



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 23 FEBRUARY 1999**

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# CITY OF JOONDALUP

## MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN WANNEROO CIVIC CENTRE, CIVIC DRIVE, WANNEROO, ON TUESDAY, 23 FEBRUARY 1999

### ATTENDANCES

#### Commissioners:

C T ANSELL	Chairman
H MORGAN, AM	Deputy Chairman
M CLARK-MURPHY	
R M ROWELL	
W BUCKLEY	<i>Absent from 1848 hrs to 1851 hrs</i>

#### Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Business Units:	D DJULBIC
Director, Community Development:	C HALL
Director, Development Services:	C HIGHAM
Director, Strategic Planning:	R FISCHER
Manager, Revenue Accounting:	J ROBERTSON
Manager, Division Taskforce:	B PERRYMAN
Marketing Manager:	J LAWTON
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	S BRUYN

#### In Attendance

Chief Executive Officer Shire of Wanneroo:	K WHITE
Marketing Manager Shire of Wanneroo:	S JARVIS

Ms Helen Baron-St John  
Mr Dennis Blair

### APOLOGIES AND LEAVE OF ABSENCE

Nil.

There were 25 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, submitted by Mr Stephen Magyar of Heathridge were taken on notice at the Meeting of Joint Commissioners held on 9 February 1999:**

*Q1 In relation to Item CJ05-02/99 - Setting of Meeting Dates. Do the Commissioners believe they are administering the City in a manner that is open and accountable, allowing for greater community participation, when they compare their meeting schedule to other local authorities of a similar size? In particular, how does the meeting schedule for 1999 compare with the adjoining City of Stirling?*

A1 As from 1 July 1998, the Joint Commissioners resolved to not continue with a 'standing' committee structure but to meet on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month.

It would be fair to say that the community of both the Shire of Wanneroo and City of Joondalup are able to participate during these meetings via public question time. Liberal question time has been allowed for all questions. Community deputations are held at 4.00 pm prior to each Council meeting which allows for members of the public to present their case on certain matters in an informal atmosphere, with all requests for deputations being met. It is not known of any other local government that allows for this.

The current meeting schedule for both the Shire and the City compares very favourably with other similar local governments. Both the Shire of Swan and the City of Perth conduct two Council meetings per month.

The City of Stirling meeting schedule is as follows:

1 <sup>st</sup> Tuesday	Council
2 <sup>nd</sup> Tuesday	Community Services Committee and Town Planning Committee
3 <sup>rd</sup> Tuesday	Council
4 <sup>th</sup> Tuesday	Technical Services Committee and Finance Committee.

Whilst the City of Stirling conducts two Council meetings per month, it provides a monthly cycle with set committees reporting to each Council meeting.

*Q2 Additional information CJ27-02/99 recommends the weight of the vehicles be reduced from 3.5 tonnes tare weight to 1.5 tonnes tare weight. I do not necessarily disagree with reducing the weight, however I believe that the idea of using tare weights could cause a discrepancy in that if a vehicle has a different type of tray body attached to it, this will vary the tare weight. Could Commissioners consider whether it would be more appropriate to use the aggregate weight as a cut off point, as the aggregate weight does not change with any modification of the vehicle.*

A2 Tare weight is used because it is easily identifiable and experience has shown it to be a preferable measure to use in any legal proceedings. The main concern relates to the impact that the vehicles, their use and parking have on the residential amenity. A workable measure of likely impact is the size of the vehicle and tare weight is the preferred measure of size.

**The following questions were submitted by Mrs A Hine, Dundobar Road, Wanneroo:**

**Re: Greenwood Open Space:**

*Q1 Is it true Council had a letter from Minister for Planning on 3 February? Considering we had a full Council meeting on 9 February, why were the general public not made aware of such an important change of events?*

A1 On 4 February 1999, the City received a letter dated 3 February 1999 from the Western Australian Planning Commission (WAPC) in regard to Amendment No 833 to Town Planning Scheme No 1 - Rezoning of the former Greenwood School Site. Each Council meeting has a strict agenda timetable and unfortunately, it was not possible to prepare a report to the Council meeting on 9 February 1999.

*Q2 Could the public be informed of the Commissioners' recommendation to WAPC and the Minister?*

A2 The City wrote to the WAPC on 9 November 1998. This advice conveyed in full the October 1998 resolution of the Joint Commissioners in regard to the various proposals for the former school site.

*Q3 Can Council categorically say that all correct procedures were carried out from the first instant of the sale of the Greenwood School? ie correct zoning, and such. Also did the Education Department do all the correct things in relation to Wanneroo Council laws?*

A3 Any dealings that the City has had in this matter have been consistent with normal policy, procedure and practice. The City cannot comment on matters it was not directly involved in such as the disposal of the former school site.

*Q4 How did Council become involved with the developer prior to informing the ratepayers and people of Greenwood? Then making a decision on the people's behalf as to what was good for them, considering some of the land was "Crown Land"?*

A4 Consultants representing the current owner of the former school site approached City officers to discuss development proposals for the subject site. They subsequently made application to cancel the abutting open space reserves and requested the rezoning of the land. As part of the City's assessment of both requests, public consultation was carried out.

*Q5 Did the Local Government Minister install the Commissioners only to carry out the split of Council or did he give them full power to run the Joint Council to bring back good government to Wanneroo?*

A5 Under the Local Government Act 1995, the Joint Commissioners have the same role as the Council and have the added task of the division.

Q6 *What do these professional people and staff think of the Minister Kierath's decision to overrule their decision on behalf of the people? Can Council appeal this bad decision for local people? How can a Minister of the Crown give priority to a developer after the people en masse had spoken out as one to save their bushland? Also Minister Edwards herself had supported her people and may I ask please, if the disputed land was for sale, why did the people living around the public open space not get the first offer to buy the land and why was it not put up for public tender?*

A6 The Minister for Lands is not bound by local government planning decisions in regard to the cancellation and disposal of reserves under Parts 4 and 6 of the Land Administration Act 1997. The City is not able to answer why the reserve was not offered for public tender/auction as the right to dispose of Crown land ultimately rests with the Minister. No right of appeal exists.

**The following questions were submitted by Mr S Magyar, Drummer Way, Heathridge:**

**Re: *Amendment 833 to the Town Planning Scheme, Greenwood Primary School:***

Q1 *Was Reserve 31016, Greenwood, ever vested in the City of Joondalup, the City of Wanneroo, or previously to the original Shire of Wanneroo?*

A1 Yes, in the name of the original Shire of Wanneroo.

Q2 *If so, when was it vested in the Local Government Authority, for what purpose and what classification of vesting did it have?*

A2 27 October 1972 for Public Recreation, Class C.

Q3 *If Reserve 31016 is not currently vested in the City of Joondalup, then to whom or which government authority is the land vested to, and when was it vested?*

A3 Not relevant.

Q4 *If Reserve 31016 is not vested in this Council, then why is the Council spending ratepayers money on mowing, reticulating and general care and maintenance of the land?*

A4 Not relevant.

Q5 *Are local authorities allowed to spend money on land not vested in that local authority?*

A5 The Local Government Act 1995 provides some specific areas in which a local government may spend moneys on land which is not vested in that local government. There also appears to be a general provision provided by Section 3.1 of the Local Government Act 1995.

Yes, a local government may spend moneys on land not vested in that local government.

- (a) The general function of a local government is to provide for the good government of persons in its district. Section 3.1 of the Local Government Act 1995 states that a liberal approach is to be taken to the scope of this general function.
- (b) Section 3.27 of the Local Government Act 1995, allows a local government to do any of the things prescribed in Schedule 3.2 (e.g. drainage of land, earthworks to prevent flooding, making trees safe etc.) even though the land is not local government property and the local government does not have the owners consent to do it.
- (c) Section 3.53 of the Local Government Act 1995 provides that a local government is responsible for controlling and managing unvested facilities within its district (e.g. thoroughfares, bridges, drains etc.) belonging to the Crown.

*Q6 If the disposal of recreation reserves such as Reserve 31016, Greenwood, are not subject to the Local Government Act, then why does regulation 30 (2) of the Local Government (Function and General) Regulations mention "land"?*

*A6 Regulation 30(2) of Local Government (Functions and General) Regulations deals with the disposition of land by a local government.*

Reserve 31016 is being disposed of by the Minister for Lands under Section 74 of the Land Administration Act 1997 and there is no local government involvement.

*Q7 If Reserve 31016, all or part, can be sold, or disposed of, by the State Government, then are any of the local parks under the care of local authorities safe from the state government disposing of, whenever the government of the day wishes to do so without the agreement of the local authority?*

*A7 Part 6 of the Land Administration Act 1997 grants the Minister for Lands certain powers in relation to the sale or lease of Crown Land.*

*Q8 To clarify the answer to the above question, can the state government sell or dispose of land that the local community regards as their local park, recreation reserve, against the wishes of the residents and the resolution of the local authority?*

*A8 The two reserves in question were created by Section 20A of the Town Planning and Development Act and have been designated as Class C under the Land Administration Act. The Minister for Lands has the power to cancel reserves and to dispose of them. Other reserves, such as Class A reserves, are subject to Parliamentary approval for any proposal to alter or cancel them.*

*Q9 Was the disposal of Reserve 38260, Yanchep ever subject to the current or previous Local Government Act?*

A9 Reserve 38260 Yanchep was not subject to Sections 266 and 266A of the Local Government Act 1960 because it is land that is vested on trust by the Governor.

Section 3.58 of the Local Government Act 1995 will not apply if the land in the cancelled reserve is disposed of by the Minister for Lands under Section 74 of the Land Administration Act 1997. However, if upon cancellation the land is transferred firstly into the name of the Council for disposal the requirements of Section 3.58 will apply.

Q10 *If Reserve 38260, Yanchep was ever subject to the Local Government Act what has changed to allow Reserve 31016, Greenwood not to be subject to the Local Government Act?*

A10 The Council has agreed to the voluntary revocation of the vesting/management order it holds over Reserve 38260 Yanchep and the land may or may not be transferred to the Council for disposal. The Council has not agreed to the revocation of the vesting/management order it holds over Reserve 31016 Greenwood and it is believed the Minister for Lands will revoke the vesting/management order and dispose of the reserve.

Q11 *How do the facts of each case differ in the requirements of the relevant laws?*

A11 The answer to question 10 applies here.

Q12 *If the disposal of Reserve 38260, Yanchep requires valuations of the reserve, why does the disposal of Reserve 31016, Greenwood not require a valuation of the land in question?*

A12 Section 74(2) in Part 6 of the Land Administration Act 1997 gives the Minister for Lands the power to set prices for the sale of Crown land. The valuations requested for Reserve 38260 Yanchep were in accordance with Department of Land Administration guidelines for the disposal of Section 20A land.

