



City of
Joondalup

NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Joondalup will be held in the Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 8 February 2000 at 7.00 pm.

LINDSAY DELAHAUNTY
Chief Executive Officer
2 February 2000

PUBLIC QUESTION TIME

Council allows a 15 minute public question time at each Council meeting which is open to the public.

To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.

The Chairman is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Chairman shall also decide whether a question will be taken on notice or alternatively who should answer the question.

The following general rules apply to question time:

- question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- questions should properly relate to Council business.*
- question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

DEPUTATION

Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only.

A time period of 15 minutes is set aside for each deputation. Deputations shall not exceed five (5) persons in number and only three (3) of those persons shall be at liberty to address the Elected Members and to respond to questions raised. Deputation sessions are, however, open to the public and other persons may attend as observers.

MOBILE TELEPHONES

PERSONS ATTENDING MEETINGS are reminded that the use of Mobile Telephones during meetings is not permitted.

PLEASE ENSURE that mobiles are switched off before entering the Council Chamber.

** Any queries on the agenda, please contact Council Support Services on 9400 4369.*

CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 8 FEBRUARY 2000** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
2 February 2000

Joondalup
Western Australia

AGENDA

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence - Cr L Ewen-Chappell

PUBLIC QUESTION TIME

DECLARATIONS OF FINANCIAL INTEREST

Cr John Hollywood stated his intention to declare an interest in Item CJ009-02/00, relating to DA99/1262 – 4 Burns Place, Burns Beach as he is currently negotiating with the owners of the property.

CONFIRMATION OF MINUTES

MINUTES OF SPECIAL COUNCIL MEETING, 14 DECEMBER 1999

At the Council meeting held on 21 December 1999, it was resolved that:

“subject to clarification of the wording, the Minutes of the Special Council Meeting held on 14 December 1999 be confirmed as a true and correct record, with the inclusion of the following correction:

The following wording to be included in the discussion of Item JSC32-12/99 on Page 4:

“Cr Magyar questioned the provision of draft agenda documents to the briefing sessions and the compliance of such practices in relation to Local Government (Administration) Regulations 1996, Regulation 14. Cr Magyar questioned the interpretation of Regulation 14 in relation to providing open and accountable government.”

Following a check of the tape of the 14 December meeting, the following correction is submitted for consideration by elected members.

RECOMMENDATION

That the Minutes of the Special Council Meeting held on 14 December 1999 be confirmed as a true and correct record, with the inclusion of the following correction:

The following wording to be included in the discussion of Item JSC32-12/99 on Page 4:

“Cr Magyar questioned the provision of draft agenda documents to the briefing sessions and the compliance of such practices in relation to Local Government (Administration) Regulations 1996, Regulation 14. Cr Magyar questioned the interpretation of Regulation 14 in relation to providing open and accountable government.

The Chief Executive Officer stated that the issuing of briefing agendas was not contrary to regulations and believed Cr Magyar was aware of that from advice obtained from the Department of Local Government. This view was supported by advice received from the City’s solicitors.

Section 5.95(1)(a) of the Local Government Act 1995 states that a person’s right to inspect information referred to in Section 5.94 does not extend to the inspection of information which is not current at the time of inspection, which further clarifies the issue, especially in view of the fact that no delegated decision making is available to briefing sessions.”

MINUTES OF COUNCIL MEETING, 21 DECEMBER 1999

RECOMMENDATION

That the Minutes of the Council Meeting held on 21 December 1999 be confirmed as a true and correct record.

MINUTES OF SPECIAL COUNCIL MEETING, 25 JANUARY 2000**RECOMMENDATION**

That the Minutes of the Special Council Meeting held on 25 January 2000 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**PETITIONS**

- 1 PETITION SUPPORTING THE CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CHARLSLEY CRESCENT AND SHEPPARD WAY, MARMION – [33195J]

A 14-signature petition, together with 13 letters have been received from Marmion and Sorrento residents supporting the closure of pedestrian accessway between Charsley Crescent and Sheppard Way, Marmion.

This petition and letters will be referred to Planning and Development (Urban Design and Policy Services) for action.

- 2 PETITIONS OBJECTING TO THE CLOSURE OF PEDESTRIAN ACCESSWAY BETWEEN CHARLSLEY CRESCENT AND SHEPPARD WAY, MARMION – [33195J]

Two petitions containing 188 and 20 unverified signatures respectively, have been received from residents of the City of Joondalup objecting to the closure of the pedestrian accessway between Charsley Crescent and Sheppard Way, Marmion.

The petitions will be referred to Planning and Development (Urban Design and Policy Services) for action.

