



MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 14 SEPTEMBER 1999

INDEX

No:	Item	Page
	ATTENDANCES	1
	APOLOGIES AND LEAVE OF ABSENCE	1
	PUBLIC QUESTION TIME	2
	DECLARATIONS OF FINANCIAL INTEREST	15
	CONFIRMATION OF MINUTES	
C40-09/99	MINUTES OF MEETING OF JOINT COMMISSIONERS HELD ON 24 AUGUST 1999	15
C41-09/99	MINUTES OF SPECIAL MEETING OF JOINT COMMISSIONERS HELD 31 AUGUST/7SEPTEMBER 1999	16
C42-09/99	PAYMENT OPTIONS – [05091]	16
	ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION	16
	PREPARATION FOR ELECTORS	16
	NORTHWEST METRO AND CITY OF JOONDALUP BUSINESS AWARDS	17
	NEW RESPONSIBILITY	17
	EISTEDDFOD	17
	SKATE FACILITY	17
	LOCAL GOVERNMENT SCHOLARSHIPS	18
	DEVELOPMENTS	18
	CALL CENTRE	18
	OTHER DEVELOPMENTS	18
	PETITIONS	
	PETITION OBJECTING TO THE CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CRUISE COURT AND SLOOP PLACE, HEATHRIDGE – [30448J]	19
	PETITION SUPPORTING THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN TIMBERCREST RISE AND THE RISE, WOODVALE – [36387J]	19

PETITION REQUESTING THE INSTALLATION OF FURTHER TRAFFIC CALMING MEASURES ALONG BURRAGAH WAY, DUNCRAIG AND AN INCREASED SECURITY/POLICE PRESENCE – [19271J, 03076]	19
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REPORT NO:

POLICY

CJ295-09/99	REVIEW OF THE DELEGATED AUTHORITY MANUAL [07032J]	20
CJ296-09/99	REVIEW OF TOWN PLANNING DELEGATIONS STRUCTURE - [46302J]	22
CJ297-09/99	ADOPTION OF HOME BUSINESS POLICY [13048]	30

FINANCE AND COMMUNITY DEVELOPMENT

CJ298-09/99	REGISTER OF DELEGATED AUTHORITY [07032]	33
CJ299-09/99	ALLOWANCE FOR ELECTED MEMBERS IN LIEU OF REIMBURSEMENT OF TELECOMMUNICATION EXPENSES - [27122].....	34
CJ300-09/99	NATIONAL FORUM ON PERFORMANCE MEASURES FOR STATE & LOCAL GOVERNMENT [43092J, 35174J].....	38
CJ301-09/99	WARRANT OF PAYMENTS FOR THE PERIOD TO 30 JUNE 1999 (ADDITIONAL INFORMATION) [09882].....	39
CJ302-09/99	ART COLLECTION WORKING PARTY [14158].....	41
CJ303-09/99	COMMUNITY FUNDING POLICY - AMENDMENTS [39290]	41
CJ304-09/99	COMMUNITY FUNDING PROGRAM GUIDELINES [39290]	44
CJ305-09/99	PROGRESS REPORT ON THE RANGER SERVICES MOBILE SECURITY PATROL SERVICE 1998/99 [00513]	50

INFRASTRUCTURE MANAGEMENT

CJ306-09/99	TENDER NO 043-99/00 - SUPPLY AND INSTALLATION OF PLAY EQUIPMENT COMPONENTS [30995J].....	66
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PLANNING AND DEVELOPMENT

CJ307-09/99	HERITAGE AND MUSEUM SERVICES AND FACILITIES PLANNING STUDY [12979J]	67
CJ308-09/99	NORTH WEST DISTRICTS OMNIBUS (NO 4) AMENDMENT NO 1012/33 [08190]	71
CJ309-09/99	SUBDIVISION CONTROL UNIT - DIRECTOR, PLANNING AND DEVELOPMENT (FROM 30 JULY 1999 TO 27 AUGUST 1999) - [05961].....	74
CJ310-09/99	AMALGAMATION OF LOT 8 JOONDALUP DRIVE AND PT LOT 4 GRAND BOULEVARD, JOONDALUP - LAKESIDE SHOPPING CENTRE [40175J]	75
CJ311-09/99	SUBDIVISION OF LOT 8 JOONDALUP DRIVE, JOONDALUP – LAKESIDE SHOPPING CENTRE [41175J].....	79
CJ312-09/99	PROPOSED SUBDIVISION - PT LOT 2 MACNAUGHTON CRESCENT, KINROSS (WAPC REF: 111508) [42212J]	82
CJ313-09/99	DELEGATED AUTHORITY REPORT [07032].....	85
CJ314-09/99	MIXED USE DEVELOPMENT ON LOT 63 (2) NOTTINGHILL STREET AND 64 (35) GRAND BOULEVARD, JOONDALUP [38553J, 44156J].....	85

CJ315-09/99 APPROVAL OF DEVELOPMENT ON LOT 718 (43) CLARKE CRESCENT, JOONDALUP [08277J]..... 91

CJ316-09/99 CLOSE OF ADVERTISING: PROPOSED AMENDMENT 824 TO TOWN PLANNING SCHEME NO 1 INTRODUCING PROVISIONS TO EXTINGUISH RESTRICTIVE COVENANTS.-[19045] 95

CJ317-09/99 APPLICATION TO CLOSE THE PEDESTRIAN ACCESSWAY BETWEEN THE RISE AND TIMBERCREST RISE, WOODVALE [36387J]..... 101

CJ318-09/99 APPLICATION TO CLOSE PEDESTRIAN ACCESSWAY BETWEEN CROMER GROVE AND WHITFORDS AVENUE, KALLAROO - [35268J] 104

CJ319-09/99 ACCESS ROAD TO COMMUNITY PURPOSE SITES - HEPBURN HEIGHTS PRECINCT, PADBURY [08801J] 107

CJ320-09/99 PROPOSED SUBDIVISION – LOTS 48 & 49 CURRAMBINE BOULEVARD, CURRAMBINE (WAPC REF: 111172) - [40143J] 109

DATE OF NEXT MEETING 113

CLOSURE

CITY OF JOONDALUP

MINUTES OF MEETING OF THE JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 14 SEPTEMBER 1999

ATTENDANCES

Commissioners:

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

Officers:

Chief Executive Officer:	L O DELAHAUNTY
Director, Resource Management:	J B TURKINGTON
Director, Planning & Development:	C HIGHAM
Director, Infrastructure Management:	D DJULBIC
Executive Manager, Strategic Planning:	R FISCHER
Manager, Executive Services:	K ROBINSON
Manager, Leisure & Ranger Services:	M STANTON
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN
Minute Clerk:	L TAYLOR

APOLOGIES AND LEAVE OF ABSENCE

There were 14 members of the Public and 1 member of the Press in attendance.

The Chairman declared the meeting open at 1900 hrs.

PUBLIC QUESTION TIME

The following question, submitted by Mr B Cooper of Kinross, was taken on notice at the Meeting of Joint Commissioners held on 24 August 1999:

Re: CJ294-08/99 – Distribution of the Net Current Assets of the former City of Wanneroo

Q1 As I understand it, the following assets will be given to the City of Wanneroo:

Lot 8 Wattle Avenue, which is a 60 hectare property;

Lot 4 Flynn Drive;

Two fully developed golf courses;

\$4,000,000 land in Wangara;

From my understanding of the situation, the City of Joondalup will receive:

Slightly more than \$3,000,000 in cash;

One half of one third of the residential land at Tamala Park;

I am concerned at the way in which these figures have been arrived at. I ask on behalf of the ratepayers of the City of Joondalup for a full justification of how the assets have been split.

Response by Cmr Ansell:

A1 The Governor's Order gives the Joint Commissioners a broad discretion to adjust the former City's property between the two new local governments, having regard to what they (the Commissioners) consider are the interests of both.

Over the past year, the Commissioners have made a number of decisions to give effect to the transfer of assets and liabilities to the two Cities and these have been reported at Council meetings over that period. I will now attempt to summarise the decisions made and the Commissioners' reasoning behind those decisions.

Before I do that, I think it is important to emphasise that this was not a transfer of assets beneficially owned by Joondalup to Wanneroo. As you are aware, the old City was dissolved and the assets and liabilities became available to set up the two local governments. That is what the Commissioners set out to do.

In setting up the two new Cities, the Commissioners' aim was to make them able to stand on their own two feet and, as far as possible, to provide all the services the old City of Wanneroo provided to its residents.

One of the Commissioners' fears was that the economies of scale enjoyed by the old City would be lost by the creation of two new local governments. To minimise the possibility of this, the Commissioners used consultants and the staff of the City to decide which old activities could be shared and which needed to be duplicated. The study also recommended which local government should provide the service to the other.

As a result of these reviews, the Commissioners decided that the City of Wanneroo is to provide the following services to both Councils:

- Waste Management Services
- Engineering Construction
- Fleet Maintenance
- Building Maintenance/Building Cleaning Services

On the other hand, the City of Joondalup will be providing specified library services to the City of Wanneroo under similar arrangements as well as a number of services on a temporary basis (until the City of Wanneroo is able to provide the service(s) in its own right).

The Commissioners held a series of workshops which were facilitated by an independent local government advisor. The results of these workshops were used in dividing the assets and liabilities of the old City. The two Chief Executive Officers attended these meetings and argued the case for their own local government. The overall process was subject to the review of Price Waterhouse Coopers. The results of these workshops were reported at the Council meetings held on 22 June 1999 and I set out below the decisions which were adopted.

“.....the Commissioners (at the Workshops), considered a wide variety of matters ranging from past contributions and past provision of services and facilities to current needs and future challenges. The following positions were formulated in respect of the specific asset/liability classes.

1 Assets

1.1 Land and Buildings

Generally land and buildings will be allocated on the basis of location. However, where land and any building located thereon is currently used to facilitate a service being provided by both local governments but is located in one of the local government districts consideration will be given to-

- *the provision of an appropriate facility in the other local government district;*
- *joint ownership of the asset(s);*
- *the provision of formal access/usage rights to the “non owner” local government; or*
- *the “owner” local government being required to provide services to the other under a long-term agreement.*

An exception to the general position of allocation on the basis of location, will be made in the case of the former City’s one third share of super lot 17, Marmion Avenue, Tamala Park. Ownership of this landholding will be shared equally by the City of Joondalup and the Shire of Wanneroo (i.e. one sixth share each in the super lot). This is consistent with the adjustment of membership of the Mindarie Regional Council (MRC) described under the next sub heading.

1.2 Mindarie Regional Council (Membership)

The former City's entitlement to appoint four (of twelve) regional Councillors to the Mindarie Regional Council will be divided equally between the City of Joondalup and the Shire of Wanneroo (i.e. 2 each). The rationale used in determining this allocation and the allocation of the super lot 17 land is as follows: -

- When Tamala Park was purchased and Mindarie Regional Council was formed in 1984 the three local governments – Perth, Wanneroo and Stirling agreed that the purchase cost should be shared equally and that each would have the same voting rights on MRC. This was notwithstanding the fact that the position of each LG was different and that Stirling would not be using the facility.*

The fact that Wanneroo was now being split in two should not alter the principle of equal ownership and membership.

- The MRC operation will become even more important in the future and there is the possibility that recycling for Joondalup and Wanneroo will be carried out at this site (BSD current investigations).*
- The life of the existing cells – stage 1 – is about 4 years or 3 years if Stirling continues to use this facility. Stage 2 with base lined or wholly lined will increase the life up to 6/11 years or 5/8 years with Stirling's participation.*
- Joint ownership would help ensure that the maximum benefits would be easier to achieve politically and in dealings with the MRC.*

1.3 Plant, Vehicles and Equipment

Plant and equipment is to be allocated on the basis of needs. Where an item of plant or equipment is presently being used in a location or is allocated to an employee (or gang), that item will be transferred to the ownership of the local government in which the plant is being used or to which the employee (or gang) is transferred.

However, recognition will be given where the transfer of plant and equipment is made on the basis of need and that need has only arisen as a result of the arrangement for the provision of services from one to the other, resulting in plant and equipment not being duplicated and being allocated to the service provider only.

Note: Where there is a need for additional plant, items will be acquired (from "pool monies") as needed.

Any items identified as being no longer required will be liquidated and the proceeds will form part of the "pool monies".

1.4 Furniture and Fittings

Furniture and Fittings are to be allocated on the basis of needs in line with the arrangements outlined for Plant and Equipment above.

Note: Where there is a need for additional furniture and fittings, items will be acquired (from “pool monies”) as needed.

Any items identified as being no longer required will be liquidated and the proceeds will form part of the “pool monies”.

1.5 Artworks

A framework has been developed by the Art Collection Working Party to distribute the Art Collection between the City of Joondalup and the Shire of Wanneroo. The framework has been designed to provide a clear and rational basis on which to form separate collections, with logical themes and subject matter together with integrated artforms relevant to the community of each local government.

Five categories for the distribution of artworks were identified to form the framework. Each piece of art was assessed against framework and where an artwork fitted into more than one category it was allocated in order of priority of the categories listed hereunder: -

- *Artworks in existing outlying locations are to be allocated on the basis of location;*

Artworks relating to the history of Wanneroo or donated to the former Shire of Wanneroo are to be allocated to the Shire of Wanneroo;

- *Artworks relating to the history of Joondalup are to be allocated to the City of Joondalup;*
- *Artworks acquired prior to 1992 (between 1979-1991) are to be allocated to the Shire of Wanneroo; and*
- *All remaining artworks are to be individually assessed in accordance with the following sections of ‘like’ work to ensure that the individual Art Collections retain their integrity: -*

To be allocated to the Shire of Wanneroo

*Rural landscape works;
Animal and plant life works;
Aboriginal works; and
Ceramics.*

To be allocated to the City of Joondalup

*Urban landscape works;
Boat and sea pictures and sculptures;
Still life and domestic interior works;
Figurative works;
Abstract works; and
Portraits.*

1.6 Infrastructure assets

This category of assets includes reserves infrastructure, roads, footpaths, drainage, car parking areas, other engineering infrastructure, health infrastructure and recreation infrastructure. All assets in this category are to be allocated on the basis of physical location.

1.7 Non current receivables

1.7.1 Deferred Pensioner Rates

To remain as a debt against the property (i.e. by location).

1.7.2 Sinking Fund Contribution

To be allocated to the Shire of Wanneroo, subject to adjustment on the basis of population as at 1 July 1998 (69% / 31%) using “pool monies”.

1.7.3 General Deferred Debtors

Where possible, to be allocated on the basis of location, otherwise on the basis of population as at 1 July 1998.

1.7.4 Deferred Town Planning Scheme Debtors

To be allocated to Shire of Wanneroo on the basis of location.

1.7.5 Mindarie Regional Council – undistributed surplus as at 1 July 1998 and initial capital advance

To be allocated equally to the City of Joondalup and the Shire of Wanneroo.

1.8 Stock on Hand

The allocation of Stock on Hand will be negotiated by the Executive Management of both local governments. The negotiated outcome will be reported to the Commissioners prior to 30 June 1999 for determination.

1.9 Current Assets (excluding Stock on Hand)

1.9.1 Cash Advances (cash on hand)

To be taken into the overall cash position (to form part of “pool monies”).

1.9.2 Investments

Reserve Fund investments held by the former City of Wanneroo that were established with third party contribution(s) and not identified in the Table referred to in clause 15 of the Joondalup and Wanneroo Order 1998 will be retained for their original purpose and will be cash backed. All other Reserve Fund investments will be taken into the overall cash position (to form part of “pool monies”).

Town Planning Scheme bank balances and investments to be allocated to the Shire of Wanneroo.

Investment funds required for 1997/98 carry forward works are to be allocated in accordance with the 1998/99 Budgets and adjusted on the basis of actual expenditure for the City of Joondalup and the Shire of Wanneroo.

The balance of investment funds (if any) are to be taken into the overall cash position (to form part of “pool monies”)

1.9.3 Rate Debtors

To remain as a debt against the property (i.e. by location).

1.9.4 General Trade Debtors

Where possible, to be allocated on the basis of location, otherwise on the basis of population as at 1 July 1998.

1.9.5 Prepayments

Where possible, to be allocated on the basis of location, otherwise on the basis of population as at 1 July 1998.

1.9.6 Accrued Income

Where possible, to be allocated on the basis of location, otherwise on the basis of population as at 1 July 1998.

2 Liabilities

2.1 Borrowings

2.1.1 Bank Overdrafts

Town Planning Scheme overdraft balances to be allocated to the Shire of Wanneroo.

All other overdraft balances are to be taken into the overall cash position (to be netted against “pool monies”).

2.1.2 Loans – Unsecured

Current and non current loan liabilities backed by the sinking fund are to be allocated to the Shire of Wanneroo, subject to adjustment on the basis of population as at 1 July 1998 using “pool monies”.

The remaining loan liability is to be allocated to the City of Joondalup, subject to adjustment on the basis of population as at 1 July 1998 using “pool monies”.

2.2 Creditors and Provisions

2.2.1 Trade Creditors

To be allocated on the basis of population as at 1 July 1998.

2.2.2 Sundry Creditors

Where possible, to be allocated on the basis of location, otherwise on the basis of population as at 1 July 1998.

2.2.3 Accrued Expenses

Where possible, to be allocated on the basis of location, otherwise on the basis of population as at 1 July 1998.

2.2.4 Provisions

Provisions for Annual Leave and Long Service Leave are to be cash backed (if possible) using “pool monies” and allocated on the basis of staff entitlements relevant to the respective local governments.

Provisions for redundancies are to be allocated on the basis of population as at 1 July 1998.

2.2.5 Flexi Leave and Time in Lieu entitlements

Flexi Leave and Time in Lieu entitlements are to be allocated on the basis of staff entitlements relevant to the respective local governments.

3 Vested Properties

Allocation is to be on the same basis as Land and Buildings (see section 1.1 above)

4 *Contingent Assets and Liabilities*

Contingent assets and liabilities are to be allocated equally to the City of Joondalup and the Shire of Wanneroo, consistent with the interim arrangements under clause 9 (1) (a) and (b) of the Joondalup and Wanneroo Order 1998, except for contingent assets and liabilities which may arise in relation to employees. The latter are to be allocated on the basis of staff location.

5 *Other Property, Rights and Liabilities*

Property, rights and liabilities of the former City of Wanneroo, other than those mentioned under sections 1 to 3 above are such that they are not brought to account in the financial statements. Hence, it is not essential to make determinations pursuant to clause 8 of the Order, before 1 July 1999. The Executive Management of both local governments are currently attempting to identify all such assets, liabilities and rights. As schedules become available the Commissioners will consider each item or class of items and make a determination thereon.

The Commissioners then asked the Chief Executive Officers of the two cities to provide them with a list of their additional needs to operate as two independent local government bodies. In the case of Joondalup, this included a request for a depot and for cash to cover replacement of the waste management fleet at the expiration of the service agreement with Wanneroo. In the case of Wanneroo it included, amongst other things, the new townsite and administration building.

Having regard to these submissions, the Commissioners allocated the available cash and investments on hand as at 30 June 1999 to the two local governments.

The final allocations of the cash and investments were made at the Council meeting held last Tuesday, 24 August 1999. The papers of that meeting detail the previous allocations of cash and investments.

In terms of cash and investments, the City of Joondalup and the City of Wanneroo reported substantial balances at 30 June 1999.

The Commissioners are confident that these cash balances should, given proper financial management, be sufficient to provide both local governments with a flying start to their new lives.

I believe that having read the forward budgets and the audited financial statements for both local governments, you will see that the Commissioners have had regard for the interests of both local governments and that neither have been disadvantaged.

Mr Vic Harman, Ocean Reef:

The following questions were taken on notice at the Special Meeting of Joint Commissioners held on 7 September 1999:

Q1 Page 9 in the yellow papers; under Dual Use Paths, can I have any further information regarding Ocean Reef Stage 1?

A1 This section of Dual Use Path starts at the existing foreshore car park adjacent to West View Boulevard, Mullaloo and extends northwards through the coastal dunes. The path will then deviate eastwards and join into Ocean Reef Road. The final alignment however will be subject to the West Australian Planning Commission.

A Development Application for this dual use path will be carried out this year. As part of this process, the West Australian Planning Commission will give environmental input into the alignment of this path.

Q2 In relation to security, is a figure available on the number of personnel employed in security. There has been concerns raised in my area that we are not getting the security when it is required. Is this because there is not enough security or that the operating times are not sufficient?

A2 13 operational Rangers work a combination of day and night shifts over a seven day period. 65 patrols are conducted over this period resulting in 44 day patrols and 21 night patrols.

In relation to the other concerns raised, see Item CJ305-09/99 on the agenda.

Further questions submitted by Mr Harman:

Q3 Re: Yellow Budget papers, page 7 of 11. Could I have details of Items 917 and 919?

A3 These relate to carried forward works from 1998/99:

917. Dual Use Path – Hodges Drive Connolly - \$56,468

This relates to works in progress for the construction of a 2.1 metre wide dual use path between Marmion Avenue and Caridean Street.

919. Dual Use Path – Mullaloo to Ocean Reef - \$7,720.

This relates to works in progress for the construction of a 3.0 metre wide dual use path between Mullaloo Surf Club and Oceanside Promenade carparks in accordance with Mullaloo/Ocean Reef Foreshore Management Plan.

Q4 Page 3 of 4. Item 780. What form are these Shade shelters to be and at what locations

A4 780. Shade Shelters - \$7,500

This allocation relates to shade shelters for beaches. The City's beaches are for the most part without shelter and therefore there is little protection from the sun. It is proposed that Sorrento, Mullaloo and Hillarys Beach Park each have a shelter erected in the 1999/2000 financial year at approximately \$2,500 each. The shelters resemble a "sail" and are compliant with Cancer Council shading policy.

Q5 Re: CJ299-09/99. I believe the past practice was for the Mayor of the day to sign the approvals for payment. Could this now become a function of the Administration with details published in the Agenda of the quarter in which they are paid?

A5 Yes. Once adopted the practice will be for the administration to draw a cheque for \$500 for each elected member. The payment will be recorded in the warrant of payments report for the relevant period.

Mrs A Hine, Dundobar Road, Wanneroo:

Q1 I refer CJ299-09/99, to Part Policy 2.2.12, Page 19.

Have the Commissioners sought legal advice as to the standing down of councillors who are still active helping local residents with local issues? And do the Commissioners believe they should be paid for their efforts?

A1 The Joint Commissioners have not sought legal advice on the issue raised by Mrs Hine. It needs to be understood that the former City of Wanneroo ceased to exist as a legal entity on 1 July 1998 resulting in the Commissioners being appointed to administer the two new local governments. There is no legal avenue for the former Councillors to be paid by either of the two new local governments.

Q2 Can Council say if a development has been approved on the site of land adjacent to sub-station at Edgewater? (Bounded by Joondalup Drive & George Grey Place). If so, who takes care of a historical site within this space? Where does Council's authority lie?

A2 A proposal for earthworks on the site was approved by Council in January 1996. The approval referred to the need for protection of a historical site within the subject area. A condition of approval required that earthworks be set back from the site. The file will be researched to determine the validity of the approval, and the site will be inspected to ensure that the terms of approval are addressed on site.

Q3(i) What has happened to the appeal lodged by the Commissioners in regards to the (ex) public open space at Pullan Place?

A3(i) The appeal to the Minister for Planning was lodged with the Minister on 19 July 1999. Correspondence from the Minister's Appeal office on 6 September 1999, indicates that papers containing the various legal arguments are currently being prepared for the consideration of the Minister. The determination of the Minister is yet to be made.

Q3(ii) How could the bulldozing start on this land while there was an appeal in place?

A3(ii) The owner of the site received subdivision approval from the WA Planning Commission under S20D of the Town Planning & Development Act. Such approval has the effect of giving an Approval to Commence Development under the Town Planning Scheme. The Town Planning & Development Act does not contain any provisions to stop or delay development while an appeal is being considered.

Q3(iii) Who gave the all clear to the developers?

A3(iii) The approval referred to in A3(ii) above gave the developers the right to proceed with the subdivision works, subject to them satisfying the relevant conditions of approval.

Q3(iv) And what was the outcome of the meeting ordered by Council at our last Council meeting between Council and a few ratepayers?

A3(iv) The Director Planning & Development, and the Council's Landscape Architect met on site with Mr Ray Halligan MLC, and two local community representatives on Wednesday 25 August 1999.

The request to meet on site was in order to assess the current situation, whereby residents had been assured that as many trees as possible were going to be saved by the joint venturers. Whilst the meeting met this objective, the process which enabled the land clearing to commence and continue, pending the appeal determination, was discussed. Mr Halligan indicated that he would be pursuing this matter at State Government level.

Q3(v) Have ratepayers got any rights left in such a dispute?

A3(v) Previous legal advice to a similar situation indicates that there is no legal action which the City can take as the provisions of S20D of the Town Planning & Development Act offered the developer immunity to the operation of the Town Planning Scheme No. 1 with regard to the subdivision works and the clearing of the land.

Q3(vi) Can Council amend our laws to see such disregard paid for by ratepayers does not happen again?

Q3(vi) Any changes to legislation would need to be at State Government level.

Mr S Magyar, Drummer Way, Heathridge:

**Re: CJ254-07/99 – Proposed Subdivision – Swan Location 8809 Peppermint Drive, Greenwood; and
CJ316-09/99 – Close of Advertising, Amendment 824, Town Planning Scheme provisions to extinguish restrictive covenants.**

Q1 In reference to the development of the former Greenwood Primary School site. Currently the earth and drainage works are proceeding. The local residents have established that the road drainage from the development is to be discharged into a sump on the far side of Blackall Reserve from the development.

It appears that the pipe carrying this discharge is to be laid directly through the centre of the playing field of Blackall Reserve. Considering that the main body of Blackall Reserve is now no longer to be used exclusively for recreation purposes, that is, a drainage easement is now to divide the playing field, will the Council amend the title for Blackall Reserve to show the real situation?

A1 As the Blackall Reserve is under the management of the City of Joondalup and the use of the land surface will not be affected, there is no need for a separate drainage reserve to accommodate the underground pipe.

Q2 Many land developers place restrictive covenants on new subdivisions and advertise this as a form of warranty that the area will maintain a particular level of amenity. This practice has misled many purchasers to believe that the Local Council was going to enforce the covenants, which was never the case. Considering that council can make the covenants even more worthless, will Council, as part of any subdivision approval make one of the approval conditions that a warning be printed on any advertising material that any covenants arranged by the developer may be extinguished by Council?

A2 The Scheme provisions proposed in Amendment 824 provide a very public and transparent procedure for the extinguishment or variation of restrictive covenants where such covenants are considered by the Council to be contrary to the intent of the Scheme and the orderly and proper planning for the particular locality. The measures proposed will ensure that anyone likely to be affected by a proposed change to a restrictive covenant has the opportunity to ensure that their concerns are taken into consideration.