**Mr B Higgins of Carabooda:**

Q1 *In relation to Item CJ06-02/99 (Warrant of Payments for December 1998) listed in the City of Joondalup agenda for the Meeting of Joint Commissioners held on 9 February 1999: Page 4, Attachment 1 - Cheque No 5436 for Coles Supermarket amounting to \$6,000; Page 8, Attachment 1 – Cheque No 5634 for Coles Supermarket amounting to \$1,959.35 and in this evening's agenda under Warrant of Payments CJ39-02/99, Page 13 a further cheque No 6950 issued on 21 January 1999 in favour of Coles Supermarket for the amount of \$2,404.10. What is the reason Council, in a matter of six weeks, has spent approximately \$10,500 in Coles Supermarket? What area of budget are these cheques drawn from?*

Q2 *In relation to CJ06-02/99 (Warrant of Payments – December 1998) Page 14, Attachment A cheque No 5944 amounting to \$124,456.95 drawn in favour of O G Drescher. What does this amount constitute?*

A2 *Response by Cmr Ansell:* This will be investigated but it could relate to the final payout of his entitlements.

*Q3 By that, do you mean the entitlements under the Act, or over and above any entitlement?*

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

*A1 Response by Manager, Revenue Accounting:* In relation to cheque No 5436 (\$6,000.00) this was for gift vouchers for food. This request came from Community Development financial counselling. These were food gift vouchers that were distributed through financial counselling.

Cheque No 5634 relates to various purchases of food. Some of the areas include Citizenship Day, Seniors Day, Commissioners' lunches, the Joondalup Classic, Junior Council, Neighbourhood Watch and various civic functions.

In relation to cheque Nos 6950 and 5944, these questions will be taken on notice.

**Mr J Hollywood of Burns Beach:**

*Q1 Last evening I attended a crime prevention meeting held in the Joondalup Council Chamber which was chaired by Roger Nicholls, MLA. One of the suggestions raised by Mr Nicholls was that if children were playing sport, they would not commit crime. Are the Commissioners still looking into charging children to play on sporting ovals?*

*A1 Response by Cmr Ansell:* The consultants are continuing to consult with the community as to a user pays system.

*Q2 Would it be possible for me to speak to the consultants?*

*A2 Response by Cmr Ansell:* Yes, you can make any input you like in that area.

- *Mr Hollywood submitted a petition from local residents objecting to fees being charged to children for playing or training on any playing field or park owned by the City of Joondalup or Shire of Wanneroo.*

*The Director, Community Development drew Mr Hollywood's attention to a full page advertisement appearing in the Wanneroo Times requesting submissions from members of the community and from community groups in relation to this matter.*

*Q3 I am concerned that the City of Joondalup's logo is owned by LandCorp, not by the City of Joondalup. For how long does the City of Joondalup have the rights to this logo, and can this right be withdrawn?*

*A3 Response by Chief Executive Officer:* LandCorp has granted the City a licence, for a set period of time, and has indicated in writing that it would forsee a time in the future, once it has finished the sale of its landholdings in Wanneroo, when it would consider handing over full rights to the City.

- *Cmr Morgan referred to the petition submitted by Mr Hollywood and queried whether he interpreted the mention of playing fields to also include swimming pools.*

*Mr Hollywood responded that he interpreted that to mean mainly parks recreation areas, and did not relate this to the Craigie Leisure Centre nor other swimming pools..*

**Mr Peter Clark, Pulham Place, Greenwood:**

*Re: Cancellation of portion of Reserve 31016 – Greenwood:*

*Q1 At the Council meeting held on 27 October 1998, we expressed an interest in purchasing the above land adjoining our property. I believe this question has already been answered, but I do not understand the numbers and figures. We were advised this would remain under management of the City of Joondalup, where do we stand now as we believe the land is to be cancelled?*

*A1 Response by Cmr Ansell: The Commissioners made their decision at that time and are now obtaining legal advice as to what has been done by the State Government and whether Commissioners have any further action they can take in this regard.*

*Q2 In the local community newspaper last week, a developer stated there were 10 government departments backing him. Do you know which 10 government departments these were?*

*A2 Response by Cmr Ansell: No.*

*Q3 If we do lose, how easy is it for the developers to rezone from R20 to R40?*

*A3 Response by Director, Development Services: The rezoning process is a statutory process, and members of the community will have an opportunity to comment.*

*Q4 Is it possible for the land to be rezoned?*

*A4 Response by Director, Development Services: Yes, it is possible.*

*Q5 Is it worth us fighting, if this in fact does happen?*

*A5 Response by Director, Development Services: That is for you to decide.*

*Response by Cmr Rowell: The question you actually asked was to rezone from R20 which is what the Ministry has asked us to put on the subdivisional plan, but you said to go from R20 to R40.*

*Q6 I am referring to the possibility of high rise development, when you get duplexes or units.*

*A6 Response by Cmr Rowell: That process would definitely be referred back to the community and it would be very unlikely to be rezoned from R20 to R40.*

*Q7 It is possible?*

*A7 Response by Cmr Rowell: Anything is possible.*

**Ms Sue Hart of Greenwood:**

*Q1 Will the Council liaise with the Stop the Swap Committee as we are receiving many inquiries from the people of Greenwood every day. We are also seeking legal advice from a planning lawyer and have a meeting with officers at Mr Kierath's office (the Minister for Planning). Will you liaise with us and help us too?*

*A1 Response by Cmr Ansell: Yes.*

**Mrs M Zakrevsky of Mullaloo:**

*Q1 Which Commissioner or Commissioners represent the City of Joondalup at the Metropolitan Council of the Local Government Association.*

*A1 Response by Cmr Rowell: I am the Council representative on this committee.*

*Q2 Do you know when the next meeting is to be held?*

*A2 Response by Cmr Rowell: The next meeting of the Local Government Association is on 1 April 1999 and will be held at Wanneroo but I am unsure whether it is at the Wanneroo Civic Centre or at the Joondalup Civic Centre.*

*Q3 In view of the fact that you are representing the public, will you, as our representative for the City of Joondalup, support the Nedlands City Councillor, Susan Fielding, at the next general meeting of the Metropolitan Council at the Local Government Association in regard to the large article that appeared in the West Australian on Saturday, 13 February 1999 relating to boycotting old growth forest timber?*

*A3 Response by Cmr Rowell: As a representative for the City of Joondalup and the Shire of Wanneroo at these meetings, I have to take into account the position of both the City and the Shire. While Council does not have a position on old growth forests, it does have a fairly strong position on Agenda 21, so on the sustainable development side, I would be quite happy to support Susan in that area. I am very familiar with the work she is doing.*

*Q4 Do Commissioners have access to factual information that would be important in your discussions, because there has been so much non-factual information, and I do have access to part of five submissions that are factual.*

*A4 Response by Cmr Rowell: I am in regular contact with Dame Rachel Cleland and am sure I have all the information that she has put forward.*

*Response by Cmr Ansell: Is Nedlands in your area?*

*Response by Cmr Rowell:* The Nedlands Council is in the central zone and we are in the north zone, but we do discuss some of the items which are in other zones.

*Q5* Could this item be placed on the agenda, if the north and central zone agendas are different?

*A5* *Response by Cmr Rowell:* Yes.

*Q6* Will you report back, or is there some way of knowing the outcome of that meeting?

*A6* *Response by Cmr Rowell:* Yes, we can report back.

**Mr David Davies, Connolly Residents Association:**

*Q1* Today the Association requested Chris Baker to approach Council regarding the item relating to Connolly community facilities which is on this evening's agenda to have this item removed. Has this item been removed or is it still on the agenda for this evening?

*A1* *Response by Cmr Ansell:* No, it is still on the agenda.

**Ms Gaye Wilde, Warburton Avenue, Padbury:**

*Q1* In relation to the proposed car wash facility at Warburton Avenue, Padbury: This item was discussed at the Meeting of Joint Commissioners held on 9 February 1999 and lost, but an alternative motion was not made. Why did this happen?

*A1* *Response by Cmr Ansell:* A motion should have been put forward. This item is still lying on the table and the officers have submitted it for determination again this evening.

**Mrs A Hine of Wanneroo:**

- *Mrs Hine queried whether both sides of the road were to be included in The Sanctuary development at Joondalup and also asked if further clearing would be undertaken in as she was concerned at the extent of the clear felling by developers in this area.*

*Mrs Hine also referred to a response to a query she had raised in 1997 regarding the felling of mature trees that stated that a 200m strip of land would remain from the lake to the residential area. Mrs Hine believed that further pollution would occur to the groundwater and expressed concern at the government's handling of these matters.*

*Cmr Ansell stated that Mrs Hine's concerns have been noted. The administration is at present currently formulating a tree policy that will be aimed at preserving trees and this will be released shortly for public response.*

**DECLARATIONS OF FINANCIAL INTEREST**

*Cmr Buckley declared an interest in Item CJ46-02/99 as her husband has a business relationship with the applicant.*

**CONFIRMATION OF MINUTES**

**C05-02/99**                    **MINUTES OF MEETING OF JOINT COMMISSIONERS -  
9 FEBRUARY 1999**

**MOVED Cmr Morgan, SECONDED Cmr Rowell that the Minutes of the Meeting of Joint Commissioners held on 9 February 1999, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED**

**ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**

Good evening and welcome to this City of Joondalup meeting.

**CUSTOMER SERVICE CHARTER**

I would like to announce the impending launch of our Customer Service Charter.

This charter has been designed as part of our effort to reach new standards in serving our customers.

Its official launch will be next Tuesday.

The Customer Service Charter outlines the standards for professional, polite and attentive service our customers can expect from council staff.

In line with our aim to “become transparent” to the community, the charter provides for access to council documents through the Freedom of Information Act.

It also provides for constant review of community needs and response to services provided by Council.

**CUSTOMER COMPLAINTS SYSTEM**

As part of our drive to improve the levels of service to all our customers, we have recently appointed a Customer Action Request Officer, whose job it will be to implement a new computer-based complaints handling system.

It is envisaged that the new electronic complaints system will greatly enhance and speed our response to customer queries and concerns.

Training for key staff is already underway and alterations are being made on the ground floor of the administration headquarters to accommodate this officer.

## **NEW TECHNOLOGY**

The computerised customer complaints handling system is just one of many improvements in the level of service council will be able to provide once the overhaul of our old technology is complete.

Our technical staff are now implementing new computer systems that will rank the City of Joondalup as a leader in Australian local government.

Council has made a substantial investment to replace its outdated technology, much of it 15 years old.

We are now introducing systems which are recognised as some of the best available in the world, including a new financial system, a new property and rating system, a new records and document managing system, new payroll, library and recreation systems, as well as updating all staff to Microsoft Office 97.

These improvements will place the City of Joondalup at the forefront of modern technology, allowing for more effective management and practices in delivering service to our customers.

## **DEVELOPMENTS**

Among developments being considered this evening are:

- two grouped dwellings in Mullaloo;
- a dance and music school in Greenwood;
- a showroom in Onslow Place, Joondalup;
- commercial and residential in Plaistow St, Joondalup;
- additions and alterations to Woodvale Community Centre;
- grouped dwellings in Joondalup, Duncraig and Hillarys.

## **REMINDER**

I would like to remind all Commissioners and staff that there is no need to rise when addressing the chair. You may remain seated.

