



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 22 SEPTEMBER 1998**

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DATE OF NEXT MEETING 104

CLOSURE 104

CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN WANNEROO CIVIC CENTRE, CIVIC DRIVE, WANNEROO, ON TUESDAY, 22 SEPTEMBER 1998

ATTENDANCES

Commissioners:

C T ANSELL	Chairman
H MORGAN, AM	Deputy Chairman
R M ROWELL	
M C CLARK-MURPHY	<i>From 1801 hrs to 1845 hrs; then from 1848 hrs</i>

Officers:

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

APOLOGIES AND LEAVE OF ABSENCE

An apology was tendered by Cmr Buckley.

There were 24 members of the Public and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1800 hrs.

PUBLIC QUESTION TIME

The following questions were submitted by Mrs A Hine:

Q1 Question 1 to Council, 14 July 1998, Page 2 and answer Question 3. The answer I got was - "It was sold as a school, but it has now been rezoned by the purchaser". Is this a mistake?

A1 The site was sold by the Department of Land Administration as it was considered surplus to the Education Department's requirements for school purposes. The local authority zoning of the site is currently Local Scheme Reserve Public Use - Primary School. The Metropolitan Region Scheme zoning of the site is Urban. After acquiring the site, the purchaser subsequently submitted an application to the City to rezone the land to accommodate residential development.

Q2 Question 5B to Council, 11 August 1998, Page 3- Part of the answer was "The current configuration of this land is not conducive to efficient and effective public open space management". How long has this Public Open Space been in existence? And how long has management not been conducive to efficient and effective management on this land, and why have we not heard about a problem before now?

A2 The public open space configuration around the Greenwood Primary School was created during subdivision (approximately 1967/68).

Maintenance of dry parks with a linear configuration is inefficient due to the type of machinery required and annual weed growth.

Council has expressed concerns regarding linear public open space and the recent planning direction has changed to reflect these concerns. Public open space is designed to provide recreational activities with good visibility and aesthetic appeal to the community. Retention of natural vegetation is part of the aesthetic appeal.

Council installed a series of walkway lighting to linear public open space in 1986/87 in response to community concerns.

Q3 Could Council recommend to the State Government that they keep the school for a library for Greenwood Ratepayers? That is if the developer would accept an offer to sell back.

A3 The school was sold by auction by the Department of Land Administration on 8 December 1997. Council can only recommend a buy back option to the government for consideration. The Greenwood locality would not meet Library Information Services criteria for additional branch library, in view of the branches existing in Duncraig and Girrawheen.

The Chief Executive Officer referred to correspondence received from Mrs Mann and advised that it was considered more appropriate to deal with this item as a petition to Council. Accordingly this matter will be dealt with in conjunction with other letters and petitions relating to the proposed cancellation of portion of Reserves 30958 and 31016 Greenwood.

The Chief Executive Officer advised that he had received several questions from Mr S Magyar of 31 Drummer Way, Heathridge. Answers had been prepared, but Mr Magyar had advised that following perusal of the new recommendations prepared for CJ125-09/98, he wished to withdraw his questions.

Mr J Hollywood, Burns Beach:

Q1 In relation to the question I asked six weeks ago relating to a bar chart. Is this bar chart available and does it indicate the time frame for the division of the City and the Shire of Wanneroo?

A1 Response by Cmr Ansell: As yet this is not ready, but every endeavour will be made to have it available by the next meeting.

Q2 Over a year ago, I asked for a costing on constructing a limestone footpath from Marmion Avenue to Burns Beach. To date, I have not received an answer.

A2 Response by Director, Technical Services: I believe an actual costing has been provided in response to previous questions, but I will take this question on notice.

- Mr Hollywood submitted a 265-signature petition from people asking for a footpath to be constructed from Marmion Avenue to Burns Beach. He advised that the majority of people wished to carry on walking along Burns Beach Road, but at present considered this to be too dangerous.*

Q3 Has the City received any response from the owners of the unlicensed signs along Marmion Avenue as to when these will be removed?

A3 Response by Cmr Rowell: Notices have gone out to people who have signs on road reserves and they have been given a certain period to remove the signs. I understand you would have received a similar notice and the aim is that if the signs are not removed by the date given, Council will take prescriptive action; whether it be legal, or whether it will be the removal of the signs and storage elsewhere. Council has today sent out notices to political aspirants, advising them of the rules where signs can be placed and how they should make an application for placement of signs. All candidates in the area are being advised as to what the requirements are for an application on that basis.

- Mr Hollywood indicated he was referring to mainly development signs, not political signs.*

- Cmr Rowell advised that a number of developers had removed their signs and were putting pressure on Council to remove other signs.*

- Mr Hollywood stated the signs were only illegal as they did not have a licence and queried if he requested a licence, would he be given one.*

- Cmr Rowell advised that if the licence was for placing signs in the road reserve, it would be very unlikely a licence would be issued. If it was for the placement of signs on private property an application could be made. This would again fall within Council's signs and hoardings requirements which would stipulate a certain size and requirement of material used.
- Q4 *As you are aware, I am attempting to save the bushland on the corner of Marmion Avenue and Burns Beach. If we are unsuccessful in saving this bushland, will Council let concerned residents have some input into where the 10% open space will be located?*
- A4 *Response by Cmr Ansell:* I see no reason why not.
- Q5 *Will Council ask developers on behalf of residents to save as many macrozamia palms and grass trees (black boys) so they can be replanted elsewhere?*
- A5 *Response by Cmr Rowell:* Council is currently looking at these type of requirements. A letter has been forwarded to Mrs Hine along this issue trying to confer with developers on those particular requirements throughout parks and gardens areas. In relation to your previous question, a sub-development plan is submitted to the State Planning Commission prior to returning to Council for comment. Council will then have an opportunity to comment on the developers plan. There will be an advertising period through the normal procedures which will show where the open space is.
- Q6 *Do the developers submit their plans to Council first?*
- A6 *Response by Cmr Rowell:* They will submit a Structure Plan, which is not the "nuts and bolts" of exactly where they are going to put the various housing lots and uses. Council can approve a Structure Plan, but when the developers discuss this with their town planners and decide where the roads will be and how the intersections will format; they are being encouraged to have some initial consultation with Council. Developers submit their subdivisional plan to the State Planning Commission and if approved, Council will be asked to comment. In the big subdivisional plans, the State Planning Commission has a far greater say than it has in a normal small development approval.
- Q7 *In most developments, the 10% public open space is the worst 10%. If you have a look at the majority of the dry parks, they are only dry parks because it is unsuitable ground that you are unable to do anything with. I would like some land kept aside so people can see the virgin bushland at Burns Beach.*
- A7 *Response by Cmr Rowell:* Your comments are noted.
- Q8 *Commissioners are considering charging juniors to play sport on their ovals. Has this been discussed lately?*
- A8 *Response by Cmr Ansell:* This is not true. Commissioners have not given any consideration to charging junior fees.

- Mr Hollywood advised comments to this effect from the Chief Executive Officer appeared in the Wanneroo Times today.
- Q9 *I notice you seem to be following the Hilmer Report. What other services are intended to be contracted out by each Department in the near future?*
- A9 *Response by Cmr Ansell:* There is no plan at this stage. Council is currently looking at all services that are being provided by Joondalup and those that will have to be provided to Wanneroo to see whether they will be carried out either by a new set of people, whether they will be contracted out or they will be done by one or other of the two Councils.
- Q10 *What savings, if any, have been made for services that have been contracted out over the last three years? How many staff have been sacked because of this and is the work carried out any better than when it was done 'in-house'?*
- A10 *Response by Chief Executive Officer:* I can only speak for the last two years. Of those, it is believed that there is only a couple of minor services which were contracted out. In those cases, the elected Council resolved because there was proven savings and part of the arrangements were that staff went over with the service to the outside provider. I do not know that any people have been sacked.
- Q11 *Do you think it has been proved more efficient, or less efficient? Have we got a better standard of parks and gardens because of it or not?*
- A11 *Response by Chief Executive Officer:* I think any responsible local government is viewing its services regularly, particularly services that are not core functions are sometimes better undertaken by outside contractors.
- Q12 *I notice in tonight's Agenda contracts have been let to three labour companies for employment of day labour? It is normal practice to accept the lowest tender. The lowest tender for day labour is \$15.50. How much of this money actually goes to the labourer? Is it above the award or below the award rates?*
- A12 *Response by Cmr Ansell:* Council has no way of knowing this. This is a day labour outside contractor.
- Response by Cmr Morgan:* You can be assured that there will be no slave labour. If you are referring to CJ142-09/9, there were three tenderers and the recommendation is to accept all of the tenders; thus giving Council's Technical Services division an opportunity to use the most suitable for a particular job.
- Q13 *Suitable in what way?*
- A13 *Response by Cmr Morgan:* Their knowledge and expertise in that particular job.
- Mr Hollywood stated he was more interested in what these people would be paid as he was concerned that labour companies would try and make as much profit as possible at the expense of the worker.

- *Response by Cmr Rowell:* At least two of those tenderers have people applying to work for them. People would not apply to work for them unless they were happy with the rate that was to be paid.

Ms Sue Hart, Greenwood:

- *Mrs Hart submitted a letter objecting to the rezoning of the Greenwood Primary School site and a letter of concern from Mr Bower, a physiotherapist in Greenwood, regarding the benefits of passive recreation.*

Ms J Brown, Merriwa:

Q1 Is it possible to notify developers clearing bushland of the need to care for the native fauna. Could an approach be made to CALM in this regard? Can you assure me this will happen?

A1 Response by Cmr Ansell: It will happen.

Mr B Higgins, Carabooda:

Q1 Has there been provision made for Stage 1 of the Youth Action Plan in the current budget? If so, what amount has been allocated for this?

A1 Response by Director, Community Development: \$300,000 has been included in this year's budget, with a further \$300,000 listed for the next financial year for the construction of a youth facility in Clarkson.

Q2 In the meantime, will the North Regional Youth Group have the full support of Council?

A2 Response by Cmr Ansell: It will indeed.

Q3 Has provision been made in the current budget for the holding of postal elections during this financial year? If so, how much has been allocated for this purpose?

A3 Response by Cmr Ansell: No, there has been no amount set aside. If funds had been set aside, it would have been approximately \$500,000.

Q4 Why has there been no such provision made?

A4 Response by Cmr Ansell: There are two reasons for this. Commissioners are not required to vacate their position here until July of next year, in which case it would fall into the next financial period. Secondly, Commissioners are hoping that on current indications of the 'Gann' chart, an extension will be granted past the end of the financial year which means that it would go into another financial period.

Q5 I raised a question at the Meeting of Joint Commissioners on 8 September 1998 which was taken on notice and I was endeavouring to have clarified what I thought was a conflict in two previous answers that I had been given. I refer to Page ii of this evening's Agenda for Shire of Wanneroo. I am unable to reconcile the two answers that I have been given previously. One that states there had been no correspondence available and the other answer by Cmr Morgan who was of the belief that a record was kept. The answer I have been provided with in this evening's Agenda for the Shire of Wanneroo is as follows:

"as previously responded there is no written or electronic correspondence available. The only record will be via Parks Landscaping Services annual reporting of assets which is compiled as part of the end of financial year process and submitted to Resource Management in accordance with local government regulations. Contributions to Council's assets are identified and collated annually in accordance with the above regulations."

What is the date that this donation was made?

A5 Response by Director, Technical Services: This question will be taken on notice.

Q6 What is the procedure adopted for retaining the details of such donations between the date the donation is made and the date of compiling the annual report of assets as part of the end of financial year process?

A6 Response by Chief Executive Officer: An answer is going to be supplied to Mrs Hine at the Shire of Wanneroo meeting on a request on a similar matter. This refers that effective from 1 July 1995, local governments throughout the State were required to bring into account infrastructure assets, including not only assets which were created through the local government's own expenditure, but also assets acquired from developers or gifts taken into consideration at the time. This goes on to explain that there are roads, drainage and parks which are required under subdivisions to be made available by developers at no cost to the ratepayer, but to take that into consideration in the Council's books they are taken on board at the end of the financial year as infrastructure assets so that they are accounted for.

Q7 Was the reporting of this particular \$36,000,000 kept in somebody's head until the end of the financial year, or was there some other record, documentation or otherwise of this donation?

A7 Response by Cmr Ansell: Yes there is a record.

DECLARATIONS OF FINANCIAL INTEREST

Cmr Clark Murphy declared an interest in Items CJ133-09/98 and CJ134-09/98 as her parents-in-law have made an offer to purchase a unit within Belgrade Retirement Village.

CONFIRMATION OF MINUTES

C12-09/98

**MINUTES OF MEETING OF JOINT COMMISSIONERS -
25 AUGUST 1998**

MOVED Cmr Morgan, **SECONDED** Cmr Rowell that the Minutes of the Meeting of Joint Commissioners held on 8 September 1998, be confirmed as a true and correct record.

The Motion was Put and**CARRIED****ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION****CITY AND SHIRE BOUNDARIES**

The Local Government Advisory Board is reviewing the boundaries between the City and Shire with the aim of returning to Wanneroo some traditional and historic areas - like Perry's Paddock and Luisini's Winery.

Consultations will be undertaken with residents affected by the boundary change and if accepted, the boundary changes should be complete by Christmas.

GRAFFITI LAUNCH

Both the new Shire of Wanneroo and the new City of Joondalup were pleased to launch last Friday their new graffiti control campaigns.

You may have heard on radio or seen on television that we will spend some \$300,000 this year in an effort to curb this unsightly and costly act of vandalism.

For the first time, we will be offering the services of our graffiti control teams free to residents and businesses within the City and Shire on the understanding that there will be reciprocal help from the business and from people affected by the graffiti.

At our launch on Friday, we were pleased to come the State Minister for Youth, Mike Board, to officiate.

He said in many ways, Joondalup and Wanneroo were setting the standard for other local governments, and this is something we will strive to continue.

PERRY'S PADDOCK

Another historical Wanneroo event is fast approaching. The annual Perry's Paddock Picnic Day will be held on Sunday, 18 October.

The Perry's Paddock Organising Committee tells us plans are well underway for what will be the 75th anniversary of the event, which was first held as a horserace and picnic day in 1923.

CJ13-09/98**PETITIONS****1 PETITION OBJECTING TO PROPOSED VARIATIONS TO POLICY DS4 - STAGE 1 OF LOT 7 HARBOUR RISE ESTATE, HILLARYS - [05069J]**

A 25-signature petition has been received from residents of Hillarys objecting to proposed variations to Policy DS4 as it pertains to Stage 1 of Lot 7 Harbour Rise Estate, Hillarys.

This petition will be referred to Development Services for a report to Meeting of Joint Commissioners.

2 PETITION SEEKING CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN FAIRLAWN GARDENS AND CRAWLEY GROVE, HEATHRIDGE - [09906]

A 49-signature petition has been received from local residents requesting the closure of the pedestrian accessway between Fairlawn Gardens and Crawley Grove, Heathridge.

This petition will be referred to Development Services for a report to Meeting of Joint Commissioners.

3 PETITIONS ARISING FROM PUBLIC MEETING HELD BY KALLAROO RESIDENTS ON 16 AUGUST 1998 IN RELATION TO LAW AND ORDER - [09078, 08514J, 05514J, 18150J, 08188J, 04774J, 03150J, 01111J, 28128J, 20129J, 2219J, 00055, 23128J, 24128J, 25128J, 26128J, 27128J, 29128J, 21129J, 23129J]

Mr R Johnson submitted three petitions arising from a public meeting convened by Kallaroo residents to discuss law and order on 16 August 1998. The petitions related to:

- a request to illuminate all parks at night in the Northshore estate, Kallaroo;
- a request to close all pedestrian accessways in Kallaroo, with priority being given to those with access from Whitfords Avenue and Dampier Avenue;
- a request to increase security/surveillance of the Northshore estate area, particularly on Friday and Saturday nights between the hours of 9.00 pm and 1.00 am.

The petitions will be referred to Technical Services, Development Services and Health and Ranger Services for action.

4 PETITION SUPPORTING PROPOSED CANCELLATION OF PORTION OF RESERVES 30958 AND 31016 GREENWOOD AND REQUESTING THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN MAMO PLACE AND PULLAN PLACE, GREENWOOD - [25203J]

A 13-signature petition has been received from Greenwood residents in support of the proposed cancellation of portion of Reserves 30958 and 31016, Greenwood and also requesting the closure of the pedestrian accessway between Mamo Place and Pullan Place, Greenwood and the balance of the parkland from the pedestrian accessway to Coolibah Drive.

The petition will be referred to Development Services for action.

5 PETITION SUPPORTING THE CANCELLATION OF PORTION OF RESERVES 30598 AND 31016 - FORMER GREENWOOD PRIMARY SCHOOL SITE - [01122, 02419J]

A 6-signature petition has been received from Greenwood residents supporting the closure of Reserves 30598 and 31016 for the purposes of the proposed land exchange involving the former Greenwood Primary School site.

This petition will be referred to Development Services for a report to Meeting of Joint Commissioners.

6 PETITION REQUESTING THE UPGRADING OF THE FOOTPATH SURROUNDING GLENGARRY PARK - [03076, 18229J]

A 70-signature petition has been received from local residents requesting the footpath surrounding Glengarry Park be upgraded.

This petition will be referred to Technical Services for a report to Meeting of Joint Commissioners.

7 PETITION REQUESTING IMPROVEMENTS TO PARKLAND - QUAYSIDE ESTATE, HILLARYS - [24029J]

A 32-signature petition has been received from local residents requesting improvements to the parkland at Quayside Estate, Hillarys.

This petition will be referred to Technical Services for a report to Meeting of Joint Commissioners.

8 PETITION REQUESTING PRIORITY BE GIVEN TO CONSTRUCTION OF A LIMESTONE FOOTPATH FROM MARMION AVENUE TO OCEAN PARADE, BURNS BEACH - [05706J, 20067W]

A 264-signature petition has been received from residents requesting that priority be given to the construction of a limestone footpath, from Marmion Avenue to Ocean Parade, Burns Beach.

This petition will be referred to Technical Services for a report to Meeting of Joint Commissioners.

MOVED Cmr Morgan, SECONDED Cmr Rowell that Petition Nos 1 - 8 be received and referred to the appropriate business units for action.

The Motion was Put and

CARRIED

FINANCE AND COMMUNITY SERVICES SECTION

CJ124-09/98 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - - [151876J]

The following is a list of documents sealed under the common seal of the City of Joondalup from 26 August 1998 to 8 September 1998:

Document: Withdrawal of Caveats
 Parties: City of Joondalup and Silkchime Pty Ltd
 Description: Lots 944, 945, 946, 947, 948 and 950 Warwick
 Date: 26.8.98

Document: Easement
 Parties: City of Joondalup and S D and K S Mistry
 Description: Lot 688 Pya Place, Joondalup
 Date: 26.8.98

Document: Scheme Amendment
 Parties: City of Joondalup and Minister for Planning
 Description: TPS No 1 - Amendment No 819
 Date: 26.8.98

Document: Contract of Sale
 Parties: City of Joondalup and Epping Forest Pty Ltd
 Description: Lot 10 Uppill Place, Wangara
 Date: 31.8.98

Document: Withdrawal of Caveat
 Parties: City of Joondalup and Francesca Conti
 Description: 709 Wanneroo Road, Kingsley
 Date: 3.9.98

Document:	Contract
Parties:	City of Joondalup and Proclaim Software Pty Ltd
Description:	Supply of Land Information System
Date:	3.9.98
Document:	Withdrawal of Caveat and Deed
Parties:	City of Joondalup and Conti, Butte Holds and Rockingham Park
Description:	Loc 709 Wanneroo Road, Kingsley
Date:	3.9.98
Document:	Contract of Sale
Parties:	City of Joondalup and N and N G Delaurentis
Description:	Pt Lot 24 Nicholas Road, Hocking
Date:	8.9.98
Document:	Deed
Parties:	City of Joondalup and J Havel
Description:	Copyright Agreement
Date:	8.9.98
Document:	Deed
Parties:	City of Joondalup and J Hunt
Description:	Copyright Agreement
Date:	8.9.98
Document:	Deed
Parties:	City of Joondalup and M Gilmore
Description:	Copyright Agreement
Date:	8.9.98

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Schedule of Documents executed by means of affixing the Common Seal be noted.

The Motion was Put and

CARRIED

CJ125-09/98 SPECIAL MEETING OF ELECTORS HELD ON 14 SEPTEMBER 1998 [02419]

SUMMARY

Following receipt of a petition, a Special Meeting of Electors was held on Monday 14 September 1998, in accordance with Section 5.28 of the Local Government Act 1995, to discuss the proposed cancellation of a portion of Reserves 30958 and 31016, Greenwood Primary School and rezoning of Reserve 31790.

In accordance with Section 5.33 of the Local Government Act, all decisions made at an electors' meeting are to be submitted to Council for consideration.

BACKGROUND

A Special Meeting of Electors was held on Monday 14 September 1998. This meeting had been called in accordance with the provisions of Section 5.28 of the Local Government Act 1995 in response to a petition of Electors to discuss:

- 1 the proposed cancellation of a portion of Reserves 30958 and 31016, Greenwood Primary School, Greenwood (as per report CJ25-07/98);
- 2 amendment No 833 to Town Planning Scheme No 1 - proposed rezoning of Greenwood Primary School (Reserve 31790) to Residential R20 and Local Scheme Reserve - Parks and Recreation (as per report CJ17-07/98);
- 3 the retention of an effective network of public open space within the suburb of Greenwood;
- 4 a Management Plan for reserves 30958 and 31016, Greenwood with the aim of maintaining the wooded charm of the suburb;
- 5 the benefits of retention of areas for passive recreation to service the changing demographics of the suburb and the Australian population in general;
- 6 the physical and mental health benefits of passive recreation;
- 7 the rights of property owners adjoining and close to reserves 30958 and 31016 to continue to enjoy the current amenity of the reserves;
- 8 other matters that may be raised from the floor of the meeting relating to the proposed cancellation of a portion of Reserves 30958 and 31016, Greenwood Primary School, Greenwood.

DETAIL

There were 149 members of the public and 1 member of the press in attendance. Following a period of question and comment time, the following motion was put:

“MOVED Mrs Sue Hart, SECONDED Mr Don Adamson that we the electors of the City of Joondalup, being mostly residents of the suburb of Greenwood, do hereby move that the community of Greenwood expect the Joint Commissioners to:

- 1 *accept the validity of the opposition to the proposed cancellation of a portion of Reserves 30958 and 31016 adjoining the former Greenwood Primary School, as expressed in the 851 signature petition and letters of objection received by the City;*
- 2 *acknowledge the importance of the reserves as central components of an effective network of public open space within the suburb of Greenwood highly valued by the local community with high practical values and the disposal of such will disadvantage the local community;*

- 3 *acknowledge that the majority of landowners adjoining the reserves object to the cancellation of the reserves and would suffer a loss of amenity;*
- 4 *not proceed with the proposed cancellation of any of the reserves for the reasons detailed in the petitions and letters of objection;*
- 5 *not proceed with Amendment No 833 to Town Planning Scheme No 1 - proposed rezoning of Greenwood Primary School, as detailed in Report CJ17-07/98, as the amendment depends upon the cancellation of the recreation reserves;*
- 6 *not accept the cash-in-lieu of public open space offer from the owner of the school site;*
- 7 *use the 10% public open space contribution from the school site to:*
- (a) *increase the width of the reserves to the maximum possible, where the reserves adjoin the rear of the lots on Pullan and Kurrajong Places; and*
 - (b) *increase the size of Blackall Reserve only to the extent required to allow the reserve to continue to function as an active recreation reserve;*
- 8 *prepare a management plan for the reserves, through a process of public consultation with the people of Greenwood, that will enhance their use as passive recreation areas and add to the wooded charm of the suburb;*
- 9 *investigate government funding which may be applied to “buying back” the school site and vesting the area in the City for passive recreation and community purposes.”*

There being 122 votes in favour of the motion, and 12 votes against, the Motion was Carried.

