



MINUTES OF COUNCIL MEETING
HELD ON 8 FEBRUARY 2000

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 8 FEBRUARY 2000

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr D S CARLOS	Marina Ward	
Cr S P MAGYAR	Marina Ward	
Cr A T NIXON	North Coastal Ward	
Cr J F HOLLYWOOD, JP	North Coastal Ward	<i>Absent from 1953 hrs to 1954 hrs</i>
Cr A A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	
Cr T BARNETT	South Ward	
Cr A W WIGHT, JP	South Ward	
Cr A L PATTERSON	South Coastal Ward	
Cr G KENWORTHY	South Coastal Ward	
Cr J A HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	

Officers:

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

In Attendance

Chief Superintendent Darryl Lockhart - Joondalup Police District

The Mayor welcomed Chief Superintendent Lockhart, as the inaugural visiting dignitary to this evening's Council meeting and invited him to speak.

Chief Superintendent Lockhart advised it was an honour to be invited to participate in this evening's meeting as Council's first guest.

He congratulated elected members on their recent local election successes and advised the Police Service and certainly those at Joondalup precinct looked forward to a long and meaningful partnership, not only with each Councillor individually and their local wards; but the Council as a whole.

Chief Superintendent Lockhart pointed out there had been a significant change in local government in the last three to four years from looking after what is primarily Council issues, quite separate to safety/security issues; whereas today both Council and the Police Service work in conjunction with each other, carrying out similar duties.

He advised he looked forward to not only elected members from the City of Joondalup, but also from the City of Wanneroo taking a significant role in the new local Safer WA committees. For some years, the Police Service operated under a community policing crime prevention council model, one per district. This council has since changed its name, with additional support from Government to Safer WA. In recent times, the initiative has been to take the Safer WA model down to a sub-police district level, giving seven Safer WA committees operating within the Joondalup police district.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence – Cr L Ewen-Chappell - 5 January – 20 February 2000 inclusive

There were 10 members of the Public and 2 members of the Press in attendance.

The Mayor declared the meeting open at 1905 hrs.

PUBLIC QUESTION TIME

Mr A Bryant, Craigie:

Re Olympic Swimming Pool – Joondalup Arena:

Q1 I understand sometime ago the City of Joondalup agreed to support construction of an olympic swimming pool at Joondalup Arena by contributing \$3,000,000 of ratepayers funds towards the total cost. It would appear that within approximately six months of this agreement, the City of Joondalup under the reins of the then Commissioners, voted a further \$800,000 towards the cost. Why? Surely in approximately six months the total cost thereof would not have blown out to the extent that the City of Joondalup was called upon for a further \$800,000. What caused this added burden on the ratepayers?

A1 Response by Chief Executive Officer: The original request to the Council was from the then Minister for Sport and Recreation. It was a proposal at that stage and an architect had not been appointed to the position. The approach that came to the Commissioners was after an architect had undertaken the schematics and a quantity surveyor had carried out costings of the proposed project. The option was put to Commissioners to either reduce the facilities being proposed, or to

consider a contribution. All contributions to the project were based on 1/3rd from Council and 2/3^{rds} from the Government. It was felt by the Commissioners that the items which were listed for consideration to be deleted from the project would jeopardise the success of the project, therefore Commissioners were prepared to reconsider and make that contribution.

Q2 Obviously, the \$3,000,000 agreed upon, was only an estimate?

A2 Response by Chief Executive Officer: That is correct. One of the clear deciding factors was that the pool which could have been a local government project on its own which is the subject in a lot of other areas; the Government gave the guarantee that there is no operating costs to be met by the City.

Q3 Concerning floodlights erected some time ago on the southern sector of Warrantye Park to enable Whitford City soccer club to participate in night training. Who erected the towers, the City Council or electrical contractors?

Q4 Before their erection, were any directions issued by City Council as to eliminating or substantially reducing overspill of lighting?

