



MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 13 APRIL 1999

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CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE BUILDING, BOAS AVENUE, JOONDALUP, ON TUESDAY, 13 APRIL 1999

ATTENDANCES

Commissioners:

C T ANSELL	Chairman
H MORGAN, AM	Deputy Chairman
M CLARK-MURPHY	
R M ROWELL	
W BUCKLEY	

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Development Services:	C HIGHAM
Director, Business Units:	D DJULBIC
Director, Community Development:	C HALL
Director, Strategic Planning:	R FISCHER
Manager, Division Taskforce:	B PERRYMAN
Manager, Executive Services:	K ROBINSON
Manager, Council Support Services:	M SMITH
Senior Planning Officer:	P NEILSON
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

In Attendance

Chief Executive Officer Shire of Wanneroo:	K WHITE
Director, Planning & Development Services, Shire of Wanneroo:	C JOHNSON
Director, Community Development, Shire of Wanneroo:	H BARON-ST JOHN

APOLOGIES AND LEAVE OF ABSENCE

Nil

There were 51 members of the Public and 2 members of the Press in attendance.

The Chairman declared the meeting open at 1800 hrs.

PUBLIC QUESTION TIME

The following questions, submitted by Mr V Harman, of Ocean Reef, were taken on notice at the Meeting of Joint Commissioners held on 23 March 1999:

Q1 In relation to the dualling of Ocean Reef Road from Marmion Avenue to Hodges Drive, has there been any traffic count on that road recently?

A1 A count was carried out for a week following 16 March 1999. The traffic volume on Ocean Reef Road, to the west of Oceanside Promenade, is 6,000 vehicles per day.

Q2 Is it on the 5 year plan for being actioned?

A2 The dualling of Ocean Reef Road, west of Marmion Avenue is not currently in the 5 year plan.

This will be reviewed as part of the 1999/2000 budget considerations for inclusion in the revised five year forward plan.

The following question, submitted by Mr B Higgins of Carabooda, was taken on notice at the Meeting of Joint Commissioners held on 23 March 1999:

Q1 In relation to CJ75-03/99 – Warrant of Payments – page 3 of Attachment A, cheque No 7607 drawn in favour of a Chinese restaurant for an amount of \$1,379.59. Could we have an explanation of this account?

A1 Cheque 7607 dated 4.2.99 to the Kim Seng Chinese Restaurant for \$1,379.59 related to the refund of City of Joondalup rates paid twice.

The owners paid the rates on Strata 9, 132 Coolibah Drive, Greenwood twice; firstly on 23.12.98 and secondly on 5.1.99. Cheque 7607 represented the refund of the overpayment.

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

Regarding Minutes of Special Council Meeting held on 16 March 1999.

Q1 Question from Mr S Magyar re Amendment 833 (Page 2), re Question 3 and Council's answer. Quote – 'The City has not received any correspondence in relation to this question' but 'Council has received advice from the applicant that the land transfer has been undertaken'

(a) How does the applicant have information that the Council does not have?

A1 The City received advice from the Department of Land Administration (DOLA) on 17 March 1999 being the day after the Special Meeting that the amendment of the reserve boundaries had been completed. The Commissioners are not able to say why the applicant appears to have been advised earlier than the City was.

Q2 Page 3 – response by Cmr Buckley. Can Cmr Buckley say how many pieces of legal advice were sought and given? Who were these people? Did Council get an independent QC's advice? Will Council declare all advice given?

(a) How could Council be convinced that a “developer” could win a court case, as he bought a school and the public land was not up for sale or exchange at the time of sale and it had not come to full Council, or had it?

A2. The City received legal advice on two occasions from McLeod and Co. The City did not request advice from a Q.C. In addition to that, the answer given by the Chief Executive Officer at the Special Electors Meeting on 8 March 1999, which quoted from the legal advice received from Council, is that the City's solicitors indicated that any action against the Minister was unlikely to succeed and an unsuccessful application to the full court would almost certainly result in an order that the City pay the legal costs of the respondent to the application.

Q3 Question 3, page 4 – refer to Section 20A “Public Recreation” Reserves states under Section 3 Moral Considerations:

(a) do the Commissioners feel satisfied that the processes have properly heeded Moral Considerations? Cmr Ansell answers ‘no’.

(b) Can Cmr Ansell in principal appeal to the Minister on moral grounds and in the public interest?

A3 There are no statutory provisions the Commissioners are aware of that allow an appeal to be made on moral grounds. Any submission that is made would be in the form of a request for the Minister to consider the public interest in his deliberations on the matter. Therefore it is suggested that anyone who wishes to do so, have that right to contact the Minister direct.

Q4 Page 4. How much cash in lieu 5% will Council get from this deal from the developer?

A4 The amount to be received will be determined by a qualified valuation carried out for a specific purpose in accordance with standard valuation practice.

Q5 Question by Mr Adamson – pages 4 and 5. Could Cmr Buckley state if any other transactions have gone on between the developer that convinces her the developer would have a win in Court? Any further information on record known by Council and withheld from the public?

A5 The City has not had any other transactions of a similar nature with the developer.

Q6 JSC1-03/99 – page 5 – Summary item paragraph 5, page 8. If the Minister for Lands has power to cancel a public reserve in favour of a developer over the unanimous wishes of the public and Council:

(a) should the land have been in the hands of an “independent valuer” and on moral grounds have been put out to public tender?

- A6 Section 74(1)(f) of the Land Administration Act 1997 empowers the Minister for Lands to sell Crown land by public auction, public tender or private treaty. Sub-section (2)(a) authorises the Minister to determine prices and conditions.
- Q7 *Page 10, Resolutions moved by Cmr Rowell and Seconded by Cmr Morgan re Electors Meeting held on 8 March 1999. Part A – Quote “Legal advice has been obtained on matters raised at the meeting, the advice is that on the information available, there may be an arguable case to start proceedings but the chances of success are small”. Whose advice was this given by?*
- A7 The advice was given by the City’s solicitors McLeod and Co.
- Q8 *Page 13, paragraph 3. Cmr Buckley advised that it was not known at this stage under what provision the Minister had purposed to act.*
- (a) *Could it be that the Minister is actually acting against the public interest and in favour of the developer? What Section of the Act gives him this power? Whom did he take advice from?*
- A8 The Commissioners are not aware of any provisions of the Land Administration Act 1997 that define how the Minister is to determine matters of public interest and are unable to state who the Minister took advice from.
- Q9 *Did Council get a full chronology from Department of Land Administration on this contentious issue?*
- A9. A summary of events has been received from DOLA.

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

- Q1 *Could the Chief Executive Officer please state who is responsible for the delivery of News Extra?*
- A1 Council has appointed Salmat, one of Australia’s biggest distribution houses, to deliver the News Extra.
- Q2 *Is there a contract for this job and if so, who has the contract? What value is the package?*
- A2 The contract for the work is based on an official order placed by Council following receipt of guarantees from the company as to its delivery of some 77,000 copies to households and businesses in both the City and Shire at a cost of \$5,300.
- Q3 *Has Council got any further with our tree policy? Clear felling? Attention promised some time ago on the welfare of ‘native fauna treatment’ where developments are given the go ahead by either Council or Western Australian Planning Commission? Nothing doing as yet?*

A3 The second draft of the Tree Policy has been completed by the consultant and copies will be distributed to Directors and specific officers within the next week. The draft will then be released for a public consultation period during May/June.

Q4 *An extension to Regent Waters Estate (Wanneroo Road) – all the mature trees have been shredded. On Sunday 4 April 1999 I sat on top of one heap of wood which was over 25 feet in height. There were three such heaps and a clear fell had been done and top soil removed. No creature would survive in such vandalism. What is Council going to do about this? There was also a full can or container of ‘Roundup CT’ herbicide. This is on a hill site and would run down the hill into Lake Joondalup. I am enclosing four snaps taken on that day and the wanton destruction going on is stunning. Does any one care?*

A4 Clearing undertaken within the Regent Waters subdivision is in accordance with subdivision approval. There is a small section of Public Open Space with natural vegetation retained centrally. This Public Open Space will be enlarged with the next stage of development.

The area was rural-type property, therefore existence of a Roundup container is acceptable. Roundup is a low toxicity chemical and is biodegradable in soil and can be purchased at a number of commercial outlets.

Q5 *Could Council start keeping some good wood for people who do ‘woodturning’? I saw some beautiful work done by people for a display and sale for “Camp Quality”. I can pass on a name if wanted, as these people have to get the wood and we could surely supply some for such a good cause. There are other people out there also who have enquired why they are not notified instead of destruction of beautiful wood.*

A5 Hobby craftsmen and others should approach the landowner for approval to remove wood or plant material. Developers have willingly agreed to removal of wood when previously asked.

Mr Vic Harman of Ocean Reef:

Q1 *Arising from a question raised at the last Council meeting in regard to the re-arranging of the financial statements, the answer I received included the probability that Council would look at installing a new computer system. How far off is this installation?*

A1 *Response by Cmr Ansell:* The new financial system is planned to be up and running by 1 July 1999.

Q2 *I understand there is some concern regarding the behaviour of certain youths at Hillarys Boat Harbour. Does Council own any land in the near vicinity? If so, would Council consider the erection of a building which could be used at weekends for discos to provide youth with a more constructive activity?*

A2 *Response by Cmr Ansell:* This question will be taken on notice.

Mr John Hollywood of Burns Beach:

- *Mr Hollywood referred to the team of consultants looking into the possibility of charging juniors for playing sport on Council grounds. Their preamble stated that they will take no notice of any petitions presented in by sporting clubs. Mr Hollywood presented a 265-signature petition on behalf of the Whitfords Junior Cricket Club and hoped both Commissioners and the consultants would take the Club's concerns into account.*

Q1 Re CJ97-04/99. Is the land in question vested in the name of DOLA, or is it vested in the name of the City of Wanneroo, and will merely be retitled to the City of Joondalup and the Shire of Wanneroo.

A1 Response by Cmr Ansell: The land which was held by the former City of Wanneroo is being transferred from the City of Joondalup, which is holding it in trust at present, to the Shire of Wanneroo and the City of Joondalup.

Q2 The land in question is referred to as vacant property. Are these public open spaces?

A2 Response by Cmr Ansell: Yes, in most cases. We are attempting to allocate to the appropriate local authority areas such as parks and sumps where the location is obvious.

Q3 In relation to reserve 42216 - 18 Third Avenue, Burns Beach. At present, this reserve is in the care of DOLA and is being transferred to the City of Joondalup. I believe this is currently classed as residential. Is it possible for this to be changed to public open space?

A3 Response by Cmr Ansell: These are the type of assets that Council will not touch in terms of development. At this stage they are merely being transferred to the appropriate authority.

Q4 Relating to drainage sumps, I spoke to the Water Corporation today and these were referred to as 'compensating basins'. There is a number of these in Burns Beach, not indicated on the list. What is happening in regard to these sumps?

A4 Response by Manager, Division Task Force: Currently, the only drainage sumps being considered are on vested reserves. There are drainage sumps that are on freehold land that are owned by the City of Joondalup. With regard to the vested reserve in Burns Beach, this is not under the control of DOLA. That is vested in the former City of Wanneroo, and the vesting order is now being changed to allocate it to the City of Joondalup area.

Q5 In relation to the half-year budget review, the purchase of a metaframe server costing \$42,000 is listed. What does this relate to?

A5 Response by Director, Resource Management: The metaframe server is computer equipment.

Q6 In relation to an amount of \$70,000 for a feasibility study into the Arts. Is this another consultancy fee?

A6 Response by Cmr Ansell: Yes, it is a consultancy fee. Commissioners are investigating the arts complex that has been part of the overall plan of the City for some years.

Response by Cmr Morgan: Recently a meeting was held with those involved in the arts community, including Sir Charles Court who was involved originally with the development. The original idea was to have an arts and cultural centre. There is funding available from the government capital funding, not operational. The considered opinion of that meeting and also a sub-committee meeting was that before Council could proceed further, it was necessary to appoint consultants to formulate a proposal to look at the total capital cost for a cultural centre. The cost of that consultancy is estimated to be \$70,000.

Q7 Is the \$70,000 to ascertain whether a centre is needed now or in five years time?

A7 Response by Cmr Morgan: Some of the areas that the consultants will be looking at include present demand and the location of the cultural centre. The report will also include the funding options that would be available to the City of Joondalup.

Q8 Did the \$70,000 consultancy contract go out to tender, or was it allocated to a certain consultancy firm?

A8 Response by Cmr Ansell: It will be necessary for this to be put out to tender, but at this stage this has not been undertaken.

Mr Stephen Magyar of Heathridge:

Q1 I refer to the amendment to the Local Government Act that extended Commissioners' term for an additional six months to complete a difficult task. One of the requirements of that amendment was a report to the Minister for Local Government on the progress of the division of the City. Will a copy of this report be put into the agenda for the next Council meeting or how will it be made publicly available?

A1 Response by Cmr Ansell: It will be available in a number of ways. Firstly, there is a requirement for it to be tabled by Parliament. Secondly, it will be part of the agenda papers and thirdly Council will be contacting the newspapers with a view to publishing an appropriate article regarding the details of the report and the new management structures.

Mr Alan Bryant of Craigie:

Q1 In relation to the minutes of 23 March 1999 regarding the local laws for keeping of birds, animals and poultry. Is there any regulation or local law that will control bird aviaries for exotic birds?

A1 Response by Cmr Ansell: This question will be taken on notice.

Q2 In relation to the response to a question I raised at the meeting held on 23 March 1999 regarding drainage sumps and the control of mosquitoes, I have recently been informed that kerosene oil should not be used. During a study of all sumps in all the roads where stormwater runs off, they are thinking of lowering the exit of the water in each sump, whereas at the moment you have 1ft concrete pipes of about 6" to 8" above the basin of the sump. That does not help my problem with mosquitoes. Can some action be taken sooner?

