking Inspector for the Lakeside Shopping Centre, Joondalup;**
- 2 in accordance with the provisions of the Justices Act 1902 authorises the withinmentioned Honorary Parking Inspectors to act under and enforce the Parking Local Laws for the City of Wanneroo only within the boundaries of the Warwick Grove Shopping Centre, Warwick or the Lakeside Shopping Centre, Joondalup, as appropriate, as detailed hereunder:**

Local Laws Relating to Parking Facilities;
Local Government (Parking for Disabled Persons) Regulations 1988;
- 3 cancel the appointments of Glen Alan Hill and Andrew Christopher Hickey.**

The Motion was Put and

CARRIED

CS312-11/97 AUTHORISATION OF OFFICER - [905-1]

Any person who effects the registration of dogs must be authorised as a registration officer under the provisions of the Dog Act 1976.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners authorise Ms Josephine Craft as a registration officer to effect the registration of dogs for the City of Wanneroo, pursuant to the Dog Act 1976.

The Motion was Put and

CARRIED

CS313-11/97 HEALTH PROMOTION - [241-5-2]

The Joint Commissioners are advised that the Manager Health Services is proposing that the City participates in a Health Promotion initiative to extend the Foodsafe Food Handler Training Programme. This new initiative involves the introduction of a teaching package (video, text and questionnaire) into School Canteens to provide basic food handler training to employees and volunteers in those premises. The introduction of the Foodsafe Food Handler Training Programme into canteens is an extension of the programme that saw the issuing of training packages to all licensed Eating Houses within the City (Item CS31-03/96 refers).

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners approve the issue of "FoodSafe" Food Handler Training Packages to School Canteens within the City of Wanneroo.

The Motion was Put and

CARRIED

**CS314-11/97 SPECTATOR ADMISSION CHARGES AT COUNCIL'S
AQUATIC FACILITIES - [680-1]**

At the October 1997 Finance and Community Services Committee meeting it was requested that the issuing of a pass to allow parents who had children in specific training programmes to enter Council's Swimming Centres at no charge be investigated (Item CS288-10/97 refers).

Council's schedule of fees for Swimming Pools include a spectator admission charge. This fee applies to all patrons attending the pool area whether they are supervising children at general play or attending a structured training programme outside of Council's own coaching or learn to swim programmes.

These structured sessions include, Education Department In-Term Lessons, swimming club training sessions and junior water polo training.

Council has adopted the 'user pay' philosophy for its aquatic facilities and to single out specific training programmes for free entry for spectators would be inequitable. It would also increase the difficulty of monitoring the movement of patrons within the building and leaves a pass system open to abuse.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Buckley that the Joint Commissioners continue to impose the \$1.00 per head spectator fee at the Craigie Leisure Centre and Aquamation.

The Motion was Put and

CARRIED

CS315-11/97

AMENDMENT TO COUNCIL POLICY C3-11 - UNIFORMS - [905-1]

The recent business reengineering process of the former Municipal Law and Fire Services Department to develop an integrated team to undertake all duties previously carried out by two distinct operational groups of Rangers and Patrol Officers, necessitates the introduction of a new uniform.

Recent advice from the Australian Taxation Office relating to fringe benefits tax implications of employer provided clothing requires that, where uniforms are compulsory, the employer must in a policy describe the colour, style and type of clothing to be worn.

The Council, as a result of the abovementioned requirement, must rescind the existing uniform policy C3-11 and describe the new uniform for Ranger Services in a new policy.

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

- 1** rescind Policy C3-11 - "Uniforms - Security Staff";
- 2** approve a revised uniform policy for Ranger Services operational staff as follows:

"Uniforms - Ranger Services Operational Staff.

Uniforms issued to officers of Council's Ranger Services Business Unit shall be worn in the performance of their duties unless a specific task necessitates otherwise.

The standard uniform for a Ranger will principally be navy blue in colour, excepting the shirts which may be either blue or grey in colour. The uniform will comprise of:

- **Navy blue pleated trousers of a wool blend;**
- **Winter cotton shirt with Council logo;**
- **Summer polo style shirt with Council logo;**
- **Navy blue long sleeve woollen pullover with Council logo;**
- **Navy blue 'v' neck woollen vest with Council logo;**
- **Navy blue three-quarter length waterproof jacket with Council logo;**
- **Navy blue cap with Council badge;**
- **Navy blue cotton tie;**
- **Standard black safety boots;**
- **Accessories-black leather belt and name badge.**

When a Ranger ceases employment with Ranger Services, all items of clothing and equipment as directed by the Manager of Health and Ranger Services or his nominated officer, shall be returned to Council.”

The Motion was Put and

CARRIED

CS316-11/97

RECOMMENDATIONS FROM THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON 23 OCTOBER 1997 - [1902-1]

A meeting of the City of Wanneroo Bush Fire Advisory Committee was held on Thursday 23 October 1997, from which there were recommendations which require the endorsement of the Joint Commissioners. However, the management of Ranger Services Business Unit is concerned with a number of the recommendations and proposes that consideration is given to amending certain recommendations pertaining to the authority to withdraw infringement notices under the Bush Fires Act, procedures for responding to W.A. Fire and Rescue callouts and CALM smoke reports, and membership of the Advisory Committee.

Section 5.42 (1) of the Local Government Act 1995 requires decisions relating to delegation of powers and duties to be by Absolute Majority. Schedule 2.4. (2) (a) of the Local Government Act 1995 requires decisions by Commissioners to be by Simple Majority.

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

- 1 appoint those people named on Attachment 1 detailed in Report No CS316-11/97 dated 19 November 1997 as Bush Fire Control Officers, Brigade Officers, Fire Weather Officers and Brigade members for 1997/98, and cancels the appointment of John Angelo Bettini as a Deputy Chief Bush Fire Control Officer;
- 2 approve the delegation of authority to the position of Team Leader within Ranger Services and Council employed Deputy Chief Bush Fire Control Officers to withdraw infringement notices, and that the Chief Bush Fire Control Officer make recommendations to Ranger Services on the withdrawal of Bush Fire infringement notices;
- 3 approve of the presentation of long service medals to staff as outlined in Attachment 1 to Report No CS316-11/97;
- 4 adopt the same firebreak inspection procedure as in previous years with some minor changes;
- 5 adopt last year's restricted and prohibited burning times and conditions, and approves that the Chief Bush Fire Control Officer, in conjunction with the Mayor, be empowered to alter those times subject to prevailing weather conditions;

- 6 approve that the Chief Bush Fire Control Officer responds to all W.A.F.R.S. callouts and CALM smoke reports during business hours, and in the event that the Chief Bush Fire Control Officer is unable to attend, then Rangers (who will still be mobile in fast attack units) will attend;
- 7 authorise the expansion of the City of Wanneroo Bush Fire Advisory Committee to encompass all the Deputy Chief Bush Fire Control Officers, the two Volunteer Bush Fire Brigade Captains, Fire Control Officer Arthur Hudson and authorise as a voting member the Director Community Services or his nominated representative.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY

Appendix XIX refers

CS317-11/97 VOLUNTEER EMERGENCY SERVICES - 1997 CHRISTMAS FUNCTIONS - [905-1]

The Council has been approached by the respective Volunteer Emergency Service Groups for financial assistance towards the annual Christmas functions.

Since 1990 the Council has financially supported the Emergency Services volunteers to the extent of \$7.50 per person with the funds being made available from budget allocation Civic Functions.

In 1997, the Wanneroo Volunteer SES has requested that additional expenditure of \$533 be made available from operating funds provided in the budget controlled by Ranger Services for the hire of tables, chairs and crockery to facilitate a sit down dinner. Use of operating expenditure for this purpose is considered to be inappropriate.

The Council in addition to financially assisting the respective groups also conducts an annual appreciation reception, which in 1997 will cost \$2,330.

Whilst it is recommended that the Joint Commissioners again in 1997 provide a subsidy of \$7.50 per person attending the Emergency Services Christmas functions it is further recommended that the responsibility of funding Christmas functions be reviewed as part of the 1998/99 budget process.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners approve a total allocation of \$2,956 from budget item Civic Functions, of which \$1,380 be provided to the Wanneroo Volunteer Bush Fire Brigade, \$1,133 be provided to the Wanneroo Volunteer SES and \$443 be provided to the Wanneroo St John Ambulance Volunteer Brigade as financial assistance towards the service groups' annual Christmas functions.