Q5 If directions as to overspill were not given, then was a feasibility study undertaken to ascertain the best positioning of the towers to which the floodlights are attached so as to eliminate or substantially reduce overspill of lighting?

Q6 Who is responsible for turning on the floodlights and turning them off or are they on a programmed time switch?

Q7 On many occasions the floodlights are in operation and not a soul is training on the park – can this be avoided when the lights are not needed for training?

Q8 What control has the City Council over the use of the floodlighting?

Q9 Does Council have a policy on floodlighting of any of the parks and recreation reserves? I understand there is a policy relating to carparking, so why not for recreation areas?

A3-9 These questions will be taken on notice.

Mr Bryant asked the following questions in relation to roundabouts on behalf of his daughter-in-law who lives at the residence referred to in these questions.

Q10 Last year it was recorded that roundabouts cost in the vicinity of \$40,000 each. Does the City Council construct roundabouts placed in various suburban streets or is the construction let out to tender?

A10 Response by Director, Infrastructure Management: The City has the in-house capability to undertake construction of roundabouts, but construction is also outsourced to contractors.

- Q11 Who then is responsible for returning the verges and any crossovers affected by such construction?*
- A11 Response by Director, Infrastructure Management: It is the obligation of Council to reinstate the verges.*
- Q12 Will those responsible for reinstating the paving blocks on crossover where a new roundabout (blister) is being constructed outside the residence 139 Craigie Drive, Craigie, return the approximately 82 surplus paving blocks belonging to that owner which were removed on Friday, 7 January 2000 and used for another purpose at another property (135 Craigie Drive, Craigie). This constitutes stolen property. The paving blocks in question do not belong to the City Council.*
- Q13 Will those persons responsible also re-instate the verge reticulation system which was pulled up and thrown on the verge at 139 Craigie Drive, Craigie for anyone to steal?*
- Q14 Cannot those persons responsible place any reticulation parts removed within the property concerned, for example put them in the carport rather than leaving them on the verge?*
- Q15 When a roundabout is proposed to be constructed, does the Council or contractor serve notice on the owner of the property that may be affected and not just whomsoever is in residence at that property?*
- Q16 The replaced roadside kerbing at 139 Craigie Drive, Craigie is apparently higher than that originally in place. Each time the owner backs a vehicle out on to the road, the front end fouls the kerb. I can confirm this as my vehicle bumps heavily on the concrete continuous kerbing perhaps because of the repose of the inclining crossover. Reducing the length of the crossover has altered the contour. Can City Council authorise a reduction in the height of the continuous concrete kerbing to alleviate damage to any vehicle using the crossover?*

A12-16 These questions will be taken on notice.

Mrs M Zakrevsky, Mullaloo:

Q1 On Monday, 24 January 2000, some time after 10.30 pm I noticed fireworks to the north east of Mullaloo. What exactly was the occasion?

A1 Response by Chief Executive Officer: This was a private function at the Joondalup Resort.

Mr B Menegola, Hillarys:

Mr Menegola raised the issue of calculation of rates and in support tabled a petition containing 663 unverified signatures on behalf of those Hillarys residents concerned at the current methods used in the calculation of rates.

Mr Menegola urged Council to give serious consideration to a fairer and more equitable method of rates calculation.

Mr M Sideris, Mullaloo:

Q1 Can Council provide me with a copy of the Standing Orders, in particular those associated with public question time?

A1 Response by Mayor: This will be provided.

Q2 At the Council meeting of 21 December 1999, I was advised that additional information would be provided in due course. When can I expect copies of that information?

A2 Response by Mayor: This question will be taken on notice.

Q3 With respect to the crime audit, what is the progress to date? The last time I asked, I was informed it would be six weeks, which would have been Christmas?

A3 Response by Executive Manager, Strategic Planning: In this last week, the crime audit has been received and currently this is being prepared for presentation to Council.

Q4 When will the crime audit be presented?

A4 Response by Executive Manager, Strategic Planning: This is a lengthy document and will take approximately four weeks to prepare.

