



**MINUTES OF MEETING OF JOINT COMMISSIONERS  
HELD ON 13 JULY 1999**

**INDEX**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>ATTENDANCES</b>	<b>1</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>1</b>
	<b>PUBLIC QUESTION TIME</b>	<b>2</b>
	<b>DECLARATIONS OF FINANCIAL INTEREST</b>	<b>10</b>
<b>C32-07/99</b>	<b>CONFIRMATION OF MINUTES</b>	
	MINUTES OF MEETING OF JOINT COMMISSIONERS HELD ON 22 JUNE 1999	<b>11</b>
	<b>ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION</b>	
	PASSING OF MERV DAY	<b>11</b>
	SWEARING IN OF JUNIOR COUNCILLORS	<b>11</b>
	CORPORATE BROCHURE	<b>12</b>
	SIGNS LOCAL LAW	<b>12</b>
	COMMUNITY CONNECTIONS	<b>13</b>
	<b>PETITIONS</b>	<b>13</b>
	<b>REPORT NO:</b>	
	<b>POLICY</b>	
<b>CJ242-07/99</b>	UPDATE - CORPORATE DELEGATED AUTHORITY MANUAL - [07032]	<b>13</b>
<b>CJ243-07/99</b>	REVIEW OF TRADING IN PUBLIC PLACES LOCAL LAW - [23122 & 05885]	<b>16</b>
<b>CJ244-07/99</b>	REVIEW OF SIGNS LOCAL LAW - [20458 & 05885]	<b>20</b>
<b>CJ245-07/99</b>	REVIEW OF HEALTH LOCAL LAW - [00432 & 05885]	<b>26</b>
<b>CJ246-07/99</b>	REVIEW OF ANIMALS LOCAL LAW - [21067 & 05885]	<b>30</b>

**FINANCE AND COMMUNITY DEVELOPMENT**

CJ247-07/99	ALLOCATION OF RESERVE ACCOUNTS OF THE FORMER CITY OF WANNEROO - [00139 & 45141]	36
CJ248-07/99	REGISTER OF DELEGATED AUTHORITY - [07032]	40
CJ249-07/99	CONSERVATION ADVISORY COMMITTEE - MINUTES OF MEETING - [12168]	41
CJ250-07/99	CULTURAL DEVELOPMENT ACTION PLAN - [30962]	43
CJ251-07/99	GRANNY SPIERS COMMUNITY HOUSE APPLICATION TO COMMUNITY FUNDING PROGRAM – [37505J]	46
CJ252-07/99	FUTURE STRATEGIC DIRECTIONS – MAJOR RECREATION FACILITIES, OPERATIONAL MANAGEMENT - [24847J]	49
CJ253-07/99	STRATEGIC MARKETING PLAN – LEISURE SERVICES – [22185J]	53

**PLANNING AND DEVELOPMENT**

CJ254-07/99	PROPOSED SUBDIVISION- SWAN LOC 8809 PEPPERMINT DRIVE, GREENWOOD - WAPC 110089 - [34702J]	62
CJ255-07/99	DEDICATION OF PART OF WHITFORDS AVENUE HILLARYS AND NORTHSHORE DRIVE, KALLAROO - [08496J & 16988J]	66
CJ256-07/99	EXCISION OF PORTION OF SECTION 20A RESERVE: (RESERVE 33740 - BARWON PARK) TO CREATE NEW DRAINAGE RESERVE - [01312J]	68

**DATE OF NEXT MEETING**

69

**CLOSURE**

69

# **CITY OF JOONDALUP**

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

### **ATTENDANCES**

#### **Commissioners:**

C T ANSELL

H MORGAN, AM

M CLARK-MURPHY

R M ROWELL

W BUCKLEY

Chairman

Deputy Chairman

#### **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

Director, Strategic Planning:

R FISCHER

Manager, Division Taskforce

B PERRYMAN

Manager, Executive Services:

K ROBINSON

Manager, Council Support Services:

M SMITH

Publicity Officer:

L BRENNAN

Committee Clerk:

J AUSTIN

Minute Clerk:

L TAYLOR

### **APOLOGIES AND LEAVE OF ABSENCE**

Nil

There were 30 members of the Public and 1 member of the Press in attendance.

**The Chairman declared the meeting open at 1910 hrs.**

**PUBLIC QUESTION TIME**

**Mrs A Hine, Dundobar Road, Wanneroo:**

**Re: CJ254-07/99 – Proposed Subdivision – Swan Location 8809 Peppermint Drive, Greenwood.**

*Q1 Has Council requested a full documentation on this land swap from DOLA? Has Council asked for a full F.O.I. on this whole deal which started prior to this school going up for auction?*

A1 The Department of Land Administration has provided a summary of events. The City of Joondalup has requested information from the Western Australian Planning Commission under the provisions of the Freedom of Information Act.

*Q2 Is this a precedent for a developer to be given priority over the ratepayers to choose what land he can have the choice of?*

A2 This matter does not set any precedent. There are comprehensive acts of parliament controlling the subdivision of land and the acquisition and disposal of Crown land. The ultimate decision on these issues rests with the appropriate Minister of the Crown, not local government.

*Q2A ie. He has to give up ten per cent of his land to the public authority. How can he be allowed to swap public open space that has already been legally gazetted years ago in 1971?*

A2(A) Subdivision of private land requires the approval of the Western Australian Planning Commission. The Commission requires the subdivider of residential land to make provision of land or cash for Public Open Space, normally an amount of ten percent, but this amount is at the discretion of the Commission. Under current legislation, the use or ownership of Public Open Space or other Crown land may be changed with the approval of the relevant Minister.

Local Government, like other recognised instrumentalities, is invited to make recommendations to the Commission on subdivisions, however, these recommendations are not binding on the Commission.

*Q2(B) How did Council allow this to happen without the people first being informed? Do they have no legal rights such as having been offered to buy the land prior to the developer being given favoured treatment to swap the land he didn't want?*

A2(B) The owner of the land proposed a land swap, and this matter was reported to the Joint Commissioners on 14 July 1998. It was resolved to support the swap in principle and advertise the proposal to gauge the opinions of local residents. Letters were sent to adjoining residents, a notice was placed in the newspaper, and signs placed on site. After considering the responses, the Joint Commissioners determined not to recommend the proposed land swap.

Subsequently, the Minister for Lands exercised his powers under the Act and cancelled the management order in favour of the City, and the land swap was carried out by the Department of Land Administration in accordance with the Land Administration Act.

*Q2(C) Can Council get the Valuer General to price the land swapped? It may be equal in size but there must be a big question mark on valuation difference?*

*A2(C) The City of Joondalup is not the authority responsible for dealing in Crown land. The Department of Land Administration must satisfy itself that it receives appropriate value for the land in question. Any question regarding this matter is best directed to DOLA.*

*Q3 Could the Commissioners please appeal this item in the public interest? I'm told legally that you have the power to do this and can you get an independent QC to advise you as this should never have got this far.*

*A3 Report CJ254-07/99 on tonight's agenda deals with this matter.*

**Mr Steve Magyar, Drummer Way, Heathridge:**

*Q1 I refer to report CJ247-07/99 – Allocation of Reserve Accounts of the former City of Wanneroo. I also refer to the attachment "Restricted Reserve Allocation, Cash in Lieu Public Open Space Reserve. I noted that the money is generally allocated by returning the capital to new council on a geographic basis, but the interest earned is allocated one third Joondalup and two thirds Wanneroo, regardless of the location of the origin of the cash in lieu.*

*For example, Landcorp gave \$29,723.00 in Heathridge for its Lysander Drive development many years ago. However the interest earned by that cash in lieu contribution is allocated \$13,950.56 to Joondalup and \$29,740.62 to Wanneroo.*

*Can the Commissioners explain why the residents of Heathridge who missed out on their share of public open space should give \$29,740.62 to the new City of Wanneroo?*

*A1 The Cash in Lieu of Public Open Space Reserve was created in 1993/94. Monies held in the Reserve consist of developer contributions and are to be applied to the provision of Public Open Space in proximity to the development area for which the contribution was made.*

*Mr Magyar is correct in his assessment that the recommendation seeks to allocate the developers contributions on a geographic basis.*

The attachment to which Mr Magyar refers, allocates each contribution (in chronological order) to the appropriate local government. The far right hand columns show cumulative totals for both Joondalup and Wanneroo. Interest earnings have been apportioned on the basis of these cumulative totals at the time at which the interest was received.

The particular interest apportionment to which Mr Magyar refers is the 1996/97 Reserve Account earnings totalling \$43,691.18. At that time, cumulative totals were Joondalup \$238,823.97 (or 31.93%) and Wanneroo \$509,138.66 (or 68.07%). Interest was apportioned accordingly, that is Joondalup \$13,950.56 (or 31.93%) and Wanneroo \$29,740.62 (or 68.07%).

*Q2 I refer to CJ249-07/99 – Conservation Advisory Committee, Minutes of Meeting. I would also like to refer the Commissioners to the Briefing Notes from the Invasive Weeds and Ecosystem Regeneration in Western Australia Conference held at Murdoch University July 1994.*

*At the conference, it was reported that the Bureau of Resource Sciences in 1992 estimated the direct and indirect cost of weeds as between \$2 and \$3 billion per annum to the Australian economy. Also it should be noted that most weeds that threaten conservation reserves are also highly disruptive to agriculture. Considering the huge costs of weeds to the Australian economy could the Commissioners consider doing something more than just noting the Minutes of the Conservation Advisory Committee?*

*A2 The Council acknowledges the extent of the weed problem within the City of Joondalup and the information submitted at the Weeds & Ecosystem Regeneration Conference, and will undertake to adhere to these problems in its normal work operating under the following constraints:*

- (a) Council's current weed control program.*
- (b) Requirements within the specific conservation area management plans.*
- (c) Responsible use of herbicide when this control option is used.*
- (d) Council's ability to gain control of particularly invasive plants without government funding assistance.*

*Q3 I refer to CJ252-07/99 – Future Strategic Directions – Major Recreation Facilities, Operational Management.*

*In the summary, in paragraph five it states that "The introduction of the National Competition Policy requires venues such as Craigie Leisure Centre to demonstrate competitiveness in the market place". However my recollection of the reading of the Hilmer report is that prior to market testing, the aims and objectives of an activity must be identified first. These aims and objectives are to include the social, environmental and other public goods that are created by the activity. Could this meeting be informed of the work Council has done to identify what its aim and objectives are in the provision of facilities such as Craigie Leisure Centre?*

A3 Council has adopted a Leisure Policy, which states in part that:

- Participation in leisure makes a significant contribution to the health, well being and quality of life of the people of Joondalup
- The City must manage its limited leisure resources , including human financial and physical assets in a manner that ensures equity, efficiency and effectiveness.
- The social and economic values of services are of equal importance and as such each programme/service must be carefully assessed in light its financial return and economic viability as well as its social benefit.

*The median financial performance determined by the Centre for Environmental and Recreation Management has been adopted as a benchmark for the minimum standard of financial performance for the City's leisure facilities.*

*These statements provide direction for assessment of the performance and management of Centres such as Craigie Leisure Centre*

*In compliance with national competition policy requirements the principles of competitive neutrality were applied to all Council activities with an annual user pays revenue of \$200,000 or more. This included Craigie Leisure Centre which underwent a formal competition policy assessment of the operation of the Centre in 1998 by the independent firm of Economic Research Associates.*

Q4 I refer to CJ253-07/99 – Strategic Marketing Plan – Leisure Services.

*On page 45, under recommendations from Shearman Communications, it states under dot point eight “Leisure Centre staff are involved in the development and implementation of the marketing strategy to encourage ownership and good customer services”. Considering the comments made in the previous report CJ252, under details, where it states that “there are four options that are consistent with National Competition Policy” including:*

- *“Not to provide the service. The centres/courses sold to private sector;*
- *Not to provide the service with the exception of delivery of community services. Centres sold to private sector but City contracts and purchases some services for community benefit.*
- *Contract out subject to open tenders. City retains ownership of the centres and contracts out the management”*

*Can this meeting be informed as to how the staff and or the community can have any sense of ownership of these facilities if the facilities are no longer owned or managed by the community through their local Council?*

- A4 It is proposed to competitively tender the operational management of Craigie Leisure Centre, Ocean Ridge Community Centre and Sorrento Duncraig Recreation Centre. If a suitable operator is secured, Council would still own the facilities. The day to day operation of the centres would be conducted by an independent management contractor.

The City of Joondalup would still ultimately be responsible for the operation of the centres through a management contract with the operator. The specifications for this contract would detail processes such as pricing schedules and protecting the interests of existing user groups.

Leisure Services staff would be responsible for monitoring the performance of the centres to ensure that the facilities and services available are relevant and competitive. This will ensure the best financial return to the City and that the leisure needs of the community are met. In fact arrangements and requirements under a successful internal bid would be on similar lines in order to meet probity issues under National Competition Policy.

**Mr Terry Darby-Smith, Joondalup Residents Association:**

- Q1 *Referring to CJ251-07/99 – Granny Spiers Community House application for funding. The recommendation is to provide a one-off grant of \$8695.00 to subsidise the salary of a creche worker. I would like the Commissioners to amend the recommendation to include the extra \$3,140.00 for the group to carry on their good service to the community, as this is a one-off grant for the 12 months until the community house makes other arrangements for funding.*

- A1 *Response by Director, Community Development:* The rationale for not recommending the full amount of funding requested by Granny Spiers is contained in the report in some detail.

**Mr Vic Harman, Ocean Reef:**

- Q1 *With the completion of the dualling of Hodges Drive, could a bus stop be installed at Buick Way, Joondalup?*

- A1 *Response by Director, Infrastructure Management:* We will undertake investigations to ensure the location is in keeping with other bus stops in the area and then contact Transperth.