The Motion was Put and

CARRIED

REPORT OF THE CHIEF EXECUTIVE OFFICER
--

C374-11/97

**SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF
AFFIXING THE COMMON SEAL - [200-0-1]**

Document: Scheme Amendment
 Parties: City of Wanneroo and Minister for Planning
 Description: TPS No 1 - Amendment No 778
 Date: 21.10.97

Document: Easement
 Parties: City of Wanneroo and Yew Seng Dennis Lee and Vee Lin Justina Phua
 Description: Lot 300 Topmast Place, Ocean Reef
 Date: 21.10.97

Document: Withdrawal of Caveat
 Parties: City of Wanneroo and D M Thom and J G Broughton
 Description: Lot 262 Badgerup Road, Wanneroo
 Date: 21.10.97

Document: Scheme Amendment
 Parties: City of Wanneroo and Minister for Planning
 Description: TPS No 1 - Amendment No 806
 Date: 21.10.97

Document: Scheme Amendment
 Parties: City of Wanneroo and Minister for Planning
 Description: TPS No 1 - Amendment No 804
 Date: 21.10.97

Document: Deed
 Parties: City of Wanneroo and J & A M Hoyle
 Description: Lot 255, Badgerup Road, Wanneroo
 Date: 21.10.97

Document: Withdrawal of Caveat
 Parties: City of Wanneroo and J & A Hoyle
 Description: Lot 255, Badgerup Road, Wanneroo
 Date: 21.10.97

Document: Lease in Triplicate
 Parties: City of Wanneroo and Telstra Corporation
 Description: Part of Lot 8, Prindiville Drive, Wangara
 Date: 22.10.97

- Document: Deeds (2)
Parties: City of Wanneroo and Rocco
Antonio Del Borrello & Merrilyn Faye Del Borrello & Bruce Waldon
Brislin and Lynder Brislin
Description: Lot 560 (3) Manakoora Rise, Sorrento
Date: 21.10.97
- Document: Local Law
Parties: City of Wanneroo
Description: Local Law Relating to Standing Orders
Date: 21.10.97
- Document: Contract Document
Parties: City of Wanneroo and Surf Lifesaving WA Inc
Description: 1997/98 Contract Beach Lifesaving Service
Date: 30.10.97
- Document: Lease
Parties: City of Wanneroo and The State Housing Commission
Description: 99 Plain Street, East Perth
Date: 30.10.97
- Document: Scheme Amendment
Parties: City of Wanneroo and Minister for Planning
Description: TPS No 1 - Amendment No 801
Date: 31.10.97
- Document: Local Law Amendment
Parties: City of Wanneroo (City of Wanneroo)
Description: Amendments to Local Laws Relating to Swimming Pools
Date: 3.11.97
- Document: Withdrawal of Caveat
Parties: City of Wanneroo and G A Evans
Description: Lot 261 (243) Badgerup Road, Wanneroo
Date: 10.11.97
- Document: Easement
Parties: City of Wanneroo and Paltara Pty Ltd
Description: Lot 1005 (72L) Lacepede Drive, Sorrento
Date: 17.11.97
- Document: Scheme Amendment
Parties: City of Wanneroo and Minister for Planning
Description: TPS No 1 - Amendment No 784
Date: 19.11.97

Document: Scheme Amendment
 Parties: City of Wanneroo and Minister for Planning
 Description: TPS No 1 - Amendment No 785
 Date: 19.11.97

Document: Agreement
 Parties: City of Wanneroo and James Christopher Hall
 Description: Employment Contract
 Date: 14.11.97

Document: Withdrawal of Caveat
 Parties: City of Wanneroo and J M D Ashendon and S J Basin
 Description: Lot 253 (291) Badgerup Road, Wanneroo
 Date: 20.11.97

MOVED Cmr Morgan, SECONDED Cmr Rowell that the schedule of documents executed by means of Affixing the Common Seal be received.

The Motion was Put and

CARRIED

C375-11/97 COMMITTEE/COUNCIL MEETING CYCLE - [702-0]

SUMMARY

As a result of the suspension of the elected Council and the appointment of Commissioners, it is necessary to establish a meeting cycle and appoint representatives to appropriate Standing Committees, advisory committees and external bodies.

BACKGROUND

Council has previously resolved to meet on a monthly basis, being the fourth Wednesday at 7.30 pm. Leading up to the monthly meeting of the Council would be four Standing Committees, comprising of seven (7) elected members. These Committees were:

Policy	held on second Monday of month at 6.00 pm - <i>closed to the public</i>
Technical Services	held on the second Wednesday of the month at 6.00 pm - <i>open to the public</i>
Development & Planning Services	held on the third Monday of the month at 6.00 pm - <i>open to the public</i>
Finance & Community Services	held on third Wednesday of the month at 6.00 pm - <i>open to the public.</i>

The following is the previously set meeting cycle as resolved by the suspended Council in May 1997. It is a requirement of the Local Government Act 1995, that if there are any changes, that they be advertised.

Policy Committee

- 6.00 pm Monday 8 December 1997
NO MEETINGS IN JANUARY
- 6.00 pm Monday 9 February 1998
- 6.00 pm Monday 9 March 1998
- 6.00 pm Monday 6 April 1998

Technical Services

- 6.00 pm Wednesday 10 December 1997
NO MEETINGS IN JANUARY
- 6.00 pm Wednesday 11 February 1998
- 6.00 pm Wednesday 11 March 1998
- 6.00 pm Wednesday 8 April 1998

Development & Planning Services

- 6.00 pm Monday 15 December 1997
NO MEETINGS IN JANUARY
- 6.00 pm Monday 16 February 1998
- 6.00 pm Monday 16 March 1998
- 6.00 pm Wednesday 15 April 1998

Finance & Community Services

- 6.00 pm Wednesday 17 December 1997
NO MEETINGS IN JANUARY
- 6.00 pm Wednesday 18 February 1998
- 6.00 pm Wednesday 18 March 1998
- 6.00 pm Monday 20 April 1998

Council

- 7.30 pm Tuesday 23 December 1997
NO MEETINGS IN JANUARY
- 7.30 pm Wednesday 25 February 1998
- 7.30 pm Wednesday 25 March 1998
- 7.30 pm Wednesday 29 April 1998

These Standing Committees have established numerous advisory committees, sub-committees and working parties which consist mainly of community representatives. A copy of these groups' terms of reference is attached - Appendix XX refers.

It is requested that a decision be made on the Council representation on these groups.

DETAILS

The terms of reference for the Standing Committees are:

POLICY COMMITTEE

- 1 To submit recommendations to the Council in respect to the development and review of strategic plans.
- 2 To review monitor and oversee the business planning and make recommendations in respect of contestability and the implementation of competition policy.
- 3 To review Council's local laws and make recommendations to Council on amendments or the need for new local laws.
- 4 To review and make recommendations to Council on any matters related to the adoption or amendment of policy.
- 5 To review and make recommendations to the Council on any matters relating to delegation of authority.

TECHNICAL SERVICES COMMITTEE

- 1 To oversee and where necessary make recommendations to Council in respect to the design, construction and maintenance of streets and other associated works such as bridges, drains, footpaths, street lighting and underpasses.
- 2 To oversee the development maintenance and management of public works which the Council has responsibility for the care control and management. These facilities include reserves foreshores and parks.
- 3 To oversee and make recommendations to Council in respect of traffic management including both on-street and off-street parking.
- 4 Monitor Council services related to the commercial and domestic collection of refuse, and other related issues such as recycling, sanitary landfill and other methods of refuse disposal.
- 5 To review and make recommendations to the Council on functions to be market tested or outsourced.

DEVELOPMENT AND PLANNING SERVICES COMMITTEE

- 1 To oversee and monitor adherence to all building and planning legislation and where appropriate recommend prosecution or other appropriate action to Council.
- 2 Monitor the effectiveness of Council's Town Planning Scheme and other subsidiary Building and planning legislation and where appropriate make recommendations to Council for change.

- 3 To oversee and make recommendations to the Council on the zoning, classification and subdivision of land, and development generally in the district to ensure the orderly and proper development and use of land and the protection of the environment, in accordance with the relevant legislation and policies of Council.
- 4 To oversee and make recommendations to the Council on the control of building activities and the construction, repair and demolition of buildings, private swimming pools, signs, hoardings, fences and other structures on land.

FINANCE & COMMUNITY SERVICES COMMITTEE

- 1 To oversee the management of all Council's finances including the development of budgets, monitoring expenditure and revenue and making recommendations to Council in respect to proposals to incur expenditure in excess of budget allocations.
- 2 To monitor the use of resources and property and make recommendations to Council in respect to the acquisition or disposal of property, assets and equipment.
- 3 To oversee the provision and use of community facilities and monitor the delivery of community services and programmes.
- 4 To monitor the enforcement of legislation and local laws and where necessary make recommendations to Council in respect to prosecutions.
- 5 To consider and make recommendations to Council in respect to the calling of tenders for plant and equipment, goods and services which are appropriate to the function of the Committee.

It has been suggested that the four standing committees remain with all Commissioners being members of all of those committees. This would require that the previous membership be discontinued and new membership be established.