A2 Response by Director, Community Development: Correspondence will be forwarded to Mr Bryant in the near future regarding matters he has raised. There is a number of strategies presently being explored to deal with problems with mosquitoes in sumps and there will be an inspection of the particular sump that Mr Bryant is concerned about within the week.

Q3 In relation to planning approval, licences and exemptions, there appears to be no provision in the new local law for charitable organisations to hold functions. Are you proposing to issue licences to charitable organisations to hold functions?

A3 Response by Director, Development Services: The proposed local law does allow for special events.

Ms Marelle Titterington of Pulham Place, Greenwood:

Q1 Regarding the proposed subdivision, there will be three additional blocks at the rear of my property. In regard to the variation of the 10% on the lot size where it is considered that it would not adversely affect the residential character, would having five neighbours be considered normal for the Greenwood area?

A1 Response by Director, Development Services: I am not sure that the 10% reduction would necessarily have any bearing on the number of neighbours that you would have, although it does allow for an increased number or higher density of residential units in that area. In some cul-de-sac arrangements it would not be unusual to have at least three or four neighbours.

- Ms Titterington queried how many other properties in Greenwood would have five neighbours. Ms Titterington stated that if she had known prior to purchasing her property there would be five surrounding neighbours, she would not have purchased the property. Ms Titterington considered that to have three neighbours would be normal, one on either side and one at the back, but certainly not five and believed it would affect the character of the area.*

Mrs Glynis Monks of Wanneroo:

Q1 In relation to CJ103-04/99 – the Art Collection Working Party. Would it be possible to incorporate these minutes into the Wanneroo agenda in future so that people are kept informed of how far the process has developed?

A1 Response by Cmr Ansell: Yes, these will be made available.

- Q2* *Would it be possible to have one of the officers from the new Shire of Wanneroo on this committee, in order that they may have input?*
- A2* *Response by Cmr Morgan:* The art collection has been separated, but the recommendation is still to be submitted and this proposal will be considered.
- Q3* *In relation to the criteria for assessment, how will that process be evolved?*
- A3* *Response by Cmr Morgan:* In relation to the assessment of the split of the art collection, attachment 2 (to Report CJ103-04/99) details the criteria used to determine splitting the artworks between the City of Joondalup and the Shire of Wanneroo.
- Q4* *In the Councillors' lounge there is a number of awards and trophies. How will the decision be made on where these will be positioned?*
- A4* *Response by Cmr Morgan:* In accordance with the above criteria. The criteria states that works of art that are located in a specific building will remain there but they will be looked at in totality with the criteria.
- Q5* *I am specifically referring to awards and trophies in the Councillors' lounge that were presented over a period of time for community involvement and achievements. Would they be incorporated into this criteria or would that be a separate entity?*
- A5* *Response by Cmr Ansell:* This has not yet been considered.

Mr Ray Halligan, member of the State Legislative Council for the North Metropolitan Region:

- Q1* *In relation to CJ111-04/99, the proposed subdivision in Peppermint Drive in Greenwood, in the Background the last sentence states "currently the City is awaiting the Minister's approval on an amendment". If that is the case, is it appropriate that at this point in time the Commissioners make a recommendation to the Planning Commission?*
- A1* *Response by Cmr Rowell:* As you would be aware, a subdivision development is not within the final jurisdiction of the City of Joondalup. The City of Joondalup has 42 days to reply or the Minister will continue with his action. As a precursor to that, the Minister has also requested the City to institute the change of zoning. Council is well aware that the Minister, at any stage, regardless of what Council does, can either halt the process or continue with the process. It is to a certain extent irrelevant as to what Council decide, other than the fact that the developer could say that Council is being deliberately obstructionist in the pursuit of his development. If the Minister does not wish this development to proceed, regardless of what Council does, the Minister can halt this development.

- *Mr Halligan advised that although he understood this, the proposal before Council at this point in time is to support a particular recommendation. Mr Halligan requested that this recommendation be deferred, taking into consideration the sensitive nature of this particular issue.*

Response by Cmr Ansell: Your comments are noted, however the history of this situation is that Council has previously rejected this proposal and the Minister has overridden Council. We have requested to meet with the Minister but he will not do this. I cannot see how this matter can be deferred.

Mr Terry Darby-Smith of the Joondalup Residents Association:

Q1 It has recently come to light that there may be \$13m in surplus federal funding that could be applied to the northern freeway extension. Is the City of Joondalup going to actively pursue the availability of such funding, with a view to the construction of the Eddystone Road bridge?

A1 *Response by Cmr Ansell:* Yes, this morning I signed a letter to the Minister, requesting him to consider using the \$13m that has been saved on the freeway in that manner.

Mrs Sue Hart of Stop the Swap Committee:

- *Mrs Hart referred to Cmr Ansell's discussion with Mr Halligan, and advised that she had recently been assured by Cheryl Edwardes that there would be a meeting with Mr Kierath before the "rubber stamp" is put on this document. Mrs Hart queried whether Council would provide a pledge that in the development of the Greenwood Primary School site, there would be no rezoning to R40.*

Response by Cmr Ansell: An application has not been received, and therefore it is not being considered tonight.

Mr K Zakrevsky of Mullaloo:

- *Mr Zakrevsky expressed concern at the role taken by the State Government and requested that Council, in conjunction with the relevant section of the local government association and all other Councils, put a vote of no confidence in the State Government for not taking them into account when making decisions.*

Response by Cmr Ansell: No, Council will not be sending a vote of no confidence or organising a vote of no confidence to be sent. The State Government is the approving body and if it always agreed with us there is no point in putting up an argument.

Mr Peter Clarke of Greenwood:

Q1 Referring to the agenda for tonight's meeting, it states that the average block in the area is over 600 metres. I would like to know how much over on average are blocks in Greenwood? Is it nearer 700 metres, and if so are you proposing to put blocks in there as small as 405 metres? Is that in keeping with the area? Also it states in the Western Australian Planning Commission Bulletin 20 that "where the subdivision would not result in adversely affecting the residential character and amenity of the surrounding areas ..." Does not the whole development

adversely affect the amenity of the area? Regarding the percentage in relation to public open space, who has the right to say how much open space is required? Why is the report stating we have got too much open space, we do not require the 10%?

A1 *Response by Cmr Ansell:* That is the officers recommendation, it is not necessarily what the final decision will be, it has not been voted on yet. Some of these questions can be addressed when the matter is discussed later in the meeting.

Mr Barry Higgins of Carabooda:

Q1 *In relation to a letter in today's Wanneroo Times relating to Council's security service. Is the 1300 telephone number connected to Council or is it a contracted, outside company?*

A1 *Response by Director, Community Development:* The letter in the paper is inaccurate. The 1300 number is not contracted to a security company. It is contracted to the Water Corporation's after hours telephone call centre.

Q2 *Does Council have any other immediate response to this letter?*

A2 *Response by Cmr Ansell:* It has only just been seen, so it is premature. Council will be responding to it as we are very proud of the security service we have and we take any criticism, or the fact that we are not performing properly, very seriously.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C12-04/99 MINUTES OF MEETING OF JOINT COMMISSIONERS –
23 MARCH 1999

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Minutes of the Meeting of Joint Commissioners held on 23 March 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

**SAFER WA COMMUNITY SECURITY PROGRAM – THIRD FUNDING ROUND
1998/99**

The City of Joondalup has submitted three applications for funding under the \$4 million Safer WA Community Program.

Any funding which may be allocated would be used to conduct a night time lighting audit, develop a concept design, complete the necessary documentation and install the lighting for each of the above projects.

The City and Shire have both already been allocated \$10,000 under the Safer WA Community Security Program to conduct a security audit and complete a Safety Action Plan for the region. This project will be completed by 30 June 1999.

LAST CALL FOR WARD SUBMISSION

Tonight we make our last call for submissions about proposed new ward boundaries. The deadline is 5.00 pm, Wednesday, 14 April 1999.

Residents are being asked for their views on new ward systems for both the City and Shire and the number of Councillors for each.

Several options have been put forward, ranging from three to seven wards in Joondalup, and from four to eight wards in Wanneroo.

The options for Joondalup give representation of about 6 to 8,000 electors per Councillor.

Anyone wishing further details or maps even at this late stage should contact Division Taskforce Manager, Bruce Perryman on 9400 4388. Maps of the options are available for inspection at Council's Administration Centre, Boas Avenue, Joondalup.

COUNCIL OFFICER HELPS EXMOUTH

You may have read in the April edition of Council's newsletter, NewsExtra, of one of our officer's efforts to help cyclone ravaged Exmouth.

Co-ordinator of Building Approvals, Ray Scarce has been helping assess the terrible damage Australia's most powerful cyclone (Cyclone Vance) caused to the town.

Ray's services were requested by the Premier's department, and his time is being donated by the City.

PEOPLE'S CHOICE ART AWARDS

Self taught local artist, Janey Emery, has taken out the City and Shire's Art and Craft Exhibition People's Choice Award.

Janey won \$500 for her painting of ducks called "Water Play".

Congratulations Janey and thanks to all who entered.

PETITIONS**C13-04/99****PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS –13 APRIL 1999****1 PETITION REQUESTING THE CONSTRUCTION OF A BMX TRACK IN EDGEWATER – [17015]**

A 70-signature petition has been received from youth living within the City of Joondalup requesting the construction of a BMX track in the Edgewater district.

This petition will be referred to Parks and Landscaping Services for action.

2 PETITION OBJECTING TO THE CHARGING OF FEES TO CHILDREN FOR USE OF PLAYING FIELDS/PARKS – [10015]

A 40-signature petition has been received from ratepayers of the City of Joondalup and Shire of Wanneroo objecting to fees being charged to children for playing or training on any playing field or park owned by the City or Shire.

A further 265-signatures to this petition were submitted by Mr John Hollywood during Public Question Time.

These petitions will be referred to Community Development for action.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the petitions:

- 1 requesting the construction of a BMX track in the Edgewater district;**
- 2 objecting to fees being charged to children for playing or training on any playing field or park owned by the City or Shire;**

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

The Motion was Put and

CARRIED

POLICY SECTION

Items CJ95-04/99 and CJ96-04/99 were Moved by Cmr Buckley and Seconded by Cmr Morgan. Cmr Buckley gave notice of her intention to speak on these Items.

CJ95-04/99 REVIEW OF SIGNS LOCAL LAW - [20458J & 05885J]

Summary of Purpose and Effect

The first action in the process of adopting a local law, requires a summary of the purpose and effect of the proposed local law to be read aloud by the chairman. The summary is as follows:

“ The purpose of this local law is to:

provide for the regulation, control and management of signs within the district, in support of the town planning scheme sign provisions.

The effect of this local law is to:

establish the requirements with which, any person or business seeking to erect a sign within the district, must comply and the means of enforcing those requirements.”

SUMMARY

This report covers the first of two parts of the process to be followed in adopting the proposed new Signs Local Law. The process is in accordance with section 3.12 of the Local Government Act 1995. The first part involves:

reading aloud the purpose and effect of the proposed local law, at the meeting

the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:

- (i) the purpose and effect of the local law;
- (ii) advice that copies of the proposed local law can be obtained from the local government; and
- (iii) inviting submissions for six weeks after giving the notice.

This process is outlined in greater detail in the background section of this report.

Signs local law objectives

The main objectives of the Signs Local Law are to:

- 1 establish the parameters by which signs can be erected, effectively controlled and managed within the district;
- 2 provide a safer environment in streets, minimise the opportunity for accident or personal injury caused by signs, and reduce the opportunity for litigation against the Council, by reducing the number of signs that are permitted in street reserves and on footpaths;
- 3 reduce visual pollution in streets and public places by limiting the number and type of unnecessary signs that can be erected;
- 4 support the provisions of the town planning scheme in determining the amenity aspects of signs, by outlining the need for the majority of signs to be subject of town planning approval and a licence, thereby enabling the imposition of conditions considered appropriate;
- 5 facilitate the erection of certain commonly used signs, by detailing those signs which are exempt from the need to obtain planning approval and a licence, while setting any specific requirements such as size limits, that are to apply;
- 6 provide a process by which temporary community information signs and special event signs can be erected and managed through the issue of permits and imposition of conditions;
- 7 provide an effective, prompt means of enforcement, in support of the sign town planning scheme provisions, through the issue of infringements and removal of signs where this is considered necessary.

Overview

The report outlines the general objectives of the local law review process, gives an outline of the content of the local law including, town planning scheme implications, licence exemptions and restrictions, special event and community association signs, infringement issue, deletion of unnecessary schedules, repeal of the former by law, compliance with the Local Government Act 1995 and the local law making procedure. The report also recommends that the proposed adoption of the local law be advertised to seek public comment, in order to progress making of the local law.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The need to review the signs local laws was previously recognised and a Signs Hoardings and Billpostings Working Party was established to do this work .

The Signs Hoardings and Billpostings Review Working Party met on two occasions to consider draft provisions for the proposed local law. On both occasions suggested amendments were made. Following the second meeting, the amended draft local law was

circulated under a covering memorandum which indicated that unless there was a need for a further meeting, the draft local law would proceed to a meeting of the Joint Commissioners with a recommendation that it be advertised to seek public comment.

The following general objectives have been applied to preparation of new local laws:

- 1 consolidate existing local laws relating to similar subjects;
- 2 ensure they comply with the Local Government Act 1995 and other relevant legislation;
- 3 ensure they are relevant to today's needs;
- 4 use plain English so they are easy to read and understand;
- 5 delete duplication of similar clauses;
- 6 include infringement issue as an enforcement process;
- 7 remove forms previously included in schedules to the local laws;
- 8 to be read alone without the need to refer to other documents.