Mrs L Chilby, Erica Court, Greenwood:

Re: Greenwood Primary School Site

Q1 How much extra land has the developer obtained?

A1 The developer acquired the former Greenwood Primary School site. Although a subsequent land exchange between part of this site and the northern and southern Crown Reserves occurred, the resultant area available to the developer did not change.

- Q2a* Is the pathway joining Mamo Place and Peppermint Drive still public open space?
- A2a The pathway adjoining Mamo Place remains as a reserve for public open space, however, the reserve adjacent to Peppermint Drive was the northern reserve which formed part of the exchanged land referred to in (1) above.
- Q2b* If so, why has so much vegetation been removed? Not just three (3) trees, as a worker from the City Council would have you believe. At least four (4) very large trees have been taken out as well as numerous banksia, acacias, grass trees, saplings and other shrubs have been removed?
- A2b As indicated in 2(a) above, the area adjacent to Peppermint Drive was approved as part of the subdivision for development of housing lots. The approval enables this land to be cleared for that purpose. With respect to the reserve along Mamo Place, there are two easements for sewer connections across the reserved land and footpath. Making these connections may have resulted in the loss of two (2) trees.
- Q3* Why is the sewerage on public open space? Not just crossing it as the worker from the City Council stated?
- Q4* Why has the sewerage been continued past the existing pipe lines?
- A3&4 The only works in the public open space areas are for sewer lines to cross to make connection with the existing sewer network and for the stormwater drainage pipe connecting the subdivision with the sump on Blackall Reserve.
- Q5* Is the developer being monitored for the potential damage to existing trees by the severing of roots and the removal of soil?
- A5 The Council's Landscape Architect has been monitoring the clearing work being undertaken by the developer to ensure compliance with the subdivision plan and approval.

Mr Terry Darby-Smith, Joondalup Residents Association:

- Q1* *Re: CJ297-09/99: Adoption of Home Business Policy. I am concerned that this report states that, following a 30 day advertising period, no submission was received as on 1 July 1999 a public submission was forwarded from the Joondalup Residents Association. Extensive research by the Association and the City has failed to find out why this submission was not considered. I ask Commissioners to defer a decision on the adoption of this policy for a period of three months to allow further consultation to occur.*
- A1 *Response by Cmr Ansell:* Commissioners received a further copy of your submission this evening. We have looked at this submission, and we had an oral submission from you previously and I understand that the matters you have raised in your letter were also covered at that meeting.

Response by Cmr Clark-Murphy: Mr Darby-Smith's concerns were extensively discussed and Commissioners have considered those concerns.

Mr John Hollywood, Burns Beach:

Q1 I am representing the Burns Beach Ratepayers Association. The millennium is approaching and many people will wish to celebrate this occasion. We would like to hold our celebrations in our own park for the ratepayers of Burns Beach. I would like information in relation to holding such an event, ie insurance requirements; liquor licence, road closure etc.

A1 Response by Cmr Ansell: The Chief Executive Officer will discuss this matter with you and obtain the information you require.

Mr Steve Magyar, Heathridge:

Q1 As the City of Joondalup is a nuclear free zone and the decision to keep it such has not been rescinded, what can the City do to ensure that Pangea Corporation does not establish its offices in Joondalup?

A1 Response by Cmr Ansell: If they want to open an office here we cannot stop them.

Mr M Sideris, Mullaloo:

Q1 In relation to the dual use path under construction south of Mullaloo, from the surf club towards Whitfords Avenue, I note that the Council has allowed the contractor to use a front-end loader to remove a section of dune. I think the Council should bear in mind that the dunes are in need of preservation and I think the method used by the contractor needs to be questioned, bearing in mind the item raised by Mr Harman that a contract has been let for a dual use path from Mullaloo Surf Club to Ocean Reef. I hope that Council takes on board the similar desecration of the dunes.

A1 Response by Cmr Ansell: Your concerns have been noted by the relevant officers.

DECLARATIONS OF FINANCIAL INTEREST

Nil

CONFIRMATION OF MINUTES

C40-09/99 **MINUTES OF MEETING OF JOINT COMMISSIONERS –**
24 AUGUST 1999

MOVED Cmr Ansell, SECONDED Cmr Morgan that the Minutes of the Meeting of Joint Commissioners held on 24 August 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

C41-09/99 **MINUTES OF SPECIAL MEETING OF JOINT COMMISSIONERS,
31 AUGUST/ 7 SEPTEMBER 1999**

MOVED Cmr Morgan, **SECONDED** Cmr Rowell that the Minutes of the Special Meeting of Joint Commissioners held on 31 August 1999 and 7 September 1999, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

C42-09/99 **PAYMENT OPTIONS – [05091]**

The resolution adopted by the Joint Commissioners at the Special Meeting of Joint Commissioners held on 31 August/7 September 1999 relating to payment options in the 1999/2000 rates (JSC25-09/99 refers) required that the second instalment be paid 63 days after the due date of the first instalment (ie 24 December 1999). As this is Christmas Eve and traditional that the City's offices close at midday on that day, it is deemed appropriate that the resolution for the second instalment on both the second and fourth instalment options be amended to read 68 days rather than 63 days.

This then requires that the second instalment be paid on 29 December 1999.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Morgan that **Item JSC25-09/99 – Payment Options for the payment of rates be altered in order that any references to 63 days be amended to reflect 68 days.**

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

PREPARATION FOR ELECTIONS

Preparations are underway for the City of Joondalup's inaugural elections, scheduled for 11 December 1999.

The election is to be held as a postal vote and electors will vote for the first Mayor to be elected by the people, as well as 14 Councillors across seven wards.

The Chief Executive Officer and Director of Resource Management have met with Electoral Commissioner, Dr Ken Edwards, and the appointed Returning Officer, Brian Moore to discuss arrangements for the forthcoming election.

Plans are being made to hold a briefing workshop for prospective candidates on such things as nomination procedures, conducting the count and the role of a Councillor.

The results of the election should be known by 9 pm on Saturday, 11 December 1999. The count will be conducted in the function centre of the Joondalup Civic Centre.

Nominations for candidates open on 28 October 1999 and close on 11 November 1999, with ballot papers being delivered by Australia Post from approximately 26 November 1999.

NORTHWEST METRO AND CITY OF JOONDALUP BUSINESS AWARDS

The City of Joondalup is the major sponsor of the annual Joondalup Business Awards which will be presented at a gala evening this Friday, 17 September 1999 at the Function Centre, Joondalup Civic Centre.

Manager, Organisation and Strategic Development, James Kirton was invited to be a member of the judging panel to select the winners, including the Business Person of the Year.

NEW RESPONSIBILITY

Following the departure of LandCorp from Joondalup, the City will take on the added responsibility for the continuing development of the Joondalup City Centre.

LandCorp, however, will maintain a Joondalup Project office and continue its commitment to high quality land development and the provision of infrastructure requirements originally intended for the City Centre.

EISTEDDFOD

The 1999 Eisteddfod has been highly successful, with almost 2000 participants in 730 entries.

The City has taken responsibility for the Eisteddfod and is committed to see the event continue as one of the prime events of its type in the metropolitan area.

I would like to take this opportunity to thank Alison and Graeme Major for their efforts in making this event such a success and also to acknowledge the efforts of the Organising Committee and the volunteers.

SKATE FACILITY

The City's young people should have a new skate facility in time for summer.

The Minister for Youth has granted \$10,000 to the City to help with the design and construction of the semi-mobile skate park outside Craigie Leisure Centre.

The City's contribution will be \$37,000.

LOCAL GOVERNMENT SCHOLARSHIPS

Congratulations to Manager, Executive Services, Kevin Robinson and Manager, Human Resources, Brian Roche, who have been awarded Local Government scholarships to attend a senior executive program at Canberra University.

Congratulations also to Manager, Council Support Services, Mike Smith, who has been awarded a scholarship to attend the Australian Institute of Management (AIM) Executive Development course in Perth in November 1999.

DEVELOPMENTS

Amongst development applications processed between 1 August and 31 August 1999, and for approval this evening, is the \$28 million science and health building extension to Edith Cowan University, Joondalup.

Edith Cowan should be congratulated on this major project, which further advances Council's strategic plan for Joondalup as a university City.

CALL CENTRE

The State Government has announced the establishment of a \$3.5 million call centre in Joondalup central business district (CBD). This is to be established in the vacated LandCorp offices in Joondalup CBD.

The City has been working for some time towards the establishment of industries such as this and the 200 new jobs generated will be a major boost to Joondalup as a vibrant regional centre.

It is hoped call centres will be amongst modern industries the City is able to attract to the region.

OTHER DEVELOPMENTS

The large Target Home store, one of the few in Australia, is due to open early in October 1999 at Lakeside Joondalup Shopping Centre.

The new store will employ 300 people.

Condor Furniture will open its 1500 sqm showrooms in Onslow Place next to Harvey Norman in approximately three weeks.

PETITIONS**PETITIONS SUBMITTED TO THE MEETING OF JOINT COMMISSIONERS – 14 SEPTEMBER 1999**

- 1 PETITION OBJECTING TO THE CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CRUISE COURT AND SLOOP PLACE, HEATHRIDGE – [30448J]

A 47-signature petition has been received from residents of Heathridge objecting to the proposed closure of the pedestrian accessway between Cruise Court and Sloop Place.

This petition will be referred to Planning and Development for action.

- 2 PETITION SUPPORTING THE CLOSURE OF THE PEDESTRIAN ACCESSWAY BETWEEN TIMBERCREST RISE AND THE RISE, WOODVALE – [36387J]

A 35-signature petition has been received from residents of the City of Joondalup supporting the requested closure of the pedestrian accessway between Timbercrest Rise and The Rise, Woodvale.

This petition will be referred to Planning and Development for action.

- 3 PETITION REQUESTING THE INSTALLATION OF FURTHER TRAFFIC CALMING MEASURES ALONG BURRAGAH WAY, DUNCRAIG AND AN INCREASED SECURITY/POLICE PRESENCE – [19271J, 03076]

A 32-signature petition has been received from Katie Hodson-Thomas, JP MLA on behalf of residents of Duncraig requesting the installation of further traffic calming measures along Burragah Way, Duncraig to curb the incidence of dangerous driving practices occurring.

A request has also been made for an increased security/police presence.

This petition will be referred to both Infrastructure Management and Community Development - Leisure and Ranger Services.

RESOLVED that the petitions:

- 1 **objecting to the proposed closure of the pedestrian accessway between Cruise Court and Sloop Place;**
- 2 **supporting the requested closure of the pedestrian accessway between Timbercrest Rise and The Rise, Woodvale;**
- 3 **requesting the installation of further traffic calming measures along Burragah Way, Duncraig to curb the incidence of dangerous driving practices occurring, as well as an increased security/police presence in the area;**

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

POLICY

Items CJ295-09/99 to CJ297-09/99 inclusive were Moved by Cmr Buckley and Seconded by Cmr Morgan. Cmr Buckley stated her intention to speak on Item CJ296-09/99 and invited Cmr Clark-Murphy to speak on Item CJ297-09/99.

CJ295-09/99 REVIEW OF THE DELEGATED AUTHORITY MANUAL [07032J]

SUMMARY

The Joint Commissioners at their meeting held on 22 June 1999 adopted corporate policy and delegated authority manuals.

There is the need to make the following amendments to the Delegated Authority manual:

- remove the reference to Director, Strategic Planning and replace with Executive Manager, Strategic Planning;
- remove the reference to Manager, Parks Landscaping Services and replace with Manager Operations;
- remove the delegation to Manager Environmental Waste Services and replace with Co-ordinator Waste Management and Environmental Services.
- amend page 82 to correctly reference the Local Government (Functions and General) Regulations 1996;
- delete point (2) on page 83
- limit the ability of the authority to select firms to tender where the Expression of Interest exceeds \$100,000;
- delegate authority to Chief Executive Officer to approve minor variations.

BACKGROUND

The City of Joondalup performed an extensive review of its corporate policy and delegated authority manuals. The revised manuals were adopted by the City at its meeting held on 22 June 1999.

DETAILS

To ensure that the delegated authority manual is effective, it is important to ensure that it is a 'living' document and that it reflects the organisations demands.

Following the adoption of the delegated authority manual, a number of minor alterations are required.

A number of the delegations throughout the manual are delegated to the Chief Executive Officer, who in turn has on delegated, where applicable to all Directors. Since the adoption of the manual, the Director, Strategic Planning has been retitled to, Executive Manager, Strategic Planning. It will therefore be necessary to amend the delegated authority manual to read:

‘All Directors; to read ‘All Directors and Executive Manager, Strategic Planning’;
‘Director, Strategic Planning’ to read ‘Executive Manager, Strategic Planning’;

The position of Manager, Parks Landscaping Services has also been retitled to Manager, Operations and requires to be amended in the Manual.

Choice of Tenderer

Page 82 of the Delegated Authority Manual refers to the Reference as section 18(1) Local Government (Functions and General) Regulations 1996, but should read, Section 18 of the Local Government (Functions and General) Regulations 1996.

Tenderers to be Notified

Point (2) on page 83 of the manual should be deleted as it was included as an oversight. The authority to choose from those persons who submitted an expression of interest to submit a tender, has been delegated to the Chief Executive Officer, on page 85.

Choice of Acceptable Tenderers from an Expression of Interest

Page 85 of the Delegated Authority Manual delegates the authority to the Chief Executive Officer the ability to choose from those who submitted an Expression of Interest who can tender - (Item CJ60-08/98 refers). The Chief Executive Officer has also been delegated the authority to accept a tender not exceeding \$100,000. In order to be consistent with that delegation, it is suggested where there is no value placed in an expression of interest, or the expression of interest has a value that exceeds \$100,000, then the decision to choose acceptable tenderers from expressions of interest received should be a decision of the Council.

Domestic Waste Collection And Recycling Service

The delegation to Manager Environmental Waste Services is not appropriate as this position no longer exists within the City of Joondalup. This delegation is required to be replaced by Co-ordinator Waste Management and Environmental Services.

Variation of requirements before entry into contract

The Local Government (Functions and General) Regulations 1996, under Regulation 20, allows for minor variations to be made with the successful tenderer when goods or services are required, prior to the contract being entered into.

There is no current delegation regarding minor variation pertaining to Regulation 20. It is therefore suggested that the Chief Executive Officer also be delegated under Regulation 20, to make a minor variation if he is satisfied that the variation is minor having regard to the total goods or services that tenderers were invited to supply.

Comment was sought from the City’s solicitors who suggested this delegation when dealing with minor variations to contracts.

COMMENT/FUNDING

It is important that the Delegated Authority manual is regularly reviewed and updated to ensure that the document reflects the needs of the organisation.

It is therefore recommended that the suggested amendments be adopted.

MOVED Cmr Buckley, SECONDED Cmr Morgan that the Joint Commissioners ADOPT the following amendments to the Delegated Authority Manual:

- 1 remove all references to Director, Strategic Planning and replace with Executive Manager, Strategic Planning;**
- 2 remove all references to Manager Parks Landscaping Services and replace with Manager Operations;**
- 3 delete the following delegations:

Page 82 - Choice of Tenderer;
Page 83 - Tenderers to be Notified;
Page 85 - Choice of Acceptable Tenderers from an Expression of Interest
Page 118 – Domestic Waste Collection and Recycling Service

and replace with the delegations as attached, forming Attachment 1 to Report CJ295-09/99;**
- 4 ADOPT the Delegation of Authority ‘Variation of Requirements before Entry into Contract’ to the Chief Executive Officer as attached, forming Attachment 2 to Report CJ295-09/99.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

Appendix I refers

FOR APPENDIX I, CLICK HERE: [Att1.pdf](#)

**CJ296-09/99 REVIEW OF TOWN PLANNING DELEGATIONS
STRUCTURE - [46302J]**

SUMMARY

The Register of Delegation of Authority currently contains two separate items which delegate development control powers through the Town Planning Scheme to officers of the Approvals Unit. The items are contradictory in some respects in regard to the management of development control matters under Town Planning Scheme 1.

It is recommended that the delegations be rationalised, in order to reflect accountability for decision making at the most appropriate level, and to make provision for timely decision making.

The resolution of November 1998 contains reference to delegation on subdivision matters, and this component is proposed to be retained pending a review by the Urban Design & Policy Services Unit. The Unit has the responsibility for determination and comment on such matters to external agencies and customers.

The July 1998 resolution also refers to a Delegation of Authority Working Group, which is charged with the task of reviewing the delegation structure. It is also recommended that the Delegation of Authority Working Group be disbanded; its function being superseded by the adoption of an appropriate delegation notice.

BACKGROUND

The City of Joondalup conducted an extensive review of its delegations with a report adopting the revised delegations being presented to the 22 June 1999 meeting of the Joint Commissioners.

The delegation adopted on 22 June 1999 establishes procedures for the delegation of powers in relation to development control and administration of the Town Planning Scheme to various members of the Approval Services Business Unit. The delegation also seeks to provide for an increasing level of scrutiny and seniority in terms of expertise to be applied to decision making.

The current delegation is as follows:

- 1 Council pursuant to the powers contained in the Western Australian Planning Commission instrument of delegation under the State Planning Commission Act 1985, published in the Government Gazette of 2 December 1992 as amended, and pursuant to the powers contained in s.3.34 of the City of Wanneroo Town Planning Scheme No 1, (TPS 1) delegates its authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, and composite applications) or for approval to exercise the discretion contained in TPS 1 (including the Residential Planning Codes) to:*
 - (a) each of the planners who is a member from time to time of the Approvals Business Unit of the City (being the officers appointed to supervise the development control functions of the Council), but only where the decision would involve:*
 - (i) an approval in accordance with Council Policy and/or TPS 1 requirements, except in the case where that application has been advertised and objection has been received;*

- (ii) *the exercising of discretion permitted under the Residential Planning Codes for setbacks by up to 10% where it is considered that the reduced setback will not detrimentally affect the development, adjoining properties or the streetscape;*
 - (iii) *the exercising of discretion under the provisions of Town Planning Scheme No 1 to reduce building setbacks, carparking, and/or landscaping by up to 10% where it is considered the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape;*
 - (iv) *The exercising of discretion to determine whether or not advertising/neighbour consultation is required;*
 - (b) *the Director of Development Services (or Manager of Approval Services in the absence of the Director of Development Services) after consultation with Commissioner Rowell, for the remaining applications with the exception of the following categories which the delegate shall refer to the Council for determination;*
 - (i) *where the application would involve the modification of a structure plan, an amendment to TPS1 or the relocation of a building envelope;*
 - (ii) *where objection has been received regarding the application;*
 - (iii) *where the application has planning merit but is inconsistent with Council policy; or*
 - (iv) *where the application involves a use not listed.*
- 2 *For the purpose of s.24 of the Town Planning and Development Act 1928, specifies the functions of the Council under s.24 of that Act as functions to be performed by the Chief Executive Officer, and further recognises:*
- (a) *the Chief Executive Officer may wish to delegate to any of the planners who is a member from time to time of the Business Unit which has responsibility for dealing with subdivision issues the authority to deal with subdivision applications in the following categories:*
 - (i) *subdivision applications received which are generally consistent with an approved or agreed Structure Plan (including Outline Development Plan and Development Guide Plan);*
 - (ii) *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;*

- (iii) *applications for extension of subdivision approval issued by the Western Australian Planning Commission which were previously supported by Council;*
- (iv) *application for subdivision or amalgamation which result from conditions of development approval given by or on behalf of Council;*
- (v) *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;*
- (vi) *applications for subdivision or amalgamation of lots solely involving excision of land for public purposes including, but without limiting the foregoing, road widenings, sump sites, school sites and community purpose sites.*

for the purpose of the above powers of delegation, vacant lot strata and survey strata applications shall be regarded as subdivision.

- (b) *the Chief Executive Officer should refer to the Council any subdivision application where the decision to support or not support the application would be inconsistent with Council Policy;*
- 3 *Where decisions have been made by a delegate pursuant to any of the preceding delegations or a decision made by the Chief Executive Officer consequent upon the specification of functions related to subdivision, requires a schedule of decisions to be provided at a subsequent meeting of Council, setting out in each case brief details of the land and the determination made, with a short summary explanation.*
- 4 *The Development and Planning Services Committee amends the membership of the Delegation of Authority Working Group to delete Mr O G Drescher, City Planner and Mr D Butcher, Co-ordinator of Urban Projects and to include the Director of Development Services and/or the relevant Business Unit Manager.*

Parts 2 and 3 of the above (which discuss comments on subdivision applications, and appeal processing) are proposed to be reviewed in a subsequent item to Council.

Part 4 also calls for the establishment of a Delegation of Authority Working Group. The work of this group is now complete with administrative practices being implemented in such a way as to maximise efficiency, minimise throughput times, and provide for an appropriate level of reporting to Elected Members.

In November 1998 Council adopted a delegation, as follows. The Council's resolution was in the following form;

- 1 *pursuant to the powers contained in the Western Australian Planning Commission instrument of delegation under the Western Australian Planning Commission act 1985, published in the Government Gazette of 28 November 1997 as amended, and pursuant to the powers contained in Section 3.34 of the City of Joondalup Town Planning Scheme No 1 delegate authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, composite applications and the exercise of discretion under the Town Planning Scheme and the Residential Planning Codes) to:
 - (a) *the Director, Development Services of the City of Joondalup following consultation with the Chairman of Commissioners/Mayor or his nominee where the application has been advertised for comment and objection has been received, except where one or more Commissioners/Councillors has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Commissioners/Council for determination;*
 - (c) *each of the planners who is a member of the Approval Services Business Unit of the City of Joondalup (being the officers appointed to supervise the development control functions of the Council) for the remaining applications, except where one or more Commissioners/Councillors has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Joint Commissioners/Council for determination;**
- 2 *pursuant to the powers contained in Section 5.42 of the Local Government Act 1995 DELEGATE AUTHORITY to the Chief Executive Officer to issue Extractive Industry Licences under the terms of the Extractive Industry Local Laws, to deal with all applications pursuant to the Fencing and Private Tennis Court Floodlighting Local Laws and endorse and vary building envelopes in accordance with the requirements of Town Planning Scheme No. 1;*
- 3 *AUTHORISE the Director, Development Services, following consultation with the Chairman of Commissioners/Mayor or his nominee, to determine the City's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal Tribunal or Minister for Planning;*
- 4 *for the purpose of this resolution where the Director, Development Services is unable to exercise the authority granted by this resolution for reason of absence, qualification or other reason, delegate that authority to the Manager, Approval Services.*

COMMENT

The question of appropriate delegation is one of maintaining a balance between referral of matters to Council for decision making, or processing matters (where appropriate) on a timely basis at various levels. Delegation reduces processing times, and facilitates early negotiation and response to customer needs.

The November 1998 delegation provides a generally workable balance in regard to timely decision making, and allows for Chairman of Commissioner/Mayor involvement in planning decisions at an officer level, in addition to the opportunity for applications to be determined by Council.

However, there are two points of concern. If an objection received from a person (who has been invited to comment for reasons of the proposed use of discretion) on any grounds, then the proposal is required to be referred to the Director, in consultation with Chairman of Commissioners/Mayor for the determination of the application. Some objections received are not related to the area of requested discretion, and it is recommended that provision be made for the Director, Planning and Development or the Manager Approval Services to determine the relevance of the objection.

The November 1998 delegation also refines the process for the determination of development applications that have resulted in objections. The latter delegation allows determination of such applications by the Director in consultation with the Chairman of Commissioners/Mayor or his nominee. The earlier resolution called for all applications drawing objections to be determined by Council. In practice, those applications, which draw substantial objections in number or validity, continue to be presented to Council for determination. The purpose of delegating this power on more minor matters is of significant benefit to customers who are building and altering their own homes, and have had the timeframe extended by the lodgement of minor objections.

It is stressed that the delegation of applications does not obviate the opportunity for applications to be referred to the Council for determination. Further, it also does not remove the opportunity for comments to be provided to other decision-making authorities on an endorsement of the Council, where considered appropriate. The matrix, provided overleaf, provides a summary of the level of delegation relative to the complexity of the development application. Reference to Delegated Authority in the matrix means the Director Planning and Development following consultation with the Mayor or his nominee.

In addition, it is also proposed to establish a procedure, whereby Elected Members can “call in” an application for determination by Council, as appropriate. In the case of items that draw objection as a consequence of advertising, a list of applications which are intended to be processed will be published in the weekly “From the Desk of the CEO” newsletter, on the Friday preceding the resolution of objectives through delegation, on the following Tuesday or Wednesday. In addition, where applications are of particular interest to Council, those applications can be brought onto the Council agenda by notification from Elected Members to the Manager Approval Services.

This approach is considered to represent a ‘fair balance’ of administering delegation in a way which retains accountability, whilst allowing the processing of 350-400 applications per month (based on a current average).

Application Type	Officer/Level of Delegation				
	SPO	CP	MAP	DPD	Council
Complying applications					
Non-complying applications Discretion required Advertising not required					
Non-complying application Discretion required Advertising conducted – no objections					
Validity Relevance of objections					
Non-complying application discretion required advertising required – objections received					
Non-complying application exceeds limits of officer discretion					
Applications recommended for refusal					
Advisory comments to other agencies positive comments					
Advisory comments to other agencies negative comments					

SPO Senior Planning Officer	MAP Manager Approval Services
CP Coordinator Planning Approvals	DPD Director Planning & Development (under Delegated Authority)

Indicates level of delegation

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

1 REVOKE subsections 1 and 4 of the “Town Planning Delegations”, pages 136-138 of the Delegated Authority Manual as adopted at the Council Meeting held on 22 June 1999;

2 ADOPT, the following delegation in relation to development control matters:

Pursuant to the powers contained in the Western Australian Planning Commission instrument of delegation under the State Planning Commission Act 1985, published in the Government Gazette of 28 November 1997 as amended, and pursuant to the powers contained in Clause 3.34 of the City of Joondalup Town Planning Scheme No 1, delegate authority to deal with applications for development approval, (including applications for approval of a home occupation, a use, applications for approval to commence development, composite applications and exercise of discretion under the Town Planning Scheme and the Residential Planning Codes) to:

- (a) the Director of Planning and Development of the City of Joondalup following consultation with the Mayor and/or his/her nominee where the application has been advertised for comment and relevant planning objection (in the opinion of the Director Planning & Development or the Manager Approval Services) has been received, except where one or more Elected Members has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Elected Members/Mayor for determination;**
- (b) each of the planners who is a member of the Approval Services Business Unit of the City of Joondalup (being the officers appointed to supervise the development control functions of the Council) for the following applications, except where one or more Elected Member has first advised the Manager, Approval Services of the City of Joondalup in writing in each case that the application should be referred to the Elected Members/Mayor for determination;**
 - (i) an approval in accordance with Council Policy and/or TPS 1 requirements, except in the case where that application has been advertised;**
 - (ii) the exercising of discretion permitted under the Residential Planning Codes for setbacks by up to 10% where it is considered that the reduced setback will not detrimentally affect the development, adjoining properties or the streetscape;**

- (iii) the exercising of discretion under the provisions of Town Planning Scheme No 1 to reduce building setbacks, carparking and/or landscaping by up to 10% where it is considered the reduced standard will not detrimentally affect the development, adjoining properties or the streetscape;
 - (iv) the exercising of discretion to determine whether or not advertising/neighbour consultation is required.
- (d) the Director of Planning and Development (or the Manager of Approval Services in his absence) for the provision of advice to external agencies regarding the determination of applications;

3 DISBAND the Delegation of Authority Working Group.

Cmr Buckley spoke in support of the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

CJ297-09/99 ADOPTION OF HOME BUSINESS POLICY [13048]

SUMMARY

Amendment 842 to Town Planning Scheme No 1 introduced provisions which defined home businesses and identified three types of home business; categories 1, 2 and 3. The new home business policy is complementary to the Scheme provisions for home business uses. It sets out criteria to be used in the exercise of Council's discretion when considering home business proposals, and will supersede the existing home occupation policy 3.1.11. The policy is one of the measures arising out of the detailed consultation process initiated by the City in 1997, to accommodate new employment trends and facilitate increased local employment.