This practice should help to improve the acoustic levels at both the Wanneroo and Joondalup chambers.

## **NEW MANAGER**

Mr James Lawton, who is the new Marketing Manager for the City of Joondalup has joined us for the first time tonight.

**PETITIONS****C06-02/99****PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS - 23 FEBRUARY 1999**

- 1 PETITION SUPPORTING CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN RIPLEY WAY AND DOVERIDGE DRIVE, DUNCRAIG – [04784J]

An 8-signature petition has been received from Duncraig residents supporting the proposed closure of the pedestrian accessway between Ripley Way and Doveridge Drive, Duncraig.

This petition will be referred to Development Services for action.

- 2 PETITION OBJECTING TO THE APPLICATION FOR THE REMOVAL OF THE RESTRICTIVE COVENANT ON LOTS IN MORGAN PLACE, HILLARYS – [35149J]

An 8-signature petition has been received from Hillarys residents objecting to the application to remove the restrictive covenant on lots in Morgan Place, Hillarys as they believe this would be detrimental to the amenity of the suburb.

This petition will be referred to Development Services for action.

- 3 PETITION REQUESTING CONSIDERATION OF INSTALLATION OF TRAFFIC CALMING TREATMENTS IN LACEPEDE DRIVE, SORRENTO – [13030J]

A 76-signature petition has been received from local residents requesting consideration be given to the installation of traffic calming treatments in Lacepede Drive, Sorrento, as residents are concerned problems may be experienced due to the increased level of traffic on this road.

This petition will be referred to Development Services for action.

- 4 PETITION REQUESTING A SPECIAL MEETING OF ELECTORS - [02419J]

A 141-signature petition has been received from residents requesting that a special meeting of electors be held to discuss the cancellation of a portion of Parks and Recreation Local Reserve adjoining the former Greenwood Primary School site and associated Ministerial decisions.

In accordance with Section 5.28 of the Local Government Act 1995, a special meeting of electors has been scheduled for 6.30 pm on Monday 8 March 1999 to be held in the Council Chamber, Boas Avenue, Joondalup.

5 PETITION OBJECTING TO FEES BEING CHARGED FOR JUNIOR SPORT – [10015, 04569W]

A 139-signature petition has been received from local residents objecting to fees being charged to children for playing or training on any playing field or park owned by the City of Joondalup or Shire of Wanneroo.

This petition will be referred to Community Development for action.

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

- 1 **supporting the proposed closure of the pedestrian accessway between Ripley Way and Doveridge Drive, Duncraig;**
- 2 **objecting to the application to remove the restrictive covenant on lots in Morgan Place, Hillarys as they believe this would be detrimental to the amenity of the suburb;**
- 3 **questing consideration be given to the installation of traffic calming treatments in Lacepede Drive, Sorrento, as residents are concerned problems may be experienced due to the increased level of traffic on this road;**
- 4 **requesting that a special meeting of electors be held to discuss the cancellation of a portion of Parks and Recreation Local Reserve adjoining the former Greenwood Primary School site and associated Ministerial decisions;**
- 5 **objecting to fees being charged to children for playing or training on any playing field or park owned by the City of Joondalup or Shire of Wanneroo;**

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

**The Motion was Put and**

**CARRIED**

**FINANCE AND COMMUNITY SERVICES SECTION**

Items CJ35-02/99 to CJ37-02/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley.

**CJ35-02/99            SCHEDULE OF DOCUMENTS EXECUTED BY  
MEANS OF AFFIXING THE COMMON SEAL -  
[15876]****SUMMARY**

The following is a list of documents sealed under the common seal of the City of Joondalup from 8 December 1998 to 9 February 1999.

Document:            Agreement  
Parties:              City of Joondalup and Sydney Organising Committee for the Olympic Games  
Description:        Torch Relay Services  
Date:                 8.12.98

Document:            Application  
Parties:              City of Joondalup and Water Corporation  
Description:        Warwick Commercial Park  
Date:                 10.12.98

Document:            Copyright Agreement  
Parties:              City of Joondalup and Dr Mal Washer  
Date:                 15.12.98

Document:            Copyright Agreement  
Parties:              City of Joondalup and Arthur Hudson  
Date:                 15.12.98

Document:            Copyright Agreement  
Parties:              City of Joondalup and Ernest Bennet  
Date:                 15.12.98

Document:            Withdrawal of Caveat  
Parties:              City of Joondalup and Alpine Land Pty Ltd  
Description:        Lots 2 & 3 Belridge Shopping Centre  
Date:                 16.12.98

Document:            Agreement as to Covenants  
Parties:              City of Joondalup and Zangel Pty Ltd  
Description:        Lots 2 & 3 Belridge Shopping Centre  
Date:                 17.12.98

Document: Local Law  
Parties: City of Joondalup  
Description: Bushfire Local Law  
Date: 21.12.98

Document: Deed  
Parties: City of Joondalup and Brintwood Pty Ltd  
Description: Lots 6 & 7 Wanneroo Road, Kingsley

Document: Withdrawal of Caveats  
Parties: City of Joondalup and Brintwood Pty Ltd  
Description: Lots 6 & 7 Wanneroo Road, Kingsley

Document: Scheme Amendment  
Parties: City of Joondalup and The Minister for Planning  
Description: TPS 1 - Amendment 832  
Date: 7.1.99

Document: Copyright Agreement  
Parties: City of Joondalup and Roberta Bevan Lee Taylor  
Date: 9.2.99

Document: Restrictive Covenants  
Parties: City of Joondalup and W R Carpenter Properties Pty Ltd  
Description: Lot 26 The Broadwalk, Hillarys  
Date: 9.2.99

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

**The Motion was Put and**

**CARRIED**

**CJ36-02/99 JOONDALUP FESTIVAL COMMITTEE -  
[04089]**

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## **SUMMARY**

A meeting of the Joondalup Festival Committee was held on 8 December 1998 and the minutes are submitted for noting by the Joint Commissioners.

## DETAILS

A meeting of the Joondalup Festival Committee was held on 8 December 1998.

No action has arisen as a result of these minutes and these are attached for noting and inclusion in the minute book.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners NOTE the minutes of the Joondalup Festival Committee meeting held on 8 December 1998 forming Attachment 1 to Report CJ36-02/99.**

**The Motion was Put and**

**CARRIED**

Appendix I refers

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## **CJ37-02/99            MEMBERSHIP OF JOONDALUP COMMUNITY POLICING COMMITTEE - [25131]**

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### SUMMARY

The Joondalup Community Policing Committee, formerly Joondalup Regional Community Policing Crime Prevention Committee is a committee of the Safer WA Executive Council Inc., formerly the State Council of the Community Policing Crime Prevention Council of Western Australia Inc. Due to other commitments, Commissioner Marilyn Clark Murphy is no longer able to represent the City on the Joondalup Community Policing Committee. This report recommends that Commissioner Wendy Buckley replace Commissioner Clark-Murphy and be nominated by the Joint Commissioners for the purpose of making application for membership of the Joondalup Community Policing Committee.

### BACKGROUND

The Joondalup Community Policing Committee, formerly the Joondalup Regional Community Policing Crime Prevention Committee is one of 22 district committees of the Safer WA Executive Council Inc., formerly the State Council of the Community Policing Crime Prevention Council of Western Australia Inc. This community based organisation has developed strategies to prevent and reduce crime in the Joondalup Police District, thereby improving quality of life. The Committee includes representatives from major government organisations such as the Police Service, Westrail and Ministry of Justice and from community organisations such as Neighbourhood Watch and Aboriginal Urban Services.

Since July 1998 the City has been represented on the Joondalup Committee by Commissioner Marilyn Clark Murphy and the Director Community Development, and prior to this time by elected members of the former City of Wanneroo. Commissioner Clark Murphy is no longer able to represent the City on this Committee due to the dates and times of the meetings of the Committee. Commissioner Wendy Buckley has agreed to be nominated for membership of the Committee.

## **DETAILS**

The Safer WA Executive Council is a community based non profit body incorporated under the Associations Incorporation Act 1987 of W.A. Its Patron is the Commissioner of Police. The Association comprises a State Council which consists of executive officers and representatives from each of the 22 District Committees, including the Joondalup Community Policing Committee. It employs a State Co-ordinator and Executive Officer.

The objects of the Association as stated in its constitution are:

- to provide a medium for communication, liaison and interaction between the community and the Western Australian Police Service, in pursuit of the common goal of a more peaceful society;
- as a liaison body, to co-ordinate the activities of community policing crime prevention throughout Western Australia;
- to develop policies pertaining to the principles of community policing crime prevention;
- to assist in the formation of District, Local and Special Purpose Committees;
- to support any organisation or group, Government agency, including the WA Police Service, or others who have plans or intentions to seek lost people, prevent crimes, for the betterment of a safer and peaceful Community;
- and to do all things conducive to the attainment of these objectives.

Membership of the Association is attained by submitting an application through a District or Local Committee or by invitation of the State Council to an organisation to nominate a representative to the State Council. There is no fee for membership of the Association but individuals wishing to become members are required to undergo a Police Clearance.

District Committees consist of office bearers, a State Council Delegate elected by the committee, representatives from the WA Police Service and other members approved by the State Council. There are no restrictions on the number of members which can comprise a District Committee nor on the length of membership.

District Committees comprise representatives from a number of government and community based organisations and are required to meet not less than ten times in any calendar year, generally at least once each calendar month. Members may be expelled from the Association for failing to attend three consecutive meetings without leave of absence or good excuse.

The Joondalup Community Policing Committee meets on the first Tuesday of each month in the evening at the Joondalup Civic Centre.

## COMMENT/FUNDING

In view of Commissioner Clark Murphy's inability to attend future meetings of the Joondalup Community Policing Committee due to other commitments, it is recommended that the Committee be advised of the resignation of Commissioner Clark Murphy and that Commissioner Wendy Buckley be nominated for the purpose of making application for membership to the Joondalup Community Policing Committee.

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

- 1 ADVISE the Joondalup Community Policing Committee of the resignation of Commissioner Clark Murphy from the Committee;**
- 2 NOMINATE Commissioner Buckley as representative of the City for the purpose of making application for membership of the Joondalup Community Policing Committee of the Safer WA Executive Council.**

**The Motion was Put and**

**CARRIED**

**CJ38-02/99 OUT OF SCHOOL CARE RENTAL CHARGES -  
[06049]**

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## SUMMARY

The YMCA has requested a continuation of the 50% subsidised rental agreement which expired in December 1998, for use of Council facilities from which it operates Out of School Care Programmes (Item No. CS205-12/96 refers). This request has necessitated a review of the way in which all Out of School Care Services Providers utilising City of Joondalup facilities are charged.

Many Out of School Care Service providers are experiencing difficulty in meeting operating costs since the changes to funding arrangements by the Commonwealth Government. To ensure important services remain available and accessible to the community it is necessary to review the current arrangements and realise greater consistency and equity.

