



City of
Joondalup

NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Joondalup will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 27 March 2001 at 7.00 pm.

LINDSAY DELAHAUNTY
Chief Executive Officer
21 March 2001

PUBLIC QUESTION TIME

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

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

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

The following general rules apply to question time:

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

DEPUTATION

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

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

MOBILE TELEPHONES

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

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

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

CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 27 MARCH 2001** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
21 March 2001

Joondalup
Western Australia

AGENDA

OPEN AND WELCOME

APOLOGIES AND LEAVE OF ABSENCE

LEAVE OF ABSENCE – CR J HURST

Cr Hurst has requested Leave of Absence from Council duties for the period 2 April 2001 to 14 April 2001 inclusive.

RECOMMENDATION

That Council APPROVES the Leave of Absence requested by Cr J Hurst for the period 2 April 2001 to 14 April 2001 inclusive.

LEAVE OF ABSENCE – CR T BARNETT

Cr Barnett has requested Leave of Absence from Council duties for the period 20 April 2001 to 26 April 2001 inclusive.

RECOMMENDATION

That Council APPROVES the Leave of Absence requested by Cr T Barnett for the period 20 April 2001 to 26 April 2001 inclusive.

PUBLIC QUESTION TIME

The following question, submitted by Mr N Gannon of Sorrento, was taken on notice at the meeting of Council held on 13 March 2001:

Q1 In the additional information to CJ054-03/01, there is a proposed referendum ballot paper. If a person votes 'no' to the first question, how is the second question answered as this would then be irrelevant? If the second question was not answered, would the vote be considered informal?

A1 At the 13 March 2001 Council Meeting, the second Referendum question was amended to read: *'If the City continues to provide a community security patrol service, would you prefer to pay for the community security patrol service through an annual charge or general rate?*

The inclusion of the first part of this question now makes the question stand alone.

An elector can choose to answer one or both questions on the ballot paper, and the vote will still be considered formal.

The following question, submitted by Mr M Charlton, Ocean Reef, was taken on notice at the meeting of Council held on 13 March 2001:

Q1 Re proposed development on Lot 65 (16) Volante Elbow, Ocean Reef. Should the proposed property prove to be used for a purpose other than for single residential, what would be the maximum penalty able to be imposed on the developer or owner of that property?

A1 Under Section 10 of the Town Planning & Development Act, the owner of the property would be liable for a maximum penalty of \$50,000, and a daily penalty of \$5,000. However, the actual penalty imposed is at the discretion of the Court.

The following question, submitted by Mr M Sideris, was taken on notice at the meeting of Council held on 13 March 2001:

Q1 Will Council make available a copy of the contract between Chubb security and the City of Joondalup?

A1 Contracts that are entered into by the City and a third party are not normally made openly available to the public, as there may be degrees of commercial confidentiality. Mr Sideris has been forwarded an application form to have his request processed in accordance with the Freedom of Information Act, 1992. It is believed that reports previously submitted to the Council have provided details of the contract.

The following questions were submitted by Ms C Filmann & Ms S Hillhouse, of Greenwood:

- Q1 Would the Councillors please investigate the apparent inconsistency between what we were told at our meeting with the Mayor and Mr Clayton Higham on 5th February 2001.*
- A1 It is not clear from the question as to the exact nature of the inconsistency to which reference is made. Should Ms Filmann and Ms Hillhouse wish to elaborate on this matter, a further response would be prepared.
- Q2 Mr Higham informed us that in the opinion of the City's legal advice, neither hairdressing beautician or day spa would be permitted as it was not covered by the Scheme 2. Is this correct?*
- A2 Yes, this is correct. Legal advice sought on this matter confirmed that the proposed use would fall within the definition of 'beauty parlour' under District Planning Scheme 2 and this use is not listed as a permitted use for this property in the scheme.
- Q3 We were also told that parking was not an issue. Is this correct?*
- A3 Car parking for this development was determined on the basis of the uses permitted by the scheme and establishment of a permitted use on the property will not have any impact on the car parking requirement.
- Q4 The City had not received a written request from Mr & Mrs Marshall for the rezoning of Lot 10. Is this correct?*
- A4 Yes. A number of discussions have taken place regarding the possibility of an amendment to the scheme but at this stage no formal request for an amendment has been received.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Cr Hollywood stated his intention to declare an interest in Item CJ087-03/01 – Delegated Authority Report (DA01/0030 – 9 Tern Ridge, Joondalup) as he is employed by the property owners.

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 13 MARCH 2001

RECOMMENDATION

That the Minutes of the Council Meeting held on 13 March 2001 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

PETITIONS

PETITION IN RELATION TO DRAFT COPY OF GUIDELINES FOR CARERS' MANUAL ISSUED BY CITY OF JOONDALUP - [37437]

A 33-signature petition has been received from The Northern Suburbs Family Day Care Carers Group on behalf of carers in relation to the draft copy of guidelines for Carers' Manual issued by the City.

Whilst the petitioners support the document in general, concerns have been raised that the manual does not set out clear policies to which carers should adhere to and ask that the City develop a set of clear, concise policies that may be followed by carers.

This petition will be referred to Community Development for action.

REPORTS

POLICY

FINANCE AND COMMUNITY DEVELOPMENT

CJ070 - 03/01	COMPLIANCE AUDIT RETURN - 1 JANUARY 2000 TO 31 DECEMBER 2000 - [09492].....	1
CJ071 - 03/01	SELECTION PROCESS FOR A NEW CHIEF EXECUTIVE OFFICER - [99115] [12879].....	3
CJ072 - 03/01	COMMUNITY & BUSINESS DIRECTORY JOINT VENTURE PROPOSAL - [00004].....	10
CJ073 - 03/01	LOCAL GOVERNMENT MANAGERS AUSTRALIA (LGMA) NATIONAL CONGRESS AND EXPO 13-16 MAY 2001 - [09557].....	14
CJ074 - 03/01	CENTENARY OF FEDERATION NATIONAL CELEBRATIONS – 9 MAY 2001 - [09557].....	16
CJ075 - 03/01	THE ANNUAL GENERAL MEETING OF ELECTORS OF DECEMBER 2000 – [55264].....	17
CJ076 - 03/01	MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 22 FEBRUARY 2001 - [00906].....	41
CJ077 - 03/01	TENDER 031-00/01 – MOBILE COMMUNICATIONS AND GLOBAL POSITIONING SYSTEM - [06511].....	44
CJ078 - 03/01	WARRANT OF PAYMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2001 - [09882].....	50

CJ079 - 03/01	FINANCIAL REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2001 - [07882]	52
CJ080 - 03/01	WARWICK LEISURE CENTRE - [01084].....	53
CJ081 - 03/01	MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – FEBRUARY 2001 - [45637].....	61

INFRASTRUCTURE MANAGEMENT

CJ082 - 03/01	CONTRACT EXTENSIONS – FOR THE SUPPLY AND APPLICATION OF BULK FERTILISER (TENDER NO 132-98/99) AND PRUNING OF STREET TREES (TENDER NO 130-98/99) - [39715] [37715].....	62
----------------------	---	-----------

PLANNING AND DEVELOPMENT

CJ083 - 03/01	PROPOSED AMENDMENT NO 2 TO DISTRICT PLANNING SCHEME NO 2 - HIRE OF EQUIPMENT FROM SERVICE STATIONS - [50036] [39316]	64
CJ084 - 03/01	FINAL APPROVAL - AMENDMENT NO. 4 TO DISTRICT PLANNING SCHEME NO. 2 - LOT 656 (265) EDDYSTONE AVENUE, BELDON - [55134]	68
CJ085 - 03/01	PROPOSED SINGLE HOUSE (INCLUDING HEIGHT IN EXCESS OF BUILDING HEIGHT AND BULK POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN REEF - [37326].....	75
CJ086 - 03/01	SUBDIVISION REFERRALS PROCESSED 1 – 28 FEBRUARY 2001 - [05961]	81
CJ087 - 03/01	DELEGATED AUTHORITY REPORT - [07032].....	82

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	83
DATE OF NEXT MEETING	83
CLOSURE	83

**CJ070 - 03/01 COMPLIANCE AUDIT RETURN - 1 JANUARY 2000
TO 31 DECEMBER 2000 - [09492]****WARD - All**

CJ010320_BRF.DOC:ITEM 1

SUMMARY

The City has completed the Department of Local Government's compliance audit return for the period 1 January 2000 to 31 December 2000.

Presentation of this report and adoption of its recommendations will allow the City to meet all the necessary requirements, which are part of the audit process. It is recommended that this report be referred to the Audit Committee for further consideration.

BACKGROUND

Some years ago, the Local Government Department introduced a voluntary statutory compliance assessment as a result of its concerns at the level of non-compliance within the industry.

To ensure requirements of the Local Government Act S.7.13(i) are followed sections 13, 14 and 15 of the Local Government (Audit) Regulations have been amended. This means that there is now a legal requirement to annually complete a Compliance Audit Return and return it to the Local Government Department by 31st March each year.

DETAILS

The City places a high level of importance on being open and accountable and believes that the compliance audit return is a valuable tool to help achieve that outcome. The completed return is an attachment to this report.

The City has engaged the services of Price Waterhouse Coopers (PWC) as its external auditor for risk management issues with its contract expiring in late 2000. Part of PWC's role was to undertake quarterly evaluations of the City's compliance against the return. These reports were forwarded to the Audit Committee for information. As a result of PWC's contract expiring late in 2000, the last quarter was not undertaken.

With the exception of Clause 9.1 – Local Government Employees, the return indicates total compliance. In regards to Clause 9.1 of the return, the following explanatory note is offered:

"Whilst the majority of employees did receive an annual performance review, there were a small number of employees who did not. Every effort will be made to ensure that the performance of every employee will be reviewed on a 12 monthly basis."

To enable the City to meet all of its statutory requirements, performance measures such as the corporate compliance calendar and monthly compliance reports to the executive have been put in place. Along with these organisational measures the business unit initiatives ensure a thorough and ongoing compliance process.

COMMENT/FUNDING

Advice has been received from the Department of Local Government granting an extension of the deadline for the Statutory Compliance Return to be forwarded to them until 30 April 2001, thus enable the issue to be referred to the Audit Committee for consideration.

Following the adoption of the Statutory Compliance Return, the Mayor and the Chief Executive Officer will jointly certify it.

RECOMMENDATION

That the Local Government Statutory Compliance Return for the period 1 January 2000 to 31 December 2000 be REFERRED to the Audit Committee for further consideration.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf200301.pdf](#)

CJ071 - 03/01 SELECTION PROCESS FOR A NEW CHIEF EXECUTIVE OFFICER - [99115] [12879]**WARD - All**

CJ010320_BRF.DOC:ITEM 2

SUMMARY

At its meeting on 27 February 2001 Council resolved to identify a process that could be used to select a new Chief Executive Officer should the need arise. A further resolution on 13 March 2001 determined that Council now:

- not enter into a further contract with Mr Delahaunty extending his existing contract of employment and,
- further consider, at its next meeting, the most appropriate means by which the most suitable candidate for the position of Chief Executive Officer after 4 September 2001 could be identified.

Essentially there are three ways of conducting this process. These include:

- conducting the recruitment process *in-house* with added resources;
- outsourcing the recruitment process to an external agent; or
- outsourcing the recruitment process with internal assistance.

It is extremely difficult for each of the fifteen Council members to be involved with the recruitment, selection and appointment process throughout. It is nevertheless important that each Council member has the opportunity to be involved in the decision making process for the appointment of a Chief Executive Officer.

To achieve this in an efficient and effective manner, a Council committee should oversee all preliminary recruitment, selection and appointment functions prior to the final recommended candidate(s) giving a presentation to the Council.

In view of the nature and importance of the task it is therefore suggested that the process be undertaken by a recruitment agency, a Council committee and one person from the City to assist.

Total cost to Council is estimated to range from \$50,000 to \$70,000, excluding potential legal fees.

BACKGROUND

The Manager of Human Resource Services was required to report on the processes involved in the recruitment of a new Chief Executive Officer. The Council resolution C09-02/01 dated 27 February 2001 resolved that:

“(a) without prejudice to the further discussions with Mr Delahaunty, the Manager Human Resources does provides to the next meeting of Council a report on the process of identifying a new Chief Executive Officer, identifying four Human Resource Consultants qualified to assist in the process of selecting a new Chief Executive Officer, should the need arise.”

This requested information has been provided to the Mayor and Councillors for consideration at the 13 March 2001 meeting.

Council passed a further resolution at the 13 March 2001 meeting:

- (a) Discussions have been held with the Chief Executive Officer concerning the possibility of the City entering into a new contract of employment with the Chief Executive Officer. That proposal is not acceptable to the City. As a result, the City and the Chief Executive Officer have not come to an agreement concerning further employment. In addition, the City has considered a proposal from the Chief Executive Officer as per his further employment.*
- (b) Absent any agreement, the Chief Executive Officer's contract of employment will come to an end on 4 September 2001 by agreement of the parties, in accordance with the terms of the contract of employment and the agreement between the Chief Executive Officer from the City recorded in the letter dated 29 December 2000.*

In light of the above the Council resolves that:

- 1. the City not enter into a further contract with Mr Delahaunty extending his existing contract of employment.*
- 2. the Council further consider, at its next meeting, the most appropriate means by which the most suitable candidate for the position of Chief Executive Officer after 4 September 2001 could be identified.*

Mr Lindsay Delahaunty be invited to apply for the position of Chief Executive Officer once the selection process has been determined.

As a result of the first resolution, Human Resource consultants were contacted with the specific brief to document a process in line with Council's resolution. Consultants identified as being able to offer a wide range of professional services were:

- Gerard Daniels
- Lyncroft
- Management Recruiters Australia Ltd
- Royal Oak Trading Pty Ltd
- Shelton Partners

The time frame for seeking suitable consultants was very short. From the time the Manager of Human Resources was advised of Council's first resolution there were only four days available to provide a written report. While there are many other human resource consultants that could provide a professional service these were chosen because of their relationship with the City, their experience in placing senior staff in the public and the private sector, they are well known in the recruitment industry and they could all provide the required service in a professional and competent manner.

Each consultant was interviewed at the City and given a copy of the Chief Executive Officer's current position description, draft strategic plans and were provided with a brief overview of the City. The consultants were also advised that the documents were subject to change. These consultants submitted written proposals that included costs, timeframes, a brief company profile, resources available to them, and previous experience.

DETAILS

The proposed recruitment process is as follows:

1. Council determines how the process is to be conducted. It can either:

- ☐ conduct the recruitment process *in-house* with added resources;

This is not a preferred option because of the sensitive nature of the process, the importance of the task and the lack of networks open for the City to pursue.

- ☐ outsource the recruitment process to an external agent;

This option is supported but may lack the linkages between the City, consultants and the City

- ☐ outsource the recruitment process with internal assistance;

This is the preferred option because it provides confidentiality, linkages and supports all parties involved in the process.

2. Council interviews and selects a Human Resources consultant.

- ☐ current indications are that the consultants' fee is below \$50,000 without legal and related costs and therefore a tender process is not required.

3. Council appoints a committee to oversee the project.

- ☐ a committee comprising the Mayor and 7 Councillors;
- ☐ terms of reference will need to be established;

These terms of reference could include to oversee the recruitment process, conduct interviews and to present to the Council potential candidates for the selection of the Chief Executive Officer.

- ❑ milestones and reporting frequency to the Council need to be identified.

Milestones such as the completion of the position description, remuneration package, the number of short listed applicants, how the interview processes will be conducted. These milestones can be completed with the assistance of the consultant.

4. Council identifies and dedicates a person in the City to assist with the process.

- ❑ The main duties of this staff member is to liaise between the consultant and committee, organise meetings, document the process and be available for both the committee and the consultant to ensure a smooth process.

There are then three critical stages in the appointment of a Chief Executive Officer, namely: recruitment, selection and the appointment. As recruitment must reflect the vitality, culture, credibility and reputation of the City the following processes should be considered.

Recruitment

- Develop position specifications - The consultant would work in close collaboration with the Council committee to review and develop an appropriate duty statement, which would include:
 - Position objectives;
 - Key performance indicators;
 - Key duties and responsibilities;
 - Authority levels;
 - Key working relationships;
 - Performance Criteria;
 - Selection criteria;
 - Position dimensions.
- Consider the remuneration package;
- Prepare advertising and place in relevant print and electronic media; (locally/nationally)
- Target applicants;
- Close and review applications;
- Short-list candidates;
- Discuss results with Council sub committee

Selection

- Initial interviews;
- Tests - medical and other (psychological profiling);
- Reference checking;
- assessment of short-listed candidates;
- Subsequent interviews with preferred candidates;
- Selection of successful candidate;
- Presentation to Council;

Appointment

- Offer of employment and acceptance by the successful applicant;
- Formation of the contract of employment; and
- Advising other candidates.

