



*City of*  
**Joondalup**

**DRAFT AGENDA**

**FOR ELECTED MEMBERS'**

**BRIEFING SESSION**

**TUESDAY, 20 MARCH 2001**

## ***PUBLIC QUESTION TIME***

*At the Ordinary meeting of Council held on 23 May 2000, it was resolved to allow a 15 minute public question time at each Briefing Session 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.*

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

# CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on  
**TUESDAY, 20 MARCH 2001** commencing at **6.00 pm**.

## ORDER OF BUSINESS

### OPEN AND WELCOME

### APOLOGIES AND LEAVE OF ABSENCE

### PUBLIC QUESTION TIME

**The following question was submitted by Mrs J Blenkinsop, Iluka at the Briefing Session held on 6 March 2001:**

Re: Item 12: Iluka Structure Plan – Final Approval :

*Q1 Can the Bush Act save the bush inside and around the seven year old Sir James McCusker Park, Iluka?*

A1 The bush inside and around Sir James McCusker Park is not identified as a site in Bush Forever (formerly Bushplan) which is a policy position of the government to guide future decision-making and to protect and manage Bush Forever Sites.

**The following question was submitted by Mr V Harman, Ocean Reef at the Briefing Session held on 6 March 2001:**

*Q1 Re: Item 14 - Lot 65 (16) Volante Elbow, Ocean Reef: If this matter goes to a tribunal, is there any cost to Council for the tribunal hearing?*

A1 The cost to define such an appeal in the tribunal would be between \$7-10,000.

- *Mayor Bombak asked, in the event that this matter was refused by Council on planning grounds, what the applicant's costs would be for an appeal. He was advised that the applicant's costs would be a similar figure.*
- *Mr Harman drew elected members' attention to an application made some years ago in Kallaroo.*

**The following questions were submitted by Mr J Camkin, Naturaliste Boulevard, Iluka:  
at the Briefing Session held on 6 March 2001:**

- Q1 The structure plan refers to a legal agreement for Amendment 641. What does this mean?*
- A1 Amendment 641 was created under Town Planning Scheme No 1. When District Planning Scheme No 2 was adopted this amendment was redundant. Developers wanted to proceed without this amendment, and Council determined it would consider development on the basis of a legal agreement to be signed by all parties.
- Q2 209 submissions were received and petitions totalling 173 signatures. As these were received late, how will Council deal with these?*
- A2 They will all be taken into consideration.
- Q3 The proposed structure plan refers to an application for retention of public open space from 10% to 8%. What is the criteria used in determining whether this is acceptable?*
- A3 The difference between 10% and 8% relies upon the proposal meeting the objectives of the Liveable Neighbourhood Concept of the WA Planning Commission. This concept ensures a link between services and amenities and on the basis of the developer providing something extra there is a potential of a credit down to 8% public open space.
- Q4 The response to submissions referred to misrepresentation by the agents of the developers regarding proposals for developing vegetation around the park. The response to the submissions in the report is that everyone was sent an offer and acceptance document and therefore residents have to accept whatever happens. There is no consideration taken of the claim of misrepresentation.*
- A4 If there are comments of a third person, officers cannot follow these up.

**The following question was submitted by Mr V Harman, Ocean Reef at the Briefing Session held on 6 March 2001:**

- Q1 Attachment 5, Page 4 to item 12 – Iluka Structure Plan: Does this plan show pedestrian accessways dividing some of the properties?*
- A1 These are six metre wide vehicle accessways, and would be heavily used by the local residents.

**DECLARATIONS OF FINANCIAL/NON-FINANCIAL INTEREST**

**REPORTS****FINANCE AND COMMUNITY DEVELOPMENT**

ITEM 1	COMPLIANCE AUDIT RETURN - 1 JANUARY 2000 TO 31 DECEMBER 2000 - [09492]...	1
ITEM 2	SELECTION PROCESS FOR A NEW CHIEF EXECUTIVE OFFICER - [99115] [12879]....	3
ITEM 3	COMMUNITY & BUSINESS DIRECTORY JOINT VENTURE PROPOSAL - [00004].....	10
ITEM 4	MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 22 FEBRUARY 2001 - [00906].....	14
ITEM 5	TENDER 031-00/01 – MOBILE COMMUNICATIONS AND GLOBAL POSITIONING SYSTEM - [06511].....	17
ITEM 6	WARRANT OF PAYMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2001 - [09882]	23
ITEM 7	FINANCIAL REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2001 - [07882].....	25
ITEM 8	WARWICK LEISURE CENTRE - [01084].....	26
ITEM 9	MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – FEBRUARY 2001 - [45637].....	34
ITEM 10	IMPLEMENTATION OF THE REVIEW OF THE PODIATRY SERVICES - [00190].....	35