The draft policy was advertised for a period of 30 days, ending 30 June 1999. No submission was received. It is recommended that the Joint Commissioners adopt the attached home business policy to replace the existing policy.

BACKGROUND

A home occupation workshop carried out during October 1997 involving business, community and government representatives, addressed discrepancies which existed between the Scheme and previous policies and the future employment needs of the City. It recognised the importance of home occupations in the generation of employment and the attainment of employment self sufficiency goals for the corridor. The workshop lead to a consultant's report producing a discussion paper and Local Planning Strategy relating to people working from home. There is expected to be a significant increase in the number of people working from home in the future, and the home business policy has been formulated to complement the provisions of the City of Joondalup Town Planning Scheme No 1 (the Scheme) for home businesses.

Previous Council Decisions

Amendment 842 to the Scheme introduced provisions controlling home business activities. It was adopted at the meeting of the Joint Commissioners on 9 February 1999 (CJ27-02/99 refers).

At their meeting on 25 May 1999, the Joint Commissioners resolved as follows:

- 1 pursuant to clause 5.11(a) and (e) of the City of Joondalup Town Planning Scheme No 1, ADOPT the Draft Policy “HOME BUSINESS” included in Attachment 1 to Report CJ168-05/99;
- 2 pursuant to clause 5.11(b) of the City of Joondalup Town Planning Scheme No 1, advertise the Draft Policy “HOME BUSINESS” for public inspection and comment.

DETAILS

Current Proposal or Issue

The Scheme provisions address the types and intensity of home business use that may be conducted in various zones in order to minimise any detrimental effect on the amenity of surrounding areas. The proposed policy (Attachment 1) complements the Scheme provisions and sets out guidelines for residents wishing to set up a home business. The main purpose of the policy is to:

- identify the standards used by Council in assessing the effect on the amenity of an area;
- establish matters which should provide for community consultation; and
- set out the criteria for Council’s exercise of discretion particularly for determining compliance with the various standards.

An important element in the policy is the requirement for a management plan to ensure that residents wishing to set up a home business category 3 provide sufficient information. Council will then be able to assess the impact of the proposed use on adjoining residential areas, primarily in terms of noise, parking and traffic generation, the likelihood of air pollution, and the nature and extent of advertising signs.

Relevant Legislation

The primary function of the proposed policy is to establish criteria for the exercise of Council’s discretion provided in Clause 3.24 of the Scheme (Home Occupations) by Amendment 842 when considering proposed home business uses.

The process for the preparation or rescission of a planning policy is set out in Clause 5.11 of the Scheme. Once a draft policy is adopted by Council, notices shall be given in the newspaper for two weeks and submissions invited for a period of not less than 21 days. Following advertising, Council is required to review the submissions received and resolve to finally adopt the draft policy or not proceed with it. Where a policy is finally adopted, Council is required to publish notification of its adoption.

An existing policy may be rescinded by the preparation or final adoption of a new policy, specifically worded to supersede an existing policy.

Relevant Policies

The existing policy sets out guidelines to be followed in applications for home occupations. The policy addresses a number of issues relating to amenity, storage of chemicals, complaints, number of employees, machinery, nature of the uses, sales and storage, food handling, time limits and traffic. It will be rescinded by the subject policy.

Advertising

The draft home business policy was advertised on 1 and 8 June 1999 and submissions were invited for a period of 30 days, ending on 30 June 1999. No submission was received.

A number of community and business representatives did meet with the Joint Commissioners regarding this matter on 10 August 1999 expressing concern with regard to competition with existing businesses, the potential for residential amenity to be affected by increased traffic and noise, and the difficulty of ensuring compliance with the provisions.

COMMENT

Issues

Amendment 842, which sets out new Scheme provisions for home businesses has been adopted by Council and is currently before the Minister for final approval. The same provisions have been incorporated in District Planning Scheme No 2. Accordingly, the existing home business policy is no longer appropriate and a replacement has been prepared in line with the amended Scheme provisions.

The new policy sets out objectives to be met when carrying out home business activities, which, by providing standards for compliance, will facilitate the assessment of home business applications.

Assessment and Reasons for Recommendation

The proposed home business policy has been drafted to reflect the changes to the Scheme relating to home businesses and to complement the Scheme provisions. It sets out criteria for the exercise of Council's discretion when assessing home business applications and the information which needs to be provided by residents intending to set up a home business.

The policy sets out criteria for considering applications for Home Business, particularly in relation to residential amenity. This is considered to be striking a responsible balance between the fundamental objective of providing for an acceptable level of residential amenity and the objective of facilitating the ability of residents to establish home businesses to assist in the reduction of local unemployment and increase the employment self sufficiency of the City.

While the concern for possible impact on residential amenity is valid, the proposal provides for no greater impact than potentially exists under TPS1 where the majority of residential land in the City is included in the Special Development A Zone and the Residential Development Zone. Both of these zones permit a variety of uses that could impact adversely on residential amenity if they were to be approved by Council. It is considered that Council through consultation with the community is able to use its discretion responsibly in these situations. Further consideration may need to be given to procedures to ensure review and compliance with the provisions.

The policy, included in Attachment 1, conforms with the requirements of the Scheme in respect of a policy and is recommended to be adopted.

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

- 1 in accordance with Clause 5.11 of the City of Joondalup Town Planning Scheme No 1, ADOPT the Home Business Policy forming Attachment 1 to Report CJ297-09/99;**
- 2 NOTE that the adoption of the Home Business Policy as detailed in (1) above will rescind the current Home Occupation Policy 3.1.11.**

Cmr Clark-Murphy spoke in support of the Motion and reiterated her comment made earlier in the meeting in response to a question raised by Mr Darby-Smith, that Commissioners had given consideration to the views of the Joondalup Residents Association in relation to the granting of permits to conduct home businesses.

The Motion was Put and

CARRIED

Appendix II refers

FOR APPENDIX II, CLICK HERE: [Att2.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT

Items CJ298-09/99 to CJ305-09/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Rowell. Cmr Clark-Murphy stated her intention to speak on Items CJ303-09/99, CJ304-09/99 and CJ305-09/99.

CJ298-09/99 REGISTER OF DELEGATED AUTHORITY [07032]

SUMMARY

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to keep a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of August 1999.

BACKGROUND

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

Section 5.46 requires the Chief Executive Officer to maintain a register and record of delegations and to review the delegations once every financial year.

Register of, and records relevant to, delegations to Chief Executive Officer and employees

- 5.46.** (1) *The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

DETAILS

The Register documenting all delegated authority exercised by the Chief Executive Officer for the month of August 1999 is shown as Attachment A.

MOVED Cmr Clark-Murphy, **SECONDED** Cmr Rowell that the Joint Commissioners **NOTE** the Register documenting all delegated authority exercised by the Chief Executive Officer, for the month of August 1999 forming Attachment A to Report CJ298-09/99.

The Motion was Put and

CARRIED

Appendix III refers

FOR APPENDIX III, CLICK HERE: [Att3.pdf](#)

CJ299-09/99

ALLOWANCE FOR ELECTED MEMBERS IN LIEU OF REIMBURSEMENT OF TELECOMMUNICATION EXPENSES - [27122]

SUMMARY

The recent amendment to the Local Government Act 1995 provides for Elected Members to receive an annual allowance in lieu of reimbursement of telecommunication expenses.

Previously, Elected Members were required to submit a claim form for mobile telephone expenses, home telephone and facsimile expenses and expenses pertaining to a home computer line incurred whilst performing his/her duties as an Elected Member.

The payment of an allowance would minimise the administrative requirements for payment, both for the City and Elected Members individually.

BACKGROUND

Section 5.98 (2) of the Local Government Act 1995, states

- (2) A council member who incurs an expense of a kind prescribed as being an expense -
- (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).

In respect of the above, the Joint Commissioners at their 22 June 1999 meeting, adopted policy 2.2.12 – Members of Council - Reimbursement of Expenses. This policy prescribes the kinds of expenses Elected Members will be reimbursed for in respect of section 5.98 (2) of the Local Government Act 1995.

DETAILS

The recent amendment to the Local Government Act 1995 provides for Elected Members to receive an allowance in lieu of reimbursement of expenses detailed in section 5.98 of the Local Government Act 1995.

Section 5.99A states:

A local government may decide* that instead of reimbursing council members under section 5.98 (2) for all of a particular type of expense it will instead pay all council members –

- (a) the prescribed minimum annual allowance for that expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

* Absolute majority required.

In accordance with section 5.99A (b), the only type of expense with a prescribed range is telecommunications.

Regulation 34A of the Local Government (Administration) Regulations 1996 states:

For the purposes of section 5.99A (b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31 (1) (a) and any other telecommunications expenses that otherwise have been approved for reimbursement under regulation 32 is \$2000.

Policy 2.2.12 – Members of Council – Reimbursement of Expenses currently allows for Elected Members to claim reimbursement for the following telecommunications expenses:

- 10 costs incurred being rental and calls associated with Council allocated mobile telephone relating to Council business;
- 11 rental charges and call costs (call costs to a maximum of \$100 per month) associated with one telephone and facsimile machine at a member's place of residence for calls associated with Council business;
- 12 rental charges and call costs pertaining to Council business for the dedicated line to a members residence for access by the laptop computer.

COMMENT

It is recommended that policy 2.2.12 be amended to allow the payment of an allowance of \$500 each quarter to Elected Members in lieu of the reimbursement of telecommunications expenses.

Any claims for more than the prescribed \$2000 annual maximum will need to be substantiated with invoices totalling \$2000 and the further amount/s requested. These claims will be processed as stated in policy 2.2.12.

The above amendment to policy 2.2.12 will minimise the administrative requirements on both the City and Elected Members individually.

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

- 1 pay Elected Members an allowance of \$500 each quarter, in arrears, in lieu of reimbursement of telecommunications expenses in accordance with section 5.99A of the Local Government Act 1995;**
- 2 POLICY 2.2.12 – Members of Council – Reimbursement of Expenses be amended to read as follows:**

POLICY 2.2.12 - MEMBERS OF COUNCIL – REIMBURSEMENT OF EXPENSES

OBJECTIVE

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

STATEMENT

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

The Council will meet costs associated:

- 1 with child care incurred by the Elected Member where that member attends at a Council meeting or a Committee meeting, where he or she is a member, in accordance with the Local Government (Administration) Regulations 1996. Child minding fees are applicable for children, either of natural birth or guardianship, determined by legal process;
- 2 where a Elected Member attends a meeting of a Recreation Association or Council appointed management or advisory Committee, as a Council delegate or deputy delegate;
- 3 where a Elected Member attends any meeting of a Ratepayer, Progress or other Civic Association;
- 4 where a Elected Member attends any function organised by Council, including Naturalisation ceremonies, official opening of Council facilities, public electors' meetings, receptions, seminars and local conferences;
- 5 where a Elected Member attends at a Council appointed deputation;
- 6 where a Elected Member attends a meeting of the Local Government Association as a Council delegate or deputy delegate;
- 7 where a Elected Member attends at the Joondalup Centre for discussion in respect of matters listed on any Council Agenda paper, or meetings and interviews with ratepayers, electors and representatives of businesses which deal with Council;
- 8 where a Elected Member attends a site the subject of matter listed on a Council Agenda paper;
- 9 where a Elected Member responds to an official invitation to Council to attend any commercial, industrial, charitable, educational or welfare premises;

An allowance of \$500 a quarter be paid in arrears for costs relating to telecommunications. Any additional expenses incurred to the \$2000 annual allowance will require the Elected Member to submit a claim form as described below (additional claims to the \$2000 require Elected Members to present invoices for the \$2000 and the additional amounts).

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

Details of other expenses, including telephone call charges (if in excess of the \$2000 annual allowance) and postage expenses should also be submitted on this form, supported by actual accounts or receipts.

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

Where an Elected Member does not have private means of transport or is unable to use a private vehicle, the cost of appropriate transport may be reimbursed on production of a receipt.

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

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ300-09/99 NATIONAL FORUM ON PERFORMANCE MEASURES
FOR STATE & LOCAL GOVERNMENT [43092J,
35174J]**

SUMMARY

Australia's First National Forum on Performance Measures for State & Local Government is being held in Melbourne on 17-18 November 1999. This report recommends that the Manager Organisation & Strategic Development attend the forum.

DETAILS

This inaugural National forum is being held on 17-18 November 1999, and has been specifically designed for public sector managers to assist in implementing a successful performance measurement framework. Case studies will be presented by various agencies, demonstrating effective implementation and integration of performance goals and results.

COMMENT/FUNDING

The organisation is currently examining the issue of Corporate performance indicators. This forum would provide some useful training and additional knowledge in the area of performance measurement.

The estimated cost of attending the forum is

Airfare:	\$1,758.00
Registration:	\$1,895.00
Accommodation:	\$ 318.00
Travel Allowances:	<u>\$ 270.00</u>
Total	<u>\$4,241.00</u>

Funds have been allocated in the 1999/00 draft Budget for the Manager Organisation & Strategic Development to attend the forum. The account number is 11.10.16.164.3302.0001.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that:

- 1 the Joint Commissioners ENDORSE the attendance of the Manager Organisation & Strategic Development at the 1999 National Forum on Performance Measures for State & Local Government in Melbourne, 17-18 November 1999 at an estimated cost of \$4,241.00;**
- 2 the costs associated in (1) above be charged to Account 11.10.16.164.3302.0001.**

The Motion was Put and

CARRIED

CJ301-09/99 WARRANT OF PAYMENTS FOR THE PERIOD TO 30 JUNE 1999 (ADDITIONAL INFORMATION) [09882]

SUMMARY

This report details cheques drawn on the reserve accounts during the month of June 1999 to transfer funds to the City of Wanneroo pursuant to the Joint Commissioners determination on reserve allocations. The Joint Commissioners made determinations on 'non restricted' reserve account balances. Cheque number 28 \$19,957,500.00 and number 29 \$2,621,462.73 represent the allocations to the City of Wanneroo. It seeks Joint Commissioners' approval for the payment of the June 1999 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	-	0
Municipal	-	0
Trust	-	0
Reserve Account	000028-000029	22,578,962.73
	TOTAL \$	22,578,962.73

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$22,578,962.73 which is to be submitted to each Joint Commissioner on 14 September 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.

ALEXANDER SCOTT
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 \$22,578,962.73 submitted to the Joint Commissioners on 14 September 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 30 June 1999, certified by the Chairman of Commissioners and Director Resource Management, and totalling \$22,578,962.73

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	-	0
Municipal	-	0
Trust	-	0
Reserve Account	000028-000029	22,578,962.73
	TOTAL \$	22,578,962.73

The Motion was Put and

CARRIED

Appendix IV refers

FOR APPENDIX IV, CLICK HERE: [Att4.pdf](#)

CJ302-09/99 ART COLLECTION WORKING PARTY [14158]

SUMMARY

A meeting of the Art Collection Working Party was held on 23 August 1999 and the minutes are submitted for noting by the Joint Commissioners.

BACKGROUND

A meeting of the Art Collection Working Party was held on 23 August 1999.

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

DETAILS

The recommendation in relation to the allocation of the three artworks to the City of Joondalup has been referred to the Manager Divisional Taskforce. These artworks were commissioned by LandCorp to commemorate the launch of the Art in Public Spaces Project in 1991 as part of the development of the Joondalup Central Business District.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the minutes of the Art Collection Working Party held on 23 August 1999 forming Attachment 1 to Report CJ302-09/99, be NOTED.

The Motion was Put and

CARRIED

Appendix V refers

FOR APPENDIX V, CLICK HERE: [Att5.pdf](#)

**CJ303-09/99 COMMUNITY FUNDING POLICY - AMENDMENTS
[39290]**

SUMMARY

On 1 July, 1999 the City's new Community Funding Policy came into effect. Interim Guidelines for Community Funding were developed and implemented pending the development of funding guidelines for each funding category of the Policy which have now been developed. During the period in which the interim guidelines have been operating and the Policy's guidelines were being developed, it has become apparent that some minor amendments are required to be made to the Policy to ensure that the Policy and proposed guidelines are consistent and that the guidelines are manageable. Accordingly, this report recommends various changes to the Community Funding Policy.

BACKGROUND

At the Council meeting of 22 December 1998, the Joint Commissioners adopted the Community Funding Policy to take effect from 1 July 1999 and sought a further report detailing the funding guidelines for each funding category of the Policy (Report CJ286-12/98 refers). Interim Community Funding Guidelines were developed and have been in operation since January 1999.

During the period in which the interim guidelines have been operating and the Policy's guidelines were being developed, it has become apparent that some minor amendments are required to be made to the Policy to ensure that the Policy and proposed guidelines are consistent and that the guidelines are manageable.

DETAILS

The proposed amendments to the Community Funding Policy are detailed in Attachment One. The amendments are shown with the wording, where a change is proposed, struck through and any additional wording double underlined. The amendments and their rationale are as follows:

Scope:

- Removal of reference to 'both cash and kind' which is considered unnecessary.
- Removal of examples considered to be unnecessary.
- Removal of specific reference to Volunteer Bush Fire Brigade and replacement with "State Emergency Service" as the City no longer operates a Volunteer Bush Fire Brigade.
- Removal of the caveat which excluded applications which should be considered under the Formal Facilities Assessment Process on the basis that it is considered that applications for funding which fall within this process should come under the Community Funding Policy.
- Reference to infrastructure funding has been included, with the caveat that applications seeking funding of \$10,000 or more would require an assessment under Council's Formal Facilities Assessment Process.
- Removal of reference to awards and prizes and special or annual appeals, with the notation that such matters are dealt with within the general budget. Applications for funding for special appeals such as the Lord Mayor's Appeal or specific disaster appeals fall into the category of welfare donations which are dealt with separately in the budget. Council regularly receives requests from organizations such as the Red Cross for contributions for their annual appeal. These do not necessarily focus on the City or fit within the guidelines. The City has tended to provide a special donations budget line item which caters for these issues. Where awards or prizes are being considered as part of a specific program conducted by the City, it is considered that any awards or prizes should form part of that project or activity's budget rather than be incorporated into the Community Funding budget.

The Policy provides that only incorporated bodies are eligible for funding. This was considered important in order to maintain accountability. With this in mind, reference to individuals has been removed. This does not, however, mean that organizations cannot apply for funding on behalf of an individual. The following outlines the proposed changes in the body of the Policy as a result of these changes to the scope of the Policy.

3 Definitions:

Removal of the sentence “Individual is a resident of the City” as this is dealt with under clause 5 of the Policy.

3.1 Eligible Projects:

Removal of the words “In general” on the basis that the City wishes to be able to target the available funds quite specifically and the Policy needs to be unambiguous about this intent. Projects which do not meet these guidelines can still be referred to the Council should they have particular merit.

4.2 Ineligible Projects:

Removal of the words “As a general rule” for reasons as per 4.1 above. The matter of welfare donations such as appeals is dealt with separately in this section of the proposed revisions.

4.3 Acknowledgment:

The requirement to provide an audit of funds has been inserted in this section.

New 4.5 Infrastructure Funding:

This section has been added to cater for applications which deal with capital works. The proviso has been added that such applications may be dealt with over more than one financial year, that the Formal Facilities Assessment Process is required for proposals where the anticipated expenditure is greater than \$10,000; and, that the Council may provide for the proposal as a separate budget item in the following financial year. This is in recognition of the longer lead time for substantial infrastructure developments.

5. Eligibility

The requirement that organizations be primarily aimed at representing the City’s residents and that the aims and objectives of any project are aimed primarily at the City has been added to strengthen the relationship between funding and the City’s corporate and strategic plans.

6.1 Advertising:

The reference to “immediately following the adoption of the annual budget” has been removed because this may not be appropriate to all programs.

6.2 Time Frame:

This has been changed from four weeks to six weeks on the basis that matters which require Council approval may need more than four weeks to fit into the Council meeting time frame.

7.1 Accountability:

The date for audit has been set at 31 October rather than 30 September on the basis that it is more realistic for community groups and organisations.

COMMENT/FUNDING

Under clause 8.1 of the Policy, provision is made for the authority to approve applications for funding up to \$2,500 to be delegated to the Chief Executive Officer. This delegation has been included in the City's Delegation of Authority Manual which the Joint Commissioners adopted in July 1999 (Report CJ242-07/99 refers).

During the process of reviewing the Community Funding Policy and developing the Community Funding Guidelines, it has been identified that the City provides considerable in-kind funding to a large number of community organisations and sporting clubs through the waiving of fees and charges. The full nature and extent of this funding is presently unknown. Additionally, there is currently little, if any, recognition given to the City for this type of community support. It is intended that an audit be conducted across the organisation in an attempt to identify the nature and extent of this support to the community and that a policy statement and guidelines be developed to improve the management of this area of Council's activities.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners REVOKE existing Policy 4.1.1 – Community Funding and replace it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to Report CJ303-09/99.

Cmr Clark-Murphy spoke in support of the Motion.

The Motion was Put and

CARRIED

Appendix VI refers

FOR APPENDIX VI, CLICK HERE: [Att6.pdf](#)

**CJ304-09/99 COMMUNITY FUNDING PROGRAM GUIDELINES
[39290]**

SUMMARY

The City's new Community Funding Policy came into effect on 1 July 1999. The new Policy requires the development of annual funding guidelines for each funding category of the Policy. This report provides information on the funding guidelines which have been developed with particular reference to the City's draft 1999-2003 Strategic Plan and recently adopted budget for the 1999-2000 financial year.

BACKGROUND

At the Council meeting of 22 December 1998, the Joint Commissioners adopted the Community Funding Policy to take effect from 1 July 1999 and sought a further report detailing the funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

Interim Community Funding Guidelines were developed and have been in operation since January 1999.

Section 9 of the Community Funding Policy states that “Guidelines will be available for the various funds at the time of the completion of the annual budget and will be made available on request as part of a publicly available information package”.

An information package has been developed and, following the recent adoption of the City’s budget for the 1999-2000 financial year, it will be made available for distribution. The information package is included as Attachment One to this report - “Community Funding Policy and Program Guidelines 1999-2000 City of Joondalup”.

This package will be made available to all applicants requesting financial assistance from the City for community funding initiatives to enable applicants to prepare appropriate funding applications. The information will be available in hard copy as well as via the City’s internet web site Home Page.

The guidelines have also been developed with reference to the City’s draft Strategic Plan for 1999-2003.

DETAILS

The Community Funding Program Guidelines have been incorporated into an information package which provides all relevant information to applicants seeking financial support from the City for community funding initiatives.

The key components of the package are:

- Inclusion of a copy of the City’s Community Funding Policy;
- Information on the procedures for applying for funds;
- Details of the City’s funding priorities for the 1999/2000 financial year; and
- Pro forma application forms and funding agreements for small and large grants.

FUNDING PRIORITIES – 1999-2000

The following have been identified as the funding priorities for this financial year:

Sport and Recreation Development Fund:

In general, projects which promote a healthy lifestyle and specifically, projects which:

- Demonstrate significant benefits to the community’s overall quality of life;
- Promote active participation in recreational activities; and
- Expand the active membership and participation base of sport and recreation organisations.

Culture and the Arts Development Fund:

Projects which encourage skills development and greater participation by young people with a particular focus on creating a sense of community.

Community Services Fund:

- Projects which are unique in the City and which support new initiatives bringing identified positive benefit to young people in the City.
- Proposals which support activities, events or projects which demonstrate a local response to the International Year of the Older Persons objectives.

Sponsorship Scheme:

It should be noted that no funds have been specifically budgeted for general sponsorship this financial year. This will be reviewed during the year and sponsorship may be provided on a merit basis using criteria to be developed by the Marketing Manager.

These criteria will, generally, include the following:

Projects which

- provide an opportunity to promote the City with as large an audience as possible; and
- projects which showcase the City as a learning City.

Specific funds have been allocated in the budget for various sponsorships under Community Security and Safety initiatives.

Environmental Improvement Fund:

Projects which provide opportunities for people to become actively involved in environmental protection and conservation activities.

Economic Development Fund:

Projects which:

- Encourage the development of new businesses within the city; and
- Have the potential to become self-funding.

SCOPE OF GUIDELINES

The Community Funding Policy and Program Guidelines differentiate between those funds which are available under the provisions of the Policy and Guidelines and those funds which may be available for specific welfare support purposes such as appeals; funds provided under specific purchase of service arrangements; other activities such as awards, prizes and scholarships; and, specific activities such as the operation of the Bicentennial Trust.

Matters which have been excised from inclusion under the Policy and Guidelines are as follows:-

All Scholarships, Awards and Prizes, such as Student Citizenship and Scholarships Awards and Early Payment of Rates Prizes– these are not matters for which application may be made;

Purchase of Service Arrangements such as the emergency services of the State Emergency Service and St John Ambulance– these have been dealt with as specific purchase of service arrangements and considered separately;

Charitable Donations such as donations to the annual Red Cross Appeal or to special relief funds;

Fees and Charges which may be waived by Council;

Specific Items which have formed part of the Formal Facilities Assessment Process, such as the Joondalup Arena development; and

Specific activities such as the operation of the Bicentennial Trust and subsidisation of juniors and seniors fees.