Human Resource Consultants

Each consultant offers a wide range of recruitment services including interstate search, database and Network search, target Executive search (head hunting) and offer a wide advertising campaign. The proposals submitted by the consultants have already been circulated to the Mayor and Councillors under separate memo. A brief summary of the consultants is detailed below:

❑ Gerard Daniels

These consultants have offices throughout Australia and been in operation since 1986. They have had extensive experience in recruiting senior executives in the private and public sector. They offer an integrated approach to the recruitment and selection process. The principle is Mr Lloyd Smith.

❑ Lyncroft

This company has been operating since 1991 and has offices in all states. It has a wide range of experience in placing senior executives in government positions. It has integrated processes and offers a comprehensive service. The principle is Mr Bruce Milne.

❑ Recruiters Australia Ltd

This company was established in 1996 and became a public company in 1999. It has offices throughout Australia and offers a wide range of services. It has had extensive experience in placing senior executives in the private and public sector. The principle is Mr Ray Hince.

❑ Royal Oak Trading Pty Ltd;

This is a small company with experience in placing senior executives in local government. While it is a smaller company it offers a wide range of choices for the Council to consider. The principle is Mr Peter Burgess.

❑ Shelton Partners

This is a locally owned and operated company that has been in operation since 1994. While it does not have the resources as portrayed by the other consultants it offers a wide range of resources and contacts to provide the Council with an integrated process. The principle is Ms Nikki Shelton.

An evaluation was conducted utilising criteria of the price, methodology, whether the consultant was quality endorsed, previous experience and available resources. The result of the evaluation identified that Lyncroft and Gerard Daniels were the consultants that met the criteria the best.

COMMENT/FUNDING

The period required for the recruitment, selection and appointment of a new Chief Executive Officer could take approximately 6 months. This time is made up of the recruitment, selection and appointment, which would take approximately 3 months, plus the notice period the successful applicant may have to give, prior to his/her commencement of duties.

The costs associated in engaging a recruitment consultant vary and are included in the tables below. Most of the Consultants have advised that their costs are negotiable should the Council consider their proposal. These costs do not include resources that will be required in-house to support the project.

Estimated costs associated with this project are:

Name of Consultant	Fees	Administration Fees
Gerard Daniels	20% (TP)	
Lyncroft	\$25,000	
Recruiters Australia Ltd	\$20,000	
Royal Oak Trading Pty Ltd	10% (TP)	
Shelton Partners	15% (TP)	\$1,500

Council costs which excludes legal and related costs could be:

Advertising Nationally	Relocation Costs	Interstate Visits	Local Advertising
\$7,500	\$20,000	\$5,000	\$2,500

The total cost of the project ranges from approximately \$40,000-\$50,000 for a successful placement from WA to approximately \$53,000-\$73,000 for an interstate placement.

There is no budget set-aside for this project and funds would need to be allocated. Account number 11.10.11.111.4201.0001 – CEO Administration – Consultancy has an amount of approximately \$30,000 as remaining funds. The detailed anticipated costs for the project will exceed the budgeted funds for this account and therefore the amount will overspend.

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY ESTABLISHES a Chief Executive Officer's committee consisting of the Mayor and one Councillor from each Ward with the second Ward Councillor as deputy;**
- 2 SETS a quorum of 4 members;**
- 3 NOTES that the Manager Human Resources will provide professional advice to the committee when required;**

- 4 AGREES to outsource the recruitment process to an external human resource consultant;**
- 5 INVITES Gerard Daniels, Lyncroft and Recruiters Australia Ltd to provide a presentation to the next Briefing Session to be held on Tuesday 3 April 2001;**
- 6 ALLOCATES costs associated with the recruitment of a Chief Executive Officer be charged to Account No 11.10.11.111.4201.0001 – CEO Administration – Consultancy.**

c:\temp\hrreport__doc

CJ072 - 03/01 COMMUNITY & BUSINESS DIRECTORY JOINT VENTURE PROPOSAL - [00004]**WARD - All**

CJ010320_BRF.DOC:ITEM 3

SUMMARY

The City of Joondalup produces and distributes a Council Services Directory to all households each year. The 2000 Directory cost \$32,000, and the 2001 Directory is scheduled for distribution in June.

The Joondalup Business Association (JBA) has proposed a joint venture with the City to produce a Business & Community Directory. A financial commitment of \$40,000 has been requested, with a surplus from sales of advertising from the Directory expected to provide an income for the JBA of \$39,125 (based on an estimated revenue of \$200,000 from advertising).

This report recommends that the City endorses the project, while supporting the venture by offering to underwrite any loss to the value of \$30,000 in return for the printing of the normal Council Directory information. The report also recommends that the City does not produce a Council Services Directory in 2001 to provide a stronger product for the JBA with which to sell advertisements and maximise the chances of success for the Directory.

BACKGROUND

The City of Joondalup have produced and distributed 2 Council Directories to all households in 1999 and then again in 2000. The former City of Wanneroo also produced a Directory on an annual basis.

The 2000 Council Services Directory was aimed to provide a high quality of communication and an easy-to-understand listing of services, providing direct dialling details for the relevant service areas of the Council. It deliberately avoided the use of advertising to maintain the clarity of our communication and the City was able to assume full control over all aspects of the publication.

The feedback on this Directory was very positive, and as a result the same format of the Directory was then posted to the website.

The 2001 Directory has been planned for June to allow details of the new Council members to be included and to ensure a longer shelf life.

The cost of the 2000 Directory was \$32,000, including printing, priority distribution to all households (ie. it was delivered by itself rather than with the usual wads of advertising literature and did not exclude households that request 'No Junk Mail') and a 'run on' of 7,000 copies for additional distribution.

The JBA (when it was the North West Metro Association) produced a Business Directory in 1999, including council information at no cost to the Council.

The JBA has been to Expression of Interest for a new Directory which has attracted one response from a Geraldton based company.

DETAILS

The Joondalup Business Association (JBA) has approached the City of Joondalup regarding a joint venture to produce a combined Business and Community Directory. The City is being asked for a financial contribution of \$40,000. It is expected that a surplus will be returned to the JBA from the project of \$39,125 (based on an estimated revenue of \$200,000 from advertising).

In addition to the financial contribution by Council, the project will be funded by selling advertising space to local business. It is anticipated that the Directory would be in excess of 200 pages including 100 pages of advertising. 16 pages would be given to promote Council Services. The Directory would also include maps and business listings.

The final content would be a decision of a combined working group consisting of Council and JBA representatives.

The process so far has included an initial discussion between the President and Manager of the JBA and the Mayor, CEO and Marketing Manager from the City. The JBA then advertised for expressions of interest from suppliers of such Directories. One submission was received.

It has been suggested that the money used to produce the City's Council directory be re-directed towards this project, with further additional funds requested on top of that. This would negate the need for the Council to produce its own Directory.

The advantages of such a joint venture are:

1. It is a strong statement that the City and the Business community are working together
2. It is anticipated that after a couple of years the project will be self funding and no further financial assistance would be required from Council
3. The Directory is compiled by an outside agency so reducing a degree of workload for the City
4. The City's financial contribution will ensure the project will proceed.
5. Council involvement provides credibility to a commercially-based document.

The disadvantages are:

1. There are no cost savings – in fact it is an increased cost for Council.
2. The community may question the use of public funds for an income earning project by the Business Association
3. The City would have less space to promote its services, and would not achieve the degree of prominence and exposure that a dedicated Council Services Directory would provide.
4. Advertisements are essential to fund the project, however they are not a preferred option for the City and most likely for the majority of residents

5. We would not be able to regulate the way the salesforce sold the advertisements and indeed it might be seen to be representing Council
6. We would lose some of the editorial and content control that exists with the Council directory being produced in house and the strong City of Joondalup branding.

Options

The options for consideration by Council are:

1. Provide a financial contribution to the Joondalup Business Association either in excess or to the same value as the cost of producing the current Council Directory. The Council would then no longer produce a separate Directory.
2. Underwrite any potential losses to the value of \$40,000. This limits the financial risk for the JBA, if it fails to draw the revenue from the sales of advertisements. The Council would still not produce its own Directory to provide a stronger product for the JBA with which to sell advertisements and maximise the chances of success.
3. The City can endorse the concept of the Directory and provide support in the form of purchasing advertising space in the Directory, for example to the value of \$10,000, to promote the City. The City would still produce a Council Services Directory.
4. Extend an offer to the JBA to put the business listings in the Council Directory free of charge, so providing the JBA with additional benefits for members and as a tool for increasing membership.

Under Options 2, 3 and 4 the JBA has indicated that the project is unlikely to go ahead.

COMMENT/FUNDING

From a marketing perspective, the Marketing Manager has advised that it would not be an acceptable business proposal and would not provide additional tangible benefits to the City. If for example, the project provided significant cost benefits to residents, the disadvantages would be acceptable and make the proposal more attractive.

In the case of the Shire of Roebourne (Karratha), they undertook a joint venture with the Chamber of Commerce & Industry whereby they endorsed the project and included information on Council services while not having any financial costs. The project was entirely funded by sales of advertising space.

As is currently being proposed, the City receives 16 pages to promote its Council Services for a cost of \$40,000, which is included with 100 pages of advertising. This is in contrast to a high quality, 40 page, dedicated Council Services Directory with full editorial and content control that costs \$32,000.

However, the Council could consider the project on a more philosophical level. That is, to help the JBA by providing seeding funding for the project for the first 2 years until the Directory has established itself in the market place. It is necessary to ensure that a community benefit can be identified and it is important to note that not all small businesses are members of the JBA.

In this way the Council is showing support for the business community, through the Business Association, and as a Local Authority is taking a leadership role in the economic vitality of the City. This would be in addition to grants already made to the JBA over recent years.

The question remains as to whether Council should provide funds for a project that is likely to make a surplus, as indicated in Option 3 of the proposal by Market Creations.

Account No:	11 05 05 051 3720 0001
Budget Item:	Governance – Printing
Budget Amount:	\$32,000
Actual Cost:	\$

RECOMMENDATION

That Council:

- 1 ENDORSES the concept of a Business & Community Directory;**
- 2 OFFERS to underwrite any possible loss to the value of \$30,000;**
- 3 SUPPORTS the Business & Community Directory by not producing a separate Council Services Directory in 2001.**

s:\office97\council\meetings\paper010327_directory

**CJ073 - 03/01 LOCAL GOVERNMENT MANAGERS AUSTRALIA
(LGMA) NATIONAL CONGRESS AND EXPO 13-16
MAY 2001 - [09557]**

WARD - All

SUMMARY

The Local Government Managers Australia (LGMA) National Congress and Expo is to be held in Brisbane, 13-16 May 2001. The National Congress is the premier conference for the local government industry and attracts speakers and delegates from all over Australia and overseas. The theme of the Conference is "2001 – A New Odyssey". This report recommends Cr A Nixon, the Chief Executive Officer and Manager Council Support Services be authorised to attend the conference.

BACKGROUND

The 2001 Local Government Managers Australia National Congress and Expo is to be held in Brisbane, 13-16 May 2000. The theme of the Conference is "2001 – A New Odyssey". Speakers from both the public and private sector from within Australia and overseas will address delegates on a range of issues relating to management and governance. The Congress has three specific themes New Business/New Ways/New Role which are explored with wit and intellect to frame the Congress. Such key topics include:

- Keynote address by a pre-eminent Australian relating to an analysis of Australian Society in 2001 and the influences which will shape its future:
- E-business Our Own Story – The session highlights local governments that are showing the way in innovative use of technology as a means of performance enhancement;
- Blurring the Line. The definition of roles for elected and appointed officials is focused and the on the differences. This session turns the discussion upside down and suggests the lines are blurred for good reason;
- Next Generation Managers – the Young Officers Form
 - This session looks at what young managers are thinking and doing. Insightful and provocative presentations will open out into broader discussion on issues of vital importance to the future of local government and those who make their career in it. Although it is designed for younger officers, this session will appeal to everyone with an interest in the baton changes ahead;
 - Virtual Democracy – Councils are experimenting with the new freedoms of technology. New decision making methods open the opportunity to poll the community on any (and every) issue. Why not just elect a computer to office?

DETAILS

The Chief Executive Officer will be attending the conference as the WA President of LGMA. A proportion of the Chief Executive Officer's airfares and accommodation expenses will be met by the LGMA.

The Manager Council Support Services, who is also a current LGMA member, has also expressed an interest in attending. Given the relevance of the programme it is recommended that his attendance be supported. Councillor Andrew Nixon has indicated an interest to attend.

The total estimated cost for Councillor Nixon, Chief Executive Officer and Manager Council Support Services to attend the conference including airfares (business class for Cr Nixon as per Policy 2.2.3 and economy class for the Chief Executive Officer and Manager Council Support Services), registration, accommodation expenses and travel allowance is approximately \$9500. These costs exclude those costs for the Chief Executive Officer that will be met by the LGMA.

COMMENT/FUNDING

Budget Item 'Governance Costs: Elected Members – Conference Expenses', 'CEO Administration – Conference Expenses' and 'Council Support Conference Expenses' includes sufficient funds to cover the expenditure.

RECOMMENDATION

That Council AUTHORISES the:

- 1 attendance of Cr Andrew Nixon, Chief Executive Officer and Manager Council Support Services at the Local Government Managers Australia (LGMA) National Congress in Brisbane 13-16 May 2001;**
- 2 estimated total expenditure of \$9500 to be charged to budget items 'Governance Costs: Elected Members – Conference Expenses', 'CEO Administration – Conference Expenses' and 'Council Support – Conference Expenses'.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6ag270301.pdf](#)

**CJ074 - 03/01 CENTENARY OF FEDERATION NATIONAL
CELEBRATIONS – 9 MAY 2001 - [09557]****WARD - All**

SUMMARY

The Centenary of Federation National Celebrations to mark 100 years of nationhood is to be held in Melbourne on 9 May 2001. The two key events will be a Joint Sitting of the Commonwealth Parliament and an extensive Commemoration Ceremony to be held in the Royal Exhibition Building. This report recommends that the Mayor be authorised to attend.

BACKGROUND

The Centenary of Federation National Celebrations is to be held in Melbourne on 9 May 2001. The two key events will be a Joint Sitting of the Commonwealth Parliament and an extensive Commemoration Ceremony to be held in the Royal Exhibition Building.

DETAILS

In 1901 the Mayor of every Local Government was included in the opening ceremony and celebrations. In 2001 it is recommended that the Council be represented by the Mayor at this historic event.

The estimated cost of attending this event is \$2000.

COMMENT/FUNDING

Budget Item 'Governance Costs: Elected Members – Conference Expenses', includes sufficient funds to cover the expenditure.

RECOMMENDATION

That Council AUTHORISES the:

- 1 attendance of the Mayor at the Centenary of Federation National Celebrations in Melbourne on 9 May 2001;**
- 2 estimated total expenditure of \$2000.00 to be charged to budget item Governance Costs: Elected Members – Conference Expenses/Training'.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13ag270301.pdf](#)

**CJ075 - 03/01 THE ANNUAL GENERAL MEETING OF ELECTORS
OF DECEMBER 2000 – [55264]****WARD-** All

SUMMARY

A meeting of the Committee to address the concerns raised by ratepayers at the Annual General Meeting of Electors of December 2000 was held on Thursday 22 February and on Wednesday 28 February 2001. At the Council meeting held on Tuesday 13 March 2001, it was agreed to defer this item to allow further consideration by elected members.

A further meeting of the AGM Committee was held on 19 March 2001. The minutes of that meeting are submitted for noting by Council and consideration of the recommendations contained therein.

BACKGROUND

The City's Annual General meeting of Electors was held on 18 December 2000 in accordance with Section 5.27 of the Local Government Act 1995. The Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council. A report was submitted to the Council meeting held on 13 February 2001 detailing each of the motions passed at the Electors' Meeting and providing comments and a suggested response to each matter raised (Item CJ004-02/01 refers).

The recommendations put forward by the Administration were not accepted, and the following alternative motions were moved and carried:

“MOVED Cr Carlos, SECONDED Cr Walker that the matter pertaining to various issues arising as a result of the Annual General Meeting of Electors held on 18 December 2000 be DEFERRED pending further consideration by elected members.

AMENDMENT MOVED Cr Patterson, SECONDED Cr Hollywood that an additional point be added to the Motion as follows:

that Council forms a committee consisting of three Councillors, being Crs Magyar, Carlos and Walker to meet with community representatives to address the concerns raised by ratepayers at the Annual General Meeting.”

DETAILS

A meeting of the Annual General Meeting Committee was held on Thursday 22 February 2001. The meeting was adjourned due to a lack of quorum, and resumed on Wednesday 28 February 2001.

Twelve motions were carried at the Annual General Meeting. Each motion, together with the alternative responses and recommendations from both the Administration and the Committee to the Council are set out below: -

Motion 1 Receiving of the 1999/00 Annual Report and Financial Statements

Section 5.54 of the Local Government Act 1995 requires that the Council is required to accept an annual report prior to the 31 December of each year. There is no requirement for the annual report to be submitted to the annual meeting of electors for 'receiving'. Local Government (Administration) Regulations 1996, regulation 15, states that the matters to be discussed at a general electors meeting are firstly, the contents of the annual report for the previous financial year and then any other general business.

