



MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 27 APRIL 1999

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CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN WANNEROO CIVIC CENTRE, CIVIC DRIVE, WANNEROO, ON TUESDAY, 27 APRIL 1999

ATTENDANCES

Commissioners:

C T ANSELL

H MORGAN, AM

M CLARK-MURPHY

R M ROWELL

W BUCKLEY

Chairman

Deputy Chairman

Absent from 1840 hrs to 1842 hrs

Officers:

Chief Executive Officer:

Director, Business Units:

Director, Resource Management:

Director, Community Development:

Director, Development Services:

Director, Strategic Planning:

Manager, Division Taskforce:

Manager, Executive Services:

Manager, Council Support Services:

Co-ordinator, Planning Strategies:

Publicity Officer:

Minute Clerk:

L O DELAHAUNTY

D DJULBIC

J TURKINGTON

C HALL

C HIGHAM

R FISCHER

B PERRYMAN

K ROBINSON

M SMITH

P THOMPSON

L BRENNAN

S BRUYN

In Attendance

Chief Executive Officer

Shire of Wanneroo:

Director, Development and

Planning Services,

Shire of Wanneroo:

Director, Community Services

Shire of Wanneroo:

Marketing Manager

Shire of Wanneroo:

K WHITE

C JOHNSON

H BARON ST JOHN

S JARVIS

APOLOGIES AND LEAVE OF ABSENCE

Nil.

There were 18 members of the Public and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1800 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Mr Alan Bryant of Craigie, was taken on notice at the Meeting of Joint Commissioners held on 13 April 1999:

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 The keeping of exotic birds in aviaries is controlled under the Agriculture and Related Resources Protection Act 1976 and the Wildlife Conservation Act 1950. The Department of Conservation and Land Management administers these matters.

An information sheet, produced by Agriculture WA, will be forwarded to Mr Bryant.

The following question, submitted by Mr V Harman, of Ocean Reef, was taken on notice at the Meeting of Joint Commissioners held on 13 April 1999:

Q1 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?

A1 Council does not have any plans to construct a building in the Hillarys Boat Harbour for holding youth disco's. Council officers have been working with the Police and the Department of Transport to address the security concerns at Hillarys Boat Harbour. This initiative is proving to be successful, as there has been a significant improvement in the behaviour of young people frequenting the area.

A Youth Development Officer is now working with young people to identify and address issues of concern. It is anticipated this consultative process will result in further programmes and services to meet the needs of young people visiting Hillarys Boat Harbour.

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

Q1 I would like to put forward a motion, a proposed policy that:

(a) Council will have no new direct commercial dealings with any company or its wholly owned subsidiary if that company or any of its subsidiaries exports Native Forrest Woodchips from Australia;

- (b) *Council will have regard to the principles of ecologically sustainable development in carrying on its responsibilities as a purchaser of goods and services.*

A1 *Response by Cmr Ansell:* The Commissioners have viewed this letter and as they have a list of policies and issues they wish to attend to prior to departure in early December, this will not be dealt with. It is suggested that this issue be referred to the incoming Councillors.

Mr S Magyar, Heathridge:

A list of questions, mainly in relation to Item CJK138-04/99 – Perth Bushplan, was submitted by Mr Magyar on 27 April 1999. The Chief Executive Officer advised that as the officers concerned were unavailable and therefore unable to address these questions, these questions will be taken on notice.

Cmr Ansell advised that all comments on the bushplan would be gratefully received.

Mr V Harman of Ocean Reef:

Q1 *At the Special Council meeting last week, the possible need for further special meetings was raised. I notice tonight in regard to CJI49-04/99, that there is a proposal to hold a special meeting on 10 May to discuss this subject. Can the Commissioners during the break between meetings, come up with a recommendation to authorise someone from administration to process this, to enable it to be ratified at a full Council meeting? Is there any problem with that in relation to the Local Government Act?*

A1 *Response by Chief Executive Officer:* As soon as a Special Council Meeting is required and the date and time is decreed by the Chairman, it is then advertised and undertaken as soon as possible. This matter will be dealt with by the Commissioners tonight.

Response by Cmr Ansell: There are a number of problems, firstly with getting things done administratively fast and secondly with being transparent and having everyone see what is being done.

- *Mr Harman commented that Commissioners had shown that their integrity could be relied upon as Commissioners and administrators, throughout their time in Council and believed that their integrity could be relied on to follow this matter through without favour.*

Response by Cmr Buckley: The Commissioners are unable to delegate to the administration the powers to deal with this matter and are required to attend a Special Council Meeting.

- *Mr Harman referred to CJI45-04/99 – Subdivision Control Unit, and commented that this report contained items that had been approved and were now to be ratified by the Commissioners and expressed concern that Special Council Meetings were required to deal with these type of matters.*

Response by Cmr Buckley: Some matters are delegable under the Town Planning and Development Act. The adoption of the Scheme Amendment is not one of those matters. Matters where Commissioners are able to delegate to the administration, delegated authority has been given to the administration to deal with and those matters are dealt with in the nature of a report. The matters relating to the amendment to the Town Planning Scheme, under legislation, are not able to be delegated.

Mr A Bryant of Craigie:

- *Mr Bryant referred to a question he had raised at the Council meeting held on 13 April 1999 relating to exotic birds and expressed thanks to the administration for the detailed information he had received on this matter. Mr Bryant also expressed thanks to the officers concerned with controlling mosquito breeding in street drains, and in particular to the quick action taken by Graeme Burns on this matter.*
- Q1* *Following the electrical storm that caused a great deal of damage in the City, a street light was damaged in Stocker Court, which was later replaced by Western Power. The officers from Western Power advised that they had already replaced 60 street lights at a cost of \$300 each, and this would be billed to the City of Joondalup. Is this correct?*
- A1* *Response by Director, Business Units:* The replacement of those lights are part of the annual running costs.
- Q2* *In relation to CJ126-04/99 – Cheque No. 87918 for \$3,952 to Western Power and Cheque No. 8991 for \$254,903.57 to Western Power, are these part of replacement costs and also power used?*
- A2* *Response by Director, Resource Management:* Yes.
- Q3* *In relation to CJ126-04/99 – Cheque No. 000109H, Commonwealth Bank business cards \$580.32. Does the Commonwealth Bank print your business cards?*
- A3* *Response by Director, Resource Management:* This question will be taken on notice.
- Response by Chief Executive Officer:* They do not print the City's business cards.
- Q4* *I have not had a News Extra since 1998. At the last meeting I heard someone say that there was a new system where it would cost the City of Joondalup \$70,000 to distribute them. Have any been distributed since 1998?*
- A4* *Response by Cmr Ansell:* Yes.
- Q5* *Why didn't I receive one?*
- A5* *Response by Cmr Ansell:* This will be investigated.

Response by Chief Executive Officer: Craigie should be covered. A guarantee was received from the distributor that the areas not covered by hand delivery would be contracted to Australia Post.

Mr J Hollywood of Burns Beach:

Q1 *Regarding the bushplan report CJ138-04/99 – what percentage of bushland has been left in the City of Joondalup?*

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

Q2 *I notice that the government has set aside \$200 million to buy back some privately owned land for this scheme. Would it be possible for the Commissioners to put in a submission to save Burns Beach bushland and buy it back from the developer?*

A2 *Response by Cmr Ansell:* This issue can be dealt with by incoming Councillors.

Q3 *When meetings are held in Wanneroo, could the Shire of Wanneroo meeting be held first?*

A3 *Response by Cmr Ansell:* This will be considered.

Mr B Higgins of Carabooda:

- *Mr Higgins advised that he had not received a copy of News Extra since last year and commented that although he believed there might be some delays in rural areas, he would have thought it would have been received by now.*

Response by Chief Executive Officer: This will be investigated.

Q1 *At the last meeting I raised a matter concerning a letter appearing in the Wanneroo Times regarding Council's Security Watch Service. Have enquiries been made into the circumstances outlined in that letter and if so, what are the results of the enquiries?*

A1 *Response by Director, Community Development:* An enquiry has been made into this matter. A response has been received from the Water Corporation, which provides the City's After Hours Service. Council has been in communication with the Wanneroo Times and a meeting is being held tomorrow with the Joondalup police to discuss this matter, following which a response will be prepared.

- *Mr Higgins referred to a matter he had raised at the last Council meeting concerning the 'sex' ad in the brochure produced for the Festival of Joondalup. Mr Higgins stated that his question was based on an article in the Wanneroo Times, where Mr Delahaunty was quoted as saying "because of a very tight schedule, Council officers had not seen the advertisement". Mr Higgins advised that his question was directed at that statement, and queried whether in future Council would be taking steps to ensure that any literature published under its name was vetted by Council administration.*

Response by Cmr Ansell: Yes.

- *Mr Higgins referred to the opening paragraph of this article which stated that “an advertisement in last week’s Joondalup Festival Programme booklet has been described as ‘unfortunate’ by the City of Joondalup and the Advertiser”. Mr Higgins commented that when Cmr Ansell’s views were sought at the last Council meeting, Cmr Ansell responded that he did not see a problem with that type of advertising. Mr Higgins queried this comment in light of the spokesman for the Wanneroo Times stating that the advertisement was unfortunate.*

Response by Cmr Ansell: The official view is as set out in the newspaper by Mr Delahaunty. It is also the view of the TV channel involved, who have apologised to people as they originally made the mistake.

Mrs M Zakrevsky of Mullaloo:

- *Mrs Zakrevsky referred to Attachment 2, page 4 of 6, of Draft 3.4 .99 referring to bushplan site 303 – Whitfords Avenue, Bushland, and requested a guarantee that commercial development would not be allowed in the next few weeks. Mrs Zakrevsky believed that Craigie Open Space was a vital link and expressed concern that this matter be treated seriously. Mrs Zakrevsky referred to Bushplan Sites 202 and 39 and was concerned that these sections did not contain Part B which advised that further consideration be given to merits of allowing some limited commercial recreation development. Mrs Zakrevsky queried whether this matter would be presented to the Conservation Advisory Committee.*

Response by Cmr Rowell: Council is replying to the bushplan presented to it and has considerable concerns that the State Government has not set aside an adequate sum of money to be able to purchase areas it desires as bushland. Bushplan does not fall into the category suggested by Mr Trudgen, when he assessed certain areas of bushland as to what is required to be kept and looked after. Bushplan relates more to having 10% of the different types of bush preserved. Some areas of bushland have not necessarily complied with long term planning. In relation to the Craigie Open Space area, the sensitivity of its nature is realised. A community group has looked at this area and there has been some suggestion that certain areas of Craigie Open Space are no longer pristine due to various government works. There was consideration that this could be allied to another area, for example a botanical garden, that could earn revenue which contributed to conserving and maintaining the better areas of the Craigie Open Reserve. The Commissioners have no desire to have any involvement in the Craigie Open Space area in the time left to them. These are concepts and thoughts on particular areas that have been assessed for Bushplan.

Mrs A Hine of Dundobar Road, Wanneroo:

- *Mrs Hine referred to the proposed Umbrella Enterprise Bargaining Agreement and commented that the proposed pay rise for staff was well deserved.*
- *Mrs Hine referred to Craigie Open Space and believed that people desired bushland to remain and expressed concern that bushland in the area was fast disappearing.*

- *Mrs Hine referred to the Perth Bushplan report which had been marked 'Not for Publication', and queried why this report had been classified as confidential.*

Response by Cmr Ansell: In relation to the bushplan, this relates to the government presenting its ideas and requesting feedback on the report. As there will be negotiations on this issue, the report has been classified as confidential.

Q1 Will this be beneficial to humans or animal life? Are they being considered?

A1 Response by Cmr Ansell: Yes, humans and animal life is being considered.

DECLARATIONS OF FINANCIAL INTEREST

The Director, Resource Management declared an interest in Report CJ129-04/99 as he is being nominated as a member of the Local Government Insurances Board of Management.

Cmr Buckley declared an interest in Report CJ147-04/99 as her husband has a business relationship with the applicant.

CONFIRMATION OF MINUTES

C14-04/99 MINUTES OF MEETING OF JOINT COMMISSIONERS - 13 APRIL 1999

MOVED Cmr Morgan, SECONDED Cmr Clark-Murphy that the Minutes of the Meeting of Joint Commissioners held on 13 April 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

C15-04/99 MINUTES OF SPECIAL MEETING OF JOINT COMMISSIONERS – 20 APRIL 1999

MOVED Cmr Morgan, SECONDED Cmr Buckley that the Minutes of the Special Meeting of Joint Commissioners held on 20 April 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

REPORT TO THE MINISTER

The first quarterly report by the Joint Commissioners of the City and Shire was made available to the Minister for Local Government Paul Omodei on 13 April 1999.

It has been tabled in State Parliament and is now available to the public.

There are copies of the report on the table at the back of the room with the agendas. You are quite welcome to take one. They are also available at all City and Shire libraries.

ENTERPRISE BARGAINING AGREEMENT

City and Shire Council staff have voted overwhelmingly (348 yes - 49 no) in favour of the adoption of the Umbrella Enterprise Bargaining Agreement.

The Agreement provides the framework for the continuation of workplace reform. The City has been at the very forefront of local government workplace reform.

A report will be considered by the Joint Commissioners tonight.

If Commissioners endorse the agreement, it will be registered in the Industrial Relations Commission. This usually takes two to three weeks.

Once the Agreement is formally registered with the Industrial Relations Commission the wage increases (4 percent) will be paid to all relevant staff members, backdated to 1 January 1999.

A further one percent may be negotiated with individual business units at a later date.

NEW WARD SUBMISSIONS

The City of Joondalup and Shire of Wanneroo have received a total of 53 submissions about new wards for the two new local governments.

We received 32 submissions in respect of the City of Joondalup and 21 relating to the Shire of Wanneroo.

Over the next week or so, consideration will be given to all views expressed by the public.

It is expected that the Commissioners will decide at our May meeting on the future ward structures to be recommended to the Local Government Advisory Board for both Joondalup and Wanneroo.

MULLALOO BEACH FACILITIES

It is worth noting, following publicity during the week, a few points about the proposed changeroom and toilet facilities at Mullaloo Beach.

The Mullaloo-Ocean Reef Foreshore Management Plan was adopted on 24 September, 1997 by the previous Council, following extensive public consultation.

In the first instance, the preliminary plan was advertised for nine weeks.

This period included a public workshop held at the Mullaloo Surf Lifesaving Club.

Attendees went on a bus tour to see first-hand the management plan proposals.

Following receipt of submissions, the management plan was modified and there was a further six-week public consultation period.

Initial opposition to the toilet block proposals diminished when it was realised the beach had a regional catchment and amenities needed to be provided.

The toilet blocks were also included in the management plan.

It is also worth noting that the Commissioners have agreed to proceeding with the facility subject to design advice from the Crime Operation Unit of the WA Police Service on measures to reduce anti-social behaviour.

ROADWORKS, HODGES DRIVE

The City of Joondalup and Main Roads WA have begun major roadworks and traffic modifications at Hodges Drive and Marmion Avenue to improve traffic flow.

The works will affect traffic and possibly cause traffic delays from 24 April 1999 to 23 May 1999.

We will make every effort to minimise traffic delays throughout the modification period. However, there will be some delays for commuters and we suggest a different route if possible.

YOUTH EXPO

The City of Joondalup is hosting its first annual youth festival called Extreme Expo.

The big day for the region's youth will be held on Sunday, 2 May from 11am-6 pm at Craigie Leisure Centre on Whitfords Avenue.

This is a fun day where all activities - including skateboarding, rock climbing, sumo wrestling and much more - are free.

SPECIAL COUNCIL MEETING

A Special Council Meeting to be held in the Council Chambers of the Administration Building, Joondalup, has been tentatively arranged for Tuesday, 4 May 1999.

The meeting will consider modifications to District Planning Scheme No2 and adopt modified documents for submission to the Ministry for Planning seeking authority to advertise for a further public consultation period.

An advertisement containing further information will be placed in the local newspaper.

DEVELOPMENTS

Developments being considered this evening include seven grouped dwellings in Lakeside Drive, Joondalup and a Health Club in Grand Boulevard, Joondalup.

PETITIONS**C16-04/99****PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 27 APRIL 1999****1 PETITION REQUESTING FURTHER RESTRICTIONS TO PARKING – METHUEN WAY, DUNCRAIG – [06123J]**

A 21-signature petition has been received from local residents objecting to Council's proposed parking restrictions for Methuen Way, Duncraig and requesting an amendment to allow for greater parking restrictions to be imposed in this area.

This petition will be referred to Technical Services for action.

2 PETITION REQUESTING INSTALLATION OF RETICULATION, PROVISION OF A GRASS AREA AND MAINTENANCE OF LAKE VALLEY PARK, EDGEWATER – [39632J]

A 74-signature petition has been received from local residents expressing concern at the condition of Lake Valley Park, Edgewater and requesting the installation of reticulation, provision of a grass area and maintenance of this park to enable children to have access to a clean, safe area in which to play.

This petition will be referred to Technical Services for action.

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

- 1 objecting to Council's proposed parking restrictions for Methuen Way, Duncraig and requesting an amendment to allow for greater parking restrictions to be imposed in this area;**
- 2 expressing concern at the condition of Lake Valley Park, Edgewater and requesting the installation of reticulation, provision of a grass area and maintenance of this park to enable children to have access to a clean, safe area in which to play;**

be received and referred to the appropriate Business Units for action.

The Motion was Put and

CARRIED

POLICY SECTION

Items CJ118-04/99 and CJ119-04/99 were Moved by Cmr Buckley and Seconded by Cmr Clark-Murphy. Cmr Buckley gave notice of her intention to speak on these two items.

CJ118-04/99 REVIEW OF SIGNS LOCAL LAW - [20458]

Summary of Purpose and Effect (as read aloud at the Meeting of Joint Commissioners)

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.

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

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.

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, in their revised signs local law, have prohibited the use of A frame signs and permitted a limited number of directional signs within the street reserve. However, the directional signs must be placed on the traditional sign posts and SECWA poles similar to street name signs.

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

The City of Perth experience in successfully implementing their revised signs local law with significant changes, is attributed to the positive marketing strategy which was applied, the realistic times given to comply and regular, consistent enforcement.

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.

MOVED Cmr Buckley, SECONDED Cmr Clark-Murphy 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.

Cmr Buckley spoke in support of the Motion, commenting that although the local law relating to Signs had previously been considered by Commissioners, changes had been made to allow applications for permits for signs and for trading in public places to be made in conjunction with any planning approval required. Cmr Buckley suggested that members of the public wishing to comment on this matter, make a submission in response to the proposed local law.

The Motion was Put and

CARRIED

Appendix I refers

CJ119-04/99 REVIEW OF TRADING IN PUBLIC PLACES LOCAL LAW - [23122]

Summary of Purpose and Effect (as read aloud at the Meeting of Joint Commissioners)

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.

MOVED Cmr Buckley, SECONDED Cmr Clark-Murphy 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.

Cmr Buckley spoke in support of the Motion, commenting that although the local law relating to Trading in Public Places had previously been considered by Commissioners, changes had been made to allow applications for permits for signs and for trading in public places to be made in conjunction with any planning approval required. Cmr Buckley suggested that members of the public wishing to comment on this matter, make a submission in response to the proposed local law.

The Motion was Put and

CARRIED

Appendix II refers

FINANCE AND COMMUNITY SERVICES SECTION

Items CJ120-04/99 to CJ132-04/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Rowell. Cmr Clark-Murphy gave notice of her intention to speak on Item CJ127-04/99.

**CJ120-04/99 SCHEDULE OF DOCUMENTS EXECUTED BY
MEANS OF AFFIXING THE COMMON SEAL -
[15876]**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 18.3.99 to 12.4.99.

Document: Lease
Parties: City of Joondalup and Mullaloo Pre-School Committee
Description: Lot 21 Koorana Drive, Mullaloo
Date: 18.3.99

Document: Lease
Parties: City of Joondalup and Lake Joondalup Pre-School Committee
Description: Lot 288 Neville Drive, Wanneroo
Date: 18.3.99

Document: Lease
Parties: City of Joondalup and Padbury Pre-School Committee
Description: Lot 699 Caley Road, Padbury
Date: 18.3.99

Document: Lease
Parties: City of Joondalup and Burbridge Pre-School Committee
Description: Lot 250 Burbridge Avenue, Koondoola
Date: 18.3.99

Document: Easements
Parties: City of Joondalup and Calardo Joondalup P/L
Description: Lots 712 and 717 Onslow Place, Joondalup
Date: 24.3.99

Document: Scheme Amendment
Parties: City of Joondalup and The Minister for Planning
Description: TPS No 1 – Amendment No 761
Date: 24.3.99

Document: Scheme Amendment
Parties: City of Joondalup and The Minister for Planning
Description: TPS No 1 – Amendment No 848
Date: 24.3.99

| | |
|--------------|--|
| Document: | Scheme Amendment |
| Parties: | City of Joondalup and The Minister for Planning |
| Description: | TPS No 1 – Amendment No 833 |
| Date: | 18.3.99 |
| Document: | Deed |
| Parties: | City of Joondalup and The State of Western Australia |
| Description: | Joondalup Festival |
| Date: | 25.3.99 |
| Document: | Contract of Sale |
| Parties: | City of Joondalup and Talport P/L |
| Description: | Lot 11 O'Connor Way, Wangara |
| Date: | 7.4.99 |
| Document: | Withdrawal of Caveat |
| Parties: | City of Joondalup and B J and S A Richards |
| Description: | Lot 4 on Strata Plan 35814 |
| Date: | 1.4.99 |
| Document: | Deed |
| Parties: | City of Joondalup and B J and S A Richards |
| Description: | Lot 4 on Strata Plan 35814 |
| Date: | 1.4.99 |
| Document: | Withdrawal of Caveat |
| Parties: | City of Joondalup and S J and J Mc Dickson |
| Description: | Lot 4 on Strata Plan 35814 |
| Date: | 1.4.99 |
| Document: | Deed |
| Parties: | City of Joondalup and S J and J Mc Dickson |
| Description: | Lot 4 on Strata Plan 35814 |
| Date: | 1.4.99 |
| Document: | Deed of Easement |
| Parties: | City of Joondalup and Energym P/L |
| Description: | Lot 950 Warwick Commercial Park |
| Date: | 12.4.99 |
| Document: | Scheme Amendment |
| Parties: | City of Joondalup and The Minister for Planning |
| Description: | TPS No 1 – Amendment No 851 |
| Date: | 12.4.99 |

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

The Motion was Put and

CARRIED

**CJ121-04/99 DETERMINATION PURSUANT TO CLAUSE 8
OF THE JOONDALUP AND WANNEROO
ORDER 1998 – VESTED RESERVES (MINOR
BUILDINGS) – [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 are being 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 vested reserves which have minor buildings. 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 a period of several months, commencing with vested reserves. Previous reports dealt with vested reserves used as either drainage sumps or public access ways and vacant land, this report deals with vested reserves which have minor buildings. 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 substantially vacant with only minor buildings such as toilets/tennis shelters and are 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 the 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 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.