REPORT RECOMMENDATION: That the motion carried at the Special Meeting of Electors held on 14 September 1998 (as detailed in Report CJ125-09/98) be received and be given detailed consideration in conjunction with the subdivision application, the proposed Amendment No 833 of Town Planning Scheme No 1 and closure of reserves 30958 and 31016.

ADDITIONAL INFORMATION

In order to provide additional responses to the individual motions carried at the Special Electors Meeting held on 14 September 1998, the following amended recommendation is submitted to Report CJ125-09/98.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that in relation to the motions carried at the Special Meeting of Electors held on 14 September 1998 the Joint Commissioners:

- 1 acknowledge the opposition to the proposed cancellation of a portion of Reserves 30958 and 31016 adjoining the former Greenwood Primary School, as expressed in the petition and letters of objection received by the City to date and this matter be the subject of a further report to Council prior to finalising the Council's position on the proposed changes;
- 2 request the Director Development Services to examine and report on the importance of the reserves as central components of an effective network of public open space within the suburb of Greenwood;
- 3 request the Director Development Services to examine and report on the effect the cancellation of the reserves would have on the amenity of the landowners adjoining the reserves;
- 4 give further consideration to the status of the reserves in conjunction with the Director Development Services report in (2) and (3) above;
- 5 give further consideration to the request not to proceed with Amendment No 833 to Town Planning Scheme No.1 in conjunction with the report of the Director Development Services commenting on the submissions received in response to the public advertisement inviting comments on the Scheme amendment;
- 6 give further consideration to the cash in lieu of public open space offer from the owner of the school site in conjunction with the report of the Director Development Services commenting on the subdivision application;
- 7 give further consideration to the use of the 10% public open space contribution from the school site in conjunction with the report of the Director Development Services commenting on the subdivision application;
- 8 note the request to prepare a management plan for the reserves and give further consideration to the request once the future of the proposed reserve closures; TPS amendment and subdivision application have been determined;
- 9 refer the proposal to investigate government funding for the purpose of buying back the school to the Minister of Lands for comment.

The Motion was Put and

CARRIED

Items CJ126-09/98 to CJ128-09/98 inclusive, were Moved by Cmr Clark-Murphy and Seconded by Cmr Rowell. Cmr Clark-Murphy gave notice of her intention to speak on Item CJ126-09/98.

CJ126-09/98 CODE OF CONDUCT 1998 - CLAUSE 2.2.3 GIFTS, DONATIONS AND BRIBERY - [09358]

SUMMARY

Clause 2.2.3 of the City's Code of Conduct 1998 provides that gifts/benefits and acts of hospitality of a token kind are permitted to be accepted by Members and Staff. To ensure that Clause 2.2.3 is applied consistently throughout the organisation, corporate guidelines have now been prepared for the Joint Commissioners consideration relating to the acceptance of token gifts/benefits and acts of hospitality.

BACKGROUND

At the 23 June 1998 Council meeting, the Joint Commissioners resolved to amend the City's Code of Conduct Clause 2.2.3 Gifts, Donations and Bribery, based on advice received from the City's solicitor Clayton Utz and the Department of Local Government.

Clause 2.2.3 now provides that *'Councillors and staff shall not seek or accept (indirectly or directly) from any person or body, any immediate or future gift, reward, donation, inducement or benefit (other than gifts of a token kind or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Council, or their performance of any duty or work which touches or concerns the Council'*.

To ensure that Clause 2.2.3 is applied consistently throughout the organisation, corporate guidelines have now been prepared for the Joint Commissioners consideration relating to the acceptance of token gifts/benefits and acts of hospitality.

DETAILS

This report recommends that the Joint Commissioners adopt the following corporate guidelines as part of Clause 2.2.3 Gifts, Donations and Bribery:

In determining the acceptance of gifts/benefits and acts of hospitality, the following guidelines must be adhered to at all times by Members and Council Officers:

- Section 5.82 (3) Local Government Act 1995 - the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as an amount equal to the value of the property or the financial benefit at the time the gift was made.
- all gifts/benefits or acts of hospitality accepted must be promptly recorded in the Register of Disclosure, with the description/value of the gift and name/address of the offeror.
- the Register of Disclosure shall be made available for access to the public at all times.
- no gifts/benefits or acts of hospitality shall be accepted by a Member or Council Officer where there is a perceived conflict of interest in relation to any business matters with the Council.

- Any gifts/benefits or acts of hospitality offered below the estimated value of \$100 shall be deemed to be token or moderate.
- acceptance of gifts is permitted where such gifts become the property of the Council.
- where a partner is invited to attend a function with the Member or Council Officer, that partner shall also be entitled to accept gifts/benefits or acts of hospitality to the value of \$100.
- the acceptance of gifts/benefits or acts of hospitality by a particular Member or Council Officer from a person/organisation on a frequent basis shall not be permitted.
- variations to these conditions are permitted where prior written approval is granted by the Chairman or Chief Executive Officer and recorded in the Register of Delegations.

REPORT RECOMMENDATION: That the Joint Commissioners resolve to adopt the following guidelines as part of Clause 2.2.3 of the Code of Conduct 1998 - Gifts, Donations and Bribery:

“In determining the acceptance of gifts/benefits and acts of hospitality, the following guidelines must be adhered to at all times by Members and Council Officers:

- Section 5.82 (3) Local Government Act 1995 - the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as an amount equal to the value of the property or the financial benefit at the time the gift was made.
- all gifts/benefits or acts of hospitality accepted must be promptly recorded in the Register of Disclosure, with the description/value of the gift and name/address of the offeror.
- the Register of Disclosure shall be made available for access to the public at all times.
- no gifts/benefits or acts of hospitality shall be accepted by a Member or Council Officer where there is a perceived conflict of interest in relation to any business matters with the Council.
- Any gifts/benefits or acts of hospitality offered below the estimated value of \$100 shall be deemed to be token or moderate.
- acceptance of gifts is permitted where such gifts become the property of the Council.
- where a partner is invited to attend a function with the Member or Council Officer, that partner shall also be entitled to accept gifts/benefits or acts of hospitality to the value of \$100.
- the acceptance of gifts/benefits or acts of hospitality by a particular Member or Council Officer from a person/organisation on a frequent basis shall not be permitted.
- variations to these conditions are permitted where prior written approval is granted by the Chairman or Chief Executive Officer and recorded in the Register of Delegations”.

MOVED Cmr Ansell, SECONDED Cmr Morgan that the Joint Commissioners resolve to adopt the following guidelines as part of Clause 2.2.3 of the Code of Conduct 1998 - Gifts, Donations and Bribery:

“In determining the acceptance of gifts/benefits and acts of hospitality, the following guidelines must be adhered to at all times by Members and Council Officers:

- **Section 5.82 (3) Local Government Act 1995 - the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as an amount equal to the value of the property or the financial benefit at the time the gift was made.**
- **all gifts/benefits or acts of hospitality accepted must be promptly recorded in the Register of Disclosure, with the description/value of the gift and name/address of the offeror.**
- **the Register of Disclosure shall be made available for access to the public at all times.**
- **no gifts/benefits or acts of hospitality shall be accepted by a Member or Council Officer where there is a perceived conflict of interest in relation to any business matters with the Council.**
- **Any gifts/benefits or acts of hospitality offered below the estimated value of \$100 shall be deemed to be token or moderate and as such will not require entry into a register.**
- **acceptance of gifts is permitted where such gifts become the property of the Council.**
- **where a partner is invited to attend a function with the Member or Council Officer, that partner shall also be entitled to accept gifts/benefits or acts of hospitality to the value of \$100.**
- **the acceptance of gifts/benefits or acts of hospitality by a particular Member or Council Officer from a person/organisation on a frequent basis shall not be permitted.**
- **variations to these conditions are permitted where prior written approval is granted by the Chairman or Chief Executive Officer and recorded in the Register of Delegations”.**

Cmr Clark-Murphy commented that due to concerns from the public at the ban placed on members of staff receiving gifts, this clause had been amended to enable token gifts to be received by Council and staff members.

Discussion ensued, with Cmr Ansell querying the need to register gifts received below the value of \$100. Cmr Rowell suggested an amendment be made to Point 5 that gifts received below the value of \$100 did not require to be entered into a register.

The Amended Motion was Put and

CARRIED

CJ129-09/98 LOCAL GOVERNMENT COMMUNITY SERVICES ASSOCIATION OF AUSTRALIA - 7TH NATIONAL CONFERENCE ON LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT, 14 - 16 OCTOBER 1998 - [09557]

SUMMARY

The 7th National Conference on Local Government and Community Development will be conducted by the Local Government Community Services Association of Australia in Sydney from 14 to 16 October 1998. It is recommended that the Director Community Development and a Commissioner attend the conference. It is further recommended that the Director Community Development use the opportunity to visit other relevant local government authorities in the greater Sydney area on 12 and 13 October 1998.

DETAILS

The 7th National Conference on Local Government and Community Development will be conducted by the Local Government Community Services Association of Australia in Sydney from 14 to 16 October 1998 at the Wesley Centre. The theme of the conference is "Charting New Waters".

The conference is promoted as the only opportunity at the national level for local government community development and community services workers, social planners, elected members, and staff who also work in the social and cultural areas to meet together.

A range of topics will be addressed at the conference with the following topics appearing to be of particular relevance to the City of Joondalup/Shire of Wanneroo:

- the impact of national and international trends in organisational reform on local government and the quality of community services;
- public participation in local government and renewed understanding of governance;
- best practice and benchmarking in community development and community services;
- implications for local government of social impact assessment.

A copy of the conference program is included as Attachment 1.

The Director Community Development is a member of the Local Government Community Services Association of Western Australia.

It is recommended that the Director Community Development and a Commissioner attend the conference.

It is further recommended that the Director Community Development use the opportunity to visit various local government authorities in the greater Sydney area on 12 and 13 October 1998 for the purpose of gaining information about relevant community services currently being provided by these authorities.

COMMENT/FUNDING

Funds to meet the costs of attendance for the Director Community Development at the conference including airfare, registration, accommodation, conference dinner and incidentals, plus to meet the costs of the visits to other local government authorities are allocated in the 1998/99 budget as follows:

Account No: 22306

Budget Item: Conference Expenses

Budget Amount: \$3,774

Funding for a Commissioner who may wish to attend is provided in the draft 1998/99 budget, account 20006 - Members Conferences.

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

REPORT RECOMMENDATION: That the Joint Commissioners:

- 1 approve the attendance by the Director Community Development at the 7th National Conference on Local Government and Community Development to be conducted by the Local Government Community Services Association of Australia in Sydney from 14 to 16 October 1998 and visits to local government authorities in the greater Sydney area on 12 and 13 October 1998;
- 2 authorise the costs associated with recommendation 1 above to be paid from budget item number 22306 - Conference Expenses;
- 3 approve the attendance of a Commissioner at the 7th National Conference on Local Government and Community Development to be conducted by the Local Government Community Services Association of Australia in Sydney from 14 to 16 October 1998 and visits to local government authorities in the greater Sydney area on 12 and 13 October 1998;
- 4 authorise the costs associated with recommendation 3 above to be paid from budget item number 20006 - Members Conferences.

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

- 1 approve the attendance by the Director Community Development at the 7th National Conference on Local Government and Community Development to be conducted by the Local Government Community Services Association of Australia in Sydney from 14 to 16 October 1998 and visits to local government authorities in the greater Sydney area on 12 and 13 October 1998;
- 2 authorise the costs associated with recommendation 1 above to be paid from budget item number 22306 - Conference Expenses.

The Motion was Put and

CARRIED

CJ130-09/98 ARENA JOONDALUP AQUATIC FACILITY - [06719]

SUMMARY

At the meeting of the Joint Commissioners of the former City of Wanneroo held 23 June 1998, it was resolved to advise the Minister for Sport and Recreation that the City is unable to provide financial assistance of an additional \$1 million to the Joondalup Aquatic Centre project but would reschedule its existing commitment and contribute \$2 million in the 1998/99 financial year and \$1 million in the 1999/00 financial year to assist in the early completion of the aquatic facility (CS91-06/98 refers).

The Minister has requested that the Joint Commissioners reconsider the City's commitment as the budget for the project remains at \$11.4 million and without a further contribution from the City the proposed aquatic facility will have to be significantly reduced in its design which will limit the financial viability of the facility and result in the facility being unable to meet the normal range of aquatic activity needs.

In light of the additional information from the Minister, the Joint Commissioners may wish to reconsider their previous decision.

BACKGROUND

At its February 1997 meeting, Council of the former City of Wanneroo agreed to contribute \$3 million to the development of aquatic facilities at the Arena Joondalup and listed funds in its 1998/99 and 1999/2000 budgets of \$1.5 million per year to accommodate this commitment.

The proposed facility included:

- a 50 metre, 10 lane pool with a constant depth of 2.2 metres;
- a 25 metre, 6 lane training/teaching pool ranging in depth from 900mm to 1.2 metres;
- a free form leisure pool of approximately 300 - 400 square metres which will include a range of play structures and features.

Initial total project costs were estimated at \$9 million with the State Government providing \$6 million and Council contributing the balance.

The Centre would be a major regional facility for the north metropolitan corridor.

The estimated cost of the leisure pool component was \$4.5 million and it was proposed that a \$1.5 million grant from the Community Sporting and Recreation Facilities Fund plus Council's \$3 million contribution would be used for this component of the project.

Architects Cox, Bailey and Howlett were commissioned to undertake the detailed design work and have designed a complex that includes:

- a 50 metre, 10 lane pool with a variable depth of 1.2 metres for 17 metres and 2.0 metres for 33 metres (to permit the playing of water polo);

- the training/teaching pool and free form leisure pool which have been integrated into the same water body with a variable depth from zero to 1.2 metres;
- permanent seating for 1,000 spectators has been reduced to 630 seats with the potential to accommodate another 200 temporary seats on the concourse;
- the existing fitness area is increased by a new first floor gymnasium of 350 square metres.

A limit of cost estimate of \$11,435,000 has been developed for the proposed facility. There have been attempts made to reduce costs, but not sufficient to bring the project back to the original budget estimate.

At the meeting of the Joint Commissioners of the former City of Wanneroo held on 23 June 1998, it was resolved to advise the Minister for Sport and Recreation the City is unable to provide financial assistance of an additional \$1 million to the Joondalup Aquatic Centre project but will reschedule its existing commitment and contribute \$2 million in the 1998/99 financial year and \$1 million in the 1999/00 financial year to assist in the early completion of the aquatic facility.

DETAILS

The State Government requested in June 1998 that the former City of Wanneroo contribute an additional \$1 million to meet the projected budget shortfall on the basis of contributing \$2 million in 1998/99 and \$2 million in 1999/2000. This request was declined, however the Minister has requested the Joint Commissioners reconsider the decision on the basis that a cutback in the design of the facility will result in a venue not capable of meeting the demand for aquatic facilities and consequently always under perform and incur significantly higher operating deficits.

COMMENT/FUNDING

The generally accepted division of leisure services industry responsibility between State and Local Governments has resulted in the State being responsible for elite sport. The Arena Joondalup has been identified as a venue for elite sport. The proposed aquatic leisure facility is targeting the recreation needs of local residents, which has primarily been the responsibility of the City. The proposed facility blurs the line between this division of responsibility.

There are key advantages and disadvantages for the City in supporting this project. These are detailed as follows:

Advantages to the City

- The City makes a once off capital contribution to the development of a top class regional leisure complex and has no ongoing requirement to fund the operations of the complex;
- Maintaining the current design will ensure that Joondalup has the opportunity to host major national and international swimming events as the competition pool has been designed to FINA standards (international swimming governing body); and
- The addition of the aquatic complex to the array of facilities and services available would enhance the social development of the Joondalup city centre and be an added attraction in bringing people to Joondalup.

Disadvantages to the City

- The Arena aquatic facility will have a detrimental effect on the financial performance of the City's aquatic facilities. When combined with the proposed competition pool, the conservative estimated financial impact would be \$150,000 per annum for Craigie Leisure Centre and \$50,000 per annum for Aquamotion. The total cost to Council over the life of the building (25 years maximum) will be considerable, conservatively estimated at \$5 million.

The City's programme areas that would be affected include:

- In-Term School Swimming Classes;
 - Swimming Coaching;
 - Learn to Swim;
 - Education Department Vacation Swimming Classes;
 - Adult Swimming Clubs;
 - Water Polo;
 - Aquarobics; and
 - Leisure Swimmers
- There are many competing priorities which need to be addressed for the smooth transition to two Local Governments and the commitment to fund the necessary infrastructure for the Shire of Wanneroo;
 - The proposal is inconsistent with the City's human services planning framework

From a Council planning perspective, it is necessary to consider whether allocating additional funds to this project is the best use of available funds. The Shire of Wanneroo in particular will experience heavy demand for additional recreation facilities, in both East Wanneroo and to the north as the population grows.

In Council's forward planning for aquatic facilities, the next planned facility was to be located at Butler. This would generate catchment areas with minimum overlap with Craigie Leisure Centre which would maximise its viability. The scale of this proposed complex would cater for all segments of the aquatics market excluding elite athletes.

The City's focus is on services for "grass root" participants. From a best practice planning perspective, the development of an aquatic leisure facility for this market segment should be located further north beyond Joondalup.

Options

The Joint Commissioners have at least two options available in responding to the request made by the Minister for Sport and Recreation. These are:

- I. reaffirm their previous decision not to contribute further funds to the proposed Arena Aquatic Facility; or

II. agree to provide additional funds subject to a number of conditions:

- contribution be limited to a maximum of \$800,000 and the Minister be advised that no further funding would be provided by the City for this project;
- State Government to pick up any shortfall should the project exceed the limit of cost estimate of \$11.4 million;
- additional funds will be provided in the 2000/01 financial year;
- State Government be responsible for all operating expenses and future capital upgrades of the Arena;
- adequate recognition of the City's contribution in signage and other promotional material marketing of the facility; and

regular discussions be held between City's recreation personnel and WA Sports Trust Staff.

The City originally agreed to contribute \$3 million on the basis of a one third contribution to the estimated capital cost of the building of \$9 million. If the Commissioners were to consider the Minister's request it would be reasonable therefore to contribute on this basis making a one third contribution of up to \$800,000 to cover the estimated shortfall of \$2.4 million.

As the cost overrun is based on a limit of cost estimate it is feasible that under tender conditions the actual cost of construction could be less than \$11.4 million. If the project costs less than \$11.4 million then the City's additional contribution should simply be one third of the amount exceeding the original budget estimate of \$9 million.

It is considered that should the project cost exceed \$11.4 million the State Government should make up all additional expenditure beyond this amount limiting the City's contribution to a maximum of \$800,000.

Should the Commissioners agree to the Minister's request there remains, however, many competing priorities which need to be addressed for the smooth transition to two Local Authorities and the commitment to fund the necessary infrastructure for the Shire of Wanneroo. On this basis any further contribution could reasonably be limited to a maximum amount of \$800,000 and the Minister advised this will be the City's final contribution to the Arena Aquatic facility.

Provision of the additional funding could be facilitated by contributing up to an additional \$800,000 in either 1999/00 or 2000/01 making a contribution of up to \$3.8 million in total towards the Arena Joondalup Aquatic Facility. Given the priorities for funding the establishment of the two local authorities it is considered appropriate that additional financial assistance be provided in the 2000/01 financial year.

The City has already committed to make a significant contribution of \$3 million to the aquatic project. It is important therefore that the City receives adequate recognition of its contribution in signage and other promotional material marketing of the facility.

In view of the impact that the Arena Joondalup Aquatic Facility is projected to have on the existing aquatic facilities in the City it is proposed that regular discussions be held with WA Sports Trust Staff regarding industry trends, programme opportunities and management issues affecting the region.

REPORT RECOMMENDATION: That the Joint Commissioners give consideration to contributing additional funds to the proposed Arena Aquatic Facility.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners agree to provide additional funds to the proposed Arena Aquatic Facility Project, subject to:

- 1 the contribution being limited to a maximum of \$800,000 based on a one third contribution to cover the estimated shortfall of \$2.4 million;
- 2 the Minister being advised that no further funding would be provided by the City for this project;
- 3 the State Government being responsible for any shortfall should the project exceed the limit of cost estimate of \$11.4 million;
- 4 the additional funds being provided in the 2000/01 financial year;
- 5 the State Government being responsible for all operating expenses and future capital upgrades of the Arena;
- 6 adequate recognition of the City's contribution in signage and other promotional material marketing of the facility;
- 7 regular discussions being held between City's recreation personnel and WA Sports Trust Staff.

Cmr Clark-Murphy spoke to the Motion, commenting that she considered it appropriate that the arrangement whereby the State Government contributed two thirds of expenses and Council contributed one third be continued, rather than providing the \$1 million requested.

Cmr Morgan advised that he was pleased to support the recommendation as he believed this would be a wonderful facility for the City of Joondalup where, hopefully, international events would be held.

Cmr Rowell spoke in support of the Motion, commenting that this would be an extensive community facility, providing not only for elite swimming but also for the elderly and the young, which he believed would be of significant benefit to the City of Joondalup.

The Motion was Put and

CARRIED

Items CJ131-09/98 and CJ132-09/98 were Moved by Cmr Clark-Murphy and Seconded by Cmr Morgan.

CJ131-09/98 HISTORICAL ESSAY COMPETITION - [20083W; 20083J]

SUMMARY

Each year Council conducts an annual Historical Essay Competition to proactively encourage recording and an interest in local history. The 1998 competition closed on 14 August 1998. Entries have been considered and the judges have selected the winners.

BACKGROUND

Local Studies conducts an annual essay competition which is open to all adults interested in written historical research relating to the region. The competition encourages people to research the area and record their knowledge and experiences for future residents. Council retains ownership of the essays which become part of, and are a valuable addition to, the Local Studies collection. The author and Council have the right to publish the essays as provided in a deed of copyright licence. Three prizes are awarded for entries judged to be the best according to the following criteria:

- subject originality
- historical research
- literary style and syntax
- historical accuracy
- essay balance

Previous prizes have been awarded at the Council's Annual Pioneer Luncheon. This year the staging of the competition was altered to fit in with the academic year and it is proposed to announce the winners at Perry's Paddock Picnic Day on Sunday 18 October 1998.

COMMENT/FUNDING

The annual Local Studies Essay competition closed on 14 August 1998. Entries have now been considered by the judges. Three prizes have been awarded:

1st Prize	\$500
2nd Prize	\$250
3rd Prize	\$100

The winners have been selected and will be announced on the day.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners award the prizes for the Local Studies 1998 Essay Competition and present such prizes at the annual Perry's Paddock Picnic Day on Sunday 18 October 1998.

The Motion was Put and

CARRIED

**CJ132-09/98 WARRANT OF PAYMENTS FOR THE PERIOD 1 JULY
1998 TO 31 AUGUST 1998 - [09882]**

WARRANT OF PAYMENTS TO JOINT COMMISSIONERS ON 22 SEPTEMBER 1998
INCORPORATING PAYMENTS FROM 1 JULY 1998 TO 31 AUGUST 1998

SUMMARY

This report details the cheques drawn on the funds during the month of July and August 1998. It seeks Joint Commissioners' approval for the payment of the July and August 1998 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	0002-1611	12,833,840.75
Municipal	000001-000015	60,448,380.01
Trust	000001-00001A	84,032.30
Reserve Account	000001-000002	11,788,073.55
	TOTAL	\$ 85,154,326.61

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of August 1998, the amount was \$788,000.19.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$85,154,326.61 which is to be submitted to each Joint Commissioner on 22 September 1998 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

.....
J B TURKINGTON
Director Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$85,154,326.61 submitted to the Joint Commissioners on 22 September 1998 is recommended for payment.