**INFRASTRUCTURE MANAGEMENT**

ITEM 11	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].....	42
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**PLANNING AND DEVELOPMENT**

ITEM 12	PROPOSED AMENDMENT NO 2 TO DISTRICT PLANNING SCHEME NO 2 - HIRE OF EQUIPMENT FROM SERVICE STATIONS - [50036] [39316].....	44
ITEM 13	FINAL APPROVAL - AMENDMENT NO. 4 TO DISTRICT PLANNING SCHEME NO. 2 - LOT 656 (265) EDDYSTONE AVENUE, BELDON - [55134].....	48
ITEM 14	PROPOSED SINGLE HOUSE (INCLUDING HEIGHT IN EXCESS OF BUILDING HEIGHT AND BULK POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN REEF - [37326].....	55
ITEM 15	SUBDIVISION REFERRALS PROCESSED 1 – 28 FEBRUARY 2001 - [05961].....	60
ITEM 16	DELEGATED AUTHORITY REPORT - [07032].....	61

## **ITEM 1 COMPLIANCE AUDIT RETURN - 1 JANUARY 2000 TO 31 DECEMBER 2000 - [09492]**

**WARD - All**

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### **The Joint Certification by the Mayor and the Chief Executive Officer to be read aloud at the meeting of the Council**

*“We, John Bombak being the Mayor and Lindsay Owen Delahaunty being the appointed Chief Executive Officer of the City of Joondalup hereby certify that:*

*The information contained in Parts A and B of this Return is true and correct to the best of our knowledge.*

*The Return was included in the agenda papers and considered by the Council at the Ordinary Meeting of the Council held on 27 March 2001.*

*The contents of this Certification was read out aloud to the meeting.*

*The particulars of any matters of concern relating to the Return were recorded in the Minutes of the meeting.*

*The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes.*

*Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of the Council for the period 1 January 2000 to 31 December 2000.”*

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### **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.

### **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**

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

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the completed Local Government Statutory Compliance Return for the period 1 January 2000 to 31 December 2000 attached to this Report;**
- 2 AGREES to the completed return being forwarded to the Executive Director of the Department of Local Government.**

*Appendix 1 refers*

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

## **ITEM 2 SELECTION PROCESS FOR A NEW CHIEF EXECUTIVE OFFICER - [99115] [12879]**

**WARD** - All

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### **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<sup>th</sup> March 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 CEO. 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<sup>th</sup> March 2001 meeting.

Council passed a further resolution at the 13<sup>th</sup> 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 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 CEO'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 cost and therefore a tender process is not required.

3. Council appoints a committee to oversee the project.

- a committee of 4 councillors, the consultant and the internal staff member;
- 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:

<b>Name of Consultant</b>	<b>Fees</b>	<b>Administration Fees</b>
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:

<b>Advertising Nationally</b>	<b>Relocation Costs</b>	<b>Interstate Visits</b>	<b>Local Advertising</b>
\$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 of four councillors and the Manager of Human Resource Services;**
- 2 AGREES to outsource the recruitment process to an external human resource consultant;**

- 3 INVITES Gerard Daniels and Lyncroft to provide a presentation to the committee;**
- 4 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.**

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## **ITEM 3 COMMUNITY & BUSINESS DIRECTORY JOINT VENTURE PROPOSAL - [00004]**

**WARD** - All

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### **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 in Attachment 1.