- 3 PETITION REQUESTING MODIFICATION OF ROAD GULLIES TO ERADICATE MOSQUITO BREEDING PROBLEM – IVORY COURT, KINGSLEY – [40575J, 09092J]

A 10-signature petition has been received from Kingsley residents requesting the City to modify road gullies, particularly in the areas of Ivory Court, the car park between Moolanda Boulevard and Ivory Court, site of the City of Wanneroo Corporate Planning and Development centre and also all road gullies in Calthorpe Place at the end of Ivory Court in an attempt to eradicate mosquito breeding problems.

This petition will be referred to Community Development for action.

4 PETITION REQUESTING COUNCIL SUPPORT FOR THE SUBURB OF BURNS BEACH TO BE INCLUDED IN STATE GOVERNMENT TRIALS OF 40KM/H SPEED LIMIT ZONES FOR LOCAL ROADS – [02018J; 01096]

A 97-signature petition has been received from Iain MacLean, MLA; Member for Wanneroo on behalf of Burns Beach residents seeking Council support for that suburb to be included in the State Government trials of 40 km/h speed limit zones for local roads.

The 40 km/h speed limit zone for local roads is in line with recommendations contained in a State Government report on road safety.

This petition will be referred to Infrastructure Management for action.

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REPORT OF THE CHIEF EXECUTIVE OFFICER
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DATE OF NEXT MEETING

CLOSURE

**CJ001-02/00 TELECOMMUNICATIONS ALLOWANCE - POLICY
2.2.12 - [27122]**

WARD - All

SUMMARY

At the 14 September 1999 meeting of the Joint Commissioners, an amendment to policy 2.2.12 – Members of Council – Reimbursement of Expenses was adopted (CJ299-09/99) refers.

The amendment allowed for an annual telecommunications allowance of \$2000 to be paid quarterly to Elected Members in lieu of reimbursement for telecommunication related expenses incurred.

As accounts associated with telecommunication expenses are rendered monthly, it is recommended that the policy be amended to enable the allowance to be paid monthly in arrears instead of quarterly.

BACKGROUND

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.

In respect of the above, the Joint Commissioners resolved at the 14 September 1999 meeting to:

“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;”

COMMENT/FUNDING

As associated telecommunications accounts are rendered monthly, it is recommended that policy 2.2.12 be amended to allow the annual \$2000 telecommunications allowance to be paid monthly in arrears instead of quarterly.

RECOMMENDATION

That Council DELETES Policy 2.2.12 Members of Council – Reimbursement of Expenses as adopted by the Joint Commissioners at its meeting held on 14 September 1999 and ADOPTS Policy 2.2.12 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 where an elected member:

- 1 incurs expenses related to child care 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 attends a meeting of a Recreation Association or Council appointed management or advisory Committee, as a Council delegate or deputy delegate;
- 3 attends any meeting of a Ratepayer, Progress or other Civic Association;
- 4 attends any function organised by Council, including Naturalisation ceremonies, official opening of Council facilities, public electors' meetings, receptions, seminars and local conferences;
- 5 attends at a Council appointed deputation;
- 6 attends a meeting of the Local Government Association as a Council delegate or deputy delegate;
- 7 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 attends a site the subject of matter listed on a Council Agenda paper;
- 9 responds to an official invitation to Council to attend any commercial, industrial, charitable, educational or welfare premises;

An annual allowance of \$2000 be paid monthly 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.

**CJ002-02/00 SCHEDULE OF DOCUMENTS EXECUTED BY
MEANS OF AFFIXING THE COMMON SEAL –
[15876]****WARD - All****SUMMARY**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 2.12.99 to 7.1.2000:

Document:	Contract
Parties:	City of Joondalup and Western Power
Description:	Provision of Street Lighting
Date:	2.12.99
Document:	Contract
Parties:	City of Joondalup and Venus Corporation P/L
Description:	Supply of Contract Labour
Date:	2.12.99
Document:	Contract
Parties:	City of Joondalup, City of Wanneroo and Watts and Woodhouse
Description:	Supply of Legal Services
Date:	2.12.99
Document:	Contract
Parties:	City of Joondalup and Lo-Go Appointments
Description:	050-99/00 – Contract Labour
Date:	2.12.99
Document:	Easement in Gross
Parties:	City of Joondalup and Silkchime P/L
Description:	Warwick Commercial Park
Date:	2.12.99
Document:	Structure Plan
Parties:	City of Joondalup and W A Planning Commission
Description:	Hillarys
Date:	7.12.99
Document:	Agreement
Parties:	City of Joondalup and Western Power
Description:	Streetlighting
Date:	7.12.99