.....
Commissioner Campbell Ansell

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners pass for payment the following vouchers, as presented in the Warrant of Payments to 31 August 1998, certified by the Chairman of Commissioners and Director Resource Management, and totalling \$85,154,326.61.

FUNDS	VOUCHERS	AMOUNT	
		\$	c
Director Resource Management Advance Account	0002-1611	12,833,840.75	
Municipal	000001-000015	60,448,380.01	
Trust	000001-00001A	84,032.30	
Reserve Account	000001-000002	11,788,073.55	
	TOTAL	\$	85,154,326.61

The Motion was Put and

CARRIED

Appendix III refers

**CJ133-09/98 PURCHASE OF LOT 503 BELGRADE ROAD,
WANNEROO - SHIRE OF WANNEROO AGED
PERSONS' HOMES TRUST (INC) - [13275]**

SUMMARY

The Shire of Wanneroo Aged Persons' Homes Trust (Inc) has written to the Shire seeking approval to borrow \$225,000 by way of a fully drawn advance from the National Australia Bank, Wangara for the purchase of Lot 503 Belgrade Road, Wanneroo. This request is pursuant to the provisions of Clause 33 of the Trust's Constitution:-

“Subject to Council approval the Trust may accept borrow and raise money by any lawful means for the purpose of fulfilling the objects of the Trust and give security for the repayment of money borrowed”.

The loan will be secured by way of a mortgage over the land at Lot 503 Belgrade Road, Wanneroo and mortgages already held by the bank over Lot 138 Belgrade Road and Lot 504 Amos Road, Wanneroo. The loan will be repaid by way of premiums from the sale of units within the village. Mr Graham Compson, Administrator for the Shire of Wanneroo Aged Persons' Homes Trust (Inc) has indicated that the residents premium account currently has a balance in excess of \$110,000 against a yearly budget of \$140,000. He considers this is adequate to meet the repayments associated with this loan.

In view of there being no exposure to the Shire, it is recommended that approval for the loan be granted.

BACKGROUND

The Shire of Wanneroo Aged Persons' Homes Trust (Inc) has submitted an offer (refer attachment A) for the purchase of Lot 503 Belgrade Road, Wanneroo at a purchase price of \$225,000.

As detailed in the Constitution the Trust is responsible for arranging its own security for any borrowings it may undertake. The bank is comfortable with the progress made in relation to repayments to loans by the Shire of Wanneroo Aged Persons' Homes Trust (Inc).

The Shire does not have a direct financial interest in the operation of the Trust, albeit it does have Board representation (both at staff and Commissioner level).

This request is in accordance with the Trust's Constitution and does not incur any liability on the Shire of Wanneroo as the National Australia Bank will hold a mortgage over the Trust's land holdings.

In view of this and there being no exposure to the Shire, it is recommended approval be granted.

Clause 9(1)(a) of the Joondalup and Wanneroo Order 1998, states that:

“Until a determination is made under Clause 8, or further directions are given by order under Section 9.62(1) of the Act, as to the adjustment or transfer between the City of Joondalup and the Shire of Wanneroo of property, rights or liabilities, on commencement all real and personal property owned by or vested in the former City of Wanneroo is transferred to or becomes vested in the City of Joondalup”.

Legal comment from Watts Woodhouse, Solicitors, indicates that the Shire of Wanneroo Aged Persons Homes Trust (Inc) is regarded as “personal property” of the former City of Wanneroo and is transferred to the City of Joondalup. Therefore under Clause 9(1)(a) of the Order, the role played by the former City of Wanneroo with the Shire of Wanneroo Aged Persons Homes Trust (Inc) is now transferred to the City of Joondalup. However, to obviate any doubt, the matter has been listed for consideration at the Council meetings of the City of Joondalup and Shire of Wanneroo.

Commissioners will recall, at the June meeting of the Joint Commissioners, that it sought the Trust to review its Constitution. Discussions with the Administrator indicate that this matter is receiving attention.

Comr Clark Murphy declared an interest in Item CJ133-09/98 and CJ134-09/98 as her parents-in-law have made an offer to purchase a unit within Belgrade Retirement Village; Comr Clark-Murphy left the Room at this point, the time being 1845 hrs.

MOVED Comr Morgan, SECONDED Comr Rowell that the Joint Commissioners approve the Shire of Wanneroo Aged Persons' Homes Trust (Inc) borrowing the sum of \$225,000 from the National Australia Bank for the purchase of Lot 503 Belgrade Road, Wanneroo with borrowings secured by way of a mortgage over the above Lot and land held at 138 Belgrade Road and Lot 504 Amos Road, Wanneroo.

During discussion, Comr Ansell suggested that the Trust give urgent consideration to reviewing its Constitution. It was believed that the Constitution was outdated and that the Council need not be legally involved.

The Chief Executive Officer advised that this would be attended to and Commissioners would be advised when a response was received.

The Motion was Put and

CARRIED

**CJ134-09/98 APPOINTMENT OF TRUST AUDITOR 1998/99
FINANCIAL YEAR - SHIRE OF WANNEROO AGED
PERSONS' HOMES TRUST (INC) - [13275]**

SUMMARY

This report considers the reappointment of Mr Dominic Carbone as the Shire of Wanneroo Aged Persons' Homes Trust's Auditor for the period 1 April 1998 to 31 March 1999. It is recommended that Council reappoints Mr Dominic Carbone as the Trust's Auditor for the 1998/99 financial year.

DETAILS

The Shire of Wanneroo Aged Persons Homes Trust (Inc) has forwarded copies of its Audit Report including the Financial Statements for the financial year ended 31 March 1998.

The Auditor's Report and Financial Statements are appended as Attachment 'A'. The accounts are prepared to reflect the requirements of the Accounting Standards.

Pursuant to the terms of the Trust's Constitution, Council is to appoint the Auditor on an annual basis:-

'Audit-Clause 36 The Trust's financial year shall be from the 1st April to the 31st March in the following year. Once in every year at least the Trust shall cause its accounts to be audited by a person or persons appointed by the Council.'

At its Annual General Meeting held on 25 August 1998 the Wanneroo Aged Persons' Homes Trust (Inc) recommended that Mr Dominic Carbone be reappointed as the Trust's Auditor for the 1998/99 financial year.

Clause 9(1)(a) of the Joondalup and Wanneroo Order 1998, states that:

“Until a determination is made under Clause 8, or further directions are given by order under Section 9.62(1) of the Act, as to the adjustment or transfer between the City of Joondalup and the Shire of Wanneroo of property, rights or liabilities, on commencement all real and personal property owned by or vested in the former City of Wanneroo is transferred to or becomes vested in the City of Joondalup”.

Legal comment from Watts Woodhouse, Solicitors, indicates that the Shire of Wanneroo Aged Persons Homes Trust (Inc) is regarded as “personal property” of the former City of Wanneroo and is transferred to the City of Joondalup. Therefore under Clause 9(1)(a) of the Order, the role played by the former City of Wanneroo with the Shire of Wanneroo Aged Persons Homes Trust (Inc) is now transferred to the City of Joondalup. However, to obviate any doubt, the matter has been listed for consideration at the Council meetings of the City of Joondalup and Shire of Wanneroo.

Cmr Clark Murphy declared an interest in this item as her parents-in-law have made an offer to purchase a unit within Belgrade Retirement Village; Cmr Clark-Murphy was not present in the Room at this time.

MOVED Cmr Ansell, SECONDED Cmr Morgan that the Joint Commissioners, in accordance with the Shire of Wanneroo Aged Persons’ Homes Trust (Inc) Constitution, re-appoints Mr Dominic Carbone as the Trust’s Auditor for the period commencing 1 April 1998 to 31 March 1999.

The Mover, with the consent of the Seconder, withdrew his motion.

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners call for tenders for the audit of the Shire of Wanneroo Aged Persons’ Homes Trust (Inc) for the period commencing 1 April 1998 to 31 March 1999.

Discussion ensued.

The Motion was Put and

CARRIED

Cmr Clark-Murphy entered the Room at this point, the time being 1848 hrs.

Items CJ135-09/98 to CJ139-09/98 inclusive, were Moved by Cmr Clark-Murphy and Seconded by Cmr Morgan. Cmr Clark-Murphy gave notice of her intention to speak on Item CJ139-09/98.

CJ135-09/98 REVIEW OF THE WANNEROO VOLUNTEER EMERGENCY SERVICES - [08162]

SUMMARY

Subsequent to the Councils consideration of the Wanneroo Volunteer Emergency Services review report in June 1998 the individual emergency service organisations were given the opportunity to consider the consultants report and provide the Council with written feedback and comment by 17 July, 1998.

The Council is now in receipt of comments from all of the emergency service organisations. This report has been constructed to reflect the original recommendation for each Emergency Service Unit followed by the associated comments received and then based on the information provided, the new status of the recommendation.

The general feedback reflects agreement with a majority of the consultant's recommendations. The main contentions relate to a variety of issues depending on the particular Emergency Service Unit but in the main the prime concern involves the devolution of responsibility and funding.

BACKGROUND

In January 1998 the former City of Wanneroo engaged the consultancy firm of Metri Services to undertake a review of the Wanneroo Volunteer Emergency Services. The Wanneroo Volunteer Emergency Services comprise the Volunteer Bush Fire Brigade, the Volunteer State Emergency Services and the Volunteer St John Ambulance First Aid Service.

The review was undertaken as an extension of the former City of Wanneroo's current reform agenda and the need to review all structural and operational areas to ensure better accountability and financial management, and improved services to the City's customers.

The Consultant's report was submitted to the meeting of the Joint Commissioners of the former City of Wanneroo held on 23 June 1998 (CS90-06/98 Refers). The Joint Commissioners of the former City of Wanneroo resolved to adopt the report "Review of City of Wanneroo Emergency Services" for the purpose of obtaining written feedback and comment from the Volunteer Emergency Services on the recommendations made by Metri Consulting and that a further report on the outcomes of the consultation with the Wanneroo Volunteer Emergency Services be submitted in August 1998.

The August date was not able to be achieved as a result of a delay in receiving submissions.

DETAILS

WANNEROO VOLUNTEER BUSH FIRE BRIGADE:

A response to the Consultant's report was prepared by three members of the Bush Fires Advisory Committee and is presented in italics as follows. The comments prepared on behalf of the Wanneroo Volunteer Bush Fire Brigade were also discussed at the Bush Fire Advisory Committee meeting held on Thursday 17 July 1998.

Report Recommendation 1: Assess the ability to utilise personnel from other business units within the organisation as a resource for attending fires during normal working hours.

Response:

- a) This has been tried before and failed. The main reason was that the personnel trained in fire fighting activities were critical members of a Council work group. When they left to attend a fire, the balance of their work group had to lose time waiting for those personnel to return to their normal activities, e.g. loader operators, grader operators, truck drivers, park attendants and others.*
- b) If a complete group were to be involved then the question of Work Safe and Council's Duty of Care become a consideration. These staff members would need to be formally trained as fire fighters to be able to enter the fire grounds for fire fighting activities.*
- c) What are the industrial and financial implications to this proposal?*
- d) It is doubtful that many staff would volunteer.*

Status of Recommendation: Defer

The consultant's recommendation, whilst having merit in the future, presents a number of organisational concerns at this point in time. A further review of the proposal may be warranted following the structural development of the Shire of Wanneroo.

Report Recommendation 2: That the Bush Fire Volunteers on roster only receive an honorarium payment when they actually attend a call-out.

Response:

- a) The original intent of the Honorarium was to compensate the rostered volunteers to remain within the district within their roster period and to help off-set out of pocket expenses.*
- b) It is difficult to find sufficient volunteers to go on roster due to brigade numbers, and because not all volunteers are available for roster duties, due to personal circumstances. The order of precedence for volunteer activities should be:*
 - family first*
 - job second*
 - volunteer activities third**The honorarium is an incentive to perform this duty. Currently paid at the rate of \$10.00 per night (6pm to 6am), on the weekends and public holidays at the rate of \$15.00 per 24-hour day.*
- c) This proposal is really a fee for service. What are the industrial and insurance implications?*

- d) *This proposal is open to abuse, it is not difficult to go to a public telephone (call untraceable), report a fictitious fire and attend the same, being paid for the call out, or alternatively commit arson so that a paid callout is received.*

We are totally opposed to the above proposition. The cost is minimal to the service provided.

Status of Recommendation: Amend

The practice of a payment of an honorarium for stand by after normal hours is not consistent with other volunteer brigades. Given the volunteer nature of the service the call-out rate for a volunteer could be established at a higher rate instead of payment of a standby rate.

Report Recommendation 3: That the position of Chief Bush Fire Control Officer be maintained on a contract basis during each fire season. The position should be advertised Statewide prior to the 1998/99 bush fire season.

Response:

- a) *The CBFCO should reside within the former City of Wanneroo.*
- b) *Have an intimate knowledge of the area.*
- c) *Be fully qualified, including full ICS training be fully conversant with all documentation that the Wanneroo brigades work from.*
- d) *Have the confidence of his Deputies, Brigade Officers, Volunteers, FRS and CALM officers of the Council area.*
- e) *Be given at least a three-year contract for the full 12 months of the year, as his duties require full 12 months operations. (Authorising payments, attending meetings, liaison activities).*
- f) *Be appointed at the latest in July in the contracted periods; so as to alleviate the problems encountered due to the late appointment of Mr Smith.*

Status of Recommendation: As Proposed

The consultant's recommendation is consistent with normal Human Resource Management practices employed by the City of Joondalup/Shire of Wanneroo. The matters raised by the Service can be incorporated into the selection criteria for the appointment of the Chief Bush Fire Control Officer. It is therefore intended that the position be advertised immediately on its current contractual basis.

Report Recommendation 4: The Council makes an application to the Bush Fires Board for a financial subsidy towards meeting the contracted salary of the Chief Bush Fire Control Officer.

Response:

- a) *As far as I am aware the BFS is only subsidising the appointment of a Fire Prevention Officer as distinct from the CBFCO, which I believe have entirely separate roles in the emerging organisation of the BFS.*
- b) *I am led to believe that this Fire Protection Officer subsidy is occurring in two local governments on a trial basis.*
- c) *It is doubtful that Wanneroo because of its small comparative size would attract any subsidy at this time.*

Status of Recommendation: Defer

The appointment of a Fire Prevention Officer can either be as a managerial role, an operational role, or possibly both. It is unlikely that government funding will be available until a trial period currently being undertaken by three other local governments has concluded. This proposal should be reviewed within two years.

Report Recommendation 5: The amended rules as proposed be considered for adoption by the Bush Fire Advisory Committee.

Response: The members of the Wanneroo Volunteer Bush Fire Brigade constructing the response to the consultants report suggested a range of amendments to the rules of the Wanneroo Volunteer Bush Fire Advisory Committee. The Bush Fire Advisory Committee at its meeting held on Thursday 17 July 1998 reviewed a set of amended rules submitted by the Director Community Development. The Committee, including the brigade members responsible for drafting the response, were satisfied with the proposed rules as amended. The rules have already been forwarded to a meeting of the Joint Commissioners for ratification.

Status of Recommendation: Already Determined

The new rules have since been considered by the Wanneroo Volunteer Bush Fire Advisory Committee and adopted by the Joint Commissioners.

Report Recommendation 6: In view of the poor state of the accommodation for the Wanneroo Bush Fire Brigade, it is strongly recommended that funds of approximately \$6,000 to undertake improvements to the facility to an acceptable standard be provided in the 1998/99 annual budget.

Response:

- a) *Attendance at monthly Brigade meetings is currently obligatory for all members, this means we "shoehorn" the members into the transportable building.*
- b) *At Bi-monthly combined meetings (Central and Quinns) the position has become impossible, necessitating meeting at another venue.*
- c) *To conduct a campaign Fire, from our existing HQ, would be all but impossible.*
- d) *A portion of the new building at the depot previously occupied by the Health Services was designed to accommodate the Volunteer Fire Brigade as soon as the building was vacated. All volunteers are aware that this is what was going to take place. The current Project Services Officer designed the section of the building to accommodate the Volunteers, which should take place now.*
- e) *Long Term Planning is needed to provide a proper facility; not just a patch up, possibly in line with the FESA proposal for combined facilities.*

Status of Recommendation: Amended

The concerns and suggestions made for the longer term planning of accommodation required will be incorporated within the amended recommendation.

Report Recommendation 7: That zero based budgeting principles be introduced to properly assess Fire Prevention activity budget levels.

Response: As distinct from the fire suppression activities?

It should be noted that under the heading (B) Expenditure: Para 3, states an amount of \$378,500 capital expenditure was for the purchase of a new tanker, this is incorrect the real cost was about \$126,000. What was the balance used for, or allocated to?

It makes a mess of the 68.3% increase.

Para 6, indicates that the average contribution to the Fire and Rescue Service was \$877,000, the budgeted figure was \$987,300.

The corporate overheads of \$107,030 seem a bit excessive!

Hence the recommendation in Objectives (e) to monitor the budgetary allocations.

Status of Recommendation: As Proposed

The capital expenditure in 1997/98 for Fire Prevention was \$378,500, including a new tanker in the replacement of fire vehicles. The percentage increase of 68.3% as stated is relevant.

Report Recommendation 8: The Council encourages the Wanneroo Volunteer Bush Fire Brigades members to consider alternative fund raising sources to supplement operating costs.

Response:

- a) This recommendation has been toyed with over many years mainly in respect to "burning off" private blocks for hazard reduction purposes.*
- b) Council was not in favour of using its fully funded fire appliances and equipment for these purposes.*
- c) The other major impediment was the inability of Council to obtain effective insurance cover for these activities.*
- d) The Council's inability to recover payment from absentee landowners after having served the order it then put the brigades in to do the hazard reduction.*
- e) Is it legal under the new Local Government Act for brigades to carry out paid employment using Council equipment?*
- f) It must be remembered our volunteers comprise of urban dwelling, day-time working people, whose spare time as volunteer fire fighters is taken up by roster duties, training, meetings, public relations activities, Council authorised hazard reduction programs on council properties and reserves, and fire fighting. We believe that the volunteers neither have the time or the inclination to pursue fund raising activities.*

Status of Recommendation: As Proposed

The Council and the Wanneroo Volunteer Bush Fire Brigade will jointly investigate potential revenue raising sources.

Report Recommendation 9: That a fire fighting reserve fund be established to accumulate funds on an annual basis for use in the event of a significant fire occurring.

Response: A great recommendation, in the past we have been caught by these events. In today's regimented budgetary situation, it is almost obligatory to consider this aspect.

We would also suggest a Fire Fighting Equipment Reserve Fund be considered also.

Status of Recommendation: As Proposed

Report Recommendation 10: That should the annual contribution to the Western Australian Fire and Rescue Service be maintained in its current form the funding allocation be represented within the budget document as a separate budget appropriation to that of the of the Fire Prevention Budget.

Response: Adopt, but if the funding arrangement alters to that proposed and currently being considered, then the whole of the Local Government area should be levied at the appropriate rate, so perhaps funding the Bush Fire Service from our portion of the levy.

The current situation is the Bush Fire Brigades assist FRS and CALM with their fires, and they respond in kind with our fires, both bush and structural. The three organisations cannot operate in isolation and depend on each other's help and co-operation within their fields of expertise.

This being the case, then each ratepayer is getting good service for their levy and there is equity over the total area.

Status of Recommendation: Already Determined

The State Government has announced a proposal to raise the annual contribution to maintain the Fire and Rescue Service of Western Australia by introducing a levy based on the application of a GRV rate. It is intended that Local Governments will act as collection agencies for the Fire and Emergency Services Agency (FESA). This recommendation is no longer relevant.

Report Recommendation 11: Clearly define the responsibilities of the Chief Bush Fire Control Officer and the Rangers appointed as fire control officers in order to avoid confusion and frustration in the ongoing involvement of fire prevention.

Response: We do not understand what is meant by this recommendation.

Status of Recommendation: As Proposed

Report Recommendation 12: The Council gives consideration to formally delegating authority to the CEO to withdraw infringements issued for fire related offences and for approval to vary restricted and prohibited burning times and conditions.

Response: In conjunction with or on the advice of the Chief Bush Fire Control Officer.

Status of Recommendation: As Proposed

Given that the Chief Bush Fire Control Officer is engaged on a contract basis it will not always be convenient for the officer to be on hand to advise the Chief Executive Officer. The same advice can be provided by a Fire Control Officer engaged by the organisation.

Report Recommendation 13: That the Council maintains the total integration of the Wanneroo Volunteer Bush Fire Brigade and the Ranger Services.

Response: Total agreement.

Status of Recommendation: As Proposed

WANNEROO STATE EMERGENCY SERVICE:

Comments pertaining to the Emergency Services Review have been provided by the Local Manager, Wanneroo State Emergency Service Unit (Inc.) having sought comment from the Unit Management Committee, members, Regional Manager, other Local Managers within the SES and Officers from the State headquarters including the CEO.

The report was considered to be comprehensive and generally painted a reasonable picture of current practices between the City and the Wanneroo SES Unit. There were some errors in fact and some factual statements, while being correct needed clarification. Even though there are some errors, the recommendations remain basically sound.

The Local Manager believes that there needs to be formal contracts established between the SES State Headquarters and the City of Joondalup/Shire of Wanneroo. Once these agreements

are in place the Local SES Unit and the Community Development Directorate can develop instructions and procedures to implement these arrangements and provide the necessary reporting back to both parent bodies.

Report Recommendation 1: That with the abolition of the City of Wanneroo, the new local governments continue to utilise and support the existing Wanneroo State Emergency Service (WSES). The ratio of financial support will be subject to negotiation at that time.

Response: Nil

Status of Recommendation: As Proposed

Report Recommendation 2: Determine if a lease exists between the former City of Wanneroo and the WSES for the occupation of the land and buildings situated at Lot 15 Winton Road, Joondalup.

Response: Agree.

Status of Recommendation: As Proposed

Report Recommendation 3: In the absence of a lease the City of Joondalup should take immediate steps to instigate the preparation of a lease to protect its interests in the property occupied by the WSES.

Response: Agree.

Status of Recommendation: As Proposed

Report Recommendation 4: In order to protect and readily identify the assets purchased by the former City of Wanneroo for use by the WSES a suitable asset identification process should be implemented.

Response: Agree - but should be extended to address asset management, insurance, maintenance, replacement etc.

Status of Recommendation: To be extended

To incorporate asset management, insurance maintenance and replacement.

Report Recommendation 5: That the allocation of maintenance costs incurred by the City for the Toyota Landcruiser provided by the WASES be investigated.

Response: Agree (this is the normal practice for all SES units).

Status of Recommendation: As Proposed

Report Recommendation 6: Verify that the City's assets held by the WSES are adequately insured.

Response: Agree.

Of concern is that the majority of equipment is below the Asset definition threshold (\$500) and therefore is not covered. The \$1,000 excess almost precludes any claims being advantageous. The WASES now has an insurance policy that should cover all items held in the SES premises. Clarification is being sought.

Status of Recommendation: As Proposed

Report Recommendation 7: Obtain joint acknowledgement that the current asset list is a true and correct record of the assets retained by the WSES that can be used as the basis for future inspections.

Response: Agree.

Status of Recommendation: As Proposed

Report Recommendation 8: Improve communication with the WSES in the process of establishing substantiated annual budget targets.