COMMENT/FUNDING

FUNDING AVAILABLE – COMMUNITY FUNDING POLICY:

An examination of the City's 1999/2000 budget shows that the following funds are available for distribution in this financial year under the provisions of the Community Funding Policy and Program Guidelines:

Recreation

4402	Donations	\$16,000
4410	Assistance Fund Donations	\$2,000
4420	Recreation Development Fund	\$20,000

Culture

4402	Donations	\$18,630
4403	Sponsorship	\$28,980

Community Services

4402	Donations	\$10,000
4402	Senior Citizens Activities	\$5,000
4402	Donations – Senior Citizens Week	\$500
4402	Donations – Children's Week	\$500

Economic Development:

4402	Business Association assistance	\$60,000
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Environment:

4402	Donations	\$10,000
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<u>Total:</u>		<u>\$171,610</u>
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OTHER FUNDING ARRANGEMENTS:

It should be noted that in addition to the above, the following allocations have been included in the 1999/2000 budget:

<i>Organisation/Purpose</i>	<i>Amount</i>	<i>Notes</i>
Joondalup Arena	\$1,800,000	1
State Emergency Service	\$67,935	2
St John Ambulance Service	\$20,390	3
Fire Prevention	\$730,000	4
Neighbourhood Watch	\$13,578	5
Granny Spiers	\$8,695	6
Welfare Donations (Governance)	\$5,000	7
Bicentennial Trust	\$39,330	8
Ruby Benjamin Foundation	\$3,000	9
Security Initiatives Sponsorships	\$36,000	10
<i>Total</i>	<i>\$2,723,928</i>	

NOTES:

1. Represents part of a \$3.8 million donation to support the construction of a regional indoor aquatic facility
2. Represents allocation to be made to this group under a purchase of service arrangement
3. Represents allocation to be made to this group under a purchase of service arrangement
4. Represents annual statutory contribution to the WA Fire and Rescue Service
5. Represents allocation to be made to this group under a special funding arrangement
6. Represents allocation to be made to this group under a special one off funding arrangement
7. Represents funds available for allocations to annual and one off appeals as required
8. Represents funds available for allocations under the provisions of the Trust
9. Represents funds provided to support a local subsidised animal sterilisation program
10. Represents funds available for allocations as sponsorships of Community Security and Safety Initiatives

The majority of the above allocations will require accountability requirements to be put into place in line with those contained in the Community Funding Policy and Guidelines, including the drawing up of appropriate funding agreements between the relevant organisations and the City.

GENERAL COMMENTS

The policy and guidelines have determined that two key steps will take place:-

1. That community funding budgets will be developed; and
2. That equitable and fair guidelines for applying for funds will be developed.

This has presupposed that the budget preparation process and structure will mirror this. To date, the budget has continued to use the generic account of “donations” to cover purchase of service, community funding, welfare donations and specific items which have historically formed part of each annual budget. Further work will be done when preparing the 2000/01 budget to bring the budget into line with the aim and objectives of the Community Funding Policy and to differentiate the various types of funding arrangements available to community groups and organisations.

There will also be a need for Officers to review existing funding programs and to bring these into line with this Policy. The Executive Management Group will assume responsibility for the implementation of the Policy.

The Policy provides for the City's funding priorities to change annually. The purpose of this is to provide a focus for proposals which relates directly to the City's focus, as identified in the strategic plan. With this in mind, it is important that the priorities be established as part of the annual strategic planning cycle linked to the budget development schedule. In conjunction with this, business units which have responsibility for community funding will need to review the policy and guidelines as part of their overall review process in order to assess the suitability and appropriateness of the guidelines for their purposes. This will also form part of the strategic review process.

For this financial year, it is anticipated that a single funding round will be advertised. This part of the process will be reviewed in March of 2000 to identify any shortcomings in this approach, together with any gaps or further information requirements for the following financial year.

It is anticipated that the Community Funding Policy and guidelines will achieve the following outcomes:

- A refocus of community funds to enable the City to target projects, activities or events which support the City's Strategic Plan;
- An equitable system of funding distribution which will ensure that there is equal access to opportunity for funding throughout the City's community-based and business organizations;
- A strategic approach to community funding which is accountable and which has measurable results; and
- A focus on organisations rather than individuals.

It is recognised that as the City implements the Community Funding Policy and Guidelines for the first time, there will be a period of transition to the new arrangements for some community groups which to now have received automatic grants on an annual basis. These groups will be advised that, in order to ensure equal access to opportunity for community funds, they will be required to apply for specific funds in accordance with the guidelines and that in future years they will not have automatic grants included in the City's budget. There will also be general publicity on the introduction of the Policy and the Guidelines.

It is further acknowledged that this will be the first year of operating under the City's new Community Funding Policy and that there may well be a need for further amendments to be made to the Policy and changes made to the adopted guidelines.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners NOTE the Community Funding Policy and Program Guidelines forming Attachment 1 to Report CJ304-09/99 which have been developed for the 1999/2000 financial year.

Cmr Clark-Murphy spoke in support of the Motion and commended this policy to both Commissioners and members of the community and advised this was a major step in clarifying the way in which the City made funds available to community projects.

The Motion was Put and

CARRIED

Appendix VII refers

FOR APPENDIX VII, CLICK HERE: [Att7.pdf](#)

**CJ305-09/99 PROGRESS REPORT ON THE RANGER SERVICES
MOBILE SECURITY PATROL SERVICE 1998/99
[00513]**

SUMMARY

This report provides information on the progress of the mobile security patrol service conducted by the City's Ranger Services for the period July 1998 to June 1999. The service provided was operated under the name of 'Security Watch'. It is one of several initiatives that have been implemented by the City as part of the City's Community Security and Safety Action Plan. The service has been operating since 8 December 1997, initially on a pilot basis, with progress reports previously submitted to Council meetings in March 1998 and July 1998 (Reports CS42-03/98 and CJ39-07/98 refer).

At the July 1998 Council meeting of the City of Joondalup the Joint Commissioners adopted the recommendation for the City's Ranger Services to continue to provide the mobile security patrol service for the City of Joondalup and Shire of Wanneroo (Report CJ39-07/98 refers).

This report details the performance of the mobile security patrol service against the service's objectives. It also outlines the improvements to the level of service provided to the community and demonstrates the effectiveness of this initiative. Some of the major achievements during the last twelve (12) months were:

- 1486 security alarms attended to on Council assets;
- Police partnership developed through joint patrols, regular liaison and inter-agency approaches;
- 1124 security referrals by ratepayers and residents attended by Rangers;
- Industry accredited security training completed by all operational Rangers;
- Ranger Services promotional video produced; and
- 436 Field reports completed.

It is considered that the "Security Watch" initiative has proven to be a successful project within the community as well as receiving support from the Joondalup Police District. The existing initiatives that Council has endorsed, both through the provision of resources and funding, have complemented the mobile security patrols as well as proving to be successful crime prevention strategies. This statement can be highlighted by the reduction in crime within the Joondalup Police District, by comparison to last year.

The last section of this report describes some of the future directions for the City of Joondalup in mobile security patrols and the reporting structure that will be adopted by the business unit of Ranger Services from July 1999. This reporting mechanism will incorporate geographical mapping of the City of Joondalup and plot identified trouble spots. This will be a two phase plotting exercise with monthly Police data recording personal and property crime compared to the incidents that Rangers are reporting and attending to, in response to information received from the community.

BACKGROUND

It was recommended by the Community Security and Safety Advisory Committee of the former City of Wanneroo and adopted by Council of the former City of Wanneroo at its meeting of 26 November 1997 (Report C376-11/97 refers) to endorse the introduction of a mobile 'Security Watch' service to be conducted by the City's Ranger Services business unit.

The advantages of operating the Security Watch service 'in house' were identified by the Community Security and Safety Advisory Committee as follows:

1. Rangers have a working knowledge of the locality and Council's facilities;
2. Rangers have direct access to and control of resources;
3. Rangers are able to provide patrols across an entire week, both day and night, rather than specifically targeted to Thursday, Friday and Saturday evenings;
4. Ability to combine Ranger services with security patrols;
5. Already developed working relationship with the Police with direct communications link to local police;
6. Additional resources to enhance customer service;
7. Rangers' knowledge of Council's security keying and alarm systems;
8. Rangers' knowledge of relevant Acts and Local Laws.

The ability to have complete control and disposal of resources on hand at all times was also considered as being more advantageous than contracting private security firms. The Community Security and Safety Advisory Committee conducted extensive research comparing the cost benefits and effectiveness of contracting private security firms with providing the service 'in house'.

The types of patrols that have been introduced by the City are still considered a first within Local Government in Western Australia in terms of the patrols being mobile in nature, using in-house resources, combining existing Ranger Services with security services and linking the patrols closely with the local police. The uniqueness of this type of service has been recognised and praised both within the Police Service and the Local Government industry.

The objectives of the mobile patrols are as follows:

- To act as the eyes and ears for the police;
- To report incidents to the police and other statutory and relevant voluntary organisations;
- To provide a highly visible presence within the community;
- To primarily target trouble spots within the City; and
- To increase protection of the City's assets.

An interim report reviewing the progress of the City's Security Watch Service was submitted to the Joint Commissioners in March 1998 (Report CS42-03/98 refers). The review was received on the basis that a further evaluation of the patrols conducted by Ranger Services to the end of June 1998 would be provided to the Joint Commissioners at the July 1998 round of meetings (CJ39-07/98 refers).

DETAILS

The following information is based on the progress to date of the security watch patrols with an analysis of the qualitative and quantitative data that has been reported and recorded. This data has been used to assist in targeting resources to identified trouble spots by way of operations as well as being passed onto the Police Service for recording in its District Intelligence Support Centre (DISC).

Based on existing data available, the mobile security patrols are effectively meeting the objectives upon which the Security Watch service was established. Each objective is addressed in turn as follows:

Objective: To act as the eyes and ears for the police

The mobile security patrol service conducted 95 patrols per week between the hours of 5.00am and 2.00am consisting of 63 day patrols and 32 night patrols over a seven day week. The patrols were conducted by 19 operational Rangers each working a 40 hour week under an Enterprise Bargaining Agreement.

Whilst on patrol, Rangers conducted normal core functions of the business unit and incorporated the "eyes and ears" component as part of their normal patrolling duties. Information on suspicious activities were forwarded through to the Joondalup Police Station by way of a two way communication link. This communication link was also utilised by the Police to dispatch Rangers to situations that either the Police could not attend or to offer assistance to Police on certain tasking jobs. The types of referrals that Rangers attended and assisted the Police with included:

- Searching for missing persons;
- Looking for suspicious persons and vehicles;
- Traffic control at accidents; and
- Noisy and riotous parties.

Due to the high frequency of these events this data has not been recorded and the partnership between the Rangers and the Joondalup Police District is continually strengthening. Discussions have recently been held to trial dual patrols within the central business district and completion of a second two way radio to be installed at Warwick Police Station is almost complete.

Objective: To report incidents to the police and other statutory and relevant voluntary organisations;

Rangers continually liaise with the Police and hold regular meetings to discuss crime related hot spots. Further reports are completed by Rangers and forwarded through to the Joondalup District Intelligence Support Centre (DISC). The graphs below show the total number of field reports by location which were submitted by Rangers. These field reports include information and/or possible future intelligence that can be used by the Joondalup District Police.

FIELD REPORTS 1998/99

SUBURB	NO. REPORTS	SUBURBS	NO. REPORTS
Alexander Heights	1	Kinross	9
Beldon	2	Koondoola	2
Burns	1	Mariginiup	2
Carramar	3	Marmion	2
Clarkson	4	Merriwa	11
Connolly	9	Mindarie	4
Craigie	1	Mullaloo	4
Currambine	2	Neerabup	2
Duncraig	15	Ocean Reef	5
Edgewater	1	Padbury	6
Girrawheen	16	Pinjar	1
Gnangara	2	Quinns Rocks	6
Greenwood	2	Sorrento	5
Heathridge	19	Two Rocks	2
Hillarys	19	Wangara	1
Iluka	3	Wanneroo	60
Joondalup	157	Warwick	36
Kallaroo	1	Woodvale	4
Kingsley	6	Yanchep	10
		TOTAL	436

Rangers have also conducted and attended regular meetings with Neighbourhood Watch Suburb Managers as well as forums involving various residents' associations throughout the City. These meetings have proven to be beneficial in forwarding information on the effectiveness of the patrols to other key community groups.

Other inter agency approaches include partnerships that have been developed between Rangers, various youth services, including the City's own Youth Services, and Family and Children's Services. Not all resources are directed at the patrol aspect and time has been spent building these partnerships. Examples of this commitment include the Stop Burglary Campaign and Drug Aware Project, Youth Initiatives for Hillarys Marina, Youth Expo and various family and children events that have been held throughout the City during the last year.

Objective: To provide a highly visible presence within the community;

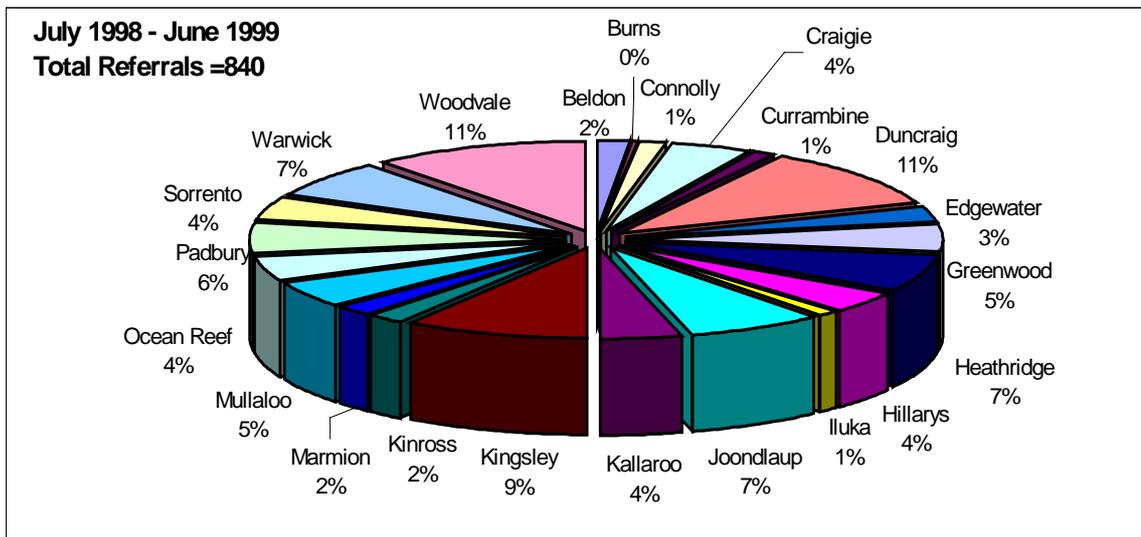
As previously stated, Rangers rotated on a seven day week roster that covered 95 shifts per week. These shifts equated to a total of 760 patrol hours per week (95 patrols x 40 Hrs per week). All Rangers are identifiable by way of uniforms and marked vehicles that are considered to be less officious and more "Customer Friendly" within the community.

The presence that the mobile security patrols has provided to the community has also been delivered by way of attending to customer security referrals. These are requests from residents for security attendance for a range of issues and incidents. To date, these referrals have not been split in detail but have included the following components:

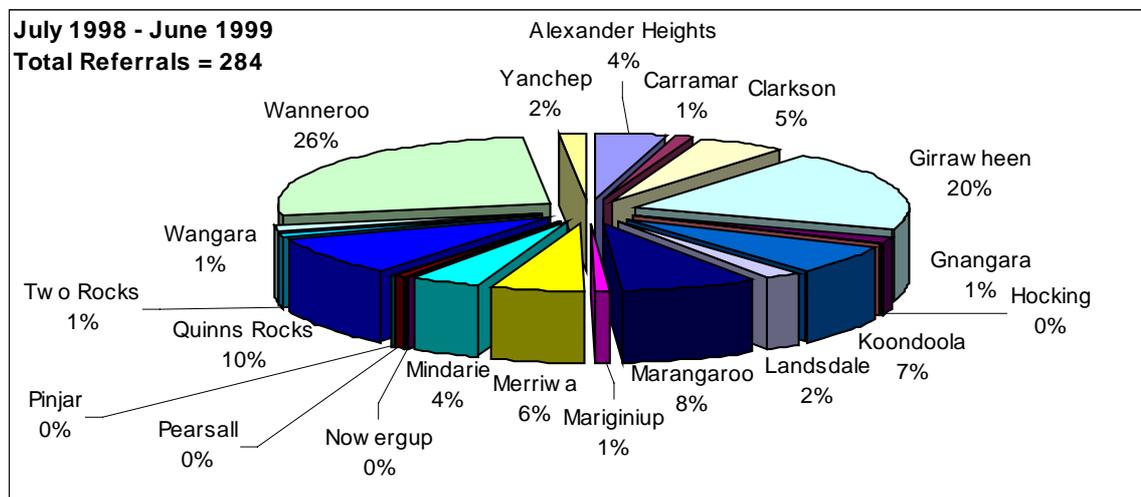
- Anti social behaviour;
- Suspicious activity;
- Graffiti;
- Damage; and
- Requests for patrols – visual presence.

A total of 1124 security referrals received from ratepayers and residents were attended by Rangers during 1998/99. Details of security customer referrals attended to on a suburb by suburb basis for 1998/99 included:

City of Joondalup



Shire of Wanneroo



CUSTOMER REFERRALS 1998/99

SUBURB	NO. REFERRALS	SUBURBS	NO. REFERRALS
Alexander Heights	12	Landsdale	6
Beldon	14	Marmion	15
Burns	4	Marangaroo	23
Carramar	3	Mariginiup	2
Clarkson	15	Merriwa	16
Connolly	10	Mindarie	12
Craigie	29	Mullaloo	40
Currambine	9	Neerabup	3
Duncraig	92	Nowergup	1
Edgewater	23	Ocean Reef	37
Girrawheen	56	Padbury	47
Gnangara	4	Pearsall	1
Greenwood	42	Pinjar	1
Heathridge	55	Quinns Rocks	27
Hillarys	33	Sorrento	34
Hocking	1	Two Rocks	2
Iluka	7	Wangara	5
Joondalup	59	Wanneroo	83
Kallaroo	35	Warwick	56
Kingsley	82	Woodvale	87
Kinross	17	Yanchep	5
Koondoola	19		
		TOTAL	1124

Customer Referral	Security	Total	%
Anti Social Behaviour		515	45.82
General Patrols		516	45.90
Graffiti		53	4.72
Suspicious Person/Vehicles		40	3.56
TOTAL REFERRALS		1124	100

Ranger Services has recently produced a promotional video of services offered to the community. A major component of this video was the mobile security watch patrols. This video outlines the duties and functions of Rangers and reinforces the role of a Ranger within the community. Rangers have also been extensively involved in education and preventative activities of community security and safety. Rangers have participated and interacted with the community at the following committees and promotional events:

- Environmental Discovery Week;
- Local Government Week;
- Neighbourhood Watch meetings;

- Safer WA Joondalup Committee meetings;
- School visits;
- Family Week; and
- Seniors Week.

It is considered an important function of Rangers to be able to participate and relate with the community. This promotional and marketing aspect of the business unit is critical to the objective of creating a highly visible presence within the community. It also portrays a more professional image of the patrols as time is spent in educating and providing advice to the community instead of enforcing and directing.

Throughout the year, numerous media releases were issued to promote the City's community security and safety initiatives including the mobile security patrols that have been performed by Ranger Services. This form of exposure reinforces to the community that Rangers are on patrol. They are also used as an additional source to educate the community in roles and responsibilities of the mobile security patrols and to begin to more clearly differentiate the roles of the Police and Rangers.

The visible presence and effectiveness within the community that the mobile security patrols have achieved were publicly endorsed by the Superintendent of Joondalup Police District Mr. Darryl Lockhart in April 1998. The Wanneroo Community Newspaper 29 April 1999 reported:

“The Joondalup District’s top policeman has strongly endorsed the help of City Rangers in cutting the region’s crime rate. The Security Service model adopted by the City of Joondalup and Shire of Wanneroo has proved most effective, said superintendent Darry Lockhart. Burglaries are down 22% and our overall crime rate is down 4% in the first quarter this year – and Ranger patrols have no doubt contributed to this successful outcome.”

Objective: To primarily target trouble spots within the City;

The Joondalup Police District Office performed an important role in enabling Rangers to target their resources to identified trouble spots within the City. Meetings were held on a weekly basis with officers from the DISC section. This information was then used to conduct specific operations targeting identified trouble spots. Details of some of the joint operations conducted with Police are listed below:

- **Operation Beachcomber 2** – A joint operation that was run in conjunction with the Joondalup Police District. Beachcomber was used to target anti-social behaviour and thefts from motor vehicles at the car parks and beach locations within the City of Joondalup.

The operation was conducted on 4 – 5 November 1999. Field reports and contacts made were compiled by Hillarys Police Station and resulted in a total number of 17 over the 2 days.

- **Operation Wake Up** – This was a specific operation targeting vehicles and offenders that frequented the sand dune area along the beach foreshore. This operation was also used to target other core functions of Rangers including parking and dog control in the same areas.

This was a joint operation utilising motorbikes and police resources from 16 November to 27 November 1998. This operation resulted in numerous cautions and infringements for offences against the Local Government Act, but only minimal contacts were referred to the Police (two for suspicious vehicles).

- **Operation Forest Plaza** – An operation that targeted anti social behaviour and large groups of youths congregating at the reserve and shopping centre. The youths involved had been causing small fires, damage to shop windows and vandalism to vehicles and property.

The operation was conducted from 4 December 1998 to 4 January 1999. This operation proved to be very successful with a continual visible presence in the area. Over twelve patrols a weekend were conducted during the operation and reports from the proprietors at the centre indicate that the anti-social element has disseminated.

- **Operation Mervin** – A joint operation with Joondalup Police District and Hillarys Police Station. Target areas were again the coastline within the City addressing the theft of motor vehicles from car parks and alleged unofficial reports of unacceptable behaviour in the sand dunes.

The operation was conducted on 7 and 8 December 1998. Hillarys Police collated information on this operation.

- **Operation Off Road Vehicles** – This operation was used to target the area of Mindarie and the Pines Plantation addressing two (2) issues. The first being illegal use of off road vehicles in prohibited areas and the second being to show a visual presence within remote areas where possible dumping of vehicles may occur. This operation was conducted as a result of information received from the Police.

The operation was conducted on 19 and 20 December 1998. The component of the operation relating to off road vehicles proved to be beneficial with eight (8) cautions being issued. No contacts were made in the Pine Plantation. However, a presence was made to deter future offenders and offences being committed.

- **Operation Recovery 1** – This operation was formulated as a joint initiative between Ranger Services and the Joondalup Police. The aim was to combine resources and knowledge between the Police and Ranger Services and target common problems of criminal activity and breaches of the Local Government Act in designated areas. These areas included the bush area to the North of Hester Avenue, West of Wanneroo Road, South of Pippidiny Road and the limestone track between Kinross and Clarkson.

The operation was conducted on 29 and 30 January 1999. The Police had the majority of contacts made, however, three (3) verbal cautions and two (2) infringement notices were issued for offences in relation to vehicles.

- **Operation Off Road Vehicles** - This operation was used to target the area of Mindarie and the Pines Plantation addressing two (2) issues. The first being illegal use of off road vehicles in prohibited areas and the second being to show a visual presence within remote areas where possible dumping of vehicles may occur. This operation was conducted as a result of information received from the Police.

The operation was conducted on 16 and 17 January 1999. The component of the operation relating to Off Road Vehicles proved to be beneficial with six (6) cautions being issued. Again no contacts were made in the Pine Plantation. However, a presence was made to deter future offenders and offences being committed.

- **Operation Broadsword** – This operation was as a result of numerous reports to the Rangers in relation to anti social behaviour at the Duncraig Shopping Centre and Seacrest Park in Sorrento. The major aims were to deter this type of activity and to show a visual presence in the district.

The operation ran over a number of weeks from 20 February 1999 to 14 March 1999. A total number of 43 pieces of information were gathered at this location and passed onto the Police.

- **Operation Pinnaroo Point** – This operation was conducted in partnership with the Hillarys Police station. Patrols were conducted on foot and by motorcycles along the foreshore at Hillarys and Sorrento. The aim was to refer unofficial reports of unacceptable behaviour in the sand dunes.

The Operation was conducted over the following weekends 13 and 14, 20 and 21 and 27 and 28 February 1999. Rangers were able to assist the Police with the recording of vehicle registration numbers that frequent the area. A total of six (6) vehicles were witnessed by Rangers to frequent this location on a regular basis. This information was directly communicated to the Hillarys Police Station. Further inquiries resulted in charges being laid to one of the owners of the vehicle.

- **Operation Marina** – This was a multi agency operation involving all police stations within the district, Family and Children's Services, local Youth Workers and Rangers. The aim was to target anti-social behaviour at the Hillarys Marina Boat Harbour. Numerous cautions were given to young people.

The operation was conducted on 26 and 27 February 1999. Information was recorded and kept by the Joondalup Police District.

- **Operation Marangaroo** – The aim of this operation was to target vehicles allegedly driving in a dangerous manner and parking in ways that were causing obstructions.

The operation was conducted on 1 and 2 May 1999. Four (4) verbal cautions were issued for offences committed against the Local Government Act.

- **Operation Lake Gnangara** – This operation targeted vehicles driving in a dangerous manner around Lake Gnangara and surrounding areas. Also incidents of abandoned vehicles were reported having been dumped in this area.

This operation was conducted on 22 and 23 May 1999. Numerous patrols were conducted over this period. No major incidents were recorded or witnessed by Rangers.

All indications from the Police support the effectiveness of such operations by the reduction in reportable offences within the district. Furthermore, information received from District Intelligence Support Centre (DISC) reveals that information gathered by Rangers has contributed to the overall reduction of reportable crime within the district.

Fortnightly meetings are also conducted with members at the executive level of the Joondalup Police Station. The following items are usually discussed and addressed from an operational perspective:

- Planned operations;
- Future enhancements;
- Patrols;
- Information gathering and dissemination; and
- Partnership enhancements.

Another form of measurement of the effectiveness of the patrols and operations conducted by Rangers is the actual visual presence and perception of a safer community. Information received verbally by residents of the City indicates that the community is beginning to recognise that Rangers are working in partnership with the Police in areas such as community policing and crime prevention.

This can be initially supported by the findings of the Customer Satisfaction and Community Needs Survey that was conducted and completed by Research Solutions in February 1998. The findings of the section relating to "Promoted Awareness of Services" revealed the following under the below categories:

Running a Security Service -	48.7%
Running Ranger Services-	81.3%

The findings of this survey seem very promising in view of the short period of time the service has been in operation. Ranger Services is a core function area that has always been provided at a Local Government level whereas the mobile security patrols have only been in operation since December 1997, approximately twelve (12) months prior to the survey being conducted.

Objective: To increase protection of the City's assets.