**Mr John Hollywood, Burns Beach:**

- Q1 *On 15 June 1999, I submitted plans for an extension to a garage costing no more than \$8,000. Last week I called at the Administration building to collect the plans and was advised they had not been dealt with. I telephoned today and the matter has still not been progressed. Will the Council employ more staff to help process the backlog of building applications and have them processed within the accepted time of two weeks as stated in the Customer Service Charter?*



- A1 *Response by Director, Planning and Development:* I am aware that a number of applications are being delayed. This is partly due to staff shortages and partly to do with the introduction of new systems. Staff have been working overtime to deal with the backlog and it is anticipated that the backlog will be dealt with very soon. This delay is also partly caused by the split of the Council, and there has been an unprecedented number of applications received for both the City of Joondalup and the City of Wanneroo, something in the order of 800 sets of plans per month. I will investigate this particular application.
- Q2 *Since there has been an increase in applications, have you employed more staff to cater for that?*
- A2 *Response by Director, Planning and Development:* We have taken on more staff but it is difficult to find additional suitable building surveyors to make up the shortfall. We have looked for support staff in that area and have not been successful, but we have had some temporary staff in place for a while now.
- Q3 *In the policy manual, you have support for local industry. I hope this is also support for local businesses.*
- A3 *Response by Cmr Ansell:* A Buy Local policy is currently being prepared for consideration by the Commissioners.
- Q4 *There is no policy on trees. I would like to see a policy on no old growth forest being used in Joondalup.*
- A4 *Response by Cmr Ansell:* This is an item which can be considered by incoming Council.
- Q5 *Will you look at the Swearing in Ceremony and change the wording so that new Australians will not swear allegiance to a foreign Head of Country?*
- A5 *Response by Cmr Ansell:* The incoming Council can look at that. Commissioners are required to follow the requirements of the current Local Government Act.
- Q6 *Regarding the policy on tendering out recreation centres, will Commissioners guarantee there will be no fee increases, other than the cost of living increase, when the management takes over the centres?*
- A6 *Response by Cmr Ansell:* I cannot guarantee anything at this stage. There is no plan at this stage to increase fees.
- Q7 *Have you had a consultant's report on the whole situation?*

- A7      *Response by Cmr Ansell:* We have had a consultant's report on Craigie Leisure Centre. The City will provide assistance to the staff to submit a tender to run the centres themselves.
- Q8      *Will any staff not needed at the centres be employed elsewhere in the Council?*
- A8      *Response by Cmr Ansell:* If the centres are outsourced, we hope that staff will be employed by any new contractors, and we will encourage any new contractors to take them on.
- Q9      *I asked two weeks ago about whether the contracts were more efficient than in-house cleaning services and I have been told that question could not be answered within the next 12 months. What will happen to the existing contracts with the cleaning of the centres?*
- A9      *Response by Cmr Ansell:* They are covered by the Governor's Order.
- Q10     *So by next year, Council will have to see whether these services will be taken over by privatisation or in-house?*
- A10     *Response by Cmr Ansell:* This will be a decision to be made by the new Council.
- Q11     *You mention the Hilmer Report. Mr Hilmer has said the Councils have taken his report too literally.*
- A11     *Response by Cmr Ansell:* Mr Magyar has made mention of this report, not the Commissioners.

**Mrs Sue Hart, Greenwood:**

- Q1      *Regarding CJ254-07/99. We have voiced our opinion on many occasions that the 10 per cent public open space is essential to retaining land behind Pullan Place. Commissioners have endorsed this and we trust you will continue to do so, by rejecting this recommendation. This is against most residents' wishes. We ask you to consider this. Other Greenwood residents whose properties back onto public open space now feel threatened that the public open space near their properties may be closed in the near future, and have asked our group for assistance. We would like to take the opportunity to thank Commissioners for their help in the past, present and hopefully the future. The question is, will you support the people?*
- A1      *Response by Cmr Ansell:* This item will be considered later in the meeting under item CJ254-07/99.

**Mrs M Zakrevsky, Mullaloo:**

- *Mrs Zakrevsky paid tribute to the late Merv Day.*

*Q1 Prior to the opening of the new Joondalup Library and Civic Centre, Honour Boards were located at the entrance to the old Chamber. Are these Honour Boards located in an appropriate place, and where? No mention has been made of the apportionment of this asset between the Cities of Joondalup and Wanneroo. How will this issue be resolved?*

*A1 Response by Cmr Morgan:* The Art Collection Working Party has made recommendations to the Commissioners regarding the works of art. The Working Party will now be required to consider the Honour Boards and regalia and a report will be submitted in the near future. The Honour Boards are currently on display in this Chamber building.

**Mr Martin Flint, Phillips Fox:****Re: CJ254-07/99:**

*Q1 We act on behalf of the developer of the Greenwood subdivision. Does the City consider it has a right of appeal against the Western Australian Planning Commission's determination of this matter?*

*A1 Response by Cmr Ansell:* We believe it is a matter for contention, however we believe we do have a right of appeal.

*Q2 Is the City aware of the position that the Planning Commission is taking regarding the third party rights of appeal?*

*A2 Response by Cmr Ansell:* Yes.

*Q3 Is the City aware of the potential expense involved in having these issues ventilated?*

*A3 Response by Cmr Ansell:* We do not believe there is any expense involved.

*Q4 What if it were the case that the matter proceeded to the Supreme Court?*

*A4 Response by Cmr Ansell:* We would look at the issue at such time.

*Q5 Is the City aware of a recent decision of the Town Planning Appeal Tribunal to the effect that where there is an appeal to either the Tribunal or the Minister, that extinguishes any right of appeal to the other body?*

A5 *Response by Cmr Buckley:* We were provided with a copy of that decision by your firm. We have had legal advice to the contrary that there may well be on a different appeal a different route that can be followed by the City. Generally we are aware of that decision.

Q6 *So you do not agree with the decision?*

A6 *Response by Cmr Buckley:* As I have said, we have had legal advice to the contrary.

**Mr Hugh Jones, Woodvale:**

Q1 *What are the ethical aspects of the tendering processes engaged by the City of Joondalup, in regard to the ethical practices of some of the contracted tenderers? Is that an aspect that the City of Joondalup looks at in regard to the selection of tenderers, in relation to recruitment practices. An example would be, assuming the City of Joondalup contracted out services to an organisation to provide services, their recruitment practices were such that prior to them employing staff to fill the obligations, they requested an up-front fee to attend a training course, after which they would go through a selection process to see whether they would be eligible for employment. Do you regard this as an ethical issue regarding the tender process?*

A1 *Response by Director, Community Development:* I believe this question refers to an independent private organisation of health related services, for which the City outsources the provision of in-home support services to aged residents of the City. The practices Mr Jones is alluding to are standard practices within the aged care industry and I have confirmed that both with the provider of the service and with the industry organisations at a peak level that work within the aged care industry. It is a regular practice from a commercial and industry stand point to ensure quality of care to residents. Anyone who wishes to be a carer within the aged care industry needs to do a recognised carer course, and the company to which Mr Jones refers is providing such course on a cost recovery basis. It is to the credit of the company concerned that they are clear and up-front that there is no guarantee of employment at the end of the course. However, if people are employed they have the ability to deduct the up-front cost of the course over an agreed time, and this is unusual in the industry.

*Response by Cmr Ansell:* If Mr Jones would like to see the Commissioners after the meeting, this matter can be discussed further.

**DECLARATIONS OF FINANCIAL INTEREST**

Nil

**CONFIRMATION OF MINUTES****C32-07/99****MINUTES OF MEETING OF JOINT COMMISSIONERS –  
22 JUNE 1999**

**MOVED** Cmr Morgan, **SECONDED** Cmr Clark-Murphy that the Minutes of the Meeting of Joint Commissioners held on 22 June 1999, be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED**

**ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION****PASSING OF MERV DAY**

We begin on a sad note this evening as we mark the passing last Friday of Merv Day.

“Big Merv”...the genial editor of the Wanneroo Times community newspaper...died not long after preparing yet another edition of the newspaper he loved so much when he suffered a heart attack.

Merv has been a familiar figure at the press bench here at Council for many years.

Not only did he report on City issues with vigour and genuine interest, he displayed a fairness and restraint that marks a professional newspaperman.

For Merv was very much interested in the welfare of the community and often shunned a quick and easy headline in favour of balanced reporting.

Merv was a real community newspaper editor, who for many years held the banner high; producing the most newsworthy paper of the Community News group.

Merv will be sadly missed by all who had the pleasure to come in contact with him here at the City.

**SWEARING IN OF JUNIOR COUNCILLORS**

Those here for the earlier City of Wanneroo meeting would have witnessed the swearing in of Junior Councillors for both the City of Joondalup and City of Wanneroo by Youth Minister, Mike Board.

This ceremony, timed to fit with the Minister's schedule, marks the formal beginning of our innovative Youth in Government Program.

The program is the first of its kind in Australia. It is unique in that it incorporates each level of government and will provide young people in the region with a direct experience of the total democratic process.

Once again, congratulations to all our Junior Councillors. Commissioners wish them all the very best.

### **CORPORATE BROCHURE**

It is pleasing to note that much positive comment has been received about our “new City” corporate brochure distributed last week through the Wanneroo Times community newspaper.

To mark the formal split of the City of Joondalup from the City of Wanneroo, a total of 50,000 brochures were distributed – one for each household in the City.

Most feedback has been that it is a concise and worthwhile presentation of the City and of the services offered to the community by the City of Joondalup.

Because of the excellent production value of this brochure, some people have asked whether the brochure was expensive to produce.

The cost was only 37 cents per copy for printing and 2 cents for distribution.

This is extremely cost-effective as the brochure was designed and written in-house.

There is one little error in the brochure where the suburb of Connolly has been omitted from a map. We apologise if this omission caused any offence.

### **SIGNS LOCAL LAW**

This evening Commissioners will consider whether to grant an eight-week moratorium before “A” frame sign exclusion zones are abolished.

The Signs local law, if adopted, will bring changes to the way the City enforces illegal signs. This finishes the work commenced by the previous Council to update sign controls.

Under the proposal, the Signs local law will not change to prohibit “A” frame signs in the road reserve, that prohibition applied under the old by-law.

What will change under the proposal is the removal of unfair exclusion zones in the City, where the local law did not apply. Instead, the local law will apply uniformly across the whole City.

In the interests of fairness to all persons who have used “A” frame signs in the road reserve, to advertise the business and services they provide, an eight-week moratorium period would apply before City Rangers start issuing infringements and removing these signs.

## **COMMUNITY CONNECTIONS**

You may have seen some early publicity about ‘Community Connections’ – a City initiative designed to establish better links between council and the local community.

Primarily, Community Connections will cover areas like anti-social behaviour, graffiti and vandalism, safety and security and community health in an effort to change attitudes and values within the community.

An important part of the program will be carried out in schools.

Secondly, the City aims to increase awareness of the role and functions of local government – such as the Youth in Government Program we have seen begun here tonight.

Thirdly, the City hopes to encourage greater participation in Community Connections Programs to promote awareness of our shared rights and responsibilities.

We will be giving further details as the official launch on 27 July 1999 draws closer.

## **PETITIONS**

Nil

<b>POLICY</b>
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## **CJ242-07/99      UPDATE   -   CORPORATE   DELEGATED AUTHORITY MANUAL - [07032]**

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### **SUMMARY**

At the ordinary meeting of the Joint Commissioners held on 22 June 1999, the corporate delegated authority manual was adopted. With the number of staff changes occurring at the present moment, a few employees who should have been included within the manual were inadvertently overlooked. This report identifies those officers and recommends that the appropriate delegations be made to them.

### **BACKGROUND**

The Joint Commissioners at the meeting held on the 22 June 1999, resolved to: -

- 1            **REVOKE** all delegations contained within the former City of Wanneroo delegated authority manual as adopted by the City of Joondalup at its meeting held on 1 July 1998, and any further delegations adopted by it since that date;

- 2            **ADOPT the delegations manual for the City of Joondalup, as attached to Report CJ214-06/99 as laid on the table (and forming Appendix II in the Minute Book).**

## **DETAILS**

The Delegated Authority Manual that was presented to the Joint Commissioners at that meeting held on 22 June 1999, inadvertently did not contain some employees that required to be delegated authority to enable them to act in their position with the City of Joondalup. The following are those employees:

### Caravan Parks and Camping Grounds Act, 1995

Charles Slavich

### Schedule A – Justices Act and Various Acts, Regulations and Local Laws

Ray Bone

Jeremy Edwards

Samantha Brewer

Peter Ross

Annaliese Cave

Robert Grygorcewicz

Robert Imms (revoke delegations)

### Section 26 Health Act 1911

Ian Penegar

Greg Reid

Charles Slavich

In accordance with the Local Government Act, 1995, these delegations will need to be approved by an absolute majority decision of the Council.

## **COMMENT/FUNDING**

There have been some concerns raised in the past regarding the need to report to the Council to seek such delegations when there is a change of staff structure. Some delays have been experienced with the time an employee is appointed and the time that they are delegated the necessary powers.

Further investigations are being performed to ascertain the possibility of delegating the authority to make such appointment to the Chief Executive Officer. This will enable a more efficient process in obtaining new employees to be granted the necessary delegated authority.



If it is possible to delegate to this function to the Chief Executive Officer, a further report will be presented to the Council in the near future.

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

- 1 APPOINT Charles Slavich as an ‘authorised person’ in accordance with Section 17 of the Caravan Parks and Camping Grounds Act 1995, for the purposes of that Act and issue that employee with an identity card as prescribed;**
- 2 APPOINT Ray Bone, Jeremy Edwards, Samantha Brewer, Peter Ross, Annaliese Cave and Robert Grygorcewicz, in accordance with the Justices Act 1902, to make complaints and act under and enforce the various Acts, Regulations and Local Laws of the local government of the City of Joondalup as follows:**
  - Local Government Act 1995 (Section 9.10);
  - Dog Act 1976, Regulations and Local Laws thereunder;
  - Control of Vehicles (Off Road Areas) Act 1978 and Regulations thereunder;
  - Bush Fires Act 1954, Regulations and Local Laws thereunder;
  - Litter Act 1979 and Regulations thereunder;
  - Spearguns Control Act 1955 and Regulations;
- 3 REVOKE all powers previously delegated to Robert Imms in accordance with the various Acts, Regulations and Local Laws of the local government of the City of Joondalup, as detailed in (2) above;**
- 4 in accordance with Section 26 of the Health Act authorises the following Environmental Health Officers to administer the provisions of the Health (Food Hygiene) Regulations 1993, Health (Public Buildings) Regulations 1992, Bacteriolytic Treatment of Sewage and Disposal of Liquid Waste Regulations, Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Health Act (Swimming Pools) Regulations 1964, Health (Air Handling and Water Systems) Regulations 1994 and Health (Sewerage, Drainage and Underground Water Supply) Regulations 1959:**
  - Ian Penegar;
  - Greg Reid;
  - Charles Slavich.

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY**

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## **CJ243-07/99      REVIEW OF TRADING IN PUBLIC PLACES LOCAL LAW - [23122 & 05885]**

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### **SUMMARY**

This report provides details of the progress reached in the review of the proposed, “City of Joondalup Trading in Public Places Local Law 1999” and the actions necessary in the second stage to finalise adoption of the local law.

### **Local Law Adoption**

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 27 April, 1999, when the following summary was read aloud by the Chairman:

*“ The purpose of this local law is to:*

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

*The effect of this local law is to:*

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

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the reviewed local law was advertised for a six week comment period, which closed on Monday, 14 June, 1999.

### **BACKGROUND**

This matter was considered at the meeting of Joint Commissioners held on 27 April, 1999 (Item CJ119-04/99 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. At that meeting, it was subsequently resolved:

*“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, “City of Joondalup Trading in Public Places Local Law 1999”, in order to seek public comment.”*

## DETAILS

### Advertising

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995, statewide and local public notice was given of the proposed adoption of the City of Joondalup Trading in Public Places Local Law, in the West Australian on 30 April, 1999 and in the Wanneroo Times on 11 May, 1999. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local law.

### Public Comment

No comment or submission had been received in response to the advertisements by close of the six week submission period which ended on 14 June, 1999.

### Additional Clause

The proposed local law has been amended by the addition of clause 49 “Date of Birth to be Given on Demand”. Experience with the issue and follow up of infringements, indicates that an infringement issued with the correct personal details including date of birth, is more likely to be successfully concluded than one without this information. Fines Enforcement Registry and local law enforcement staff from other local governments have confirmed this situation.