Response: Agree.

The process needs reviewing and improved reporting. The budget is virtually administered by the City with little or no budget information being provided to the Unit. This has made the management of finance a very difficult process from the Unit's perspective.

Status of Recommendation: As Proposed

Report Recommendation 9: Encourage mutual support and communication between the Wanneroo Volunteer Bush Fire Brigade and the WSES unit.

Response: Agree.

As there is mutual co-operation and support now I find it hard to foster more, but am willing to try. Operational requirements do not allow for close co-operation, as the SES is not allowed into a fire combat zone.

Status of Recommendation: As Proposed

Report Recommendation 10: Transfer all associated administration responsibility to the WSES as from 1 July 1998.

Response: Disagree.

The SES does not have the manpower nor the expertise to take on this level of financial management. Other units mentioned in the consultant's report do all their administration excepting their financial management. Production of a set of policies and guidelines for the units use and training in the requirements of the City would be highly advantageous.

Status of Recommendation: Amend

The opportunity to realistically transfer all administrative responsibility to the Wanneroo State Emergency Service in the 1998/99 financial year is remote. It is therefore proposed that immediate discussions with WSES be undertaken with a view to establish the process and procedures and resources required by the Unit for the transfer of administrative functions from 1 July 1999.

Report Recommendation 11: The City of Joondalup/ Shire of Wanneroo provide an annual subsidy to the Wanneroo State Emergency Service based on an application prior to the annual budget being formulated and like the Shire of Mundaring advance quarterly instalments based on the receipt of a quarterly financial report.

Response: Disagree.

While this has much merit in that it provides greater autonomy, the administration of such funding would almost be impossible. Members join to be "operational" rather than administrative. Few would be capable of administering and controlling the funds. Currently we spend up to 30 hours per week doing administration. The extra load would be very hard to accommodate. Tools for financial administration and reporting are currently not available at the Unit.

Status of Recommendation: Amend

This proposal should be incorporated within the amended recommendation in 10 above.

Collocation:

The Local Manager considers that the collocation issue needs to be fleshed out fully. All stakeholders need to be party to this investigation i.e. SES (State, Regional and Local Unit), FESA, City of Joondalup and Shire of Wanneroo. While collocation may provide advantages, evidence from the Shire of Swan and City of Gosnells show that there are pitfalls that need to be addressed. Commonly accepted models of shared rooms, storage toilets showers does not seem to work well, due to the differing nature and requirements of the various organisations. As there is considerable change with all aspects of the emergency services and with the City and Shire, it is considered that the time is not right at present to pursue this, but it should be carefully addressed in the future.

The Council will investigate the possibility for the collocation of the Wanneroo Emergency Services as a future initiative.

Other:

The Local Manager has made it strongly known that the Wanneroo State Emergency Service Unit is constantly providing promotional activities to recognise the support given by the City of Joondalup/Shire of Wanneroo.

ST JOHN AMBULANCE - WANNEROO OPERATIONS DIVISION:

The response received from the Wanneroo Operations Division of the St John Ambulance has been compiled by the Divisional Officer/Member in Charge. The response is directed towards the clarification and amendment of general facts contained within the body of the consultant's report. The amendments as suggested do not necessarily change the thrust of the consultant's report or the proposed recommendations contained within the report

Report Recommendation 1:

The Council determines the actual financial value of the assistance currently provided to the St John Wanneroo Operations Division.

Response: Nil

Status of Recommendation: As Proposed

Report Recommendation 2:

The Council based on financial information supplied by the St John Ambulance Wanneroo Operations Division allocates a lump sum annual subsidy to the Division to be managed independently by the Division.

Response: Nil

Status of Recommendation: As Proposed

COMMENT/FUNDING

The degree of funding and the method of financial management will be dependent on the outcomes of the recommendations submitted by the consultant.

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

- 1 receive the feedback and comments made by the respective Volunteer Emergency Services;**
- 2 adopt the recommendations, as amended, outlined in Report CJ135-09/98;**
- 3 authorise the commencement of a programme to implement the recommendations taking into consideration the interests of each organisation.**

Cmr Morgan congratulated the administration on the setting of new priorities for the Volunteer Emergency Services. Cmr Morgan also commended all the participants involved in the Volunteer Emergency Services and advised he was impressed at the manner in which they have approach their duties.

The Motion was Put and

CARRIED

CJ136-09/98 OUTSTANDING GENERAL DEBTORS - 31 AUGUST 1998 - [04881]**SUMMARY**

This report shows the total outstanding general debtors as at 31 August 1998, together with their status and a comparison with the previous two months.

BACKGROUND

As advised in the May 1998 report (FA93-05/98), the detail in this report has been reduced so that only items of **exception** and recommended accounts to be written off, are included.

This report recommends a write-off of debts totalling \$429.00.

A report covering the full detail relating to debtors is still prepared for internal management controls.

DETAILS - SUMMARY OF DEBTORS

Debtor Status	1998					
	AUGUST		JULY		JUNE	
	Total O/S		Total O/S		Total O/S	
	\$	%	\$	%	\$	%
Current	282,449.66	4.65	39,945.67	0.75	2,301,414.45	34.10
30 Days	23,377.30	0.40	2,000,961.37	32.88	397,888.87	5.90
60 Days	1,829,444.37	30.11	237,989.74	3.88	221,909.99	3.29
90 Days	180,540.48	2.97	92,778.15	1.28	81,023.77	1.20
Deferred Debtors	3,434,885.55	56.53	3,434,885.55	56.00	3,423,570.39	50.71
Deferred Sporting Club Debtors	325,031.22	5.34	324,171.48	5.21	324,696.48	4.80
	\$6,075,728.58	100.00	\$6,130,731.96	100.00	\$6,750,503.95	100.00

DEFERRED DEBTORS

The deferred debtors relate to:-

1. Bankruptcies on which dividends are pending.
 - \$
 - Onta Foods 355
 - Signlite Australia 198
 - Farmer Jacks Connolly 393
 - Mainline Contracting 95
 - WA Folk Federation Inc 1,116

2. Accounts, payment of which have been deferred in excess of 12 months.
 - a) Ongar Investments (contribution to Berkley/Redcliffe Avenue intersection upgrade). 11,352
 - b) Allstate Acceptance Corporation (reimbursement of purchase of Water Tanks - account deferred until 30/11/2000) 6,993
 - c) RJ & HC Geary (East Wanneroo Development Cell 3) 22,000
 - d) Municipal Association of WA (Local Government House - equity) 14,712

3. Debits raised for headwork levies - awaiting Ministerial approval.
 - a) Galea Building Company East Wanneroo Development Cell 4 - awaiting ministerial approval on contribution 55,000
 - b) North Whitford Estate Pty Ltd East Wanneroo Development Cell 5 - Minister of Planning is to determine a headwork levy for each developed lot 1,827,500

4. Mindarie Regional Council - monies owing to the City for Operational Surpluses \$918,550 (these are being repaid by annual instalments of \$173,564 - last instalment of \$173,564 received 3 July 1998) and for Capital Advances \$548,575.
5. An amount of \$28,045 was raised in anticipation of Workers Compensation premium recovery, pending actual salary and wage submission in August 1998. This sum will then be recovered.

DEFERRED SPORTING CLUB DEBTORS

These accounts relate to loans obtained by the City on behalf of three sporting clubs, and which are being repaid over a period of years.

	\$
Quinns Rocks Bowling Club	17,748
Wanneroo Districts Rugby Union Football Club	47,412
Wanneroo Districts Basketball Association	259,871

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

- 1 receive the Outstanding Debtors Report as at 31 August 1998;
- 2 in accordance with the provisions of Section 6.12(1)(c) of the Local Government Act 1995 write out of the General Debtors Ledger an amount of \$429.00, representing debts considered irrecoverable, as detailed in Attachment "A" to Report CJ136-09/98.

The Motion was put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix IV refers

**CJ137-09/98 WARWICK OPEN SPACE - SPORTS COMPLEX -
[09399J]**

SUMMARY

The Warwick Recreation Association is seeking funding support of \$33,000 to complete the bar and cool room facilities for the Warwick Open Space - Sports Complex. The request is not supported as it is contrary to Council's Policy J1-01 Alcohol Storage which states that funds will not be made available for facilities or fixtures for the express purpose of serving alcohol.

Approval is, however, sought to finish the shell of the bar area to make the facility usable and to assist the Warwick Recreation Association by:

- providing the bench work as a contra arrangement for the Association having provided the kitchen area bench to the value of \$8,000; and
- providing the full enclosure grilles to isolate the bar from the hall and adjoining foyer.

BACKGROUND

Discussions with the Greenwood Tennis Club, Perth Outlaws Softball Club and Warwick Bowling Club, which comprises the Warwick Recreation Association Inc., have been ongoing since 1996 concerning the development of the Warwick Open Space Sports Complex.

Over this period a number of reports were put to Council, and supported, to build additions to the Sport Complex and to lease the facility to the Association to manage as a joint arrangement when building additions are completed. Reports CS232-07/97; TS330-12/97 and TS30-03/98 refer (extracts placed in Commissioners Reading Room).

Work commenced on the additions to the Sports Complex in July 1998. As the scheduling of works for the contractor was being programmed details were sought from the Association on what provision they had made for the fit-out of the bar and cool room facilities, so that the contractor could coincide and service their requirements.

At that stage, July 1998, the Association advised that they were under the impression that the Council was to provide the bar and cool room facilities and that they were unaware of Council policy which states that that funds will not be available for facilities or fixtures for the express purpose of serving alcohol (Policy J1-01 refers).

DETAILS

Council's Policy J1-01 Alcohol Storage - Council Buildings states that funds will not be available for facilities or fixtures for the express purpose of serving alcohol as does the CSRFF grant application and guide forms. The Association received a CSRFF funding grant for the Sports Complex project.

It is believed that the stated position of the City regarding the non funding of bar facilities had been made clear to the Association during the ongoing discussions on the development of the Sports Complex.

This policy has been applied recently in respect to Iluka Sports Complex in which Council rejected a submission from the clubs involved for assistance to fit-out the bar facilities for that complex. Report CJ38-07/98 refers.

At no stage has the Council proposed funding the fit-out of the bar or the provision of a cool room for the Warwick Open Space Sports.

In the documentation of the contract for the Sports Complex project the work to be undertaken by the contractor was initially reduced so as to:

- maximise the building size at the start of this second phase of the complex;
- allow Warwick Recreation Association input in the completion of the bare shell; and
- leave the completion of internal fit-out to a later time should there be a short fall in the project funding.

As the provision of the bar and cool room fixtures (except for the services allowances) were to be provided by the Association these items were excluded from the contractors work.

The tender documentation for the bar and kitchen excluded construction of fixtures to the kitchen service area but showed fixtures to the bar service area. This was to cater for the reuse of demolished kitchen/bar fixtures from the refurbishment work undertaken at the Joondalup Administration Centre. This service area work was shown as outside the contract, the successful tenderer only attending on the work to be done by the Club and support service work; plumbing and electrical to be provided in this area. The Association via its building representative Norm Cook, provided, when requested, costing input for the required fixtures to this area so that the fit out of the area would coincide with the general on site construction programme.

In the detailing of the design of the kitchen, kiosk and bar it became evident that the Warwick Recreation Association was unable financially to complete the bar and cool room facilities.

The Association has known all along its responsibility in respect to the provision of the bar - cool room and has based its major source of income for its first year of operation upon its bar trade.

Meetings were called by the City and attended by the Chairman of the Association and senior Council officers to discuss the Association's misunderstanding that a bar facility was to be provided and funded by the City in the new building.

The case for the Association was subsequently put by its Chairman, Richard Oliver, in a letter received on the 4 August 1998. This letter lists the history of events leading up to this point in time but does not offer any resolution to the Association's need for funding the new bar and cool room area, (a copy of the letter is placed in Commissioners Reading Room).

COMMENT/FUNDING

The funding for this project includes CSRFF funds and is made up of the following contributions:

Municipal Funds ACC. no. 30920	\$330,000.00
Ministry of Sport CSRFF Grant	\$ 50,000.00
Club Contribution	\$ 20,000.00
Available Funds	\$400,000.00

Committed expenditure:

• Consultancy fees advertising and printing	\$13,600.00
• Selected Contractors tender	\$286,682.00
• funds available for fit-out, carpets, site works and landscaping	\$99,718.00
Total	\$400,000.00

Account No:	30920
Budget Item:	BMJ 160
Budget Amount:	\$400,000.00
Actual Cost:	\$300,282.00

The balance of funds available, \$99,718.00 are for fit-out, carpets, site works and landscaping.

The funding required as costed by the Warwick Recreation Association to complete the bar-cool room includes the following:

• Cool room	\$16,000.00
• Bar bench work	\$7,000.00
• Bar glass wash	\$2,000.00
• Bar security grilles	\$8,000.00

Total expenditure **\$33,000.00**

To make the new facility practically usable by finishing the shell of the area it is recommended that assistance be given to the Warwick Recreation Association by :

- providing the bench work as a swap for the Association having provided the kitchen area bench work to the value of \$8,000.00; and
- providing the full enclosure structure inclusive of security grilles to isolate the bar from the hall and adjoining foyer,

The Association would be required to provide the cool room and internal bar fixtures which is consistent to Council Policy on this matter.

The Association was provided with the large refrigerator from the previous Councillors bar and this fixture coupled with some additional fridges would suffice in the short term until the Association had the funds to construct its new cool room.

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

- 1 assist the Warwick Recreation Association at the Warwick Open Space Sports Complex by installing the new stainless steel benches as a contra in value to the sum of \$8,000.00 against the same \$8,000.00 in value for the kitchen stainless steel benches supplied by the Association;
- 2 secure the bar area by providing the wall elements inclusive of roller grilles and perimeter bench height walls.

The Motion was Put and

CARRIED

CJ138-09/98 TENDER OF MUNICIPAL HERITAGE INVENTORY REVIEW - [16086]

SUMMARY

An invitation for Consultancy Proposals for the Municipal Heritage Inventory review (Proposal No. 019-98/99) was advertised in the West Australian newspaper on 18 July 1998 and at the close of tender on 4 August 1998, no tender documents were received. Approval is sought to call quotations in October 1998 for a consultancy for the Municipal Heritage Inventory Review.

BACKGROUND

Under Section 45 of the Heritage of Western Australia Act 1990, the Council of a municipality "shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance." Sub-section (2) states that this inventory shall be updated annually and reviewed every four years. Sub-section (4) states that the inventory shall be compiled with "proper public consultation".

The original list of places recommended in the report 'City of Wanneroo [former] Inventory of Heritage Places' prepared by W G Martinick & Associates in 1994 was adopted by Council. Since then, nearly 20 places have been added to the list. Because of lack of specification and detail about Municipal Inventories in the Act, and the ineffectual legal nature of Municipal Heritage Inventories, the requirements and specifications of the brief for the Municipal Heritage Inventories Review was written to ensure that the document produced as a result would be as accurate and detailed as possible.

In April 1998 letters were sent to six selected consultants inviting them to submit proposals for the Review project. These consultants were selected from a list of recognised heritage professionals who undertake Municipal Heritage Inventories work. The list is provided by the Heritage Council of WA. Three of the six consultants who were sent letters responded that they had insufficient time to undertake the project. Two responded that they were interested in the project but that they had reservations about details contained in the contractual papers and the brief. One did not respond at all.

The consultancy review was advertised as a public tender on 18 July, 1998 in the West Australian newspaper. The closing date and time for tenders was 4 August at 3:00pm. A total of eight inquiries were received and eight copies of the tender document were posted to or collected by interested parties. Six of the eight inquiries were consultants and two inquiries were from the Town of East Fremantle and the City of Stirling, requesting the tender document for information only.

The Heritage Officer contacted three of the consultants to identify possible reasons for not submitting tenders. The feedback received indicated the main reasons for not providing tenders were the lack of time to prepare a quality submission and their time was committed to other projects. However, they expressed their interest in submitting a proposal if the tender was to be re-advertised at a later date.

COMMENT/FUNDING

As no tender was received for the consultancy to undertake the Municipal Inventory Review, it is proposed to call quotations in October 1998 to complete the project as the amount is under \$50,000. A sum of \$25,000 has been allocated in the Consultancy Account 41137 in the 1998/1999 budget to undertake the Municipal Heritage Inventory review. The project is required to be completed by 31 May 1999.

MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners note that no tender was received for the consultancy to undertake the Municipal Heritage Review and that quotations would be called in October 1998, as the amount is under \$50,000, to complete the project.

The Motion was Put and

CARRIED

**CJ139-09/98 TENDER NO. 039-98/99 : JOONDALUP WEEKEND
MARKETS - [03575J]**

SUMMARY

Results for the Tender 039-98/99 concerning the management of the Joondalup Weekend Markets are tabled and approval is sought for the engagement of Brian Laurance and Associates Pty Ltd, trading as Galleria Art and Craft Market, to undertake the organisation and operation of the Joondalup Weekend Markets on a lease basis of 3 years with a 3 year option.

BACKGROUND

The former City of Wanneroo in February 1998 agreed to the establishment of pilot night markets in the Joondalup City Centre. The markets were piloted early in 1998 and a review process was conducted. The following recommendations were noted and approved in the review report:

“That the Joint Commissioners:

1. Acknowledge the success of the Joondalup night markets;
2. Nominate the Director Strategic Planning (or his nominee) to represent the City on the Joondalup Weekend Markets Management Committee established by the Joondalup City Owners and Traders Association Inc;
3. Endorse the calling of tenders for the operation of Weekend Markets in the Joondalup City Centre; and
4. Authorise the preparation of a lease agreement.”

DETAILS

Public tenders were invited on Wednesday, 19 August 1998, closing on Thursday, 3 September 1998 at 3 pm with three tenders being received.

The tenders were opened by a committee comprising, C Bishop and S Davidson from the City of Joondalup.

One tender, CHU & Associates supplied no more than the Tender Form and therefore was considered a non conforming bid.

All tenderers however were contacted by either fax or letter and requested to provide further information by Friday 3 September 1998, in support of their submission. Only two tenderers, Brian Laurance and Associates Pty Ltd and Andrew Wharram responded by the required time.

The tenders were evaluated by a committee comprising J Kirton from the City of Joondalup and J Reidy-Crofts from Joondalup City Owners and Traders Inc. The tenders were evaluated using a multi criteria model recommended by the City's framework of contract management and the selection criteria as detailed below:

Selection Criteria	Weighting Factor
1. Relevant skills and experience in promotion and operation of night and/or weekend markets	25%
2. Preparedness to capital invest in the venture through organisation, advertisement on radio, television and local media.	25%
3. Innovation of proposed programme for the markets and stallholders mix.	20%
4. Management structure, organisation capacity in entertainment/shows, people management, safety record in working in public thoroughfare operations	15%
5. Financial capability of market operator and financial projections for market operations	15%

Tender Evaluation

Tenderer	Selection Criteria					Total (100%)	Rank
	(1) (25%)	(2) (25%)	(3) (20%)	(4) (15%)	(5) (15%)		
CHU & Associates	0	0	0	0	0	0	*
Andrew Wharram	23	20	15	15	10	83	2
Brain Laurance & Associates Pty Ltd	25	25	20	15	15	100	1

** No-conformant bid due to lack of information to assess the selection criteria*

The highest score in each category was assigned the maximum value when appropriate. The final score for each tender being the total of the four selection criteria scores. The evaluation of tenders has been undertaken on the basis of information provided by each tenderer in response to the tender document requirement and subsequent request for further information.

The tender submitted by Brian Laurance and Associates was comprehensive and contained all the necessary documentation. Brian Laurance was assessed as having more experience in the management of art and craft style markets compared to Mr Andrew Wharram.

The concept plan of the market entertainment programme and stallholder mix proposed by Brian Laurance and Associates was more innovative than Mr Wharram's proposal and his financial plan for the market operation, as outlined in his tender submission, was considered more comprehensive and appropriate for the success of the market operations.

Mr Brian Laurance has demonstrated competencies in market organisation, operation and promotional skills considered necessary to achieve the objectives for the Joondalup Weekend Markets.

Under the lease arrangements, Brian Laurance and Associates would organise, operate and actively promote the Joondalup Weekend Markets.

The lease period for the Weekend Markets will initially be for a 3 year period with an option for extension.

The markets are to be operated in the area of Central Walk and Reid Promenade between 5 pm and 9.30 pm on Friday. The City would consider an extension of the market to include Saturday and/or Sunday operations and suitable times by agreement.

Brian Laurance and Associates will be responsible for all costs associated with:

- Applications, approvals and licences as and when required for the organisation and operation of the Joondalup Weekend Markets;
- Preparation of the lease documents;
- Promotion, advertising and entertainment for the markets;
- Charges associated with the erection and removal of the necessary barriers to close the public streets;
- Charges for provision and removal of sufficient bins for the area and appropriate ablution facilities;
- Additional facilities to be connected to LandCorp electrical reticulation including but not limited to power consumption costs, connection fees and meter rentals.

No commitment has been made by the City to meet any of the costs associated with the organisation, operation or promotion of the markets.

Specific conditions concerning public access arrangements, trading in a public place, the erection and positioning of stalls and the compliance of stallholders with all relevant building and health requirements, in particular Food and Hygiene Regulations and Council's Eating House By-Laws 1993 - Stalls and Operators of Foodstalls, is the responsibility of Brian Laurance and Associates in managing the markets.

With regard to the programme for the market, Brian Laurance and Associates propose that the entertainment programme would endeavour to utilise the services of local performers and to work in with the City's calendar of events.

The projected budget proposed by Brian Laurance and Associates includes a commitment to advertising and promotion (Channel 10 and Wanneroo Times) of \$50,000 per annum and \$22,000 per annum for entertainment (calculated for a Friday night operation only).

The Joondalup Owners and Traders Inc. is responsible for the management of operational matters between Owners and Traders and Brian Laurance as Market Operator.

On a quarterly basis, Brian Laurance and Associates would report to the Management Committee, comprising of representatives from Joondalup Owners and Traders Inc. and a representative from City of Joondalup, on the market operations, including -

- Number of stallholders
- Estimated crowd

- Estimated revenue
- Details of promotional activities

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

- 1 accept the tender from Brian Lawrence and Associates Pty Ltd trading as Galleria Art and Craft Market for the organisation and operation of the Joondalup Weekend Markets;
- 2 authorise the Chief Executive Officer to formalise a lease agreement in accordance with the Conditions of Tender, Number 039-98/99.

Cmr Clark-Murphy spoke in support of the Motion.

The Motion was put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

TECHNICAL SERVICES SECTION

Items CJ140-09/98 to CJ143-09/98 inclusive, were Moved by Cmr Morgan and Seconded by Cmr Clark-Murphy. Cmr Morgan gave notice of his intention to speak on Item CJ141-09/98 and CJ143-09/98.

**CJ140-09/98 PARKING PROHIBITIONS - ELLERSDALE AVENUE,
WARWICK - [02381J]**

SUMMARY

Following the closure of Warwick Primary School, the existing parking prohibitions adjacent to the former school site on Ellersdale Avenue are no longer required. Accordingly, it is proposed to revoke these prohibitions.

BACKGROUND

At the end of 1996 Warwick Primary School was closed by the Education Department. As a result, a number of existing parking prohibitions associated with the primary school have become redundant. The existing parking prohibitions on Ellersdale Avenue are shown on Attachment 1. A report on the removal of parking prohibitions associated with Warwick Primary School in Eddington Road was considered at the former City of Wanneroo Council meeting on 27 August 1997 (Item TS241-08/97 refers).