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.**

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## **ITEM 4 MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – 22 FEBRUARY 2001 - [00906]**

**WARD** - All

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### **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 this Report;**
- 2 **NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 15 February 2001 forming Attachment 2 to this Report;**

**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](#)

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## **ITEM 5 TENDER 031-00/01 – MOBILE COMMUNICATIONS AND GLOBAL POSITIONING SYSTEM - [06511]**

**WARD - All**

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### **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](#)*

## **ITEM 6    WARRANT OF PAYMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2001 - [09882]**

**WARD** - All

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### **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**

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

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
<b>Director Resource Management Advance Account</b>	<b>028927-029508</b>	<b>4,835,793.07</b>
<b>Municipal</b>	<b>000246-000250</b>	<b>4,835,793.07</b>
	<b>TOTAL \$</b>	<b>9,671,586.14</b>

*Appendices 4(a) and 4(b) refer*

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

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## **ITEM 7 FINANCIAL REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2001 - [07882]**

**WARD - All**

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### **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 8<sup>th</sup> 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](#)*

## **ITEM 8 WARWICK LEISURE CENTRE - [01084]**

**WARD** - South

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### **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
<b>TOTAL</b>	<b>\$2,706,469</b>

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 CCSRA, without seeking a public tender under Regulation 11 (2)(f) and the Local Government (Functions and General) Regulations 1996 in accordance with legal advice, to include the following:**
- **the City to pay CCSRA 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 CCSRA 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.**

## **ITEM 9 MINUTES OF JOONDALUP YOUTH ADVISORY COUNCIL MEETINGS – FEBRUARY 2001 - [45637]**

**WARD** - All

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### **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 this Report;**
- 2 unconfirmed minutes of the Joondalup South Youth Advisory Council meeting held on 21 February 2001 forming Attachment 2 to this Report.**

*Appendices 7(a) and 7(b) refer*

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

## **ITEM 10 IMPLEMENTATION OF THE REVIEW OF THE PODIATRY SERVICES - [00190]**

**WARD** - All

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### **SUMMARY**

A review of the Podiatry Services provided by the City was carried out by COTA Consulting between January and March 2000.

The review raised a number of issues relating to:

- provision of service;
- quality of service;
- reporting and accountability;
- client bookings;
- volunteer role; and
- implementation plan.

Many of the recommendations made by the reviewers related to the administrative arrangements within the service and have been acted upon. This report identifies strategic directions for the future of podiatry services in the City, outlines the reviewer's recommendations in this regard and documents the further investigation that has been carried out.

While the reviewers have made a range of recommendations which will lead to more responsive and higher quality services in the long term, a number of the recommendations are sensitive and have been modified to ensure that clients are not in any way inconvenienced. These recommendations will need to be introduced over an extended period of time and with great care. Consequently, this report recommends that:

- existing service locations be maintained and a new clinic established at the Woodvale Community Centre in the short term;
- the decision to increase charges in line with other local authorities be delayed until this new service model is operating effectively;
- a staged approach be taken to the eventual closure of the Whitfords clinic, which is in breach of standards of privacy and client confidentiality, to ensure that existing Whitfords clients are not in any way inconvenienced by a relocation; and
- a staged approach be taken to the closure of the Duncraig clinic so that the employed podiatrist can discuss preferences with clients before any changes are made.

The report also notes that this service is one of the services included in the transfer of services to the new community based service delivery organisation (Council Report CJ368-12/00 refers). In addition, it provides information on the way in which the City's podiatry service compares with a number of other local government authorities.

## BACKGROUND

The City of Joondalup (and the former City of Wanneroo) has been involved in the provision of a podiatry service for aged people and people with disability since 1975. Prior to January 1998, the podiatry service was provided by the City using employed podiatrists. In 1997, a decision was taken to contract out the service and on 10 September 1997, a tender was called for the supply of a podiatry service for aged people and people with disabilities living in the former City of Wanneroo. SJW Podiatry Pty Ltd was the successful tenderer and the contract period was 16 January 1998 to 31 December 1999 (CS320 – 12/97 refers).

In December 1999, a decision was made to review the City's Podiatry Service because the contract was about to conclude and the City needed information to assist it with the next tendering process and to assist the City to make decisions regarding future needs in the context of its strategic plan. The areas to be included in the review were:

- Administration of the service, both contractor and Council involvement;
- Organisation and delivery of the service including quality and customer satisfaction;
- Whether the Contractor delivered a domiciliary service that embraced the Home and Community Care (HACC) National Service Standards; and
- Future needs and options.

The Project Brief for the consultancy also asked for the successful consultant to benchmark the service with five other Local Government Authorities and to provide a written report and a presentation on the findings and the analysis, including recommendations and options to assist with future planning.