DETAILS

Town Planning Scheme

Sign provisions of the town planning scheme will include much of the specific detail for different types of signs, (e g balloon, development, illuminated, pylon and other signs) that were included in previous local laws. The town planning scheme will address the amenity issues of signs. The majority of sign types will require planning scheme approval as well as a sign licence. This will ensure that amenity matters can be effectively managed under the scheme, while any failure to comply with conditions imposed in the licence, can be enforced through the infringement provisions of the local law.

Clause 15(1) details a broad range of commonly used signs that do not require a sign licence or other approval. Clause 16 outlines a number of restrictions applicable to all signs and specifically prohibits election signs, other than those which encourage people to vote at an election or identify the location of polling places being used for the election.

Special Event Permits

Part 4 of the local law allows for the issue of permits for erection of temporary signs to provide information on community association events (e g school fetes, art displays, local sports carnivals, and similar activities) plus special events such as the recent Joondalup City Speed Classic.

The requirements for community information signs are quite specific, as these signs tend to be similar and considerable experience has been gained by officers in the management of them through an established permit process.

The requirements for special event signs have been deliberately left non specific. Special events may be either small or large and have quite different requirements. It is considered that the opportunity to attract and successfully promote and manage special events in keeping with their needs should remain flexible.

Infringement Issue

The issue of infringements rather than initiating prosecution in the local court for minor offences, has been applied where considered appropriate. This approach enables persons authorised, to enforce the provisions of that local law promptly. It also provides for the least cost for both the local government and the alleged offender and has been encouraged through the local law making provisions of the Local Government Act 1995 and local courts.

Modified penalty values have been included at appropriate levels to provide some deterrent and in recognition of the seriousness of the offence.

UnNecessary Schedules

Several forms that would have previously been included in schedules to the local law have been treated as “forms provided and used for the purpose.” This allows greater flexibility for these forms to be amended without the need to amend the local law, which would result in a lengthy process under the Local Government Act 1995.

Compliance With Local Government Act 1995

The new Act has introduced new terminology and provides greater flexibility, autonomy and responsibility for local governments in the creation and application of their local laws. The inclusion of infringements as previously mentioned, is expected to be of great assistance to enforcement staff in gaining compliance with licence conditions.

Fees and charges applicable under the local law have been removed from schedules and form part of the attachments to the annual budget. This is in accordance with the provisions of the Local Government Act 1995. At the conclusion of the public comment period, appropriate fees and charges will be set and advertised in accordance with the Local Government Act 1995.

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12** (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.

- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given , give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

It is considered extremely important that the proposed signs local law be marketed to outline the benefits that it will bring and the new processes that will apply, and which allow for community information and special event signs.

The preferred position of the Community Services Directorate is that the local law provide a blanket ban on all but statutory signs in streets. This position is similar to that of the Town of Vincent and Shire of Augusta-Margaret River, which are considered to benefit from less cluttered streets and the visual pollution that signs in streets bring. The City of Perth have permitted a limited number of directional signs within the street reserve. However, these signs must be placed on the traditional sign posts and SECWA poles similar to street name signs.

There will be a need to develop effective management systems for the process of community information sign applications, as many clubs and organisations do not comply with the current system.

Repeal of By law

The proposed local law includes the repeal of the current by law carried over from the former City of Wanneroo, being:

By-Law S3: Signs, Hoardings and Billposting, published in the Government Gazette on 24 August, 1984; and amendments;

The repeal of the above by-law coincides with the coming into operation of the proposed local law.

The proposed local law has been reviewed by the City's solicitors to ensure that its contents are within the bounds of operation of the Local Government Act 1995. It is considered that the proposed local law will effectively meet the current and future requirements of both local governments.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

OFFICER'S RECOMMENDATION: That the Joint Commissioners in accordance with section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, "City of Joondalup Signs Local Law 1999", in order to seek public comment.

MOVED Cmr Buckley, SECONDED Cmr Morgan that consideration of advertising of the proposed local law, "City of Joondalup Signs Local Law 1999" be deferred to the Meeting of Joint Commissioners to be held on 27 April 1999, pending further information.

Cmr Buckley advised this local law provided for an administrative process for the issuing of licences that effectively required a two part process. She suggested it would be appropriate to reconsider whether a step process is necessary. Once local laws had been advertised, if any significant change is made, then the advertising procedure had to be undertaken again.

Cmr Buckley felt it appropriate that any necessary changes be considered prior to advertisement, so these may be put in place to avoid repeating the advertising process.

Cmr Clark-Murphy reiterated the concerns of Cmr Buckley and suggested this matter be dealt with promptly, with a view to this Item being resubmitted to Meeting of Joint Commissioners to be held on 27 April 1999.

The Motion was Put and

CARRIED

Note: As this Item was deferred there was no requirement to read aloud the Summary of Purpose and Effect.

Appendix I refers

**CJ96-04/99 REVIEW OF TRADING IN PUBLIC PLACES
LOCAL LAW - [23122J & 05885J]**

Summary of Purpose and Effect

The first action in the process of adopting a local law, requires a summary of the purpose and effect of the proposed local law to be read aloud by the chairman. The summary is as follows:-

“ The purpose of this local law is to:

provide for the regulation, control and management of outdoor dining areas, street markets, street trading, and street entertainment, in any street or public place within the district.

The effect of this local law is to:

establish the requirements with which, any person or business engaging in an outdoor dining area, street market, street trading or street entertainment, in any public place within the district, must comply.”

SUMMARY

This report covers the first of two parts of the process to be followed in adopting the proposed new Trading in Public Places Local Law. The process is in accordance with section 3.12 of the Local Government Act 1995. The first part involves:

reading aloud the purpose and effect of the proposed local law, at the meeting

the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:

- (i) the purpose and effect of the local law;
- (ii) advice that copies of the proposed local law can be obtained from the local government; and
- (iii) inviting submissions for six weeks after giving the notice.

This process is outlined in greater detail in the background section of this report.

The report outlines the objectives of the local law review process, plus the content of the local law being: outdoor dining, street markets, street trading, and street entertainment. The report also recommends that the proposed adoption of the local law be advertised to seek public comment, in order to progress making of the local law.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The need to review these local laws was previously recognised and an officer working party was established to do this work .

The officer working party have completed the review of local laws relating to trading in public places. Officers responsible for enforcement and application of the various sections of the proposed local law were consulted to ensure areas of difficulty experienced in the past, have been addressed in the proposed local law.

The following objectives have been applied to preparation of new local laws:

- 1 consolidate existing local laws relating to similar subjects;
- 2 ensure they comply with the Local Government Act 1995 and other relevant legislation;
- 3 ensure they are relevant to today's needs;
- 4 use plain English so they are easy to read and understand;
- 5 delete duplication of similar clauses;
- 6 include infringement issue as an enforcement process;
- 7 remove forms previously included in schedules to the local laws;
- 8 to be read alone without the need to refer to other documents.

Some revised sections of the previous Trading in Public Places local law have been included in the proposed local law. The majority of the proposed local law is new and relates to outdoor dining, street markets, street trading, plus street entertainment.

DETAILS

Outdoor Dining

The proposed local law makes provision for the control and management of what is commonly referred to as alfresco dining. No local law previously addressed this matter and as the city centre develops, there will be an increasing need to have such a local law in place. The need is already evident with some eating establishments having already extended their business activities into public places. It is important that such premises be managed in a way that is in the best interests of the City and the business sector. The proposed local law will achieve this.

Street Markets

With a street market already operating each Friday evening in the Joondalup Central Business District, it was considered important that provisions addressing the management of such an activity also be included in this local law.

Street Entertainment

While the City has received only a small number of enquiries and requests to approve street entertainment, it is expected that such requests will increase with the continued development of the Joondalup Central Business District. It was therefore considered appropriate that relevant provisions be included in the local law to enable the effective management of these matters in a positive way.

Infringement Issue

The issue of infringements rather than initiating prosecution in the local court for minor offences, has been applied where considered appropriate. This approach enables persons authorised under the local law to enforce the provisions of that local law promptly. It also provides for the least cost for both the local government and the alleged offender and has been encouraged through the local law making provisions of the Local Government Act 1995 and local courts.

Modified penalty values have been included at appropriate levels to provide some deterrent and in recognition of the seriousness of the offence.

Un Necessary Schedules

Several forms that would have previously been included in schedules to the local law have been treated as “forms provided and used for the purpose.” This allows greater flexibility for these forms to be amended without the need to amend the local law which would result in a lengthy process under the Local Government Act 1995.

Compliance With Local Government Act 1995

The new Act has introduced new terminology and provides greater flexibility, autonomy and responsibility for local governments in the creation and application of their local laws. The inclusion of infringements as previously mentioned, is expected to be of great assistance to enforcement staff in gaining compliance with licence conditions.

Fees and charges applicable under the local law have been removed from schedules and form part of the attachments to the annual budget. This is in accordance with the provisions of the Local Government Act 1995. At the conclusion of the public comment period, appropriate fees and charges will be set and advertised in accordance with the Local Government Act 1995.

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “ **3.12**
- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
 - (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
 - (3) The local government is to -
 - (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.
 - (b) as soon as the notice is given , give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
 - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

The proposed local law includes the repeal of the current by law carried over from the former City of Wanneroo, being:

By-Law T2: Trading in Public Places published in the Government Gazette on 16 March, 1990; and amendments;

The repeal of the above by-law coincides with the coming into operation of the proposed local law.

The proposed local law has been reviewed by the City's solicitors to ensure that its contents are within the bounds of operation of the Local Government Act 1995. It is considered that the proposed local law will effectively meet the current and future requirements of both local governments.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

OFFICER'S RECOMMENDATION: That the Joint Commissioners in accordance with section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, "City of Joondalup Trading in Public Places Local Law 1999", in order to seek public comment.

MOVED Cmr Buckley, SECONDED Cmr Morgan that consideration of advertising of the proposed local law, "City of Joondalup Trading in Public Places Local Law 1999" be deferred to the Meeting of Joint Commissioners to be held on 27 April 1999, pending further information.

Cmr Buckley advised this local law provided for an administrative process for the issuing of licences that effectively required a two part process. She suggested it would be appropriate to reconsider whether a step process is necessary. Once local laws had been advertised, if any significant change is made, then the advertising procedure had to be undertaken again.

Cmr Buckley felt it appropriate that any necessary changes be considered prior to advertisement, so these may be put in place to avoid repeating the advertising process.

Cmr Clark-Murphy reiterated the concerns of Cmr Buckley and suggested this matter be dealt with promptly, with a view to this Item being resubmitted to Meeting of Joint Commissioners to be held on 27 April 1999.

The Motion was Put and

CARRIED

Note: As this Item was deferred there was no requirement to read aloud the Summary of Purpose and Effect.

Appendix II refers

FINANCE AND COMMUNITY SERVICES SECTION

Items CJ97-04/99 to CJ104-04/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy gave notice of her intention to speak on Items CJ97-04/99 and CJ98-04/99.

**CJ97-04/99 DETERMINATION PURSUANT TO CLAUSE 8
OF THE JOONDALUP AND WANNEROO
ORDER 1998 - VESTED RESERVES
(VACANT LAND) - [23475]**

SUMMARY

The former City of Wanneroo was abolished on 1 July 1998, and in its place two new local governments were established - namely, the City of Joondalup and the Shire of Wanneroo. The property, rights and liabilities of the former City were transferred to (or vested in) the City of Joondalup pending a determination by the Commissioners pursuant to clause 8 of the Joondalup and Wanneroo Order 1998.

The assets of the former City of Wanneroo have been identified and appropriate transfers in ownership will be recommended to the Commissioners over the next few months. The transfers will be progressed on a category by category basis commencing with vested reserves. This report deals with vested reserves which are vacant land. As these vested reserves are used for the benefit of the adjacent community the transfer is being recommended on the basis of geographic location.

BACKGROUND

The division of the former City of Wanneroo resulted in all the property, rights and liabilities of the former City becoming vested in the City of Joondalup pending a determination by the Commissioners. Clause 8 of the Joondalup and Wanneroo Order 1998, provides that the Commissioners are to determine any adjustment or transfer that is to be made between the City of Joondalup and the Shire of Wanneroo of property, rights and liabilities of the former City of Wanneroo. In making that determination, the Commissioners are to have regard to the interests of the City of Joondalup and the Shire of Wanneroo.

DETAILS

The fixed assets and vested reserves of the former City of Wanneroo have been identified and categorised. It was proposed in a previous report to place a series of recommendations before the Commissioners over the next few months, commencing with vested reserves. The previous report dealt with vested reserves used as either drainage sumps or public access ways, this report deals with vested reserves which are vacant land. As these particular properties are used for the benefit of the adjacent community the transfer is being recommended on the basis of geographic location.

All of the properties listed in the schedules attached are vacant land, used for either recreational or community purposes.

Although the Joondalup and Wanneroo Order 1998 transferred or vested all real and personal property in the City of Joondalup, this was intended as an interim measure, and Department of Land Administration (DOLA) records continue to refer to the former City of Wanneroo. It is necessary, therefore that a determination is made in respect of all properties. The transfer of these vested reserves will require written advice to DOLA requesting the current vesting be amended to the City of Joondalup or the Shire of Wanneroo in accordance with the Commissioner's determination. To avoid complications, especially in terms of Budgets and Rating, it is proposed that the necessary transfers be effective on and from 1 July 1999.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that:

- 1 the Joint Commissioners REQUEST the Department of Land Administration to amend the vesting of the reserves listed in Attachments A and B to Report CJ97-04/99, as follows:**
 - (a) the vacant land vested reserves listed in Attachment A be vested in the City of Joondalup;**
 - (b) the vacant land vested reserves listed in Attachment B be vested in the Shire of Wanneroo;**
- 2 the amended vesting detailed in 1 above, become effective on 1 July 1999.**

Cmr Clark-Murphy spoke in support of the Motion.