The Council is governed by the Local Government Act 1995 which does not recognise any power from the State Attorney General and State Auditor General in relation to the motion under consideration.

Legal advice was sought in response to ongoing concerns raised by some members of the public questioning the legality of the security charge, due to the words 'security levy' being used in the Council resolution. The legal advice received was that it was evident from the Council resolution that the Commissioners intended to, and did, impose a service charge under section 6.38 of the Act. Section 6.38 was specifically referred to in the resolution and the decision to impose a service charge, which was incorrectly referred to as a levy in adopting the budget, does not invalidate the charge.

The Hon Minister for Local Government has correctly stated in Parliament that Councils' do not have the power to raise a levy, however, he also acknowledges that Councils' do have the power to raise service charges.

Additional Information

For the Council to refer the Annual Report for 1999/2000 to the Minister for Local Government to seek comment on the legality of the security charge from either the Attorney General or the Auditor General is not recommended.

In any event, to avoid any embarrassment to the Council, reasons should be detailed as to the rationale for not accepting the advice from the City Solicitors and Administration on this issue.

Motion from Annual General Meeting of Electors

MOVED Mr Gannon, SECONDED Mrs Wood that the 1999/2000 Annual Report and Financial Statements not be received and be referred to the State Attorney General and the State Auditor General to verify the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land. The Minister for Local Government has stated on public record that Councils do not have the power to raise a levy.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion, and seeks a further legal opinion from an alternative legal firm, or from Queens Counsel.

Committee Recommendation – February 2001 meeting

MOVED Cr Carlos SECONDED Cr Walker that IT BE RECOMMENDED THAT Council supports the ratepayers and refers to the State Attorney General or State Auditor General to validate the legality of the Commissioners' decision through the Minister for Local Government.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Carlos, SECONDED Cr Walker that IT BE RECOMMENDED THAT Council supports the ratepayers and refers the matter to the Minister for Local Government and requests her to validate the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land in the year 1999/2000.

The Motion was Put and

CARRIED

Motion 2 Rating 2001/02 Financial Year

The Local Government Act 1995 requires that where a local government wishes to set aside money for a purpose in a future financial year, it is to establish a reserve account for each such purpose.

There are specific requirements relating to the use of such funds held in these reserves. Any change in the purpose of the funds held is to be disclosed in the annual financial report for the year in which the change occurs.

The \$12,254,170 is the estimated balance in the City's Reserve accounts at 30 June 2001. The City's Reserve accounts are set aside for specific purposes. Amongst these is the \$6.5 million in the Asset Replacement Reserve, which is allocated to assist with the acquisition and provision of a City depot. Other reserves are 'tied reserves', i.e. cash in lieu of providing car parking and public open space, which are for specific purposes in specific locations.

RESERVE	ESTIMATED BALANCE AS AT 30.6.01 \$
Asset Replacement	6,559,585
Cash in Lieu of Parking	389,986
Cash in Lieu of Public Open Space	656,786
Domestic Cart Refuse Collection	662,209
Heavy Vehicles Replacement	386,077
Hodges Drive Drainage	167,211
Light Vehicles Replacement	550,531
Joondalup City Centre Public Parking	402,007
Ocean Reef Boat Launching Facility	47,806

Performing Arts Facility	1,000,000
Plant Replacement	484,811
Section 20A Land	27,000
Town Planning Scheme No 10 (Revoked)	920,161
TOTAL	12,254,170

Motion from Annual General Meeting of Electors

MOVED Mr de Gruchy, SECONDED Mr Gannon that taking into account the \$12,000,000 plus surplus due at the end of the 2000/2001 financial year, the City of Joondalup aims for a decrease in the amount of Council rates levied upon ratepayers for the 2001/2002 year, referring to the rate levied by Council on the gross rental value as determined by the Valuer General's department.

The Motion was Put and

CARRIED

Officer's Recommended Response

A series of workshops will be held with Elected Members to develop the 2001/02 Budget during which, consideration will be given to the rates to be levied in the 2001/02 financial year. It is recommended that the Council takes into consideration the above motion, during the 2001/02 budget workshops.

Committee Recommendation – February 2001 meeting

No recommendation made.

Committee Recommendation – 19 March 2001

MOVED Cr Walker, SECONDED Cr Carlos that the Committee supports the officer's recommendation and IT BE RECOMMENDED THAT:

- 1 a series of workshops be held with Elected Members to develop the 2001/02 Budget during which consideration will be given to the rates to be levied in the 2001/02 financial year;
- 2 Council takes into consideration "Motion 2 - Rating 2001/02 Financial Year", as moved at the Annual General Meeting of Electors held on 18 December 2000, during the 2001/02 budget workshops.

The Motion was Put and

CARRIED

Motion 3 City of Joondalup Leisure Centres – Operational Management and Lease

Motion CJ337-11/00 – Operational Management and Lease of City of Joondalup Leisure Centres was:

“THAT Council:

- 1 DECLINES all previous tenders for Tender 72-99/00, Operational Management and Lease of the City's Leisure Centres;
- 2 AWARDS the Lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ 290-10/00 and Report CJ337-11/00;
- 3 AUTHORISES the execution of the Lease from 1 February 2001 for a period of 5+5 years for the Management and Lease of City of Joondalup Leisure Centres under the common seal;
- 4 pursuant to the provisions of Section 6.11(1) of the Local Government Act 1995 CREATES a new Reserve Account titled Leisure Centre Capital Improvements for the purpose of Capital Improvements to the City's Leisure Centres operated by RANS Management Group;
- 5 NOMINATES Crs Wight and Carlos as representatives to the Leisure Centre Strategic Management Group;
- 6 as detailed in (2) above awards the lease to RANS, SUBJECT to confirmation being obtained that awarding the lease will not be in contravention of Section 3.59 of the Local Government Act 1995 and Sections 18 and 46 of the Land Administration Act 1997, should those sections apply”

A Council decision cannot be rescinded once acted upon. A Council decision can also not be rescinded by Electors at an Annual General Meeting.

The Council is currently inviting public comments on the Business Plan for the leasing of the three leisure centres Craigie, Sorrento/Duncraig and Ocean Ridge. The closing date for submissions on the Business Plan is 2 February 2001. The Council has also given public notice of its proposal to dispose of the three leisure centres by a lease. The closing date for submissions is 9 February 2001.

Officers have been liaising with the Departments of Land Administration and Local Government concerning the proposed lease of the City's leisure centres to RANS Management Group. The Department of Land Administration has approved in principle the lease agreement for the leisure centres and the lease when ready will be submitted to the Minister for Lands for endorsement.

Legal advice has been received that the lease does not contravene Sections 18 and 46 of the Lands Administration Act.

The Department of Local Government has advised that the business plan for the proposed lease of the leisure centre meets the requirements of the Local Government Act 1995.

Only leases on reserves, which exceed 10 years, require the approval of the Minister for Planning under Section 20 of the Town Planning Act. Bushplan does not apply to buildings. The Ministry of Planning has advised that it has an interest in the area only if the area is vegetated and there are proposals to clear the vegetated land.

The Department of Environmental Protection has advised that it would only become involved in this type of matter if it was referred to it by the Ministry for Planning.

The Australian Securities and Investments Commission have advised that RANS Management Group are registered with the Commission and are able to trade anywhere within Australia.

Motion from Annual General Meeting of Electors

MOVED Mrs Wood, SECONDED Mr de Gruchy that the Motion CJ337-11/00 - Operational Management and Lease, City of Joondalup Leisure Centres be RESCINDED and that the matter be referred to:

- 1 the Minister for Local Government for a ruling;
- 2 the Minister for the Environment for a ruling;
- 3 the Minister for Lands for a ruling;
- 4 the Minister for Planning for a ruling;
- 5 the Australian Securities and Investments Commission regarding RANS' eligibility in Western Australia.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the motion and considers future options in conjunction with the public submissions received and its existing contractual obligations.

Committee Recommendation – February 2001 meeting

No recommendation made.

Committee Recommendation – 19 March 2001

MOVED Cr Magyar, SECONDED Cr Carlos that:

- 1 the Committee NOTES the decision of Council of 27 February 2001 in relation to CJ037-02/01 Tender 072-99/00 - Operational Management and Lease, City of Joondalup Leisure Centres;
- 2 IT BE RECOMMENDED THAT no further action be taken on this issue.

The Motion was Put and

CARRIED

Motion 4 Combined Residents Group

The City has requested Mr Davies to provide details of the membership of the Combined Residents Group.

Motion from Annual General Meeting of Electors

MOVED Mr Davies, SECONDED Mrs Zakrevsky that the combined residents group has monthly meetings commencing in February 2001 with the Mayor, the Chief Executive Officer and any interested Councillors at a date and time to be discussed.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion and authorise the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the groups intended Terms of Reference, and report back to the Council with further detail.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar, SECONDED Cr Walker that it be recommended that Council NOTES the above motion and authorises the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the group's intended Terms of Reference and thereafter convene regular monthly meetings and report back to the Council with further details.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Magyar, SECONDED Cr Walker THAT IT BE RECOMMENDED THAT Council NOTES "Motion 4 – Combined Residents Group" as moved at the Annual General Meeting of Electors held on 18 December 2000 and authorises the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the group's intended Terms of Reference and thereafter convene regular monthly meetings and report back to the Council with further details.

The Motion was Put and

CARRIED

Motion 5 Date of Annual General Meeting of Electors

The Financial Statements have to be audited before an Annual General Meeting can be held, and this can sometimes delay the holding of the Annual General Meeting. Where possible, the City always endeavours to hold the Annual General Meeting as soon as practical. For example, the 1999 Annual General Meeting was held on 7 December.

Motion from Annual General Meeting of Electors

MOVED Mrs Zakrevsky, SECONDED Mrs Axford that Council changes the Annual General Meeting date to a more appropriate date if this is possible.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion, and endeavours to hold future Annual General Meetings as early as possible where practical.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker, SECONDED Cr Magyar that it be recommended that Council notes the above motion and endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Walker, SECONDED Cr Magyar THAT IT BE RECOMMENDED THAT Council notes "Motion 5 – Date of Annual General Meeting of Electors" as moved at the Annual General Meeting of Electors held on 18 December 2000, and endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.

The Motion was Put and

CARRIED

Motion 6 Community Consultation

The Council currently advertises and seeks community input on a range of matters, far in excess of its legislative requirements. However, the Council is always reviewing ways it can improve its communications and interaction with the community. Means of communication the Council currently use is advertising in the West Australian and Wanneroo Times, the Council News publication, the Joondalup website, displays at the Whitfords Customer Service Centre, displays at the recreation centres and libraries, and letter drops where appropriate.

The Council is currently in discussions with the Wanneroo Times in relation to its circulation of the Joondalup district. The Wanneroo Times are currently running at 98% distribution based on regularly audited figures by Ernst and Young, who in turn submit their findings to the circulation audit board.

The Council will advertise major new initiatives through appropriate mediums in the future. As an example, all major works for the Year 2001 will be featured in a full page advertisement in the Wanneroo Times in the coming weeks. It is also proposed to display all public notices and adverts at the Whitfords Customer Service Centre in the near future.

It is worth noting that in a representative survey of City of Joondalup residents in May 2000, only 15% indicated they were not satisfied with the way the Council made information available.

Motion from Annual General Meeting of Electors

MOVED Mrs Zakrevsky, SECONDED Mr Zakrevsky that Council improves the spread and the clarity of communication with the community in their notification of:

- 1 special meetings;
- 2 matters of general and special interest;
- 3 “calls for submissions” when planning for amenities, both new and upgrading. Large, clearly worded billboard type advertising signs erected for a minimum period of 42 days on all sites where changes are contemplated or proposed or under review, e.g. changes in use or size or management and every home and business within a kilometre of the site receive an individual notice of the above, inviting comments.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion and seeks a report examining further innovative ways it can improve its communications and interaction with the community on specific issues.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker, SECONDED Cr Magyar that it be recommended that Council:

- 1 notes the positive feedback from ratepayers regarding the notice boards at Sorrento and Mullaloo;
- 2 seeks to further improve its communication with ratepayers by utilising free-standing public notice boards in local shopping centres, community facilities and at train stations, advertising specific issues and events;
- 3 focuses on ensuring that the advertising literature is produced in a format which is easily read by persons with visual disabilities.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Walker, SECONDED Cr Magyar THAT IT BE RECOMMENDED THAT Council:

- 1 notes the positive feedback from ratepayers regarding the notice boards at Sorrento and Mullaloo;

- 2 seeks to further improve its communication with ratepayers by utilising free-standing public notice boards in local shopping centres, community facilities and at train stations, advertising specific issues and events;
- 3 focuses on ensuring that the advertising literature is produced in a format which is easily read by persons with visual disabilities.

The Motion was Put and

CARRIED

Motion 7 Community Participation

The City is actively involved with many committees and ratepayers associations throughout Joondalup. Advice received from associations and committees are always considered by the Council, prior to the Elected Members making an informed decision which in their opinion is in the best interests of the whole community.

In relation to promotion of local industry, the City adopted the Regional Purchasing Policy in July 1999, annually contributes financially to the North West Metro Business Association, and also hosts the Joondalup Stakeholders Group.

In addition, the City is working in conjunction with the City of Wanneroo to develop an 'Online Portal' which will further promote local industry through the electronic community.

Motion from Annual General Meeting of Electors

MOVED Mr Zakrevsky, SECONDED Mr de Gruchy that Council takes note and acts on motions and studied recommendations from committees, ratepayers associations and individual ratepayers on the following points:

- 1 promotion of local industry;
- 2 allocation of personnel numbers referring to:
 - (a) Ranger and Security Services;
 - (b) Leisure Centres;
 - (c) Bush and dune regeneration and dry parks maintenance;
 - (d) volunteer groups

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion and continues to encourage community participation wherever possible, and continues to consider advice received from the community prior to making decisions. It is also recommended that the Council reinforces its commitment to local industry through its Strategic Plan and Regional Purchasing Policy.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar SECONDED Cr Walker that it be recommended that Council:

- 1 encourages greater community participation within the decision making process and considers the advice received from the community before making decisions;
- 2 reinforces its commitment to local industry wherever possible through its Strategic Plan, and Regional Purchasing Policy;
- 3 allocates competent personnel and funding to support:
 - (a) Ranger and Security Services;
 - (b) community and leisure centres;
 - (c) bush and dune regeneration and dry parks maintenance;
 - (d) all community volunteer groups, eg community kindergartens and pre-school groups, environmental groups, residents and ratepayers groups.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Magyar SECONDED Cr Walker that it be recommended that Council:

- 1 encourages greater community participation within the decision making process and considers the advice received from the community before making decisions;
- 2 reinforces its commitment to local industry wherever possible through its Strategic Plan, and Regional Purchasing Policy;
- 3 allocates competent personnel and funding to support:
 - (a) Ranger and Security Services;
 - (b) community and leisure centres;
 - (c) bush and dune regeneration and dry parks maintenance;
 - (d) all community volunteer groups, eg community kindergartens and pre-school groups, environmental groups, residents and ratepayers groups.

The Motion was Put and

CARRIED

Motion 8 Security Charge

The Security Charge has been imposed pursuant to the provisions of Section 6.38 of the Local Government Act 1995 and Regulation 54 of the Local Government (Financial Management) Regulation 1996. The prescribed service of property surveillance and security, branded as the Safer Community Program, meets all the statutory requirements of Part 5, Rates and Services charges, Local Government (Financial Management) Regulations 1996 and Section 6.38 of the Local Government Act 1995.

The Council at its meeting of 8 August 2000, adopted the budget for the Safer Community Program and imposed the \$27 Security Charge to meet this budget. The Safer Community Program, is considered to be a comprehensive approach to the provision of property security and surveillance, and includes initiatives such as partnerships, graffiti control, neighbourhood watch, constable care and urban design. In adopting the program, the Council considered that all these initiatives provided a benefit to all property owners.

The Council elected to fund the Safer Community Program through a security charge rather than the general rate based on the principle that all properties in the district would receive the same benefits of the service, while the general rate creates a subsidisation scenario.