COTA Consulting was the successful organisation. COTA Consulting operates under the auspices of the Council on the Ageing (WA) Inc, which is a non profit charitable organisation with offices in every state and territory in Australia and which is recognised at State and Federal level as a peak body in the "seniors sector".

The methodology for the review included:

- Interviews with:
  - Staff of the City of Joondalup;
  - Volunteers who support the Podiatry Service;
  - SJW Podiatry Pty Ltd and the two podiatrists practicing in the three clinics; and
  - Domiciliary clients and the domiciliary podiatrist.
- The analysis of information provided by the City's Community Services Officer who had reviewed and reported on the client details of the domiciliary client base;
- The distribution of client satisfaction questionnaires to clients at the three podiatry clinics;
- Contact with, and collection of reference material from, Home and Community Care, the Australasian Podiatry Council, the Australian Podiatry Association and various Internet Websites and Journal articles; and
- The analysis of some statistical data on the client base of the service that was made available to the Consultants.

COTA Consulting presented its final report on 13 March 2000 and the following administrative recommendations have been actioned:

- In line with budget provisions, the creation of a new position of podiatrist, to be employed by the City, was approved on 15 September 2000 and the podiatrist commenced duties on 5 February 2001;
- All active client files have been entered into the SMS system (the system used in Aged and Disability Services to meet government grant accountability requirements);
- The purchase of a laptop computer at a cost of \$4,000 has been included for consideration in the 2000/2001 half yearly budget review; and
- An Implementation Plan for all other recommendations has been developed.

## **DETAILS**

### **CURRENT SERVICE**

The number of clients seen at the clinics of Duncraig, Warwick and Whitfords is 509 with 2,734 visits to the centres occurring per annum (see table below for figures). The number of clients receiving Home and Community Care (HACC) funded domiciliary podiatry is approximately 45 with the podiatrist making 570 home visits per annum. Eligibility for the service includes:

- Aged 55 and over and retired; and/or
- Holder of a Disability Pension Card

and the domiciliary clients must meet the HACC program's criteria of frailty, disability and inability to access the clinic-based services.

The table below further details the break down of clients and sessions available at each clinic.

The cost of the current service is \$57,311 per annum excluding corporate overheads. An annual grant of \$6,500.00 is received from the Health Department of Western Australia and fee income is budgeted at \$50,000.

### **IMPLEMENTATION PLAN**

A clearly documented plan with timelines for the implementation of the Podiatry Review recommendations has been developed and is being actioned. It takes into account all issues that may cause some concern to clients of the service and addresses a number of service quality issues associated with the previous model of contracted service provision.

#### **Level of fees**

The review recommended an increase in fees. The employment of a podiatrist will enable the City to plan and manage its podiatry service on an ongoing basis and to increase the level of fee income for the service through ensuring that all sessions are filled.

The current fees are \$17 per ongoing visit and \$25 for an initial visit. The reviewer recommended that these charges be raised in line with other Local Government charges. However, a more acceptable approach would be to ensure that the podiatrist is operating effectively, assess the impact on the cost of the service and then consider the need for an increase in charges in line with other local authorities.

### **Location of podiatrist**

A Podiatry Clinic has been included in the new Woodvale Community Care Centre at 5 Trappers Drive. It has been suggested that a podiatry clinic should be established at Woodvale. In order to promote the Woodvale Podiatry Clinic as the City's main clinic it is suggested that the podiatrist be based in this Centre. The accommodation is modern and the Centre has excellent facilities. Basing the Podiatrist in this Centre will also promote a professional image for the service.

### **Rationalisation of Service**

The following chart outlines client numbers and centre usage as at June 2000. A doctor's referral is necessary to access the podiatry services.

<b>Centre</b>	<b>Number of Patient Visits</b>	<b>Number of Patients (as at June 2000)</b>	<b>Number of sessions</b>	<b>% Patients per Centre</b>
Duncraig	330	42	55	12%
Warwick	691	101	101	25%
Whitfords	1713	269	252	63%
<b>TOTAL</b>	<b>2734</b>	<b>509</b>	<b>408</b>	

It is clear from this chart that the majority of clients use the Whitfords and Warwick services. The review recommended that the services provided at each of the clinics be rationalised as outlined in the following sections. However, in the short term it is suggested that the current services remain open and that the new Woodvale facility be opened. This would allow the newly appointed Podiatrist to settle into the role and talk to clients regarding their preferences and options. In the long term, these options will create a better service that is available to more of the City's residents.