- Document: Service Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Library Services
Date: 7.12.99
- Document: Service Agreement
Parties: City of Joondalup and City of Wanneroo
Description: Impounding of Dogs and Vehicles
Date: 7.12.99
- Document: Copyright Agreement
Parties: City of Joondalup and Duyker De Vries
Description: Local Studies – Oral History
Date: 6.12.99
- Document: Withdrawal of Caveat
Parties: City of Joondalup and Raymond Campbell
Description: 20 Gairloch Place, Joondalup
Date: 6.12.99
- Document: Variation of Agreement
Parties: City of Joondalup, City of Wanneroo and Cockburn Wreckair
Description: Hire of plant, auxilliary plant and vehicle
Date: 6.12.99
- Document: Variation of Agreement
Parties: City of Joondalup, City of Wanneroo and Mallesons Stephen and Jaques
Description: Supply of Legal Services
Date: 6.12.99
- Document: Contract
Parties: City of Joondalup and Wanneroo Electric Pty Ltd
Description: 059-99/00 – Electrical Maintenance Services
Date: 10.12.99
- Document: Lease
Parties: City of Joondalup and City of Wanneroo
Description: Wanneroo Works Depot
Date: 10.12.99
- Document: Lease
Parties: City of Joondalup and City of Wanneroo
Description: Kingsley Administration Building
Date: 10.12.99
- Document: Local Law
Parties: City of Joondalup
Description: Repeal of Local Laws
Date: 23.12.99

Document: Local Law
Parties: City of Joondalup
Description: Public Property Local Law
Date: 23.12.99

Document: Structure Plan
Parties: City of Joondalup and W A Planning Commission
Description: Currambine
Date: 7.1.2000

Document: Structure Plan
Parties: City of Joondalup and W A Planning Commission
Description: Ocean Reef
Date: 7.1.2000

RECOMMENDATION

That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

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CJ003-02/00 REGISTER OF DELEGATED AUTHORITY - [07032]

WARD - All**SUMMARY**

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to maintain a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of December 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 the delegated authority exercised by the Chief Executive Officer for the month of December 1999 is shown as Attachment A.

RECOMMENDATION

That the Council NOTES the Register documenting the delegated authority exercised by the Chief Executive Officer, for the month of December 1999 forming Attachment A to Report CJ003-02/00.

For the attachment to this report, see Appendix 1 at the rear of the agenda, or click here: Attach1ag080200.pdf

**CJ004-02/00 APPOINTMENT OF REPRESENTATIVES -
MINDARIE REGIONAL COUNCIL - [13049]****WARD - All****SUMMARY**

At the Special Meeting of Council held on 14 December 1999, appointments were made to various internal and external Committees. Due to an inaccuracy in the minutes of that meeting, it is necessary to rescind the item relating to the Mindarie Regional Council and amend the membership accordingly.

BACKGROUND

At the Special Meeting of Council held on 14 December 1999, appointments were made to various internal and external Committees. Elected Members nominated the following persons as representatives to the Mindarie Regional Council:

Mayor John Bombak – delegate
Cr John Hollywood - delegate
Cr Peter Rowlands - first deputy
Cr Andrew Nixon - second deputy

Due to an inaccuracy in the recording of this Item (JSC46-12/99) in the Minutes of the Special Meeting of Council held on 14 December 1999, Cr Tanya Barnett was recorded as being a representative, and not Mayor John Bombak.

COMMENT

As the Minutes of the Special Meeting of Council held on 14 December 1999 were confirmed at the next Ordinary Meeting of Council held on 21 December 1999, it is not possible that this error be rectified merely as a correction to the minutes. It is therefore necessary that the item be rescinded and the membership then amended.

Procedure for Revoking or Changing decisions of Council

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings.

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

RECOMMENDATION

That Council:

- 1 RESCINDS, BY AN ABSOLUTE MAJORITY, its decision of 14 December 1999, Item JSC46-12/99, viz:**

“Council nominates the following representatives on the Mindarie Regional Council:

*Cr T Barnett – Delegate
Cr J Hollywood – Delegate
Cr P Rowlands – first deputy
Cr A Nixon – second deputy”*

- 2 NOMINATES the following representatives on the Mindarie Regional Council:**

**Mayor John Bombak – Delegate
Cr J Hollywood – Delegate
Cr P Rowlands – first deputy
Cr A Nixon – second deputy**

**CJ005-02/00 WARRANT OF PAYMENTS FOR THE PERIOD TO 31
DECEMBER 1999 – [09882]**

WARD - All

SUMMARY

This report details the cheques drawn on the funds during the month of December 1999. It seeks Council's approval for the payment of the December 1999 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	018129-018751	5,763,437.39
Municipal	00018-000187	10,268,268.69
Trust	-	0
Reserve Account	-	0
	TOTAL \$	16,031,706.08

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of December 1999, the amount was \$1,841,607.45.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$16,031,706.08 which is to be submitted to each Councillor on 8 February 2000 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 MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$16,031,706.08 submitted to Council on 8 February 2000 is recommended for payment.