It has been further suggested that Tuesdays and Thursdays are the preferred meeting days. If this is the situation, then the following is the suggested monthly meeting cycle option:

1st Tuesday	Informal briefing session
2nd Tuesday	8.00 am - Policy Committee - <i>not open to the public</i>
	10.00 am - Finance & Community Services Committee - <i>open to the public</i>
	2.00 pm - Technical Services Committee - <i>open to the public</i>
	4.00 pm - Development & Planning Services Committee - <i>open to the public</i>

3rd Thursday 6.30 pm - Full Council
 4th Tuesday Free - used for ad hoc briefing session.

**BALLAJURA SWIMMING POOL
 FEASIBILITY COMMITTEE** No replacement representative
 - External Committee

**COASTAL MANAGEMENT
 ADVISORY GROUP** Cmr R Rowell
 - External Committee

**COMMUNITY POLICING
 DIVISIONAL COMMITTEE** Mr C Hall, Director, Community Services
 - External Committee

**ENVIRONMENTAL HEALTH
 OFFICERS PROFESSIONAL
 REVIEW BOARD** No replacement representative
 - External Committee

**GIRRAWHEEN KOONDOOLA
 RECREATION ASSOCIATION** No replacement representative
 - External Committee

**GNANGARA MOUND COMMUNITY
 CONSULTATIVE COMMITTEE** Mr O Drescher, Director, Development Services
 - External Committee

**JOONDALUP CIVIC & CULTURAL
 FACILITIES PROJECT
 COMMITTEE** Cmr C Ansell
 Cmr H Morgan AM
 Cmr R Rowell
 Cmr M Clark-Murphy
 Cr W Buckley
 - formed by Council

**KEEP AUSTRALIA BEAUTIFUL
 COUNCIL** No replacement representative
 - External Committee (WAMA)

**KINGSLEY WOODVALE
COMMUNITY & RECREATION
ASSOCIATION** - External Committee

No replacement representative

**KINGSWAY COMPLEX
MANAGEMENT COMMITTEE** -
External Committee

No replacement representative

**KINGSWAY SPORTS CLUB
STEERING COMMITTEE**
- External Committee

No replacement representative

**LEGAL SERVICES EVALUATION
COMMITTEE**
- formed by Council

Cmr W Buckley
Mr L Delahaunty, Chief Executive Officer
Mr R Dymock, Director, Corporate Services

**LOCAL GOVERNMENT
ASSOCIATION OF WA NORTH
METROPOLITAN ZONE**
- External Committee

Cmr R Rowell
Mr L Delahaunty, Chief Executive Officer
Mr R Dymock, Director, Corporate Services
Mr C Hall, Director, Community Services

MINDARIE REGIONAL COUNCIL
- External Committee

Cmr H Morgan AM
Cmr R Rowell
Mr L Delahaunty, Chief Executive Officer
Mr R McNally, Director, Technical Services
**Note: Check officers' entitlement to serve*

**NEIGHBOURHOOD WATCH
SUBURB MANAGERS COMMITTEE**
- External Committee

No replacement representative

**NORTH METROPOLITAN REGION
RECREATION ADVISORY
COMMITTEE**
- External Committee

No replacement representative

**NORTH WEST DISTRICT
PLANNING COMMITTEE**

- External Committee

Cmr R Rowell

Mr O Drescher, Director, Development Services

**NORTH WESTERN
METROPOLITAN REGIONAL ROAD
SUB-GROUP**

- External Committee

Cmr R Rowell

**NORTHERN SUBURBS SENIOR
CITIZENS ASSOCIATION**

- External Committee

No replacement representative

OBJECTIONS COMMITTEE

- formed by Council

Cmr C Ansell

Cmr H Morgan AM

Cmr R Rowell

Cmr M Clark-Murphy

Cmr W Buckley

**QUINNS ROCKS RECREATION
ASSOCIATION** - External Committee

No replacement representative

**REGIONAL ECONOMIC
DEVELOPMENT GROUP**

- External Committee

Mr R Fischer, Director, Strategic Planning

**REGIONAL ECONOMIC
DEVELOPMENT ORGANISATION
(NORTH)**

- External Committee

No replacement representative

**SENIOR STAFF APPOINTMENT
AND REVIEW COMMITTEE**

- formed by Council

Cmr C Ansell

Cmr H Morgan AM

Cmr R Rowell

Cmr M Clark-Murphy

Cmr W Buckley

Mr L Delahaunty, Chief Executive Officer

**SHIRE OF WANNEROO AGED
PERSONS HOMES TRUST (INC)**

- External Committee

No replacement representative

**STABLE FLY MANAGEMENT
STEERING GROUP**

- External Committee

No replacement representative

**SWAN REGIONAL FIRE
PROTECTION & SUB-REGIONAL
COMMITTEE**

- External Committee

Mr C Hall, Director, Community Services

**WANNEROO AGRICULTURAL
SOCIETY**

- External Committee

Cmr H Morgan AM

**WANNEROO & DISTRICTS
HISTORICAL SOCIETY**

- External Committee

No replacement representative

**WANNEROO CHAMBER OF
COMMERCE**

- External Committee

Cmr M Clark-Murphy

**WANNEROO EMPLOYMENT AND
SKILLS TRAINING**

- External Committee

No replacement representative

**WANNEROO GROUNDWATER
ADVISORY COMMITTEE**

- External Committee

No replacement representative

**WARWICK LEISURE CENTRE &
CHURCHES OF CHRIST
MANAGEMENT COMMITTEE**

- External Committee

No replacement representative

WARWICK SPORTSMAN'S CLUB No replacement representative
- External Committee

**WESTERN AUSTRALIAN
PLANNING COMMISSION
TRANSPORTATION COMMITTEE** No replacement representative
- External Committee

**WHITFORD CITY WANNEROO
HOSPITAL FOUNDATION** No replacement representative
- External Committee

**WHITFORD RECREATION
ASSOCIATION** No replacement representative
- External Committee

**YANCHEP NATIONAL PARK
ADVISORY COMMITTEE** No replacement representative
- External Committee

**YANCHEP TWO ROCKS
COMMUNITY BUS PROJECT** - No replacement representative
External Committee

**YANCHEP TWO ROCKS
RECREATION ASSOCIATION** No replacement representative
- External Committee

**YANCHEP TWO ROCKS
RESIDENTS ASSOCIATION INC -
RETIREMENT SUB-COMMITTEE** No replacement representative
- External Committee

**YELLAGONGA ENVIRONMENT
CENTRE INC** - External Committee No replacement representative

YELLAGONGA REGIONAL PARK No replacement representative
COMMUNITY ADVISORY
COMMITTEE
 - External Committee

COMMENT/FUNDING

As previously stated, a number of advisory groups were established along with those that suspended elected members represented the City on external committees. Members of the Commission will be requested to give consideration to serving on these bodies at the December meeting of the relevant standing committees. It is required to set a meeting cycle, appoint members to the standing committees, other committees that report directly to the Council, and representatives on external associations.

Due to the uncertainty of the duration of the appointment of Commissioners, it has been recommended to set a meeting cycle for the months of December, January and February.

RECOMMENDATION: That the Joint Commissioners:

- 1 adopt the following amended meeting dates for the months of December 1997, January 1998 and February 1998:
 - (a) Policy Committee:

8.00 am	Tuesday 9 December 1997
8.00 am	Tuesday 13 January 1998
8.00 am	Tuesday 10 February 1998;
 - (b) Finance & Community Services Committee:

10.00 am	Tuesday 9 December 1997
10.00 am	Tuesday 13 January 1998
10.00 am	Tuesday 10 February 1998;
 - (c) Technical Services Committee:

2.00 pm	Tuesday 9 December 1997
2.00 pm	Tuesday 13 January 1998
2.00 pm	Tuesday 10 February 1998;
 - (d) Development & Planning Services Committee:

4.00 pm	Tuesday 9 December 1997
4.00 pm	Tuesday 13 January 1998
4.00 pm	Tuesday 10 February 1998;

(e) Council:

6.30 pm Thursday 18 December 1997

6.30 pm Thursday 22 January 1998

6.30 pm Thursday 19 February 1998;

2 establishes the following Standing Committees:

(a) Policy Committee

(b) Technical Services Committee

(c) Development and Planning Services Committee

(d) Finance & Community Services Committee;

3 appoints the following members to the Standing Committees;

Cmr C Ansell

Cmr H Morgan AM

Cmr R Rowell

Cmr M Clark-Murphy

Cmr W Buckley;

4 adopts the Terms of Reference for Standing Committees as outlined in this Report;

5 (a) establishes the Joondalup Civic & Cultural Facilities Project Committee to consider issues relating to the development of the Civic and Cultural Facilities Project;

(b) appoints the following members to the Joondalup Civic & Cultural Facilities Project Committee:

Cmr C Ansell

Cmr H Morgan AM

Cmr R Rowell

Cmr M Clark-Murphy

Cmr W Buckley;

6 (a) establishes the Legal Services Evaluation Committee to:

(i) evaluate, shortlist and where necessary interview adequately resourced, and experienced legal firms to provide general and specialised legal services to the City;