Attachments A and B to this report list the building asset number only in the description column, therefore, included as attachment C to this report is a list of buildings from the Former City of Wanneroo Fixed Asset Register detailing both the asset number and building description. Cross referencing will assist in the determination of specific minor buildings on each vested reserve.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that:

- 1 the Joint Commissioners REQUEST the Department of Land Administration to amend the vesting of the reserves listed in the attachments to **Report CJ121-04/99**, as follows:**
 - (a) the vested reserves with minor buildings listed in Attachment A be vested in the City of Joondalup;**
 - (b) the vested reserves with minor buildings listed in Attachment B be vested in the Shire of Wanneroo;**
- 2 the amended vestings detailed in 1 above become effective on 1 July 1999.**

The Motion was Put and

CARRIED

Appendix III refers

**CJ122-04/99 ART COLLECTION WORKING PARTY –
[22171]**

SUMMARY

A meeting of the Art Collection Working Party were held on 30 March 1999 and the minutes are submitted for noting by the Joint Commissioners. The Working Party also considered purchase of the following art work:

The Art of Moving by Marcus Beilby for \$5,000.

The Art Collection Working Party has recommended purchase of the art work.

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 works:

| ARTIST | TITLE | MEDIUM | ART GALLERY | PRICE |
|---------------|-------------------|---------------|----------------|---------|
| MARCUS BEILBY | THE ART OF MOVING | OIL ON CANVAS | ARTISTS STUDIO | \$5,000 |
| Total | | | | \$5,000 |

COMMENT/FUNDING

The Consultant recommended purchase of *The Art of Moving* by Marcus Beilby because the work:

- meets the Art Collection profile,
- Marcus Beilby is considered to be one of WA's most important photo-realist painters;

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
Year to Date: \$6,220
Actual Cost: \$5,000
Remaining Budget \$8,780

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners:**1 PURCHASE the following art work for the Art Collection:**

| ARTIST | TITLE | MEDIUM | ART GALLERY | PRICE |
|---------------|-------------------|---------------|----------------|----------------|
| MARCUS BEILBY | THE ART OF MOVING | OIL ON CANVAS | ARTISTS STUDIO | \$5,000 |
| Total | | | | \$5,000 |

at a cost of \$5,000 from Account Number 29471235 - Art Purchases.

2 NOTE the minutes of the Art Collection Working Party held on 30 March 1999.

The Motion was Put and

CARRIED

Appendix IV refers

CJ123-04/99 BICENTENNIAL TRUST - [35452]**SUMMARY**

The Wanneroo Bicentennial Trust Reserve is a fund established by Council to assist and encourage residents of our community who have demonstrated potential or achievement in their chosen field of endeavour, but who face financial restraints to their further development.

This report presents for adoption the 1999 grant allocations totalling \$4,690 recommended by the Board of Trustees.

BACKGROUND

Based to a large extent on the Queen Elizabeth II Silver Jubilee Trust, the Bicentennial Trust aims to assist people to realise their goals and develop their talents to the benefit of the community.

Each year, applications are invited from candidates in the fields of Community Services, Sport, Recreation, Arts, Humanities, Business, Commerce, Science and Technology. Since its inception, the Trust has provided allocations of up to \$10,000 per annum. At its 23 July 1997 meeting, Council increased the amount available for allocation in each year to \$20,000, with a view to allocating all monies prior to the expiration of the Trust in the year 2001.

DETAILS

This year twelve applications were received and considered by the Board of Trustees at its meeting 15 March 1999. Of those, three were recommended for immediate funding.

The Wanneroo Bicentennial Trust Committee, by unanimous resolution, recommends that the Joint Commissioners endorse the following 1999 grant allocations from the Trust Fund:

1. **Mabel Kaplan-** \$1,340 to enable a carer to escort her to a story telling workshop in Sydney. Mrs Kaplan is unable to attend this workshop without assistance as she is severely disabled. Mrs Kaplan is a well known volunteer story teller in the Wanneroo area.
2. **Two Rocks Sea Rescue-** \$850 towards purchase of emergency life jackets to be used in sea rescues.
3. **Kinross Scouts-** \$2,500 towards a youth development camp which incorporates at risk youth.

The recommended allocations total \$4,690.

COMMENT/FUNDING

The City's 1998/99 Budget provides an amount of \$20,000 for allocation through the Bicentennial Trust Programme. Should the Commissioners adopt the recommendations of the Trust Committee \$53,581 will remain in reserve in the Bicentennial Trust Fund.

It should be noted that the Bicentennial Trust guidelines are inconsistent with the recently adopted Community Funding Policy and Interim Community Funding Guidelines. There are areas of duplication and contradictions with other Council funding schemes. The Bicentennial Trust permits the allocation of funding to individuals, which is contrary to the Policy which will come into effect from 1 July 1999 and the Interim Guidelines already adopted. The operation of the Bicentennial Trust should therefore be reviewed so that its operation is consistent with the Community Funding Policy.

Grants currently being distributed are generally for small amounts which was not the original intention. It is considered that the development of a scheme of arrangement is required to look at funding larger scale projects that will bring long term sustainable benefits. For example the Trust could fund major research projects that examine issues that are critical to the development of the community in the region. Funding projects of this nature will then ensure all funds currently held in reserve are the acquitted prior to expiration of the Trust in 2001.

Due to the small number of recipients recommended for funding it is believed that it would be inappropriate to hold a civic function to present the cheques. Instead, as is practise with the Recreation and Cultural Development Funds the cheques will be sent to the grant recipients and promotional photographs organised once the projects are underway.

The work of the members of the Bicentennial Trust should also be recognised. Trust Members all volunteer their time and services to review and assess all the applications. This takes a considerable amount of time and effort.

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

- 1 ADOPT the recommendations of Wanneroo Bicentennial Trust Committee and provide grant allocations from account 32505- Recreation and Cultural Services- Other Cultural Activities – Bicentennial Trust Awards, as follows:**

| | |
|-----------------------------|---|
| Mabel Kaplan | \$1,340 to enable a carer to escort her to a story telling workshop in Sydney. |
| Two Rocks Sea Rescue | \$850 towards purchase of emergency lifejackets. |
| Kinross Scouts | \$2,500 towards a youth camp, which involves at risk youth. |

- 2 NOTE that the Bicentennial Trust guidelines will be reviewed in line with the Community Funding Policy;**

- 3 NOTE that a Scheme of Arrangement will be developed for the distribution of funds held in the Bicentennial Trust prior to the Trust's expiration in 2001 for consideration by the Joint Commissioners;**

- 4 THANK each community member of the Bicentennial Trust, being:**

- . Father Patrick Boyle**
- . Ms Jean Powell**
- . Mrs Ruth Reid**
- . Ms Dawn Chivers**
- . Mr Nick Trandos**
- . Mr Bob Fawcett**
- . Mr Bill Jeffrey**
- . Mr Robert Augustin**
- . Mr David Carvosso**
- . Mr Joe Hawkins**

for their assistance and contribution to community development through their involvement in the Bicentennial Trust.

The Motion was Put and

CARRIED

CJ124-04/99 RECREATION DEVELOPMENT FUND - [39407]

SUMMARY

The Recreation Development Fund Assessment Panel met on 16 March 1999 and selected those applicants considered worthy of support in the 1998/99 funding round.

It is recommended that the Assessment Panel recommendations for grants totalling \$11,128 be adopted.

BACKGROUND

The Recreation Development Fund was established in 1995. Its aims and objectives are:

- To facilitate and ensure effective citizen involvement in community groups, civic events and innovative sporting and recreational programmes;
- To extend the current level of participation in sport and recreation in the community;
- Positively contribute to the well being of the community;
- Disburse City funds to organisations that warrant support in accordance with funding criteria;
- Ensure the full value is obtained for each dollar provided in financial assistance by the City;
- Evaluate all submissions equitably; and
- Ensure all recipients of funds are held accountable for results targeted.

DETAILS

This year nineteen applications were received and considered by the Panel at its 16 March 1999 meeting. Of the nineteen applications, seven were recommended for immediate funding and three were recommended for reduced or conditional funding.

The Recreation Development Fund Panel has recommended that the Joint Commissioners approve the following 1999 grant allocations:

1. **Kingsway Little Athletics:** \$200 to hold an interclub competition
2. **First Wanneroo Scout Group:** \$1,974 for a youth adventure camp
3. **Wanneroo Soft Crosse:** \$1,429 to hold an interclub competition
4. **Craigie Leisure Centre:** \$2,000 to hold an extreme sports youth day
5. **Northern Districts Cycling Club:** \$3,000 for teach the teacher cycling safety training
6. **Northern Callisthenics Association:** \$600 for teach the teacher training
7. **Connolly Little Athletics:** \$1,050 for teach the teacher training

Additionally the Panel recommends the following three applicants receive funding reduced from their original application:

1. **Simon Peters Junior Hockey:** \$1,250 for junior referee training and player development coaching. The \$2,000 requested was reduced because capital equipment is not funded.
2. **Marmion Angling and Aquatic Club:** \$300 for teach the teacher training. The \$600 requested was reduced because the Club did not provide for any of the funding themselves which is a requirement of the Fund.
3. **Woodvale Little Athletics:** \$325 for professional coaches. The \$1,950 requested was reduced to cover the coaching and equipment hire and then halved so that the Club makes a dollar for dollar contribution.

The recommended allocations total \$11,128.

Applications Not Recommended For Funding

Joondalup City Soccer Club, requested \$2,016

Project Description: requested funding for equipment and ground fees for their 1999 soccer season.

Assessment: The panel noted that the guidelines for the Recreation Development Fund are clear and do not provide funding for normal operating costs of a Club.

Warwick Junior Football Club, requested \$250

Project Description: requested funding to hold a social function for a visiting team.

Assessment: The panel assessed that the guidelines once again prevented funding for this group as a one-off social was not seen to promote the sport in anyway.

Joondalup Districts Rugby Club requested, \$2,000

Project Description: requested funding to build extension on to their clubrooms.

Assessment: the panel agreed that this submission was seeking funds for a capital works project. As projects of this nature are not funded through the Recreation Development Fund the panel did not support its funding.

Wanneroo Lacrosse Club requested, \$2,490

Project Description: requested funding to relocate teams to the Arena Joondalup.

Assessment: funding normal club operating costs was outside the Fund guidelines.

Wanneroo Town Site Community Group, requested \$2,000

Project Description: funding requested to run a free New Year's Eve party for the residents of Wanneroo.

Assessment: the panel assessed that the party did not fit the Recreation Development Fund guidelines as it did not create or promote recreational opportunities.

PYRO Youth Group requested: \$1,800

Project Description: funding requested to take young people on a canoe trip

Assessment: the panel assessed that the money requested was to purchase canoes; being a capital equipment purchase the project should not be funded as it was outside the guidelines.

Women's Healthworks, requested \$2,000

Project Description: funding requested to subsidise the cost of running Tai Chi classes for women

Assessment: the panel assessed that as this is an existing programme, funding should not be granted.

Jay's Hockey Club, requested \$630

Project Description: funding requested for equipment to run a hockey development programme for young people.

Assessment: the panel assessed that funding could not be provided as the request was for equipment, which is outside the Fund guidelines.

Mullaloo Primary School, requested \$1,100

Project Description: funding requested for a native fauna renewal project.

Assessment: the panel recommended referring this application to the Community Environmental Grant Scheme as it was more likely to be funded under that scheme.

COMMENT/FUNDING

The Recreation Development Fund guidelines conform to the Interim Community Funding guidelines ensuring that there is adequate accountability for the funds to be distributed. Successful applicants are required to submit project and financial reports within one month of completion of the project.

Further development of the guidelines is being undertaken to ensure the Recreation Development Fund is consistent with and fully integrated into the Community Funding Policy currently being further developed.

The Panel members were required to declare if they held a pecuniary interest in any of the grant submissions. No declarations were made by any panel member.

The work of the members of Assessment Panel should also be recognised. The panel members all volunteer their time and services to review and assess all the applications. This takes a considerable amount of time and effort.

The City's 1998/99 budget provides an amount of \$28,000 for allocation through the Recreation Development Fund. Should the Commissioners adopt the recommendations of the Panel, \$16,872 will remain in the Fund.

The Mullaloo Primary School grant submission has been referred for consideration under the Community Environmental Grant Scheme.

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

- 1 ADOPT the recommendations of the Recreation Development Fund Panel and provide grant allocations from account 31160133 as follows:**

| | |
|---|--|
| Kingsway Little Athletics | \$200 - interclub competition |
| First Wanneroo Scout Group | \$1,974 - youth adventure camp |
| Wanneroo Soft Crosse | \$1,429 - interclub competition |
| Craigie Leisure Centre | \$2,000 - an extreme sports youth day |
| Northern Districts Cycling Club | \$3,000 - teach the teacher cycling safety training |
| Northern Callisthenics Association | \$600 -teach the teacher training |
| Connolly Little Athletics | \$1,050 - teach the teacher training |
| Simon Peters Junior Hockey | \$1,250 - coaching |
| Marmion Angling and Aquatic Club | \$300 - teach the teacher training |
| Woodvale Little Athletics | \$325 - coaching programme |

Totalling \$11,128

- 2 THANK each member of the Assessment Panel, being:**

- . **Mr Dean Solly**
- . **Mr Greg O'Day**
- . **Mr Milton Sanders**

for their assistance and contribution to the development of recreation through the Recreation Development Fund Assessment Panel.

The Motion was Put and

CARRIED

**CJ125-04/99 1999-2000 CULTURAL DEVELOPMENT FUND
- [30690]**

SUMMARY

The Cultural Development Fund Assessment Panel met on Monday 29 March 1999 and selected applicants considered worthy of support in the 1999-2000 funding round.

It is recommended that the Assessment Panel recommendations for grants totalling \$15,379 be adopted.

BACKGROUND

The fund was established in 1995, its aims and objectives being to:

- extend and support the level of participation in cultural activities within the community.
- increase the number and variety of cultural opportunities in the municipalities.
- assist in the improvement of community recreation.
- positively contribute to the well being of the community.

DETAILS

This year eighteen applications were received and considered by the Panel at its meeting on 29 March 1999. Of the eighteen, seven were recommended for the full funding requested and three were recommended for reduced funding.

The Cultural Development Fund Panel has recommended that the Joint Commissioners approve the following 1999 grant allocations:

1. **Beaumaris Primary School:** \$2,000 for a mural art project
2. **African Australian Advancement Centre:** \$2,000 for craft and visual art workshops
3. **Mullaloo Height Primary School:** \$850 for a mural art project
4. **Greenwood Senior High School:** \$1,310 for a visual & performing arts night
5. **Storytelling Guild of Australia (WA):** \$2,000 for a seniors storytelling program
6. **Peter Cowan Writers Centre:** \$2,000 for the publication of a local anthology
7. **Challenge Brass Band:** \$1,959 for a weekend workshop with a band clinician

Additionally, the Panel recommends the following three applicants receive funding reduced from their original application:

- 1 **Camberwarra Primary School:** \$1,450 for a mural art project. The \$2,000 requested was reduced because part of the application requested funds for out of school planning and additional staff, which is not funded.
- 2 **Padbury Senior High School:** \$1,000 for Irish Dance workshops. The \$1,500 requested was reduced because a condition of funding requests a dollar for dollar contribution from the applicant. Funding is, therefore, conditional on the school contributing \$1,000 to the program.
- 3 **East Greenwood Primary:** \$810 for a program of multicultural activities. The \$2,000 requested was reduced because part of the application requested funds for two regular school events, which are not funded.

The recommended allocations total \$15,379.

Applications not recommended For Funding

The Western Australian Children's Orchestra, requested \$2,000

Project Description: Annual program for the Western Australian Children's Orchestra to practise at Beaumaris Primary School and perform at senior citizen's retirement homes, culminating with a special Christmas concert played at three to four locations.

Assessment: The panel agreed that this application was for an on-going program, which is not funded. The panel recommended that the applicant should seek further sources of income and apply next year for a more specific activity, i.e. an artist-in-residence to develop the children's ability.

The City Entertainers, requested \$1,757

Project Description: Annual production for 1999 with special request to purchase a video camera, tripod and mini disk recorder.

Assessment: The panel agreed that the applicant was seeking funds for capital equipment, which is not funded.

Beldon Scottish Country Dancers requested \$1,100

Project Description: A three-day dance workshop for local residents to be held at Landsdale Farm School.

Assessment: The panel assessed that the application was insular in framework and offered no links or benefits to the wider community. The panel encouraged the applicant to apply next year, incorporating more community involvement.

Kinross Primary School requested \$2,000

Project Description: A series of inter-generational and environmental projects & activities for the school population extending to community groups.

Assessment: The panel assessed that the cultural development content of the application was minimal and that it had an environmental focus rather than a cultural focus.

Beldon Community Centre Inc. requested \$2,380

Project Description: A thanksgiving service and open day with exhibitions and displays.

Assessment: The panel assessed that the application was insular in its framework and would not generate significant benefits in the wider community.

Wanneroo Townsite Community Group requested \$2,377

Project Description: A free New Years Eve family community celebration at the Wanneroo Showgrounds.

Assessment: The panel assessed that the application failed to demonstrate any cultural development aspects of the proposed event.

Neerabup Primary School requested \$2,000

Project Description: Dance program for all 190 students in the school.

Assessment: The panel assessed that the application failed to demonstrate any cultural development aspects or wider community involvement.

Kurds Australian Association of WA requested \$2,000

Project Description: Kurdish Clothing Workshop

Assessment: The panel found the application to be incomplete and was unable to fully assess the proposed project.

COMMENT/FUNDING

The Cultural Development Fund guidelines conform to the Interim Community Funding guidelines ensuring that there is adequate accountability for the funds to be distributed. Successful applicants are required to submit project and financial reports within one month of completion of the project.

Further development of the guidelines is being undertaken to ensure the Cultural Development Fund is consistent with and fully integrated into the Community Funding Policy currently being further developed.

The City's 1998/99 budget provides an amount of \$26,970 for allocation through the Cultural Development Fund. Should the Commissioners adopt the recommendations of the Panel, \$11,591 will remain.

The Panel members were required to declare if they held a pecuniary interest in any of the grant submissions. No declarations were made by any panel member.

The work of the members of Assessment Panel should also be recognised. The panel members all volunteer their time and services to review and assess all the applications. This takes a considerable amount of time and effort.

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

- 1 ADOPT the recommendations of the Cultural Development Fund Panel and provide grant allocations from account 32151133 as follows:**

| | |
|---------------------------------------|--|
| Beaumaris Primary School | \$2,000 - mural art project |
| African Australian Advancement Centre | \$2,000 - craft and visual art workshops |
| Mullaloo Height Primary School | \$850 - mural art project |
| Greenwood Senior High School | \$1,310 - visual & performing arts night |
| Storytelling Guild of Australia (WA) | \$2,000 - seniors storytelling program |
| Peter Cowan Writers Centre | \$2,000 - publication of a local anthology |
| Challenge Brass Band | \$1,959 - weekend workshop with band clinician |
| Camberwarra Primary School | \$1,450 - mural art project |
| Padbury Senior High School | \$1,000 - Irish Dance workshops |
| East Greenwood Primary | \$810 - programme of multicultural activities. |

Totalling \$15,379;

2 THANK each community member of the Assessment Panel, being:

- **Mr Chris Waddell**
- **Ms Yvonne Coutts**
- **Ms Julia Wren**
- **Ms Janey Emery**
- **Mr John Simpson**

for their assistance and contribution to cultural development through the Cultural Development Fund Assessment Panel.

The Motion was Put and

CARRIED

**CJ126-04/99 WARRANT OF PAYMENTS FOR THE PERIOD
TO 31 MARCH 1999 - [09882]**

WARRANT OF PAYMENTS TO JOINT COMMISSIONERS ON 27 APRIL 1999
INCORPORATING PAYMENTS FOR THE MONTH OF MARCH 1999

SUMMARY

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

BACKGROUND

| FUNDS | VOUCHERS | AMOUNT |
|--|----------------------|------------------------|
| | | \$ c |
| Director Resource Management Advance Account | 8729-9906 | 7,668,990.25 |
| Municipal | 000104-000111 | 9,616,849.61 |
| Trust | 000010-000011 | 184.05 |
| Reserve Account | 000015-000016 | 578,550.51 |
| | TOTAL \$ | \$17,864,574.42 |

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of March 1999, the amount was \$557,005.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$17,864,574.42 which is to be submitted to each Joint Commissioner on 27 April 1999 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

JOHN ROBARTSON
Acting Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$17,864,574.42 submitted to the Joint Commissioners on 27 April 1999 is recommended for payment.

.....
Commissioner Campbell Ansell

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners PASS FOR PAYMENT the following vouchers, as presented in the Warrant of Payments to 31 March 1999, certified by the Chairman of Commissioners and Director Resource Management, and totalling \$17,864,574.42.

| FUNDS | VOUCHERS | AMOUNT |
|--|---------------|---------------------------|
| | | \$ c |
| Director Resource Management Advance Account | 8729-9906 | 7,668,990.25 |
| Municipal | 000104-000111 | 9,616,849.61 |
| Trust | 000010-000011 | 184.05 |
| Reserve Account | 000015-000016 | 578,550.51 |
| | TOTAL | \$ \$17,864,574.42 |

The Motion was Put and

CARRIED

Appendix V refers

CJ127-04/99 SPECIFIED AREA RATING - [15974]

SUMMARY

This report considers the implications of introducing **Specified Area Rating** to recover additional costs where an enhanced landscape level is required by the landowners for a specific area. It recommends a trial specified area rating system be introduced for the 1999/00 financial year for the Iluka area and that it be accepted, in principle, that a similar system be introduced for Harbour Rise, Hillarys once the development is completed..