.....
Mayor John Bombak

RECOMMENDATION

That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 December 1999, certified by the Mayor and Director of Resource Management and totalling \$16,031,706.08.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	018129-018751	5,763,437.39
Municipal Trust	00018-000187	10,268,268.69
Reserve Account	-	0
	TOTAL	\$ 16,031,706.08

For the attachment to this report, see Appendix 2 at the rear of the agenda, or click here: [Attach2ag080200.pdf](#)

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CJ006-02/00 JOONDALUP FESTIVAL - [36775J]

WARD - All

SUMMARY

A meeting of the Joondalup Festival Committee was held on 7 December 1999 and the unconfirmed minutes are submitted for noting by Council.

DETAILS

The minutes of the Joondalup Festival Committee meeting held on 7 December 1999 are included as Attachment 1.

COMMENT

A briefing session has been conducted with the Mayor and Councillors appointed to the Festival Committee outlining the Marketing Plan and Festival Programme.

RECOMMENDATION

That Council ENDORSES the minutes of the Joondalup Festival Committee held on 7 December 1999 forming Attachment 1 to Report CJ006-02/00.

For the attachment to this report, see Appendix 3 at the rear of the agenda, or click here: [Attach3ag080200.pdf](#)

**CJ007-02/00 RECONSTRUCTION WORKS - RESOLUTE WAY,
OCEAN REEF -[15968J]**

WARD - All**SUMMARY**

At a public meeting held on 1 December 1999 local residents and community representatives requested the City to undertake reconstruction works at the western end of Resolute Way, Ocean Reef. It is proposed that the construction of a formal cul-de-sac with increased street lighting and security fencing will control street and verge parking and reduce the incidence of anti-social behaviour causing concerns for local residents.

BACKGROUND

Resolute Way was constructed as part of the subdivisional road network for Ocean Reef in 1985. It is a local distributor road located between Constellation Drive and the future Ocean Reef Road in the suburb of Ocean Reef as shown at Attachment 1. The western end has been left in an unfinished state for connection to the extension of Ocean Reef Road. Residents at the western end of Resolute Way have raised concerns regarding the condition of the pavement, graffiti on retaining walls, vandalism to property, security of houses and the lack of street lighting.

DETAILS

In its present state, the western end of Resolute Way provides an environment where vehicles and pedestrians can congregate, cause a nuisance and have uncontrolled access to the dunes west of the future Ocean Reef Road. Equally, graffiti attacks on adjacent retaining walls and fences can be undertaken without detection due to limited street lighting.

As shown on Attachment 2, the sealed surface of Resolute Way ends west of the last residential driveway. Beyond that point the road surface is a mixture of stabilised and compacted limestone. The existing asphalt seal is damaged by vehicles running onto the limestone area and the limestone area, which is the base course for the sealed pavement, is eroded and washed away by vehicle traffic and heavy rains. The limestone area is also used by rubbish trucks to turnaround when undertaking weekly bin and bulk refuse collections. This is an unsatisfactory pavement condition for continued weekly vehicle use in a built up and established areas.

Two options are available to resolve most of the problems:

1. Extend Ocean Reef Road north to Resolute Way
2. Construct a cul de sac turnaround with improved streetlighting and fencing on Resolute Way.

Option 1

Currently, Ocean Reef road extends north of the Boat Harbour and joins to Hodges Drive eastwards to Marmion Avenue. The future configuration of Ocean Reef Road is an extension northwards to Shenton Avenue and in time to Burns Beach Road, as shown on Attachment 1. When traffic volumes justify, sufficient road reserve has been set aside to construct a dual carriageway for the full length of Ocean Reef Road, west of Marmion Avenue.

An interim stage now could be the extension of Ocean Reef Road to Resolute Way. Opening this section of Ocean Reef Road and the junction treatment at Resolute Way would remove the current vehicle and people problem and resolve traffic problems experienced at other locations in Ocean Reef. However, Resolute Way would become an access route to what is now regarded as a coastal tourist drive, the western most north south road along the Cities of Stirling and Joondalup. Comprised of West Coast Drive, Whitfords Avenue, Northshore Drive, Ocean side Promenade and Ocean Reef Road, this route attracts significant weekend and weekday traffic. This would significantly reduce the amenity to residents in Resolute Way and cause traffic problems in both Resolute Way and Constellation Drive. An order of cost estimate for this option is \$600,000.

Option 2

Construction of a sealed, kerbed, drained and fenced cul de sac turnaround area would reduce the available area for vehicle parking (as shown on Attachment 2). Therefore, the opportunity to congregate is reduced and in conjunction with improved street lighting should lead to a reduction in graffiti and vandalism in the area. Bollard fencing behind the kerb and security fencing with a turnstile accessway will confine vehicles to the carriageway and control pedestrian access to the area west of Resolute Way.