Rangers are continually patrolling the City assets as part of their normal patrol functions. This is substantiated by the number of calls that Rangers have attended for alarm incidents. As detailed below the Joondalup administration building consumes the majority of calls in this area. This was due to complicated procedures and strict alarm times for arming and disarming of the building. The number of calls to this facility has reduced substantially due to a change in procedures for a less stringent level of security within the building whilst still maintaining appropriate levels of security.

The chart below details the total number of alarms that Rangers have attended at Council owned assets:

ALARM RESPONSES 1998/99

SUBURB	NUMBER OF CALLOUTS	SUBURB	NUMBER OF CALLOUTS
Craigie	1	Merriwa	67
Duncraig	43	Ocean Reef	1
Girrawheen	22	Quinns Rocks	32
Heathridge	50	Two Rocks	1
Hillarys	37	Wanneroo	226
Joondalup	959	Warwick	3
Kingsley	3	Woodvale	2
Kinross	12	Yanchep	27
		TOTAL	1486

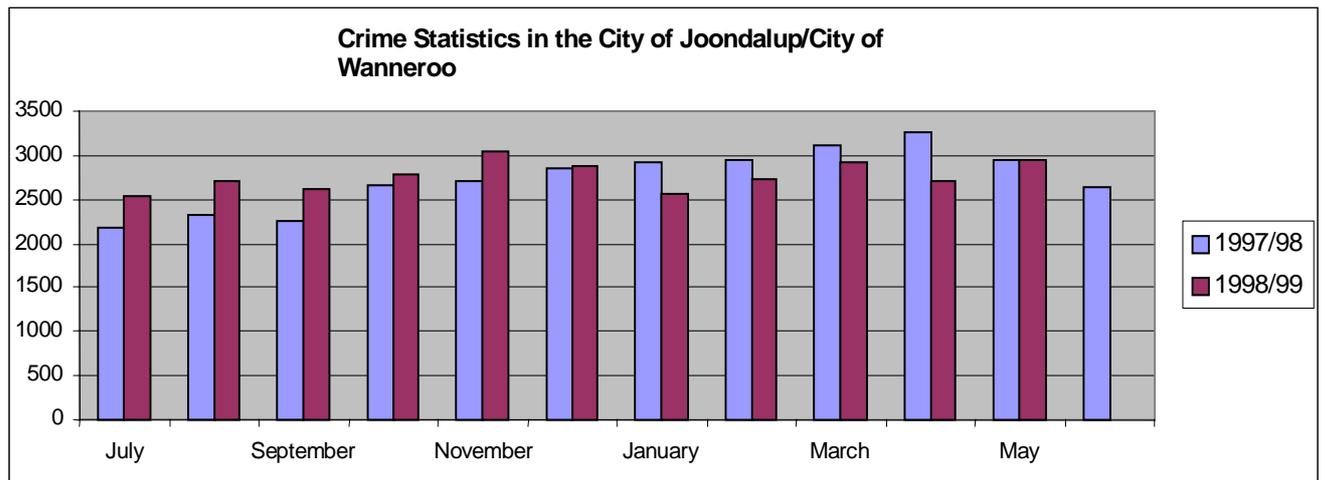
In addition to responding to the 1486 alarms, Rangers conducted regular patrols of Council's assets whilst attending to referrals in the normal execution of their duties. This frequency is not recorded. However, information on the patrols indicates that Rangers, on average, patrol a City asset at least fifteen (15) times during an evening. An estimated number of patrols on City assets during the evening over the period of this progress report equated to 5,460 visits (15 patrols per night x 7 days per week x 52 weeks per year).

When comparing these patrols with market prices at \$15.00 per visit, an estimated saving to Council would equal \$81,900 p.a. Market prices for alarm call outs within the private sector attract a fee of \$45.00 per call. Based on 1486 call outs the total cost would equal \$66,870 p.a. The total cost of these components equals \$148,770 p.a. This service is provided as part of the mobile security patrols and is incorporated into the multi skilling component of the business unit. This figure could also be deducted from the actual operating expenditure for running the patrols.

Joondalup Police District Statistics

Rangers are continuing to work in close co-operation with the Joondalup Police District. Weekly meetings are held with the District Intelligence Support Centre (DISC) to assist Rangers in targeting patrols at known trouble spots and identified areas of anti-social behaviour. Fortnightly meetings are also held with district office Inspectors to discuss strategies and inter-agency approaches to local crime prevention. The cooperation between the two agencies and the ability to join resources to target local issues are, in part, what make the mobile security patrols so unique.

Listed below is the overall crime statistics for the Joondalup Police District for 1998/99.



The above graph shows the number of reportable offences that have been recorded through the Joondalup Police District. This also compares the total number of reports that were received last year. During the last six (6) months of the 1998/99 financial year there appears to be a steady decline in reported offences as compared to the previous year.

The steady decline could be attributed to a number of strategies that the Joondalup Police District have implemented. The assistance that the Ranger patrols have given to the Joondalup Police over this period has obviously contributed to this successful outcome. The total overall crime rate for the last year is indicated within the below table:

Joondalup Police District end of year Crime summary

Offence	1997/98	1998/99	% variance
Burglary	6335	5644	-10.90%
Robbery	238	235	-1.30%
Assault	1076	1109	3.10%
MV Theft	2044	1961	-4.10%
Graffiti	3787	3970	4.70%

Enhancements to Service

The 'Security Watch' service has proven to be successful within the community as well as with other government and non-government agencies including the Joondalup Police District. Following the review of the Security Watch Service in July 1998 a variety of operational enhancements were identified to further improve the service to the community including:

- Introduction of automated customer referral system;
- Agreed roles and responsibilities between the Police and City's Rangers;
- Targeted patrols using police intelligence;
- Accredited security training for Rangers;
- Operational meetings with Joondalup Police District; and
- Rangers liaison with metropolitan police stations.

Since the Council meeting in July 1998, all Rangers have undertaken stringent accredited security training requirements as part of their licencing process under the provisions of the Security Related Activities (Control) Act 1996. This now means that the Ranger Services unit is better equipped to provide this security service and is on a par with any other security agency in Western Australia.

Joondalup Police and Rangers have developed protocols for attendance of customer referrals and communication guidelines. These protocols will be promoted to the community to assist the community to understand the respective roles and responsibilities of the Police and Ranger Services.

Costs

In 1998/99 the total cost of providing the security watch service for both the City of Joondalup and the City of Wanneroo was estimated at \$805,814. This included operational, administration, supervisory and reporting functions.

These costs were calculated based on a time and motion study which was conducted for the mobile security patrols. Approximately 44% of a Rangers duties were committed to the Security Watch Service. Costs associated with administrative, supervisory and reporting functions were calculated in direct proportion to the amount of time spent by officers performing these functions.

Future Direction

The reporting structure for the mobile security patrols has at times been limited due to a lack of available technology. Processes have recently been implemented that will see a reporting structure presented on a monthly basis that can be fully quantifiable and comprehended relatively easily. At present the reporting structure is split between three (3) systems – corporate complaints system, Rangers internal automated system and the after hours service referral system. These systems will be better integrated so that access can be made to the one generic system from remote sites both internally and externally.

To complement the reporting structure will be the introduction of a fully automated ‘base to field’, data referral system. This will allow for automated customer referrals and messages to be sent to Rangers in their vehicles. It is envisaged that this will dramatically reduce paper trails and prove to be a successful management tool in the allocation and attendance to referrals.

Comprehensive security reports will be submitted to relevant stakeholders on a monthly basis. These reports will be dynamic in terms of the actual data that will be collated and reported. Rangers have negotiated with the Police for all information on offences relating to personal and property crime to be supplied to Ranger Services on a monthly basis. In effect, these arrangements will enable the City to conduct a crime audit on an ongoing monthly basis. This information will then be plotted on an A3 Geographical Information System (GIS) and reproduced for comparison against Ranger data.

The following reports will be provided:

- Police statistics for personal and property crime;
- Ranger security referrals for seven categories;
 1. Alarms
 2. Suspicious persons
 3. Suspicious vehicles
 4. Noise
 5. Anti social behaviour
 6. General patrols
 7. Damage
- Combined Ranger and Police statistics.

The following graphs will also be provided to further enhance performance measures of the efficiency and effectiveness of the mobile security patrols:

- Field reports submitted;
- Customer referrals attended;
- Number of patrols provided;
- Number of hours patrolled; and
- Kilometres traveled.

Ranger Services is currently negotiating a second generation Enterprise Bargaining Agreement. This agreement will offer greater flexibility in that more emphasis has been placed on the commercial arm of the business unit. Rangers have benchmarked their call out rate with private industry and proposed a minimum rate of pay comparable to the normal hourly rate. This will place the business unit on par with private industry and position it as a competitive and viable business unit within the market place.

Work is also being conducted within the business unit to address any concerns on the principles of competitive neutrality. This will further promote the commercial arm of the unit as interest from the private sector continues to draw attention to the quality of service provided by the Ranger Services Business Unit.

Marketing

Work has been undertaken by Ranger Services to develop a Marketing/Public Relations Plan principally for the purpose of repositioning the mobile security patrols provided by the City's Rangers from 1 July 1999.

During the process of preparing this Marketing/Public Relations Plan, a number of issues have come to the fore which have required clarification from a marketing perspective. A key issue has been to define the exact nature of the service/product which will be marketed in the future.

From recent discussions which have occurred with Joondalup District Police, there would seem to be a preference to more clearly differentiate the security-oriented role performed by Rangers from the more general community awareness of community policing and crime prevention issues which needs to be engendered in the broader community, including other staff of the City.

To begin to achieve the latter, the mobile security patrols have been branded under a new “City Watch” image as a component of the City’s overall Community Security and Safety Action Plan.

The “City Watch” project is significantly different from the current Security Watch service from a number of key perspectives. For example, the Security Watch service was clearly established as a service provided by all staff to the ratepayers and residents of the City and Shire. The City Watch project clearly differentiates the service element from the awareness campaign element, thereby limiting the security service component to the mobile security patrols operated by Ranger Services.

A report on the new City Watch project will be provided to Council shortly.

COMMENT

Since the establishment of the mobile security patrol service, the Ranger services business unit has been successful in meeting its principle objective of acting as the “eyes and ears” for the local Police by recording and reporting incidents such as antisocial behaviour to the Police within the City of Joondalup and Shire of Wanneroo. It has also been successful in meeting other objectives such as targeting specific trouble spots within the City and increasing protection of the Council’s assets.

Initially, the Security Watch operation in 1997/98 was able to be undertaken at a third of the cost of the submissions received by the private security firms at the time that the City called for ‘Expressions of Interest’. This trend has continued when compared to the actual expenditure of \$805,814 for the financial year 1998/99.

A productive working partnership has been established with the Police Service within the City. Recording and reporting procedures have been established and the information collected is being effectively managed between the City, Joondalup Police and the City’s Ranger Services. This partnership has received the backing of senior officers within the Police District and is unique within the Local Government industry.

The effectiveness of the patrols in reducing/preventing crime and other forms of antisocial behaviour within the City is starting to have a noticeable affect on reported crime. As indicated in the crime statistics for the Joondalup Police District there appears to be a steady decline in reported offences over the 1998/99 operational year. All indications from professional bodies and from the Police Service indicate that the Security Watch mobile security patrols have contributed to reducing the level of crime in the City.

Importantly, Ranger Services is now a multi-faceted operation that provides the City with a front line visible presence within the community. Ranger patrols are complementary to the existing Police resources within the district and assist crime prevention by being the eyes and ears for the Joondalup Police District.

MOVED Cmr Clark-Murphy, SECONDED Cmr Rowell that the Joint Commissioners the progress review report for the Security Watch patrol service provided by Ranger Services for the period 1 July 1998 to 30 June 1999, be RECEIVED.

Cmr Clark-Murphy spoke in support of the Motion.

The Motion was Put and

CARRIED

INFRASTRUCTURE MANAGEMENT**CJ306-09/99 TENDER NO 043-99/00 - SUPPLY AND
INSTALLATION OF PLAY EQUIPMENT
COMPONENTS [30995J]****SUMMARY**

Tenders were called for the Supply and Installation of Play Equipment Components in accordance with tender specifications. Five tenders were received.

The Tender Evaluation Committee has analysed the tenders and recommends Forpark Australia as the successful tenderer.

BACKGROUND

Prior to the split of the former City of Wanneroo, Council was spending up to \$250,000 per year on play equipment and had four suppliers due to the volume of work. With the split into the City of Joondalup and the City of Wanneroo, expenditure has fallen to approximately \$60,000 per year within the City of Joondalup and, as such, only one contractor is preferred.

DETAILS

The tender was advertised on 10 July 1999 and 12 companies requested tender documents. Five tenders were received from the following:-

Forpark Australia
Miracle Play Equipment
Playquip
Playground Solutions
Play Master

The tender evaluation was completed and back up details are attached (refer Attachment A). Forpark Australia has satisfied the Tender Evaluation Committee that it has the ability to provide the best value for the tendered price. Evaluation by individual unit cost is difficult due to the vast variations to items by suppliers. The tender requested a comprehensive list of items and prices supplied by the company.

COMMENT/FUNDING

Funding in the 1999/2000 Capital Works Budget is low compared to previous years, but the tender has a 36 month period and the total expenditure is anticipated to exceed \$100,000. Capital funding for 1999/2000 is \$50,700, subject to Budget adoption.

Forpark Australia has submitted the lowest tender overall for items and the company is based in Welshpool.

Council's suppliers for the previous 1997/98 tender were Forpark Australia, Miracle Play Equipment and Ausplay. However, Ausplay has not submitted a tender this time and Miracle Play Equipment has submitted the second lowest tender.

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

- 1 ACCEPT the tender submitted by Forpark Australia for Tender No 043-99/00 Supply and Installation of Play Equipment Components, for a period of 36 months;**
- 2 AUTHORISE signing of the contract documents.**

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT

Items CJ307-09/99 to CJ315-09/99 inclusive were Moved by Cmr Rowell and Seconded by Cmr Clark-Murphy.

CJ307-09/99 HERITAGE AND MUSEUM SERVICES AND FACILITIES PLANNING STUDY [12979J]

SUMMARY

In March 1999, the Joint Commissioners noted the report (CJ38-03/99 refers) concerning the Heritage and Museum Services and Facilities Planning Study and sought a further report addressing the Consultants recommendations and in particular the financial ramifications.

This report reviews the Study recommendations, in light of the establishment of the two local authorities, and proposes that the Joint Commissioners endorse in principle the concept that the City of Joondalup engages in a regional heritage planning role and focus. It further supports the Study recommendation that the Historical Sites Advisory Committee be formally disbanded (Report CJ30-07/98 refers). It is also proposed that the Planning and Development Directorate undertakes the heritage services functions at this stage rather than the City employing a dedicated Heritage Services Officer as proposed by the Study.

Copies of the Heritage and Museum Services and Facilities Planning Study are located in the Joondalup Local Studies Library and the Commissioner's Reading Room.

BACKGROUND

The Heritage and Museum Services and Facilities Planning Study was undertaken by Museum Studies Consulting. The Study commenced in August 1998 and was completed in January 1999. This report provides comments on recommendations outlined in the Heritage and Museum Planning Study (refer Attachment A) and considers the financial implications relating to the recommendations for developing and staffing a Joondalup Heritage Service.

The Heritage and Museum Study contains separate executive summaries for both the City of Joondalup and the City of Wanneroo (Attachments B and C respectively). Each separate summary and the recommendations emerging from the Study reflect the overall strategic framework for a comprehensive, shared heritage service throughout the region. The proposed overall framework is based on the premise that the City of Joondalup should engage in a regional heritage role and the City of Wanneroo, having ownership of traditional public collections and heritage sites, should focus on providing a highly integrated, localised service.

It was a principle objective of the Study that recommendations for heritage management and staffing for both local government authorities should reflect two independent heritage services that were both co-operative and complimentary.

In undertaking the Study, the consultants were conscious of creating two distinct heritage services that would address the separate needs and characters of the two local authorities.

Recommendations contained in the Study relating to heritage services in the City of Joondalup included:

1. that a Memorandum of Understanding be drawn up between the City of Joondalup and the City of Wanneroo concerning long term shared management responsibilities for heritage and museum matters. The Memorandum of Understanding would specifically deal with:
 - the transfer of museum artefacts and associated material to the City of Wanneroo;
 - financial and staffing responsibilities associated with long term management of the collection;
 - the clarification of responsibilities between the City of Wanneroo and the City of Joondalup;
2. that the City of Joondalup establish a Heritage Service that is staffed by a full time Heritage Officer whose principle responsibility would be to ensure relevant natural and cultural heritage concerns were effectively integrated into Council planning procedures. The Council would be required to recruit a museum consultant to further develop the regional city museum concept;
3. that the Historic Sites Advisory Committee under its previous terms of reference be formally disbanded. Its duties relating to the Municipal Inventory would in future be undertaken by Heritage staff employed by the City of Joondalup and the City of Wanneroo in conjunction with a community consultation process;

4. that the City of Joondalup establishes a Heritage Advisory Committee to provide technical support for Heritage Services and to assist with the planning of regionally based heritage interpretation initiatives;
5. that the City of Joondalup endorses in principle the development of, and commences planning for the construction of a regional museum by 2005. The facility would be designed to serve the cultural and educational needs of a region containing 250,000 – 300,000 people.

Reference should be made to Attachment D for full list of Recommendations.

DETAIL

Whilst the development of the Memorandum of Understanding is seen as essential in establishing and clarifying responsibilities and roles for each Local Authority in the development of a regional heritage museum, it is considered that such an agreement is premature at this stage. It is suggested that a Memorandum of Understanding should be drawn up at the time when the regional museum facility has been endorsed and included in the City's Works Program.

In relation to Recommendation 2 above, '*establishment of a Heritage Service staffed by a full time Heritage Officer*', it is believed that this function can more than adequately be undertaken by existing staff within the Planning and Development Directorate. The importance and responsibility for heritage matters, including the obligations outlined in the current Heritage Bill, is fully appreciated and the appointment of a full time Heritage Officer is not considered warranted at this stage. The City has only a small number of heritage places listed on the Municipal Inventory (1994) for which it has responsibility.

The appointment of a Heritage/Museum Officer should however be considered in the future when initial concept design and planning matters for a regional museum facility are underway.

The recommendation to formally disband the Historic Sites Advisory Committee is supported. The majority of Historic Sites are now located within the City of Wanneroo and as such does not warrant the continuation of the Advisory Committee. It is proposed that the Planning and Development Directorate undertakes the duties relating to the management of the Municipal Inventory. The current status of the Municipal Inventory requires that it be reviewed, under the guidelines of Section 45 of the Heritage Act, 1990. This review process is required every four years and will be undertaken by appointing a suitable qualified consultant to review and update the inventory in conjunction with a community consultation process. In respect to Report CJ30-07/98 - Review of Committees, it is recommended that the Historic Sites Advisory Committee not be constituted and that a letter of appreciation be sent to former Members of the Committee thanking them for their services over the years.

The establishment of a Heritage Advisory Committee, at the appropriate time, to provide technical support to assist with the planning of a regional museum and interpretation initiatives is supported. Again this Committee should only be constituted when the regional museum facility is endorsed and heritage programs associated with the museum are being planned and developed.

The Study proposes that the Joondalup Heritage Advisory Committee comprises of staff and members of Council, an Aboriginal community representative, one general community representative and individuals with expertise in areas such as built heritage conservation and natural conservation. The purpose of the Committee would be to provide technical advice on relevant natural and cultural heritage development initiatives being pursued by Council and to facilitate external support as appropriate. It would make recommendations relating to the Municipal Inventory of Heritage Places (a statutory requirement under the Heritage of Western Australia Act 1990) and on issues concerning heritage policy as distinct from operational issues. The proposed Joondalup Heritage Advisory Committee would be responsible for some of the functions previously undertaken by the former Historic Sites Advisory Committee.

The City supports the recommendation for endorsement in principle for the development of, and planning for the construction of a regional museum facility by 2005. The facility would be designed to serve the cultural and educational needs of a region containing 250,000 to 300,000 people.

Extended detail of the proposed regional museum facility is referred to in the Heritage and Museum Planning Study, page 22. Museum Studies Consulting have confirmed that the strategic logic for the development of a regional museum facility within a developing civic centre has remained largely unchanged since 1993.

It is stressed, however, that because of the creation of the new City of Wanneroo, the proposed content of the museum be critically reviewed. The consultants also believe that the costs that have been previously outlined for the building of a regional museum could be reduced significantly through effective and innovative design.

COMMENT/FUNDING

As the Administration does not support the Study recommendation for a full time Heritage Officer no funding is required for a new position, as the Planning and Development Directorate will undertake the heritage services functions.

Funding will be required for a consultant to review and update the Municipal Inventory at an estimated cost of \$5,000.

No funding is required at this stage to endorse in principle the concept of a regional museum for the City. The Planning Study estimates that a 2,000 square metre regional museum would cost in the order of \$6 million to \$8 million to construct and would require approximately \$400,000 p.a. to manage. The funding for this project would need to be considered at a later stage as part of the budget process in 2003/2004.

Account No:	4201
Budget Item:	Consultancy
Budget Amount:	\$5,000

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

- 1 NOTE the Heritage and Museum Services and Facilities Planning Study;**
- 2 DISBAND the Historical Sites Advisory Committee and request that a letter of appreciation be sent to former members of the Committee thanking them for their services over the years;**
- 3 ENDORSE the proposal that the Planning and Development Directorate undertakes heritage services functions for the City;**
- 4 FURTHER EXPLORE the proposal for the regional museum with a report to Council in 2001.**

The Motion was Put and

CARRIED

**CJ308-09/99 NORTH WEST DISTRICTS OMNIBUS (NO 4)
AMENDMENT NO 1012/33 [08190]**

SUMMARY

The Western Australian Planning Commission (WAPC) has recently initiated an omnibus amendment to the Metropolitan Region Scheme (MRS) relating to land located in the Cities of Joondalup and Stirling, the Town of Vincent and the City of Wanneroo.

The Commission is seeking Council's comments on the proposed amendment, especially on those changes that occur within the City of Joondalup. The land affected within the City of Joondalup is as follows and maps depicting the affected lands are included as attachments:

1. Currambine Railway Station and a portion of the Northern Suburbs Railway line (MRS Proposal 7);
2. Rationalisation of the intersection of Moore Drive and Marmion Avenue, Currambine - (MRS Proposal 8);
3. Crown Reserve 39197 West Coast Drive, Hillarys - (MRS Proposal 12);
4. Hepburn Avenue road reserve between Whitfords Avenue and Howland Road, Sorrento - (MRS Proposal 13);
5. West Coast Drive in Sorrento and Marmion - (MRS Proposal 14a and 14b);
6. Lakeway Drive and Verdin Lane - (MRS Proposal 15).

No planning objections are raised to the proposed changes to the MRS amendments.

DETAILS

Current Proposal or Issue

This omnibus amendment proposes to incorporate changes to zones and reservations arising from decisions made by the Western Australian Planning Commission or Government proposals for the use of land, and generally to ensure the Metropolitan Region Scheme (MRS) is kept up to date as the statutory region plan for Perth.

The Commission is specifically seeking formal comment on those components of the proposed omnibus amendment that occur within the City of Joondalup.

Proposals seven, eight, twelve, thirteen, fourteen and fifteen of the MRS Amendment document affect the City of Joondalup (refer to Attachments). For ease of reference these have been re-numbered below as one to six and are described as follows:

1. Transfer of the Currambine Railway Station and a portion of the Northern Suburbs Railway line from the Urban zone and the Primary Regional Roads reservation to the Railways reservation - (MRS Proposal 7).

Currambine railway station and the northern suburbs railway are not currently recognised by a specific Railways reservation in the MRS. The proposal is to include the Currambine railway station and the northern suburbs railway line at Currambine within the railways reservation in the MRS.

2. Rationalisation of the Other Regional Roads reservation at the intersection of Moore Drive and Marmion Avenue, Currambine - (MRS Proposal 8).

This proposal involves minor revisions to the Other Regional Roads reservation for Moore drive and Marmion Avenue, Currambine to conform to established subdivision patterns and dedicated public roads. All alterations are of a minor nature.

3. Transfer of a portion of Crown Reserve 39197 West Coast Drive, Hillarys from the Urban zone to the Parks & Recreation reservation - (MRS Proposal 12).

Crown Reserve 39197 (Hillarys Boat Harbour) was created in 1985 and vested in the Minister for Transport for harbour purposes. This proposal is to correct a minor inconsistency between the Parks and Recreation reservation in the MRS and the boundary of Crown Reserve 39197.

4. Transfer of a portion of Hepburn Avenue road reserve between Whitfords Avenue and Howland Road, Sorrento from the Other Regional Roads reservation to the Urban zone - (MRS Proposal 13).

This proposal is to reduce the Other Regional Roads reservation for Hepburn Avenue between Whitfords Avenue and Howland Road from 60 to 44 metres. The proposed reservation width will still accommodate traffic capacity sufficient to meet future demands, with four lanes of traffic plus service roads to provide safe access to adjacent proposed development.

This road width has been supported by the Commission in a subdivision approval (Harbour Rise Estate) for land adjoining Hepburn Avenue, and in Amendment 940 to TPS1 which cannot receive Ministerial approval until this MRS process has been finalised.

5. Transfer of West Coast Drive in Sorrento and Marmion from the Parks & Recreation reservation to the urban zone - (MRS Proposal 14a and 14b).

The length of West Coast Drive road reserve from Sorrento to Trigg is currently in the Parks and Recreation reservation. The northern and southern ends of West Coast Drive are already zoned Urban. To provide consistency, the proposal is to transfer the length of West Coast Drive from Sorrento to Trigg from the Parks and Recreation reservation to the Urban zone.

6. Transfer of a portion of Lakeway Drive and Verdin lane, Kingsley from the Parks and Recreation reservation to the Urban Deferred zone - (MRS Proposal 15).

This proposal seeks to rationalise the Parks and Recreation reservation for Lake Goollelal to accord with the existing Lakeway Drive and Verdin Lane road reserves.

Relevant Legislation

The amendment process is regulated by the Metropolitan Region Town Planning Scheme Act. Any proposal to modify the MRS must be advertised for a period of three months during which landowners whose property is directly affected by a proposed change are contacted by letter. The public is also informed by advertisements in local and State-wide newspapers. At the end of the submission period the Western Australian Planning Commission considers all submissions and decides whether to alter the amendment or proceed with the original proposal. A recommendation is made to the Hon Minister for Planning and the Hon Minister presents it to the Governor for approval. Within three months of a Metropolitan Region Scheme Amendment the affected local government/s is/are required to initiate amendments to its Town Planning Scheme to ensure compliance with the broad zonings and reservations of the Metropolitan Region Scheme.