The inclusion of the right to demand date of birth details from an alleged offender, re inforces the right of enforcement staff to obtain all the information required to successfully conclude any matter deserving of infringement issue.

### Action to Progress Local Law

The following actions are required to progress the proposed local law to local law stage.

They are in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995. The relevant sections are:

- “3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Special majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give Statewide public notice -

- (a) stating the title of the local law;
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### **Local laws to be publicised**

- 3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws."

Section 3.13 of the Act is of particular relevance at this stage of making a local law. It states:

#### ***"Procedure where significant change in proposal***

- 3.13 *If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure."*

### **Action By Others**

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation. The review of all delegated legislation by this committee is in accordance with section 42 of the Interpretation Act 1984.

It has become standard practice that ten copies of the local law together with an Explanatory Memorandum and details of any submissions be forwarded to the Joint Standing Committee On Delegated Legislation, to assist in their review of the local laws.

### **COMMENT**

#### **Local Law Adoption**

No written submission or comment has been received in response to advertisements placed.

The local law document previously submitted to the meeting of Joint Commissioners held on 27 April, 1999, has been amended by the inclusion of clause 49. This clause gives enforcement staff the right to demand the date of birth of an alleged offender and see proof of the date provided. The inclusion of this information on an infringement greatly assists in confirming the identity of the alleged offender and has been found to substantially increase the prospect of receiving payment.

As this is a minor amendment which does not change the intent or purpose of the local law, there is no need to alter the adoption process for the local law. It is therefore recommended that the proposed local law be adopted.

**OFFICER’S RECOMMENDATION:** That the Joint Commissioners:

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per **Attachment 1 to Report CJ243-07/99**, as the “City of Joondalup Trading in Public Places Local Law 1999”;
- 2 APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.

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

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per **Attachment 1, as amended, to Report CJ243-07/99**, as the “City of Joondalup Trading in Public Places Local Law 1999”, subject to the deletion of;
  - (a) *in Clause 49 (1), the words “and proof of that date”;*
  - (b) *in Clause 49 (2), the words “or provide proof of the date given,”;*
- 2 **APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.**

Cmr Buckley referred to Clause 49 (1) and (2), page 23 of the Trading in Public Places Local Law and the City’s ability to request from persons thought to have breached the local law, in addition to their name, details of their date of birth and to demand proof of their date of birth. The rationale behind requesting proof of date of birth is to ensure the correct person is prosecuted for the breach of the local law.

Cmr Buckley stated she had significant reservations in relation to demanding proof of date of birth at the time of request and proposed that the provision relating to the demand for proof of date of birth be removed from this local law. This local law has been advertised, and no written submission has been received.

**The Amended Motion was Put and**

**CARRIED BY A  
SPECIAL MAJORITY**

Appendix I refers

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## **CJ244-07/99      REVIEW OF SIGNS LOCAL LAW - [20458 & 05885]**

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### **SUMMARY**

This report provides details of the progress reached in the review of the proposed, “City of Joondalup Signs Local Law 1999” and the actions necessary in the second stage to finalise adoption of the local law.

#### **Local Law Adoption**

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 27 April, 1999, when the following summary was read aloud by the Chairman:

*“ The purpose of this local law is to:*

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

*The effect of this local law is to:*

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

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the reviewed local law was advertised for a six week comment period, which closed on Monday, 14 June, 1999.

### **BACKGROUND**

This matter was considered at the meeting of Joint Commissioners held on 27 April, 1999 (Item CJ118-04/99 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. At that meeting, it was subsequently resolved:

*“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, APPROVE the advertising of the proposed local law, “City of Joondalup Signs Local Law 1999”, in order to seek public comment.”*

## **DETAILS**

### **Advertising**

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995, statewide and local public notice was given of the proposed adoption of the City of Joondalup Signs Local Law, in the West Australian on 30 April, 1999 and in the Wanneroo Times on 11 May, 1999. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local law.

### **Public Comment**

No comment or submission had been received in response to the advertisements by close of the six week submission period which ended on 14 June, 1999.

In addition to the statutory advertising, a press release specifically outlining the removal of “A” frame signs from streets was provided to the press. In response, an article was included in the Wanneroo Times edition of Tuesday, 11 May 1999.

### **Link to Planning Approval and Amenity**

Clause 10(1) relating to Determination of Application, has been amended to provide greater flexibility and clarification where planning approval is required for a sign. Without this link, the opportunity to control the erection of a sign on planning issues (amenity) would be lost.

### **Election Signs**

Whilst no comment or submission has been received in response to advertisements, officers attending a recent local laws seminar were advised of a High Court decision upholding an appeal against the significant restrictions and bans on election advertising in the Broadcasting Act 1942. Part 111D of the Broadcasting Act 1942 was inserted by the Political Broadcasts and Political Disclosures Act 1991. The type of restrictions and bans imposed through this amendment were found to be unconstitutional, in that freedom of political communication is inherent in the representative process of government. However, the High Court found that such signs could be lawfully restricted, including the number or locations where they could be erected

It was suggested, that while some local governments had banned electoral signs through their local laws, a High Court challenge could prove costly against them in light of the High Court decision.

The City’s proposed local law had a total prohibition on electoral signs for candidates and political parties. That prohibition has now been deleted. A new definition has been added for “election sign” and sub clause 15(s) has been added under the heading “Licence Exemptions”. This in effect allows for election signs to be erected on private property, without the need for a licence. An owner of private property can erect an election sign on their own property and candidates in an election can erect election signs on private property with the approval of the owner, without the need for a licence.

Such signs are subject to size constraints and they must be erected and removed within certain times and generally comply with the restriction provisions of clause 16 of the local law. The number of days that an election sign may be erected before an election has been increased from 14 days to 28 days. This is particularly relevant for local government elections conducted by postal vote, as election packages are generally delivered to electors at least 21 days before election day.

Sub clause 16 (l) has been added to prohibit the placement of election signs on streets, thoroughfares or public places. This is in keeping with risk management objectives to reduce the number of signs in streets and other public places, to minimise potential litigation arising from accident or injury caused by such signs.

### **Signs on Vehicles**

Sub clause 16(i) has been amended to provide some control over signs erected on vehicles which may be parked in strategic locations on private or public property or in a public place, to advertise or display a message to the public. Incidents where such a restriction would be used include large signs or hoardings attached to the tray of a truck which is moved to several different locations during a day. Such mobile hoardings have in the past, been used to advantage by having a truck with signs/hoardings moved between local government areas, within an electorate where local laws on the matter differ.

### **Signs on Private Property**

The power of entry onto private property to remove illegal signs is not permitted under the Local Government Act 1995. Clauses 35 and 36 of the original proposal have been amended to meet this requirement

### **Date of Birth Demand**

The proposed local law has been amended by the addition of clause 39 “Date of Birth to be Given on Demand”. Experience with the issue and follow up of infringements, indicates that an infringement issued with the correct personal details including date of birth, is more likely to be successfully concluded than one without this information. Fines Enforcement Registry and local law enforcement staff from other local governments have confirmed this situation.

The inclusion of the right to demand date of birth details from an alleged offender, re enforces the right of enforcement staff to obtain all the information required to successfully conclude any matter deserving of infringement issue.

### **Action to Progress the Local Law**

The following actions are required to progress the proposed local law to local law stage.



They are in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995. The relevant sections are:

- “3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Special majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give Statewide public notice -
- (a) stating the title of the local law;
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### **Local laws to be publicised**

- 3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.”

Section 3.13 of the Act is of particular relevance at this stage of making a local law. It states:

#### ***“Procedure where significant change in proposal***

- 3.13 *If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”*

### **Action By Others**

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation. The review of all delegated legislation by this committee is in accordance with section 42 of the Interpretation Act 1984.

It has become standard practice for ten copies of the local law together with an Explanatory Memorandum and details of any submissions to be forwarded to the Joint Standing Committee On Delegated Legislation, to assist in their review of the local laws.

### **COMMENT**

#### **Local Law Adoption**

No written submission or comment has been received in response to advertisements placed.

The majority of alterations made to the document previously submitted to the meeting of Joint Commissioners, have been necessary to comply with the law or otherwise are minor in nature. These changes are not considered to significantly change the document to such an extent as to require the re commencement of the local law making process. It is therefore recommended that the proposed local law be adopted.

#### **Enforcement of “A” Frame Sign Prohibition**

The enforcement of the prohibition of A frame signs in thoroughfares and other public places may well generate a negative response from retailers in the City. The management of the removal process will significantly determine the long term acceptance and effectiveness of the prohibition.

As indicated in the press release that was provided to the media on this matter, there is no provision in the local law for exclusion zones. These exclusion zones previously existed in some areas as a matter of policy. The non enforcement of this local law established a feeling of advantage and un fairness against retailers that were outside the exclusion zones. The provisions of the local law will now apply to the whole of the district. Consistency of enforcement is considered imperative to achieve a sense of fairness and acceptance that all traders will be on an equal footing when it comes to the use of A frame advertising signs.

The local law has not changed in the prohibition of A frame signs on streets. The change has occurred in the acceptance that there should be no exclusion zones.

It is suggested that the removal of A frame signs from thoroughfares and other public places be managed involving an educational approach, through media releases and advertisements in the Community Newspaper each week, over 8 weeks from adoption of the signs local law.

Experience at other local governments with similar significant changes requiring compliance with local laws, has confirmed that the suggested educational approach over a reasonable time, can best achieve the desired results.

**OFFICER’S RECOMMENDATION:** That the Joint Commissioners:

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per **Attachment 1 to Report CJ244-07/99** , as the “City of Joondalup Signs Local Law 1999”;
- 2 APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995;
- 3 APPROVE an 8 week educational and advertising campaign to achieve voluntary compliance with the removal of “A” frame signs from thoroughfares and other public places, consisting of various media releases and advertising via the local community newspapers.

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

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per **Attachment 1, as amended, to Report CJ244-07/99** as the “City of Joondalup Signs Local Law 1999” subject to the deletion of;
  - (a) *in Clause 39 (1), the words “and proof of that date”;*
  - (b) *in Clause 39 (2), the words “or provide proof of the date given,”;*
- 2 APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995;
- 3 APPROVE an 8 week educational and advertising campaign to achieve voluntary compliance with the removal of “A” frame signs from thoroughfares and other public places, consisting of various media releases and advertising via the local community newspapers.

Cmr Buckley referred to Clause 39 (1) and (2), pages 16 and 17 of the Signs Local Law and the City’s ability to request from persons thought to have breached the local law, in addition to their name, details of their date of birth and to demand proof of their date of birth. The rationale behind requesting proof of date of birth is to ensure the correct person is prosecuted for the breach of the local law.

Comr Buckley stated she had significant reservations in relation to demanding proof of date of birth at the time of request and proposed that the provision relating to the demand for proof of date of birth be removed from this local law. This local law has been advertised, and no written submission has been received.

**The Amended Motion was Put and**

**CARRIED BY A  
SPECIAL MAJORITY**

Appendix II refers

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**CJ245-07/99      REVIEW OF HEALTH LOCAL LAW - [00432 &  
05885]**

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**SUMMARY**

This report provides details of the progress reached in the review of the proposed, “City of Joondalup Health Local Law 1999” and the actions necessary to finalise the local law.

**Local Law Adoption**

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 23 March, 1999, when the following summary was read aloud by the Chairman:

*“ The purpose of this local law is to:*

*provide for the regulation, control and management of day to day Health matters within the City of Joondalup.*

*The effect of this local law is to:*

*establish the various Health criteria under which people living and working within the City of Joondalup must observe .’*

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the reviewed local law was advertised for a six week comment period, which closed on Friday, 7 May, 1999.

**BACKGROUND**

Section 342(1) of the Health Act 1911 requires that local laws made under the Health Act 1911, follow the local law making process detailed in the Local Government Act 1995.

This matter was considered at the meeting of Joint Commissioners held on 23 March, 1999 (Item CJ68-03/99 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. At that meeting it was subsequently resolved:

*“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, advertise the proposed local law, “City of Joondalup Health Local Law 1999”, in order to seek public comment.”*

## **DETAILS**

### **Advertising**

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995 statewide public notice was given of the proposed adoption of the City of Joondalup Health Local Law, in the West Australian on 26 March, 1999 and in the Wanneroo Times on 5 April, 1999. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local laws.

### **Public Comment**

No written comment or submission had been received from the public in response to the advertisements by close of the six week submission period which ended on 7 May, 1999.

### **Health Department of Western Australia**

A detailed submission was received from the Health Department of Western Australia. All local laws made under the Health Act 1911, must receive the consent of the Executive Director of Public Health before they can be gazetted. Following lengthy discussions and negotiation with representatives of the Health Department, agreement has been reached on all matters raised.

Many of these matters were of an extremely minor nature relating to the style of the local law. The style applied to the review and consolidation of all local laws is similar to that of an Act of Parliament, and considered easier to follow and understand than that of previous local laws. That style has been maintained with the proposed Health Local Law so as to provide a consistent suite of local laws.

### **Sale and Keeping of Rats**

The original clause 6.9 of the proposed Health Local Law submitted to the meeting of Joint Commissioners on 23 March 1999, contained a prohibition on the sale and keeping of rats. This prohibition excluded those persons involved in scientific or medical research and limited the locations that rats could be kept, to only universities, schools, hospitals or property approved by the local government.

The original clause 6.9 has been deleted from the proposed local law. The Health Department of Western Australia was consulted on this matter. Representatives of the Health Department confirmed that it was most unlikely that any rats bred as pets or for the purpose of scientific research, which escaped from their cages into the wild, would integrate and breed with feral rats. They did not consider there was a need to have such a local law. Further, the prohibition did not reflect what has been happening in the community with the sale and keeping of rats as pets.

### **Fees and Charges**

In the process of reviewing the local law the opportunity was taken to review the fees and charges that apply. Local governments have been advised that all fees and charges they set are to reflect the value of the work involved. Under the Health Local Law only two categories of fee apply, being those for the Annual Registration/Licence and Transfer of Eating Houses and Lodging Houses. Based on the instruction given, the fees have been calculated as follows:

Eating House	- Annual Registration	\$180
	- Annual Licence	\$30
	- Licence Transfer	\$30
Lodging House	- Annual Registration	\$180
	- Registration Transfer	\$30

### **Action to Progress Local Law**

The following actions are required to progress the proposed local law to local law stage.

They are in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995. The relevant sections are:

- “3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* *Special majority required.*

*Note:* As the local law is being made under the Health Act 1911 and the consent of the Executive Director of Public Health is required before gazettal, the necessary signature to confirm that consent will be obtained on the local law document at this stage.

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) After the local law has been published in the *Gazette* the local government is to give Statewide public notice -
  - (a) stating the title of the local law;
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### **Local laws to be publicised**

3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.”

Section 3.13 of the Act is of particular relevance at this stage of making a local law. It states:

#### ***“Procedure where significant change in proposal***

3.13 *If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”*

### **Action By Others**

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation.

It has become standard practice for ten copies of the local law together with an Explanatory Memorandum and details of any submissions to be forwarded to the Joint Standing Committee On Delegated Legislation, to assist in their review of the local laws.

### **COMMENT**

#### **Local Law Adoption**

No written submission or comment has been received from the public in response to advertisements placed.