The construction estimate for these works is \$26,000. Note that this work cannot be considered as permanent and would be modified when Ocean Reef Road is extended to Shenton Avenue. As part of this option, a sign will also be erected behind the kerb indicating that Resolute Way will ultimately be connected to the future extension of Ocean Reef Road.

COMMENT/FUNDING

The issues that are important for the residents are security, amenity and safety. In its present state, Resolute Way west end does not provide the same level of service as other roads in Ocean Reef. Whilst external factors such as residential and driver behaviour cannot be controlled by the City, they can be modified by providing change to the environment.

Both options can improve the environment for residents but Option 2 at a minimal cost, is anticipated to improve security, amenity and safety. As well the ongoing pavement damage can be arrested and the whole area tidied up to meet the standard for the remainder of Ocean Reef.

This project has not been funded in the 1999/2000 Budget and therefore can be considered by Council as part of the half yearly budget review.

RECOMMENDATION**That Council:**

- 1** NOTES the concerns of the residents who attended the meeting held on 1 December 1999;
- 2** LISTS for consideration as part of the 2000/2001 Budget considerations, an amount of \$26,000 for the construction of a turnaround and ancillary works in Resolute Way, Ocean Reef;
- 3** NOTES that the turnaround is temporary in nature, and subject to future Council funding considerations and the work proceeding, that a sign be erected as part of the work indicating that Resolute Way will ultimately be connected to the future extension of Ocean Reef Road;
- 4** ADVISES the Ocean Reef Residents Association accordingly.

For the attachment to this report, see Appendix 4 at the rear of the agenda, or click here: [Attach4ag080200.pdf](#)

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**CJ008-02/00 WENTWORTH PARK PADBURY - PETITION
REQUESTING INSTALLATION OF RETICULATION
SYSTEM, PLAYGROUND EQUIPMENT AND
CYCLE/WALKING PATH - [26565J]**

WARD - Pinnaroo

SUMMARY

Council has received a petition from 33 children in Padbury requesting the installation of reticulation, play equipment and a dual use path in Wentworth Park in Padbury.

Wentworth Park is currently a dry park with an area of 5012m², with areas of dry grass and natural bush islands.

The existing play equipment is treated pine, installed in 1985/86. Replacement equipment has been listed for the 2001/2002 financial year.

Provision of a dual use path is not currently listed and it is proposed that this item be included in conjunction with the play equipment upgrade.

Inground reticulation has been assessed previously and rejected due to the park's size and its proximity to other areas of Public Open Space.

BACKGROUND

Council has 152 dry parks within the municipality for joint irrigation connection and the current Dry Park Development Program provides for irrigation installation at between 3-5 parks per year. The program is in its third year and 17 parks have been funded for irrigation works.

Wentworth Park was assessed as part of the Dry Park Development Program in 1996/97 and has a low priority rating for reticulation due to the following:-

1. Park size.
2. Proximity for connection to other existing park reticulation, or another dry park, or arterial road median.
3. Existence of natural vegetation.

DETAILS

The redevelopment of Wentworth Park is supported in principle, subject to economic considerations associated with its location and size constraints. Replacement of the aged pine play equipment will provide a play area equal to parks of similar location and size. The existing equipment has been checked to ensure that all items are safe for public use.

The provision of reticulation to Wentworth Park is considered a low priority due to the small area involved and its isolated location. There are no other dry parks within the vicinity for joint connection. The closest irrigated parks are Forrest Park, which is an active park, and Simpson Park, which is a passive park of 2.5 ha; both are serviced by individual bores which were installed during the early and mid 1980's respectively. The distance of both parks to Wentworth Park is approximately one kilometre.

For shared irrigation to be cost effective, connection to two or three parks is preferred. However, due to the distance of the nearest irrigated parks, the costs are prohibitive. Cost for installing a separate bore, pump and inground reticulation is detailed below:

Bore	\$15,000
Pump	\$12-\$15,000
Power Connection	\$3,000
Miscellaneous Costs	\$3,500
Inground Reticulation	\$5,000
TOTAL:	\$41,500

Due to the isolated location and size of the park, the irrigation is considered as a low priority and will be listed accordingly in the Dry Park Development Program.

The installation of a dual use path to link the adjoining three roads will be investigated. A connection to the play area will enable disabled access and enhance Council's compliance with the Disability Access Plan.

RECOMMENDATION

That Council:

- 1 LISTS for consideration, the provision of replacement play equipment for Wentworth Park, in its 2000/2001 Capital Works Program;**
- 2 LISTS for consideration, the installation of a dual use path in Wentworth Park, in its 2000/2001 Capital Works Program;**
- 3 LISTS as a low priority, the provision of inground reticulation for Wentworth Park due to park size and its proximity to other existing Public Open Space;**
- 4 ADVISES the petitioners of the proposed budget listing.**

For the attachment to this report, see Appendix 5 at the rear of the agenda, or click here:
[Attach5ag080200.pdf](#)

CJ009-02/00 DELEGATED AUTHORITY REPORT - [07032]

WARD - All

SUMMARY

This report provides a resumé of the development applications processed by Delegated Authority from 1 - 30 November 1999 and 1 - 31 December 1999.