(ii) invite tenders from adequately experienced and resourced legal practitioners;

(iii) recommend to Council a firm or firms to provide Council legal services

(b) appoints the following members to the Legal Services Evaluation Committee:

Cmr W Buckley
Mr L Delahaunty, Chief Executive Officer
Mr R Dymock, Director Corporate Services;

- 7 (a) establishes the Objections Committee to deal with objections lodged by affected persons in accordance with the Local Government Act 1995;
- (b) appoints the following members to the Objections Committee:

Cmr C Ansell
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley;

- 8 (a) establishes the Senior Staff Appointment and Review Committee to:
- (i) consider matters relating to the management structure of the City of Wanneroo
- (ii) determine applications, negotiate and present to the Council for consideration, all contracts of employment of senior employees;
- (iii) endorse the recommendations of the Senior Staff in relation to the employment of Business Unit Managers;
- (b) appoints the following members to the Senior Staff Appointment and Review Committee:

Cmr C Ansell
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley;
Mr L Delahaunty, Chief Executive Officer;

- 9 makes the following appointments to external associations:

- (a) Coastal Management Advisory Group:

Cmr R Rowell;

- (b) Community Policy Divisional Committee:

Mr C Hall, Director, Community Services;

- (c) Gngarara Mound Community Consultative Committee:
Mr O Drescher, Director Development Services;
- (d) Local Government Association of WA North Metropolitan Zone:
Cmr R Rowell
Mr L Delahaunty, Chief Executive Officer
Mr R Dymock, Director, Corporate Services
Mr C Hall, Director, Community Services;
- (e) Mindarie Regional Council:
Cmr H Morgan AM
Cmr R Rowell
Mr L Delahaunty, Chief Executive Officer
Mr R McNally, Director Technical Services;
- (f) North West District Planning Committee:
Cmr R Rowell
Mr O Drescher, Director, Development Services;
- (g) North Western Metropolitan Regional Road Sub-Group:
Cmr R Rowell;
- (h) Regional Economic Development Group:
Mr R Fischer, Director Strategic Planning;
- (i) Swan Regional Fire Protection & Sub-Regional Committee:
Mr C Hall, Director Community Services;
- (j) Wanneroo Agricultural Society:
Cmr H Morgan AM;
- (k) Wanneroo Chamber of Commerce:
Cmr M Clark-Murphy.

Appendix XX refers

ADDITIONAL INFORMATION - (1)

Item 2 of the Chief Executive Officer's Report for the Council meeting scheduled for 26 November 1997 relates to Committee/Council Meeting Cycle. This report provides a recommendation that Standing Committee meetings be held on the 2nd Tuesday of each month, and that Council meetings be held on the 3rd Thursday.

Further to the request from Commissioners that Standing Committee meetings now be held on the 3rd Tuesday of the month and Council meetings be held on the 4th Tuesday, the following amended recommendation is submitted:

ADDITIONAL INFORMATION - (2)

Item 2 to the Chief Executive Officer's report requires the nomination of replacement representatives to the Mindarie Regional Council.

The City of Wanneroo has the ability to fill 4 positions on the Mindarie Regional Council. As the Constitution of the Mindarie Regional Council does not allow officers to serve, it is necessary that four (4) Commissioners be nominated as replacement representatives.

Commissioner Morgan nominated Commissioners Buckley and Clark-Murphy for positions on the Mindarie Regional Council.

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

1 adopt the following amended meeting dates for the months of December 1997, January 1998 and February 1998:

(a) Policy Committee:

8.00 am	Tuesday 16 December 1997
8.00 am	Tuesday 20 January 1998
8.00 am	Tuesday 17 February 1998;

(b) Finance & Community Services Committee:

10.00 am	Tuesday 16 December 1997
10.00 am	Tuesday 20 January 1998
10.00 am	Tuesday 17 February 1998;

(c) Technical Services Committee:

2.00 pm	Tuesday 16 December 1997
2.00 pm	Tuesday 20 January 1998
2.00 pm	Tuesday 17 February 1998;

(d) Development & Planning Services Committee:

4.00 pm Tuesday 16 December 1997
4.00 pm Tuesday 20 January 1998
4.00 pm Tuesday 17 February 1998;

(e) Council:

6.30 pm Tuesday 23 December 1997
6.30 pm Tuesday 27 January 1998
6.30 pm Tuesday 24 February 1998;

2 establish the following Standing Committees:

- (a) Policy Committee**
- (b) Technical Services Committee**
- (c) Development and Planning Services Committee**
- (d) Finance & Community Services Committee;**

3 appoint the following members to the Standing Committees;

**Cmr C Ansell
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley;**

4 adopt the Terms of Reference for Standing Committees as outlined in this Report;

- 5**
- (a) establish the Joondalup Civic & Cultural Facilities Project Committee to consider issues relating to the development of the Civic and Cultural Facilities Project;**
 - (b) appoint the following members to the Joondalup Civic & Cultural Facilities Project Committee:**

**Cmr C Ansell
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley;**

- 6 (a) establish the Legal Services Evaluation Committee to:
- (i) evaluate, shortlist and where necessary interview adequately resourced, and experienced legal firms to provide general and specialised legal services to the City;
 - (ii) invite tenders from adequately experienced and resourced legal practitioners;
 - (iii) recommend to Council a firm or firms to provide Council legal services
- (b) appoint the following members to the Legal Services Evaluation Committee:
- Cmr W Buckley
Mr L Delahaunty, Chief Executive Officer
Mr R Dymock, Director Corporate Services;
- 7 (a) establish the Objections Committee to deal with objections lodged by affected persons in accordance with the Local Government Act 1995;
- (b) appoint the following members to the Objections Committee:
- Cmr C Ansell
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley;
- 8 (a) establish the Senior Staff Appointment and Review Committee to:
- (i) consider matters relating to the management structure of the City of Wanneroo
 - (ii) determine applications, negotiate and present to the Council for consideration, all contracts of employment of senior employees;
 - (iii) endorse the recommendations of the Senior Staff in relation to the employment of Business Unit Managers;
- (b) appoint the following members to the Senior Staff Appointment and Review Committee:
- Cmr C Ansell
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley;
Mr L Delahaunty, Chief Executive Officer;

- 9 make the following appointments to external associations:**
- (a) **Coastal Management Advisory Group:**
Cmr R Rowell;
- (b) **Community Policy Divisional Committee:**
Mr C Hall, Director, Community Services;
- (c) **Gnangara Mound Community Consultative Committee:**
Mr O Drescher, Director Development Services;
- (d) **Local Government Association of WA North Metropolitan Zone:**
Cmr R Rowell
Mr L Delahaunty, Chief Executive Officer
Mr R Dymock, Director, Corporate Services
Mr C Hall, Director, Community Services;
- (e) **Mindarie Regional Council:**
Cmr H Morgan AM
Cmr R Rowell
Cmr M Clark-Murphy
Cmr W Buckley
- (f) **North West District Planning Committee:**
Cmr R Rowell
Mr O Drescher, Director, Development Services;
- (g) **North Western Metropolitan Regional Road Sub-Group:**
Cmr R Rowell;
- (h) **Regional Economic Development Group:**
Mr R Fischer, Director Strategic Planning;
- (i) **Swan Regional Fire Protection & Sub-Regional Committee:**
Mr C Hall, Director Community Services;
- (j) **Wanneroo Agricultural Society:**
Cmr H Morgan AM;
- (k) **Wanneroo Chamber of Commerce:**

Cmr M Clark-Murphy.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

APPOINTMENT OF COMMISSIONERS - [702-13]

In accordance with Sections 8.30, 2.39 and 2.40 of the Local Government Act 1995, the Lieutenant-Governor and deputy of the Governor appointed on 12 November 1997 the following persons as joint commissioners of the City of Wanneroo:

Campbell Theodore ANSELL
Harry MORGAN AM

Chairman
Deputy Chairman

Robert Mitford ROWELL,
Marilyn Clare CLARK-MURPHY
Wendy BUCKLEY.

The above Commissioners each made an Affirmation/Oath of Allegiance and Declaration of Commission of the City of Wanneroo before a Justice of the Peace on 12 November 1997. These documents are appended hereto for inclusion in the Minute Book - Appendix XXI refers.

C376-11/97

COMMUNITY SECURITY REPORT - [905-4]

SUMMARY

The City of Wanneroo, like other Local Government authorities, has been under increasing pressure to improve community security and public safety for the residents of the City. This is in the context that the comparative crime rate within the City between 1995/96 and the 1996/97 financial years has shown only a relatively small increase in crime per 100,000 head of population.