The current fee structure provides a range of facility fees depending on the arrangement previously negotiated. The YMCA currently pays 50% of the community regular facility rate for its use of Kingsley Clubrooms and uses Calectasia Hall, Greenwood free of charge in lieu of cleaning the area it uses. Council operated programmes are levied at 100% of this rate

The community facility rate, as it is currently determined, has been on a market capacity/market comparison approach rather than an assessment of the operational costs to determine a rate. It is recommended that a unit cost approach be adopted for establishing rent charged to all Sponsored Out of School Care Providers utilising City of Joondalup community facilities.

The unit cost approach entails identifying the area of floor space used and the average hourly operational cost of the facilities. An hourly per square metre rental is then derived which reflects the operational cost per hour per square metre. Using this method it is further recommended that a hourly per square metre rental of \$0.023 be levied for the period February to June 1999.

## BACKGROUND

At its meetings of 25 June 1995 and 18 December 1996 Council of the former City of Wanneroo endorsed the transfer of sponsorship of several Out of School Care Programmes at Kingsley, Wanneroo and Quinns Rocks to the YMCA, (Item Nos. CS105-06/95 and CS205-12/96 refer).

The YMCA is a “not for profit” organisation and as part of the transfer negotiations, the former City of Wanneroo endorsed a rental concession of 50% of the community regular facility hire rate for all existing programmes for a two year period commencing 1 January 1997 (Report No. CS205-12/96 refers). This arrangement extended to two independent sponsored operators which use City of Joondalup facilities (Edgewater Out Of School Care at Emerald Park Club Rooms and Duncraig Out Of School Care at Duncraig Community Hall) as it was acknowledged both provide a valuable service, but were only just covering basic costs.

The YMCA currently operates Out of School Care Programmes from two City of Joondalup facilities - Kingsley Club Rooms and Calectasia Hall, Greenwood. Calectasia Hall was not included in the original subsidised rental agreement. Currently 100% rental subsidy is given in lieu of cleaning services. Any new agreement will need to include Calectasia Hall.

Council’s Community Services Business Unit also operates Out of School Care Programmes from two City of Joondalup facilities at Ocean Ridge Community Centre and the Fleur Freame Pavilion, Whitfords together with a Shire of Wanneroo programme from Hainsworth Leisure Centre. These services are charged at 100% of the Regular Community Rate but do receive an operational subsidy (which includes corporate costs) from Council.

<b>PROGRAMME OPERATED FROM</b>	<b>ACTUAL REVENUE 1997/98</b>	<b>ACTUAL EXPENDITURE 1997/98</b>	<b>OPERATIONAL SUBSIDY 1997/98</b>
	\$	\$	\$
Ocean Ridge Community Centre	87866	132149	44283
Fleur Freame Pavilion	58208	94809	<u>37601</u>
			<u>81884</u>

## DETAILS

A unit cost method has been used to determine what fees should be charged to these services so that the true cost of operating the areas used by Out of School Care are identified. The methodology identified:

- The floor space of the income generating areas (halls, meeting rooms etc.) for each facility used by Out of School Care providers;
- The hourly operational cost for each facility;
- The *average* hourly operational cost across all facilities was then multiplied by the floor space *requested* by the Out of School Care operators.

Using this method the Out of School Care provider will be charged a fair and equitable cost per square metre, which reflects the average cost of operating the facility. The average hourly operational cost for 98/99 has been calculated at \$0.023 using the above methodology.

## COMMENT/FUNDING

Since the implementation of the new Federal Government funding arrangements for Out of School Care, many service providers are experiencing considerable difficulty in meeting operational costs. Whilst the proposed rental reduces revenue accruing to the City it still covers the Out of School Care Service provider's share of the operating costs for each venue.

Each Out of School Care provider is currently charged different rates for the use of Council facilities and receives a range of indirect Council subsidies. As all operators provide the same valuable service with similar costs this situation is inequitable. Consistency will be achieved by charging each operator the same amount per square metre of floor space utilised. It also ensures that the average operational cost of the facilities is also met for the times the Out of School Care Service uses a venue.

The proposed costs are based on the assumption that After/Before School Care operates for 196 days per year and Vacation Care for 51 days per year. Costs are subject to variation, as they are dependant on which rooms/halls the operator utilises. In the past operators have used sports halls etc. without consideration of the costs incurred.

Cleaning costs for Calectasia Hall is estimated to be approximately \$7,000 per annum. This figure is favourable in comparison with the proposed per annum rental of \$3,170, given there are other user groups which also undertake their own cleaning. The current arrangement is working well and it is proposed that the existing arrangement continues whereby the YMCA's rent of Calectasia Hall is waived in exchange for it cleaning the Hall.

Activity areas and hours of use will be negotiated with each service provider to ensure the best use of available resources.

Using the average hourly operational cost as explained in detailed previously the estimated cost per annum in comparison to the existing fee structure is detailed below.

NAME OF SERVICES	ACTUAL COST 1997/98 \$	PROPOSED COST 1999/00 \$	DIFF ERENCE \$
Whitfords Out Of School Care, Padbury	10,740	4,357	6,383
Heathridge Out Of School Care, Ocean Ridge Community Centre	35,360	20,937	14,423
Sorrento/Duncraig Vacation Care, Sorrento/Duncraig Recreation Centre	7,000	4,272	2,728
Edgewater Out Of School Care, Emerald Park Club Rooms	6,878	3,799	3,079
Calectasia Hall	0	0	0
Duncraig Out Of School Care, Duncraig Community Hall	4,742	3,880	862
Kingsley Out Of School Care - YMCA Kingsley Club Rooms	7,763	5,437	2,326
	72,483	42,682	29,801

Council policy for the full subsidisation of junior use of Council recreation facilities does not apply as each service is a structured government funded programme.

There will be a complete review of the City's Out of School Care Services including the schedule of fees in April 1999. As part of the review, the current level of fees will be assessed in conjunction with the reduction in rent at the various Centres to determine whether care fees should be reduced.

**REPORT RECOMMENDATION:** That the Joint Commissioners:

- 1 ADOPT a unit cost approach to determining fees for use of Council community facilities by all Out of School Care Service Providers;
- 2 ENDORSE an hourly per square metre rental of \$0.023 be levied for the use of Council Community Facilities by Out of School Care Service Providers for the period February to June 1999;
- 3 ENDORSE the continuation of the free use of Calectasia Hall by the YMCA in exchange for cleaning services at the Hall;
- 4 in accordance with Section 6.16 of the Local Government Act 1995, ADOPT the proposed fees and charges detailed in Report CJ38-02/99 and give local public notice in accordance with Section 6.19 of the Act advising that the new fees take effect from 1 March 1999.

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

- 1 **ADOPT a unit cost approach to determining fees for use of Council community facilities by all Out of School Care Service Providers;**
- 2 **ENDORSE an hourly per square metre rental of \$0.023 be levied for the use of Council Community Facilities by Out of School Care Service Providers for the period March to June 1999;**
- 4 **ENDORSE the continuation of the free use of Calectasia Hall by the YMCA in exchange for cleaning services at the Hall;**
- 4 **in accordance with Section 6.16 of the Local Government Act 1995, ADOPT the proposed fees and charges detailed in Report CJ38-02/99 and give local public notice in accordance with Section 6.19 of the Act advising that the new fees take effect from 1 March 1999.**

Cmr Clark-Murphy raised a correction to Point 2 of the recommendation.

**The Motion was put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

Items CJ39-02/99 to CJ43-02/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Morgan.

**CJ39-02/99                    WARRANT OF PAYMENTS FOR THE PERIOD  
TO 31 JANUARY 1999 - [09882]**

WARRANT OF PAYMENTS TO JOINT COMMISSIONERS ON 23 FEBRUARY 1999  
INCORPORATING PAYMENTS FOR THE MONTH OF JANUARY 1999

**SUMMARY**

This report details the cheques drawn on the funds during the month of January 1999. It seeks Joint Commissioners' approval for the payment of the January 1999 accounts.

**BACKGROUND**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$            c
Director Resource Management Advance Account	6324-7480	7,189,484.39
Municipal	000081,000084- 000093	10,017,636.40
Trust	-	0
Reserve Account	000011-000012	611,978.49
	<b>TOTAL            \$</b>	<b>\$17,819,099.28</b>

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 January 1999, the amount was \$2,151,112.57

### **CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT**

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$17,819,099.28 which is to be submitted to each Joint Commissioner on 23 February 1999 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.

JOHN ROBARTSON  
Manager Accounting Services

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 \$17,819,099.28 submitted to the Joint Commissioners on 23 February 1999 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 January 1999, certified by the Chairman of Commissioners and Director Resource Management, and totalling \$17,819,099.28**

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	6324-7480	7,189,484.39
Municipal	000081,000084-000093	10,017,636.40
Trust	-	0
Reserve Account	000011-000012	611,978.49
	<b>TOTAL</b>	<b>\$ 17,819,099.28</b>

**The Motion was Put and**

**CARRIED**

Appendix II refers

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**CJ40-02/99                    FINANCIAL REPORT FOR THE PERIOD  
ENDED 31 JANUARY 1999 - [07882]**

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**GENERAL**

The Management Reports for the seven months ended 31 January 1999 are appended for consideration - Attachments A refers.

As was explained in the December 1998 financial reports the Management Report (Municipal Fund Summary of Financial Activity), Attachment A, Segment 1, has been rearranged to more accurately reflect the operating position. The contributions for infrastructure assets and non operating income has been extracted from the operating statement and shown separately. Depreciation for infrastructure assets too has been shown separately. These amendments enable the operating position to be readily reflected.

The third quarterly instalment payment of the Local Government Financial Assistance Grant of \$803,873 will be paid to the City during the week commencing 15 February 1999. The fourth instalment is due on 17 May 1999.

With seven months (or 58%) of the year expired revenue and expenditure trends are emerging.

**Revenues**

Interest earnings continue to be tracking within budget. After researching building licence fees and making adjustments to the Shire, these fees are slightly below budget for the City, however it is believed the budget will be achieved.

As previously reported, the rating revenue is brought to account when the rates are levied and thus a comparison of YTD actual revenue with YTD budget reveals a large surplus due to accrual accounting requirements.

**Expenditures**

Operating expenditure for Strategic Planning is below the YTD budget figure as the donation to the aquatic facilities, Joondalup Arena, as yet has not been paid in full.

Operating and capital expenditure in Technical Services and Community Development directorates remain below YTD budget figures due to the following factors:-

1. Major engineering works which have not yet commenced or are only partly completed:-

**Technical Services**

- Marmion Avenue Dualling  
Kinross Southern Section - amount \$1.6m, work commenced - to be completed in June.

Mindarie Northern Section - Contract let for two underpasses, Road construction is programmed to commence in March.

- Drainage (various locations)

Design in progress, works programmed for construction April/May.

- Traffic Management (Craigie Drive and West Greenwood)

West Greenwood programmed for construction in April and Craigie Drive for May.

- Hodges Drive Dualling (at final sealing stage - completion May 1999) - Main Roads will install traffic lights during April 1999.