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in Attachments 1, 2 and Addendum to Report CJ009-02/00.

For the attachment to this report, see Appendix 6 at the rear of the agenda, or click here: [Attach6ag080200.pdf](#)

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CJ010-02/00 MODIFICATION TO TOWN PLANNING SCHEME AMENDMENT PROCEDURES - [08570J]

WARD - All

SUMMARY

The Hon Minister for Planning has resolved, following an incident where a local government advertised an amendment in contravention of the Town Planning Regulations, to reintroduce procedures that require local governments to obtain the consent of the Western Australian Planning Commission (WAPC) prior to advertising town planning scheme amendments.

The procedures introduced on the 11 December 1998 which enabled local governments to advertise town planning scheme amendments, without seeking the WAPC's consent, have been abandoned.

It is recommended that Council notes the information provided and advises the Hon Minister for Planning that it is disappointed that the procedures enabling local governments to advertise town planning scheme amendments, without obtaining the WAPC's consent, have been abandoned after just one case of *misuse*. It is believed that the procedures allowing local governments to advertise town planning scheme amendments, without obtaining the WAPC's consent, effectively reduced processing time and allowed resources to be allocated more productively.

BACKGROUND

Procedures were introduced on the 11 December 1998 enabling local governments to advertise town planning scheme amendments, without obtaining the consent of the Western Australian Planning Commission (WAPC), where the Amendment was consistent with:

- (a) section 6(1) of the *Town Planning and Development Act 1928*, or is for a purpose or work or contains a provision or power that is set out in the First Schedule of the Act;
- (b) any regulations made under the Act;
- (c) the *Metropolitan Region Scheme*, region scheme or amendments to a region scheme or any gazetted notice of the Commission relating to the *Metropolitan Region Scheme*, region scheme or amendment to a region scheme; and
- (d) any statement of planning policy made under section 5AA of the Act or any variation or amplification of such a policy.

The need to publish amendments in the Government Gazette at the advertising stage was also dispensed with at this time.

DETAILS

The Hon Minister for Planning has resolved, following an incident where a local government advertised an amendment in contravention of the Town Planning Regulations, to reintroduce procedures that require local governments to obtain the consent of the WAPC prior to advertising town planning scheme amendments.

The procedures introduced on the 11 December 1998 which enabled local governments to advertise town planning scheme amendments, without seeking the WAPC's consent, have been abandoned.

As per procedures prior to 11 December 1998, once a town planning scheme amendment is adopted by Council, the local government will be required to forward a copy of the proposed amendment, report and Council's resolution of adoption to the WAPC seeking consent to advertise. The amendment will be required to be simultaneously forwarded to the Environmental Protection Authority (EPA) to enable the EPA to consider the need for environmental assessment. The procedure to be followed after this stage will depend on the EPA's determination as to whether there is a need for an environmental assessment.

Once the WAPC has granted its consent to advertise the amendment, current advertising practices shall be followed. Details of the amendment shall be published in a newspaper circulating in the district and a copy of the notice of amendment shall be displayed in a prominent place in the offices of the responsible local government during the advertising period. It will not be necessary for the amendment to be published in the Government Gazette during the advertising period.

The Western Australian Municipal Association (WAMA) held discussions with the Minister with regard to this matter prior to the Minister taking action, advising that Local Government is supportive of clarifying the Regulations, but that it considered withdrawal of delegations would be a retrograde step. The association made a number of suggestions to the Minister for clarifying the Regulations.

The Association has considered the Minister's actions and has decided to request the Minister to reconsider the mechanisms previously suggested by WAMA and seek withdrawal of this particular amendment. The options previously suggested by WAMA include providing for referral to the WAPC where there is disagreement between a local authority and the WAPC, development of detailed procedural guidelines, and providing the WAPC with a call in power.

COMMENT

It is disappointing that the procedures enabling local governments to advertise town planning scheme amendments, without obtaining the WAPC's consent, have been abandoned after just one case of *misuse*. It is believed that the procedures allowing local governments to advertise town planning scheme amendments, without obtaining the WAPC's consent, effectively reduced processing time and allowed resources to be allocated more productively. It is recommended that Council advise the Hon Minister for Planning of this disappointment.