BACKGROUND

Over a period of years Council has considered the various options for funding an enhanced standard of landscaping in specific suburbs. Being a contentious issue, no policy has to date been formulated.

DETAILS

The Local Government Act 1995 provides various options for the funding of Local Government services:-

1. Funding Direct from the General Rate Revenue - Section 6.33.
2. Raising Funds via a Specified Area Rate - Section 6.37.
3. Raising of Funds via Service Charges - Section 6.38.

1. Funding direct from General Rate Revenue

The City has, since 1985/86, operated a system of differential rating where municipal rates have been levied according to land zoning and whether the land is improved or not. Over more recent years the ability to levy rates on land usage has been permitted. Section 6.33 (1) of the Local Government Act 1995 permits differential general rates to be levied on a number of characteristics such as land zoning, land use, whether the land is improved or vacant or a combination of these. Rates raised by differential general rates form part of the City's general rate revenue and may be applied to finance the City's functions/services.

2. Raising Funds via Specified Area Rate

Unlike general rates, which are not tied to any specific project, the specified area rate is directly associated with corresponding expenditure for a work/service.

The provisions of Section 6.37 of the Local Government Act 1995 enable a local government to:-

- Impose a specified rate on rateable land within a portion of its district for the purpose of meeting the cost of a specific work, service or facility if, in the opinion of the local government, the ratepayers or residents within that area:-
 - (a) have benefited or will benefit from
 - (b) have access to or will have access to; or
 - (c) have contributed or will contribute to the need for that work service or facility.
- Use the funds from a specified area rate **only** for the purpose for which the rate is imposed.

The Local Government Act 1995 also places stringent accounting requirements upon the local government to adequately and appropriately account for the funds raised and expended. Any surplus funds raised by this mechanism are to be repaid at the end of the year, carried forward to the next financial year, or placed into a reserve account. Likewise, any deficit is to be carried forward against the project or programme with the appropriate financial adjustments to be undertaken in the next year.

It is important to note three matters associated with this mechanism of raising funds:-

- (a) The specified area rate is in **addition** to the normal rate.
A hypothetical example is as follows:-

1998/99 Rates

PROPERTY 1

| | | |
|----------------------------|--|-----------------|
| General Rate | \$6,500 GRV x 0.07205 cents in \$ = | \$468.32 |
| Specified Area Rate | \$6,500 GRV x 0.100 cents in \$ = | \$65.00 |
| | | <u>\$533.32</u> |

PROPERTY 2

| | | |
|----------------------------|---|-------------------|
| General Rate | \$15,000 GRV x 0.07205 cents in \$ = | \$1,080.75 |
| Specified Area Rate | \$15,000 GRV x 0.100 cents in \$ = | \$150.00 |
| | | <u>\$1,230.75</u> |

The above example illustrates that the owner of property 1 pays far less as a contribution towards the enhanced standard of landscaping than the owner of property 2.

- (b) The amount raised is via a rate in the \$ (and not a levy) and thus the contribution by each property will vary in accordance with the valuation of the property, ie **a shopping centre** with a high value will pay many times more than a normal house.

- (c) There is a **considerable degree of accounting required** to accommodate the legislative requirements.

Philosophical Arguments

1. The owners of property 2 (or a shopping centre) may well query what extra benefit they are receiving from the specified area rate, as compared to the owner of property 1. They may well argue that a flat charge paid by all owners is preferable.
2. Owners may also complain that the GRV's already take into account the enhanced standard of landscaping and question why should they pay more. Owners in the more enhanced areas may compare their general rates with those in areas which are not enhanced, and come to a conclusion that they pay higher general rates to obtain the enhanced landscaping.
3. The owner of a property who does not directly benefit from enhancements such as entry statements, lakes, developed parks, etc, may well query why he has to contribute at all by way of a specified area rate.

Another method of funding the enhanced level of landscaping is by way of a **voluntary property owner levy**. This method has been trialled in Woodvale Waters. Problems associated with this method are:-

- (a) management of the scheme and
- (b) the voluntary nature of the levy.

This method does, however, allow the residents to control most aspects of the work, including priorities and quality. It also has the advantage of encouraging community spirit.

3. Raising of Funds via Service Charges

Section 6.38 of the Local Government Act 1995 permits a local government to impose on owners and occupiers of land within the district or defined part of the district a service charge for a financial year to meet the cost of providing a prescribed service. At this point, however, the only services (to which this funding mechanism applies) which have been prescribed in Clause 54 of the Local Government (Financial Management) Regulations 1996 are the provision of:-

- (a) Television and radio broadcasting.
- (b) Volunteer bush fire brigades;
- (c) Underground electricity; and
- (d) Property surveillance and security.

A letter from the Minister for Local Government dated 2 February 1999 stated that the Minister considered "it would not be desirable to contemplate prescribing landscaping as a purpose for which a service charge could be imposed."

This option is not therefore available for the purpose of enhanced landscaping.

COMMENT/FUNDING

In considering a specified area rate the Joint Commissioners should take into account philosophies such as:-

- (a) the ability to pay and equity principles - the residents who receive the benefits of the services, do not necessarily pay for them;
- (b) the benefit principle (user pays) - those who use services pay for them; and
- (c) the cost of service principle - all ratepayers are charged a uniform levy based on the total cost of providing a service, whether they use the service or not.

Are rates to be seen as a tax for general revenue purposes only and thus not closely linked to benefits?

The Commissioners should also be aware that specified area rating involves higher administrative effort and costs.

- The funds raised must only be used for the specified area and there must be strict accountability of those funds. Expenditure in the specified area must likewise be strictly and accurately recorded.
- Should there be a surplus of revenue over expenditure in a particular year, this must either be placed in a reserve or carried forward to the next financial year.
- Likewise, any deficit must be carried forward against the project with the appropriate adjustments being made in the next financial year.

As the number of specified area rates increase, it may result in the need for further resources to administer and control these accounts.

There also may be problems distinguishing between the works relating to the specified area rate and general works (ie works covered by the general rate).

It is accepted that the funding of enhanced landscaping and “additional” facilities via a specified area rate is gathering momentum in local governments on the metropolitan fringe where developers are enhancing landscaping treatments prior to marketing the land. The introduction of specified area rating in selected areas is inevitable. Accepting this, it is considered appropriate that the Joint Commissioners introduce a trial scheme for the City of Joondalup.

Iluka

The Iluka Home Owners Association is currently in the process of becoming an incorporated body. The aim of the Association is to ensure the high standard of maintenance of the Beaumaris Beach Estate parks and reserves, garden, road features, foreshore reserve facilities and other facilities.

A number of meetings have been held by property owners and there appears to be a consensus to proceed with funding the enhanced landscaping etc by way of a specified area rate.

It is therefore recommended that a trial specified area rating scheme of the area defined as the Beaumaris Beach Estate be introduced for the 1999/2000 financial year.

A financial model has been built detailing:-

1. the works to be included in the area (please refer to attached map)
2. the approximate costs associated with the works
3. the rate needed to recoup the cost of the works

A map of the proposed area is attached - refer Attachment 1.

COST RECOVERY

The enhanced landscaping costs of \$159,280 (refer Attachment 2) represent the difference between what the City would normally provide by way of landscaping (\$103,620) and that which the residents require (\$262,900).

Total gross rental values of properties in the prescribed area \$5,301,702

GRV rate in \$ to recover costs = $\frac{159,280}{5,301,702} = \0.03004 cents

Examples of general rates plus specified area rates for Iluka (based on current rate in \$):

| | | | | \$ |
|----|---|---|------------------------|-------------------|
| a) | 8 Muri Cove - GRV \$11,752 | | | |
| | General Rate | : | \$11,752 GRV x 0.07205 | = 846.73 |
| | Specified Area Rate | : | \$11,752 GRV x 0.03004 | = <u>353.03</u> |
| | | | | <u>\$1,199.76</u> |
| b) | 6 Muri Cove - GRV \$4,000 | | | |
| | General Rate | : | \$4,000 GRV x 0.07205 | |
| | | | minimum rate | = 391.00 |
| | Specified Area Rate | : | \$4,000 GRV x 0.03004 | = <u>120.16</u> |
| | | | | <u>\$511.16</u> |
| c) | 116 Naturaliste Boulevard - GRV \$2,400 | | | |
| | General Rate | : | \$2,400 GRV x 0.07205 | |
| | | | minimum rate | = 391.00 |
| | Specified Area Rate | : | \$2,400 GRV x 0.03004 | = <u>72.09</u> |
| | | | | <u>\$463.09</u> |
| d) | 34 Savannah Way - GRV \$10,192 | | | |
| | General Rate | : | \$10,192 GRV x 0.07205 | = 734.33 |
| | Specified Area Rate | : | \$10,192 GRV x 0.03004 | = <u>306.16</u> |
| | | | | <u>\$1,040.49</u> |

e) Mode - GRV \$8,320

| | | | | |
|---------------------|---|-----------------------|---|-----------------|
| General Rate | : | \$8,320 GRV x 0.07205 | = | 599.46 |
| Specified Area Rate | : | \$8,320 GRV x 0.03004 | = | <u>249.93</u> |
| | | | | <u>\$849.39</u> |

f) 449 Burns Beach Road - GRV \$479,909 (en globo lot)

| | | | | |
|---------------------|---|-------------------------|---|--------------------|
| General Rate | : | \$479,909 GRV x 0.07205 | = | 34,577.44 |
| Specified Area Rate | : | \$479,909 GRV x 0.03004 | = | <u>14,416.46</u> |
| | | | | <u>\$48,993.90</u> |

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

- 1 in accordance with the provisions of Section 6.37 of the Local Government Act 1995 INTRODUCE as a trial for the 1999/00 financial year, a specified area rating system for the Iluka area bounded by Shenton Avenue, Marmion Avenue, Burns Beach Road, Ocean Parade and the Indian Ocean as detailed on Attachment 1 to Report CJ127-04/99;**
- 2 AGREE that the trial of specified area rating be closely monitored with the view to preparing a report to the Minister of Local Government on its appropriateness as compared to a service charge.**

Cmr Clark-Murphy spoke in support of the Motion, commenting that the introduction of a trial specified area rating system was the first of its type for the City and that numerous meetings had been held with the Iluka Home Owners Association who were very keen to proceed with the trial.

Cmr Morgan spoke in support of the Motion, congratulating the Iluka Home Owners Association on its initiative in supporting the implementation of the trial of a specified area rating system. Cmr Morgan believed this would enable them to maintain a high standard of maintenance of the Beaumaris Beach Estate parks and reserves at a fairly substantial cost to the individuals involved. Cmr Morgan hoped the trial would be successful and that it would be adopted by other organisations.

The Motion was Put and

CARRIED

Appendix VI refers

**CJ128-04/99 FINANCIAL REPORT FOR THE PERIOD
ENDED 31 MARCH 1999 - [07882]**

SUMMARY

The Management Reports for the nine months ended 31 March 1999 are appended for consideration - Attachments A refers. Statutory reports for the same period are appended in Attachment B.

With 9 months (75%) of the financial year expired, trends indicate that there will be some budgetary adjustments necessary. The majority of these have been reported in the Budget Review.

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

It should be noted that contributions to infrastructure assets will be brought to account at 30 June 1999.

Revenues

Although rating revenue is brought to account when the rates are levied due to accrual accounting requirements, the Municipal Fund Summary of Financial Activity report (Attachment A, Segment 1) has been adjusted to reflect the position as at 31 March 1999, ie \$32,283,835. The accrued portion, \$8,208,515, has been shown separately.

Interest earnings are slightly above budget and should end the year with a slight surplus.

Interim rates have been processed up to date. The Valuer General is still experiencing problems with the new computer system, but it is anticipated that a number of interim valuations will be received by the end of the month.

The non-operating income actual as compared to budget YTD is down due to the following revenue being outstanding:-

- Dual use path - Perth Bicycle Network Plan
- Davallia Primary School
- Traffic treatment - schools
- Beach Road
- Iluka Oval and Sports Area
- St John Ambulance - ambulance replacement
- Woodvale/Kingsley Day Care
- Ministry of Sports - Greenwood Cricket Club

Follow up action to ensure that this revenue is accounted for prior to 30 June 1999 has commenced.

Expenditures

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

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

Technical Services

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

- Marmion Avenue Dualling
Kinross Southern Section – work to be completed in June.
- Mindarie Northern Section – construction planned May to October.
- Drainage (various locations)
Currently design work is being carried out, with works programmed for construction during April/May.
- Traffic Management (Craigie Drive and West Greenwood)
West Greenwood programmed for construction in April and Craigie Drive in May.
- Hodges Drive Dualling
Main Roads will install traffic lights in April – final sealing stage May.

Community Development

- Woodvale/Kingsley Day Care Centre (for completion end of April 1999)

Resource Management

Capital expenditure is below YTD budget figure due to payments still to be made on:-

- Computer software and equipment - Oracle
- Computer software and equipment - Payroll

RATES

Rates **levied** for the year were \$33,431,500.

Rate collection as at 31 March 1999 was \$30,076,447 which represented 84.6% of the **total rates due**. While not a direct comparison the rate collection position at the corresponding period for the former City of Wanneroo in previous years was:-

| | |
|---------|-------|
| 1989/90 | 91.5% |
| 1990/91 | 91.0% |
| 1991/92 | 91.6% |
| 1992/93 | 92.5% |
| 1993/94 | 92.7% |
| 1994/95 | 92.6% |
| 1995/96 | 92.8% |
| 1996/97 | 92.6% |
| 1997/98 | 86.9% |

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

| | Issue Date | Collection | Discount |
|-----------|------------|------------|----------|
| Canning | 3/09/98 | 83.0% | - |
| Wanneroo | 11/09/98 | 80.8% | 5.0% |
| Bayswater | 2/07/98 | 96.5% | - |
| Mundaring | 26/07/98 | 90.0% | 2.5% |

The final instalment notices (approximately 10,000) were issued on 18 March 1999 and are due and payable by 23 April 1999. This will increase the rate collection during April and reflect in the figures at the close of the month.

REFUSE

The total refuse levied for 1998/99 was \$5,910,236 with total refuse outstanding at 31 March 1999 being \$168,433 indicating a collection of 97.2%. Again, while not a direct comparison collections in previous years for the former City of Wanneroo were:-

| | |
|---------|-------|
| 1992/93 | 95.1% |
| 1993/94 | 96.3% |
| 1994/95 | 96.2% |
| 1995/96 | 96.9% |
| 1996/97 | 96.9% |
| 1997/98 | 96.1% |

SWIMMING POOL INSPECTION FEES

The amount levied for swimming pool inspection fees in the 1998/99 financial year was \$118,757. At 31 March 1999 \$2,119 or 1.8% remained outstanding.

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

INTEREST ON INVESTMENT

The City's interest earnings to 31 March 1999 was \$1,769,009 (86% of budget figure) compared to an annual budget of \$2,055,109. It is to be recognised that included in these figures is the earnings of \$761,182 on the Reserve Accounts.

At 31 March 1999 the City's investment portfolio, including Reserves, was as follows:-

| | \$ | % |
|---------------------------|---------------------|----------------|
| AMP Managed Treasury | 8,245,329 | 14.91 |
| Bankers Trust Cash Plus | 11,753,505 | 21.25 |
| Commonwealth Bank (CDA's) | 1,806,921 | 3.27 |
| CBA Cash Fund | 8,281,650 | 14.97 |
| NMFM Cash Enhanced | 15,258,938 | 27.59 |
| Trust West Treasury | 9,791,358 | 17.70 |
| Trust West Cash Enhanced | 75,844 | 0.14 |
| PBS (in liquidation) | 95,266 | 0.17 |
| | \$55,308,811 | 100.00% |

A more detailed presentation of Council's investment portfolio at 31 March 1999 is shown on Attachment A, Segment 3.

BUILDING LICENCE FEES

Fees to 31 March 1999 were \$524,747 against a budgeted \$715,000. The collections in this area at 31 March are 73% of budget against a year to date budget of 75%.

DEVELOPMENT APPLICATION FEES

Development Application Fees have far exceeded budget expectations (budget \$70,000 as against YTD actual \$185,615). On current results this will provide a surplus of \$180,000 by 30 June 1999.

Structures for these fees were changed just prior to completion of the 1998/99 budget and as there was no previous experience relating to fee revenue under the new structure an estimate of \$70,000 was budgeted. This has proved to have been greatly underestimated.

SUB DIVISION CLEARANCE FEES

Fees for this area of Council activity have exceeded budget estimates (YTD actual \$26,935 compared with a budgeted \$8,000). On current estimates this will provide a surplus of approximately \$29,000 by 30 June 1999.

RECREATION FACILITIES

Craigie Leisure Centre

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

| | Annual Budget | Year to Date Budget (75%) | Year to Date Actual |
|------------------------------|-------------------|---------------------------|---------------------|
| | \$ | \$ | \$ |
| Administration | - | - | - |
| Pool | 56,822 | 42,617 | 83,707 |
| Sports/Functions | 111,173 | 83,380 | 107,272 |
| Fitness Centre | (238,053) | (178,540) | (133,821) |
| Aerobics | (52,609) | (39,457) | (32,078) |
| Kiosk | (34,113) | (25,585) | (21,887) |
| Creche | 87,925 | 65,944 | 66,134 |
| Total Surplus/Subsidy | (\$68,855) | (\$51,641) | \$69,327 |

Net subsidy \$69,327

The Council's budget provides for an operating surplus of \$68,855 for this complex for the whole of the 1998/99 year. At 31 March 1999 there is a subsidy of \$69,327.

By way of comparison the net surplus for the corresponding period last year was \$724.

Attendances to 31 March 1999 were 623,500 compared with 602,821 for the corresponding period last year. This reflects an increase in numbers of around 20,700.

Leisure Centres

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

| | | Income | Expenditure | Council Contribution | Return |
|-------------------|-------------------|------------------|--------------------|----------------------|-------------|
| | | | \$ | \$ | % |
| Ocean Ridge | BUDGET | 304,400 | 346,979 | 42,579 | 87.7 |
| | YTD BUDGET | 228,300 | 260,234 | 31,934 | |
| | ACTUAL | 168,550 | 270,439 | 101,889 | 62.3 |
| Sorrento/Duncraig | BUDGET | 288,920 | 366,196 | 77,276 | 78.9 |
| | YTD BUDGET | 216,690 | 274,647 | 57,957 | |
| | ACTUAL | 194,677 | 280,955 | 86,278 | 69.3 |
| Wanneroo | BUDGET | 127,340 | 279,913 | 152,573 | 45.5 |
| | YTD BUDGET | 95,505 | 209,935 | 114,430 | |
| | ACTUAL | 79,851 | 165,652 | 85,801 | 48.2 |
| Warwick | BUDGET | - | 173,761 | 173,761 | 100.0 |
| | YTD BUDGET | | 130,321 | 130,321 | |
| | ACTUAL | | 173,445 | 173,445 | 100.0 |
| TOTAL | BUDGET | \$720,660 | \$1,166,849 | \$446,189 | 61.8 |
| | YTD BUDGET | \$540,495 | \$875,137 | \$334,642 | |
| | ACTUAL | \$443,078 | \$890,491 | \$447,413 | 49.8 |

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

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

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

RESERVE ACCOUNTS

Aggregate account balances of Council's reserves at 31 March 1999 was \$28,824,824.

TRUST FUNDS

Balances at 31 March 1999 were:

| | |
|---------------------------------|-------------|
| Unclaimed Salaries and Wages | \$1,733.09 |
| Unclaimed Monies | \$50,645.00 |
| Yanchep/Two Rocks Community Bus | \$78,989.00 |

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Financial Reports for the period ended 31 March 1999 be NOTED.

The Motion was Put and

CARRIED

Appendix VII refers

CJ129-04/99 LOCAL GOVERNMENT INSURANCE SERVICES BOARD OF MANAGEMENT - [00033]

SUMMARY

As a consequence of a restructuring of the Local Government Self Insurance Schemes in 1998, a single Board of Management has been established. In addition the size of the Board membership has been reduced to 11 members. In accordance with this restructuring of the four Board members whose terms expire in June 1999, only two will be refilled.

The Director of Resource Management, John Turkington, an inaugural Board member of Municipal Workcare is one of the four Board members whose term expires in June 1999. He is prepared to renominate for the position of Board member for a further period of four years.

In view of his valued contributions to Board deliberations WAMA would welcome the City of Joondalup renominating him to continue to serve as a Board member.

BACKGROUND

In 1995 WAMA established two self insurance schemes:-

- Municipal Workcare
- Municipal Liability

Municipal Workcare manages workers compensation insurance with Municipal Liability managing public liability and professional indemnity insurance. Each had a Board of Management consisting of 9 members.

In early May 1998 an independent review of the schemes was undertaken. This review recommended changes to the Board structure and meeting arrangements.

The review recommended, (and WAMA through its Member Services Committee, endorsed the recommendation):-

- a combined Board
- a reduction in the number of Board members by “natural attrition”. This would reduce the Board to 11 members.

In line with this restructuring WAMA resolved that of the four Board members whose term expires in June 1999 only two would be refilled.

The Director Resource Management, John Turkington, was an inaugural Board member of Municipal Workcare. He is one of the four Board appointees whose term expires in June 1999. He has indicated he is prepared to renominate for the position of Board member for a further period of four years.

In support of this application WAMA has indicated that Mr Turkington’s contribution to Board deliberations has been a valuable one and would welcome the City of Joondalup renominating him to continue to serve as a Board member.

DETAILS

Member councils are entitled to submit nominations for these vacancies.

Local Government Insurance Services Board of Management oversees the Municipal Workcare Group Self Insurance and the Municipal Liability Group Self Insurance Schemes.

It is seeking an elected member or serving officer with:-

- a business management approach to the monitoring and controlling of a major commercial operation (senior business management experience would be a decided advantage)
- the ability to understand insurance and management concepts and procedures
- committed approach to a cooperative self management approach to Local Government liability and workcare compensation risks.

The term of appointment is for four years commencing 30 June 1999.

Board members are remunerated at a fee of \$600 per meeting with 10 Board meetings scheduled per annum. Mr Turkington's remuneration is paid direct to the City of Joondalup and consequently he derives no financial benefit as a member of the Board.

COMMENT/FUNDING

In view of his past involvement, knowledge and contribution made it is recommended that the Director Resource Management, Mr Turkington, be renominated to the Local Government Insurances Board of Management for a four year term commencing 30 June 1999.