Q5 May I receive a copy of the crime audit, since I have shown an interest in this since last September?

A5 Response by Executive Manager, Strategic Planning: I would imagine that at some stage it will certainly be available for examination. How this is made available to members of the public will need to be a question for Council to consider.

Q6 With respect to the monthly progress reports provided by the security services, may I be provided with copies of the last three months reports?

A6 Response by Mayor: These will be provided.

Q7 Why has the Council's web page not been updated since 21 December 1999?

A7 Response by Executive Manager, Strategic Planning: A relaunch of the web page is intended for late February 2000. Substantial work is currently being undertaken, including an upgrade of the server to enable a better service to be provided

DECLARATIONS OF FINANCIAL INTEREST

Cr John Hollywood declared 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

C01-02/00 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.

MOVED Cr Rowlands, SECONDED Cr Carlos 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."

The Motion was Put and

CARRIED

C02-02/00 MINUTES OF COUNCIL MEETING, 21 DECEMBER 1999

MOVED Cr Wight, SECONDED Cr Carlos that the Minutes of the Council Meeting held on 21 December 1999 be confirmed as a true and correct record.

The Motion was Put and

CARRIED

C03-02/00 MINUTES OF SPECIAL COUNCIL MEETING, 25 JANUARY 2000

MOVED Cr Hurst, SECONDED Cr Kenworthy that the Minutes of the Special Council Meeting held on 25 January 2000 be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

MARCIA HINES CONCERT

The City of Joondalup's Marcia Hines concert on Friday, 4 February 2000 has been hailed as a resounding success, with an estimated 10,000 residents and visitors enjoying a great night out.

Marcia Hines and her band performed on Reid Promenade as part of the summer concert series.

Sponsors of the event included Community Newspapers and the Joondalup Resort.

Congratulations to all involved in this successful event. We now look forward to the Joondalup Festival to be held 25 and 26 March 2000.

LITTLE FEET FESTIVAL

The Marcia Hines concert followed the success of the Little Feet Festival in Neil Hawkins park on Sunday, 30 January 2000.

Despite a very warm day, approximately 6,000 people attended this event especially designed for children.

The event was sponsored by Landcorp, Community Newspapers and Healthway to promote the Heart Foundation's "Smarter than Smoking" message.

YOUTH EXPO

The City of Joondalup is inviting the region's youth to participate in all the action at the "Extreme Expo" on Sunday, 5 March 2000, to be held at Craigie Leisure Centre.

Exciting Perth band "Team Jedi" are set to headline a huge evening of free, fun events and local music.

All the youth of the region are invited to attend.

COMMUNITY CAULDRON PRESENTATION

In recognition of the City of Joondalup's commitment to hosting the olympic torch relay and community celebration, AMP will present the City with a community cauldron.

The cauldron will hold the olympic flame during the official ceremony when the relay arrives at Arena Joondalup.

This cauldron is scheduled to arrive in February 2000 and will be presented by AMP to the City of Joondalup at a civic function.

Negotiations are underway with AMP to incorporate this presentation into the Joondalup Festival.

GOODS AND SERVICES TAX (GST)

The City is gearing itself for the implementation of the Goods and Services Tax (GST) on 1 July, 2000.

The City has formed a multi-disciplinary team comprising representatives from all directorates.

While this team will compile the overall implementation plan and time frame of the GST, business unit managers will play a vital role in its successful implementation.

The City has received the Federal Treasurer's draft listing of fees and charges which will be "GST free".

Those approved "GST free" so far include general rates, specified area rates, standard rubbish collection, town planning and licensing fees.

This will not be finalised until agreed by all States and Territories.

ELECTRONIC MEETING SYSTEM

In what we believe may be a first in Australia, the City of Joondalup is moving towards fully electronic Council meetings.

The meeting agenda will be distributed to elected members electronically and they will follow proceedings with their laptop computers.