DETAILS

The closure of Warwick Primary School has reduced the amount of vehicles parking along Ellersdale Avenue during peak times. Due to this, the existing parking prohibitions associated with the primary school are no longer required.

The parking prohibitions associated with the Warwick Church of Christ are also no longer required. The pedestrian crossing has been relocated and the statutory prohibitions associated with the crossing replace the existing prohibition. In accordance with the Road Traffic Code, parking is not permitted within 18 metres of the approach side of a pedestrian crossing or 9 metres of the departure side. As a result, the existing "NO PARKING ANYTIME" prohibition is no longer required.

COMMENT/FUNDING

With closure to the school the existing parking prohibitions associated with the former Warwick Primary School are no longer required. Attachment 2 shows extent of parking prohibitions that will remain in Ellersdale Avenue.

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

- 1 revoke the "NO PARKING ON VERGE 8:15 - 9:15AM, 3:00 - 4:00PM MONDAY TO FRIDAY" prohibitions on Ellersdale Avenue adjacent to the former school site as shown on Attachment 1 to Report No CJ140-09/98;
- 2 revoke the "NO PARKING CARRIAGEWAY OR VERGE 8:15 - 9:15AM, 3:00 - 4:00PM MONDAY TO FRIDAY" prohibition on Ellersdale Avenue adjacent to the former school site as shown on Attachment 1 to Report No CJ140-09/98;
- 3 revoke the "NO STANDING CARRIAGEWAY OR VERGE 8:15 - 9:15AM, 3:00 - 4:00PM MONDAY TO FRIDAY" prohibition at the former pedestrian crossing on Ellersdale Avenue as shown on Attachment 1 to Report No CJ140-09/98;
- 4 revoke the "NO PARKING ANYTIME CARRIAGEWAY OR VERGE" prohibition adjacent to Warwick Church of Christ on Ellersdale Avenue as shown on Attachment 1 to Report No CJ140-09/98.

The Motion was Put and

CARRIED

Appendix V refers

CJ141-09/98 TENDER 041-98/99 - SUPPLY AND INSTALLATION OF CART IDENTIFICATION AND WEIGHTING SYSTEM - [29453, 09104]

SUMMARY

There is a need for a Cart Identification and Weighing System as part of the Recycling Trial. Only one tender was received on time and it is recommended that tenders be recalled for the supply of the required equipment so that Council will have a wider choice of potential suppliers.

BACKGROUND

At its meeting in April 1998 (item TS75-04/98 refers) the Joint Commissioners approved the recycling trial including the use of an electronic cart identification and weighting system. Funding for the system has been included in the 1998/99 Budget. The collection of data is the basis for the trial. Good data collection increases the long term benefits of the trial because more accurate predictions can be made. Weighing systems for domestic refuse collection are only now being developed as the operating environment was found to be quite hostile and early equipment did not survive or give acceptably reliable measurements. More reliable equipment is now becoming available.

The desired outcome would be to record each time a rubbish or recycling cart is placed out for collection and the weight of its contents. The weighting system does not need to meet Australian Weighing Standards as the weights are not being used to charge residents.

DETAILS

Tenders were advertised and closed on Thursday 20 August 1998. One tender was received and one late tender was received on Friday 21 August 1998.

The one valid tender was received from Amskan Limited for \$302,712. The company has considerable experience in remote identification systems and supplied the truck identification system used for the weightbridge at Tamala Park.

Amskan Limited does not claim any experience in weighing 240L carts and has proposed a Project Management Team approach involving the following companies:

Integrators -Amskan Limited, Victoria

Tags and readers - Integrated Silicon Design, South Australia

Weighting Equipment - Tramanco Pty Limited, Queensland

Installation, Maintenance and Support - Amskan Local Service Centre Western Australia

Amskan Limited will supply the software, which has not yet been written. It will co-ordinate the other suppliers. The weighing system is of concern as there could be significant teething problems with an untried system.

The proposed supplier of the weighing system, Tramanco Pty Limited, supplies shear pin load cells and appears to have a good reputation for crane type applications where the load can be held stationary during weighing. Tramanco has had one rear loading cart lifter operating for several months using the 'dual pin system' proposed for this project. It reported that this system works well and was developed after failures with a single pin system. Tramanco has no systems operating on side loader trucks.

Mosman Park Town Council tried to get a domestic cart weighing system operational in 1992 to 1994 to allow the introduction of a 'pay by weight' charge. It was found that the development of a system for the side loading rubbish trucks was significantly more time consuming and difficult than for the rear loading rubbish truck. In the end the technology available could not meet the required accuracy of +/- 0.1kg. Mosman Park still uses the electronic identification tags on all of its rubbish bins.

The accuracy requirement for the trial is +/- 1.0kg at the individual cart level to provide trend data for the fortnightly use of the recycling carts and the corresponding weekly weights for the rubbish carts. This will give Council the best possible data for determining the future of its rubbish and recycling services. It is known that at least one system achieving this level of accuracy is being used in the eastern states.

COMMENT/FUNDING

Time is a significant issue as it is desirable to have the system operational as soon as possible. The tender asked for the system to be operational by 19 October 1998. Amskan has stated a delivery time of 12 to 14 weeks from date of order which will be in January 1999. The company has indicated some possibility of having part of the system operational earlier but it does not appear to be willing to comment further until a contract is signed.

On balance, it is considered that the tender from Amskan will not deliver the desired bin weighing and identification system within the time constraints applying to the recycling trial.

The budget provision for the project is \$254,000. Application has been made for grants from the State Government's Waste Management and Recycling Fund totalling \$98,500 in relation to the Bin Identification and Weighing System. While Council may not receive the complete grant, it is likely to get some money to help with funding this aspect of the project.

Account No: 26875	\$110,000
27283	\$90,000
26981	\$50,000
26982	\$4,000
Budget Item:	cart/bin identification system
Budget Amount:	\$254,000
Actual Cost:	\$302,712

It is recommended that Council recall tenders to give it the opportunity to consider a wider range of possible suppliers. If tenders are recalled the results would probably be reported to the 10 November 1998 meetings of the Joint Commissioners. The equipment would be installed well after the start of the trial in November but would give about nine months data collection and experience with the equipment.

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

- 1 not accept any tender for Tender 41-98/99 Supply and Installation of Cart Identification and Weighing System;**
- 2 authorise the recalling of tenders for the Supply and Installation of a Cart Identification and Weighing System;**

Cmr Morgan spoke to the Motion, advising that the recall of tenders would not delay the start of the recycling trial scheduled for November 1998.

The Motion was Put and

CARRIED

CJ142-09/98 TENDER NO 042-98/99 - SUPPLY OF CONTRACT LABOUR - [21455]

SUMMARY

A Contract Labour tender during 1997/98 was utilised and it was proposed that this process be extended for the entire Technical Services directorate.

Tender No 042-98/99 Supply of Contract Labour was advertised and 12 tenders were received (refer Attachments A, B and C). Three companies are recommended for the directorate, in accordance with the Schedule of Rates submitted with the tenders.

BACKGROUND

Contract labour has been used for a number of years to supply labour for specific periods or projects. Due to expenditure exceeding \$50,000 a tender was initiated in 1997/98. Tender No 036-97/98 was awarded to Integrated Workforce WA and Prestige Trojan Recruitment, and expires on 30 September 1998.

DETAILS

Assessment of the tenders has indicated three companies are competitively priced for all work areas as follows:-

- Integrated Workforce - as per Price Schedules
- Lo-Go Appointments - as per Price Schedules
- Forstaff - as per Price Schedules.

It is therefore proposed that the above three tenderers be accepted for this contract. This will enable the business units to select the required personnel from one of the successful tenderers. The current tender operates from 1 October 1998 to 30 September 1999.

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

- 1 accept the tenders submitted by Lo-Go Appointments, Forstaff and Integrated Workforce WA for Tender No 042-98/99 Supply of Contract Labour, as per the attached Price Schedule as shown on Attachment D to Report No CJ142-09/98;**
- 2 endorse the signing of contract documents.**

The Motion was Put and

CARRIED

Appendix VI refers

**CJ143-09/98 HARBOUR RISE ENTRY STATEMENT LANDSCAPE
CONCEPT PLAN - [05069J]**

SUMMARY

Plan E, Landscape Consultants, have submitted an entry statement landscape concept plan on behalf of Estates Development Company for Harbour Rise Hillarys. The proposal incorporates a significant number of *Araucaria heterophylla* (Norfolk Island Pines) and a concern has been expressed regarding the impact on views of existing residents of Sorrento and Hillarys.

The proposed landscape forms four circular bands around the roundabout, with a total of 54 large trees.

BACKGROUND

Estates Development Company has undertaken extensive design and planning for the Harbour Rise Estate in Hillarys. Throughout the estate there has been extensive earthworks to enhance the views. The land south of Hepburn Avenue is a similar topography and the residents of Ashmore Way, Bennetts Place and Manakoora Rise have developed properties with open views to the west, along the Hepburn Avenue road reserve.

Successful discussions were held with the developer to resolve concerns regarding screening of the limestone retaining walls within the proposed subdivision.

Public Open Space

The Public Open Space located in the north east corner, abutting the roundabout, has been retained to preserve a group of coastal "Christmas Trees". The environment for these trees is being significantly altered by the subdivision and landscape proposal.

Lacepede Park

Developed park. Trees were illegally cut down within this park previously to provide views for residents in Howland Road and Ledge Place. No action was taken as no evidence was available to prove who was responsible for the action.

DETAILSLandscape Concept

Plan E has submitted supporting documentation in support of this approval (refer Attachment A). Landscape plans will be on display during the meeting of Joint Commissioners on 22 September 1998. Discussions have been held with Plan E regarding these plans and agreement has not been reached to allow the signing of them.

The design provides for an entry statement with “bands” encompassing three sides of the roundabout. These bands are five metres wide, alternating turf and shrubs with concrete kerb and irrigation. Norfolk Island Pines are proposed at 6-8 metre spacings within the shrub bands and all stock proposed for planting will have an initial height of 3-5 metres.

North East Corner of Roundabout

New public open space area with small clump of “Christmas Trees” enclosed in natural vegetation island area. The banding is broken by the natural island area. A cycleway is provided within this public open space to link the other public open space located east along Hepburn Avenue.

South East Corner of Roundabout - Ledge Park

This area has been retained as natural bushland. Additional planting of Norfolk Island Pines and turf is proposed for the verge and POS frontage.

South West Corner of Roundabout - Lacepede Park

Developed public open space with drainage lake feature. Additional planting of Norfolk Island Pines and turf is proposed for the verge and POS frontage.

North West Corner of Roundabout

Residential properties with standard verge widths. Proposed entry statement fence/wall to be installed on property line. A dual use path is to be provided within this verge. Trees are proposed for planting within the verge area.

Median

West of Howland Road roundabout to Whitfords Avenue junction. Norfolk Island Pines at 20 metre spacings with low understory plants.

Median

East of Howland Road roundabout to Lukin Road junction. Developed by Parks Landscaping Services in 1998. Palms and grass stolons planted. Four Norfolk Island Pines are proposed at six metre spacings as part of the banding concept.

COMMENT

Meetings have been held with Plan E and Estates Development representatives on various occasions, both on site and within this office regarding this concept. These discussions have resolved many initial concerns regarding retention of trees and visual aspects. The unresolved issue is the number and species of trees within a small area, which will impact on existing views.

Concerns have been repeatedly expressed that the amount of trees proposed will totally block out the existing views as they develop.

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

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

The developer, in its submission (refer Attachment A), has proposed to thin out the trees over time by removing alternate specimens. This is acknowledging that they will impact on views as they grow. However, landscape enhancement, once installed, is difficult to modify or alter as residents have an expectation regarding what they believe they paid for.

The landscape adopted by Council must have consideration for a variety of impacts as follows:-

1. The impact on existing indigenous vegetation within the proposed Public Open Space and existing Ledge Park.
2. The visual impact on existing residential properties in areas where views are a major marketing aspect.

The landscape concept for Harbour Rise Stage 1 Entry Statement has been considered and it is requested that the concept be modified as follows:-

1. reduce the number of bands, or provide an alternative tree species for this location.
2. delete all planting within the existing Ledge and Lacepede Parks.
3. increase the proposed spacing of trees within the road median to a minimum of 20 metres apart.
4. delete all Norfolk Island Pines on residential verges due to size and impact.
5. reduce the amount of Norfolk Island Pines proposed for the new Public Open Space located on the north east corner, or provide an alternative tree species for this location.

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

- 1 **receive the landscape concept plan as submitted by Plan E on behalf of Estates Development for the Harbour Rise Entry Statement;**
- 2 **request the following modifications to the landscape concept plan:**
 - (a) **reduce the number of bands, or provide an alternative tree species for this location;**
 - (b) **delete all planting within the existing Ledge and Lacepede Parks;**

- (c) increase the proposed spacing of trees within the road median to a minimum of 20 metres apart;
- (d) delete all Norfolk Island Pines on residential verges due to size and impact;
- (e) reduce the amount of Norfolk Island Pines proposed for the new Public Open Space located on the north east corner, or provide an alternative tree species for this location.

Cmr Morgan spoke in support of the Motion, which he believed allowed for compromise with the developers.

The Motion was Put and

CARRIED

Appendix VII refers

DEVELOPMENT AND PLANNING SERVICES SECTION
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**CJ144-09/98 DISTRICT PLANNING SCHEME NO 2 -
CONSIDERATION OF SUBMISSIONS - [04723]**

SUMMARY

The then Shire of Wanneroo began to review its Town Planning Scheme No. 1 in 1985 and draft documents were approved for advertising in 1997. A comprehensive program of public consultation was conducted in conjunction with the advertising which closed on 20 April 1998. 178 submissions were received during the advertising period and these have been assessed together with a range of other matters for consideration by the Joint Commissioners.

In addition to proposing a number of modifications to the Scheme documents it is recommended that separate schemes be created for the City of Joondalup and the Shire of Wanneroo prior to the modifications being readvertised.

BACKGROUND

In 1985 the then Shire of Wanneroo resolved to examine Town Planning Scheme No. 1 as provided for in the Town Planning and Development Act. The Minister for Planning granted approval for the City of Wanneroo to review Town Planning Scheme No. 1 (TPS1) by the preparation of a new scheme in January 1986. A draft District Planning Scheme No 2 was adopted in March 1991 and forwarded to the Department of Planning and Urban Development. In August 1996, Council modified the draft and submitted it for consent to advertise.

Council was advised in July 1997 that the Minister for Planning had given his consent for the Scheme to be advertised for public inspection subject to a number of modifications being carried out prior to advertising and to modify or further investigate various matters during the advertising period. The necessary modifications were carried out and Council adopted the modified Scheme at a Special Meeting held on 10 September 1997.

DETAILS

Advertising

The City of Wanneroo District Planning Scheme No 2 (DPS2) was advertised by notice in the Government Gazette on 17 October 1997 for public inspection subject to a comprehensive public consultation program accompanying the advertising. To enable a suitable consultation program to be conducted the Joint Commissioners requested (December 1997) a further advertising period and this was granted by the Minister for Planning for three months from 16 January 1998 until 20 April 1998. Statutory notices were placed in both the West Australian and the Wanneroo Times and Government Agencies were advised for both the October and the January advertising periods.

Public consultation

The comprehensive public consultation program requested by the Minister for Planning comprised three main elements: the preparation and distribution of a public information brochure, the placement of information displays in selected shopping centres throughout the City, and the direct mail contact with landowners and groups likely to be affected or interested in the proposed Scheme.

A full colour brochure was produced with a copy of the composite Scheme Map on one side and explanatory text and photographs on the other. The brochure was delivered to all postal addresses within the City by 16 March 1998. The brochure included a detachable questionnaire and submission form and many of the submissions were on these forms.

For the two weeks beginning 26 March 1998, information displays were placed in Kingsway, Lakeside, Warwick Grove, Whitfords, Wanneroo, Quinns Rocks, and Yanchep shopping centres. These displays consisted of composite scheme maps for both TPS1 and DPS2, the explanatory text from the information brochure and a dispenser of information brochures. Planning staff were in attendance at most of the displays for the two Thursday afternoons and evenings. Notices were placed in the Wanneroo Times advising of the location and times of the displays.

A number of individuals and groups were contacted directly by letter advising of the advertising of the proposed scheme and invited to make comments.

Those included were:

- ratepayer and community groups;
- shopping centre owners and managers;
- service station owners;
- owners of land included in special zones;
- land developers.

These groups of individuals were advised of specific proposals with potential to affect their property, such as, retail floor space limits on shopping centres, removal of the service station zone, rationalisation of special zones, and the implications of including developing land in either the Urban Development zone or the Residential Zone.

Investigations

When granting approval to make the Scheme available for public inspection and comment the Minister for Planning identified a number of issues under 44 points for investigation and consideration by Council. These matters have been investigated and are listed in Attachment 1 with a recommended response provided against each item. A number of these related to the zoning and use of land in the rural areas. As the City is in the process of preparing a Local Rural Strategy that will have implications for these issues, the further investigation and consideration requested by the Minister has been deferred pending detailed consideration of the Local Rural Strategy.

Consideration of Submissions

178 submissions were received in response to the Scheme being made available for public inspection and comment. Not all of the submissions were made on the statutory forms, many were made on the questionnaire incorporated in the public information brochure, and several were received after the end of the submission period. All submissions received have been assessed and considered on the basis of their content regardless of their inclusion or not of the statutory form or the date received.

Program To Final Approval

The program for the progress of DPS2 from this point consists of consideration of submissions and Scheme documents by the Joint Commissioners, submission of recommendations to the Minister, determination by the Minister of these issues and any subsequent modification of Scheme documents. The Minister has previously advised readvertising of the Scheme may be required. If this is the case, a further series of advertising, consideration of submissions, submission of recommendations, and determination by the Minister will be necessary. The final documents require the Minister's approval, and notification and publication in the Government Gazette.

The Town Planning Regulations require that the submissions are considered within six months of the close of advertising. At the latest submissions must be considered by the Joint Commissioners by 20 October 1998. The Town Planning Regulations also require that the submissions and recommendations be forwarded to the Ministry within 28 days of consideration by the local authority. It is anticipated that the submissions and other documentation will be forwarded to the Ministry by mid October 1998.

Following determination by the Minister, which could take from four to six weeks, proposed changes to the documents have to be completed and the Schemes readvertised. It is estimated that this will occur either late 1998 or early in 1999 which should allow for the final approval some time between the middle and end of 1999.

COMMENTS

Investigations Required By The Minister

When consenting to the advertising of the Scheme, the Minister required 44 matters be further investigated or modified during the advertising period. These matters have largely been completed although a number of issues relating mainly to the rural area require further work following the completion of the Local Rural Strategy. Many of these matters required inclusion of provisions from the Model Scheme Text or involved other suggested changes to the Text. In most cases these are agreed but some are not considered appropriate or necessary. The issues and responses and recommendations are detailed in Attachment 1.

Local Rural Strategy

Several of the matters identified by the Minister and in public submissions can only be satisfactorily determined following the preparation and adoption of a Local Rural Strategy. A draft Local Rural strategy has been prepared and it is anticipated that it will be finalised in March 1999. Those aspects of the Scheme that will require alteration arising from the Strategy can be finalised at that time. These include the possible creation of additional rural zones, further changes to the Zoning Table and the inclusion of special text provisions relating to the rural areas.

Local Centres Strategy

Another area identified by The Minister and a number of public submissions is that of the control of retail floor space. The Ministry for Planning requested that the Scheme provide limits to permitted retail floor area for commercial areas beyond those contained for some centres in Schedule 5 of TPS1. In the absence of any theoretical basis for the floor limits, existing floor areas for all existing centres were included as limits in the Schedule in DPS2.

These provisions have been criticised on both a theoretical and factual basis and it is considered that it can only be properly considered in the context of a Local Centres Strategy. The Local Strategy must be complementary to the Metropolitan Centres Policy which has not yet been finalised. Measures are in place to commence preparation of the Local Strategy and it is estimated that this will be completed by October 1999.

In the interim it is considered that DPS2 should be modified to incorporate only those floor space limits for District and Regional Centres (where subdivision or structure planning has identified the site) set out in the North West Corridor Structure Plan, and limits relating to lower order centres currently contained in TPS1.

Local Housing Strategy

When the Residential Planning Codes were introduced to TPS1 a blanket density code of R20 was applied to the residential areas because it closely equated to the area required for a duplex development under the previous controls. It is no longer considered appropriate for a residential area the size of that in the City and the Shire to be given undifferentiated controls.

Because of the extent and diversity of the area, many residential issues need to be addressed on a more local or precinct basis and this point was made in a number of public submissions.

This matter is best dealt with by being comprehensively addressed in a Local Housing Strategy which is being co-ordinated by Strategic Planning and is estimated to be completed by October 1999. The Strategy should identify localities and precincts that would benefit from the development of individual development guidelines and these will be able to be provided in the form of Approved Structure Plans.

Scheme Report

Early advice during the preparation of DPS2 was that a Scheme Report would not be necessary. Later advice put considerable emphasis on the document. The format and content of the Scheme Report were strongly criticised as being old fashioned and inadequate and a consultant was appointed to rework the report to bring it to a satisfactory standard. It is proposed that this document will become a primary source planning document for both local authorities. The revised document is only in draft form at this stage awaiting direction regarding it being split into separate documents for the City and the Shire. A copy of the draft document is included in the background documents.

Public Submissions

178 public submissions were received during the advertising period, 121 from individuals, 41 from consultants, 14 from government agencies, and two from industry associations. A schedule of Submissions is contained in Attachment 2 summarising the submissions containing commentary and recommendations. An index of submissions is contained in the background documents. A total of 314 issues are raised in the submissions which break down into three equal groups; Scheme Text provisions, zoning, and general comments. The responses proposed to the issues also break down into three almost equal groups. Firstly where a change is proposed to the Scheme documentation to accommodate the concerns raised, secondly where it is not considered appropriate to accommodate the concern raised, and thirdly where no change is required or is not possible.

Zoning Table

The Zoning Table was required to be modified by the Minister prior to advertising which involved a substantial change in substance and in principle from the original table. Further zones and land uses were requested to be added and a number of submissions raised issues relating to the zoning table. A close analyses of the proposed zones, their objectives and the listed landuses has been carried out and the proposed table is quite different from the one advertised. The proposed Zoning Table is contained in Attachment 3 and a list of the uses permitted in each zone together with the objectives for each zone, is contained in the background papers.

The main differences between TPS1 and the proposed DPS2 in this regard is the consolidation of various residential zones to one, the consolidation of commercial zones to a Commercial zone and a redefinition of the Mixed Business zone to perform a non-retail commercial function (which will be particularly useful for accommodating Community Codes style development).

Special Zones

The Minister requested investigation to see if the number of Special Zones could be reduced. All owners of land included in Special Zones under TPS1 were contacted and advised of the request and asked for their comments. All land included in Special Zones has been identified together with existing zoning under TPS1, proposed zoning under DPS2, submissions received, and a recommendation made for each site. A schedule of these sites and recommendations is contained in Attachment 4. Generally, where the use of the site can be accommodated in the surrounding zone the Special zone can be removed. Where the sites are adjacent to a shopping centre the Special zone can be removed and replaced by Mixed Business zone. This will make an overall improvement to interpreting and understanding the Scheme.

Home Occupations

The issue of home occupations was raised in a number of submissions and has been investigated in a wider context than provided for in the Draft Model Scheme Text. A workshop on the subject was conducted and a consultant engaged to prepare a discussion paper and draft provisions. The direction being taken is to define three grades of Home Business depending on the likely impact on surrounding residential areas. The consultant's report and proposed provisions are contained in the background papers. The proposed changes recognise changing work and employment patterns and the urgent need to promote local employment while maintaining the importance of protection of residential amenity.