On 25 June 1997 Council resolved to re-establish the Night Security Patrol Committee to examine the introduction of mobile security patrols within the City (report FA 121-06/97). Following months of research, Council decided at its meeting of 22 October 1997 (report CS 297-10/97) to adopt recommendations made by the Committee to change the title of the Committee to the Community Security and Safety Advisory Committee and to expand the Committee's terms of reference to encompass a broader strategic approach to addressing issues of security and safety in the City through the development of a City of Wanneroo Community Security and Safety Action Plan.

This report provides a summary of the work undertaken by the Community Security and Safety Advisory Committee to date and recommends to Council the introduction of three specific initiatives. The initiatives include:

- Introduction of a mobile community security watch service to be provided by the City's Ranger Services on a trial basis.

- Implementation of a two way communications link with the Joondalup Regional Police.
- Provision of a Crime Awareness Program for Council operational staff to be jointly conducted by Council and the Joondalup Regional Police.

BACKGROUND

Committee

Council at its meeting held 25 June 1997 resolved to re-establish the Night Security Patrol Committee consisting of Councillors Taylor, Lynn, Cooper and O'Grady to examine the introduction of night security patrols for the City.

The terms of reference of the Night Security Patrol Committee specifically related to examining the establishment of a privately contracted security patrol service similar in operation to the patrol service introduced by the City of Bayswater in early 1997. The Committee recommended that an amount of \$600,000 be listed on the 1997/98 budget to fund the establishment of patrols for a period of seven months in the current financial year. Council subsequently included this amount in the 1997/98 budget.

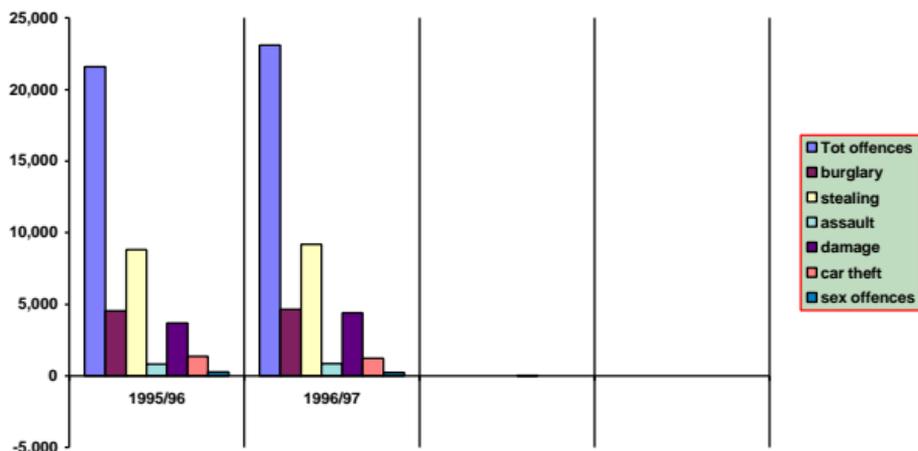
Following discussions with the local Police, examination of initiatives adopted or under consideration by other Local Government authorities including the City of Bayswater mobile security patrol scheme, attendance by staff and a Councillor at a seminar on "Security in Local Government" conducted by the City of Gosnells on September 25, 1997, Council adopted recommendations made by the Night Security Patrol Committee to change the title of the Committee to the Community Security and Safety Advisory Committee and broaden the terms of reference of the Committee to reflect a broader strategic approach to addressing issues of security and safety in the community. The latter included expanding the membership of the Committee to consist of representatives from various Directorates of the City's administration and the adoption of a framework for the development of a City of Wanneroo Community Security and Safety Action Plan (Appendix XXII refers)

The Community Security and Safety Advisory Committee was of the view that as the Committee was dealing with sensitive information involving the Police and proposed security operational matters the minutes and all other documentation concerning the meetings would be marked "Not for Publication".

Crime in the City of Wanneroo

Crime Statistics

The following graph shows a breakdown of reported offences for the 1995/96 and 1996/97 financial years for the City of Wanneroo.



The crime figures released in May 1997 by the Western Australian Police Service Environmental Scan for the calendar year 1996 identified that Joondalup Police District recorded the lowest incidents of crime per 100,000 persons in the Perth metropolitan area. However, the crime rate increased by 7.5% in the year ended 30 June 1997 indexed to population growth by 3.3%.

Through district crime analysis, individuals, locations and suburbs have been targeted by the Police with the objective of reducing incidents of crime. Significant success was reported by the Police including for the suburb of Girrawheen (highest crime rate in the district) where crime was reduced by 7.8% for the year.

District "property related crime" offences (89% of all crime) have shown an ongoing downward trend from January to June 1997 and beyond. Through an increase in focus on "street level" drug usage, a 19.6% increase in offences detected was recorded.

Trouble spot locations

Research collated by the Police Crime Analysis Unit has indicated that the areas where people can easily enter, congregate and exit such as shopping centres, reserves and public facilities are where a high level of criminal activity and anti social behaviour will be active. These areas should be specifically targeted in any mobile security patrol service.

Given the large geographical size of the City and the spread of population, for example areas such as Yanchep, Two Rocks, Carabooda, Neerabup and Nowergup, it is considered important to develop strategies which are appropriate for the municipality and which are realistic in terms of available finances and resources.

Role of Local Government

The City has identified within its Strategic and Principal Activities Plans the following objectives:

- To create a city which is healthy, friendly and **safe**, with strong community spirit; and
- In partnership with the Police, improve the safety and security of the community by:
 - a. improving communication between Council Officers and Police to reduce response time to crime.
 - b. participating with the Police in the further development of community policing and crime prevention approaches.
 - c. evaluating adopting a suburban security system.

Local Government authorities can perform an important role in addressing issues of community security and public safety in areas that are consistent with the core business of Local Government, for example, by adopting appropriate environmental design strategies and implementing anti-graffiti programs designed to protect community property. As the level of government closest to the people, Local Government can implement proactive programs and strategies with immediate impact to meet community concern about issues of community security and public safety.

The City's proposed Community Security and Safety Action plan is designed to incorporate a range of initiatives which is consistent with the role and core business of local government authorities. In preliminary terms the overall objectives of the City of Wanneroo's Community Security and Safety Action Plan can be defined as follows:

- to contribute to creating a safe environment in which the residents of the City can live and work
- to achieve both a feeling of safety and actual level of improved safety for the residents of the City
- to work in partnership with other statutory bodies and voluntary organisations to ensure a co-ordinated and effective approach to addressing issues of community security and public safety within the City

Other Key Players

In order to maximise the use of limited resources, ensure a co-ordinated approach, and achieve optimum effectiveness in addressing issues of community security and public safety, it is essential that the City work in partnership and develop strategic alliances with other statutory and voluntary organisations such as the Police, Family and Children's Services, Education Department, Ministry of Justice, and the Community Policing Committee and Neighbourhood Watch Committees. These partnerships and alliances are presently being strengthened.

Issues involved in developing a suitable security and safety action plan for adoption by the City are complex in nature. Significant cooperation and liaison with other relevant organisations is critical. There is also a need to avoid both duplicating the use of resources and assuming what is the core responsibility of other authorities such as the Police.

- **Police:**

There are three Police Stations located within the City's boundaries - Joondalup, Warwick and Wanneroo. In an effort to better co-ordinate activities and initiatives, the boundaries of the Joondalup Police District are about to be realigned to make them consistent with the boundaries of the City.

Considerable communication is being undertaken with the Joondalup police in order to explore the development of joint initiatives and to receive assistance from the Police in the development of the City's security and safety strategies. Meetings are being held on a regular fortnightly basis between representatives of the City and the Police.

- **Community Policing Committee:**

The Joondalup District Policing Committee has a membership from all three Police Stations as well as Family and Children's Services, Education Department, Ministry of Justice, Perth City Mission, a local member of Parliament, Main Roads, Western Power and the Aboriginal community. Two Councillors have been members of the Committee and various staff participate on subcommittees addressing specific strategies such as anti-graffiti programs.

Communication has been increased between the City and the Committee's executive members during the past month as discussions have focused on a proposal put by the City to the Committee that the Committee conduct a major community summit on issues of community security and safety for the region.

Specific Developments to Date and Future Directions

To date the development of the City's Community Security and Safety Action Plan has focused on three key strategies - improving cooperation and developing alliances with other key organisations, undertaking education for Councillors and staff on issues of community security and safety, and developing a proposed community security watch scheme.

The development of the City's proposed community security watch scheme has seen exploration of a number of alternative options for the provision of mobile security patrols throughout the City. Reference has been made to mobile security patrol initiatives already implemented or being developed by other Councils - Mandurah, Bayswater, Stirling, Belmont and Perth.

In addition to the patrols, the Community Security and Safety Advisory Committee has recommended that a two way communications link be developed between the City's operational field staff and the local Police as part of the City's community security watch scheme. This would enable the reporting to police of incidents of antisocial and criminal behaviour by the City's staff. The communications link would be established by expanding the City's two way radio system to allow reporting to take place. The cost of implementing this initiative would be minimal.