The majority of alterations made to the document previously submitted to the meeting of Joint Commissioners on 23 March 1999, were minor in nature and necessary to meet the requirements of the Health Department of W.A. The changes do not alter the purpose or intent of the document. It is therefore recommended that the proposed local law be adopted.

### **Fees and Charges**

The proposed fees and charges to be set in conjunction with this local law have been reviewed to reflect the value of work associated with the approval or licence issue involved. It is recommended that the fees and charges as outlined be adopted.

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

- 1** in accordance with Section 4.32 of the Health Act 1911 and Section 3.12 of the Local Government Act 1995, **ADOPT** the proposed local law as per **Attachment 1 to Report CJ245-07/99**, as the “City of Joondalup Health Local Law 1999”;
- 2** **APPROVE** progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995;
- 3** **ADOPT** the fees and charges relative to the City of Joondalup Health Local Law, as follows:
 

<b>Eating House</b>	<b>- Annual Registration</b>	<b>\$180</b>
	<b>- Annual Licence</b>	<b>\$30</b>
	<b>- Licence Transfer</b>	<b>\$30</b>
<b>Lodging House</b>		
	<b>- Annual Registration</b>	<b>\$180</b>
	<b>- Registration Transfer</b>	<b>\$30</b>
- 4** **APPROVE** the advertising of fees and charges as outlined in 3, in order for them to come into effect at the same date as the Health Local Law.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY**

Appendix III refers

**CJ246-07/99      REVIEW OF ANIMALS LOCAL LAW - [21067  
& 05885]**

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### **SUMMARY**

This report provides details of the progress reached in the review of the proposed, “City of Joondalup Animals Local Law 1999 and the actions necessary to finalise the local law.”



## **Local Law Adoption**

The first stage of adopting the proposed local law was reached at the meeting of Joint Commissioners on 23 March, 1998, when the following summary was read aloud by the Chairman:

*“ The purpose of this local law is to:*

*provide for the regulation, control and management for the keeping of animals within the City of Joondalup.*

*The effect of this local law is to:*

*establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law .”*

In keeping with the requirements of Section 3.12 of the Local Government Act 1995, the proposal to adopt the reviewed local law was advertised for a six week comment period, which closed on Friday, 7 May, 1999.

## **BACKGROUND**

This matter was considered at the meeting of Joint Commissioners held on 23 March, 1999 (Item CJ67-03/99 refers). The report submitted to that meeting outlined the process to be followed by local governments in accordance with the Local Government Act 1995, for creating and reviewing local laws. At that meeting, it was subsequently resolved:

*“that the Joint Commissioners in accordance with Section 3.12 of the Local Government Act 1995, advertise the proposed local law, “City of Joondalup Animals Local Law 1999”, in order to seek public comment.”*

## **DETAILS**

### **Advertising**

In accordance with section 3.12 (3) and (3a) of the Local Government Act 1995, statewide and local public notice was given of the proposed adoption of the City of Joondalup Animals Local Law, in the West Australian on 26 March, 1999 and in the Wanneroo Times on 5 April, 1999. The advertisements invited public comment from the community and provided the opportunity to be informed and obtain a copy of the proposed local laws.

### **Public Comment**

No comment or submission had been received in response to the advertisements by close of the six week submission period which ended on 7 May, 1999.

### **Disposal of Horse Manure at Hillary's Beach**

A letter of complaint received by the City on 23 March, 1999 questioned why persons in charge of horses were not required to dispose of horse manure in an approved manner, particularly in the vicinity of the horse and dog exercise area at Hillary's Beach, whereas dog owners are. It was considered that this is a reasonable expectation. The proposed Animals Local Law has been amended to rectify this inconsistency. On gazettal of the proposed Animals Local Law a suitable sign and manure receptacles will be placed in the vicinity of the horse exercise area and car park servicing the area.

### **Central Park Joondalup**

At the meeting of Joint Commissioners held on 13 October, 1998, when the then proposed Animals, Pigeons and Bees Local Law, was first considered, a question was asked concerning the need to include Central Park Joondalup in the Schedule of Prohibited Dog Exercise Areas. Central Park did not appear on the previous schedule, but it has now been included.

### **Breeding Cats**

Following a telephone discussion with a person living in a residential area of the City involved in breeding cats, it was decided to include clause 45(2) to enable cat breeders to lawfully keep up to 6 adult breeding cats. The keeping of such cats would be subject to them being contained in a suitable cage system on the property, plus any other conditions that would be imposed with the required written approval. Clause 45(2) is similar to Section 26(3) of the Dog Act 1976 which permits the keeping of more than 3 dogs with the written approval of the local government subject to conditions imposed.

It was considered that provision of a conditional approval system to control cat breeders was a better position than that which currently applies where they operate without any approval. Cat breeders have a vested interest in ensuring they comply with any conditions imposed with an approval, or risk losing the approval. Cat breeders are generally responsible people who take good care of their animals.

### **Date of Birth Demand**

The proposed local law has been amended by the addition of clause 49 "Date of Birth to be Given on Demand". Experience with the issue and follow up of infringements, indicates that an infringement issued with the correct personal details including date of birth, is more likely to be successfully concluded than one without this information. Fines Enforcement Registry and local law enforcement staff from other local governments have confirmed this situation.

The inclusion of the right to demand date of birth details from an alleged offender, re enforces the right of enforcement staff to obtain all the information required to successfully conclude any matter deserving of infringement issue.

### **Action to Progress Local Law**

The following actions are required to progress the proposed local law to local law stage.

They are in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995. The relevant sections are:

- “3.12 (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Special majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give Statewide public notice -
- (a) stating the title of the local law;
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government’s office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### **Local laws to be publicised**

- 3.15 A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.”

Section 3.13 of the Act is of particular relevance at this stage of making a local law. It states:

#### ***“Procedure where significant change in proposal***

- 3.13 *If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.”*

### **Action By Others**

The following actions will be taken to complete the review and adoption process of the local law:

- the local law will be tabled in parliament by Parliamentary Council;
- review of the local law by the Joint Standing Committee On Delegated Legislation.

It has become standard practice for ten copies of the local law together with an Explanatory Memorandum and details of any submissions be forwarded to the Joint Standing Committee On Delegated Legislation, to assist in their review of the local laws.

## COMMENT

### Local Law Adoption

No written submission or written comment has been received in response to advertisements placed.

The following amendments have been made to the initial proposed local law to make it more workable and applicable to what happens in the community:

- The addition of Central Park in the schedule of Prohibited Dog Exercise Areas;
- The requirement for horse owners and persons in control of horses to properly dispose of horse manure;
- The introduction of an approval system for cat breeders to keep up to 6 breeding cats. subject to written approval;
- The right of authorised persons to demand an alleged offender's birth date and confirmation of that date.

These are the only alterations made and considered necessary to the document previously submitted to the meeting of Joint Commissioners. They do not alter the intent or purpose of the local law. It is therefore recommended that the proposed local law be adopted.

### OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per [Attachment 1 to Report CJ246-07/99](#), as the "City of Joondalup Animals Local Law 1999";
- 2 APPROVE the Notice Of Intention To Make Application For Kennel Licence Form 1, the Application For Licence Or Renewal Of Licence To Keep Approved Kennel Establishment Form 2, and Licence To Keep An Approved Kennel Establishment Form 3, as per [Attachment 2 to Report CJ246-07/99](#), to facilitate management of the proposed local law;

- 3 APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.

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

- 1 in accordance with Section 3.12 of the Local Government Act 1995, adopt the proposed local law as per **Attachment 1, as amended, to Report CJ246-07/99** as the “City of Joondalup Animals Local Law 1999” subject to the deletion of;
- (a) *in Clause 54 (1), the words “and proof of that date”;*
- (b) *in Clause 54 (2), the words “or provide proof of the date given,”;*
- 2 APPROVE the Notice Of Intention To Make Application For Kennel Licence Form 1, the Application For Licence Or Renewal Of Licence To Keep Approved Kennel Establishment Form 2, and Licence To Keep An Approved Kennel Establishment Form 3, as per **Attachment 2 to Report CJ246-07/99**, to facilitate management of the proposed local law;
- 3 APPROVE progression of the remaining actions to finalise the local law in accordance with Sections 3.12 and 3.15 of the Local Government Act 1995.

Cmr Buckley referred to Clause 54 (1) and (2), page 20 of the Animals Local Law and the City’s ability to request from persons thought to have breached the local law, in addition to their name, details of their date of birth and to demand proof of their date of birth. The rationale behind requesting proof of date of birth is to ensure the correct person is prosecuted for the breach of the local law.

Cmr Buckley stated she had significant reservations in relation to demanding proof of date of birth at the time of request and proposed that the provision relating to the demand for proof of date of birth be removed from this local law. This local law has been advertised, and no written submission has been received.

**The Amended Motion was Put and**

**CARRIED BY A  
SPECIAL MAJORITY**

Appendix IV refers

**FINANCE AND COMMUNITY DEVELOPMENT****CJ247-07/99      ALLOCATION OF RESERVE ACCOUNTS OF  
THE FORMER CITY OF WANNEROO - [00139  
& 45141]****SUMMARY**

Clause 8 of the Joondalup and Wanneroo Order 1998 (the Order), requires the Commissioners to determine any adjustment or transfer that is to be made between the City of Joondalup and the Shire of Wanneroo of property, rights and liabilities of the former City of Wanneroo.

There have been a number of matters requiring consideration prior to undertaking this task. Whilst the allocation of Reserve Accounts is only now being formally addressed, it is appropriate that any adjustment should be effective from the date of the abolition of the former City of Wanneroo (1 July 1998). Clauses 9 (1) (a) and (b) effectively vested (among other things) the reserves in the City of Joondalup until a determination is made under clause 8. This will result in the City of Joondalup having to transfer Reserve accounts to the Shire of Wanneroo. No provisions were made for such transactions in the inaugural budgets of either new local government.

This report recommends the allocation of restricted Reserve accounts between the City of Joondalup and the Shire of Wanneroo.

**BACKGROUND**

The former City of Wanneroo had thirty (30) Reserve accounts as at 30 June 1998, created for a variety of purposes. The total funds held in these reserve accounts at that date amounted to \$29,824,992. Clause 15 of the Order allows the City of Joondalup to use the money in each of the eighteen specified reserve accounts for a purpose other than that for which the account was established and maintained, without having to give notice under section 6.11 (2) of the Local Government Act 1995. For the purpose of this report, those reserve accounts specified in the Order will be referred to as 'unrestricted' and the remaining reserve accounts will be referred to as 'restricted'.

As at 1 July 1998, the eighteen (18) unrestricted reserve accounts had funds totalling \$26,964,721. On the other hand, the twelve (12) restricted reserve accounts had funds totalling \$2,860,201 at that date.

The table below summaries the reserve accounts of the former City of Wanneroo as at 1 July 1998: -

<b><i>Former City of Wanneroo Reserve Accounts as at 1 July 1998</i></b>		
	<u><b><i>Restricted</i></b></u>	<u><b><i>Unrestricted</i></b></u>
<i>Art Purchases Reserve</i>		322
<i>Asset Replacement</i>		1,894,948
<i>Badgerup/Ocean Reef Rd Const</i>	38,038	
<i>Cash in Lieu of Parking</i>	452,377	
<i>Cash in Lieu - Public Open Space</i>	838,980	
<i>Craigie Leisure Centre Asset Repl</i>		202,074
<i>Dom. Cart Ref Collect - Plant Repl</i>		784,415
<i>Domestic Cart Refuse Collection</i>		3,794,158
<i>Golf Course Facilities</i>		863,580
<i>Heavy Vehicles Replacement</i>		3,110,173
<i>Historic Village - Perry's Paddock</i>		544,706
<i>Hodges Drive Drainage</i>	148,533	
<i>Joondalup City Centre Parking</i>	252,491	
<i>Light Vehicles Replacement</i>		1,437,057
<i>Ocean Reef Road Construction</i>		115,435
<i>Office Equipment Reserve</i>		25,974
<i>Plant Replacement</i>		2,312,180
<i>Private Swimming Pool</i>		82,420
<i>Refuse Disposal</i>		10,155,811
<i>Revaluation</i>		99,844
<i>Road Maintenance - Northern Quarry Areas</i>	11,345	
<i>Road Maintenance - Southern Quarry Areas</i>	106,132	
<i>Section 20A Land</i>	15,434	
<i>Town Planning Scheme No 10 (Revoked)</i>	806,591	
<i>Town Planning Scheme 20 Dist Distributor Roads</i>	133,133	
<i>Trade/Ind/Comm Ref Coll - PlantRep</i>		575,409
<i>Trade/Ind/Comm Refuse Collection</i>		895,943
<i>Wanneroo Bicentennial Trust</i>	57,147	
<i>Welfare Facilities</i>		70,272
<i>Marmion Avenue - Tokyu Contribution (1997/98)</i>		
<b><i>GRAND SUMMARY</i></b>	<u><b><i>2,860,201</i></b></u>	<u><b><i>26,964,721</i></b></u>

## DETAILS

### *Unrestricted Reserves*

The purpose of lifting the restrictions on these reserves was to provide the Commissioners with access to monies to undertake their role of establishing the two new local governments – the City of Joondalup and the Shire of Wanneroo. Primarily, the monies in the unrestricted reserves will be used to provide additional infrastructure and meet the expenses associated with ‘set up’. Unrestricted reserves are generally those which have been established by way of transfers from the municipal fund, whilst those which remain restricted have, in the main, been established with contributions from third parties and are to be used for specific purposes.

Unrestricted Reserves accounts will be the subject of a further report to the Joint Commissioners after year-end transactions are finalised.

### *Restricted Reserves*

The attached spreadsheet “Restricted Reserves Allocation Summary” has been developed after extensive investigation as to the origin of funds deposited and expended over the life of each restricted reserve account. All, except the Wanneroo Bicentennial Trust Reserve, are made up of contributions that can be specifically identified with the City of Joondalup or the Shire of Wanneroo. Interest received in respect of each reserve account has been apportioned on the basis of contribution origin.

The Wanneroo Bicentennial Trust Reserve consists of federal ‘bicentennial’ funds formerly held in trust for the community of the former City of Wanneroo. The Trust is administered by a Board of Trustees and supported by a senior officer of the former City. It is recommended that the City of Joondalup maintain the Trust, until such time as a decision is made in relation to the future management of the Trust..