RECOMMENDATION**That Council:**

- 1** NOTES the information regarding the modifications relating to Town Planning Scheme Amendment procedures;
- 3** ADVISES the Minister for Planning that it is disappointed that the procedures introduced on 11 December 1998 enabling local governments to advertise town planning scheme amendments, without obtaining the Western Australian Planning Commission's consent, have been abandoned after just one case of *misuse* as the former procedures were considered effective in reducing processing time and allowed resources to be allocated more productively;
- 3** ADVISES the Western Australian Municipal Association of its support in any action the Association can take to encourage the Minister for Planning to reverse or modify this decision and allow a more streamlined amendment process.

CJ011-02/00 BREACH OF THE CITY OF JOONDALUP TOWN PLANNING SCHEME NO. 1 : COMMERCIAL VEHICLE PARKING PROVISION 5.48: LOT 58 (23) SKIFF WAY, HEATHRIDGE - [18126J]

WARD - Marina

SUMMARY

On 29 September 1999, the City received a written complaint concerning the parking of commercial vehicles on Lot 58 (23) Skiff Way, Heathridge.

Inspection of the subject property on two occasions has revealed that a truck and trailer are being parked within the front setback area. The truck and trailer take up three-quarters of the width of the property and significantly obstruct the view of the residence from Skiff Way.

The owners of Lot 58 (23) Skiff Way, Heathridge have had more than two months to remove the offending vehicles from the property and despite notices being issued have failed to comply.

The parking of the commercial vehicles on Lot 58 is in breach of the City's Town Planning Scheme No 1 Clause 5.48 (Commercial Vehicle Parking). It is recommended that the owners be given 14 days to remove the offending commercial vehicles. It is further recommended that Council initiate legal action against the owners of Lot 58 should they fail to comply with this final notice, pursuant to 10(4)(a) of the Town Planning & Development Act 1928 (as amended).

BACKGROUND

Lot No	58
Street Address	23 Skiff Way HEATHRIDGE
Land Owner	Mr Peter & Mrs Jennifer Sinagra
MRS Zoning	Residential Development (R20)
Land Use	Unauthorised Parking of Commercial Vehicle & Trailer
Lot Area	.0859ha

The City's former Commercial Vehicles Parking At Residential Premises Policy did not give an 'as of right' for an owner to park a commercial vehicle on a residential lot. The owner had to ensure the vehicle is parked on the lot and, in the opinion of the then City Planner, would not unreasonably detract from the amenity of the area. No previous approval has been granted by the then City Planner, nor is the parking of the commercial vehicle considered appropriate to the amenity of the area and instead severely detracts from it.

On 22 June 1999 Town Planning Scheme No 1 was modified to include new commercial vehicle parking provisions. This permits the parking of only one commercial vehicle on a residential lot provided it complies with development criteria such as being located behind the front dwelling and height not exceeding 3 metres, 2.5 metres in width and 8 metres in length. Where commercial vehicle parking complies with TPS1 provisions, planning approval is not required.

The Council only has the ability to vary the size of the vehicle and parking location requirements of TPS1, where it is satisfied that the commercial vehicle parking will not affect the amenity of the area. The Council has no statutory ability to approve two commercial vehicles on a residential property. The owner has no valid approval from the Council to park the commercial vehicle on this lot.

Subclause 8.12 Penalties of Town Planning Scheme No 1 states:

“Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and is liable to such penalties as are prescribed by the Town Planning & Development Act, 1928, and its amendments.”

Furthermore Section 10 (4) (a) of the Town Planning & Development Act 1928 (as amended) states:

“10. (4) (a) A person who –

- (i) contravenes or fails to comply with the provisions of a town planning scheme; or*
- (ii) commences or continues to carry out any development which is required to comply with a town planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,*

is guilty of an offence.”

Site History

29 September 1999 - The City received a written complaint concerning the parking of commercial vehicles, including a truck and large trailer, parked lengthwise across the front setback area of a house.

5 October 1999 - The City forwarded correspondence to the owners of Lot 58 (23) Skiff Way, Heathridge, Mr & Mrs Sinagra, requesting that the commercial vehicles be removed from the property within 21 days (by 25 October 1999). The owners were given the opportunity to seek Council approval requesting a variation on the Scheme requirements for the vehicle to be parked in front of the house. No application was lodged with the City.

- 20 October 1999** - The City received correspondence from Mr Chris Baker, MLA for Joondalup, acting on behalf of Mr & Mrs Sinagra, requesting a 6 month extension to relocate the commercial vehicles from their property.
- 26 October 1999** - The City replied to Mr Chris Baker MLA, advising him of the Commercial Vehicle Parking Provisions within the Town Planning Scheme No 1. The Sinagra's were allowed an extra 30 days to remove the commercial vehicles from their premises (ie by 30 November 1999) by the City.
- 30 November 1999** - Mrs Sinagra telephoned the City expressing difficulty in finding alternative parking arrangements for the truck and trailer. Mrs Sinagra was advised to seek alternative parking arrangements for the commercial vehicles and was given the opportunity to lodge an application to the City.