#### *Close Duncraig Clinic*

The Duncraig Centre does not have an autoclave and only operates one session a week - on a Tuesday. It can be noted from the above chart that only 330 patient visits (12%) are serviced at Duncraig. The Duncraig Centre is approximately five minutes drive from the Warwick Centre and can be accessed by public transport. Accordingly, it should not be too disruptive for the present Duncraig clients to relocate to Warwick. The Podiatrist would discuss this with clients in order to assess their preferred options for transfer to another clinic.

#### *Wind Down Whitfords Clinic and open a Podiatry Clinic at Woodvale*

The reviewer also recommended the closure of the Whitfords Clinic and relocation of clients to the new Woodvale Community Centre. This centre has provisions for a Podiatry service including a vacant room that has been set up for a podiatry service. It also has a very comfortable foyer that would be suitable for a reception area. A new autoclave has been purchased in preparation for the commencement of this service. The distance between the Whitfords and Woodvale Community Centres is only approximately five minutes driving time by car. The Woodvale Community Centre could also be accessed by public transport and while it is located on a steep hill the disabled ramp would provide easier access for elderly pedestrians.

The facilities at Whitfords are inadequate and breach best practice standards of privacy and client confidentiality in that the waiting area and the volunteer receptionist are located in the same room as the podiatry clinic. The information on best practice standards was gained from the Australian Podiatry Association (WA). The situation at Whitfords also breaches part of Council Policy 4.5.1 – *Community Service Provision and Obligations* which states:

All direct client-based services provided by the City are based on the following principles of operation:

- Confidentiality;
- Dignity;
- Respect of individual needs; and
- Natural justice.

However, clients are currently choosing this service because many of them use public transport and carry out their shopping and banking at Whitfords on the day of their appointment. There is no doubt that removal of the services offered at Whitfords would inconvenience a number of the existing users of that service who would see the changes as disruptive. In addition, advice from the Municipal Liability Scheme (the City's Public Liability and Professional Indemnity Insurer) reveals that any claim against the City for lack of privacy at the facility in question would be highly unlikely. However, should such a claim be made, the City would be indemnified.

Given the numbers of clients that currently use the Whitfords Centre (63% of the total patient visits) and the fact that new clients are joining the service every week, an alternative approach is suggested.

The following actions would provide a long term option for the closure of Whitfords but **would not force** existing clients to relocate:

- Open the Woodvale Clinic;
- Promote this as being a brand new Clinic with excellent facilities;
- Keep the service at Whitfords going but refer all new patients to either Warwick or Woodvale;
- Gradually reduce the operating times of Whitfords Clinic over time as demand decreases until it can be wound down completely;
- Increase Woodvale and Warwick session times to accommodate new clients and those transferring from Whitfords and Duncraig.

## **VOLUNTEER ROLE**

The recruitment and support of volunteers is an administrative function. Consequently the following information is provided for the information of elected members. There are currently 6 volunteers providing a receptionist/administration role for the podiatry clinics. Three are employed at Whitfords (one for each day of the week that the service operates), one at Warwick and one at Duncraig.

Discussions with the Podiatrists indicated that the role of the Volunteer Receptionist is critical to the efficient operation of the service. If the tasks undertaken by the volunteers were allocated to the Podiatrist, the time available to deal with clients would be greatly reduced. The Volunteers who carry out this service are very committed to their roles and play an important part in communicating with the elderly patients as well as providing an efficient receptionist/administration role.

In order to provide administrative services for the new Woodvale Podiatry Clinic, an additional volunteer will be recruited. In addition, the volunteer handbook will be updated to bring it up to date with changes to the service.

### **FIT WITH PROPOSAL TO TRANSFER SERVICES TO A NEW COMMUNITY BASED ORGANISATION**

This service has been included in the transfer of services to the new community based service delivery organisation (Council Report CJ368-12/00 refers). Podiatry is an integral part of the Aged and Disability sub-unit and supports, and is supported by, the other services provided in this area. Its link with the Home and Community Care funded domiciliary podiatry makes it essential to keep these services together.