2. Major building projects which are only part constructed:-

### **Community Development**

- Woodvale/Kingsley Day Care Centre
- Joondalup Lotteries House

## **BUDGET REVIEW**

The half yearly budget review effective 31 December 1998 will be submitted during March 1999. This review will take account of outstanding budget amendment requests submitted but not processed and the timing of actual expenditure against budget. Material variations, either over or under budget in excess of \$10,000 will be submitted. Additional projects will be identified should surplus funds be available.

## **RATES**

Rates **levied** for the year were \$33,224,585

Rate collection as at 31 January 1999 was \$27.6m which represented 78.1% of the total rates due. While not a direct comparison the rate collection position at the corresponding period for the former City of Wanneroo in previous years was:-

1989/90	87.4%
1990/91	87.4%
1991/92	88.6%
1992/93	88.4%
1993/94	89.5%
1994/95	90.5%
1995/96	89.2%
1996/97	82.6%
1997/98	80.1%

In comparison with other local governments, the position at the end of January 1999 was:-

	Issue Date	Collection	Discount
Stirling	20/08/98	86.0%	6.0%
Canning	3/09/98	74.5%	-
Wanneroo	11/09/98	72.6%	5.0%
Bayswater	2/07/98	93.0%	-
Mundaring	26/07/98	92.0%	2.5%

Outstanding interim rating information for the City will be completed by 28 February 1999. The Valuer General's Office has recently implemented a new computer system and some delays are being experienced due to "teething" problems.

The instalment notices for the third instalment due on 19 February 1999 were forwarded to 10,000 ratepayers on 18 January 1999. The payment of these will boost the collection percentage in February.

The final instalment is due to be paid by 23 April 1999.

## **REFUSE**

The total refuse levied for 1998/99 was \$5,668,614 with total refuse outstanding at 31 January 1999 being \$282,393 indicating a collection of 95.2%. Again, while not a direct comparison collections in previous years for the former City of Wanneroo were:-

1990/91	95.0%
1991/92	94.8%
1992/93	94.9%
1993/94	95.3%
1994/95	96.0%
1995/96	95.8%
1996/97	93.2%
1997/98	94.2%

At the close of business on 31 January 1999 the City's records indicated 5,357 persons had elected to participate in the voluntary recycling scheme. Although this is the majority of participants in the scheme, it is anticipated that a small number may be added during February 1999.

## **SWIMMING POOL INSPECTION FEES**

The amount levied for swimming pool inspection fees in the 1998/99 financial year was \$118,953 At 31 January 1999 \$4,609 or 3.9% remained outstanding.

Full details of rates, refuse and swimming pools are shown on Attachment A, Segment 2.

## INTEREST ON INVESTMENT

The City's interest earnings to 31 January 1999 was \$1,452,729 compared to an annual budget of \$2,055,109. It is to be recognised that included in these figures is the earnings of \$676,353 on the Reserve Accounts.

At 31 January 1999 the City's investment portfolio was as follows:-

	\$	%
AMP Managed Treasury	12,180,328	19.43
Bankers Trust Cash Plus	11,688,799	18.65
Commonwealth Bank (CDA's)	1,451,032	2.31
CBA Cash Fund	12,199,063	19.46
NMFM Cash Enhanced	15,155,741	24.18
Trust West Treasury	9,845,484	15.70
Trust West Cash Enhanced	75,310	0.12
PBS (in liquidation)	95,266	0.15
	<b>\$62,691,023</b>	<b>100.00%</b>

A more detailed presentation of Council's investment portfolio at January 1999 is shown on Attachment A, Segment 3.

## BUILDING LICENCE FEES

Fees to 31 January 1999 were \$403,190 against a budgeted \$715,000. As Commissioners will be aware the building licence fee collections were of concern. As a consequence an investigation was undertaken in November/December. These investigations have revealed that the sum of \$136,106.60 has been incorrectly credited to the City of Joondalup instead of the Shire of Wanneroo. This has now been adjusted. The collections in this area at 31 January 1999 are 56% of budget against a YTD budget of 58%

## RECREATION FACILITIES

### Craigie Leisure Centre

In broad terms, the financial position for the Craigie Leisure Centre for the seven month period ended January 1999 was:

	Annual Budget	Year to Date Budget (58%)	Year to Date Actual
	\$	\$	\$
Administration	-		-
Pool	56,822	33,146	99,494
Sports/Functions	111,173	64,851	81,557
Fitness Centre	(238,053)	(138,864)	(96,031)
Aerobics	(52,609)	(30,689)	(24,203)
Kiosk	(34,113)	(19,899)	(16,939)
Creche	87,925	51,290	49,589
<b>Total Surplus/Subsidy</b>	<b>(\$68,855)</b>	<b>(\$40,165)</b>	<b>\$93,467</b>

Net subsidy \$93,467

Swimming pool attendances are down due to a relatively cool summer. Similar downturns have been experienced in other metropolitan pools. The shortfall in revenue is expected to be \$42,000 which will be included in the Budget Review. Three major promotions are planned before 30 June 1999 to attract membership to the gym. There is an expectation that this will increase revenue and help achieve budget for the fitness centre.

The Council's budget provides for an operating surplus of \$68,855 for this complex for the whole of the 1998/99 year. At 31 January 1999 there is a subsidy of \$93,467.

By way of comparison the net surplus for the corresponding period last year was \$101,835.

Attendances to 31 January 1999 were 474,226 compared with 455,889 for the corresponding period last year. This reflects an increase numbers of around 18,300.

### Leisure Centres

The operating position for the individual recreation centres for the seven months ended 31 January 1999 was as follows:-

		<b>Income</b>	<b>Expenditure</b>	<b>Council Contribution</b>	<b>Return</b>
		\$	\$	\$	%
Ocean Ridge	BUDGET	304,400	346,979	42,579	87.7
	<b>YTD BUDGET</b>	<b>177,567</b>	<b>202,405</b>	<b>24,838</b>	
	ACTUAL	121,611	206,366	84,755	58.9
Sorrento/Duncraig	BUDGET	288,920	366,196	77,276	78.9
	<b>YTD BUDGET</b>	<b>168,536</b>	<b>213,614</b>	<b>45,078</b>	
	ACTUAL	138,729	209,400	70,671	66.3
Wanneroo	BUDGET	127,340	279,913	152,573	45.5
	<b>YTD BUDGET</b>	<b>74,282</b>	<b>163,283</b>	<b>89,001</b>	
	ACTUAL	73,857	126,387	52,530	58.4
Warwick	BUDGET	-	173,761	173,761	100.0
	<b>YTD BUDGET</b>		<b>101,361</b>	<b>101,361</b>	
	ACTUAL		96,451	96,451	100.0
<b>TOTAL</b>	<b>BUDGET</b>	\$720,660	\$1,166,849	\$446,189	61.8
	<b>YTD BUDGET</b>	<b>\$420,385</b>	<b>\$680,663</b>	<b>\$260,278</b>	
	<b>ACTUAL</b>	<b>\$334,197</b>	<b>\$638,604</b>	<b>\$304,407</b>	<b>52.3</b>

A shortfall of \$60,000 is anticipated in revenue for the Ocean Ridge Community Centre. An error in calculating the subsidised use from 1997/98 resulted in an overestimate of approximately \$20,000 in the 1998/99 budgeted figure.

JAM nights are no longer held and this will result in a revenue shortfall of \$15,000 for that activity.

After School Care was budgeted at \$35,000 revenue, but should only have been shown at \$10,000.

## RESERVE ACCOUNTS

Aggregate account balances of Council's reserves at 31 January 1999 was \$29,755,064 as shown in Attachment A, Segment 4.

## TRUST FUNDS

Balances at 31 January 1999 were:

Unclaimed Salaries and Wages	\$1,453
Unclaimed Monies	\$50,254
Yanchep/Two Rocks Community Bus	\$78,455

**MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Financial Reports for the period ended 31 January 1999 be NOTED.**

**The Motion was Put and**

**CARRIED**

Appendix III refers

## **CJ41-02/99      AUTHORISATION OF REALLOCATION OF FUNDS - [06511]**

### SUMMARY

Various requests have been received for authorisation, in accordance with Section 6.8 (1) of the Local Government Act 1995, to incur unbudgeted expenditure. In most instances, a source of funding has been identified to accommodate the additional expenditure. A number of necessary adjustments to the budget estimates have also been identified. These are detailed on Attachment 'A' to this report.

The Joint Commissioners will be aware that the Local Government Act 1995 makes specific provisions relating to expenditure from the Municipal Fund not included in the annual budget:-

- “6.8 (1)      A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure:-
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the Mayor or President in an emergency.

**\*Absolute majority required.**

- 6.8 (2) Where expenditure had been incurred by a local government:-
- (a) pursuant to subsection (1) (a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1) (c), it is to be reported to the next ordinary meeting of the Council”.

While the Local Government (Financial Management) Regulations 1995 specifically requires comparatives with the **original** budget estimates, it has been adopted practice, for budgetary control purposes, to have “revised budget figures” which reflect the reallocations adopted each month.

In some instances the necessity to seek a reallocation of funds is to accommodate oversights during budget preparation or to include items which have eventuated since budget adoption. Other requests represent a re-assessment of priorities. In each instance, brief explanations have been provided by the respective Directorates and these are duplicated within the schedule.

The budget adjustments listed in Attachment ‘A’ add \$4,230 of available miscellaneous revenue to the budget position.

This year it was agreed that the City of Joondalup Budget is compiled on the basis of ‘one line appropriations’ rather than appropriations for expense types. This effectively reduces the number of budget reallocations each month. Unfortunately it was not possible to dispense with budget reallocations entirely, especially in the area of Salaries and Wages and Contract Labour.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners AUTHORISE, in accordance with the provisions of Section 6.8 (1) of the Local Government Act 1995, amendments to the “revised budget figures” of the 1998/99 Budget as detailed in the Schedule of Budget Reallocation Requests - February 1999.**

**The Motion was put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

Appendix IV refers

**CJ42-02/99            OUTSTANDING GENERAL DEBTORS - 31  
JANUARY 1999 - [04881]**

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**SUMMARY**

This report shows the total outstanding general debtors as at 31 January 1999, together with their status and a comparison with the previous two months. It also recommends that \$833.08 of debts be written off general debtors, by Absolute Majority in accordance with the provisions of Section 6.12(1)(c) of the Local Government Act 1995.

## BACKGROUND

This report recommends a write-off of debts totalling \$833.08. The debts relate to an overcharge of a licence fee (error made in raising invoice), a fine for parking (insufficient details) and a fine for a bushfire infringement (unable to enforce-no motor drivers licence), which are considered to be not recoverable.

A report covering the full detail relating to debtors is prepared for internal management controls and for follow up action.