Car Parking Standards

The car parking standards contained in the draft Scheme was raised by the Minister and in a number of public submissions. A consultant was appointed to review these standards and a copy of the consultant's report is contained in the background papers. A comparison of the reviewed standards with those contained in TPS1 is set out in Attachment 5. The major changes relate to a decrease in the requirements for shopping centres from a flat rate of eight bays per 100 m², to a variable rate starting at 7 bays per 100 m² and decreasing with shopping centre size. Licensed premises are to be assessed assuming customers are seated rather than standing, and consulting rooms have the standard reduced from six to five bays per practitioner.

TPS1 Amendments

Twenty four amendments have been completed since DPS2 was last forwarded to the Ministry and many of the submissions relate to these. Attachment 6 sets out these amendments and it is proposed that the Scheme document be modified to incorporate these amendments..

Division Of The Former City Of Wanneroo

On 1 July 1998 the City of Joondalup and the Shire of Wanneroo were created in the place of the former City of Wanneroo. The City of Wanneroo Town Planning Scheme No. 1 became two town planning schemes which are becoming dissimilar through separate amendments by the two local authorities.

When consenting to the advertising of DPS2 the then Minister for Planning indicated that the Scheme would most likely have to be advertised a second time because of the extent of modification likely to be required. As there are now two separate local authorities with two

separate town planning schemes it is considered appropriate to edit the Scheme documents to create two separate schemes for the two authorities prior to readvertising the Scheme. This should be achieved in response to a direction from the Minister following recommendation from the Joint Commissioners after consideration of the submissions.

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

- 1 **advise the Western Australian Planning Commission that the City of Wanneroo District Planning Scheme No 2 was advertised for public inspection for a period of three months to 20 January 1998 and a further period of three months to 20 April 1998, that the advertising was accompanied by a comprehensive public consultation program, and that the matters referred to in the letter dated 6 October 1997 have been further considered as required by the Minister for Planning and have been investigated and considered;**
- 2 **endorse the comments and recommendations set out in the schedule of matters required to be considered by the Minister for Planning contained in Attachment 1 to Report CJ144-09/98;**
- 3 **having considered all submissions pursuant to Town Planning Regulation 17(1) endorse the comments and recommendations set out in the schedule of submissions contained in Attachment 2 to Report CJ144-09/98;**
- 4 **recommend that the table contained in Attachment 3 to Report CJ144-09/98 be included in the modified Scheme Text as Table 1 - The Zoning Table;**
- 5 **recommend that the changes set out in the schedule of Special Zones contained in Attachment 4 to Report CJ144-09/98 be incorporated in the Scheme Map and Scheme Text;**
- 6 **recommend that the table contained in Attachment 5 to Report CJ144-09/98 be included in the modified Scheme Text as Table 2 - Car Parking Standards;**
- 7 **recommend that the changes set out in the schedule of Retail Floor Areas Limits contained in Attachment 6 to Report CJ144-09/98 be incorporated in Schedule 3 of the Scheme Text;**
- 8 **recommend that District Planning Scheme No 2 be modified to incorporate the intent of the Town Planning Scheme Amendments that have been completed since the Scheme was previously adopted as set out in Attachment 7 to Report CJ144-09/98;**
- 9 **recommend that the scheme documents to District Planning Scheme No 2 form the basis for two new sets of documents for each of the City of Joondalup and the Shire of Wanneroo and that the new documents be advertised again for public inspection and comment before being considered for final approval.**
- 10 **pursuant to Town Planning Regulation 17(2) adopt District Town Planning Scheme No 2 modified in accordance with the recommendations set out in 2 to 9 above.**

The Motion was Put and**CARRIED**

Appendix VIII refers

**CJ145-09/98 REQUEST TO WAIVE FEES FOR HOME
OCCUPATION APPROVAL : LOT 77 (17) SAIL
TERRACE, HEATHRIDGE - [12386J]**

SUMMARY

The City has received a request to waive the \$150 application fee for a Home Occupation.

It is recommended that the request be rejected.

DETAILS

The applicant, who is unemployed, has submitted the following information:

“My first step is doing the Government approved pre-NEIS training course ‘Certificate of Small Business Management’. I started this week at the Australian Learning Academy, City West, West Perth. To meet the NEIS criteria I must submit a completed business plan including Local Council Home Occupation Licence by 4 September 1998.

Would you please help me by waiving the \$150 licence fee required by Council for me to operate a home office.”

COMMENT

The City, as part of its budget adopted a scale of fees and charges for its various services and activities.

The application fee for an Application to Commence Development for a Home Occupation has been set at \$150.

Essentially the Council has two choices:

1. Reject the request. The fee is a legitimate charge for a once only service provided by the City.

No other Government or business would waive charges and fees for services, eg insurance, interest fees, power charges, vehicle registration.
2. Waive the fee. The Council can write off the fee by essentially donating the cost of the fee and the \$150 being paid to Approval Services.

Option 1 is recommended.

REPORT RECOMMENDATION: That the Joint Commissioners not waive the \$150.00 Home Occupation application fee requested by Sandra Blanchard as it is inappropriate for Council to discount fees.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners defer consideration to waive the \$150.00 Home Occupation application fee pending receipt of an application from Sandra Blanchard.

The Motion was Put and

CARRIED

CJ146-09/98 THREE STOREY DWELLING ADDITION WITH A ROOFTOP BALCONY: LOT 1 (19) COURAGEOUS PLACE, OCEAN REEF - [11161J]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development (R20)
APPLICANT/OWNER:	Mr & Mrs A & B Y Koh
REPORT WRITTEN:	26/08/98

SUMMARY

A development application has been received from Mr & Mrs Koh to construct a three storey addition with a rooftop balcony at Lot 1 (19) Courageous Place, Ocean Reef. The proposal is not considered acceptable in terms of Council's Policy in relation to height and scale of buildings in a residential area. Approval is not recommended in view of the adverse comments and due to the excessive scale, height and bulk of the building and the effect on the orderly and proper development of the area.

DETAILS

The subject lot is 1721m² is zoned R20 and is developed with an existing two storey dwelling. There is a diagonal fall across the lot of 8.5 metres from the rear right corner down to the front left hand corner of the lot. The finished floor level of the existing dwelling has been raised approximately 1.1 to 2.1 metres above the original ground level. The surrounding lots are either undeveloped or development with two storey and single storey dwellings. The proposal is to marry the floor levels of the existing dwelling and the new additions at the levels of 16.0 and 16.5, with direct access at this level. The proposal has a total floor area of 600m² with a plot ratio of 29%. The greatest total height of the building above the natural ground level for this proposal is 11.0 metres.

The proposal complies with requirements of clause 1.5 of the Residential Planning Codes.

The proposal however does not meet with the requirements of Council's Policy for Height and Scale of Buildings in a Residential Area. The proposed additions project by a substantial amount through the air envelope required over every lot by this policy.(see attachments).

In accordance with Clause 4.5 of the Council's Policy, the owners of the affected adjoining properties were contacted and eleven subsequent letters of objection were received. Council's policy states that if any objections are received, the matter is to be placed before Council for consideration.

SUMMARY OF SUBMISSIONS

	FROM		RELATIONSHIP	SUMMARY
1	Lot 100 Courageous Ocean Reef	(21) Place,	Affected adjoining owners	Height and bulk of the building. The impact on the streetscape. The size of the proposed additions resemble a hotel and will not complement the existing houses in the area. Concern has been expressed about the materials to be used on the addition, the amount of excavation and rock that might be encountered. The perceived loss of property value, loss of views and loss of privacy.
2	Lot 320 Courageous Ocean Reef	(23) Place	Affected adjoining owners	The proposal projects through the air envelope. The height and bulk of the proposal will not complement the existing dwellings. The impact on the streetscape. Loss of privacy
3	Lot 319 Courageous Ocean Reef	(24) Place	Affected adjoining owners	The proposal exceeds Council's Policy on height and scale of buildings. The impact on the streetscape. The height and bulk of the building and the close proximity of the building to the front boundary will tower over the street and look like a block of flats.
4	Lot 318 Courageous Ocean Reef	(22) Place,	Affected adjoining owner	The proposal exceeds Council's policy on the height and scale of buildings. The enormous bulk of the additions is unrelated to the design of the original house to which it will be joined and will be out of proportion with the surrounding dwellings. From the street it will look like a block of flats. It will be overpowering, towering above all other properties, destroying any hope of privacy. The building will be aesthetically unattractive and will have a negative impact on the streetscape. Concern was expressed about the quality of the finished product and the time taken to achieve it, give the previous performances of developments on this property.
5	Lot 317 Courageous	(20) Place,	Affected adjoining owner	The proposal exceeds Council's policy in relation to the air envelope. The bulk and

	Ocean Reef				height of the building will be overpowering and will impact on the streetscape. The proposal will not be in keeping with the existing dwellings in the street.
6	Lot 316 Courageous Ocean Reef	(18) Place,	Affected owner	adjoining	The possibility of setting a precedent for further high developments in the area. The overpowering appearance, bulk and height of the building and impact on the streetscape. The proposal exceeding Council's policy in relation to the air envelope.
7	Lot 324 Courageous Ocean Reef	(15) Place,	Affected owners.	adjoining	Concern about the height and bulk of the building, the type of materials used and loss of privacy.
8	Lot 337 Volunteer Ocean Reef	(14) Place	Affected owners	adjoining	The proposal will exceed Council's policy in relation the to the air envelope. The bulk, size, height and aesthetic appearance will have a detrimental impact on the streetscape and privacy. The perceived loss of value.
9	Lot 338 Volunteer Ocean Reef	(16) Place,	Affected owners	adjoining	The design protrudes through the air envelope by a substantial amount. The impact on the streetscape due to the sheer mass bulk and block-of-flats-like appearance. The loss of privacy due to the height of the building and the fact that the top of the third floor level will be a fourth level for viewing (trafficable roof). Loss of value.

Mr A L Koh presented the following points to support his case:

- (a) an adjoining properly at 20 Courageous Place is a similar construction and is filled by approximately 3.0 metres.
- (b) the setbacks comply with the requirements of the Residential Planning Codes.
- (c) the roof of the existing dwelling would detract from the aesthetic appeal of the new additions should it project above.
- (d) an issue in relation to safe access between the existing dwelling and the proposed new addition has been raised, hence the similar levels of 16.0 and 16.5 for the aged, children and handicapped persons.
- (e) this application is not overboard and only projects through the air envelope in a very small way.

COMMENT

Single dwellings do not require an approval to commence development unless they are not in accordance with the R-Codes, the Town Planning Scheme , a Scheme Structure Plan or a Scheme Policy.

The City has a Scheme Policy on the height and scale of residential dwellings. The proposed development does not comply with this policy as it projects out of the three dimensional air envelope and hence is now subject to an application to commence development. Whilst the use of single dwelling is permitted within the zone, the Council may refuse the application on the basis of the physical development.

Policy

The City has a policy which in general terms states that the buildings which project outside of the envelope:

- require an Approval to Commence Development;
- should be advertised;
- should require the applicant to set out reasons as to why the proposal should be approved, ie the merits of the proposal.

The proposal has been advertised as required by the policy and extensive opposition to the bulk and nature of the development has been received. Most objectors appeared to consider the buildings which were contained by the building envelope to be a reasonable development outcome. Building bulk, streetscape and privacy were also of concern.

Building Envelope

The building is not in sympathy to the existing ground contours but rather matches the floor levels of the existing development (which seems to have been constructed on fill).

The R-Codes provide that balconies should be measured as having a wall height of 2.4 metres and as the whole roof area is a balcony, the height of the building should be generally measured as being approximately one metre higher. This being the case, the whole of the building extends outside of the envelope and in some instances by several metres.

Building Bulk

The building bulk is totally out of scale with the existing streetscape and development in the locality. From the street, the proposed building has the appearance of being 4 storeys in height. The proposal overwhelms the existing development on the site and nearby two storey housing.

The shape and scale of the development has the appearance of an office block and is out of character with the streetscape and nearby dwellings.

On a positive side, the land does slope over the development by some 5 metres and the site does have an area in excess of 1700m² although the development is only located in the eastern half of the site adjacent to more modest development.

Applicant's submission

The proposal is an extension to an existing dwelling and the floor levels do not match. In order for this to occur the whole building would need to be lowered. As this seems not to be a design consideration, a substantial reduction by 2 metres would seem to be practical.

The building does project through the policy envelope by approximately 2 metres when the roof is regarded as a balcony.

The proposed extension does not complement the existing development on site, but rather sets out to hide it from the street but not the rear. The two architectural styles are radically opposed rather than complementary.

Overall, the proposal is excessive in height and scale and would detract from the streetscape and because of the roof balcony impact upon the amenity and privacy of nearby properties.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners note that the proposed additions project outside the building envelope set out in the City's Policy on Height and Scale of Buildings in a Residential Area, and having considered the merits of the proposal, the submissions, the amenity and streetscape within the locality, REFUSE the Application to Commence Development submitted by Mr and Mrs Koh for additions to an existing single house on Lot 1 (19) Courageous Place, Ocean Reef as the proposal:

- 1 would be contrary to the orderly and proper development of the locality;**
- 2 would be of excessive scale, height and bulk and would have an adverse impact on the amenity and streetscape of the surrounding area;**
- 3 has received extensive adverse comments from adjoining and nearby owners.**

Cmr Rowell advised that an offer had been made for Commissioners and officers to meet the applicant to discuss alternate plans for his home.

The Motion was Put and

CARRIED

CJ147-09/98 PROPOSED HOME OCCUPATION (PHOTOGRAPHIC STUDIO): LOT 42 (22) SEAPEAK ROAD, OCEAN REEF - [25030J]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT:	J Pezzano
OWNER:	A Pezzano
APPLICATION RECEIVED:	2 July 1998
REPORT WRITTEN:	2 September 1998

SUMMARY

An application has been received for a home occupation (photographic studio), from J Pezzano, on behalf of A Pezzano, Lot 42 (22) Seapeak Road, Ocean Reef. (Refer to Attachment No 1) The proposal includes the 'make-over' and photographing of clients (estimated at one or two per day).

As the applicant proposes to have clients to the premises, the proposal was advertised on-site for 30 days and letters were sent to the adjoining property owners. One letter of objection was received from the owner of Lot 94 (28) Seapeak Road, Ocean Reef.

The applicant proposes to conduct the business from within the garden shed. The shed is unauthorised and requires a Building Licence.

The proposal complies with the City's Town Planning Scheme No 1 (TPS1), with the exception of the Home Occupation Policy which does not allow the use to be operated within an outbuilding as proposed. The applicant also proposes to operate on weekends and beyond 5.00 pm on weekdays. The hours of operation are beyond normal hours of operation allowed by the City. It is recommended that these be restricted. The proposal is recommended for conditional approval if the applicant can demonstrate that the use can be restricted within the dwelling.

DETAILS

The proposal is for a photographic studio within the garden shed (approximately 6 metres x 3.6 metres), which is located on the western boundary and screened by a fence. (Refer to Attachment No 2) The applicant advises she would be conducting 'make-overs' and then photographing the client.

The proposed hours of operation are:

Monday	12.00 noon - 6.00 pm
Tuesday	12.00 noon - 6.00 pm
Wednesday	5.00 pm - 9.00 pm
Saturday	12.00 noon - 6.00 pm
Sunday	12.00 noon - 6.00 pm

The applicant expects on average one or two clients per day.

The parking is to be provided within the driveways, which allows for four cars.

The proposal was advertised on-site for thirty (30) days and the owners of 21, 23, 25, 26, 28, 30 and 33 Seapeak Road, 9 Sharba Close, 15 Bellew Way, 8 Geordie Rise and 2 Davit Place were notified in writing and given fourteen (14) days to comment on the proposal. One letter objecting to the proposal was received from RG Brooks of 28 Seapeak Road. (Refer to Attachment No 1) RG Brooks states that the area should be retained for residential purposes only.

COMMENT

The subject site is zoned Residential Development and is 692 square metres in area. There exists a double storey brick dwelling, a double garage and a zincalume shed on site. Residential properties exist to the north, east and west, and Marmion Avenue exists to the south.

The proposal is therefore unlikely to have an adverse effect on the residential amenity of the neighbourhood if the use is contained in the dwelling and the hours of operation are restricted to 9.00 am to 5.00 pm on weekdays only (excluding weekends and public holidays).

The existing shed, which is proposed to accommodate the business, is unlicensed and will be required to be removed as the City is unable to issue retrospective building licences.

The City has no objections to the operating of a photographic studio from within the residence, however, approval should be conditional on the operating of the business from within the house.

The application complies with the City's Town Planning Scheme No 1 requirements and Policy with the exception of those matters discussed above for home occupations and is recommended for conditional approval.

REPORT RECOMMENDATION: That the Joint Commissioners approve the application submitted by J Pezzano, for a home occupation (photographic studio), Lot 42 (22) Seapeak Road, Ocean Reef subject to the following conditions:

- 1 the approved use shall only operate from within the existing dwelling;
- 2 the applicant is permitted to conduct the business from within the existing dwelling, but shall only occupy an area which is not greater than 20 square metres;
- 3 the approval is limited to J Pezzano only and does not permit any other person to conduct any form of business from this property and only remains valid whilst this person is permanently residing at this property;
- 4 the photographic studio shall only operate between the hours of 9.00 am to 5.00 pm Monday to Friday inclusive and shall not operate on weekends or public holidays;
- 5 the maximum number of clients permitted to visit the premises shall be limited to one (1) at any one time within the limits of condition (4) above;

- 6 no client parking is permitted on the street or the road verge;
- 7 standard and appropriate conditions as deemed necessary by the Manager, Approval Services.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners approve the application submitted by J Pezzano, for a home occupation (photographic studio), Lot 42 (22) Seapeak Road, Ocean Reef subject to the following conditions:

- 1 the approved use shall only operate from within the existing dwelling;
- 2 the applicant is permitted to conduct the business from within the existing dwelling, but shall only occupy an area which is not greater than 20 square metres;
- 3 the approval is limited to J Pezzano only and does not permit any other person to conduct any form of business from this property and only remains valid whilst this person is permanently residing at this property;
- 4 the photographic studio shall only operate between the hours of 9.00 am to 5.00 pm Monday to Friday inclusive and shall not operate on weekends or public holidays;
- 5 the maximum number of clients permitted to visit the premises shall be limited to one (1) at any one time within the limits of condition (4) above;
- 6 no client parking is permitted on the street or the road verge;
- 7 standard and appropriate conditions as deemed necessary by the Manager, Approval Services;
- 8 the application be reviewed at the end of a 2 year period.

The Motion was Put and

CARRIED

**CJ148-09/98 PROPOSED PARAPET WALL: LOT 1788 (3)
TARBOLTON GARDENS, KINROSS - [19967J]**

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT:	Commodore Homes
OWNER:	Mr & Mrs E & H Crane
APPLICATION RECEIVED:	28/07/98
REPORT WRITTEN:	18/08/98

SUMMARY

A building licence application has been received from Commodore Homes to construct a single storey dwelling, including a carport with a parapet wall on the southern boundary of Lot 1788 (3) Tarbolton Gardens, Kinross. The proposal is considered acceptable in terms of the objectives of the Residential Planning Codes (R-Codes) particularly in relation to the impact on amenity and approval is recommended.

DETAILS

The subject lot is 450m², is zoned R20, is undeveloped and generally level. The proposed parapet wall is to be constructed on the southern boundary with a setback of 3.4 metres from the front boundary. The wall will be 5.1 metres long and 2.5 metres high.

The proposal complies with section 1.5.8 (f) of the Residential Planning Codes which states that "walls not exceeding 2.5 metres average and 3.5 metres maximum height can be built to a maximum of two thirds of the length of the boundary".

In accordance with 1.5.10(a) of the Residential Planning Codes, the owners of the affected adjoining property were contacted and a subsequent letter of complaint was received. Council policy states that if any objections are received, the matter is to be placed before Council for consideration. The complainant is concerned his house will be devalued, that there will be an impact on the aesthetic appearance and amenity of his property, given that this will be the second parapet wall abutting a common boundary of his property.

SUMMARY OF SUBMISSIONS

	FROM	RELATIONSHIP	SUMMARY
1	G & E LaBella	Affected adjoining owners	The aesthetic appearance will reduce the market value of the property. Prison effect caused by a second parapet wall.

COMMENT

The Residential Planning Codes (R-Codes) permit the construction of parapet walls on the boundary and this proposal complies with the requirements of Clause 1.5.8. The proposed carport will have little impact on the adjoining property.

The perceived effect on the market value of the existing dwelling is not known and is not a factor for consideration under the R-Codes. The alleged prison effect caused by a second parapet wall is unrealistic as the adjoining owner has a corner lot with sweeping views across the streetscape.

REPORT RECOMMENDATION: That the Joint Commissioners:

- 1 having considered the proposal to erect a parapet wall on the boundary of Lot 1788 (3) Tarbolton Gardens, Kinross approve the proposal pursuant to Clause 1.5.8 of the Residential Planning Codes;
- 2 authorise the issue of a building licence.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners defer consideration of the proposal to erect a parapet wall on the boundary of Lot 1788 (3) Tarbolton Gardens, Kinross pending an investigation into the effect of the existing and the proposed parapet walls on Tarbolton Gardens.

The Motion was Put and

CARRIED

Items CJ149-09/98 to CJ152-09/98 inclusive were Moved by Cmr Rowell and Seconded by Cmr Morgan.

CJ149-09/98 REQUESTED CLOSURE OF A PORTION OF OLD BURNS BEACH ROAD, JOONDALUP - WATER PUMP STATION - [04075J]

METRO SCHEME:	Parks and Recreation
LOCAL SCHEME:	Regional Open Space
APPLICANT/OWNER:	Water Corporation/Crown

SUMMARY

The Water Corporation is proposing to construct a water transfer pumping station on the Old Burns Beach Road reserve and a portion of the adjoining Lot 9 which is owned by the Department of Conservation and Land Management. The construction of the pumping station has been supported by the City and the road reserve will need to be closed in accordance with the Land Act to enable the land to be sold to the Water Corporation. As part of the provisions of the Land Act, the proposed road closure was advertised for public comment for a period of thirty-five days during which time the City did not receive any submissions.

BACKGROUND

The proposed road closure (shown on Attachment No 1) has been referred to the servicing authorities and the Ministry for Planning for comments. Services will not be affected and the Ministry has supported the road closure. The road reserve is not required as Burns Beach Road has been realigned further north. A cul de sac has been constructed in Drovers Place and therefore is no longer connected to this portion of Old Burns Beach Road.

The Land Act requires the proposed closure to be advertised in a newspaper circulating in the district for a period of thirty five days. A notice was placed in the Wanneroo Times advertising the proposed road closure on 14 July 1998 and at the close of the advertising period no submissions were received.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners support the closure of the portion of Old Burns Beach Road, Joondalup, and request the Minister for Lands to close the road in accordance with the provisions of Section 58 of the Land Act 1997.

The Motion was Put and

CARRIED

CJ150-09/98 REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN FERNDENE MEWS AND WILLANDRA PLACE, HILLARYS - [01320J]

METRO SCHEME:	Urban
APPLICANT/OWNER:	Mr & Mrs Clements/Crown
REPORT WRITTEN:	31 August 1998

SUMMARY

The owners of lot 112 (14) Ferndene Mews, Hillarys have requested the City to consider the closure of the pedestrian accessway between Ferndene Mews and Willandra Place, Hillarys. The applicants are proposing to construct a large residence on the lot and require the extra land to assist with the development. They also claim that the adjoining property owners in Willandra Place have been burgled and they therefore consider that the accessway poses a security risk. Objections to the closure have been received from residents, the Ministry for Planning and the Department of Transport. In view of the objections received and the reason for the application the closure should not be supported.