### **COMPARISON WITH OTHER LOCAL GOVERNMENT AUTHORITIES**

The following table presents information on podiatry services provided by other Councils.

	<b>Overheads/on costs</b>	<b>Service Provision</b>	<b>Client costs</b>
City of Swan		No service offered – Room made available to Podiatrist	
City of Canning	City picks up these costs	Contracts with two podiatrists - \$89.65 per session and \$29.88 per hour if session runs over. No Domiciliary provided	Clients pay \$11.00 per visit
City of Stirling	City picks up on costs and contributes \$20,000 per year to service	Podiatrist paid per visit	Ranges from \$7 to \$25 per visit
City of Gosnells	City picks up these costs	Contracts on sessional basis \$89.60 per session	Clients pay \$12.50
City of Wanneroo	City picks up costs	Same arrangement as Joondalup	
City of Fremantle	City picks up costs	Service provided on sessional basis - \$89.65 per session	Clients pay \$13.00

### **COMMENT/FUNDING**

Whilst many of the proposals of the review conducted by COTA Consultancy have already been implemented, Council needs to consider the following recommendations intended to ensure that a more cost effective, high quality podiatry service is offered within the City of Joondalup.

**RECOMMENDATION****That Council APPROVES:**

- 1 existing service locations being maintained in the short term and a new clinic being established at the Woodvale Community Centre;**
- 2 any decision to increase client fees in line with other local authorities be delayed until the new service model is operating effectively;**
- 3 a staged approach being taken to the eventual closure of the Whitfords clinic to ensure that existing Whitfords clients are not inconvenienced by being forced to relocate;**
- 4 a staged approach being taken to the closure of the Duncraig clinic so that the employed podiatrist can discuss preferences with clients before any changes are made.**

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**ITEM 11 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**

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**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.**

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## **ITEM 12 PROPOSED AMENDMENT NO 2 TO DISTRICT PLANNING SCHEME NO 2 - HIRE OF EQUIPMENT FROM SERVICE STATIONS - [50036] [39316]**

**WARD** - All

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### **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](#)*

## **ITEM 13 FINAL APPROVAL - AMENDMENT NO. 4 TO DISTRICT PLANNING SCHEME NO. 2 - LOT 656 (265) EDDYSTONE AVENUE, BELDON - [55134]**

**WARD** - Pinnaroo

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### **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 (700m<sup>2</sup>) 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 4,500m<sup>2</sup> 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 (700m<sup>2</sup>) 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](#)*

## **ITEM 14 PROPOSED SINGLE HOUSE (INCLUDING HEIGHT IN EXCESS OF BUILDING HEIGHT AND BULK POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN REEF - [37326]**

**WARD** - Marina

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### **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 <sup>2</sup>

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 1100m<sup>2</sup> (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.

## 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*

## **ITEM 15 SUBDIVISION REFERRALS PROCESSED 1 – 28 FEBRUARY 2001 - [05961]**

**WARD** - All

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### **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 this Report.**

*Appendix 9 refers*

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

## **ITEM 16 DELEGATED AUTHORITY REPORT - [07032]**

**WARD** - All

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### **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 this Report.**

*Appendix 10 refers*

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

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## **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**

## BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

### OFFICE OF THE CEO

#### COUNCIL SUPPORT SERVICES

NOTICE OF MOTION – CR ANDREW PATTERSON – ex Meeting 24.10.00

“That the Notice of Motion submitted by Cr Patterson relating to the adjournment of any Council meeting or Briefing Session which runs past 10.00 pm, be referred to the Standing Orders Review Committee for consideration.”

**Status: This matter will be considered at the next Standing Orders Review Committee.**

ANNUAL GENERAL MEETING OF ELECTORS – ex CJ056-03/01

“that the matter pertaining to minutes of meeting of the committee formed to address ratepayers’ concern in relation to the Annual General meeting of Electors of December 2000 be DEFERRED pending further consideration by elected members.”

**Status: It is proposed to hold a meeting Monday 19 March 2001 to consider these issues further.**

### STRATEGIC PLANNING

PROPOSED STRUCTURE PLAN – LOT 17 MINDARIE/TAMALA PARK - ex CJ098-04/00

“SEEKS a further report recommending a suitable legal vehicle for dealing with joint ownership issues.”