The Motion was Put and

CARRIED

Appendix III refers

**CJ98-04/99 DETERMINATION PURSUANT TO CLAUSE 8
OF THE JOONDALUP AND WANNEROO
ORDER 1998 - FREEHOLD LAND
(DRAINAGE SUMPS - [23475])**

SUMMARY

The former City of Wanneroo was abolished on 1 July 1998, and in its place two new local governments were established - namely, the City of Joondalup and the Shire of Wanneroo. The property, rights and liabilities of the former City were transferred to (or vested in) the City of Joondalup pending a determination by the Commissioners pursuant to clause 8 of the Joondalup and Wanneroo Order 1998.

The assets of the former City of Wanneroo have been identified and appropriate transfers in ownership will be recommended to the Commissioners over the next few months. The transfers have been progressed on a category by category basis commencing with vested reserves. This report deals with freehold land used as, or proposed as drainage sumps. As these lots of freehold land are used for the benefit of the adjacent community the transfer is being recommended on the basis of geographic location.

BACKGROUND

The division of the former City of Wanneroo resulted in all the property, rights and liabilities of the former City becoming vested in the City of Joondalup pending a determination by the Commissioners. Clause 8 of the Joondalup and Wanneroo Order 1998, provides that the Commissioners are to determine any adjustment or transfer that is to be made between the City of Joondalup and the Shire of Wanneroo of property, rights and liabilities of the former City of Wanneroo. In making that determination, the Commissioners are to have regard to the interests of the City of Joondalup and the Shire of Wanneroo.

DETAILS

The fixed assets and vested reserves of the former City of Wanneroo have been identified and categorised. It is proposed to place a series of recommendations before the Commissioners over the next few months, commencing with vested reserves. This report deals with freehold land used as, or proposed as drainage sumps. As these particular properties are used for the benefit of the adjacent community the transfer is being recommended on the basis of geographic location.

All of the properties listed in the schedules attached are vacant land, used as, or proposed as drainage sumps.

Although the Joondalup and Wanneroo Order 1998 transferred or vested all real and personal property in the City of Joondalup, this was intended as an interim measure, and the Registrar of Titles records continue to refer to the former City of Wanneroo. It is necessary, therefore that a determination is made in respect of all properties. The transfer of freehold land will require written application to the Registrar of Titles requesting the current Titles be amended to the City of Joondalup or the Shire of Wanneroo in accordance with the Commissioners' determination. To avoid complications, especially in terms of Budgets and Rating, it is proposed that the necessary transfers be effective on and from 1 July 1999.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that:

- 1 the Joint Commissioners APPLY to the Registrar of Titles to amend the titles of the freehold land listed in Attachments A and B to Report CJ98-04/99, as follows:**
 - (a) the titles of freehold land listed in Attachment A be registered in the name of City of Joondalup;**
 - (b) the titles of freehold land listed in Attachment B be registered in the name of Shire of Wanneroo;**

- 2** the amended registered titles detailed in 1 above become effective on 1 July 1999.

Cmr Clark-Murphy spoke in support of the Motion.

The Motion was Put and

CARRIED

Appendix IV refers

CJ99-04/99 VACANCY - WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION MEMBER - STATE CRIME PREVENTION ADVISORY COMMITTEE - [02011]

SUMMARY

The Western Australian Municipal Association has invited member Councils to submit nominations to the State Crime Prevention Advisory Committee.

Nominations are invited from elected members or serving officers experienced in or with knowledge of developing crime prevention strategies to reduce crime. It is recommended that the Director, Community Development be nominated for consideration of appointment to the State Crime Prevention Advisory Committee.

DETAILS

The Western Australian Municipal Association has invited member Councils to submit nominations for the positions of member on the State Crime Prevention Advisory Committee. Nominations are invited from elected members or serving officers experienced in or with knowledge of developing crime prevention strategies to reduce crime.

The State Crime Prevention Advisory Committee will:

- Develop crime prevention strategies to reduce crime, in line with the State Crime Prevention Strategy launched by the Premier in August 1996;
- Allocate \$500,000 annually to support grants programme for new crime prevention initiatives;
- Assess crime prevention funding applications and report to the Government on strategies that are working.

The term will commence on appointment and is ongoing for the term of the current State Government. Meetings are held every two to three months at the Police Headquarters.

There is no meeting fee.

The Committee has been formed from representatives from key Government agencies and community organisations as follows:

- Aboriginal Affairs Department
- Department of Family & Children's Services
- Domestic Violence Prevention Unit
- Edith Cowan University
- Education Department of WA
- Health Department of WA
- Insurance Council of WA
- Ministry of Justice
- Office of Youth Affairs
- Safer WA Executive Council Inc and Armadale, Bunbury & Northam Committees
- WA Police Service
- WA Municipal Association

It is recommended that the Director, Community Development, Mr Chris Hall, be nominated for consideration of appointment to the State Crime Prevention Advisory Committee.

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners NOMINATE the Director, Community Development, Mr Chris Hall, for consideration of appointment to the State Crime Prevention Advisory Committee.

The Motion was Put and

CARRIED

CJ100-04/99 LORD MAYOR'S APPEAL - CYCLONE DEVASTATION - [08032]

SUMMARY

Following the devastation of tropical cyclone Elaine and Vance, the City of Perth has now established two appeal funds under the banner of the Lord Mayor's Appeal to assist the many people adversely affected by the cyclones. This report recommends that the Joint Commissioners reallocate \$10,000 from Account 20006 – Members Conferences to Account 20059 – Elected Members Donations and contribute this money towards the Lord Mayor's Appeal.

BACKGROUND

At the 23 March 1999 meeting of the Joint Commissioners, it was resolved that the City would contribute \$2000 to the Lord Mayor's appeal which will assist the Shire of Esperance who experienced devastating flooding in early January 1999.

DETAILS

On the 21 March 1999, floods swept through the Shire of Moora causing substantial damage to housing, collapsed sewerage systems and power cuts. The floods were a result of tropical cyclone Elaine whose torrential rain caused the Moore River to burst and flood the district. The City of Perth has made a contribution of \$25,000 to start the appeal. It is recommended the City contribute \$5000 to this appeal.

The second appeal is for the victims of tropical cyclone Vance. Cyclone Vance was a category five cyclone which unleashed winds of up to 290kmh and a deluge of rain on Exmouth and Onslow destroying 112 homes and severely damaging a further 300. Essential services such as power, water and sewerage are gradually being restored. The City of Perth has contributed \$50,000 to the appeal. It is recommended the City of Joondalup contribute \$5000 to this appeal.

On Tuesday 23 March 1999, the Hon Premier Mr Richard Court declared the devastation caused by cyclones Elaine and Vance a natural disaster and ensured all Government agencies will be doing everything they can to get the towns of Exmouth, Onslow and Moora back to normal. Once a natural disaster was declared it triggered national disaster relief arrangements, which provide for financial aid and logistical help from the Commonwealth.

The Australian Local Government Association is seeking the support of Local Governments across Australia to help the Towns and Shires overcome the devastation caused by the cyclones.

COMMENTS

The Coordinator of Building Approvals, Ray Scarce travelled to Exmouth on Saturday, 27 March 1999 to assess the cyclone damaged buildings for the Shire of Exmouth.

This initiative was made jointly by the Department of Local Government and the Australian Institute of Building Surveyors with collaboration and support from the Premier's Department.

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

- 1 in accordance with S6.8(1) of the Local Government Act 1999, REALLOCATE \$10,000 from Account 20006 – Member's Conferences to Account 20059 – Elected Members Donations;**
- 2 CONTRIBUTE \$10,000 from Account 20059 – Elected Members Donation to the Lord Mayor's Appeal for victims of Tropical Cyclones Elaine and Vance.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

CJ101-04/99

HALF YEAR BUDGET REVIEW - [06511]

SUMMARY

The Half Year Budget Review has been compiled for the period ended 31 December 1998, on the basis of reviewing budget variations in excess of \$10k that were anticipated to arise at the end of the financial year.

The papers associated with the Half Year Review have been presented twice to the Director's Group, with a Directorate review between the two meetings. The Directors confirmed the figures for their areas and the papers were subsequently presented to the Commissioners for consideration. Approval is now sought for the works to proceed.

OVERVIEW OF HALF YEAR POSITION

The anticipated year end outturn has been projected at \$4,535k, exclusive of Carry Forward Works Projects. Slippage on these latter schemes into 1999/2000 is anticipated to add a further \$8,500k to this outturn position.

These figures can be represented as follows:

	Total	City of Joondalup	Shire of Wanneroo
Full Year Position:			
Projection	\$4,535k	\$1,264k	\$3,271k
Carry Forward Works	\$8,500k	\$4,000k	\$4,500k
Projection incl c/f Works	\$13,035k	\$5,264k	\$7,771k

Of this amount, \$3,216k of the initial projection and the \$8,500k of Carry Forward Works is not available for redistribution due to the nature of funding through reserves or the fact that the amounts involved will need to be carried forward to fund the completion of schemes in 1999/2000.

FUNDING OF NEW INITIATIVES

New Funding Initiatives have been put forward by the City of Joondalup and Shire of Wanneroo to the value of \$527k. These are listed on Appendix A to this report. These initiatives have been agreed and are submitted for adoption by the Joint Commissioners.

As a result of the exercise undertaken, the following adjustments were made to the above figures to arrive at the sums available for distribution:

	Total	City of Joondalup	Shire of Wanneroo
Surplus from above	\$13,035k	\$5,264k	\$7,771k
Less:			
Carry Forward Works	\$8,500k	\$4,000k	\$4,500k
Shire Offices	\$3,000k		\$3,000k
Environmental Waste	\$579k	\$362k	\$217k
Town Planning Schemes	(\$363k)		(363k)
Available for distribution	\$1,319k	\$902k	\$417
New Funding Initiatives	\$527k	\$366k	\$161k
Funding remaining	\$792k	\$536k	\$256k

MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners, in accordance with the provisions of Section 6.8 (1) of the Local Government Act, 1995, AMEND the 1998/99 budgets to effect the funding of new initiatives as detailed on Appendix A Report CJ101-04/99.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix V refers

**CJ102-04/99 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 \$690 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 Buckley that the Joint Commissioners, 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 - April 1999.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix VI refers

**CJ103-04/99 ART COLLECTION WORKING PARTY -
[14158]**

SUMMARY

Meetings of the Art Collection Working Party were held on 15 February 1999 and 23 March 1999 and the minutes are submitted for noting by the Joint Commissioners. At the Art Collection Working Party meeting held on 23 March 1999, the Working Party also considered purchase of one work at the cost of \$1,800 entitled Semi-retired by R. M. Gomboc.

It is proposed that the Working Party’s recommendation to purchase the art work Semi Retired by R M Gomboc be endorsed by the Joint Commissioners.

BACKGROUND

The Art Collection has the following objectives:

- To support contemporary Western Australian art and Artists.
- To provide the citizens of the City of Joondalup and Shire of Wanneroo access to high quality visual art within the boundaries of the region.

The profile of the collection is to establish a collection of good quality artwork by contemporary Western Australian Artist with a second priority of having a regional focus.

Artworks over the value of \$1,000 are required to be considered by the Art Collection Working Party for acquisition for the City's Collection.

Members of the Art Collection Working Party are:

Commissioner Harry Morgan AM
Rie Heymans, Curator, Art Consultant
Mark Stanton, Manager Leisure Services

DETAILS

The Art Collection Working Party has recommended purchase of the following work:

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
RON M. GOMBOC	SEMI-RETIRED	BRONZE	GOMBOC GALLERY	\$1,800
Total				\$1,800

COMMENT/FUNDING

The Consultant recommended purchase of the work because the work:

- meets the Art Collection profile,
- adds to the other figurative sculptures & painting already in the collection;
- Ron Gomboc's work is included in many public collections and he is a well respected Western Australian artist.

Funds are listed in the 1998/99 budget for the purchase of Artworks; details are listed below;

Account No: 294711235
Budget Item: Art Purchases
Budget Amount: \$20,000
Actual Cost: \$1,800
Remaining Budget \$13,780

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

- 1 NOTE the minutes of the Art Collection Working Party meetings held on 15 February 1999 and 23 March 1999 forming Attachments 1 and 2 to Report CJ103-04/99;**
- 2 PURCHASE the following artwork for the Art Collection:**

ARTIST	TITLE	MEDIUM	ART GALLERY	PRICE
RON M. GOMBOC	SEMI-RETIRED	BRONZE	GOMBOC GALLERY	\$1,800
Total				\$1,800

at a cost of \$1,800 from Account Number 29471235 - Art Purchases.

The Motion was Put and

CARRIED

Appendix VII refers

CJ104-04/99 CLUB RESTRICTED LIQUOR LICENCE FOR FOREST PARK CLUBROOMS IN PADBURY - [31250J]

SUMMARY

Northern Warriors Veterans Football Club (Inc) has requested support for its application to the Office of Racing, Gaming and Liquor for a Club Restricted Liquor Licence for Forrest Park Clubrooms, Forrest Road in Padbury. It is recommended that the Joint Commissioners support Northern Warriors Veterans Football Club Inc application for a restricted Liquor Licence.

BACKGROUND

In accordance with the Liquor License Act 1988 the applicant must ensure that the facility adheres to the Health Act 1911 (Certificate of Health Authority, section 39) and does not contravene any Town Planning Matters (Certificate of Local Authority, Section 40)

If support is given to apply for a Club Restricted License it has been practise for Council, as owners of the facility, to provide the applicant with a letter of support to the Office of Racing Gaming and Liquor informing the Office that the applicant has the City's permission to proceed with their application.