Advertising and Summary

The Commission has also sought public comment on the amendment proposals via advertisements in *The West Australian* on Saturday 17 July 1999 and *The Sunday Times* on Sunday 18 July 1999. Notices were also placed in relevant local newspapers.

Formal submissions are invited and must be lodged by Friday 15 October 1999.

COMMENT

Issues

The purpose of this MRS amendment is to update the MRS and is a continuation of the program of major amendments to the MRS, which commenced in April 1993. The proposed changes are minor and are considered to have no adverse environmental impacts.

Assessment and Reasons for Recommendation

The changes proposed in the omnibus amendment are considered in keeping with the past and intended planning of the City. There are no planning objections to the proposed amendment.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners ADVISE the Western Australian Planning Commission that the changes to the Metropolitan Region Scheme proposed in Amendment No 1012/33, North West Districts Omnibus No 4 are supported.

The Motion was Put and

CARRIED

CJ309-09/99 SUBDIVISION CONTROL UNIT - DIRECTOR, PLANNING AND DEVELOPMENT (FROM 30 JULY 1999 TO 27 AUGUST 1999) - [05961]

SUMMARY

Overleaf is a resumé of the Subdivision Applications processed by the Subdivision Control Unit (from 30 July 1999 to 27 August July 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, Urban Design and Policy Services, the authority to deal with these applications as follows:

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

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners NOTE the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ309-09/99.

The Motion was Put and

CARRIED

Appendix VIII refers

FOR APPENDIX VIII, CLICK HERE: [Att8.pdf](#)

CJ310-09/99 AMALGAMATION OF LOT 8 JOONDALUP DRIVE AND PT LOT 4 GRAND BOULEVARD, JOONDALUP - LAKESIDE SHOPPING CENTRE [40175J]

SUMMARY

Council has received Correspondence from the Western Australian Planning Commission seeking comments with respect to the amalgamation of Pt Lot 4 Grande Boulevard and Lot 8 Joondalup Drive, Joondalup (Attachment 1).

The Commissioners' determination is needed with respect to the application as the Joondalup City Centre Development Plan and Manual identifies Pt Lot 4 as a separate lot and as an important node and link in the open space network.

Part lot 4 has become to be known as "Market Square" an element of the open space network of the City Centre linking Lake Joondalup and the regional park through to Central Park across Grand Boulevard to Station Square providing access to the railway station and retail component.

LandCorp plans to sell the lots for retail purposes, however the use of Pt lot 4 for retail purposes is contrary to the Joondalup City Centre Development Plan and Manual, indicative plans and structure plans.

The proposal to amalgamate the lots may be approved on the basis that arrangements are made for unrestricted public access across the site linking Station Square to Grand Boulevard, Civic Walk and Campus Walk.

BACKGROUND

Lot No.'s	8 & Pt 4
Street Address	420 Joondalup Drive, Joondalup
Land Owner	Western Australian land Authority Perpetual Trustees WA LTD
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre
Lot Area	22.1936ha & 0.8588ha

Site History

The Western Australian Planning Commission granted conditional approval for extensions to Joondalup Lakeside Shopping Centre of 27,000 retail GLA on Lots 453, 454 and Lot 4 on 25 June 1997. The conditions imposed that are relevant to the subject application are as follows:

- “1. Prior to the development being commenced, the applicant shall obtain the approval of the Western Australian Planning Commission to more detailed plans showing the alignments, design and detailing for Station Square, Campus Walk, Civic Walk and Central Walk.
2. Prior to the development being commenced, the applicant shall submit and obtain the approval of the Western Australian Planning Commission to more detailed plans of the system of open space, pedestrian and bicycle networks to and through the site...
3. Prior to the completion of the development, arrangements shall be made for unrestricted public access to and across Station Square, Civic Walk, Campus Walk and ‘Central Walk’ and any required connections to abutting streets and the station, including the normal hours of public transport operation and appropriate opening and closing periods outside these hours, by the granting of easements in gross in favour of the public at large, or some other similar and appropriate mechanism as agreed by the Western Australian Planning Commission .”

And advice note with respect to Condition No.1 is as follows:

“....the alignments, design and detailing for Station Square, Campus Walk, Civic Walk and Central Walk shall provide direct, legible and safe pedestrian access routes from Station Square to Grand Boulevard and Boas Avenue, of adequate dimensions and fronted by retail or public uses as far as possible, and designed so that these spaces are clearly identifiable as part of the public realm, in accordance with the Joondalup City Centre Development Plan and Manual.”

DETAILS

Current Proposal or Issue

The subject application proposes to amalgamate lot Pt 4 with Lot 8 Joondalup Drive. There are a number of inconsistencies within the Joondalup City Centre Development Plan and Manual (February 1995) and these inconsistencies also relate to the subject lots. The table below depicts the inconsistencies that exist with specific reference to the land uses nominated for the two lots within the development plan and manual.

	Lot 8	Pt lot 4
Indicative Land Use	Retail	Not included
Land Use	Retail	General City Uses
Detailed Land Use	Regional Shopping Centre	Residential Mixed Use

The Development Plan and Manual identifies an open space network. Two of the three primary pedestrian paths the east-west path along the northern edge of Central park and the diagonal path from Station Square to the TAFE campus create a pocket of land which coincides with the location of Pt lot 4. This bounded section of land (between Station Square and Grand Boulevard) is also identified as a node and offers the potential to strengthen the legibility of the City.

Essentially this pocket of land has been identified as the “Market Square”, a section of open space which endeavours to link Lake Joondalup and the regional park through Central Park across Grand Boulevard to Station Square providing access to the railway station and the retail facilities.

The Market Square is intended to provide a cosmopolitan, commercial, civic and cultural focal point and the intersection of diagonal and east-west pedestrian axes. It represents a graduation of activity between the functional intensity of Station Square and the environmental sensitivity of the Town Park, to which it is proposed to be linked by a pedestrian bridge over the central boulevard. (Joondalup City Centre Development Manual; JDC and Hames Sharley Australia, November 1990).

COMMENT

Issues

- Part lot 4 has been identified in the Joondalup City Centre Development Plan and Manual, indicative plans and structure plans as part of the open space network and an integral link between the open space system and the retail components.
- There is a high volume of pedestrian traffic to be accommodated between Station Square and Grand Boulevard connecting to Civic Walk and Campus Walk.
- The link in the context of the pedestrian and open space networks of the City Centre is significant and therefore its appearance and interpretation as a public space is important.
- Access to the space at all hours is extremely important to facilitate the interpretation and identification of the space as public space.
- The space is required to perform its due function of integrating the future retail development with the City Centre.
- Recognition by the Western Australian Planning Commission of the lack of detail in the Joondalup City Centre Development Plan and Manual with specific reference to the Open Space Network. Conditions previously imposed by the Commission relate to:
 - i) Detail being submitted of the alignments, design and detailing for Station Square, Campus Walk, Civic Walk and ‘Central Walk’;
 - ii) Detail being submitted of the system of open space, pedestrian and bicycle networks to and through the site and arrangements for unrestricted public access to and across Station Square;
 - iii) The provision of legible and safe pedestrian access routes from Station Square to Grand Boulevard and Boas Avenue, of adequate dimensions and fronted by public uses as far as possible, and designed so that these spaces are clearly identifiable as part of the public realm.
- LandCorp has strongly made the point that it does not consider Part Lot 4 to be open space but to be identical to the adjacent Lot 8 and has requested that it be included as such in the City’s Structure Plan for the area.

- There is a considerable change of level between Grand Boulevard and Station Square which facilitates a range of possible options to the public thoroughfare issue as well as provides for a mixture of uses on the site.
- There is a drainage easement issue relating to this land that have not been resolved and it is appropriate that these be resolved without further delay.

Assessment and Reasons for Recommendation

It is considered that the intention of Part Lot 4 as identified in the Joondalup City Center Development Plan and Manual, indicative plans and structure plans, to be the important link in the open space network and function to link the open space with the retail development may be achieved, regardless of whether the lot is a single lot or amalgamated with another lot.

Through the imposition of appropriate conditions it is possible to maintain the intention of Part Lot 4 as identified. A condition to the effect that arrangements are made to the satisfaction of the City of Joondalup for unrestricted public access to and across the site linking Station Square to Grand Boulevard, Civic Walk and Campus Walk by the granting of easements in gross in favour of the public at large, is proposed. The function of providing a public thoroughfare can be maintained through a private commercial/retail environment with adequate design. This approach will allow flexibility for planning for the retail development while ensuring the public function is maintained.

Accordingly conditional approval is recommended.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners advise the Western Australian Planning Commission that Council SUPPORTS the application by Whelans Town Planning Consultants on behalf of Western Australian Land Authority and Perpetual Trustees W.A Ltd for the amalgamation of Lot 8 Joondalup Drive and Part Lot 4 Grand Boulevard, Joondalup as depicted on the plan dated 26 July 1999 (WAPC REF: 111422) subject to:

- 1 the landowner entering into a legal agreement with the City of Joondalup agreeing to provide, at the landowners' cost, for unrestricted public access to and across the site linking Station Square to Grand Boulevard, Civic Walk and Campus Walk and any required connections to abutting streets and the station, during the normal hours of public transport operation and appropriate opening and closing periods outside these hours and investigating possible options for accommodating public activities in the public access areas, by the granting of easements in gross in favour of the public at large, or some other similar and appropriate mechanism as agreed by the City of Joondalup;**
- 2 such drainage easements as may be required being granted free of cost to the City of Joondalup.**

The Motion was Put and

CARRIED

CJ311-09/99 SUBDIVISION OF LOT 8 JOONDALUP DRIVE, JOONDALUP – LAKESIDE SHOPPING CENTRE [41175J]

SUMMARY

Council has received correspondence from the Western Australian Planning Commission seeking comments with respect to the subdivision of Lot 8 Joondalup Drive, Joondalup to create two lots of 21.89ha and 3000m² (Attachment A). The purpose of the subdivision is to create a community purpose site (3000m² lot).

The Joint Commissioners' determination is needed with respect to the application as the Joondalup City Centre Development Plan and Manual does not indicate a separate lot for community uses in the proposed location.

The requirement for the community purpose site is as a result of a commitment made by the Minister for Lands and negotiations addressing a number of matters relating to development in Joondalup and agreements made between LandCorp and the City of Joondalup.

It is considered that the proposed subdivision may be supported, as the location of the proposed community purpose site is generally acceptable. Support to the subdivision is conditional upon the provision of an underpass at Collier Pass and the land being transferred in fee simple free of cost to the City of Joondalup.

BACKGROUND

Lot No.	8
Street Address	420 Joondalup Drive, Joondalup
Land Owner	Western Australian Land Authority Perpetual Trustees WA LTD
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre
Lot Area	22.1936ha

The former government had given certain commitments relating to the provision of civic and cultural facilities in Joondalup. Correspondence was received from the Minister for Lands on 7 January 1994, documenting the Government's understanding of the terms of agreement between the Western Australian Land Authority (LandCorp) and the former City of Wanneroo (City of Joondalup) with respect to the negotiations addressing matters relating to development in Joondalup. It was determined that the previous commitments would be discharged on receipt of appropriate approvals and the former City of Wanneroo agreeing to certain land transfers. It was also determined that the Authority following agreement on a particular site, transfer a further 0.3 ha to the City of Wanneroo for no monetary consideration.

Council at its meeting of 10 November 1993 resolved that Council accepts the balance of the 2.5 ha (land for civic and cultural purposes) i.e. approximately 3000m² such area or areas to be mutually agreed between the City and LandCorp as sites for the provision of Civic, Cultural and Municipal purposes and subsequently advised the Minister for Lands accordingly:

DETAILS

Current Proposal or Issue

The subject application proposes to subdivide Lot 8 Joondalup Drive into two lots of 3000m² and 21.89ha. The application proposes to excise the 3000m² lot for a Community Purpose site (child care and aged persons' facilities) fronting Collier Pass adjacent to the transit station.

Relevant Legislation

In assessing a subdivision application, the Town Planning and Development Act (1928 as amended) requires the Western Australian Planning Commission to seek comment from the relevant local government authority, prior to making its decision on the subdivision proposal.

Relevant Policies/Guidelines

- WAPC – Guidelines for the Preparation of Local Structure Plans for Urban Release Areas

Section 3.4.3 Pedestrian/Cycle Network/Underpasses nominates that grade separated crossings (preferably underpasses) will be required at strategic locations along district distributors and other major roads to permit ease and safe cross movement between neighbourhoods by pedestrians and cyclists.

COMMENT

The Joondalup Town Centre Pedestrian Study prepared by Fielman Planning Consultants and Blackwell and Associates Pty Ltd (1990) identified the need for an underpass at Collier Pass to the east of the railway station based upon the origin and destination of pedestrian trips.

The report concludes that large pedestrian movements will occur in the vicinity of the Joondalup Railway Station. A high volume of pedestrians will access the train and bus station, Lakeside Shopping Centre, Cinema and other retail outlets from the south. The location of the TAFE campus and the Edith Cowan University to the south east of the railway station are considered to be the major generators of pedestrian movements. The safety of the high volume of pedestrians crossing Collier Pass is of concern especially in light of the buses entering the bus station area and the proximity of this intersection to the railway station. It is for this reason that a grade separated pedestrian crossing is being pursued.

Desirably community facility sites should be located in close proximity to public open space, public transport and shopping facilities and can be accessed safely and easily. The proposed 3000m² site is located close to public transport, public open space and shopping facilities.

However, it is considered that the safety of pedestrians and cyclists can be enhanced by the provision of an underpass at Collier Pass. This requirement has been justified in previous studies. Further, it is considered that the access to the proposed site from Collier Pass is not suitable. A driveway connecting Collier pass to the adjacent land to the east of the subject site is proposed in plans for the site. It is preferred that access to the Community Purpose site be gained from this future driveway.

Issues

- The community facilities site is required to be transferred in fee simple free of cost to the City of Joondalup to allow for flexibility of future use of the site.
- The location of the proposed community facility site is considered to be adequate, given its proximity to public open space, shopping facilities, and public transport, however it is considered that the provision of an underpass at Collier Pass is required to provide safe access to pedestrians and cyclists.
- Access to the site from Collier pass is deemed to be unsuitable and on this basis it is nominated that vehicular access is via a shared access arrangement.

Assessment and Reasons for Recommendation

It is considered that the proposed subdivision may be supported, as the location of the proposed community purpose site is generally acceptable. Support to the subdivision is conditional upon the provision of an underpass at Collier Pass and the land being transferred in fee simple free of cost to the City of Joondalup.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners ADVISE the Western Australian Planning Commission the application by Whelans Town Planning Consultants on behalf of Western Australian Land Authority and Perpetual Trustees W.A Ltd for the subdivision of Lot 8 Joondalup Drive, Joondalup as depicted on the plan dated 26 July 1999 (WAPC REF: 111421) be supported subject to the following conditions:

- 1** satisfactory arrangements being made for the construction of a grade separated pedestrian crossing (underpass) where it abuts the application area to the satisfaction of the City of Joondalup;
- 2** the proposed site (3000m² area) being created as a separate lot and transferred in fee simple to the City of Joondalup free of cost without encumbrance;
- 3** satisfactory arrangements being made for the provision for vehicular access to the community purpose site from the balance of Lot 8 Joondalup Drive (proposed future accessway) providing access from Collier Pass to the satisfaction for the City of Joondalup.

The Motion was Put and

CARRIED

**CJ312-09/99 PROPOSED SUBDIVISION - PT LOT 2
MACNAUGHTON CRESCENT, KINROSS (WAPC REF:
111508) [42212J]**

SUMMARY

The Commissioners need to make a determination to either support or not support the application to subdivide Part Lot 2 MacNaughton Crescent, Kinross, which has been forwarded to the City by the Western Australian Planning Commission (WAPC) for comment.

The application proposes to subdivide Part Lot 2 MacNaughton Crescent to create seven (7) residential lots varying in size from 500m² to 644m², an internal access road and a primary school site with an area of 3.45 hectares. A location plan and subdivision plan are attached for Commissioners' information (Attachments 1 and 2).

The Commissioners' determination is needed with respect to the application as the size of the proposed primary school site is below that recommended in the Western Australian Planning Commission's Policy DC 2.4 (School Sites) and that shown on the approved structure plan for the area.

The Education Department has advised that the proposed 3.45 hectare school site is suitable.

It is therefore recommended that the City conditionally supports the subject application.

BACKGROUND

Application Details

Reference	WAPC ref: 111508	Our ref: 42-212J
Lot No	Part Lot 2	
Street Address	MacNaughton Crescent, Kinross	
Applicant	Taylor Burrell Town Planning & Design	
Land Owner	Burns Management Pty Ltd	
MRS Zoning	Urban	
TPS Zoning	Residential Development	
Residential Planning Code	R20	
Land Use	Vacant	
Lot Area	426.3864 hectares	

The application proposes to subdivide Part Lot 2 MacNaughton Crescent to create seven (7) residential lots varying in size from 500m² to 644m², an internal access road and a primary school site with an area of 3.45 hectares.

Site History / Previous Council Decisions

A primary school site was identified in the approved structure plan for the area.

An application (WAPC ref. 104001) was submitted in 1997 to subdivide the north east corner of Kinross which amongst other things proposed the creation of a 4 hectare primary school site over the subject land. Council advised the WAPC of its conditional support for the subdivision in August 1997 and a conditional approval was granted by the WAPC for the subdivision on 4 November 1997. The proposed school site however was never formally created.

DETAILS

Issue

The Commissioners' determination is needed with respect to the application as the size of the proposed school site is below that recommended in the Western Australian Planning Commission's Policy DC 2.4 (School Sites) and that shown on the approved structure plan for the area.

The WAPC's policy generally recommends a minimum of 4 hectares for primary school sites however states that:

“Where a school site is co-located with public open space, that open space is fully utilised by the school and arrangements are in place to the satisfaction of the local government to provide long-term contributions from the education provider for the management of the open space, the land requirement for the school may be reduced. In these circumstances a primary school site of 3.5ha in size may be acceptable.”

A public open space reserve is located directly to the south of the proposed school site however as outlined above the subject school site is proposed to have a site area of only 3.45 hectares.

The Education Department has been contacted in relation to the suitability of the proposed 3.45ha site and has advised that it is suitable. It has also advised of its intentions to liaise with the City in regards to utilising the adjoining public open space reserve.

COMMENT

As the Education Department has no objection to the size of the proposed school site it is recommended that the City supports the application subject to standard conditions as outlined in the recommendation below. A shortfall of public open space has been previously identified for the estate and records indicate that this is yet to be made up. It is recommended this shortfall be provided for by the imposition of Condition 11.

The whole of the site remains in the Residential Development Zone and is coded R20 under the City's Town Planning Scheme No 1. The proposed residential lots comply with the requirements of the Residential Development zone and the minimum and average lot size requirements for the creation of single residential lots under the R20 Code of the Residential Planning Codes.

Generally, schools do not provide on site parking as required for other land uses, and the City is often required to address the parking management issue after the event. As there now seems to be some flexibility regarding minimum lot size for schools, it is appropriate for this issue to be reconsidered. If there is excess land, provision should be made either on site or in widened road reserves to accommodate the school parking.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners ADVISE the Western Australian Planning Commission that they support the application by Taylor Burrell Town Planning & Design on behalf of Burns Management Pty Ltd for the subdivision of Part Lot 2 MacNaughton Crescent, Kinross, as depicted on the plan dated 3 August 1999 (WAPC REF. 111508), subject to the following conditions:

- 1** those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the specification and satisfaction of the City of Joondalup. As an alternative, the City is prepared to accept the subdivider paying to the City the cost of such works and giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission;
- 2** street corners within the subdivision being truncated to the standard truncation of 8.5 metres;
- 3** the provision of:
 - (a)** a roundabout at the intersection of Grangemouth Turn and the proposed internal road to the specification and satisfaction of the City of Joondalup;
 - (b)** adequate corner truncations and access restrictions to all roundabouts to the specification and satisfaction of the City of Joondalup;
 - (c)** traffic management devices on subdivisional roads to the specification and satisfaction of the City of Joondalup;
 - (d)** car parking embayments within the Road Reserves adjacent to the proposed school site or other measures to accommodate additional parking generated by the school, to the specification and satisfaction of the City of Joondalup;
- 4** the reserve width of the proposed internal road being widened to 16 metres;
- 5** the dual use path/cycle way and footpath(s) shown on the attached plan being constructed by the subdivider to the satisfaction of the City of Joondalup;

- 6** the land being:
- (a) filled and/or drained at the subdivider's cost to the specification and satisfaction of the City of Joondalup and any easements and/or reserves necessary for the implementation thereof, being provided free of cost to the City;**
 - (b) graded and stabilised at the subdivider's cost to the specification and satisfaction of the City of Joondalup;**
- 7** the balance of the 10% Public Open Space requirement to be provided in the applicant's landholding;
- 8** lot sizes to conform with the R 20 Codes of the Residential Planning Codes;
- 9** measures being taken to the satisfaction of the City of Joondalup to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.

The Motion was Put and

CARRIED

CJ313-09/99 DELEGATED AUTHORITY REPORT [07032]

SUMMARY

This report provides a resumé of the development applications processed under Delegated Authority from 1 August 1999 to 30 August 1999.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that the Joint Commissioners NOTE the actions taken and determinations made under Delegated Authority in Report CJ313-09/99.

The Motion was Put and

CARRIED

Appendix IX refers

FOR APPENDIX IX, CLICK HERE: [Att9.pdf.pdf](#)

CJ314-09/99 MIXED USE DEVELOPMENT ON LOT 63 (2) NOTTINGHILL STREET AND 64 (35) GRAND BOULEVARD, JOONDALUP [38553J, 44156J]

SUMMARY

An application has been received from Steve Artelaris Architects on behalf of Prestigious Enterprises Pty Ltd for the development of two lots in City North for commercial and residential uses. The form and presentation of the development is appropriate to the location;

however, the residential density and floorspace slightly exceed those permitted in City North. The development is supported and exercise of discretion by the Joint Commissioners is required for approval subject to conditions.

BACKGROUND

Lot No	63 and 64
Street Address	2 Nottinghill Street and 35 Grand Boulevard, Joondalup
Land Owner	Prestigious Enterprises Pty Ltd
MRS Zoning	City Centre Area
TPS Zoning	Joondalup City Centre
Land Use	Vacant
Lot Area	0.2582 hectares

Site History

These two lots are a part of the City North subdivision, prepared in 1992. They lie along Grand Boulevard at the southeast corner of the landscaped Piccadilly Circle and are visible from Joondalup Drive. One side of Lot 63 fronts the residential Nottinghill Street.

The lots have remained vacant since subdivision.

Previous Council Decisions

In March 1992, Council endorsed the structure plan and concept for Joondalup City North and in December 1995 (TP393-12/95 refers) adopted the revised Joondalup City Centre Development Plan and Manual.

At their meeting on 25 August 1998 (CJ86-08/98 refers) the Joint Commissioners approved an addition to the Central Business District section of the Joondalup City Centre Development Plan and Manual that allows Council to “*permit development up to R100B where the City considers that this has been demonstrated to create an appropriate landmark which enhances the overall legibility and amenity of the City Centre.*”

Amendment 832 which recodes Joondalup City Centre to ‘uncoded’ was approved by Council on 22 December 1998 (CJ305-12/98 refers) and gazetted on 5 February 1999.

The revised Joondalup City Centre Structure Plan was determined to be satisfactory by the Joint Commissioners at their meeting on 9 February 1999 and was advertised as a draft for public comment for a 30 day period which closed on 15 April 1999.

DETAILS

Current Proposal

A proposal has been received from Steve Artelaris Architects for the development of two lots in Joondalup City North (refer to Attachment 1) for commercial and residential uses. The proposed development consists of commercial units along the Piccadilly Circle and Grand Boulevard frontages with shared access to pairs of two storey residential units above (refer to Attachment 2). On the Nottinghill Street frontage, there are single bedroom units on the ground floor below similar pairs of two storey residential units. Service and vehicle access

and parking for all units are provided from the rear laneway via ramps to both ground and first floor levels.

The overall design of the development provides a three storey 'urban wall' along the road frontages with towers and other elements on the corners. The number of residential units proposed exceeds the residential density generally permitted in the Joondalup City Centre. Application of the standard R60 coding would permit the construction of 15 residential units on these two lots. The proposal is to provide 20 units; equivalent to a Residential Planning Code density of R72. This does not, however, exceed the R100 density that Council has discretion to approve in the Central Business District of Joondalup City Centre.

The plot ratio for the whole of the development slightly exceeds the 1.0 laid down for these lots since the proposed 2,954 sq m of development amounts to a plot ratio of 1.14. If residential floor area is excluded as it is for mixed use lots in City North and for all development in the Central Business District, the commercial plot ratio is 0.27. The draft Joondalup Structure Plan excludes residential floorspace from the plot ratio calculation for this area as well.

Relevant Legislation

The City of Joondalup Development Plan and Manual permits development of General City Uses on the subject lot with a maximum plot ratio of 1.0 and no stated residential density. Front setbacks are required to be 0m and the maximum height permitted is three storeys.

The residential density established in the Scheme prior to the gazettal of Amendment 832 was R60 and this is also the figure given in the advertised draft Joondalup Structure Plan for residential development in City North. The draft Joondalup Structure Plan gives Council the power to vary residential density as it considers appropriate.

In order to approve the subject proposal, it will be necessary for the Joint Commissioners to exercise the Council's discretion under Clause 5.9 of Town Planning Scheme No1, which reads:

If it is established to the satisfaction of Council that a particular requirement or standard specified in this part of the Scheme is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion modify that requirement or standard.

COMMENT

Issues

Since these lots front onto Grand Boulevard on the outside of a curve and are visible from Joondalup Drive, the provisions of the Joondalup City Centre Development Plan and Manual require them to be developed with a 'landmark' building which has significant bulk and interest and is related strongly to the street.

The development proposed for these two lots is considered to satisfy the urban design intentions for the land and to conform with the requirements of the Joondalup City Centre Development Plan and Manual in most respects. It presents a strong facade to the surrounding streets, has active commercial frontages at street level on the main roads and has interesting elements which articulate each street corner.

The residential units which are additional to those permitted by the R60 density coding are considered to be an integral part of the building design which is necessary to create a substantial three-storey facade on this significant site.

The provision of floorspace in excess of the designated 1.0 plot ratio is also considered to be reasonable in creating an appropriate building bulk. In the Central Business District and for mixed use lots in City North, the plot ratio has been defined to be a commercial limit which does not apply to the residential component of a mixed use development. If this provision were to be applied to the subject development, it would not exceed the plot ratio.