To ensure that this facility will be appropriately and effectively used by staff it is proposed that a crime awareness program be conducted for operational staff of the City.

Other strategies listed in the Community Security and Safety Action Plan are also being developed at the current time. Further reports will be provided to Council as these strategies are developed.

It is proposed that the various strategies be launched by Council as they are implemented.

DETAILS

City of Wanneroo Community Security Watch Scheme

The development of this proposed Scheme has involved two processes - completed and proposed education of Councillors and staff concerning issues of security and safety; examination of the provision of security patrols.

Education

On 11 November 1997 a Security and Safety workshop was conducted for Councillors and staff by a representative from a private security firm. This workshop served as an introduction to some of the key issues concerning safety and security from a professional perspective.

In addition to this initiative, it is proposed to provide information to all operational field staff about issues of security and safety and to elicit their assistance in reporting incidents of antisocial behaviour and the like to police. The City employs a large outside workforce the majority of whom are in the field for most of their working time. Most of these officers also reside within the municipality and it is assumed that they have a keen interest in matters of local community security and safety. It is envisaged that staff would act as the "eyes and ears" for the Police. There would be no expectation or requirement of staff to do anything but undertake an observation role and report appropriate matters to the police. Participation by staff in this component of the Scheme would be entirely voluntary, with this component being promoted to staff within the context of a community service obligation.

The Crime Awareness Program for staff would be conducted jointly by local Police and the City's senior officers. Each training session for staff would be no longer than two hours duration.

A summary of the contents of the proposed programme is as follows:

- *Partnership - Joondalup Police and the City of Wanneroo*
- *Crime Statistics*
- *Community Based Policing*
- *Crime Prevention Resource Centre*
- *Identifying Suspicious Activity*
- *Reporting Procedures*
- *Police Response*

To enable the community security watch scheme to be implemented effectively it is proposed to establish a direct communications link with the Police. This will involve the installation of a communications system link utilising the City's two way radio which would establish a communications system between the City's employees and the Joondalup Police Station

Joint operation procedures will be developed with the Police to ensure that the best use of the communication system is achieved and maintained.

Mobile Patrols

The objectives of the proposed mobile patrols are:

- to act as the eyes and ears for the Police
- to report incidents to the Police and other statutory and relevant voluntary organisations
- to provide a highly visible presence in the community.
- to primarily target trouble spots within the City
- to increase protection of the City's assets

A number of options have been examined for the provision of security patrols either including contracting private security services or expanding the City's Rangers Services (both joint patrols with Police and Ranger Services Patrols only).

At the Community Security and Safety Advisory Committee meeting held on 28 October 1997 a summary of the outcomes of the Registrations of Interest received from private security firms for the provision of patrols was provided. An examination of the submissions received showed that the cost to operate the service on a weekly basis for a trial period would be prohibitive..

Prior to the Committee meeting held on 28 October 1997 the Committee had requested further quotations be sought from companies based on the implementation of a contracted mobile security patrol service for a three month trial period which would operate on three evenings/nights per week.

In addition to the above, the Committee had considered a proposal to fund the establishment of joint patrols between police and Ranger Services over a seven day week for a three month trial. The trial would involve the employment of additional Rangers and purchase or lease of additional Ranger Service's vehicles. This proposal is still under consideration.

An alternative option was also developed by Ranger Services staff which proposed to establish mobile patrols operated by the Ranger Services unit. This proposal was adopted by the Community Security and Safety Advisory Committee for recommendation to Council.

Under this proposal, the community of the City of Wanneroo would be provided with both day and night patrols seven days a week.

The patrols would be conducted over a 7 month trial period commencing on 8 December 1997 and finishing on 30 June 1998. An additional eighteen patrols would be provided per week. The trial period would provide Ranger Services with sufficient time to adequately implement, refine and evaluate the trial patrols.

The total costs for the trial period 8 December 1997 to 30 June 1998 would be as follows:

Capital Costs

Purchase of additional 3 vehicles	\$69,100
Purchase of vehicle equipment	<u>\$25,900</u>
Total	<u>\$95,000</u>

Operational Costs

Salaries/wages and other operating	<u>\$127,185</u>
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The Community Security and Safety Advisory Committee was firmly of the view that there are significant advantages in operating the patrols "in house" through Ranger Services. These advantages include:

- All of the full time Rangers live in the City and all have a thorough working knowledge of the locality and of Council facilities.
- Direct access to and control of resources.
- Expansion of the security service across the entire week, both day and night, rather than specifically targeted to Thursday, Friday and Saturday evenings.
- Combined Ranger Services with security patrols.
- Developed working relationship with the Police with direct communications link to local Police Station.
- Additional resources to enhance customer service.
- Knowledge of Council's security keying and alarm systems.
- Knowledge of relevant Acts and Local Laws.
- Capacity to expand or decrease the service as required
- Capacity for the City as the employer to fully direct the provision of the Service
- Capacity to expand the service to include joint patrols with Police at a later date
- Improved capacity to effectively and accurately evaluate the effectiveness of the Service and to establish realistic performance indicators

COMMENT/FUNDING

An allocation of funds to the value of \$600,000 has been included in the Ranger Service's operating budget for the current financial year (ref: account no. 22384).

Expenditure on initiatives proposed in this report would be as follows:

\$2,038	Installation of the two way communications system between the City's employees and the Joondalup Police.
\$69,100	Purchase of additional three vehicles
\$25,900	Purchase of vehicle equipment to allow upgrading of all Ranger Services vehicles to security patrol status.
\$127,185	Other operating costs

The remaining budgeted funds will be use to develop and introduce additional strategies.

REPORT RECOMMENDATION: That the Joint Commissioners:

- 1 endorse the introduction of a mobile security patrol service to be conducted by the City of Wanneroo Ranger Services at an operating cost of \$127,185 and capital cost of \$95,000 for a trial period commencing on 8 December 1997 and finishing on 30 June 1998 with a progress review report to be provided to Council at its March 1998 meeting, and a final review report to be provided to Council at its July 1998 meeting;
- 2 authorise, BY ABSOLUTE MAJORITY in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995 the reallocation of \$95,000 from operational expenses in Ranger Services Security Services (line item 22384 All Night Security) to capital expenses in Ranger Services to provide for the purchase of three additional vehicles and a vehicle fleet upgrade to full mobile security patrol status for all Ranger Service's vehicles;
- 3 endorse the proposal to pursue the development of joint patrols between the City's Ranger Services and the Joondalup Police with a report to be furnished to Council prior to the introduction of the joint patrols;
- 4 endorse the proposal to establish a two way radio communications link between the City and the Joondalup Police Station from 1 December 1997 at a cost of \$2038;
- 5 authorise the commencement of a crime awareness education programme for the field operations staff of the City commencing 10 December 1997;
- 6 authorise the implementation of the aforementioned security and safety strategies under the title of "City of Wanneroo Community Security Watch Scheme" to be launched in early December 1997;
- 7 note the "not for publication" minutes of the Community Security and Safety Advisory Committee meetings held on 28 October 1997, 31 October 1997 and 11 November 1997.

ADDITIONAL INFORMATION

Council at its meeting held on 25 June 1997 (item FA121-06/97) resolved to invite Registrations of Interest from qualified security organisations to provide security patrols in the City of Wanneroo.

A report on Community Security has been submitted to Council which recommends the introduction of a mobile security patrol service to be conducted by the City of Wanneroo Ranger Services.

Accordingly, it is necessary for Council to resolve not to proceed with the Registrations of Interest and to advise all interested security organisations accordingly.

The following additional recommendation point 8 is submitted for consideration.

“8 That Council not proceed to call for tenders as a result of the Registrations of Interest received and advises all the interested security organisations accordingly.”

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

- 1 endorse the introduction of a mobile security patrol service to be conducted by the City of Wanneroo Ranger Services at an operating cost of \$127,185 and capital cost of \$95,000 for a trial period commencing on 8 December 1997 and finishing on 30 June 1998 with a progress review report to be provided to Council at its March 1998 meeting, and a final review report to be provided to Council at its July 1998 meeting;
- 2 authorise, in accordance with the provisions of Section 6.8(1) of the Local Government Act 1995 the reallocation of \$95,000 from operational expenses in Ranger Services Security Services (line item 22384 All Night Security) to capital expenses in Ranger Services to provide for the purchase of three additional vehicles and a vehicle fleet upgrade to full mobile security patrol status for all Ranger Service's vehicles;
- 3 endorse the proposal to pursue the development of joint patrols between the City's Ranger Services and the Joondalup Police with a report to be furnished to Council prior to the introduction of the joint patrols;
- 4 endorse the proposal to establish a two way radio communications link between the City and the Joondalup Police Station from 1 December 1997 at a cost of \$2038;
- 5 authorise the commencement of a crime awareness education programme for the field operations staff of the City commencing 10 December 1997;
- 6 authorise the implementation of the aforementioned security and safety strategies under the title of "City of Wanneroo Community Security Watch Scheme" to be launched in early December 1997;
- 7 note the "not for publication" minutes of the Community Security and Safety Advisory Committee meetings held on 28 October 1997, 31 October 1997 and 11 November 1997;
- 8 That Council not proceed to call for tenders as a result of the Registrations of Interest received and advises all the interested security organisations accordingly.