DETAILS

To trade with a Club Restricted Liquor License the applicant needs to have booked the facility for the times requested under the license application. The Northern Warriors Veterans Football Club requests that their licence covers the following times:

Wednesday	5.00 pm - 10.00 pm
Friday	5.00 pm - 10.00 pm
Sunday	10.00 am - 6.00 pm

The Northern Warriors Veterans Football Club intends to sell beer and wine on the above mentioned days and as the venue is not suitable alcohol will not be stored on the premises. A Club Restricted Liquor License will enable the club to operate from 5.00 pm to 10.00 pm Wednesdays and Fridays and 10.00 am to 6.00 pm on Sundays for a five year period.

COMMENT/FUNDING

A Section 39, Certificate of Local Health Authority and a Section 40, Certificate of Local Planning Authority has been approved.

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

- 1 APPROVE the application by the Northern Warriors Veterans Football Club to apply for a Club Restricted Liquor License for Forrest Park Clubrooms from 5.00-10.00 pm Wednesdays and Fridays and 10.00 am to 6.00 pm Sundays;**
- 2 PROVIDE the applicant with a letter of endorsement to the Office of Racing, Gaming and Liquor along with the required site and floor plans which stipulate the times and days approved by the Joint Commissioners.**

The Motion was Put and

CARRIED

DEVELOPMENT & PLANNING SERVICES SECTION

Items CJ105-04/99 to CJ110-04/99 inclusive were Moved by Cmr Rowell and Seconded by Cmr Morgan.

CJ105-04/99 PROPOSED ALTERATIONS TO WARWICK LEISURE CENTRE - [26172J]

SUMMARY

The Churches of Christ Sport & Recreation Association Inc lease the Warwick Leisure Centre from the City of Joondalup. With the extension of the services offered at the centre, the need for additional office accommodation has been highlighted. This report examines a request from the Churches of Christ Sport & Recreation Association Inc to create additional office space and recommends approval in principle subject to conditions regarding statutory approval and financial responsibility for the work.

BACKGROUND

The Warwick Leisure Centre was constructed in 1990 as a joint venture between the former City of Wanneroo and the Churches of Christ Sport & Recreation Association Inc. From 1990 to 1998 the Churches of Christ Sport & Recreation Association Inc operated the sports area of the centre and the former City of Wanneroo operated the function and activities side of the centre. In 1998, the Churches of Christ Sport & Recreation Association Inc were granted a lease over the whole centre.

DETAILS

The Centre Administrator of the Warwick Leisure Centre has written to Council requesting permission to convert part of a seating alcove in the foyer to an office (see Attachment 1). The recent appointment of Director Pastoral Care by the Churches of Christ has highlighted the need for additional accommodation as an office and interview area. The Centre Administrator says that “as we are finding that more people realise we are here to help them in this way, the more need we have for a suitable quiet place to carry out this task.”

The alcove was originally intended as an area for tables and chairs adjacent to the Kiosk. While it gets some use, loss of the area to this activity will not adversely affect the operation of this part of the Centre’s operation.

Although the work required to effect the change is minor, it will still require a Building Licence. Particular attention will be required to ventilation of the new office and to constructing the partition wall so that it does not damage the existing floor, wall and ceiling surfaces and is capable of being removed at termination of the lease.

COMMENT/FUNDING

The Churches of Christ Sport and Recreation Association Inc will be required under the lease agreement to pay all costs associated with the construction and fitout of the proposed office.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners as lessor of the Warwick Leisure Centre APPROVE IN PRINCIPLE the conversion of part of the seating alcove adjacent to the Kiosk at the Warwick Leisure Centre by the Churches of Christ Sport & Recreation Association Inc as lessee of the centre subject to:

- 1 the Churches of Christ Sport and Recreation Association Inc or its nominated contractor applying for and gaining a Building Licence for the work;**
- 2 the Churches of Christ Sport and Recreation Association Inc paying all costs associated with the work.**

The Motion was Put and

CARRIED

**CJ106-04/99 PROPOSED TOILET/CHANGEROOMS - LOT 7
(125) OCEANSIDE PROMENADE, MULLALOO
- [01153J, 36362J, 37362J]**

SUMMARY

The 1999/2000 Capital Expenditure Plan lists funds for the construction of toilet/changerooms at two locations on the Mullaloo foreshore in line with the Mullaloo – Ocean Reef Foreshore Management Plan. This report examines the proposals for constructing toilet/changerooms at two locations on the Mullaloo foreshore and recommends construction of toilet/changerooms at the West View Boulevard carpark and the Key West Drive carpark.

BACKGROUND

The Foreshore Management Plan adopted by the former City of Wanneroo in late 1997 and ratified by the Ministry for Planning identified two sites on the Mullaloo foreshore as sites for additional toilet blocks: at the carpark opposite West View Boulevard and the carpark between Key West Drive and West View Boulevard. Mullaloo Beach is currently served by a toilet/changeroom adjacent to the Mullaloo Surf Life Saving Club (south end of Tom Simpson Park) and a toilet/changeroom some 140m to the north (north end of Tom Simpson Park) but still at the southern end of Mullaloo Beach.

As part of the development approval process, the locations of the two proposed toilet/changerooms were advertised on-site inviting public comment. While there was no submission in support of the proposals, there were many objections.

DETAILS

As shown on Attachment 1, the proposed West View Boulevard carpark toilet/changeroom would be 880m north of the existing northern facility, and the proposed Key West Drive toilet/changeroom would be 320m further north again (some 1.2km from the existing northern facility and approximately the same distance from the toilet/changeroom at the Ocean Reef Boat Harbour).

The Foreshore Management Plan was advertised in 1997 for public comment and as a result the original sites proposals for toilet facilities were modified to address beach goers and public concerns raised over anti-social behaviour. The recent advertising of the specific proposals for the construction of the two toilet blocks has resulted in a petition with 262 signatures opposing both toilet/changerooms, three letters against both proposals, two letters opposing the southern (West View Boulevard.) toilet/changeroom and five letters opposing the northern (Key West Drive) toilet/changeroom.

The addresses of the petition signatories reflect the regional nature of Mullaloo Beach (Mullaloo, Dalkeith, Ocean Reef, Craigie, Kingsley, Woodvale, Girrawheen, Padbury, Mindarie, Neerabup, *etc*). The letter heading the petition lists the following reasons for objecting to both proposed toilet/changerooms:

1. anti-social and at times criminal behaviour (sexual misbehaviour, sexual assault and drug offences, particularly related to the two existing toilet/changerooms)
2. vandalism (graffiti [sometimes racist], destruction of paving and signs, destruction of property [toilet bowls, basins and cubicle doors])
3. misuse of existing carparks (“burnouts,” racing and other dangerous practices)
4. arson (setting fire to mulch and branches laid to assist in dune stabilisation).

The petition letter concludes: “An outdoor shower and drink fountain would be more than sufficient for the members of the public who lawfully use the foreshore.”

Generally, the letters reiterate the points raised by the petitioners. However:

- one of the letters opposing both proposals suggests a single facility placed roughly mid-way between carparks and behind the secondary dune, so that it is out of sight of the road;
- one letter opposing the southern proposal says that because the building would not be visible from the road, it would be inviting trouble;
- the other letter opposing the southern proposal requests that West View Boulevard be equipped with additional traffic calming devices to prevent irresponsible drivers from speeding out of the carpark;
- two letters opposing the northern proposal suggest a free-standing shower with perhaps a single toilet cubicle but no changing facility (a self-cleaning facility similar to those used in inner-Sydney parks is suggested by one);
- another letter opposing the northern proposal goes into some detail on the original proposals in the draft Foreshore Management Plan debated at a public meeting as part of the management plan adoption mechanism and how they differ from the resolution of the former City of Wanneroo Council at its meeting of 28 May 1997 (DP78-05/97 refers). In particular it refers to the apparent deletion of free-standing showers *in lieu* of toilet/changerooms. However, the writer fails to note that DP78-05/97 authorised the official advertising of the amended Foreshore Management Plan, which included provision of toilet/changerooms at the now proposed sites. After a second public workshop (19 July 1997), seven submissions were received, five of which agreed with the proposed Foreshore Management Plan and two thought the two northern carparks (then limestone) should be closed. The former City of Wanneroo therefore adopted the Foreshore Management Plan for the Mullaloo-Ocean reef foreshores at its meeting of 15 September 1997 (DP195-09/97 refers).

Given that the advertising of the specific development proposals was conducted through summer months, there is an absence of support and a high level of opposition to the proposals to build the toilet/changerooms. However, this would leave this stretch of the beach without public facilities, the nearest being some 880m south of the proposed Key West Drive location.

The design for the proposed toilet/changerooms subjected to public comment is shown on Attachment 2 page 3 and the exact sites on Attachment 3 pages 1 and 2. The design is the same as other toilet/changerooms recently constructed along Whitfords Beach with minor amendments to make the building less prone to damage from the elements.

The northern (Key West Drive) site is positioned to pose minimal interference with the limestone pinnacles and to allow effluent disposal by gravity to sewer. The southern (West View Boulevard) site is on the original carpark access road to minimise the impact on the dune system. This site would require a sewer pump station to raise effluent to the nearest available sewer manhole.

The demonstrated public concern over possible anti-social behaviour at the proposed toilet/changerooms can to some extent be addressed by referring the design to the Crime Operation Unit of the WA Police Service and making any adaptations that unit may recommend.

COMMENT/FUNDING

While budgeted as two separate jobs, it would be practical to combine the projects into one contract. The funds provided for constructions are therefore:

West View Mullaloo Toilet/Changeroom	\$120,000.00	
Key West Mullaloo Toilet/Changeroom	<u>\$120,000.00</u>	
Total Available Funds		\$240,000.00

The anticipated expenditure on the combined project as proposed but without the advice of the Crime Operation Unit is:

West View Construction	\$95,000.00	
West View Sewer Pump Station and Rising Main	\$10,000.00	
West View Earthworks	\$ 5,000.00	
West View Paving	<u>\$ 3,500.00</u>	
West View sub-total		\$113,500.00
Key West Construction	\$95,000.00	
Key West Earthworks	\$ 5,000.00	
Key West Paving	<u>\$ 3,500.00</u>	
Key West sub-total		<u>\$103,500.00</u>
Construction sub-total		\$217,000.00
Consultant's fees	\$10,500.00	
Development fees	\$ 500.00	
Printing, Advertising <i>etc.</i>	\$ 1,050.00	
Administration	\$ 5,000.00	
Project Contingency	<u>\$ 5,950.00</u>	
On-costs sub-total		<u>\$ 23,000.00</u>
Total anticipated project expenditure		\$240,000.00

Changes to the design resulting from Crime Operation Unit advice may have an impact on the anticipated project expenditure.

Construction of a single facility between the two carparks would not cost much less than the cost of two due to considerably higher service costs and costs of dune rehabilitation.

As the proposed design has a minimal changing area, there seems little merit in reducing the scale in line with the suggestion for a single cubicle. Self-cleaning modular toilets are considerably more expensive again both in construction and in operational costs, and have the added difficulty of being prone to extreme weathering in the salt-laden environment.

Constructing free-standing showers instead of toilet/changerooms would reduce the cost of each facility considerably. It is estimated that up to \$80,000 could be saved from the Key West construction sub-total and \$90,000 from the West View construction sub-total, with consultants fees being reduced to around \$3,000. Other on-costs would remain much the same. The total anticipated project expenditure would therefore reduce to \$70,000 and the anticipated surplus would rise to \$170,000. Approximately 1km of beach would, however, be left without suitable ablution facilities.

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

- 1 APPROVE the location of the proposed toilet/changeroom at the West View Boulevard and Key West Drive carparks, Mullaloo;**
- 2 subject to advice from the Crime Operation Unit of the WA Police Service on the design of the facilities to reduce anti-social behaviour, AUTHORISE the preparation of tender documents and calling of tenders for the works.**

The Motion was Put and

CARRIED

**CJ107-04/99 PROPOSED TOILET/CHANGEROOM -
WARRADALE PARK, LOC 12938 (31)
WARRADALE TERRACE LANDSDALE -
[33361W]**

SUMMARY

The construction of a toilet/changeroom on Warradale Park, Landsdale is included in the Capital Works Plan for 1998/99. This report examines the site, the proposed location of the toilet/changeroom, community objections to the proposed construction and the financial implications of the siting options, and seeks approval to proceed with the development of tender documentation and the calling of tenders for the work.

BACKGROUND

Warradale Park, a park developed for active sport, is currently vested in the Crown. Active sport is programmed to commence on the oval in the coming winter.

The provision of a toilet/changeroom on Warradale Park to service active sport on the oval was included in the 1998/99 Capital Works Plan with a budget allocation of \$100,000.

As part of the Development Approval process, the Approval Services Unit advertised the proposed toilet block on the site seeking public comment. While there were no submissions in support of the proposal, there were many objections.

DETAILS

Warradale Park is located directly south of Snake Swamp as indicated in Attachment 1. The Snake Swamp area is being developed as a separate passive recreation area for Landsdale residents. Snake Swamp, however, is subject to inundation in wet weather, and Warradale Park itself is known to flood in extremely heavy downpours.

The likelihood of flooding coupled with the necessity to connect the proposed toilet block to sewer was recognised at the start of development of the park. In conjunction with the developers, in 1996 a concept plan for the park was created showing proposed amenities at the southern end of Warradale Park at the top of the southern embankment. It should be noted that despite having the developer's agreement to the proposal on record, at a public meeting in early February the developers denied all knowledge of the proposal.

The design site plan shown on Attachment 2 is based on the previously prepared concept plan. It can be seen on the plan that the existing cricket nets would be re-located to a position to the north (not shown) and a 30 bay carpark would be constructed in its place. Between the proposed carpark and Southmead Drive, landscaping to screen the carpark and amenities would be installed. It can also be seen that access to the sewer would be very simple with a manhole less than 20 metres away.