**Status: It was anticipated that a report would be submitted following consideration by the Chief Executive Officer’s of the owner Local Governments in the latter part of 2000. A Chief Executive Officer’s workshop is now proposed early in the New Year and a report will be submitted following the workshop.**

MINUTES OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING – ex CJ269-10/00

“2 that a report be prepared on the use of Liquefied Petroleum Gas (LPG) vehicles in the fleet in place of the current petrol powered vehicles”

**Status: A report is being prepared following receipt of the WAMA research into vehicle options.**

HERITAGE AND MUSEUM SERVICES AND FACILITIES PLANNING STUDY – ex CJ307-09/99

“further explore the proposal for the regional museum with a report to Council in 2001”

**Status: It is proposed to submit a report in August/September 2001.**

INVITATION TO ATTEND GOLDEN AUTUMN FAIR – JI’NAN MUNICIPAL PARLIAMENT, CHINA – ex CJ233-09/00

“endorses the development of a policy dealing with the establishment of Sister City relationships:

**Status: This issue is currently before Council as a discussion paper. A further presentation is being arranged to include representatives from Edith Cowan University (ECU). The presentation is currently proposed for April to co-ordinate with the return of Dr Glen Watkins from China.**

**PLANNING & DEVELOPMENT**

PRECINCT PLANNING PROCESS REVIEW – ex CJ021-02/01

“RECEIVES a report on the results of this program prior to finalising the 2001/2002 budget.”

**Status: Value management program to be undertaken in March/April 2001 and a report on the results will be submitted in June 2001.**

PROPOSED AMENDMENT (NO 1) TO DISTRICT PLANNING SCHEME NO 2 – LOT 3 (5) TRAPPERS DRIVE, WOODVALE - ex CJ024-02/01

“that the matter pertaining to the proposed Amendment (No 1) to District Planning Scheme No 2 – Lot 3 (5) Trappers Drive, Woodvale be DEFERRED pending further consideration by elected members.”

**Status: A further report will be submitted to Council after a meeting with the consultants for this project has been held.**

PROPOSED SINGLE HOUSE (INCLUDING HEIGHT IN EXCESS OF BUILDING HEIGHT AND BULK POLICY): LOT 65 (16) VOLANTE ELBOW, OCEAN REEF - ex CJ069-03/01

“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.”

**Status: To be resubmitted to Council Meeting to be held on 27 March 2001.**

## URBAN DESIGN AND POLICY

APPLICATION FOR THE CANCELLATION OF A PORTION OF HAWICK PARK ON RESERVE 35519 (2) HAWKER AVENUE, WARWICK - ex CJ053-03/00

“consideration of application for the cancellation and subsequent purchase of a portion of Hawick Park on Reserve 35519 (2) Hawker Avenue, Warwick be deferred pending the implementation of a policy to deal with issues of this nature.”

**Status: A discussion paper has been prepared which will be circulated for comment and it is anticipated that a report on a draft policy will be submitted in April 2001.**

REQUESTED CLOSURE OF A PORTION OF A ROAD BETWEEN LOT 151 (88) CLIFF STREET AND LOT 113 (31) MARINE TERRACE, SORRENTO – ex CJ193-07/00

“REQUESTS that the Local Housing Strategy is completed and a report presented to Council by November 2000.”

**Status: Provision has been made in the 2000/01 budget. Consultants will be appointed as soon as possible for the study to be conducted in conjunction with the Value Management workshops. It is intended that interim information will be available for the area in question prior to finalisation.**

**Anticipated Completion Date: June 2001**

REVIEW OF POLICY AND DELEGATED AUTHORITY MANUALS – ex CJ001-02/01

“3 SEEKS a further report on the impact of District Planning Scheme No 2 on relevant policies and delegations of the Council.”

**Status: This matter is being investigated and a report will be submitted to Council in May 2001.**

## INFRASTRUCTURE MANAGEMENT

### OPERATIONS

MINUTES OF DRY PARKS, MEDIAN AND VERGE COMMITTEE MEETINGS – SEPTEMBER AND NOVEMBER 2000 – ex CJ360-12/00

“requests a report be prepared in relation to future directions for major road median and verge enhancement works within the City aimed at balancing the overall financial limitations of the City with the social or environmental benefits of road, median and verge enhancements”.