## DETAILS - SUMMARY OF DEBTORS

Debtor Status	1999		1998			
	JANUARY		DECEMBER		NOVEMBER	
	Total O/S		Total O/S		Total O/S	
	\$	%	\$	%	\$	
Current	<b>492,364.87</b>	<b>8.54</b>	370,890.72	6.63	322,217.64	5.82
30 Days	<b>162,948.25</b>	<b>2.83</b>	111,054.84	1.99	66,295.42	1.20
60 Days	<b>77,587.43</b>	<b>1.35</b>	46,413.42	0.83	45,119.65	0.81
90 Days	<b>422,889.04</b>	<b>7.34</b>	468,778.67	8.38	475,711.77	8.60
Deferred Debtors	<b>4,272,959.49</b>	<b>74.13</b>	4,271,697.69	76.40	4,299,742.69	77.72
Deferred Sporting Club Debtors	<b>335,342.40</b>	<b>5.81</b>	322,931.22	5.77	323,456.22	5.85
	<b>\$5,764,091.48</b>	<b>100.00</b>	\$5,591,766.56	100.00	\$5,532,543.39	100.00

## DEFERRED DEBTORS

The deferred debtors relate to:-

1. Bankruptcies on which dividends are pending.
 

	\$
• Onta Foods	335
• Signlite Australia	198
• Farmer Jacks Connolly	393
• Mainline Contracting	95
• WA Folk Federation Inc	1,116
• Plastic Recyclers	490
• Bovells Bakery	1,262
  
2. Accounts, the 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
d) Municipal Association of WA (Local Government House-equity)	14,712

3. Debits raised for headwork levies on East Wanneroo Development Schemes - various cells.
- |    |   |           |
|----|---|-----------|
| a) | Pacesetter Homes<br>East Wanneroo Development Cell 2<br>- awaiting Ministerial approval   | 102,500   |
| b) | RJ & HC Geary<br>East Wanneroo Development Cell 3<br>- awaiting Ministerial approval  | 22,000    |
| c) | Galea Building Company<br>East Wanneroo Development Cell 4<br>- awaiting ministerial approval on contribution   | 87,225    |
| d) | North Whitford Estate Pty Ltd<br>East Wanneroo Development Cell 5<br>- Minister of Planning is to determine a headwork levy<br>for each developed lot | 2,132,500 |
| e) | Citywing Nominees<br>East Wanneroo Development Cell 6   | 152,575   |

4. Mindarie Regional Council - funds owing to the City for:-

- Operational Surpluses -
 

1994/95	\$649,603.15
1995/96	<u>\$541,014.17</u>
	<u>\$1,190,617.32</u>

Note

The 1997/98 surplus - \$567,333 - was received on 6 November 1998; and

- Capital Advances \$548,575.

A review of the payment of the Operational surpluses :-

1994/95	\$649,603.15
1995/96	<u>\$541,014.17</u>
	<u>\$1,190,617.32</u>

was to have taken place in December 1998. This has now been delayed awaiting a number of consultants reports. It is now anticipated that a decision on the outstanding surpluses will be made at the Mindarie Regional Council meeting in April 1999.

**Significant Changes Since the Last Report**

\$

90 Days

Included in the 90 days status, are the following outstanding amounts:-

Ministry of Sport and Recreation	320,342
1. Community Sporting and Recreation Facilities Fund (CSRFF) grant for the construction of a multi use sportsground and clubrooms at Iluka (\$270,342.27). Information is currently being checked by Beaumaris Land Sales.	
2. CSRFF grant for Warwick Sports Club (\$50,000). Payment of \$37,500 (being 75% of amount claimed) has been approved at this time. The \$37,500 is to be presented by the Hon. Cheryl Edwardes at a handover function on 5 March 1999.	

**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	15,122.98
Wanneroo Districts Rugby Union Football Club	47,412.28
Wanneroo Districts Basketball Association	272,807.14

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

- 1 RECEIVE the Outstanding Debtors Report as at 31 January 1999;**
- 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 \$833.08 representing debts considered irrecoverable, as detailed in **Attachment A to Report CJ42-02/99.****

**The Motion was put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

Appendix V refers

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**CJ43-02/99      1998/99 RATE DISCOUNTS - [04267]**

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**SUMMARY**

The City of Joondalup offered a 5% discount if rate payments were received by the close of business on 9 October 1998. There were approximately 350 payments made after this date on which the discount was claimed, albeit the amounts were received after the “cut off” period.

This report lists properties where payment of rates/refuse were received after the discount period, but where for various reasons discount could be permitted. It is recommended that an amount of \$127.02 in rates levied be written off in accordance with the provisions of Section 6.12(1)(c) of the Local Government Act 1995.

**BACKGROUND**

As the Joint Commissioners will be aware, ratepayers were this year, permitted to claim a 5% discount on rates if payments were received prior to the close of business on 9 October 1998. The discount was granted in accordance with the provisions of Section 6.46 of the Local Government Act 1995, details of which were included in the 1998/99 budget.

There were approximately 350 payments made after 9 October, on which the discount was claimed, albeit that the payments were received after the “cut off” date.

Letters were sent to each of these persons, advising the reason why the 5% discount could not be applied and that payment for the shortfall was required to be made by 4 December 1998.

While there is no provision for the Joint Commissioners to amend or use discretion in extending the time in which discounts may apply, the provisions of Section 6.12 (1) (c) of the Local Government Act 1995, do permit the Joint Commissioners **BY ABSOLUTE MAJORITY**, to write off any amount which is owed to the local government. If this option is favoured in relation to the 350 late payers, the figure to be written off would be approximately \$11,000. This course of action is not recommended.

**DETAILS**

As has occurred in past years all envelopes for rate payments received during the period 10 October to 17 October 1998 were retained. This assisted in resolving a large percentage of the disputes regarding the mailing date.

**COMMENT/FUNDING**

Council has received a number of written and verbal requests from ratepayers whose payments of rates/refuse were not received until after the discount due date of 9 October 1998, and who seek to claim the discount amount which averaged \$25.00. The majority of these claims could not be supported for write off, as they clearly were received after the “cut off” with the envelope stamped after the time for eligibility for the discount. There are a few claims however where there is some doubt and where the discount could be extended (or more correctly the discounted amount written off). These are shown on Attachment ‘A’ to this report.

Attachment A separates the various complaints into two categories.

- **Category ‘A’**

One ratepayer who claims the rate payment was mailed allowing the standard delivery time and the payment was not received until after 9 October 1998. In this case the payment envelope cannot be located hence the date of mailing cannot be ascertained.

The total amount contained in this category is \$26.98.

- **Category ‘B’**

One ratepayer who claims the rate payment was mailed allowing the standard delivery time and the payment was not received until after 9 October 1998. In this case the payment envelope has not been date stamped by Australia Post and as a result the date of mailing cannot be ascertained.

The total amount contained in this category is \$25.85.

- **Category ‘C’**

This ratepayer did not receive the original rate notice as Council appears to have not been advised of the change of ownership by the purchaser’s settlement agent.

The total amount contained in this category is \$25.48.

- **Category ‘D’**

This ratepayer attempted to pay the rates at Australia Post on 9 October 1998. The ratepayer then contacted the City’s Customer Services Centre and was advised that providing the payment was received the following week, they would still get the discount. The ratepayer has now written claiming that because of misinformation the discount amount should be allowed.

The total amount contained in this category is \$27.73.

- **Category ‘E’**

The ratepayer advises that they mailed their rate payment to the City twice but neither payment has been received by the City. The first payment apparently was mailed prior to the “cut off” date.

The total amount contained in this category is \$20.98.

In view of these considerations it is considered appropriate that the Joint Commissioners write off these amounts. The total amount by category is:-

	\$ c
Category 'A'	26.98
Category 'B'	25.85
Category 'C'	25.48
Category 'D'	27.73
Category 'E'	20.98
	\$127.02

**MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners, in accordance with Section 6.12 (1)(c) of the Local Government Act 1995, write off \$127.02 in rates levied as detailed in Attachment A to Report CJ43-02/99.**

**The Motion was put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

Appendix VI refers

## DEVELOPMENT & PLANNING SERVICES SECTION

### **CJ44-02/99      CONNOLLY COMMUNITY FACILITY [25066J]**

#### **SUMMARY**

The Connolly Residents Association has sought funding and support from the City of Joondalup towards the development of a community facility in the suburb of Connolly. The State Government has allocated \$200,000 which is being held in trust by LandCorp towards a community facility in Connolly. The need for a community facility in Connolly has been the subject of an assessment carried out by the City. In addition, a community survey to identify the need for, and uses of, a community facility has been undertaken by the Residents Association.

This report recommends that the Commissioners do not support funding for the community facility on the grounds that no significant need for a facility, and no strong trend for the uses to which a facility could be put, have been identified.

#### **BACKGROUND**

The suburb of Connolly was developed in the 1980's, substantially by LandCorp. A feature of the development was the construction of a golf course, which was available to residents who purchased in the suburb.

In the early 1990's the golf course was sold and access to the course was restricted. As a result the residents lobbied the State Government in 1997. The Government made available a grant of \$300,000 for verge landscaping and \$200,000 towards the establishment of a community facility in Connolly.

The Government grant funding arrangements initially appeared to be subject to the normal Family and Childrens Services (F & CS) guidelines relating to community centres. However upon investigation the F & CS advised that it didn't have a role in funding the project and therefore has not been involved in any discussions as to whether conditions are attached to the funding. LandCorp the authority holding the funds has been advised accordingly.

The Residents Association has sought matching funding from the City (and has also sought funds from elsewhere), in order to raise sufficient monies for a community facility in Connolly.

A community purpose site of 2429m<sup>2</sup> is located in Glenelg Place, Connolly, between the local shopping centre and Hodges Drive. (Attachment A refers.) The City has no plans for this community purpose site however there is an expectation by the Association that the site be used for the desired community facility.

Objective assessment and research was undertaken to determine the need for, and uses of, a community facility in Connolly and the use of the community purpose site.

The approach adopted involved two parallel exercises:

- A social planning assessment undertaken by the City
- A community needs survey undertaken by the Connolly Residents Association, with some assistance from the City

The outcomes of the assessment and research is as follows:

- No significant need for a community facility has been demonstrated
- No strong trend for the uses to which a community facility could be put have been identified
- No strong justification for the development of the City's community purpose site has been identified.

Therefore, the City's assessment was that there was no significant need for a community facility in Connolly.

The Secretary of the Connolly Residents Association was verbally advised of this finding (by the Director of Strategic Planning in June 1998) and a meeting was held between Association representatives, the Chairman of Commissioners, the Director of Strategic Planning, local member Mr Chris Baker and the Human Services Planning Co-ordinator on 7 September 1998 to discuss the Connolly community facility issue.

At that meeting, the Association expressed concern at the outcome of the City's assessment and indicated that it would submit an application for funding for a community facility through the City's new Facilities Formal Assessment Process. As at 4 February 1999, no application had been received by the City.

Given the long period in which the issue has been before the City, and the absence of any application from the Residents Association, it is considered appropriate for a decision to be

made by the Commissioners in relation to the City's position on funding and support for a community facility in Connolly.

## **DETAILS**

### **1. Connolly**

Connolly is a residential suburb surrounding a private golf course. The suburb has a local shopping centre, a primary school, pockets of open space (suitable for passive recreation) and a family day care provider. There is no local community centre and no public areas for formalised active recreation.