The Director, Resource Management declared an interest in this item as he is being nominated as a member of the Local Government Insurances Board of Management.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners NOMINATE the Director of Resource Management, Mr John Turkington, as a member of the Local Government Insurances Board of Management for a four year term commencing 30 June 1999.

The Motion was Put and

CARRIED

CJ130-04/99 VEHICLES PURCHASES EXECUTIVE VEHICLES MODEL UPGRADE TENDER NUMBER 168-96/97 (20087)

SUMMARY

The City's 1998/99 budget provided for the change over of executive vehicles, as detailed in Tender 168-96/97. Due to the upgrade of Fairlane sedans Titan Ford sought acceptance of a price variation of \$3,077 for the 4.0 litre AU Fairlane Ghia sedan driven by the CEO and \$3,607 for the 5.0 litre AU Fairlane Ghia sedan driven by the Chairman of Commissioners.

The six executive vehicles for Directors have been approved by the Joint Commissioners for upgrading. The remaining two executive vehicles are now due for an upgrade. This report recommends that the required funding be sourced from the Light Vehicle Replacement Reserve Account.

BACKGROUND

The City's 1998/99 budget allowed for the change over of Director's vehicles at no cost to the City. The vehicles driven by the CEO and Chairman of Commissioners attracted a cash refund of \$995 each. Titan Ford advised in writing on 6 October 1998 that a model change and subsequent price variation will apply to all new model vehicles to be upgraded. This price variation is in accordance with the contract received from Titan Ford, which states that any new model change would be accompanied by a price variation.

Titan Ford has advised that the price variation will be \$3,077 for the AU Fairlane Ghia 4.0 litre sedan and \$3,607 for the AU Fairlane Ghia 5.0 litre sedan. After deduction of the cash refund normally received for these vehicles the actual cost to the City is \$2,082 for the 4.0 litre sedan and \$2,612 for the 5.0 litre sedan.

It is to be recognised that the City has enjoyed the benefits of this tender for the last 12 months. While this price variation is an additional impost, the long term benefit to the City will be an upgraded model.

This price variation will result in an unbudgeted expenditure, which can be accommodated by utilising funds from the Light Vehicle Replacement Reserve Account.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners AUTHORISE, in accordance with the provisions of section 6.8(1) of the Local Government Act 1995 the over budget expenditure of \$4,694 - such expenditure to be funded from the Light Vehicle Replacement Reserve Account.

The Motion was put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ131-04/99 LIGHT VEHICLE SPECIFICATIONS (FOUR
CYLINDER) 2000/2600CC - [08178]**

SUMMARY

The Council of the former City of Wanneroo, at its October 1997 meeting resolved to set Business Unit Managers vehicles at a mid size 4 cylinder vehicle. It is now evident as: -

- ◆ the current specification is limiting the number of responses being received in regard to tenders
- ◆ Magna 4 cylinder vehicles are no longer being manufactured

that it would be appropriate to change the specification to encourage a greater number of suppliers to tender and result in a more competitive market.

A recent evaluation indicates that it is more cost effective to alter the specification to a 6 cylinder vehicle.

This report recommends that the specification for motor vehicles for Business Unit Managers be altered to 6 cylinder vehicles.

BACKGROUND

In October 1997 a cost benefit analysis demonstrated that 4 cylinder vehicles were more cost effective than 6 cylinder vehicles. This analysis was compiled without sales tax as an item. Given this cost effectiveness the decision to purchase mid size 4 cylinder vehicles was taken.

As a consequence the City has been purchasing mid size 4 cylinder vehicles since October 1997. During that time there has been numerous enquiries as to the cost effectiveness of purchasing 6 cylinder vehicles. As part of the ongoing evaluation of the fleet and the work involved in the “Draft Motor Vehicle Policy” it seemed prudent to conduct the cost benefit analysis again given that the City/Shire has approximately 2 years history regarding purchase and trade of 4 cylinder vehicles and given recent developments in relation to these vehicles.

Over recent times interest from dealers tendering for 4 cylinder mid size vehicles has been very poor, with only two vehicle types for any given tender. All tenders accepted have been for Mitsubishi Magna Executive 2.4L vehicles. The other vehicle tendered was a Ford Mondeo 2.0L.

The calling of tenders for a 4 cylinder mid size sedan in January 1999 resulted in only one submission for a Ford Mondeo 2.0L sedan. Following contact with Mitsubishi dealers it has been revealed that the release of a new Magna was imminent hence the lack of tenders. One dealer contacted also commented that the 4 cylinder version of the Magna may not be continued. This was recently confirmed in the April/May 1999 RAC Road Patrol which commented that the 2.4 litre Mitsubishi Magna would no longer be produced as sales of the four-cylinder Magna were dismal with buyers opting for the 3.0 litre V6.

DETAILS

Given that Magna 4 cylinder vehicles are no longer produced and based on past submissions, it is anticipated that when the City next tenders for 4 cylinder mid size vehicles it will only attract 2.0L Ford Mondeo sedans.

Indications are that the Ford Mondeo having an engine capacity of 2.0L will not retain the resale value of other vehicles nor will it generate major savings for the City as the purchase price is similar to others.

A cost benefit analysis compiled in March 1999 (Refer Attachment A) indicated that while 4 cylinder vehicles were cheaper to operate than six cylinder vehicles the cost differential between the 4 and 6 cylinder was reduced when the trade results were factored into the equation.

The cost analysis shows the competitiveness available in the market place. All trade in values have been calculated using data supplied in Glass’s Guide Pty Ltd which utilises NRMA information.

COMMENTS/FUNDING

Given the similarity of the pricing structure and the restrictions created by the current specification, there is a strong case for upgrading the vehicle specification to a 6 cylinder vehicle. The following details the position: -

| 4 Cylinder | Year 1 | | Year 3 |
|---------------------|-----------------------|--------------|-----------------------|
| Mondeo | \$24,619 | Mondeo | \$24,619 |
| Trade Magna | \$17,100 | Trade Mondeo | \$17,100 |
| Change Over | <u>\$7,519</u> | | <u>\$7,519</u> |
| 6 Cylinder | | | |
| Holden | \$25,860 | Holden | \$25,860 |
| Trade Magna | \$17,100 | Trade Holden | \$19,400 |
| Change Over | <u>\$8,760</u> | | <u>\$6,460</u> |
| | | | |
| Change Over Cost | \$1,241 | | |
| Change Over Savings | | | \$1,059 |
| | | | |

It is evident that: -

- ◆ The City's specification is restricting competitiveness between suppliers.
- ◆ With Magna 4 cylinder vehicles no longer being manufactured it could be beneficial in the longer term for the City to purchase 6 cylinder vehicles which retain their trade values.

The additional change over would apply to 19 Business Unit Managers vehicles currently held in the City's fleet.

To change the vehicle specification for this class of vehicle requires the City to rescind its October 1997 resolution. In accordance with the provisions of Regulation 10(2) of the Local Government (Administration) Regulations 1996 this is to be by Absolute Majority vote.

The specification for the Business Unit Managers vehicle is attached - refer Attachment B.

Over recent years there has been general discussion on leasing of motor vehicles versus outright purchase. Studies and comprehensive financial analysis undertaken both within the City and other local governments have indicated that the leasing option is not attractive. Leasing kilometre conditions were restricting and excess kilometre penalties substantial. Constant monitoring of lease vehicles is essential since penalties are incurred if vehicles are returned to the lease company too early or too late in relation to the contract kilometres or the contract period. This required the swapping of vehicles between officers in an attempt to maintain the contract requirements for each particular vehicle.

Again, over more recent times, the impact of GST on motor vehicle purchases has been discussed.

While the impact of GST on motor vehicles is still far from clear it can be assumed that with the withdrawal of wholesale sales tax (WST) of 22% and replacing it with a goods and services tax (GST) of just 10% the cost of motor vehicles will be reduced. While the exact savings are yet to be determined the government estimates the effective reduction in the cost of new cars to business will be substantial. There will also however be a significant reduction in the value of used cars, thus trade in values will be affected.

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

1 RESCIND part (1) of resolution FA182-10/97:

“That council sets the standard of motor vehicle for Business Unit Managers and Executive Officer at a mid size 4 cylinder in accordance with the specification detailed in Report FA182-10/97;”

2 SET the standard of motor vehicle for Business Unit Managers at a 6 cylinder vehicle as per the specification attached to Report CJ131-04/99.

The Motion was put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix VIII refers

**CJ132-04/99 VEHICLES PURCHASES LIGHT VEHICLE
REPLACEMENT RESERVE TENDER NUMBER
086-98/99 - [34356]**

SUMMARY

In March 1999 the Joint Commissioners accepted in good faith tender 086-98/99 submitted by Midway Ford for the purchase of four (4) Ford Traders with the trade the following items of plant.

- 95704 (Ford Trader)
- 95707 (Daihatsu Delta)
- 95708 (Ford Trader)
- 95392 (Ford Trader)

Notice was received by letter from Midway Ford on 07 April 1999 stating that while stocks were available at the time of tendering Ford is now unable to supply vehicles as per the submission of Midway Ford.

This report is recommending that the Joint Commissioners: -

- ◆ rescind the acceptance of the Midway Ford tender.
- ◆ recommend the purchase of four (4) full forward control dual cab three tonne trucks with the trade of two items of plant from Skipper Trucks.
- ◆ accept the offer of outright purchase for two items of plant from Raytone Motors.

BACKGROUND

In March 1999 the City awarded tender 086-98/99 - purchase and trade of four (4) full forward control dual cab three tonne trucks with the trade of plant:

- 95704 (Ford Trader)
- 95707 (Daihatsu Delta)
- 95708 (Ford Trader)
- 95392 (Ford Trader)

to Midway Ford for \$48,600. This was detailed in report CJ79-03/99.

Advice has now been received from Midway Ford that while stocks were available at the time of tendering Ford is now unable to supply vehicles as per the submission of Midway Ford.

Midway Ford further advise that the model in question is being withdrawn from the market and further stocks will not be available.

Considering the above, the options available to the City are to rescind the decision in relation to tender 086-98/99 and re-tender at a later date or rescind the decision and accept the submission of the next best offer received for tender 086-98/99.

As further stocks of the Ford Trader will not be available in Australia it is considered that the City would not benefit from re-calling tenders.

The next best offer was to purchase four (4) Mitsubishi Canter trucks from Skipper Trucks with the trade of plant numbers 95704 and 95708 combined with the offer of Raytone Motors for the outright purchase of plant numbers 95707 and 95732.

The City has 24 Mitsubishi Canter in its fleet and users have indicated they are satisfied with the performance of these trucks.

Skipper Trucks and Raytone Motors have both confirmed that their respective submissions still stand and Skippers have also confirmed that the Mitsubishi Canter trucks are readily available.

The recommendation is therefore to accept the next best offer which was to purchase four (4) full forward control dual cab three tonne trucks with the trade of plant number 95704 and 95708 from Skipper Trucks and accept the offer of outright purchase for plant number 95707 and 95392 from Raytone Motors.

COMMENT/FUNDING

Based on the **Skipper Trucks and Raytone Motors** tender the financial position is:

| Plant No | Recommended Tender - Changeover | Budget Provision | Budget Savings/Shortfall |
|-----------------|--|-------------------------|-------------------------------------|
| 95704 | \$14,298 | \$12,500 | (\$1,798) |
| 95707 | \$17,009 | \$11,000 | (\$6,009) |
| 95708 | \$12,798 | \$11,000 | (\$1,798) |
| 95392 | \$12,894 | \$12,500 | (\$394) |
| TOTAL | \$56,999 | \$47,000 | (\$9,999) |
| | | | |

The offer of Midway Ford resulted in a budget shortfall of \$1,600. Acceptance of the Skipper Trucks and Raytone Motors offer will require additional expenditure of \$8,399 and a total budget shortfall of \$9,999 which can be funded from the Light Vehicle Replacement Reserve Account.

Regulation 10(2) of the Local Government (Administration) Regulations 1996 requires a rescission motion to be carried by an absolute majority. In view of this it is recommended that the Joint Commissioners by Absolute Majority rescind Resolution 086-98/99.

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

- 1 in accordance with the provisions of Regulation 10(2) of the Local Government (Administration) Regulations 1996 RESCIND resolution CJ79-03/99:

“accept the tender from Midway Ford for the purchase of four (4) full forward control dual cab three tonne trucks at a net changeover figure of \$48,600 after trade ins, as detailed in tender 086-98/99;”

“authorise, BY AN ABSOLUTE MAJORITY, in accordance with the provisions of section 6.8(1) of the Local Government Act 1995 the over budget expenditure of \$1,600 - such expenditure to be funded from the Plant Replacement Account”.

- 2 ACCEPT the tender from Skipper Trucks for the supply and trade of four (4) full forward control dual cab three tonne trucks with the trade of plant numbers 95704 and 95708 at a net change over figure of \$97,967 after trade ins;
- 3 ACCEPT the tender from Raytone Motors for the outright purchase of plant number 95707 and 95392 at a net figure of \$40,968;
- 4 ACCEPT the budget shortfall of \$9,999 to be funded from the Light Vehicle Replacement Reserve Account.

The Motion was put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

TECHNICAL SERVICES SECTION

Items CJ133-04/99 to CJ137-04/99 inclusive were Moved by Cmr Morgan and Seconded by Cmr Clark-Murphy. Cmr Morgan gave notice of his intention to speak on Items CJ133-04/99 and CJ137-04/99.

**CJ133-04/99 METROPOLITAN REGIONAL ROAD
PROGRAMME 2000/2001 TO 2004/2005 [08559]**

SUMMARY

Main Roads WA has sought submissions for the Metropolitan Regional Road Programme for Improvement Projects and Rehabilitation Projects.

This report outlines the guidelines for the assessment of roadworks and recommends projects for consideration by the Metropolitan Regional Road Group.

BACKGROUND

Each year, Main Roads WA invites project submissions for consideration as part of the Metropolitan Regional Road Programme.

The project types are separated into two categories as outlined below:

Road Improvement Projects

Improvement projects are:

- a) those which would involve upgrading of an existing road to a higher standard than currently exists, i.e. pavement widening, new overtaking lanes, traffic control measures, etc.;
- b) new works where a road pavement does not currently exist at the proposed standard, e.g. dual carriageway construction.

A multi-criteria analysis, (taking into consideration road capacity, geometry, accidents, benefits and costs) will be used to prioritise road improvement projects on urban arterial roads within the metropolitan area.

Road Rehabilitation Projects

Road rehabilitation projects are those proposed for existing roads where a failed link is to be brought back to the pre-existing physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning. A one year programme only is required for submissions – 2000/2001.

The distribution of the Metropolitan Local Road Funds is based on 50% of the pool to Improvement Projects and 50% to Rehabilitation Projects. A limit of around \$1 million per council has been set for Improvement Projects and \$500,000 for Rehabilitation Projects. Funding approval is based on Council's contribution of at least a third of the project cost.

Process for 2000/2001 Metropolitan Regional Road Programme

- 1 Project submission to be forwarded to Main Roads WA by 5 May 1999
- 2 Submissions are checked for omissions and errors in computations
- 3 Auditing of submissions
 - Rehabilitation projects by Material engineering Branch, Main Roads WA
 - Improvement projects by independent auditor
- 4 Audit queries are discussed with affected Councils
- 5 Final audited projects are sent to Main Roads WA for collation and priority listing based on audited parts score
- 6 Lists of audited projects distributed to all Councils in August 1999
- 7 The Sub Groups of the Metropolitan Regional Road Group each have technical meetings to discuss and approve projects with the Sub Group only. Recommendations are forwarded to the Metropolitan Regional Road Group. The Shire of Wanneroo, Cities of Joondalup and Stirling, Town of Vincent form the North West Group
- 8 The Metropolitan Regional Road Group considers funding submissions in accordance with the guidelines and makes recommendations to the Advisory Committee
- 9 Councils would expect advice of approval of projects by October/November 1999

DETAILS

Road Improvement Projects

The multi-criterial analysis has been used to evaluate roads in the City of Joondalup and projects have been preliminary ranged in accordance with point scores. The projects generally submitted for consideration are in accordance with the Five Year Capital Road Works Programme listed in the Budget. The road projects with the unaudited highest point scores are recommended for submission in the 2000/2002 years as follows:

| YEAR | ROAD | SECTION OF PROPOSED DUAL CARRIAGEWAY | EST PROJECT COST |
|-----------|------------------|--------------------------------------|------------------|
| 2000/2001 | Shenton Avenue | Joondalup Drive to Marmion Avenue | \$2.3M |
| 2001/2002 | Whitfords Avenue | Endeavour Road to Flinders Drive | \$1.53M |
| 2002/2003 | Joondalup Drive | Lakeside Drive to Burns Beach Road | \$1.0M |
| 2003/2004 | Burns Beach Road | Marmion Avenue to Joondalup Drive | \$2.0M |
| 2004/2005 | Hodges Drive | Marmion Avenue to Ocean Reef Road | \$1.4M |

(Note: The priorities may alter subject to the results of the audited multi criteria analysis)

It is noted that these projects and other developing roads will be re-evaluated on an annual basis and the five year programme adjusted in accordance with the results of the multi-criteria analysis.

Road Rehabilitation Projects – 2000/2001

Pavement Analysis Pty Limited was previously commissioned to undertake a road rehabilitation and mechanical study of a number of roads and provide technical details and recommendations to comply with the criteria for assessing projects. A review is also undertaken on other works such as the Mitchell Freeway extension that can, through changed traffic volumes, impact on existing pavement performance. The following Road Rehabilitation Programme is recommended for submission to Main Roads WA for funding consideration in the 2000/2001 financial year:

| ROAD | SECTION | WORKS |
|------------------|--|---|
| Hepburn Avenue | Mitchell Freeway to West Coast Drive (various sections) | Asphalt overlays of varying thickness |
| Hodges Drive | Marmion Avenue to Joondalup Drive (northern carriageway – various sections) | Standard Asphalt overlay |
| Northshore Drive | Whitfords Avenue to Mullaloo Drive | Asphalt |
| Mullaloo Drive | Dampier Drive to North Shore Drive | Overlay as determined by on-site testing and analysis |
| Other roads | As determined by further on-site testing | |

COMMENT/FUNDING

As outlined, the maximum annual grant for Rehabilitation Projects is \$500,000. A number of projects will not be funded in 2000/2001 and will be re-evaluated for submission with further projects for funding in subsequent years.

MOVED Cmr Morgan, SECONDED Cmr Clark-Murphy that the Joint Commissioners SUBMIT the following projects to Main Roads WA for consideration for funding as part of the Metropolitan Regional Road Programme:

Road Improvement Projects -

| YEAR | ROAD | SECTION OF PROPOSED DUAL CARRIAGEWAY |
|-----------|------------------|--------------------------------------|
| 2000/2001 | Shenton Avenue | Joondalup Drive to Marmion Avenue |
| 2001/2002 | Whitfords Avenue | Endeavour Road to Flinders Drive |

| | | |
|------------------|-------------------------|---|
| 2002/2003 | Joondalup Drive | Lakeside Drive to Burns Beach Road |
| 2003/2004 | Burns Beach Road | Marmion Avenue to Joondalup Drive |
| 2004/2005 | Hodges Drive | Marmion Avenue to Ocean Reef Road |

Road Rehabilitation Projects – 2000/2001

| ROAD | SECTION | WORKS |
|-------------------------|--|--|
| Hepburn Avenue | Mitchell Freeway to West Coast Drive (various sections) | Asphalt overlays of varying thickness |
| Hodges Drive | Marmion Avenue to Joondalup Drive (northern carriageway – various sections) | Standard Asphalt overlay |
| Northshore Drive | Whitfords Avenue to Mullaloo Drive | Asphalt overlay as determined by on site testing and analysis |
| Mullaloo Drive | Dampier Drive to North Shore Drive | “ |
| Other roads | As determined by further on-site testing | “ |

Cmr Morgan spoke in support of the Motion.

The Motion was Put and

CARRIED

CJ134-04/99 TENDER NO 130-98/99 - PRUNING OF STREET TREES WITHIN THE CITY OF JOONDALUP - [37715J]

SUMMARY

Tenders were called for contract street tree pruning in accordance with tender specifications. Four tenders were received. Acceptance of the tenders submitted by Trees Need Tree Surgeons and Geoff's Tree Service is recommended to enable performance evaluation.

DETAILS

The lowest tenderer, Trees Need tree Surgeons, are located in Canningvale and therefore response times for quotes and urgent works may be slower than local contractors. The references indicate extensive works for the local authorities of Canning, South Perth and Perth.

Referees when consulted have supported comments that the works undertaken have been of a high standard.

The second tenderer, Geoff's Tree Service, have undertaken pruning of street trees on behalf of Council for six years. This company is based in Nowergup, a suburb of the Shire of Wanneroo. The works performed previously have been of a high standard.

COMMENT

The prices submitted are very competitive when the four tenderers are evaluated.

Both companies comply with the tender recommendations but the standard of Occupational Health and Safety Manual utilised by Geoff's Tree Pruning is exceptional. The company records support the high safety standards adopted.

Recognising the developing nature of the two local authorities, it is recommended that this contract be awarded to both tenderers and the work areas be equally distributed by suburb.

For example:

| Local Authority | Trees Need Tree Surgeons Suburbs | | Geoff's Tree Service Suburbs | |
|------------------------|---|--|---|---|
| Shire of Wanneroo | Girrawheen Koondoola Marangaroo Alexander Heights Landsdale | Darch Madeley Pearsall Gnangara | Wangara Hocking Sinagra Wanneroo Ashby Tapping Neerabup | Carramar Quinns Rocks Hocking Two Rocks Merriwa Clarkson |
| City of Joondalup | Warwick Duncraig Marmion Sorrento | Hillarys Padbury Greenwood Kingsley | Woodvale Edgewater Craigie Kallaroo Mullaloo Kinross Connolly | Ocean Reef Heathridge Beldon Joondalup Currambine Iluka |

Separation of the work areas will provide the opportunity to assess the performance of both tenderers.