Motion from Annual General Meeting of Electors

MOVED Mr Cusack, SECONDED Mr Sideris that the electors of the City of Joondalup hereby require that:

- 1 Council applies the service charge Section 54 (d) "property surveillance and security" of the Local Government (Financial Management) Regulations 1996 in accordance with the strict guidelines and criteria contained in Section 6.38 of the Local Government Act 1995, the specific criteria established by the Department of Local Government for the inclusion of Section 54 (d) was and is as follows:
 - (a) the proposed service is to be provided to, or onto land;
 - (b) the proposed service is to be same for each property. To determine this, the nature of the service needs to be clearly defined. The description of the nature of the service to be provided should also establish that there is a clear relationship between:
 - (i) the work to be done and the charge to be levied; and
 - (ii) the benefit to be derived by the landowner in relation to the work done and the charge levied;
- 2 the cost of providing the proposed service will be the same, or approximately the same, for each property or, if not the same, is capable of being calculated on a fair and equitable basis and will relate to the charge to be levied;

- 3 if the same service is one for which funding options are available under other legislation then, as a general rule, those options should be used by the local government (or amended under that legislation to suit the needs of the proposal);

Section 6.38 (4) states that “a local government may only use the money raised from a service charge:

- (a) to meet the cost of providing the specific service for which the service charge was imposed;

We the electors of the City of Joondalup hereby expect Council to fund all the important initiatives such as graffiti control, neighbourhood watch, constable care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the motion, reaffirms its commitment made to the security referendum and indicates that the time to consider any future funding for property surveillance and security should be considered in conjunction with the adoption of the annual budget.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker SECONDED Cr Magyar that this Committee supports the view of the motion expressed by the electors of the City of Joondalup that it expects Council to fund all the important initiatives such as graffiti control, neighbourhood watch, Constable Care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Walker SECONDED Cr Magyar that this Committee supports the view of the motion expressed by the electors of the City of Joondalup that it expects Council to fund all the important initiatives such as graffiti control, neighbourhood watch, Constable Care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

Motion 9 Refund of Security Charge

The prescribed service of property surveillance and security, branded as the Safer Community Program, meets all the statutory requirements of Part 5, Rates and Services charges, Local Government (Financial Management) Regulations 1996 and Section 6.38 of the Local Government Act 1995.

It must be noted that 42 properties from over 55,000 properties have not paid the \$27 security charge from the 1999/2000 financial year.

Additional Information

It has been reported on previous occasions that City officers have, over the last eighteen months, had numerous discussions with officers of the Local Government Department relating to the security charge. In addition the City has had legal advice on various issues in relation to this matter and as recent as February 2001, received notification from the Department that the matter will be discussed shortly with the new Minister for Local Government, in an effort to clarify the various issues and reduce the potential for disputes over the interpretation of the law.

Details of the Department's letter are as follows:-

'Following our conversation of 13 February 2001, I wish to confirm the Department's position in relation to Financial Management Regulation 54 which enables a service charge to be imposed for property surveillance and security.

The Department has noted the legal advice that the City of Joondalup has obtained in relation to the imposition of its service charge and the use of the revenue raised. Some elements of the approach used by the City were not envisaged by this Department when the service charge provisions were being developed. However, because the City has legal advice which supports its actions and the Department does not have specific advice to the contrary, it is open for the City to follow its own legal advice.

The Department proposes to raise the issue of the property surveillance and security service charge with the new Minister shortly. The Department will be arguing that the provisions of Section 6.38 and Regulation 54 need to be clarified in one way or another to reduce the potential for disputes over the interpretation of the law in this area.'

The City has acted responsibly in seeking legal advice and in taking advice from the Local Government Department.

The new Minister for Local Government will determine this matter shortly. This will provide direction for the future.

The Committee has provided no reasons for supporting the view of a refund, therefore such action may be seen to be an irresponsible move in light of previous advice by the Council's Administration and backed by legal advice from both the City Solicitors and the Local Government Department.

Motion from Annual General Meeting of Electors

MOVED Mr Sideris, SECONDED Mr Cusack that this Annual General Meeting of Electors of the City of Joondalup directs the Council to:

- 1 return to all ratepayers within 30 days the security levy monies appropriated without law in 1999/2000;

- 2 return to all ratepayers within 30 days the security charge monies appropriated without due and proper process in the 2000/2001 Budget;
- 3 provide an apology within 30 days by way of personal letter to all ratepayers who have not paid either the levy or service charge or who have had their short paid rate payment manipulated to be in default of the Local Government Act.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council states that there are no valid grounds available to accede to this request.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar, SECONDED Cr Walker that this Committee recommends to Council that the imposition of a security levy by the Joint Commissioners of the City of Joondalup on 7 September 1999 failed to explain how it complied with written advice of the Department of Local Government, as published in "Update" March 1999, and as such the committee believes it to be an improperly applied levy, and the 1999/00 levy should be returned to the ratepayers as a credit against the 2001/02 rates.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Walker, SECONDED Cr Magyar that IT BE RECOMMENDED THAT:

- 1 this Committee recommends to Council that the imposition of a security levy by the Joint Commissioners of the City of Joondalup on 7 September 1999 failed to explain how it complied with written advice of the Department of Local Government, as published in "Update" March 1999, and as such the committee believes it may be prudent to wait for the decision from the Minister before acting further on this motion, and;
- 2 this motion, together with "Motion 1 - Receiving of the 1999/00 Annual Report And Financial Statements", be referred to the Minister for Local Government.

The Motion was Put and

CARRIED

Motion 10 Security Charge – Legislation

The interpretation and application of service charge legislation was addressed last year. The Council resolved in part that "a submission be compiled to the Minister for Local Government, WAMA and the Local Government Department with a view to broadening the powers of the Act in relation to the expenditure of funds raised from the Security Charge".

This submission was forwarded in August 2000 and has the support of the North Zone, Local Government Association and WAMA Executive. It is also understood that WAMA have raised the matter with the Minister for Local Government and Local Government Department. The City's submission together with all relevant documents will be discussed with the Minister prior to a final position being established.

Recent discussions with officers of the Department of Local Government have indicated that a draft policy paper has been prepared. In view of the forthcoming election, this matter will now be progressed with the Minister following the formation of government. Departmental officers have made a firm commitment to clarify the matter with a view to defining more precisely the requirements, therefore any action on this matter may appear to have been surpassed by recent events.

Motion from Annual General Meeting of Electors

MOVED Mr Sideris, SECONDED Mr O'Brien that this Annual General Meeting of Electors of the City of Joondalup directs the Council to advise the Department of Local Government, Western Australian Municipal Association (WAMA) and the Minister for Local Government that the electors of the City of Joondalup do not support;

- 1 the broadening of the power of expenditure associated with monies appropriated by service charges;
- 2 the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include street-scaping and the like;
- 3 reject the principle of imposing additional taxes including flat taxes.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion, and seeks a further definition from the Department of Local Government on the prescribed service of property surveillance and security, and the expenditure areas such funds may be utilised.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar, SECONDED Cr Walker that it be recommended that the wishes raised by the electors at the Annual General Meeting be acted upon and the Minister for Local Government, the Western Australian Municipal Association and the Department of Local Government be advised accordingly.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Magyar, SECONDED Cr Carlos that IT BE RECOMMENDED that Council advises the Minister for Local Government, the Western Australian Municipal Association, and the Department of Local Government that the electors at the Annual General Meeting requested Council notify the aforementioned that the electors of the City of Joondalup:

- 1 do not support:
 - (a) the broadening of the power of expenditure associated with monies appropriated by service charges;
 - (b) the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include streetscaping and the like;
- 2 reject the principle of imposing additional taxes including flat taxes.

The Motion was Put and

CARRIED

Motion 11 Public Question Time

Previously all questions received in writing together with the response from the Administration were read in full during public question time. All responses were also provided in hard copy and made available to all members of the public prior to the meeting, time permitting.

The practice of providing hard copy answers to all questions submitted in writing continues to operate. In order to make more effective use of public question time and given that copies of the questions and answers are available to all members of the public, only a summary of the question is read aloud at the meeting. The Joint Commissioners also adopted this practice in an effort to reduce time wastage, and to offer the opportunity for other members of the public to ask questions. It is considered that the above practice is working effectively, however, if thought appropriate by Council, all questions and answers can be read out aloud by the Chief Executive Officer. This course of action however is not preferred and it is recommended that the current practice be maintained.

In relation to the second public question time, this issue has been raised previously and the current standing orders do enable a second public question time at the end of the meeting if the Council resolves accordingly.

Motion from Annual General Meeting of Electors

MOVED Mr Sideris, SECONDED Mr Zakrevsky that this Annual General Meeting of Electors of the City of Joondalup directs the Council:

- 1 during public question time to read submitted questions in full;
- 2 to include a second public question time at the conclusion of the meeting.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion, and that this request be considered in conjunction with its review of the Standing Orders Local Law.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar SECONDED Cr Walker that it be recommended that this Committee advise Council of the requirements of the Local Government (Administration) Regulations 1996, Clause 7, Subsection 3 that each member of the public who wishes to ask a question is to be given an equal and fair opportunity to ask the question and receive a response, and inform Council of the requirements of the current Standing Orders Local Law regarding second public question time.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Magyar SECONDED Cr Walker that IT BE RECOMMENDED THAT:

- 1 this Committee:
 - (a) advises Council of the requirements of the Local Government (Administration) Regulations 1996, Clause 7, Subsection 3 that each member of the public who wishes to ask a question is to be given an equal and fair opportunity to ask the question and receive a response;
 - (b) informs Council of the requirements of the current Standing Orders Local Law regarding second public question time;
- 2 the issue of public question time be referred to the Standing Orders Committee for consideration.

The Motion was Put and

CARRIED

Motion 12 Administration Performance

The Director Resource Management contacted Mr O'Brien in relation to his comments to ascertain the basis of his opinion covering staff morale. Mr O'Brien made reference to two former elected members of the former City of Wanneroo many years ago, but was unable to substantiate his newer claims against the current Administration.

The Chief Executive Officer has also made contact with the Executive Director of the Department of Local Government, and was advised that no complaints have been received from the community in relation to the continued performance of the City of Joondalup.

The City will take on board the above comments. The City has been on a path of continuous improvement since it was created in 1998, and it is always reviewing and assessing ways it can improve its service delivery to the community.

Last year the City of Joondalup won the WAMA Leadership in Best Practice Award. This is the highest award that can be won in local government in Western Australia. This award recognises the achievements that the City has gained during the past year, and serves to demonstrate that we are attempting to provide a high quality service to our community.

Independent market research has also been conducted over the past few years, with the level of satisfaction with the Council's services continually rising.

The Council is currently working on the development of a new Strategic Plan, which will further enhance exactly what the City hopes to achieve, and how it intends to achieve these outcomes during the coming years. There has been extensive public consultation with the development of this Plan, and it will provide a sound document upon which the community can assess the Council's performance.

In relation to morale of the staff, the City is continuously examining ways in which to make the City of Joondalup a better place to work. The current Strategic Plan details the Council's commitment to Organisational Culture. The City has recently adopted an Enterprise Bargaining Agreement, and is currently developing a Performance and Rewards System for staff.

Other initiatives to assist staff morale is the establishment of a training and development program, grievance procedures, and a personal e-mail box to the CEO to register any concerns. It should be noted that there has also been no industrial disputation at Joondalup in the last 18 months.

An internal staff survey was conducted in December 2000 amongst volunteering staff members. Over 138 completed staff surveys were returned. The survey asked staff to rate their level of overall satisfaction with the service provided by other staff members. This includes the willingness to help others, and being responsive to other staff members needs and enquiries. Whilst still being finalised, initial figures demonstrate a 74% satisfaction rate for internal service which indicates a high standard.

Additional Information

For any matter raised in this motion to be treated seriously by the Minister some form of evidence or reasoning would be required to be produced. Attempts to gain more information from the Mover have not produced any evidence and seemed to be related to frustrations with the Security Surveillance Charge.

Motion from Annual General Meeting of Electors

MOVED Mr O'Brien, SECONDED Mr Sideris that this Annual Meeting of Electors of the City of Joondalup assembled on this Monday 18 December 2000, affirms that it has lost confidence in the Office of the Chief Executive of this municipality and calls upon the Minister for Local Government to immediately intervene and inquire into the City of Joondalup's current administrative performance, with particular emphasis on the loss of morale among the employees of our City.

The Motion was Put and

CARRIED

Officer's Recommended Response

- 1 It is recommended that the Council notes the above motion and the information subsequently received from Mr O'Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;
- 2 There appears to be insufficient grounds on Mr O'Brien's claims for the Council to approach the Minister for Local Government, and it is recommended that the Council advise Mr O'Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker SECONDED Cr Magyar that it be recommended that Council forward the issue to the Minister for Local Government for clarification and her recommendations.

The Motion was Put and

CARRIED

Committee Recommendation – 19 March 2001

MOVED Cr Walker, SECONDED Cr Magyar that the Committee supports the officer's recommendation and IT BE RECOMMENDED THAT:

- 1 Council notes "Motion 12 – Administration Performance", as moved at the Annual General Meeting of Electors held on 18 December 2000, and the information subsequently received from Mr O'Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;
- 2 There appears to be insufficient grounds on Mr O'Brien's claims for the Council to approach the Minister for Local Government, and it is recommended that the Council advise Mr O'Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions.

The Motion was Put and

CARRIED

RECOMMENDATION**1 Motion 1 – Receiving of the 1999/2000 Annual Report and Financial Statements:**

That Council SUPPORTS the ratepayers and refers the matter to the Minister for Local Government and requests her to validate the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land in the year 1999/2000;

2 Motion 2 – Rating 2001/02 Financial Year:

That Council:

- (a) **HOLDS** a series of workshops with Elected Members to develop the 2001/02 Budget during which consideration will be given to the rates to be levied in the 2001/02 financial year;
- (b) takes into consideration “Motion 2 - Rating 2001/02 Financial Year”, as moved at the Annual General Meeting of Electors held on 18 December 2000, during the 2001/02 budget workshops;

3 Motion 3 - City of Joondalup Leisure Centres - Operational Management and Lease:

That Council:

- (a) **NOTES** the decision of Council of 27 February 2001 in relation to CJ037-02/01 Tender 072-99/00 - Operational Management and Lease, City of Joondalup Leisure Centres;
- (b) takes no further action on this issue;

4 Motion 4 – Combined Residents Group:

That Council **NOTES** “Motion 4 – Combined Residents Group” as moved at the Annual General Meeting of Electors held on 18 December 2000 and authorises the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the group’s intended Terms of Reference and thereafter convene regular monthly meetings and report back to the Council with further details;

5 Motion 5 – Date of Annual General Meeting of Electors:

That Council **NOTES** “Motion 5 – Date of Annual General Meeting of Electors” as moved at the Annual General Meeting of Electors held on 18 December 2000, and endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November;

6 Motion 6 – Community Consultation:

That Council:

- (a) notes the positive feedback from ratepayers regarding the notice boards at Sorrento and Mullaloo;

- (b) seeks to further improve its communication with ratepayers by utilising free-standing public notice boards in local shopping centres, community facilities and at train stations, advertising specific issues and events;
- (c) focuses on ensuring that the advertising literature is produced in a format which is easily read by persons with visual disabilities;

7 Motion 7 – Community Participation:

That Council:

- (a) encourages greater community participation within the decision making process and considers the advice received from the community before making decisions;
- (b) reinforces its commitment to local industry wherever possible through its Strategic Plan, and Regional Purchasing Policy;
- (c) allocates competent personnel and funding to support:
 - (i) Ranger and Security Services;
 - (ii) community and leisure centres;
 - (iii) bush and dune regeneration and dry parks maintenance;
 - (iv) all community volunteer groups, eg community kindergartens and pre-school groups, environmental groups, residents and ratepayers groups;

8 Motion 8 – Security Charge:

That Council SUPPORTS the view of the motion expressed by the electors of the City of Joondalup that it expects Council to fund all the important initiatives such as graffiti control, neighbourhood watch, Constable Care, mural arts and urban design from general rates.

9 Motion 9 – Refund of Security Charge:

That :

- (a) Council recommends that the imposition of a security levy by the Joint Commissioners of the City of Joondalup on 7 September 1999 failed to explain how it complied with written advice of the Department of Local Government, as published in “Update” March 1999, and as such it is considered prudent to wait for the decision from the Minister before acting further on this motion, and;

- (b) this motion, together with “Motion 1 - Receiving of the 1999/00 Annual Report And Financial Statements”, be referred to the Minister for Local Government;

10 Motion 10 – Security Charge – Legislation:

That Council advises the Minister for Local Government, the Western Australian Municipal Association, and the Department of Local Government that the electors at the Annual General Meeting requested Council notify the aforementioned that the electors of the City of Joondalup:

- (a) do not support:
 - (i) the broadening of the power of expenditure associated with monies appropriated by service charges;
 - (ii) the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include streetscaping and the like;
- (b) reject the principle of imposing additional taxes including flat taxes;

11 Motion 11 – Public Question Time:

That Council:

- (a) NOTES the requirements of the Local Government (Administration) Regulations 1996, Clause 7, Subsection 3 that each member of the public who wishes to ask a question is to be given an equal and fair opportunity to ask the question and receive a response;
- (b) NOTES the requirements of the current Standing Orders Local Law regarding second public question time;
- (c) REFERS the issue of public question time be referred to the Standing Orders Committee for consideration.