BACKGROUND

When the application for the closure of the accessway was received the comments of the two other adjoining property owners were sought. The owners of lot 124, the Education Department, had no objections to the proposal and were not interested in acquiring any of the land. The owners of lot 111 (18) Willandra Place also advised that they had no objections to the closure but were not interested in purchasing any of the land. The application was therefore refused because the land within the accessway could not be disposed of.

At a later date, the owners of lot 111 Willandra Place advised that they were now prepared, subject to cost, to purchase the land within the accessway.

DETAILS

The proposed closure was reinitiated and comments were sought from the servicing authorities, the Ministry for Planning and the Department of Transport. The Water Corporation and Western Power have services within the accessway which will be affected if the accessway is closed. The Water Corporation require a water main to be cut and capped and Western Power require its cables to be encased in concrete and for an easement to be registered over the land within the accessway.

The Ministry for Planning objected to the closure on the grounds that the closure will injuriously affect pedestrian movement through the area. It is also concerned over the claim of the accessway being a security risk and has suggested that more detailed evidence of the nature of security risk be obtained.

The Department of Transport has also objected to the closure as it will increase the walking distance for residents to use the bus routes in the area.

The applicants have recently advised that graffiti has been placed on their back fence and the neighbours side fence and they have reiterated that the accessway may create a potential risk for vandalism and burglary.

Advertising

The proposed closure was advertised for a period of thirty days by way of a notice in the local newspaper and on site signs. At the close of the advertising period two letters and a petition were received objecting to the closure. One objector has strongly objected to the closure but unfortunately she has not provided the reasons for her objection. The other resident claims to use the accessway regularly and believes many other residents in the area also use the accessway frequently. The petition is signed by 16 residents representing 14 households. Three of the signatories are from outside Hillarys and are unlikely to be affected by the closure. The petitioners also claim that the accessway is used by many residents and school children. The location of the objectors is shown on Attachment No 1.

A letter has also been received from Whitfords Beach Estates objecting to the closure on the grounds that the closure could affect the future subdivision of the Hillarys School Site, however, discussions with the Education Department indicate that they still do not object to the proposed closure.

COMMENT

Although it is acknowledged that accessways can create a security problem for adjoining property owners it appears in this instance that this is not the reason for the application to close the accessway. The applicant owns an adjoining vacant lot and the other property owner who resides next to the accessway, although supporting the closure is not actively pursuing its closure. The owners of lot 111 have agreed to purchase the land however they have also advised that if the prices increase from those quoted that they want to be able to reconsider their agreement to purchase the land. As service relocation quotes are valid for a limited time it is possible that the quotes may increase at the time the closure proceeds. It is fair to say that if vandalism or anti social behaviour was a problem then this resident would also be very keen to have the accessway closed.

The applicants have admitted that they require the extra land to assist with the construction of the house they propose to construct on the lot. It should also be pointed out that the addition of the land with the vacant lot will create a potential duplex site. This would increase the value of the lot considerably.

If no objections to the closure had been received it would have been fair to close the accessway as it would be pointless to retain it if the residents in the area were not using it. However, residents have objected to the closure and therefore closure should not be supported.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners not support the closure of the pedestrian accessway between Ferndene Mews and Willandra Place, Hillarys.

The Motion was Put and

CARRIED

CJ151-09/98 REQUESTED CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN BLAXLAND WAY AND CALEY ROAD, PADBURY - [07171J]

METRO SCHEME:	Urban
APPLICANT/OWNER:	Adjoining property owners/Crown
REPORT WRITTEN:	01.09.98

SUMMARY

The residents adjoining the pedestrian accessway between Blaxland Way and Caley Road, Padbury have requested the closure of the accessway on the grounds of vandalism and anti-social behaviour. The closure of accessway will have minimal impact on the pedestrian movement in the area and is not objected to by the residents in the vicinity. The application for closure should therefore be supported

DETAILS

The residents adjoining the accessway have applied to have the accessway closed on the grounds that they have experienced numerous problems from some users of the accessway. Incidents have included graffiti, regular damage to fences, rubbish including used contraceptives and sanitary products been left in the accessway, congregating youths and burglaries. Objects including stones have also been thrown from the accessway onto roofs and at cars parked in adjoining driveways.

The proposed closure was referred to the servicing authorities, the Ministry for Planning and the Department of Transport for comments. No services will be affected by the closure and the Ministry for Planning and the Department of Transport have no objections to the proposed closure. The owners of lots 344 Blaxland Way and 351 Caley Road have agreed to purchase the land within the accessway and meet all of the associated costs.

Advertising

The proposed closure was advertised for a period of thirty days by way of on site signs and a notice in the local newspaper. At the close of the advertising period no objections were received.

COMMENT

The accessway serves very little purpose and if closed the extra walking distance for residents would be minimal as the alternative route along MacQuarie Avenue is only a short distance from the accessway. As no objections to the closure have been received the application should be supported.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners support the closure of the pedestrian accessway between Blaxland Way and Caley Road, Padbury and request the Department of Land Administration to close the accessway and dispose of the land to the owners of Lot 344 (5) Blaxland Way and Lot 351 (7) Caley Road, Padbury.

The Motion was Put and

CARRIED

CJ152-09/98 PROPOSED TEXT AMENDMENT NO 843 TO TOWN PLANNING SCHEME NO 1 - REVIEW OF PARKING STANDARDS [04378]

SUMMARY

Since there are a number of matters outstanding in relation to car parking, the Council of the former City of Wanneroo commissioned a comparative desktop study of standards. The review, of a wide range of uses will now inform parking requirements for the City of Joondalup and the Shire of Wanneroo. A draft of the report was submitted in May and the finalised document is now presented to Council.

It is recommended that the Joint Commissioners adopt Amendment 843 to replace Table 6 - Car Parking Requirements and introduce a new Table 6 - Car Parking Requirements, amend Clause 9.2; and incorporate the changes in District Planning Scheme No 2 accordingly.

BACKGROUND

At its meeting on 13 April 1994, the City of Wanneroo resolved to: "investigate, in consultation with the Department of Planning and Urban Development and other local authorities, an appropriate parking standard calculated on the basis of total building areas which include outside yards and internal pedestrian/entertainment areas" (I50414 cash-in-lieu of car parking policy: review - [702-1, 30/895]).

The car parking provisions in the former City of Wanneroo Town Planning Scheme No 1 (the Scheme) have been examined as part of a review of the Scheme. Changing patterns of use and of the type and combination of commercial premises make it necessary to re-evaluate the requirements for parking provision and for cash payments in lieu of provision of parking.

Consultants were asked to submit a proposal for a desk review of car parking standards and to make recommendations for new policies to guide future car park provision. This study was intended to draw upon the consultant's prior experience and data collecting and he was asked to demonstrate an understanding of the range of possible future land uses and associated parking demand

DETAILS

Council engaged Connell Wagner in March 1998 to carry out the review of car parking provisions. The consultant was asked to review the City of Wanneroo Town Planning Scheme No. 1 and the draft District Planning Scheme No 2 (Scheme 2) and to compare the provisions with those of other local authorities. Documentation on parking demand was to be sourced to provide a basis for proposing revised provisions and to review the effect of combinations of uses, particularly in shopping centres, and the use of cash-in-lieu requirements.

The consultant submitted a draft of the report in May and has now finalised it with the incorporation of Council officers' comments.

Connell Wagner has drawn on its pool of both local and interstate information on parking standards. Different land uses exhibit different patterns of parking demand and a level of supply that matches a selected demand level must be chosen. This is usually 85% of the annual peak parking demand, which is equivalent to the peak weekly demand.

A detailed table of parking provision for numerous land uses was presented and is contained in the report for reference. Attachment 1 compares these proposals with the existing requirements.

Parking requirements for shopping centres are recommended to reduce as the size of the centre increases. It should be noted that although the Scheme requires a provision of 1 car parking bay per 10m² of gross floor area up to 1000m² plus 1 per 7.5m² of gross floor area over 1000m², Council policy G3-12, allowing a reduction in the shopping centre car parking supply standard to 8 bays per 100m of gross leasable area, has been applied since April 1998. Rates for shopping centres are proposed to be as follows:

	Size	car parking spaces required per 100 sq m of Gross Leasable Area (GLA)
Neighbourhood Shopping Centres	under 10,000 sq m	7 per 100 sq m
District Shopping Centres	from 10 to 30,000 sq m	6.5 per 100 sq m
Regional Shopping Centres	from 30 to 50,000 sq m	6 per 100 sq m
Major Regional Shopping Centres	from 50 to 85,000 sq m	5.5 per 100 sq m
Super-Regional Shopping Centres	generally exceeding 85,000sq m	5 per 100 sq m

Extensions to shopping centres and the addition of other uses may be determined from utilisation surveys to ensure that provisions more closely meet the demand for the specific combination of uses.

Other provisions are proposed to be varied from those currently applied, as follows:

- medical and consulting rooms reduced from 6 to 5 per practitioner since the existing requirement was considered to be high in relation to that of other local authorities;
- TAB reduced from 10 to 8 per 100 sqm, reflecting changes in the availability of betting facilities;
- tavern, club, hotel, motel and restaurant to all provide 1 per 5 sq m of dining area with 1 per unit of accommodation and 1 per 2 sq m of bar area as appropriate;
- car sales premises to be increased from 1 per 500 to 1 per 200 sq m of display area, since the existing requirement was considered to be low in relation to that of other local authorities;
- civic buildings proposed to be increased from 1 per 30 to 1 per 15 sq m, for which additional justification is to be sought. The basis for an increase in the rate is a comparison with the provisions of local authorities in Adelaide, which may have a different definition of civic uses;
- child minding centres to set out the requirements of Council policy DS1, which includes 1 per member of staff;
- schools to be increased from 1.5 to 2 per classroom and to include provision for visitor parking;
- tertiary college to be increased from 1 per 5 students to 1 per 3 students;
- public worship to be reduced from 1 per 4 to 1 per 5 seats;
- public amusement to be rationalised from 1 per 4 persons to 1 per 15 sq m;
- health studio to be increased from 1 per 30 sq m to 1 per 20 sq m; and
- golf courses to be reduced from 5 to 4 per green.

The consultant remarks that Council has no policy for on-street parking. Parking along roads is seen as valuable for short-term use and for providing flexibility for the incorporation of other

uses such as loading zones and taxi bays. The provision of on-street parking is consistent with objective O18 of Liveable Neighbourhoods Community Design Codes: *“to accommodate on-street parking where required, including parking for people with disabilities.”* This can be addressed on a case-by-case basis as the Community Design Code principles are addressed.

The consultant also points out that Council has no Strategic Plan for the provision of cash-in-lieu parking facilities. The consultant suggests that a strategy be implemented on a local area basis where appropriate sites are identified for the provision of off-street parking facilities from cash-in-lieu payments. It is considered that Council should not accept cash-in-lieu unless there is a plan for provision of parking spaces in the locality and that these should be studied on a case-by-case basis. Further comment will be sought from the consultant on the incorporation of land value into the calculation of cash-in-lieu payments. It is considered that more detailed information on land values should be able to be presented by the developer for use as a guide to payments in a similar way to current Council policy (Policy G3-08) which is summarised as follows:

A Typical Parking Bay is assumed to occupy an area of 30 square metres and cost \$700.00 to construct. The cash value that will be accepted for each parking bay is the sum of the construction cost and the land component. For practical purposes, these costs have been calculated and grouped into four categories:

<i>Residential land</i>	<i>\$4,300 per bay</i>
<i>Commercial land</i>	<i>\$4,450 per bay</i>
<i>Light/Service Industrial Land</i>	<i>\$2,950 per bay</i>
<i>General Industrial land</i>	<i>\$2,200 per bay</i>

The consultant suggests that the policy for the provision of car parking facilities for people with a mobility impairment is not clear. Clause 9.2 of the Scheme reads:

“The design of off-street parking areas shall be in accordance with Australian Standard AS2890 as may be amended from time to time.”

This clause should be amended by the addition of the words “including parking for the disabled” after “parking areas”.

COMMENT

This study is a careful and expert evaluation of a wide range of car parking situations and of standards across Australia. The table of standards for parking provision is considered appropriate for incorporation into the Town Planning Scheme and is included as Attachment 2.

The adoption of the amended parking provisions as an interim policy pending finalisation of the amendment is recommended so that they can be assessed for the next 3-6 months. Feedback on the appropriateness of the detailed provisions will thereby be generated.

It is considered that the standard for provision of car parking for civic uses should remain as it is.

The recommendations for consideration of cash-in-lieu and on-street parking provision are supported. Surveys of existing parking demand are not felt to be necessary but the compilation of an inventory of existing parking stock on an ongoing basis is supported.

The clarification of Scheme Clause 9.2 to mention the provision of disabled parking in accordance with AS 2890.1 is recommended.

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

- 1 receive the report on Car Parking Standards prepared by Connell Wagner;**
- 2 in pursuance of Section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No 1 by:**
 - (a) replacing Table 6 - Car Parking Requirements with a new Table 6 - Car Parking Requirements;**
 - (b) amending Clause 9.2 by including the words “including parking for the disabled” after the words ‘The design of off-street parking areas....’**

and adopt Amendment 843 accordingly;
- 3 apply the new parking requirement as a policy for development applications in the interim period.**

The Motion was Put and

CARRIED

Appendix IX refers

CJ153-09/98 PROPOSED MOSQUE: LOCATION 12888 (64) WALTER PADBURY BOULEVARD, CORNER CHADLINGTON DRIVE, PADBURY. - [14169]

METRO SCHEME:	Urban
LOCAL SCHEME:	Residential Development
APPLICANT:	Hepburn Heights Mosque Building Committee
OWNER:	Moslem Association
CONSULTANT:	Leon Sparks

SUMMARY

An application has been submitted by Leon Sparks on behalf of the Hepburn Heights Mosque Building Committee for a mosque and an 82 bay carparking area for the Moslem Association on Location 12888 (64) Walter Padbury Boulevard, Padbury.

The subject site forms part of a precinct of land set aside by the State Government for community purposes during the subdivision of the portion of Padbury known as the 'Hepburn Heights' estate. The majority of the land within this precinct has been allocated to various community groups for the purpose of developing facilities for those groups.

The proposal has been advertised for public comment and 94 objections received. The development was originally proposed to be constructed on Location 12889 to the immediate east of the present site. In view of the objection received, however, a meeting was convened involving representatives of the Moslem Association, the Shiloh Faith, DOLA, Local MLA Mr Rob Johnson and the City to discuss the relocation of the development to the present location. This present proposal has the benefit of encouraging the traffic associated with the development to remain on Walter Padbury Boulevard, the major road within the 'Hepburn Heights estate' and discouraging such traffic from circulating through other streets within the estate. It is believed that this will address much of the local concern over the proposal.

The present proposal indicating the development on Location 12888 is currently being readvertised by way of individual letters to adjacent landowners. The new submission period concludes on 17 September 1998. No submission was received at the time of writing this report, however, Commissioners will be advised of any submission received by the due date.

The mosque is a relatively low patronage facility, operating the majority of the time with less than 30 persons. It is proposed to develop the facility within a natural bushland setting and the building and car park have been designed well in excess of the City's minimum design standards. The building would, as a standard requirement, need to be designed to comply with the appropriate noise abatement standards.

The application is recommended for approval by the Joint Commissioners.

BACKGROUND

The subject site forms part of a precinct of land set aside by the State Government for Community Purposes during the subdivision of the portion of Padbury known as the 'Hepburn Heights estate. The majority of the land within this precinct has been allocated to various community groups, including the City, for the purpose of developing facilities for those groups.

The City has already issued approval for two developments within this precinct, namely the Shiloh Faith Centre on Location 11977 Chadlington Drive and the Anglo Indian Association (Inc) Cultural Community Centre on Location 11978 Fernwood Square. Preliminary works have recently commenced on the Shiloh Faith Centre and the first stage of the Anglo Indian Cultural Community Centre has recently been completed.

DETAILS

Proposal

The subject site is located at Location 12888 (64) Walter Padbury Boulevard on the corner of Chadlington Drive, Padbury.

The application relates to the first stage of a three stage development for the Moslem Association and comprises a single storey mosque of around 630 square metres in area and an 82 bay car park in a natural bush setting.

The mosque is proposed to be used for daily prayer and religious functions. The prayer times are approximately 5.30am, 12.00pm, 3.00pm, 6.00pm and 8.00pm and last for around 30 minutes. It is expected that around 10 people at each prayer session will attend, with the exception of the 6.00pm prayer time where around 20 people are expected and at a special prayer session on Fridays between 12.00pm and 2.00pm where around 30 people are expected. On a few days during the year 300 people are expected to attend the mosque. Such occasions include Hari Raya and Mahamad's birthday which are some of the most important times in a Muslim's life.

A shared access point with Location 11974 to the immediate north is proposed, in order to minimise the number of ultimate access points from the community precinct to the adjoining road system. Prior to the land being transferred to the Moslem Association, the Department of Land Administration (DOLA) has agreed to placing an easement over an area of land approximately 10 metres in width straddling the entire common boundary of Locations 12888 and 11974, in order to provide for shared access to Walter Padbury Boulevard from each of these locations and Location 12889 to the east.

Stages 2 and 3 will form the basis of future applications and will relate to a community care centre and a 2 classroom school for part time tuition.

Scheme Requirements

The land is zoned Residential Development under Town Planning Scheme No 1 (TPS1). The proposal represents a 'Public Worship' use which is not permitted in this zone unless approval is granted by Council.

The proposal was advertised by way of onsite signage and letters to adjacent landowners for a period of thirty (30) days. The closing date for submissions being 30 July 1998.

As a result of this advertising, 94 submissions were received. All submissions objected to the proposal on the basis of the following:

1. Hours of operation (Specifically 5.30am prayer sessions)
2. Traffic generation and potential traffic accidents
3. Lack of reasonable access
4. Use is inappropriate within a residential area
5. Noise generation
6. Too many community groups
7. Property devaluation
8. Visual pollution

In view of the submissions received, a meeting was convened involving representatives of the Moslem Association, the Shiloh Faith, DOLA, Local MLA Mr Rob Johnson and the City to discuss the relocation of the Moslem Association's site from the adjacent location 12889 Chadlington Drive to the present location. This present proposal has the benefit of encouraging the traffic associated with the development to remain on Walter Padbury Boulevard, the major road within the 'Hepburn Heights estate' and discouraging such traffic from circulating through other streets within the estate. It is believed that this will address much of the local concern over the proposal. Attachment No 1 indicates that only 14 submissions were received from the owners/residents of Walter Padbury Boulevard.

The present proposal indicating the development on Location 12888 on the corner of Walter Padbury Boulevard and Chadlington Drive is currently being readvertised by way of individual letters to adjacent landowners. The new submission period concludes on 17 September 1998. No submissions were received at the time of writing this report however Commissioners will be advised of any submissions received by the due date.

The development requirements stipulated under TPS1 for public worship development are as follows:

Min Lot Area	Min Frontage	Min Setbacks from Boundaries			Max Plot Ratio	Max Site Cover	Car-parking	Land-scaping
		Front	Side	Rear				
2000m ²	30m	9m	3m	3m	0.3	0.3	75 bays	8% of site

The proposal has provided the following and complies with the TPS1 requirements.

Lot Area	Frontage	Setbacks from Boundaries			Plot Ratio	Site Cover	Car-parking	Land-scaping
		Front	Side	Rear				
1.0979ha	101m+	15.9m	15m	62m	0.2	0.2	82 bays	8% of site

COMMENT

As mentioned above the subject site forms part of a precinct of land set aside by the State Government for community purposes during the subdivision of the portion of Padbury as the 'Hepburn Heights' estate. The majority of the land within this precinct has been allocated to various community groups, including the City for the purpose of developing facilities for those groups. It is understood that when the residential lots in this estate were originally marketed and sold, prospective purchasers were made well aware of the planned community facilities.

The applicant has been very co-operative in relocating the development from the adjacent Location 12889 to the present site on the corner of Walter Padbury Boulevard and Chadlington Drive in order to minimise potential traffic and carparking problems associated with the community precinct. The present site, the proposed location of the access point and easement arrangements with DOLA mean that much of the traffic associated with both the subject site and adjoining community sites to the north and east will not need to venture off the main road within the estate (Walter Padbury Boulevard) to gain access to or from the sites.

The mosque is a relatively low patronage facility, operating the majority of the time with less than 30 persons. It is proposed to develop the facility within a natural bushland setting and the building and car park have been designed well in excess of the City's minimum design standards. The building would, as a standard requirement, need to be designed to comply with the appropriate noise abatement standards.

The application is recommended for approval by the Joint Commissioners.

ADDITIONAL INFORMATION

As a result of the additional advertising 16 objections to the proposal were received. Advertising closed on 17 September 1998.

Grounds of objection were no different to those already detailed within the report, with the exception of one, questioning whether the appropriate process under the City's Town Planning Scheme No.1 had been followed. The application was processed in accordance the City's requirements.

Whilst again acknowledging these objections it is considered that the following points are most relevant;

A Mosque development has been proposed for the site prior to any residential land being sold within the local area.

The Department of Land Administration (DOLA) has offered the association conditional tenure over Swan Location 12888 in lieu of Location 12889. (Refer Appendix X)

The current proposal will address concerns regarding potential overflow carparking from the already approved Shiloh Faith Centre with Swan Location 12889 being used for overflow carparking.

The proposal is half the original expected size and therefore has already substantially reduced the impact on the grounds of objection. The applicant has made every attempt to address the objections of the residents.

In closing, the current proposal is the result of attempts to recognise the long term implications of the community purpose sites on the local residents of Padbury whilst recognising the rights of community groups to carry out their activities.

The recommendation contained in the report remains unchanged.

REPORT RECOMMENDATION: That the Joint Commissioners grant approval to the application for a mosque and associated car park as submitted by Leon Sparks on behalf of the Hepburn Heights Mosque Building Committee on Location 12888 (64) Walter Padbury Boulevard, corner Chadlington Drive, Padbury, subject to the following conditions:

- 1 a maximum of 300 people attending the site at any one time;
- 2 all existing native vegetation is not to be cleared except where necessary to permit the proposed building, car park and associated works or where such vegetation is dead or poses a risk to safety;
- 3 the use to be managed in such a way that prevents the need for parking on adjacent road verges;
- 4 standard and appropriate conditions as considered necessary by the Manager, Approval Services.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners grant approval to the application for a mosque and associated car park as submitted by Leon Sparks on behalf of the Hepburn Heights Mosque Building Committee on Location 12888 (64) Walter Padbury Boulevard, corner Chadlington Drive, Padbury, subject to the following conditions:

- 1 a maximum of 300 people attending the site at any one time;
- 2 all existing native vegetation is not to be cleared except where necessary to permit the proposed building, car park and associated works or where such vegetation is dead or poses a risk to safety;
- 3 the use to be managed in such a way that prevents the need for parking on adjacent road verges;
- 4 standard and appropriate conditions as considered necessary by the Manager, Approval Services;

- 5 all noise to be contained within the building;**
- 6 the City conferring with State Planning and other authorities to establish and coordinate a management plan for the precinct.**

Cmr Rowell stated that as the State Government had placed zoning for this site, Council would have no grounds to oppose the application and therefore suggested an amendment to the application.

The Motion was Put and

CARRIED

Appendix X refers

Items CJ154-09/98 to CJ157-09/98 inclusive were Moved by Cmr Rowell and Seconded by Cmr Morgan.