SCHEDULE OF PRICES

| CONTRACTOR | SCHEDULE 1 RATE PER TREE | SCHEDULE 2 RATE PER TREE | SCHEDULE 3 HOURLY RATE SPECIAL WORKS |
|--------------------------|-------------------------------------|-------------------------------------|---|
| Geoff's Tree Service | 26.00 | 22.00 | 150.00 |
| Tree Craft Pty Ltd | 32.00 | 32.00 | 165.00 |
| Trees Need Tree Surgeons | 25.00 | 15.00 | 120.00 |
| Specialised Tree Lopping | 28.00 | 28.00 | 195.00 |

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

- 1 ACCEPT the tender schedules submitted by Trees Need Tree Surgeons and Geoff's Tree Services for tender number 130-98/99 Pruning of Street Trees Within City of Joondalup with the work distributed on a suburb base to encourage competition and competitive tendering;**
- 2 AUTHORISE signing of the contract documents.**

The Motion was Put and

CARRIED

CJ135-04/99 TENDER NO 132-98/99 - SUPPLY, DELIVERY AND APPLICATION OF BULK FERTILISER - [39715J]

SUMMARY

Tenders were called for Supply, Delivery and Application of Bulk Fertiliser and three tenders were submitted.

Acceptance of the tender and schedule of prices submitted by Kim Gorey Turf Maintenance Contractors is recommended.

DETAILS

The schedule of prices required tenderers to submit prices for supply and application for a specified quantity and type of fertiliser.

Specifying a quantity i.e. 200 tonnes is to enable comparison of tenders irrespective of the actual works programme.

The prices submitted by Baileys Pty Ltd and Kim Gorey Turf Maintenance are very competitive.

COMMENT**Kim Gorey Turf Maintenance**

This company has recently expanded into the area of turf maintenance for local authorities. They currently undertake a variety of contract projects for various councils.

| ITEM | DESCRIPTION | QUANTITY | UNIT | RATE/TONNE | AMOUNT |
|---------------------------|---|----------|--------|------------|--------------|
| 1 (a) | Turf Special or 12.2.6 NPK plus Iron Sulphate = 0.3% Fe per tonne | 200 | Tonnes | \$308.00 | \$61,600.00 |
| 1 (b) | Organic | 100 | Tonnes | \$340.00 | \$34,000.00 |
| 1 (c) | Ammonium Sulphate Nitrate (ASN) | 100 | Tonnes | \$341.00 | \$34,100.00 |
| 1 (d) | Calcium Ammonium Nitrate (CAN) | 100 | Tonnes | \$331.00 | \$33,100.00 |
| | <u>Application Only</u> | | | | |
| 2 (a) | Turf Special | 200 | Tonnes | \$38.00 | \$7,600.00 |
| 2 (b) | Organic | 100 | Tonnes | \$38.00 | \$3,800.00 |
| 2 (c) | Nitroplus | 100 | Tonnes | \$38.00 | \$3,800.00 |
| 2 (d) | Calcium Ammonium Nitrate (CAN) | 100 | Tonnes | \$38.00 | \$3,800.00 |
| TOTAL AMOUNT OF TENDER \$ | | | | | \$181,800.00 |

Baileys Pty Ltd

This company has previously undertaken works for the former City of Wanneroo prior to 1990.

Their bulk storage process involves bulk bin storage at specific locations on Public Open Space and this process is not supported by Parks Landscaping Services due to public safety concerns.

| ITEM | DESCRIPTION | QUANTITY | UNIT | RATE/TONNE | AMOUNT |
|-------|---|----------|--------|------------|-------------|
| 1 (a) | Turf Special or 12.2.6 NPK plus Iron Sulphate = 0.3% Fe per tonne | 200 | Tonnes | \$258.15 | \$51,630.00 |
| 1 (b) | Organic As 8-1-4 Turf Complete | 100 | Tonnes | \$405.90 | \$40,590.00 |
| 1 (c) | Ammonium Sulphate Nitrate (ASN) Nitrogold | 100 | Tonnes | \$394.00 | \$39,400.00 |
| 1 (d) | Calcium Ammonium Nitrate (CAN) | 100 | Tonnes | \$382.00 | \$38,200.00 |

| | | | | | |
|---------------------------|--------------------------------|-----|--------|---------|--------------|
| | <u>Application Only</u> | | | | |
| 2 (a) | Turf Special | 200 | Tonnes | \$27.50 | \$5,500.00 |
| 2 (b) | Organic | 100 | Tonnes | \$27.50 | \$2,750.00 |
| 2 (c) | Nitroplus | 100 | Tonnes | \$27.50 | \$2,750.00 |
| 2 (d) | Calcium Ammonium Nitrate (CAN) | 100 | Tonnes | \$27.50 | \$2,750.00 |
| TOTAL AMOUNT OF TENDER \$ | | | | | \$183,570.00 |

The Spreaders

This company have successfully undertaken Council' s fertilising contract since 1992.

The schedule of prices indicates a higher purchase price but low application rate per tonne.

| ITEM | DESCRIPTION | QUANTITY | UNIT | RATE/TONNE | AMOUNT |
|---------------------------|---|----------|--------|------------|--------------|
| 1 (a) | Turf Special or 12.2.6 NPK plus Iron Sulphate = 0.3% Fe per tonne | 160 | Tonnes | \$354.63 | \$56,740.00 |
| 1 (b) | Organic | 100 | Tonnes | \$360.00 | \$36,000.00 |
| 1 (c) | Nitroplus | 80 | Tonnes | \$310.00 | \$24,800.00 |
| 1 (d) | Calcium Ammonium Nitrate (CAN) | 100 | Tonnes | \$312.00 | \$31,200.00 |
| | <u>Application Only</u> | | | | |
| 2 (a) | Turf Special | 160 | Tonnes | \$112.50 | \$18,000.00 |
| 2 (b) | Organic | 100 | Tonnes | \$90.00 | \$9,000.00 |
| 2 (c) | Nitroplus | 80 | Tonnes | \$112.50 | \$9,000.00 |
| 2 (d) | Calcium Ammonium Nitrate (CAN) | 100 | Tonnes | \$90.00 | \$9,000.00 |
| TOTAL AMOUNT OF TENDER \$ | | | | | \$193,740.00 |

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

- 1 ACCEPT the tender schedule of prices submitted by Kim Gorey Turf Maintenance Contractors for Tender Number 132-98/99 Supply, Delivery and Application of Bulk Fertiliser;**
- 2 AUTHORISE signing of the contract documents.**

The Motion was Put and

CARRIED

**CJ136-04/99 CONTRACT EXTENSIONS 023-97/98
CONSTRUCTION, DEVELOPMENT AND
TESTING OF BORES 024-97/98 SUPPLY AND
MAINTENANCE OF BORE HOLE PUMPS -
[08973, 13280]**

SUMMARY

In accordance with the contract agreements for 23-97/98 and 024-97/98 Wintergreen Drilling and TurboMaster Pumps have exercised the option to extend the contract for a period of 12 months from 1 July 1999 to 30 June 2000.

Acceptance of this extension is recommended subject to minor changes in the document to identify the two local authorities.

DETAILS

Contract 023-97/98

Wintergreen Drilling have successfully undertaken Council's requirements for drilling of bore holes since 1988. The current price structure remains unchanged.

| | |
|---------------------------------|------------|
| Drilling Rate per metre x 200mm | \$65.00 |
| Developing per hour | \$48.00 |
| 9 Metre screen supply | \$1,980.00 |

Contract 024-97/98

TurboMasters Pumps Pty Ltd

This company relocated to Wangara in 1996 and have established major pump construction and maintenance facilities. Previously known as Metcalf Pumps, they have been Council's major supplier of pumping units since 1980.

The current price structure remains unchanged.

| | |
|---------------------------|----------|
| Pump Service Rate | \$30.00 |
| Test Pump per hour | \$150.00 |
| Motor Service hourly rate | \$30.00 |

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

- 1 AUTHORISE the extension of Contract Number 023-97/98 - Construction, Development and Testing of Bores, and Contract Number 024-97/98 - Supply and Maintenance of Bore Hole Pumps, for a period of 12 months from 1 July 1999 to 30 June 2000;**

- 2 ADVISE the City's Manager Contract Management to arrange the preparation of Extension of Contract documents.**

The Motion was Put and

CARRIED

**CJ137-04/99 BURRAGAH WAY SECURITY PETITION
[03076, 08321J, 16281J]**

SUMMARY

Residents living in the vicinity of Burragah Way and Marmion Avenue, Duncraig have submitted a petition requesting security patrols, irrigation of Finney Park, Marmion, graffiti and litter removal. The current Dry Park Development Program provides for irrigation installation in Finney Park and this work is currently in progress.

It is recommended that the items raised be reviewed at completion of these works as the park enhancement may encourage community surveillance.

BACKGROUND

Residents of Burragah Way objected to the installation of the McDonalds fast food outlet at the Burragah Way/Marmion Avenue junction and cited increased litter and anti social activities as an outcome of development approval. Anti social activities associated with public movements through Finney Park via the underpass to the commercial area necessitated Council to approve installation of additional park lighting in 1996. Installation of the path and lighting has had minimal impact on anti social activities and litter.

The maintenance and upkeep of Marmion Avenue, between Beach Road and Ocean Reef Road, is the responsibility of Main Roads WA. This includes the removal of graffiti from the underpass adjoining the commercial area and McDonalds. Main Roads WA have engaged a contractor to undertake removal of graffiti from the various underpasses along Marmion Avenue, on a cyclic basis.

The problems associated with litter and graffiti in the underpass is reported to be ongoing and it is intended that this area be included in an ongoing operation that Ranger Services have recently implemented.

DETAILS

On the 25 February 1999 the Joondalup Police prepared a crime analysis for Ranger Services in relation to Finney Park and Burragah Way to enable Ranger Services ascertain the extent of anti social activity in this location.

The statistical information provided by the Police indicated that eighteen offences of crime were reported between 1/7/98 to 31/12/98. Nine of the eighteen offences occurred in Burragah Way. The remaining offences occurred in surrounding residential streets of Marmion and Duncraig. There were seven reported incidents of damage to motor vehicles, seven of stealing, three of burglary and one of graffiti.

Ranger Services have recently concluded a surveillance operation of Burragah Way and Finney Park. The operation commenced on Friday 19 February 1999 and terminated on Sunday 14 March 1999. During the operation the Rangers conducted interviews with a number of the local businesses in Burragah Way. The persons interviewed all identified a number of incidents which had occurred during their occupancy of the premises.

The type of incidents reported are:

Tags scratched on windows

Burglaries

Skateboarding and loitering

Bin thrown through window

Reckless driving in the car park (burnouts)

Littering

Smashed windows

Security camera stolen

The situation is getting to a stage whereby McDonalds is considering the engagement of a static guard between the hours of 11.00pm and 2.00pm Friday and Saturday.

During the operation carried out by Ranger Services three youths were arrested by the police, details of a vehicle were taken where the occupants were believed to be smoking illegal substance and were asked to move on, male person drinking in the car park and requested to move on and a number youths loitering on several occasions. The Patrols conducted around Finney Park did not identify any obvious problems during this particular operation.

It is obvious that from the feedback received from the various businesses located in Burragah Way and some of the incidents incurred during the period in which the special patrols were conducted that this area presents itself as a problem area. The Ranger Security Watch will continue to pay close attention to the immediate location and surrounding streets including Trigonometric Park.

The development works proposed for Finney Park will enhance the Public Open Space but have limited impact on anti social activities. The anti social activities may decrease with increased community utilisation of the park due to irrigation.

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

- 1 RECEIVE the information provided by Ranger Services;**
- 2 NOTE that Ranger Services will liaise with the City's Youth Project Team to develop short and long term strategies to address the related issues facing young people in the area;**
- 3 NOTE that in the meantime that Ranger Services will continue to monitor anti-social problems occurring in Burragah Way.**

Cmr Morgan spoke in support of the Motion.

The Motion was Put and

CARRIED

DEVELOPMENT AND PLANNING SERVICES SECTION**CJ138-04/99 PERTH'S BUSHPLAN - [34437]****SUMMARY**

The State Government has released for public comment Perth's Bushplan, a proposed strategy for protecting regionally significant bushland in the Swan Coastal Plain portion of the Perth Metropolitan Region. Bushplan has been assessed in terms of its implications for Local Government generally and the City of Joondalup specifically, and comments on it are recommended for submission to the Ministry for Planning.

BACKGROUND

The State Government's Urban Bushplan Strategy of 1995 included a proposal to prepare a strategy for identification and protection of regionally significant bushland in the Perth metropolitan region. Perth's Bushplan is the outcome of that proposal, although it should be noted that it only deals with the coastal plain portion of the metropolitan region (ie it excludes the scarp areas).

DETAILS**Description of Proposals**

Volume 1 of Bushplan was released on 30 November 1998. Volume 2, which comprises 3 parts and includes the detailed recommendations applicable to each Bushplan Site, was released several months later.

Perth's Bushplan has been endorsed by the main agencies which prepared it, namely the WA Planning Commission (WAPC), the Environmental Protection Authority (EPA), the National Parks and Nature Conservation Authority (NPNC) and the Water and Rivers Commission Board (WRC). The State Government has in turn agreed that it be released for public comment.

The public comment period was originally to close on 27 March 1999, however this has subsequently been extended to 30 April 1999.

The stated objectives of Bushplan are as follows:

- To develop a plan that meets the needs and aspirations of the community of Western Australia for the appropriate protection of bushland of regional significance in the Swan Coastal Plain portion of the Perth Metropolitan Region;
- To recommend a conservation system that is, as far as is achievable, comprehensive, adequate and representative of the ecological communities and habitats of the region;
- To propose a range of measures to enable the implementation of Perth's Bushplan's recommendations for the protection of regionally significant bushland.

- To bring greater certainty to the processes of land use planning and environmental approvals by the early identification and protection of areas of regional conservation value.

Bushplan aims to protect at least 10% of the estimated original extent of each vegetation complex in the study area. In the case of some complexes, this is not however possible as there is currently less than 10% remaining. In the case of other complexes, substantially more than 10% is recommended for protection.

Bushplan proposes 233 Bushplan Sites in the study area. Of these, 82 (35%) are within the City and Shire areas. Of these 82 sites, 6 are located entirely within the City, while one is located within both the City and Shire.

Commissioners have previously been provided with copies of Volume 1 of Bushplan, and extracts from Volume 2 which detail where the various sites are and what the Bushplan recommendations applicable to each site are.

Bushplan places emphasis upon the need to protect bushland by alternative means to reservation and purchase by WAPC. It has consequently developed five categories of recommendation (several of which have sub-categories) which seek to apply alternative protection mechanisms. An explanation of the categories is provided in Attachment No. 1.

Assessment of the Proposals

General Matters

A meeting was held on 22 February 1999 between officers of the Ministry for Planning (MFP), Department of Environmental Protection (DEP), the Joint Commissioners and Council officers. This facilitated a broad understanding of the Bushplan proposals.

The following matters are recommended for inclusion in the City's submission to MFP on Bushplan.

1. Adequacy of the 10% figure

Officers participating in meetings and seminars regarding Bushplan have noted a general lack of confidence regarding the soundness of this figure. Some have advised that in the case of some complexes, less than 10% should be enough, while in other cases, substantially more may be required to achieve an 'adequate' level of protection, ie a sustainable level of protection. A better approach may be to deal with each complex individually, with the aim being to achieve a sustainable, adequate amount, with the percentage then being whatever is necessary to achieve that.

2. Use of 10% Public Open Space (POS)

Bushplan proposes not to use the normal 10% POS in protection of Bushplan Sites. This position must be maintained, as the 10% will be fully committed to protecting lands required for active recreation purposes and locally significant bushland.

3. Management of Bushland Sites

Bushplan states (Page 4 – Volume 1): *“Perth’s Bushplan recognises the important role that local government already plays in the conservation of bushland. It accepts, however, the principle that local government should have no additional financial responsibility for the acquisitions and maintenance of regionally significant bushland sites unless a specific negotiated agreement to that effect has been reached”*.

The above principle should be strongly supported and retained in the final Bushplan proposal.

The issue of management, particularly Local Government’s role in it, needs to be thoroughly investigated and it is recommended that a joint State-Local Government task force be established for this purpose.

4. Funding for Bushland Site Acquisition

A primary funding source proposed for acquisition is the Metropolitan Region Improvement Fund, which obtains its fund through the Land Tax charged on metropolitan properties (other than owner-occupied houses and a few other exceptions). The rate that Land Tax has been charged has been significantly reduced since its introduction in the early 1960’s. Consideration should be given to restoring this tax to its former levels to assist in providing additional revenue for land acquisition.

5. Negotiations with Landowners

Many of the Bushplan recommendations involve consultations being undertaken with affected landowners to investigate appropriate mechanisms for bushland protection. This can include ‘negotiated planning solutions’. The following comments should be submitted in regard to such solutions:

- (a) other approval and planning agencies, including Local Government, should be involved in such consultations and negotiations to ensure that the proposed outcomes will be not only favoured by MFP but also those other agencies.
- (b) Any move to reduce the size of bushland areas must be done on the understanding that the resulting area must still be ‘adequate’, ie sustainable.

6. Protection Through Town Planning Scheme Provisions

Bushplan currently proposes local TPS provisions be used. Consideration should also be given to the possibility of introduction of Metropolitan Region Scheme (MRS) provisions, noting the regional significance of the bushland to be protected.

7. Rate Relief

Appendix 4 of Volume 1 provides a summary of possible mechanisms to complement State level controls for the protection of natural areas. Paragraph 3.4 (page 70) states: *“Owners who protect a private conservation resource may receive the benefit of reduced rates on that land. Can be applied by local government. Seen as compensation for foregoing development rights. Mechanism can be adopted within existing local government administration. Community perception improved if the State or Commonwealth assists local government with lost revenue”.*

It is important that the State Government give further detailed consideration to the matter of assistance with lost revenue as referred to above.

8. Lands Privately Owned by Local Government

In such cases, Local Government should be treated in a similar manner to other private landowners, being subject to the same processes and being afforded the same rights and opportunities.

9. Locally Significant Bushland

It is important that the final version of Bushplan makes it clear that once regional bushland issues have been addressed, that is not the end of the matter in respect of bushland protection. Developers in particular must be aware that the issue of locally significant bushland also needs to be properly addressed.

In this regard, it is important that the relevant State Government agencies provide whatever assistance possible to Local Governments to properly deal with local bushland. This relates to provision of information/data bases and legislative/policy support for mechanisms to achieve local bushland protection.

10. Use of Groundwater

Bushplan needs to adequately account for possible impacts on bushland area of proposed changes to groundwater systems, be it through public water supply schemes, private use, pine plantation management or other factors.

11. Regional Parks – Recreation Role

Bushplan needs to acknowledge that many Bushplan Sites, particularly designated Regional Parks, will also be performing an important role in providing for the recreational requirements of the community.

12. Interim Protection : Penalties

Urgent steps need to be taken to ensure that interim protection is provided to Bushplan Sites to stop unauthorised clearing. This needs to involve penalties which are severe enough to provide a real deterrent.

13. Whole-of-Government Approach

Such an approach (ie including Local Government) is essential for the successful implementation of Bushplan.

Matters Specific to City of Joondalup

Reserved Lands

The reserved lands in the City, which are affected by Bushplan, have been the subject of an assessment and Attachment No. 2 provides the results of that assessment.

It is recommended that the Joint Commissioners endorse the ‘recommended position on Bushplan recommendation’ included for each Site in that Attachment.

Land Owned in Freehold Title by the City

Due to the need for confidentiality in respect to the negotiations which are to follow from this, this matter is the subject of a separate confidential report to this meeting of the Joint Commissioners.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners ENDORSE the lodging of a submission on Perth’s Bushplan to the Ministry for Planning, incorporating the comments recommended for submission in the ‘Assessment of the Proposals’ section of this report.

Cmr Rowell spoke in support of the Motion, commenting that it was important for the community to be aware of the impact of Bushplan.

The Motion was Put and

CARRIED

Appendix IX refers

**CJ139-04/99 PERTH'S BUSHPLAN (COUNCIL FREEHOLD
LANDS AFFECTED) - [34437]**

SUMMARY

This report seeks consideration of the Joint Commissioners of a submission to lodge with the Ministry for Planning (MFP) concerning those Bushplan proposals which affect lands which Council owns in freehold title.

BACKGROUND

A full background to this matter is provided in a separate report on Bushplan which is also being considered at this meeting of the Joint Commissioners.

DETAILS

An assessment has been prepared regarding the Bushplan proposals which affect a number of Council's freehold land assets. The assessment sets out the main issues involved and recommends both a preferred outcome, as well as a recommended initial negotiating position. The intention is that the latter would form the basis for a submission to be made to MFP, to formally commence the negotiating process on this matter.

The report has been marked 'Not for Publication' as it would be inappropriate for matters involving such negotiations to be public and consequently able to be known by the other negotiating party, ie MFP. A copy of the report has been circulated to Commissioners.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners ENDORSE the 'preferred outcomes' and 'recommended initial negotiating positions' contained in the Bushplan assessment report, and endorse a submission being made to the Ministry for Planning based on the recommended initial negotiating positions.

The Motion was Put and

CARRIED

CJ140-04/99 LOT 3 TRAPPERS DRIVE –PROPOSED LAND ACQUISITION [03316J]

SUMMARY

The City has again been approached by Foodland Australia Ltd (FAL) to acquire a portion of the community purpose site at Lot 3 Trappers Drive, Woodvale for a northward expansion of the supermarket at the Woodvale Shopping Centre and associated car parking.

The area proposed to be acquired by FAL is not required by the City for future development. The proposed sale will not only rationalise use of the currently vacant land and associated access routes, but will assist in funding current and future development proposals for community facilities on the site.

It is recommended that Council agrees to the disposal of a 539m² portion of Lot 3 to FAL and the leasing of a further 2508m² for carparking at the fair market value of the land.

BACKGROUND

| | |
|----------------|-----------------------------------|
| Lot No | Lot 3 Trappers Drive, Woodvale |
| Street Address | 5 Trappers Drive, Woodvale |
| Land Owner | City of Wanneroo |
| MRS Zoning | Urban |
| TPS Zoning | Residential Development R20 |
| Land Use | Library and Community Care Centre |
| Lot Area | 1.5 ha |

Site History

Several years ago, FAL approached the City about the possibility of acquiring a portion of its community purpose site to allow for the expansion of the Foodland supermarket including associated carparking. The City's officers investigated to determine the City's long-term requirements for this land and if there were any impediments to such a proposal.

Previous Council Decisions

A previous proposal to acquire a 4000m² portion of the community purpose site for a similar development was considered by Council at its meeting of 22 October 1997 (DP237-10/97), where Council declined to offer the land for sale; the reason cited being that Council might have need for the land in the future.