DETAILS

The owners of Lot 58 (23) Skiff Way, Heathridge, Mr & Mrs Sinagra, have stated in correspondence to the City that they have resided at the property for 12 years. They further stated that their truck and trailer were parked for 11 years on the verge adjoining their property. The parking of the commercial vehicles (truck and trailer) on Council's verge would have been in breach of the City's requirements involving verge parking.

The trailer is estimated at less than 8 metres in length, 3 metres in height and 2.5 metres wide. The truck is estimated at 6 metres in length, less than 3 metres high and 2.5 metres wide. The combined length of the truck and trailer is 12 metres, the height is 3.0 metres and width is 2.5 metres.

The Sinagras have further stated that approximately 12 months ago, due to a complaint from one of their neighbours, they were informed by the City that the truck and trailer had to be removed from the verge adjoining their property.

The Sinagras further stated that based on the City's Commercial Vehicle Policy at the time, they believed that by parking the truck and trailer fully within their property they complied with the City's Policy.

COMMENT

The parking of commercial vehicles in this respect was assessed in accordance with the following criteria:

1. Town Planning Scheme No 1. provisions
2. Residential amenity

Town Planning Scheme No 1 provisions

The parking of commercial vehicles fails to comply with Town Planning Scheme No 1. in the following respect:

- The parking of commercial vehicles is being carried out without the prior approval of the Council pursuant to Town Planning Scheme No 1 (TPS1);
- TPS1 permits only one commercial vehicle to be parked on a residential lot based on criteria designed to maintain the amenity of a residential area. In this instance two commercial vehicles are being parked on the property. The truck and trailer are defined under TPS1 as two commercial vehicles;
- The commercial vehicle's are parked forward of the residence, which is not generally permitted;
- The combined lengths of the two commercial vehicles exceed the maximum permitted length of 8 metres by a further 4 metres. The lot frontage by comparison is 13 metres in width;
- The commercial vehicles are parked in a position that severely detracts from the amenity of the Street and therefore fails to comply with TPS1 as discussed in more detail below.

Residential Amenity

- The parking of two commercial vehicle's adversely affects the amenity of the residential area by being parked lengthwise in front of the residence. This almost totally obstructs the view of the house from Skiff Way;
- The construction of the hardstand area and driveway has also necessitated the removal of the front garden, which detracts from the residential appearance of the property and that of the Street;
- Two complaints have been received objecting to the parking of the commercial vehicles on the subject property.

It was concluded that the parking of two commercial vehicles fails to comply with TPS1 and has an adverse impact on the residential amenity and character of the Street. There have been no complaints received regarding truck parking elsewhere in the locality other than one complaint from Mr & Mrs Sinagra. This complaint is the subject of further investigation by the City.

With an extension of time (30 days) from the initial 21 days, the Sinagras have had in excess of 72 days to find alternative parking for their commercial vehicles (truck and trailer). There are no other options but for the Council to consider initiating legal action against the owners if they fail to remove the offending commercial vehicles within 14 days of final notice.

RECOMMENDATION

That Council:

- 1 ORDERS the owners of Lot 58 (23) Skiff Way, Heathridge, Mr & Mrs Sinagra, to remove the commercial vehicles comprising of the truck and trailer from this property within 14 days of notification;**
- 2 ADVISES Mr & Mrs Sinagra that failure to comply with this final notice will result in Council initiating legal action for breach of Town Planning Scheme No 1 pursuant to Section 10(4)(a) of the Town Planning & Development Act 1928 (as amended);**

- 3 AUTHORISES the Director Planning and Development to initiate legal action against Mr & Mrs Sinagra where the truck and trailer remain parked at any time on Lot 58 (23) Skiff Way, Heathridge following the expiry of the 14 day notice in the above regard.**

For the attachment to this report, see Appendix 7 at the rear of the agenda, or click here: [Attach7ag080200.pdf](#)

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**CJ012-02/00 SUBDIVISION REFERRALS PROCESSED 22
NOVEMBER 1999 - 21 JANUARY 2000 – [05961]**

WARD - All

SUMMARY

Overleaf is a resumé of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 22 November 1999 to 21 January 2000. Applications processed via the SCU 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.

RECOMMENDATION

That Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ012-02/00.

For the attachment to this report, see Appendix 8 at the rear of the agenda, or click here: [Attach8ag080200.pdf](#)

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DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 22 FEBRUARY 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

FOR DECLARATION OF INTEREST FORM, CLICK HERE: [declaration_of
interest.pdf](#)



City of
Joondalup

QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

QUESTION

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Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer
City of Joondalup
P O Box 21
Joondalup WA 6919

NOTE Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [Seatplan.pdf](#)