**CJ154-09/98 DEVELOPMENT ASSESSMENT UNIT AND
DELEGATED AUTHORITY - [07032]**

SUMMARY

This report provides a resumé of the development applications processed by the Development Assessment Unit and Delegated Authority Committee from 20 August 1998 to 2 September 1998.

MOVED Cmr Rowell, SECONDED Cmr Morgan 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 No CJ154-09/98.

The Motion was Put and

CARRIED

Appendix XI refers

CJ155-09/98 TOWN PLANNING APPEAL TRIBUNAL APPEAL - PUBLIC WORSHIP USE - ST MARK'S ANGLICAN COMMUNITY SCHOOL: LOT 5 (20) ST MARK'S DRIVE, HILLARYS - [06377]

METRO SCHEME: Urban
LOCAL SCHEME: Special Development A
APPELLANT: Minter Ellison Lawyers
OWNER: Anglican Schools Commission (Inc)

SUMMARY

The Joint Commissioners of the former City of Wanneroo at the meeting on 26 May 1998 approved an application for the use of five existing classrooms and the existing Performing Arts Centre of the St Mark's Anglican Community School for public worship purposes.

Condition 3 of approval related to the closure of a gate to an existing driveway adjacent to the eastern boundary of the site outside normal school hours. This condition was imposed in order to protect the amenity of the residents of the adjoining dwelling, the major issue relating to noise generated by vehicles using the driveway outside of normal business hours.

An appeal was subsequently lodged with the Town Planning Appeal Tribunal seeking the deletion of this condition. The appeal mediation conference was held on 1 September 1998.

The appellant, whilst arguing strongly that there should be no restrictions on the operation of the existing driveway, recognised the impact of the public worship activities on the adjacent residents and agreed to the gate remaining closed until 9.00am on Sunday mornings.

Given that the only habitable rooms of the adjoining residence in close proximity to the subject driveway are bedrooms, then it is the early morning and late night activity that is most critical. It is considered that the 9.00am opening time for the gate on Sunday mornings would adequately protect the amenity of the adjacent residents. Weekday evening use of the site would be relatively minimal and is proposed to conclude at 9.30 to 10.00pm in any case.

It is recommended that the Commissioners agree to the condition being modified to ensure the gate to the easternmost access remains closed until 9.00am Sundays.

BACKGROUND

The Joint Commissioners of the former City of Wanneroo at the meeting on 26 May 1998 (Item DP165-05/98 refers) approved an application for the use of five existing classrooms and the existing Performing Arts Centre of the existing St Mark's Anglican Community School for public worship purposes (see Attachments Nos 1 and 2).

The maximum number of persons anticipated to be attending the public worship events were:

Performing Arts Centre (PAC)	75
Block 2 (rooms 1 & 2)	100
Block 4 (rooms 31, 32 & 33)	75 (only used when PAC is unavailable)

The hours of operation for both the proposed use and the existing school use were as follows:

Public Worship Purposes		
Sundays, Christmas Day & Good Friday	8.00 am - 12.00 noon	Church services
One evening a week	7.00 pm - 10.00 pm	Choir practice
Friday	7.00 pm - 9.30 pm	Church youth group

School uses		
Monday to Friday	8.35 am - 3.25 pm	formal classes
Monday to Friday	7.30 am - 6.30 pm	special classes, tutorial groups and training teams.
Occasional weekends	9.00 am - 9.00 pm	rehearsals and concerts
Monday to Saturday evenings	up till 10.00 pm (occasionally up to 12.00 midnight)	drama productions, music recitals, parent/teacher meetings, speech nights, award nights, Parent and Citizens' nights, School Council meetings, School Committee meetings and sporting team competitions and training.

Condition 3 of approval related to the closure of a gate to an existing driveway adjacent to the eastern boundary of the site outside normal school hours, viz:

"3 the service gate to the driveway along the eastern boundary of Lot 5 (20) St Mark's Drive, Hillarys shall be closed and not used for any vehicular traffic, except between the hours of 7.30 am and 5.30 pm, Monday to Friday, excluding public holidays;"

This condition was imposed in order to protect the amenity of the residents in the adjoining dwelling. It should be noted that letters of objection were received following community consultation from the owners of this adjoining residence. The major issue relating to noise generated by vehicles using the driveway outside of normal business hours.

An appeal was subsequently lodged with the Town Planning Appeal Tribunal seeking the deletion of this condition on the basis that the condition:

1. does not fairly and reasonably relate to the use for which the approval was sought and granted;
2. restricts the use of the site for educational purposes;
3. is unreasonable as it will result in safety risks for motorists, students and pedestrians.

DETAILS

The appeal mediation conference was held on 1 September 1998. At the mediation, discussion took place as to whether there could be a compromise in regard to the condition.

Whilst the condition attempts to address amenity issues caused by an intensification of the use on the site, it does also attempt to regulate the use of a gate in connection with the existing authorised educational use. The City will therefore have some difficulty in defending the condition as it currently stands.

With this in mind, it was considered that a compromise position should centre around restricting the opening of the gate during Sunday services only (proposed between 8.00am and 12.00pm), when the educational use of the school would be minimal and the impact of the public worship use would be at its maximum.

The appellant, whilst arguing strongly that there should be no restrictions on the operation of the existing driveway, recognised the impact of the public worship activities on the adjacent residents and agreed to the gate remaining closed until 9.00am on Sunday mornings.

Given that the only habitable rooms of the adjoining residence in close proximity to the subject driveway are bedrooms, then it is the early morning and late night activity that is most critical. It is considered that the 9.00am opening time for the gate on Sunday mornings would adequately protect the amenity of the adjacent residents. Weekday evening use of the site would be relatively minimal and is proposed to conclude at 9.30pm to 10.00pm in any case.

The City has been advised that the adjacent residents who originally objected to the proposal are currently in the United Kingdom and are not due to return for approximately 12 months. Time constraints associated with the appeal process preclude further consultation with these residents.

It is recommended that the Commissioners agree to the condition being modified to ensure the gate to the easternmost access remains closed until 9.00am Sundays.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners agree to withdraw from the appeal lodged by Minter Ellison on behalf of the Anglican Schools Commission (Inc) against condition 3 of the City's approval dated 26 May 1998 to use portion of the St Mark's Community School on Lot 5 (20) St Mark's Drive, Hillarys, on the basis of a replacement condition aimed at ensuring the gate to the easternmost access point to Lot 5 remains closed until 9.00am each Sunday.

The Motion was Put and

CARRIED

CJ156-09/98 ADVERTISING SIGNS: PROGRESS REPORT - [00614]

SUMMARY

This report provides a review of the present position of Signs Local Laws, with particular reference to the conclusions reached by the Planning Consultants (Chris O'Neil and Associates) and Council's Signs, Hoardings and Bill Posting Review Working Party.

The report also identifies the issues that need to be assessed further, with particular reference to the outstanding items on the Urban Design Services Agenda, including the issue of signs and hoardings in road reserves, advertising on Council premises and enforcement provisions. Further, the report addresses the need to obtain Council's direction on these outstanding items.

It is recommended that the principle of sign control provisions relating to amenity and restricted usage of road reserves for signage be adopted and the draft provisions be made available for comment.

BACKGROUND**COUNCIL'S SIGNS, HOARDINGS AND BILL POSTING REVIEW WORKING PARTY:**

At its meeting on 27 November, 1996 (TS 330-11/96) Council of the former City of Wanneroo established a Signs, Hoardings and Bill Posting Review Working Party.

During 1997, the Working Party met in four occasions. The objectives of the Working Party were identified as follows:-

- to review and recommend amendments to the Signs Local Law,
- to seek and consider submissions from relevant parties within the community,
- to consider methods of policing the Local Law,

PREFERRED STRATEGY:

Council's Working Party concluded that Local Laws provisions do not adequately deal with the issue of amenity. Consequently, it indicated that sign provisions should be formulated so as to be included in the Town Planning Scheme. Two important issues being the types of signs acceptable to the various areas, and any signs and areas requiring special consideration.

The Working Party noted that the issue of licencing could properly be addressed by Local Laws; whereas the use of Council's discretion could be addressed in policies.

CONSULTANTS REPORT:

A planning consultant was engaged to prepare appropriate provisions for inclusion in the Town Planning Scheme. The consultant carried out a limited survey of the existing signs within Joondalup City and Wanneroo Shire. The conclusions reached by the survey indicated the following:

- many of the road verge signs are unauthorised,
- the proliferation of advertising signs detract from the effectiveness of signage and from the local amenity,
- lack of readable street numbers for many businesses;
- some attached signs are poorly integrated with the architecture.

A copy of the consultants report is included in Attachment 1.

It was suggested that a complementary control system needs to be adopted. Further, it was indicated that it is necessary to obtain Councils direction on the outstanding issues.

DETAILS

The conclusions reached by Council's Working Party, and the Planning Consultants indicate that any changes to sign provisions should be incorporated in the Town Planning Scheme.

Further, the current Signs Local Laws present a number of deficiencies as identified by the Planning Consultants. These include the following:

- (a) lack of statement of objectives,
- (b) lack of inter-relation between control provisions and objectives,
- (c) the need for clear control standards and simpler classification of signs,
- (d) deficiencies associated with the use of the Local Government Act as a head of power to control advertising,
- (e) the need to address the impact of a proposed sign on the amenity of the area,
- (f) the lack of provisions to control third party advertising,
- (g) the lack of provisions for an appeal against a refusal.

REVIEW OF SIGNS CLASSIFICATION:

At present, under the Local Laws, 18 different types of signs are identified. This classification is merely based on the location and form of the sign.

Various controls are included under the present Local Laws for the different types of signs. The main drawback of the current controls is the lack of a statement of the objectives, and also the complex and arbitrary classification of signs.

In order to deal with these problems, the planning consultants recommended three main classifications of signs relating to their impact on the amenity of the surrounding area. These being: -as or right signage; conditional signage; and prohibited signage.

OUTSTANDING ISSUES

HOARDINGS IN ROAD RESERVES: There are numerous unlicensed development signs along Marmion Avenue, between Burns Beach Road and Quinns Rocks. Ranger Services and Technical Services have organised for the removal of all hoardings in Marmion Avenue.

One of the primary issues identified in the former City of Wanneroo was that the Local Laws do not make provision for development signs or hoarding signs in road reserves.

Since 1 July, 1996 advertising on Main Road reserves is controlled by WA Main Roads Department -MRWA- (Control of Advertisements) Regulations 1996. Under these Regulations the Commissioner of Main Roads is empowered to approve an advertising on or in the vicinity of a main road. This is subject to the approval of Local Government.

Authority may be delegated to Local government where the controls in the MRWA Manual are implemented. As a result, MRWA in consultation with Local Government will allow roadside advertising along Main Roads.

The former City of Wanneroo resolved (TS46-02/97) on 26 February, 1997 to defer consideration of this issue pending a further report by the Working Party. All unlicensed signs will have to be treated in the same manner.

The Working Party consulted Council's solicitors as to whether unlicensed signs should be removed, and to discuss the rigidity of controls under the existing Local Laws.

The legal opinion received indicated that:

- (a) signs on road reserves are not exempt from licensing under the exemption clauses in the Local Law,
- (b) Council has the jurisdiction to either reject or approve signs in the road reserve,
- (c) the subject signs located in the road reserve do not clearly fit any category of sign as specified in the Local Law S3.
- (d) once applications for licences are received, Council could refuse the application and require that signs be removed; or could issue licences for signs either for permanent location or for a specified period of time. Where no licence application is received, Council may require that the sign be removed. Failure to remove the sign by the owner/occupier may result in legal action, and Council may remove the sign.

LAND DEVELOPERS ADVERTISING: In February, 1997 the Working Party invited a number organisations to make submissions relating to sign controls.

In a submission dated 19 February, 1997 Peet & Company Limited indicated the need for land developers to advertise in their own property or adjoining property i.e. road reserve. On the same basis, other agencies such as protest groups also feel that they should be entitled to leave protest signs in Council road verges.

Of particular significance is the submission made by the Urban Development Institute of Australia (WA) Inc.(UDIA)

The Institute's comments relate particularly to signs on residential land estates and other vacant lot subdivisions. Pivotal to the Institute's submission is the concept that Land estate signs should not be deemed hoarding but rather development signs and that they should be permitted in Road Reserves. It suggested that many land development signs are directional in nature, and as such should be exempted from requiring a licence.

It was proposed that a new definition for development signs be included with reference to the content of the sign and location restrictions. It recommended that development signs should include signs that advertise lots for sale or give a direction to an estate.

The Urban Development Institute of Australia recommended that such development signs could be classified into external and internal signs. Internal signs being those displayed within the subdivision. It was suggested that these should be dealt under one single application and licence fee.

External signs being those located along entry points, and perimeter roads to a land estate. The Institute commented that the number of external sign could be determined according to the size of the subdivision. Each subdivision being classified according to the number of lots. Each category would then be allocated a maximum allowable area of signage according to the size of the estate.

The Outdoor Advertising Association of Australia (OAAA) submitted a comprehensive report outlining its role and description of standard signs. It also set out the identification of zones or precincts, and the criteria of assessment of billboards for each precinct. The Association recommended the introduction of a more flexible system, with special focus on site analysis, and compliance with Council's sign policy.

ADVERTISING ON COUNCIL PREMISES: Another issue identified by the Council of the former City of Wanneroo is that of advertising on Council premises (TS 320- 11/96). The Council deferred consideration of an application by the Sorrento Life Savings Club, pending the formulation of a Sign Policy.

The applicants proposed to place a 2m x 2m advertising hoarding to the look out tower of the Club house premises (West Coast Drive , Sorrento). One of the reasons for the introduction of the advertising sign was the provision of financial support.

COMMENT

PROPOSED APPROACH:

The approach proposed in the control of advertising signs is the use of three complementary instruments, namely:

- **Town Planning Scheme:** the provisions in the Scheme would establish the various types of signs permissible in the different zones.
- **The Local Law:** its purpose would be to complement the Town Planning Scheme by setting out the means of enforcement and issue of licences. It is considered that the Town Planning Scheme cannot provide the necessary powers for adequate enforcing of sign provisions and that complimentary Local Law provisions need to be developed to properly address this aspect of the matter.

- The Policy: the aim of the policy would be to set out the guidelines for developers as to the various ways to achieve Council's objectives in the control of advertising structures.

The introduction of advertising signs provisions in the Town Planning Scheme would allow the adequate assessment of amenity issues as a relevant planning consideration. Further, where a dispute arises the issues could be adequately dealt by Minister of Planning or Town Planning Tribunal.

It is considered that specific advertising controls for the various districts could be integrated into objectives of the various zones.

The two most significant objectives of any sign development control scheme include the informative nature of advertising signs, and the identification of business and services. (Attachment 2)

NEED FOR COUNCIL'S DIRECTION:

It is not necessary to resolve the various outstanding issues mentioned above at this stage. However, before any provisions could be formulated in relation to these issues, it is necessary to obtain the Joint Commissioner's direction on the level of acceptance of various signs. The various options are identified below:

SIGNS ON ROAD RESERVES:

OPTION 1: advertising devices established on the road reserve could be restricted to signs which do not require a licence as under the present Local Laws (3.1.2), and signs relating to traffic and road works. Under this restrictive option any signs displaying commercial or service inscriptions would be prohibited. The main advantage of this alternative is the protection of the visual amenity of the streetscape, and reduction of clutter ensuring that visibility of directional signs is not obstructed.

This is particularly relevant along major roads in commercial strips where a number of portable signs and a diverse number of other signs are displayed. These signs significantly detract from the aesthetic value of an area, and have poor informative value. This option however does not address the community value of signs as being a major source of information for road users, especially in relation to new development sites.

OPTION 2: under this option certain advertising devices within the road reserve could be permitted. The signs allowed could be restricted to development signs as has been suggested by the UDIA.

The content of these signs could be restricted to the name of the estate, price and number of lots for sale. The number of such signs could be restricted to one sign per street frontage, and located within 200m of the entry point. A maximum of area 3m x 1.5m would be permitted. This being the standard size of sheet posters used by national advertisers.

Where a proposed new estate does not adjoin a major road, a maximum of two signs could be allowed on nearby property adjoining a main thoroughfare, provided the consent of the owner is obtained. Any other signs on road reserves should be restricted to signs which do not require a licence under 3.1.2 of the present By Laws.

RECOMMENDED OPTION: There is a fundamental difficulty with the second option. If the basis for the control of signs is their impact on the amenity of the surrounding area, there is no logical reason to make exceptions relating to the content of the signs.

Accordingly, it is considered that consistency with the objectives to relate sign controls to their impact on amenity be maintained and option 1 be applied.

“A” FRAMES OR PORTABLE SIGNS:

Local Law S3 “Signs, Hoarding and Bill Posting Cl 4.1(f) prohibits movable or portable signs to be placed in a street or public place. Under the Policy a variety of temporary signs are allowed.

One option is to prohibit all “A” frame signs as proposed in the consultants report and which is consistent with the existing Local Law.

The second option would be to control these signs, and require the issue of a licence. Prior to issue of a licence, the issue of Council’s liability for signs on road reserves will need to be addressed.

ADVERTISING ON COUNCIL PREMISES :

The issue that needs to be considered here is where proposed advertising in Council premises should be restricted to signs identifying the premises and its activities. Although the social value of signs providing financial support for community and sporting groups appears to be a legitimate purpose, it is considered that advertising on Council premises should be treated as on any other property.

THIRD PARTY ADVERTISING:

Third Party Advertising refers to advertising signs erected on a site but unrelated to the site’s activities. It is considered that these signs should be treated consistently with the objectives relating to the impact on the amenity of the area. If third party advertising is allowed the overall impact of outdoor signs would be significant. A preferred option would be to only permit signs that advertise goods and services provided on the site.

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

- 1 adopt the principle of sign control provisions based on the issue of amenity being included in the Town Planning Scheme;**
- 2 adopt the principle that the only signs that should be permitted in road reserves are those relating to directions presently exempt from licence requirements (Local Laws 3.1.1, 3.1.2);**
- 3 continue the enforcement of Clause 4.1 (f) of the current City’s local law relating to Signs, Hoardings and Bill Postings, being:**

“that a person shall not erect or mount a sign as a movable or portable sign in a street or public place, unaffixed to a building”;

- 4 adopt the principle that proposed advertising signs on Council premises be assessed as any other signs on private property;
- 5 adopt the principle to exclude third party advertising on sites;
- 6 make the draft provisions available to industry and professional associations for comment prior to further consideration.

The Motion was Put and

CARRIED

**CJ157-09/98 PROPOSED AMENDMENT NO 842 TO TOWN
PLANNING SCHEME NO.1 -HOME OCCUPATION
[22442]**

SUMMARY

This report proposes to amend Town Planning Scheme No.1 by replacing the current Home Occupation provisions with three different categories of Home Business. The three categories namely, Home Business Category 1, 2 and 3 allow home business with various degree of intensity of use. This will enable some home businesses to operate as of right whilst others will require development approval. It will also give Council the ability to control the intensity of the uses proposed to ensure that the residential amenity is not adversely affected.

It is recommended that the Joint Commissioners adopt Amendment 842 by introducing Home Business Scheme provisions.

BACKGROUND

At present under Clause 3.24 of the Town Planning Scheme No. 1 (TPS), a Home Occupation is permitted with Council's approval. Further control provisions are provided by the current Home Occupation Policy. The Council's Policy addresses amenity issues, and sets out a number of measures to reduce any possible detrimental effect on the locality.

The Policy is more restrictive than the Scheme, especially with reference to the number of employees, the storage and sale of goods.

It has been necessary to review the Scheme for the following reasons:-

- a large number of home occupations are now being carried out without Council's approval,
- discrepancies between the policy and the Scheme,
- current trends towards home working.

A Home Occupation workshop was carried out on October, 1997 . Participants in the Workshop included the former City of Wanneroo Councillors and Officers, representatives from the Ministry for Planning, Small Business Development Corporation, Wanneroo Chamber of Commerce, and Paul Filing JP MP.

Following the workshop the former City of Wanneroo appointed a consultant (Steve Smith-Local Government Specialist) to prepare a position paper discussing "Strategic Land Use Directions Relating to People Working from Home". Draft Scheme provisions, a Local Planning Policy and Local Planning Strategy were also prepared by the consultant. Copies of the position paper were forwarded to the workshop's participants for comments. The representations from the various parties and community organisations were considered during the formulation of the draft provisions.

It was indicated in the position paper, that the number of people working from home has increased significantly during recent years. It is expected that in the next decade, 25% of the workforce will be working from home. The increased reliance in telecommunications being one of the major contributors to this trend.

DETAILS

The proposed text amendment introduces three different categories of Home Business: Home Business Category 1, Home Business Category 2, and Home Business Category 3. (Attachment 1)

The main difference between these categories relates to the intensity of use and the likely effect on the surrounding locality. The various provisions vary according to the number of non resident employees allowed, dwelling area used, and presence of customers.

The less intense use is provided for by Home Business- Category 1. Under this type of use no consent by Council is required. It is primarily directed to individuals working from home as either self employed, or teleworkers.

The home business activity involved would have no adverse impact on the adjoining properties. There would be no customers calling at the premises or advertising signs. Only residents of the dwelling would be employed in the business.

The provisions proposed under this category are equivalent to W.A. Planning Commission's Model Scheme Text provisions for "Home Occupation".

The second Category, Home Business-Category 2 is intended to control small scale business. Thus, any impact on surrounding locality would be minimal. It would be necessary for Council to assess any proposed Home Business within this class, and a development application would be required.

Only one non resident employee is allowed under this class. The maximum area of use proposed is 30 m² to allow for more than one person working.

A small advertising sign no greater than 0.2 m² would be permitted. Only one client would call at the house to place orders, inspect samples and collect work. An example of this class would be a desk top publishing business.

The third category; Home Business- Category 3; attempts to control higher intensity uses. Development approval would be required.

Under this class the maximum number of non residents employees would amount to two. However, Council has the discretion to allow up 4 employees. This being subject to community consultation.

The maximum floor area allowed amounts to 50 m². Again, Council has discretion to approve a larger area . More than one client would be present at the house. The use of this discretion will be addressed in the Policy.

In determining applications for this type of use, the submission of a management plan would be required. The management plan would require the applicant to submit details of the measures taken to minimise any likely adverse effect on the surrounding locality. The various provisions of these management plans would be included in the policy.

The provisions of this class are similar to the Model Text Provisions for “home business”.

A typical example of this type of home business would be a Publishing business.

A Draft Home Occupation Policy will be submitted to Council during October. The Policy basically sets out the matters that may be considered by Council in exercising its discretion. It also specifies the matters of consideration in assessing the likely effect of Home Business on the amenity of the area, and information to be supplied by the applicant.

COMMENT

It is necessary that local governments authorities respond to these new employment patterns. The scheme provisions recommended in this report include submissions made by the Consultant, the City’s Legal Advisors, Council’s Officers and other comments received from various interested organisations consulted during the process.

The main difference between the scheme provisions proposed here and those under the Revised Model Scheme Text provisions is the inclusion of an intermediate class of use. This intermediate class, namely Home Business-Category 2 ensures flexibility and allows Council to monitor activities which may have some impact if not properly controlled, and which are at present carried out without approval.

The third category of home business is intended to act as a transition between a primarily residential area and a Mixed Business Zone.

The main element in the recommended provisions is the identification of measures to control any likely detrimental effect of Home Business in residential areas.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners, in pursuance of Section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No.1 by replacing current Home Occupation provisions with Home Business provisions and adopt Amendment No. 842 accordingly.

The Motion was Put and

CARRIED

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY 13 OCTOBER 1998** to be held at the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1900 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
 ROWELL
 MORGAN, AM
 CLARK-MURPHY