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix XXII refers

C377-11/97

REVIEW OF DELEGATION OF DEVELOPMENT CONTROL POWERS - [201-1-1, 960-1]**SUMMARY**

The Council's resolution delegating authority to determine development applications to the Chairman of the Development and Planning Services Committee in conjunction with the Director, Development Services requires review due to the recent suspension of the Council.

It is recommended that the new delegation resolution be adopted to involve one of the Commissioners who will be the Chairman of the Development and Planning Services Committee, in conjunction with the Director of Development Services.

BACKGROUND

Since the late 1970's the Council has delegated a broad range of its development control powers to the City Planner and City Building Surveyor . Since 1995, Council also delegated further such powers to the Chairman of the Town Planning Committee (now Development and Planning Services Committee), in conjunction with the City Planner (now Director, Development Services).

This delegation of authority is essential, given the large number of development applications received by the City and the need to process these applications within statutory time limits and in the most efficient manner possible.

Applications dealt with under delegated authority are those of a straightforward, non-contentious nature, where decisions can be made in accordance with Council policies or generally where past experience has shown that the Director, Development Services recommendation would have been adopted by Council.

Following the City's administrative restructure, Council reviewed its delegation resolution at its meeting in October 1997 (item DP247-10/97). The extent of those applications that could be determined under delegated authority did not change at this stage, however, the resolution was modified to reflect new officer titles and to provide some mid level officers with the authority previously delegated to the City Planner. A copy of this resolution (which relates to both development and subdivision related delegation) is included as Appendix XXIII to this report.

On 12 November 1997 the Council of the City of Wanneroo was suspended and five joint Commissioners were appointed to administer Councils functions. The authority that Council had delegated to the Chairman of the Development and Planning Services Committee in conjunction with the Director, Development Services therefore became ineffectual.

DETAILS

Both the City's Town Planning Scheme No1 and the Western Australian Planning Commission's Notice of Delegation made pursuant to the Metropolitan Region Scheme provide for delegation to the following:

- 1 a member of the Council being the Chairman of the committee required at the direction of Council to consider and report upon all applications for Development Approval within the district, and being qualified by experience with the work of any

such committee; and/or

- 2 that officer or those officers of the authority, holding or eligible to hold a Municipal Town Planner's Certificate appointed to the position of Town Planner for the purposes of the Local Government Act with overall responsibility for the planning function of the Council or appointed by the Council to supervise the development control functions of the Council; or
- 3 those persons who from time to time occupy any of the positions referred to above.

The Local Government Act 1995 provides that a Commissioner is to be regarded as the Council and the function of a Commissioner is to exercise the powers and discharge the duties of the Council of the relevant local authority and its mayor. The Act also provides that where 3 or 5 Commissioners are appointed, as in the case of the City of Wanneroo, then the Commissioners are to exercise their powers and discharge their duties jointly. It is therefore open to 'Council' to establish committees to assist in undertaking Council duties.

COMMENT

Three preferred options exist in order to reinstate the extent of delegation previously held by the Chairman of the Development and Planning Services Committee in conjunction with the Director, Development Services. These being:

- 1 Delegate authority solely to the Director, Development Services (or the Manager, Approval Services in the absence of the Director, Development Services) to determine these classes of development applications;
- 2 Delegate authority to the Director, Development Services (or the Manager, Approval Services in the absence of the Director, Development Services) to determine these classes of applications, only after consultation with a nominated Commissioner; or
- 3 Establish a Committee, under the direction of Council, to consider and report upon applications for development approval within the City. Appoint a Chairperson to this Committee, being a Commissioner experienced with the work of such a Committee. Delegate to this suitably experienced Chairperson the authority to determine these classes of development applications in conjunction with the Director, Development Services (or the Manager, Approval Services in the absence of the Director, Development Services).

Either option 2 or 3 of the above is recommended as these most closely resemble the extent of delegation previously in operation and have the benefit of the equivalent of an elected member involved in the decision process. The final option chosen would depend upon whether Council chooses to establish committees.

It is understood that Council is intending to establish a series of Committees, including a Development and Planning Services Committee, to assist in undertaking its duties. The recommendation is therefore framed in terms of Option 3 above. Commissioners are reminded that the Chairperson of this Committee must be qualified by experience with the work of such a Committee if authority is to be delegated to such a person.

For clarity the following recommendation also encompasses the extent of delegation currently available to mid level planning officers in respect to development applications. It should be noted that a resolution by absolute majority will be required in this instance.

MOVED Cmr Morgan, SECONDED Cmr Buckley that:

- 1** pursuant to the powers contained in the Western Australian Planning Commission instrument of delegation under the State Planning Commission Act 1985, published in the Government Gazette of 2 December 1992 as amended, and pursuant to the powers contained in s.3.34 of the City of Wanneroo Town Planning Scheme No 1, (TPS 1) delegates its authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, and composite applications) or for approval to exercise the discretion contained in TPS 1 (including the Residential Planning Codes) to:
 - (a)** each of the planners who is a member from time to time of the Approvals Business Unit of the City (being the officers appointed to supervise the development control functions of the Council), but only where the decision would involve:
 - (i)** an approval in accordance with Council Policy and/or TSP1 requirements, except in the case where that application has been advertised and objection has been received;
 - (ii)** the exercising of discretion permitted under the Residential Planning Codes for setbacks by up to 10% where it is considered that the reduced setback will not detrimentally affect the development, adjoining properties or the streetscape;
 - (iii)** the exercising of discretion under the provisions of Town Planning Scheme No 1 to reduce building setbacks, carparking, and/or landscaping by up to 10% where it is considered the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape;
 - (iv)** the exercising of discretion to determine whether or not advertising/neighbour consultation is required;

- (b) the Chairperson of the Development and Planning Services Committee, in conjunction with the Director, Development Services (or the Manager of Approval Services in the absence of the Director Development Services) for the remaining applications with the exception of the following categories which the delegates shall refer to the Council for determination;
- (i) where the application would involve the modification of a structure plan, an amendment to TPS1 or the relocation of a building envelope;
 - (ii) where objection has been received regarding the application;
 - (iii) where the application has planning merit but is inconsistent with Council policy: or
 - (iv) where the application involves a use not listed.

2 where decisions have been made by a delegate pursuant to any of the preceding delegations, requires a schedule of decisions to be provided at a subsequent meeting of Council, setting out in each case brief details of the land and the determination made, with a short summary explanation.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY

Appendix XXIII refers

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION - CR HOLLYWOOD

Cr Hollywood gave notice that he will move the following Motion at the Council meeting to be held on 26 November 1997.

“THAT any reports asked by Councillors that cost more than \$3,000 be brought back to the Council for approval.”

Council’s Standing Orders state that:

“A notice of motion shall lapse unless the member who gave the notice thereof or some other member authorised by him/her in writing, is present to move the same when such motion is called on.”

Chief Executive Officer advised that in view of the fact that the above Motion was given by Cr Hollywood, who is currently under suspension, the Motion lapses at this point.

MOTIONS FOR FURTHER ACTION

Nil

DATE OF NEXT MEETING

The next Ordinary Meeting of the Joint Commissioners has been scheduled for 6.30 pm on **TUESDAY, 23 DECEMBER 1997**

QUESTION TIME**Cr John Hollywood, Burns Beach:**

Q1 TS301-11/97 (Refurbishment of the Administration Building) - Cr Hollywood queried the reasons for accepting the second lowest tender submitted for this refurbishment, when the lowest tender submitted was \$150,000 less.

A1 Chief Executive Officer's response: It is my belief the second lowest tender was the lowest legal tender received, the lowest priced tender being submitted late. The Tender Regulations are very strict in that they do not allow any discretion in that area, so in this situation the lowest legal tender was accepted.

Q2 How much will the private Joondalup Hospital be paying in rates this year?

A2 Director Resource Management's response: At present I am unable to answer this question, as discussions are currently in progress with the Valuer General's Department in relation to the GRV.

Chairman advised this question would be taken on notice.

Mr M Charuga, Koondoola:

Mr Charuga submitted a 95-signature petition in relation to the proposed BMX track and playground area to be constructed at Rendell Park, Koondoola.

Whilst the residents are appreciative of action being taken by the City of Wanneroo, they felt funds could be better expended in other areas and have listed their requests in the petition for consideration.

Mr Noel Gannon, Sorrento:

Mr Gannon referred to Late Item No 1 - Community Security Report, Point 3 which states:

“3 endorses the proposal to pursue the development of joint patrols between the City's Ranger Services and the Joondalup Police with a report to be furnished to Council prior to the introduction of the joint patrols.”