12 Motion 12 – Administration Performance:

That Council:

- (a) notes “Motion 12 – Administration Performance”, as moved at the Annual General Meeting of Electors held on 18 December 2000, and the information subsequently received from Mr O’Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;
- (b) as there appears to be insufficient grounds on Mr O’Brien’s claims for the Council to approach the Minister for Local Government, advises Mr O’Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions;

- 13 That Council NOTES the unconfirmed minutes of the Committee formed to Address Ratepayers' Concerns in relation to the Annual General Meeting of Electors of December 2000, held on 19 March 2001, forming Attachment 1 to Report CJ075-03/01.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14ag270301.pdf](#)

**CJ076 - 03/01 MINUTES OF THE ENVIRONMENTAL ADVISORY
COMMITTEE MEETING – 22 FEBRUARY 2001 -
[00906]****WARD - All**

CJ010320_BRF.DOC:ITEM 4

SUMMARY

A meeting of the Environmental Advisory Committee was held on 22 February 2001 and the minutes of the meeting are submitted for noting by Council and endorsement of motions.

BACKGROUND

The Environmental Advisory Committee meeting held on 22 February 2001 achieved a quorum and considered business items arising from the previous meeting held on 20 December 2000 (Submitted for noting by Council at its meeting held on 13 February 2001.)

The committee discussed a wide range of items including:

- the minutes of the Conservation Advisory Committee;
- a Bushland Management petition requesting the City of Joondalup to manage natural areas;
- City of Joondalup draft Cliff Policy and considerations relating to limestone cliff hazards;
- a draft work plan for the Environmental Advisory Committee for 2001;
- the Perth Air Quality Management Plan;
- endorsement of comments by committee members on the Yellagonga Regional Park Draft Management Plan and Analysis of Public Submissions;
- information summaries relating to seminars, conferences and various documents;
- a botanical assessment report for Lot 1029 Ocean Reef;
- fertilizer management;
- “Triple Bottom Line” reporting.

The committee deferred consideration of minutes of the Joondalup Community Coast Care Forum held on 27 November 2000 and the minutes of the Yellagonga Catchment Group meeting held on 25 January 2001.

The committee endorsed the minutes of the Conservation Advisory Committee held on 15 February 2001, including Motion 4.2 in relation to the Petition – Management of Natural Areas, presented to Council on 14 November 2000.

DETAILS

The minutes of the Environmental Advisory Committee held on 22 February 2001 have been included as Attachment A.

The following motions were put and carried:

MOVED Mr V Harman SECONDED Cr C Mackintosh that the minutes of the Environmental Advisory Committee meeting held on 20 December 2000 (Attachment 1) be accepted as a true and accurate record.

MOVED Cr Mackintosh SECONDED Cr Magyar that the Environmental Advisory Committee;

- (1) **ENDORSES** the minutes of the Conservation Advisory Committee held on 15 February 2001, and;
- (2) **ENDORSES** motion 4.2, that the City of Joondalup produces a brochure of common weeds to encourage ratepayers to identify weeds and eradicate them. The brochure to be distributed to all households in the City.

MOVED Cr Mackintosh SECONDED Cr Nixon that the Environmental Advisory Committee recommends to Council that Council;

- 1 **RECEIVES** the petition, Management of Natural Areas as presented by electors of the City of Joondalup to Council on 14 November 2000;
- 2 **LISTS** the objectives contained in the petition for consideration as part of the 2001/2002 Draft Maintenance Budget submissions (Item CJ034-03/01 refers);
- 3 **LISTS** the maintenance of Natural Bush Areas as a specific item in the Operation Maintenance Budget for 2001/2002 (Item CJ034-03/01 refers).

All other motions related to internal committee actions. The Committee resolved to conduct a workshop with selected committee members to review the draft Work Plan for the Environmental Advisory Committee for 2001, and to establish a working group to review the "Perth Air Quality Management Plan" and to report back to the Committee.

RECOMMENDATION

That Council:

- 1 **NOTES** the unconfirmed minutes of the Environmental Advisory Committee meeting held on 22 February 2001 forming Attachment 1 to Report CJ076-03/01;
- 2 **NOTES** the unconfirmed minutes of the Conservation Advisory Committee held on 15 February 2001 forming Attachment 2 to Report CJ076-03/01;

3 In relation to the Bushland Management Petition:

- (a) **RECEIVES** the petition as presented by electors of the City of Joondalup to Council on 14 November 2000;
- (b) **LISTS** the objectives contained in the petition for consideration as part of the 2001/2002 Draft Maintenance Budget submissions;
- (c) **LISTS** the maintenance of Natural Bush Areas as a specific item in the Operation Maintenance Budget for 2001/2002.

Appendices 2(a) and 2(b) refer

To access this attachment on electronic document, click here: [Attach2abrf200301.pdf](#)
[Attach2bbrf200301.pdf](#)

JG

v:\strateg\sreports\mar2001\spr010303.doc

**CJ077 - 03/01 TENDER 031-00/01 – MOBILE COMMUNICATIONS
AND GLOBAL POSITIONING SYSTEM - [06511]****WARD - All**

CJ010320_BRF.DOC:ITEM 5

SUMMARY

In May 2000, Registrations of Interest were invited from companies interested in providing a mobile data communication and global positioning system for selected vehicles in the City's fleet.

Based on the Registrations received and taking into account strategic considerations, the City analysed the various concepts and systems proposed and prepared a broad system specification for a communication and global positioning system which would best meet the City's long term operational requirements.

Tenders for a Mobile Communications and Global Positioning System based on the specifications developed closed on 21 December 2000.

The Mobile Communications Working Party evaluated all the tenders received and recommends that all tenders be declined and the City seek the offer of supply from a suitable supplier for a solution within the scope of the original tender brief. This approach is in accordance with *Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i)* which allows the City to enter into a contract within six months of the original advertising of the tender, i.e. by 24 May 2001 without the need to call fresh tenders.

BACKGROUND

For some time the City has been investigating the possible implementation of a Mobile Communications and Global Positioning System that would provide benefits, in terms of operational efficiencies and improved customer service for the City. Registrations of Interest were initially called and a Mobile Communications Working Group was established to consider the range of solutions proposed from the submissions received. The proposals received could be categorized into two distinct groups; those that were a dispatch type system, similar to those used by taxis and courier fleets and those that provided a "mobile office" concept solution using a computer (with all the PC capabilities) in a vehicle.

The Mobile Communications Working Group took a strategic approach and considered that the "mobile office" concept provided the greatest flexibility and potential benefits to the City. This solution also fitted in with the City's overall IT direction of maximising technology to improve and support future customer service and community expectations.

The dispatch type systems can only be used for task allocation and provide limited other capabilities compared to the "Mobile Office" solution. Also, with the maturing of technology, it is considered that the dispatch type system has a very limited life-cycle and any change to enhance the City's communication solution in the future would mean that the initial cost (from \$28,000) for this type of infrastructure would be lost or classed as "regrettable" funding, as the system could not be expanded. Other local governments (Brisbane City Council), State authorities and the private sector have or are in the process of installing the "mobile office" type communications system successfully. This appears to be the future direction of mobile communications.

The Working Group also considered that the system should be piloted with Security Services' vehicles and then, when effectively operational, extended in a staged approach to the other service area vehicles such as Rangers, Infrastructure Management, Health and Approvals, over a period of three years.

Tenders were invited for a Mobile Communications and Global Positioning System. This Tender closed on 21 December 2000.

The Working Group evaluated all the tenders received and has recommended that all tenders be declined and that the City seeks the offer of supply from a suitable supplier for a solution within the scope of the original tender brief. If this recommendation is endorsed the City can enter into a contract with a supplier within six months of the original advertising of the tender, i.e. by 25 May 2001 without calling a fresh tender. This approach is accordance with *(Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i))*. (Copy at Attachment A.)

DETAILS

The tender sought a company to supply a PC based open solution system able to be used on a variety of networks and operating platforms, which would achieved the following objectives:

- To improve customer service response and delivery, via our field officers.
- For field officers to have 'real time' access to selected corporate information systems in their vehicle, with the ability to interface and interact with these systems; for example, Security must be able to query Proclaim to search for information such as dog registrations etc;
- For field officers to be able to receive and transmit data messages from the Administration Centre, in 'real time' using the Proclaim Action Request Module;
- For field officers to spend more productive time in the field with the ability to undertake additional duties and responsibilities, thereby increasing productivity and reducing administrative costs;
- The ability to allocate/assign jobs to field officers, and for field officers to record their actions, with improved accuracy; and the ability to track all jobs status;
- The ability for field officers to initiate jobs from the field, with a global positioning system being able to map such incidents; for example, the recording of pot-holes, graffiti etc.

- Reduction of non-productive travel time for field officers, with use of a global positioning system, thereby optimising resources and increasing productivity;
- To improve business processes and work practices, thereby empowering our field officers and increasing their responsibility, decision making processes and pro-activeness;
- To promote and enhance the City's corporate image, as a innovative and service delivery driven organisation;
- To satisfy increasing community expectations and demands, in relation to service delivery.

Evaluation of Tenders

Over 50 tender information documents were requested from across Australia, however only seven tenders were received at the close of tender on 21 December 2000. Tenders were received from:

• Transcom Communications	\$138,487.80
• Comsat Security	\$81,326.17
• Technisyst Computing	\$254,650.00
• Memo Communications	\$27,943.00
• Logica	No Rate Given
• Datanet	\$68,415.00
• Bae Systems	No Rate Given

Following an analysis by the Working Group, in accordance with the Tender's selection criteria provided under the conditions of tendering, five of the responses were deemed to be non-compliant to the selection criteria and not able to meet the business solution sought. These being Comsat Security, Memo Communications, Logica, Datanet and Bae Systems.

The objective of the tender was to seek an end to end solution at a fixed price within the Council's budget for the program.

When Registrations of Interest were initially invited in May 2000, the quotes received for the implementation of a system in 10 vehicles ranged from a lower end dispatch system at around \$50,000 through to a higher end PC based solution at around \$170,000. The most expensive system would have cost the City around \$17,000 per vehicle. In a tender situation it would have been expected that the cost would have been similar or in fact lower than those submitted for the Registration, however this was not the case for the current tender.

Technisyst Computing and to a lesser extent Transcom Communications submitted tenders demonstrating a system which would provide a PC based, open solution able to be used on a variety of networks and operating platforms, and with the ability to interface with the City's Proclaim system and in particular the Action Request Module. Technisyst Computing tender provided comprehensive costing and a project management plan, however the quoted price was in excess of the City's budget for the project.

Transcom Communication's tender did not provide an end to end solution in that firm details and costs were not provided for project management and software development, associated with the integration to the City's corporate system, Proclaim. The integration with Proclaim and the Action Request Module is a critical element for the success of the project and for the realisation of identified operational efficiency benefits for the City.

The Proclaim Action Request Module, which has only recently been installed, is used for recording requests, reports, complaints and compliments and commenced implementation on 19 February 2001. The implementation is scheduled over the next few months, initially with the registration of complaints for all units and requests for services associated with City Watch, Council Support, recycling and Environmental Waste Services; Approval Services; and Ranger Services. When a request or a report is lodged via the Action Request Module, the system automatically sends an e-mail (according to established work procedures) to those areas required to action the request.

The Working Group therefore considered that all tenders should be declined.

The Working Party sought legal advice as to whether it would be able to reject all the tenders received, and seek offer from suitable suppliers with a view to selecting and implementing a solution which would still meet the business requirements within the scope of the original tender brief.

Legal advice has confirmed that under the provision of *Regulation 18(5)* and *11(2)(c)(i)* of the *Local Government (Functions and General) Regulation* the City has the ability to exercise its rights to decline all tenders and to acquire the goods without the necessity of a fresh tender process. This is assuming that there is no change in the broad scope of works, the supply of goods remains in broad terms identical or largely comparable to the tender process and that the contract is entered into within six months of the date upon which a public invitation was made (25 November 2000) i.e. by 24 May 2001.

The City's solicitor has also advised that there is no qualification with whom this contract may be entered into, and there is no reason to presume that one of the tenderers under the earlier tender process may not be the eventual contracting party.

COMMENT/FUNDING

Business Case - Potential Benefits with System implementation

In developing the broad specifications for the tender, the Working Group believed that the concept of a mobile communications system initially in security vehicles, with access to corporate information systems, would provide benefits to the City in terms of improved customer service and operational effectiveness. The Working Group identified the following potential benefits with the development and implementation of such a mobile communications and global positioning system for the City's security operations:

- Improved Customer Service
 - Responsive to tasks allocated.
 - Accurate and up to date status of all tasks allocated.

- Innovative service delivery with access to corporate information to enable the provision of accurate advice to the community.
- Improved reporting of incidents e.g. damage, graffiti pot holes etc.
- Improved Productivity
 - Increased “in Field” time for Security officers with reduction in non-productive travel time and report preparation.
 - Security officers’ ability to handle additional duties and responsibilities.
 - Ability to assign/allocate tasks to Security officers.
 - Ability to optimise Security officer resources.
- Improved quality and accuracy of data
 - Direct entry of data into corporate systems by Security officers.
 - Ability to map and record incidents with GPS e.g. pot holes, graffiti etc.
 - Greater accountability.
- Improved business processes and work practices
 - Process review and mapping.
 - Empowering Security Officers and increasing their responsibility.
 - Improved OHS&W for Security officers with GPS and system monitoring capabilities.

The Working Group also considered that the extension of such a system to other areas in the City’s operations e.g. Rangers, Operation Services to allow the allocation of tasks to the outside workforce and would also see similar potential benefits achieved.

Potential Cost Benefits with System Implementation

A number of direct cost benefits can be identified with proposed changes in work practices and business processes. There will also be direct and indirect benefits, improvements in customer service and service delivery with the implementation of such a system.

With the implementation of a mobile communications and global positioning system, it is considered that there would be potential cost benefits through improved productivity and data capture processes. The implementation of such a system would streamline a number of processes associated with the management and allocation of tasks to Security officers in the field and also with the recording and preparation of reports by those officers.

It is proposed that the Security officers would receive tasks, via the mobile communications system, rather than taking down messages from the trunk radio. Once the action is complete, the Security officer would then enter the details directly into the Proclaim Action Referral system, via their mobile communication equipment. This would alleviate the need for written reports by Security officers and also increase the “in field” availability of those officers for other tasks and duties. All the necessary information would be included and recorded in the corporate system as it happens, providing an accurate and up to date status of all tasks.

Use of the Proclaim Action Referral module by the Security officer, via the mobile communications system, reduces the need to separately forward to other areas incidents that need action as the system automatically sends e-mails (according to established work procedures) to those areas detailing the action required. It is estimated that there would be an 8.3% saving in Security Officers' time on report preparation, improving productivity which has been calculated at \$80,600 p.a. There are also potential benefits within the administration area of City Watch associated with minimizing data entry of tasks allocated and subsequent reports details which are required for performance evaluation purposes. These productivity changes in the administration area are estimated to amount to \$15,000 in Year 1 to \$29,000 for the following years.

There are a number of potential benefits in terms of customer service and improved efficiencies that can be derived from the implementation of a mobile communication and global positioning system for the City Watch service. In addition there are a number of intangible benefits that cannot be readily costed, such as improved quality and accuracy of data and improved business processes. The payback period for the implementation of a system would be within 4½ years.

It is believed that similar benefits can accrue if the system was extended to other areas of the City operations.

The system can readily be removed and installed in other Council vehicles, e.g. Rangers and Operation Services, if there is a change in the Security Services as a result of the May 2001 referendum.

RECOMMENDATION

That Council:

- 1 DECLINES all Tenders received for Tender 031-00/01 Mobile Communications and Global Positioning System;**
- 2 ENDORSES the City to seek offer for the supply of a Mobile Communications and Global Positioning System with a suitable supplier in accordance with *(Local Government (Functions and General) Regulations 18(5) and 11(2)(c)(i)* within the broad scope of works to enter into a contract before 24 May 2001.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf200301.pdf](#)

**CJ078 - 03/01 WARRANT OF PAYMENTS FOR THE PERIOD
ENDING 28 FEBRUARY 2001 - [09882]****WARD - All**

CJ010320_BRF.DOC:ITEM 6

SUMMARY

This report details the cheques drawn on the funds during the month of February 2001. It seeks Council's approval for the payment of the February 2001 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	028927-029508	4,835,793.07
Municipal	000246-000250	4,835,793.07
	TOTAL	\$ 9,671,586.14

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of February 2001, the amount was \$683,277.59

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$9,671,586.14 which is to be submitted to each Councillor on 27 March 2001 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$9,671,586.14 submitted to Council on 27 March 2001 is recommended for payment.

.....
Mayor John Bombak

RECOMMENDATION

That Council **APPROVES** for payment the following vouchers, as presented in the Warrant of Payments to 28 February 2001, certified by the Mayor and Director of Resource Management and totalling \$9,671,586.14.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	028927-029508	4,835,793.07
Municipal	000246-000250	4,835,793.07
	TOTAL \$	9,671,586.14

Appendices 4(a) and 4(b) refer

To access this attachment on electronic document, click here: [Attach4abrf200301.pdf](#)
[Attach4bbrf200301.pdf](#)

jbt.rh/db

v:\reports\2001\rm0067.doc

**CJ079 - 03/01 FINANCIAL REPORT FOR THE PERIOD ENDING 28
FEBRUARY 2001 - [07882]****WARD - All**

CJ010320_BRF.DOC:ITEM 7

SUMMARY

The monthly financial report for the period ending 28 February 2001 is appended as Attachment A.