A projector and drop-down viewing screen have been installed for the public, who will see changes to recommendations and votes cast instantly via computers.

The system is currently undergoing tests and will go “live” in the near future.

MUNICIPAL WASTE ADVISORY COUNCIL

With Councillors Carlos, Hurst, Hollywood, the Director of Infrastructure Management and staff, I recently attended a Municipal Waste Advisory Council seminar.

Three of the world’s leading companies presented their technologies.

The common message was that recycling alone would not enable local government to achieve State and Federal Government targets of reducing 50% of waste going to landfill – and that secondary treatment is needed.

The companies put forward options for turning waste and sewerage into fertiliser and composting.

All processes divert more than 70% of waste from going to landfill.

Council will be examining these options as it develops the City’s Integrated Waste Management Plan over the next few months.

COUNCILLORS’ INDUCTION WEEKEND

I would like to express my thanks to the Western Australian Municipal Association for staging the recent induction weekend for Councillors.

It was a great success and will be extremely helpful for Councillors in the performance of their duties representing the City.

MEETING WITH KINGSLEY MLA, CHERYL EDWARDES

Earlier today, Tuesday 8 February 2000, a meeting was held with Cheryl Edwardes, MLA for Kingsley where she presented the City with a cheque for \$12,500. The money was given by the State Government’s Community and Sporting Recreation Facilities Fund. This represented the final payment to the City of Joondalup for extensions to the Warwick Bowling Club at Warwick Open Space.

PETITIONS**C04-02/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING –
8 FEBRUARY 2000****1 PETITION SUPPORTING THE CLOSURE OF PEDESTRIAN ACCESSWAY
BETWEEN CHARLESLEY 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 Charlesley 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 CHARLESLEY 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 Charlesley 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
40KMH 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 kmh speed limit zones for local roads.

The 40 kmh 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.

5 PETITION REQUESTING LANDSCAPING TREATMENTS, VERGE CLEARING, AND SIGN INSTALLATION - WINTON ROAD, JOONDALUP – [08054J]

A 7-signature petition has been received on behalf of tenants of 209 Winton Road, Joondalup requesting:

- 1 the landscaping of the carpark to Joondalup Drive/Aston Avenue and the entire verge area;
- 2 the erection of a pole sign, displaying all businesses within the block of units and entry into the carpark areas.

This petition will be referred to Infrastructure Management for action.

6 PETITION EXPRESSING CONCERN AT THE CURRENT METHOD USED TO CALCULATE RATES – [07125]

Mr Bruno Menegola, on behalf of the Whitfords Beach Residents Group, tabled a petition containing 663 unverified signatures of those residing in Hillarys expressing concern at the current method used to calculate rates.

Chief Executive Officer advised a Working Group had been established to look at the impact of rates issues on the community and a report on any outcomes will be presented to Council in due course.

This petition will be referred to Resource Management for action.

Councillor Magyar requested to move an amendment to the proposed recommendation which allowed for a further report to be submitted to Council giving progress on the resolution of issues raised within petitions.

The Mayor advised he would not accept this amendment as he felt petitions were currently dealt with in an appropriate manner.

MOVED Cr Rowlands, SECONDED Cr Walker that the petitions:

- 1 **supporting the closure of pedestrian accessway between Charsley Crescent and Sheppard Way, Marmion;**
- 2 **objecting to the closure of the pedestrian accessway between Charsley Crescent and Sheppard Way, Marmion;**
- 3 **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;**
- 4 **seeking Council support for that suburb to be included in the State Government trials of 40 kmh speed limit zones for local roads;**

5 requesting landscaping treatments, verge clearing, and sign installation - Winton road, Joondalup;

6 expressing concern at the current method used to calculate rates;

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

The Motion was Put and

CARRIED

Councillor Magyar – Order of Business

Cr Magyar stated he was of the opinion that this evening's meeting was being held contrary to Standing Orders, as time was not allowed for:

- questions with due notice;
- questions without due notice;
- motions of which previous notice has been given;
- motions for further action; and
- public comment/question time at the conclusion of the meeting.