Public comment on the proposal has provided three letters and two petitions totalling 69 lines opposing the proposed location. The 69 lines comprise 71 names representing a total of 50 households: 47 in Landsdale, 2 in Alexander Heights and 1 in Wanneroo. The writers of all three letters are also represented on the petitions.

Both petitions follow the same format, objecting to the proposed location and suggesting that the toilet/changeroom be located further north between the lake and the sports oval on the grounds that:

- being adjacent to the Primary School oval, the proposed toilet/changeroom poses a threat to the students;
- being proposed on the narrowest, flattest part of the park the toilet/changeroom and any future clubroom and/or carpark would be aesthetically unacceptable; and
- if located at the southern end of the park, the toilet/changeroom will not be accessible to users of the picnic area.

The letters expand on the points raised in the petitions, adding that noise from any future development and potential vandalism would be disruptive to the community, and that the toilet/changeroom would be only the start of development on the oval. One letter adds further that:

“Warradale Park is in essence a very small parkland and conservation area set in the middle of a quiet residential area. We consider the proposed facilities, carpark and clubhouse to be:

- a. A gross mis use of the rate payers money (sic)*
- b. An excessive facility to be provided for one small oval.*

Once all the developments have been completed there will be hardly enough space left for the intended recreational activities!”

and further points out that “*North Whitfords Estates have offered to pre fund a community hall alongside the shopping centre. This facility would eliminate the need for a clubhouse and carpark. ...*”

In response to the points raised:

1. Toilet/changerooms on active sport parks are generally kept locked. Organisations hiring the park are supplied with a key to unlock the facility and re-lock it on leaving. The risk to school children of undesirable elements loitering around the facility is therefore no greater than if the facility did not exist.
2. Although proposed for the narrowest part of the site, it is also the only part of the site that is not subject to flooding and has access to a gravity sewer connection. To place the development to the north of the oval would require both a sewer pump station and considerable earthworks to raise the building above the flood level. The building would have to be above the flood level to prevent stormwater from discharging into the sewerage system (an offence under Water Corporation bye-laws). The effect of raising the building would be to make it more visible and obtrusive in the picnic area landscape. Indeed, some screen planting as shown on Attachment 2, will lessen the visual impact for the residents of Southmead Drive.
3. As it is intended to service active sport and as it would normally be locked, unless people using the facilities round the lake are doing so at the same time that the oval is in use, they will not have access to the toilet/changeroom anyway.
4. Noise generated from clubrooms could be disruptive, but clubrooms are not being proposed at this time. This issue should be addressed when and if clubrooms are ever proposed for the site.
5. It is an unfortunate fact that any isolated building will attract disenchanted youth in the evenings, leading to possible vandalism and anti-social behaviour. It is also true, however, that vandalism and anti-social behaviour are generally reduced by clear lines of vision. If the potential perpetrators can be seen, the risk is less. This dictates that any screen planting be planned and maintained to allow clear lines of site.

As shown on Attachment 3, the proposed toilet/changeroom is of the same style as many others already in existence in the Shire. In this instance, however, it is proposed to alter the materials to lessen the visual impact as follows:

Existing Toilet Changerooms	Proposed Warradale Park Facility
Cream brick walls	Red or brown brick walls
Red roof with white “X” of translucent material	“Mist Green” or similar roof to lessen visibility of white “X” of translucent material

Finally, it must be noted that Council Policy SP/CM2 establishes that:

Council will provide, subject to the allocation of funds, a toilet facility on Reserves developed for active recreation as follows:

- *water closets, urinals and wash basins to provide for 225 females and 250 males;*

- *a small change bench and changing area of approximately 3m squared in the male and female area; and*
- *a veranda*

COMMENT/FUNDING

If located as shown on Attachment 1, the estimated project cost is as follows:

Construction	\$86,000.00	
Consultants Fees	\$ 5,300.00	
Advertising, Printing <i>etc.</i>	\$ 600.00	
Development Application Fees	\$ 250.00	
Administration costs	<u>\$ 2,500.00</u>	
Works Total	\$94,650.00	
Project Contingency	<u>\$ 5,350.00</u>	
Estimated Project Total		\$100,000.00
Budget Allowance		<u>\$100,000.00</u>

Account No: 30957
 Budget Item: BMJ171
 Budget Amount: \$100,000

It is estimated that to move the proposed toilet/changeroom to the land between the lake and the oval, additional expenditure of \$10,000 should be added for sewage disposal and \$25,000 for additional earthworks, with an extra \$5,000 being added to the Project Contingency. This would raise the Estimated Project Total to \$140,000.

In view of Clause 9 of the Governor's Order which states:

“Until a determination is made under clause 8, or further directions are given by order under Section 9.62(1) of the Act, as to the adjustment or transfer between the City of Joondalup and the Shire of Wanneroo of property, rights or liabilities, on commencement:

(a) all real and personal property owned by or vested in the former City of Wanneroo is transferred to or becomes vested in the City of Joondalup”

It is necessary for the City of Joondalup to make a decision on this matter. This item is included in the agenda for information for the ordinary meeting of the Shire of Wanneroo scheduled for 13 April 1999.

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

1 APPROVE

- (a) **the proposed location of the toilet/changeroom at the southern end of Warradale Park, Landsdale as outlined in Attachment 1 to Report CJ107-04/99;**
- (b) **the design and materials for the toilet/changeroom proposed for Warradale Park, Landsdale as outlined in Attachment 2 to Report CJ107-04/99;**

2 AUTHORISE the preparation of tender documents and the calling of tenders for the construction of a toilet/changeroom on Warradale Park, Loc 12938 (31) Warradale Terrace, Landsdale;

3 ADVISE respondents of the petition and letters of the above resolution.

The Motion was Put and

CARRIED

Appendix VIII refers

CJ108-04/99 TENDER NO 104-98/99 : CONSTRUCTION OF THE COCKMAN COMMUNITY CENTRE - [33250W]

SUMMARY

Tenders for the construction of the Cockman Community Centre closed on Monday 15 March 1999. This report addresses the tenders and recommends acceptance of the tender of \$718,800.00 by Pandaragan Pty Ltd trading as HIH Constructions.

BACKGROUND

At the meeting of 22 December 1998, the Joint Commissioners for the Shire of Wanneroo approved the design of the proposed Cockman Community Centre and authorised the preparation of tender documents and the calling of tenders for the work (SW268-12/98 refers).

DETAILS

The invitation to tender was advertised on 20 February 1999 and tenders closed on Monday 15 March 1999. Five (5) valid tenders were received:

Armace Pty Ltd	\$728,261.00
Homestead Constructions Pty Ltd	\$746,991.00
Pandaragan Pty Ltd trading as HIH Constructions	\$718,800.00
Primo Construction WA Pty Ltd	\$715,689.00
Southdown Construction Company Pty Ltd	\$727,000.00

Homestead Constructions Pty Ltd have completed many contracts for the former City of Wanneroo and its legal successors ranging from toilet blocks to the Yanchep Community Centre to alterations to the Sorrento/Duncraig Library.

Pandaragan Pty Ltd trading as HIH Constructions has satisfactorily completed two contracts for the former City of Wanneroo: Alterations to the Mildenhall Senior Citizens Centre and the construction of three toilet blocks (Abbeville Park, Korella Park and Peridot Park).

Southdown Construction Company Pty Ltd completed the contract for the construction of the Alexander Heights Community Hall for the former City of Wanneroo and has just completed additions to the Warwick Sports Club for the City of Joondalup.

A detailed financial check with Dun & Bradstreet was done as a part of the tender evaluation process.

The five (5) tenders have been assessed on the following selection criteria:

1. Conformity with tender documents
2. Capital cost compared with estimated cost
3. Proposed alternatives
4. Construction program
5. Value for money
6. Tenderer's resources
7. Tenderer's current commitments
8. Tenderer's previous performance
9. Tenderer's industrial relations and safety records

Assessment of the tenders was performed by a tender evaluation committee under the City's framework of contract management.

A multi-criteria selection evaluation method was used by the Committee to assess each tender under the general guidelines of Code of Tendering AS4120-1994. The tender submitted by Pandaragan Pty Ltd trading as HIH Constructions was assessed as having met the criteria and considered as providing best value for money for this project.

COMMENT/FUNDING

Funding for the project has been provided as follows:

Council Allocation (Account 26591-98/99)	\$200,000.00	
Family & Childrens Services		
(Income Account 11924-98/99)	\$200,000.00	
Council Allocation (Draft Budget-99/00)	\$127,500.00	
Family & Childrens Services (99/00)	<u>\$127,500.00</u>	
		\$655,000.00

Possible Health Department subsidy (Child Health Clinic)	\$25,000.00	
Possible Lotteries Commission Grant	<u>\$200,000.00</u>	
		<u>\$225,000.00</u>
Total funding		\$880,000.00

The estimated cost of the project is:

Building Works tender which includes		
Building		
Carpark		
Pergola and Barbecue		
Sandpit and Shade Structure		
Whitegoods, Pin- and white-boards		
Contingency (\$10,000)	\$718,800.00	
Landscaping and irrigation	\$15,000.00	
Play equipment	\$10,500.00	
Consultants fees	\$30,000.00	
Advertising, printing <i>etc.</i>	\$2,300.00	
Administration	\$9,000.00	
Furniture and Equipment	<u>\$16,000.00</u>	
Total estimated expenditure		<u>\$801,600.00</u>
Estimated Credit		<u>\$78,400.00</u>

The Child Health Centre subsidy from the Health Department is by no means certain. In the event that it is not forthcoming the funding total should be reduced to \$855,000.00 and the Estimated Credit adjusted to \$53,400.00.

Application to the Lotteries Commission was made in December 1998. Preliminary advice is that grant funds have been approved. Confirmation is expected in the next few days.

In view of Clause 9 of the Governor's Order which states:

“Until a determination is made under clause 8, or further directions are given by order under Section 9.62(1) of the Act, as to the adjustment or transfer between the City of Joondalup and the Shire of Wanneroo of property, rights or liabilities, on commencement:

- (a) *all real and personal property owned by or vested in the former City of Wanneroo is transferred to or becomes vested in the City of Joondalup”*

It is necessary for the City of Joondalup to make a decision on this matter. This item is included in the agenda for information for the ordinary meeting of the Shire of Wanneroo scheduled for 13 April 1999.

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

- 1 ACCEPT the tender from Pandaragan Pty Ltd trading as HHH Constructions of \$718,800.00 for the construction of the Cockman Community Centre;**
- 2 NOT ACCEPT the tenders submitted by Armace Pty Ltd, Homestead Constructions Pty Ltd, Primo Construction WA Pty Ltd and Southdown Construction Company Pty Ltd;**
- 3 AGREE to the execution of contract documents.**

The Motion was Put and

CARRIED

CJ109-04/99 WEST AUSTRALIAN BEACH BUGGY ASSOCIATION - PROPOSED SHED ON RESERVE 11598 PINJAR ROAD NEERABUP - [03383W]

SUMMARY

The West Australian Beach Buggy Association has submitted an application to erect an additional shed, which will act as clubrooms for the Association, upon Reserve 11598 it leases from the City of Joondalup. The lease stipulates that written consent of the City must be obtained for the erection of any building or structure whether of a permanent or temporary nature. This report examines the proposal and recommends approval subject to the Association gaining all necessary statutory approvals.

BACKGROUND

The West Australian Beach Buggy Association was incorporated in 1971 and has a 21 year lease over the whole of Reserve 11598 on the west side of (No. 860) Pinjar Road, Neerabup, refer to Attachment 1. The lease period expires on the 31 December 2002.

The Association with its current membership of 40 enjoys the normal social activities associated with any club and is involved in racing beach buggies throughout the year at the Pinjar Road site.

DETAILS

The proposal is to construct a shed of some 92m², refer to Attachment 2, which will be used for storage of racing equipment and act as clubrooms for the Association.

COMMENT/FUNDING

The cost for funding the construction and completion of the works will be borne by the Association. The project will be built as funds allow with the time for the finalisation of the works being over the next 12 to 24 months.

In view of Clause 9 of the Governor's Order which states:

“Until a determination is made under clause 8, or further directions are given by order under Section 9.62(1) of the Act, as to the adjustment or transfer between the City of Joondalup and the Shire of Wanneroo of property, rights or liabilities, on commencement:

(a) all real and personal property owned by or vested in the former City of Wanneroo is transferred to or becomes vested in the City of Joondalup”

It is necessary for the City of Joondalup to make a decision on this matter. This item is included in the agenda for information for the ordinary meeting of the Shire of Wanneroo scheduled for 13 April 1999.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners as Lessor of Reserve 11598 Pinjar Road, Neerabup, APPROVE IN PRINCIPLE:

- 1 the design concept plan prepared by the West Australian Beach Buggy Association;**
- 2 AGREE to the construction of the proposed facility on Reserve 11598 (No. 860) Pinjar Road, Neerabup, subject to the West Australian Beach Buggy Association gaining all the necessary statutory approvals;**
- 3 NOTIFY the West Australian Beach Buggy Association that approval is given under the lease for the erection of a shed on Reserve 11598 (No. 860) Pinjar Road, Neerabup.**

The Motion was Put and

CARRIED

**CJ110-04/99 SUBDIVISION CONTROL UNIT - DIRECTOR,
DEVELOPMENT SERVICES - 4 MARCH 1999
TO 24 MARCH 1999 - [05961]**

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit from 4 March 1999 to 24 March 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 Morgan that the Joint Commissioners ENDORSE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ110-04/99.