The half-year Budget review was completed and identified funds of **\$963.1k** for re-distribution. New projects of **\$219k** were funded. A Revised Budget was prepared to reflect the available funds and the newly funded projects.

The February report is the 8th financial report for the 2000/2001 financial year. The report shows a variance of **\$6.8m** when compared to the Revised Budget for the year to date. This variance can be analyzed as follows:

- The Operating position shows a variance of **\$3.8m** to budget at the end of February 2001 due to revenue not received of **\$0.5m** and underspending in Employee Costs of **\$0.8m**, Materials & Contracts of **\$3.4m** and Depreciation of **\$0.1m**.
- Capital Expenditure shows a variance to budget of **\$1.0m** at the end of February 2001. This is primarily due to purchases of Computer and Communication Equipment and Plant & Light Fleet that had not been undertaken.
- Capital Works shows a variance to budget of **\$2.0m** at the end of February 2001. However, the City has currently committed expenditure of approximately **\$2.0m**. Inclusion of this committed expenditure indicates that the Capital Works Program compares favourably against the Revised YTD budget.

RECOMMENDATION

That the Financial Report for the Period Ended 28 February 2001 be NOTED.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200301.pdf](#)

CJ080 - 03/01 WARWICK LEISURE CENTRE - [01084]**WARD** - South

CJ010320_BRF.DOC:ITEM 8

SUMMARY

Warwick Leisure Centre was constructed after the previous Greenwood Warwick Recreation Centre was demolished due to waterproofing and insulation membrane problems with the structure of the building. The City entered into an agreement with the Churches of Christ Sport and Recreation Association (CCSRA) to develop an enhanced leisure centre that incorporates four sports courts plus meeting rooms, dance and art and craft rooms.

This resulted in the CCSRA managing the sports halls and the City managing the other facilities in the building. Essentially, there were two recreation centres operating under the one roof with two managers, two sets of reception staff, etc. It is important to note that the revenue opportunities are much greater through the sports halls rather than in the other recreation areas.

In 1997/1998 moves were made to rationalise this arrangement and enhance the management of the Centre by CCSRA assuming management of the entire building. This proposal was accepted by CCSRA and its management of the facility has been excellent, enhancing the range of leisure options available and improving the financial performance of the Centre. CCSRA undertook management of the entire Centre for a \$45,000 per annum management fee (equivalent to the cost of the previous manager) and a share of any savings achieved in managing the City's section of the building.

The current arrangement is due to expire by June 2001 and has been subject to ongoing negotiations with CCSRA. Discussions have centred on the incentive scheme that is in place to encourage CCSRA to enhance the financial and customer service performance of the Centre.

To continue the benefits of having a single management at the Centre, it is necessary to change the current arrangement and extend it to coincide with the termination of the lease in place for CCSRA's section of the Centre.

It is recommended that Council endorses a 52.5/47.5 split of any savings made from the benchmark of the 1997/98 budget deficit for Warwick Leisure Centre as if the centre had been operated by CCSRA. The City would pay CCSRA 25% in year one of the agreement, being the 1998/99 financial year, of any savings achieved in reducing the operating deficit of the centre. In subsequent years, the City would pay 47.5% of any savings made.

The recommended split of any savings has been established on the basis that the ratio of 52.5/47.5 provides the best fit between what CCSRA is seeking as an incentive and the benefit to the City from this arrangement.

It is also recommended that the management agreement period be extended to 31 December 2009. This will align the agreement with the termination date for the sub lease the CCSRA currently has for its section of the Centre.

It is further recommended that a clause be included in the agreement to manage the effect of the Goods and Services Tax on the operation of Warwick Leisure Centre.

BACKGROUND

Development and Construction

The development of Warwick Leisure Centre was a joint arrangement between the former City of Wanneroo and CCSRA. The funding arrangements were as follows:

Churches of Christ Sport & Recreation Ass'n	\$1,465,757
Community Sport and Recreation Facilities Fund	\$715,000
Former City of Wanneroo	\$525,712
TOTAL	\$2,706,469

Warwick Leisure Centre was constructed to replace the Greenwood Warwick Recreation Centre. The original centre was constructed as a "bini shell" and had to be demolished due to waterproofing and insulation membrane problems that affected the structure and hence the safety of patrons. Warwick Leisure Centre was then constructed so that residents of Greenwood and Warwick had immediate access to a wide range of leisure opportunities.

The Greenwood Warwick Recreation Centre had only one sports hall, and with the involvement of the CCSRA, this resulted in building a significantly more substantial facility with Warwick Leisure Centre having four sports courts. This then improved the range of opportunities for indoor sport in the area and, combined with art and craft rooms, function rooms, etc, meant that the City, in partnership with the CCSRA, was able to build a new facility at a very reasonable cost to Council.

Due to the through put of patrons and fees that are able to be levied per participant in indoor sports, the CCSRA has been able to operate a viable sporting competition based operation. The section of Warwick Leisure Centre managed by the City targeted recreation and passive activities and hire by community groups. The financial viability of these activities was limited at best.

Lease and Management Arrangements

Warwick Open Space, of which Warwick Leisure Centre forms a part, has been leased by the City from the State Planning Commission since 1985 on a 25 year lease. The former City of Wanneroo entered into a sub lease agreement with the CCSRA for part of Warwick Leisure Centre for a period of 19 years commencing 1990 and ending in 2009.

From 1991 to 1998, Warwick Leisure Centre was partly managed under lease by CCSRA and the balance of the building has been managed by the City. The CCSRA managed the four sports courts component of the venue and Council the arts, crafts, meeting rooms and function areas of the complex. Each organisation had its own manager and support staff.

Since this management arrangement was implemented, it became apparent that it resulted in a duplication of resources necessary to successfully manage the venue. In effect, there had been two recreation centres operating from the one building.

More importantly, however, is the view that the services being provided through the Centre, ie sport, recreation activities and community support services, could only be provided as an integrated programme by the CCSRA.

Following lengthy negotiations, CCSRA assumed management of the entire building in April 1998 (Items CS294-10/97 and CS41-03/98 refer). This resulted in existing Council staff working at Warwick Leisure Centre being made redundant or being transferred to another position within the City.

The CCSRA has managed Warwick Leisure Centre since that time on behalf of the City. This has meant in practice that the CCSRA did not assume any responsibility, including financial risk, for the operation of the City's section of the centre. This position is understandable in view of the level of subsidy for 1997/98 by the City to its section of the Centre's operation.

The City is required to underwrite the operation of its part of the Centre as the CCSRA would not expose itself to the financial risk of settling on a budgeted deficit and not being able to achieve that target (Item CS41-03/98 refers).

The goals of having the CCSRA manage the City's section of the Centre were as follows:

- improved financial performance by driving down the operating deficit;
- enhanced customer service;
- enhanced marketing of the Centre; and
- integrated delivery of sport, recreation activities and community support services.

It is considered the arrangement with the CCSRA has been successful for both parties. In the two years of operation, CCSRA has demonstrated its ability to manage the facility to meet the leisure needs of the local community. The cost of operating the Centre to the City has decreased. Since the CCSRA assumed management responsibility for the City's section of the building, no complaints have been received from patrons concerning the CCSRA's management.

DETAILS

Proposed Management Agreement

Term:

It is recommended that the management agreement period be extended to 31 December 2009. This would align the management agreement with the termination date for the sub lease the CCSRA has for its section of the centre.

Incentive Payments:

A draft management agreement was forwarded to the CCSRA for consideration based on Council's resolutions in 1997 and 1998. The CCSRA ultimately proposed a number of changes relating to the savings sharing arrangements which indicated that there had been a misunderstanding concerning the incentive scheme.

The CCSRA understood that the percentage of savings would always be calculated back to the benchmark year of 1997/98 rather than being calculated from one year to the next. As a consequence, the percentage split of any savings has been reworked to provide a suitable incentive to the CCSRA to continue to improve the performance of Warwick Leisure Centre.

There has been a series of meetings to discuss the incentive scheme arrangement with representatives from CCSRA. It has taken much longer than anticipated to reach agreement. Discussions have been amicable, but there have been a number of delays from both organisations, which have led to this matter not being finalised.

There has also been confusion surrounding the financial base from which the incentive scheme payments should be made. This is due to the basis on which the CCSRA presents monthly statements to the City as compared to the City's budget, which includes a number of other line items. The 1997/98 budget for Warwick Leisure Centre has been used as the basis to enable meaningful comparison and ensures that the CCSRA was only being assessed in terms of calculation of an incentive payment for savings made on those items that the Church of Christ could control. Accordingly, the budgeted deficit of \$310,000 for the 1997/98 financial year, which was used as the basis for calculating savings, has been adjusted to \$227,542.

It is estimated that the City will pay the CCSRA, if it is able to realise its financial projections, a total incentive payment of \$752,000 over the life of the agreement. The incentive payment to CCSRA in the first year, being the 1998/99 financial year, is based on 25% of the savings with 47.5% of the savings proposed in the second year and thereafter. The remaining 52.5% savings accrue to the City. The savings relate to any savings achieved in reducing the operating deficit of the centre.

The recommended split of any savings has been established on the basis that a 52.5/47.5 ratio provided the best fit between what the CCSRA is seeking as an incentive and the benefit to the City of reducing the operating deficit paid by the City.

Management Fee:

A management fee of \$45,000 per annum, or \$495,000 over the life of the eleven year agreement, is payable to the CCSRA for its management of the City's section of Warwick Leisure Centre. The management fee is a fee for service that covers the CCSRA day to day management of the Centre through its Centre Manager and the participation of its board of management in the strategic development of the Centre.

Other Costs:

The City is responsible for a number of additional costs not included in the operational management budget of the CCSRA but which are applicable to the Centre, irrespective of whichever organisation is managing the facility. These are as follows:

- Building rental charges;
- Insurance - public liability and Industrial Special Risk;
- Garden Maintenance; and
- Corporate Overheads.

These costs are currently budgeted at approximately \$148,100 per annum.

GST:

It is recommended that a clause be included in the agreement to manage the effect of the Goods and Services Tax on the operation of the Warwick Leisure Centre.

The clause relating to GST will require that the CCSRA properly account for, and conform to, GST requirements in any of its transactions in operating Warwick Leisure Centre on behalf of the City. This will ensure the City's interests are protected.

COMMENT/FUNDING**Incentive Payments**

Should Council agree to the proposed arrangement, it will be necessary to pay the CCSRA the balance of its incentive payments for the first two years. As the amount of the incentive payments to CCSRA has not been known, due to the ongoing negotiations, there has only been one good will payment of \$9,323. As a result, once the agreement is finalised, it will be necessary to pay CCSRA its total incentive amount for 1998/99 and 1999/2000, less the amount already paid. This is calculated at \$43,900. This payment will be an over budget expenditure and requires endorsement from Council by absolute majority.

CCSRA's Management Performance

The current management arrangements have improved the financial performance of the Centre and been well received by patrons of the Centre. There is regular discussion between Centre management and Council staff on management and building maintenance issues and a positive partnership has developed. The facility is being well maintained and the range of leisure activities on offer demonstrates innovation and an ability to meet the leisure needs of the local community.

It has also enhanced the integration and coordination of services by having one agency responsible for the delivery at the Centre.

As the current arrangement is working well, it is considered that extending the management agreement period, so that its termination coincides with the end of the lease, will enable the CCSRA to plan more effectively for the future. Negotiations on future lease and management arrangements for the Centre can also then be held simultaneously.

Requirement to advertise Business Plan

The City's Solicitor has advised that there is no requirement to advertise a business plan for this matter under sections 3.58 and 3.59 of the Local Government Act 1995.

Tender Requirements

Under the Local Government Tender Regulations Section 11 2(f), tenders do not have to be publicly invited if the local government has good reason to believe that, because of the unique nature of the goods and services, it is unlikely that there is more than one potential supplier.

The City's Solicitor has confirmed that to award the management of the part of the Centre to CCSRA in conjunction with the current lease arrangement with the CCSRA for the other part of the Centre does not require a public tender under the provisions of Regulation 11(2)(f), as the proposed arrangement is not only unique but also has other advantages (qualifying other reasons under the Regulation) due to the following:

- 1 CCSRA is the only possible "sole supplier" of programs and services at the Centre because of its unique position of having the greater part of the Centre under Lease. No other service provider will have the uniqueness to manage the whole Centre excepting the CCSRA.
- 2 In the past, the City has itself tried to manage the other part of the Centre by its own staff, in conjunction with CCSRA, for seven (7) years without success. The City has observed that having two service providers at the Centre is cumbersome, inefficient and costly, creating duplication in the following areas:
 - Staff
 - Overheads
 - Administration
 - Facilities
 - Programs
 - Marketing and Promotions
 - Signage
- 3 The scope of services is the management of part only of the centre.
- 4 It is unlikely that a manager will be in a position to derive a profit from the operation of that portion of the centre per se.
- 5 The only "profit" to a successful tenderer will be the fee for management paid by the City.

- 6 The risks and public liability for the City would also be enhanced in having two different operators. This would be exacerbated by the two entities potential use and particular flavour and emphases being represented in the common entrance foyer. This is highlighted by the housing of several artefacts belonging to the City in the foyer which have no relationship to the sports programmes operated by CCSRA.
- 7 In the past, experience with the City and CCSRA operating separately together, there were significant frustrations through differing philosophies, emphases and directions that each of the parties would have preferred the whole Centre to take. Sole operation has allowed the CCSRA to move the Centre as a whole, in certain important directions, particularly in the provision of holistic care for patrons, through community support services.

Should Council agree to these proposals, it will be necessary to rescind its decision made in March 1998 in relation to the incentive scheme arrangement and the management agreement period. A management agreement will be drafted to reflect these arrangements.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY REVOKES 1(k) of the decision made by Council in relation to Item CS41-03/98 at its meeting 24 March 1998 regarding the management agreement period of three years and a contribution by the City to the Churches of Christ Sport and Recreation Association of a percentage of any savings achieved in its management of Warwick Leisure Centre as follows:**

“1(k) contribution to the Churches of Christ of a percentage of any savings achieved from its management of the Centre. The budgeted deficit of \$310,000 for 1997/98 being the basis for calculating savings.

In 1998/99, the contribution to be 25% of any savings made, the percentage to increase to 50% once the annual deficit is reduced to \$170,000 and to 75% when the deficit represents depreciation costs alone.”

- 2 **AGREES to vary the management arrangement between the City and the Churches of Christ Sport and Recreation Association, without seeking a public tender under Regulation 11 (2)(f) of the Local Government (Functions and General) Regulations 1996 in accordance with legal advice, to include the following:**

- the City to pay Churches of Christ Sport and Recreation Association 25% in year one of the agreement, being the 1998/99 financial year, and in subsequent years 47.5% of any savings made from the benchmark of the 1997/98 budget year for Warwick Leisure Centre;
- the period of the management agreement with Churches of Christ Sport and Recreation Association to manage the City's section of Warwick Leisure Centre to be to 31 December 2009;

- a clause in the management agreement to manage the effect of the Goods and Services Tax on the operation of Warwick Leisure Centre.

3 BY AN ABSOLUTE MAJORITY, in accordance with the provisions of Section 6.81 of the Local Government Act 1995, AUTHORISES over expenditure of \$43,900 being payment to the Churches of Christ Sport and Recreation Association of its incentive payment for managing the Warwick Leisure Centre and reducing the operating deficit for the 1998/99 and 1999/2000 financial years.

**CJ081 - 03/01 MINUTES OF JOONDALUP YOUTH ADVISORY
COUNCIL MEETINGS – FEBRUARY 2001 - [45637]****WARD - All**

CJ010320_BRF.DOC:ITEM 9

SUMMARY

Meetings of the Joondalup North and South Youth Advisory Councils were held on 19 and 21 February 2001. The unconfirmed minutes of these meetings are submitted for noting by Council.

DETAILS

The unconfirmed minutes of the meeting of the Joondalup North Youth Advisory Council held on 19 February in Conference Room 1 are included as Attachment 1.

The unconfirmed minutes of the meeting of the Joondalup South Youth Advisory Council held on 21 February 2001 in Committee Room 2 are included as Attachment 2.

No action is required from these minutes.

RECOMMENDATION**That Council NOTES the:**

- 1 unconfirmed minutes of the Joondalup North Youth Advisory Council meeting held on 19 February 2001 forming Attachment 1 to Report CJ081-03/01;**
- 2 unconfirmed minutes of the Joondalup South Youth Advisory Council meeting held on 21 February 2001 forming Attachment 2 to Report 081-03/01.**

Appendices 7(a) and 7(b) refer

To access this attachment on electronic document, click here: [Attach7abrf200301.Pdf](#)
[Attach7bbrf200301.pdf](#)

CJ082 - 03/01 CONTRACT EXTENSIONS – FOR THE SUPPLY AND APPLICATION OF BULK FERTILISER (TENDER NO 132-98/99) AND PRUNING OF STREET TREES (TENDER NO 130-98/99) - [39715] [37715]

WARD - All

CJ010320_BRF.DOC:ITEM 11

SUMMARY

Contract No 132-98/99 for the Supply & Application of Bulk Fertiliser, was approved at the Council meeting on 27 April 1999. This contract forms part of the City of Joondalup's Operations Services contracts and, in accordance with the General Conditions of Contract Clause 24 Contract Period, the City has negotiated an appropriate extension with Turfmaster, the current contractor.