The results show that restricted reserves as at 1 July 1998 should be adjusted as follows: -

#### *City of Joondalup*

<i>Badgerup/Ocean Reef Road Construction Reserve</i>	<i>\$ 36,500.00</i>
<i>Cash in Lieu of Parking Reserve</i>	<i>\$ 346,385.81</i>
<i>Cash in Lieu of Public Open Space Reserve</i>	<i>\$ 274,757.76</i>
<i>Hedges Drive Drainage Reserve</i>	<i>\$ 148,533.39</i>
<i>Joondalup City Centre Parking Reserve</i>	<i>\$ 252,491.05</i>
<i>Section 20A Land Reserve</i>	<i>\$ 3,014.50</i>
<i>Town Planning Scheme No 10 (Revoked) Reserve</i>	<i>\$ 806,590.93</i>
<i>Wanneroo Bicentennial Trust Reserve</i>	<i><u>\$ 57,147.09</u></i>
<b><i>TOTAL</i></b>	<b><i><u>\$1,925,420.53</u></i></b>

#### *Shire of Wanneroo*

<i>Badgerup/Ocean Reef Road Construction Reserve</i>	<i>\$ 1,537.51</i>
<i>Cash in Lieu of Parking Reserve</i>	<i>\$ 105,991.07</i>
<i>Cash in Lieu of Public Open Space Reserve</i>	<i>\$ 564,222.20</i>
<i>Road Maintenance – Northern Quarry Areas Reserve</i>	<i>\$ 11,345.03</i>
<i>Road Maintenance – Southern Quarry Areas Reserve</i>	<i>\$ 106,132.36</i>
<i>Section 20A Land Reserve</i>	<i>\$ 12,419.75</i>
<i>Town Planning Scheme 20 Distributor Roads Reserve</i>	<i>\$ 133,132.98</i>
<i>Marmion Avenue – Tokyu Contribution Reserve</i>	<i>_____</i>
<b><i>TOTAL</i></b>	<b><i><u>\$ 934,780.90</u></i></b>



The restricted reserve accounts, detailed above, have been maintained by the City of Joondalup throughout 1998/99. During the year, further contributions totalling \$1,033,076.80 have been received, investment earnings of \$122,683.78 have been credited and expenditures amounting to \$61,653.50 have been incurred. A net overall increase of \$1,094,107.08 has resulted, increasing the total of restricted reserve accounts from \$2,860,201.43 (at 1 July 1998) to \$3,954,308.51.

Allocation of 1998/99 transactions consistent with the allocation of 1 July 1998 balances produces the following balances at 30 June 1999: -

### *City of Joondalup*

<i>Badgerup/Ocean Reef Road Construction Reserve</i>	<i>\$ 0.00</i>
<i>Cash in Lieu of Parking Reserve</i>	<i>\$ 358,883.87</i>
<i>Cash in Lieu of Public Open Space Reserve</i>	<i>\$ 544,140.31</i>
<i>Hodges Drive Drainage Reserve</i>	<i>\$ 153,862.65</i>
<i>Joondalup City Centre Parking Reserve</i>	<i>\$ 261,601.25</i>
<i>Section 20A Land Reserve</i>	<i>\$ 3,123.27</i>
<i>Town Planning Scheme No 10 (Revoked) Reserve</i>	<i>\$ 835,693.78</i>
<i>Wanneroo Bicentennial Trust Reserve</i>	<i><u>\$ 54,939.04</u></i>
<i>TOTAL</i>	<i><u>\$2,212,244.17</u></i>

### *Shire of Wanneroo*

<i>Badgerup/Ocean Reef Road Construction Reserve</i>	<i>\$ 2,322.14</i>
<i>Cash in Lieu of Parking Reserve</i>	<i>\$ 116,415.37</i>
<i>Cash in Lieu of Public Open Space Reserve</i>	<i>\$ 584,528.60</i>
<i>Road Maintenance – Northern Quarry Areas Reserve</i>	<i>\$ 11,754.37</i>
<i>Road Maintenance – Southern Quarry Areas Reserve</i>	<i>\$ 109,961.74</i>
<i>Section 20A Land Reserve</i>	<i>\$ 12,867.86</i>
<i>Town Planning Scheme 20 Distributor Roads Reserve</i>	<i>\$ 180,258.95</i>
<i>Marmion Avenue – Tokyu Contribution Reserve</i>	<i><u>\$ 723,955.31</u></i>
<i>TOTAL</i>	<i><u>\$1,742,064.34</u></i>

## **COMMENT/SUMMARY**

It is recommended that the Joint Commissioners authorise the appropriate transfers to bring the reserve account balances (at 1 July 1998), detailed above, to account in the respective books of City of Joondalup and the Shire of Wanneroo. Subject to the projected incomes and expenditures shown on the attached 'Restricted Reserves Allocation Summary' being accurate, similar authorisation is also sought to effect the necessary adjustment of 1998/99 transactions between the City of Joondalup and the Shire of Wanneroo to result in the reserve account balances (as at 30 June 1999), detailed above.

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

- 1 in accordance with the provisions of Clause 8 of the Joondalup and Wanneroo Order 1998, AUTHORISE the transfer of former City of Wanneroo reserve accounts as at 1 July 1998 in the manner outlined in report CJ247-07/99;**
- 2 AUTHORISE the allocation/adjustment of 1998/99 City of Joondalup reserve account transactions between the City of Joondalup and the Shire of Wanneroo as outlined in report CJ247-07/99;**
- 3 RECOGNISE that the reserve accounts established by the City of Joondalup and the Shire of Wanneroo as a result of 1 above, will assume the same purpose as the corresponding reserve accounts held by the former City of Wanneroo.**

Cmr Clark-Murphy advised this item was the latest in a series of reports dealing with the issue of dividing the property of the former City of Wanneroo between the new Cities of Joondalup and Wanneroo.

This report now allocates those reserves to either the City of Joondalup or the City of Wanneroo, including interest that has accrued on those sums since 1 July 1998, the legal date of the split.

**The Motion was Put and**

**CARRIED**

Appendix V refers

Items CJ248-07/99 to CJ250-07/99 inclusive were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy stated her intention to speak on Item CJ250-07/99.

## **CJ248-07/99 REGISTER OF DELEGATED AUTHORITY - [07032]**

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### **SUMMARY**

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to keep a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the period 23 May 1999 through to 25 June 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's and employees*

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

## DETAILS

The Register documenting all delegated authority exercised by the Chief Executive Officer from 23 May 1999 through to 25 June 1999 is shown as Attachment A.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners NOTE the Register documenting all delegated authority exercised by the Chief Executive Officer, forming Attachment A to Report CJ248-07/99 for the period 23 May 1999 through to 25 June 1999.**

**The Motion was Put and**

**CARRIED**

Appendix VI refers

## **CJ249-07/99      CONSERVATION ADVISORY COMMITTEE - MINUTES OF MEETING - [12168]**

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## SUMMARY

Meetings of the Conservation Advisory Committee were held on 17 November 1998, 2 March 1999 and 18 May 1999 and the minutes are submitted for information to the Joint Commissioners. The committee has recommended that Council restricts the use of all plant species identified in the book, Western Weeds.

## BACKGROUND

The meetings were held in accordance with Council Policy and Guidelines and the Minutes for the meetings held on 17 November 1998, 2 March 1999 and 18 May 1999 are attached.

Recommendations initiated by the advisory group are not binding on Council unless specifically adopted by the Commissioners.

Matters arising from these meetings have been actioned.

The number of members on the Conservation Advisory Committee has increased to 10 community representatives, two staff and Commissioner H Morgan as chairman.

## DETAILS

The committee has initiated the following recommendations to the Joint Commissioners -

### **Eradication of Fountain Grass from the City's Planting Program**

At the meeting held on 18 May 1999, R McElroy proposed that Fountain Grass (*Pennisetum setaceum*) be eradicated from Council-landscaped areas and be removed from Council's planting program.

This plant is utilised as a low cover plant in roundabouts due to its adaptability and hardy growth. There is evidence of its invasive growth in various rural locations in East Wanneroo and the decision to utilise the plant in roundabouts was made with the knowledge that control is to be undertaken if required. This plant is no longer used.

### **Western Weed's Book**

At the meeting held on 18 May 1999, R McElroy put forward a motion that no weeds appearing in the "Western Weeds" book be planted by Council. (Mrs McElroy is a representative of the Environmental Weeds Committee)

Western Weeds is a book which is published by the Plant Protection Society of WA and is a comprehensive guide to invasive plants. It lists 1,032 vascular plant species as naturalised weeds in Western Australia. Many are available through nurseries and are regularly used in residential properties. Couch grass (*Cylodon dactylon*) is recorded as a weed, but is utilised extensively in areas of Public Open Space as a controlled turf grass.

A weed is a plant growing where it is not wanted and can be a native or introduced plant species. Any proposal to extend this control to other types of land controlled by Council would impose an unacceptable cost on both councils. Control of weeds within designated conservation areas is supported.

Chemical control of Veldt Grass, South African Love Grass and Calthrop. These are considered most invasive and controls have been in place over a number of years. Manual control of *Acacia iteaphylla* has commenced.

The recommendations of the Conservation Advisory Committee should be noted and considered when initiating landscaping works on Council-controlled land.

Future directions for the committee were discussed and it was agreed that the present format be retained until Councillors resume in January 2000. The inclusion of the Parks Co-ordinator to represent the City of Wanneroo was supported.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Minutes for the Conservation Advisory Committee meetings held on 17 November 1998, 2 March 1999 and 18 May 1999, forming Attachments 1, 2 and 3 to Report CJ249-07/99 and the recommendations contained therein, be NOTED and considered when initiating landscaping works on Council-controlled land.**

**The Motion was Put and**

**CARRIED**

Appendix VII refers

## **CJ250-07/99      CULTURAL DEVELOPMENT ACTION PLAN - [30962]**

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### **SUMMARY**

A Cultural Development Action Plan has been developed for the City of Joondalup for consideration by the Joint Commissioners. The Plan will guide development of cultural events, programmes and activities in the region over the next five years.

The Cultural Development Programme has been identified as being crucial to the implementation of the City of Joondalup's Strategic Plan, particularly in the areas of social, cultural and economic development.

It is recommended that the Cultural Development Action Plan be noted.

### **BACKGROUND**

The City of Joondalup and the former City of Wanneroo have been innovative in their approach to cultural development throughout the 1990s. Community cultural development continues to be an important tool used to establish links in the community and increase the quality of life of residents living in the City.

This commitment to arts and heritage will continue in the future through the development and implementation of cultural endeavours spanning all art forms. With the goal being greater access to the arts for the whole community, long-term plans include an increase on the number of events in the region and the proposed performing arts venue in Joondalup.

The Cultural Development Action Plan has been developed in response to the need to review the overall direction and involvement of the City in cultural development. The City of Joondalup has been active in its promotion of cultural activities in recent years, but the focus of the programme has been unclear. to ensure cultural activities and programmes are co-ordinated effectively and have a strategic focus.

## DETAILS

The Cultural Development Action Plan can play a vital role in promoting Council and its services, in promoting the City of Joondalup as a regional City and in building a sense of community.

In the past the Cultural Development Programme has been perceived as lacking direction. However, the appointment of a Cultural Development Co-ordinator in the last twelve months and the development and implementation of this Action Plan will provide strong direction for the future.

The Cultural Development Action Plan (Attachment one refers) will enable the City of Joondalup to provide leadership in cultural development within Local Government in Australia

The implementation of the Action Plan has been developed with a focus on seven Key Result Areas, which are:

1. **Planning** The Cultural Development Team will adopt long-term planning with the intention of increasing community participation and input into cultural activities and enhancing community benefits. Strategies to commence in 1999/00 include community consultation; market research; developing partnerships with professional arts and cultural organisations; and effective use of resources.
2. **Marketing** Effective marketing will increase the awareness of Council and Council's Cultural Development Programme. This will lead to greater community participation in, and support of, the Programme. Strategies include the development of individual marketing plans for cultural events; the use of the Programme to promote the City of Joondalup and its services; and the development of partnerships with key corporate organisations.
3. **Programme Development** Programme development seeks to find an appropriate balance of the many cultural art forms while increasing audience numbers, community participation and the unique identities of the region. The Plan recognises the past under-represented art forms of performing arts and literature. Strategies include developing new programmes that are currently under represented; developing programmes in response to community consultation; developing partnerships with arts and educational institutions; and utilising popular public locations and venues.
4. **Animation** Animation strategies seek to develop the unique identity of the City of Joondalup, in particular profiling the new Joondalup CBD. Strategies include the development of a varied calendar of events; developing partnerships with high profile local businesses; and providing incentive funding for external event organisers.

5. **Economic Development** Cultural activities will be used to further economic development in the region in an effort to increase cultural tourism, cultural industries and retail activity. The strategies include the development of an annual programme of events; marketing plans for cultural events; and plans relating to cultural tourism and cultural industry development in the region.
6. **Business Management** The Cultural Development Team will enhance its financial and project management skills. This will result in the development of a cost effective and value for money Cultural Development Programme within Council's resource allocations. Strategies include project management training for staff; the development of a financial plan outlining sponsorship; funding and income generation; and developing internal working relationships within Council administration.
7. **Staff Development** Staff of the Cultural Development Team will make a greater contribution to decision making processes and become more culturally sensitive. They will be aware of the overall corporate direction of the organisation and conversant with Council systems and procedures. Strategies include increasing staff involvement in strategic, business and marketing planning and staff training.

#### **COMMENT/FUNDING**

The Cultural Development Action Plan provides direction for service development for the next five years. Staff are enthusiastic about the opportunities highlighted. Time frames for the implementation of the Plan have been established together with performance measures. Work has already commenced on initiatives to be achieved in the 1999/00 financial year.

The Action Plan originally considered future development of cultural programmes for both the former Shire of Wanneroo and the City of Joondalup. The Cultural Development Action Plan has now been amended to reflect the specific requirements of the City of Joondalup.

The planning work that has been conducted to prepare the Cultural Development Action Plan for the City of Joondalup forms a useful document that can be adapted to the specific needs of the new City of Wanneroo. It is important that this task be conducted with reference to the City of Wanneroo's Strategic Plan in order to realise its cultural ambitions.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Buckley that the Joint Commissioners NOTE the Cultural Development Action Plan, forming Attachment 1 to Report CJ250-07/99.**

Cmr Clark-Murphy advised the attachment for the Cultural Development Action Plan focused on the cultural development plan for the City of Joondalup for the next five years. She stated it was a comprehensive forward looking report and congratulated staff involved in co-ordinating this action plan.

Cmr Clark-Murphy commented the report recognised not only the special role Joondalup has as a City in its own right, but also as a regional centre for the northern metropolitan area.

**The Motion was Put and**

**CARRIED**

Appendix VIII refers

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## **CJ251-07/99      GRANNY SPIERS COMMUNITY HOUSE APPLICATION TO COMMUNITY FUNDING PROGRAM – [37505J]**

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### **SUMMARY**

The City of Joondalup has received an application from Granny Spiers Community House Inc. for funding, through the City's Community Funding Program, to subsidise the salary of a crèche worker for one (1) year. The sum requested is \$11,835. After calculating the existing level of subsidy provided by the City it is recommended that a grant of \$8,695 be provided.

### **BACKGROUND**

A report was considered at the 11 May, 1999 meeting of the Joint Commissioners (CJ153-05/99 refers) on the future employment of the creche worker at the Granny Spiers Community House. The key points in the report were that:

- the City of Joondalup was continuing to place itself in a precarious position by employing a worker it had no direct control over;
- the management group had indicated that it was in a position to administer the Commonwealth grant allocated since 19882 for the purpose of employing a creche worker but had concerns at meeting the existing subsidy presently picked up by the City;
- the group had indicated that the quality of the service provided by the community house would be compromised if the level of the creche worker was reduced;
- a suggested strategy put forward was to provide a one off grant for one year during which time the group, assisted by the City would, would seek an increase in recurrent funding from either the State or Federal Government.