The Motion was Put and

CARRIED

Appendix IX refers

**CJ111-04/99 PROPOSED SUBDIVISION - SWAN LOC 8809
PEPPERMINT DRIVE, GREENWOOD -
[11145J]**

SUMMARY

Richard Pawluk & Associates on behalf of Prime Projects has submitted a subdivision proposal in respect of Swan Loc. 8809, Peppermint Drive, Greenwood to the Western Australian Planning Commission (WAPC) requesting approval. The City being a referral agency, the applicants have forwarded a copy of the proposal for consideration. The subject land relates predominantly to the former Greenwood Primary School site and portions of the Recreation Reserves 31016 and 30958 abutting the northern and southern boundaries of the former school site. After an extensive public consultation process, the Joint Commissioners at their Special Meeting of 16 March 1999 resolved to rezone the subject land to Residential Zone and Parks and Recreation – Local Reserves (JSC1-03/99 refers).

The proposed subdivision, making provision for 56 lots, is considered to integrate well with the existing recreation reserves. It is recommended that the City supports the subdivision proposals and advises the WAPC accordingly.

BACKGROUND

The subject land is predominantly the former Greenwood Primary School site. The northern and southern strips of the subject lands were formerly part of Recreation Reserves 31016 and 30958. Having purchased the former school site, the present owner approached the

Department of Land Administration to exchange the north-eastern part of the former school site for portions of the abovementioned reserves. Consequently, the owners requested the City amendment to the Town Planning Scheme No1 to rezone the subject land to Residential Zone and Parks and Recreation – Local Reserves.

After an extensive public consultation process, the Joint Commissioners at their Special Meeting of 16 March 1999, following a directive from the Minister for Planning, resolved, in part, to rezone Swan Location 8809 (former Reserve 31790 Greenwood Primary School) and portions of Reserve 31016 and 30958 adjoining the immediate northern and southern boundaries of the former Greenwood Primary School site from Public Use – Primary School and Parks Recreation – Local Reserves to Residential Zone and Parks and Recreation – Local Reserves (JSC1-03/99 refers). Currently the City is awaiting the Minister's approval on the Amendment.

DETAILS

The proposed subdivision is shown on Attachment 1. The total extent of the site is 4.05 hectares. The western boundary of the subject land abuts Mamo Park, which is a linear open space, and the eastern boundary abuts Blackall Reserve. The proposal makes provision for 56 lots ranging in size from 394 m² to 581 m², the average lot size being 501m². Eight lots are less than the minimum of 450m² prescribed by the Residential Planning Codes for R20 density coding.

In view of an abundance of existing POS in this area, instead of the required minimum 10% POS, the applicant has proposed 5% POS containing significant trees and a 5% cash-in-lieu contribution.

Access into the subdivision area is from Peppermint Drive, which abuts the northern boundary of the site. Road interfaces are proposed between the subject land and Blackall Reserve and Mamo Park.

COMMENT

Public Open Space

The Joint Commissioners at their meeting of 27 October 1998 while considering the proposed land exchange, rezoning and subdivision resolved as follows in respect to the provision of POS (CJ213-10/98 refers).

provision of a 10% POS land contribution adjoining Blackall Reserve (or in such other location as determined to the satisfaction of the Manager Parks Landscaping Services) to maximise opportunity for the retention of significant vegetation within the area;

However, as requested by the applicant, it is considered that the City can accept the proposed 5% POS and a 5% cash-in-lieu contribution for the following reasons:

- That a significant amount of POS areas already exists in the immediate areas. As per WAPC Policy DC 2.3 relating to POS in residential areas a subdivider can provide a cash-in-lieu contribution if there is “*a provision of sufficient open space already in the locality*”. Attachment 2 depicts the existing POS areas around the subject land. They are, Blackall Reserve in the east, Calectasia Reserve in the south-east, Mamo Park in the west

and Kurrajong reserve in the north-west. The total extent of these POS areas is 9.8505 hectares. By including the 5% POS, which is 2000 m² proposed within the subject land, in all there will be 10.05 hectares of POS in this area. Thus there is an abundance of POS around the subject land.

- The proposed land exchange area and the 5% POS do contain significant trees identified in the subject land; and
- Considerable benefits can be gained from the 5% cash-in-lieu contribution. Planning legislation requires that in most cases, monies thus received must be used for the betterment of nearby POS areas. In regard to this application the options may include upgrading and reticulating that part of Calectasia Reserve which links the subject land with Greenwood Shopping Centre or the general upgrading of Mamo Park.

Variation to the Lot Sizes

The proposal makes provision for 56 lots. Eight of them are below the minimum lot size of 450m² prescribed by the Residential Planning Codes (R-Codes) for R20 density coding. The average size of the lots is 501.4m² which satisfies the R-Codes which require an average lot size of 500m². Four of the eight small lots are 405m² each, and the remaining four which are corner lots, are 412 m² including the area within the corner truncations. The applicant requests approval of these small lots based on the WAPC Planning Bulletin No.20 on variation of lot sizes in residential areas, which allows the WAPC to consider a variation of up to 10% on minimum as well as average lot sizes.

The abovementioned Bulletin states that the WAPC can consider a variation up to 10%,

- *Where the subdivision would not result in adversely affecting the residential character and amenity of the surrounding area;*

Greenwood is a well-established suburb where the current density coding is R20. All the lots in the vicinity of the subject land are over 600 m² in size and therefore the proposed eight smaller lots are not likely to adversely affect the residential character and amenity of the surrounding area. As the proposal maintains the average lot size as required under the R-Codes, it is recommended that the City supports the variation to the lots sizes.

OFFICER'S RECOMMENDATION: That the Joint Commissioners advise the Western Australian Planning Commission that the City SUPPORTS the subdivision application submitted by Richard Pawluk and Associates on behalf of Prime Projects for the subdivision of Swan Loc 8809 Peppermint Drive, Greenwood as depicted on Attachment 1 to Report CJ111-04/99 subject to standard conditions of subdivision and a 5% cash-in lieu Public Open Space contribution

MOVED Cmr Rowell that the Joint Commissioners advise the Western Australian Planning Commission that the City SUPPORTS the subdivision application submitted by Richard Pawluk and Associates on behalf of Prime Projects for the subdivision of Swan Loc 8809 Peppermint Drive, Greenwood as depicted on Attachment 1 to Report CJ111-04/99 subject to standard conditions of subdivision and a 5% cash-in lieu Public Open Space contribution.

There being No Seconder, the Motion

LAPSED

MOVED Cmr Morgan, SECONDED Cmr Clark-Murphy that the Joint Commissioners advise the Western Australian Planning Commission that the City supports the subdivision application submitted by Richard Pawluk and Associates on behalf of Prime Projects for the subdivision of Swan Loc 8809 Peppermint Drive, Greenwood as depicted on Attachment 1 to Report CJ111-04/99 subject to standard conditions of subdivision and a 10% Public Open Space contribution.

Cmr Rowell reiterated his earlier comments made during public question time in that at all times the Minister is able to and still can intervene in this process. Regardless of Council's position, the Minister can over rule or change what is put before him.

He advised Council was now in a position where it could not, with any authority, defer this matter any longer. As to the position of the Department of Land Administration on the selling of the property, the point would need to be made that the Department of Land Administration was the body which sold this property, not the City of Joondalup.

In relation to requirements for drainage, Cmr Rowell pointed out that any condition of any actual development on the site will be that drainage must be provided and be adequate to the satisfaction of Council's engineers.

Director, Development Services gave an overview of the current situation in relation to this matter and in particular regarding the process for subdivision and rezoning applications.

Cmr Rowell stated when the initial application was considered by administration, it was their opinion that there was adequate public open space in the area. The administration was inclined to suggest that some financial contribution towards the development of the public open space would be a more appropriate option to endorse.

Cmr Rowell stated he could not support the recommendation as put forward.

Cmr Morgan stated Commissioners were aware of the significant number of strong objections from the public in regard to this total issue. The Stop the Swap Committee has stated it is opposed to the entire project, the loss of recreation reserves 31016 and 30958 which abutt the former school site and the general loss of open space due to the closure of the school. In the light of these considerations, there will not be a great penalty on the developer if he was to lose 5% more open space in relation to the proposal put forward this evening.

Cmr Morgan felt the financial aspects of this matter should not be taken into account, but rather there should be agreement on 10% public open space.

The Motion was Put and

CARRIED

**CJ112-04/99 REQUEST FOR CLOSURE OF PEDESTRIAN
ACCESSWAY BETWEEN RIPLEY WAY AND
DOVERIDGE DRIVE, DUNCRAIG - [04784J]**

SUMMARY

An application has been received from the four landowners adjoining the pedestrian accessway between Ripley Way and Doveridge Drive, Duncraig. They allege that besides having had in excess of a dozen break-ins, they have had to frequently contend with various forms of anti-social behaviour.

The proposal was advertised and in addition to a petition representing six local households, one further letter of support was received. Letters of objection were received from 53 local households and two from residents living outside of the immediate area. The majority of these submissions consisted of two main objections, ie: a number of St Stephen's school children use the accessway daily, and this accessway will provide an important link to the proposed new railway station planned for Hepburn Avenue.

Based on the amount of objections received, the fact that this accessway is frequently used by local school children, and its strategic position with regard to the proposed new railway station, closure should not be supported.

BACKGROUND

At the Ordinary meeting of the Joint Commissioners held on 23 March 1999, it was resolved to:

“DEFER consideration of the closure of the pedestrian accessway between Ripley Way and Doveridge Drive, Duncraig pending further consideration.”

Applicants allege property damage and loss of property has involved them in expensive security upgrading. It is claimed that invasion of privacy and anti-social behaviour such as drug taking are common, with smoking implements and evidence often discarded in the accessway.

Adjoining landowners also allege that they have experienced between them in excess of a dozen break-ins, the frequency of them increasing markedly in recent years. Various forms of anti-social behaviour are claimed and the applicants state that the accessway acts as a convenient escape for offenders.

The application for closure was referred to the servicing authorities and Alinta Gas and the Water Corporation have indicated that they do not object to closure and do not have any service plant within the accessway.

Telstra advised the City that it has communication plant within the accessway but relocation costs can be avoided by the adjoining landowner accepting a 3 metre wide easement to protect Telstra's equipment.

Western Power has service plant within the accessway that requires modification and the cost is approximately \$4,155.00. An easement over the land within the accessway is also required with regard to this plant.

All four adjoining landowners have agreed to pay associated costs and grant the necessary easements.

The Ministry for Planning (MFP) and the Department of Transport (DOT) were also requested to comment on the proposal. The MFP is concerned that closure of this accessway will result in longer and less convenient pedestrian and cycle access to the Mitchell Freeway footbridge and the nearby recreation reserve and therefore objects to closure.

DOT's Bikewest Division state that this accessway is an essential link for pedestrians and cyclists to the proposed Hepburn Avenue railway station. It also provides access for cyclists to the Principal (Bicycle) Transport Route adjacent to the Mitchell Freeway. Bikewest also stated that this pedestrian accessway is a necessary section of the Local Bicycle Route NW4 and in agreement with the City of Joondalup, this bike route is scheduled for works to improve the PAW in the 1998/99 financial year.

DETAILS

Advertising

The standard advertising period of thirty days was organised for this proposal. However, many of the objectors to this closure stated that this accessway was an important link to St Stephen's school, and it was inappropriate that the advertising period coincided with the January school holidays. Due to these concerns, it was decided to extend the advertising period by two weeks. This would ensure that residents and students of St Stephen's school who use the accessway were made aware of the proposal.

At the close of advertising a petition representing six households was received by the City, along with one other letter fully supporting the closure. Petitioners stated that closure should be supported based on nearby properties frequently being subject to vandalism and graffiti. Real estate prices would be affected due to the problems associated with a walkway. Allegations of anti-social behaviour of youths at night and an increase of non-local pedestrian traffic accessing the proposed new railway station were also concerns of the petitioners.

Submissions objecting to closure were received from residents representing 53 households in the vicinity of this accessway. Two further submissions objecting to closure were received from residents in Greenwood and Duncraig at households not able to be shown on the attachment.

The main objections were access for school children to St Stephen's school and the fact that this accessway will serve as an important pedestrian link to the proposed new railway station. Many objectors use this route to access the Mitchell Freeway pedestrian footbridge that leads to Kanagra Park and Kingsley cycle way. Also some Glengarry Primary School students claim to use it.

Proposed Hepburn Avenue Railway Station

The design of the Hepburn Avenue Railway Station has been prepared and it is envisaged that advertising of the proposal for public comment will take place shortly. Plans and perspectives will be displayed at Joondalup, Whitfords and Woodvale libraries, as well as in the foyer of the Administration Building.

It is intended that the Hepburn Avenue railway station will accommodate over 650 cars thus alleviating the parking problems being experienced at Warwick and Whitfords railway station.

The location of the Railway station and associated car park can be seen on Attachment (1). A bridge either side of the central rails will provide the pedestrian/cycle access to the railway station.

A site inspection revealed graffiti on one of the adjoining landowner's garage wall that abutted the accessway and a small amount on the footpath. Fences were clean and in good order. There was little in the way of broken glass and rubbish. Sight lines are good and there are light poles at each end of the accessway.

As a number of objectors raised the issue of usage of this accessway by school children attending St Stephen's, monitoring of the accessway was conducted on two occasions. This were carried out at the approximate time school children were travelling to and from school. Overall, 30 people used the accessway the majority of them being students of St Stephen's school. Eight students were riding bicycles with the pedestrian traffic being significantly heavier in the afternoon.

COMMENT

Some sympathy must go to the adjoining landowners and supporters of this application who claim to be experiencing anti-social behaviour. However, not only does this pedestrian accessway appear to be frequently used by the students of St Stephen's school but, it is also a strategic pedestrian link to the new railway station. It is believed that the community at large will benefit by this accessway remaining open.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners DO NOT SUPPORT the closure of the pedestrian accessway between Ripley Way and Doveridge Drive, Duncraig.

Cmr Rowell advised Commissioners received a deputation earlier today and a formal petition had been received supporting the closure of the pedestrian accessway.

He advised Commissioners had visited the accessway and it was felt that at this stage the accessway should stay open.