Connolly is within a short distance from a range of community services and facilities, including social infrastructure in Joondalup which is less than 4km away (by road) from the western section of Connolly and less than 2km away from the eastern section of Connolly.

The Connolly population is in the order of 3500 persons with children and youth accounting for 37% of the population and seniors (60 years and over) accounting for 6% of the population.

The community purpose site of 2429m<sup>2</sup> (owned in fee simple by the City of Joondalup) is located in Glenelg Place, Connolly, between the local shopping centre and Hodges Drive. Access to the site is only possible through the shopping centre carpark. The site is zoned Residential Development under City of Joondalup Town Planning Scheme No.1 and is smaller than the standard community purpose site sought in the 1990's (0.5 ha).

### **2. Assessment process**

In August 1997, the former City of Wanneroo's Technical Services Committee recommended that:

“Council works with the Connolly Residents Association to develop and implement a process to assess the need for community facilities in Connolly prior to the development of any facility at Lot 404, Glenelg Place, Connolly.”

The technical assessment was undertaken, which involved collecting information from different directorates within the City of Joondalup, site visits, demographic analysis and a social planning assessment which involved the identification of existing community services and facilities, consideration of the current community purposes site and human services planning requirements.

The assessment identified that while, ideally, some human services should be provided in Connolly (child care, health centres, a community centre), residents have ready access to community facilities and services in surrounding suburbs (Ocean Reef, Heathridge, Joondalup). Furthermore, with the completion of the Joondalup Lotteries House and the proposed development of a Family & Children's Services/City of Joondalup community centre in Currabine, Connolly residents will be within a short distance of 'state of the art' community facilities/services. The assessment also

identified a range of recreational needs which could not be accommodated on the Connolly community purpose site given its size and proximity to housing.

The community needs assessment involved a community survey to all households in Connolly (prepared by the Association with assistance from the Human Services Planning Coordinator). While all Connolly households were given the opportunity to provide comment via the community survey, only a small proportion chose to respond.

The response rate was 2.5% (30 out of 1200 households). This figure is not significant enough to provide confidence that the responses are indicative of overall views in the suburb of Connolly.

The main needs identified through the community survey were:

Recreational/art activities	22 responses (out of 30)
Youth activities	16
Senior citizens	13
Community meetings	10

There are facilities catering for these needs in adjoining suburbs. Furthermore, the community purpose site would not be appropriate for a range of recreational or youth activities because of its size and location.

The outcomes of the technical and community needs assessments are:

- No significant need for a community facility has been demonstrated
- No strong trend for the uses to which a community facility could be put have been identified

Furthermore, the community purpose site in Connolly is poorly located, small and adjacent to a shopping centre which may be redeveloped. Even if a need for a facility had been clearly demonstrated, siting issues would therefore need to be resolved.

### **3. Funding**

The \$200,000 State Government allocation towards a community facility in Connolly is currently being held in trust by LandCorp. There are no constraints associated with the funding which was provided by the State Government in response to community requests.

Should the Commissioners agree not to provide support for a community facility funding, the issue of how to use the State Government funds will need to be resolved. A City/Association working group could identify one or a number of projects to utilise the grant. Depending on the project(s) identified, some additional financial support from the City may or may not be required.

## COMMENT

The issue of whether or not City of Joondalup should support and fund a community facility in Connolly has been the subject of a social planning assessment and a community needs survey.

It is a complicated issue as:

- the Connolly Residents Association has obtained a State Government grant of \$200,000 towards the establishment of a community facility in Connolly
- Connolly has limited community facilities and services but there is a wide range of community facilities and services existing, or proposed, within neighbouring suburbs
- the City has an undeveloped community purpose site in Connolly, but its size (2429m<sup>2</sup>) and location limit the uses to which it can be put
- the technical assessment and community survey have shown that:
  - 1 No significant need for a community facility has been demonstrated
  - 2 No strong trend for the uses to which a community facility could be put have been identified
  - 3 No strong justification for the development of the City's community purpose site has been identified.

As support and funding for a facility is not recommended by the City, it is suggested that the City provide assistance to the Connolly community by working with the Connolly Residents Association to identify appropriate ways of using the State Government's \$200,000 grant.

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

- 1 **DO NOT provide support or funding for a community facility in Connolly as:**
  - (a) **no significant need for a community facility has been demonstrated;**
  - (b) **no strong trend for the uses to which a community facility could be put have been identified ;**
  - (c) **no strong justification for the development of the City's community purpose site has been identified;**
- 2 **ADVISE the Connolly Residents Association and the local member accordingly;**

**3 AGREE to work with the Connolly Residents Association, and other relevant parties, to identify appropriate uses for the expenditure of the State Government grant.**

Cmr Rowell referred to the facsimile transmission received on 23 February 1999 from the Secretary of the Connolly Residents Association. Cmr Rowell commented that although the current recommendation explained that at this stage there had not been sufficient identification of the requirement for a community facility in the Connolly area, the Commissioners did not recommend that the money set aside for this area be dispersed to other areas of expenditure. Cmr Rowell stated that it was hoped that further discussions could be held with the Connolly Residents Association to determine a final outcome on a community facility for Connolly.

Cmr Morgan commented that he understood the money was held in trust by LandCorp and that LandCorp would hold the money in trust until such time as a proposal was put forward.

**The Motion was Put and**

**CARRIED**

**CJ45-02/99 PROPOSED CLOSURE OF PEDESTRIAN  
ACCESSWAY BETWEEN NILE COURT AND  
GIBSON AVENUE, PADBURY - [06994J]**

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**SUMMARY**

An application for closure of the above accessway has been received from all four of the adjoining landowners. The applicants submitted a petition of support with their application. Closure has been requested on the grounds of anti-social behaviour.

The pedestrian accessway is considered not to serve any real function in the local pedestrian movement network and closure of it is therefore supported.

**BACKGROUND**

The application for closure of the accessway by the adjoining landowners was accompanied by a letter of support from landowners of four households in close proximity to the accessway, (as shown on attachment 1). During the thirty day advertising period, the City did not receive any public submission.

The applicants stated that the local residents were experiencing ongoing problems of anti-social behaviour. It is alleged that on numerous occasions brick walls in the street have been vandalised by graffiti. Other problems alleged to have been experienced are, an attempt to steal a car, a letterbox being stolen and rubbish bins being placed in the middle of the road and set fire to. The applicants feel that the accessway contributes to these acts of vandalism both as an access and escape route, and they are concerned for their own safety and that of the local residents.

## DETAILS

The proposed closure was referred to all of the servicing authorities, the Department of Transport and the Ministry for Planning for their comments. The Department of Transport and the Ministry for Planning had no objection to the proposal, and there is not any service plant within the accessway that will be affected.

The application for closure was advertised for a period of thirty days by way of an advertisement in the local newspaper and on-site signs.

A recent inspection of the location revealed a very small amount of faded graffiti and little in the way of general rubbish. Sight lines are poor due to a bend in the accessway exacerbated at night by lack of lighting. The accessway leads directly to a bus stop on Gibson Avenue.

All four adjoining landowners have agreed to amalgamate the land within the accessway into their landholdings and meet any costs incurred.

## COMMENT

This accessway leads directly to a bus stop on Gibson Avenue, though walking distances would not be increased too greatly if closure were to proceed. Also, if the pedestrian accessway is closed, it would appear to be the public transport users of Nile Court that would be most affected. These residents are supportive of closure. Due to this, and the fact that no objection to the closure has been received by the City, support for closure could be considered.

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

- 1 AGREE to the closure of the pedestrian accessway between Nile Court and Gibson Avenue, Padbury, subject to the adjoining landowners meeting all of the costs involved;**
- 2 REQUEST the Department of Land Administration to close the accessway and dispose of the land to the owners of the four adjoining lots.**

**The Motion was Put and**

**CARRIED**

**CJ46-02/99 PROPOSED COMMERCIAL BUILDING AND  
CARWASH DEVELOPMENT: LOT 60 (4)  
WARBURTON AVENUE, PADBURY - [02730J]**

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## SUMMARY

On 9 February 1999, the Joint Commissioners considered a report on this proposal. The report recommendation was to approve the application subject to a range of conditions as outlined in the recommendation to this report. The recommendation was moved by Cmr Morgan and seconded by the Chairman, discussion took place and the motion was put and lost. No further motion was carried and therefore no decision was made on the application. The application therefore still requires a decision.

If it is the Joint Commissioners' intention to refuse the application then reasons for this position should be given, in order to make its position clear to the applicant and also to assist in the defence of any subsequent appeal.

## **BACKGROUND**

On 9 February 1999, the Joint Commissioners considered a report on this proposal (item CJ23-02/99 refers). A copy of the report is attached for information. The report recommendation was to approve the application subject to a range of conditions as outlined in the recommendation to this report. The recommendation was moved by Cmr Morgan and seconded by the Chairman, discussion took place and the motion was put and lost. No further motion was carried and therefore no decision was made on the application. The application therefore still requires a decision.

## **DETAILS**

A full assessment of the application was outlined in item CJ23-02/99. A copy of this item is attached.

Town Planning Scheme No 1 requires Council to convey a decision on a development application within 60 days of receipt or the application is deemed refused. This provides the applicant with a right of appeal. In this case the 60 days elapsed on 21 February 1999. The rationale for the deemed refusal provision in TPS1 is to protect the applicant from indecision on the Council's part. Notwithstanding the deemed refusal provision, there is nothing to prevent the Council from making a considered decision on this application.