At the Meeting of Joint Commissioners held on 11 May 1999, it was resolved to:

- 1      NEGOTIATE WITH THE Commonwealth Department of Health and Family Services for the purpose of transferring the grant funds to the Ocean Ridge Women's Community Group, effective from 1 July 1999;
- 2      INVITE the Ocean Ridge Women's Community Group to submit an application through the Community Funding Policy, for funding which will subsidise the salary of a creche worker at the Granny Spiers Community House for one year;
- 3      MAKE REPRESENTATION to the State and Commonwealth Governments for the purpose of negotiating increased funding levels for the Granny Spiers Community House.

Since this date, and following negotiation, the Commonwealth Department of Family and Community Services has agreed to expedite the transfer of sponsorship of its funding for a crèche worker, from the City to Granny Spiers Community House Inc. The transfer is subject to formal approval by a delegate for the Minister.



The two workers who currently job share the 30 hours per week position of creche worker have resigned from the City of Joondalup effective from 1 July, 1999.

In addition, Granny Spiers Community House Inc. has applied to the City for funds to subsidise the salary of a crèche worker for one year. The sum requested is \$11,835.

## DETAILS

The current cost to the City of subsidising this position is \$8,695. The discrepancy between this amount and the amount requested by the group is caused by three factors, namely:

- an extension of the position from 42 to 45 weeks;
- provision of 8 days sick relief;
- an Administration Fee.

This is identified in the following comparative budgets:

<b>Expenditure</b>	<b>Funding requested by Granny Spiers C.H.I.</b>	<b>Current subsidy of City of Joondalup.</b>
Salary, \$13.32/hour, 30 hours/week 45 weeks 42 weeks	17,982	16,783
Superannuation (7%)	1,259	1,175
Annual Leave Loading	210	210
Workers Comp. Insurance	360	360
Provision, Long Service Leave	416	416
Sick Relief, 8 days	799	0
Administration, \$23.50/week	1,058	0
<b>Total</b>	<b>22,084</b>	<b>18,944</b>
<b>Income</b> Commonwealth Funding	10,249	10,249
<b>Deficit = Subsidy Required</b>	<b>11,835</b>	<b>8,695</b>

## COMMENT/FUNDING

Since 1984, the salary of the creche worker has been funded by the Commonwealth for 42 weeks per year, inclusive of annual and sick leave. The City has absorbed the administrative costs. It is considered that the Granny Spiers Community House Inc has the appropriate management infrastructure to adequately absorb the administration of the employment of the worker.

No indication has been given to Granny Spiers Community House Inc. at any stage that the City would agree to subsidise an increase in hours for the position. In the circumstances, there is no justification for doing so.

Under normal circumstances, substantial requests for funding would be listed for consideration in the draft budget. Given that the creche workers have already resigned from the City and that the Commonwealth Government will transfer grant funding from 1 July, 1999, it is recommended that approval be given to allocate funding immediately.

It should be noted that the City of Joondalup presently provides the following additional support to the Community House:

- rent free use of the facility valued at \$7,800 per annum;
- ongoing garden maintenance valued at \$3,450 per annum;
- fixed asset depreciation valued at \$2,500 per annum.asset.

It should be further noted that an incorrect reference was made in the 11 May 1999 report that the Ocean Ridge Community Group Inc. was the management group responsible for the operation of the community house. The Group has in fact changed its name to the Granny Spiers Community House Inc.

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

- 1 PROVIDE a one off grant of \$8,695 in 1999/2000, through the Community Funding Program, to Granny Spiers Community House Inc. to subsidise the salary of a crèche worker for one (1) year;**
- 2 NOTE the level of other support provided to the community house;**
- 3 PREPARE an appropriate contract for the administration and accountability of these funds in accordance with the City of Joondalup's Community Funding Policy which came into effect on 1 July 1999.**

Cmr Clark-Murphy referred to a question raised during public question time in relation to the provision of an additional \$3,140 over and above the one off grant of \$8,695. She reiterated the commitment made to Granny Spiers Community House was to only provide funding until alternative sources of permanent funding had been identified to cover the funding previously made available by the City.

**The Motion was Put and**

**CARRIED**

Items CJ252-07/99 and CJ253-07/99 were Moved by Cmr Clark-Murphy and Seconded by Cmr Buckley. Cmr Clark-Murphy stated her intention to speak on both Items.

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**CJ252-07/99      FUTURE STRATEGIC DIRECTIONS – MAJOR  
RECREATION FACILITIES, OPERATIONAL  
MANAGEMENT - [24847J]**

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**SUMMARY**

There has been considerable discussion within Council for a number of years regarding the most effective and efficient means by which the City of Joondalup's Leisure Centres should be managed.

Historically, these have been managed 'in house' but there has been frequent suggestions that an independent management contractor would better operate the centres, particularly Craigie Leisure Centre.

Additionally, it is considered there is considerable benefit in market testing the Leisure Centres to benchmark their social and financial performance in comparison to the management options available through an independent management contractor. It will provide a clear basis to determine future management strategies for the Leisure Centres.

Leisure Services as a business unit needs to take a regional and community development focus to meet the goals outlined in the City of Joondalup Strategic and Principal Activities Plans. Operating the Leisure Centres through a management contractor may position Leisure Services to achieve these wider objectives. It will eliminate the need to become involved in day to day Centre operational issues which currently takes up considerable staff time which could be better utilised in working with stakeholders to ensure a broad range of leisure programmes, services and events are available to the community.

The introduction of National Competition Policy requires venues such as Craigie Leisure Centre to demonstrate competitiveness in the market place. The Competition Policy Assessment Report prepared in June 1998 by Economic Research Associates proposed four ways in which the operations of Craigie Leisure Centre could be managed.

As a result of this report extensive internal reviews have been conducted. Coupled with recent benchmarking/performance it is timely that the future operational management of the Leisure Centres is assessed.

Future management of the Leisure Centres needs to be also partially considered in the context of income generation opportunities that have been identified and refurbishment/extension projects. These have the potential to improve the financial viability and customer satisfaction levels of the Leisure Centres.

These include:

- 1 Proposed extension of Fitness Centre at Craigie Leisure Centre increasing membership potential to 3,100 members at an estimated cost of \$530,000. (Included in this extension is a proposal to develop a “one stop service retail outlet” including physiotherapist, beautician, nutritionist etc – as a gold package for members);
2. Major maintenance work will be needed within the next five years on the pool concourse and pool shell. The total estimated cost is \$450,000 although immediate work to improve the appearance of the concourse and extend its life could be completed at a cost of \$35,000;
- 3 Marketing/Sponsorship – the need to implement a major integrated marketing/media campaign (LifeZone concept) designed to market not only Craigie Leisure Centre but Leisure Services as a whole will be crucial in bringing the current 1980’s product into line with competition in the late 1990’s.
4. Finalisation of the installation of the Touch Screen Computer System enabling centralised booking at a cost of \$55,460 to manage the booking and operation of numerous community facilities and parks;

It is recommended that in accordance with the provisions of the Umbrella Enterprise Agreement 1999 staff are notified that it is intended to call competitive tenders for the services provided at Craigie Leisure Centre, Ocean Ridge Leisure Centre and Sorrento Duncraig Leisure Centre.

## **BACKGROUND**

Discussion concerning internal or external management of the City’s Leisure Centres has been ongoing for a number of years. The adoption of a community development focus within the City has reinforced not only philosophical aspects but also the very real practical and financial aspects of day to day management of the Centres.

Changes to external market forces have also accelerated the requirement to determine this direction. These forces include:

- 1 stronger commercial focus;
- 2 competition from other operators, especially Arena Joondalup;
- 3 necessity to generate income from sources other than traditional means (entry fees, competitions and leisure courses).
- 4 provision of recent benchmarking/performance indicators from the University of South Australia (CERM) for Craigie Leisure Centre indicates that on all criteria the City is not meeting customers’ expectations.

## **DETAILS**

There are a number of potential management options for Leisure Centres to be considered. Economic Research Associates suggest there are four options that are consistent with National Competition Policy and which would facilitate a focus upon the delivery of quality services at the most competitive price to residents. These are:

- continued in-house provision;
- not to provide the service. The centres/courses sold to private sector;
- not to provide the service with the exception of delivery of community services. Centres sold to private sector but City contracts and purchases some services for community benefit;
- contract out subject to open tenders. City retains ownership of the centres and contracts out the management. The contract can include service requirements for social service activities.

## COMMENT/FUNDING

The possible range of management options which potential independent management contractors may wish to consider includes:

- all three Leisure Centres and associated leisure courses (total package);
- one centre only with associated leisure course programme; and
- leisure course programmes at Ocean Ridge Community Centre and Sorrento Duncraig Recreation Centre only.

Specific management activities and strategies for the operation of the Centres by independent management contractors, such as management committees, profit sharing or incentive schemes will be determined as part of the tender process. The City of Joondalup would still be responsible for determining, implementing and addressing the strategic directions of its Leisure facilities and services.

There is a tendency when management of leisure centres is outsourced to assume that Council's role is complete. If the ongoing development of a Leisure Centre is not properly managed from a strategic perspective there is the potential for a local government to be left with a facility that does not deliver the financial returns to the City that may have originally been experienced.

This strategic management function is the proper role of the City in consultation with the operators of the facility but must take into account broader societal changes and the changing needs of the community.

It is important therefore that marketing campaigns such as 'LifeZone' are implemented and incorporated into Leisure Centre management contracts. Additionally, major capital expenditure on projects such as outlined previously in this report need to occur irrespective of the future mode of operational management of the City's Leisure Centres to ensure these facilities remain competitive in the market place.

It is expected that with the implementation of the 'LifeZone' Marketing Strategy, even with external management, there will be an opportunity to develop a unique relationship with the new operator. The aim of this relationship would be to ensure that the services and facilities offered at the centres are developed strategically and marketed in an integrated manner with the rest of the services delivered by Leisure Services so that community needs are met.

To achieve this Leisure Services will monitor the performance of the Centres and ensure that the facilities and range of services available are relevant and competitive in the market place. This will ensure that the City obtains the best financial return over an extended period and that the leisure needs of the community are met.

This approach is consistent with practices adopted by the following local authorities, which have outsourced facilities:

City of Belmont - Belmont Oasis;  
City of Bayswater - Morley Recreation Centre and Bayswater Waves  
Town of Vincent - Loftus Leisure Centre  
Town of Victoria Park – Park Recreation Centre

Recently, the Shire of Swan called tenders for the management of its new swimming pool being developed in Ballajura. Similarly the City of Kalgoorlie Boulder called management tenders for its major new regional recreation facility. Trends in the Eastern States also reinforce that many Councils are adopting an outsourced management model for the operation of Leisure Centres.

All of these Local Authorities have reported it to be financially advantageous to manage their major leisure facilities in this manner.

The current financial performance of Craigie Leisure Centre to the 30 April 1999 with a deficit of \$116,991 compared to a projected 1998/99 budget surplus of \$68,855 demonstrates that it is underachieving in relation to what the facility is potentially capable of realising.

Cleaning Services at Craigie Leisure Centre and the Centre kiosk were originally advertised for tender in 1996 (Item CS143-08/96 refers). These areas were outsourced in an effort to improve the financial viability of the Centre and have proven to be successful.

Council's recently adopted Umbrella Enterprise Agreement requires that affected Business Units are consulted prior to Council determining which, if any component of a Business Unit services is subject to Competitive Tendering. A minimum of three months notice to staff is required prior to determining which services are to be subject to competitive tender. During the period of notice appropriate and professional assistance is to be made available to affected business units to enable them to prepare, submit and administer a quality tender.

In accordance with the Umbrella Enterprise Agreement, staff at Craigie Leisure Centre, Ocean Ridge Community Centre and Sorrento Duncraig Recreation Centre have been advised of the proposal to competitively tender services provided through the three Centres and their interest in submitting a tender ascertained. Staff at the three Centres have indicated at this stage that they are not interested in preparing a tender submission.

Staff at the three Centres will be consulted on the proposal and the specifications to determine the services to be tendered.

The cleaning contracts at the three Leisure Centres are due for renewal in August 1999. A separate report on the cleaning contracts was submitted to the 22 June 1999 meeting of the Joint Commissioners recommending the cleaning contracts be extended on a month by month basis pending the outcome of the Leisure Centre Management Tender process.

**MOVED Cmr Clark-Murphy, SECONDED Cmr Morgan that the Joint Commissioners ENDORSE the commencement of the process to call competitive tenders for the services provided at Craigie Leisure Centre, Ocean Ridge Leisure Centre and Sorrento Duncraig Leisure Centre in accordance with the Umbrella Enterprise Agreement 1999.**

Cmr Clark-Murphy referred to questions raised during public question time in relation to this Item and Item CJ253-07/99. Whilst Cmr Clark-Murphy understood the concerns raised, she felt it was important to realise this issue covered the aspect of putting the management of these leisure centres out to tender.

She stated no decision had been made as to the results of this exercise and would be dependant entirely on the outcome of the tendering process. Specifications in relation to tendering will be developed over the next three months and as advised during public question time, should any staff at any of the centres wish to be involved in the tendering process to put forward a tender, they will be given assistance to do so.

Cmr Clark-Murphy stressed that the interests of existing user groups of the centres will be taken into consideration and will be addressed in the tender specifications.

Cmr Morgan advised a document had been received from a number of staff members from the Craigie Leisure Centre wherein they indicated their interest in running that centre, and subsequently tendering against outside tenderers. He advised this was supported and under arrangements made within the Enterprise Bargaining agreement, assistance would be provided to the staff involved in the preparation of a tender.

**The Motion was Put and**

**CARRIED**

## **CJ253-07/99      STRATEGIC MARKETING PLAN – LEISURE SERVICES – [22185J]**

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### **SUMMARY**

In the context of the growth of Western Australia's leisure market, the City of Joondalup and Shire of Wanneroo's share of the market is static. This is despite a substantial marketing budget across the unit in the vicinity of \$271,000 in the current financial year.

To address this situation, the consulting firm Shearman Communications was engaged to conduct a comprehensive review of the marketing of the seven leisure centres operated by the City of Joondalup and Shire of Wanneroo. The review process has resulted in a series of recommendations designed to facilitate an integrated marketing programme to substantially raise the profile of the leisure centres and provide optimum value for money from the marketing effort.

The consultants were required to:

- Analyse market research information on community leisure needs to identify community behaviour and determine why community leisure centres were under utilised;

- Develop a cost effective, coordinated marketing strategy to:
  - Increase awareness of the range of leisure services provided by the City of Joondalup and Shire of Wanneroo;
  - Increase participation in the City of Joondalup and Shire of Wanneroo's leisure programmes;
  - Educate the community about the benefits of participating in leisure activities; and
  - Achieve optimum value from the Leisure Services Business Unit marketing budget.

The consultancy originally focused on Leisure Centres in both the City of Joondalup and Shire of Wanneroo. The proposed marketing strategy was discussed with the Chief Executive Officer for the Shire of Wanneroo who indicated that the Shire would be developing its own corporate identity and marketing position. The development of a marketing strategy for the Leisure Centres in Wanneroo should therefore wait until the corporate marketing strategy was established. Consequently the discussion that follows relates solely to Leisure Services and Leisure Centres in the City of Joondalup.