The Motion was Put and

CARRIED

Items CJ113-04/99 to CJ117-04/99 inclusive were Moved by Cmr Rowell and Seconded by Cmr Morgan.

**CJ113-04/99 REQUEST FOR CLOSURE OF PEDESTRIAN
ACCESSWAY BETWEEN QUEENSCLIFF
COURT AND KIERNAN PLACE, KALLAROO -
[20134J]**

SUMMARY

An application has been received from the four landowners adjoining the pedestrian accessway between Queenscliff Court and Kiernan Place, Kallaroo. The grounds put forward by the applicants to justify closure of the accessway are allegations of frequent incidents of anti-social behaviour.

During the advertising period a petition was submitted supporting closure, along with four further letters of support. The letters of support were from residents who also signed the petition. Letters of objection to closure were received from four residents, one of which did not offer their identity. The support for closure is based on anti-social activity associated with the accessway. Objections raised refer to the safe and convenient route this accessway provides to the locality.

It would appear that the local residents of the area who are likely to be the most inconvenienced should closure of this accessway take place have demonstrated their support for closure. The application for closure should therefore be supported.

BACKGROUND

Applicants allege that frequent and various acts of anti-social behaviour take place. Activities such as drug taking, underage drinking, foul language, theft from gardens, littering, graffiti, and riding of motor scooters through the accessway are the type of allegations submitted.

The proposal was advertised for thirty days during which time the City received a petition with 87 signatures supporting closure. Some of these signatures were duplicated and some were from households remote from the location of the accessway. Sixty-one households are shown on Attachment 1, and it is unlikely that all of those households shown would suffer directly from any anti-social activities that are alleged to be taking place in the accessway. The individual letters of support for closure reiterate the same allegations as submitted by the applicants.

An objection to closure from one local resident with two young children (not shown on Attachment 1), stated that this accessway appears to suffer few anti-social problems and it provides a safe and convenient route to local facilities. A further objection to closure was from residents that use the accessway for their regular walks. They stated that one of the amenities of the Northshore Estate is the safe and pleasant walks avoiding busy roads and this accessway forms part of that network. Also, an objector expressed the view that accessways were set up for a good purpose and closure of them is contrary to the spirit in which the neighbourhood was designed.

DETAILS

The application for closure was referred to the servicing authorities to ascertain if the accessway had any service plant within it. Telstra, Alinta Gas and Western Power have indicated that they do not object to closure and do not have any service plant within the accessway.

The Water Corporation has advised the City that it has an existing water main within the accessway that requires to be cut and capped at a total cost of \$1,369.00 and all four adjoining landowners have agreed to pay this cost and any other costs associated with closure.

The Ministry for Planning (MFP) and the Department of Transport (DOT) were also requested to comment on the proposal. The MFP is concerned that closure of this accessway will result in longer and less convenient pedestrian and cycle access to nearby Recreation Reserves and therefore objects to closure.

The Department of Transport stated it had no objection to the closure of this accessway.

A site inspection revealed fences that adjoin the accessway are free of graffiti, however, the walls that adjoin the accessway have been a target for graffiti and appeared to have been cleaned recently. There was no real evidence of broken glass or litter, though dog excreta certainly appears to be a problem. Sight lines are reasonable and there are light poles at each end of the accessway.

COMMENT

The closure of any pedestrian accessway will deprive some residents of a direct or convenient route. However, where widespread local support for closure, and only minimal objection is demonstrated, as is the case with this accessway, closure can be supported.

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

- 1 AGREE to the closure of the pedestrian accessway between Queenscliff Court and Kiernan Place, Kallaroo 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

CJ114-04/99 BREACH OF DEVELOPMENT APPROVAL CONDITIONS AND TOWN PLANNING SCHEME NO 1 BY ERECTING UNAUTHORISED CARPORTS IN CARPARK AND STORING OF MATERIALS IN CARPARK: LOT 34 (210) WINTON ROAD, JOONDALUP [02022J]

SUMMARY

Inspection of the rear of Lot 34 (210) Winton Road, Joondalup on 11 November 1998 by City officers in connection with spraypainting being carried out unlawfully in the carpark, it was noted that the carpark contained the following:

- (a) 1 sea container
- (b) 2 carports
- (c) large amount of open storage of materials involving wooden electrical reels and pallets.

Written and verbal requests to the owners of the sea container, carports and open storage and the Strata Company to remove the items from the carpark has resulted in the removal of the sea container only.

Inspections of Lot 34 (210) Winton Road, Joondalup as late as 15 March 1999 revealed the unauthorised carports and open storage of wooden reels, pallets remaining.

Some three months have elapsed and the carports/materials have not been removed as requested.

It is recommended that legal action be initiated by the City against the owners of the carports and open storage of materials within the carpark. Legal action is also recommended against the Strata Company for failing to have the items removed.

BACKGROUND

Lot No	34
Street Address	210 Winton Road, Joondalup
Land Owner	13 Strata Units
MRS Zoning	Urban
TPS Zoning	Service Industrial
Land Use	Light Industrial/Showrooms

Site History

Development Approval was granted for Lot 34 on 9 March 1994, for 12 Showrooms. Development Approval 30/4624 dated 9 March 1994 refers. A total of 118 car parking bays were to be provided for on site, however, only 105 bays were provided. Cash in lieu of the 13 bays not provided, was required. Some 4-5 parking bays are now being used for unauthorised carports and open storage.

Condition 2 of the approval for the site required the following:

- 2 The parking area, driveways and points of ingress and egress to be designed, constructed, drained, marked and thereafter maintained to the specifications and satisfaction of the City Engineer. These works are to be done as part of the building programme.

DETAILS

On 15 January 1999 the City forwarded correspondence to the Strata Company Manager for Lot 34 requesting that the open storage of a sea container, unauthorised carports and open storage of materials be removed from the carpark at the rear of the property by 5 February 1999. No approvals had been granted by the City for the storage or the sea container, open storage of materials and no approvals had been granted for the two carports.

On 19 January 1999, the City received correspondence from the Strata Manager, Mr J Dawson, David Evans Real Estate, advising the City that he had requested the owners of the sea container, carports and open storage to remove the items from the carpark by 5 February 1999.

Inspection of Lot 34 (210) Winton Road, Joondalup on 8 February 1999 by the Approval Services Liaison Officer revealed only the sea container had been removed from the carpark area.

Correspondence from the City dated 8 February 1999 and 26 February 1999 to the Strata Company Manager advised that as the carports and open storage of materials had not been removed as requested, the matter was to be brought to the attention of Council.

Inspection of Lot 34 (210) Winton Road, Joondalup on 16 March 1999 by the Approval Services Planning Liaison Officer revealed that no attempt had been made by the owners of the two carports and open storage to remove the items.

Some three months have elapsed since the Strata Company and owners of the carports/materials have been requested to remove the items.

COMMENTS

The City's Town Planning Scheme requires Council approval prior to the development (or use) of land. This was not sought and the development has been undertaken. The owners of the development and the land have been requested to remove the development but have not done so.

The development is in contravention of the City's Town Planning Scheme and hence an offence under the Town Planning & Development Act has occurred.

As the City's requests to remedy the breach have not been satisfied, it is recommended that formal legal proceedings be commenced.

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

- 1 ADVISE the Strata Company of Lot 34 (210) Winton Road, Joondalup and the owners of the unauthorised carports and open storage of materials within the car parking bays at the rear of the property, that the erection of the carports without approval and the open storage is in breach of the City's Town Planning Scheme No 1 and development approval for the site;**
- 2 ADVISE the Strata Company of Lot 34 and the owners of the illegal carports and unauthorised storage of materials within the rear carpark of the property, that the City intends to initiate legal action against them for failure to remove the items;**
- 3 AUTHORISE the Chief Executive Officer to initiate legal action in accordance with 2 above.**

The Motion was Put and

CARRIED

**CJ115-04/99 WIDENING OF PART OF WOODVALE ROAD
RESERVE WOODVALE. - [04483J]**

SUMMARY

In order to provide a uniform road width for Woodvale Drive between Wanneroo Road and Duffy Terrace, Woodvale the City negotiated to acquire certain land but had not concluded the transaction before the coming into operation of the Land Administration Act 1997. Council may now achieve the acquisition of the land by requesting the Minister for Lands to acquire it as Crown land .

BACKGROUND

The Council of the former City of Wanneroo resolved to widen Woodvale Drive, Woodvale between Wanneroo Road and Duffy Terrace and had authorised certain land acquisitions for that purpose. In the course of the protracted negotiations for the transfer of the land and the payment of compensation the procedures by which land is acquired for public purposes changed with the coming into operation of the Land Administration Act 1997.

The Department of Land Administration (DOLA) has advised that the most appropriate method for the Council to deal with the acquisition of the private land it has paid compensation for is to request the Minister for Lands to acquire it as Crown land under the provisions .of Section 52 of the Act.

The City has complied with the public notification and other requirements of Section 52 of the Act and may now pass a resolution requesting the acquisition by the Minister.

DETAILS

The land the subject of the road widening is the subject of DOLA Diagram 92579 which is shown on the Attachment. The City paid compensation of \$250 to the owner and the proposed acquisition by the Minister will not involve the City in any further expenditure.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners pursuant to Section 52 of the Land Administration Act 1997 REQUEST the Minister for Lands to acquire as Crown land the portion of the land in Woodvale Drive, Woodvale comprised in Certificate of Title Volume 371 Folio 42 that is shown on Department of Land Administration Diagram 92579.

The Motion was Put and

CARRIED

CJ116-04/99 DELEGATED AUTHORITY REPORT - [07032]

SUMMARY

This report provides a resumé of the development applications processed by Delegated Authority from 4 March 1999 to 24 March 1999

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Report CJ116-04/99.

The Motion was Put and

CARRIED

Appendix X refers

CJ117-04/99 DRAFT WARWICK STRUCTURE PLAN – CLOSE OF ADVERTISING [03162J]

SUMMARY

A draft Structure Plan prepared for the control of the design of houses along a part of Ellersdale Avenue, Warwick was adopted by the Joint Commissioners at their meeting on 9 February 1999 and advertised for public comment for a 30 day period which closed on 25 March 1999. One submission was received and the modification requested has been made.

The document complies with the requirements of the Scheme in respect of a Structure Plan and is recommended to be adopted.

BACKGROUND

Lot No	Portion of Swan Location 12008
Street Address	Ellersdale Avenue, Warwick
Land Owner	Fetherstone Holdings Pty Ltd
MRS Zoning	Urban
TPS Zoning	Residential
Land Use	Vacant: newly subdivided
Density Code	R40
Lot Area	0.66 hectares

Site History

The subject land (Attachment 1) was recoded to a density code of R40 by Amendment 836 which was gazetted on 22 January 1999. Subdivision of the land to create 18 lots ranging in size from 351 to 400 sq metres was approved by the Western Australian Planning Commission (“the Commission”) on 23 February 1999 (reference 108999) and has been supported by Council. A request for clearance of the subdivision was received by Council on 22 March 1999.

Previous Council Decisions

At their meeting on 9 February 1999 the Joint Commissioners resolved to accept the draft Structure Plan for Warwick attached to Report No CJ22-02/99 and advertise it for public comment.

DETAILS

Current Proposal or Issue

The proponent has requested that setbacks be relaxed for these lots to allow an average of 4 metres with a minimum of 3 metres at the front and an average of 4 metres at the rear. Side setbacks will conform to the R Codes, and zero setbacks will be allowed on one side of each lot; with the Structure Plan co-ordinating this to provide optimal solar penetration.

These variations from standard requirements are provided in order to allow the effective use of private open space, adequate solar access and additional design opportunities whilst maintaining high development standards. They are included in the draft Warwick Structure Plan attached (as Attachment 2), which is the preferred form for these controls to be incorporated into the Scheme.

Relevant Legislation

Under the provisions of Part 10.6.1 of Town Planning Scheme No 1, Council shall consider all submissions received and shall either refuse to adopt the Structure Plan or resolve that the Structure Plan is satisfactory with or without modifications and shall submit three copies to the Commission for adoption and certification.

Advertising and Summary

The draft Structure Plan was advertised for public comment for a 30 day period which closed on 25 March 1999. One submission was received, from the submitting consultant, who suggested that the side of the lot on which zero setbacks would be allowed had been stated incorrectly.

COMMENT

Issues

The draft Structure Plan reads:

Side setbacks: minimum zero to the eastern boundary in accordance with the Residential Planning Codes for all lots except Lot 88.

Lot 88; the westernmost lot: minimum zero to the western boundary in accordance with the Residential Planning Codes.

The consultant has commented that the preferred boundary for zero setback is the western side and has requested that this clause be changed to the following:

Side setbacks: minimum zero to the western boundary in accordance with the Residential Planning Codes for all lots except Lot 88.

Lot 88; the westernmost lot: minimum zero to the eastern boundary in accordance with the Residential Planning Codes.

This change is considered to be reasonable although it has minimal impact on the solar orientation of houses built on these lots.

Assessment and Reasons for Recommendation

The Structure Plan, as proposed, conforms with the requirements of Part 10 of the City of Joondalup Town Planning Scheme and is acceptable for the control of setbacks within the Structure Plan area. It is considered to be suitable for adoption.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners, pursuant to Clause 10.6 of the City of Joondalup Town Planning Scheme No 1, AGREE that the draft Warwick Structure Plan is satisfactory with modifications relating to side setback requirements, and submit it to the Western Australian Planning Commission for adoption and certification.

The Motion was Put and

CARRIED

DATE OF NEXT MEETING

The next meeting of the Joint Commissioners has been scheduled for **6.00 pm** on **TUESDAY, 27 APRIL 1999** to be held at Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1905 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
MORGAN
CLARK-MURPHY
ROWELL
BUCKLEY