Assessment and Reasons for Recommendation

The development proposed is considered to be exemplary in its response to the requirements of the Joondalup City Centre Development Plan and Manual and to conform with all the following criteria:

- The land is designated for General City or Mixed Uses;
- It occupies a corner where a landmark building is appropriate;
- Ground floor commercial uses are provided on the main road frontages;
- Secure access is provided direct from the public street to all residential uses via entry lobbies or secure staircases;
- Potential is provided to make use of the public street for alfresco dining;
- The building bulk fronts directly onto the main road boundaries and is three storeys high;
- Building elements and facade treatments establish a human scale at street level;
- Main street corners are marked by elements that differ in form, treatment or fenestration from the bulk of the building; and
- Significant glazed and balcony space is provided for surveillance of public spaces surrounding the site.

The proposed development is therefore considered to be acceptable and should be approved, subject to the Conditions set out in the recommendation. In order to do this, the Joint Commissioners are recommended to exercise discretion to approve the proposed residential density and plot ratio and to relax the nil street setback for part of the frontage. These relaxations are considered to be appropriate for the proposed development.

The developer is concerned that the proposed commercial units may not be economically viable in the short term, so it is proposed that the option be available for all bar one of these units to be able to be used for residential purposes.

The conditions set out in the recommendation are standard for this type of development with the exception of the following:

- Condition c) addresses the space provided for reversing out of car parking bays. The distance provided for parking spaces 9 and 15 have been identified as being inadequate.
- Condition d) requires adequate sight lines into the laneway to be provided from both exits;
- Condition f) requires one garage to be relocated to protect the power dome in the easement;
- The purpose of condition p) is to ensure that balcony area for each respective unit remains private opens space for the relevant unit. Without the provision of this gate the balconies of these units would be an extension of the access area to the units and would not function as the private open space required for each unit.

MOVED Cmr Rowell, **SECONDED** Cmr Clark-Murphy that the Joint Commissioners in consideration of the development application dated June 1999 and Drawing Number SK1.01 for 20 multiple dwellings and 11 retail commercial units on Lots 63 (2) Nottinghill Street and 64 (35) Grand Boulevard:

- 1 EXERCISE DISCRETION** under clause 5.9 of the City of Joondalup Town Planning Scheme No 1 to:
 - (a) increase the number of dwelling units permissible on the properties to 20 multiple dwellings (no group dwelling at all) equivalent to R72, with up to 10 of the proposed commercial units being able to be used for residential purposes;
 - (b) permit calculation of the plot ratio to not include residential floorspace as is the case in the Central Business District;
 - (c) relax the front setback requirements from 0m setback along the front property boundaries with Piccadilly Circle (Lot 63) and Grand Boulevard (Lot 64) to a maximum of 3m;

- 2 APPROVE** the development application subject to the following conditions:
 - (a) the amalgamation of Lots 63 (2) Nottinghill Street and 64 (35) Grand Boulevard;
 - (b) the driveways to be designed in accordance with the Australian Standards for Offstreet Carparking (AS2890). Such areas are to be constructed, drained and thereafter maintained to the satisfaction of the City prior to the development first being occupied;
 - (c) reversing areas for all carbays shall be a minimum of 5.8m wide;
 - (d) the entrance to the ramp for the undercroft shall be relocated to provide a sight line truncation to the satisfaction of the City;
 - (e) no building shall be permitted over any of the easements areas. In this regard the single garage numbered “2” in the north eastern corner of lot 63 shall be relocated;
 - (f) bollards shall be provided in the easement areas to protect any above ground services to the satisfaction of the City, and where necessary measures shall be taken to ensure that below ground services are trafficable;
 - (g) all stormwater is to be collected on site and disposed of in a manner acceptable to the City;

- (h) submission of a construction Management Plan detailing phasing of construction, access, storage of materials, protection of paths and other infrastructure;**
- (i) garage openings shall be amended where applicable to ensure that the minimum width is 2.4m;**
- (j) the footpath treatment in the adjoining road reserve shall be continued to the building line to match the existing paving at a grade of 2% to the satisfaction of the City;**
- (k) design levels of all proposed development shall be to the satisfaction of the City to ensure a smooth transition between the development and the public space;**
- (l) detailed landscape plans shall be lodged with the Building Licence Application for the development site to the satisfaction of the City. Landscaping and reticulation within the development site shall be established in accordance with the approved plan and thereafter maintained to the satisfaction of the City;**
- (m) if the implementation of the development is carried out in stages, temporary landscaping and fencing shall be installed to all undeveloped portions of the site and maintained to the satisfaction of the City;**
- (n) any roof-mounted or free standing plant or equipment such as air conditioning units, radio masts and satellite dishes shall be located/screened so as not to be visible from Nottinghill Street, Piccadilly Circle or Grand Boulevard;**
- (o) two (2) bin storage areas shall be provided each with minimum internal dimensions of 2.5m (width) x 7m (length) in order to accommodate 40 bins to the satisfaction of the City;**
- (p) lighting shall be provided to the walkway adjacent to the commercial/retail units along Grand Boulevard and Piccadilly Circle and to internal walkways and car parks within the development to the satisfaction of the City Security lighting shall also be provided in the parking areas and the walkways along the rear of the residential and commercial/retail units to the satisfaction of the City;**
- (q) an acoustic report being prepared by a qualified acoustics consultant (at the applicant's cost) which indicates noise attenuation measures to be implemented between the residential and commercial component of this development. The residential component must be designed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997;**

- (r) the entry courtyards to Units 1-4 shall be amended as shown on the “Alternative Typical Plan” received by the City on 10 August 1999 attached to the plan;

3 ADVISE the applicant of the following:

- (a) that the amalgamation process shall be initiated prior to the submission of the application of the building licence;
- (b) with reference to condition (l) that the proposed vegetation in the road reserve along Nottingham Street shall be deleted;
- (c) a window or means to provide ventilation to Bedroom 1 of Units 1, 2 and 3 shall be provided to the satisfaction of the City.

The Motion was Put and

CARRIED

**CJ315-09/99 APPROVAL OF DEVELOPMENT ON LOT 718 (43)
CLARKE CRESCENT, JOONDALUP [08277J]**

SUMMARY

An application has been received from Meyer Shircore and Associates on behalf of West Highlands Holdings Pty Ltd for a showroom development on land east of Joondalup Drive. The design does not conform with the provisions of the Joondalup City Centre Development Plan and Manual since it does not fully address the Joondalup Drive frontage. The development is supported and exercise of discretion by the Joint Commissioners is required for approval subject to conditions. Modification of the Development Plan and Manual to change the provisions relating to this area in line with this proposal is also recommended.

BACKGROUND

Lot No	718
Street Address	43 Clarke Crescent, Joondalup
Land Owner	West Highlands Holdings Pty Ltd
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre
Land Use	Vacant
Lot Area	5146 sq m

Site History

The subject lot (refer attachment 1) lies east of Joondalup Drive adjoining the Perth-Currabine railway line and is substantially flat and presently vacant. It was created as part of the comparison shopping area of the Western Business District south of Collier Pass. Lot 718 lies south of Clarke Crescent which can be entered by vehicles at this point from the north and south lanes of Joondalup Drive whilst exit is only permitted to travel south. A large showroom retail building is under construction to the north with its car park opposite the subject site.

DETAILS

Current Proposal or Issue

The proposed building (refer Attachment 2) is the first stage of development on the subject lot. It provides two showroom units on the corner of Joondalup Drive and Clarke Crescent. Both units are built up to the surrounding road boundaries with facades between 6 and 8 metres high. The unit nearer the railway has a central portion which rises to 13 metres.

Vehicular entry to the site is from Clarke Crescent along the railway boundary, with an aisle of parking leading back towards Joondalup Drive south of this stage. Pedestrian entry to both showroom units is from this car parking area. The unit nearer to the railway has an entry on the north side facing Clarke Crescent as well as service access on the side facing the railway. Awnings are provided on the surrounding street facades with window display glazing on much of the street level. The truncated street corner is occupied with blank walls to toilets and a small terrace space.

Relevant Legislation

Under the City of Joondalup Town Planning Scheme No 1 (the Scheme), development in the Joondalup City Centre zone is required to conform with the provisions of the Structure Plan.

The Joondalup City Centre Development Plan and Manual (DPM) were approved and adopted by the City of Wanneroo in August 1990 and were deemed to be an Agreed Structure Plan on 16 October 1996. The Development Plan and Manual have from time to time been changed under the provisions of Part 10 of the Scheme. Clause 10.7 of the Scheme provides that “*an agreed Structure Plan may, subject to the approval of the Western Australian Planning Commission, be amended or revoked by the Council.*”

In order to approve the subject proposal, it will be necessary for the Joint Commissioners to exercise Council’s discretion under Clause 5.9 of the Scheme, which reads:

If it is established to the satisfaction of Council that a particular requirement or standard specified in this part of the Scheme is unreasonable or undesirable in the particular circumstances of the case, the Council may at its discretion modify that requirement or standard.

COMMENT

Issues

This development takes account of its highway context and proximity to another large retail building and its associated car parking. The facades are large in scale and the unit nearer to the railway has a high section to give it a presence on Joondalup Drive. Signage is also large to reflect the location and function of the building. However, the proposed development presents a facade to Joondalup Drive which has no entries and is partly closed.

It is considered that the design does not conform with the requirements of the DPM relating to the Western Business District in that it does not address or provide an entry on the designated frontages or present an animated frontage to the whole of Joondalup Drive as required by Clauses A3.1 and B1.2: *“Where building lots (including lot amalgamations) facing Joondalup Drive are multi-fronted with Collier Pass, and/or Clark Crescent, Joondalup Drive shall be the Primary Frontage.” “Facades should present an animated frontage and address the primary street frontages....”*.

This is a difficult site on the edge of the City Centre where pedestrian traffic is expected to be minimal or absent. The provisions that require this development to present an animated facade to the primary street frontage are similar those applied in the Central Business District and are not considered to be strictly appropriate to this site. The other aspects of the proposed development are considered to be acceptable. It is therefore considered to be generally acceptable for the development to not conform with the primary street provisions of Clauses A3.1 and B1.2 provided that the street level windows have some form of display. Functional windows onto all the surrounding streets are considered to be necessary in order to enhance pedestrian safety.

The proposal is considered to be acceptable overall and the Joint Commissioners would be justified in exercising discretion under Clause 5.9 of the Scheme to approve the development.

Experience with proposals for the area and the types of use that are proposed show that the primary frontage provisions in the DPM are not appropriate in the Western Business District. In order to deal with this issue for future phases of this development and for other remaining vacant lots in the Western Business District, it is suggested that it is appropriate to modify the DPM in accordance with the provisions of Clause 10.7 of the Scheme to modify the primary frontage provisions set out in the DPM.

Assessment and Reasons for Recommendation

The proposed development is considered to be acceptable and should be approved, subject to the conditions set out below.

Conditions proposed in the recommendation are standard for this type of development with the exception of the following:

Conditions g) and h), which address the staging of development on the lot by requiring landscaping, fencing and maintenance of the undeveloped portions of the lot in addition to the permanent planting; and

Condition j), which is intended to ensure that pedestrian level windows are used for display purposes providing both for there to be interest in the street level facades in the form of a view into the showroom or a window display and for the external spaces to be under surveillance from within the building.

The proposed change to the text of the DPM will give Council discretion to alter the primary frontage as appropriate for the remaining lots in the Western Business District. The primary frontage determines the building address, pedestrian shelter and nil setback facade of a development and, for most lots, is directed to Joondalup Drive. It is considered that for the subject site, and the remaining four lots in the Clarke Crescent area, more flexibility in locating the appropriate address should be provided.

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

- 1** exercise discretion under Clause 5.9 of Town Planning Scheme No 1 and **APPROVE** the development proposed in the application submitted by Meyer Shircore on behalf of West Highlands Holdings Pty Ltd for showrooms on Lot 718 Clarke Crescent, Joondalup subject to the following conditions:
- (a) this approval relates to Stage 1 of this development only;**
 - (b) a minimum of 39 car parking bays shall be provided as part of Stage 1;**
 - (c) parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development being occupied;**
 - (d) finished floor levels shall be set at 46.00m AHD and 45.00 m AHD for the unit nearer to the railway line;**
 - (e) paving between the existing footpath and the building line shall be carried out to match the existing footpath with regard to pattern of paving and materials and shall slope at no more than 2 degrees away from the building to the satisfaction of the City;**
 - (f) the lodging of detailed landscape plans for the development site and the adjoining road verges to the satisfaction of the City prior to making application for a Building Licence. These plans shall include temporary landscaping, fencing and a maintenance plan for all undeveloped portions of the site to the satisfaction of the City;**
 - (g) landscaping and reticulation shall be established in accordance with the approved plans and temporary landscaping and fencing shall be installed prior to the development being occupied and thereafter shall be maintained to the satisfaction of the City;**
 - (h) all stormwater to be collected on site and disposed of in a manner acceptable to the City;**
 - (i) the bin storage area is to be increased in size to have a minimum internal dimension of 3.5 metres x 2.5 metres;**
 - (j) showroom windows at pedestrian level shall be used for display purposes and obscure or reflective glazing shall not be used unless approved in writing by the City;**

- (k) any visible roof-mounted or free-standing plant or equipment such as air-conditioning units, satellite dishes or radio masts shall be located and screened to the satisfaction of the City and shall require a separate Development Approval;
- (l) the signage shown on the approved plans is approved as part of this approval. Any additional signage shall require a separate Development Approval;

2 in accordance with Clause 10.7 of Town Planning Scheme No 1, DETERMINE that the following draft modification to the Joondalup City Centre Development Plan and Manual is satisfactory and make it available for public comment:

In the Western Business District section, alter Clause A3.1:

“Primary frontages to lots shall be as designated on the plan.

Multi-fronted lots

Where building lots (including lot amalgamations) facing Joondalup Drive are multi-fronted with Collier Pass, and/or Clark Crescent, Joondalup Drive shall be the Primary Frontage.” to read:

“Primary frontages to lots shall be the street frontages nominated by the City in relation to the road layout and the individual lot design.”

The Motion was Put and

CARRIED

CJ316-09/99 CLOSE OF ADVERTISING: PROPOSED AMENDMENT 824 TO TOWN PLANNING SCHEME NO 1 INTRODUCING PROVISIONS TO EXTINGUISH RESTRICTIVE COVENANTS.-[19045]

SUMMARY

At the meeting of 9 February 1999 (CJ26-02/99 refers) the Joint Commissioners resolved to initiate Amendment 824. This amendment proposes to introduce scheme provisions that allow the extinguishment or variation of restrictive covenants.

A restrictive covenant refers to an obligation that restricts the use or enjoyment of land for the benefit of the owners of the benefited land. Item 15 of the First Schedule of the Town Planning and Development Act 1928, empowers a local authority to incorporate scheme provisions relating to restrictive covenants.

The provisions proposed by this amendment set out the criteria for the exercise of Council's discretion in deciding whether to extinguish or vary a restrictive covenant. This criteria includes consideration of whether the variation or extinguishment is consistent with the objectives and principles of the Town Planning Scheme, or with the interest of orderly and proper planning and the effect on the amenity of the surrounding locality.

Amendment 824 was advertised for a period of 42 days closing on 9 June 1999. One submission was received during this period and one late submission was received on 16 June 1999.

It is recommended that the Joint Commissioners resolve to finally adopt Amendment 824 and amend Town Planning Scheme No.1 by introducing provisions to allow restrictive covenants to be extinguished or varied.

BACKGROUND

At the meeting of 24 March 1998 (DP94-03/98 refers), the former City of Wanneroo resolved that Council should have the power and mechanism to delete or modify restrictive covenants. At that meeting, the Joint Commissioners made the following resolution:

“ In accordance with Section 7 of the Town Planning and Development Act 1928, amend Town Planning Scheme No.1 to introduce provisions enabling restrictive covenants to be removed or amended, and adopt amendment 824 accordingly.”

The provisions incorporated in report (DP94-03/98 refers) were subsequently modified to address a number of deficiencies relating to the use of Council's discretion, the need for appropriate notification of the owners of the benefited land, and lodgement of an application with the Register of Titles. The modified provisions were considered at the meeting of 9 February 1999 (CJ26-02/99 refers) where the Joint Commissioners resolved to:

“1 RESCIND COUNCIL'S DECISION DP94-03/98 OF 24 MARCH 1998 VIZ:

“...THAT THE JOINT COMMISSIONERS IN ACCORDANCE WITH SECTION 7 OF THE TOWN PLANNING & DEVELOPMENT ACT 1928, AMEND TOWN PLANNING SCHEME NO 1 TO INTRODUCE PROVISIONS ENABLING RESTRICTIVE COVENANTS TO BE REMOVED OR AMENDED, AND ADOPT AMENDMENT NO 824 ACCORDINGLY.”

2 IN ACCORDANCE WITH SECTION 7 OF THE TOWN PLANNING & DEVELOPMENT ACT 1928, amend TOWN PLANNING SCHEME NO 1. TO INTRODUCE PROVISIONS ALLOWING THE VARIATION OR EXTINGUISHMENT OF RESTRICTIVE COVENANTS AND adopt AMENDMENT 824 ACCORDINGLY;

3 SUBJECT TO COMPLETION OF THE REQUIREMENTS OF SECTION 7A1 OF THE TOWN PLANNING AND DEVELOPMENT ACT 1928, APPROVE THE AMENDMENT BEING MADE AVAILABLE FOR PUBLIC INSPECTION AND COMMENT.”

DETAILS

Section 6 of the Town Planning and Development Act 1928, and Item 15 of the First Schedule of the Act provide the power for a Local Authority to make a Town Planning Scheme which varies or extinguishes a restrictive covenant affecting land. The extent and implications of Council's exercise of this power were addressed in Report CJ26-02/99.

The proposed Scheme provisions are included in Attachment 1. The provisions set out the framework for the variation or extinguishment of restrictive covenants. In more specific terms, a restrictive covenant will be varied or extinguished by its inclusion into column 2 of Schedule 13 (Clause 7.9.1). Clause 7.9.2 provides for the notification of persons enjoying the benefit of the covenant. Clause 7.9.3 sets out the criteria that must be met before Council will consider varying or extinguishing the restrictive covenant. Provision for the notification to the Register of Titles is made under Clause 7.9.4.

Public advertising of the Amendment:

The proposed amendment was referred to the Environmental Protection Authority in accordance with section 7A1 of the Town Planning and Development Act 1928. The EPA concluded that the proposal did not warrant assessment under Part IV of the Environmental Protection Act.

In a letter dated 28 April 1999, the Western Australian Planning Commission acknowledged Council's intention to advertise the amendment. The amendment proposal was then advertised for public comment for a period of 42 days from the 28 April 1999 to 9 June 1999. Public advertising included notices placed in the West Australian, 2 notices in the Wanneroo Times, and notification given to the Department of Land Administration.

One submission was received during the advertising period from Mallesons Stephen Jaques on behalf of Perpetual Trustees WA, owner of the Warwick Grove Shopping Centre. A summary of the objections and Council's comments on the submission are as follows:

1. *The amendment is not required under the principles of orderly and proper planning. It does not appear to solve any particular problem within the City. There is no compelling planning reason to use Council's power to propose the amendment. Further there are insufficient legitimate reasons to amend Town Planning Scheme No.1.*

The proposed introduction of Town Planning Scheme provisions allowing the variation or extinguishment of restrictive covenants falls within the purposes set out by the First Schedule of the Town Planning and Development Act 1928 (TP &D Act), Item 15. In this term, the introduction of general provisions are valid town planning purposes.

The primary consideration in the incorporation of the proposed provisions relates to the potential of restrictive covenants to create inconsistencies or conflicts with a Town Planning Scheme. In more specific terms, the objectives of a town planning scheme in promoting the orderly and proper planning of the area and maintaining or enhancing the amenity of an area, are likely to be compromised by restrictive covenants provisions limiting the residential densities; or restricting the use of land other than as zoned or classified under the scheme.

A further legitimate reason for the introduction of the provisions is the need to establish planning criteria when assessing proposed extinguishments or variations to restrictive covenants. The validity can be compared to Council's general power to approve development. This power allows Council to consider proposals, but the existence of such power does not warrant the issue of an approval.

Council's general position in the need to include restrictive covenant provisions was addressed at its meeting on 24 March 1998 (DP94-03/98 refers). At that meeting the former City of Wanneroo resolved that Council should have the power and mechanism to delete or modify restrictive covenants to which the Council is not a party. This power was considered to be of particular significance in relation to restrictions to single house developments in residential areas.

2. *The proposed Amendment does not conform with the Model Scheme Text as the final version of the Model Scheme Text limits the variation or extinguishment of restrictive covenants to inconsistencies with the Residential Planning Codes whereas the proposed amendment is not limited to deal only with inconsistencies with the Codes. The proposed amendment is contrary to the objectives of the Western Australian Planning Commission (WAPC) in seeking to introduce conformity to Town Planning Schemes in WA. The Model Scheme text is currently being progressed by WAPC to become part of the Town Planning Regulations, and once it becomes part of the Regulations, all local governments will have to adopt the Model Scheme Text. Consequently, it is likely that Amendment 824 will contravene the proposed amendments to the Regulations and will have to be amended in the future.*

At present the purpose of the Model Scheme Text provisions is to provide guidelines for local government in the preparation of planning schemes. Careful consideration was given to the introduction of the Model Scheme Text provisions. However, the adoption of these provisions was not considered appropriate primarily because the problems associated with the automatic extinguishment of restrictive covenants, and the need for adequate identification of all interested parties. The proposed provisions have been drafted so as to allow the consideration of any proposals to extinguish or vary restrictive covenants on a case by case basis, and allowing for notification to all affected parties.

3. *The proposed Amendment is inconsistent with the Law Reform Commission's recommendation as to variations and extinguishment of restrictive covenants. It is argued that the Amendment report misconstrues the reasoning in the WALRC report, as WALRC did not envisage any circumstances under which Town Planning Schemes should override restrictive covenants. It was noted that regardless of how Amendment 824 is framed it will always be inconsistent with WALRC, and the City should not interfere with commercial as opposed to residential restrictive covenants.*

It is argued that WALRC did not envisage any circumstances under which town planning schemes should override restrictive covenants. In the WALRC report it is stated that: "although the Commission does not recommend that restrictive covenants should be overridden by town planning schemes or local laws, it does believe that the circumstances under which restrictive covenants can be extinguished or modified by order of the Town Planning Appeal Tribunal should be liberalised to allow the public purpose sought to be achieved in Town Planning Schemes and local laws to be taken into account."

As indicated in Council's report submitted to the 9 December meeting, Amendment 824 provisions propose to introduce criteria for the assessment of the circumstances under which the restrictive covenants can be varied or extinguished. It was noted that the criteria proposed may be considered similar to that proposed by the WALRC, namely: -

- That the proposed use would not be detrimental to the character or the amenity of the land benefited by the covenant;
- Whether the restrictive covenant would impede a use of the land that is in accordance with the Metropolitan Region Scheme or a Town Planning Scheme.

Until the procedural changes are introduced, a local authority is one of the bodies recognised under the Town Planning and Development Act to consider the public purpose of restrictive covenants.

One late submission was received on 16 June 1999, submitted jointly by Westpoint Corporation and Optimum Performance Solutions on behalf of Silkchime Pty Ltd. Silkchime owns land in the Warwick Regional Precinct which is the subject of a restrictive covenant seeking to prevent retailing.

The submission provides replacement clauses for 4.4.1 to 4.4.4 of District Planning Scheme No.2. The key features of the proposed replacement clauses are as follows:

- it does not automatically extinguish restrictive covenants and hence does not give rise to unintended consequences;
- it deals more effectively with the consideration of extinguishment through a development approval (DA), rather than scheme amendment process;
- it more appropriately ties the consideration of whether or not a restrictive covenant is in conflict with the scheme to the time during the DA process when Council is determining what is appropriate under the scheme; and
- it affords Council the ability to put protections in place so that Council does not risk suffering damage in fulfilling its obligations.

Council's solicitors have previously advised as follows with respect to the provisions:

- the decision on an application for the extinguishment or variation would appear to be a discretionary decision, and therefore would be subject to appeal;
- the right to claim compensation in s.11(1) of the Planning Act relates to injurious affection arising out of the making of a scheme. In the proposal above the injurious affection arising from the Council decision to extinguish or vary a restrictive covenant would arise from a Council decision and not from the making of a scheme.
- To give a Council of a local government the power to make a determination in its discretion on an application for extinction or variation of a restrictive covenant and thus interfering with contractual rights interferes with the intention of s.129C of the Transfer of Land Act which sets out clear parameters for the exercise of that significant power by the Supreme Court.

- The power to make provision in local government schemes for the extinction or variation of restrictive covenants is contained in cl.15 of the First Schedule of the Planning Act. The making of a provision in a scheme for the extinguishment or variation of a restrictive covenant is less likely to be successfully challenged than a provision conferring a discretion on the Council to extinguish or vary a restrictive covenant on an application made by an interested party.

Following comments from the Ministry for Planning, the Table in Schedule 13 has been modified to include reference to extinguishment of the covenant in addition to variation of the covenant. The proposed variation in Schedule 13 is intended to reflect the text provisions particularly under Clause 7.9.1 where reference is made to a restrictive covenant being extinguished or varied.

Correspondence was received from the Department of Land Administration nominating modifications to clause 7.9.4(c) and an additional subclause 7.9.4(d) as follows:

- “(c) an application on a form *approved by the Register of Titles* for the extinguishment or variation of the Restrictive Covenant from or on the titles of the land burdened and the land benefited *together with the appropriate lodgement fee and the duplicate certificate of title (if any) lodged with the application; and*
- (d) *the application should be accompanied by a letter from the City of Joondalup certifying that the affected land is within the area affected by the City of Joondalup Town Planning Scheme No. 1”*

No explanation has been provided with respect to the above changes. It is considered that the proposed modifications to subclause 7.9.4(c) and the addition of 7.9.4(d) is acceptable.

Mallesons Stephen Jaques on behalf of Perpetual Trustees WA sought an order from the Full Court to stop the City continuing with the proposed amendment. The Court refused the request and an appeal was lodged against that refusal. A commitment was sought and given on behalf of the City that it would not proceed further with the amendment until the appeal had been heard. The appeal was heard on 13 August 1999 and the amendment can now continue to be progressed.

COMMENT

The introduction of the restrictive covenant provisions is supported. A minor variation has been made to Schedule 13 by introducing the word extinguishment and to subclause 7.9.4 in accordance with the requirements of the Department of Land Administration. It is recommended that the Joint Commissioners adopt Amendment 824 of Town Planning Scheme No.1 as shown in Attachment No.1.