The report to Council (Report CJ252-07/99 refers) concerning the future management directions of Craigie Leisure Centre, Ocean Ridge Community Centre and Sorrento Duncraig Recreation Centre also has a major impact on this proposal. However from a strategic management perspective the issues raised are still pertinent.

It is recommended that the Joint Commissioners endorse the LifeZone marketing concept for the marketing of Leisure Services.

## BACKGROUND

At the Meeting of Joint Commissioners held on 22 June 1999, it was resolved:

*“That consideration of the Strategic Marketing Plan – Leisure Services be deferred pending further consideration by the Joint Commissioners.”*

Edith Cowan University was commissioned by Leisure Services in August 1998 to undertake research into ***Non Users of City of Joondalup and Shire of Wanneroo Recreation Centres.*** The research sought to develop a profile of residents who do not use local recreation centre and the reasons for their non use.

Key findings of this research included:

- 60% of those surveyed said they never used public recreation facilities;
- Of those that did use public recreation facilities, 76% said the Centres they used were in the Wanneroo region;
- 97% of those that use Council recreation facilities visit a Centre once a year or less;
- In the City of Joondalup, Craigie Leisure Centre was by far the most popular;
- nearly 40% of users were not aware of any other recreation centres;
- Common excuses by non users were; ‘not enough time’ and ‘can’t be bothered’;



- The most popular leisure and recreation activities were swimming (50%), child related activities, hobby classes, music, aerobics and adult education;
- People earning \$60,000 to \$80,000 per annum were the biggest users of recreation facilities;
- The biggest group of non users was in the lower than \$20,000 per annum income bracket;
- 86.2% of people above the age of 65 said they never used public recreation facilities;
- 42% of people aged 35 to 44 said they never used public recreation facilities;
- 58.3% of 16 to 19 year old users said they were not aware of other facilities;
- 53.8% of people said they would use facilities if they were aware of them; and
- 80 - 90% of respondents said they read the Wanneroo Times Community.

The consultants concluded from this research and their review of current Leisure Services marketing activities that:

- The lack of a consistent corporate image for leisure services and a fragmented approach to marketing is severely impacting on the ability of the leisure centres to attract new patronage;
- There is enormous potential to increase the City of Joondalup share of the leisure services market and improve the overall image of the Leisure Services Business Unit through a fresh, fully integrated marketing strategy;
- While all centres offer a mix of sport, recreation and leisure activities and facilities the diversity of names is misleading and further weakens the link with the City of Joondalup. Each centre should therefore be referred to as a Leisure Centre. The title Leisure Centre does not necessarily have to be utilised in a concept name or logo for the Centres;
- Adoption of a collective approach will facilitate the Leisure Centres capacity to attract sponsorship;
- Volume of patronage will offer potential sponsors opportunities for investment in a unique and innovative campaign, unheralded in Local Government.
- Leisure centres and cultural events provide the City of Joondalup with excellent public relations vehicles but their potential and capacity are not currently being fully utilised.

Shearman Communications subsequently recommended that:

- The centres in the City of Joondalup be referred to as Leisure Centres;
- An analysis of lighting in the Leisure Centres be conducted to ensure appropriate ambience, presentation of signage and energy management savings;
- A new corporate identity is developed and applied to Leisure Services and the individual Leisure Centres;
- A corporate style manual is developed to ensure consistent application to signage and promotional material;
- The new corporate identity is applied to all promotional material, advertising and signage to provide a solid foundation for an integrated marketing strategy;

- Sections of the City of Joondalup website relating to Leisure Services be revamped to enhance visual appeal;
- Website sections relating to Leisure Services are presented utilising the design elements of the new corporate identity;
- Leisure Centre staff are involved in the development and implementation of the marketing strategy to encourage ownership and good customer service;
- Staff uniforms featuring the new corporate identity are introduced at all Leisure Centres;
- New signage is produced in line with the new corporate identity;
- External signage is constructed to ensure strong visual appeal, longevity and endurance against graffiti;
- A progressive new approach be adopted to marketing leisure services;
- Marketing of the Leisure Centres be integrated to achieve value for money and a strong corporate link.

## **DETAILS**

### **LifeZone**

A market positioning concept has been developed that will establish an exciting new marketing foundation for the City of Joondalup's Leisure Services Unit. It presents a unique opportunity to relaunch the City's leisure centres and expose the facilities and activities to a broad section of the target market.

It is recommended that the market positioning concept of LifeZone be adopted for Leisure Services in the City of Joondalup. Leisure services are all about lifestyle. Fun, fitness, excitement and stimulation for the body, mind and soul. The LifeZone concept is based on three principles:

- Life - To be involved in life through participation, fun and enjoyment with other people, activities and events which stimulate the mind, body and soul.
- Zone - The area that surrounds us. Combined with life, zone refers to a specific area where life is abundant - a place, which stimulate the mind, body and soul.
- LifeZone - Referring to the lifezones within our bodies. The mind is a lifezone, which without stimulation, decays rapidly. The physical structure of our body houses many varying zones, which are stimulated through physical exercise.

The LifeZone design is vibrant, simple and full of life. It is a short, catchy title, which will allow City of Joondalup leisure centres to market their services with commercial fitness and leisure providers.

The LifeZone concept is not limited to the City of Joondalup's leisure centres. It is a multi-use marketing title, which can eventually be applied to other sections of the Leisure Services Unit such as local events.

## **The Marketing Mix**

The new visual image and identity change will need to be supported by an integrated marketing campaign, which introduces Life Zone to the market and maintains an ongoing profile. The key to successfully marketing the LifeZone concept will be the implementation of a high profile launch, followed by a consistent advertising and public relations programme.

The proposed marketing plan will employ a range of strategies including:

- Direct Mail;
- Advertising;
- Publicity;
- Promotions;
- The Internet plus Website;
- Networking; and
- Displays

It will be implemented in four distinct stages designed to build and maintain the promotional momentum:

- 1 Concept Development (logo, style manual, signage, lighting, revamp of front counter/foyer areas, stationery, banner drops, uniforms, brochures)
- 2 Pre-launch (flyers, advertisements, newsletters)
- 3 Launch of LifeZone Week (encourage people, especially non-users to visit their local Life Zone, meet sporting personalities, media activities, promotion of LifeZone as a service provided by the City of Joondalup).
- 4 Post launch (advertising, publicity, displays, website, cross promotions)

### **Stage 1**

Each individual leisure centre will have plans developed for signage and lighting. Local signage company Compac will be consulted on the design, positioning and production of appropriate internal and external signage to be implemented prior to the official LifeZone launch.

These plans would be developed in conjunction with the operator of each facility.

A LifeZone display and exhibition itinerary will be produced to form part of the profile-raising strategies contained within the marketing programme.

An exciting new LifeZone Website will be developed to capitalise on the growing interest in on-line information - particularly in the under 25 years market.

This diverse range of elements will form the foundation for a comprehensive, integrated LifeZone Marketing Programme.

## **Stage 2 - Pre-Launch**

The Pre-Launch stage will take place in November 1999. It will involve completion of the various LifeZone marketing elements and concentrated promotion of the LifeZone leisure centres.

## **Stage 3 - Launch**

### **LifeZone Week**

LifeZone Week will be a seven-day programme of high profile promotions; advertising and publicity designed to introduce LifeZone to the northern suburbs.

It will encourage people - particularly non-users of the City of Joondalup's leisure centres - to visit their local LifeZone during the week to check out the fun and activities on offer.

A programme of sporting personality appearances, free activities, health testing and entertainment will be implemented across the three centres to encourage maximum attendance during the week.

A media promotion with a radio station and the Wanneroo Times will be developed to provide a strong incentive for people to participate in LifeZone Week. For example, people will be required to fill in the coupon in the Wanneroo Times and place it in the specially marked barrel in one of the three LifeZone centres for the chance to win a fantastic prize. The prize will be linked to health, sport and fun, such as a trip for two to a luxury health resort or major sporting event.

This promotion is seen as a critical element in the overall marketing plan and will guarantee wide spread exposure to LifeZone centres in the initial weeks of the re-launch phase of the programme. It is proposed to enhance the paid advertising component of the marketing plan with as much free editorial publicity as possible.

While the primary objective of these marketing initiatives is to promote LifeZone to a broad section of the community, the secondary objective will be to promote LifeZone as a service provided by the City of Joondalup. This will be consistently reinforced in all advertising, promotional material and publicity to ensure a tangible link between LifeZone and the City of Joondalup.

## **Stage 4 - Post Launch**

It is vital that the LifeZone launch is complemented with a sustained programme of advertising and publicity over a 12-month period. Consistency of advertising will create brand awareness. This will be further enhanced by editorial coverage of the people and activities, which make up the LifeZone centres.

All advertising will cross-promote the LifeZone Website as a source of up-to-date information on courses and activities.

Value will be added to the ongoing marketing programme by a series of presentations on LifeZone to schools, community organisations, service groups and businesses supplemented by linkages to the Community Education Programme.

**Publicity**

1 x story per month in the media pertaining to LifeZone people, activities or achievements.

**Display**

Constant exhibition of the LifeZone display in local shopping centres, businesses and community venues. The display will be used as a marketing adjunct at direct presentations

**Website**

Continual promotion of the LifeZone Website through advertising and promotional material

**Cross Promotion**

Cross promotion of LifeZone centres will occur through City of Joondalup activities and events such as the Joondalup Festival.

**Lighting**

An analysis of lighting in the Leisure Centres has been conducted to ensure appropriate ambience, presentation of signage and energy management savings. It is considered that the introduction of improved lighting systems should take place once all other elements of the marketing strategy are in place. The estimated costs for lighting in total for the three Leisure Centres is \$63,000 and if necessary a submission for funds will be prepared for funding in 1999/2000 and 2000/2001.

**Financial Considerations**

The financial implications of implementing the LifeZone marketing campaign vary depending on the outcome of the tender for management services of the three Leisure Centres. The various scenarios are detailed in the attachments to this report.

**COMMENT/FUNDING**

The need to improve the marketing effort of Leisure Services is evident from Shearman Communications assessment of the current marketing performance. Without an investment of funds to reposition the unit and its services, the City's Leisure Services will become out of date and out of touch with the community with fewer people taking advantage of the leisure services offered.

The tender for the management of the three centres will require the successful operator to participate in the LifeZone marketing campaign and fund initiatives such as signage and lighting. Each Centre and its programmes would be promoted under the LifeZone Logo, clearly linking the Centre to the City of Joondalup as a service offered by the City to its residents.

Strategically, if management of the Leisure Centres is outsourced it is imperative for the City to work proactively with the operators to implement and maintain the LifeZone Marketing campaign. It is expected that any management operator will contribute substantial funds to the implementation and maintenance of the LifeZone campaign through funding items such as signage, uniforms and lighting.

Investment is required not only in marketing and promotional material but also in relation to the appearance of the City's major leisure facilities and the level of customer service of leisure services staff.

This investment is required irrespective of the operational management of the Centres. The Leisure Centres are a key component in the leisure services provided by the City. Participation in leisure activities has proven to be a powerful means to enhance the quality of life within the community. Marketing campaigns such as LifeZone have one clear goal in mind – increasing participation levels in leisure activities to enhance the quality of life.

The introduction of the LifeZone marketing concept will provide the future operators of the Leisure Centres with a powerful promotional tool to compete successfully in the marketplace. Linkage of the programmes and services delivered through the Leisure Centres directly back to the City will ensure there is significant recognition of the services provided through the City and its contribution to the quality of life in the region.

The introduction of a Quality Customer Service Programme for both facility operators and Council staff will be central to the strategy. Cultural change and work ethics will be emphasised. Participation in the programme will be a requirement in the tender documents for operational management of the Leisure Centres. An improved level of customer service, focusing the energy, effort and resources involved in relaunching Leisure Services and repositioning the unit in the market place is critical to the success of the marketing strategy.

Key performance indicators have been developed to monitor and assess the success of the LifeZone Marketing campaign. These are:

- Financial performance;
- Participation levels;
- Facility usage levels;
- Customer service feedback;
- Customer Satisfaction levels; and
- Public awareness

Naming the three major leisure centres as LifeZones provides an opportunity to reduce the confusion and conflict that has surrounded the names of Beaumaris Community Centre and Ocean Ridge Community Centre. The Ocean Reef Residents Association has promoted for some time changing the name of Beaumaris Community Centre to Ocean Reef Community Centre, as Ocean Reef is the name of the suburb. This has not been supported, as it would cause confusion with Ocean Ridge Community Centre. With a change of name to LifeZone, this conflict no longer exists.

Changing lifestyles, the beginning of a new era for the City of Joondalup and the approach of the new millennium present an exciting window of opportunity for the Leisure Services Unit. The time is right to embrace change and ensure that the City of Joondalup is at the forefront of a unique and commercially oriented leisure services project.

Previously the Recreation and Cultural Services Department of the former City of Wanneroo introduced a “hero” figure as a logo to represent the activities of the unit. Unfortunately, many other organisations have introduced similar images, and the image was used in a wide range of situations that ultimately reduced its effectiveness as a marketing tool.

The “hero” figure was not utilised as part of a strategic integrated marketing campaign across all the activities of the former department. It was used in isolation. In comparison, the current proposal has a strong commercial focus and includes plans to implement and promote the LifeZone concept on a consistent and ongoing basis.

Funds have been listed in the draft 1999/2000 budget to implement the marketing campaign. The funds required depend on the outcome of the management tender for operation of the Leisure Centres. Budgets that illustrate the two most likely management scenarios are detailed in Attachments one and two.

These scenarios are:

- 1 A management contractor manages Craigie Leisure Centre, Ocean Ridge Community Centre and Sorrento Duncraig Recreation Centre.

It is expected under this arrangement the management operator would make a 50% contribution to the costs of conducting LifeZone week and development and maintenance of the LifeZone website. The management operator would fund all signage and lighting expenditure from the operation of the Centre

- 2 This scenario assumes that the operational management of Craigie Leisure Centre is outsourced but Sorrento Duncraig Recreation Centre and Ocean Ridge Community Centre continues to be operated “in house.”

It is expected under this arrangement the management contractor for Craigie Leisure Centre would make a 50% contribution to the costs of conducting LifeZone week and a one third contribution to development and maintenance of the LifeZone website. The management contractor at Craigie Leisure Centre would be responsible for the signage and lighting costs for Craigie Leisure Centre.

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

- 1 **the adoption of the LifeZone Concept for the marketing of leisure services in the City of Joondalup;**
- 2 **the naming of the major recreation venues in the City of Joondalup as Leisure Centres for use in corporate documents;**
- 3 **the listing of \$37,300 in the draft 1999/2000 budget for implementation of the LifeZone Marketing Campaign;**
- 4 **the key performance indicators for assessing the performance of the LifeZone marketing campaign being:**

- **Financial performance;**
- **Participation levels;**
- **Facility usage levels;**
- **Customer service feedback;**
- **Customer Satisfaction levels; and**
- **Public awareness**

- 5            the naming of the major recreation venues as LifeZones for marketing purposes;**  
**6            renaming Beaumaris Community Centre to Ocean Reef Community Centre.**

Comr Clark-Murphy advised this report was connected with Item CJ252-07/99 in that the way in which the marketing plan is implemented would depend to a degree on the outcome of the management tenders, but stated the marketing plan would proceed, regardless of the outcome of the tendering process on management.