DETAILS

Current Proposal or Issue

The City has been approached by Spowers Architects on behalf of Foodland Australia Ltd (FAL) regarding a proposed northward expansion of the supermarket at the Woodvale Shopping Centre at the corner of Whitfords Avenue and Trappers Drive, Woodvale. The extension would encroach upon a portion of the City's community purpose land on the adjacent Lot 3, Trappers Drive, Woodvale. To accommodate this expansion, FAL is seeking to acquire a 539m² portion of the site for the supermarket building and lease a further 2508m² for carparking (refer to the enclosed Attachment 1).

The proponent has put forward a report from licensed valuers Christie, Wright and Moore, that places a value on the total transaction that is over \$5,000 and under \$500,000.

Relevant Legislation

Since the value of the land to be disposed of is greater than \$5,000 the transaction is not exempt under s.3.58 of the Local Government Act 1995. It is less than \$500,000 and does not comprise a major land transaction, which would require the preparation of a Business Plan. Council can therefore dispose of the land under s.3.58 of the Local Government Act 1995 by private treaty on the basis that it gives Statewide public notice of the proposed disposition.

COMMENT/FUNDING

Issues

The area of land required for the expansion of the supermarket has been substantially reduced by the present proposal. The concerns of Council when this matter was considered previously appear to have been addressed by the construction of the Community Care Centre behind the Library on Lot 3 and recent studies (enclosed as Attachment 2) which show that a Community Hall can still be constructed on the remaining land.

Disposal and lease of the subject land offers the opportunity to integrate pedestrian access between the shopping centre, the retirement village and the community care centre. It is considered that the car parking will also support the Council facilities by providing convenient additional vehicle access and that suitable landscaping will enhance the appearance of the part of Lot 3 which is presently bare and unattractive.

The disposal of this land will take some time to finalise as there are a number of steps that need to be taken. These can be summarised as follows.

1. Confirm that the Western Australian Planning Commission (WAPC) will support the rezoning of the land from Residential Development R20 to Commercial;
2. Negotiate terms of sale of land to FAL and enter into an agreement accordingly;
3. Initiate an amendment to TPS No 1 to rezone the subject portion of Lot 3;
4. Undertake subdivision of the land;
5. Dispose of the land pursuant to s.3.58 of the Local Government Act 1995.

Council will note that it is proposed to secure FAL's interest in the land by agreement prior to the land being rezoned. This is because the rezoning and subdivision process is likely to take at least 12 months to complete during which FAL's requirements for the subject land may change. Consequently, Council will need to be assured that the sale of this land to FAL will proceed if it pursues rezoning of the site.

Assessment and Reasons for Recommendation

Lot 3 lies between the rear entry to the Woodvale Shopping Centre and residential properties to the north. The western end adjoins the Timberside Villas Retirement Village. The road frontage to Trappers Drive is occupied by Woodvale Library and the land rises steeply to the west to the Community Care Centre which is currently under construction. The remainder of the lot is vacant and large enough to accommodate a future Community Hall.

Given the location of the subject land in the southwest corner of Lot 3, it is believed that it will have limited commercial value except to FAL for the expansion of its supermarket.

It is therefore recommended that the Council offers the sale of a 539m² portion and the lease of a 2508 m² portion of Lot 3 Trappers Drive, Woodvale to Foodland Australia Ltd at the fair market valuation of the land.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners OFFER to dispose of 539 m² of Lot 3 Trappers Drive, Woodvale and lease a further 2508 m² for carparking to Foodland Australia Ltd at the fair market value of the land in accordance with Section 3.58 of the Local Government Act 1995, subject to the following:

- 1 rezoning of the subject land to accommodate the use and additional floor space;
- 2 subdivision of the 539 m² portion of Lot 3 and its amalgamation into Lot 6;

- 3 **the proponent meeting all the costs involved;**
- 4 **the proponent agreeing that if the relevant development is not proceeded with, landscaping to the satisfaction of Council will be provided.**

Cmr Rowell spoke in support of the Motion, commenting that there was a significant process required before the land could be disposed of, involving statewide public notice of the proposed disposition and was presented to inform the community of what was being considered.

The Motion was Put and

CARRIED

Items CJ141-04/99 to CJ146-04/99 inclusive were Moved by Cmr Rowell and Seconded by Cmr Buckley.

CJ141-04/99 DELEGATED AUTHORITY REPORT - [07032]

SUMMARY

This report provides a resumé of the development applications processed by Delegated Authority from 25 March 1999 to 8 April 1999

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Report CJ141-04/99.

The Motion was Put and

CARRIED

Appendix X refers

CJ142-04/99 PROPOSED AMENDMENT 867 TO TOWN PLANNING SCHEME NO1 TO REZONE LOT36 (529) WANNEROO ROAD, WOODVALE FROM RURAL ZONE TO RURAL AND SPECIAL ZONE (ADDITIONAL USE) RESTAURANT, PRODUCTION WINERY, AND WINE SALES.- [32734]

SUMMARY

An application has been submitted by Drescher & Associates on behalf of Paul Conti for the rezoning of Lot 36 (529) Wanneroo Road, Woodvale. The land is currently zoned Rural. The existing uses on the land include a restaurant, and a winery including a sales area.

The applicant seeks the rezoning of the land to Rural Special Zone (Additional Use): Restaurant /Café, Chalets, Production Winery and Wine Sales. The purpose behind the rezoning request being to address the owners' concerns on the likely zoning changes over the Rural area and the incorporation of a short term residential stay use.

No objections are raised to the Applicant's proposed rezoning in relation to the recognition of the existing uses. However, it is considered that the issue of short- term accommodation needs to be separately assessed in terms of an overall Structure Plan for the whole rural precinct on the Western side of Wanneroo Road.

It is therefore recommended that the Joint commissioners adopt Amendment 867 to rezone the land from Rural to Rural and Special Zone -Additional Use (Restaurant, Production Winery and Wine Sales).

BACKGROUND

| | |
|----------------|-----------------------------|
| Lot No | 36 |
| Street Address | 529 Wanneroo Road, Woodvale |
| Land Owner | Paul A Conti |
| MRS Zoning | Urban Deferred |
| TPS Zoning | Rural |
| Land Use | Winery and Restaurant |
| Lot Area | 2.5849 hectares |

The location of the land is shown in Attachment 1. The site is situated in a strip of Rural zoned land on the western side of Wanneroo Road, and south of Ocean Reef Road.

The land adjoins a chicken farm on the southern boundary and a residential dwelling on the northern boundary.

Site History

The land is presently used as a winery and restaurant. The owners have been producing wine since 1948. The winery crushes 300 tonnes of grape per annum, bottled on site and stored for sale to the public. The restaurant has been operating for 17 years, and is fully licensed.

Previous Council Decisions

The land was initially used as a vineyard, including the sale of wine. On 30 June 1978 development approval was granted for the inclusion of a restaurant. Extensions to the restaurant were subsequently approved by Council on March 1997.

DETAILS

Current Proposal or Issue

The applicants propose the rezoning of the land from a Rural zone to Rural Special zone (Additional Use) Restaurant/ Café, Chalets, Production Winery and Wine Sales.

The purpose of the rezoning being to incorporate all existing activities undertaken on the land, and to allow for an additional use, namely short term accommodation in the form of either bed and breakfast or chalet units. The Applicants indicate that a possible location of the short-term accommodation would be adjacent to the Regional Open Space at the rear of the site.

It is further noted in the Applicant's submission that the proposed use would benefit the need for short-term accommodation along Wanneroo Road.

The site contains a small vineyard, however the primary vineyard operates in Pinjar Road, Wanneroo. Most of the grapes are grown locally, but as is generally the practice in the wine industry a variety of grapes are brought in from other areas.

The existing winery sale has been operating from before 1974 as a permitted use as part of the vineyard. The winery production operates from the site, and as such there may be some questions whether the activities fall within the definition of Rural Industry as defined in Town Planning Scheme No1, namely: ..an industry...processing or packing primary products grown...or produced in the locality...”

Relevant Legislation

The proposed District Planning Scheme No2 identifies the area as an Urban Development zone. Any proposed development within this zone is required to comply with the provisions of a Structure Plan.

Under the present Town Planning Scheme provisions for Rural zones, the Restaurant is a “AA” use, and the winery being a “Rural Industry” a “P” use.

With reference to the proposed short-term accommodation or “chalets”, under the Town Planning Scheme No1 there is no definition including this chalet type of use. It is considered that the use “Holiday Cottage” could be applicable here, this being an “AA” use under a Rural Zone. This use allows for two or more detached dwellings on one lot for holiday purposes, none of which is occupied by the same tenant for a period of more than 4 months.

Other Relevant Documents

The present Draft Rural Strategy applies primarily to the east of Wanneroo Road, and as such does not provide guidelines for the future use of the site.

CALM is currently preparing the Yellagonga Regional Park Management Plan. At present, the land abutting Yellagonga Regional Park does not have adequate planning guidelines. Guidelines are proposed to be prepared for these areas as a complementary exercise to the preparation of the above mentioned management plan.

The Conti winery and restaurant is listed in the Municipal Inventory of Heritage Places (1994), and as such planning protection should be provided in accordance with the recommendations for management plans.

Advertising and Summary

The Western Australian Planning Commission's consent for advertising of a proposed scheme amendment is not required where the amendment is consistent with the criteria set out by the Town Planning Regulations 1967, Clause 25(2), as follows:

- Section 6(1) or the First Schedule of the Town Planning and Development Act;
- Regulations made under the Act;
- The Metropolitan Region Scheme;
- Any statement of Planning Policy prepared by the Commission under Section 5AA of the Act.

The proposed rezoning amendment complies with these requirements, to the extent that it seeks individual recognition of existing uses.

COMMENT

Issues

The applicant seeks the amendment to the Scheme so as to address the concerns over possible rezoning of the land. Under District Planning Scheme No 2, the area is proposed to be rezoned as Urban Development and as such any proposed use must be determined by the Structure Plan.

The approach taken under District Planning Scheme No 2 is to include a Special zone where possible into the surrounding zone, and to remove Special Zones.

Part of the proposed rezoning relates to the re affirmation of existing uses, namely the restaurant, winery production and sales. This does not give rise to any significant issue.

Although the site presently falls within the City of Joondalup, boundary changes have been proposed to include the land into the Shire of Wanneroo subject to the Minister's approval. Furthermore, taking into account the time frame for the City of Joondalup Scheme 2, and the need to formulate a planning strategy for the existing rural precinct ; the proposed short term accommodation needs to be considered in terms of these wider issues.

Assessment and Reasons for Recommendation

Adjoining owners previously enquired about the rezoning their land. This was not considered to be the most suitable approach, as it would result in individual connections to Wanneroo Road, which is undesirable. The approach favoured was the formulation of a Structure Plan for the entire rural zone including limited strategic links to Wanneroo Road.

In this instance however, part of the rezoning request involves recognition of the existing uses, and as such no objections are raised on this basis. The most suitable classification for the proposed zoning is considered to be Rural and Special Zone (Additional Use): Restaurant, Production Winery, and Wine Sales.

However, the rezoning of the land to Additional Use(Chalets) (presently undefined in the Scheme) or other kind of short term tourist accommodation needs to be considered in terms of a general Structure Plan for the area, for the following reasons:-

- The additional traffic generated by the proposed short term accommodation, needs to be assessed in terms of an overall strategy for the area, and based on more detailed information as to the extent of the proposed “chalets”.
- The need to assess the entire rural area as a precinct, so as to ensure compatibility of uses, especially taking into account the proposed Urban Development zone.

Consequently, the rezoning of the land to Rural and Special Zone -Additional Use: (Restaurant, Production Winery and Wine Sales) is supported. Attachment 2 includes the proposed amendment to the Scheme Text.

With reference to the short-term accommodation, the inclusion of an additional use is not considered adequate. This is primarily due to the need for more detailed information as to the extent of the holiday accommodation, and the need to assess the rural precinct surrounding this land as a whole to ensure the orderly planning of the area.

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

- 1 in pursuance of section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No. 1 to REZONE Lot 36 (529) Wanneroo Road, Woodvale from Rural zone to Rural and Special Zone -Additional Use (Restaurant, Production Winery and Winery Sales) and adopts Amendment 867 accordingly;**
- 2 upon completion of the requirements of Section 7A1 of the Town Planning and Development Act 1928, make the documentation available for public inspection and comment in accordance with the Town Planning Regulations 1967;**
- 3 ADVISE the applicant that the introduction of an Additional Use -Short Term Accommodation is not considered appropriate at this time, due to the need to develop an overall strategy for the precinct addressing traffic issues, appropriate land uses for the area, and interaction with the adjoining Public Open space reserve.**

The Motion was Put and

CARRIED

**CJ143-04/99 METROPOLITAN REGION SCHEME
PROPOSED AMENDMENT NO.998/33 - ROAD
CLASSIFICATION REVIEW - [14874]**

SUMMARY

The Western Australian Planning Commission (WAPC) recently resolved to amend the Metropolitan Region Scheme's (MRS) method of categorising road reservations, which classifies land for regional road purposes. The intention of the amendment is to replace the current three tier system with a two tier system, to provide greater correlation between the road planning responsibilities of the WAPC and Main Roads Western Australia.

The proposal was previously tabled before the Joint Commissioners at the Council meeting held on 8 September 1998, during the statutory advertising period of the amendment. At the meeting it was resolved to advise the Western Australian Planning Commission that the City supported the amendment without modification.

Following closure of the advertising period 17 submissions were received. The objections received related to the classification and associated control of roads within other localities, and did not affect roads within the City. Hearings on the objections to the amendment were held, with the WAPC recommending that the amendment proceed with several minor modifications. These modifications also do not affect roads within the City of Joondalup and consist of correcting drafting errors which incorrectly classified or identified roads within the amendment, and identifying roads which have been extended since the amendment was initiated.

The amendment in its modified form has been endorsed by the Minister for Planning and approved by His Excellency the Governor, and is currently being presented to both Houses of Parliament. The Metropolitan Region Town Planning Scheme Act requires that the amendment remain in Parliament for 12 sitting days, and during this time either House may, by resolution, allow or disallow the amendment. This is anticipated to conclude on 5 May 1999, following which the amendment will be gazetted if the amendment is not disallowed during the sitting period.

BACKGROUND

The Metropolitan Region Scheme (MRS) has existed since 1963, and is a statutory land use plan which provides the basis for planning and development within the Perth Metropolitan Region. The MRS divides land within the region into zones for development in broad categories such as Rural, Urban and Industrial, and reserves land of regional significance such as Roads, Railways, Public Purposes and Parks and Recreation Reserves. The zoning categories within the MRS are similar to the City of Joondalup Town Planning Scheme, however local schemes are more specific with regard to the classification of zones and the associated development requirements.

The amendment has been proposed as the current MRS road classification system is considered to be inconsistent with the functional and administrative systems currently adopted by road authorities. There is no close correlation between the MRS road classification system and various other road classification systems, leading to confusion and inefficiency. Two reviews have been conducted to assess the situation, being the Road Reserves Review (RRR) 1991 and the Road Classification Review (RCR) 1993, and the proposed MRS amendment has been formulated using principles adopted in the RRR and the RCR.

The RRR recommended that the MRS road classification system be modified to reflect a two tiered functional road hierarchy to provide a consistent basis for definition of responsibility for regional road planning, application of road design standards and provide a regional road framework on which a local road hierarchy can be based. This two tiered system is proposed to replace the existing three tiered system within the MRS.

DETAILS

Current Three Tiered Classification System

Within the MRS, regional road reserves are divided into the following three categories:

Controlled Access Highways (CAH)

These are high standard major roads for regional traffic with no direct driveway access, and are often planned with provision for grade separated intersections at junctions with other roads. CAH reservations are coloured red in the Scheme map.

Examples of CAH roads within the City/Shire include:

Marmion Avenue (between Gilbert Rd, Duncraig and Ocean Reef Road)
 Mitchell Freeway
 Shenton Avenue (between Delamere Avenue and the Mitchell Freeway Reserve)

Other Major Highways (OMH)

These are high standard roads for regional traffic but with at grade intersections and driveway access. The OMH reservation category was introduced to accommodate existing major roads with side road and driveway access, and are coloured light red in the Scheme map.

The only example of an OMH road within the Shire is Wanneroo Road.

Important Regional Roads (IRR)

These roads are the principal connectors between the CAH and OMH roads, and are coloured dark blue in the Scheme map.

Examples of IRR roads within the City/Shire include:

| | | | |
|---|------------------|--------------------|-----------------|
| Warwick Road | Hepburn Avenue | Whitfords Avenue | Ocean Reef Road |
| Gnangara Road | Hester Avenue | Lukin Drive | Pinjar Road |
| Joondalup Drive | Burns Beach Road | Yanchep Beach Road | |
| Shenton Avenue | Eddystone Avenue | Flynn Drive | |
| Marmion Avenue (south of Gilbert Road, Duncraig and north of Ocean Reef Road) | | | |

Proposed Two Tiered Classification System

The proposed two tiered classification system is proposed as follows:

The top tier is to be referred to as ‘Primary Regional Roads’ and would comprise existing and planned National and State Roads which are currently reserved in the MRS. These are principally the existing CAH and OMH reservations in the MRS, and are roads for which road planning and administration/construction responsibility already rests with Main Roads Western Australia

The second tier is to be referred to as ‘Other Regional Roads’ and would consist of higher order roads which are principally the existing IRR reservations in the MRS. These are generally the most significant district distributor roads in the planned road network in each area. Road planning responsibility for these roads would continue to rest with the Western Australian Planning Commission (WAPC) and road administration/construction responsibility would remain with Local Government.

COMMENT

The amendment will have no impact on the administration of responsibilities or developments on regional roads. The changes do not alter the existing referral arrangements or construction/maintenance responsibilities for regional roads, but instead will result in the WAPC adopting a road hierarchy which is consistent with the hierarchy utilised by Main Roads Western Australia.

The modifications to the amendment following advertising consist of drafting corrections, and do not affect the structure or intent of the amendment. Following gazettal of the MRS amendment, the Metropolitan Region Town Planning Scheme Act requires the City of Joondalup to initiate an amendment to its Town Planning Scheme to reflect the new zonings of roads within the City. An amendment will be prepared by the City’s officers, following advice from the WAPC regarding the MRS amendment.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners, after careful consideration of the modified version of the proposed Metropolitan Region Scheme Amendment No.998/33 (Road Classification Review), ADVISE the Western Australian Planning Commission that they support the proposed amendment without modification.

The Motion was Put and

CARRIED

**CJ144-04/99 PROPOSED SUBDIVISION (PT LOT 503 (253)
EDGEWATER DRIVE, EDGEWATER) AND
SCHEME AMENDMENT AFFECTING
LAKESIDE DRIVE ROAD RESERVE - [01382J]**

SUMMARY

A request has been made by Council to initiate a minor Scheme amendment affecting a small portion of Lakeside Drive Road Reserve.

The purpose of the amendment is to rezone a truncation of the Lakeside Drive Road Reserve, currently within the Joondalup City Centre, into the Residential Development zone. The truncation area was originally intended to allow the extension of Edgewater Drive through to Lakeside Drive.

The Hon Minister for Planning upheld an appeal against the refusal of a subdivision application for Pt Lot 503 (253) Edgewater Drive; and the subdivision can now proceed without the extension of Edgewater Drive through to Lakeside Drive. Consequently, this road reserve truncation is proposed to be included into the proposed subdivision.

As the City's District Planning Scheme No.2 (DPS 2) is currently being prepared for advertising, it is recommended that the minor modification be incorporated into DPS 2 following advertising.

BACKGROUND

The area requested to be rezoned includes the truncation of the Lakeside Drive Road Reserve which is situated within the Joondalup City Centre zone. The location of the subject land is shown in Attachment 1.

Site History

On 2 July 1997, K.A Adam and Associates on behalf of Karinya Nominees submitted an application for the subdivision of Part Lot 503 Edgewater Drive, Edgewater. In its letter dated 24 October 1997 Council advised the Western Australian Planning Commission that it did not support the subdivision. The grounds for Council's recommendation related to the lack of a road interface between the park and Recreation Reserve. It was further indicated that Council would support a revised plan incorporating a 10 m wide road reserve.

On 25 November 1997, the Western Australian Planning Commission (WAPC) refused the subdivision of the subject land (MfP104398). Karinya Nominees appealed against the WAPC's refusal. The main issue in the dispute was whether an extension of the Edgewater Drive connection with Lakeside Drive should be included in the subdivision.

DETAILS

Current Proposal or Issue

Council requested a report on the possible initiation of a minor Town Planning Scheme Amendment relating to a small portion of Lakeside Road Reserve within the Joondalup Centre zone. It was previously indicated that the report was to be prepared once the appeal on behalf of Karinya Nominees was determined by the Minister for Planning.

The subdivision of Pt Lot 503 (253) Edgewater Drive, Edgewater, proposes to incorporate the subject land. Attachment 2 shows the proposed subdivision plan.

The Hon. Minister for Planning upheld the appeal against the WAPC's refusal to permit the subdivision of the land. The Minister indicated that based on the traffic studies and increased traffic flows along Edgewater Drive; the extension of Edgewater Drive could not be supported.

The Minister was in favour of a subdivision of Pt Lot 503, which does not provide for the extension of Edgewater Drive through to Lakeside Drive. He indicated that the road connection provided some benefits in accommodating the increase traffic flows to and from Joondalup centre. Nevertheless, he considered that any benefits would be outweighed by the likely detrimental effect on the amenity of the area having regard to the location of the road adjoining private homes and the Regional Open Space.

One of the conditions in allowing the subdivision to proceed was that the road constructed in the 10m wide road reserve between the houses and open space was to terminate well short of Lakeside Drive Road Reserve.

COMMENT

Issues

In view of the appeal decision, making no provision for the extension of Edgewater Drive, the issue can now be addressed as a minor modification to the City's District Planning Scheme No 2 following advertising.

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

- 1 NOTE the decision of the Minister for Planning relating to the subdivision of Lot 503 Lakeside Drive, Edgewater;**
- 2 NOTE that modifications to District Planning Scheme No.2 to include the truncation of Lakeside Drive road reserve into the Residential Development zone will be undertaken following public advertising.**

The Motion was Put and

CARRIED

**CJ145-04/99 SUBDIVISION CONTROL UNIT - DIRECTOR,
DEVELOPMENT SERVICES – FROM 25
MARCH 1999 TO 8 APRIL 1999 [05961]**

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit from 25 March 1999 to 8 April 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 Buckley that the Joint Commissioners ENDORSE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ145-04/99.