OFFICER’S RECOMMENDATION: That the Joint Commissioners:

- 1 pursuant to Town Planning Regulation 17(2) **MODIFY and ADOPT** Amendment 824 to Town Planning Scheme No 1 to introduce provisions allowing the variation or extinguishment of restrictive covenants as contained in Attachment 1 to Report CJ316-09/99;

- 2 NOTE the submission received from Mallesons Stephen Jaques on behalf of Perpetual Trustees WA and the late joint submission by Westpoint Corporation and Optimum Performance Solutions;
- 3 AUTHORISE the affixation of the common seal to, and endorse the signing of, the amendment documents.

ADDITIONAL INFORMATION

The report notes that Mallesons Stephen Jaques sought an order from the Full Court to stop the City continuing with this amendment. The report states “*a commitment was sought and given on behalf of the City that it would not proceed further with the amendment until the appeal had been heard. The appeal was heard on 13 August 1999 and the amendment can now continue to be progressed*”.

Council solicitors, McLeod & Co, have advised they have been contacted by Mallesons Stephen Jaques and reminded that the commitment given on behalf of Council was that the amendment would not be progressed until after the appeal. While the appeal has been heard, the decision has not yet been handed down.

In light of the commitment given on behalf of the City it is reasonable that the matter not be further considered pending the handing down of the decision of the Full Court relating to the appeal.

RECOMMENDATION: That the Joint Commissioners, in light of the commitment given to Mallesons Stephen Jaques on behalf of the City, DEFER consideration of Amendment No 824 to Town Planning Scheme No 1 to introduce provisions allowing variation or extinguishment of restrictive covenants pending the handing down of the Full Court’s decision relating to the appeal that was heard on 13 August 1999.

MOVED Cmr Rowell, SECONDED Cmr Morgan that the Joint Commissioners, in light of the commitment given to Mallesons Stephen Jaques on behalf of the City, DEFER consideration of Amendment No 824 to Town Planning Scheme No 1 to introduce provisions allowing variation or extinguishment of restrictive covenants for a period of not less than 21 days pending the handing down of the Full Court’s decision relating to the appeal that was heard on 13 August 1999.

Cmr Rowell spoke in support of the Motion.

The Motion was Put and

CARRIED

CJ317-09/99 APPLICATION TO CLOSE THE PEDESTRIAN ACCESSWAY BETWEEN THE RISE AND TIMBERCREST RISE, WOODVALE [36387J]

SUMMARY

The original letter applying for the closure of the above pedestrian accessway (PAW) was submitted by one of the four adjoining landowners stating that all four adjoining landowners were in support of the closure. The justification for this action was security for properties in

the area. One of the adjoining landowners has since been in contact with the City to advise that they in fact, were not in agreement and actually object to the closure.

Due to the number of objections to closure raised by local residents and the fact that this pedestrian accessway appears to be regularly used by primary school aged children, the Joint Commissioners should not support this proposal.

BACKGROUND

When an application is submitted to the City for closure of a PAW, applicants are advised that all costs associated with the closure are to be borne by the adjoining landowners that acquire the land within the PAW, should closure be the outcome. Applicants are also informed that the Minister for Lands makes the final determination of a PAW closure application.

With regard to ascertaining the costs, the City requests the Department of Land Administration to provide a land purchase price, refers the proposal to the servicing authorities to ascertain if there is any service plant within the accessway and establishes the City's costs for bollard and footpath removal. The application is also referred to the Western Australian Planning Commission (WAPC) and the Department of Transport (DOT) for their comments.

DETAILS

With regard to this proposal, AlintaGas and Telstra advised they have no objection to closure as they do not have any service plant within the PAW. The Water Corporation has a water main located within the PAW that requires to be cut, capped and the reticulation system modified. Western Power has plant that requires modification and it also requires an easement being registered over the length and width of the PAW. The City's footpath and bollards require removal also and the three adjoining landowners involved in this application have agreed to meet all associated costs and conditions.

The WAPC advised that it does not support the closure of this accessway due to it resulting in longer and less convenient pedestrian and cyclist access to the nearby school, recreation reserve, library and commercial centre. The WAPC also stated that this PAW forms part of the pedestrian/bicycle network of the area.

The Department of Transport (DOT) stated that it strongly supports maintaining pedestrian and bicycle access through this PAW. Its closure would inhibit cyclist and pedestrian access to the public amenities by increasing distances to these services by more than 500 metres.

Public Advertising Period

This application was advertised for public comment for a thirty-day period. In that time the City received five letters of objection, one including a petition with the signatures of 56 people representing 46 households. Two letters of support for closure from landowners adjoining the PAW were also received and one of those adjoining landowners also provided the City with a petition of support. Thirty-five people representing twenty-five households signed this. In the case of both petitions, some petitioners cannot be shown on Attachment 1 due to either not living in the City of Joondalup or outside of the area of Woodvale that Attachment 1 covers.

In four cases, two different members of the same household each signed a petition hence those residences shown on Attachment 1 as being for and against. One person signed both petitions and again this is shown in the same way on the attached plan.

The objections to closure were that residents used the PAW to access the local shopping centre, library and walking to friends' homes. Objectors also stated they had not witnessed or heard of any anti-social behaviour in connection with the accessway and any intruder is just as likely to enter or exit properties over back fences as use the PAW.

All objectors raised the issue of the difference closure of this PAW would make to schoolchildren living locally. This was from the perspective of the extra distance the children would need to walk, often having heavy bags to carry and the safety aspect due to the alternative route being along Trailwood Drive. It was stated that the alternative route along Trailwood Drive has a dangerous bend in it and at that point the footpath is quite narrow.

The two adjoining landowners' submissions stated that due to the PAW they allege to endure vandalism such as graffiti, litter being strewn in the PAW and their yards and people peering over fences. Other complaints are noise related such as offensive language from youths at various times of the night and day, noisy skateboarders and people banging on fences. Applicants claim to have had a rubbish bin set alight and fence damage. Also, it is alleged that recently a would be car thief who was disturbed escaped through the PAW.

The supporting submissions stated that closure of the PAW would offer the neighbourhood peace and security and reduce the risk of home and car invasion and robberies.

A recent site inspection by a City officer revealed it to have very little rubbish or graffiti. It is straight and clear with good vision. The Rise end of the accessway has a power pole and there is also a power pole at the Timbercrest Rise end, though this is over the road rather than the PAW itself. During the site inspection one young man walking his dog used the PAW along with ten primary school aged children. The officer also acknowledged the concerns the objectors have for young children using the route along Trailwood Drive.

COMMENT

The objectors living locally to the PAW advised the City that they have never heard of or witnessed any anti-social behaviour associated with the pedestrian accessway. In fairness, most of these people are probably far enough away for actions such as graffiti on PAW fences, litter in the PAW, banging on the PAW fences to annoy one of the adjoining landowner's dog etc., not to be a continual annoyance to them. For adjoining landowners such actions can quite disruptive.

It would appear from the number of objections raised that local residents access a number of facilities through this pedestrian accessway and closure would add a significant increase in walking distance. It also seems to be regularly used by primary school age children for access to the local primary school. Should this PAW be closed the alternative route is again longer and less safe due to the narrow footpath on the bend of Trailwood Drive. Based on the foregoing this pedestrian accessway should remain open.

OFFICER'S RECOMMENDATION: That the Joint Commissioners DO NOT SUPPORT the closure of the pedestrian accessway between The Rise and Timbercrest Rise, Woodvale.

MOVED Cmr Rowell, SECONDED Cmr Clark-Murphy that consideration of the closure of the pedestrian accessway between The Rise and Timbercrest Rise, Woodvale be DEFERRED until such time as all Commissioners have had an opportunity to view this public accessway.

The Motion was Put and

CARRIED

Items CJ318-09/99 and CJ319-09/99 were Moved by Cmr Rowell and Seconded by Cmr Buckley. Cmr Rowell stated his intention to speak on Item CJ319-09/99.

CJ318-09/99 APPLICATION TO CLOSE PEDESTRIAN ACCESSWAY BETWEEN CROMER GROVE AND WHITFORDS AVENUE, KALLAROO [35268J]

SUMMARY

A request has been received from an adjoining landowner to close the pedestrian accessway (PAW) that leads to Whitfords Avenue. The one other adjoining landowner and a number of residents living in Cromer Grove have also supported the request. The grounds put forward for the application are claims that numerous syringes and spoons have been found on one of the adjoining properties and it is felt these have been thrown over the fence from the PAW. Also both adjoining landowners have claimed to find it necessary to clean up various types of rubbish as well as graffiti from the accessway.

This PAW is a pedestrian link from Kallaroo to the Whitford City Shopping Centre and cinema complex. The owners of Whitford City Shopping Centre have appointed consultants to prepare a structure plan. The structure plan will look at the issue of linkage and integration of the area for a radius of approximately 800 metres surrounding the shopping centre and will therefore encompass this PAW. One of the issues to be considered as part of the structure plan, is the pedestrian and cyclist access in the vicinity of the shopping centre. It would not be desirable to make a decision on any PAW closure application in the proximity of the shopping centre until such time as this structure plan has progressed sufficiently to identify the pedestrian/cyclist network for this area. This application should therefore be deferred until such time as the structure plan for Whitford City Shopping Centre has identified the pedestrian/cyclist for the surrounding area after which time this proposal can be resubmitted to the Joint Commissioners.

BACKGROUND

In August 1998, the applicants purchased Lot 591 (7) Cromer Grove. On clearing the property for building purposes, the owners alleged to have discovered sixteen syringes and several spoons that have been thrown over the side boundary fence from the PAW over a period of time. This is of great concern to the new owners. In the application it is stated that there are points of access at Castle Court and Wingala Grove quite close to this PAW and there are roads, cul-de-sacs, avenues and streets etc., that run into Dampier Avenue from the Northshore Estate and therefore there is no shortage of access.

DETAILS

The City contacted the servicing authorities, the Western Australian Planning Commission (WAPC) and the Department of Transport (DOT) seeking their comments on the proposal. The Water Corporation, Telstra and Alinta Gas do not have any service plant within the PAW and therefore do not object to the proposal. There is modification required to plant belonging to Western Power and an easement over the entire length and width of the PAW is also required. The landowners of Lot 951 (7) Cromer Grove have agreed to pay all associated costs in respect of closure and grant Western Power the necessary easement.

The WAPC objects to the proposal advising that closure will result in longer and less convenient pedestrian and cycle access to the nearby school, recreation reserve, library and commercial centre. Also it forms part of the pedestrian/cycle network of the area.

The Department of Transport also objects stating Transperth operates six bus routes near this location of Whitfords Avenue and closure will increase the walking distance for some residents to these services by up to 150 metres.

Public Advertising Period

The application was advertised for thirty days during which time the City received a petition from residents in Cromer Grove, three of the petitioners also submitting individual letters of support. Five further letters of support were received. Two of these supporters are not be shown on Attachment 1 due to one letter being received from the Member for Hillarys and the other from the local volunteer graffiti remover who does not live within the boundaries of the plan attached. Three letters objecting to closure were also received.

The objectors all state that they use the PAW on a regular basis. One objection was that the PAW provides direct access to Whitford City Shopping Centre and the bus route on Whitfords Avenue and having this access was the reason for purchase of their property 10 years ago. They also state they have not experienced any vandalism in the area. A family from Wingala Grove, who claims to use the PAW on a regular basis, advised that its closure would not solve the type of problems alleged, only transfer them elsewhere.

Other comments made in respect of closure are that graffiti is not a major problem in this particular PAW and rowdy youths using the PAW on occasions does not justify closure. Further, should closure of the accessway take place, the discovery of syringes, which is a problem for the whole community will only take place elsewhere and someone else will have the problem.

Support for closure is based on allegations of anti-social behaviour such as vandalism, discarded rubbish, graffiti, discovery of syringes and other drug related implements within the PAW and thrown over neighbouring fences, disruption of residents' quiet lifestyle by rowdy youths and verbal abuse from youths loitering around the PAW. Further, closure will prevent the children who live in and visit Cromer Grove from accessing a busy road.

The letter received from the adjoining landowners to the PAW states that in the four years they have lived there they have had to continually clean the PAW of fast food debris, smashed glass and graffiti. They have discovered wallets and purses identified as being stolen from the adjacent shopping centre discarded in the PAW and drug-related material.

A council officer carried out a site inspection of the PAW recently and found there to be very little in the way of graffiti. There is a light pole at the Cromer Grove end of the PAW that may offer some assistance to deter anti-social behaviour occurring in the area. The PAW does not have a great bearing in respect of accessing bus stops on Whitfords Avenue but as a pedestrian link to the local cinema and shopping centre its location is significant.

COMMENT

The two adjoining properties to this PAW back onto the pedestrian footpath on Whitfords Avenue and therefore closure of the accessway will not necessarily stop items being thrown over their fences. Compared to a lot of residential pedestrian accessways, this one is short, has good visibility and appears to be clean and in good order.

The City needs to exercise caution when one of the arguments put forward for closure of a particular PAW is that there are other pedestrian accessways nearby that can be utilised, as this may only move the problem and not deal with the cause. When making the decision to purchase a property in an area close to a PAW, adjoining landowners should have some expectation that there will be a certain amount of pedestrian movement generated, especially when its location provides a link to a large shopping complex. However, residents should not have to endure the safety hazards of discovering drug-related objects either on their property or within its proximity.

As advised, a structure plan is being prepared in conjunction with consultants engaged by the owners of Whitford City Shopping Centre. This structure plan will be advertised for public comment and one of the issues under consideration will be the overall pedestrian and cycle access network in the vicinity of the shopping complex and the integration of the complex with the surrounding area. At this stage therefore, this application along with any future applications that fall within the area of the structure plan should not be determined by the Joint Commissioners until the pedestrian/cyclist network for this area has been identified. Thereafter, the application to close the accessway between Cromer Grove and Whitfords Avenue, Kallaroo can be submitted again to the Joint Commissioners for a decision.

MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners defer consideration of the application to close the pedestrian accessway between Cromer Grove and Whitfords Avenue, Kallaroo and reconsider the matter once the structure plan for the Whitford City Shopping Centre has progressed sufficiently to identify the pedestrian/cyclist network for the area.

The Motion was Put and

CARRIED

**CJ319-09/99 ACCESS ROAD TO COMMUNITY PURPOSE SITES -
HEPBURN HEIGHTS PRECINCT, PADBURY [08801J]**

SUMMARY

Concern has been expressed by residents of the subdivision known as Hepburn Heights, Padbury, in relation to the traffic impact of the proposed development of the community purpose sites located along Fernwood Square and Chadlington Drive. A proposal to build a service access road at the rear of the community purpose sites to a left in/left out access point at Hepburn Avenue has been put forward by Landcorp as a solution to the increasing traffic problem associated with the use of the sites. Prior to this alternative road being considered, the Council had identified an amount of \$80,000 in its Capital Works Forward Plan for a left in/left out access from Hepburn Avenue to the Chadlington Avenue and Blackwattle Parade roundabout. This amount is in the current budget for these works. The estimated cost of the alternative access road is in the order of \$350,000, which Landcorp are proposing to fund a large proportion of that cost through the subdivision and sale of land immediately north of the Mosque site on Walter Padbury Boulevard. In agreeing to the proposed access road, Main Roads WA have indicated that it would not support an additional left in/left out access point at Chadlington Drive. A request has been made that the Council contribute the budget funds identified for the Chadlington Drive connection to the overall cost of the alternative access road.

BACKGROUND

The subdivision development known as Hepburn Heights, Padbury, is bounded by Hepburn Avenue to the south and Pinnaroo Valley Memorial Park to the north. A number of sites to the north of Chadlington Drive and Fernwood Square were identified for community purposes, some of which have now been developed.

During 1997, a number of meetings were held with members of the Hepburn Heights Landowners' Association, and one of the community purpose landowners, the Anglo Indian Society. The Landowners' Association's main concern was the likely traffic to be generated by the Anglo Indian Society development, as well as by the other community purpose sites once they were developed. In November 1997, CCD Australia were commissioned to undertake a traffic study for Hepburn Heights. This study involved extensive community consultation, and one of the outcomes of the study was the proposal for an additional connection to Hepburn Avenue from the roundabout at Chadlington Drive and Blackwattle Parade roundabout. This need was based on the traffic which was likely to be generated from the community purpose sites once they were fully developed. As a consequence, the money was identified in the budget as a medium priority, with the traffic situation to be monitored as the community purpose sites developed.

Approval has been given to the Moslem community to develop their site on the corner of Walter Padbury Boulevard and Chadlington Drive. Several meetings have been held with the Minister for Planning, representatives from the Ministry for Planning and the office of the Minister for Housing as well as community representatives, to investigate alternative options for access to the community purpose sites.

Landcorp has proposed an access road along the rear of the community purpose sites, within the Water Authority land, which returns along the outer edge of the public open space and St Stephens school site facing Fernwood Square, to a left in/left out access point at Hepburn Avenue. This road would provide alternative access to all the public purpose sites within the Hepburn Heights area, but would not prevent access being taken from Chadlington Drive and Fernwood Square by the users of the community purpose sites. Senior representatives from the North City Christian Centre and the Moslem community have both indicated that they would be prepared to connect to this new road, and would strongly encourage their community to utilise it in preference to driving through the residential subdivision.

The Council has been asked to contribute the \$80,000 it has earmarked in the budget for the construction of the connection between the roundabout at Chadlington Drive and Blackwattle Parade with Hepburn Avenue (budget item TMS409). The subdivision and sale of lots to the north of the Mosque site is expected to realise a large proportion of the remaining funds required for construction.

COMMENTS

The construction of the alternative road will provide the ability to reduce the amount of traffic utilising Walter Padbury Boulevard, the main cause for concern within the residential community. The original budget allocation of \$80,000 for the connection between Hepburn Avenue and the roundabout at Chadlington Drive and Blackwattle Parade was identified largely to accommodate traffic from the community purpose sites. Supporting the alternative access road, and contributing the \$80,000 to that road, denies the Council any future opportunity to make the connection to Hepburn Avenue at the Chadlington Drive roundabout, however, the alternative access road will, in effect, provide the same result; ie. a reduction in the amount of traffic utilising the Walter Padbury Boulevard connection to Hepburn Avenue.

Following consideration of this matter at the 1999/00 Budget meeting, it was agreed to redirect these funds to the alternative road connecting the area of the community purposes site with Hepburn Avenue.

OFFICER'S RECOMMENDATION: That the Joint Commissioners not proceed with the construction of the access road from Hepburn Avenue to the roundabout at Chadlington Drive/Blackwattle Parade, as identified in draft Budget Item TMS 409.

ADDITIONAL INFORMATION

In adopting the budget at the Special Meeting of Joint Commissioners held on 7 September 1999 it was resolved to reassign the \$80,000 towards the construction of the alternative access road connecting the community purpose sites with Hepburn Avenue as shown on Plan No 866-01A.

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

- 1 NOT PROCEED with the construction of the access road from Hepburn Avenue to the roundabout at Chadlington Drive/Blackwattle Parade, as identified in draft Budget Item TMS 409;**
- 2 REASSIGN the \$80,000 towards the construction of the alternative access road connecting the community purpose sites with Hepburn Avenue as shown on Plan No 866-01A.**

Cmr Rowell advised that whilst it was appreciated there would still be a degree of traffic problems in this area, it is hoped a new access way to the community services to the east of the development would provide some help to these sites.

The Motion was Put and

CARRIED

**CJ320-09/99 PROPOSED SUBDIVISION – LOTS 48 & 49
CURRAMBINE BOULEVARD, CURRAMBINE (WAPC
REF: 111172) - [40143J]**

SUMMARY

The Western Australian Planning Commission seeks the City's comment on a proposal to subdivide the above-mentioned land to create seventeen (17) residential lots ranging in size from 360m² to 489m² (Attachments 1 & 2).

The subject land is located within the Currambine Railway Station Precinct. The original subdivision (WAPC Ref:90838) of the precinct was supported by the City in 1994 on the understanding that the subject land would be developed as a "Shopping and Mixed Use Area".

The resulting letter of approval issued by the Ministry for Planning in March 1994, stated that an amendment to the City's Town Planning Scheme would be required to accommodate the commercial oriented land uses, prior to any further subdivision of the "Shopping and Mixed Use Area".

The "Shopping and Mixed Use Area" is intended to support and take advantage of the nearby Currambine Railway Station. As this current subdivision proposal will not facilitate the nature of development considered essential for the long-term success of the locality, it is recommended that Council not support the proposal.

BACKGROUND

Lot No	48 & 49
Street Address	Currambine Boulevard, Currambine
Land Owner	Adderley Bay P/L
MRS Zoning	Urban
TPS Zoning	Residential Development (R80)
Land Use	Vacant land
Lot Area	2770m ² & 4591m ²

Site History

The subject land is located within the Currambine Railway Station Precinct. The original application to subdivide this land was preceded by a structure plan which denoted the subject land as a "Shopping and Mixed-Use Area".

The subdivision application was supported by the Council in February 1994 on the understanding that the subject land would be developed as a “Shopping and Mixed-Use Area”.

It was as part of this original subdivision application that the land was zoned “Residential Development” and allocated a density code of R80.

Throughout the life of this development, it was always understood (as reflected in plans, design guidelines, correspondence and subdivision approval conditions), that the subject land was intended to be developed as a shopping precinct, in order to support and take advantage of the nearby Currambine Railway Station.

The Western Australian Planning Commission in its letter dated 23 March 1994 (WAPC Ref: 90838) issued approval for the Currambine Railway Station Precinct, which included the following condition:

“16. The provision of design guidelines for all those lots abutting Currambine Boulevard, those facing/abutting the public open space and those less than 450m²...”

The subdivision approval letter also included the following advice notes:

“In respect to Condition 16, the guidelines should be in accordance with the City of Wanneroo’s Small Lot Subdivision Manual and should also specifically address the following objectives:

- *Ensure access is limited to the rear of those lots which front onto Currambine Boulevard and are serviced by a rear access lane.”*

“The applicant is advised that many of the commercial oriented land-uses for the ‘Shopping and Mixed-Use Area’ cannot be accommodated under the current “Residential Development” zoning and an amendment to Council’s Scheme is therefore required. In addition, details of servicing arrangements and customer and staff parking, will need to be addressed prior to the further subdivision of the shopping precinct.” (Emphasis added).

DETAILS

Current Proposal/Issue

This subdivision proposal intends to create seventeen (17) residential lots, varying in size from 360m² to 489m². The subject land is zoned Residential Development and has a density coding of R80, which permits a minimum lot size of 125m².

Relevant Legislation

In assessing a subdivision application, the Town Planning and Development Act (1928 as amended) requires the Western Australian Planning Commission to seek comment from the relevant local government authority, prior to making its decision on the subdivision proposal.

Relevant Policies/Structure Plans/Guidelines

- Currambine Railway Station Structure Plan and Development Guidelines.

The Currambine Railway Station Structure Plan identifies the subject land for Shopping and Mixed-Use purposes and the Development Guidelines provides guidelines for the residential lots, however does not provide guidelines for the subject land.

- WAPC Policy 1.6 - Development Near Metropolitan Railway Stations.

Specifically aims to ensure that development and subdivision of land near railway stations should maximise the potential for providing high density mixed-use/service/commercial uses for commuters and residents.

COMMENT

Issues

- The parent 1994 subdivision application was supported by the Council in February 1994 on the understanding that the subject land would be developed as a “Shopping and Mixed-Use Area”.
- The establishment of a mixed-use area consistent with the approved structure plan is critical to the proper planning of the Currambine Station Precinct. This subdivision proposal fails to make efficient use of the core station area.
- Throughout the life of this development, it was always understood (as reflected in plans, design guidelines, correspondence and subdivision approval conditions), that the subject land was intended to be developed as a shopping precinct, in order to support and take advantage of the nearby Currambine Railway Station.
- A condition of the parent subdivision application was that no lot should have direct access to Currambine Boulevard. The current application clearly fails in this regard and would result in an inappropriate streetscape to Currambine Boulevard.
- It was the intention of the WAPC subdivision approval dated 23 March 1994 that the subject land be rezoned prior to subdivision and later development as a “Shopping and Mixed-Use Area”.

Assessment and Reasons for Recommendation

- Any development of the subject land should recognise the potential and need for high density/mixed-use/service/commercial uses near the Currambine railway station.
- The proposed subdivision does not accord with the conditions of approval imposed on the original subdivision approval letter dated 23 March 1994 (WAPC 90838).
- Regard should also be given to the Western Australian Planning Commission Policy DC 1.6 (Development Near Metropolitan Railway Stations), which specifically aims to ensure that development and subdivision of land near railway stations should maximise the potential for providing high density mixed-use/service/commercial uses for commuters and residents.
- It was always envisaged that the subject land would be developed in a main street fashion, where residential accommodation is located above the mixed-use/service/commercial premises operating at street level.

- The establishment of a mixed-use area consistent with the approved structure plan is critical to the proper planning of the Currambine Station Precinct. This current subdivision proposal fails to make efficient use of the core station area.
- The developer has always stated that it was intended to establish a Shopping/Mixed Use Precinct on the subject land. Had the developer not committed to develop the Shopping/Mixed Use precinct on the subject land in the previously endorsed structure plan, then it is questionable as to whether the 1994 subdivision application would have been supported.
- A rezoning to facilitate the shopping/mixed-use development has not preceded this subdivision application. Supporting this application is likely to result in pure residential development, with no provision for retail, commercial or office space.
- The development of pure residential lots will fail to provide the services and facilities essential to commuting railway patrons and residents of the area.
- The proposed lot configurations do not provide the ability for a change of use over time.

OFFICER'S RECOMMENDATION: That the Joint Commissioners ADVISE the Western Australian Planning Commission the application by Development Planning Strategies P/L on behalf of Adderley Bay P/L for the subdivision of Lots 48 & 49 Currambine Boulevard, Currambine, as depicted on the plan dated 28 June 1999 (WAPC REF: 111172) is not supported for the following reasons:

- 1 the subject land is located within the Currambine Railway Station Precinct. Any subdivision should provide for the long term use of the land for public transport orientated development
- 2 the proposed subdivision is contrary to the Currambine Railway Station Structure Plan;
- 3 there are inadequate controls in place to ensure the land is developed in accordance with WAPC Policy DC 1.6. The approval of this application would prejudice the overall planning of the area by facilitating the development of residential lots in a location that is uniquely suited to mixed-use development.

MOVED Cmr Rowell, SECONDED Cmr Morgan that consideration of the proposed subdivision of Lots 48 and 49 Currambine Boulevard, Currambine, as depicted on the plan dated 28 June 1999 (WAPC REF: 111172) be DEFERRED.

Cmr Rowell advised that following a deputation to Commissioners earlier today, it was appropriate that this matter be deferred to allow further discussions to take place between the parties concerned and Commissioners.

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, 28 SEPTEMBER 1999** to be held at the Wanneroo Civic Centre, Civic Drive, Wanneroo.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1935 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL
MORGAN
CLARK-MURPHY
ROWELL
BUCKLEY