**Status: Report to be presented to May 2001 meeting, after consideration by the Dry Parks Committee.**

**COMMUNITY DEVELOPMENT****COMMUNITY SPORT AND RECREATION FACILITY FUND 2000/2001 FUNDING ROUND – SUBMISSION PRIORITISATION – ex CJ291-10/00**

“4 REVIEWS the City's current Floodlights on Sporting Grounds procedure and requests a further report in relation to floodlighting ovals for sporting clubs operating under the type of management arrangement and mix of large and small ball sports in place at the Iluka Sports Complex.”

**Status: Report to be submitted to Council April 2001.**

**URBAN ANIMAL MANAGEMENT ACTION PLAN – ex CJ363-12/00**

“seeks a further report in April 2001 on the outcomes of the three (3) month trial period for the use of the coastal dual use path for dog exercise between the two foreshore reserves of Hillarys and Burns Beach/Iluka.”

**Status: Report to be submitted to Council April 2001.**

**THE TRANSFER OF SERVICES TO THE COMMUNITY BASED SECTOR – ex CJ368-12/00**

“notes that, nearing the completion of that work, a further report would be submitted to Council to seek approval for matters such as:

- the transfer of staff provisions and assets to the new organisation;
- the relinquishment of State and Commonwealth Government grants so that they can be transferred to the new organisation;
- a leasing arrangements; and
- a one off grant for equipment if required.

**Status: Implementation commenced in line with the Council approved Implementation Plan of Action. It is anticipated a further report will be submitted to Council in May 2001.**

## OUTSTANDING PETITIONS

	<b>Date of presentation to Council - Referred to -</b>
<ul style="list-style-type: none"> <li>• Various petitions opposing mobile telecommunication facility (30 metre high slimline pole and equipment) – Percy Doyle Reserve, Warwick Road, Duncraig.</li> <li>• Petition opposing mobile telecommunication facility (30 metre high slimline pole and equipment) – Percy Doyle Reserve, Warwick Road, Duncraig.</li> <li>• Petition opposing mobile telecommunication facility (30 metre high slimline pole and equipment) – Percy Doyle Reserve, Warwick Road, Duncraig.</li> </ul> <p><b>Comment: The application has been deferred at the request of the applicant. A further report on Mobile Telecommunication Facilities within the City is proposed to be submitted to Council on 27 March 2001.</b></p> <p><b>It is now anticipated that a report will be submitted in April 2001.</b></p>	<p>12 September 2000</p> <p>26 September 2000</p> <p>24 October 2000</p> <p>Director Planning and Development</p>
<p>Petition requesting removal and relocation of BMX track at Menteith Park, Kinross.</p> <p><b>Comment: Removal of the BMX track hinges on the final location of the skatepark. This issue is being addressed in the skatepark report.</b></p>	<p>10 October 2000</p> <p>Director Community Development (Referred to Leisure Services due to skatepark request linkage.)</p> <p>Director Infrastructure Management</p>
<p>Petition opposing development of beer garden, Carine Glades Tavern.</p> <p><b>Comment: A report will be submitted when an application has been received.</b></p>	<p>14 November 2000</p> <p>Director, Planning and Development</p>
<p>Petition requesting the closure of the public accessway between Barracuda Court and Lancett Court, Sorrento.</p> <p><b>Comment: The petition has been acknowledged and it is anticipated a report will be submitted July/August 2001.</b></p>	<p>28 November 2000</p> <p>Director, Planning and Development</p>

<p>Petition requesting repair/maintenance of fountain located in small lake, Centennial Gardens, junction of Flinders Avenue and Broadbeach Boulevard, Hillarys.</p> <p><b>Comment: Report proposed for 27 March 2001.</b></p> <p><b>It is now anticipated a report will be submitted to Council in April 2001.</b></p>	<p>13 February 2001</p> <p>Director, Infrastructure Management</p>
<p>Petition objecting to Council's proposal to locate a dog play area on Granadilla Park, Duncraig.</p> <p><b>Comment: Closing date for comments is 22 March 2001. It is anticipated a report will be submitted to Council in May 2001.</b></p>	<p>Director, Community Development.</p>