The Motion was Put and

CARRIED

Appendix XI refers

**CJ146-04/99 OFFER TO PURCHASE COUNCIL LAND AT
LOT 12 (2) UPPILL PLACE WANGARA. S B
MARVELLI - [01902W]**

SUMMARY

An offer to purchase the Council owned land at Lot 12 (2) Uppill Place Wangara has been received from Mr. S B Marvelli at the price of \$154,000 which is equal to the current valuation of the land.

The public notice requirements of Section 3.58 of the Local Government Act 1995 have been complied with and the Joint Commissioners may now enter into a Contract of Sale with Mr. Marvelli.

BACKGROUND

Lot 12 (2) Uppill Place Wangara is a vacant parcel of 2004 square metres zoned for light industry situated on the corner of O'Connor Way as shown on Attachment No.1. It is the last of the lots to be sold out of the subdivision of 16 light industrial lots that the Council of the former City of Wanneroo produced in 1997 and first offered for sale by public auction on 8 October 1997. The lot was not sold at auction and this offer from Mr. Marvelli is the first offer to be received on it.

DETAILS

The Valuer General's Office has assessed the current value of Lot 12 at \$154,000 and the offered price is equal to that valuation.

At the meeting held on 23 March 1999 at Item CJ91-03/99 the Joint Commissioners authorised the giving of statewide public notice of the offer from Mr. Marvelli. That notice was published in the "West Australian" newspaper on 31 March 1999 and the 14 day period allowed for the lodging of submissions expired on 13 April 1999 without any submissions being received.

All of the requirements of Section 3.58 of the Local Government 1995 in respect to the disposal of land by private treaty have been complied with.

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 27 April 1999.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners AUTHORISE the sale of the Council property at Lot 12 (2) Uppill Place Wangara to Mr. S B Marvelli for the price of \$154,000 with settlement to take place within 30 days of the signing of the Contract of Sale.

The Motion was Put and

CARRIED

**CJ147-04/99 PROPOSED COMMERCIAL BUILDING: LOT
60 (4) Warburton Avenue, Padbury -
[02730J]**

SUMMARY

An application has been received from Taylor Burrell Town Planning and Design on behalf of the Marmion Squash Centre Pty Ltd and Denkey Ptd Ltd for a commercial building on Lot 60 (4) Warburton Avenue, Padbury. The commercial building is intended to be used for shop, consulting rooms, veterinary consulting rooms and/or professional offices.

In February 1999, an application for a car wash and commercial building on this site was refused by the Joint Commissioners, following community opposition. This application has removed the car wash component which was the major point of community concern. A separate approval would be required before a car wash could establish on this site.

The present application was advertised and seven letters of objection were received. An additional letter advising that comments on the proposal would be submitted by 15 April 1999 was also received. Verbal advice was, however, subsequently received advising that no such comments would be submitted.

The existing squash court development on this site is run down and is also suffering from a car parking shortage. The area would therefore benefit from either an upgrade of this facility or redevelopment of the site. A service station/convenience store is located to the immediate west of the subject site. These two sites form what could be described as an island of non residential land uses in a low density single residential area.

With site being located in close proximity to residential properties, particular care needs to be taken to ensure the amenity of the nearby residents are not adversely affected.

A traffic assessment submitted with the application shows a modest increase in traffic generation, around 4% - 6% in peak hour traffic movements. The traffic is also likely to be dispersed differently throughout the day than that generated by the existing squash courts. The site is however located on a local distributor road adjacent to the intersection of Marmion Avenue and Warburton Avenue. The City's Warburton Avenue Traffic Management Scheme includes measures aimed at reducing overall vehicle speeds along Warburton Avenue. This will provide an increased level of safety for pedestrians and motorists, which would at least counter any increases in traffic volumes. The proposed removal of the crossover onto Renou Street will also assist in containing traffic associated with the development to Warburton Avenue, thus improving amenity for Renou Street residents.

The proposed development is likely to improve the overall amenity of the area and a conditional approval is recommended.

BACKGROUND

| | |
|-----------------------|-------------------------------|
| Lot No | 60 |
| Street Address | 4 Warburton Avenue, Padbury |
| Landowner | Marmion Squash Centre Pty Ltd |
| MRS Zoning | Urban |
| TPS Zoning | Special Development A |
| Land Use | Squash Court |
| Permissibility of Use | "AA" Discretionary |
| Lot Area | 2 234 Square metres |

Site Description

The site is located on the corner of Warburton Avenue and Renou Street, Padbury, around 50 metres east of Marmion Avenue.

A service station/convenience store is located to the immediate west of the subject site. These two sites form what could be described as an island of non residential land uses in a low density single residential area.

Single residential development exists to the north and east of the subject site. A recreation reserve of up to 26 metres in width separates the subject site from residential development to the south.

The Padbury neighbourhood shopping and commercial centre is located approximately 650 metres to the east on the corner of Warburton and Gibson Avenues.

Existing Development

A two storey squash court development with associated parking has existed on the site since the early 1970's. The site is currently served by three crossovers, two to Warburton Avenue and one to Renou Street. The building is of poor architectural quality and is in a dilapidated condition. The rear of the building backs onto the adjacent recreation reserve and is suffering from graffiti. The car park and landscape areas are run down and in need of upgrading.

Previous Council Decisions

The City has considered several applications for this site in past years. Each of these applications have been refused.

In July 1986, Council refused an application for a video hire outlet within the squash court development (Item A20716 refers). Council considered that the use was inappropriate within a squash centre and the car parking provision was considered inadequate to cater for the additional use.

In May 1989, Council considered a proposal to establish a fast food outlet and video library on the subject site (Item D20507 refers). The Council considered the fact that a restaurant was not permitted in the 'Special Development A' zone and required an amendment to Town Planning Scheme No.1. Council resolved to amend the Town Planning Scheme to accommodate the use and to defer the development proposal until the advertising period had been completed. In October 1989, Council was advised that the Minister for Planning had withheld consent to advertise the amendment. Consequently Council resolved to discontinue the amendment (Item D21025 refers). No further action on the development proposed was taken at the time.

In November 1991, Council refused an application for a shop, video outlet and fast food outlet on the site (Item F21107 refers). Reasons given by Council for this decision included:

- (a) video hire and fast food outlets are considered inappropriate uses in a residential area;
- (b) the proposal would generate unacceptable traffic; and
- (c) there would be insufficient car parking on site.

In June 1998 an application for a car wash and a commercial building for use as a shop and video library was refused by the Joint Commissioners (Item DP217-06/98 refers). The reasons for refusal were as follows:

- “1. the proposal does not comply with the City of Wanneroo Town Planning Scheme No 1 requirements and will significantly reduce the amenity of the surrounding residential area;*
- 2. the anticipated noise generated by the vacuum and car wash facility is considered unacceptable given the close proximity of surrounding residential development and will result in a loss of amenity of these residents;*
- 3. the proposal represents intensive commercial activity which is not considered compatible with the surrounding residential development;*
- 4. the City received 108 letters, a 597 and a 243 signature petition from residents in the immediate vicinity, opposing the development;*
- 5. the proposal is contrary to the orderly and proper planning of the locality.”*

The applicant lodged an appeal with the Town Planning Appeal Tribunal against the City's decision. The appellant, after negotiating an agreement with a group of objectors from the nearby Padbury Shopping Centre who had been joined in the appeal, modified the proposal by effectively replacing the video store component with a shop. The Tribunal dismissed the appeal as it had no jurisdiction to consider a proposal different in substance to that which the City had refused. The present application has resulted from this decision.

In February 1999, a second application for a car wash and commercial building was considered. This application sought to address many of the concerns raised by the previous application. The commercial building was proposed to be used for a range of uses including consulting rooms, veterinary consulting rooms, medical clinic, professional offices and and/or shop (excluding video store, delicatessen, take away and fast food). The application also proposed quite restrictive operating hours and a series of other measures such as fencing, landscaping, discrete lighting/signage and a management plan aimed at ensuring the amenity of the surrounding area was not unreasonably affected. This application was however again refused by the Joint Commissioner's for the following reasons:

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

DETAILS

Current Proposal

The current proposal has been modified in response to the principal concern of the local residents by replacing the previously proposed car wash with additional commercial floor space. The current application proposes a commercial building of 695m² gross floor area, located towards the corner of Warburton Avenue and Renou Street. The walls are proposed to be approximately 2.7 metres in height and the roof pitch extends to a maximum height of approximately 8 metres. An architectural tower feature extends to a height of approximately 9.5 metres. The roof pitching has been designed in two sections to minimise the average height of the overall building.

The proposed uses are Consulting Rooms, Veterinary Consulting Rooms, Professional Offices and/or Shop. Whilst an indicative tenancy mix is shown on the plans, the applicant emphasises that the internal tenancy arrangement is notional and may be subject to modification based upon individual tenant needs.

Vehicular access points are proposed to be confined to Warburton Avenue. Two crossovers are proposed in approximately the same location as currently exist. The existing crossover to Renou Street is proposed to be closed. Thirty-six car bays are proposed to service the development. A pedestrian access path is also proposed from the existing footpath along Renou Street.

Plans outlining the proposal are shown on attachment 2.

Relevant Legislation

Zoning and Permissibility

The subject site is zoned ‘Special Development A’ under the City of Joondalup Town Planning Scheme No 1 (TPS1). This zone was incorporated within TPS1 in its initial gazetted form back in 1972. The zone generally covers the suburbs of Hillarys, Padbury, Kallaroo and Craigie and is a very flexible zone, allowing a wide range of discretionary landuses. The zone was supported by a land use allocation estimate table and a structure plan and was intended to provide for both flexibility and orderly planning of a district which was then on one of Perth’s urban development fronts. The zone is similar to the relatively new ‘Urban Development Zone’ which is currently used by the City of Joondalup and Shire of Wanneroo for developing urban areas.

The proposed uses for the commercial building are all categorised under TPS1 as uses not permitted in the Special Development A zone unless approved by Council.

TPS1 requires that the City, when considering a discretionary land use within the ‘Special Development A’ zone’, considers the following matters:

- “1. *whether the proposed use would be detrimental to the amenity, public health, convenience and economy of the existing or planned uses nearby;*
2. *the necessity or otherwise of preparing a locality outline plan, in the absence of such plan;*
3. *the need or otherwise for the adoption of the advertising procedure laid down in Clauses 3.10 to 3.17;*
4. *other matters as Council considers relevant”.*

Setbacks

TPS1 requires minimum setbacks of 9 metres, 3 metres and 6 metres to the primary street (Warburton Avenue), side street (Renou Street) and rear (recreation reserve) property boundaries respectively for shop and office uses and 7.5 metres, 3 metres and 7.5 metres from the primary street, side street and rear boundaries respectively for consulting rooms. Setback requirements for veterinary consulting rooms are not specified under TPS1.

The walls of the commercial building achieve the primary street and side street setbacks, however the verandah and eaves line protrude within the setback areas to within around 7 metres of the primary street and to within around 1 metre of the side street. The commercial building is proposed to abut the rear boundary of the site which adjoins the recreation reserve.

Landscaping

TPS1 requires up to 8 percent of the site for shop and office developments to be set aside as landscaping. The proposal provides around 22% of the site as landscaping and therefore meets this requirement.

Plot Ratio and Site Cover

TPS1 requires a maximum 0.3 plot ratio and 30% site cover for consulting rooms and a maximum 1.0 plot ratio and 60% site cover for offices. The proposal provides around 0.31 plot ratio and 31% site cover and therefore complies with the most stringent TPS1 requirement.

District Planning Scheme No2

The proposed City of Joondalup District Planning Scheme No 2 (DPS2) identifies the suburb of Padbury as being predominantly zoned residential. Spot zonings are proposed to accommodate essential facilities such as shopping centres, schools, parks and the like. Under DPS2, the site was originally proposed to be zoned Residential, however following the receipt of a submission during the initial advertising of the Scheme, the proposed zoning was changed to Residential, Special Zone (Additional Use) Squash Court, to accommodate the existing use. This zone would preclude the overall development.

Commissioners may recall that the submission received from the applicant during the advertising of DPS2 requested a zoning that would accommodate the previously proposed car wash and commercial building development. This was not accepted, as the detail of the proposal was not available and it would not allow the community an acceptable opportunity to comment.

Whilst a non residential land use for this site was not considered inappropriate, the site has a controversial history and the City had not received a specific proposal that satisfied its planning criteria and had community support. Under these circumstances it was considered inappropriate to zone the land for a non residential use, other than accommodating the existing squash court. The owners/applicants have previously been advised that if a proposal was submitted which was acceptable to both the City and the community, then it is open to the City to amend its Town Planning Scheme to accommodate the proposal.

The Minister for Planning when considering DPS2 has however advised that more thought needs to be given to the future zoning of this site.

Relevant Policies

Car parking

Council policy requires car parking at the rate of seven bays per hundred square metres of shopping floor space for this size centre; 1 bay per 30 square metres of professional office floor space; five bays per practitioner for consulting rooms and six bays per practitioner for veterinary consulting rooms.

The car parking requirement for this development, assuming the mix of uses shown on the development plan and with the proposed restriction of a maximum of one practitioner for the consulting room or veterinary consulting room uses would be 31 bays. The application proposes 36 bays. If a different combination of the proposed uses establishes, then a car parking shortfall may result. A condition of approval can effectively be used to control this situation.

Advertising and Summary

The application was advertised by way of on-site signage for thirty days. The closing date for submissions was 4 April 1999.

At the conclusion of the advertising period the City received a total of seven individually prepared letters of objection. Five letters originated from within 100 metres of the subject site, one from around 300 metres and one from around 700 metres. An additional letter was received from solicitors acting on behalf of a nearby landowner advising of their intention to submit comments by 15 April 1999. Subsequent verbal advice was, however, received advising that no such comments would be submitted.

City officers were also notified by residents that the advertising sign had been knocked over for several days. Arrangements were made to have the sign re-erected.

A breakdown of the issues raised in the submissions is shown in the following table.

| Issue Raised | No of Submissions Raising Issue |
|---|---------------------------------|
| | |
| Fear that approval will pave way for future car wash approval | 2 |
| Loss of a recreational facility | 4 |
| No need for additional commercial premises | 4 |
| Impact on existing commercial premises | 1 |
| Devaluation of adjacent residential properties | 1 |
| Inappropriate use in a residential area | 2 |
| Building not of a residential scale | 1 |
| Proposed uses too vague | 2 |
| No restrictions on operating hours | 1 |
| Take away food outlets not appropriate | 1 |
| Potential traffic problems | 4 |
| Potential antisocial behaviour | 2 |

COMMENT

Main Issues

Traffic

The applicant submitted a traffic report by Engineering Consultants, Sinclair Knight Merz, detailing both the existing and proposed traffic likely to be generated by the proposal. This report concludes that an increase in traffic on Warburton Avenue, between Marmion Avenue and Renou Street, is likely to occur as detailed in the following table.

| | Existing | Proposed |
|-------------------|-----------------|-----------------|
| Weekday evening | 10-25 | 41 per hour |
| Weekend afternoon | 5 (estimate) | 35 per hour |
| Weekend evening | 5 (estimate) | 35 per hour |

These figures relate to vehicular trips associated with the subject site only. In March 1998, the overall traffic on Warburton Avenue in the vicinity of the subject site was surveyed at 4,700 vehicles per day which equates to around 470 vehicles in the peak hour. The increase in overall traffic volumes on Warburton Avenue is therefore relatively modest, around 4% on weekday evenings and 6% on weekend afternoons/evenings. The traffic is also likely to be dispersed differently throughout the day than that generated by the existing squash courts.

The City has listed as part of its 1998/99 Capital Works Program, the completion of the Warburton Avenue Traffic Management Scheme. The Scheme includes construction of a roundabout at the junction of Leichhardt Avenue, intermediate pedestrian islands and a painted or red asphalt median treatment on Warburton Avenue. The main aim of the scheme is to reduce overall vehicle speeds along Warburton Avenue. This will provide an increased level of safety for pedestrians and motorists, which would at least counter any increases in traffic volumes.

The proposed removal of the crossover onto Renou Street should also assist in containing traffic associated with the development to Warburton Avenue. This will largely overcome current problems associated with headlight glare to residents on Renou Street.

The City's Infrastructure Design Services has advised that the traffic generated by the proposed development is not likely to have an adverse impact on the surrounding road network.

Parking

The existing squash court development appears to suffer from insufficient on site car parking. This is evidenced by both site inspection during use of the facility and the poor state of the verges and landscape areas. It is considered that the redevelopment would improve this current problem.

Building facades

The building facades are generally of a high standard. The development will however result in the construction of a blank wall around 18.5 metres long and 6.5 metres high abutting the adjacent recreation reserve. The application does not provide any detail as to how this wall will be treated. A suitable condition of approval can ensure this wall is designed in an aesthetically pleasing manner.

There is evidence of graffiti on the rear of the present squash court build where it abuts the recreation reserve. Portion of the recreation reserve adjacent to the rear of the commercial building should be landscaped to minimise the opportunity for graffiti vandalism. This will also assist in improving the appearance of the wall.

The building façade facing Renou Street, whilst representing the rear of the development has been sensitively designed to create an attractive façade. This will be supplemented with quality onsite and verge landscaping. There are however two sizeable glass block windows. These should be treated to ensure minimal light impact on the residents in Renou Street.

Operating Hours

Given the range of uses proposed and in particular the fact that restaurants and take away food outlets are neither included in the application or permitted in the Special Development A zone, the prospect of late night trading is minimal. Given the proximity of the site to residential properties and the community's concern over extensive trading hours a condition restricting operation to say 10.30pm would still be appropriate.

Need for a Structure Plan

Given the relatively localised impact of this development proposal and the fact that its amenity impacts can be dealt with by way of conditions of approval, it is not considered necessary to prepare a locality outline plan in this instance.

Economic Impact

The Padbury shopping and commercial centres are located around 650 metres to the east of the subject site adjacent to the corner of Warburton and Gibson Avenues and a BP service station/convenience store is located immediately to west of the subject site.

The BP site currently provides a 24 hour supply of convenience goods to the local community and passing trade. This site also has a greater exposure to passing trade than the subject site and provides for a multi-purpose shopping (both petrol and convenience good sales). Under these circumstances it is unlikely that a convenience store would establish at the subject site and the proposal is therefore unlikely to have a significant economic impact on BP's operation.

The Padbury neighbourhood shopping centre is currently fully occupied. The adjacent commercial centre currently has approximately 50% of its professional suites vacant. The proposed development is intended to be used for much the same purposes as these two existing centres. Given their relative locations, it is likely that the proposed development will have some economic impact on these centres. The applicant did not provide a requested economic impact report and as such the extent of the impact has not been quantified.

The threat of economic competition is not a relevant planning consideration. The impact of a development on the extent and adequacy of facilities and whether any negative impact would be made good by the proposed development, is however relevant.

If the shopping component of the development was to be restricted to say 300m², in line with the Western Australian Planning Commission's Model Scheme Text definition for 'convenience store', then the proposed development would be likely to provide for a different type of shopping need than the nearby Padbury Neighbourhood Shopping Centre. Consequently, on the basis on the floorspace restriction, the impact would be considered minimal.

The Padbury Commercial centre does not appear to be performing at its optimum level. The centre is in average condition, with relatively poor exposure. The proposed development will provide a new facility, for much the same range of uses, in a modern, well designed complex. Even if the proposed development was to cause a substantial economic impact on the existing commercial centre, it is considered that the new centre would counter this impact, with a resultant overall community benefit.

Assessment and Reasons for Recommendation

The existing squash court development on this site is run down and is suffering from a car parking shortage. The area would therefore benefit from either an upgrade of this facility or redevelopment of the site.

A service station/convenience store is located to the immediate west of the subject site. These two sites form what could be described as an island of non residential land uses in a low density single residential area.

With the site being located in close proximity to residential properties, particular care needs to be taken to ensure the amenity of the nearby residents are not adversely affected. The proposal has been modified in response to the principal concerns of the local community, by replacing the previously proposed car wash with additional commercial floor space. A car wash would not be able to establish on this site without a further application being made to and approved by the Joint Commissioners.

A traffic assessment submitted with the application shows a modest increase in traffic generation, around 4% to 6% in peak hour traffic movements. The traffic is also likely to be dispersed differently throughout the day than that generated by the existing squash courts. The site is however located on a local distributor road adjacent to the intersection of Marmion Avenue and Warburton Avenue. The City's Warburton Avenue Traffic Management Scheme includes measures aimed at reducing overall vehicle speeds along Warburton Avenue. This will provide an increased level of safety for pedestrians and motorists, which would at least counter any increases in traffic volumes. The proposed removal of the crossover onto Renou Street should also assist in containing traffic associated with the development to Warburton Avenue, thus improving amenity for Renou Street residents.

The proposed development is likely to improve the overall amenity of the area and a conditional approval is recommended.

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

Cmr Buckley left the Room at 1840 hrs.