Mr Gannon queried whether the southern area of the City of Wanneroo would be provided with the same services, as this area fell within the boundaries of the Warwick Police, not Joondalup Police.

Chief Executive Officer's response: Although Warwick Police Station, and Wanneroo Police Station are quite separate, all came under the one region - the Delta Programme and the Superintendent in Charge of the region incorporates all Police Stations. This created a unique opportunity for "one on one" patrols currently under consideration.

Mr S Magyar of Heathridge:

Item DP253-11/97 - Flynn Drive Industrial Area

Q1 Do you consider this Motion appropriate tonight without consideration being given to rescinding the previous resolution of Council?

A1 Chairman's response: I was unaware of that particular resolution, but feel the officers of the City would not be putting forward a resolution that had previously been excluded by the Councillors.

Director, Development Services response: The motor sports area is already there. The question relates to the drag races and the broader question where the City is concerned and this is being evaluated. The racing circuit already exists and is used by a number of other vehicle users. This report recognises the need for further assessment.

This question will be taken on notice.

Ms V Hancock:

Continuing on from Mrs O'Grady's question to Cmr Morgan:

Q1 How long ago were you asked to accept the position of Commissioner? Your reply of six weeks coincides precisely with when I was elected to the office of Councillor.

Q2 I would like to know whether my election had anything to do with the suspension of Council?

A1 Cmr Morgan's response: I can only reiterate what I stated earlier. At that time I was asked whether I would be available. No decision was conveyed to me until the Sunday evening prior to the appointment (on 12 November 1997).

A2 Not to the knowledge of the Commission.

Mrs A Hine, Wanneroo:

Q1 With reference to the Mayor's motor vehicle, I understand the car was returned to the Chief Executive Officer. Could you advise this meeting whether:

(a) this car is being used by anyone for official business?

- (b) *whether the car is being used by anyone for commuting purposes?*
- (c) *if so, please advise this meeting who is using the car?*
- (d) *if the car is used by a Commissioner, is this use included as a part of the salary package the ratepayers of the City of Wanneroo are being forced to pay for the five Commissioners, or is the use of this car over and above the exorbitant salaries already being paid?*

A1 *Chairman's response:* None of the Commissioners are using the mayoral vehicle.

Q2 *Regarding leave of absence requested by Cmr Clark-Murphy:*

- (a) *Will Cmr Clark-Murphy still be paid by the ratepayers of the City of Wanneroo at the rate of \$1130.76 per week while on leave?*
- (b) *If not, at what rate?*

A2 *Chairman's response:* This question has already been answered. I will take this question on notice and respond to you at a later date.

Q3 *(Addressed to Mr R Fischer, Director, Strategic Planning)*
Based on the 43 page report on the inquiry by the Minister for Local Government, your Department was found to be grossly incompetent.

Can you give the ratepayers of the City of Wanneroo any valid reason why you should not resign, or why you have not already resigned?

A3 *Chairman's response:* The Chairman stated this remark was quite unfair and did not wish Mr Fischer to respond.

Q4 *I asked a number of questions at the Council meeting held 22 October 1997 to which I have not received a reply. 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 address the problems in relation to the final findings which have been found in this report?*

A4 *Chairman's response:* The Commissioners will be using their best endeavours to make sure that all the recommendations of both the Royal Commission and the Kyle inquiry will be adhered to.

Q5 *To date I have not received a response to questions I raised which Chief Executive Officer advised may be of a defamatory nature. These questions related to Manakoora Rise.*

Chief Executive Officer advised that he had sought a legal opinion as to the defamatory nature of the questions and indicated the questions were considered not to be of a defamatory nature. Why were these questions not read out at tonight's Council meeting?

- A5 *Chief Executive Officer's response:* In relation to questions submitted on 22 October 1997 regarding Manakoora Rise, these have been answered and made available this evening. At the October Council meeting it was indicated that where possible, answers to questions raised would be circularised for members of the public, making it unnecessary for these to be read out at the meeting.
- Q6 *In relation to the Policy Committee meeting on 10 November 1997, Mrs Hine raised her concerns regarding the lay out of the room and the acoustics.*
- A6 *Chief Executive Officer's response:* We are in the process of forwarding a letter to you explaining the details of the problems raised, but if you wish this to be treated as a question, we are happy to do so.
- Q7 *Why have the Councillors been suspended, and no staff members?*
- A7 *Chairman's response:* As to the suspended Councillors, there is a inquiry being undertaken regarding the activities of the suspended Councillors. This inquiry is quite separate from work being carried out by the Commissioners.
- Q8 *If Councillors have been given the wrong information from officers, should they not be reimbursed payback if they are reinstated?*
- A8 *Chairman's response:* I would have thought if they are reinstated, they will be paid payback, but this is not my decision to make.

Mr A Taylor:

- Q1 *At the beginning of the meeting a statement was made regarding the legality of tonight's meeting when a question was taken on notice. Could it be clarified when you intend to answer this question so that it can be known when the resolutions you have passed tonight will be acted upon?*
- A1 *Chairman's response:* An answer will be provided first thing tomorrow morning.
- Q2 *Regarding the Appendix to the Manakoora Rise report which has been released to be issued to the Commissioners, when will this Appendix be available in the libraries*

A2 *Chief Executive Officer's response:* My understanding is the Appendix has only been granted at this stage by the Minister to be made available to Commissioners. The Appendix was not tabled in Parliament and may have been subject to legal privilege. It is at the discretion of the Minister where the report can be released.

Mr A Blanko, Koondoola:

With regard to bus stops in the Koondoola area being covered by graffiti and the clean up time taken by Council of approximately 30 days, I have been approached in co-ordination with Focus Association, Neighbourhood Watch and Perth City Mission to set up a graffiti taskforce:

Q1 *If a volunteer is provided with paint to cover up graffiti on a bus stop, is this allowed by the City of Wanneroo?*

A1 *Director, Technical Services response:* The City of Wanneroo utilises volunteers to paint out graffiti on bus stops, but this is carried out in a structured way through Perth City Mission.

Ms J Hughes, Girrawheen:

Q *Ms J Hughes expressed her concern at the lack of funding for the area of Girrawheen and asked that consideration be given to this matter.*

A *Chairman's response:* Yes, this will be addressed and we will get back to you.

Mrs J Blanko, Koondoola:

Q1 *I would like to invite all Commissioners here this evening to go to Koondoola to see how people in the South Ward live. Koondoola is situated next to Girrawheen - the whole area is covered with graffiti. There are massive problems in this area, no footpaths. An assurance was given in the 1997/98 budget that all footpaths in Koondoola would be upgraded. The people living in these areas are low income earners or receiving pensions and are unable to afford \$80.00 - \$100 for the removal of graffiti.*

A1 *Chairman's response:* These sentiments will be added to previous questions on this issue and will be reporting back to you. This will be a matter for a report from the Commissioners.

Mr M Whiteside, Ocean Reef:

Q1 *The members of your workforce put questions forward to Mr Delahaunty (which were answered). There was a resolution passed at a meeting that the workers had no confidence in their Line Managers in relation to enterprise bargaining agreements and Clause 45. Workers are unsure of what is happening and would like some answers?*

A1 *Chairman's response:* I will take this question on notice and speak to the Chief Executive Officer in this regard.

Mrs A Hine, Wanneroo:

Q1 *Why is East Wanneroo lacking in funds?*

A1 *Chairman's response:* East Wanneroo will be added to the list of others who have expressed concern about where funds are being spent. This will be the subject of a separate report by the Commissioners.

Q2 *Instead of \$12,000 being spent on the Councillors bar, could this money be spent on an acoustics system in the Council Chamber?*

A2 *Chairman's response:* The acoustics in the Council Chamber will be investigated.

Mr S Magyar:

Q1 *What process can be put in place to obtain minutes of previous Council and Committee meetings to be corrected?*

At one of the Committee meetings I declared an interest in an Item and that declaration has not been recorded in the minutes.

A1 *Chairman's response:* These minutes will be circulated to suspended Councillors and their comments sought.

Q2 *Page 27, TS303-11/97 - Modification of Dual carriageway. According to the diagram, it appears that the developer gains an extra 12-13 lots, possibly with a value of up to \$200,000 each. Was this taken into consideration when the Commissioners approved the modified plan that appears to give an advantage to the adjoining developer?*

A2 *Director, Development Services response:* Hepburn Avenue was dedicated from the present landowners land some 20-30 years ago. In view of the fact that the road standard has changed, this land is being reinstated to the landowner. This land is Crown Land.

The Chairman stated he would now close the meeting and thanked members of the public for attending and encouraged the public to attend in the future as it is important the Commissioners hear from the public. The Chairman advised Commissioners were available to be contacted.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2015 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
 MORGAN
 ROWELL
 CLARK-MURPHY
 BUCKLEY