Contract No 130-98/99 for the Pruning of Street Trees, was approved at the Council meeting on 27 April 1999. This contract forms part of the City of Joondalup's Operations Services contracts and, in accordance with the General Conditions of Contract Clause 24 Contract Period, the City has negotiated an appropriate extension with Geoff's Tree Services Pty Ltd, the current contractor.

DETAILS

Contractor, Turfmaster, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 132-98/99 for 12 months from 1 May 2001 to 30 April 2002.

Contractor, Geoff's Tree Service Pty Ltd, has indicated it has no objection to extending the contract and, in view of the satisfactory performance experienced from it, the recommendation is to extend Contract No 130-98/99 for 12 months from 1 May 2001 to 30 April 2002.

COMMENT/FUNDING

All rates remain as per the original contract price, with the application of 10% GST, for both contracts.

RECOMMENDATION**That Council:**

- 1 AUTHORISES the extension of Contract 132-98/99 Supply and Application of Bulk Fertiliser with Turfmaster, for a period of 12 months from 1 May 2001 to 30 April 2002, in accordance with the price schedule accepted by Council for 2000/2001, and the application of 10% GST;**
- 2 AUTHORISES the extension of Contract 130-98/99 Pruning of Street Trees with Geoff's Tree Service Pty Ltd, for a period of 12 months from 1 May 2001 to 30 April 2002, in accordance with the price schedule accepted by Council for 2000/2001, and the application of 10% GST;**
- 3 AUTHORISES the signing of the contract extension documents.**

DC:KL*v:\dd\reports01\mar01\ops01006.doc*

**CJ083 - 03/01 PROPOSED AMENDMENT NO 2 TO DISTRICT
PLANNING SCHEME NO 2 - HIRE OF EQUIPMENT
FROM SERVICE STATIONS - [50036] [39316]**

WARD - All

CJ010320_BRF.DOC:ITEM 12

SUMMARY

This report proposes to initiate an amendment to District Planning Scheme No.2 (DPS2) to include a definition of 'equipment hire' and to add to Table 1, Council's discretion to approve 'equipment hire' in commercial zones. The amendment is a response to complaints regarding the unauthorized hire of equipment from service stations throughout the City.

The situation dates back to early 1999 when specialist equipment hire business operators sought action concerning the hire of domestic equipment from service station sites. Under the then operative Town Planning Scheme No.1 (TPS1), the hire of equipment was not permissible upon land zoned 'Service Station'. Council considered amending TPS1 but an amendment would be unlikely to have been procured before the final approval of DPS2 so action was deferred pending that approval.

DPS2 was gazetted on 28 November 2000. And an amendment can now be progressed to define the use and give Council the discretion to approve it on service station sites within the City.

It is recommended that the Council initiate and adopt an amendment to DPS2 to include a definition of 'Equipment Hire' and to add to Table 1 Council's discretion ('D') to approve 'Equipment Hire' in 'Commercial' zones (see attachment 1).

BACKGROUND

History

In early 1999 specialist equipment hire business operators sought action concerning the hiring of domestic equipment from service station sites. Under Town Planning Scheme No 1 (TPS1), the hiring of equipment was not permissible upon land zoned "Service Station". Council considered the matter at its 27 April 1999 meeting (CJ 148-04/99).

Site inspections indicated that 18 service stations within the City hire equipment such as lawnmowers, trailers and other like goods in addition to their normal business activity. Service station operators have undertaken this practice without having sought or obtained approval from the City.

Service station operators were asked to bring their site operations into conformity with the TPS1. There was limited response to this and further requests made.

The hire industry insisted that Council take action against the service station operators, and threatened legal action to compel the Council to act. The Motor Vehicle Traders Association (MTA), representing service station owners and operators, requested that the Council amends its Town Planning Scheme to allow equipment hire, and that the Council refrain from prosecuting those that don't comply.

Equipment hire at service stations has been carried out in a small way for many years, and has not attracted negative comment from the general community. It could, in fact, be seen as an additional service to the community. Discussions were held, with the Western Australian Municipal Association (WAMA) and the Ministry for Planning to see if this matter can be resolved on an industry-wide basis.

Taking into consideration all parties concerned, the following three-point strategy was established to address the situation:

1. Amend the Town Planning Scheme;
2. Instigate interim legal action if necessary;
3. Lobby the Western Australian Municipal Association (WAMA) for assistance.

The strategy was presented to Council on 13 June 2000, however a decision was deferred pending the gazettal of District Planning Scheme No.2 (DPS2) which at the time was with the Hon Minister for Planning awaiting final approval. It was conceded that an amendment to TPS1 would be unlikely to receive approval prior to the adoption of DPS2 by the Minister.

District Planning Scheme No.2 was gazetted on 28 November 2000.

DETAILS

Issues

TPS1 was drafted in 1972. It did not contemplate the hiring of equipment or other commercial activities occurring upon service station sites. The service station industry has evolved significantly since that time with the advent of fuel outlets shared with other commercial activity and the demise of the typical motor repair workshops at many service stations. Service stations now commonly, conduct other activities on site to supplement income from fuel sales.

Service stations have been monitored for the level of hire activity being undertaken from their sites since this issue was first raised. The service station operators have not visibly altered the extent of hire activity undertaken from their premises. Some individual approaches have been made by some site owners seeking approval, however, owners have been advised that approval could not be obtained.

Of the total 30 service station sites in the City, 18 have been found to offer the hiring of equipment in addition to normal business operation. Approval had not been sought for the hiring of equipment by any of the service station operators. Many operators were apparently unaware that the activity was in breach of TPS1 and that approval would be required for this activity to be conducted on service station sites. Some service station operators have offered the equipment for hire for considerable periods of time.

The activity is common in other metropolitan areas of Perth. It is understood from contact with other local authorities that the issue has not been raised previously. WAMA have advised that some other local governments do have TPS provisions which allow hire activity to be approved in respective "Service Station" zones. In others the TPS does not allow equipment hire in the zone. The issue has not been taken up, to date, in those areas. It appears that the City is being used as a test case for future action in other local authority areas.

Amendment to DPS2

Under DPS2 the use class 'equipment hire' is listed in the zoning table but is not defined and it is not permitted in the commercial zone. Currently 13 of the 18 service stations that operate with the hire of equipment are located in the Commercial zone. The remaining five service stations are divided into the land use zones of 'Business' and 'Service Industrial'. In both these zones, equipment hire can be approved by discretion of Council under DPS2.

Accordingly the amendment would require the following:

1. Inserting a definition into DPS2 for equipment hire as follows "...Equipment Hire includes the use of land and/or buildings for the hire of lawnmowers and other items of a like kind and the term may include the display of some items of that equipment. But the term does not include the hire of vehicles"
2. Introducing the necessary change to enable the use to be approved by Council in the Commercial Zone.

It has been identified that one (1) service station on Lot 1 (2) Warburton Avenue, Padbury has been approved as an 'additional use' in accordance with schedule 2 of DPS2 and also operates as equipment hire. It should be noted that this service station is required to conduct a separate scheme amendment to approve the use of 'equipment hire'.

The definition for 'Equipment Hire' as provided has been examined by the City's solicitors and confirmed to be legally sound.

Discussions have been held with representatives of the Hire Association and the Motor Trade Association to seek their views on the amendment proposed. Both parties have indicated their support to the proposal in writing.

LEGISLATION

Section 7 of the Town Planning and Development Act 1928 (TPD Act 1928) enables Local Authorities to amend a Town Planning Scheme. Section 7A1 of TPD Act 1928, requires the proposed amendment to be forwarded to the Environmental Protection Authority (EPA), to enable the EPA to conduct an assessment for environmental issues that may arise from the amendment in accordance with section 48A of the EP Act.

Once comment has been received from the EPA and provided an environmental review is not requested, the proposed amendment is required to be advertised for public comment pursuant to section 7A2 of the TPD Act 1928 and section 25 (fb) of Town Planning Scheme Regulations 1967 for 42 days. Advertising the proposed amendment enables the public to provide comment on the proposal.

Once advertising is completed, all submissions are assessed and tabled for a report to be presented to Council. A recommendation is then made to the Minister for Planning for final determination.

COMMENT

The unauthorised hire of equipment from service stations has been brought to the City's attention by the Hire Industry. The Hire Industry is concerned that the hire of equipment from service stations is affecting the business viability of the Hire Industry and has requested the Council to bring all service stations into conformity with the scheme.

There is a history of service stations in the City operating the hire of equipment with some dating back for considerable time. There is no history of complaints from neighbours. From a town planning perspective it may be acceptable for hire activity as a second activity on service station sites.

Whilst the hire of equipment from service stations may provide an additional service to the community, this activity should not be considered as of right in service stations. It is preferable for each application for hire activity from service stations to be assessed on a case by case basis.

Accordingly, an amendment to DPS2 is proposed to enable Council to consider 'equipment hire' from service station sites to be assessed on their planning merits.

RECOMMENDATION

That Council :

- 1 in pursuance of Section 7 of the Town Planning & Development Act 1928 (as amended) AMENDS the City of Joondalup District Planning Scheme No 2 to define the use class 'Equipment Hire' and to permit 'Equipment Hire' as a discretionary use in the Commercial zone and ADOPTS amendment No.2 accordingly;**
- 2 ADVISES each service station owner/operator within the City of Joondalup that the Council has initiated an amendment to its District Planning Scheme to enable it to consider the hiring of equipment as a separate use alongside a service station;**
- 3 ADVISES the owner of Lot 1 (2) Warburton Avenue, Padbury that a separate scheme amendment is required for 'equipment hire' to be permitted in addition to a service station use on that site.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200301.pdf](#)

**CJ084 - 03/01 FINAL APPROVAL - AMENDMENT NO. 4 TO
DISTRICT PLANNING SCHEME NO. 2 - LOT 656
(265) EDDYSTONE AVENUE, BELDON - [55134]**

WARD - Pinnaroo

CJ010320_BRF.DOC:ITEM 13

SUMMARY

Amendment No 4 to District Planning Scheme No 2 (DPS2) is brought before Council for consideration of final approval.

Amendment No. 4 proposes to rezone Lot 656 (265) Eddystone Avenue, Beldon, from the "Special Use (Office, Hardware, Garden Centre (700m2) and Medical Centre) Zone" to the "Business Zone".

The rezoning has been sought by the strata managers of Lot 656 (265) Eddystone Avenue, Beldon as the existing zoning is considered too restrictive in terms of permissible land uses.

The City intended Lot 656 (265) Eddystone Avenue, Beldon to be zoned Business under DPS2, however, the landowners did not sufficiently advertise the proposal and as a result, the Hon. Minister for Planning requested the City to retain the Special Use zoning over the property.

Council adopted Amendment No 4 at its meeting on the 19 December 2000 in order to proceed with advertising the proposal.

The amendment has now been advertised and 14 submissions received. Concern was expressed in several of the submissions from businesses within the adjoining shopping centre over the possibility of 'like' businesses being established and therefore competition. Competition is not considered a relevant planning consideration. Concern was also expressed with respect to the lack of restrictions placed on the retail floor area in the Business zone. It is acknowledged that there are no such restrictions, however, retail activity is restricted in the Business zone by way of a limited range of permissible retail uses.

It is recommended that Council amends DPS2 for the purpose of rezoning Lot 656 (265) Eddystone Avenue, Beldon, from the "Special Use (Office, Hardware, Garden Centre (700m2) and Medical Centre) Zone" to the "Business Zone".

BACKGROUND

Lot No	656
Street Address	265 Eddystone Avenue, Beldon
Land Owner	Woodland Joint Ventures Pty Ltd; Norse Pty Ltd; Boudra Pty Ltd; Anchor Holdings Pty Ltd; JG & AM Stewart; RV & M Smith; KC Smith; A & KD Feighan
MRS Zoning	Urban
DPS Zoning	Special Use – Office, Hardware, Garden Centre (700m2) and Medical Centre
Land Use	Medical Centre, Office & Banks (ATMS)
Lot Area	5137m2

Site History / Previous Council Decisions

During the preparation of DPS2, the Hon Minister for Planning (the Minister) requested the City to review, and reduce if possible, the list of Special Zones (Restricted Use) under the City's Town Planning Scheme No 1. A review was undertaken and a number of sites, including Lot 656, were recommended for inclusion in the Business zone. The proposal to rezone Lot 656, however, was not sufficiently advertised during the advertising period of DPS2. Despite this, Council at its meeting on the 12 October 1999 resolved to rezone Lot 656 from the Special Use to the Business zone. Council believed that the zoning would have minimal impact on the surrounding residential amenity. The Minister, however, requested the City to retain the Special Use zoning over the property as he considered that a Business zoning over the property would substantially increase the range of uses that could be considered on the lot and nearby residents should be given an opportunity to comment. The Minister advised that the rezoning of the site should be the subject of a separate amendment.

Shortly before the finalisation of DPS2 the strata managers of Lot 656 submitted a request to the City to rezone the site. Council considered the matter at its meeting on 19 December 2000 (CJ382-12/00) where it was resolved to adopt Amendment No 4 for the purposes of advertising.

The amendment was subsequently forwarded to the Department of Environmental Protection (DEP) for consideration of the need for environmental assessment. The DEP advised that the overall environmental impact of the amendment would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment.

Consent was subsequently obtained from the Western Australian Planning Commission to advertise the amendment. The amendment was advertised for a period of 28 days, ending on 28 February 2001.

DETAILS

Location

Lot 656 (265) Eddystone Avenue, Beldon, forms part of a centre which is bound by Ocean Reef Road to the north, Eddystone Avenue to the east, Cumberland Drive to the south and Gwendoline Drive to the west. Refer to **Attachment 1**.

Existing Zoning, Development & Land Uses

Lot 656 (265) Eddystone Avenue, Beldon, is currently zoned Special Use Zone under DPS2. With respect to the Special Use Zones, clause 3.17 of DPS 2 states:

“No person shall use any land or any structure or buildings on land, in a Special Use Zone, except for the purpose set out against that land in Schedule 2 and subject to compliance with any conditions set out in Schedule 2 with respect to that land.”

The following uses are set out in Schedule 2 of the Scheme with respect to Lot 656 Eddystone Avenue, Beldon:

“Office, Hardware, Garden Centre (700m2) and Medical Centre.”

Eleven suites and associated carparking areas have been developed on the property. Refer to **Attachment 2**. The suites are currently occupied by various medical practitioners and a financial advice business. Three of the suites are currently vacant. Two automatic teller machines are also located on the property.

Access is not available onto Cumberland Way from Lot 656 due to a difference in ground levels. Access to Lot 656 is instead obtained via adjoining Lot 657 or Lot 3 Eddystone Avenue. A reciprocal rights of access agreement facilitates this access.

The zoning of, and landuses on, surrounding properties is indicated in **Attachment 3**.

Proposal

As outlined above, Lot 656 (265) Eddystone Avenue is proposed to be zoned Business under DPS2. The objectives of the Business Zone, as outlined in DPS 2, are as follows:

“3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

The objectives of the Business Zone are to:

- (a) provide retail and commercial businesses which require large area such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure that development within zone creates an attractive façade to the street for the visual amenity of surrounding areas.”*

The uses which are or may be permitted under this zoning are outlined in **Attachment 4**.

Relevant Policies

The Western Australian Planning Commission (WAPC)'s Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Area

The purpose of the WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region.

The Belridge Centre is classified as a Neighbourhood Centre under the policy. The policy states that Neighbourhood Centres *"....should be promoted as predominantly for convenience retailing and (in the larger centres) weekly food and groceries shopping. Provision should also be made for small offices which serve the local community, as well as health, welfare and community facilities."* The policy refers to the shopping floorspace being generally confined to 4,500m² unless consistent with a Commission endorsed Local Planning Strategy.

City of Joondalup Draft Centres Strategy

An objective of the WAPC's Statement of Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region is to encourage local governments to develop local planning strategies to provide detailed planning mechanisms to implement the objectives of the policy. The policy states that local planning strategies will be used as a basis for preparing and amending town planning schemes and assessing development applications.

The City's Draft Centres Strategy fulfills the purpose of a local planning strategy and was adopted by Council at its meeting on 28 November 2000. The strategy has been forwarded to the WAPC.

The Belridge Centre is classified as a Village Centre under the Draft Centres Strategy. Village Centres being defined as *"Low key centres for convenience shopping, small offices and local services and community facilities within easy access from residential neighbourhood."*

The Draft Centres Strategy also allows for other low impact employment premises to be established within Village Centres.

Relevant Legislation

The Town Planning Regulations 1967 set out the procedure for amendments to the Town Planning Scheme. The procedure is summarised at **Attachment 5** and the current stage of the amendment has been highlighted.