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

- 1 APPROVE the application for a commercial building as submitted by Taylor Burrell Town Planning & Design, on behalf of the Marmion Squash Centre Pty Ltd and Denkey Pty Ltd, subject to the following conditions:**
 - (a) subject to (c) below, the commercial building shall be used for consulting rooms, veterinary consulting rooms, professional offices, and/or shop (excluding take away food outlets) only;**
 - (b) subject to (c) below, a maximum of one practitioner shall be in attendance at any one time for the consulting room and veterinary consulting room uses;**
 - (c) the use of the commercial building for more than one of the uses specified in (a) above, shall not be permitted if the car parking requirements for that combination of uses exceeds the number of car bays provided onsite;**
 - (d) the shop component of the development shall not exceed 300m² gross leasable area;**
 - (e) the commercial building shall not trade outside the hours of 7.00am and 10.30pm daily;**
 - (f) all lighting shall be designed, constructed and thereafter maintained so that it does not over spill onto the adjacent residential properties or the street;**
 - (g) all lighting, including illuminated sign lighting, to be switched off outside the operating hours of the development. This condition does not relate to any security lighting;**
 - (h) the Renou Street elevation to be designed to the satisfaction of the City to minimise the impact of internal building lighting on the residents of Renou Street;**
 - (i) the building elevation to the adjoining recreation reserve to be designed to a high architectural standard to the satisfaction of the City;**
 - (j) a one metre high wall to be constructed and thereafter maintained along the south eastern property boundary, sufficient to protect adjacent residents from headlight glare to the satisfaction of the City;**
 - (k) the 3 existing crossovers to Lot 60 (4) Warburton Avenue, Padbury to be removed and the land graded, kerbed, landscaped and the footpath reinstated to the satisfaction of the City prior to the development first being occupied;**

- (l) the lodging of detailed landscape plans to the satisfaction and approval of the City for the development site, the adjoining road verges and portion of the adjoining recreation reserve as shown in red on the approved plans. Landscaping to be designed to break the bulk of the buildings when viewed from the adjoining streets and recreation reserves and to protect the building from graffiti vandalism;
- (m) landscaping and reticulation for all landscape areas identified on the approved landscape plans to be established prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (n) roof-mounted plant and equipment such as air-conditioning plant to be located and/or screened to the satisfaction of the City so they are not visible outside the boundaries of Lot 60 (4) Warburton Avenue, Padbury;
- (o) the lodging of an application for a building licence under the provisions of the Building Regulations and approval from the City before commencing any works whatsoever;
- (p) the parking area, driveways, points of ingress and egress to be designed, constructed, drained, marked and thereafter maintained to the specification and satisfaction of the City. These works to be completed prior to the use of the development commencing;
- (q) car parking bays to be 5.5 metres long and a minimum of 2.5 metres wide. End bays to be 2.8 metres wide;
- (r) one disabled bay is to be provided at car bay 5 or 6 and with a minimum width of 3.2 metres to the satisfaction of the City;
- (s) design levels of all proposed development to be to the satisfaction of the City;
- (t) all storm water to be collected and disposed of onsite in a manner acceptable to the City;
- (u) Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details signed by a practising Structural Engineer, to be submitted for approval with the Building licence application;
- (v) the bin store is to be increased in area to minimum internal dimensions of 2.6 metres by 4.0 metres, relocated to the location shown on the approved plans as car bay 17 and be screened from the adjoining street and recreation reserve to the satisfaction of the City;
- (w) a sign in accordance with the City's specifications being placed on site immediately stating that approval has been granted, such sign is to remain until the development is complete;
- (x) all walls adjacent to the reserve are to be coated with a graffiti protecting coating and kept free of graffiti;

2 subject to point 1(c) above, exercise discretion under clause 5.9 and 5.10 of Town Planning Scheme No 1 and DETERMINE that the proposed car parking provision and setbacks are satisfactory in this instance;

- 3 exercise discretion under clause 5.9 of Town Planning Scheme No1 and REDUCE the rear setback requirement from 7.5 metres to nil in this instance.**

Discussion ensued, with Cmr Rowell speaking in support of the Motion.

Cmr Clark-Murphy believed that the removal of the car wash component and the number of conditions placed on the development would make the proposal acceptable to the community.

The Motion was Put and

CARRIED

Cmr Buckley entered the Room at 1842 hrs.

Items CJ148-04/99 and CJ149-04/99 were Moved by Cmr Rowell and Seconded by Cmr Morgan.

CJ148-04/99 EQUIPMENT HIRE FROM SERVICE STATIONS - [39316]

SUMMARY

The City has received a number of complaints from hire companies concerning the unauthorised hire of trailers, utilities, boats, landscaping and gardening equipment from service stations. It is claimed that the hire activity has grown to a point where the value of the goods offered for hire is substantial and the income generated forms a significant portion of the Service Stations' net revenue. In many cases, this activity is not permitted under Town Planning Scheme No1.

Given the objections received, the fact that there is a clear breach occurring and time period prior to the introduction of DPS2 or any amendment thereto, it is recommended that each service station operator be required to bring their operations into compliance with the City's requirements.

DETAILS

Current Issue

The City has received a number of complaints from hire companies concerning the unauthorised hire of trailers, utilities, boats, landscaping and gardening equipment from service stations. It is claimed that the hire activity has grown to a point where the value of the goods offered for hire is substantial and the income generated forms a significant portion of the service stations' net revenue. A photographic survey highlighting the display of hire equipment from some 16 service stations accompanies one complaint. Each complainant is aware that the use contravenes the Town Planning Scheme and has demanded swift action to ensure all unauthorised hire activities cease.

Relevant Legislation

Under Town Planning Scheme No 1 (TPS1):

“Service Station” (A218 - 4.11.1983) means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs. In rural areas, a service station may include, as a minor incidental use, the provision of refreshments for the convenience of the travelling public.

The hire of equipment most closely fits within the use class of “Service Industry” under Town Planning Scheme No 1.

“Service Industry” (A175 & 344) means a business, light industry, professional service, or trade which, in the opinion of Council:

- (a) provides for the needs of the local community;*
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood or any adjoining residential areas, and;*
- (c) does not require the provision of services of a capacity greater than those normally required by the development in adjacent zones.*

There are around 50 service stations within the City of Joondalup/Shire of Wanneroo boundaries. Around three-quarters of these sites are zoned “Service Station”. Service Industry uses are not permitted in the Service Station zone.

The remaining sites are zoned either General Industry, Joondalup City Centre, Light Industry, Mixed Business, Residential Development, Two Rocks Town Centre, Whitfords Town Centre or various special zones. Equipment hire is not permitted in the General Industry, Residential Development or most of the special zones, however is a discretionary use within these remaining zones.

Legal Advice

The City’s Solicitors have offered the following verbal advice in respect to this matter:

1. a court would probably be reluctant to find that equipment hire from a service station was a separate use, if the hire component was of a small scale, say two items, and it was the service station operator undertaking the hiring. This is on the basis of the trivial nature of the use;
2. if equipment hire of any substantial scale occurred or, notwithstanding the scale, the hiring was conducted by someone other than the service station operator, a court would be likely to find that the hire component was a separate use. It would not be considered that the service station operator was undertaking the hiring, if a hire company displays equipment from a service station and service station staff merely undertake the transactions on behalf of the hire company;

3. it would be open to the complainant to undertake proceedings against the City, if having received a complaint, the City took no action or unreasonably delayed action. These proceedings could be by way of an injunction requiring the City to act and a claim for damages. The complainant would however have to prove the extent of damages. This is likely to be difficult to establish and therefore a claim for damages would therefore be unlikely to proceed.

COMMENT

Issues

It is apparent that the motivation behind the complaints is economic competition, rather than planning and amenity issues. Economic competition is not considered a valid planning consideration. Notwithstanding this, if a breach of the Town Planning Scheme is occurring, this must be addressed.

Inspection of a range of service stations confirms the widespread display of hire equipment. In many cases, the equipment is displayed on approved car parking or landscape areas, and in some cases, to the extent of causing operational or amenity problems. To date no approvals have been granted for equipment hire from service stations.

Assessment and Reasons for Recommendation

There are three possible options for the Joint Commissioners to consider:

Option 1 - No Action

As the City has received complaints regarding this matter and in a number of cases a clear breach is occurring, it would not be considered prudent to take this option.

If the Joint Commissioners decided to take no action, or unreasonably delayed action, then the City's legal advice suggests it would be open to the complainants' to undertake proceedings against the City, requiring it to act and also in regard to a claim for damages. The advice does however go on to suggest that a claim for damages would be unlikely to succeed. Under the terms of the Town Planning and Development Act, it would be also open for the complainants' to seek the Minister for Planning's intervention to require the City to act.

Option 2 - Require Compliance

There is no planning related objection to the principle of minor incidental equipment hire from service stations. In accordance with legal advice, this should be limited to two items and be carried out entirely by the service station operator. Such activities should also relate to the needs of the local community and be conducted in a manner that does not adversely affect the functioning of the service station or the amenity of the locality.

If the compliance option was taken, all service station owners would need to be written to advising of these restrictions and, in the case where the Town Planning Scheme allows this use, advise of application requirements for more extensive equipment hire. Service station operators would need to be given a certain time frame to comply. Given the likely impact that this may cause to business operations, a 3 month time frame would be reasonable. Future legal action may be required against individual service station operators/owners to ensure compliance after this period.

The compliance option is likely to meet with opposition from the service station industry and receive an adverse reaction from the general community who would be likely to view the activity as a convenient and useful complementary use from service stations. Breaches of the Town Planning Scheme should not however be condoned.

Option 3 - Amend TPS1 to Accommodate Equipment Hire from Service Stations

Equipment hire from service stations on other than a minor incidental scale would, in the majority of cases require the Town Planning Scheme to be modified, then a specific approval granted for each site.

The proposed District Planning Scheme No2 (DPS2) for both the City and Shire will be capable of accommodating vehicle hire in Commercial, Mixed Business, Service Industrial and General Industrial zones and general equipment hire in Mixed Business, Service Industrial and General Industrial zones. These zones cover the majority of the existing service stations sites. The DPS2 for each local authority is likely to be completed by late 1999. Given this time frame, it would not be appropriate and not likely to be possible at this late stage to amend the existing Town Planning Scheme No1.

Only following further investigation, consultation with the individual service station owners and the finalisation of DPS2, would it be appropriate to consider an amendment to that scheme. The amendment process normally takes in the order of six to nine months to complete.

Recommended Option

Given the objections received, the fact that there is a clear breach occurring and the time period prior to the introduction of DPS2 or any amendment thereto, the compliance option (option 2) is recommended.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners ENDORSE the action of writing to each service station owner:

- 1 advising that the City has received complaints regarding equipment hire from service stations;**
- 2 outlining the City's requirements in this regard;**
- 3 giving until 31 May 1999 for each owner to advise the City of the level and nature of equipment hire undertaken and until 31 July 1999 to bring their operations into compliance; and**
- 4 in the case where the zoning of the service site can accommodate equipment hire, advising that where the operator intends to carry out this activity on more than a minor incidental scale, then an application is to be lodged with the City by 31 May 1999.**

The Motion was Put and

CARRIED

**CJ149-04/99 MINISTER FOR PLANNING - DISTRICT
PLANNING SCHEME NO2 - [09011]**

SUMMARY

The Western Australian Planning Commission (WAPC) has advised that the Hon Minister for Planning has considered District Planning Scheme No2 (DPS2) and determined that it be split into two Schemes for the City of Joondalup and the Shire of Wanneroo, modified and re-advertised. The Hon Minister has required that the documents be modified in accordance with his instructions within 42 days of receipt of the advice and that the Scheme be advertised for a period of 30 days. It is estimated that the Scheme should receive final approval in December 1999.

It is recommended that the Joint Commissioners note the Hon Minister's advice, consider the modifications and modified documents at a Special Meeting of Council, and that no further amendments to Town Planning Scheme No1 be initiated.

BACKGROUND

At its meeting on 22 August 1998 the Joint Commissioners considered a report regarding District Planning Scheme No2 following advertising for public comment and resolved to:

- 1 advise the Western Australian Planning Commission that the City of Wanneroo District Planning Scheme No 2 was advertised for public inspection for a period of three months to 20 January 1998 and a further period of three months to 20 April 1998, that the advertising was accompanied by a comprehensive public consultation program, and that the matters referred to in the letter dated 6 October 1997 have been further considered as required by the Minister for Planning and have been investigated and considered;
- 2 endorse the comments and recommendations set out in the schedule of matters required to be considered by the Minister for Planning contained in Attachment 1 to Report CJ144-09/98;
- 3 having considered all submissions pursuant to Town Planning Regulation 17(1) endorse the comments and recommendations set out in the schedule of submissions contained in Attachment 2 to Report CJ144-09/98;
- 4 recommend that the table contained in Attachment 3 to Report CJ144-09/98 be included in the modified Scheme Text as Table 1 - The Zoning Table;
- 5 recommend that the changes set out in the schedule of Special Zones contained in Attachment 4 to Report CJ144-09/98 be incorporated in the Scheme Map and Scheme Text;
- 6 recommend that the table contained in Attachment 5 to Report CJ144-09/98 be included in the modified Scheme Text as Table 2 - Car Parking Standards;
- 7 recommend that the changes set out in the schedule of Retail Floor Areas Limits contained in Attachment 6 to Report CJ144-09/98 be incorporated in Schedule 3 of the Scheme Text;

- 8 recommend that District Planning Scheme No 2 be modified to incorporate the intent of the Town Planning Scheme Amendments that have been completed since the Scheme was previously adopted as set out in Attachment 7 to Report CJ144-09/98;
- 9 recommend that the scheme documents to District Planning Scheme No 2 form the basis for two new sets of documents for each of the City of Joondalup and the Shire of Wanneroo and that the new documents be advertised again for public inspection and comment before being considered for final approval.
- 10 pursuant to Town Planning Regulation 17(2) adopt District Town Planning Scheme No 2 modified in accordance with the recommendations set out in 2 to 9 above.

DETAILS

The WAPC has advised by letter dated 26 March 1999 that the Hon. Minister for Planning has considered DPS2 and noted that a comprehensive public consultation program had accompanied the advertising of the Scheme and that the local governments propose to commence a Local Housing Strategy to address residential areas on a precinct basis.

Council is further advised that the Hon. Minister has endorsed the following items, subject certain specific comments contained in the letter:

- DPS2 being split into two separate Schemes for the City and Shire;
- the WAPC's recommendations regarding the matters requiring further consideration during advertising;
- Council's recommendations in relation to the submissions received during the advertising period on the basis that this is to be advertised for a further public submission period;
- the proposed Zoning Table, and modifications to Interpretations;
- The inclusion of retail net lettable area limits for Centre and Commercial Zones for further advertising subject to retention of limits for those centres, which Council had proposed to delete. This is however subject to the inclusion of a clause which states that the floor space limits shall be adhered to except where varied by an agreed structure plan;
- The proposed Table of Car Parking Standards.

The Hon Minister has determined that the modifications to DPS2 are substantial and has granted consent to further advertising prior to consideration for final approval subject to a number of further modifications:

- modify the Special Zone provisions to reflect those of the Model Scheme Text;
- devise a suitable zoning for Lot 60 Warburton Avenue Padbury;
- incorporate TPS1 amendments that have received the Hon Minister's approval prior to re-advertising DPS2;

- Modifying Scheme provisions relating to various matters including incidental use, structure plans, environmental conditions and discretionary approvals.

The Hon Minister has required that Council place on advertising the modified Scheme report, text, Scheme maps and Density Code Maps within 42 days of the receipt of his advice, for an advertising period of 30 days. The fully modified Scheme Report and Text is to be available for public submissions but only the modifications to the Scheme Maps and Density Code Maps are to be so available.

The Hon Minister has also required that a number of issues be further clarified prior to submission of the Scheme for final approval. These include the landscape/environment and amenity provisions.

COMMENT/FUNDING

Advertising

The Hon Minister required that the modified Scheme Documents be placed for advertising within 42 days of receipt of his advice (that is by 10 May 1999). Provision was made for this work in the budget and consultants have been engaged to carry out the required modifications. Because of the time constraint it will not be possible to report the detail of the modifications and the final documents to a General Meeting of the Council prior to the deadline. Accordingly it will be necessary for a Special Meeting to be held to adopt the modified documents prior to the commencement of advertising.

Progress of Scheme

As a result of the Hon Ministers requirement that the Scheme be modified within 42 days and advertised for 30 days it is possible to estimate the time likely to be required to progress the Scheme to Final Approval. At this stage it is estimated that public submissions on the Scheme will be considered by Council in September and that the Minister's Final Approval and Gazettal of the Scheme will occur in December 1999.

There are a large number of issues to be addressed in modifying the documents and these will be reported to Council with the modified documents. The major issues arising from the Hon Minister's decision relate to provisions for retail floor space limits, treatment of Special Zones, and the treatment of TPS1 amendments.

Retail Floor Space Limits

TPS1 contains retail floor space limits for some shopping centres but not all. The Ministry for Planning insisted that floor space limits be included in DPS2 for all shopping centres in the then City of Wanneroo. The limits that were subsequently included in DPS2 were based on records of existing approvals not on any comprehensive study of the role of the various centres. The result of such provisions would be that no shopping centre could expand without a Scheme amendment, which is not considered to be a satisfactory approach to development control. The proposal attracted a number of submissions and Council recommended to the Minister that DPS2 provisions should remain in line with those existing under TPS1 until Council has completed its Local Centres Strategy. The Hon Minister has now required that the floor space limits set against the various centres in DPS2 for the previous advertising period be retained. In the light of this requirement it is vital that the Local Centres Strategy currently under preparation be completed as soon as possible to provide a basis for the review of this aspect of the Scheme.

Special Zones

TPS1 contains a large number of Special Zones providing for restricted or additional uses. The Hon Minister required Council to investigate these to see if the number could be reduced. Following its investigation Council recommended that a considerable number of properties in these zones could be removed and included in the Mixed Business zone. The Hon Minister has advised that if Council wishes to proceed with this proposal it should arrange for signs to be displayed on about 20 of these sites during advertising of the Scheme. It is considered that the proposal should not be proceeded with at this stage but the landowners involved be advised of the possibility and invited to apply for an amendment to the Scheme if they are interested in the proposal.

TPS1 Amendments

The Hon Minister has accepted Council's recommendation that TPS1 amendments completed by 22 September 1998 be included in DPS2. He has now also advised that those TPS1 amendments that have received Final Approval from the Minister or the City of Joondalup (following completion of advertising) prior to the commencement of the advertising of DPS2 should be included in the Scheme. There is also the opportunity for amendments that are approved by the City of Joondalup prior to the consideration of submissions on DPS2 to be recommended for inclusion in the Scheme by the Minister.

The implications of this is that any amendments to TPS1 that are already underway have a chance to have progressed beyond final approval by the City of Joondalup prior to the consideration of submissions on DPS2 and therefore can be considered for inclusion in that Scheme on Final Approval. Conversely any amendments to TPS1 initiated in the future would not be able to be finalised in that scheme or progressed sufficiently to be incorporated in DPS2 prior to Final Approval and would become redundant with the revocation of TPS1. Consequently it is recommended that no further amendments be initiated to TPS1.

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

- 1 NOTE the advice regarding the Hon Minister for Planning's consideration of District Planning Scheme No2;**

- 2 **HOLD a Special Meeting prior to 10 May 1999 to consider the modifications to the Scheme and adopt the modified documents for submission to the Ministry for Planning for authority to place the documents on advertising for a further public consultation period;**
- 3 **NOT INITIATE any further amendments to Town planning Scheme No1 because there is not likely to be sufficient time for any such amendments to become effective.**

The Motion was Put and

CARRIED

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| REPORT OF THE CHIEF EXECUTIVE OFFICER |
|--|

C17-04/99 UMBRELLA ENTERPRISE BARGAINING AGREEMENT – [16087]

SUMMARY

On 30 January 1998, a consultative committee was formed for the purpose of negotiating an Umbrella Enterprise Bargaining Agreement. The Agreement would incorporate principles of commonality across Business Units. The Agreement would provide the framework for the continuation of workplace reform. The City has been at the very forefront of local government industry workplace reform. Once in place the Agreement will allow individual Business Units to develop Agreements, which deal with issues unique to their needs. After a great deal of protracted negotiation the consultative committee have completed the task of finalising the Agreement. On 16 April 1999, staff voted overwhelmingly in favour of the adoption of the Agreement.

BACKGROUND

On 18 February 1998, an Agreement known as the City of Wanneroo Interim Certified Agreement 1997 was registered with the Australian Industrial Relations Commission (AIRC) in accordance with Division 3 of Part VIB of the Workplace Relations Act 1996. The parties recognised that the Agreement was a prelude to the development of an Umbrella Enterprise Bargaining Agreement.

On 30 January 1998, a consultative committee was established to negotiate the Agreement. The consultative committee comprised an independent chairman, management representatives, union representatives, non-union representatives and union officials from the Australian Services Union (ASU) and the Association of Professional Engineers, Scientists and Managers (APESMA).

On 16 April 1999 after protracted negotiations a secret ballot was held seeking the adoption of the Agreement. The result of the ballot was that a majority of staff voted overwhelmingly in favour of the adoption of the Agreement. This represents a fantastic result for both staff and management. Staff will now receive a fair and reasonable wage increase for their efforts. Management will benefit from having in place the framework needed for the continuation of workplace reform.

DETAILS

Each Business Unit will now establish their own consultative committees within 30 days from the certification of this Agreement, develop their own unique Agreements within 12 months and ensure their Agreements examine work practices and employment conditions relevant to improving work efficiency and effectiveness. Each Agreement will examine roster cycles, rostered days off, spread of hours, days of work, after hour call outs, start/finish locations, meal and rest breaks, penalty rates, sick leave arrangements, job sharing arrangements, communication, and flexi time arrangements

The Agreement contains a number of innovative and exciting clauses in relation to how the City will manage its employees in the future. The definition of bereavement leave has been extended ensuring more staff have access to bereavement leave. The notion of short term leave has been introduced to allow employees to use existing sick leave entitlements to take short periods of leave to attend to personal matters. The ability to cash out annual leave has been introduced to allow employees access to their annual leave entitlements should they wish to cash them in for any personal need. There are now far greater redundancy benefits available to employees should their employment be adversely affected by future business changes.

Perhaps the most exciting aspect contained within the Agreement is the parties' commitment to a broad range of key performance indicators. The following key performance indicators will ensure that the Business Unit Agreements position the City well for the future:

Best Practice
Benchmarking
Productivity
Customer Service
Organisational Development
Multiskilling
Flexible Work Hours
Reward and Recognition, and
Work Teams

COMMENT/FUNDING

The estimated cost of the 4% wage increase is \$634,400. In addition, there will be estimated cost for backpay of \$268,000.

Funding is available within the 1998/1999 annual budget.

MOVED Cmr Morgan, SECONDED Cmr Rowell that the Joint Commissioners ENDORSE the Umbrella Enterprise Bargaining Agreement containing:

1 a 4% wage increase, effective 1 January 1999;

- 2 a further 1% increase, on adoption of Business Unit Agreements if achieved within 12 months from the certification of the Umbrella Agreement, backdated to 1 July 1999.**

Discussion ensued, with the Chief Executive Officer outlining the proposal. He believed that the City of Joondalup and the Shire of Wanneroo had an opportunity now to move forward and to negotiate unique agreements within the business units which would position the City well for the future.

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, 11 MAY 1999** to be held at the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1844 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
MORGAN
ROWELL
CLARK-MURPHY
BUCKLEY