Cr Magyar referred to the letter he had served on the Chief Executive Officer earlier this evening seeking to rescind the previous motion moved by the Joint Commissioners on 1 July 1998 and to include in the notice paper those headings listed in Standing Orders. Cr Magyar requested that this matter be dealt with at this point, in order to give members of the public the opportunity to comment at the conclusion of the meeting.

The Mayor advised it was his belief that elected members had already voted on these issues and that agreement had been reached for a trial period to be undertaken for the first half of this year. Cr Magyar commented that whilst Council had previously considered its meeting dates and the trialling of briefing sessions, consideration had not been given to the order of business at a meeting.

Chief Executive Officer referred to Clause 3.2 of the Standing Orders which gave the Council a list of items that it may select from time to time to be used for the order of business. He advised there were options for additional headings to be included, which can be reviewed by Council at any time and stated that, at their meeting held on 1 July 1998, the Joint Commissioners resolved to use the order of business as listed in this evening's agenda.

The Chief Executive Officer advised that a notice of motion must be served on elected members seven days prior to it being considered, therefore the letter presented earlier by Cr Magyar could not be considered this evening, and would be referred to the next meeting of Council to be held on 22 February 2000.

Chief Executive Officer pointed out that a review of the Standing Orders Local Law is currently in place and a report proposed to be put forward for debate at the next briefing session to be held on 14 February 2000. He suggested that once the information is to hand on the new Local Law, this would be an appropriate time for elected members to give consideration to the order of business.

Cr Magyar queried whether the Chief Executive Officer accepted the letter as presented to him this evening as a formal notice that the matter be debated at the next Council meeting to be held on 22 February 2000. The Chief Executive Officer acknowledged the letter fulfilled that request.

Councillor Hollywood – Declaration of Interest

Cr Hollywood, with the approval of the Mayor, sought leave to make a personal explanation in relation to the Special Meeting of Council held on 25 January 2000.

Cr Hollywood believed that his declaration of interest made at that meeting was an interest in common with ratepayers, and referred to Clause 5.63 of the Local Government Act 1995 in support of this. Cr Hollywood stated he wished to move a motion that Council seeks legal advice on this issue. The Mayor stated that a formal motion was not required, as the Chief Executive Officer had given a commitment that legal advice would be provided for elected members at a future briefing session.

POLICY

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.

MOVED Cr Wight, SECONDED Cr Nixon 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.

The Motion was Put and

CARRIED

FINANCE AND COMMUNITY DEVELOPMENT
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**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

MOVED Cr Wight, SECONDED Cr Magyar that the Schedule of Documents executed by means of affixing the Common Seal be NOTED.

The Motion was Put and

CARRIED

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.

MOVED Cr Rowlands, SECONDED Cr Hurst that 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.

The Motion was Put and

CARRIED

Appendix 1 refers – Click here: [Att1min080200.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.

Call for Support of one-third of members of the Council

The Mayor called for support from one-third of the members of Council. Support for this Item was given by Crs Rowlands, Kadak, Carlos, Hollywood, Nixon, Wight and Mackintosh.

MOVED Cr Rowlands, SECONDED Cr Carlos that Council:

1 RESCINDS, 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**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY****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

MOVED Cr Rowlands, SECONDED Cr Carlos 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

The Motion was Put and

CARRIED

Appendix 2 refers – Click here: [Att2min080200.pdf](#)

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.

MOVED Cr Kadak, SECONDED Cr Kenworthy that Council ENDORSES the minutes of the Joondalup Festival Committee held on 7 December 1999 forming Attachment 1 to Report CJ006-02/00.

The Motion was Put and

CARRIED

Appendix 3 refers – Click here: [Att3min080200.pdf](#)

INFRASTRUCTURE MANAGEMENT

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.

OFFICER'S 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.