Comr Buckley advised that the proposal with respect to the strategic marketing plan demonstrated this was an exciting proposal and offered an opportunity for the leisure centres within the City to progress and develop in accordance with community expectations.

**The Motion was Put and**

**CARRIED**

<b>PLANNING &amp; DEVELOPMENT</b>
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**CJ254-07/99        PROPOSED SUBDIVISION- SWAN LOC 8809  
PEPPERMINT DRIVE, GREENWOOD - WAPC  
110089 - [34702J]**

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**SUMMARY**

The Western Australian Planning Commission (WAPC) has approved the subdivision application submitted by Richard Pawluk & Associates in respect of Swan Loc 8809 Peppermint Drive, Greenwood, subject to 8% public open space (POS) being provided, with a further 2% being provided as a cash contribution.

The Joint Commissioners considered this subdivision proposal at their meeting of 13 April 1999 and resolved to support the same, with 10% public open space. The City's solicitor has advised that an appeal against the WAPC decision may be possible, although third party appeals have yet to be tested. Although the solution to put the 10% POS along the rear of properties fronting Pullan Place is workable, it is believed that the approved design is marginally better from a planning point of view, and is in accordance with the current practices and principles for subdivision design. It is therefore recommended that the Joint Commissioners not appeal against the decision of the WAPC.



## BACKGROUND

The subdivision proposal submitted by the applicant depicted 5% POS with a 5% cash-in-lieu contribution. The applicant did not provide 10% POS, as the subject land is generally surrounded by recreation reserves. The proposed 5% POS was apportioned in two areas; the western POS being 910m<sup>2</sup> in area and the eastern POS being 1090m<sup>2</sup> (Attachment 1).

However, at the meeting of 13 April 1999, the Joint Commissioners resolved to support the subdivision, subject to 10% POS being provided (CJ111-04/99 refers).

The WAPC subsequently approved the subdivision application on 16 June 1999. Attachment 2 details the WAPC approval, together with the approved subdivision plan.

## DETAILS

In its approval, the WAPC requested the applicant to increase the western POS from 910m<sup>2</sup> to 2110m<sup>2</sup>, increasing the total POS to 3200m<sup>2</sup>, representing 8% of the total area. Additionally, the WAPC also requested the applicant to construct the POS within the subject land in accordance with a landscaping and management plan to be approved by the City, and to maintain the POS area for two summers with the cost of such works being equivalent to the englobo value of 847m<sup>2</sup> (ie. 2% POS).

## POLICY

It has always been understood that the appeal provisions under Section 26 of the Town Planning and Development Act only apply to the applicant and not to third parties. Verbal advice from the City's solicitors suggests that third party appeal rights may exist although this is not absolutely certain as it has not been tested. The City of Nedlands is currently pursuing an appeal to the Town Planning Appeal Tribunal, and the initial stages of this process may resolve the legal position as to whether such a right exists.

Whilst Section 26 refers to an appeal to the Minister, the Act also provides that such an appeal may also be to the Town Planning Appeal Tribunal (S.39). The appellant has 60 days in which to lodge an appeal. The decision by the WAPC was made on **16 June 1999**.

## COMMENT

Under these circumstances, there are two options available to the City, namely:

1. To accept the WAPC decision as it is the authority responsible for approving subdivisions under the provision of the Town Planning & Development Act 1928; or
2. To appeal to the Minister for Planning under the provisions of Section 26 of the above Act.

### ***Option 1***

Although the WAPC did not accept the City's recommendation that a 10% POS contribution be provided, it has required the applicant to provide more POS than was originally proposed (i.e.: 8% as opposed to 5%). As a significant amount of POS already exists around the subject land (approx. 9.8505 hectares - Attachment 3) and this will now be increased to 10.17 hectares (including certain maintenance costs) the City could accept the current decision as being fair and reasonable. On the basis of the previous officers' advice to the Joint Commissioners, this would appear to be a reasonable outcome.

### ***Option 2***

The Joint Commissioners have, on a number of occasions, already indicated their support for 10% POS. More recently, the Commissioners wrote to the WAPC advising of their preferred location for the 10% POS on the basis of local community expectations and planning considerations. The decision of the WAPC only provides for 8% POS, and its location does not coincide with the expressed preferred location of the Commissioners.

An appeal could, therefore, be mounted on these two aspects of the WAPC decision. That is, that 8% is inadequate and that the location of POS is inappropriate and the community would be better served by it being located in a linear strip along the rear of properties fronting Pullan Place. The history of this subdivision and the fact that this was reserved land exchanged for development purposes, could diminish the likelihood of success of such an appeal.

The appeal process provides for two options; the Minister or the Town Planning Appeals Tribunal. The Town Planning Appeals Tribunal could result in the Council incurring significant costs, and given that there is some doubt as to whether third party appeal rights exist, should an appeal be entertained, it would be more advisable to appeal to the Minister.

## **CONCLUSION**

In line with the previous recommendation, the view is still held that the area is well endowed with POS and therefore, at face value, 8% is adequate. The community has, however, clearly indicated that the pedestrian connectivity through the bushland on the southern boundary of the land is very important to them. This would be better achieved if the 10% POS was available and an interfacing road was provided in a redesigned subdivision. The planning argument is however not so much about the amount of POS in the locality, but more about preserving the linear open spaces which are a characteristic of Greenwood, providing pedestrian access through the suburb.

As can be concluded from the above comments, there is no absolute right or wrong position in relation to this matter. The decision of the WAPC would result in a subdivision with open space which is useable and of benefit to the community. The alternative of 10% POS along the rear of properties fronting Pullan Place, with an interfacing road, may not meet current subdivision principles and practices, but it is also a workable solution in the Greenwood context. The approved subdivision and public open space is considered to be in accordance with current practices and principles for subdivision design.

Having regard for the original recommendation and the reasons for that recommendation, but tempered by the above comments, the advice would be marginally in favour of not proceeding with an appeal. The Joint Commissioners may, however consider that the community's aspirations for the area outweigh the marginal planning advantages of the approved subdivision design and appeal the decision in relation to the location of the POS.

**OFFICER'S RECOMMENDATION:** That the Joint Commissioners:

- 1 NOTE the decision of the Western Australian Planning Commission in respect to the proposed subdivision of Swan Location 8809 Peppermint Drive, Greenwood;
- 2 in view of the fact that the approved subdivision and public open space is in accordance with current practices and principles for subdivision design, NOT APPEAL against the decision of the Western Australian Planning Commission.

**MOVED Cmr Rowell** that the Joint Commissioners:

- 1 NOTE the decision of the Western Australian Planning Commission in respect to the proposed subdivision of Swan Location 8809 Peppermint Drive, Greenwood;
- 2 in view of the fact that the approved subdivision and public open space is in accordance with current practices and principles for subdivision design, NOT APPEAL against the decision of the Western Australian Planning Commission.

**There being No Secunder, the Motion**

**LAPSED**

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

- 1 **NOTE the decision of the Western Australian Planning Commission in respect to the proposed subdivision of Swan Location 8809 Peppermint Drive, Greenwood;**
- 2 **pursuant to the provisions of Section 26 of the Town Planning and Development Act 1928, APPEAL to the Minister for Planning against conditions 7, 8 and 9 of the subdivision approval for Swan Location 8809 on the grounds that:**
  - (a) **the public open space is not located adjacent to the rear of properties fronting Pullan Place where it would be of greater benefit to the community, and more in keeping with the linear characteristic of public open space in the locality;**
  - (b) **the amount of public open space is inadequate, particularly in the Greenwood locality where landscaped open space is a major feature well utilised by the community.**

Cmr Morgan advised the community was well aware of the developments regarding the disposal of the former Greenwood primary school site, the actions of the residents in that area, the previous decisions of the Commissioners and the recent deputations in which Commissioners participated to both the Minister and the WA Planning Commission.

Cmr Morgan pointed out that whilst 8% public open space had been achieved instead of 10%, it was his belief the location of the POS was inappropriate. It would better serve the community by the public open space being located in a linear strip along the rear of properties fronting Mamo Place. Support for this location would maintain the integrity of the pedestrian and open space network. Advice had been given that anti-social behaviour had not been a problem in this area, and therefore should not be a determining factor in siting the public open space to the rear of properties fronting Pullan Place.

It was the view of Cmr Morgan that this appeal should now be taken direct to the Minister.

Cmr Clark-Murphy advised that whilst she appreciated this was perhaps a possible contentious legal issue, she supported the comments made by Cmr Morgan.

Cmr Rowell spoke against the amended recommendation in that he felt the wording made judgments of value that were matters of conjecture.

Cmr Rowell was of the opinion the amended recommendation delayed the inevitable and gave the immediate community a false hope. He felt Commissioners were placing the community of the City of Joondalup into a financial situation which indicated that this matter had not been clearly looked at.

Cmr Morgan felt the community was not only aware of the problem, it was also aware of the fact that a successful appeal may not be achieved; but that on the other hand it may be. Some months ago if this attitude had been adopted, today 5% public open space would have been achieved, not the current 8%.

Cmr Morgan stated that, where it is believed a case is sound, and it is acknowledged that mistakes were made in the past, steps should be taken to rectify those mistakes, particularly where an issue has an effect on the community.

**The Motion was Put and**

**CARRIED**

Items CJ255-07/99 and CJ256-07/99 were Moved by Cmr Rowell and Seconded by Cmr Buckley.

**CJ255-07/99      DEDICATION OF PART OF WHITFORDS  
AVENUE HILLARYS AND NORTHSORE  
DRIVE, KALLAROO - [08496J & 16988J]**

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## **SUMMARY**

A section of each of the roads that are known as Whitfords Avenue Hillarys and Northshore Drive Kallaroo have not been appropriately dedicated as public roads through an omission that occurred when the land was set aside for road purposes several years ago.

The omission can be rectified by the Joint Commissioners now passing a resolution to have the land dedicated as a road.

## **BACKGROUND**

The section of road that was intended to be the extension of West Coast Highway north of Flinders Avenue in Hillarys was set out on a survey plan and described as Lot 1012 in March 1972 pending its dedication as a road. Construction of a road on the subject lot was completed within a few years of that date and it was opened to traffic.

For reasons that are not now evident the dedication of the subject land as a road under the operation of the Local Government Act 1960 was not achieved. That omission can be rectified by the Joint Commissioners now passing a resolution to request the Minister for Lands to dedicate the land as a road pursuant to the provisions of Section 56 of the Land Administration Act 1997.

Section 56 (1) (a) of the Land Administration Act provides that where land is used by the public as a road which is under the care, control and management of a local government and is described on a plan of survey the local government may request the Minister for Lands to dedicate the land as a road.

## **DETAILS**

Lot 1012 is the subject of Office of Titles Plan No.10123 and it consists of a 40 metre wide strip between Flinders Avenue Hillarys in the south to a point just above Killarney Heights Kallaroo in the north as shown on the Attachment. The original road construction has been expanded and upgraded and it now forms part of Whitfords Avenue in Hillarys and Northshore Drive in Kallaroo.

## **COMMENT**

It is in order for the Joint Commissioners to pass a resolution to request the dedication of the subject land as a road.

Section 56(4) of the Land Administration Act requires the Council to indemnify the Minister for Lands against any claim for compensation (other than compensation for the dedication of a private road of which the public has uninterrupted use for a period of not less than 10 years) in an amount equal to all costs and expenses reasonably incurred by the Minister in considering and granting the request for dedication.

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

- 1 AUTHORISE a request to the Minister for Lands for the dedication as a road of the land in Lot 1012 the subject of Land Titles Office Plan 10123 as part of Whitfords Avenue, Hillarys and Northshore Drive, Kallaroo;**

- 2 INDEMNIFY the Minister for Lands against any claims for compensation in respect to all costs and expenses reasonably incurred by the Minister in considering and granting the request in accordance with the requirements of Section 56 (4) of the Land Administration Act 1997.**

**The Motion was Put and**

**CARRIED**

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**CJ256-07/99 EXCISION OF PORTION OF SECTION 20A RESERVE : (RESERVE 33740 - BARWON PARK) TO CREATE NEW DRAINAGE RESERVE - [01312J]**

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### **SUMMARY**

Reserve 33740 is a reserve created under Section 20A of the Town Planning and Development Act and is vested in the City of Joondalup for the purpose of Public Recreation. The park has been developed for passive recreation and it adjoins a City-owned freehold Lot 22 (11) Barwon Road, Craigie on which a drainage sump has been constructed as shown on Attachment 1.

The existing sump has proven to be inadequate to absorb heavy rainfall runoff from the surrounding road network and as a result flooding onto adjoining private property is being experienced. The affected private properties all have dwellings constructed on them and the acquisition of them to enlarge the sump is not a viable option.

The City therefore proposes to excise approximately 946 square metres from Reserve 33740 to expand the existing drainage

### **BACKGROUND**

Lot 22 (11) Barwon Road, Craigie is a drainage sump that receives the stormwater runoff from roads within the area of Craigie surrounding Barwon Park. Parts of Craigie have recently experienced drainage difficulties in periods of heavy rainfall and the City is obliged to take remedial action to reduce the risk of further problems.

Creation of a new drainage reserve next to the City's freehold land will enable the enlargement of the Barwon Park drainage sump to meet the City's present design standards. The sump's southern boundary will be relocated approximately six metres south of the existing fence line. The top of the batter of the sump excavation will be approximately 1.056 metres from the new fence line.

## DETAILS

Comments were sought from the Department of Land Administration (DOLA) and the Western Australian Planning Commission (WAPC).

The Commission has no objection to the excision of 946 square metres from Reserve 33740 for the creation of a drainage reserve to be vested in the City of Joondalup, subject to the standard advertising period taking place and the excision not having any detrimental impact on the immediate locality.

DOLA stated that it agreed in principle to the excision subject to the new drainage reserve being vested in the City and properly fenced.

To comply with the DOLA's Guidelines for the Administration of Section 20A Recreation Reserves, the City advertised the proposal for public submissions for a thirty-day period. Advertising was by way of a sign on-site, an advertisement in the local newspaper and a mail drop to residences near the reserve, as shown on Attachment 2. At the end of the advertising period, the City had not received any public submissions.

## COMMENT

It is considered that the proposed excision of approximately 946 square metres from Reserve 33740 to overcome the drainage difficulties being experienced in the area will have minimal affect on the amenity of Barwon Park as a local passive recreation area and that the benefits to the locality will outweigh the disadvantages.

**MOVED Cmr Rowell, SECONDED Cmr Buckley that the Joint Commissioners AUTHORISE a request being made to the Minister for Lands for the excision of approximately 946 square metres from Reserve 33740 Barwon Park, Craigie for the creation of a drainage reserve to be vested in the City of Joondalup.**

**The Motion was Put and**

**CARRIED**

## DATE OF NEXT MEETING

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

## CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2012 hrs, the following Commissioners being present at that time:

COMMISSIONERS: ANSELL  
MORGAN  
CLARK-MURPHY  
ROWELL  
BUCKLEY