COMMENT

Issues

The amendment was advertised for a period of 28 days, ending on 28 February 2001. A total of fourteen (14) submissions were received, five (5) being in support of the amendment and eight (8) being generally not in support of the amendment. A further submission was received from the Water Corporation providing general comments with respect to servicing. Two (2) of the submissions in support of the amendment were received from Woodland Pty Ltd (strata owners within Lot 656) whilst two (2) of the submissions not in support of the amendment were received from persons acting on behalf of Zangel Pty Ltd (owners of the adjoining shopping centre). These submissions have been summarised and addressed in **Attachment 6**.

The following issues were raised in the submissions:

In Support

- Anti-social behaviour is being experienced at the centre. The rezoning of the site is seen as a means of finding tenants for the vacant units and reducing the anti-social behaviour.

Not in Support

- Objection was raised with respect to the introduction of additional fast food or retail outlets. There is believed to be enough fast food and retail outlets on adjoining properties. There is a fear that any additional ones would provide competition to those existing and therefore have a detrimental impact on them.
- There is a concern that the establishment of further fast food or retail outlets will create additional traffic congestion on Lot 656 and on adjoining properties.
- There is a concern that the Business zone allows for a number of retail uses and that to this extent, the permissible use range under the Business zone duplicates that of the adjoining Commercial zone. There is a fear that this will create conflict.
- There is a belief that there was no intention under DPS2 for any retail activity on Lot 656 in order to avoid competition with the adjoining shopping centre.
- There is a restriction on the amount of retail floorspace allowed in the Commercial zone (adjoining shopping centre) yet there is no restriction on the amount of retail floorspace allowed in the Business zone. The Commercial zone however is intended to accommodate shopping centres whilst the Business zone is intended to accommodate wholesaling, retail warehouses, showrooms, trade and professional services and small scale complementary and incidental retailing uses. There is a belief that this is unfair.
- There is no definition of "retail" within DPS2.

Assessment and Reasons for Recommendation

The following comments are made with respect to the issues raised in the submissions:

Antisocial Behaviour

The Business zone will allow for a greater variety of uses to be established within the centre and is likely to assist the owners in finding tenants for the vacant units. The occupation of these units will create additional activity within the centre, which may assist in deterring anti-social behaviour.

Competition

Under the Business zone, Take Away Food Outlets and a limited range of retail uses are permitted. Refer to **Attachment 4**. Competition from new businesses is not a relevant planning consideration unless it results in lesser delivery of services to the local community. Further, such an issue is likely to be taken into consideration by new businesses before establishing within the centre as part of their market research.

Traffic Congestion

The establishment of further businesses on Lot 656 will result in additional traffic on Lot 656 and on adjoining properties. The amount of traffic generated from the establishment of new businesses within the centre is expected to be minimal and unlikely to impact on the functionality of the centre. A site inspection has revealed that only three of the units are currently vacant.

Duplication of Permissible Uses – Business and Commercial Zones

The duplication of permissible uses within the Business and Commercial zones is limited. The Commercial zone allows for a greater number of shopping uses than the Business zone. Refer to **Attachments 4 & 7**.

Intention of DPS2

There was an intention during the preparation of DPS2 for Lot 656 to be rezoned from the Special Use to the Business zone. The proposal however was not sufficiently advertised and therefore did not proceed. No retailing uses are permitted under Lot 656's current zoning under DPS2.

Retail Floorspace Restrictions

Whilst there is a restriction on the amount of retail floorspace allowable under the scheme in the Commercial zone, no such restriction applies to the Business zone. Retail activity within the Business zone is restricted however by way of a limited range of permissible retail uses. For example, Shops and Supermarkets are not permitted within the Business zone, but are permitted within the Commercial zone.

Retail Definition

There is no definition of "retail" within DPS2 as it has not been necessary to provide such a definition and there is no such definition in the Metropolitan Centres Policy. The uses listed in the zoning table are adequately defined.

The existing Special Use zoning over Lot 656 Eddystone Avenue is extremely limiting in terms of permissible land uses and as such, is likely to be one of the contributing reasons for the centre's current vacancies. To increase the range of permissible landuses on the property, a change in zoning is required.

The applicants have requested a "Business" zoning over the property, however consideration has also been given to alternative zonings, specifically, "Commercial" and "Mixed Use" zonings over the property.

The Business zone is the preferred zone for the property for the following reasons:

- The zone allows for the landuses which are permissible under the property's current zoning (i.e. office, hardware, garden centre (700m²) and medical centre) to be established on the property. Under a Mixed Use zoning, a hardware store and garden centre would be prohibited landuses.
- The zone allows for most of the landuses which are, or may be, permitted under a Commercial zoning, with the exception of major retail activity (i.e. Shops & Supermarkets). Major retail activity however is not considered appropriate at this point in time as the retail net lettable floor area specified for the centre in Schedule 3 of the DPS2 has already been assigned to the adjoining Belridge City Shopping Centre.
- The zone allows for a greater range of landuses than the Mixed Use zone. Lot 656 Eddystone Avenue is bound by Commercial zoned land on three sides. As a result, the range of landuses permissible under a Commercial zone is considered to be more appropriate than the range of landuses permissible under a Mixed Use zone. As outlined above, the Business zone and Commercial zone are very similar in terms of permissible landuses with the exception of major retail activity.
- The property is already developed and is therefore constrained in terms of the types of landuses possible. Medical practitioners occupy and are intended to occupy most of the suites. The addition of alternative uses in the vacant suites is unlikely to substantially alter the character of the centre.
- A precedent has been set in that several properties, which possessed Special Use zonings under the City's Town Planning Scheme No 1, and adjoined or formed part of Neighbourhood/Small Town Centres, are now zoned Business under DPS2.

Accordingly, it is recommended that DPS2 be amended to include the site in the Business Zone. The amending text is contained in **Attachment 8**.

RECOMMENDATION

That Council:

- 1** pursuant to Town Planning Regulation 17(2) **ADOPTS** Amendment No 4 to the City of Joondalup's District Planning Scheme No 2 without modification;
- 2** **AUTHORISES** the affixation of the Common Seal to, and endorse the signing of the amendment documents.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf200301.pdf](#)

**CJ085 - 03/01 PROPOSED SINGLE HOUSE (INCLUDING HEIGHT
IN EXCESS OF BUILDING HEIGHT AND BULK
POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN
REEF - [37326]**

WARD - Marina

CJ010320_BRF.DOC:ITEM 14

SUMMARY

An application has been lodged for a 3 level single dwelling, including an undercroft garage, at 16 Volante Elbow, Ocean Reef. The height of the proposal exceeds the building height envelope permitted under the City's "Policy 3.1.9 – Height and Scale of Buildings Within a Residential Area." This policy requires dwellings over 8.5 metres in height to be advertised for public comment as part of the technical assessment. A portion of the proposed single house is proposed to be 8.85 metres in height.

The proposal was advertised in accordance with Policy 3.1.9. Nearby residents raised concerns in relation to:

- ◆ The proposed dwelling being out of character with the surrounding residential development;
- ◆ Roof height exceeding 8.5 metres in height; and
- ◆ The potential use of the house for other purposes.

Generally, the proposal conforms to the standards prescribed by the Residential Planning Codes and the District Planning Scheme. It is recommended that the proposal be approved, with a requirement that it be modified to conform to the Height and Bulk of Buildings Policy.

BACKGROUND

At its meeting held on 27 February 2001 (Item CJ046-02/01 refers), Council resolved:

“that the matter pertaining to the proposed single house (including height in excess of building height and bulk policy): Lot 65 (16) Volante Elbow, Ocean Reef be DEFERRED pending further consideration by elected members in particular the amenity of surrounding residences.”

At its meeting held on 13 March 2001 (Item CJ069-03/01 refers), Council further resolved:

“that the matter pertaining to the proposed single house (including height in excess of building height and bulk policy): Lot 65 (16) Volante Elbow, Ocean Reef be DEFERRED pending further consideration by elected members, in particular the recently submitted petition.”

Lot No	Lot 65
Street Address	16 Volante Elbow OCEAN REEF
Land Owner	Spire Corporation Pty Ltd
MRS Zoning	Urban
DPS2 Zoning	Residential
DPS2 Density Code	R20
Land Use	Single House
Permissibility	P
Lot Area	735m ²

The site (a vacant lot) is a corner lot on the bend in Volante Elbow (refer to attachments for detail). The lot has a cross-fall of approximately 1.5 metres down to the western side (secondary street) boundary. The lot offers substantial views westwards (over the Ocean Reef road reserve) toward the ocean.

The adjoining lots have been developed with a mixture of single and two storey dwellings, with most dating from the late 1980s and early 1990s. While adjoining lots contain single storey dwellings, there are a number of two storey dwellings on the same street, within close proximity of the development site.

The applicant has lodged plans for a substantial residence, comprising the following elements:

- ◆ Residence with 2 living levels plus an undercroft serviced by a lift;
- ◆ The undercroft can accommodate 8 cars;
- ◆ Four bedrooms, gymnasium, studies, lounge, dining, kitchen and laundry;
- ◆ Floor area of approximately 1100m² (3 floors); and
- ◆ The house is of a modular flat roofed style, although there is no access to the roof space at the top of the dwelling

The applicant has stated that the dwelling has been designed for the use of the extended family and not for any other purpose.

Advertising

A portion of the building exceeds the height envelope by 0.35 metres. Consequently, the proposal was advertised in accordance with Policy 3.1.9.

Written comments on the proposal were sought from affected landowners within 15 metres of the boundaries of the subject land and on the opposite side of the street. The comment period of 14 days ended on 24 January 2001. A total of 5 objections and an 18 signature petition against the proposal were received. One late objection was also received and has been included in the summary below.

The **objectors** have made the following statements and suggestions (in summary):

- ◆ The proposal exceeds the City's Height and Scale of Buildings Within a Residential Area Policy and therefore should not be approved as it serves no practical purpose and will cause a loss of views;
- ◆ The floor area of the house is approximately 3 to 4 times larger than the next big home and twice the size of any other house in the suburb and could be used as a small hotel;
- ◆ Inconvenience may occur during construction (ie noise, dust, etc) including inadequate parking of construction vehicles on the street;
- ◆ Noise from internal lift and requirement for industrial-sized air conditioning units;
- ◆ Overshadowing to the property on western side of 14 Volante Elbow; and
- ◆ During construction phase, impact on foundations of adjoining house

COMMENT

A number of objections have been received from the nearby landowners.

The plans conform to DPS2 and the Residential Planning Codes, however, the proposal is referred to Council as a variation to the Height and Bulk of Building Policy is proposed.

"The Council has the discretion to vary Policy 3.1.9 in respect to the building exceeding the building height envelope where the variation is unlikely to affect any owners or occupiers in the general locality or adjoining sites "

Policy 3.1.9 is not a statute, but a mechanism to guide Council in the determination of applications for large homes and criteria for assessing variations to the policy based on individual merit.

The scale of the building is such that it is built up to the maximum standards allowable, with an excess over the 8.5 metre height for a portion of the roof. The variation sought applies to approximately one-third of the roof. The roof is proposed to be in the form of a number of sections with parapets protruding to provide relief to its horizontal length. Most of the building is less than 8.5 metres above natural ground level. The area protruding outside the building height envelope is designed to contribute to the aesthetic appearance of the house, adding a sense of scale and detail to what would otherwise be a straight, flat roof. There is no structural reason for the protrusion.

This form and scale of single house development is becoming more prevalent in the western end portion of Ocean Reef, particularly in areas that are close to the ocean. Due to the western orientation, overlooking and large windows are concentrated to the west, rather than over adjoining homes to the east and north.

While the development could be further reduced in scale, the overall benefit or otherwise would not be significant or readily apparent, and there appears to be no planning justification for this departure from the normal parameters of the policy.

The applicant's comment suggest that the roof height variation is required to improve the appearance of the home.

Comments raised by objectors

House size

Maximum development of lots in this zoning (R20) is controlled by a requirement that 50% of the site be retained for open space. Uncovered balconies are also given credit as effective open space for the purpose of this calculation. The proposal has been checked and audited to ensure that the open space requirement is met.

Use of the House

The applicant has advised that the large garage will suit the family car parking requirements, thereby eliminating the need to park on the street. The house also contains 4 bedrooms with generous living areas. This is not uncommon and compares with larger homes commonly having 5 or more bedrooms, particularly in similar locations to the subject site. Air conditioning equipment is required to be installed so that it does not cause noise problems for neighbours.

Construction Period

The proposal may affect nearby residents in the short term during the construction period. Should problems arise, the City can assist to regulate problems, including claims of vibration damage, noise, dust, etc.

Property Values and Loss of View

The concerns raised regarding the possible affect on property values and loss of views have not been substantiated. City officers have also received anecdotal evidence that more investment in the area will increase the value of surrounding landholdings. Regardless, such concerns cannot be regulated or enforced through current planning policies or building codes.

Overshadowing

The proposal complies with the overshadowing requirements of the Residential Planning Codes.

CONCLUSION

Although the minor protrusion outside the building height threshold envelope is minor, there are no planning grounds for its support. Examination of the plans suggests that the articulation of walls and location of glazing and balconies will provide the major points of interest and will break up the length of walls without the need to lift the central roof section.

The comments raised by objectors are reflective of the existing streetscape, where housing has previously been developed at a reduced scale. The potential for development of this scale has been in place since the adoption of various policies and standards (that have withstood detailed examination and public advertising). This proposal is consistent with much of the new development arising in coastal locations.

It is recommended that the development be approved, subject to the height of the roof being reduced so that it fits entirely within the 8.5 metre building height envelope.

ADDITIONAL INFORMATION

A petition was lodged with the City on 14 March 2001 with 209 signatures, opposing the proposed development of a single house that protruded beyond Policy 3.1.9 at the above lot. While many of the signatories are located within Ocean Reef and adjoining suburbs, a number of signatories do not live within the City of Joondalup. An extract and comments relating to the petition are as follows:

This property:

- ***Is to be built on a level 735m² residential block in Ocean Reef***

The lot size for the development proposal is 735m². The lot slopes slightly down towards the road.

- ***Has 1200m² (approx) of living area. This is 6 times bigger than an average house!***

The building floor area is approximately 1100m² in total, including balconies, undercroft garage and terraces. The habitable floor area is 700m². Various larger homes, built close to the coast, are now commonly approaching this size in terms of habitable floor area.

- ***Has a 370m² (approx) underground garage. This is 10 times bigger than an average garage!***

The undercroft is approximately 300m² in area, including a ramp up from the garage, lift and machine room, a stairwell and 3 store rooms. The parking area is approximately 230m².

- ***Will need the equivalent of 15+ swimming pools of earth removed.***

An area of approximately 530m³ is to be excavated to facilitate the construction of the undercroft. The extent of earthworks is not unusual, and has occurred with other residential developments in the City.

- ***Is this house likely to be used for residential purposes?***

The applicant has sought approval for a single residence and, if approved, would be required to use it for that purpose.

The above issues have been addressed in the report presented to the Council on two previous occasions (CJ046-02/01 and CJ069-03/01). In view of the fact that the petition raises no new issues, and that the proposed building would be required to comply with the Council's Scheme and Height and Building Bulk policy, it is recommended that the application be conditionally approved as previously recommended.

RECOMMENDATION

That Council:

- 1 **APPROVES** the application and plans dated 22 December 2000 submitted by Grant Spire on behalf of the owners Spire Corporation Pty Ltd for a proposed three storey single house on Lot 65 (16) Volante Elbow, Ocean Reef subject to the following conditions:
 - (a) all stormwater must be contained on site to the satisfaction of the City;
 - (b) the downward slope for the driveway into the basement to be amended to the satisfaction of the City;
 - (c) the height of the building being reduced to comply with Council's Height and Bulk of Buildings Policy 3.1.9;
- 2 **ADVISES** those persons who made submissions of 1 above.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200301.pdf](#)

v:devserv/reports/2001/020119rr

**CJ086 - 03/01 SUBDIVISION REFERRALS PROCESSED 1 – 28
FEBRUARY 2001 - [05961]****WARD - All**

CJ010320_BRF.DOC:ITEM 15

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 – 28 February 2001. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

DETAILS

The total number of subdivisions processed will enable the potential creation of an additional 5 residential lots and 4 strata residential lots. The average processing time taken was 14 days.

RECOMMENDATION

That Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ086-03/01.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200301.pdf](#)

Cr Hollywood stated his intention to declare an interest in Item CJ087-03/01 – Delegated Authority Report (DA01/0030 – 9 Tern Ridge, Joondalup) as he is employed by the property owners.

CJ087 - 03/01 DELEGATED AUTHORITY REPORT - [07032]

WARD - All

CJ010320_BRF.DOC:ITEM 16

SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 February 2001 to 28 February 2001.

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ087-03/01.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200301.pdf](#)

v:\devserv\reports\030102rr

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 10 APRIL 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

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



City of
Joondalup

QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

QUESTION

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

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

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

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

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