MOVED Cr Magyar, SECONDED Cr Carlos that an additional Point 5 be added to the Officer's Recommendation as follows:

“5 seeks a further report regarding the completion of construction of Ocean Reef Road from Hodges Drive to Shenton Avenue detailing costs, sources of funds and impact on amenity of the residents of Ocean Reef.”

The Motion was Put and

CARRIED

MOVED Cr Magyar, SECONDED Cr Wight 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;

- 5 SEEKS a further report regarding the completion of construction of Ocean Reef Road from Hodges Drive to Shenton Avenue detailing costs, sources of funds and impact on amenity of the residents of Ocean Reef.**

The Motion was Put and

CARRIED

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.

MOVED Cr Walker, SECONDED Cr Rowlands 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.**

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT

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

Cr Hollywood left the Chamber at this point, the time being 1953 hrs.

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.

MOVED Cr Magyar, SECONDED Cr Rowlands 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.

The Motion was Put and

CARRIED

Cr Hollywood entered the Chamber at this point, the time being 1954 hrs.

Appendix 4 refers – Click here: [Att4min080200.pdf](#)

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.

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the information regarding the modifications relating to Town Planning Scheme Amendment procedures;
- 2 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.

MOVED Cr Magyar, SECONDED Cr Hollywood that an additional Point 4 be added to the Officer's Recommendation, as follows:

- “4 in the event of the Minister of Planning not withdrawing the amendment to the Town Planning Regulations writes to all members of the Legislative Council requesting them to support a motion of disallowance of the Amendment Regulations for the following reasons:**
- (a) requiring Council to seek permission from the Planning Commission prior to advertising amendments to the Town Planning Scheme greatly reduces a Council's ability to satisfy its obligations under Section 2.7 (2)(b) and Section 3.1 of the Local Government Act 1995;**

- (b) Councillors are obliged under Section 2.10(a), (b) and (c) of the Local Government Act 1995 to represent the interests of residents of the district, provide leadership and guidance to the community and facilitate communication between the community and the Council. By requiring amendment of the Town Planning Scheme to be approved by the Planning Commission prior to advertising, free and open public discussion of matters of public importance will be restricted.”

Discussion ensued.

The Motion was Put and

CARRIED

MOVED Cr Hollywood, SECONDED Cr Magyar that Council:

- 1 NOTES the information regarding the modifications relating to Town Planning Scheme Amendment procedures;**
- 2 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,**
- 4 in the event of the Minister of Planning not withdrawing the amendment to the Town Planning Regulations WRITES to all members of the Legislative Council requesting them to support a motion of disallowance of the Amendment Regulations for the following reasons:**
 - (a) requiring Council to seek permission from the Planning Commission prior to advertising amendments to the Town Planning Scheme greatly reduces a Council’s ability to satisfy its obligations under Section 2.7 (2)(b) and Section 3.1 of the Local Government Act 1995;**
 - (b) Councillors are obliged under Section 2.10(a), (b) and (c) of the Local Government Act 1995 to represent the interests of residents of the district, provide leadership and guidance to the community and facilitate communication between the community and the Council. By requiring amendment of the Town Planning Scheme to be approved by the Planning Commission prior to advertising, free and open public discussion of matters of public importance will be restricted.**

The Motion was Put and

CARRIED

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.

MOVED Cr Rowlands, SECONDED Cr Barnett 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.**

The Motion was Put and

CARRIED

**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.

MOVED Cr Rowlands, SECONDED Cr Carlos that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ012-02/00.

Appendix 5 refers – Click here: [Att5min080200.pdf](#)

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

The Mayor thanked Chief Superintendent Darryl Lockhart for being Council's first visiting dignitary guest at this evening's meeting.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2007 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
D S CARLOS
S P MAGYAR
A T NIXON
J F HOLLYWOOD, JP
A A WALKER
P ROWLANDS
T BARNETT
A W WIGHT, JP
A L PATTERSON
G KENWORTHY
J A HURST
C MACKINTOSH