*Cmr Buckley declared an interest in this Item as her husband has a business relationship with the applicant.*

*Cmr Buckley left the Room at 1848 hrs.*

## **REPORT RECOMMENDATION: That the Joint Commissioners:**

- 1 approve the application for a carwash and commercial building as submitted by Taylor Burrell Town Planning & Design, on behalf of the Marmion Squash Centre Pty Ltd, subject to the following conditions:
  - (a) subject to (c) below, the commercial building shall be used for a medical clinic, consulting rooms, veterinary consulting rooms, professional offices, and/or shop (excluding video store, delicatessen, restaurant take away and fast food) only;
  - (b) subject to (c) below, a maximum of three practitioners shall be in attendance at any one time for the medical clinic, consulting room and veterinary consulting room uses;
  - (c) the use of the commercial building for more than one of the uses specified in (a) above, shall not be permitted if the carparking requirements for that combination of uses exceeds 21 bays;

- (d) the commercial building shall not trade outside of the hours of 7.00 am to 8.30 pm daily;
- (e) the carwash and vacuum facilities shall not operate outside of the following hours:
  - (i) 7.00 am - 7.00 pm Monday to Saturday, and
  - (ii) 9.00 am - 7.00 pm Sunday and public holidays.
- (f) the landowner entering into a legal agreement with and to the satisfaction of the City prior to the use of the development first commencing, whereby the landowner agrees to restrict the operating hours of the development to those stipulated above. This agreement to be supported by an absolute caveat on the title of the subject property;
- (g) a management plan to be submitted and approved by the City prior to the use of the carwash first commencing, detailing how the carwash will be managed, both during and outside opening hours, to minimise any nuisance impact on the surrounding residential area. The approved management plan to be implemented on an ongoing basis to the satisfaction of the City;
- (h) all lighting shall be designed, constructed and thereafter maintained so that it does not overspill onto the adjacent residential properties or the street;
- (i) all lighting, including illuminated sign lighting, to be switched off outside the operating hours of the associated component of the development;
- (j) lockable removable bollards, designed to preclude vehicular access, to be provided and maintained at the entry to each car wash bay and at the 'exit only' driveway to the satisfaction of the City, prior to the use of the carwash first commencing. These bollards shall be erected and locked when the carwash closes each day and shall remain erected and locked until the carwash opens for business the following day;
- (k) motion activated security lighting to be provided and maintained in an operating condition to the satisfaction of the City, sufficient to detect movement within the carwash bays, vacuum bays and rear carparking area (bays 1-11);
- (l) the noise control measures (with the exception of point f) stipulated on pages 7 and 8 of the Herring Storer Acoustics report for this development proposal dated 9 December 1998 being implemented to the satisfaction of the City prior to the development first being occupied;
- (m) the 3 existing crossovers to Lot 60 (4) Warburton Avenue, Padbury to be removed and the land graded, kerbed and landscaped to the satisfaction of the City prior to the development first being occupied;

- (n) the lodging of detailed landscape plans to the satisfaction of the City for the development site, the adjoining road verges and portion of the adjoining recreation reserve as shown in red on the approved plans. Landscaping to be designed to break the bulk of the buildings and fencing when viewed from the street and to protect the fencing adjacent to the recreation reserve from graffiti vandalism;
  - (o) landscaping and reticulation for all landscape areas identified on the approved landscape plans to be established prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
  - (p) all signage to be restricted to that proposed within this application and to be designed to comply with the City's Signage Local Laws. The pylon sign shall not be illuminated;
  - (q) roof-mounted plant and equipment such as air-conditioning plant to be located and/or screened to the satisfaction of the City so they are not visible outside the boundaries of Lot 60 (4) Warburton Avenue, Padbury;
  - (r) the lodging of an application for a building licence under the provisions of the Building Regulations and approval from the City before commencing any works whatsoever;
  - (s) the parking area, driveways, points of ingress and egress to be designed, constructed, drained, marked and thereafter maintained to the specification and satisfaction of the City. These works to be completed prior to the use of the development commencing;
  - (t) carparking bays to be 5.5 metres long and a minimum of 2.5 metres wide. End bays to be 2.8 metres wide;
  - (u) one disabled bay is to be provided in a location convenient to the building entrance and with a minimum width of 3.2 metres to the satisfaction of the City;
  - (v) design levels of all proposed development to be to the satisfaction of the City;
  - (w) the bulk bin area is to be provided with minimum internal dimensions of 2.5 metres by 3.5 metres and be screened from the adjoining streets and recreation reserve to the satisfaction of the City.
- 2 subject to point 1(c) above, exercise discretion under clause 5.9 and 5.10 of Town Planning Scheme No 1 and determine that the proposed carparking provision and setbacks are satisfactory in this instance;
- 3 exercise discretion under the City's Fencing Local Law and permit the construction of a two metre high fence along Warburton Avenue and Renou street as indicated on the approved plans.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Ansell that the Joint Commissioners REFUSE the application for a carwash and commercial building on Lot 60 (4) Warburton Avenue, Padbury, as submitted by Taylor Burrell Town Planning and Design on behalf of the Marmion Squash Centre Pty Ltd for the following reasons:**

- 1 the proposal represents an intensive commercial activity which is not considered compatible with the surrounding residential development;**
- 2 the anticipated noise generated by the operation and activity associated with the vacuum and carwash facility is considered unacceptable given the close proximity of surrounding residential development;**
- 3 the proposal would adversely affect the amenity of the locality;**
- 4 the proposal does not comply with the City of Joondalup Town Planning Scheme No 1 standards relating to setbacks;**
- 5 the proposal is contrary to the orderly and proper planning of the locality.**

**Discussion ensued.**

**The Motion was Put. There being an equal number of votes, the Chairman of Commissioners exercised his casting vote and declared the Motion CARRIED**

Items CJ47-02/98 and CJ48-02/989 were Moved by Cmr Rowell and Seconded by Cmr Clark-Murphy.

## **CJ47-02/99 DELEGATED AUTHORITY REPORT - [07032]**

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### **SUMMARY**

This report provides a resumé of the development applications processed by the Development Assessment Unit and Delegated Authority Committee from 16 January 1999 to 05 February 1999.

**MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy 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 CJ47-02/99.**

**The Motion was Put and**

**CARRIED**

**Appendix VII refers**

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**CJ48-02/99            SUBDIVISION CONTROL UNIT - DIRECTOR,  
DEVELOPMENT SERVICES - 16 JANUARY  
TO 4 FEBRUARY 1999) - [05961]**

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**SUMMARY**

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit from 16 January to 4 February 1999. All applications were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98). The Chief Executive Officer subsequently delegated to the Manager Development Management Services, the authority to deal with these applications as follows:

- SCU1 Subdivision applications received which are generally consistent with an approved or agreed Structure Plan (including Outline Development Plan and Development Guide Plan).
- SCU2 Subdivision applications previously supported, or not supported by Council and subsequently determined by the Western Australian Planning Commission (WAPC) consistent with the Council's recommendation.
- SCU3 Applications for extension of subdivisional approval issued by the WAPC which were previously supported by Council.
- SCU4 Applications for subdivision or amalgamation which result from conditions of development approval given by or on behalf of Council.
- SCU5 Applications for subdivision or amalgamation of lots which would allow the development of the land for uses permitted in the zone within which that land is situated including applications involving the excision of land for road widening, sump sites, school sites, etc.
- SCU6 Applications for subdivision or amalgamation of lots contrary to Council or WAPC Policy or are not generally consistent with an approved or agreed Structure Plan.

**MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners ENDORSE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ48-02/99.**

**The Motion was Put and**

**CARRIED**

*Appendix VIII refers*

*Cmr Buckley entered the Room at 1851 hrs.*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****C07-02/99****BUSINESS PLAN FOR WANNEROO TOWN  
CENTRE REDEVELOPMENT - [06188W]****SUMMARY**

The division of the City of Wanneroo into the City of Joondalup and the Shire of Wanneroo has resulted in the need to identify a suitable location for the new Administration and Council Chambers for the Shire of Wanneroo.

The existing Wanneroo Town Centre has been selected as the best location as existing infrastructure will complement the new Administration Buildings and Council controls significant land holdings within the Wanneroo Town Centre. There is also a need for upgrading of major facilities within the town centre.

To facilitate the redevelopment a number of major land transactions are required. Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996 requires the Local Government to prepare a Business Plan and advertise it State wide, inviting public submissions on the proposal contained in the Business Plan.

The Governor's Order which created the City of Joondalup and the Shire of Wanneroo from the former City of Wanneroo provides for the City of Joondalup to carry out the executive functions of the Shire of Wanneroo.

**BACKGROUND**

The division of the City of Wanneroo into the City of Joondalup and the Shire of Wanneroo was Gazetted on 26 June 1998 by Governor's Order. As a consequence, it is necessary to provide suitable accommodation for the Shire of Wanneroo Administration and Council.

*Pursuant to Part 3 Division 6 of the Local Government Act, acquisition of land, disposing of property and the need to advertise and adopt Business Plans in respect to commercial enterprises are executive functions. Clause 10 (1) of the Governor's Order gazetted 26 June 1998 arranging for the partition of the City of Wanneroo ("The Governor's Order") provides that the City of Joondalup will perform all executive functions of the Shire until notified otherwise. Hence, the transactions involving acquisition of property by the Shire that are the subject of this Business Plan are to be carried out by the City of Joondalup on behalf of the Shire of Wanneroo until notified otherwise. On the other hand the disposal of property within the district of the Shire of Wanneroo involves land currently held in the name of the City of Joondalup (Clause 9 (1) (a) of the Governor's Order refers). This land must be transferred to the ownership of the Shire so that it may be covered by the same business plan.*

The existing Wanneroo Town Centre has been selected as the best location for the Shire offices on the basis that existing infrastructure will complement the new Administration Buildings. Council controls significant land holdings in the Wanneroo Town Centre, and the location is well located geographically within the Shire.

There is also a need for the upgrading of major community facilities within the Town Centre. To facilitate the redevelopment a concept Development Plan has been prepared that outlines the following major works:

- Lowering of Dundebur Road between Wanneroo Road and Civic Drive to provide better use of the land abutting Dundebur Road.
- Construction of a north/south “main street” intersecting Dundebur Road.
- Construction of a town square.
- Resubdivision of adjoining lands.

The Joint Commissioners have identified the north-east corner of Dundebur Road and the proposed north/south “main street” as the most suitable site for the construction of the Administration Centre and Council Chambers.

The implementation of the concept plan will result in a number of major land transactions. These include:

- Acquisition of an area of approximately two hectares from the Order of the Servants of Mary (Inc).
- Land exchanges with ML Holdings Pty Ltd (owners of the Shopping Centre).
- Cancellation of reserves and the creation of new reserves.

The Council has obtained valuation advice from a licensed Valuer to assist it in ensuring the redevelopment arrangements represent an equitable outcome in terms of value and benefit tangible and intangible to the Shire and its residents and ratepayers.

The Wanneroo Town Centre concept development will significantly enhance and rejuvenate the old Wanneroo Town Centre.

Key advantages include:

- Installation of traffic lights on the corner of Dundebur Road and Wanneroo Road to assist with traffic movement and calming along Wanneroo Road.
- Better access to the Service Station and Hotel premises.
- Redevelopment of St Anthony’s Primary School.
- Construction of a new Catholic Church.
- Provision of land for mixed commercial use.
- Future redevelopment and upgrade of shopping centre.
- Improved access, egress and parking.
- Improved facilities to accommodate an anticipated increase in the workforce within the Town Centre.
- Better use of land.

## COMMENT/FUNDING

A Business Plan for Wanneroo Town Centre has been prepared, refer Appendix VIII, in accordance with the provisions of Section 3.59 Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996.

The Act requires that public notice of the Business Plan be given Statewide and that a period of six (6) weeks is provided for public submissions.

Upon closure of the public submission period the Council is required to consider any submissions made and decide (by Absolute Majority) to proceed with the undertaking as proposed or so that it is not significantly different from that proposed.

**MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners in accordance with the Governor's Order to carry out the executive functions of the Shire of Wanneroo:**

- 1 IMPLEMENT Statewide public notification of the proposed Business Plan for the Wanneroo Town Centre as shown in Appendix VIII hereto;**
- 2 set a period of six (6) weeks from the date the Statewide public notice is first given for the lodgement of submissions.**

**The Motion was Put and**

**CARRIED**

Appendix VIII refers

## DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY 9 MARCH 1999** 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 1853 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL  
MORGAN  
CLARK-MURPHY  
ROWELL  
BUCKLEY